



UNITED WE STAND

BY JAYNE FLORES

When Stanley Yanfag bought his quarter-acre piece of property in the Gill Baza subdivision of Yigo back in 2000, he kept pretty much to himself.

United they stand: Members of the United Pacific Islander Corporation gather on a street in the controversial Gill Baza subdivision where they live. Front: Stanley Yanfag, president. Second row: Joshua Peter, board member, Margaret Fanoway, treasurer, Tomi Sharep, board member, and Maria Ligmaw, secretary. Third row: Junior Yow, fundraising committee, Kini Sananap, Justina Hartman, and Ken Sharep, board member. Fourth row: Smither Ezra, and Rose Yanfag and John Ligmaw, board members. Back row: Chris Nereo and Sontag Martin.

“When I first moved to Gill Baza, I decided to close my doors and not to open my doors to anybody, because there were multiple, multi-cultural in there,” Yanfag explained. Being from Yap, he didn’t care to associate with the other residents, most of which immigrated from Chuuk, another island state in the Federated States of Micronesia.

As for sewer, some residents started with outhouses or concrete holding tanks, from which their raw sewage simply seeped into the ground. A few, like Maria and John Ligmaw, spent \$900 to build an enclosed septic tank. However in an agriculturally zoned subdivision, the law allows neither, as the subdivision sits over the northern water lens. (In order to get the subdivision map

tube into another child’s nose and sucked out the same type of worm from the child’s stomach.

The culprits are known as *Ascaris lumbricoides*, an intestinal parasite rare on Guahan but common in third world countries. For all intents and purposes, the two cases represented an epidemic, according to Dr. Phil Dauterman, acting

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Yanfag, who came to Guahan in 1986 to attend school, spent the next several years trying to carve out his tiny piece of the American dream on his quarter-acre lot. He built a home for his family, but found himself constantly complaining to the people at Cyfred, Ltd., the subdivision owner, about the lack of infrastructure. When he first moved in, he had power, but only the promise of water and sewer. Eventually water flowed from a two-inch line, but six years later, still no sewer.

Kini Sananap, one of Yanfag’s Chuukese neighbors, was doing the same thing. Sananap had purchased his lot from Cyfred in 1999 because he was tired of paying \$1,300 a month rent for a house in Ligan Terrace. Before moving, he says he warned his children that they would have to make sacrifices to own their own piece of land. But those sacrifices did not include jeopardizing their health. Sananap had sued Cyfred back in September 2002 for breach of contract, contending that in his land purchase agreement, Cyfred had agreed to install an eight-inch sewer line and a six-inch water line to service the property. In March of 2002, on the advice of his attorney, Wayson Wong, Sananap had stopped making payments to Cyfred. Four years later, his case was still languishing in court.

The two-inch water line at Gill Baza (so-named for Cyfred President Francis Gill and original subdivision owner the late Enrique Baza, Jr.) runs the perimeter of the subdivision, but as residents explain, it stops short of servicing all the properties. Hoses and extension cords provide water and power to those homes that either cannot reach the line or whose residents simply cannot afford to hook up to the utilities.

approved, the original owners agreed to secure a performance bond for the construction of a sewer line on the property.)

In July 2005, the sanitation problems that fester when nearly 500 residents live in substandard housing with substandard infrastructure manifested themselves at Guam Memorial Hospital.

A Micronesian child brought in with a stomach ailment vomited up an eight-inch intestinal worm. Soon after, emergency room personnel inserted a nasal-gastric suction

laboratory director at Guam Memorial Hospital. “You basically had people there who were drinking raw sewage,” he explained. Since the parasite is a Class II reportable disease that Dauterman hadn’t seen in many years on the island, he called Dr. Robert Haddock, the territorial epidemiologist at the Department of Public Health.

When it was determined that both children had not traveled off island and that they both resided in the Gill Baza



In the neighboring Bhojwani subdivision, a resident’s bathroom/shower house. Although Bhojwani has installed a sewer system in the subdivision, many residents’ homes and/or stand-alone toilets are not built to code and will not be able to hook up to the sewer line once it passes final inspection.

subdivision, Haddock called Guam EPA acting director Randy Sablan. “We were concerned that this was setting up a situation for a big problem,” said Haddock. He told Sablan, “We have to do something about this.”

