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CH. 9 – ANCESTRAL LAND PROGRAMS**

**CHAPTER 9  
ANCESTRAL LANDS PROGRAMS**

**SOURCE:** Added by P.L. 25-178:2 (Jan. 3, 2001) as Title 21 GAR, Chapter 80, codified as Title 18 GAR, Chapter 9 and renumbered pursuant to authority granted by 1 GCA § 1606.

- Article 1. General Provisions.
- Article 2. Guam Ancestral Land Commission.
- Article 3. Application for Ancestral Land Claims.
- Article 4. Appendixes/Forms

**ARTICLE 1  
GENERAL PROVISIONS**

**SOURCE:** Added by P.L. 25-178:2 (Jan. 3, 2001) as Article 1 of Title 21 Chapter 80 (§§ 80101-80101.4, renumbered to adhere to the Compiler’s general codification scheme pursuant to authority granted by 1 GCA § 1606. § 9101. Definitions.

- § 9102. Affirmation and Authority.
- § 9103. Adoption of Rules and Regulations.
- § 9104. Severability.
- § 9105. Computation of Time.

**§ 9101. Definitions.**

As used in this Title, unless the context clearly provides otherwise:

- (a) ‘*Ancestral Lands*’ means those lands owned privately by residents of Guam on or after January 1, 1930.
- (b) ‘*Ancestral Property Right*’ means the right and interest that a private property owner has in relation to inherited land or lands possessed by private property owner’s ancestor entitling an owner or owner’s descendants or heirs to the complete ownership of all aspects of title, including infinite duration, possession and right; of alienability

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(c) '*Ancestral Title Registry*' is the registry into which is entered all information pertaining to ancestral land Claimants who are granted a deed of title, by land recovery, in exchange for the permanent extinguishment of all Claims thereto.

(d) '*Applicant*' means any person or persons, legal entity or government, who files a Claim in accordance with Chapter 80 of Title 21 of the Guam Code Annotated.

(e) '*Claimant*' means any person or persons, legal entity or government, who asserts or is alleged to have a valid basis for a determination of an ancestral deed of title in his or its interest.

(f) '*Claims Registry*' means the registry into which is entered information based on a determination by the Commission that a valid basis exists for an ancestral title claim by an applicant.

(g) '*Commission*' mean the Guam Ancestral Lands Commission.

(h) '*Determination*' means an administrative judgment whereby the Commission with respect to an applicant's request for an extinguishment of an ancestral claim, either denies the claim, or conveys to the original owner or the estate of the original land owner a deed of title in real property entitling the owner or owner's heirs, successors or assigns ownership with all aspects of title, including infinite duration, possession and rights of alienability to the extent possessed by the Commission.

(i) '*Excess Lands Registry*' is the registry into which is recorded a listing of any and all lands declared excess by either the Federal government or the government of Guam acquired by the government of Guam on or after June 9, 1999, the effective date of the Guam Ancestral Lands Act (P.L. No. 25-45), including all future declaration of excess land by the Federal government or government of Guam as set forth in P.L. No. 25-45.

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(j) *‘Facilitator’* means the Guam Ancestral Lands Commission.

(k) *‘Just compensation’* for the purpose of Chapter 80 of Title 21 of the Guam Code Annotated, and Articles 9 and 9A of Title 12 of the Guam Code Annotated, as amended, shall mean land recovery, or any other agreed upon form of compensation other than a specifically described land where land recovery is not possible.

(l) *‘Land Bank’* shall mean the lands comprised of the former ‘Spanish Crown lands,’ ‘Naval Government of Guam Lands,’ and other non-ancestral lands that are conveyed by the Federal government to the government of Guam on or after June 9, 1999, the effective date of the Guam Ancestral Lands Act (P.L. No. 25-45), held in trust and administered on behalf and for the benefit of ancestral landowners who, by virtue of continued government or public benefit use cannot regain possession to their ancestral lands.

(m) *‘Original landowners registry’* is the registry into which information pertaining to all lands taken and the names of owners whose properties were confiscated or condemned on or after January 1, 1930.

(n) *‘Replacement Land’* means land surplus to the Federal government or the government of Guam, and not in public benefit use, or needed for public benefit use, to which no private ownership interest was attached on January 1, 1930, and which may be used as a replacement for original lands confiscated or condemned by the United States government or the government of Guam.

(o) *‘Rule’* means a statement of general or particular applicability and future effect that implements, interprets or prescribes law or policy, or describes the organization, procedure or practice requirements of the Commission.

