

A History of the District Court of Guam



President Harry S. Truman signing the Organic Act, creating the District Court of Guam.

The District Court of Guam was established by Public Law 630 of the 81st Congress. This law, commonly known as the Organic Act of Guam, established a civil government for Guam with the three traditional branches of government: the executive, legislative, and judiciary. The judicial structure of the government of Guam is contained in section 1424 of Title 48, U.S.C. The District Court of Guam was established as a United States territorial court with jurisdiction over the Territory of Guam and sits in the capital, Hagåtña, Guam. Unlike United States district courts, judges on the District Court of Guam do not have life tenure. Appeals of the court's decisions are taken to the United States Court of Appeals for the Ninth Circuit.

The first judge appointed to the District Court under the Organic Act was Paul D. Shriver, a native of Colorado. A hearing before the Senate Judiciary Committee was held on Shriver's nomination on February 27, 1951,

and the unpublished transcript of the hearing indicates that Shriver worked in government in Washington, D.C. and Colorado prior to World War II; he served in Italy with the Military Government Division during World War II; and for approximately four years prior to the appointment to the District Court judgeship in Guam he served

in the Philippines as General Counsel for the Philippine War Damage Commission.

The first United States Attorney assigned to Guam was James G. Mackey. Mr. Mackey's name appears on court documents filed in early 1951.

The first United States Marshal for Guam was Antonio C. Baza, a native of Guam who had a long and illustrious career in law enforcement on the island. Marshal Baza's name appears on court documents spanning from early 1951 through most of 1965.

The Guam Congress Building, located in Hagatna, served as the venue for the District Court of Guam from 1950-1968.

The District Court of Guam's first jury trial commenced on February 21, 1956 for criminal case 37-55, "*The Government of Guam*



The first home of the District Court of Guam, the Guam Congress Building.



Roland Gillette (left), the first Clerk of Court, selecting the first jury panel with U.S. Marshal Antonio C. Baza (right) and Jesus A. Crisostomo looking on.

v. John L. Hilton and Richard C. Harris." The defendants were charged with burglary in the first degree in an information filed on October 25, 1955. The jury acquitted the defendants that very same day. Mr. Richard Rosenberry, the Deputy Island Attorney, prosecuted the case, while Mr. Finton J. Phelan, Jr. was counsel of record for the defendants.

Shriver served two four-year terms as the District Judge for Guam. Shriver's successor was Eugene R. Gilmartin, of Rhode



Judge Cristobol Duenas, leaving the bench.

Island. After his appointment by President Dwight D. Eisenhower, Gilmartin's nomination hearing before the Senate Judiciary Committee took place on August 19, 1959. The unpublished transcript of the nomination hearing indicates that Gilmartin had been serving as the District Judge of Guam under a recess appointment that began on October 17, 1958. Prior to that appointment, Gilmartin had served as the Deputy High Commissioner of the Trust Territory of the Pacific Islands for seventeen months. Before that, Gilmartin served in a variety of private practice and government positions in Rhode Island, Massachusetts, and Washington, D.C.. Judge Gilmartin died in office in 1961.

Judge Shriver was re-nominated to be Judge by President John F. Kennedy which began according to court records in March of 1961 and terminated with the court in September 1969.



The court's second judge, Eugene R. Gilmartin, (second from left) celebrating with staff members.

The Courthouse of Guam, located in Hagatna, served as the home of the District Court of Guam from 1968-1974.

Judge Cristobol C. Duenas, a graduate of the University of Michigan Law School, was appointed by President Richard M. Nixon on September 23, 1969 to be the next judge for the District Court of Guam. On December 10, he was confirmed by the Senate



The first jurors: Back row, left to right: , Eliseo Escares Maravilla, Jesus Martinez Perez, Ricardo Torres Calvo, Gladys Victoria Bennett, Antonio L.G. Perez, and Asuncion H. Santos. Front row, right to left: Irby John Baker, Yuk Lan Moylan, Francisco B. Perez, Lois F. Statler, Kenneth Hodges, and Vicente Calvo Aflague.



Chief Judge Paul Shriver, with U.S. Marshal Antonio C. Baza and United States Attorney, H. Gordon Homme, Jr.

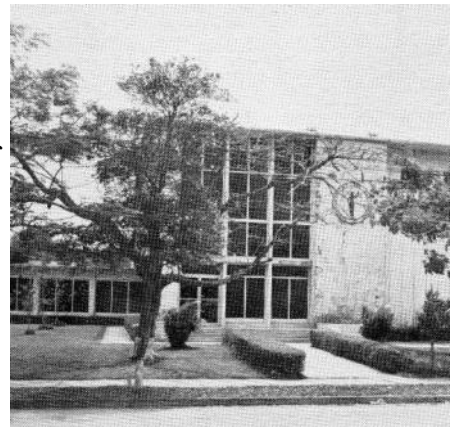
and commissioned on December 11. By December 24, 1969, he was officially sworn in as the Chief Judge of the District Court of Guam. In June of 1977, Judge Duenas was reappointed for a second term, and he retired as a Senior Judge in 1990.