Sablan sent crews to inspect both the Gill Baza subdivision and the neighboring subdivision, known as “Zero Down,” which is owned by developer Mohan Bhojwani. In late January, GEPA began issuing notices of violation to the individual residents in Gill Baza and to Bhojwani as Zero Down’s developer, since he had started his sewer project there but had not yet completed it.

When Stanley Yanfag received his letter, he read it twice. “I said, ‘this is not one of those letters that I can just lay it on the side and forget about it.’ I prayed about it, that very moment, and what came into my picture was I saw children crying, I saw hurting families, moving off that little property.”

Yanfag went straight to Sananap that Friday night and explained that this letter was going to cause them a lot of problems. Saturday they called a meeting of the residents, “and everybody from the community came down. And before we started that meeting I said, ‘Well, I don’t know who you are, or what religion you are, but I’m a Christian, so before we do anything, I’m going to ask the Lord to give, you know, to open our eyes...so we can deal with the problem properly. So we began from there,” Yanfag recalled.

In February, the group incorporated to form the United Pacific Islander Corporation (UPIC).

“We used to go individually to the mayor (Yigo Mayor Robert Lizama) and complain, go to Cyfred and complain and nothing ever happens,” said Yanfag. “And then one time I went to the mayor and the mayor told me, ‘get a group together... let me address it to the government if Cyfred is not responding.’” Yanfag said he wasn’t able to pull together the group until the notices of violation came out. “And that gave us the opportunity,” he said.

They had meetings and fundraisers, but most importantly, back in April, they stopped paying Cyfred and instead started pouring their money into UPIC to pay for individual port-a-potties in order to comply with EPA orders and for attorneys fees.

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Attorney Wong had also represented two other residents, Gerardo and Mariefe Abalos, who sued Cyfred to get their money back. The Abalos’, who have since returned to the Philippines, won their case. Cyfred appealed and the Supreme Court of Guam in June of this year upheld the lower court’s decision.

Around that same time, Superior Court Judge Anita Sukola granted Wong permission to add the 40 lot owners of Gill Baza to Sananap’s case. Just two months later, in August, the residents won their collective case against Cyfred, which has been ordered to pay \$705,000 to install a sewer line in the subdivision.

Cyfred’s attorney, Curtis Van DeVeld, noted that his client intends to appeal. If Cyfred loses the appeal, Van DeVeld stated that certain events, if they occur, would lead to his client filing for bankruptcy.

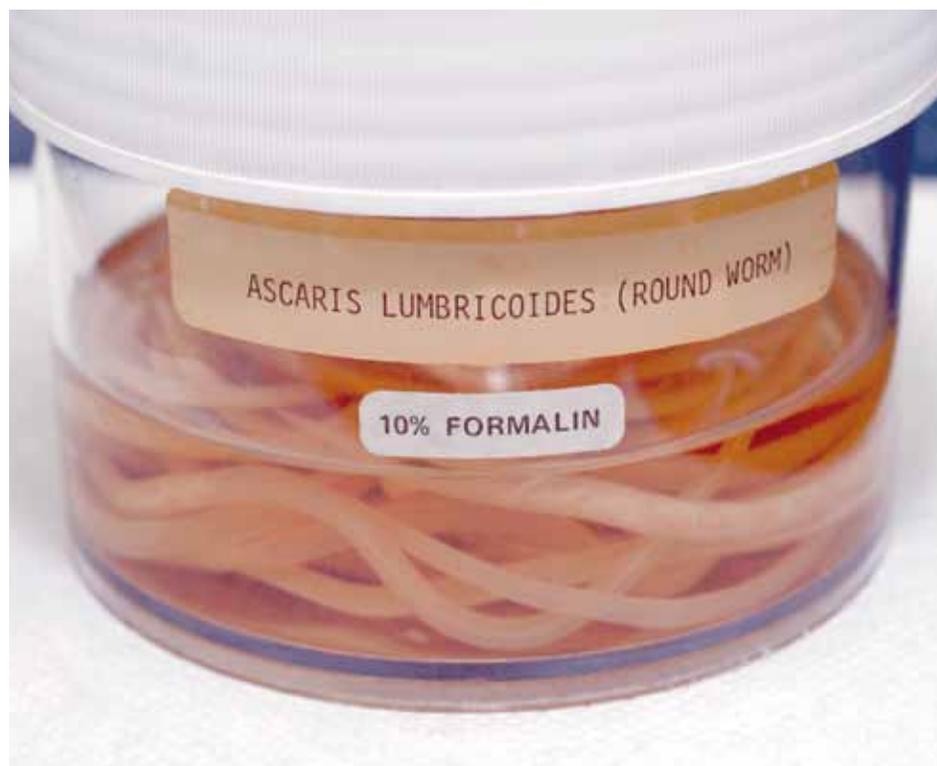
“We’re not 100 percent sure of where we are right now,” said Yanfag of the

