

*Antonio v. Koto*, 9 ROP 116 (2002)  
**ANGELINA ANTONIO and  
JOHANES NGESKEBEI,  
Appellants,**

v.

**TAKESHI KOTO and  
TEIKO UEHARA,  
Appellees.**

CIVIL APPEAL NO. 00-26  
Civil Action 98-180

Supreme Court, Appellate Division  
Republic of Palau

Decided: May 20, 2002<sup>1</sup>

[1] **Appeal and Error:** Mootness; **Constitutional Law:** Justiciability

Where appellees who were named title holders in action below died during pendency of appeal, the matter is moot.

[2] **Civil Procedure:** Declaratory Judgments

For declaratory judgment to issue some legal or equitable issue must be at stake.

Counsel for Appellants: Ernestine Rengil

Counsel for Appellees: Raynold Oilouch

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LARRY W. MILLER, Associate Justice;  
ALEX R. MUNSON, Part-Time Associate Justice.

**1117**

Appeal from the Supreme Court, Trial Division, the Honorable R. BARRIE MICHELSEN,  
Associate Justice, presiding.

PER CURIAM:

This appeal concerns a recurring dispute over the chief titles in the Kedam Clan of Angaur State.<sup>2</sup> Specifically, the titles in dispute are the male title Uchelsias and the female title

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<sup>1</sup>The parties waived oral argument, and the Court agrees that oral argument would not materially advance the resolution of this appeal.

<sup>2</sup>The background and context for this controversy can be found in *Risong v. Iderrech*, 4 TTR 459 (Tr. Div. 1969).

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Rechetmols. After a trial, the trial court entered a declaratory judgment that stated: “Elias Moses is declared and confirmed as the proper bearer of the title of ‘Uchelsias’ of Kedam Clan, and Aiko Moses Kib is declared and confirmed as the proper bearer of the title of ‘Rechetmols’ of Kedam Clan.” In reaching this conclusion, the trial court found that both Moses and Kib were appointed by Dirremasech Blumel, who the court concluded was a true *ochell* and the most senior member of Kedam Clan, and that the persons who purported to appoint appellants to bear the same titles were, at best, weaker members of the Clan who lacked the authority to override Blumel’s appointments. The trial court noted that the appointments of Moses and Kib had both been followed by customary feasts and that the chiefs of Ngermasech Hamlet had accepted Moses as their friend.

**[1, 2]** Both Moses and Kib have died during the pendency of this appeal and Takeshi Koto and Teiko Uehara, who assert that they now have been appointed to bear the titles Uchelsias and Rechetmols, have substituted as appellees. While it may be that the same factual findings on which the trial court based its decision would be determinative in a dispute between appellants and the current appellees, we sit in review of judgments, and the judgment that was entered by the trial judge – confirming Moses and Kib as titleholders – is now moot. Moreover, in light of the recent decision in *Matlab v. Melimarang*, 9 ROP 93 (2002), there is a question whether there is any legal or equitable issue at stake – beyond the purely customary dispute as to who are the titleholders – that would warrant the issuance of declaratory relief in this case.<sup>3</sup> We therefore vacate the judgment and remand this matter to the trial court to determine whether there is a live controversy between appellants and appellees as to which declaratory relief would be appropriate and, if not, to dismiss the case.

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<sup>3</sup>By comparison, in *Risong v. Iderrech*, see n.2 *supra*, it was necessary to address the customary issue of who was Uchelsias to determine who was legally entitled to receive Angaur Trust Fund payments on behalf of the Clan.