In 1974, the District Court of Guam moved into the sixth floor of the Pacific News Building in Hagatna, and stayed there until the new U.S. Courthouse was built in 2000.

On June 19, 1978, Mr. Frank Michael Cruz was appointed U.S.

Probation Officer of the District Court of Guam by the Honorable Cristobal C. Duenas, Chief Judge. On November 12, 1982, he was appointed Chief U.S. Probation Officer by Judge Duenas. Prior to the Chief Cruz's appointment, probation and pretrial services were provided by the Superior Court of Guam.

With the inception of the Guam probation office in 1978, services were also provided to the District Court of the Northern Mariana Islands (N.M.I.) on a limited basis. The U.S. Probation Office was initially manned by Chief Cruz and Mrs. Flora Garrido



The second home of the District Court of Guam, the Guam Courthouse.



From L-R: Judge Joaquin C. Perez, Unknown, Harold W. Burnett, High Court of Trust Territory; Robert K. Shoecraft, Judge, High Court of the Trust Territory; Paul D. Shriver, Judge, District Court of Guam; and Judge Cristobal C. Duenas, Island Court of Guam

McIntosh, who was hired as a Probation Clerk.

Public Law 95-598, § 335(a) extended the jurisdiction of the District Court of Guam to include the jurisdiction of a bankruptcy court. Bankruptcy Judge Jon J. Chinen from the District of Hawaii provided over bankruptcy cases in the District Court of Guam until early in 1982, when Chief Judge Cristobal Duenas assumed that duty.

President George W. Bush had nominated John Sablan Unpingco to be the next judge for the District Court of Guam. The



Judge Cristobol Duenas at his retirement party, 1989, with court staff members Flora McIntosh, Joselyn P. Camacho, Priscilla Quichocho, and Wanda Miles.

Senate then confirmed the Presidential nomination on September 24, 1992 and the nominee was commissioned on October 9, 1992. An investiture ceremony was held on December 22, 1992 at the Pacific Daily News location on the 6th Floor where the District Court of Guam was located.



Hon. John S. Unpingco

Judge Unpingco received a Master of Laws degree, specializing in International Law, from Georgetown University, Washington, D.C.; Master of Business Administration and Juris Doctor from New York University,

New York City; Bachelor of Arts, magna cum laude from St. Louis University, St. Louis, Missouri. The Judge was former U.S. Air Force Judge Advocate General (prosecutor); former Command Counsel, Naval Warfare Center, China Lake, California. After Judge Unpingco served eleven years with the Court, he resigned from office effective April 30, 2004.



Hon. Joaquin V.E. Manibusan, Jr.

On October 9, 1997, the Honorable Alex R. Munson, Chief Judge of the U.S. District Court of the N.M.I., requested from the Administrative Office of the U. S. Courts the establishment of a permanent full-time probation officer in the N.M.I.. As a result of this request, in 1998, the Guam Probation office opened up a field office in the District of the NMI with the appointment of a probation officer from that district.

In 2001, Mr. Robert Hartsock was appointed by the Ninth Circuit Court of Appeals to be the first Federal Public Defender for the District of Guam. Prior to his appointment, federal public defender services for the district were provided by the Federal Public Defender for the District of Hawaii, and Mr. Hartsock served the District of Guam as an Assistant Federal Public Defender out of that office.

On February 9, 2004, Joaquin V.E. Manibusan, Jr. began his term as the first U.S. Magistrate Judge of the District Court of Guam. He was appointed to an eight-year term by then-Chief Judge John S. Unpingco. Judge Manibusan received his Bachelor of Arts Degree in Political Science from the University of California, Berkeley in 1971 and he attended Boalt Hall School of Law at UC Berkeley where he received his Juris Doctorate degree in 1974. He was admitted to the State Bar of California in 1974, the Guam Bar in 1975, and the United States Court of Appeals for the Ninth Circuit in 1988. He attended the Boalt Hall School of Law at UC Berkeley where he received his Juris Doctorate degree in 1974.



