IN THE SUPREME COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PEDRO M. AGUON,
Plaintiff-Appellant

v.

MARIANAS PUBLIC LAND CORPORATION, *et al*.,
Defendants-Appellees

OPINION

Cite as: *Aguon v. Marianas Pub. Land Corp.*, 2001 MP 4

Appeal No. 99-030
Argued and submitted July 26, 2000

For Pedro M. Aguon:	For Marianas Public Land Corporation:	For Pedro V. Guerrero, Artemio I. Guerrero, Juan Ch. Reyes and Emerenciana A. Hofschneider:
Brien Sers Nicholas P.O. Box 502876 Saipan, MP 96950	Thomas E. Clifford[1] P.O. Box 5188 CHRB Saipan, MP 96950	David A. Wiseman P.O. Box 2607 CK Saipan, MP 96950

BEFORE: MIGUEL S. DEMAPAN, Chief Justice, ALEXANDRO C. CASTRO, Associate Justice, and JOHN A. MANGLONA, Associate Justice.

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[1] The Court was notified on January 31, 2001, that Herbert D. Soll, CNMI Attorney General, has substituted in for Thomas E. Clifford, as counsel of record for the Office of Public Lands, the statutory successor of the Marianas Public Land Corporation and the Division of Public Lands.

PER CURIAM:

¶1 Pedro M. Aguon[2] ("Aguon") appeals the trial court's order striking his statement and part of his son's declaration on the ground that they violate the hearsay rule. Aguon also appeals the lower court's grant of summary judgment for the Division of Public Lands effectively dismissing Aguon's action to quiet title to the disputed land parcel.[3] We have jurisdiction pursuant to N.M.I. Const. art. IV, § 3 and 1 CMC § 3102(a). We affirm.

ISSUES PRESENTED AND STANDARDS OF REVIEW

¶2 The issues before the Court are:

¶3 I. Whether the trial court erred in striking an unsworn statement of a party litigant and a portion of his son's declaration which relates discussions with the party litigant about various land documents. We review the admissibility of hearsay statements for abuse of discretion. *See Guerrero v. Guerrero*, 2 N.M.I. 61, 67 (1991).

¶4 II. Whether the trial court properly granted summary judgment dismissing the action, on the grounds that a person may not receive more than five hectares under the Trust Territory homestead program, that the Homestead Waiver Act likewise imposes the same five hectare limit, and that the Land Commission Act and the defense of laches prevents a person, who has obtained ownership of public land through the agricultural homestead program, from claiming additional land. A grant of summary judgment is reviewed *de novo*. *See Apatang v. Marianas Pub. Land Corp*., 1 N.M.I. 140, 146 (1990).

FACTUAL AND PROCEDURAL BACKGROUND

¶5 This controversy centers on the ownership of property containing about 14,006 square meters in Papago, Saipan. The disputed parcel abuts Aguon's property, which he acquired through the homestead

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[2] Pedro M. Aguon died on June 4, 1998, while the suit was pending at trial court. The Estate of Pedro Aguon ("Aguons") is now the real party in interest.

[3] The trial court's order resulted in the entry of the Final Judgment quieting title in favor of the individual defendants to their respective tracts within the disputed parcel. *See* Excerpts of Record at 8. On appeal, the individual defendants joined in DPL's response brief pursuant to Com. R. App. P. 28 (i) and (t). Their counsel was present during oral argument and briefly spoke on the matter.

program administered by the Trust Territory government ("TT government"), the predecessor of the Marianas Public Land Corporation ("MPLC") whose functions were transferred to Division of Public Lands ("DPL") upon its dissolution in 1994.[4]

¶6 The public land records reveal that in July 1955, Aguon applied for the Papago homestead indicating that he was occupying 4.0 hectares of public land. *See* Supplemental Excerpts of Record ("SER") at 7. In June 1961, Aguon was issued a permit to homestead a lot comprised of 41,293 square meters. A Certificate of Compliance was issued in 1967, indicating the same lot size as that contained in the permit.

