

*Airai State Pub. Lands Auth. v. Aimeliik State Gov't*, 14 ROP 1 (2006)

**AIRAI STATE PUBLIC LANDS AUTHORITY,  
Appellant,**

**v.**

**AIMELIIK STATE GOVERNMENT AND AIMELIIK STATE PUBLIC LANDS  
AUTHORITY,  
Appellees.**

CIVIL APPEAL NO. 05-016

Civil Action No. 98-357

Supreme Court, Appellate Division  
Republic of Palau

Argued: September 18, 2006

Decided: October 12, 2006

Counsel for Appellant: John K. Rechucher

Counsel for Appellees: J. Roman Bedor

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice, LOURDES F. MATERNE, Associate Justice; ALEX R. MUNSON, Part-Time Associate Justice.

Appeal from the Trial Division, the Honorable KATHLEEN M. SALII, Associate Justice, presiding.

PER CURIAM:

This appeal concerns a disputed boundary line between Airai State and Aimeliik State. Aimeliik purports to rent land within its borders to three individuals, while Airai contends that the leased land is within its borders. Airai brought an action in trespass against Aimeliik and the lessees of the disputed land. The trial court held that a line between an undisputed boundary monument, Japanese Monument 1, and a second point identified by Aimeliik, Japanese Monument 2, was the border between the two states. This action will be remanded because the trial court did not provide sufficient analysis for this Court to review when it rejected certain evidence in reaching its factual conclusions.

### **BACKGROUND**

Appellant Airai State Public Lands Authority (“Airai”) filed a trespass action against Appellees Aimeliik State Government [L2](#) and Aimeliik State Public Lands Authority (“Aimeliik”) and their lessees, Henaro Antonio, Ulai Teltull, and Andres Madraisau (“lessees”), asserting that they leased, occupied, and used public lands within the boundaries of Airai State

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without authority or Airai's consent. Airai filed a pretrial motion for partial summary judgment on the issue of whether parcels of land occupied by the lessees were located within Airai State's boundary. The trial court ruled in favor of Airai, holding that the boundaries of Aimeliik State were confined to the boundaries of the former Aimeliik Municipality as described in its Municipal Charter, and that the parcels occupied by the lessees were located within Airai State. Aimeliik subsequently filed a motion under Rule 60(b) for relief from the court's partial summary judgment ruling based on its submission of a new map of Aimeliik Charter's boundary. The trial court denied the motion.

Notwithstanding the entry of partial summary judgment, and over Airai's repeated objections, the trial court allowed testimony to establish a boundary within the area that had been determined to belong to Airai in the pretrial summary judgment order. After the parties rested, the court, in its findings of fact and conclusions of law, *sua sponte* reconsidered and vacated its partial summary judgment order, and entered judgment in favor of Aimeliik. The trial court found that the land that had been previously determined to be within the boundaries of Airai was part of Aimeliik, and the parcels occupied by the lessees located within Aimeliik State.

Airai appealed that judgment, arguing that the trial court erred in *sua sponte* reconsidering its grant of partial summary judgment without giving Airai notice and an opportunity to be heard on the matter. On December 4, 2003, this action was remanded to allow the parties to present additional evidence in light of the trial court's decision to deny Airai partial summary judgment. *Airai State Pub. Lands Auth. v. Aimeliik State Gov't*, 11 ROP 39, 42 (2003).

After hearing additional evidence, the trial court identified the issue on remand as a determination of the Airai-Aimeliik boundary based on the respective municipal charters. Specifically, the trial court characterized the boundary dispute as between a line connecting Japanese Marker 1 ("JM-1") and Japanese Marker 2 ("JM-2") and a line connecting JM-1 and Japanese Marker 3 ("JM-3").<sup>1</sup> The court noted that if the JM-1 to JM-2 line, or as it concluded the boundary as described in Aimeliik's Charter, is the correct boundary then the leased property in dispute is within Aimeliik, but if the JM-1 to JM-3 line, or the boundary as defined by Airai and plotted by the Bureau of Lands and Surveys ("BLS") as the boundary described in the Aimeliik Charter, is the proper boundary then the leased property is within Airai's boundary and the lessees are utilizing Airai's property without permission. The trial court found that the boundary as represented by the JM-1 to JM-2 line constitutes the Airai-Aimeliik border as described in the Aimeliik Charter. Relying on the testimony of Aimeliik's witnesses, the court held that JM-2 is part of the correct boundary as it is most likely the area named Tebadel, which is identified as a boundary point in the Aimeliik Charter. **L3** Accordingly, the trial court entered judgment in favor of Aimeliik. Airai filed the instant appeal asserting that the trial court erred in determining the state boundaries using Japanese monuments and traditional descriptions when this Court has held that state boundaries are confined to the boundaries of the former municipalities.

