

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

<p>UCHELKUMER CLAN, <i>Appellant,</i> v. KOROR STATE PUBLIC LANDS AUTHORITY, <i>Appellees.</i></p>

Cite as: 2022 Palau 18
Civil Appeal No. 21-026
Appeal from LC/B 08-00854 & 08-00239

Decided: August 10, 2022

Counsel for Appellant..... Salvador Remoket
Counsel for Appellee Koror State Public Land Authority..... Michael E. Crane

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
 JOHN K. RECHUCHER, Associate Justice
 KATHERINE A. MARAMAN, Associate Justice

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

OPINION

NGIRAIKELAU, Chief Justice:

[¶ 1] Uchelkumer Clan (“Uchelkumer”) appeals the Land Court’s June 7, 2021 Decision on Remand, the October 26, 2021 Order to Issue Determinations of Ownership to “Mesei Lots”, and Determination of Ownership Nos. 12-1328, 1340, and 1341 awarding to Koror State Public Lands Authority (KSPLA) portions of the so-called *Skojo* area in Meyuns Hamlet, specifically, lots 014 A 03A, 014 A 03B, and 014 A 03C, all shown on the Bureau of Lands and Surveys (BLS) Worksheet No. 2022 B 01. Because Uchelkumer’s appeal does not comply with Rule 28, ROP Rules of Appellate Procedure, and miserably fails to identify any factual error, we **AFFIRM**.

BACKGROUND

[¶ 2] On February 22, 2017, we remanded this matter to the Land Court with a specific mandate for that court to (1) make explicit findings regarding what parts of *Skojo*, if any, were above the high water mark prior to the construction of the seaplane ramp made by the Japanese, (2) award to KSPLA those parts of *Skojo* below the high water mark at the time, and (3) redetermine the claimants' return of public land claims to any portions of the Lots at issue above the high water mark. In compliance with this mandate, the Land Court held a hearing on three separate days, December 19, 2017, January 3 and 5, 2018, and received additional testimony.

[¶ 3] During the hearing, Uchelkumer amended and limited its claim to Lots 014 A 02A, containing an area of 348 square meters, 014 A 03C-1, containing an area of 3,791 square meters, 014 A 03B-2, containing an area of 4,573 square meters, and 014 A 03A-1, containing an area of 224 square meters, as depicted on the "As Built Survey" worksheet, marked as Court Exhibit 2. *Decision on Remand at 4.*

[¶ 4] On June 7, 2021, following the conclusion of the hearing and after submission of the claimants' written closing arguments, the Land court issued its detail Decision on Remand in which it found that "except for a portion of Lot 014 A 03B that contains a taro swamp¹, none of the three claimants sufficiently proved that they owned the *non-umetate* portions of Lot 014 A 03B and 014 A 03C before they became public land." *Decision on Remand at 10.* In support of this finding, the Land Court pointed to evidence that a tuna processing plant and Japanese nationals employed by the plant occupied the subject lots before the *Skojo* was built in 1939. *Decision on Remand at 9.* Except for the taro swamp within Lot 014 A 03B, the court rejected Uchelkumer's claim that clan members occupied and used the lots before they were wrongfully taken, finding that the Clan's use and occupation "occurred after the war, during the American period of administration." *Decision on Remand at 11.* This timely appeal followed.

STANDARD OF REVIEW

[¶ 5] Challenges to the Land Court's factual findings are reviewed for clear error. *Ibuuch Clan v. Fritz*, 2020 Palau 2 ¶ 5. The factual findings will not be set aside if they are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, unless this Court is left with a definite and firm conviction that a mistake has been made." *Salvador v. Renguul*, 2016 Palau 14 ¶ 7. Additionally, we will not "reweigh

¹ On October 26, 2021, following the identification of the taro swamp, the Land Court issued new Determinations of Ownership awarding to Uchelkumer Clan ownership of Lots 014 A 03A-1B and 014 A 03B-2B, and KSPLA Lots 014 A 03A and 014 A 03B.

the evidence, test the credibility of witnesses, or draw inferences from the evidence.” *Takeo v. Kingzio*, 2021 Palau 25 ¶ 6.

DISCUSSION

[¶ 6] Uchelkumer challenges the Land Court’s factual finding that it did not own the subject lots immediately before they were wrongfully taken by the Japanese. Uchelkumer’s brief, however, fails to cite to the trial record and fails to explain why this finding is wrong. Instead, Uchelkumer merely reiterates the arguments it advanced before the Land Court which that court considered and rejected, and contends that it “believes it carried its burden of proving ownership of the subject lots prior to the Japanese taking.” *Appellant’s Opening brief at 5.*”

[¶ 7] We have repeatedly and consistently held that we will not consider “claims brought before us that are not well developed and supported by facts on the record or law.” *Aderkeroi v. Francisco*, 2019 Palau 29 ¶ 12. That is because “[i]t is not the Court’s duty to interpret this sort of broad, sweeping argument, to conduct legal research for the parties, or to scour the record for any facts to which the argument might apply.” *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010). Here, Uchelkumer’s factual complaint is not supported by any citation to the record in violation of ROP R. App. P. 28(e).² Uchelkumer’s failure to comply with this rule provides a sufficient reason for us not to consider the claim. *Dakubong v. Aimeliik State Gov’t*, 2021 Palau 19 ¶ 12 (*held*: will not consider factual complaints not supported by any citation to the record in contravention of ROP R. App. P. 28(e)) (citation omitted)).

[¶ 8] But even if we were to consider Uchelkumer’s assignment of factual error, we find, based on our review of the record, that it is without merit. Uchelkumer’s allegation of error is not based on any facts in the record that the Land Court overlooked or failed to consider, but on Uchelkumer’s mere belief that it produced sufficient evidence below to prove that it owned the subject lots before they were wrongfully taken, and, on that basis, Uchelkumer asks us to reverse the Land Court’s Decision on Remand and Determinations. But as we have stated time and time again, it is not our duty “to scour the record for any facts to which the argument might apply”, or to “reweigh the evidence, test the credibility of witnesses, or draw inferences from the evidence.” *Takeo v. Kingzio*, 2021 Palau 25 ¶ 6. Uchelkumer’s challenge to the Land Court’s factual finding would require us to do what we are duty bound not to do, and we refuse to engage in such exercise.

² Rule 28(e) provides that “[R]eferences to evidence must be followed by a pinpoint citation to the page, transcript line, or recording time in the record.” The trial transcript in this case consists of two volumes totaling more than 400 pages combined. Uchelkumer’s opening brief does not cite to a single page or line in the transcript.

CONCLUSION

[¶ 9] For the reasons set forth above, we **AFFIRM** the Land Court's June 7, 2021 Decision on Remand, the October 26, 2021 Order to Issue Determinations of Ownership to "Mesei Lots", and Determination of Ownership Nos. 12-1328, 12-1340, and 12-1341.