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

JOSEPH M. PALACIOS,
REPRESENTATIVE OF THE 17TH COMMONWEALTH LEGISLATURE,
Petitioner,

v.

RAY N. YUMUL,
REPRESENTATIVE OF THE 17TH COMMONWEALTH LEGISLATURE,
Respondent.

SUPREME COURT NO. 2012-SCC-0001-CQU

OPINION

Cite as: 2012 MP 12

Decided September 18, 2012

Joseph M. Palacios, Saipan, MP, Pro Se
Ray N. Yumul, Saipan, MP, Pro Se

BEFORE: JOHN A. MANGLONA, Associate Justice; PERRY B. INOS, Justice Pro Tem; HERBERT D. SOLL, Justice Pro Tem.

PER CURIAM:

¶ 1 Article XXI of the Commonwealth Constitution ("Article XXI") states that "Gambling is prohibited in the Northern Mariana Islands *except as provided by Commonwealth law* . . . ." NMI CONST. art. XXI (emphasis added). In February 2012, Representative Ray N. Yumul ("Yumul") and Representative Joseph M. Palacios ("Palacios") submitted the following certified question for resolution by this Court:

> Is a local law, enacted pursuant to Article II, Section 6 of the NMI Constitution by a senatorial district of the legislature, a Commonwealth law for all purposes, including but not limited to Article XXI of the NMI Constitution?

Palacios v. Yumul, Orig. Action No. 2012-SCC-0001-CQU (NMI Sup. Ct. Feb. 17, 2012) (Amended Certification Order at 8). As phrased, we find the scope of the certified question overly broad.[1] To more accurately reflect the issue presented in this case, as well as to adhere to the judicial canon of constitutional avoidance,[2] we rephrase the certified question[3] to read:

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[1] As phrased by the parties, the certified question presents two distinct questions. The first, general question is whether a local law is a Commonwealth law "for all purposes." The second, specific question is whether local law is a Commonwealth law within the meaning of Article XXI. The phrase "Commonwealth law" appears throughout the Commonwealth Constitution. *See, e.g.*, NMI CONST. art. II, § 11 ("A member of the legislature may not serve in any other Commonwealth government position . . . established by this Constitution or by *Commonwealth law*.") (emphasis added); NMI CONST. art. III, § 11 ("The Attorney General shall be responsible for providing legal advice to the governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of *Commonwealth law*.") (emphasis added); NMI CONST. art. XI, § 4(d) ("The [Marianas Public Lands] [C]orporation shall have the powers available to a corporation under *Commonwealth law* and shall act only by the affirmative vote of a majority of the five directors.") (emphasis added). Were we to answer the general question of whether a local law is a Commonwealth law "for all purposes," that answer would encompass all of these disparate constitutional provisions. As a result, interpreting the meaning of commonwealth law "for all purposes" would go far beyond the facts and circumstances presented by this case.

[2] "[A] 'longstanding principle of judicial restraint requires that courts avoid reaching constitutional questions in advance of the necessity of deciding them.'" *Camreta v. Greene*, 563 U.S. __; 131 S. Ct. 2020, 2031; 179 L. Ed. 2d 1118, 1132 (2011) (quoting *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445 (1988)). In this case, the question hinges on our interpretation of "Commonwealth law" in article XXI of the Commonwealth Constitution. It does not, however, turn on our explication of that same phrase found elsewhere in the Commonwealth Constitution. Therefore, we narrow the certified question and leave interpretation of those other phrases for another day.

[3] The "Supreme Court is free to rephrase a certified question if necessary." *United States v. Borja*, 2003 MP 8 ¶ 2 n.4 (citing *Vermont v. Crandall*, 644 A.2d 320, 322 (Vt. 1994)). *See, e.g., Crawford Supply Co. v. Schwartz*, 919 N.E.2d 5, 10-11 (Ill. App. Ct. 2009) ("The certified question is overly broad. We will interpret the certified question to ask only whether plaintiff's failure to serve a 60-day notice . . . renders plaintiff's claim for lien invalid as a matter of law."); *United States v. Brabant*, 29 M.J. 259, 264 n.11 (C.M.A. 1989) ("The second certified question is overly broad, and we decline to answer it to the extent it goes beyond the facts and circumstances in this case.").

> Is a local law, enacted pursuant to article II, section 6 of the Commonwealth Constitution by a senatorial district of the legislature, a Commonwealth law under article XXI of the Commonwealth Constitution?

