

Inglai Clan v. Emesiochel, 3 ROP Intrm. 219 (1992)
INGLAI GLAN,
Plaintiff/Appellee,

v.

YOSIWO EMESIOCHEL,
Defendant/Appellant.

CIVIL APPEAL NO. 26-90
Civil Action No. 88-90

Supreme Court, Appellate Division
Republic of Palau

Appellate decision
Decided: November 13, 1992

Counsel for Appellant: Johnson Toribiong

Counsel for Appellee: Moses Uludong

BEFORE: ARTHUR NGIRAKLSONG, Acting Chief Justice; ROBERT A. HEFNER, Part-time Associate Justice; and ALEX R. MUNSON, Part-time Associate Justice

PER CURIAM:

This case comes on appeal from a decision of the trial court declaring appellee (“Inglai”) the owner of Lot No. 95-8132, known as Ibobang (the “Land”) and voiding the adjudication by the Land Claims Hearing Office (“LCHO”) that the Land is owned by appellant (“Emesiochel”).

BACKGROUND

The basic issue in this dispute is the ownership of the Land. The Land has been the subject of previous court and land commission decisions. In *Madrainglai v. Emesiochel*, 7 TTR 13 (Tr. Div. 1974) and *Madrainglai, et al., v. The School of the Pacific*, 7 TTR 107 (Tr. **1220** Div. 1974), the Land was found to belong to Ngatpang Municipality, the predecessor-in-interest of Ngatpang State. In 1982, the Land became the subject of Formal Hearing No. 47 before the Palau Land Commission (“Commission”), which determined that the Land belonged to Ngatpang Municipality. However, the Commission never issued a notice of its Determination of Ownership nor a certificate of title. As far as this Court can determine from the parties’ briefs, Emesiochel did not appeal this determination.

In 1985, by way of Resolution 2-85, Ngatpang State certified that Inglai was the owner of the Land.

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Later, in 1986, by way of Ngatpang State Public Law (“NSPL”) No. 7-86, Ngatpang State called for an inquiry by the Commission regarding the title to large tracts of land, of which the Land was a part. NSPL 7-86 also stated Ngatpang State’s intention that Ngatpang State would have the right to review and correct the Commission’s determinations of ownership.

Pursuant to NSPL 7-86, Ngatpang State, in a letter to the Commission dated March 27, 1989, released Claim No. 126, the tract of land of which the Land was a part. The release included the statement that “[a]ny prior determination of ownership for lands within the area under Claim No. 126 shall not be re-adjudicated.”

When the LCHO, as successor to the Commission, sought to wind up matters which had been pending before the Commission, it reviewed the Commission files regarding Formal Hearing No. 47. Since the Commission had failed to issue notice of its determination following that hearing, the job fell upon the LCHO. 1221 Instead, however, the LCHO embarked upon a new determination of ownership of the Land. In Determination No. 10-247-89, dated September 27, 1989, the LCHO found that the Land belonged to Emesiochel. It is this decision upon which the appellant bases his claim to the Land. Inglai did not participate in the LCHO proceeding.

After the LCHO’s determination, Ngatpang State wrote a letter to the LCHO informing them that the Land belonged to Inglai by virtue of Resolution 2-85. The LCHO replied by letter dated November 21, 1989 that Inglai should appeal the decision within 45 days of the date of determination if it wished to challenge the LCHO’s determination.

Instead of an appeal, Inglai brought an action before the trial court for declaratory relief, seeking a determination that the Land belonged to Inglai clan.

TRIAL COURT

The Trial Court held that Inglai was the owner of the Land for the following reasons: (1) Emesiochel had ceded its right to the Land in the previous Trust Territory cases; (2) Ngatpang had the power to declare Inglai the owner of the Land in its 2-85 Resolution; (3) the LCHO did not follow the procedures set forth in NSPL 7-86, so its adjudication was invalid; and (4) since the LCHO adjudication was invalid, Inglai was not bound by its failure to appeal the adjudication.

ISSUES

The issues before the Court are:

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1. Did Emesiochel waive his claim of ownership to the Land?
2. Was the LCHO’s adjudication valid? (a) Was it proper for the LCHO to redetermine the ownership of the Land after the Commission had already made a decision? (b) Did the LCHO’s failure to follow the provisions of Resolution 7-86 invalidate its determination of ownership?

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3. If the LCHO's adjudication was valid, was Inglai's only recourse by way of appeal? Since Inglai did not appeal, is it bound by the LCHO decision?

4. Was Resolution 7-86 a valid means of transferring ownership to Inglai?

On the second issue, we hold that the LCHO's determination of ownership of the Land was an improper redetermination of matter previously adjudicated by the Commission. Our determination of this issue moots the other issues before the Court.

ANALYSIS

An appellate court may affirm or reverse a decision of a trial court even though the reasoning differs. *See ROP v. Pacifica Development Corp. et al., and Koror State Government, et al., v. ROP, et al.*, 1 ROP Intrm. 383 (1987). An appellate court should affirm a trial court judgment when justice has been done. *Sher v. De Haven*, 199 F.2d 777 (D.C. Cir. 1952). We hold that the LCHO could not redetermine the ownership of the Land, since the Commission had already decided the issue.

35 PNC 1110(c) prohibits the redetermination by the LCHO of a title claim or dispute between parties or their successors or **L223** assigns, where such claim or dispute has already been finally determined by the former Land Commission.

There is Palau case law on the issue. In *Kloteraol v. Ulengchong v. Tmilchol*, 2 ROP Intrm. 145 (1990), the Commission in 1958 had adjudicated the ownership of certain lands. In 1986, the Commission, for some reason, held public hearings on the ownership of the same lands and in 1987 issued a new Determination of Ownership. The plaintiff, by virtue of the 1986/1987 hearings and determination, lost his land and challenged the determination. The Appellate Division of the Supreme Court of Palau, citing 35 PNC sec. 930(b) (a substantially similar predecessor statute to 35 PNC 1110(c)), held that the 1986/1987 redetermination was invalid. Since the 1958 decision had not been appealed, it served as a judgment between the parties as to the ownership of the Land.

In the instant case, the Commission in 1982 began a determination of the ownership of the Land, resulting in their determination that the Land belong to Ngatpang Municipality. Emesiochel was a claimant in the 1982 hearings. Obviously, Ngatpang Municipality was a claimant as well. Later, the same parties were before the LCHO; Emesiochel was again a claimant, and Ngatpang State (the successor-in-interest to Ngatpang Municipality) had directed the LCHO that it released the Land on the condition that no re-determinations of the Land would be made. Hence, Ngatpang State's interest in and directives regarding the Land were before the LCHO as well.

This being the case, when the LCHO inherited the proceedings **L224** before the Commission, under 35 PNC 1110(c) it could not redetermine the ownership of the Land. Its authority was limited to following up the 1982 determination by issuing a notice of the

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determination and a certificate of title. Accordingly, we hold that the LCHO's determination of ownership in Emesiochel was invalid. Even without the operation of 35 PNC 1110(c), under the principles of collateral estoppel Emesiochel was bound by the 1982 Commission decision.

Although Emesiochel argues that Resolution 7-86 was an ineffective means of confirming title in Inglai, our holding that Emesiochel's claim to the Land is based upon an invalid LCHO determination makes his argument no longer germane to his appeal. The other issues raised by his appeal are similarly mooted.

CONCLUSION

The decision of the trial court is AFFIRMED.