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SUPERIOR COURT
OF GUAM

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CLERK OF COURT

By: idn

IN THE SUPERIOR COURT OF GUAM

OFFICE OF THE ATTORNEY GENERAL,

Petitioner,

vs.

THE GUAM CIVIL SERVICE
COMMISSION,

Respondent,

BRYAN J. CRUZ,

Real Party in Interest.

Special Proceedings Case No. SP0055-25

**DECISION AND ORDER GRANTING
MOTION TO STRIKE CSC AMENDED
JUDGMENT**

In this proceeding brought by the Office of the Attorney General seeking judicial review of a Decision and Judgment by the Civil Service Commission, the OAG moves to strike an Amended Decision and Judgment issued after the OAG petitioned for judicial review. The Court finds the amendment to be untimely; therefore, the OAG's Motion is GRANTED.

I. FACTUAL AND PROCEDURAL BACKGROUND

The CSC issued a Decision and Judgment on March 25, 2025, nullifying the OAG's personnel action against Real Party in Interest, Bryan J. Cruz. R. at AG490-93. That Decision and Judgment reflected the CSC's positions on various motions during a hearing on January 23, 2025, including Cruz's motion for attorney's fees and costs. At the hearing, the CSC voted to reserve its decision on that motion until after reviewing the merits of Cruz's case. R. at AG458-64. In the written Decision and Judgment, the CSC ordered Cruz's immediate reinstatement,

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along with back pay and benefits; however, it did not mention legal fees and costs. R. at AG492-93. The OAG received the Decision and Judgment on March 31, 2025. R. at AG577.

On April 3, 2025, Cruz filed a motion asking the CSC to reconsider its Decision and Judgment to include attorney's fees and costs. R. at AG003-7. The CSC set the Motion for Reconsideration for a hearing on April 22, 2025. R. at AG508.

Meanwhile, on April 16, 2025, the OAG filed this matter with the Superior Court. V. Pet. Writ Jud. Rev. (Apr. 16, 2025). As the action before this Court proceeded, the CSC continued to take action at the administrative level. It held the April 22 hearing, where it approved an Amended Decision and Judgment. R. at AG305. Although a majority of the CSC's discussion on this issue was not transcribed, the hearing transcript indicates that more than one Commissioner commented that the award of attorney's fees and costs was omitted erroneously. *See id.*, R. at AG321. On May 22, 2025, the CSC issued an Amended Decision and Judgment, which provided that "Reasonable legal fees and costs will also be paid by Management." R. at AG485, 495-96. The CSC concurrently issued an Order After Hearing, which explained that attorney's fees and costs were excluded from the final draft of the Decision and Judgment, and that the Amended Decision and Judgment would "rectify the Decision and Judgment." R. at AG495-96. It also decided that Cruz's Motion for Reconsideration was moot. R. at AG496.

In this proceeding, the OAG asks the Court to strike the Amended Decision and Judgment on various grounds, including untimeliness.

II. LAW AND DISCUSSION

In examining the timeframes and powers with which the CSC may act, the Court is mindful of the Guam Supreme Court's recent opinion, *SH Enters., Inc. v. Guam*, 2025 Guam 10. There, the court examined the Public Auditor's jurisdiction and declared that an administrative

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agency is not equivalent to a court. Instead, the “agency has no powers except those mentioned in the statute.” *Id.* ¶ 40 (quoting *Leon Guerrero v. Moylan*, 2002 Guam 18 ¶ 18).

“[A]dministrative agencies are tribunals of limited jurisdiction and their jurisdiction is dependent entirely on the validity of statutes vesting them with power and they cannot confer jurisdiction on themselves.” *Id.* (quoting *Kleen Energy Sys., LLC v. Comm'r of Energy & Env't Prot.*, 125 A.3d 905, 912 (Conn. 2015)). *SH Enters., Inc.*, accordingly, directs this Court to review the CSC’s actions within the confines of its statutory authority permitted by the Legislature.