¶7 In September 1974, during the course of the Land Registration process, Aguon requested that the boundaries of his homestead be adjusted to include additional land, which he asserted, was mistakenly omitted from the Certificate of Compliance. *See* SER at 16. Additional land was included and Aguon signed a Certification of Agreement as to Location of Monuments and Boundaries consenting to the location of monuments and boundaries of the Papago homestead according to Survey Plat No. 2185/74 ("Survey Plat"). The homestead lot was then divided into three contiguous lots, with a total size of 49,469 square meters. In January 1977, the Land Registration Team issued an adjudication, followed by a determination of ownership, for each of the three lots. *See* SER at 22-28, 31-38. According to DPL's records, the determinations were served on Aguon on March 1977. In July 1977, quitclaim deeds to the three lots were issued, and a month later, Aguon received a Certificate of Title to each lot. *See* SER at 40-53.

¶8 In 1990, Aguon became aware that the road on his property was not included in the homestead

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[4] As noted in footnote 1, the Division of Public Lands, formerly the MPLC, is now the Office of Public Lands.

property as he had presumed and contacted MPLC officials about the apparent discrepancy. In 1994, Aguon wrote to MPLC complaining about the his homestead boundaries. MPLC received in March 1994, an unsworn document entitled "Statement of Pedro M. Aguon" ("Statement"). Excerpt of Records ("ER") at 18-27.

¶9 The Statement chronicles Aguon's occupation of the Papago homestead beginning in 1948, when he purportedly met with land officials about applying for a homestead permit. Aguon recalled that when he first began using the homestead in the 1950's, various government officials had told him that an agricultural homestead was generally limited to only five hectares, but that if a homesteader farmed in excess of it, "he would be given favorable consideration and he would be given it." Aguon then proceeded to farm the area including the disputed parcel. Aguon also wrote about discussions with government officials concerning the location of government boundary markers and with a government official named Jose Attao who told him that a road on the Papago homestead, which Aguon constructed, was part of his homestead.

¶10 The time line in the Statement then jumps to 1990, when Aguon discovered that the road he thought was included in the homestead was instead registered as a public road. He then learned form MPLC officials that his boundaries were moved "inward." Aguon initiated a survey of the property so he could divide and distribute the property to his children. Through this survey, Aguon discovered that the Papago homestead had been divided into three parcels and the road was shown as a public road. Another survey ("Retracement Survey") eventually was undertaken this time according to the boundaries that Aguon alleges government officials showed him in 1956. *See* Appellant's SER. This survey identified the disputed 14,006 square meters of land that was not included in the conveyance documents issued by the TT government.

¶11 In March 1996, Aguon filed a complaint to quiet title to the disputed property. In January 1999, DPL filed a motion for summary judgment on the grounds that an agricultural homestead was limited to five hectares according to Trust Territory homestead law and the Homestead Waiver Act; that the Land Commission Act bars title recipients from challenging their boundaries; and that the defense of laches defeats the Aguons' claim. DPL also filed a Motion to Strike the Statement and ¶ 10 of Thomas Aguon's Declaration ("Declaration") that apparently accompanied the Aguons' Opposition Memorandum. Paragraph 10 of the Declaration ("¶ 10") relates Thomas Aguon's discussion with his father about the land documents and that Aguon had no recollection of "ever signing anything for his land." The trial court granted both motions. The court then issued a written decision on August 2, 1999, followed by the Final Judgment on October 21, 1999.

ANALYSIS

I. The Trial Court Properly Granted the Motion to Strike Because the Hearsay Exceptions Are Inapplicable.

¶12 We begin our inquiry with the evidentiary issue and whether the trial court abused its discretion in striking from the record the Statement and ¶ 10 of the Declaration on the ground that they were inadmissible hearsay. We find no abuse of discretion.

