

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

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<p>IDESONG SUMANG, MARINE REMOKET, and SANDRA PIERANTOZZI, <i>Appellants,</i></p> <p style="text-align: center;">v.</p> <p>KIONE ISECHAL, NAOMI MOBEL, KAREN MOBEL, and KUYE BELELAI, <i>Appellees.</i></p>

SUPREME COURT
OF THE
REPUBLIC OF PALAU

Cite as: 2025 Palau 2
Civil Appeal No. 23-035
Appeal from Civil Action No. 19-140

Decided: January 16, 2025

Counsel for Appellants	Siegfried Nakamura
Counsel for Appellees	Salvador Remoket

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice, presiding
FRED M. ISAACS, Associate Justice
KATHERINE A. MARAMAN, Associate Justice

Appeal from the Trial Division, the Honorable Kathleen M. Salii, Presiding Justice, presiding.

OPINION

PER CURIAM:

[¶ 1] This appeal involves a dispute over clan membership and status. Appellants seek reversal of a trial court decision finding that they are not strong members of a clan and determining that Appellees are the rightful chief-title bearers of that clan.

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

BACKGROUND

[¶ 3] This appeal stems from a trial court decision and judgment denying Appellants' request for a declaratory judgment and injunctive relief. On October 12, 2018, Appellants Idesong Sumang, Marine Remoket, and Sandra Pierantozzi went onto the *odesongel* of the Ngeribukel Clan of Ngerbeched Hamlet in Koror (hereinafter, "the Clan"), intending to prepare a burial site for Pierantozzi's sister. Appellees Kione Isechal and Naomi Mobil told Appellants not to bury their relatives on the Clan's *odesongel* until they could confer. When Appellants continued preparing for the burial, Appellee Isechal was called to the site. An argument occurred, and law enforcement officers, who were called to maintain the peace, issued Isechal a citation for terroristic threatening in the second degree after he yelled at Pierantozzi, pointed at her face, and threatened her with bodily harm.

[¶ 4] Appellants filed suit in the trial court, seeking: 1) a declaratory judgment finding them to be senior strong members of the Clan; 2) injunctive relief to enjoin Appellees from interfering and interrupting Appellants' use of the Clan's *odesongel* and other properties; and 3) damages totaling at least \$50,000.00 for emotional distress resulting from the confrontation between Pierantozzi and Isechal.

[¶ 5] During trial, the court considered previous decisions on membership in the Clan and evidence presented by the Parties. The court relied on *Aitaro v. Mengekur*, wherein we affirmed a trial court decision finding Remoket and Uldekel to be strong members of the Clan. 14 ROP 71, 71 (2007). Appellants presented evidence tracing their membership in the Clan to two sisters, Saroi and Sachebid. Appellees testified as to their family history, which supports their membership and status claims, and they presented testimonial evidence of their contributions to various Clan customs.

[¶ 6] In light of *Aitaro* and the evidence presented at trial, the court determined that Appellants are not strong members of the Clan. The court further determined that Appellees and not Appellants are the rightful chief-title bearers, respectively, *Iechadribukel* and *Bechekeldil*, of the Clan. Finally, the court found that Pierantozzi met her burden of proof in her assault claim against Isechal, awarding her nominal damages of \$100.00, but it denied

Pierantozzi's claim for intentional infliction of emotional distress for failure of proof. Appellants appeal the first two determinations.

STANDARD OF REVIEW

[¶ 7] We review matters of law de novo, findings of fact for clear error, and exercises of discretion for abuse of that discretion. *Obechou Lineage v. Ngeruangel Lineage of Mochouang Clan*, 2024 Palau 2 ¶ 5. Clan membership and status are questions of fact, and we review the trial court's findings for clear error. *Kiuluul v. Rengiil*, 2022 Palau 3 ¶ 12; *Imeong v. Yobech*, 17 ROP 210 (2010). We will uphold the court's findings when, based on the evidence, a reasonable trier of fact could have reached the same conclusions. *Isechal v. Umerang Clan*, 18 ROP 136, 142 (2011). To set the trial court's findings aside, we must have a "definite and firm conviction that an error was made." *Id.*

DISCUSSION

[¶ 8] Appellants present two arguments on appeal: First, they contend that the trial court erred in finding that Appellants are not strong members of the Clan when it erroneously applied the doctrine of res judicata. Second, they argue that the trial court erred when it (1) misapplied res judicata in its determination of Isechal's title and (2) held that Isechal and Mobil bear the Clan's titles when their appointments have not been approved by Appellants' *ochell* and senior strong members. As explained below, we find no merit in either argument.

[¶ 9] The gist of Appellants' first argument is that the court, having precluded the Appellants from challenging the Appellees' status by virtue of *Aitaro*, should have also precluded Appellees from challenging Appellants' status. Additionally, they claim that the court erred when it determined that res judicata applies because the court previously determined that Isechal is *lechadribukel*.

[¶ 10] Before addressing this argument, we wish to make clear at the outset that the trial court based its decision not only on the doctrine of res judicata, but also on the evidence presented at trial. Now, turning to the argument, we note that Appellants are not arguing that the doctrine of res judicata is inapplicable here. Instead, their dispute is that the court should have also

precluded the Appellees from challenging their status because they are in privity with defendants Remoket Mengerkur and Uldekel Etibek in *Aitaro*. But this is not true. With the exception of Appellant Marine Remoket, *Aitaro* did not determine the Appellants' status.

