IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

KEMMOTS REKEMEL and
SATSKI FLORENCIO,
Appellants,
v.
IYECHAD CASHMERE TKEL and **MATSKO FILIBERT**,
individually and on behalf of **SECHEDUI CLAN** of Teliu Hamlet,
Appellees.

Cite as: 2019 Palau 36
Civil Appeal No. 18-041
Appeal from Civil Action No. 14-168

Decided: October 31, 2019

Counsel for Appellants ..... Vameline Singeo
Counsel for Appellees ..... Kevin Kirk

BEFORE: JOHN K. RECHUCHER, Associate Justice
DANIEL R. FOLEY, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

Appeal from the Trial Division, the Honorable Lourdes F. Materne, Associate Justice, presiding.

OPINION[1]

PER CURIAM:

[¶ 1] In this appeal arising from a dispute over authority regarding clan property, Appellants contend that the trial court failed to address evidence presented at trial and erred by denying in part their motion for reconsideration after correcting a factual error in its judgment. For the reasons set forth below, we **AFFIRM**.

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[1] No party having requested oral argument, the appeal is submitted on the briefs. *See* ROP R. App. P. 34(a).

BACKGROUND

[¶ 2] Cashmere Tkel and Matsko Filibert contend they are the male and female titleholders (Iyechad and Uodelchad, respectively) of Sechedui Clan of Teliu Hamlet, Peleliu State. They filed suit against Kemmots Rekemel and Satski Florencio, on their own behalf and purportedly on behalf of the clan, claiming that Rekemel and Florencio had been wrongfully holding themselves out as the clan titleholders. Specifically, they object to the fact that Rekemel and Florencio sent a letter to their niece, Darlene Warland, demanding that she cease and desist clearing certain property belonging to Sechedui Clan. Tkel and Filibert assert that Warland is an *ochell* clan member with their permission to use the land, while Rekemel and Florencio are not *ochell* clan members and have no authority over clan land. In their Complaint, Tkel and Filibert sought (1) a declaratory judgment stating that they are the clan titleholders, and that Rekemel and Florencio do not have authority to represent Sechedui Clan; and (2) an injunction preventing Rekemel and Florencio from holding themselves out as the titleholders and from taking any action purportedly on the clan's behalf, including any action related to the subject property. Rekemel and Florencio deny that Tkel and Filibert are the titleholders and assert that Tkel and Filibert therefore do not have authority to represent Sechedui Clan.[2] Rekemel and Florencio further assert that they are the clan titleholders.

[¶ 3] At the four-day trial, both sides presented family trees and extensive testimony on the issue of whether Tkel and Filibert or Rekemel and Florencio are the Sechedui Clan titleholders, with authority over the land Warland is clearing. The trial court also took judicial notice of several previous proceedings involving Sechedui Clan. It is undisputed that the land belongs to Sechedui Clan and that the male and female titleholders have authority over clan property. In its Findings of Fact and Decision, the trial court found, inter alia, that although Tkel and Filibert are clan members and their mother held a higher position in the clan than Rekemel and Florencio's mother, none of the parties are *ochell* members, and neither side had convinced the court

[2] Rekemel and Florencio filed two answers, the first seemingly pro se, and the second, two days later, through counsel. The two filings are essentially consistent and this procedural oddity is not relevant to our determination of this appeal.

that they bear the male and female clan titles. Findings of Fact and Decision at 3-6 (Tr. Div. June 30, 2017). The court therefore entered a judgment stating, "Plaintiffs are true members of Sechedui Clan of Teliu Hamlet of Peleliu State through their father and mother. Neither Plaintiffs nor Defendants hold the male and female titles of Sechedui Clan." Judgment (Tr. Div. June 30, 2017).

[¶ 4] Rekemel and Florencio moved for reconsideration, pursuant to Rule of Civil Procedure 59(e), asserting that the trial court had erred in one of its findings about their ancestry by confusing their grandmother with her niece. They asserted that correcting this factual error would reveal that Rekemel and Florencio are *ochell* members with higher status in the clan than Tkel and Filibert, necessitating reconsideration of the court's judgment. In an order granting the motion for reconsideration in part, the court corrected the finding indicated by Rekemel and Florencio but did not declare them to be *ochell* members and declined to reconsider its decision. The court explained, in relevant part, that correction of its finding "does not affect the outcome of this case" because the court "concluded in this matter that . . . none of the parties proved to the satisfaction of the [c]ourt that they were duly appointed [to bear the clan titles] by true members of the Clan." Order on Motion for Reconsideration at 2 (Tr. Div. July 30, 2018). This timely appeal followed.