¶13 As a general rule, hearsay statements are inadmissible, unless they fall under an exception in the Commonwealth Rules of Evidence or other law. *See* Com. R. Evid. 802. The exceptions at issue here are those set forth by Rules 803(19), 803(20) and the residual exceptions of Rules 803(24) and 804(b)(5). Moreover, because the Statement and ¶ 10 contain comments made by various persons, they constitute hearsay within hearsay and implicate Com. R. Evid. 805, requiring that each of the statements conform to an exception to the hearsay rule in order to be admitted into evidence.

¶14 Rule 803(19) permits the admission of hearsay statements on "reputation concerning personal or family history. Reputation among members of his family . . . or among his associates, or in the community, concerning other similar fact of his personal or family history." Com. R. Evid. 803(19). This Court has held that the rule encompasses statements proffered to prove a decedent's intention in the distribution of family property. *See In re Estate of Barcinas*, 2 N.M.I. 437, 444 (1992). We reasoned that this type of evidence falls within the instant exception because it describes the "reputation of title to land" within the family and because there is often no other available evidence to prove the wishes of a decedent. *Id*. at 444-45 (citing 4 DAVID W. LOUISELL AND CHRISTOPHER B. MUELLER, FEDERAL EVIDENCE § 467 (1980)) ("LOUISELL AND MUELLER"). We crystallized the *In re Barcinas* holding in a subsequent probate case by ruling that testimony relating to "personal or family history that goes to proof of title to land in probate cases" is generally admissible under Rule 803 (19). *In re Seman*, 4 N.M.I.129, 133 (1994).

¶15 The Aguons seize on *In re Barcinas* and *In re Seman* as pronouncing a broad interpretation of the hearsay rule allowing the admission of any hearsay statement relating to personal or family history. We disagree with this reading of the two decisions. Both cases involved the probate of a decedent's estate, specifically the distribution of real property where written documents were unavailable to shed light on the decedent's wishes or intention in the distribution of his property after his death. In contrast, we are faced here with an entirely different dispute. The instant case involves a dispute between a homestead recipient and DPL over the actual boundaries of the lot he acquired from the TT government. Readily available are written public records tracing the property's history from the submission of the application in 1955 to the issuance of the quitclaim deeds in 1977. Because the distribution of family property is not in controversy and because written documents are in existence, we find that the trial court did not abuse its discretion in concluding that the Statement and ¶ 10 fell outside of the Rule 803(19) exception.

¶16 We turn to Rule 803(20), which permits the admission of hearsay statements relating to "[r]eputation in a community arising before the controversy, as to boundaries of or customs affecting lands in the community . . . ." Com. R. Evid. 803(20). By its terms, Rule 803(20) requires that the hearsay statement predate the controversy and relate to community opinion on boundaries or customs affecting lands in the community. Com. R. Evid. 803(20). We must keep in mind that community opinion, not individual personal observations, triggers the application of Rule 803(20). *See The Nature Conservancy v. Nakila*, 671 P.2d 1025, 1034 (Haw. Ct. App. 1983). In addition to land boundaries, we have also held that the instant rule extends to community opinion on the ownership of land. *See Guerrero v. Guerrero*, 2 N.M.I. 61, 69 (1991).

¶17 The trial court concluded, without further analysis, that the Statement and ¶ 10 did not implicate reputation in the community, either in relation to land boundaries or general history, and were, therefore, not subject to the hearsay exception of Rule 803(20). *See* ER at 2. In reviewing the Statement, we note that it contained comments purportedly made by various government officials to Aguon. The trial court could have reasonably construed these statements as mere personal observations of Aguon's farming efforts and of the government's possible favorable accommodation of his homestead application, and not as a reflection of community reputation on Aguon's homestead boundaries. Likewise, ¶ 10 contains no evidence concerning community opinion on the homestead lot's boundaries and thus, the trial court properly found that it did not constitute a Rule 803(20) exception.

¶18 As DPL correctly asserts, both statements also fail to meet the timing requirement of the rule. The controversy arose in 1990, when Aguon first discovered that the homestead boundaries were purportedly moved "inward." Both the Statement and the Declaration containing ¶ 10 were written in 1993 and 1999, respectively. Thus, they do not predate the controversy as required by Rule 803(20). Because both the

Statement and ¶ 10 do not contain community opinion nor comply with the timing requirement of Rule 803(20), they are not subject to the exception defined in Rule 803(20).

