

Gibbons v. Rengechel, 5 ROP Intrm. 181 (1996)
**IBEDUL OBAK RA IWONG, YUTAKA M. GIBBONS,
and BILUNG OBKAL GLORIA G. SALII,
Appellants,**

v.

**BECHESERRAK RENGEHEL, SINGICHI KATOSANG,
OLBLAI BINS, ETOBT ERUNGEL BRIKUL,
TILEI ERUNGEL, EMILIANO INGEREKLII,
and RIMAT NGIRAMECHELBANG,
Appellees.**

CIVIL APPEAL NO. 8-94
Civil Action Nos. 87-90 & 348-93

Supreme Court, Appellate Division
Republic of Palau

Opinion
January 11, 1996

Counsel for Appellants: Carlos H. Salii

Counsel for Appellees Becheserrak and Katosang: Johnson Toribiong

Counsel for Appellees Bins, Brikul, and Erungel: Moses Y. Uludong

Counsel for Appellees Ingereklii and Ngiramechelbang: J. Roman Bedor

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

MILLER, Justice:

The two consolidated actions below raised disputes over who were the members of Odilang and controlled its properties. The **1182** trial court found that appellants Ibedul Obak ra Iwong Yutaka M. Gibbons and Bilung Obkal Gloria G. Salii, plaintiffs in the earlier filed action, are not members of Odilang Clan. We affirm.

As reflected in the pretrial statement and in the trial court's judgment, the trial below concerned whether Odilang is a clan or lineage, who were the holders of its chief title Rechebei, and who are its current members. Appellants contended, as they do here, that Odilang is not a clan, but a lineage within Ucheliou Clan, of which they are members and titleholders; that previous holders of the title Ibedul of Idid Clan had held the title Rechebei of Odilang and, ultimately, that they are members of Odilang through Idid and Ucheliou.

The trial court found that Odilang was a clan, that the previous holders of the title Rechebei did not include the Ibeduls named by appellants, and that appellants were not members of Odilang Clan. ¹ We review each of these findings under the clearly erroneous standard of review -- as long as they are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, they will not be set aside unless this Court is left with a definite and firm conviction that a mistake has been made. *Rebluud v. Fumio*, 5 ROP Intrm. 55, 57 (1995). Applying this standard, we cannot conclude that the findings now challenged are clearly erroneous.

As appellants argued in their post-trial brief to the trial court: "It is clear that credibility [was] an issue in this trial. Conflicting testimonies were given on the issues of whether Odilang is a clan or a lineage and of who are members of Odilang." Post Trial Brief by Plaintiffs, September 24, 1993, at 7. ² Thus, while several witnesses, including appellants, testified that Odilang was a lineage, several others testified unequivocally that it was a clan. The trial court, in weighing this conflicting evidence together with the non-testimonial evidence discussed in its opinion, was not clearly in error in rejecting appellants' ¶183 contention in this regard. Likewise, although appellants presented testimony that Ibeduls Ilengelekei, Tem and Louch had held the title Rechebei, the testimony of other witnesses supports the trial court's determination that they did not.

Although addressed as separate issues, appellants' contentions as to previous titleholders and as to the status of Odilang as a lineage within Ucheliou were both offered in support of their theory that members of Idid Clan had exercised authority in Odilang through Ucheliou and as circumstantial evidence of their membership in Odilang. Given the conflicting testimony on these issues and on the entire record, we cannot find that the trial court committed clear error in its ultimate conclusion that appellants are not members of Odilang Clan. Moreover, given appellants' failure to present any customary evidence on this point, we cannot fault the trial court's conclusion that the conquest of Ngerkebesang by Koror did not, *ipso facto*, entitle members of Idid Clan to membership in Odilang Clan. The judgment of the trial court is AFFIRMED.

¹ The trial court also made findings as to the membership of appellees and their respective strength within the Clan.

² See also *id.* at 10: "[T]his Court is called upon now to evaluate and judge the demeanor and credibility of each witness and to weigh the conflicting testimony . . ."