

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

**Legislator of Teliu Hamlet CHARLES SALII REKEMEL,
Legislator of Ngesias Hamlet JOEL OKADA, Legislator of
Ngerkeiukl Hamlet EDBURGH MABEL, Legislator of
Ngerdelolk Hamlet CORDINO SOALABLAI, Legislator at
Large UMEDIP RIDEP, Legislator at Large FLORAH M.
TEWID, and Legislator at Large BILLY REKEMEL,**

Appellants,

v.

**Speaker EUFRASIA N. REMELIHK, Vice-Speaker ANDRES
NAPOLEON, RENGUUL DONALD HARUO, UCHELSIAS
SHALLUM ETPISON, ADELKEROI POSTOL REMELIHK,
OBAKELDELOLK ISAO SINGEO, Legislator at Large
BURTON L. WONG, and NGIRAKIDEL JOSEPH**

GIRAMUR,

Appellees.

Cite as: 2022 Palau 12
Civil Appeal No. 21-021
Appeal from Civil Action No. 21-071

Decided: July 12, 2022

Counsel for Appellant

Allison Nixon
Raynold B. Oilouch

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
KATHERINE A. MARAMAN, Associate Justice
DANIEL R. FOLEY, Associate Justice

Appeal from the Trial Division, the Honorable Lourdes F. Materne, Associate Justice,
presiding.

ORDER

PER CURIAM:

[¶ 1] This appeal arises from Plaintiffs’ complaint objecting to the appointment of Joseph Giramur as a member of the 13th Peleliu State Legislature. As both sides agree, the term of the 13th Peleliu State Legislature has now ended and the 14th Peleliu State Legislature has been sworn into office. Additionally, Giramur stepped down as a member of the 13th Peleliu State Legislature before its term ended, and he is not a member of the 14th Peleliu State Legislature. Because of these intervening events, we ordered the parties to brief whether this appeal is moot.

[¶ 2] It is well established that “[t]his Court does not address moot issues.” *Micronesian Yachts Co. v. Palau Foreign Inv. Bd.*, 7 ROP Intrm. 128, 131 (1998). “A case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Pac. Sav. Bank v. Llecholch*, 15 ROP 124 (2008) (cleaned up). We conclude that events following to the filing of the complaint in this case have caused it to become moot. Specifically, Giramur is no longer a member of the Peleliu State Legislature and the 13th Peleliu State Legislature is no longer in session. Thus, this Court cannot grant meaningful relief on the Plaintiffs’ request for a declaration that Giramur’s appointment as a member of the 13th Peleliu State Legislature is invalid.

[¶ 3] Nonetheless, Plaintiffs argue that this case still presents a live controversy because Giramur allegedly took certain actions as a member of the 13th Peleliu State Legislature and so this case falls within an exception to the mootness doctrine for issues that are capable of repetition yet evade review. *See Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 189–91 (2000); *see also Ngiraterang v. Ngarchelong State Assembly*, 2021 Palau 18 ¶ 12 (applying similar standard and declining to hold case moot where issue “creat[ed] a climate for an ongoing issue”). We disagree. While the issues raised in this case are certainly capable of repetition, they do not evade review. Indeed, even after this case is dismissed, Plaintiffs—presumably in their individual capacities, rather than in their official capacities as members of the 13th Peleliu Legislature—or any other person with standing may file

another action challenging any actions that Giramur took during his short-lived membership in the Peleliu Legislature.

[¶ 4] When a case becomes moot on appeal, “the general practice is for the appellate court to reverse or vacate the judgment below and dismiss the case.” *Ngirameketii v. Ngirarsaol*, 2021 Palau 1 ¶ 4; *see also United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950) (stating that the general practice in the federal system is to “reverse or vacate the judgment below and remand with a direction to dismiss”). Thus, we **VACATE** the Trial Division’s judgment and **REMAND** with instructions for the Trial Division to dismiss this case without prejudice.