IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

IWAIU LINEAGE, *Appellant*, **v.** **KOROR STATE PUBLIC LANDS AUTHORITY,** *Appellee.*
UCHELKUMER CLAN, *Appellant*, **v.** **KOROR STATE PUBLIC LANDS AUTHORITY,** *Appellee.*

Cite as: 2021 Palau 32
Civil Appeal No. 21-011
Civil Appeal No. 21-012
Consolidated Appeals from LC/B 08-0854 & LC/B 08-239

Decided: November 10, 2021

Counsel for Appellant Iwaiu Lineage	Alan R. Seid
Counsel for Appellant Uchelkumer Clan.....	Salvador Remoket
Counsel for Appellee	Michael E. Crane

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 APPEAL

PER CURIAM:

[¶ 1] In the appealed Land Court Decision dated June 7, 2021, the court ordered further "monumentation and survey" as well as the "prepar[ation of] a map depicting [the] boundaries."

[¶ 2] The Koror State Public Lands Authority moved to dismiss on the basis that the Land Court's decision is not an appealable final judgment. On October 6, 2021, we issued a show cause order directing Appellants to "file a copy of a Rule 54(b) certification with the Appellate Division," but neither Appellant did so. Accordingly, our Order is made absolute and the appeal is **DISMISSED.**

ANALYSIS

[¶ 3] Appealed cases, no matter the issuing lower court, will not be heard by this Court unless they satisfy the final judgment rule or fall within one of its exceptions. *See Luii's Children v. Koror State Pub. Lands Auth.*, 2019 Palau 9 ¶¶ 4-6. Appeals from the Land Court are not exempt from this requirement. *Id.* (dismissing a premature appeal from an order of the Land Court).

[¶ 4] Appellants argue that under Land Court Rule 21, which permits an appeal "within 30 days after the aggrieved party receives the determination" of ownership, an appeal may (and must) be taken as soon as the Land Court determines ownership of the disputed property, even if other aspects of the case remain pending. That position, though perhaps supported by a literal reading of Rule 21, is inconsistent with our precedent.

[¶ 5] We have long held that the final judgment rule is a prudential rule that we have imposed upon ourselves in order to conserve judicial resources and guard "against the scattershot disposition of litigation." *ROP v. Black Micro Corp.*, 7 ROP Intrm. 46, 47 (1998) (quoting *Spiegel v. Trustees of Tufts College*, 843 F.2d 38, 42 (1st Cir. 1988)). The final judgment rule avoids "piecemeal appeals [that] disrupt the trial process, extend the time required to litigate a case, and burden appellate courts. It is far better to consolidate all alleged [lower] court errors in one appeal." *Salii v. Etpison*, 18 ROP 41, 43 (2011); (quoting *Ngirchechol v. Triple J. Enters., Inc.*, 11 ROP 58, 60 (2004)); *Republic of Palau v. Black Micro Corp.*, 7 ROP 46, 47 (1998). Furthermore, until there is a final judgment, a trial court, including the Land Court, retains "the inherent authority to correct its own decision." *Masang v. Ngerkesouaol Hamlet*, 13 ROP 51, 53 (2006); *see also In re Idelui*, 17 ROP 300, 303 (2010). The exercise of this authority may, in turn, obviate the need for any appeal to our court. *See Ngirchechol v. Triple J Enters.*, 11 ROP 58, 61 (2004) ("This Court must also

consider that the need for review might be mooted by future developments in the trial court.").

[¶ 6] These prudential considerations apply with equal force to appeals from the Land Court. Appellants are correct that we have jurisdiction over the present appeal; however, "[t]he fact that we have jurisdiction over this interlocutory appeal does not mean we should exercise it." *Koror State Legis. v. KSPLA,* 2019 Palau 38 ¶ 4. We decline to create an exception to our well-established final judgment rule for appeals from the Land Court. For the avoidance of doubt, we now expressly hold that the 30-day clock on filing an appeal from the Land Court's determination of ownership does not begin to run until the Land Court issues a final judgment, *i.e.*, an order that "terminates the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Sowei Clan v. Sechedui Clan*, 13 ROP 124, 127 (2006) (quoting 4 Am. Jur. 2d *Appellate Review* § 87 (1995)).

[¶ 7] We offered Appellants an option to satisfy the final judgment rule at this time by seeking the equivalent of certification under ROP R. Civ. P. 54(b). However, neither Appellant availed itself of the opportunity provided. Consequently, we are faced with an interlocutory appeal rather than an appeal from a final judgment. Accordingly, we dismiss the appeal, but do so without prejudice to either Appellant's ability to seek review in this Court once the Land Court enters a final judgment in this case.

CONCLUSION

[¶ 8] Appellate review of the Land Court's interlocutory decision is improper at this stage. Accordingly, we **DISMISS** the appeals. The dismissal is **WITHOUT PREJUDICE** to any party's ability to seek review of Land Court's final judgment once such is entered.