

**1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE**

**CHAPTER 7
CONSTRUCTION OF THIS CODE**

SOURCE: Entire Chapter added by P.L. 15-104:1 (Mar. 5, 1980).

2026 NOTE: Title 1 of the GCA was added to the GCA by P.L. 15-104:1 (Mar. 5, 1980), as a separate attachment, which included annotations designated as “Legislative History” and “Compiler’s Comment.” These annotations have been retained as they provide background information. Legislative History annotations have been incorporated into Source notes and edited for clarity, or designated as “1980 NOTE.” The original Compiler’s Comment annotations have not been edited, and have been designated as “1980 Comment.”

1980 COMMENT: This Chapter is a consolidation of all of the general sections on construction found in the several Codes of Guam, except those sections which relate to a specific Code, or Title, only. The purpose of such consolidation is to provide a consistent interpretation of the entire Guam Code Annotated, and to apply the sections of this Chapter to the entire Code.

- § 700. Use of Common Law Rules of Construction.
- § 701. Inclusiveness of This Code.
- § 702. Laws Not Retroactive.
- § 703. Provisions Similar to Existing Law.
- § 704. Actions Affected by This Code.
- § 705. Religious Exemption.
- § 706. Official Languages.
- § 707. English Version Controls.
- § 708. Limitations.
- § 709. Time Within Which to do an Act.
- § 710. Seal: What Is.
- § 711. Joint Authority of Public Officers.
- § 712. Authority of Deputies and Agents.
- § 713. Government Defined.
- § 714. Amendments and Additions.
- § 715. Words and Terms Defined: Significance of Words.
- § 716. Authorization of Expenditures: Effect.
- § 717. Notice; How Given.
- § 718. Notice; Actual and Constructive.
- § 719. Constructive Notice; Presumed.
- § 720. Headings Have No Effect.
- § 721. Severability.
- § 722. Tenure of Office Preserved.
- § 723. Scope of This Chapter.
- § 724. Words and Phrases.

§ 700. Use of Common Law Rules of Construction.

Unless a different intent appears in law, or in applicable court decisions, or in this Code, the common law rules of construction shall apply to the interpretation of this Code and to all other laws of Guam; provided, that, common law rules that statutes in derogation of the common law, and penal statutes shall be strictly construed shall not apply.

1980 NOTE: Compare Civil Code § 4; Code of Civil Procedure § 4; Penal Code §§ 4, 5; 9 GCA § 1.20; 8 GCA § 1.07.

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

1980 COMMENT: It is recognized that the laws of Guam cannot contain all of the rules of construction that will be used in their interpretation. Neither have the courts ruled upon all questions of interpretation. Thus, some additional provision must be found and, based upon prior practice in Guam, can be found in the common law rules of interpretation. However, consistent with § 101 of this Title, this Section does not adopt substantive common law, and rejects the rule, as have the Codes of Guam, that laws in derogation of the common law should be strictly construed. Such treatises as Sutherland, Statutes and Statutory Construction, 1972 ed. (or current edition), with supplements, are intended to be a guide to interpreting the laws of Guam under this Section.

§ 701. Inclusiveness of This Code.

This Code establishes the law of the Guam respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed with the view to effect its objects and to promote justice.

SOURCE: Civil Code § 4; Code of Civil Procedure § 4; Government Code §§ 2, 5; Probate Code § 100.

2018 NOTE: Reference to “Territory” removed and/or altered to “Guam” pursuant to 1 GCA § 420.

1980 COMMENT: This Section has been modified from the above sections to meet present conditions of this Code. This Section brings together the second sentence of § 4 found in both the Civil and Civil Procedure Codes. In applying it to the whole of the Guam Code Annotated, the intent is to create one body of law to which one can refer on the topics which are covered therein. As shown by § 102 and § 104 of this Title, there are many different sources of Guam laws at the present time. Upon completion of this project, there should be only three sources; this Code, the Session Laws and the Current Laws.

§ 702. Laws Not Retroactive.