(p) *‘Rulemaking procedure’* means any formal action to adopt, amend or repeal any rule of the Commission.

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**§ 9102. Affirmation of and Authorization to Exercise a Fundamental Civil Right in Ancestral Real Property.**

Pursuant to the mandate of Public Law Number 25-45, now codified as Chapter 80 of Title 21 of the Guam Code Annotated, the Ancestral Lands Commission is given the authority over the implementation and administration of land claims and landowners' recovery of ancestral lands.

**§ 9103. Adoption of Rules and Regulations**

These Rules and Regulations shall be known as the 'Rules and Regulations for the Guam Ancestral Lands Commission.' The Chamorro designation shall be '*Areklamenton I Kumision I Tano' Saina-ta.*'

**§ 9104. Severability.**

The Rules and Regulations adopted by this Guam Ancestral Lands Act shall *not* affect the provisions of the Guam Ancestral Lands Act in Chapter 80 of Title 21 of the Guam Code Annotated. Any provision or application of these Rules and Regulations which conflict with the Guam Ancestral Lands Act, or is held invalid shall be null and void. If any section, sentence, clause, or phrase of Chapter 80 of Title 21 be for any reason held by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Title.

**§ 9105. Computation of Time.**

In computing any period of time, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. When a period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays, shall be excluded in the computation.

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**ARTICLE 2  
GUAM ANCESTRAL LANDS COMMISSION**

**SOURCE:** Added by P.L. 25-178:2 (Jan. 3, 2001) as Article 2 of Title 21 Chapter 80 (§§ 80102-80102.26), renumbered to adhere to the Compiler's general codification scheme pursuant to authority granted by 1 GCA § 1606.

- § 9201. Authority.
- § 9202. Purpose.
- § 9203. Mission.
- § 9203. Chamorro Designation.
- § 9204. Offices.
- § 9205. Mailing Address.
- § 9206. Contact Numbers.
- § 9207. Office Hours.
- § 9208. Commission Meetings.
- § 9209. Special Meetings.
- § 9210. Attendance at Meetings.
- § 9211. Responsibility of Commissioners.
- § 9212. Acquisition of Properties.
- § 9213. Ancestral Lands Registries.
- § 9214. Notice for Government Use.
- § 9215. Petition for Reservation of Land.
- § 9216. Duties of Commissioners.
- § 9217. Conflict of Interest.
- § 9218. Commissioner Stipend.
- § 9219. Quorum; Votes.
- § 9220. Minutes.
- § 9221. Personnel.
- § 9222. Duties of Commission as Hearing Panel.
- § 9223. Duties of Chairman.
- § 9224. Duties of the Executive Director.
- § 9225. Absence, Disability of Executive Director.
- § 9226. Ratification of the Executive Director's Actions.

**§ 9201. Authority.**

Pursuant to the mandate of Public Law Number 25-45, now codified as Chapter 80 of Title 21 of the Guam Code Annotated,

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these rules and regulations are promulgated as authorized by §80102 of Title 21 of the Guam Code Annotated, to specifically govern the implementation and administration of land claims and landowners' recovery of ancestral lands, reserving all rights and authority to implement all remaining delegations as promulgated under Public Law Number 25-45.

**§ 9202. Purpose.**

These rules and regulations set forth the necessary procedures with respect to land claim applications; set out in detail the standards of eligibility; provide for the methods of review, as well as a system of notice and hearing prior to an award or denial of compensation; provide for the recordation of Ancestral Land Title; and generally, provides the requirements necessary to meet the goals and objectives of the Guam Ancestral Lands Commission.

**§ 9203. Mission.**

The Commission members shall administer the Guam Ancestral Lands Act in order that ancestral landowners, their heirs and descendants may expeditiously exercise all the fundamental civil rights in the property they own; establish a land bank to provide just compensation for dispossessed ancestral landowners; and when appropriate, assume the role of Claims Facilitator to assist ancestral landowners in pursuit of just remedies.

**§ 9204. Chamorro Designation.**

The Guam Ancestral Lands Commission shall also be known in Chamorro as '*Kumision I Tano' Saina-ta.*'

**§ 9205. Offices.**

The Commission offices are located at #109 'A' Street, Tiyan, Guam, or whatever successor office it might relocate to in the future.

**§ 9206. Mailing Address.**

P.O. Box 2950, Hagatña, Guam 96932.