¶19 The Aguons' final argument that the proffered evidence should have been admitted is predicated on the "catch all" residual hearsay exceptions of Com. R. Evid. 803(24) and 804(b)(5). Both rules, which are nearly identical,[5] permit the admission of hearsay statements which have "equivalent circumstantial guarantees of trustworthiness" as the other exceptions, if the court determines that :

> (A) the statement is offered as evidence of a material fact;
>
> (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and
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> (C) the general purposes of these rules and the interest of justice will be best served by the admission of the statement into evidence.

Com. R. Evid. 803(24) and 804(b)(5).

¶20 We are mindful of the cautionary warning to use the catch all exceptions sparingly and to ensure that the evidence to be admitted is trustworthy and necessary. *See* LOUISELL AND MUELLER § 472. In evaluating whether to apply the residual exceptions, courts emphasize that the evidence must demonstrate the presence of factors which underlie the other 23 hearsay exceptions in Rule 803, namely spontaneity, regularity in procedures, out-of-court reliance by others, and against-interest elements. *See id*. The consideration of the four hearsay dangers also may be taken into account including insincerity, ambiguity, faulty memory, and misperception. *See id*. Finally, two other additional factors may be weighed: (1) the presence of the declarant as a testifying witness, which provides an opportunity for cross-examination; and (2) corroboration of the trustworthiness of the statement. *See id*.

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[5] Rule 804(b)(5), which applies only where a declarant is unavailable as a witness, further requires that "a statement may not be admitted . . . unless the proponent . . . makes it known to the adverse party sufficiently in advance of trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it." Com. R. Evid. 804(b)(5).

¶21 Those factors, coupled with the circumstances of the instant case, persuade us that the catch all exceptions should not be invoked here. The lapse of time of nearly 40 years, between when the Statement was written in 1990 and when Aguon discussed with the various land officials about his boundaries in the 1950's, invariably calls into question the trustworthiness of the evidence. We are also unconvinced by the Aguons' reliance on the Retracement Survey as corroborative evidence given the context of when and why it was undertaken. The survey was performed recently and according to Aguon's instructions of where he thought the boundaries were located. Had it been performed in the 1950's, the survey would have been admitted because of its highly probative value. Moreover, as we have indicated, the public land documents on this particular homestead lot are readily accessible. The principle of necessity, therefore, does not compel the application of these rarely-invoked exceptions to the hearsay rule where more probative and reliable evidence is available. Finally, we note that compliance with the diligence element of both Rules 803(24) and 804(b)(5) may be at issue. To avail oneself of the residual exceptions, the proponent of the statement, among other things, must make reasonable efforts to obtain better evidence than the one being proffered. *See* LOUISELL AND MUELLER § 472. We agree with DPL that Aguon's testimony could have been preserved before his death through deposition or other means, particularly since the instant case laid dormant for about two years before DPL filed the motion for summary judgment.

¶22 Accordingly, we find no error by the trial court in disregarding the Statement and ¶ 10. The proffered evidence does not fall into any of the exceptions defined in Rules 803(19), 803(20), 803(24), and 804(b)(5) and were properly stricken from the record.[6]

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[6] Neither party nor the trial court discussed the inadmissibility of parol evidence where a government land grant is unambiguous. As explained fully in the following analysis on the motion for summary judgment, this Court has held that, a grant of public land must be strictly construed in favor of the government according to the intent of the government "apparent on the face of the grant." *Sablan v. Cabrera*, 4 N.M.I. 134, 139 (1994). Where, as here, the government's intent to convey a particular parcel of public property is clearly expressed in a deed, the boundaries contained therein