Hon. Frances Tydingco-Gatewood

The Honorable Frances Marie Tydingco-Gatewood's nomination by President George Walker Bush, Jr., was announced in July of 2006. Judge Tydingco-Gatewood was confirmed by the Senate on August 8, 2006 and on October 30, 2006, she was officially sworn in to be the new Chief Judge for the District Court of Guam. She is Guam's first Chamorro female chief judge for the Court. Judge Tydingco-Gatewood earned a Bachelor of Arts degree in Political Science in 1980 from Marquette

University in Milwaukee, Wisconsin and in 1983, she obtained her Juris Doctorate law degree from the University of Missouri-Kansas City School of Law.

On February 14, 2020, the Honorable Michael J. Bordallo began his term as a full time United States Magistrate Judge for the District Court of Guam. Judge Bordallo brought 22 years of judicial experience to the court, having sat as a trial court judge for the Superior Court of Guam since



Hon. Michael J. Bordallo

March of 1998. Prior to joining the Guam judiciary, Judge Bordallo was a private practitioner for nine years and served as an Assistant Attorney General for Guam.

District Judges

- Paul D. Shriver 1951 - 1959
- Eugene R. Gilmartin 1959 - 1961
- Paul D. Shriver 1961 - 1969
- Cristobal C. Duenas 1969 -1991
- John S. Unpingco 1992 - 2004
- Frances Tydingco-Gatewood 2006-present

Magistrate Judges

- Joaquin V.E. Manibusan, Jr. 2004 - 2020
- Michael J. Bordallo 2020-present

Clerks of Court

- Roland A. Gillette, 1951-1962
- Edward L.G. Aguon, 1962-1986
- Mary L. (Peters) Moran, 1986-2007
- Jeanne G. Quinata, 2007-present

Chief U.S. Probation Officers

- F. Michael Cruz 1982-2007
- Rossanna Villagomez-Aguon 2007-2016
- Kim Walmsley, 2016 to present.

Significant cases of the District Court of Guam

Laguana v. Ansell, 102 F. Supp. 919 (D. Guam 1952)

Judge Paul Shriver concluded that the Guam territorial income tax was not a federal tax collected by the United States, but a territorial tax allowed by § 31 of the Organic Act. “I hold that the effect of Sec. 31 is to impose a territorial tax to be collected by the proper officials of the Government of Guam.”

Vicente R. Palomo v. United States, 188 F. Supp. 633 (D. Guam 1960)

A private landowner who had leased property to the United States filed suit against the federal government to recover for damage to his property. Judge Gilmartin determined that the landowner’s suit was allowed under tort or contract theory, and also under the Federal Tort Claims Act.

Andrew M. Gayle v. Governor of Guam, 414 F. Supp. 636 (D. Guam 1976)

In the aftermath of Typhoon Pamela, gubernatorial executive orders declared martial law and established a curfew for the island. Judge Duenas struck down these executive orders as unconstitutional, finding that “while the Organic Act authorized the Governor to declare martial law, he may exercise that authority only in case of rebellion or invasion, or imminent danger thereof.”

Territorial Prosecutor v. Superior Court of Guam, Civil Case No. 82-0215 (D. Guam App. Div. May 26, 1983) (unreported opinion)

Judges Duenas, Gilliam and Laureta, in an Appellate Division panel decision, struck down the Guam law that created the Office of Territorial Prosecutor. Judge Duenas, writing for the panel, found the Act to be “inconsistent with the mandate of Organic Act in that it impermissibly encroaches upon the Governor’s removal powers as set forth in 48 U.S.C. § 1422.”

Government of Guam v. Superior Court of Guam, Civil Case No. 91-00076 (D. Guam App. Div. Nov. 18, 1991) (unpublished order), *aff’d*, 998 F.2d 754 (9th Cir. 1993)

Dai-Ichi Hotel argued that an action for a rebate of income taxes under a provision of local contract law should be go forward in the Superior Court. Judges Goodwin, Crocker, and Munson, in an Appellate Division decision, held that “the Organic Act contemplated that all suits for a refund of income taxes, whatever the basis for the suit, be brought in the District Court.” The Ninth Circuit affirmed, writing that “a specific provision of the tax code need not be the central issue in the case; rather, taxes need only be involved.”

United States v. Mi Kyung Byun, Criminal Case No. 00-00049 (D. Guam May 3, 2007) (unpublished order), *aff’d*, 539 F.3d 982 (9th Cir. 2008)

After Mi Kyung Byun pleaded guilty to “importation into the United States of any alien for the purpose of prostitution,” Chief Judge Frances Tydingco-Gatewood determined that the defendant had committed a “sex offense” within the meaning of the Adam Walsh Child Protection and Safety Act of 2006. The Ninth Circuit affirmed this question of first impression, holding that importation of an alien for purposes of prostitution does indeed constitute such a “sex offense,” and therefore requires compliance with the Sex Offender Registration and Notification Act.