No part of this Code is retroactive, unless expressly so declared.

SOURCE: Civil Code § 3; Civil Procedure Code § 3, P.L. 13-186:2 (Sept. 2, 1976).

1980 NOTE: Compare Government Code § 4.

§ 703. Provisions Similar to Existing Law.

The provisions of this Code, as far as they are substantially the same as existing law, shall be construed as continuations thereof and not as new enactments.

SOURCE: Government Code § 2.

1980 NOTE: Similar provisions in Civil Procedure Code § 4.

§ 704. Actions Affected by This Code.

No action or proceedings commenced before this Code, or any individual Title thereof, takes effect, and no right accrued is affected by its provisions, but proceedings therein must conform to the requirements of this Code, or any particular Title thereof, as far as possible.

SOURCE: Code of Civil Procedure § 8; Government Code § 4; Probate Code § 3; P.L. 13-186:2 (Sept. 2, 1976).

§ 705. Religious Exemption.

(a) In General. This Act shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*) pursuant to § 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e–1(a), 2000e–2(e)(2)) (referred to in this Section as a “religious employer”).

(b) Prohibition on Certain Government Actions. A religious employer’s exemption under this Section shall not result in any action by the government to penalize or withhold licenses, permits, certifications, accreditation, contracts, grants, guarantees, tax-exempt status, or any benefits or exemptions from that employer, or to prohibit the employer’s participation in programs or activities sponsored by that

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

government. Nothing in this Subsection shall be construed to invalidate any other law (including a regulation) that otherwise applies to a religious employer exempt under this Section.

SOURCE: Added by P.L. 33-064:5-6 (Aug. 25, 2015).

2015 NOTE: The language of this provision is found in Section 5 of P.L. 33-064, and authority to codify this provision is found in Section 6. This provision applies only to the specific amendments made pursuant to P.L. 33-064, which were: amendments to subsections (a), (b), (c), and (d) of 22 GCA § 5201 and 4 GCA § 4101(a), and the addition of subsections (h), (i), and (j) to 22 GCA 5202.

§ 706. Official Languages.

English and Chamorro are the official languages of Guam, provided, however, that the Chamorro language shall not be required for official recording of public acts and transactions.

SOURCE: Government Code § 3000.

1980 COMMENT: Former Govt. Code § 3000, as originally enacted in 1952, was a prohibition against the use of Chamorro by government employees, hence its placement in Title 4 of the Govt. Code. However, with its amendment by P.L. 12-132 in 1974, the scope of the Section was enlarged to provide a scope which is island-wide. Therefore, this Section is being placed in this Title as a provision of general coverage, together with new § 707, which complements it.

§ 707. English Version Controls.

Wherever there is found to exist a material difference between the English version and Chamorro version of any law or public document, the English version shall be held to be binding.

1980 NOTE: From Hawaii Revised Statutes § 1-13.

1980 COMMENT: While this question has not arisen to date, the adoption of amended Section 3000 of the Government Code (§ 706 of this Title) makes it seem wise to add a section dealing with the conflicts that will inevitably arise. One change from the Hawaiian law has been made. Where Hawaii involves only a “radical or irreconcilable” conflict, the Commission recommends that the English version prevail in case of only “material” difference. The term “material” has been adequately defined by the courts and seems a better standard to commence with. Hawaii, of course, has its own long history of dual languages to rely upon. Guam has none, at least legally.

§ 708. Limitations.

When a limitation or period of time prescribed in any existing law for acquiring a right or barring a remedy, or for any other purpose, has begun to run before the applicable Title of this Code goes into effect, and the same or any limitation is prescribed by this Code, the time which has already run shall be deemed a part of the time prescribed as such limitation by the applicable Title of this Code.

SOURCE: Civil Procedure Code § 9.

§ 709. Time Within Which to do an Act.

The time within which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Saturday or holiday, and then it also is excluded.

SOURCE: Civil Code § 10; Code of Civil Procedure § 12; Government Code § 205.

§ 710. Seal: What is.

