

*Ramon v. Silang*, 8 ROP Intrm. 124 (2000)  
**DIRREMASCH BLUMEL RAMON,**  
**Appellant,**

v.

**TELUNGALEK RA SILANG,**  
**Appellee.**

CIVIL APPEAL NO. 99-11  
D.O. No. 14-19

Supreme Court, Appellate Division  
Republic of Palau

Decided: March 3, 2000<sup>1</sup>

Counsel for Appellants: Brien Sers Nicholas  
Counsel for Appellees: Ernestine K. Rengiil

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

PER CURIAM:

This case presents two issues: whether Kedam Clan received title to Lot 326-R in Angaur pursuant to a 1962 quitclaim deed executed by the Trust Territory government, and whether Kedam Clan gave the land to appellee Silang Lineage. The Land Court found that Kedam Clan owned Lot 326-R pursuant to the 1962 deed and gave the land to Silang Lineage for use as a household lot based on the relationship between Ucheliou Clan and Kedam Clan. Accordingly, the Land Court awarded ownership to Silang Lineage. ¶125 Appellant Ramon, who as female titleholder claims the land on behalf of Kedidai Clan, disputes both of the Land Court's findings.

We review Land Court findings of fact under the clearly erroneous standard of review and will reverse only if its findings so lack evidentiary support in the record that no reasonable trier of fact could have reached the same conclusion. *See Tesei v. Belechal*, 7 ROP Intrm. 89, 90 (1998).

The Land Court did not clearly err in finding that Kedam Clan received title to Lot 326-R from the Trust Territory government pursuant to a 1962 quitclaim deed. At the hearing in Land Court, appellee's representative, Obak Antonio Moses, submitted as evidence a 1962 quitclaim deed executed by the Trust Territory government conveying Lot 326, of which Lot 326-R forms a part, to Kedam Clan. Moses also submitted a judgment from a 1969 case, *Ochebir v. Municipality of Angaur*, 5 T.T.R. 158 (Tr. Div. 1969), which upheld the validity of the deed and

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<sup>1</sup> We have reviewed the briefs and record and find this case suitable for resolution without oral argument pursuant to ROP R. App. Pro. 34(a).

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concluded that the land had historically been owned by Kedam Clan and not Kedidai Clan. The deed and the judgment amply support the Land Court's finding.<sup>2</sup>

Neither did the Land Court err in finding that Kedam Clan gave the land to Silang Lineage. Moses testified that titlebearers in Kedam Clan gave Lot 326-R to him and his wife for use as a household lot based on the relationship between Ucheliou Clan and Kedam Clan. Ramon claimed that it was Kedidai Clan that gave Moses and his wife permission to live on the land based on Moses' wife's membership in Kedidai Clan. Where the record supports two permissible views of the evidence, the factfinder's choice cannot be clearly erroneous. *See Kotaro v. ROP*, 7 ROP Intrm. 57, 61 (1998).

Because the Land Court did not clearly err in its findings of fact, we affirm the Land Court's determination of ownership in favor of appellee Silang Lineage.

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<sup>2</sup> Indeed, to say that a reasonable factfinder could have relied on the judgment in Ochebir is an understatement. From all that appears, the Ochebir case, brought by the then titleholders of Kedidai Clan on behalf of the Clan and decided adversely to it, precludes Ramon's current claim on behalf of Kedidai on the basis of collateral estoppel. *See Restatement (Second) of Judgments* § 27 (1982). To that extent, had the issue been raised, we would likely have held that it was not only reasonable for the Land Court to rely on that judgment in its factfinding, but that it was obligated to do so as a matter of law.