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SUPERIOR COURT
OF GUAM *GA*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,

vs.

JEREMY BABAUTA PANGELINAN,
DOB: 05/25/1982

Defendant.

) CRIMINAL CASE NO. **CF0558-25**
) GPD Report Nos. 25-18128/25-19598/25-19603

) **DECISION & ORDER**
) **RE. PEOPLE OF GUAM'S MOTION TO**
) **DISQUALIFY COUNSEL FOR THE**
) **DEFENDANT PURSUANT TO 4 GCA §**
) **15210**

This matter came before the Honorable Alberto E. Tolentino on October 16, 2025, for a Motion Hearing. Defendant Jeremy Babauta Pangelinan ("Defendant") was present with counsel Public Defender Ramiro Orozco. Assistant Attorney Generals Neil Bonavita, Curtis Vandeveld, and Gonzalvo Gayoso were present for the People of Guam ("People"). The parties were before the court to address oral arguments on the People's Motion to Disqualify Public Defender Orozco as counsel for the Defendant. Following the hearing, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001, CVR 7.1(e)(6)(A) and CR1.1 of the Local Rules of the Superior Court of Guam. Having duly considered the parties' briefings, oral arguments, and the applicable law, the court now issues this Decision and Order memorializing its ruling, **DENYING** the People of Guam's Motion to Disqualify Counsel for the Defendant Pursuant to 4 GCA § 15210.

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BACKGROUND

Based on events that occurred on or about July 22, 2025, and August 8, 2025, the Defendant was charged with the following offenses BURGLARY (As a 2nd Degree Felony); POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE (As a 3rd Degree Felony); POSSESSION OF A FIREARM WITHOUT VALID IDENTIFICATION (As a 3rd Degree Felony); CRIMINAL TRESPASS (As a Misdemeanor); and CRIMINAL MISCHIEF (As a Misdemeanor). *See* Indictment (Aug. 18, 2025).

The Defendant asserted his right to speedy trial at arraignment on September 11, 2025. The court subsequently scheduled jury selection and trial for October 20, 2025, pursuant to the statutory time periods for speedy trial assertions. *See* Criminal Trial Scheduling Order (Sep. 12, 2025). In anticipation of jury selection and trial, the People filed its Memorandum Supporting People of Guam’s Motion to Disqualify Counsel for the Defendant Pursuant to 4 GCA § 15210 (“Motion to Disqualify”). *See* Ppl.’s Mot. Disqualify (Oct. 14, 2025). In response, the Defendant filed a Response to the Motion to Disqualify (“Response”). *See* Def.’s Response (Oct. 15, 2025). Upon receipt of all the pleadings, the court set a Motion Hearing for October 16, 2025, to address the Motion to Disqualify. *See* Pre-Trial Conference Mins. at 9:55:44AM (Oct. 15, 2025).

At the Motion Hearing, the court addressed the parties’ written pleadings and oral arguments on the Motion to Disqualify before taking the matter under advisement. *See* Mot. Hr’g Mins. at 12:28:19PM (Oct. 16, 2025). On the morning of jury selection and trial, the court denied the Motion to Disqualify on the bench and proceeded with selecting a jury. *See* Jury Selection & Trial (Day 1) Mins. at 9:34:24AM (Oct. 20, 2025).

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DISCUSSION

A. The court will not address violations of 4 GCA § 15210(b) based on the Guam Ethics Commission’s jurisdiction over such violations.