When the seal of a court, public officer, department, agency or section of the Government, or notary public, or of any person, is required by law to be affixed to any paper, the word “seal” refers to an impression of such seal on the paper alone, either as a physical impression or an impression in ink.

SOURCE: Civil Procedure Code § 14.

1980 COMMENT: The former § 14, CCP, referred to a “seal” as including what we normally regard as a Seal, a direct impression on paper, in addition to the older impressions in wax or on a wafer. The wax or wafer seal has long ceased

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

to be in common usage, and the latest usage practiced in a number of states, including California, is a rubber stamp impression of the seal on the paper in question. Thus, this new section no longer refers to wax or wafers, but does permit ink impressions from a stamp.

§ 711. Joint Authority of Public Officers.

Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them, unless it is otherwise expressed in the act granting the authority.

SOURCE: Civil Procedure Code § 15.

§ 712. Authority of Deputies and Agents.

Whenever a power is granted to, or a duty is imposed upon, a public officer the power may be exercised or the duty may be performed by the deputy of the officer, or by a person authorized, pursuant to law, by the officer unless this Code provides otherwise.

SOURCE: Government Code § 7.

1980 NOTE: From Govt. Code of California § 7. Deputies, in the California Code, refers to those who are in a position of “second-in-command” to the department or agency head.

§ 713. Government Defined.

“Government” means the government of Guam and all of its branches.

SOURCE: Government Code § 18.

1980 NOTE: This Section reflects the present status of autonomous agencies. If any change is made, it will be made in the portions of the law specifically dealing with these agencies.

§ 714. Amendments and Additions.

Whenever any reference is made to this Code or to any other law of Guam, the reference applies to all amendments and additions now or hereafter made.

SOURCE: Government Code § 9.

§ 715. Words and Terms Defined: Significance of Words.

- (a) Words used in this Code in the present tense include the future as well as the present;
- (b) words used in the masculine gender include the feminine and neuter;
- (c) the singular number includes the plural, and the plural the singular;
- (d) the word “person” includes a corporation, firm, association, organization, partnership, business trust or company unless this Code otherwise provides;
- (e) “writing” includes printing, typewriting and physical copy from electronic media;
- (f) [No text]
 - (1) “oath” includes affirmation and declaration; and
 - (2) every mode of oral statement, under oath or affirmation, is embraced in the term “depose”;
- (g) “signature” or “subscription” includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness, provided that when a signature is by mark it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.
- (h) The following words have in this Code the meaning attached to them in this Section, unless otherwise specifically provided or apparent from the context:

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

- (1) The word “property” includes both real and personal property;
- (2) The words “real property” are coextensive with lands, tenements and hereditaments;
- (3) The words “personal property” include money, goods, chattels, things in action, and evidence of debt;
- (4) The word “month” means a calendar month unless otherwise expressed;
- (5) The word “will” includes codicil;
- (6) The word “writ” signifies an order or precept in writing, issued in name of the government, or of a court or judicial officer, and the word “process” a writ or summons issued in the course of judicial, or quasi-judicial proceedings;
- (7) The word “affinity” when applied to the marriage relation, signifies the connection existing in consequence of marriage, between each of the married persons and the blood relative of the other;
- (8) The phrase “dissolution of marriage” includes divorce;
- (9) “Shall” is mandatory and may” is permissive.
- (i) “Section” means a section of this Code unless some other statute is specifically mentioned.
- (j) “Subsection” means a subsection of the section in which the term is used unless some other section is specifically mentioned.
- (k) “Adequate Public Educational System” means a system of public schools that provides an adequate public education to public school students.
- (l) “Adequate public education” means public schools which at the minimum provide:
 - (1) a certified teacher for every class in a ratio established by relevant collective bargaining agreements;
 - (2) certified professional administrators;
 - (3) certified guidance counselors;
 - (4) certified school health counselors;
 - (5) certified allied health professionals;
 - (6) air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78° F;
 - (7) potable water sufficient to provide each student a daily ration of drinking and washing water;
 - (8) a reliable supply of electricity;
 - (9) proper sanitation to include flushable toilets, clean restrooms, dining areas and classrooms;
 - (10) adopted and required textbooks and workbooks issued to each public school student for the classes in which he or she is enrolled;
 - (11) libraries, which meet the standards of the American Association of School Librarians, at each school, operated by certified librarians;
 - (12) a healthful, safe, sanitary learning environment;
 - (13) at least one hundred eighty (180) instructional days, or its equivalence, including make-up hours each school year with school years ending no later than thirty (30) days following the end of the

