

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Fourth Reg SESSION, 2026

S.R. NO. 24-20

A SENATE RESOLUTION

Ratifying, confirming, and authorizing the filing and continued prosecution by the Senate of the Twenty-Fourth Northern Marianas Commonwealth Legislature of litigation to protect its constitutional and statutory advice-and-consent authority.

1 **WHEREAS**, Article III, Section 14 of the Constitution of the Commonwealth of
2 the Northern Mariana Islands provides that “[t]he governor shall appoint the heads of
3 executive departments with the advice and consent of the senate,” vesting in the Senate a
4 constitutional role in the appointment of executive department heads, including the
5 Commissioner of the Department of Public Safety; and

6 **WHEREAS**, 1 CMC § 2902 requires the Governor to submit to the Senate, within
7 thirty (30) days, the name of any person appointed to a position requiring the advice and
8 consent of the Senate, including a person who assumes the duties of such a position “even
9 in an acting capacity, due to the position becoming vacant for any reason,” and provides
10 that if the Governor fails to do so, “the appointment automatically terminates, the position
11 becomes vacant, and the person shall not be reappointed for the same position”; and

12 **WHEREAS**, 1 CMC § 2904 provides that if the appointment is not confirmed by
13 the Senate within 90 days, “the appointment is deemed rejected and shall automatically
14 terminate, the position shall become vacant, and the person nominated shall not be
15 renominated”; and

16 **WHEREAS** Article III, Section 14 of the Constitution of the Commonwealth of
17 the Northern Mariana Islands provides that “[t]he governor may remove the heads of
18 executive departments”; and

1 **WHEREAS**, Article III, Section 8(a) of the Constitution of the Commonwealth of
2 the Northern Mariana Islands provides that “when the governor is physically absent from
3 the Commonwealth, the lieutenant governor shall be acting governor. If the lieutenant
4 governor is also absent or is otherwise unavailable, the presiding officer of the senate shall
5 be acting governor.”

6 **WHEREAS**, on February 13, 2026, Governor Apatang issued a memorandum
7 advising that he would be out of the Commonwealth on Official Business from February
8 15, 2026 to February 27, 2026, during which time Lt. Governor Mendiola would serve as
9 Acting Governor; and

10 **WHEREAS**, From February 15, 2026 to February 27, 2026, Governor Apatang
11 was physically absent from the Commonwealth on Official Business; and

12 **WHEREAS**, on February 23, 2026, Acting Governor Dennis James C. Mendiola
13 terminated Anthony I. Macaranas as Commissioner of the Department of Public Safety,
14 creating a vacancy for which appointment required Senate advice and consent; and

15 **WHEREAS**, from February 23, 2026 to February 26, 2026, Aniceto T. Ogumoro
16 served as Acting Commissioner of the Department of Public Safety under Acting Governor
17 Mendiola; and

18 **WHEREAS**, on or about February 27, 2026, Governor Apatang returned to the
19 Commonwealth; and

20 **WHEREAS**, from February 27 to March 5, 2026, Aniceto T. Ogumoro continued
21 to serve as Acting Commissioner of the Department of Public Safety under Governor
22 Apatang; and

23 **WHEREAS**, on March 2, 2026, the Department of Public Safety Human Resources
24 office submitted a formal written complaint regarding inappropriate conduct by
25 Commissioner Macaranas to the Chairman of the Civil Service Commission, which
26 remains unresolved; and

27 **WHEREAS**, on March 5, 2026, Governor David M. Apatang purported to reinstate
28 Mr. Macaranas as Commissioner, and thereafter did not submit the appointment to the
29 Senate for advice and consent; and

1 **WHEREAS**, the appointment of Mr. Macaranas was not submitted to the Senate
2 within 30 days as of April 4, 2026, was not confirmed by the Senate within 90 days as of
3 June 3, 2026, and so by automatic operation of both 1 CMC § 2902 and 1 CMC § 2904,
4 the appointment was terminated and Mr. Macaranas was permanently barred from
5 renomination; and

6 **WHEREAS**, from May 2026 to September 2026, the Senate attempted to resolve
7 the matter by other means, repeatedly asking Governor Apatang to explain the legal
8 authority supporting the decision or to submit a Joint Petition for Certified Question to the
9 NMI Supreme Court; and

10 **WHEREAS**, on or about September 9 or 10, 2026, while Lieutenant Governor
11 Mendiola was already outside the Commonwealth, Governor Apatang traveled outside the
12 Commonwealth without providing the customary notice of travel and delegation of
13 authority to the Acting Governor or the public, and without any communication to the
14 Senate or the Acting Governor; and

15 **WHEREAS**, on or about September 9 or 10, 2026, from the moment Governor
16 Apatang left the Commonwealth, Senate President King-Nabors was Acting Governor by
17 automatic operation of Article III, Section 8(a) of the Constitution of the Commonwealth
18 of the Northern Mariana Islands; and

19 **WHEREAS**, on September 10, 2026, absent any communication from the Office
20 of the Governor, the Office of the Senate President nevertheless learned that Governor
21 Apatang was outside the Commonwealth; and

22 **WHEREAS**, on September 10, 2026, upon confirmation from the Office of the
23 Governor that the Governor departed the Commonwealth on the afternoon of September 9,
24 2026, intending to return on September 15, 2026, the Office of the Senate President
25 immediately issued notice to the government and the public that Karl R. King-Nabors, as
26 President and presiding officer of the Senate, would serve as Acting Governor until the
27 return of the Governor or Lieutenant Governor to the Commonwealth; and

