

**TECHEBOET LINEAGE,
Appellant,**

v.

**BELECHL NGIRNGEBDANGEL,
IDONG LINEAGE, NGERBODEL
HAMLET, TELUNGALEK RA IKED,
and TELUNGALEK RA METIEK,
Appellees.**

CIVIL APPEAL NO. 09-011
LC/B 01-527; LC/B 01-528; LC/B 01-529;
LC/B 01-530

Supreme Court, Appellate Division
Republic of Palau

Decided: January 14, 2010

[1] **Property:** Statute of Limitations

Filing a claim with the proper authority tolls the statute of limitations clock for claims to land even in the absence of a filed lawsuit for recovery of land. Land claimants should not be penalized for pursuing their claims through the legislatively-blessed claim method rather than through the filing of an individual lawsuit.

Counsel for Appellant: Salvador Remoket

BEFORE: ARTHUR NGIRAKLSONG,
Chief Justice; ALEXANDRA F. FOSTER,
Associate Justice; HONORA E.
REMENGESAU RUDIMCH, Associate
Justice Pro Tem.

Appeal from the Land Court, the Honorable
SALVADOR INGEREKLII, Associate Judge,
presiding.

PER CURIAM:

This appeal is Techeboet Lineage's challenge to certain determinations of land ownership by the Land Court. The land at issue is located in Ngerbodol, Ngerchemai Hamlet, Koror State. Although five parties are named as appellees, the substance of the appeal only relates to parcels awarded to Belechl Ngirngabdangel.¹ Therefore the other four appellees—Idong Lineage, Ngerbodol Hamlet, Telungalek ra Iked, and Telungalek ra Metiek—are dismissed from the appeal. For the reasons set forth below, the challenged determinations of ownership are affirmed.

BACKGROUND

In the proceeding below, the Land Court awarded Ngirngabdangel the following fifteen lots on Bureau of Lands and Surveys Worksheet No. C3 B 00: Lot Nos. 181-191, 181-191A, 181-191B, 181-191C, 181-191E, 181-191G, 181-191K, 181-191P, 181-191P-1, 181-191Q, 181-191T, 181-034A, 181-034B, 181-034D, 181-034H. *See* Land Ct. Case Nos. LC/B 01-527, LC/B 01-528, LC/B 01-529, LC/B 01-530, Decision at 18 (Land Ct. Oct. 31, 2008). Techeboet Lineage claimed thirteen lots before the Land Court: Lot Nos. 181-191,² 181-191A, 181-191B, 181-191C,

181-191D, 181-191E, 181-191G, 181-191H, 181-191J, 181-191K, 181-191M, 181-191P, and 181-034H.³ (*See* Appellant's Br. at 1.) By comparing the lists,⁴ it appears that the nine overlapping lots at issue (those claimed by Techeboet Lineage but awarded to Ngirngabdangel) are: Lot Nos. 181-191, 181-191A, 181-191B, 181-191C, 181-191E, 181-191G, 181-191K, 181-191P, and 181-034H.⁵

mistake, as the Land Court stated that Techeboet Lineage claimed Lot No. 181-191 and no Lot No. 181-191I was awarded. *See* Land Ct. Decision at 4, 12.

³ Techeboet Lineage was awarded four lots: Lot Nos. 181-191H, 181-191J, 181-191M, and 181-191N-1. *See* Land Ct. Decision at 17. We note that the Land Court awarded Lot No. 181-191N-1 to Techeboet Lineage without discussion and, possibly, without Techeboet Lineage even claiming it (it is not listed either in Techeboet Lineage's appellate brief or in the Land Court opinion as a claimed property of Techeboet Lineage). But that is not before us.

⁴ The task of defining the lots at issue should have fallen on the appellant, rather than on the Court.

⁵ We note that four of the lots awarded to Ngirngabdangel (Lot Nos. 181-191E, 181-191G, 181-191P-1, and 181-191T) were not specifically addressed in the section of the Land Court's opinion discussing its awards to Ngirngabdangel. *See* Land Ct. Decision at 10. Two of those four undiscussed lots (Lot Nos. 181-191E and 181-191G) are part of the appealed lots before us. Upon close reading of the Land Court's opinion, the award of those lots to Ngirngabdangel (at least compared to the claim of Techeboet Lineage) is sufficiently explained in the section of the opinion addressing the claims of Techeboet Lineage. *See id.* at 12-13. The Land Court should be mindful,

¹ Although Techeboet Lineage named "Belechel Ngirngabdangel" as an appellee, we use the spelling on the Land Court's determination of ownership, "Belechl Ngirngabdangel."