For the reasons stated herein, we answer the certified question, as rephrased, in the negative.

I

¶ 2 In April 2011, the Saipan Northern Islands Legislative Delegation ("SNILD")[4] passed House Local Bill 17-44 ("H.L.B. 17-44" or "the bill") by majority vote. The stated purpose of the bill was to "authorize and establish casino gambling within the Third Senatorial District." H.L.B. 17-44. After its passage, H.L.B. 17-44 was transmitted to Governor Benigno R. Fitial ("Governor Fitial") for consideration. Governor Fitial vetoed the bill. In his veto message, Governor Fitial asserted that a local law enacted pursuant to article II, section 6 of the Commonwealth Constitution ("Section 6"), was not a Commonwealth law within the meaning of Article XXI and that the SNILD therefore had no authority to enact a local law permitting gambling.[5] Palacios and Yumul submitted their certified question to this Court in January 2012, and in March 2012, the Court issued an order accepting the certified question.

II

¶ 3 Commonwealth officials may certify questions of Commonwealth law to this Court where:

> (1) A dispute exists between or among elected or appointed Commonwealth officials; (2) the dispute implicates the constitutional or statutory powers or responsibilities of these officials; (3) the parties to the dispute set forth the stipulated facts upon which the issue arises; and (4) the officials submit the legal questions arising from their dispute to this Court.

In re Benavente, 2008 MP 4 ¶ 5 (citing NMI CONST. art. IV, § 11). Here, the constitutional question presented by Representatives Palacios and Yumul satisfies this standard[6] because it "relate[s] to the parties exercising their powers or responsibilities under the Constitution." NMI

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[4] Yumul is the chairman of the SNILD Ways and Means Committee. Palacios is the chairman of the SNILD Committee on Judiciary and Governmental Operations.

[5] The Commonwealth Legislature had sixty days to override the veto. NMI CONST. art. II, § 7(c) ("The legislature shall have sixty days from the receipt of the governors veto message in the house of origin of the vetoed bill, item, section or part of a bill to reconsider the vetoed legislation."). The Legislature did not succeed in overriding the veto before the sixty day time period expired in December 2011.

[6] The Superior Court dismissed Representative Palacios' complaint seeking declaratory relief, which also sought clarification of the meaning of "Commonwealth law" in Article XXI, finding that he lacked standing because, among other things, no actual controversy existed. *Palacios v. Fitial*, Civ. No. 11-0280 (NMI Super. Ct. Jan. 19, 2012) (Order Granting Def's Mot. to Dismiss at 5-6) ("Order"). Nonetheless, it noted that he could yet find relief through utilization of "the Certified Question process." Order at 6. We note that the constitutional inquiry here, which implicates particular lawmaking concerns engendered by a unique set of exceptions to a constitutional prohibition, narrowly qualifies as a certified question "dispute." NMI CONST. art. IV, § 11.

Sup. Ct. R. 14(a)(2). Additionally, the parties to this matter submitted a Stipulated Statement of Facts as a companion to their legal inquiry. Am. Certification Order, Stipulated Statement of Facts, February 16, 2012. Consequently, we find that Representatives Palacios and Yumul have fulfilled the necessary constitutional requisites for submitting a certified question.

III

¶ 4 Whether a local law is a Commonwealth law under Article XXI is a matter of constitutional interpretation. *Cf. Dep't of Pub. Lands v. Commonwealth*, 2010 MP 14 ¶ 17 ("Whether Article XI § 5 remains constitutionally operative after the dissolution of the Corporation is a matter of constitutional interpretation."). "A basic principle of constitutional construction is that language must be given its plain meaning." *Peter-Palican v. Commonwealth*, 2012 MP 7 ¶ 6 (quoting *N. Marianas Coll. v. Civil Serv. Comm'n*, 2007 MP 8 ¶ 9). "We apply the plain, commonly understood meaning of constitutional language unless there is evidence that a contrary meaning was intended." *Id.* (internal quotation marks omitted). "[W]e must read constitutional language in the context of the entire provision at issue." *Id.* (internal quotation marks omitted). We give effect to every word of a constitutional provision, if possible, to avoid rendering any portion of the provision superfluous. *Sablan v. Superior Court*, 2 NMI 165, 185 n.21 (1991) ("A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant, and so that one section will not destroy another unless the provision is the result of obvious mistake or error.").

