

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

KOROR STATE PUBLIC LANDS AUTHORITY, <i>Appellant,</i> v. TECHEBOET LINEAGE and ROSE MARY SKEBONG, <i>Appellees.</i>

Cite as: 2026 Palau 8
Civil Appeal No. 25-012
Appeal from Land Court Case Nos. LC/B 24-00102, LC/B 24-00103, LC/B
24-00115

Decided: June 11, 2026

Counsel for Appellant Hannah M. Robertson
Counsel for Appellee Bilung Gloria Salii for Techeboet Lineage Lalii Chin Sakuma
Counsel for Appellee Rose Mary Skebong Pro se

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice, presiding
FRED M. ISAACS, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

Appeal from the Land Court, the Honorable Peter Huffman, Associate Justice, Pro Tem Land Court Judge by Designation, presiding.

OPINION

PER CURIAM:

[¶ 1] This case implicates Tochi Daicho “TD” Lots 834, 835, and 836 in Iyebukel Hamlet of Koror State.¹ The Land Court resolved both a competing claim to the land, as between Appellant Koror State Public Lands Authority

¹ TD 834 is comprised of Lot Nos. 40590, 182-330, 182-331, 182-332, 182-333, 182-336 while TD 835 and 836 together make up Lot No. 40591.

(“KSPLA”) and Appellee Techeboet Lineage, represented by Gloria Salii, as well as a boundary dispute involving Appellee, Rose Mary Skebong. The Land Court ultimately determined that Techeboet Lineage owned Lot Nos. 40591, 182-333, and 182-332 and that Rose Mary Skebong owned Lot No. 182-330. Adjudication and Determination 29. It further held that Techeboet Lineage and Rose Mary Skebong each also owned a part of Lot Nos. 40590, 182-336, and 182-331 with a boundary line running east to west from the edge of Lot No. 182-331 along the drainage ditch to the road then turning in a southerly direction until reaching the northwestern corner of Lot No. 182-330. *Id.*

[¶ 2] For the reasons set forth below, we **AFFIRM**.²

BACKGROUND

[¶ 3] The Land Court, pursuant to 35 PNC § 1304(a)(3), held a hearing on May 14, 2025, to determine the ownership of TD 834, 835, and 836. At the hearing, KSPLA claimed that after the death of Keyukl (listed by the Tochi Daicho as the owner of TD 834, 835 and 836), the land was voluntarily sold to an agent of the Japanese government. The land was then transferred through successive administrations until ending up with KSPLA. In support of its claim, KSPLA relied on the record of a 1957 hearing before the District Land Title Officer. The record revealed that the District Land Title Officer found the land, referred to as *Irrorowo*, belonged to Hatsuko and Rreyad, daughters of Keyukl, but was sold to the South Seas Development Company in 1941 for 900 yen. The sale was voluntary. Ngkeruker, the mother of Hatsuko and Rreyad, received the 900 yen. The Land Title Officer thus determined that the land was owned by the Alien Property Custodian of the Trust Territory Government. KSPLA submitted evidence tracing its ownership to the Alien Property Custodian.

[¶ 4] Gloria Salii claimed the land on behalf of Techeboet Lineage. Salii testified that she was Keyukl’s niece, she was familiar with the land, and that she knew Keyukl’s two daughters, Hatsuko and Rreyad. She further testified

² We dispense with oral argument inasmuch as we find the parties’ briefs and the trial record sufficient to address the issues presented on appeal. ROP R. App. P. 34(a).

that Keyukl and his relatives never sold the land, and that the land came to be administered as public land when the Japanese took it without compensation.

[¶ 5] The Land Court rejected the claim of KSPLA. In so doing, the Land Court found that reliable evidence established that Hatsuko, Keyukl's daughter, came to own the land after her father died. The land was then acquired by the Japanese administration and became public land. However, the Japanese government acquired the land without compensation. The Land Court further found that Keyukl's and Hatsuko's lineage, Techeboet, is a proper heir and that the lineage meets the remaining requirements for the return of *Irrorowo*. In short, the Land Court concluded that Techeboet lineage met its burden of proof for the return of that public land. KSPLA appeals the Land Court's findings and determination.

[¶ 6] STANDARD OF REVIEW

[¶ 7] The Land Court's factual findings are reviewed for clear error. *Idid Clan v. Koror State Public Lands Authority*, 20 ROP 270 (2013). Under this standard, we will not set aside the findings so long as they are supported by evidence such that any reasonable trier of fact could have reached the same conclusion, unless we are left with a definite and firm conviction that an error has been made. *Id.* Additionally, if the trial court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that it would have weighed the evidence differently. *Riumd v. Tanaka*, 1 ROP Intrm. 597 (1989). Questions of statutory interpretation are reviewed de novo. *Roll 'Em Prods., Inc. v. Diaz Broad. Co.*, 21 ROP 96 (2014).

DISCUSSION

KSPLA raises multiple issues, but the primary and determinative issue in this appeal is whether the Land Court erred when it found Salii met her burden under a return of public lands claim.

A. Burden of Proof in Return of Public Lands Claim

[¶ 8] Claims for return of public lands are governed by 35 PNC § 1304(b). The burden of proof in such a claim at all times is on the claimant, not the governmental land authority. The claimant must prove by a preponderance of the evidence all the requirements of the statute. *Koror State Pub. Lands Auth. v. Idid Clan*, 22 ROP 21 (2015). The statutory requirements are: (1) the claimant is a citizen who filed a timely claim; (2) he or she is either the original owner of the land, or one of the original owner's "proper heirs;" and (3) the claimed property is public land which attained that status by a government taking that involved force or fraud, or was not supported by either just compensation or adequate consideration. *Heirs of Giraked v. Koror State Pub. Lands Auth. v. Tellei*, 20 ROP 241 (2013).