² Techeboet Lineage's brief states that it claimed Lot No. 181-191I but does not mention its claim to Lot No. 181-191. (*See* Techeboet Lineage Br. at 1.) This statement is an apparent

The Land Court grounded its awards to Ngirngabdangel in his statute of limitations defense. The Land Court found that Ngirngabdangel purchased property from Iked Etpison in 1976 and additional property from Yukiwo Etpison in 1983.⁶ The Land Court further found that Ngirngabdangel occupied those parcels continuously—and without objection—since the respective purchases. However, in 1988 Techeboet Lineage’s representatives, Bilung G. Salii and Ibedul Y. Gibbons, filed a “Claims for Public Lands” form with the Land Claims Hearing Office (“LCHO”). Techeboet Lineage appeals the Land Court’s determinations of ownership, largely based on the argument that the 1988 public lands claim tolled the statute of limitations. No responsive briefs were filed.

STANDARD OF REVIEW

Although we review the Land Court’s findings of fact for clear error (*see Ngerungel Clan v. Eriich*, 15 ROP 96, 98 (2008)), this appeal presents a question of law. We therefore review it *de novo*. *See Sechedui Lineage v. Estate of Johnny Reklai*, 14 ROP 169, 170 (2007).

DISCUSSION

Techeboet Lineage does not argue that Ngirngabdangel’s possession of the land failed

however, that the specific basis for the award of each lot should be clearly set forth in its opinions, lest we find ourselves incapable of reviewing its awards.

⁶ Techeboet Lineage does not dispute this finding and instead cites to it as fact. (Appellant’s Br. at 2.)

any aspect of the test for the running of the statute of limitations for claims concerning land (e.g., that his possession was actual, open, visible, notorious, continuous, hostile or adverse, and under claim of right or title). We therefore do not review those aspect of the Land Court’s decision. We will narrowly confine our review to the appealed issue: whether the 1988 public lands claim of Gibbons and Salii tolled the statute of limitations clock as to Ngirngabdangel.

[1] We have previously stated that filing a claim with the LCHO tolls the statute of limitations clock for claims to land even in the absence of a filed lawsuit for recovery of land. *See Lulk Clan v. Estate of Tubeito*, 7 ROP Intrm. 17, 21 & n.5 (1998). Land claimants should not be penalized by pursuing their claims through the (then-)legislatively-blessed LCHO method rather than through filing individual suits in court. *See id.* To determine whether the 1988 LCHO claim effectively interrupted Ngirngabdangel’s possession of the appealed lots, we must inspect the language of the claim.

The form, entitled “Claims for Public Land (Pursuant to 35 PNC § 1104),” was filed by Gibbons and Salii with the LCHO on December 30, 1988.⁷ The claimed lands are

⁷ 35 PNC § 1104 has since been repealed, but at the relevant time provided in subsection (a) that the LCHO would make determination of ownership of all lands within the Republic and provided in subsection (b) that (subject to certain restrictions) the LCHO would award ownership of public lands wrongly acquired by occupying powers to individual claimants. It is unlikely coincidental that Gibbons and Salii filed their claim two days before the date—January 1,

described as being located in the state of Koror in the hamlets of “Ngerbodel, Ngerchemai, Ngerias, Semiich, Top-side, Toker.” In response to the section labeled “Approximate area,” the claimants responded “See Exh. 2 (map).” No such map appears to have made it into the record before us. In response to the query “What right or interest do you claim in this land?”, the claimants responded “We claim titles and ownership as surviving heirs and as heads of clan and lineages.” According to the form, Gibbons and Salii “claim[ed] titles and ownership by birthrights and by [their] position in clan and lineages owning such lands.” The form alleges that the lands were “[c]laimed [] as public lands without explanation” and “[u]sed for government buildings, farming and others.”

Inspection of the 1988 public lands claim of Gibbons and Salii leaves the reader at a loss to discern the precise locations of the lands claimed or the identities of the clans or lineages for whom the lands were claimed. Moreover, based on the evidence adduced, the claim to “public lands”—as its name suggests—appears to have been an attempt by Gibbons and Salii to regain public lands. The 1988 public lands claim did not sufficiently put Ngirngabdangel on notice that Techeboet Lineage was asserting its ownership rights against him over the appealed lots. Based on the record on appeal, the 1988 public lands claim is too vague to have tolled the statute of limitations clock against Ngirngabdangel and in favor of Techeboet Lineage.

1989—set to bar further claims to public lands via subsection (b).

CONCLUSION

Because, on the record before us, the 1988 public lands claim of Gibbons and Salii did not toll the statute of limitations in Techeboet Lineage’s favor, the Land Court’s ruling below as to the matter at issue in this appeal is affirmed.⁸

⁸ Koror State Public Lands Authority (“KSPLA”) has separately appealed the Land Court’s determinations of ownership in the proceeding below, including five lots—Lot Nos. 181-191B, 181-191C, 181-191E, 181-191P, and 181-034H—appealed by Techeboet Lineage in the instant case. *See Koror State Pub. Lands Auth. v. Idong Lineage*, 17 ROP 82 (2010). In that appeal, concurrently decided, KSPLA was successful in achieving vacation of the award to Ngirngabdangel of those five lots (among others). However, that vacation was specific to KSPLA and does not permit Techeboet Lineage another opportunity to press its claims.