

*Sumang v. Baiei*, 8 ROP Intrm. 186 (2000)  
**RAFAELA SUMANG and AUGUSTINE BAI EI,**  
**Appellants,**

v.

**RAMONA BAI EI,**  
**Appellee.**

CIVIL APPEAL NO. 99-06  
D.O. Nos. 12-199 and 12-200

Supreme Court, Appellate Division  
Republic of Palau

Argued: April 5, 2000  
Decided: May 4, 2000

Counsel for Appellant Sumang: J. Roman Bedor

Counsel for Appellant Baiei: Raynold Oilouch

Counsel for Appellee: Johnson Toribiong

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

MILLER, Justice:

This appeal arises from a proceeding under the Land Claims Reorganization Act of 1996, 35 PNC § 1301, *et seq.*, to determine the ownership of Lots 181-211 and 181-213, located in Ngerchemai Hamlet, Koror. After the property was monumented and a hearing was held on October 14 and 15, 1998, the Land Court awarded ownership of the lots to Ramona Baiei. We affirm.

### **I. Background**

Lots 181-211 and 181-213 are part of Tochi Daicho Lot No. 550. Although there is apparently no Tochi Daicho listing for that lot, a Tochi Daicho map shows Baiei as its owner. At the hearing appellant Augustine Baiei, who is the son of Baiei, claimed that the lot was individually owned and that he was Baiei's heir, while appellant Rafaela Sumang claimed the lots as the clan property for Rois Clan, for whom Baiei held the chief's title Eriu. Appellee Ramona Baiei agreed that the land belonged to Baiei, but claimed that Augustine sold Lot No. 550 to her in 1978. Ramona submitted a written document entitled "Confirmation of Sale" and signed by Augustine which states:

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That I, Augustine Baiei, of Koror Municipality, Palau District, Trust Territory of the Pacific Islands, am the lawful owner of this lot herein listed below as Lot No. 550, comprising an area of 519.4 tsubo and has coconuts planted on it. That I sold the above lot to Ramona Etumai for One Thousand (\$1,000.00) United States Currency.

The Land Court awarded ownership of the lots to Ramona Baiei, finding that Augustine inherited the lots from Baiei, who owned them in his individual capacity, and that Augustine sold the lots to Ramona.

## II. Discussion

Sumang contends that the Land Court erred in determining that Baiei owned Lot No. 550 in his individual capacity, while 1187 Augustine argues that the Confirmation of Sale is invalid and that he only sold part of Lot No. 550 to Ramona.

### A. Baiei's Ownership of Lot No. 550

We review Land Court findings of fact under the clearly erroneous standard of review and will reverse only if the 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 determining that Baiei owned Lot No. 550. In contrast to ownership listings in the Tochi Daicho itself, no presumption of accuracy attaches to the ownership listing on the Tochi Daicho map. However, as noted by the Land Court, there was conflicting evidence on whether Baiei or Rois Clan owned Lot No. 550. On the one hand, Sumang testified that Lot No. 550 was part of a single clan property which contained a stone platform<sup>1</sup> and that Baiei fraudulently tried to register Lot No. 550 in his own name during the Japanese land surveys. On the other hand, Augustine claimed Baiei was given the land by his mother, an *ourrot* of the house. Moreover, as the Land Court observed, both Baiei and Augustine had acted consistently with individual ownership, and without any objection from clan members, in permitting non-clan members to build and occupy houses on the land.<sup>2</sup> Given this conflicting evidence, the Land Court's findings cannot be clearly erroneous. *See, e.g., Ramon v. Silang*, 8 ROP Intrm.124, 125 (2000).

### B. The Sale of Lot No. 550 to Ramona Baiei

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<sup>1</sup> Sumang's appellate brief suggests that the stone platform is located on the property now at issue. Her testimony at the hearing, however, was to the effect that he had registered the part of the land containing the stone platform as clan property, but had wrongfully registered the remainder of the land as his personal property. (Tr. 7)

<sup>2</sup> We note that with respect to the land at issue, Sumang testified that Augustine had informed her and others of the sale to Ramona and that she was gratified that it had not been sold to someone from outside the Clan. (*See* Tr. 65: "Good thing Ramona was there to hold on to the land.").

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Augustine claims the Confirmation of Sale is invalid because it fails sufficiently to describe the property. We disagree. As quoted above, the Confirmation recites the lot number and the total area of the land, which corresponds with the area shown on the map. We likewise reject Augustine's contention that he only intended to convey part of Lot No. 550 to Ramona. The Land Court did not clearly err in crediting the plain language of the Confirmation of Sale over Augustine's contrary testimony.

Finally, Augustine argues that Lot 181-211 lies within Tochi Daicho Lot No. 557 and was therefore not conveyed to Ramona in the Confirmation of Sale. However, this challenge to lot boundaries should have been raised at the monumentation or the hearing and will not be entertained on appeal.

### **III. Conclusion**

The Land Court's determination that appellee Ramona Baiei is the owner of Lots 181-211 and Lot No. 181-213 is hereby AFFIRMED.