

Markub v. Oit, 2 ROP Intrm. 176 (1990)
In the Matter of the Appeal From the Decision of the Land claims Hearing Office.

DECHERONG MARKUB,
Appellant,

v.

NGIRUTANG OIT, and MELELM MARKUB,
Appellees.

CIVIL APPEAL NO. 16-89
Civil Action No. 237-89

Supreme Court, Appellate Division
Republic of Palau

Opinion

Decided: August 24, 1990

Counsel for Appellant: J. Roman Bedor, T.C.

Counsel for Appellees: Jonas W. Olkeriil, T.C.

BEFORE: MAMORU NAKAMURA, Chief Justice; LOREN A. SUTTON, Associate Justice;
ALEX R. MUNSON, Associate Justice.

NAKAMURA, Chief Justice.

The Land Claims Hearing Office served its Summary and Adjudication (written in Palauan language) on Appellant on May 03, 1989. On May 23, 1989, Appellant filed his Notice of Appeal to the Trial Division of the Supreme Court and designated the entire record. The translation of the Summary and Adjudication was filed on August 22, 1989.

¶177 On August 23, 1989, the Trial Division, acting as a first stage appellate tribunal, ordered Appellant to file his brief not later than October 09, 1989. Having failed to comply with that order, the trial court then dismissed the appeal on October 11, 1989.

Appellant argues that the trial court erred in dismissing the appeal, because Appellant had designated the entire record, and only the Summary and Adjudication of the Land Claims Hearing Office was placed in the file.

Appellant did not request an extension of time to file his brief, in accordance with Rule 31(c) of the ROP Rules of Appellate Procedure. Appellant also failed to timely request those parts of the record he felt he still needed.

Markub v. Oit, 2 ROP Intrm. 176 (1990)

There is now a long line of cases in Palau in which the Appellate Division of the Supreme Court has dismissed appeals pursuant to ROP R. App. Pro. 31(c), for failure of appellants to file briefs in accordance with ROP R. App. Pro. 31(b). See *A.J.J. Enterprises v. Renguul, et al.*, Civil Appeal No. 7-90 (Filed July 18, 1990); *Uodelchad aka Emau Rafael v. Iyechad*, Civil Appeal No. 7-88 (Filed April 02, 1990); *Kebekol, et al., v. Palau Election Commission, et al.*, 1 ROP Intrm. 654 (App. Div. Sept. 1989); *ROP v. The Olbiil Era Kelulau*, 1 ROP Intrm. 562 (App. Div. Jan. 1989); *Ramon, et al., v. Umedib*, 1 ROP Intrm. 564 (App. Div. Jan. 1989); *Silmai v. The Pension Fund Board of Trustees*, 1 ROP Intrm. 631 (App. Div. May 1989).

¶178 The Court sees little to distinguish this case from those above. “It is ordinarily the duty of the party seeking review to see that the record is properly presented. . . .” 4 Am. Jur. 2d. *Appeal and Error* § 398 (2nd Ed. 1962).

The dismissal by the Trial Division is hereby AFFIRMED.