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

calendared school year; provided, that the Guam Department of Education is exempt from the requirements of this § 715(l)(13) for School Years 2019-2020, 2020-2021, 2021-2022, and 2025-2026.

(14) regular, timely school bus transportation to and from the school for his attendance area as established by 17 GCA § 6102 for every child in accordance with policies adopted by the Education Policy Board.

(m) In item (l), above, “certified” means that a person holds at least the first level of professional certificate issued in accordance with standards at least as stringent as those in place on the day this Section is effective, for the position he or she holds.

(n) “Public school” means a facility established, maintained or operated pursuant to §29 (b) of the Organic Act, as amended.

(o) “Public school student” means a child who is required to attend school by Section 1421b (r) of the Organic Act or 17 GCA § 6102 who is enrolled in a public school and has not been expelled.

SOURCE: Code of Civil Procedure § 17; Civil Code § 17; Government Code §§ 8, 10-16, 18. Subsections 11, 12, 13, 14 and 15 added by P.L. 28-045:4, codified as subsections (k), (l), (m), (n), (o), and (p). P.L. 33-031 (June 3, 2015) added subsection (12)(m), codified as (l)(13) by the Compiler. Subsection (l)(13) amended by P.L. 34-105:2 (June 18, 2018), P.L. 35-077:2 (Mar. 20, 2020), P.L. 35-084:2 (Apr. 28, 2020), P.L. 36-095:2 (May 13, 2022), and P.L. 28-126:2 (May 15, 2026).

2026 NOTE: The Compiler has added “no text” to indicate a change in formatting only; the content of the provision has not been altered.

2018 NOTE: Subsection designations were altered/added pursuant to 1 GCA § 1606.

2015 NOTE: Subsection designations were altered to adhere to the Compiler’s alpha-numeric scheme pursuant to 1 GCA § 1606.

§ 716. Authorization of Expenditures; Effect.

A law which authorizes the expenditure of funds, but which does not appropriate those funds authorizes the department, agency or person to whom the authorization is directed to take all necessary steps to accomplish the terms of the law except the obligation or expenditure of the funds which have been authorized, but not appropriated.

1980 COMMENT: Up to the present, there has been much doubt as to the effect, if any, of a bill authorizing an program and authorizing, but not appropriating funds to carry out that program. In many instances such bills have been ignored completely. In other instances hardship has been caused to the agency receiving the authorization because an obligation was made and lesser funds were appropriated than were obligated under the authorization. This section is designed to correct both extremes, guiding both the Legislature and the affected parties in their actions under a fund authorization,

Thus, if funds were authorized to finance a program granting some benefit to a group who met certain statutory criteria the designated agency could commence screening to determine those who meet the criteria, up to the ceiling established by the authorization. Then the agency would present to the legislature those who had qualified so that the Legislature can appropriate the exact amount required. *See Train v. City of New York*, 95 S.Ct. 839, 420 U.S. 35 (1974).

The Attorney General has suggested that the Legislature be required to appropriate funds when creating new burdens on existing budgets. While this would be a good idea, this type of requirement cannot be placed in law because, in reality there would be so many amendments to the requirement that the code section would become obsolete shortly after its passage.

§ 717. Notice; How Given.

Wherever any Guam law or rule provides for the giving of notice or service of legal process by registered mail, or for service of notice or legal process and proof of mailing or proof of delivery, the sending of such notice or service of such legal process may be made by means of certified mail, return receipt requested and deliver to addressee only. Should the U.S. Postal Service, in the future, provide a

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

similar service under a different designation, such designated service shall be sufficient notice under this Section if such service provides for written proof of mailing, written proof of delivery and restricted delivery to the addressee only.