“No former employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the particular territorial agency with which the employee had actually served.” 4 GCA § 15210(b). The People argue that Attorney Orozco’s continued representation as defense counsel violates 4 GCA § 15210(b) as a former employee of a particular territorial agency. *See* Ppl.’s Mot. Disqualify at 3. Specifically, the People argue that his previous employment with the OAG prohibits him “from working on any ‘*matters involving official action*’ of the EMPLOYER for whom the former employee previously worked.” *Id.*

In his Opposition, Attorney Orozco stated that there is no indication that the OAG brought this issue before the Guam Ethics Commission. *See* Def.’s Response at 3. Further, Orozco argues that this court cannot address this matter, because the OAG has not exhausted its administrative remedies. *Id.* As one of its powers and duties, 4 GCA § 15401(a)(6) states in relevant part the following about the Commission’s jurisdiction over alleged violations of Title 4 Chapter 15:

It shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this Chapter in all proceedings commenced within three (3) years of an alleged violation of this Chapter by an employee, or a former employee. Nothing herein shall bar proceedings against a person who by fraud or other device, prevents discovery of a violation of this Chapter. A proceeding shall be deemed commenced by the signing of a charge by five (5) or more members of the Commission.

4 GCA § 15401(a)(6). Although the court does not believe that the People must exhaust all its administrative remedies before addressing the issue with the court, 4 GCA § 15401 is clear about the proper authority with jurisdiction to address alleged violations of Title 4 Chapter 15: the Guam

1 Ethics Commission. Therefore, the court will not address Attorney Orozco's disqualification
2 based on alleged violations of 4 GCA § 15210(b).

3 **B. The court finds that Attorney Orozco's representation of the Defendant does not**
4 **violate or significantly risks violating the Guam Rules of Professional Conduct 1.9**
5 **and 1.11.**

6 In Guam, "[t]he current standard for attorney disqualification is whether an attorney's
7 continued representation of a party or participation in an action violates or significantly risks
8 violating the Guam Rules of Professional Conduct." *Barrett-Anderson v. Camacho*, 2018 Guam
9 20 ¶ 20. "[D]isqualification is a drastic course of action that should not be taken simply out of
10 hypersensitivity to ethical nuances or the appearance of impropriety. *Id.* ¶ 14. (quoting *Roush v.*
11 *Seagate Tech., LLC*, 58 Cal. Rptr. 3d 275, 281 (Ct. App. 2007)). However, disqualification is
12 appropriate for "inevitable and material conflicts." *Id.* ¶ 17. The moving party has the burden to
13 establish the "necessary factual prerequisite" for disqualification. *Bottoms v. Stapleton*, 706
14 N.W.2d at 418; *accord Haraguchi v. Superior Court*, 182 P.3d 579, 582 (Cal. 2008) ("defendants
15 bear the burden of demonstrating a genuine conflict; in the absence of any such conflict, a trial
16 court should not interfere with the People's prerogative to select who is to represent them."); *In*
17 *re Texas Windstorm Ins. Ass'n*, 417 S.W.3d 119, 129 (Tex. Ct. App. 2013) ("When a movant
18 seeks disqualification based on an alleged violation of a disciplinary rule, he must carry the burden
19 to establish the violation with specificity.").

22 **(1) GRPC 1.9**

23 "A lawyer who, has formerly represented a client in a matter shall not thereafter represent
24 another person in the same or a substantially related matter in which that person's interests are
25 materially adverse to the interests of the former client unless the former client gives informed
26 consent, confirmed in writing." Guam Rules Prof'l Conduct 1.9(a). Pursuant to this rule, the
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1 People argue that “Attorney Orozco’s continued representation of any client in any legal matter
2 opposed by the AG’s Office is materially ‘adverse’ to the interests of the people of Guam, and do
3 not waive any conflict.” See Ppl.’s Mot. Disqualify at 7. Despite Attorney Orozco not addressing
4 the issue of his disqualification under GPRC 1.9, “[t]he court has a duty to analyze the merits of
5 the motion before rendering its decision.” *Petition of Quitugua v. Flores*, 2004 Guam 19 ¶ 28.
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7 Attorney Orozco represented to the court that his matters as an AAG were restricted to the
8 Government Corruption Division; and never dealt with the General Crimes Division. Unless the
9 People can show Attorney Orozco represented the people of Guam in this Defendant’s case or
10 another Government Corruption case that is substantially related to this one, no violation of GRPC
11 1.9 has occurred.
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13 **(2) GRPC 1.11**

