

**EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

_____**SESSION, 2014**

H.R. 18-56

A HOUSE . . . RESOLUTION

Respectfully requesting that the Honorable Governor Eloy S. Inos
take the necessary actions for the immediate extradition of former
Governor Benigno R. Fitial.

1 **WHEREAS**, the quote: “the only thing necessary for the triumph of evil is
2 for good men to do nothing,”¹ should serve to remind the leaders of the CNMI
3 that we are all morally and constitutionally obligated to protect and promote the
4 best interests of the People of the CNMI rather than turn a blind eye to misconduct
5 in public office, conspiracies to obstruct justice, and corruption; and

6 **WHEREAS**, on February 19, 2014, Judge Kenneth L. Govendo found
7 former CNMI Attorney General, Edward T. Buckingham (hereinafter,
8 “Buckingham”) guilty of seven charges and sentenced him to 3.5 years, all
9 suspended, and a fine of \$14,000.00; and

10 **WHEREAS**, during his trial, Buckingham testified in detail that Fitial had
11 played a significant and personal role in the criminal offenses that Buckingham
12 was found guilty of committing by testifying under oath and under penalty of
13 perjury that Fitial personally ordered and arranged for the illegal police escort to
14 the airport and the illegal attempts to thwart service of process; and

1 **WHEREAS**, one year has passed since the resignation of former
2 Governor Benigno R. Fitial (hereinafter “Fitial”) from office, after being
3 impeached by the Eighteenth CNMI House of Representatives; and

4 **WHEREAS**, Superior Court Judge David A. Wiseman issued a penal
5 summons for Fitial on March 7, 2013, following the submission by the Office of
6 Public Auditor (“OPA”) of an affidavit charging Fitial with seven offenses
7 relating to the Aug. 3 and 4, 2012 crimes involving then-Attorney General Edward
8 T. Buckingham, then vacated this summons in order to issue a warrant of arrest
9 for Fitial which was originally issued on March 6, 2013; and

10 **WHEREAS**, Superior Court Judge David A. Wiseman stated that, “[t]he
11 arrest warrant signed by [the] court on March 6, 2013 for the arrest of defendant
12 Benigno R. Fitial on March 6, 2013 shall be in full force and effect”; and

13 **WHEREAS**, the CNMI via the United States of America has an
14 extradition treaty with the Philippines, where Fitial is believed to be in his wife’s
15 hometown, Gapan, Nueva Ecija, a Philippine province north of Manila; and

16 **WHEREAS**, OPA has charged Fitial with conspiracy to commit theft of
17 services (6 CMC § 303); conspiracy to obstruct justice by interference with
18 service of process (6 CMC § 303); conspiracy to obstruct justice by interference
19 with a law enforcement officer or witness (6 CMC §303); theft of services (6
20 CMC §1607[b]); misconduct in public office (6 CMC §3202); obstructing justice

¹ Quote attributed to Irish phlisopher Edmund Burke.

1 by interference with a law enforcement officer or witness (6 CMC §3302); and
2 obstructing justice by interference with service of process (6 CMC §3303); and

3 **WHEREAS**, OPA has not received a call from Fitial or anyone acting on
4 the former governor's behalf to arrange for Fitial's prompt and expeditious return
5 to the CNMI so that he may stand trial; and

6 **WHEREAS**, the principle that no one is above the law because justice is
7 blind mandates that Fitial should have his day in court and that Governor Eloy S.
8 Inos should not stand idle nor do nothing while Fitial attempts to remain above
9 the law; and

10 **WHEREAS**, those who have been elected or appointed to the Office of
11 Governor and extended the privilege of serving the Commonwealth should be of
12 exemplary personal, professional and moral character so that their execution of
13 official duties is carried out with the highest regard for equal justice, transparency
14 and respect for the people and their expectations of honesty, decency and fairness;
15 and

16 **WHEREAS**, in the name of the Commonwealth of the Northern Mariana
17 Islands and pursuant to 1 CMC section 7847(b), the Legal Counsel for the
18 Commonwealth of the Northern Mariana Islands Office of the Public Auditor in
19 his capacity as an Assistant Attorney General filed in the name of the
20 Commonwealth of the Northern Mariana Islands, a criminal penal summons and
21 Information against Benigno R. Fitial who is the former Governor for the
22 Commonwealth of the Northern Mariana Islands; and

1 **WHEREAS**, 6 CMC sections 6901 *et. seq.* set forth the procedures for the
2 extradition of persons charged with the commission of a crime in the
3 Commonwealth by the Governor upon the request of the Attorney General; and

4 **NOW, THEREFORE, BE IT RESOLVED** by the House of
5 Representatives that the House hereby requests that Governor Eloy S. Inos take
6 the necessary steps for the extradition of former CNMI Governor Benigno R.
7 Fitial; and


8 **BE IT FURTHER RESOLVED** that the Speaker of the House of
9 Representatives shall certify, and the House Clerk shall attest to the adoption of
10 this resolution and thereafter the House Clerk shall transmit a certified copy to
11 Governor Eloy S. Inos.

Prefiled: ~~2/21/14~~ Feb. 24, 2014

Date: 2/21/14

Introduced By:


Rep. Francisco S. Dela Cruz


Ralph M. Yumul
