

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

FILED *m*

2022 JUL 14 AM 10:38

SUPREME COURT
OF THE
REPUBLIC OF PALAU

NGERNGAS CLAN,
Appellant,
v.
AIRAI STATE PUBLIC LANDS AUTHORITY, ROMAN
TMETUCHEL FAMILY TRUST, and BENANCIO SASAO,
Appellee.

Cite as: 2022 Palau 13
Civil Appeal No. 21-009
Appeal from LC/N 09-00192

Decided: July 14, 2022

Counsel for Appellant	Raynold B. Oilouch
Counsel for Appellee Airai State Pub. Lands Auth.	Mariano Carlos
Counsel for Appellee Roman Tmetuchl Family Trust ...	Johnson Toribiong
Counsel for Appellee Benancio Sasao	Johnson Toribiong

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

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

OPINION

PER CURIAM:


[¶ 1] This appeal arises from a claim filed by Ngerngas Clan (“the Clan”) claiming ownership of land allegedly known as Ngedyaol (also referred to as Ngediaol) located in Airai State. After holding a trial and considering extensive evidence, the Trial Court denied the Clan’s claims, finding that certain lots claimed by the Clan were instead owned by the Airai State Public Lands Authority (“ASPLA”) (Lots 052, 052A, 053, 054, and 055), the Roman Tmetuchel Family Trust (“RTFT”) (Lot 057), and Benancio Sasao (Lots 056,

058, and 059). Specifically, the court held that the ASPLA proved its ownership of the relevant lots based on a 1976 aerial photo land survey delineating public lands, Order at 14–16; that RTFT proved its ownership based on a contract for land sale and a court judgment in another case, *id.* at 18; and that Sasao proved ownership of the relevant lots based on a certified lease agreement showing his father as the owner of the land, *id.* at 17. The Clan appeals, challenging the Trial Division’s findings of fact.

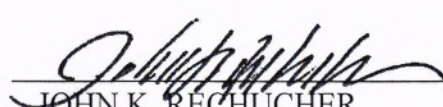
[¶ 2] “We review findings of fact for clear error.” *Salvador v. Renguul*, 2016 Palau 14 ¶ 7. “Under this standard, the factual determinations of the lower court will not be set aside if they are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, unless this Court is left with a definite and firm conviction that a mistake has been made.” *Id.* “Where there are several plausible interpretations of the evidence, the [trial court]’s choice between them shall be affirmed even if this Court might have arrived at a different result.” *Rengulbai v. Children of Elibosang Eungel*, 2019 Palau 40 ¶ 7. We will not “reweigh the evidence, test the credibility of witnesses, or draw inferences from the evidence.” *Takeo v. Kingzio*, 2021 Palau 25 ¶ 6.

[¶ 3] On appeal, the Clan provides an exhaustive discussion of the evidence presented below and asks us to reach a different result than the Trial Division. But to do that, we would need to reweigh the evidence, make credibility determinations, and draw different inferences from the evidence. That is not within the scope of our review on appeal. After reviewing the briefs and the record, we hold that the Trial Division’s decision denying the Clan’s claims in favor of ASPLA, RTFT, and Sasao is based on a plausible view of the evidence. Thus, we **AFFIRM** the Trial Division’s decision.

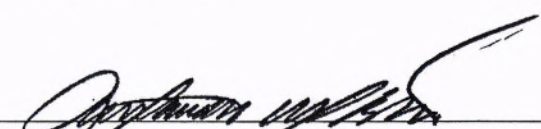
SO ORDERED, this 14th day of July, 2022.



OLDJAIS NGIRAIKELAU
Chief Justice



JOHN K. RECHUCHER
Associate Justice



ALEXANDRO C. CASTRO
Associate Justice