

Koror State Pub. Lands Auth. v. Masang, 14 ROP 62 (2007)
KOROR STATE PUBLIC LANDS AUTHORITY,
Appellant,

v.

SAM Y. MASANG and GABRIELA NGIRMANG,
Appellees.

CIVIL APPEAL NO. 03-043
Civil Action Nos. 235-90 & 241-90

Supreme Court, Appellate Division
Republic of Palau

Decided: February 9, 2007¹

Counsel for Appellant: Valerie Glynn Lawson

Counsel for Appellee Masang: John K. Rechucher

Counsel for Appellee Ngirmang: Oldiais Ngiraikelau

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; ALEX R. MUNSON, Part-Time Associate Justice; J. UDUCH SENIOR, Associate Justice Pro Tem

Appeal from the Supreme Court, Trial Division, the Honorable LARRY W. MILLER, Associate Justice, presiding.

PER CURIAM:

Appellant Koror State Public Lands Authority (“KSPLA”) challenges the Trial Division’s decision that entitled Appellees Sam Masang and Gabriela Ngirmang to ownership of the land known as *Ngerias*. The Trial Division found Salii Ngiraikelau owned *Ngerias* as individual land before it was expropriated by the Japanese Government. After World War II, *Ngerias* became public land eventually held in trust by KSPLA. Salii died intestate in 1967 with no surviving spouse and no natural children. In its initial judgment, the Trial Division determined that claimants Masang and Ngirmang were the proper heirs to inherit *Ngerias*. On appeal, this Court held that a claim for the return of public lands by a relative of a deceased landowner must be rejected if it could be shown that some other relative who did not file a claim would have had a better claim under Palau’s intestacy statute. *Masang v. Ngirmang*, 9 ROP 125, 129 (2002). This Court remanded the case to the Trial Division to determine whether Salii had adopted children or had a wife who did not file a timely claim. On remand, the Trial Division found no evidence that Salii had a **163** wife or had adopted any children. KSPLA appeals, claiming that the Trial

¹Upon reviewing the briefs and the record, the panel finds this case appropriate for submission without oral arguments pursuant to ROP R. App. P. 34(a).

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Division clearly erred in its fact finding.

In our recent decision, *Markub v. KSPLA*, Civil Appeal No. 06-020, *slip op.* (Jan. 16, 2007), we overruled *Masang* and found it improper to consider persons other than the claimants if the claimants were proper heirs. As the Trial Division found that Masang and Ngirmang are proper heirs, no additional fact finding was needed and it is unnecessary for us to review the Trial Division's additional factual findings. Accordingly, we affirm the judgment of the Trial Division awarding *Ngerias* to Masang and Ngirmang.