

In re Water, 15 ROP 185 (Land Ct. 2008)
**In the Matter of the
DETERMINATION OF OWNERSHIP FOR LAND IN NGERMID, KOROR STATE
DESCRIBED AS "WATER," A.K.A. "JAMES YALAP CLAIM" ON BLS WORKSHEET
NO. C29 B00.**

LCB 07-563

Land Court
Republic of Palau

Decided: November 6, 2007

C. QUAY POLLOI, Senior Judge:

SUMMARY

This matter came for a registration hearing on Friday, November 2, 2005 at 10:10 a.m.¹ Only Claimant KSPLA was present and represented by Mr. Keith Petersen, Esq. Land Registration Officer Sinesio S. Ilek was also present and provided verbal testimony regarding the land at issue. Mr. Ilek testified that the lot is an area of seawater and that it does not have a worksheet lot number because the Bureau of Lands & Surveys is tasked with dealing with lands and not seawater. Mr. Petersen did not dispute the boundaries as depicted or that title may vest in Koror State and not Koror State Public Lands Authority as per Article I, Section 2 of the National Constitution.

FINDINGS OF FACT

1. The lot at issue is depicted as "Water" on BLS Worksheet # C29 B 00.
2. This lot is an area of seawater.
- 3.. On June 20, 2006, James Yalap filed a claim for the lot at issue and stated in paragraph 5 of the claim form that his interest or basis for the claim is "Fish Farm."
4. On October 23, 2007, as a result of mandatory mediation, James Yalap 1186 withdrew his claim.
5. KSPLA does not dispute the boundaries of the lot as depicted on the worksheet nor does

¹ The hearing was scheduled to start at 9:00 a.m. but claimants were not present at that time. Counsel for KSPLA arrived late and stated that his understanding was that Mr. Yalap withdrew his claim so he, Mr. Petersen, thought the hearing was postponed or cancelled. It appears that Mr. Petersen also thought that if the claim is not contested then he need not show up. As stated at the hearing and is hereby reiterated, a claimant must appear at the hearing, even if the claim is uncontested, so that the claimant can enter evidence and place on the record the basis of the claim otherwise the claim remains unproven. *See Estate of Masang v. Marsil*, 13 ROP 171, 175 (2006) (citing *Ngermechesong Lineage v. Children of Oiph*, 11 ROP 196 (2004)).

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it dispute Article 1, Section 2, of the Constitution which provides that “each state shall have exclusive ownership of all living and non-living resources . . . from land to twelve (12) nautical miles seaward from the traditional baselines.”

6. Judicial notice is taken that Koror State itself was not a party to this action.

CONCLUSIONS OF LAW

The Land Court is mandated to resolve the ownership of all lands in the Republic of Palau.² *See generally*, RPPL 6-31. The lot at issue is seawater and not land. Therefore, the Land Court has no jurisdiction over the ownership of this lot. Consequently, this matter is dismissed and no determination of ownership is made.

² BLS should summarily dismiss these apparently frivolous claims. In other words, if a person is claiming something that is not land, such as seawater in this case, BLS should disregard said claims and not process the same because they not only waste BLS resources, they will eventually lead to wasting of judicial resources.