II. The Trial Court Properly Granted Summary Judgment in Favor of DPL.

¶23 Summary judgment is appropriate where the court, upon viewing the facts most favorable to the non-moving party, finds as a matter of law that the moving party is entitled to the requested relief. *See Cabrera v. Heirs of De Castro*, 1 N.M.I. 172, 176 (1990); *Rios v. Marianas Pub. Land Corp.*, 3 N.M.I. 512, 518 (1993). Where, as here, there is no genuine issue of fact, the analysis shifts to whether the substantive law was correctly applied. *Commonwealth Ports Auth. v. Hakubotan Saipan Enters., Inc.*, 2 N.M.I. 212, 219 (1991). On appeal from summary judgment, we may also determine, as a matter of law, legislative intent with respect to a statute. *See Estate of Faisao v. Tenorio*, 4 N.M.I. 260, 266 (1995).

A. Trust Territory Homestead Program

¶24 The Aguons contend that the trial court erred in relying on the five-hectare limitation established by the District Land Advisory Board Resolution ("Resolution"), adopted in 1955, around the same time Aguon applied and received a homestead lot. *See* SER at 55. It is the Aguons' contention that the absence of the High Commissioner's signature on the Resolution implies that the limit is legally unenforceable and that an agricultural homestead was not necessarily limited to five hectares. *See id.* According to the Aguons, the Resolution established an administrative practice and point to *Sablan*, where we inquired whether the TT government intended to convey more than the standard five-hectare homestead to the permit holder. *See* 4 N.M.I. at 140. To bolster their argument, they also rely on the Homestead Waiver Act of 1980 ("Waiver Act"), which does not specify the five-hectare limitation. *See* 2 CMC §

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may not be challenged. *See id*; *Canady v. Cliff*, 376 S.E.2d 505, 507 (N.C. Ct. App. 1989) (parol evidence inadmissible to enlarge scope of description where boundaries can be determined by reference to description in deed). There is no need to resort to the Statement and ¶ 10 where the property description in the quitclaim deeds is unambiguous.

4324(b).

¶25 Even if we were to accept the Aguons' assertion that the High Commissioner indeed failed to sign the Resolution and that the five-hectare homestead limit was simply an administrative practice, we also ruled in *Sablan* that where, as here, a homestead's boundaries are in dispute, the inquiry begins with an examination of the deed itself to determine whether there is any ambiguity in the property description. *See* 4 N.M.I. at 139. In so doing, we must keep in mind that, unlike the conveyance of private land, grants of public land made through a homestead program must be strictly construed in favor of the government and "should be interpreted according to the intention of the government, apparent on the face of the grant," and at the time of the grant. *Id*. Only where the document granting land does not facially disclose the government's intent may a court resort to extrinsic evidence, including the subject matter involved, the history and end sought to be obtained by the grant. *See id*.

¶26 In *Sablan*, the record revealed various discrepancies between the property descriptions contained in the permit and certificate and the plotted lots of a map of the area. *See* 4 N.M.I. at 139. We found it proper that the trial court considered parol evidence of the "attendant and surrounding circumstances at the time the grant was made," reasoning that such evidence was necessary to "place the court in the same situation and give it the same advantages which were possessed by the actors themselves in construing the document." *Id*. at 139-40. Accordingly, we found ample evidence that the TT government intended to give the homestead permit holder more than 28,152 square meters, but no more than the standard homestead total of five hectares.

¶27 Unlike the confusing public land records in *Sablan*, the records here clearly establish the TT government's intent to adhere to the five-hectare standard. Both the permit and the certificate of

compliance describe a total area of 41,293 square meters,[7] even though Aguon eventually obtained a larger parcel pursuant to the quitclaim deeds executed in 1976. Aguon received what the TT government intended for him to have, a homestead property within the five-hectare limitation and no more. Accordingly, the trial court correctly concluded that Aguon is not entitled to the additional parcel under the TT homestead program. *See* ER at 13.

¶28 Having determined that the TT government intended to convey no more than five hectares to Aguon, we deem it unnecessary to determine the applicability of 2 CMC § 4211 et seq. (Land Registration Act) and the doctrine of laches.