B. Proving the Statutory Requirements

[¶ 9] The Land Court found that Salii met all of the elements required by 35 PNC § 1304(b), satisfying her burden of proof. *See* Adjudication and Determination 21. KSPLA argues that this finding was erroneous. As explained below, we reject this argument.

[¶ 10] We begin with the first element which requires that a citizen of Palau must have filed a claim on or before January 1, 1989. KSPLA asserts that Salii only filed one claim based on the superior title theory. Thus, it argues, the Land Court's finding that Salii submitted her claim before the statutory deadline for a return of public lands is clearly erroneous. *Appellant's opening brief* 10. We summarily dispose of this argument as lacking merit because it completely ignores contrary evidence in the Land Court records. The Land Court records reveal that Salii did file a return of public lands claim on December 30, 1988. *See* Claims for Public Land Document, LC 24-00102 File, 68–75 (Ibedul Y. Gibbons and Bilung G. Salii claiming title and ownership of Tochi Daicho Lots 834, 845, and 836, among others, as "surviving heirs and as heads of clan and lineages" on December 30, 1988). Had KSPLA taken the time to review the Land Court's file and records for this case it would have discovered the claim and avoided raising a meritless issue.

[¶ 11] The fact that Salii's return of public lands claim may not have been brought to the court's attention below does not preclude us from considering

it. A court may take judicial notice of an adjudicative fact, whether requested or not, at any stage of the proceeding. *Napolean v. Children of Masang Marsil*, 17 ROP 28 (2009); ROP R. Evid. 201(f). Although we typically decline to take judicial notice of a fact that could have been presented to the lower court, we are not precluded from doing so. *Napolean v. Children of Masang Marsil*, 17 ROP 28 (2009); ROP R. Evid. 201(f).

[¶ 12] The filing of a claim is a properly noticeable fact that we may take judicial notice of pursuant to ROP R. Evid. 201(b). Here, Salii's written claim was signed and timely submitted to the Land Claims Hearing Office, the predecessor of the Land Court. In short, the claim is a matter of public record, and its accuracy cannot be reasonably questioned. Under these circumstances, the claim is a proper subject for judicial notice on this appeal and we do take judicial notice of it. Having done so, KSPLA's contention that the Land Court impermissibly reformed Salii's claim is unavailing.

[¶ 13] As to the second element or statutory requirement, the Land Court found that Techeboet Lineage was Hatsuko's proper heir. Because KSPLA did not challenge this finding, we let it stand on that ground alone.³

[¶ 14] On the third and final element, wrongful taking, the Land Court reviewed and considered the record of proceedings in the 1957 hearing, but found that the record did not contain evidence that Hatsuko received any compensation for the land or that she agreed to or participated in a sale of the land. In support of this finding, the Land Court pointed to Hatsuko's 1950's claim to the land as additional evidence that she had not been compensated for the land. The court also found Rreyad's statement that money (900 yen) was given to her mother, without any mention of the money going to Hatsuko, as further evidence that Hatsuko did not receive any compensation.

[¶ 15] KSPLA quarrels with this finding, arguing that the Land Court made erroneous factual determinations as to Claimant Salii's testimony and thereafter relied on those facts for its finding that *Irrorowo* was unjustly taken.

³ In finding that Techeboet lineage was the proper heir of Hatsuko, the Land Court cited and construed this Court's opinion in *Markub v. Koror State Pub. Lands Auth.*, 14 ROP 45 to allow a paternal lineage as a proper heir in the context of this case. Because KSPLA did not challenge this finding, we affirm the finding but take no position on the Land Court's interpretation of *Markub*.

At its core, this argument asks this Court to weigh testimony. Weighing testimony is not the role of the appellate court. Moreover, where more than one inference can be drawn from the testimony, and there are two permissible views of the evidence, the factfinder's choice is not clearly erroneous. *Remeskang v. West*, 10 ROP 27 (2002).

C. Remaining issues

[¶ 15] Because we conclude that the Land Court did not err in finding that Salii met her burden of proof for the return of the subject lands, we need not address the rest of KSPLA's allegations of error. The alleged errors are peripheral to the matter's ultimate determination and, even if they exist, they do not change the outcome in any way.⁴ *Idid Clan v. Koror State Pub. Lands Auth.*, 2018 Palau 25, *citing Ngiraiwet v. Telungalek re Emadaob*, 16 ROP 163, 166 (2009) (explaining Appellate Division will not reverse Land Court determination where Land Court error has no bearing on denial of appellant's claim); *see also Ngoriakl v. Rechucher*, 20 ROP 291, 294 (2013) (holding that "Errors made by a lower court do not require reversal where the error is unrelated to the matter's ultimate determination, rendering it harmless.").

⁴ KSPLA's final argument is relevant only to Appellee Skebong. KSPLA does not explicitly challenge the Land Court's determination in favor of Skebong. Instead, it contends that it was improper for the Land Court to rely on evidence it received from non-parties after closing arguments have been submitted. This alleged error, even if it exists, does not affect the outcome in favor of Skebong in any way. Thus, like the remaining alleged errors, it is also rejected.

CONCLUSION

[¶ 16] For the foregoing reasons, we **AFFIRM** the Land Court's decision.

SO ORDERED, this 11th day of June 2026.