

Koror State Government v. Ngiraingas, 4 ROP Intrm. 15 (1993)
KOROR STATE GOVERNMENT, et al.,
Appellants,

v.

JACKSON NGIRAINGAS,
Appellee.

CIVIL APPEAL NO. 15-92
Civil Action No. 187-92

Supreme Court, Appellate Division
Republic of Palau

Opinion

Decided: November 15, 1993

Attorneys for Appellant: Stephen Kruger
Antonio L. Cortes
Koror State Government

Attorney for Appellee: William L. Ridpath
Ngiraikelau, Dengokl & Ridpath

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;
JANET H. WEEKS, Part-Time Associate Justice

PER CURIAM:

The limited question presented on appeal in this case is whether a particular petition for writ of habeas corpus satisfied statutory pleading requirements. We hold that the trial court did not abuse its discretion in determining that the petition alleged facts sufficient to satisfy statutory requirements.

BACKGROUND

In response to reports of vandalism and adolescent alcohol abuse, the House of Traditional Leaders of Koror State Government met on April 23, 1992 and declared a bul, or curfew, to begin at 10:00 p.m. the next day. Among other matters, the bul restricted the sale of alcoholic beverages after 10:00 p.m.

¶16 On April 24, at 11:00 p.m., agents of the House of Traditional Leaders went to Olbukl, a nightclub operated by Jackson Ngiraingas. After observing the sale of alcoholic beverages, the agents arrested Ngiraingas and took him to the Koror State Government Office. He was released one hour later.

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On April 29 Ngiraingas filed a civil action against Koror State Government seeking, inter alia, to enjoin Koror State from interfering with his free movement in Koror.

On April 30 Ngiraingas failed to appear at a scheduled hearing before the House of Traditional Leaders. Agents of the House of Traditional Leaders located Ngiraingas at 3:30 p.m. on the same day at his attorney's office. He was brought before the House of Traditional Leaders and banished from Koror State for three months. At 4:00 p.m. Ngiraingas was placed on a boat and taken to Peleliu.

At 4:20 p.m. Ngiraingas' attorney filed a petition for writ of habeas corpus. The petition stated that Ngiraingas was arrested and removed from his attorney's law offices at 3:30 p.m. and was presently in Koror State's custody. The petition further stated that the custody was being exercised pursuant to no legal authority.

In a May 20 decision, the trial court granted the petition for writ of habeas corpus. The court found that the petition, while "bare bones," contained enough information to satisfy statutory requirements. The court further found that the **L17** banishment restrained Ngiraingas' liberty and that there was no lawful authority for the banishment.

DISCUSSION

Koror State appeals only the trial court's finding that the petition contained enough information to satisfy statutory requirements. A trial court's determination that a petition for writ of habeas corpus is sufficiently pleaded will be reviewed for abuse of discretion.

18 PNC § 1102 states in part,

Application for the writ of habeas corpus shall be made . . . by a written statement under oath signed by the party for whose relief it is intended, or by some person in his behalf. It shall set forth the facts concerning the imprisonment or restraint of the person for whose relief it is intended, and, if known, the name of the person who has custody over him, and by virtue of what claim or authority the restraint or imprisonment is being practiced.

The trial court did not abuse its discretion in finding that Ngiraingas' petition satisfied 18 PNC § 1102. As the trial court noted, the petition "alleges the essential fact that petitioner is in the custody of respondents and the issue of law as to whether the custody is pursuant to lawful authority." *Ngiraingas v. Koror State Government*, Civil Action 187-92, Decision at p. 3 (Tr. Div. May 20, 1992).

The pleading requirements in 18 PNC § 1102 are designed to insure that a court can adequately assess the viability of a petition, and that the party who is allegedly restraining the petitioner has enough information to intelligently respond. In **L18** this case there can be no dispute that Koror State knew the relevant facts surrounding petitioner's restraint. This is

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evidenced by the informed testimony of Koror State's witness at an evidentiary hearing on the matter.

Given the consensus of the parties as to the facts underlying the writ, denying the petition because of an unduly restrictive technicality would run counter to the rule that petitions for writs of habeas corpus should be liberally construed. *See id.* at p. 3-4. The petition in this case sufficiently expressed, albeit in abbreviated form, the essential nature of Ngiraingas' complaint. It therefore satisfied 18 PNC § 1102.

The trial court's grant of the petition for writ of habeas corpus is AFFIRMED.