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<sup>1</sup>The location of JM-1 is agreed upon by both parties. JM-2 is the boundary point identified by witnesses for Aimeliik and is the only boundary point not marked by an actual physical marker. JM-3 is the boundary point identified by the Bureau of Lands and Surveys as the boundary point described in the Aimeliik Charter and is also the boundary point identified by Airai.

## STANDARD OF REVIEW

The factual findings of a trial court will be disturbed only if they are clearly erroneous. *Ngiraloi v. Faustino*, 6 ROP Intrm. 259, 262 (1997) (citing ROP R. Civ. P. 52(a)). Under the clearly erroneous standard, reversal is warranted if the trial court's findings of fact so lack evidentiary support in the record that no reasonable trier of fact could have reached the same conclusion. *Palau Pub. Lands Auth. v. Tab Lineage*, 11 ROP 161, 165 (2004) (citing *Dilubech Clan v. Ngeremlengui State Pub. Lands Auth.*, 9 ROP 162, 164 (2002)). Although a trial court need not discuss all the evidence relied on to support its conclusions, the court's decision must "reveal an understanding analysis of the evidence, a resolution of the material issues of 'fact' that penetrate beneath the generality of ultimate conclusions, and an application of the law to those facts." *Fritz v. Blailles*, 6 ROP Intrm. 152, 153 (1997) (quoting 5A James Wm. Moore et al., *Moore's Federal Practice* ¶ 52.05[1] (1984)).

## DISCUSSION

Airai argues that the trial court erroneously relied on the traditional boundary line of Aimeliik as opposed to the boundary line as described in either of the states' municipal charters. Airai contends that the boundary lines described in the Aimeliik Municipal Charter ("Aimeliik Charter") and the Airai Municipal Charter ("Airai Charter"), although different from each other, both place the disputed property within Airai State. Thus, had the trial court not relied on witness testimony as to the purported traditional boundaries to interpret the boundary description contained in the Aimeliik Charter, it would have entered judgment in favor of Airai.

Due to the fluctuation of state boundaries over time and the resulting difficulty in determining the "traditional" boundaries of the states, this Court has held that state boundaries in Palau are confined to the boundaries of the former municipalities. *Peleliu State v. Koror State*, 6 ROP Intrm. 91, 94 (1997). Despite recognizing the holding in *Peleliu State v. Koror State*, the trial court relied on testimony regarding the "traditional" boundaries of Aimeliik to determine the Airai-Aimeliik boundary. In so doing, the trial court clearly chose to discount BLS's determination that "JM-3 is accepted as being the best available evidence of the position of the boundary at Bsachelimeliik as described in the Aimeliik Municipal Charter" and plotting of Aimeliik Charter's boundary line on Worksheet No. 99-M-002. See Investigative Report, Aimeliik-Airai State Boundary Determination, Prepared by Jerrold E. Knight for the Bureau of Lands and Surveys (Feb. 2001). The trial court's decision reveals no reason for discrediting BLS's finding that both charters place the disputed land within Airai State. The trial court merely stated that "Airai has not introduced evidence sufficient to establish that the line from JM-1 to JM-3 represents the boundary between it and Aimeliik." This statement alone does not provide a reason for rejecting BLS's finding that JM-3 is the best evidence of the boundary point described in the Aimeliik Charter and plotting of the border as described in the Aimeliik Charter as running from JM-1 to JM-3. Instead, the court based its decision **L4** solely on the conclusion that witnesses for Aimeliik, who testified that the Aimeliik State boundary ran from JM-1 to JM-2, a point neither marked by a physical monument nor recognized by BLS, were credible. As the trial court has not provided any reason for discrediting the comprehensive evidence provided by

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BLS, this Court cannot adequately review the decision below. Accordingly, this action is remanded with instructions for the trial court to more fully analyze the evidence and provide a reason for declining to rely on BLS's plotting of the line as described in the Aimeliik Charter.