B. Homestead Waiver Act.

¶29 The Aguons' alternative argument, that they are entitled to the disputed property under the Waiver Act, implicates the consideration of legal principles distinct and separate from those previously discussed because the statute entitles a person, who has continuously used public land for 15 years prior to January 9, 1978, even without government authorization, to obtain ownership of the occupied parcel.[8] *See generally* 2 CMC § 4323.

¶30 Although the trial court found that 2 CMC § 4324(b) precludes the Aguons from claiming the disputed parcel, it failed to address the threshold question of whether the Waiver Act applies where, as here, a person has received an agricultural homestead and seeks land in addition to what was conveyed by the TT government. Guided by pertinent canons of statutory construction, we examine the Waiver Act. In so doing, we note that the starting point in this inquiry begins with the basic tenet that the language must

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[7] The metes and bounds descriptions appear to be identical but the copy of the permit is too blurry to accurately discern the various numbers and letters. *See* SER at 10.

[8] Noting that the Aguons' originally filed a quiet title action, DPL does not object to the inclusion of their Waiver Act argument on appeal. *See* Appellee's Brief at 1.

be given its plain meaning, where the meaning is clear and unambiguous. *See Estate of Faisao*, 4 N.M.I. at 265; *Nansay Micronesia Corp. v. Govendo*, 3 N.M.I. 12, 18 (1992); *Gioda v. Saipan Stevedoring Co., Inc.*, 1 N.M.I. 310, 315 (1990). However, when a statute is unclear, the Court's objective then is to ascertain and give effect to the intent of the legislature. *See Estate of Faisao*, 4 N.M.I. at 266. In discerning legislative intent, the statute must be read as a whole, and not as isolated words contained therein. *See Commonwealth Ports Auth. v. Hakubotan Saipan Enters., Inc.*, 2 N.M.I. 212, 224 (1991). The intent of the legislature may also be determined from relevant legislative history, including standing committee reports, which are highly persuasive evidence of legislative intent. *See Songao v. Commonwealth*, 4 N.M.I. 186, 190 (1994); *Estate of Faisao* at 266.

¶31 The Waiver Act permits eligible persons, "who can demonstrate continuous and actual occupancy or use of public land for agricultural purposes for a period of 15 years prior to January 9, 1978," to acquire ownership of public land.[9] 2 CMC § 4323. To effectuate the conveyance of such land to these persons, the Waiver Act empowers the Division of Public Lands to waive "any requirements, limitations or regulations relating to the [TT] agricultural homestead program . . . ."[10] *See id.*

¶32 Although § 4323 appears to be written in unrestrictive terms, and that the phrase "any person" could be read to include one who has received a deed to an agricultural homestead lot from the TT government, such an interpretation is inconsistent with the findings and statutory purpose expressed by the

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[9] The Legislature recently extended the benefits of the Waiver Act to those "who can demonstrate that he or she would have continuously and actually occupied or used public land for agricultural purposes for a period of 15 years prior to January 9, 1978 but for the U.S. military's or Trust Territory Administration's removal of the person from such land." *See* PL 11-96 § 1, amending 2 CMC §§ 4323, 4327-28.

[10] We take judicial notice that January 9, 1978 is the date that the N.M.I. government was officially installed. Prior to that date, the TT government administered the homestead program.

Legislature in 2 CMC § 4322(a)-(c).[11] According to the legislative findings, the Waiver Act was intended to benefit "agricultural homestead applicants and other occupants of public lands," authorized or otherwise, who have continuously used the property for 15 years and could not receive fee simple title to public land because of the restrictions imposed by TT homestead laws. *See id*. Thus, we read § 4322 as delimiting the class of the Waiver Act's intended beneficiaries, as defined by § 4323, to only those persons who were unable to obtain from the TT government ownership of public land they had been occupying for at least 15 years.