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**§ 9207. Contact Numbers.**

Telephone: (671) 473-5263. Fax: (671) 475-9165.

**§ 9208. Office Hours.**

The offices of the Commission shall be open during normal business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, and provide for flexible hours as determined by the Commission for the convenience of the public.

**§ 9209. Commission Meetings.**

Meetings of the Guam Ancestral Lands Commission shall be open to the general public. The Commission shall give notice of such meeting to both the public and Commissioners. Notice shall be given to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam and delivered personally or by mail to the individual Commissioners at least five (5) working days prior to the meeting. A second public notice shall be given at least forty-eight (48) hours before the time of such meeting as specified in the notice. All meetings shall be in conformance with Americans With Disabilities ('ADA') regulations, in accordance with Guam law and government of Guam guidelines, defined in Public Law Number 24-109. Executive sessions are permitted *only* in accordance with the Open Government Law as found in 5 G.C.A § 8101.

**§ 9210. Special Meetings.**

A special meeting may be called at any time by the Commission, by delivering personally, or by mail, written notice to each Commissioner. Notice shall also be given to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam. Such notice must be delivered personally or by mail at least five (5) working days, and a second public notice at least forty-eight (48) hours, before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the public agency. The five (5)

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days notice and the forty-eight (48) hours notice may be waived in the event of an emergency certified to in writing by the Commission. This Section shall not require the Commission to give notice of its meetings by paid advertisements in any newspaper, or over any broadcasting station. Written notice may be dispensed with as to any Commissioner who at, prior to or subsequent to the time the meeting convenes, files with the clerk or secretary of the Commission a written waiver of notice. Such written notice may be dispensed with as to any Commissioner who is actually present at a meeting at the time the meeting convenes.

**§ 9211. Attendance at Meetings.**

Unless excused, meetings shall be attended by all Commissioners, by the Executive Director, by the Deputy Executive Director and by such members of the staff as are instructed to attend by the Executive Director.

**§ 9212. Responsibility of Commissioners.**

It is the responsibility of each Commissioner to: attend all meetings of the Commission, *unless* excused; undertake all duties assigned by the Commission; keep generally informed of all matters pertinent to the determination of policy by the Commission and effectuation thereof; have a working knowledge of the Guam Ancestral Lands Act and its rules and regulations. No Commissioner may individually direct administrative orders. Instructions or complaints intended for staff members shall be referred to the Executive Director.

**§ 9213. Acquisition of Properties.**

As the Ancestral Land Commission acquires properties, the Commission shall perfect title to those properties, regardless of the classification of the property.

**§ 9214. Ancestral Lands Registries.**

The Commission shall establish and maintain the following four (4) separate registries for the purposes of recording accurate information in the settlement of ancestral claims. Any member of the public may inspect the registries during normal business hours. No part of the registries is to be kept confidential from the public.



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The Commission will update the registries with details of any claims contained in applications given to the Commission, or of any application for amendments to a claim *after* a determination as appropriate.

(a) Original Landowners Registry. To the extent possible, the Commission shall make a listing of all lands taken under the names of owners of record at the time of taking whose properties were confiscated or condemned by the United States of America, or by the government of Guam on or after January 1, 1930, as well as other pertinent location and ownership information in relation to the property.

(b) Excess Lands Registry. The Commission shall make a listing of all lands that have been declared excess by the Federal government or the government of Guam. All lands deemed excess in the future shall be added to the registry as appropriate.

(c) Claim Registry. The Commission shall make a listing of all claims to ancestral title filed by applicants.

(d) Ancestral Title Registry. The Commission shall make a listing of all claimants granted a deed of title in return for the surrender of their respective ancestral property claim(s).

**§ 9215. Notice for Government Use.**

As the Guam Ancestral Land Commission acquires properties, the Commission shall publish a notice containing the legal description of the lands acquired and reserved by this Title, and file a legal description of the lands acquired and reserved by this Title with Land Management.

**§ 9216. Petition for Reserving Land for Government Use.**

Before any land claim determinations are made, governmental departments, entities or agencies shall have forty-five (45) days after it is provided notice, in which it may petition the Commission for a reservation of those ancestral lands deemed necessary for providing a direct essential service to the community, either presently or in the future. The Commission

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will consider the health and safety of the public in considering the petition. Where the Commission grants the respective agency's petition, the Commission may impose reasonable conditions and the manner in which compensation is to be paid.