[¶ 11] *Aitaro* made clear that the trial court decision in that case regarding the status of nonparties was advisory in nature and created no enforceable rights or obligations. 14 ROP 71, 73. Not only were Appellants not parties to the *Aitaro* case, but the trial court, based on defendants Mengerkur and Etibek's request, declined to declare the membership status of Tsuruko Wong, Kasko Tewid, and Mitsko Sumang, the mother of Appellants Pierantozzi and Sumang. More importantly, defendants Mengerkur and Etibek conceded that these three—Tsuruko, Kasko, and Mitsko—were either *weak members or members of a related clan and not members of the Clan at all*. *Aitaro v. Mengerkur*, Civil Action No. 02-102, at 9 n.14 (Tr. Div. Nov. 5, 2003).

[¶ 12] The foregoing demonstrates not only that Appellants lack privity but, more importantly, that *Aitaro* did not determine their membership status in the Clan. The law, as correctly stated by the trial court, is that where a person's status is litigated and determined by a final judgment, that judgment has a preclusive effect upon all persons in subsequent actions to determine or change the person's status. *Odilang v. Ngiramechelbang*, 9 ROP 267 (Tr. Div. 2001). *Aitaro* determined the Appellees' status in the Clan, but it did not determine Appellants' status.¹ Thus, the court did not err in allowing Appellees to litigate Appellants' status while precluding Appellants from doing the same with respect to Appellees.

[¶ 13] But even if the trial court erred in its application of the res judicata doctrine, and we certainly do not believe it did, we would nevertheless affirm the decision. As we previously pointed out, the trial court did not only base its decision on the doctrine of res judicata. It also based its decision on the evidence presented at trial. It accepted the Appellees' evidence and expressly rejected Appellants' evidence. In doing so, the court specifically found that Appellants were *ochell* of Ngerkuak of Tmiu Clan of Peleliu, and not senior

¹ Appellee Naomi Mobel and the father of Appellee Kioni Isechal, Yashinto Isechal, were parties in *Aitaro*.

strong members of the Clan. Appellants did not and have not challenged this finding.

[¶ 14] We have previously held that where there are alternative grounds for the trial court decision, we only need to determine that one of the grounds is correct to affirm. *Esebei v. Sadang*, 13 ROP 79, 81 (2006) (“On appeal, this Court need only determine that one of those two foundations is accurate.”). Further, where a court has denied relief based on more than one independent ground and the appellant does not argue on appeal that all of those grounds were in error, the appellant cannot show a basis for reversal, and the order must be affirmed. *Dice v. Chocha-Pipan*, 304 A.3d 41 (Pa. Super. 2023). Here, the trial court based its decision both on the doctrine of res judicata and on the evidence adduced at trial. Appellants have not argued that the court erred in relying on this latter ground for its decision. Accordingly, we affirm the trial court’s decision.

[¶ 15] We turn now to Appellants’ two-part second argument that the trial court erred when it (1) misapplied res judicata in its determination of Isechal’s title and (2) held that Isechal is *Ichedribukel* and Mobil is *Behekeldil* of the Clan. As to the first part, we are genuinely confused with the trial court’s determination that res judicata applies because the court previously determined that Isechal is *Iechadribukel*. As Appellants correctly point out, Isechal was not determined in the earlier case to be *Iechadribukel*.

[¶ 16] Regardless, we find this error harmless. The court’s finding that Isechal is *Iechadribukel* finds ample support in the record. Isechal was appointed by the senior strong members of the Clan with power and authority over its titles and property, and he was accepted by the Ngerbeched Council of Chiefs as their friend. And finally, because Appellants are neither strong members nor do they have authority over the titles of the Clan, they lack standing to complain about Isechal’s crown as Chief *Iechadribukel*.


[¶ 17] As to the second part, Appellants contend that the trial court erred when it determined that Isechal and Mobil bear the Clan’s titles because their appointments have not been approved by Appellants’ *ochell* and senior strong

members.² Because we have already upheld the trial court's determination that Appellants are not senior strong members of the Clan, their approval was neither required nor necessary to validate Isechal's and Mobil's appointments.

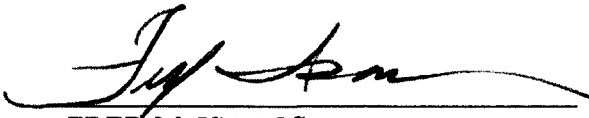
CONCLUSION

[¶ 18] For the foregoing reasons, we **AFFIRM** the Trial Division's decision.


SO ORDERED, this 16th day of January 2025.



OLDIAIS NGIRAIKELAU
Chief Justice, presiding



FRED M. ISAACS
Associate Justice



KATHERINE A. MARAMAN
Associate Justice

² Appellees conceded during oral argument that Appellant Marine Remoket was the daughter of Etibek and, therefore, she would be an *ochell* of the Clan. However, a person's *ochell* status does not *per se* make him or her a senior strong member of a clan. *Ibelau v. Ngiraked*, 13 ROP 3, 4-5 (2005).