

*Madelsar Lineage v. Ngetpak Clan*, 7 ROP Intrm. 69 (1998)  
**MADELSAR LINEAGE and MOKOKIL REBES,**  
**Appellants,**

v.

**NGETPAK CLAN,**  
**Appellee.**

CIVIL APPEAL NO. 20-97

Supreme Court, Appellate Division  
Republic of Palau

Submitted: March 31, 1998

Decided: May 11, 1998

Counsel for Appellant Madelsar Lineage: Johnson Toribiong, Esq.

Counsel for Appellant Rebes: David Kirschenheiter, Esq.

Counsel for Appellee: J. Roman Bedor, T.C.

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

PER CURIAM:

On May 13, 1997, the Land Court awarded Ngetpak Clan a Determination of Ownership for land known as “Ngetpak.” Madelsar Lineage and Mokokil Rebes appealed. <sup>1</sup> On November 10, 1997, the parties **L70** filed a stipulation stating that although the Land Court had determined that it had no jurisdiction to hear this matter, they had agreed that the Land Court did have jurisdiction and that the matter should accordingly be remanded for a new hearing. Noting that parties cannot stipulate to the existence of jurisdiction, this Court issued an Order directing the parties to file a memorandum demonstrating the Land Court’s jurisdiction.

Having reviewed the parties’ joint submission,<sup>2</sup> we are now satisfied that to the extent the Land Court believed that it lacked jurisdiction, it was mistaken. <sup>3</sup> In particular, the existence of a

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<sup>1</sup> The parties have filed their joint stipulation for remand in Civil Appeal No. 23-97. However, Civil Appeal No.23-97 and Civil Appeal No.2097 were consolidated by order of this Court on June 25,1997. The Court instructed that the case would have the docket number Civ. App. No.20-97. Because the parties have not followed this instruction, we have changed the appeal number to reflect the appropriate information.

<sup>2</sup> The parties have filed this same memorandum in Civil Appeal No. 24-97, a case arising out of the same Land Court proceeding.

<sup>3</sup> The basis for the Land Court's decision is unclear. Although it may have decided that

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deed from the Trust Territory Government to appellee, which the Court cited in its decision, did not deprive the Court of jurisdiction to hear appellants' claims. We accordingly remand this matter to the Land Court. We emphasize that we offer no opinion on the result reached by the Land Court, and that, after a hearing, it may reach the same conclusion or a different one, as it sees fit.

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the deed was simply persuasive evidence of the Clan's ownership, it is not possible to tell that from its decision.