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Supreme Court of Guam, Clerk of Court

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**IN THE SUPREME COURT OF GUAM**

<b>GOVERNMENT OF GUAM, JOSEPH</b>	)	Supreme Court Case No. CVA24-007
<b>M. BORJA,<sup>1</sup> in his official capacity as</b>	)	Superior Court Case No. CV1198-18
<b>Director of Land Management,</b>	)	
	)	
Plaintiffs-Appellants,	)	
	)	
<b>and</b>	)	
	)	
<b>GUAM WATERWORKS</b>	)	
<b>AUTHORITY, a Guam Public</b>	)	
<b>Corporation,</b>	)	
	)	
Plaintiff-Intervenor-Appellant,	)	<b>ORDER</b>
	)	
<b>vs.</b>	)	
	)	
<b>CORE TECH INTERNATIONAL</b>	)	
<b>CORPORATION, YOUNEX</b>	)	
<b>ENTERPRISES CORPORATION,</b>	)	
	)	
Defendants-Appellees.	)	
	)	

This matter comes before the court upon Plaintiff-Intervenor-Appellant Guam Waterworks Authority’s (“GWA”) Amended Petition for Permission to File Interlocutory Appeal, joined by Plaintiff-Appellant Government of Guam. Am. Pet. at 1 (May 17, 2024); Joinder (May 17, 2024). GWA and the Government of Guam seek interlocutory review of two orders issued

<sup>1</sup> Joseph M. Borja is the current Director of the Department of Land Management and is automatically substituted as a party under Rule 23(c)(2) of the Guam Rules of Appellate Procedure.

1 by the Superior Court: (1) an August 14, 2023 Decision and Order granting Defendant-Appellee  
2 Core Tech International Corporation’s (“Core Tech”) Motion for Summary Judgment and  
3 denying GWA’s Second Motion for Summary Judgment (the “August 14 Order”) and (2) an April  
4 16, 2024 Decision and Order denying Core Tech’s and GWA’s Motions for Reconsideration (the  
5 “Reconsideration Order”).

6 The sole question presented by GWA is “Did the Superior Court err in finding Core Tech  
7 holds title to the Plant property as a matter of law?” Am. Pet. at 8. GWA claims that “GWA,  
8 Core Tech and the lower court all agree that there are no issues of material fact to be resolved  
9 regarding GWA’s Petition to Quiet Title and Core Tech’s counterclaim for Declaratory Relief—  
10 as demonstrated by the lower court’s resolution of the claims to title in Core Tech’s favor.” *Id.*  
11 at 11. GWA argues that “[t]itle to the Plant property is a threshold issue that is dispositive of all  
12 the remaining claims.” *Id.* In its answer, Core Tech responds that “[o]n reconsideration, the court  
13 clarified: ‘the state of the title remains in active litigation,’ and ‘[t]he Court intends to resolve the  
14 title and ownership issues before turning its attention to potentially amending and canceling  
15 Certificates of Title.’” Answer at 7 (May 29, 2024). Amici curiae *I Mina’ Trentai Siette Na*  
16 *Liheslaturan Guåhan, I Maga’hågan Guåhan*, and the Public Utilities Commission of Guam all  
17 filed briefs supporting GWA’s petition.

18 On the record before the court, it is unclear whether this petition presents a question of  
19 law that meets the jurisdictional requirements of 7 GCA § 3108. Core Tech originally moved  
20 “for summary judgment on GWA’s Petition to Quiet Title and Core Tech’s counterclaim for  
21 Declaratory Judgment.” CV1198-18, Mot. Dismiss GWA’s Pet. & Mot. Summ. J. (Apr. 2, 2021).<sup>2</sup>  
22 On page two of its August 14 Order granting Core Tech’s motion, the Superior Court wrote:

23 Incorporating its Decision and Order issued on November 30, 2021, the Court  
24 generally determines that any interest in lots at issue here conveyed by the  
25 Government of Guam (“Gov. Guam”) to GWA reverted according to the language  
26 of the conveyance document. Moreover, Gov. Guam also conveyed the same

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27  
28 <sup>2</sup> This document was referenced in court orders filed with the petition and answer but was not filed with the court.

1 property to third parties, and title to the property eventually ended up in the hands  
2 of Core Tech upon Core Tech's reliance on Certificates of Title issued to Core  
3 Tech's predecessor. Core Tech was entitled to rely upon those Certificates of Title,  
4 and therefore its title is protected under Guam's Land Title Registration law.  
5 Finally, the Court determines that the law of the case doctrine does not preclude  
6 the findings made here.

7 CV1198-18, Dec. & Order re Mots. Summ. J. at 2 (Aug. 14, 2023) (emphasis added). The trial  
8 court summarized its thorough 38-page August 14 Order as follows:

9 On Core Tech's Motion for Summary Judgment motion against GWA and  
10 GWA's second Motion for Summary Judgment, the Court determines that (1) the  
11 1997 Grant Deed from Gov. Guam to GWA included the property upon which the  
12 NDWWTP sits; (2) GWA received title in 2001 when the federal government  
13 conveyed title to Gov. Guam; (3) Gov. Guam granted GWA fee simple  
14 determinable title in the 1996 Grant Deed; (4) the 1997 Grant Deed required GWA  
15 to complete real estate survey requirement maps, but GWA failed to complete the  
16 maps within an extended timeframe; (5) the After-Acquired Title Doctrine applies  
17 to Core Tech's predecessors, and thus, to Core Tech; (6) the Land Title  
18 Registration Act protects Core Tech; and (7) the Law of the Case Doctrine does  
19 not preclude the Court from reaching these conclusions. The Court GRANTS Core  
20 Tech's motion and DENIES GWA's motion relative to the above findings.

21 *Id.* at 37. Taken together, these two passages seem to indicate that the Superior Court granted  
22 summary judgment against GWA on its quiet title claim and that GWA's quiet title claim will  
23 ultimately be dismissed. But in its Reconsideration Order, the Superior Court stated that it had  
24 not determined who held superior title and retracted the last two sentences from page two of the  
25 August 14 Order that are quoted above in underline:

26 Lastly, the Court addresses GWA's concern as to whether the August 14 D&O  
27 makes a determination as to the superiority of Core Tech's title. The Court's  
28 discussion as to whether Core Tech can rely on the Certificates of Title did not  
determine that the Certificates relied upon were evidence of Core Tech's  
ownership. It was the Court's determination that Guam law did not require Core  
Tech to be a bona fide purchaser in order to be able to rely on the Certificates of  
Title. To the extent the Court implied otherwise in the third and fourth sentences  
of page 2 of the August 14 D&O, the Court retracts those sentences from that  
Decision and Order.

CV1198-18, Dec. & Order re Mots. Recons. at 6 (Apr. 16, 2024).