28 **WHEREAS**, on Friday, September 11, 2026, the Office of the Governor, after
29 meeting with Acting Governor King-Nabors, agreed to draft and process the required

1 correspondence to terminate Commissioner Macaranas and nominate Mr. Ogumoro for
2 Acting Commissioner; and

3 **WHEREAS**, later on Friday, September 11, 2026, upon request for a status update
4 from Acting Governor King-Nabors, the Office of the Governor responded that the
5 termination and nomination letters could not be delivered on that day for reasons including:
6 the employee who usually delivers correspondence was not at the office; no staff at the
7 office had a car; and Commissioner Macaranas was sick with Covid; and

8 **WHEREAS**, later on September 11, 2026, Acting Governor Karl R. King-Nabors
9 went to the Office of the Governor to wait and ensure that the letters went out as promised,
10 thereby terminating the appointment of Mr. Macaranas and nominating Mr. Ogumoro to
11 fill the vacant position; and

12 **WHEREAS**, on September 14, 2026, Governor Apatang, upon resuming the duties
13 of the Governor's office, purported to nullify Acting Governor King-Nabors's September
14 11, 2026 termination of Mr. Macaranas, and withdrew the pending nomination of Mr.
15 Ogumoro, notwithstanding that Article III, Section 8(a) of the Constitution vests the full
16 authority of the office of Governor in the Acting Governor without qualification, and that
17 no provision of the Constitution or the laws of the Commonwealth confers upon a returning
18 Governor the authority to nullify an official act lawfully taken by an Acting Governor; and

19 **WHEREAS**, notwithstanding the foregoing, Mr. Macaranas continues to exercise
20 the powers and duties of Commissioner of the Department of Public Safety, in derogation
21 of the Senate's constitutional and statutory advice-and-consent authority; and

22 **WHEREAS**, Senate Interim Rule of Procedure 2, Section 2(i) provides that it shall
23 be the duty of the President of the Senate "[t]o direct and employ such persons as deemed
24 necessary to protect the interests of the Senate and its members in a lawsuit [in which] [t]he
25 Senate is a party"; and

26 **WHEREAS**, Senate Interim Rule of Procedure 2, Section 9(f) and (h) provides that
27 it shall be the duty of Senate Legal Counsel to "represent the Senate in lawsuits in which
28 the Senate is a party or has an interest as directed by the President," represent the Senate
29 "in matters of the Senate and public interest as directed by resolution," "otherwise protect

the legal rights and interests of the Senate in exigent circumstances,” and “perform such other duties about his or her position as the President shall prescribe.”

WHEREAS, acting under that authority, the Senate, by and through its President, Karl R. King-Nabors, on September 18, 2026, filed a Verified Complaint for Declaratory Judgment, Relief in the Nature of Quo Warranto, and Injunctive Relief in the Superior Court for the Commonwealth of the Northern Mariana Islands, Civil Case No. 26-0151, to vindicate the Senate’s constitutional and statutory authority over the appointment and continuation in office of the Commissioner of the Department of Public Safety; and

WHEREAS, the Senate, as an institution, has a direct and substantial interest in the outcome of this litigation, which implicates the separation of powers between the legislative and executive branches of the Commonwealth government and the integrity of the advice-and-consent process for all Senate-confirmed offices, and not solely the office at issue in this action; and

WHEREAS, the Senate wishes to express its institutional support for this litigation, as reflected in this duly adopted resolution, and for its continued prosecution by Senate Legal Counsel and any other counsel retained or authorized for that purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the Commonwealth of the Northern Mariana Islands hereby ratifies, confirms, and authorizes the filing and continued prosecution by the Senate of Civil Case No. 26-0151, CNMI Senate vs. Anthony I. Macaranas and David M. Apatang, Superior Court for the Commonwealth of the Northern Mariana Islands; and

BE IT FURTHER RESOLVED, that, pursuant to NMI R. Civ. P. 17(a)(3), the Senate hereby ratifies and confirms the filing of the above-referenced action, nunc pro tunc as of September 18, 2026, authorizes its continued prosecution, and agrees to be bound by any judgment or other disposition entered therein; and

BE IT FURTHER RESOLVED, that the Senate hereby affirms the authority of the President of the Senate, under Senate Interim Rule of Procedure 2, Sections 2(i), 9(f), and 9(h), to direct Senate Legal Counsel and such other persons as deemed necessary to protect the interests of the Senate in this litigation, and to take all further actions reasonably

1 necessary to prosecute the action to final resolution, including any non-trial disposition or
2 appeal; and

3 **BE IT FURTHER RESOLVED**, that the Senate calls upon the Governor, Attorney
4 General, and all other executive branch officials of the Commonwealth to respect the
5 Senate's constitutional and statutory advice-and-consent authority under Article III,
6 Section 14 of the Constitution and 1 CMC § 2902 pending resolution of this litigation; and

7 **BE IT FURTHER RESOLVED**, that the President of the Senate shall certify and
8 the Senate Legislative Secretary shall attest to the adoption of this Resolution, and
9 thereafter the Senate Clerk shall transmit certified copies to the Honorable David M.
10 Apatang, Governor of the Commonwealth of the Northern Mariana Islands; the Honorable
11 Edward Manibusan, Attorney General of the Commonwealth of the Northern Mariana
12 Islands; and the Honorable Edmund S. Villagomez, Speaker of the House of
13 Representatives of the 24th Northern Marianas Commonwealth Legislature.

Date: 10/09/26

Introduced By: 
Senator Karl R. King-Nabors