**§ 9217. Duties of Commissioners.**

It shall be the duty of each Commissioner to: act in the interest of the general public under the Guam Ancestral Lands Act; hold and protect the trust property for the beneficiaries, as well as the general public under the Guam Ancestral Lands Act; to act only as a fiduciary of the very highest character, exercising such care and prudent judgment in the fair and responsible administration of all land claim determinations and the management of Land Bank properties; *and* adhere to the terms of the trust as set forth in the Guam Ancestral Lands Act and these Rules.

**§ 9218. Conflict of Interest.**

If any Commissioner, Officer or Staff member shall be interested either directly or indirectly in any Ancestral Land Claim Determination, such interest shall be disclosed to the Commission and shall be set forth in the minutes of the Commission. Any Commissioner, officer or staff member having direct interest therein shall *not* participate on behalf of the Commission in the determination of that person's claim.

**§ 9219. Commissioner Stipend.**

The members of the Commission shall be paid at the rate of Fifty Dollars (\$50.00) for each day's attendance at a meeting of the Commission; provided, however, that such compensation shall *not* exceed One Hundred Dollars (\$100.00) per month, *unless* amended by statute.

**§ 9220. Quorum; Votes.**

Except as otherwise provided by law, the attendance of four (4) members present shall constitute a quorum to transact administrative business. The number of Commission members to determine a land Claim shall be no less than five (5) eligible Commissioners.

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**§ 9221. Minutes.**

The minutes of every meeting of the Commission shall be promptly and fairly recorded under the direction of the Executive Director, and shall include, but *not* be limited to, a record of all petitions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call. The minutes shall be submitted by the Executive Director for approval at the next regular meeting. Upon approval, the Executive Director shall sign and enter the date of approval upon the minutes. All approved minutes shall be open to public inspection. Copies of the approved minutes shall be kept on file at the office of the Guam Ancestral Land Commission and also distributed to each Commissioner.

**§ 9222. Personnel.**

All personnel on the Commission's staff shall be selected and discharged by the Commission.

**§ 9223. Duties of the Commission as Hearing Panel.**

In order to facilitate the determination of a claim, the Commission shall act as the Hearing Panel and shall investigate the claim, take testimony as needed and make a determination for or against an award to the claimant. All determinations shall be based upon the whole record and supported by competent believable evidence.

**§ 9224. Duties of the Chairman.**

The Chairman has the following duties, powers and authority: the Chairman shall preside over all meetings of the Commission; all orders and other actions of the Commission shall be authenticated and signed by the Chairman and the Secretary of the Commission; *and* the Chairman shall have the authority to appoint special committees and prescribe their powers and duties.

**§ 9225. Duties of the Executive Director.**

It is the desire of the Commission that functions and duties, administrative in nature, be delegated to the Executive Director and duties requiring the exercise of judgment or discretion

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continue to reside with the Commission, including the following: the executive director shall approve and sign all vouchers and assignment of funds received by the Commission; to sign all correspondence, personnel actions, procurement and purchase forms, contracts, Commission minutes, and resolutions approved by the Commission; the Executive Director, attested to by the Secretary of the Commission, shall countersign on behalf of the Commission where approval of the Commission is required; *and* the Executive Director shall prepare the budget and staffing pattern proposals for each fiscal year.

**§ 9226. Absence, Disability of the Executive Director.**

Whenever the Executive Director is absent or disabled from performing the duties of his office, the Deputy Director shall assume the duties of the Executive Director. The Commission reserves the authority to reappoint a new Executive Director as it may deem in the best interest of the Commission.

**§ 9227. Ratification of the Executive Director's Actions.**

The Executive Director shall report to the Commission for ratification of any actions permitted under § 9225.

**ARTICLE 3  
APPLICATION FOR ANCESTRAL LAND CLAIMS**

- § 9301. Application for Ancestral Land Claims.
- § 9302. Application Forms.
- § 9303. Qualifications of Applicants.
- § 9304. Succession Processing.
- § 9305. Reference to Map or Plat, etc.
- § 9306. Description of Real Property.
- § 9307. Application Processing.
- § 9308. Docket.
- § 9309. Priority and Preference.
- § 9310. Consolidation.
- § 9311. Death or Disability of Applicant.
- § 9312. Process of Claims.
- § 9313. Filing of Claim.

