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SUPERIOR COURT
OF GUAM *WJ*

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,) CRIMINAL CASE NO. CF0874-24

vs.)

PETER MATEO MANIBUSAN,) DECISION AND ORDER DENYING
Aka Peter Paul Mateo Manibusan,) DEFENDANT'S MOTION FOR AN
DOB: 06/30/1975,) ORDER TO TAKE DEPOSITIONS

Defendant.)

INTRODUCTION

This matter came before the Honorable Judge Maria T. Cenzon on June 10, 2025, for a hearing on Defendant Peter Mateo Manibusan's ("Defendant") Motion for Order to Take Depositions (the "Motion"). Defendant was present at the hearing via Zoom with Attorney Gloria Rudolph. Assistant Attorney General Valerie Nuesa appeared in person on behalf of the People.

Following the hearing on the Motion, the court took the matter under advisement pursuant to Supreme Court of Guam Administrative Rule 06-001 and CVR 7.1(e)(6)(A) of the Local Rules of the Superior Court of Guam. After reviewing the Parties' written briefs and the record on file with the court, the arguments presented at the Motion Hearing, and the applicable statutes and case law, the court now issues this Decision and Order ruling on the Motion and **DENIES** the Motion, for the reasons set forth herein.

1 Moreover, to the extent that the Court has observed that several notices to take depositions
2 were filed with the Court for depositions scheduled for November 24, 2025, the Court finds that
3 Defendant has not sought permission of the Court to conduct these depositions and has not
4 complied with the requirements of 8 GCA § 70.50.

5 **RELEVANT BACKGROUND**
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7 Defendant is charged with Stalking (as a 3rd Degree Felony) and Harrassment (As a Petty
8 Misdemeanor). *Indictment* (Jan. 3, 2025). The named victim in this case is Maylea Manibusan
9 (“Mrs. Manibusan”). On March 31, 2025, Defendant filed his Motion seeking an order from the
10 Court to take Mrs. Manibusan’s deposition. *Def’s Mot. for Order to Take Depositions* (Mar. 31,
11 2025). Defendant posits that “[t]he requested deposition testimony is necessary to Defendant’s
12 preparation of his defense and *investigation* of the allegations made against him in this case.” *Id.*
13 (emphasis added). Moreover, the Defendant submits that “*special circumstances* exist in this case
14 which require him to take the deposition testimony of the intended deponent, as his review of the
15 discovery and the court file herein indicates that the requested deponent has *exculpatory*
16 *information and information necessary* to Defendant to ascertain in order to be prepared to
17 defendant against the charges against him at trial.” *Id.* In support of his motion, Defendant
18 includes a statement by Mrs. Manibusan submitted to the Office of the Attorney General as
19 purported exculpatory information.

20 The People oppose Defendant’s Motion, arguing that Defendant has not established the
21 requisite showing of “need and special circumstances” under 8 GCA § 70.50 to justify a
22 deposition. Indeed, Defendant has not established nor allege that the victim witness is unavailable
23 for trial or that good faith efforts to procure the witness’s attendance at trial have been exhausted.
24 *People’s Opp.* at 2. The People are additionally concerned that allowing a deposition of the Victim
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1 Witness prior to trial allows for a great potential “for victim harassment or intimidation.” *Id.* at 3.

2 The People state that Mrs. Manibusan is “ready and available to testify at trial.” *Id.*

3 During the hearing on Defendant’s Motion, defense counsel indicated that she would
4 provide the Court with additional information regarding another court case where the Victim’s
5 deposition was taken before trial, as further “special circumstances” warranting the Order in this
6 case. On August 25, 2025, having not received the information from defense counsel, the Court
7 issued an Order Re Defendant’s Motion for Order to Take Depositions; Compelling Submission
8 of Additional Information (Aug. 25, 2025), and ordering Defendant to submit the additional
9 information and supplemental briefings by “CLOSE OF BUSINESS OF September 19, 2025.”
10 *Id.* As of the issuance of this Decision and Order, the Defendant has continued to fail to provide
11 the Court with the additional information as promised during the June 10, 2025, hearing.
12

14 Interestingly, on October 21, 2025, while the instant Motion was pending, Defense
15 Counsel Attorney David J. Lujan filed a Notice to take Deposition “***pursuant to Rule 30 of the***
16 ***Guam Rules of Civil Procedure***” of the following individuals:¹
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- 18 1. Victim Maylea Therese Manibusan (the alleged victim and the subject of the
19 Defendant’s Motion), on November 24, 2025;
- 20 2. Eric Barcenas – Guam Police Department (GPD)
- 21 3. GPD Detective Kevin Marquez
- 22 4. GPD Sergeant Angel Santos

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25 ¹ See, *Ntc. to Take Deposition of Maylea Therese Manibusan* (Oct. 21, 2025); *Ntc. to Take Deposition of Sgt. Angel*
26 *R.A. Santos IV* (Oct. 21, 2025); *Ntc. to take Deposition of Eric Barcenas (GPD)* (Oct. 21, 2025); *Ntc. to Take*
27 *Deposition of Detective Kevin R.N. Marquez (Domestic Assault Response Team (DART))* (Oct. 21, 2025). For each
28 of the Notices, Defendant refers to Rule 30 of the Guam Rules of Civil Procedure, which are inapplicable to criminal
cases, except for GRCP 5(g), 78, 79(c), 84, 91 [omitted] and 93 [omitted]. GRCP Rule 1. These were subsequently
cancelled by Defendant. See, several *Notice of Cancellation of Deposition* (Nov. 12, 2025).

