

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

**CHILDREN OF ANTONIO FRITZ by Laurinda Waisang Fritz  
Mariur,  
Appellant,  
v.  
IBUUCH CLAN by Ngiraibuuch Paul Reklai,  
Appellee.**

Cite as: 2021 Palau 7  
Civil Appeal No. 20-025  
Appeal from LC/B 16-00007, 16-00012

Argued: January 7, 2021  
Decided: February 24, 2021

Counsel for Appellant ..... J. Uduch Sengebau Senior  
Counsel for Appellee ..... C. Quay Polloi

BEFORE: GREGORY DOLIN, Associate Justice  
KATHERINE A. MARAMAN, Associate Justice  
DANIEL R. FOLEY, Associate Justice

Appeal from the Land Court, the Honorable Salvador Ingereklii, Associate Judge, presiding.

**OPINION**

PER CURIAM:

[¶ 1] Much like *Sungino v. Ibuuch Clan*, 2021 Palau 6, decided this same day, the present matter returns to us after the Land Court entered judgment in favor of Appellee following our remand. See *Ibuuch Clan v. Children of Antonio Fritz*, 2020 Palau 2 (“*Fritz II*”). As in *Sungino*, we **AFFIRM**.

**BACKGROUND**

[¶ 2] This appeal arises from the dispute over ownership of land located in Ngerbeched Hamlet, Koror State, and identified as Worksheet Lots C32 B 36

and C32 B 30A on BLS Worksheet No. C32 B 00, corresponding to Tochi Daicho (“TD”) Lot 1319. Appellant Laurinda Waisang Fritz Mariur (“Mariur”)—a daughter of Antonio Fritz (“Fritz”)—claims to own the land in question, along with her siblings, as a result of inheriting the land from her father, who was allegedly given the land by his adoptive father, Lansang Rengechel (“Rengechel”).<sup>1</sup> It is undisputed that Rengechel at one time was *Ngiraibuuch*, the male titleholder of Appellee Ibuuch Clan. The Clan, represented by the current *Ngiraibuuch* Paul Reklai, disputes Mariur’s account and points to the Tochi Daicho, which lists Ibuuch Clan as the owner of the land in question. No other written documents in the record contradict the Tochi Daicho. However, Appellant points to an “application for private land ownership transfer” dated September 1937, which she claims shows that the land was meant to be transferred from Ibuuch Clan to Rengechel. Appellant also relies on the fact that her family has occupied the land since at least the 1950s (if not earlier) and that such occupation, coupled with the lack of objection from Ibuuch Clan, indicates that the family is the true owner of the land. In contrast, Ibuuch Clan argues that the “application for private land ownership transfer” concerned a different parcel of land, and that in any event, because the application preceded the compilation of the Tochi Daicho (which did not reflect this purported transfer and listed Ibuuch Clan as the owner of this parcel), it cannot undermine the later-in-time document.

[¶ 3] On September 5, 2006, Mariur filed a claim to ownership of TD Lot 1319 on behalf of the “Children of Antonio Fritz.”<sup>2</sup> On February 14, 2019, the Land Court determined that the Children of Antonio Fritz own TD Lot 1319 in fee simple. *See* Decision (Feb. 14, 2019) at 9. A little less than a year later, we vacated the Land Court’s judgment because we held that the Land Court applied an incorrect legal standard to the resolution of the case before it. *Fritz II*, 2020 Palau 2 ¶ 6. We remanded the matter to the Land Court with instructions to apply the “clear and convincing evidence” standard rather than the incorrect “preponderance of the evidence” standard to Mariur’s claim that the Tochi Daicho identification of the land owner is incorrect. On remand, the

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<sup>1</sup> Fritz died on October 27, 1975.

<sup>2</sup> Fritz’s children are Mariur, Jean Ilong Fritz Sablan, Glenford Remeliik Fritz, Vivian Orachel Fritz Ngiraklang, Victorino Fritz, and Darren Fritz.

Land Court awarded TD Lot 1319 to Ibuuch Clan. In the Land Court's view, as the "ownership of Tochi Daicho 1319 shown on the Koror Tochi Daicho listing has not been proven wrong by clear and convincing evidence . . . it shall remain Ibuuch Clan property." Decision (Aug. 17, 2020) at 7-8. This timely appeal followed.

### STANDARD OF REVIEW

[¶ 4] Because Appellant only challenges the Land Court's factual findings, we review the decision below for clear error. *Fritz II*, 2020 Palau 2 ¶ 5. "It is not the appellate panel's duty to reweigh the evidence, test the credibility of witnesses, or draw inferences from the evidence. Therefore, we must affirm the Land Court's determination as long as the Land Court's findings were plausible." *Esuroi Clan v. Roman Tmetuchl Family Trust*, 2019 Palau 31 ¶ 12 (quoting *Kawang Lineage v. Meketii Clan*, 14 ROP 145, 146 (2007)).

### DISCUSSION

[¶ 5] Appellant's only arguments on appeal challenge the evidentiary weight the Land Court assigned to Antonio Fritz's family's use of the land for the past several decades and to the absence of objection from Ibuuch Clan to such continuous use.

[¶ 6] It is well settled that "absent extraordinary circumstances, we will not disturb credibility determinations on appeal." *Sugiyama v. Han*, 2020 Palau 16 ¶ 25. Nor do we reweigh the evidence presented to the court below. *See Demei v. Sugiyama*, 2021 Palau 2 ¶ 10 ("[W]e 'may not reweigh the evidence, test the credibility of witnesses, or draw inferences from the evidence.'") (quoting *Seventh Day Adventist Mission of Palau, Inc. v. Elsau Clan*, 11 ROP 191, 195 (2004)). For this reason, "appeals challenging the factual determinations of the Land Court . . . are extraordinarily unsuccessful." *Kawang Lineage*, 14 ROP at 146. This is one of those cases.

[¶ 7] Had we been deciding this case in the first instance, we may have reached a different conclusion; however, we are unprepared to say that the Land Court's conclusions "lack evidentiary support in the record such that no reasonable trier of fact could have reached the same" result. *Id.* Our own independent review of the record does not leave us "with a definite and firm

conviction that an error has been made.” *Koror State Pub. Lands Auth. v. Idid Clan*, 2016 Palau 9 ¶ 9 (quoting *Ngirausui v. KSPLA*, 18 ROP 200, 202 (2011)). We are therefore constrained to affirm the judgment below.

#### CONCLUSION

[¶ 8] The judgment of the Land Court is **AFFIRMED**.