2026 NOTE: Reference to “Territorial” replaced with “Guam” pursuant to 1 GCA § 1606.

1980 NOTE: Compare California Probate Code § 5 and HRS § 1-28.

1980 COMMENT: In addition to references contained in both the Hawaii and California statutes to “certified mail”, reference is made to future contingencies within the postal service. Since statutes similar to this one were required to be enacted when the Postal Service created “certified mail” as a less expensive option providing the essential (for purposes of this Section) services of Registered Mail, it is desirable to permit the same essential service under this Section regardless of what it is called by the Postal Service. Thus, this law concerns itself with the quality of service provided, not the name of the service.

§ 718. Notice: Actual and Constructive.

Notice is:

- (a) Actual - which consists of express information of a fact; or
- (b) Constructive - which is imputed by law.

SOURCE: Civil Code § 18.

2018 NOTE: Subsection designations were added pursuant to 1 GCA § 1606.

§ 719. Constructive Notice: Presumed.

Every person who has actual notice of circumstances sufficient to put a prudent man upon inquiry as to a particular fact, has constructive notice of that fact itself in all cases in which, by prosecuting such inquiry, he might have learned such fact.

SOURCE: Civil Code § 19.

§ 720. Headings Have No Effect.

Title, division, part, chapter, article and section headings and tables of contents do not in any manner affect the scope, meaning, or intent of the provisions of this Code.

SOURCE: Government Code § 6.

1980 NOTE: See also 9 GCA § 1.36 and 8 GCA § 5.13

§ 721. Severability.

If any of the provisions of this Code, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.

1980 NOTE: Identical to 8 GCA § 1.05; 9 GCA § 1.12; similar to Government Code § 19.

1980 COMMENT: While this Section has appeared only in the codes cited above, court decisions have assumed its existence with respect to all codes and laws of Guam unless there were special circumstances indicating that the provisions in question were not severable. *See People v. Camacho*, Guam Supreme Court Crim. Case #4F-75 (1975). In this, the only decision of the Guam Supreme Court, the Court found that because the appointment power of the Special Prosecutor was invalid, the exercise of the powers by him was invalid and that the first was inseparable from the whole scheme of the statute. Thus, the whole Act and indictments brought under the Act were held invalid.

§ 722. Tenure of Offices Preserved.

All persons who, at the time any Title of this Code takes effect, hold office under any of the acts repealed by this Code, which offices are continued by this Code, continue to hold them according to their former tenure.

1 GCA GENERAL PROVISIONS
CH. 7 CONSTRUCTION OF THIS CODE

SOURCE: Government Code § 3.

§ 723. Scope of This Chapter.

This Chapter shall apply to this Code, as the titles thereof become law, and to the Government Code, Civil Code, Code of Civil Procedure and Probate Code, so long as the latter Codes remain outside of the Guam Code Annotated. The definitions found in this Chapter shall apply to the Criminal and Correctional Code, to the Criminal Procedure Code, which are Titles 8 and 9 of this Code, and to the Uniform Commercial Code, which is Title 13 of this Code, only if the definitions of this Chapter are consistent with the definitions contained in Titles 8, 9, and 13 of this Code.

1980 COMMENT: This Section is required to insure that this Chapter is seen to cover all the Codes of Guam existing at the time this Title is enacted, not only the GCA. The sections replaced by this Chapter are repealed from the Codes affected so that there are not two definitions, or sometimes three, enacted at one time on one subject. Several of the definitions contained herein are combinations of definitions from three codes and differ, in form, from all three. Therefore, to have these definitions, and the Code definitions enacted at the one time would cause much confusion.

§ 724. Words and Phrases.

Words and phrases are construed according to the context and the approved usage of language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, or are defined in the succeeding section, are to be construed according to such peculiar and appropriate meaning or definition.

SOURCE: Civil Code § 13.
