

**7 GCA CIVIL PROCEDURE
CH. 10 FORM OF CIVIL ACTIONS**

**CHAPTER 10
FORM OF CIVIL ACTIONS**

- § 10101. One Form of Civil Action Only.
- § 10102. Parties to Actions, How Designated.
- § 10103. Special Issues Not in Pleadings.

2017 NOTE: The 2005 print publications of the GCA included the following annotation:

NOTE: Section 2206 of this Title provides, in part:

All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

The Rules to which this section refers are the Guam Rules of Civil Procedure, published as an appendix to this Title.

Because 7 GCA § 2206 makes procedural laws conflicting with the rules of no further force and effect, the Compiler has, in the remainder of this Title, omitted those laws which have been superseded by the Rules. See Rule 89 of the Guam Rules of Civil Procedure. Appropriate cross-references will be given.

The 2005 edition, however, omitted the following paragraph of the annotation, which had been included in past print publications of the GCA and stated:

Section 1101 of this Title, enacted by P.L. 21-147, has taken formal notice of the changes made by the Rules and has adopted this Title as changed by the Rules of Civil Procedure. See Rule 89, which was in effect before P.L. 21-147 was enacted [and] of which the Legislature was aware.

This annotation from the previous Compiler explains the process of codification from the Guam Code of Civil Procedure (CCP) to the Guam Code Annotated. The Compiler had been guided CCP §123, which sets forth the authority of the Judicial Council of Guam to establish rules of practice and procedure in the courts of Guam, and provided that “[a]ll laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.” Pursuant to CCP § 123, the Judicial Council submitted Rules of Civil Procedure, which were adopted by the Guam Legislature on July 31, 1969, and found in the 1970 codification of the Guam Code of Civil Procedure.

The previous Compiler’s annotation and reference to 7 GCA § 2206 explains his reason for omitting CCP provisions from the GCA codification. However, 7 GCA § 2206 was contained only in draft legislation, and never enacted into law. *See Introductory Note for Title 7 – Civil Procedure.* The annotation has been retained to provide background information as to the source of the provisions (Guam Civil Procedure Code) and legislative history regarding codification.

§ 10101. One Form of Civil Action Only.

There is in the Territory of Guam but one form of civil action for the enforcement or protection of private rights and the redress or prevention of private wrongs.

SOURCE: CCP § 307. See Rule 2 of the Guam Rules of Civil Procedure (GRCP).

§ 10102. Parties to Actions, How Designated.

In such action the party complaining is known as the plaintiff, and the adverse party is known as the defendant.

SOURCE: CCP § 308.

§ 10103. Special Issues Not in Pleadings.

A question of fact not put in issue by the pleadings may be tried by a judge, upon an order for the trial, stating distinctly and plainly the question of fact to be tried, and such an order is the only authority necessary for a trial.

SOURCE: CCP § 309.

COMMENT: Compare procedure for Pretrial Orders found in the GRCP and in the Local Rules.