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- § 9314. Hearing.
- § 9315. Hearing Conduct.
- § 9316. Commission Action.
- § 9317. Contested Case Hearing Procedures.
- § 9318. Commission Decision.
- § 9319. Rehearing.
- § 9320. Extinguishment of Claim.
- § 9321. Notification of Extinguishment of Claim.
- § 9322. Notification of Possible Claim.
- § 9323. Authority to Set Fees.
- § 9324. Landowner's Recovery Fund.
- § 9325. Administering Authority.
- § 9326. Eligibility Requirements for Loans.
- § 9327. Funds and Accounts.
- § 9328. Operation of Funds.
- § 9329. Repayment of Loans.
- § 9330. Document Retention.

**§ 9301. Application for Ancestral Land Claims.**

Applicants will complete the appropriate application form(s) and provide the information as described in this Chapter; provided, the claim is for a determination of ancestral title in relation to land held by the Commission for which there is no approved determination of ancestral title.

**§ 9302. Application Forms.**

Applications for land claims shall be made on forms, consistent with the Guam Ancestral Lands Act and these Rules and Regulations, provided by the Commission and shall be made under oath. Applicant shall submit an application to the Commission on Form 1 attached as Appendix I to these rules and regulations. Commission may change the form from time to time as needed. An applicant shall submit an original application with seven (7) copies.

**§ 9303. Qualifications of Applicants.**

The applicant will be qualified by a showing that the application: falls within §80103; is in the prescribed form, as

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established by the Commission; contains the information required and as prescribed in relation to the matters sought to be determined; provides accompanying documents at the very minimum of which include: a sworn affidavit that the applicant: (i) believes that ancestral title has *not* been extinguished in relation to any part of the land Claimed; *and* (ii) affirms that all of the statements made in the application are true; a statement containing all information known to the Applicant about interests in relation to any of the land or waters concerned that are held by persons other than as ancestral title holders; a detailed description and map, *if* available, of the area over which the ancestral title is claimed; evidence of heirship or notarized affidavit of interest; name and address of the person who is to be considered the claimant. (The name of the person given under this item will become the registered ancestral title Claimant.); any other document to assist the Commission in its determinations; *and* all accompanying fees as prescribed by the Commission.

**§ 9304. Succession Processing.**

Where claims are made by other than the original landowner, by way of succession, the applicant(s) will present proof that they are entitled to pursue the claim on behalf of the estate as the administrator(trix) or executor(trix).

**§ 9305. Reference to Map or Plat, etc.**

If land sought by applicant is a part of a village, town or subdivision of which an official map is on file in the Department of Land Management, and upon such map the land appears in such a manner that it can be identified thereon by reference, the application may refer to such map.

**§ 9306. Description of Real Property.**

The real property must be described in the claim with such certainty as to enable an officer, upon execution, to identify it.

**§ 9307. Application Processing.**

Applications shall be date stamped and filed by the authorized Commission personnel. The Commission shall acknowledge in writing receipt of all properly completed

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applications. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly.

**§ 9308. Docket.**

Completed applications shall be time stamped, and *if* accepted, assigned a numerical designation, and filed in the order of receipt. Additions, corrections or deletions may be made *only* with the approval of the applicant and the Executive Director, or the Director's designee. *Except* as otherwise provided in this Chapter, a numerical designation shall *not* be reassigned to any other person.

**§ 9309. Priority and Preference for Award of Ancestral Land Title.**

Except as otherwise provided for in this Chapter, applicants shall generally be considered for an award in the order in which their completed applications were received by the Commission and docketed. Appeals shall take precedence on the docket over all cases and shall be assigned for a hearing at the earliest practicable date and expedited in every way.

**§ 9310. Consolidation.**

The Commission, upon its own initiation or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two (2) or more proceedings which involved substantially the same parties, or issues which involve the same parties or issues which are the same or closely related if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business, promote justice and will *not* unduly delay the proceedings.

**§ 9311. Death or Disability of Applicant: Transfer of Interest.**

Upon request and for good cause shown, the Commission may allow for the substitution of applicants.

**§ 9312. Process for Extinguishment of Claims, Award of Just Compensation, and Recordation of Ancestral Land Title.**

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The Applicant shall conform with the procedures as set forth in this Chapter.

**§ 9313. Filing of Ancestral Claim.**

Applicant submits an application to the Commission on Form 1; attached as Appendix I to these rules and regulations.

**§ 9314. Hearing.**

After an application has been properly filed pursuant to the rules and regulations, the Commission will set the matter for a hearing on a final determination.

