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SUPERIOR COURT
OF GUAM

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CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

By: _____ 

GUAM DEPARTMENT OF EDUCATION,

Petitioner,

vs.

GUAM CIVIL SERVICE COMMISSION,

Respondent,

MARK J.S.N. TAISIPIC,

Real Party in Interest.

Special Proceedings Case No. SP0095-21

**DECISION AND ORDER DENYING
REAL PARTY IN INTEREST'S MOTION
FOR RECONSIDERATION**

Real Party in Interest Mark J.S.N. Taisipic moves the Court to reconsider its June 2, 2025 Decision and Order Granting Petitioner Guam Department of Education's Petition for Judicial Review and Denying Employee's Petition for Declaratory Relief. Because Taisipic has not satisfied the requirements for relief under Guam Rule of Civil Procedure 59(e), the Court DENIES the Motion to Reconsider.

I. FACTUAL AND PROCEDURAL BACKGROUND

Taisipic served as a teacher with GDOE. GDOE terminated him in 2015 after the Superintendent concluded that a Superior Court stay-away order rendered Taisipic unable to perform his teaching duties and was therefore incapacitated—a ground for removal under 4 GCA § 4106(a)(2)(H). GDOE's Pet. Jud. Rev. (June 18, 2021).

Taisipic appealed his termination to the Civil Service Commission. He asked the CSC to review whether GDOE's final notice of an adverse action was timely under 4 GCA § 4406,

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which required such notice to be served no later than 60 days from the date on which management knew or should have known of the facts or events that form the alleged basis for the adverse action.¹ Upon consideration of the issue, the CSC failed to obtain the four affirmative votes required to uphold GDOE's decision to terminate Taisipic; accordingly, the CSC ordered that Taisipic be reinstated. *Id.* Ex. E.

GDOE petitioned the Superior Court for judicial review of the CSC's May 20, 2021 Decision and Judgment. *Id.* In responding to the Petition, Taisipic filed a counterclaim for declaratory relief, in which he also asked the Court for attorney's fees and costs, and any other relief as may be proper. Answer & Pet. Decl. Relief (May 26, 2022).

In its judicial review, the Court affirmed the CSC's 60-day rule determination as supported by substantial evidence, but held that the CSC's written Decision and Judgment lacked adequate findings of fact and reasoning required by 5 GCA § 9232. The Court also denied Taisipic's counterclaim for declaratory relief. Dec. & Order Granting GDOE's Pet. Jud. Rev. & Den. Taisipic's Pet. Decl. Relief (June 2, 2025). The Court vacated the CSC's Decision and Judgment and remanded the matter for the issuance of findings and reasoning that would enable meaningful judicial review.

Taisipic now moves to reconsider under CVR 7.1(i). Real Party in Interest's Mot. Recons. (June 16, 2025). Taisipic asks the Court to revisit both the 60-day rule issue and his claim for declaratory relief regarding reinstatement under the prior construction of 4 GCA § 4406(g). He also renews his request for declaratory relief under 7 GCA § 26801, arguing that GDOE had a statutory duty to reinstate him following the CSC's Decision and Judgment and that

¹ Section 4406 has since been amended to extend the period to 90 days.

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the Court failed to fully address that claim.² GDOE opposes, arguing that there is no real change in the law to justify reconsideration. Pet'r's Opp'n Real Party in Interest's Mot. Recons. (July 14, 2025); *see also* Real Party in Interest's Reply Pet'r's Opp'n Mot. Recons. (July 28, 2025). The Court now turns to the applicable legal standard and analysis.

II. DISCUSSION OF LAW

Two procedural rules govern motions for reconsideration: Guam Rule of Civil Procedure 59(e) and Local Rule CVR 7.1(i). Taisipic cited CVR 7.1(i), however, that rule covers pre-judgment reconsideration of interlocutory orders and post-decision changes in law. Rule 59(e), on the other hand, controls final judgments, such as the June 2, 2025 Decision and Order. That makes Rule 59(e) the controlling rule here. Taisipic's reliance on CVR 7.1(i) does not expand the narrow grounds available for post-judgment reconsideration under Rule 59(e).

Under Rule 59(e), as interpreted by the Guam Supreme Court, reconsideration should be granted only when the court "(1) is presented with new evidence; (2) committed clear error or the decision was manifestly unjust; or (3) if there is an intervening change in controlling law." *See Quitugua v. Flores*, 2004 Guam 19 ¶ 38 (citing *Ward v. Reyes*, 1998 Guam 1 ¶ 10).

