

Tarkong v. Mesebeluu, 7 ROP Intrm. 107 (1998)
BASILISA TARKONG,
Appellant,

v.

AUGUSTINE MESEBELUU,
Appellee.

CIVIL APPEAL NO. 3-97
Civil Action No. 94-95

Supreme Court, Appellate Division
Republic of Palau

Decided: September 2, 1998

Counsel for Appellant: Johnson Toribiong

Counsel for Appellee: William L. Ridpath

BEFORE: LARRY W. MILLER, Associate Justice; ALEX R. MUNSON, Part-Time Associate Justice; and JANET H. WEEKS, Part-Time Associate Justice.

MILLER, Justice:

Appellant Basilisa Tarkong has filed a petition for rehearing asking that we reconsider our prior opinion in this case. 7 ROP Intrm. 85 (1998). On the basis of a supporting affidavit, appellant contends that the reason Udes Clan, the paternal lineage of Kodep Brel, did not take any action in this case is that it “did not wish to interject itself into the process so as to complicate the facts while the matter was pending before the Court.” Petition at 4.

In our original decision, we accepted, as a matter of custom, that

¶108 the lineage was not required to make any disposition immediately after Kodep’s death. Nevertheless, the LCHO proceeding that gave rise to these appeals was not held until more than two years later. That proceeding was initiated by Mesebeluu’s claim, which relied on the action taken by Kodep’s maternal lineage. If the paternal lineage wished to assert its own right to dispose of the land or to select someone other than Mesebeluu to receive it, we believe that it was required to do so in time for it or its designee to file a claim with the LCHO.

7 ROP Intrm. at 88. Thus appellant’s argument that Udes Clan did nothing because the case was pending before this Court does not lead to any different result.

When the LCHO scheduled a hearing about the land at issue in this case, it was presented with two claims: by appellant claiming that Kodep had given her the land, and by appellee

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claiming that he had been designated to receive the land by Kodep's maternal lineage. If Udes Clan believed that it was its prerogative to give out this land, its time to act was then, not after the LCHO determination had been made and appealed, and certainly not now when the appellate process has been completed. The petition for rehearing is accordingly DENIED.