¶ 5 When interpreting a constitutional provision, the Court may also rely upon committee recommendations, constitutional convention transcripts, and other relevant constitutional history. *See Pangelinan v. N. Mariana Islands Ret. Fund*, 2009 MP 12 ¶ 20 (stating that a court may look to legislative history when no single meaning clearly appears, and finding that language in a committee report submitted to the Second Constitutional Convention supported textual interpretation of constitutional language).

A. Text of Article XXI

¶ 6 Article XXI provides:

> Section 1: Prohibition. Gambling is prohibited in the Northern Mariana Islands *except as provided by Commonwealth law or established through initiative in the Commonwealth or in any senatorial district*.

NMI CONST. art. XXI (emphasis added).

¶ 7 By its "plain meaning," *Peter-Palican*, 2012 MP 7 ¶ 6, the two disjunctive clauses of Article XXI indicate that its prohibition on gambling may be set aside through two legal mechanisms: (1) through passage of contrary "Commonwealth law"; or (2) by resort to the initiative process (in either "the Commonwealth or in any senatorial district"). NMI Const. art.

XXI. Principles of constitutional construction[7] advise that "terms connected by a disjunctive [should] be given separate meanings, unless the context dictates otherwise . . . ." *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979) (citation omitted); *see also In re Espy*, 80 F.3d 501, 505 (D.C. Cir. 1996) (per curiam) ("[A] statute written in the disjunctive is generally construed as 'setting out separate and distinct alternatives.'" (citation omitted)).

¶ 8 Palacios contends that the phrase "Commonwealth law" refers to all laws effective within the Commonwealth, including local laws enacted under Section 6. His argument does not account for the presence of the disjunctive clauses in Article XXI, however, and would thereby render the phrase "established through initiative" superfluous—a result incongruous with this Court's prior jurisprudence extolling the importance of giving "meaning" to all constitutional provisions. *Peter-Palican*, 2012 MP 7 ¶ 6. If "Commonwealth law" simply meant all laws effective within the Commonwealth, then there would be no need for Article XXI to refer to a second means for bypassing Article XXI's gambling prohibition because "Commonwealth law" would already encompass those laws "established through initiative." NMI CONST. art. XXI. Accordingly, the text of Article XXI, when viewed through the lens of this Court's principles of constitutional interpretation, indicates that the term "Commonwealth law," found in the first disjunctive clause, does not include all categories of law in the Commonwealth.

B. Constitutional History from the Second Constitutional Convention

¶ 9 Turning to the relevant constitutional history, in 1985 "the Commonwealth organized a Second Constitutional Convention to consider amendments to the Commonwealth Constitution." *Peter-Palican*, 2012 MP 7 ¶ 8. The delegates to the Second Constitutional Convention ("Second ConCon") proposed three different constitutional amendments related to gambling.[8] After considering all three proposed amendments, the Second ConCon Committee on Finance & Other

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[7] "The general principles which apply to statutory construction are equally applicable in cases of constitutional construction." *Camacho v. N. Mariana Islands Ret. Fund*, 1 NMI 362, 367 (1990) (internal quotation marks and citation omitted).

[8] Delegate proposal number 72-85 proposed to "prohibit the importation, use, and operation of poker and slot machines in the Commonwealth of the Northern Mariana Islands." Delegate Proposal No. 72-85, Second Northern Mariana Islands Constitutional Convention (June 21, 1985) (Offered by Delegate Maria T. Pangelinan). Delegate proposal number 246-8 proposed to "prohibit gambling in any form or style in the Commonwealth of the Northern Mariana Islands for ten years." Delegate Proposal No. 246-8, Second Northern Mariana Islands Constitutional Convention (July 2, 1985) (Offered by Delegate Ignacio Villanueva, Delegate Jesus P. Mafnas, and Delegate Juan T. Lizama). Finally, delegate proposal number 189-85 proposed that "each municipality within the Commonwealth of the Northern Mariana Islands shall decide whether to allow casino gambling within their respective municipality." Delegate Proposal No. 189-85, Second Northern Mariana Islands Constitutional Convention (June 26, 1985) (Offered by Delegate James M. Mendiola, Delegate Steve M. King, Delegate Bill Nabors, Delegate David M. Cing, and Delegate Larry I. Guerrero).

