

Temael v. Beketaut, 8 ROP Intrm. 101 (2000)
MELII TEMAEL AND RIKEL, TEMARSEL,
Appellants,

v.

MARIA BEKETAUT AND GABRIEL ARBEDUL,
Appellees.

CIVIL APPEAL NO. 98-30
D.O. No. 03-217

Supreme Court, Appellate Division
Republic of Palau

Argued: December 28, 1999
Decided: January 5, 2000

Counsel for Appellants: J. Roman Bedor

Counsel for Appellees: Yukiwo P. Dengokl

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

BEATTIE, Justice:

This appeal from Land Court concerns land in Ngaraard State known as “Kurab” and registered in the Tochi Daicho as Lot No. 584 under the name of Keremius. The Land Court determined that the land was the property of appellees Gabriel Arbedul and Maria Beketaut. We vacate the determination and remand for a new hearing and determination in Land Court.

The owner of the property according to the Tochi Daicho is Keremius. In Land Court appellants claimed Kurab on behalf of Bedechal Lineage. Appellant Temael claimed that Keremius was her mother’s uncle, and that Kurab was inherited by the lineage upon Keremius’ death in 1943. It is not clear from the record what Palauan custom appellants rely upon, but appellants claim that they are the only claimants who claim through Keremius and that therefore they should have been awarded ownership.

Appellees claimed their father Arbedul obtained Kurab in a 1950s court action and transferred Kurab to appellees before his death. Appellees produced a judgment from Civil Action No. 11, a 1950s court case entitled “Arbedul v. Ngirturong,” and claimed that Kurab was part of Iruang, the land at issue in that case. Alternatively, appellees claim that they acquired title to the land through adverse possession, claiming that appellees and their father Arbedul have used and occupied Kurab since Keremius’ death.

Temael v. Beketaut, 8 ROP Intrm. 101 (2000)

The Land Court's findings of fact and conclusions of law do not make clear the basis for awarding the property to appellees. As a result, we cannot adequately review its determination of ownership. *See Matchiau v. Telungalek ra Klai*, 7 ROP Intrm. 177 (1999).

Because the judge who issued the determination of ownership has retired from the Land Court, we cannot simply remand the case for more specific findings. A new hearing is necessary, though only the claims of the parties to this appeal shall be considered at the hearing.

Accordingly, we VACATE the Land Court determination of ownership and REMAND for a new hearing and determination of ownership.