1 Other than for Mrs. Manibusan in the instant motion, at no time has Defendant sought an Order of
2 the Court permitting the depositions of these individuals in this criminal case, nor has the Court
3 granted any authorization for Defendant to depose these or any other witnesses or individuals in
4 this criminal matter.

5 **DISCUSSION**
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7 In Guam, depositions in a criminal case are governed by 8 G.C.A. § 70.50, *not* the Guam
8 Rules of Civil Procedure:

9 Whenever *due to special circumstances* of the case it is in the interest of justice that
10 any person be ordered to appear at a specified time and place to be examined under
11 oath, the court may, upon noticed motion of any party, order such person to appear
12 so that his testimony may be taken by deposition and further order that any
designated book, paper, document, record, recording or other material not
privileged, be produced at the same time and place.

13 8 G.C.A. § 70.50 (emphasis added). Although there is no controlling case law in Guam which
14 defines these threshold requirements, the court is persuaded that the statutory phrase is not mere
15 window dressing and the “special circumstances” identified for the court’s consideration must be
16 actual, concrete, and articulable. *See, People v. Orallo*, 2006 Guam 8 ¶ 12 n. 2 (J. Torres,
17 concurring)(“One crucial difference between the Rules of Civil Procedure and the Rules of
18 Criminal Procedure is that ... under the Rules of Civil Procedure, parties have the general ability
19 to depose potential witnesses. In criminal cases, a party may only depose a person under special
20 circumstances pursuant to 8 GCA 70.50 (2005).” Defendant recognizes this distinction in his
21 Motion: “In civil practice, depositions are conducted in preparation for trial and often reveal
22 information taken under oath which can be used to resolve certain questions or the entire matter
23 itself.” This procedure is markedly different in criminal cases.

1 Defendant has not identified the “special circumstances” warranting the taking of her
2 deposition – or that of any other witness – in this criminal case. Defendant claims that Mrs.
3 Manibusan, who is the named victim, “has *exculpatory information and information necessary to*
4 *Defendant to ascertain in order to be prepared to defend against the charges at trial.*” *Def’s Mot.*
5 at ¶ 3. Defendant refers to the statement of Maylea Manibusan and OAG Criminal Investigator
6 Felix T. Manglona attached to the Motion to support his request.
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8 The statement attached to the Motion reads, in part, as follows:

9 My name is Maylea Manibusan, and I write this letter to seek resolution in Police
10 Report No. 24-28944 against my husband Peter Manibusan. I know that Peter
11 understands that he made a mistake and regrets the actions that he made. He has no
prior incidents and is a great father.

12 The arrest has been a burden on our families and most especially our 14-year-old
13 daughter who is currently trying to understand and process the situation. Peter is a
14 significant factor in our daughter’s daily life, and it has been a struggle for our
15 daughter. I am seeking resolution in this case to hopefully bring order back to our
families lives.

16 *Attachment to Def’s Mot.*

17 A plain reading of this statement by Mrs. Manibusan does not support a finding of “special
18 circumstances” due to “exculpatory information.” Evidence is exculpatory when it tends “to
19 establish a criminal defendant’s innocence.” *Black’s Law Dictionary* (11th ed. 2019). The
20 statement submitted by Mrs. Manibusan is not evidence of the Defendant’s innocence, but rather
21 the impact the Defendant’s alleged conduct has had on her and her family’s lives.
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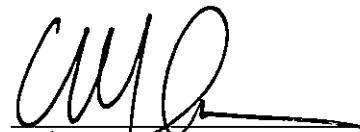
23 **CONCLUSION**

24 The Court finds that the Defendant has failed to establish the threshold requirement of
25 “special circumstances” required under 8 GCA § 70.50 to permit the deposition of the named
26 victim – or of any other witness – in this criminal case. Because the Defendant has failed to
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1 provide sufficient evidence of such "special circumstances," the Court **DENIES** Defendant's
2 Motion for Order to Take Depositions.

3 SO ORDERED this 15th day of January, 2026.

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HONORABLE MARIA T. CENZON
Judge, Superior Court of Guam

SERVICE VIA E-MAIL

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

AO3 Luber!Wolff

Date: JAN. 15 2026 Time: 4:18pm

Evan L. Topasna

Deputy Clerk, Superior Court of Guam