Matters ("Finance Committee") issued Committee Recommendation Number 42 ("Committee Recommendation No. 42"), proposing the following constitutional amendment:

> Effective upon ratification, a new Article ____ is added to read:
> Article ____, GAMBLING:
>
> "Section 1: Prohibition. Gambling shall be prohibited unless the gambling activity involves bingo, batu, cockfighting, raffles, or other activities owned and operated by religious, governmental, or nonprofit corporations.
>
> "Section 2: Legalized Gambling. *Other forms of gambling may be permitted if two-thirds of the registered voters in a referendum* held in a senatorial district approve of the gambling activity within that district. Upon approval of gambling pursuant to this section, the legislature shall regulate the *gambling activity by law.*

Committee Recommendation No. 42, Committee on Finance and Other Matters, Second Constitutional Convention (1985) (emphasis added). Committee Recommendation No. 42 did not refer to either "Commonwealth law" or "local law."

¶ 10 On July 18, 1985, Committee Recommendation No. 42 was introduced before the Second ConCon and discussed at length by the delegates. Journal of the Second Constitutional Convention, 31st Day, July 18, 1985 (hereinafter "Journal"), at 531-52. In the course of this discussion, Delegate Villagomez moved to:

> "[A]mend Committee Recommendation No. 42 to strike the entire proposal and to have it read as follows: 'Gambling is prohibited in the Northern Mariana Islands *except as provided by Commonwealth or local law* or as established through initiative or referendum in the Commonwealth or in any Senatorial district."

Journal at 545 (emphasis added). By its plain language, Delegate Villagomez' proposed amendment would have permitted the establishment of gambling by local law.

¶ 11 The delegates subsequently voted upon and passed Delegate Villagomez' proposed amendment to Committee Recommendation No. 42. *Id.* There was then a discussion of the amended Recommendation 42. *Id.* at 545-52. In the course of this discussion, Delegate Nabors inquired as to whether the amended Committee Recommendation No. 42 would permit senatorial districts to enact local laws permitting gambling:

> Delegate Nabors: Mr. President, I have one question. On line 3, you say Commonwealth or local law, *does that mean that the senatorial delegation* would have the authority to establish casino gambling -- three individuals?

Id. at 546 (emphasis added). Answering Delegate Nabors, Delegate Villagomez stated:

> Delegate Villagomez: . . . . The delegates to the Legislature from Rota or Tinian can enact a local law setting forth what kind of gambling may be permitted on their island under the local law provision of our Constitution. They can also do it through initiative or referendum in their respective district.

Id. at 547. Delegate Villagomez also subsequently stated:

> [T]his amendment permits each of the three Senatorial Districts to enact for their own district to permit any kind of gambling that they see fit for their particular district.

Id. Delegate Villagomez thus made it clear that he intended the amended Committee Recommendation No. 42 to allow senatorial districts to enact local laws permitting gambling.

¶ 12 After some discussion of another, unrelated Committee Recommendation, Delegate Nabors made the following key statement:

> I'd like to find out if my colleague, Delegate Villagomez, will accept an amendment to his amendment. The amendment would be in the third line to strike 'or local' and on the fifth line strike 'or referendum.'

Journal at 549 (emphasis added). In answer to this request, Delegate Villagomez stated, in full: "I would incorporate that in my motion." *Id.* Delegate Villagomez thus agreed to delete the phrase "local law" from the amended Committee Recommendation No. 42.

¶ 13 Following Delegate Villagomez' statement that he "would incorporate that in my motion," Delegate Nabors requested "a reiteration and [sic] in its entirety as to what we are now voting on." *Id.* Delegate Villagomez responded:

> hy [sic] amendment is to amend Committee Recommendation No. 42 and to substitute it with the following: Gambling is prohibited in the Northern Mariana Islands except as provided by Commonwealth law or as established through initiative in the Commonwealth or in any Senatorial District.

Id. at 550. The final amended Committee Recommendation No. 42, as re-stated by Delegate Villagomez, was voted upon and passed by the majority of the Second ConCon delegates. *Id.* at 551-52.

¶ 14 The delegates' consideration and ultimate rejection of the phrase "local law" indicates a clear intent to prohibit the establishment of gambling by local law. *See, e.g.*, *Lawnwood Medical Center, Inc. v. Seeger*, 990 So. 2d 503, 510 (Fla. 2008) ("'it must be presumed that those who drafted the Constitution had a clear conception of the principles they intended to express, . . . and arranged its provisions in the order that would most accurately express their intention.'") (quoting *Ervin v. Collins*, 85 So. 2d 852, 855 (Fla. 1956))). The legislative history of Article XXI thus indicates that the phrase "Commonwealth law" in Article XXI does not include local laws enacted pursuant to Section 6.[9]