**§ 9315. Hearing Conduct.**

(a) Once the matter has been scheduled for a hearing, the hearing shall be conducted in the following manner:

(1) all final determinations shall be heard before the Commission;

(2) where the Commission conducts the public hearing it shall be presided over by the Chairman, or in the absence of the Chairman, the Vice-Chairman, or in the absence of the Vice-Chairman, by another member designated as the Presiding Officer by the Commission;

(3) the hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the determination of the filed claim and to obtain a clear and orderly record;

(4) the Presiding Officer shall have authority to administer oaths or affirmations and to take all other actions necessary for the orderly conduct of the hearing;

(5) each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued by the Chairman, Vice-Chairman or Presiding Officer from day to day, or adjourned to a later date or to a different place without notice *other than* the announcement thereof at the hearing; and



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(6) at the commencement of the hearing, the Chairman, Vice-Chairman or Presiding Officer shall read the notice of hearing and shall then outline briefly the procedures to be followed; evidence shall then be received with respect to the determinations specified in the notice of hearing in such order as the Presiding Officer shall prescribe.

(b) Submission of evidence shall include the following:

(1) Before giving testimony, every witness shall state that person's name, address and any representative capacities in which the witness serves, and shall give other information respecting appearance as the Presiding Officer may request. The Presiding Officer shall confine the evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law, and every witness shall be subject to questioning by the members of the Commission.

(2) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the Presiding Officer, are relevant to the determinations specified in the notice of the hearing. In addition, persons or agencies may also file with the Commission signed, written protests, comments or recommendations in support of or in opposition to the proposed determination.

(3) Testimony given at the public hearing shall be received in evidence and made a part of the record. All supporting written statements, maps, charts, appraisals or similar data offered in evidence at the hearing, and which are deemed by the Commission to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the Commission finds that the furnishing of copies is impracticable, seven (7) copies of the exhibits shall be submitted, unless otherwise specified.

**§ 9316. Commission Action.**

The Commission shall fully consider the testimony under oath, all relevant believable evidence and the whole of the record

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before making its determination. The Commission shall issue a written decision in a timely fashion, stating the factual basis for its decision.

**§ 9317. Contested Case Hearing Procedures.**

The following procedures shall be followed in conducting a contested case hearing before the Commission.

(a) The Chairman or Presiding Officer shall convene the hearing and shall read the nature of the filed Claim.

(b) Each party or the party's representative shall have the following rights:

(1) to examine all documents; documents which a party does not have an opportunity to see shall *not* be used in making a determination;

(2) to bring witnesses to testify for the party;

(3) to establish all relevant facts and circumstances through verbal testimony or documents;

(4) to advance any arguments without undue interference;

(5) to question or refute any testimony or evidence presented by another party including the opportunity to cross-examine witnesses called by another party as authorized by the Presiding Officer; and

(6) to be notified either before or during the hearing if the Commission or Presiding Officer plans to consider facts not in evidence.

(c) At any time before the filing of a final decision, the Commission, for good cause shown may reopen the case for the reception of further evidence.

**§ 9318. Commission Decision.**

The Commission shall consider the whole record, and will resolve all questions of fact by what it deems to be the greater weight of evidence thereon, and make a final written decision

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stating the reasons or basis therefore and enter an appropriate determination.

**§ 9319. Rehearing.**

The Commission may entertain a written petition to reconsider or rehear its final decision. The petition shall be determined promptly. Denial of such petition shall be in writing with the reasons stated therefore. Petition to reconsider or rehear any final determination of the Commission shall be filed not later than ten (10) days after a person is served with a certified copy of the final written decision and order of the Commission.

**§ 9320. Extinguishment of Ancestral Land Claim.**

After the Commission has made a final determination in favor of a Claimant, the ancestral land Claim will be duly registered and extinguished. In exchange for a deed of title, the ancestral titleholder surrenders all rights and interests in relation to ancestral land claims thereby permanently extinguishing all rights, interests and claims. Upon the Commission's issuance of a deed of title, the ancestral titleholder's name is entered into the Ancestral Lands Title Register by the Commission. The deed of title shall be *subject to* any existing conditions, covenants, restrictions and easements of record in conformance with existing Government of Guam Land Use Law. See Appendix II, Form 2 for copy of Extinguishment of Claim and Appendix III, Form 3 for copy of deed.

**§ 9321. Notification of Extinguishment of Ancestral Claims.**

The Commission shall ensure that all parties whose interests may be affected in the extinguishment of an ancestral Claim are notified in writing, *if possible*, and through public notice in a Guam newspaper of general circulation.

