

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

<p>KAMMEN CHIN, <i>Appellant,</i> v. NGEREBRAK CLAN, DINGILIUS IGNATIO MOREI,¹ ROSE TELLOI SILES, LALII GIBBONS, PIA MOREI, and ALFONSO KUMANGAI, <i>Appellees.</i></p>
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Cite as: 2024 Palau 4
Civil Appeal No. 23-002
Appeal from Civil Action No. 21-125

Decided: February 1, 2024

Counsel for Appellant	Johnson Toribiong
Counsel for Appellees	Raynold B. Oilouch

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice, presiding
FRED M. ISAACS, Associate Justice
DANIEL R. FOLEY, Associate Justice

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

OPINION

PER CURIAM:

[¶ 1] This appeal involves opposing claims for clan leadership. The issue is whether the trial court erred in finding Appellees, and not Appellant Chin,

¹ We have retained Appellee Ignatio Morei’s title in the caption because Appellant Chin did not explicitly list the trial court’s finding that Appellee Morei is the rightful title bearer as an issue presented on appeal. *See Etpison v. Obichang*, 2020 Palau 8 n.1 (providing guidance on altering captions).

are senior strong members of Ngerebrak Clan of Medal Village in Oikull, Airai with authority over Ngerebrak Clan lands and affairs.

[¶ 2] For the reasons set forth in the trial court’s decision, we **AFFIRM**.

BACKGROUND

[¶ 3] This appeal stems from a trial court decision granting Appellees’ request for a declaratory judgment that: they are senior strong members of Ngerebrak Clan; Appellee Ignatio Morei holds the male chief title of *Dingilius*;² and Appellant Chin is not a member and lacks authority over Clan affairs. During trial, the court considered Appellant Chin’s and Appellees’ evidence, consisting of documents and testimony.

[¶ 4] The trial court granted Appellees’ request, determining Appellees, and not Appellant Chin, are senior strong members of Ngerebrak Clan. Appellant Chin appeals that determination.

STANDARD OF REVIEW

[¶ 5] We review matters of law de novo, findings of fact for clear error, and exercises of discretion for abuse of that discretion. *Ngirmeriil et al. v. Terekieu Clan*, 2023 Palau 21 ¶ 12. “[S]tatus and membership in a clan are questions of fact.” *Terekieu Clan v. Ngirmeriil*, 2019 Palau 37 ¶ 19. “As an appellate tribunal, our review of factual findings is limited to reversing those findings that are clearly erroneous.” *Imeong v. Yobech*, 2016 Palau 21 ¶ 17.

[¶ 6] The trial court is best suited “to hear the evidence and make credibility determinations.” *Terekieu Clan*, 2019 Palau 37 ¶ 19. “We generally defer to the credibility determinations of the trial court, and we will only overturn them in extraordinary cases.” *Palau Cmty. Coll. v. Ibai Lineage*, 10 ROP 143, 149 (2003).

² We do not address this factual finding on appeal because Appellant did not explicitly list it as an issue presented. *See, e.g., Anderson v. Kim*, 2018 Palau 23 ¶ 4 (“This list of issues presented governs the scope of [Appellant’s] appeal.”); ROP R. App. P. 28(a)(5) (“The appellant’s brief must contain, under appropriate headings and in the order indicated . . . a statement of the issues presented for review set forth in separately numbered paragraphs.”); *Kebekol v. KSPLA*, 22 ROP 74, 76-78 (2015) (denying petition for rehearing of an issue not identified in opening brief as an issue presented for review).

DISCUSSION

[¶ 7] The issue on appeal is whether the trial court erred when it found Appellees, and not Appellant Chin, are senior strong members of Ngerebrak Clan. Chin must show the trial court clearly erred in finding Chin failed to prove her Clan status. To that end, Chin must present extraordinary circumstances that warrant overturning the court’s determination that Appellees’ witnesses were more credible than Chin’s.

[¶ 8] Appellant Chin first misstates the record by arguing the trial court failed to consider certain factors that the court did in fact consider.³ Chin then contests the trial court’s credibility determinations and urges the Court to reweigh evidence. To support this request, Chin asserts testimony from her witnesses was “most poignant” because it “came from the heart as part of their family history.” Appellant’s Opening Br. 16. Absent extraordinary circumstances, however, determining credibility and weighing evidence is the trial court’s domain.⁴ The court accepted Appellees’ evidence as more credible “based on the corroborating evidence” and noted that Chin’s origin story “conflicted with and contradicted portions of [Chin’s] own testimony.” *Ngerebrak Clan et al.*, Civil Action No. 21-125, at 5-6.

[¶ 9] This appeal fails to present any unreasonable factual findings or extraordinary circumstances that warrant overturning the court’s credibility determinations.⁵ Therefore, the court did not err in declaring Appellees, and not Appellant, as senior strong members of Ngerebrak Clan.

³ For instance, Chin argues the court did not consider familial ties to the Clan, but the court noted that Appellees claim membership by blood, whereas Chin claims membership through a second marriage, and that Appellees’ family history goes at least two generations further back than Chin’s. *Ngerebrak Clan et al. v. Kammen Chin*, Civil Action No. 21-125, at 6 (Tr. Div. Dec. 22, 2022).

⁴ Urging the Court to reweigh evidence in Appellant’s favor borders on frivolity. *See Imeong v. Yobech*, 2016 Palau 21 ¶ 18 (“Under the clear error standard of review, ‘an appeal that merely restates the facts in the light most favorable to the appellant and contends that the [lower court] weighed the evidence incorrectly borders on frivolous.’”). Chin also fails to support her meritless arguments with proper citations to the trial transcript. *See Ngcheed v. Imeong*, 2023 Palau 25 ¶ 8 (reiterating that under Rule 28(e), “references to evidence must be followed by a pinpoint citation to the page, transcript line, or recording time in the record”).

⁵ As such, this appeal borders on frivolity. An appeal bordering on frivolity and failing to add to the development of law merits summary disposition. *See Ngarameketii/Rubekul Kldeu v. Koror*

CONCLUSION

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

SO ORDERED, this 1st day of February 2024.

State Pub. Lands Auth., 2016 Palau 19 ¶ 22 (“When such circumstances are presented by an appeal, an appellate court should not hesitate to conserve its resources by disposing of the appeal in a summary fashion.”); *see also Ueki v. Telungalek Ra Idong*, 16 ROP 140 (2009) (summarily disposing of an appeal attacking the Land Court’s factfinding). To ensure judicial efficiency, the Court hereby serves notice upon the Bar that, henceforth, we will summarily dispose of appeals bordering on frivolity or failing to add to the development of law.