Taisipic argues two primary points as grounds for reconsideration, in addition to his petition for declaratory relief under 7 GCA § 26801. First, he argues the Court incorrectly gave "substantial deference" to the CSC's interpretation of 4 GCA § 4406(b)'s "knew or should have known" language that began the 60-day notice requirement. Second, Taisipic argues that the Court's "substantial deference" to the CSC's statutory interpretation was clearly erroneous and

² Following the completion of the briefing on the Motion for Reconsideration, the Judge assigned to this case disqualified herself. The matter was reassigned to the undersigned Judge, who heard oral arguments on the motion.

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failed to consider material facts. The Court addresses each reconsideration argument under the narrow standards governing Rule 59(e) reconsideration.

A. The Court Already Considered the 60-Day Rule Facts

Taisipic's first principal argument claims the Court overlooked material facts related to when GDOE "knew or should have known" of his incapacity for purposes of the 60-day rule (now 90-day rule) for notice requirements under 4 GCA § 4406(b). He points in particular to a December 4, 2014 memorandum from Assistant Superintendent Yolanda Gabriel and her related testimony. This argument does not satisfy Rule 59(e)'s requirements for new evidence the Court should consider or clear error the Court made in its 60-day rule analysis.

The June 2, 2025 Decision and Order already addressed the Gabriel memorandum. It recounted that the December 4, 2014 memorandum acknowledged the arrest and contained a request for a *temporary* reassignment. That temporary reassignment underscores that GDOE did not yet consider Taisipic permanently unable to perform his duties. Gabriel's testimony reflected standard procedure following an employee's arrest, not knowledge of a court-imposed restriction that barred Taisipic from teaching.

The Court then contrasted GDOE's knowledge of the arrest and temporary administrative response with GDOE's later receipt of an Order of Conditional Release issued in Taisipic's criminal case. The Court held that GDOE did not know, and could not be charged with knowing, of the specific stay-away condition until December 15, 2014, when Taisipic provided written notice and a copy of the Order, as mandated by 4 GCA § 4202.2(b). It was this stay-away order, and not the arrest itself, that created the incapacity alleged to justify GDOE's adverse action.

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That distinction between knowledge of the arrest and knowledge of the stay-away condition was central to the Court's analysis under 4 GCA § 4406(b) and 4 GCA § 4202.2(b). The Court interpreted those provisions to measure the 60-day period from the date GDOE knew or should have known the fact that formed the basis of the adverse action—which was the incapacity to perform his required duties due to a stay-away condition—and not simply the date GDOE learned of the arrest.

Taisipic incorrectly summarizes *DFS Guam L.P. v. A.B. Won Pat Int'l Airport Auth.*, 2020 Guam 20 ¶ 88, as holding that “the time begins to run from the date the party first learned of the purported misconduct.” Real Party in Interest's Mot. Recons. at 5. However, what *DFS Guam* actually explains is that the limitations period begins when the party “knew, or should have known, facts establishing the essential elements of that protest claim,” and directs courts to identify those elements and determine when the claimant knew or reasonably should have known facts satisfying them. *DFS Guam*, 2020 Guam 20 ¶ 88. Properly read, *DFS Guam* supports the Court's approach here: the clock begins when GDOE knew or should have known the fact that completes the “incapacity” element, and not merely when it learned of the underlying arrest. That element-completing fact was the stay-away order. The Court explained in its earlier Decision and Order that GDOE did not know, nor should have known, of the stay-away order until they received it.

Taisipic's Motion does not show that the Gabriel memorandum or testimony was absent from the Court's consideration. Instead, he asks the Court to infer from Gabriel's request for a temporary reassignment that GDOE already knew he was legally incapable of performing his duties as of December 4, 2014. But Gabriel's testimony reflects that she followed GDOE procedure after learning of the arrest by seeking a temporary placement with no student contact;

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it does not show that she, or GDOE, knew of a court-imposed stay-away order that made continued service as a teacher impossible, rendering Taisipic incapacitated. By treating GDOE's knowledge of the arrest as equivalent to knowledge of the later stay-away order, Taisipic's interpretation confuses knowledge of an event with knowledge of the legal condition it may, or may not, later produce. Procedure may correlate with the later incapacity, but it did not cause or prove that incapacity. Rule 59(e) does not permit reconsideration based on a new interpretation of evidence the Court has already weighed, even when framed as a claim that the Court overlooked facts. The Court did not overlook or omit material facts; it gave those facts a different legal significance than Taisipic now urges.