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[9] Palacios observes that there is a discrepancy in the available transcripts of the Second ConCon. The NMI Archives contain copies of two different transcripts from the Second ConCon. The first transcript is the full transcript cited above and available in the Journal of the Second Constitutional Convention. The second transcript is a partial transcript of the Second ConCon taken from an unknown source ("partial

C. Other Relevant Authority

¶ 15 Having addressed the plain language of Article XXI and the relevant constitutional history, we now examine other legal authorities cited by Palacios. Palacios relies upon *Guerrero v. Tinian Dynasty Hotel*, 2006 MP 26, and *Commonwealth v. Tinian Casino Gaming Control Commission*, 3 NMI 134 (1992), to support his argument that Commonwealth law includes local law. While both cases acknowledged that there is a difference between local laws applicable within a senatorial district only and Commonwealth-wide laws applicable throughout the Commonwealth, neither case discussed Article XXI or commented upon whether a local law is a Commonwealth law under that Article. *See Guerrero*, 2006 MP 26 ¶ 31 (noting only that there is a "'symbiotic relationship between Commonwealth-wide laws and the local laws of each senatorial district'" (quoting *Tinian Casino Gaming*, 3 NMI at 143)). In *Tinian Casino Gaming*, this Court simply explained that "in enacting local laws by municipal ordinance, district delegation legislation, or local initiative," each district must ensure that its laws do not "adversely impact" the interests of the entire Commonwealth. 3 NMI at 143. Moreover, the legal circumstances surrounding *Tinian Casino Gaming* and *Guerrero* are distinct from those in this case. *Tinian Casino Gaming* addressed the validity of a local initiative permitting gaming, 3 NMI 136-37, while *Guerrero* concerned the validity of a jury instruction based upon a local ordinance

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transcript"). Yumul's briefing relies upon the transcript contained in the Journal, while Palacios' briefing relies upon the partial transcript. Relevant to this case, the partial transcript states as follows:

> Delegate Nabors: I would like to find out if my colleague, Delegate Villagomez will accept an amendment to his amendment. The amendment would be in the third line to strike "or local" and on the fifth line strike "or referendum."
> Delegate Villagomez: I will incorporate that in my motion.
> There was a motion to end debate. The motion was seconded and carried by voice vote. Delegate Mafnas moved for the previous question. Delegate Mendiola seconded the motion.
> Delegate Villagomez: *That's the same thing*.
> Delegate Mafnas: Yes.

Palacios' Opening Br., App. A at 20 (emphasis added). However, the same portion of the official transcript omits Delegate Villagomez' statement, "that's the same thing":

> Delegate Nabors: Thank you, Mr. President. I would like to find out if my colleague, Delegate Villagomez . . . .
> Delegate Villagomez: I would incorporate that in my motion.
> Delegate Nabors: Motion to end debate.
> Delegate Mendiola seconded, and the motion was carried by voice vote.

Journal at 549.

Palacios argues that the statement "they're the same thing" in the partial transcript is evidence that the delegates believed local law to be synonymous with Commonwealth law. However, it is unclear from the partial transcript what Delegate Villagomez was referring to when he stated "that's the same thing." There is no evidence that Delegate Villagomez intended to assert that Commonwealth law and local law were synonymous. Thus, even if we accept that the partial transcript is a credible account of proceedings at the Second ConCon, the partial transcript does not support Palacios' argument.

relating to gaming, 2006 MP 26 ¶ 25. By contrast, this case involves the validity of a local gaming law enacted pursuant to article II, section 6 of the Commonwealth Constitution. Consequently, we find Palacios' reliance on *Tinian Casino Gaming* and *Guerrero* unpersuasive.

¶ 16 Palacios also relies upon *Island Amusement Corp. v. Western Investors, Inc.*, Civ. No. 94-166 (NMI Super. Ct. Dec. 15, 1994) (Decision and Order) (Castro, J.) (*"Island Amusement Corp."*). There, the trial court concluded that the phrase "Commonwealth law" included local ordinances and other laws that were inherited from the Trust Territory.[10] *Island Amusement Corp.* at 7. The court reasoned that Article XXI was not intended to repeal Trust Territory laws, and that such an effect was also prohibited by the plain language of the Covenant.[11] *Id.* at 5-6. Here, in contrast to *Island Amusement Corp.*, the local law at issue was enacted recently and was not derived from the Trust Territory laws. *Island Amusement Corp.* is, thus, distinguishable from the instant case.