¶33 The origins of the Waiver Act and its legislative history confirm our interpretation of the Waiver Act's limits. The Legislature enacted the statute to implement N.M.I. Const art. XI, § 5(a), which authorizes the waiver of conveyance requirements for those persons who have established a continuous use of public lands for at least 15 years as of the effective date of the Constitution or January 9, 1978.[12] *See* 2 CMC § 4322(d)(2); H.R. REP NO. 2-59, at 1 (1980). The corresponding constitutional analysis reveals that the waiver exception was "designed primarily for the benefit of the people on Rota and the islands north

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[11] The Findings and Purpose provision in 2 CMC § 4322(a)-(c) states:

> (a) The legislature finds that a large number of agricultural homestead applicants and other occupants of public lands were authorized by previous government officials to enter public lands for agricultural purposes without agricultural homestead permits.
>
> (b) The legislature finds that these agricultural homestead applicants and other occupants of public lands cannot receive these lands in fee simple because of requirements, limitations and regulations relating to agricultural homesteads in effect prior to January 9, 1978.
>
> (c) The legislature further finds that many individual persons have used public lands continuously for over 15 years for agricultural purposes without any agricultural homestead permit or governmental authorization.

[12] N.M.I. Const. art. XI, § 5(a) states in pertinent part:

> A person may not receive a freehold interest in a homestead for three years after the grant of a homestead and may not transfer a freehold interest in a homestead for ten years after receipt except that these requirements are waived for persons who have established a continuous use of public lands for at least fifteen years as of the effective date of this Constitution.

of Saipan who have lived on public land designated for homestead use but never received any official recognition of this fact or failed in some minor respect to qualify under the homestead program." *Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands* at 154 (Dec. 6, 1976). Neither the N.M.I. Constitution nor its analysis mentions that the waiver exception extends to those persons who have received quitclaim deeds to their homestead lots from the TT government.

¶34 Likewise, the standing committee reports on the Waiver Act emphasize that the purpose of the legislation was to vest MPLC with sweeping authority to waive any legal requirement, then arising from the TT homestead program, so that persons who entered public lands and continuously used it for agricultural purposes for 15 years before January 9, 1978, could obtain legal ownership of the property. *See* H.R. REP. NO. 2-59, at 1 (1980) ("The amendment . . . requires the Marianas Public Land Corporation to issue homesteads to such persons if they entered the land before January 9, 1978 and have used it for agricultural purposes since that date") and S. REP. NO. 2-75, at 1 (1981) (original purpose of S.B. 2-61 is to authorize MPLC to issue homestead permits to those who received only verbal authorization from TT government to homestead public land). From the legislative history, we find no indication that the Legislature intended to permit persons, having acquired ownership of agricultural homesteads from the TT government, to obtain more public land under the Waiver Act.

¶35 In light of the applicable constitutional provision and legislative history, we conclude that the Waiver Act does not vest any right in a person, who has obtained a quitclaim deed to an agricultural homestead lot, to claim land beyond the boundaries described in the deed. To conclude otherwise would not only create uncertainty over homestead boundaries but also throw into chaos the management of public lands. The transactions involving the disputed parcel is a case in point. The Aguons seek to wrest title away from four persons to whom DPL has apparently conveyed various parts of the parcel at issue. DPL presumably

consented to the transfers relying on the boundary description in Aguon's quitclaim deeds. It would be wholly unreasonable to expect DPL to keep a wary eye on their public land records and government surveys, not knowing when the hundreds of former homestead applicants would spring out of nowhere, long after receiving their deeds, to claim more than what was clearly conveyed by the deeds.

¶36 Thus, we are compelled to conclude that the Waiver Act benefits only those persons who were unable to obtain an ownership interest in a particular parcel of public land because of the TT homestead restrictions. Having received the quitclaim deeds to the homestead lot, the Aguons have no valid ownership claim under the Waiver Act to the disputed parcel.

CONCLUSION

¶37 For the foregoing reasons, the trial court's order striking the out-of-court statements and granting summary judgment in favor of DPL is **AFFIRMED**.

IT IS SO ORDERED THIS 14TH DAY OF MARCH 2001.

/s/
MIGUEL S. DEMAPAN, Chief Justice

/s/
ALEXANDRO C. CASTRO, Associate Justice

/s/
JOHN A. MANGLONA, Associate Justice