

Ngiraidong v. Ngesechei Clan, 7 ROP Intrm. 121 (1998)
INGLONG NGIRAIDONG,
Appellant,

v,

NGESECHEI CLAN,
Appellee.

CIVIL APPEAL NO. 37-97
Land Court D.O. Nos. 4-57, 4-58, and 4-59

Supreme Court, Appellate Division
Republic of Palau

Argued: October 2, 1998
Decided: October 9, 1998

Counsel for Appellant: Kevin N. Kirk

Counsel for Appellee: Carlos H. Salii

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;
and R. BARRIE MICHELSEN, Associate Justice.

MILLER, Justice:

On July 11, 1997, the Land Court issued determinations of ownership to Ngesechei Clan for three parcels of land known as Bital Mesei located in Ngiwal State.¹ All of the determinations named “Ngirngesechei,” the chief title holder of Ngesechei Clan, as trustee for the lands. Appellant Inglong Ngiraidong appealed each of the determinations, asserting that her father, Meltel Ngirngesechei, was once the individual owner of these lands and had given them to **L122** her. According to appellant, the Land Court failed to properly interpret the Tochi Daicho records, which list her father as the individual owner of these parcels. We agree and reverse.

The Tochi Daicho lists “Ngirngesechei” as owner of each of the three Bital Mesei parcels. Despite the fact that none of the entries make any mention of Ngesechei Clan, appellee contends, and the Land Court apparently found, that the Tochi Daicho listings signify that Ngesechei Clan owned these lands with Ngirngesechei as trustee. We believe that such an interpretation of the Tochi Daicho was clearly erroneous, especially considering that a number of other closely related entries explicitly designate Ngesechei Clan as the owner of a given parcel and specifically name Ngirngesechei as the trustee of that parcel. *See Tesei v. Belechal*, Civ. App. No. 14-97, slip op. at 2 (July 30, 1998) (Land Court’s findings reviewed under “clearly erroneous” standard). The

¹ The parcels are Tochi Daicho lot numbers 756, 759 and 760.

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Japanese knew how to indicate clan ownership in the Tochi Daicho when that was necessary. They did not do so for the properties in question.

Having concluded that the Tochi Daicho listings reflect individual ownership, the Land Court's decision to award the land to appellee may be upheld only if the evidence showed, by clear and convincing evidence, that those listings were wrong. See *Elbelau, v. Semdiu*, 5 ROP Intrm. 19, 21 (1994); *Espangel v. Tirso*, 2 ROP Intrm. 315, 318 (1991) (to rebut Tochi Daicho listing of individual ownership, evidence must be "particularly clear and convincing"). Because appellee failed to present the evidence necessary to make such a showing, we conclude that the Land Court's decision was in error and must be REVERSED.

The Land Court is instructed to issue certificates of title to Inglong Ngiraidong for Ngiwal State Tochi Daicho Lots No. 756, 759 and 760.

MICHELSEN, Justice:

I concur in the result.