situation. “Yes, the judge gave us the finding of the court,” he said, but obtaining the money from Cyfred could prove difficult and time-consuming.

The residents have other options, however. Joe Diego, area director for the U.S. Department of Agriculture Rural Development, Western Pacific Region, said approximately 30 of the 40-some residents in the Gill Baza subdivision are currently undergoing preliminary screening to qualify for low-income, low-interest loans to use in rebuilding their homes to meet the island’s existing building code.

Diego says the USDA program (formerly the Farmers Home loan program) has qualified two non-profit organizations, the Micronesia Self-Help Housing Corporation, run by social entrepreneur Carlos Camacho, and UPIC, to be a part of the residents’ loan program.

Ideally, Diego says his agency would loan money to one of those non-profit



*In the laboratory at Guam Memorial Hospital, samples of *Ascaris lumbricoides*, the intestinal parasite found in two children from the Gill Baza subdivision. “You basically had people there who were drinking raw sewage,” according to Dr. Phil Dauterman, the hospital’s chief pathologist.*



“We shouldn’t be in a situation where entire subdivisions are like this.” Guam EPA acting director Randy Sablan, on the situation at Gill Baza.

corporations to purchase the individual lots from Cyfred. He says the residents can then receive loans, at a possible rate of one percent for 33 years, to cover the cost of the land, their individual home construction and the water and sewer line construction.

“One of the keys is ownership of the land. In most, if not all of these cases, the amount they’re paying per month to Cyfred would be sufficient to pay a mortgage,” said Diego of his agency’s program.

The program has given these residents, who feel they’ve been taken advantage of, some hope that they’ll be able to improve their living conditions and stay on their property.

“We feel like, since we’re immigrants, mainly, and we’re from the neighboring islands and we don’t have a say when it comes to politics on this island, we get really taken advantage of,” said T’Nel Mori, who at 22 is the youngest member of the UPIC board of directors.

In the wake of the Gill Baza fiasco, the question of how Cyfred and Bhojwani were able to sell quarter acre lots with little to no infrastructure for residential use in an agriculturally zoned subdivision is something government officials and lawmakers alike have begun to address.

“We shouldn’t be in a situation where entire subdivisions are like this,” said Guam EPA’s Randy Sablan. His agency is aware of

several areas that have such infrastructure problems: Gill Baza, Gill Breeze (another subdivision owned by Francis Gill), Zero Down and Santa Ana, among others. But the UPIC members contend there are more.

“We are immigrants, we are Micronesians, and that’s why they’re pointing our way. But we not just the ones that are sitting on top of the aquifer,” said UPIC board member and past president Joshua Peter.

Yanfag points out that no sewer line exists from Swamp Road all the way up to Yigo. “Why Gill Baza? What about the Chamorro Land Trust (land) surrounding us?” Yanfag asked. “They told us to buy port-a-potty... what about the rest of (them) that’s still sitting on top of the aquifer? What about if we’re not eligible (for a septic tank)

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because only quarter of an acre and what about half an acre – where does the black water drain?”

Unfortunately, Sablan noted, “we don’t have anybody that drives around looking for these problems. We have people that work at One-Stop that entertain people who come in and say, ‘I want to build house, by the way, I have a plan and I will need a permit.’ That’s where all our effort goes, is people who come to us, asking for permits. We don’t go looking for people who don’t come to us. We get news about it, and we stumble upon them and in this case, unfortunately, entire subdivisions, and so they become compliance cases for us. But we don’t have anybody going around doing enforcement, per say.”

The entire situation has been a source of frustration for Maria Ligmaw, one of the few enclosed septic tank owners in Gill Baza. Her home has a bathroom with a toilet that flows to her tank, but because she lives on that quarter-acre lot, GEPA has ordered her to drain the tank and use a rented port-a-potty for her bathroom facility, which costs

her an extra \$150 a month. She pays it because she doesn’t want to get kicked off of her property.

