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SUPERIOR COURT
OF GUAM
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IN THE SUPERIOR COURT OF GUAM

OFFICE OF THE ATTORNEY GENERAL, Petitioner, v. THE GUAM CIVIL SERVICE COMMISSION, Respondent, VIVIAN NISPEROS, Real Party In Interest.	SPECIAL PROCEEDINGS NO. SP0101-24 **DECISION AND ORDER** ***(Motion for Order to Show Cause)***

INTRODUCTION

This matter came before the Honorable Arthur R. Barcinas on a motion hearing based on the Petitioner's Motion for an Order to Show Cause against the Office of the Attorney General and the Civil Service Commission. The Office of the Attorney General was represented by Attorney William Pole. The Guam Civil Service Commission was not present for the hearing. Real Party In Interest Vivian Nisperos ("Nisperos"), was represented at the hearing by Attorney Jacqueline T. Terlaje.

Having reviewed the filings and arguments of both parties, the Court issues the following Decision and Order.

BACKGROUND

This matter came before this Court upon a Verified Petition for Writ of Judicial Review and Declaratory Judgment ("Petition") made by the Office of the Attorney General ("Petitioner").

The Petition requested for this Court's judicial review of the Decision and Order entered by the Civil Service Commission on June 25, 2024 in *Vivian Nisperos v. Attorney General's Office,* 22-AA08T.

Nearly two years later, on May 13, 2026, the Petitioners did not file an entry of the certified transcripts for the hearings following their petition for judicial review.

On May 13, 2026, Nisperos filed this motion, asking this Court to issue an Order to Show Cause for the Petitioners' failure to file the transcripts of the Civil Service Commission hearings pursuant to 4 GCA §4406(f)(2). The Petitioner then filed the Certification of Transcript from the Civil Service Commission Adverse Action case No. 22-AA08T with the Court on May 18, 2026.

The Petitioner filed their opposition to the Motion for an Order to Show Cause, arguing that, although the transcripts were indeed filed with delay, no order of this Court had been violated. Further, the Petitioner explained that the process in obtaining these transcriptions were delayed largely in part to missing testimony from the CSC proceedings.

After considering the filings and oral arguments of the parties, the Court took this matter under advisement.

DISCUSSION

Trial courts may use its contempt powers under 7 GCA §34101 to hold a party in contempt for failure to comply with the court's orders. *See Paul's Guam Inc. v. Superior Court of Guam,* 2020 Guam 20 ¶ 18; *see* 7 GCA § 34101.

The elements of contempt are generally: "(1) a valid order, (2) knowledge of the order, (3) ability to comply with the order, and (4) willful failure to comply with the order." *Rodriguez v. Rodriguez,* 2003 8 ¶ 15 *citing In re Ivey,* 102 Cal.Rptr.2d 447 451 (Cal. Ct. App. 2000).

Nisperos' motion for the Court to grant an order to show cause is predicated on 4 GCA §6602(f)(2), which states:

> Judicial Review. The party who petitions for judicial review is responsible for providing certified transcripts of hearings and shall bear associated costs.
>
> 4 GCA §6602(f)(2).

While the Court notes the extraordinary delay taken in this Petitioner's compliance with the statutory requirement, the Court did not issue an order requiring the Petitioner to comply. That does not change the fact that the Petitioner nonetheless had a duty to comply with the statute in its pursuit of its petition. As it pertains solely to this motion, however, the Court cannot find the Petitioner in contempt for failing to comply with an order that it never issued.

CONCLUSION

As such the Motion for an Order to Show Cause to the Office of the Attorney General and Guam Civil Service Commission is hereby **DENIED.**

IT IS SO ORDERED OCT 2 2 2026.

HONORABLE ARTHUR R. BARCINAS
Judge, Superior Court of Guam