**§ 9322. Notification of Possible Ancestral Land Claims**

Where the Commission identifies potential claimants who have *not* made an ancestral land Claim, the Commission shall notify such claimants in writing, *if possible*, and through public notice in a Guam newspaper of general circulation.

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**§ 9323. Authority to Set Fees.**

The Commission shall prescribe, impose and collect, fees or charges for the administration of the ancestral land Claim determinations, and shall revise such fees and charges from time to time whenever necessary.

**§ 9324. Landowner’s Recovery Fund.**

There is created the ‘Landowner’s Recovery Fund’ to further the purposes of Chapter 80 of Title 21 of the Guam Code Annotated, to grant loans, or guarantees of loans or grants-in-aid to landowners, or to defer costs or fees of professional services required by those landowners or class of landowners who have ancestral land claims. The Fund shall be utilized to make funds available for landowners to contract with attorneys and necessary non-attorney consultants, and for the Facilitator, on behalf of a class of landowners, to likewise contract for such professional services as are required to further the aims of this Article.

The Fund shall be utilized to make funds available as necessary for probate cost, real property research, survey, pretrial discovery, pre-litigation settlement negotiation or litigation in the circumstances where all non-litigation remedies have been attempted without satisfactory result.

**§ 9325. Administering Authority.**

The Guam Ancestral Lands Commission shall be the administering authority of the Landowner’s Recovery Fund and shall administer the Fund and make loans therefrom. The Board shall promulgate all rules and regulations necessary for the operation of the Fund in accordance with this Chapter. Interest charged on loans shall *not* exceed six percent (6%) per annum.

**§ 9326. Eligibility Requirements for Loans.**

To be eligible for loans under this Chapter, an applicant shall be a land Claimant as defined in this Chapter. All Loan Standards and Conditions will be as set forth in §74108 of Title 12 of the Guam Code Annotated.

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**§ 9327. Funds and Accounts.**

There shall be established a revolving source of funds whereby the fees generated by the implementation of this Guam Ancestral Lands Act shall be subject to the use of the Commission to further advance the goals and intent of this Guam Ancestral Lands Act.

**§ 9328. Operation of Funds.**

The Commission may invest and reinvest any of its funds, not otherwise immediately needed for the purposes of the funds, in such bonds and securities as authorized by Guam Law for the investment of fund monies.

**§ 9329 . Repayment of Landowner’s Recovery Fund Loans.**

Where an ancestral land Claimant recovers title to property, the claimant agrees and is legally bound to repay any and all loans and fees waived in the assistance of that ancestral land claimant.

**§ 9330. Document Retention.**

All documents filed with or presented to the Commission may be retained in the files of the Commission. However, the Commission may permit withdrawal of original documents upon submission of properly authenticated copies to replace such documents.

**ARTICLE 4 APPENDIXES/FORMS**

- Appendix I: Form 1. Ancestral Title and Compensation Application.
- Appendix II: Form 2. Release of Claim.
- Appendix III: Form 3. Deed of Title.

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ALC CLAIM REGISTRY **ANCESTRAL TITLE and COMPENSATION APPLICATION** FORM (1)  
NUMBER CR# \_\_\_\_\_

Date of Submittal: \_\_\_\_\_ month/day/year Application Received by: \_\_\_\_\_  
Name and Title

Name of Registered Applicant: \_\_\_\_\_ Applicant's Social Security # \_\_\_\_\_  
Last First Middle

Applicant's Address: \_\_\_\_\_  
home address (house #/street/village) mailing address

Applicant's Contact # Home: \_\_\_\_\_ Work: \_\_\_\_\_ Other: \_\_\_\_\_ ( )

Property Lot Number: \_\_\_\_\_ Property Tract or Estate: \_\_\_\_\_ Area (Square Meters): \_\_\_\_\_

Location of Property: \_\_\_\_\_

Person Claimed Holding Ancestral Title (Claimant): \_\_\_\_\_ Applicant's Relationship to: \_\_\_\_\_  
Last First Middle

If Claimant is living please provide:

Claimant's Address: \_\_\_\_\_  
home address (house #/street/village) mailing address

Claimant's Contact # Home: \_\_\_\_\_ Work: \_\_\_\_\_ Other: \_\_\_\_\_ ( )

Required Documents to be submitted:

- \_\_\_\_\_ Sworn Affidavit that ancestral title has not been extinguished in relation to any part of the land claimed.
- \_\_\_\_\_ Sworn Affidavit that all of the statements made in the application are true.
- \_\_\_\_\_ Statement containing all information known to the applicant about interest in relation to any of the land or water concerned that are held by persons other than as ancestral title holders
- \_\_\_\_\_ Evidence of heirship
- \_\_\_\_\_ A detailed description and map, if available, of the area over which the ancestral title is claimed.