B. *Loper Bright* Does Not Change the Applicable Standard or Result

Taisipic next contends that *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), requires this Court to abandon the substantial evidence standard in *Chevron U.S.A., Inc. v. Nat. Resources Def. Council, Inc.*, 467 U.S. 837 (1984), and exercise independent judgment on both law and fact. That argument misreads what the June 2, 2025 Decision and Order actually ruled and overstates *Loper Bright*'s reach.

Guam law controls the standard of review. In its prior order, the Court followed Guam law by reviewing *de novo* the legal questions presented and reviewing the CSC's factual determinations in the record under the "substantial evidence" standard of 5 GCA § 9240. The Guam Supreme Court has described substantial evidence as relevant evidence that a "reasonable mind might accept as adequate to support a conclusion," and has emphasized that this standard is deferential to the agency's role as fact-finder. See *Charfauros v. Civ. Serv. Comm'n*, 2022 Guam 19 ¶ 17. The June 2, 2025 Decision and Order applied this review to two distinct issues.

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First, on the 60-day-rule determination, the Court treated the legal question of when GDOE “knew or should have known” the relevant facts as a factual determination subject to substantial-evidence review. The Court identified the legal test under 4 GCA §§ 4406(b) and 4202.2(b), examined the evidence in the record regarding when GDOE knew or should have known the facts amounting to incapacity, and then asked whether that evidence was sufficient under the substantial-evidence standard in § 9240 and the cases interpreting it. That is the factual inquiry Guam law requires: the Court deferred to the CSC on fact-finding but independently tested whether the record could reasonably support the CSC’s conclusion.

Second, when the Court turned to the CSC’s May 20, 2021 Decision and Judgment on the adverse action itself, it reached the opposite conclusion. The Court held that the written decision contained no meaningful findings of fact, especially as it related to the two commissioners who voted in Taisipic’s favor. Under 5 GCA § 9232, findings of fact are required in an administrative decision, and the Court looked to era-appropriate California authority to help interpret that requirement. Dec. & Order at 9. Administrative findings may be liberally construed, but they must still be sufficient to enable a reviewing court to determine whether substantial evidence supports them. *Swars v. Council of City of Vallejo*, 206 P.2d 355, 358 (Cal. 1949). Because the CSC’s written decision did not reveal what the Commission may have found to support why two of its commissioners ruled for Taisipic, the Court had nothing to test for substantial evidence or legal error and therefore vacated and remanded for proper findings. In other words, the Court expressly declined to defer where the CSC had provided nothing to which it could lawfully defer.

As to the governing law, the June 2, 2025 Decision did not defer to the CSC on the meaning of 4 GCA §§ 4406 and 4202.2. The Court itself interpreted those provisions, explained how they trigger the 60-day clock when management knows or should know the facts forming

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the basis of the adverse action, and then applied that legal framework to the facts it had identified in the record. The CSC considered facts; the Court supplied the law and then asked whether the CSC's factual determination could stand under 5 GCA § 9240.

Loper Bright does not disturb the Court's June 2, 2025 Decision and Order. *Loper Bright* concerns federal courts' deference to federal agencies' interpretations of federal statutes under *Chevron* in the federal system, not the standard for reviewing factual determinations by Guam agencies under Guam's Administrative Adjudication Law. The Guam Supreme Court has already explained and recently reaffirmed that *Chevron* still has a place in Guam. *Guthrie v. Bd. of Trustees of the Gov't of Guam*, 2025 Guam 19. Its use is limited to where the legislature "understood that the ambiguity would be resolved, first and foremost, by the agency" and intended the agency, rather than the courts, to exercise that discretion; interpretive rules generally do not receive such deference. *Id.* ¶ 77 (quoting *Chargualaf v. Gov't of Guam Ret. Fund*, 2021 Guam 17 ¶ 11). Nothing in 4 GCA §§ 4406 or 4202.2 suggests that the Legislature assigned their interpretation to the CSC, and the June 2, 2025 Decision did not treat the CSC as the primary interpreter of those statutes. The June 2, 2025 Decision and Order invoked no *Chevron* deference at all, so *Loper Bright* would not disturb the outcome even on its own terms.

