

*Ngiraloi v. Mikel*, 4 ROP Intrm. 175 (1994)

**EBAS NGIRALOI,  
Appellant,**

v.

**AUGUSTINE MIKEL AND KLIU SAKUMA,  
Appellees.**

CIVIL APPEAL NO. 12-92  
Civil Action No. 186-91

Supreme Court, Appellate Division  
Republic of Palau

Opinion

Decided: March 25, 1994

Attorney for Appellant: Pro se

Attorney for Appellee Mikel: Carlos H. Salii

Attorney for Appellee Sakuma: Moses Uludong

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;  
PETER T. HOFFMAN, Associate Justice.

MILLER, Justice:

This appeal involves a tract of land in Ikelau Hamlet in Koror State. The land is listed as Tochi Daicho Lot No. 953, and is registered as the individual property of Mikel Ngermeriil, who died in 1974. The Land Claims Hearing Office (LCHO) determined ownership in favor of appellees, and the Trial Division affirmed.

Appellant Ebas Ngiraloi contends that Mikel, in the early or mid-1960's, orally transferred the land to Ngermeriil Lineage. Although both the LCHO and the Trial Division rejected this claim, they did so, at least in part, for reasons not justified by the record. In particular, both the LCHO and the court found appellant's testimony inconsistent and therefore not worthy of **¶176** belief on the ground that appellant had also testified that Lot 953 has always been owned by the Lineage and "was registered in Mikel's name to facilitate executing leases to Japanese nationals." This latter testimony, although cited by both the LCHO and the Trial Division, appears nowhere in the record. Although we believe that the Trial Division could have reached the same result on the record as it stands, we cannot say that it would have done so, and we therefore conclude that a remand for further consideration is appropriate.

For the foregoing reasons, the judgment of the Trial Division is hereby VACATED and

*Ngiraloi v. Mikel*, 4 ROP Intrm. 175 (1994)

this action is REMANDED to the Trial Division for further consideration. We leave to the sound discretion of the Trial Division whether any further evidence should be taken or any new findings should be made. See generally *Ngiratereked v. Joseph*, Civil Appeal No. 3-92 (Dec. 17, 1993).