FOR ANCESTRAL LANDS COMMISSION USE ONLY DO NOT MARK

\_\_\_\_\_  
Applicant's Signature and Date

\_\_\_\_\_  
ALC Representative Signature and Date

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**CERTIFICATE OF AWARD OF JUST COMPENSATION AND EXTINGUISHMENT/RELEASE OF ANCESTRAL TITLE CLAIM**

FORM (2)

Date of Award: \_\_\_\_\_ Award Determined By: \_\_\_\_\_  
month/day/year Name and Title

Name of Awarded Claimant: \_\_\_\_\_ Claimant's Social Security # \_\_\_\_\_  
Last First Middle

Claimant's Address: \_\_\_\_\_  
home address (house #/street/village) mailing address

Claimant's Contact # Home: \_\_\_\_\_ Work: \_\_\_\_\_ Other: \_\_\_\_\_ ( \_\_\_\_\_ )

Property Lot Number: \_\_\_\_\_ Property Tract or Estate: \_\_\_\_\_ Area (Square Meters): \_\_\_\_\_

Location of Property: \_\_\_\_\_

Person Claimed Holding Ancestral Title: \_\_\_\_\_ Applicant's Relationship to: \_\_\_\_\_  
Last First Middle

Determination on matters and details the Ancestral Lands Commission has issued a Certification of Award of Just Compensation on Condition of Extinguishment of Ancestral Title Claims as referenced Claim Registry Number CR# \_\_\_\_\_.

As the Applicant/Claimant I hereby acknowledge and agree that this Certificate of Award of Just Compensation is conditioned on the Extinguishment/Release of Ancestral Title Claim to the property as described herein and I therefore release any and all claims regarding the property as described above that I may have.

\_\_\_\_\_  
Claimant's/Applicant Signature and Date

\_\_\_\_\_  
ALC Representative and Date

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(Above Space for Recorder's Use Only)

**DEED OF TITLE**

PURSUANT TO THE AUTHORITY OF THE ANCESTRAL LANDS ACT, PUBLIC LAW NO. 25-45, THE ANCESTRAL LANDS COMMISSION ("Grantor"), whose mailing address is P.O. Box 2950, Hagåtña, Guam 96932, does hereby transfer, assign and convey all right, title and interest of which the Grantor possesses to \_\_\_\_\_ (or \_\_\_\_\_, as the administrator of the Estate of \_\_\_\_\_) ("Grantee"), Social Security Number \_\_\_\_\_, whose mailing address is \_\_\_\_\_, \_\_\_\_\_, Guam 969\_\_, his or her heirs, successors and assigns, the following described real property ("Property"):

Lot No. \_\_, Block No. \_\_, Tract No. \_\_, \_\_\_\_\_, Guam, as shown on Drawing No. \_\_\_\_\_, recorded with the Department of Land Management, Government of Guam, on \_\_\_\_\_, \_\_\_\_\_, under Instrument No. \_\_\_\_\_.

Area: \_\_\_\_\_ square meters.

Last Certificate of Title No. (Guaranteed Claim No.): \_\_\_\_\_.

This conveyance to the Grantee includes all the buildings, improvements, ways, easements, rights, tenements, privileges and appurtenances to the Property, and the reversions, remainders, rents, issues and profits from the Property, and, all the estate, right, title, interest, property, possession, claim and demand whatsoever, at law and in equity, of which the Grantor possesses in and to the Property, and the Grantee, his successors and assigns, shall have and hold the Property, and all the rights granted by this conveyance forever.

This conveyance does not contain any warranties of any kind, including without limitation warranties of title, seisin, quiet enjoyment, right to convey, freedom from encumbrance, future assurances, and defense of title against all claims.

Water and power are not available within 100 feet of the Property, and the Grantee shall not hold the government of Guam responsible for water or electrical hookups or connections.

This deed is executed on the date(s) set forth below.

**GRANTOR:**

Dated: \_\_\_\_\_  
\_\_\_\_\_ ANCESTRAL LANDS COMMISSION

**GRANTEE:**

Dated: \_\_\_\_\_ By: \_\_\_\_\_