

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

<p>EMILIANO ANGEL, <i>Appellant,</i> v. ROBERTA INGRID KING, <i>Appellee.</i></p>

Cite as: 2020 Palau 29
Civil Appeal No. 20-019
Appeal from Case No. LC/D 20-00031

Decided: December 10, 2020

Counsel for Appellant	Pro Se
Counsel for Appellee	Salvador Remoket

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
GREGORY DOLIN, Associate Justice

Appeal from the Land Court, the Honorable Rose Mary Skebong, Acting Senior Judge, presiding.

ORDER DISMISSING APPEAL¹

PER CURIAM:

[¶ 1] Appellant Emiliano Angel challenges the Land Court’s determination that Appellee Roberta Ingrid King owns a certain parcel of land in Ngermechau Hamlet, Ngiwal State. Angel, who was not a claimant in the Land Court, contends that he was not properly notified of the proceeding, in violation of his due process rights. Such a collateral attack on a Land Court judgment, however, cannot be brought in the first instance before this Court. *See Rengiil*

¹ The parties did not request oral argument, and the appeal is submitted on the briefs. *See* ROP R. App. P. 34(a).

v. Urebau Clan, 21 ROP 11, 15 (2013) (“[A] due process challenge should be brought as a collateral attack on the underlying judgment . . . rather than through [a] non-party appeal.”).²

[¶ 2] As “a court of review, not of first view,” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005), it is not our role to assess Angel’s contentions, which include questions of fact, in the first instance. For this reason, the appeal is **DISMISSED**. Each side shall bear its own costs.

² As we have explained, ordinarily, “the issue whether a Land Court Determination or Certificate [of Title] should be deemed void or otherwise ineffective is the responsibility of the Trial Division and, *if appealed*, the Appellate Division, of the Supreme Court.” *Blailes v. Bekebekmad*, 2018 Palau 5 ¶ 15 (emphasis added). Alternatively, because Land Court proceedings are meant to be relatively informal, a motion to intervene can be filed in that court, even after judgment has been rendered. *See generally Etpison v. Rechucher*, 2020 Palau 14 ¶¶ 18-22. The Land Court, of course, need not grant every such motion and must balance several factors before deciding whether to grant or deny intervention. *Id.* ¶¶ 21-22. We express no view on whether, should Appellant file such a motion, the Land Court ought to grant it. Nor do we express any opinion on the likelihood of success of any collateral attack on the Land Court’s judgment that Appellant might wish to pursue.