“Sometimes I cannot sleep at night... somebody gonna come and knock on my door and tell me you better come out because you have to leave,” said Ligmaw.

Ligmaw tried to jump through the proper hoops to build her house. “My brother-in-law told me that I have to have a... blueprint for the home before I build the house, so that’s where I started. I went down to One-Stop.” Once she obtained a blueprint, Ligmaw returned to One-Stop. “They cannot accept it. So I went down to the office, Cyfred office, and asked, what I’m going to do, because what I know that I have to do, I already done, I have the blueprint, and what they said, yes, you can just build the house

without the blueprint,” she said she was told.

At the Department of Public Works, Chief Building Inspector Ed Borja says part of the problem stems from the government “just blindly giving utilities out.” Borja noted that without proper septic systems, the rain produces unsafe conditions like those in Gill Baza and other non-conforming subdivisions. “A lot of homes in these areas are substandard.”

Last August when *Guahan Magazine* presented its first report on the Gill Baza and Zero Down subdivisions, Gill Baza resident Sontag Martin stated that when residents in his subdivision complained about their lack of infrastructure to then-Gov. Carl Gutierrez during his administration, a short time later, the government installed power poles and a two-inch water line to the area.

In 2002, when Gutierrez left office, voters elected a five-member Consolidated Commission on Utilities, which now hires the general managers of both the Guam Power Authority and the Guam Waterworks Authority. Previously, these positions were appointed by the governor and often filled



“We put God into the case.” Attorney Wayson Wong, on how, after client Kini Sananap’s case against Gill Baza owner Cyfred, Ltd., languished for years, the residents organized, prayed and joined the case to win a judgement that ordered Cyfred to install their sewer line.

Whereas Bill 260 would have given agricultural subdivision developers one year in which to install the infrastructure, Public Law 28-126 merely states that even agricultural subdivisions must meet the requirements of the subdivision law – the same law that allows for the agricultural timeline loophole. The law simply hands the responsibility for upgrading the regulations to the Guam Land Use Commission (GLUC), giving the commission six months to make recommendations.

As part of the staff to the GLUC, Carl Untalan, the acting chief planner at the Department of Land Management, called the law an “interim stopgap measure.” The law now calls for six agencies to approve any subdivision map, including the utility agencies. Untalan says all the timeline provisions in Bill 260 (which would close that loophole) will be included in the recommendations he is currently drafting for the legislature.

GEPA’s Randy Sablan says the concern in fixing the zoning laws is that the government doesn’t want to put undo requirements on families that want to subdivide a lot for personal use.

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“We don’t want to make families who want to break out grandma’s will or whatever, have to put sewer and paved roads and power lines into their family subdivision, because in theory they’re not commercial developers,” he said. “So we haven’t quite figured out how to deal with that, and that could be a significant amount of land.”

Even if the loophole that allowed for the creation of Gill Baza and Zero Down is closed, the members of the United Pacific Islander Corporation still face notices of violation with no permanent solution in sight save a loan from the USDA.

“Why only us?” That’s the question Maria Ligmaw has for the government. Sablan acknowledged the seeming inequity of issuing notices of violation only to the Gill Baza residents, while he knows the residents of Zero Down do not have sewer yet. But in reality, he said, the compliance facts are different. In Zero Down, the notice went to Bhojwani himself, because the sewer project in his subdivision had experienced so many delays. “So there are no individual notices of violation against the residents in that subdivision, primarily because when we engaged him, he was already beginning to do his sewer project,” Sablan said.

Currently all but one of Bhojwani’s sewer lines have passed inspection. When the sewer is ready, Bhojwani plans to have his

contractor hook up the residents’ homes to the sewer – at no cost to them. (Normally, the homeowner incurs the cost of hooking up from the home to the sewer line.) If the residents are not ready for hook up, “It’s their problem, not my problem,” said Bhojwani. “My job is to provide sewer. I have not run from my responsibilities.”

Cyfred President Francis Gill has contended all along that he signed an agreement with then-GWA chief Gil Shinohara in 2002 stating that Cyfred would provide the materials and GWA would provide the installation, but that the current administration refused to honor the agreement.