¶ 17 Palacios additionally relies upon the Analysis of the Constitution of Commonwealth of the Northern Mariana Islands, which provides in relevant part:

> Ordinances and other regulations *enacted by the municipal councils* on Rota, Saipan and Tinian remain in effect unless superseded by Commonwealth law. . . . Commonwealth law *in this case* includes any general law, *local law*, local regulation or local ordinance enacted or promulgated under article II, section 5 or 6, or article IV, section 3(e) or 6(b).

Analysis of the Constitution of Commonwealth of the Northern Mariana Islands ("Analysis") at 119 (Dec. 6, 1976) (emphasis added). The Analysis establishes that "Commonwealth law" includes local laws only for the purpose of determining a conflict between laws enacted by the Commonwealth Legislature and laws enacted by a municipal council. *Id.* at 119. It does not purport to define "Commonwealth law" for all purposes, nor does it elucidate the meaning of the

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[10] In *Island Amusement Corp.*, the Mayor of Saipan ("Mayor") issued a license to Island Amusement Corporation that permitted it to operate bingo games on Saipan. *Island Amusement Corp.* at 2. In issuing the license, the Mayor relied upon an ordinance inherited from Trust Territory laws and contained in the NMI Municipal Code that authorized him to distribute annual bingo licenses. *Id.* In response to Island Amusement Corp.'s lawsuit against Western Investors, Inc. for allegedly operating an unlicensed bingo operation, Western Investors claimed that the gambling prohibition contained in Article XXI "effectively eradicated" the ordinance relied upon by the Mayor and that Island Amusement Corporation was therefore not permitted to operate bingo games on Saipan. *Id.* at 2, 4. Western Investors, Inc. specifically argued that the term "Commonwealth law," in Article XXI excluded "trust territory municipal ordinances." *Id.* at 4.

[11] The trial court emphasized that the Covenant to Establish a Commonwealth in Political Union with the United States of America "incorporated Trust Territory laws including municipal ordinances within into the framework of Commonwealth law." *Island Amusement Corp.* at 5-6. The trial court also relied upon Delegate Villagomez' statement during the Second ConCon that the proposed Article XXI "*does not repeal or prohibit or make null and void any existing gambling that is permissible by existing law . . . .*" *Id.* at 7 (citing Journal at 547) (emphasis added).

term "Commonwealth law" in Article XXI. Therefore, the Analysis does not assist us in answering this certified question.

¶ 18 Finally, Palacios attempts to discredit Attorney General Opinion 88-1 ("Opinion 88-1"). Opinion 88-1 relied upon the legislative history of Article XXI summarized above to conclude that the term "Commonwealth law" in Article XXI does not include local law. It stated that the delegates' decision to delete "local law" from the proposed Article XXI "must be taken at face value" and that "[t]he drafters intended to remove local law as a mechanism for legalizing gambling." Attorney General Legal Opinion No. 88-1 at 3, *reprinted in* 10 Com. Reg. 5435-5439 (January 18, 1988). While Palacios is correct when he states that Opinion 88-1 is not binding authority, the opinion is persuasive authority. *Borja*, 2003 MP 8 ¶ 20 ("courts are not bound by an Attorney General's Opinions, although they are generally regarded as 'highly persuasive.'" (citing *Cedar Shake and Shingle Bureau v. City of L.A.*, 997 F.2d 620, 625 (9th Cir. 1993))).[12]

IV

¶ 19 For the foregoing reasons, we hold that the phrase "Commonwealth law" in Article XXI of the Commonwealth Constitution does not include local laws enacted pursuant to article II, section 6. Accordingly, Palacios and Yumul's certified question is answered in the negative.

SO ORDERED this 18th day of September, 2012.

/s/
JOHN A. MANGLONA
Associate Justice

/s/
PERRY B. INOS
Justice Pro Tem

/s/
HERBERT D. SOLL
Justice Pro Tem

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[12] Contrary to Palacios' assertions, *Island Amusement Corp.* does not detract from the validity of Opinion 88-1. *Island Amusement Corp.* did not address the constitutionality of a local law and is thus distinguishable from the issue addressed in Opinion 88-1. In addition, former Attorney General Alexandro C. Castro was no longer with the Attorney General's Office when he authored *Island Amusement Corp.*, so it cannot be said that *Island Amusement Corp*. represents a reversal of the position expressed in Opinion 88-1. *Cf. Borja*, 2003 MP 8 ¶ 20 (finding the opinion rendered by the Attorney General unpersuasive because the Attorney General later repudiated the opinion).