Even assuming *Loper Bright* had some bearing on Guam practice, Taisipic could have raised the 2024 U.S. Supreme Court opinion earlier, but he did not. The rules governing motions for reconsideration do not allow a party to use that procedure simply to present a legal theory that was available but unused when the Court decided the case. *See Quitugua*, 2004 Guam 19 ¶ 38. The Court therefore finds no intervening change in controlling law and no basis to revisit its 60-day-rule analysis.

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C. Declaratory Relief and Reinstatement is Inappropriate

Taisipic also asks the Court to reconsider its denial of his Petition for Declaratory Relief regarding reinstatement under 4 GCA § 4406(g) and to issue declaratory relief under 7 GCA § 26801. He claims there is an ongoing controversy as to GDOE's duty to reinstate him under the CSC's May 20, 2021 Decision and Judgment. The procedural history matters here.

Taisipic raised reinstatement in his May 26, 2022 Answer and Petition for Declaratory Relief and referenced GDOE's alleged non-compliance in the factual section of his July 9, 2024 Opening Brief. However, he did not develop any legal argument on reinstatement in that brief, nor did he present a focused legal argument on reinstatement at the December 17, 2024 hearing. Hr'g (Dec. 17, 2024). GDOE pointed this out at the hearing, and the minutes confirm that after GDOE noted the omission, Taisipic's counsel simply asserted entitlement to reinstatement without more. *Id.* at 11:42 AM.

When the Court issued its June 2, 2025 Decision and Order, it had before it a fully briefed petition for judicial review but only a bare, undeveloped counterclaim for declaratory relief. The Court granted GDOE's Petition for Judicial Review, vacated the CSC's May 20, 2021 Decision and Judgment, and remanded to the CSC for further proceedings consistent with the Court's order. Once the CSC decision was vacated, there was no longer a CSC judgment requiring reinstatement. For that reason, declaratory relief based on a vacated decision was neither necessary nor appropriate. GDOE and Taisipic retain the opportunity to fully litigate reinstatement and related issues before the CSC on remand.

The Motion for Reconsideration does not identify any new facts regarding reinstatement or any omission of material facts by the Court. Instead, it presents an expanded legal theory, including potential salary reductions under 4 GCA § 4406(h), that could have been fully briefed

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years earlier but was not. Rule 59(e), alongside the Guam Supreme Court's guidance do not allow a party to reserve a legal theory and then use reconsideration to litigate it after an adverse decision. *Guam Bar Ethics Comm. v. Maquera*, 2001 Guam 20 ¶ 9 (Rule 59(e) motions are "aimed at reconsideration, not initial consideration, and thus cannot be used to present a new legal theory...when they could have reasonably been raised earlier."). The Court therefore adheres to its prior denial of declaratory relief.

D. No Clear Error or Manifest Injustice

Finally, the Motion does not demonstrate that the Court's June 2, 2025 Decision and Order was clearly erroneous or manifestly unjust. To the contrary, the Court took care to distinguish between when GDOE "knew or should have known" of the arrest versus when it knew or should have known of the incapacity. The Court affirmed the CSC's 60-day-rule determination as supported by substantial evidence, held that the CSC's written Decision and Judgment lacked adequate findings and reasoning under 5 GCA § 9232, vacated the CSC's decision, and remanded for further proceedings, while denying GDOE's request for costs. That outcome applies the applicable statutes and case law in a straightforward way and preserves both parties' ability to obtain a decision from the CSC that can be meaningfully reviewed. Disagreement with that outcome does not supply a basis for reconsideration.

III. CONCLUSION

Taisipic has not shown that the Court is presented with new evidence, committed clear error or manifest injustice, or that there has been an intervening change in controlling law as required to justify reconsideration. Nor has he established any other basis for post-judgment reconsideration.

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As the June 2, 2025 Decision and Order reflects, the Court vacated the CSC's May 20, 2021 Decision and Judgment and remanded the matter to the CSC for further proceedings. That remand preserves Taisipic's opportunity to pursue appropriate relief before the CSC on a fully reviewable record. Because Taisipic has not demonstrated any basis for relief under Rule 59(e), the Court DENIES Real Part in Interest's Motion for Reconsideration.

SO ORDERED, 20 March 2026.



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

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CSC, GDOE

J. TERLAJE

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