IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

UCHOL L. MEDALARAK, represented by Julius Echang and Rebechoraidung Joel Toribiong, and ISAAC SOALADAOB,
Appellants,
v.
NGARAARD STATE PUBLIC LANDS AUTHORITY (NSPLA),
Appellee.

Cite as: 2021 Palau 10
Civil Appeal No. 20-017
Appeal from LC/E 17-00107, 17-00108, 17-00109

Decided: April 7, 2021

Counsel for Appellants ..... J. Toribiong
Counsel for Appellee ..... B. Katosang

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
GREGORY DOLIN, Associate Justice

Appeal from the Land Court, the Honorable Rose Mary Skebong, Acting Senior Judge, presiding.

OPINION[1]

PER CURIAM:

[¶ 1] In this consolidated appeal, Appellants challenge the Land Court's rejection of their claims to public land in Ngaraard State. After careful consideration, we **AFFIRM**.

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[1] Although the parties request oral argument, we resolve this matter on the briefs pursuant to ROP R. App. P. 34(a).

[¶ 2] Appellants contend that the Land Court erred in concluding they did not meet their burden of proving all the elements of a return-of-public-lands claim. Reviewing the Land Court's factual findings for clear error, *see Ibuuch Clan v. Children of Antonio Fritz*, 2020 Palau 1 ¶ 10, we find none. As we have previously explained, appeals, such as the one presently before us, that essentially quibble with the Land Court's reasonable view of the facts "unnecessarily exhaust judicial resources while, at the same time, providing no meaningful opportunity to develop the law." *Ngarameketii/Rubekul Kldeu v. Koror State Pub. Lands Auth.*, 2016 Palau 19 ¶ 22. Indeed, "[w]hen lower courts have supportably found the facts, applied the appropriate legal standards, [and] articulated their reasoning clearly," *id.* (quoting *In re Brady-Zell*, 756 F.3d 69, 71 (1st Cir. 2014)), "an appellate court should not hesitate to conserve its resources by disposing of the appeal in a summary fashion," *id.* We do so here, only adding a few points to supplement the Land Court's decision.

[¶ 3] To succeed on a return-of-public-lands claim,

> a claimant must prove three elements: (1) the claimant is a citizen who has filed a timely claim; (2) the claimant is either the original owner of the claimed property, or one of the 'proper heirs'; and (3) the claimed property is public land which became public land by a government taking that involved force or fraud, or was not supported by either just compensation or adequate consideration.

Idid Clan v. Koror State Pub. Lands Auth., 2019 Palau 22 ¶ 16 (internal quotation marks omitted). It is well established that "[a]t all times, the burden rests on the claimant to establish each of these elements by a preponderance of the evidence." *Id.* Appellants' arguments on appeal are grounded in a notion that once a claimant presents *some* evidence, the burden shifts to the government to disprove the claim. But we have rejected such attempts to shift the burden. *See id.* ¶ 16 n.6 ("In a return-of-public-lands case, a public lands authority may prevail without adducing any affirmative proof or arguments in favor of ownership."). Appellants' contention that the burden shifted to the Ngaraard State Public Lands Authority ("NSPLA") after Appellants had presented some evidence in support of their claims must be rejected here.

[¶ 4] Appellants also suggest that, by finding in favor of the NSPLA, the Land Court somehow abrogated a duty to find in Appellants' favor. The Constitution of the Republic of Palau provides,

> [t]he national government shall, within five (5) years of the effective date of this Constitution, provide for the return to the original owners or their heirs of any land which became part of the public lands as a result of the acquisition by previous occupying powers or their nationals through force, coercion, fraud, or without just compensation or adequate consideration.

Palau Const. art. XIII, § 10. While this provision operates as "a command to the national government to act swiftly to undo past injustice" regarding land seizures, *Markub v. Koror State Pub. Lands Auth.*, 14 ROP 45, 48-49 (2007), we are unaware of any authority for the proposition—and Appellants have not pointed to any—that this "command" requires the "return" of land without requiring the claimant to prove, by sufficient evidence, the claimant's entitlement to the land.

[¶ 5] Although Appellants "point[] to several facts that might have convinced this panel to rule differently if we were the court of first instance, it is not our role to substitute our judgment for that of the trial court if the trial court's interpretation of the evidentiary record was plausible." *Techeboet Lineage v. Baules*, 2020 Palau 30 ¶ 4. The Land Court did not clearly err in arriving at its plausible interpretation of the evidence and rejecting Appellants' claims. For this reason, we **AFFIRM** the Land Court's judgment.

SO ORDERED, this 7th day of April, 2021.

OLDAIS NGIRAIKELAU
Chief Justice

JOHN K. RECHUCHER
Associate Justice

GREGORY DOLIN
Associate Justice