“I have not run from my responsibilities.” Zero Down subdivision owner Mohan Bhojwani has one more sewer line lateral to pass inspection before he attempts to hook residents into the sewer system. In the meantime, portable toilets are available on the subdivision’s street corners.



"I feel good because I don't give up. Instead of just helping me, we are helping the whole community." Kini Sananap, who finally won his case against Cyfred after the court allowed 40 more residents to join it.

by persons with no utility management experience.

"What has resulted is Gill Baza and Gill Breeze," said CCU Chairman Simon Sanchez of the former practice of random installation of utilities such as power and water.

"At this point we are enforcing all the rules," he said.

Sanchez noted that in almost every community in the United States, new customers to a utility, when they build a home or another type of structure, are assessed a "system development charge," which helps to pay for the expansion of the

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service. Sanchez says existing customers should not have to incur higher rates just because a few customers want to build in a remote location. "If you choose to build your house a mile from the system, that doesn't obligate the system to come out there," Sanchez said.

Vice Speaker Joanne Brown drafted the bill designed to fix the loophole that allowed Cyfred and Bhojwani to develop their agricultural subdivisions without proper

infrastructure. In a residentially zoned subdivision, the developer must follow a timeline with regard to infrastructure installation, but in an agricultural subdivision, there is no such timeline required.

In the process of tightening the law, Brown says lawmakers discovered many inconsistencies in the zoning law, so they passed an interim solution "to prevent these problems that have occurred."



Young men play basketball on a dirt road in the Gill Baza subdivision.



“I hope that in the future we become known for complying with the laws of Guam and have a nice residential area.” Sontag Martin, who has lived in the Gill Baza subdivision for six years.

GWA General Manager David Craddick says that agreement is not standard operating procedure at a water utility.

According to Guam law, “in unplanned areas where water service, electrical service or public roads are not immediately available, the government shall not supply any utility or road extension to make the site suitable for development.”

“I’m not sure Gil even had the authority to do what he did,” Craddick stated.

Borja and Sablan both acknowledge that there are residents who are not following Guahan’s building and EPA codes, but both officials note that their agencies just don’t have the manpower for enforcement.

“If you wanted to do it without getting permits, you can do that in out of the way places for quite a long time, evidently, and it will take a while for us to catch up to you, just because we don’t have that presence,” Sablan admitted.

Transportation in and out of Gill Baza is another issue altogether. Fire, police, ambulance and sanitation vehicles cannot traverse the potholed dirt that passes for the subdivisions roads. Children walk the mile and a half to the nearest bus stop, starting out at 5:30 in the morning in order to catch the bus. Yanfag says the mayor plans to

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secure funding for the road after the sewer line is installed. “He doesn’t want to pave the road before the sewer line, and then they tear up the pavement again (to install the sewer),” Yanfag said.

The residents of Gill Baza understand that their situation has cast them in a negative light. It’s a perception they want to fix.

“I’ve been telling my people that, let’s set up our own model for whoever that is coming from the outer islands to Guam,” said Yanfag. He says the residents of Gill Baza have learned from their situation. “In the future when we’re through with this case, we can reach out or we can stand by for whoever may need help, to come in and ask us about it. Especially multi-cultural (people).”

Attorney Alicia Limtiaco, a candidate for attorney general, has been assisting attorney Wong with the UPIC case. She believes the residents’ willingness to band together and their commitment to improving their situation has helped their case.

“They want to stay. Leaving was a last resort,” Limtiaco said. She noted that the residents came full force to the court hearings, packing the court at the eight or nine hearings on the matter. “And it showed to, I think, the court, just how committed they were to this. If they had to, they took leave from their jobs to do this.”

Although their court victory against Cyfred Ltd. may turn out to be a hollow one if the company declares bankruptcy, because of a few

people in the community who care, these residents now have other options.

“People didn’t believe that we’d make it this far, because they look at us and yeah, most of us may not be educated or slow in English and (not) know the process of everything that happens,” said UPIC board member T’Nel Tori.

“But we do know the difference between right and wrong and we also know that when we are taken advantage of, we’re not going to take it lying down.” 



“Why only us?” Asks Maria Ligmaw, of why GEPA forced Gill Baza residents like herself to empty their concrete holding tanks and use portable toilets. She says other subdivisions over the northern water lens are using the same waste disposal methods, but that they haven’t been fined or threatened with eviction.