STANDARD OF REVIEW

[¶ 5] We review the trial court's findings of fact for clear error. *Kiuluul v. Elilai Clan*, 2017 Palau 14 ¶ 4. "When reviewing findings of fact under the clear error standard, we view the record in the light most favorable to the Trial Division's judgment, and the factual determinations of the [trial] court will not be set aside if they are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, unless this court is left with a definite and firm conviction that a mistake has been made." *Imetuker v. Ked Clan*, 2019 Palau 30 ¶ 11 (internal quotation marks omitted). We review a trial court's handling of a motion for reconsideration for abuse of discretion. *In re Idelui*, 17 ROP 300, 302 (2010). "Under this standard, a decision of the Trial Division will not be overturned unless it was clearly wrong." *Sugiyama v. Airai State Pub. Lands Auth.*, 19 ROP 99, 101-02 (2012) (internal quotation marks omitted).

DISCUSSION

[¶ 6] In their Notice of Appeal, Appellants Rekemel and Florencio appear to designate both the trial court's decision and its order on their motion for reconsideration as the subject of their appeal. Although their opening brief is not a model of clarity, we ascertain that Appellants essentially take issue with the trial court for (1) failing to explicitly address in its decision Florencio's testimony that she was appointed to bear the female title of Uodelchad; and (2) denying the motion for reconsideration in part despite correcting the finding regarding Rekemel and Florencio's ancestry.[3]

[¶ 7] Appellants contend that the trial court erred by not explicitly addressing Florencio's testimony that she was appointed to the title of Uodelchad, testimony that also implicates Rekemel's status because Florencio claimed to have appointed him to the Iyechad title in her purported position as female titleholder. Appellants ask this Court to remand the matter so that the trial court can specifically address this testimony. We readily conclude that a remand is not necessary. Although the trial court did not specifically mention Florencio's testimony, it explicitly stated that Appellants had "failed to convince the [c]ourt that they are the title-bearers of Sechedui Clan." Decision at 6. In general, there is no requirement that trial courts specifically address every piece of evidence before them as long as their view of the evidence is clear enough to enable appellate review. *See Ebechoel Lineage v. Saolablai*, 2016 Palau 11 ¶¶ 14-15. Here, the trial court's statement that Appellants had "failed to convince" the court that they held the clan titles makes sufficiently clear that the court did not consider Florencio's testimony on this issue to be credible. Indeed, it is the trial court's particular role to assess credibility. *See Ngiraingas v. Tellei*, 20 ROP 90, 94 (2013). We see no reason to remand the case for the trial court to say what is already sufficiently clear from its decision.

[¶ 8] Appellants also contend that the corrected factual finding about their ancestry reveals that they are *ochell* members and "put[s] [them] at a higher status than the [Appellees]." They further contend that their higher status requires reconsideration of the court's judgment because they would be "in a

[3] In addressing Appellants' plaints, we take the issues in the order that appears most logical and do not follow the sequence in which they are presented in Appellants' briefing.

position higher tha[n] the [Appellees] on appointment and the holding of clan titles within Sechedui Clan." But Appellants do not in any way explain how this purported shift in their status undermines the trial court's factual determination that neither side had proved that they *hold the clan titles*.[4] This dispute, after all, came down to the question of which side had authority over clan property by dint of holding the clan titles. As presented to the trial court, this was not an abstract dispute over which parties are *ochell* members, or a dispute over which side generally enjoys higher status within Sechedui Clan. The trial court correctly determined that the correction to its ancestry finding did not necessitate reconsideration of its judgment, and the court therefore did not abuse its discretion in denying in part Appellants' motion.[5]

CONCLUSION

[¶ 9] We **AFFIRM** the Trial Division's judgment.

[4] The trial court understood, and the parties do not dispute. that even a senior strong *ochell* clan member must be appointed to bear a title in a manner consistent with custom—that is, being a senior strong *ochell* clan member does not automatically make a person a titleholder.

[5] To the extent Appellants contend that the judgment "should declare that [they] are 'ochell' members of Sechedui Clan," Appellants have provided no authority for us to either make such a finding or to compel the trial court to make such a finding, given that this finding is ancillary to the court's judgment and does not affect its fundamental conclusion that neither side holds the male and female clan titles. Regardless, we cannot conclude that the trial court abused its discretion by failing to change its decision or judgment to specifically state that Appellants are *ochell* members after correcting the ancestry finding.

SO ORDERED, this 31st day of October, 2019.

JOHN K. RECHUCHER
Associate Justice

DANIEL R. FOLEY
Associate Justice

ALEXANDRO C. CASTRO
Associate Justice