Turning to the OAG’s argument, the OAG claims that the CSC lacked jurisdiction to amend the Decision and Judgment because the amendment was untimely and filed after the OAG sought judicial review, and further, because the CSC failed to comply with Guam Rule of Civil Procedure 15. The Court first addresses the timeliness concern. Guam’s Administrative Adjudication Law directs that an agency may reconsider a decision *sua sponte* or upon motion. 5 GCA § 9235(a). Further, “[t]he power to order a reconsideration shall expire thirty (30) days after the delivery or mailing of a decision to respondent, or on the date set by the agency as the effective date of the decision if such date occurs prior to the expiration of the thirty-day period.” *Id.* Because the OAG received the Decision and Judgment on March 31, 2025, section 9233 allowed the CSC to reconsider its judgment by April 30, 2025.¹ Even though the CSC considered and voted to amend the Decision and Judgment on April 22, 2025, it did not sign and file the Amended Decision and Judgment until May 22, 2025. May 22—and not April 22—is the pertinent date because under the CSC’s Rules, “a judgment shall be in writing.” CSC Rule

¹ The OAG incorrectly contends that the thirty days begin to run upon the entry of a judgment. Memo. Supporting Mot. Strike at 2 (June 12, 2025). Instead, the statute specifies it begins to accrue “after the delivery or mailing of a decision to respondent, or on the date set by the agency” 5 GCA § 9235(a).

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11.7.5. Thus, the CSC issued the Amended Decision and Judgment 22 days beyond the deadline permitted for reconsideration.

Because the amendment is untimely, the Court does not find it necessary to address whether the CSC's jurisdiction divested once the OAG filed its Petition before the Superior Court. Moreover, none of the parties' cases directly addressed this jurisdictional argument; instead, their cases and arguments concerned jurisdictional divestment at the trial court—not at the administrative level. As noted above, the Guam Supreme Court views administrative agency procedures as distinct from, and not equivalent to, trial court powers. This Court also rejects the OAG's Rule 15 arguments, as they pertain to pleadings in a case, not decisions issued by an administrative agency.

Turning to Cruz's objections, he contends that: the CSC's amendment was allowed under CSC Rule of Procedure 11.7.7² and section 9235; the Guam Legislature intended to allow the CSC to maintain continuing jurisdiction in certain circumstances; and the CSC may correct clerical errors. In his arguments about Rule 11.7.7, Cruz cites that Rule's language, "The filing of a motion to reconsider or amend does not affect the time limit imposed by law to file a Petition for Judicial Review with the Superior Court of Guam." Plainly read, however, this language does not appear to affect whether the CSC acted timely or within its jurisdiction; instead, it concerns motions for reconsideration. Here, however, the CSC did not act on Cruz's motion but rather took its own action.

² It is unclear whether these Rules have been amended. The CSC's website, which the Compiler of Law references, indicates there have been proposed rules since at least 2022. *See* 2 GAR Ch. 2 2019 Note. Under the proposed revised rules, section 11.7.7's language remains unchanged and is renumbered as section 2156.

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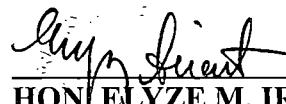
Next, Cruz points to 4 GCA §§ 4406(g) and (h) as legislative endorsements of the CSC's continuing jurisdiction after a Petition for Judicial Review has been filed. Subsection (g) allows an employee to be reinstated after a favorable CSC decision "until such time as the decision is overturned by judicial review;" subsection (h) enables the CSC to bring a civil action to enforce reinstatement. Neither of those provisions, however, speaks of the CSC's ability to amend its judgment, and the Court declines to find such expanded powers from the cited provisions.

Finally, Cruz argues that the CSC retains the jurisdiction to correct clerical errors. Cruz posits that the original Decision and Judgment contained a clerical error because "the order for legal fees and costs was ordered at the January 13, 2025 hearing." Real Party in Interest Opp'n at 6 (July 10, 2025). Cruz's recollection of the facts is at odds with the record produced before this Court. The Court's review reveals no decision on attorney's fees and costs on January 13; rather, the CSC denied and deferred the issue. Awarding fees and costs substantively altered the CSC's January 13 position, as reflected in the Decision and Judgment. The CSC's later determination to reconsider what it originally adjudicated and add fees and costs had to be made within the 30 days allowed under section 9235. Instead, the CSC allowed that deadline to lapse without amending its Decision and Judgment.

III. CONCLUSION

The CSC did not timely reconsider its March 25, 2025 Decision and Judgment; thus, its Amended Decision and Judgment was issued outside the bounds of the CSC's statutory authority. The Court therefore GRANTS the OAG's motion seeking to strike it.

SO ORDERED, 4 February 2026.



HON. ELYZE M. IRIARTE
Judge, Superior Court of Guam

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Appearing Parties:

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Guam Civil Service Commission, Respondent, unrepresented