14 GRPC 1.11 states in relevant part the following:

- 15 (a) Except as law may otherwise expressly permit, a lawyer who has formerly
16 served as a public officer or employee of the government:
17 (1) is subject to Rule 1.9(c); and
18 (2) shall not otherwise represent a client in connection with a matter in which
19 the lawyer participated personally and substantially as a public officer or
20 employee, unless the appropriate government agency gives its informed
21 consent, confirmed in writing, to the representation.
22 (b) When a lawyer is disqualified from representation under paragraph (a), no
23 lawyer in a firm with which that lawyer is associated may knowingly undertake
24 or continue representation in such a matter unless:
25 (1) the disqualified lawyer is timely screened from any participation in the
26 matter and is apportioned no part of the fee therefrom; and
27 (2) written notice is promptly given to the appropriate government agency to
28 enable it to ascertain compliance with the provisions of this rule.

25 Guam Rules Prof'l Conduct 1.11(a) & (b). As to GRPC 1.11, the People argue several points.
26 First, the People state that “Attorney Orozco’s former association with the government is being
27 used to the disadvantage of the people of Guam.” Ppl.’s Mot. Disqualify at 8. Second, the People
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1 state that "PDSC never provided written notice to Attorney General Moylan regarding any
2 screening or its intent to have Attorney Orozco appear in a representative capacity opposed to the
3 Attorney General's Office and the People of Guam." *Id.*

4 In response, Attorney Orozco states that the OAG "failed to assert or establish any
5 personal and substantial participation, other than unsubstantiated claims of education and
6 training." Def.'s Response at 5. As cited in his Response, the court in *People v. Soram* addressed
7 this same GRPC 1.11 issue involving a former AAG who represented defendants, finding no
8 evidence that the former Assistant Attorney General "was personally and substantially involved
9 in any official action taken by the Attorney General's office against the Defendant while she was
10 an Assistant Attorney General." *People v. Soram*, CF0649-09 (Decision and Order (Nov. 23,
11 2010)).
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14 Upon the court's review of GRPC 1.11, it only requires written notice "[w]hen a lawyer
15 is disqualified from representation under paragraph (a)." GRPC 1.11(b). Aside stating that he was
16 employed as an AAG while this Defendant's case was charged out, the People have not shown
17 that Attorney Orozco "participated personally and substantially" in this case as an AAG with the
18 OAG's Government Corruption Division; which is necessary to trigger subsection (b)'s notice
19 requirements. Unless the People can show that Attorney Orozco's representation in this case as a
20 PDSC attorney is in connection with a matter in which he participated personally and substantially
21 as a former AAG, the court finds no conflict of interest, and therefore, no violation of this rule at
22 this time.
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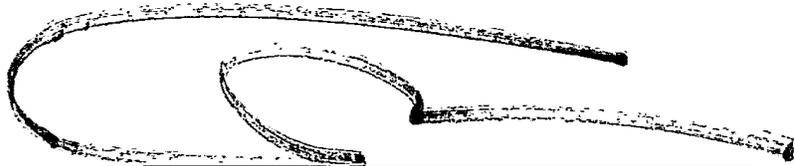
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CONCLUSION

For reasons stated above, the court hereby **DENIES** the People of Guam's Motion to Disqualify Counsel for the Defendant Pursuant to 4 GCA § 15210.

MAR 06 2026

SO ORDERED this _____, *nunc pro tunc*, October 20, 2025.



HONORABLE ALBERTO E. TOLENTINO
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

I acknowledge that an electronic copy of the original was e-mailed to:

AGS TOSC

MAR 06 2026
Date: Time: 4:37 pm

Evan L. Topasna
Deputy Clerk, Superior Court of Guam