

Uehara v. Obeketang, 1 ROP Intrm. 267 (Tr. Div. 1985)
**TET RA OLLEI SISANG UEHARA, Representing Techiwod Clan of Ollei, Ngerchelong State,
Plaintiffs,**

v.

**TAKAO OBEKETANG, INAO SEBAKLIM, SKANG and JOHN DOES I through V,
Defendants.**

CIVIL ACTION NO. 108-82

Supreme Court, Trial Division
Republic of Palau

Judgment

Decided: November 8, 1985

BEFORE: MAMORU NAKAMURA, Chief Justice.

This action involves a dispute concerning a title known as “Tet”, of the highest clan of Ollei Hamlet, Ngerchelong State. At the conclusion of Defendant Skang’s case in chief, Mr. Olkeriil made an oral motion to dismiss his client from the case, and the motion was granted. The remaining parties, therefore, are Plaintiff Uehara, Defendant Obeketang and Defendant Sebaklim, and each of them claims to [be] the “Tet” of Ollei. Since there can be only one title holder, it is the function of this Court to determine whether any of the parties herein has been appointed to the position of Tet in accordance with Palauan custom.

The Court having fully reviewed and considered the evidence presented at the trial and the arguments of counsel, and good cause appearing, finds and concludes as follows:

FINDINGS OF FACT

1. Ollei, formerly known as Delbirt, is a hamlet of Ngerchelong State. Ollei means magic; it is a famous village historically.
2. The highest clan of Ollei is called Techiwod.
3. The clan of Techiwod consists of three (3) lineages. They are: 1) Nerbad; 2) Olleb; and 3) Ukall.
- 1268 4. Tet ra Techiwod is the name of the highest male title bearer of the clan.
5. Orakidil ra Techiwod is the name of the highest female title bearer of the clan. The incumbent is the counter-part of Tet.

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6. Plaintiff Uehara and those whom he represents are the members of the Ngerbad lineage. Their ancestors migrated from the State of Ngetpang to Ollei, and they settled at Techiwod. Subsequently, most of the ancestors, except Onges and Dalmellei, moved from Ollei to Ngebei hamlet of Ngerchelong State. Onges and Dalmellei remained at Techiwod, and they became Tet and Orakidil, respectively. Orakidil Dalmellei was an adoptive daughter of Onges.

7. Defendants Sebaklim and those whom he represents are the descendants of Tet Onges and Orakidil Dalmellei. Defendant Sebaklim is the adoptive son of Dalmellei.

8. Defendant Obeketang and those whom he represents are the descendants of Ngiramenganged. Ngiramenganged lived at a place called "Elkemim" and he subsequently named it "Ukall". Ngiramenganged was a Tet for a very brief period of time.

9. Defendant Sebaklim and most of those whom he represents are the residents of Techiwod and have been so for a long period of time.

10. Plaintiff Uehara and Defendant Obeketang and those whom they represent have not resided at Techiwod for a long period of time.

11. During the past fifty (50) years, all of the parties herein have been participating in the affairs of the clan. Most of the community services of Ollei Hamlet, however, have been performed by Defendant Sebaklim and his relatives because of their residency.

12. Plaintiff Uehara was appointed by the members of his lineage as "Tet" on July 4, 1982 (Plaintiff's Exhibit No. 1).

13. Defendant Obeketang was appointed by the members of his lineage as "Tet" on February 1, 1982 (Defendant Obeketang's Exhibit No. C).

1269 14. Defendant Sebaklim was appointed by the members of his lineage as "Tet" on July 17, 1982 (Testimony of Defendant Skang).

15. The most recent Tet of Techiwod was Ngirangeyang. He passed away sometime in 1979. Tet Ngirangeyang's predecessors were Muchucheu, Terreu, Ngiramenganged and Onges, in that order. Tet Onges died sometime in 1930.

16. Defendant Skang, who is not a member of the clan but related thereto by his marriage, was appointed by Tet Ngirangeyang as his representative sometime in 1975. No one objected to the appointment and Mr. Skang represented Ollei Hamlet in the Municipal Council of Ngerchelong from 1975 to 1981.

17. This dispute arose in the latter part of 1981 at the commencement of the Constitutional Convention for the State of Ngerchelong.

CONCLUSION OF LAW

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1. Under Palauan custom, true ochell descendants are the strongest members of a clan followed in order of authority by ulechell members, by adoptive members and finally, members by “drifting” or sometimes called “through the floor”, or “some other way”.
2. Under Palauan custom, where a party is member of clan through his father or through his paternal line, he is “weak member” of the clan.
3. Under Palauan custom, a member of a clan, who is not an ochell, may become ochell, if he or she is adopted by true ochell members of the clan.
4. Under Palauan custom, mere absence of clan member, no matter how long continued, does not work as a forfeiture of either clan membership or rights to share in and use the clan’s assets.
5. Under Palauan custom, a male title holder of a clan must be appointed by senior female members (ourrot) of the clan, and the appointment must be consented to by the council of chiefs of the hamlet.
6. Under Palauan custom, a weak member of a clan may become the title holder of the clan if that is the wishes **1270** of the senior female members (ourrot) of the clan and the council of chiefs of the village.
7. Ritong, who was one of the early settlers at Techiwod, was a senior female member (ourrot) of the Techiwod clan. She was an ochell of the clan.
8. Plaintiff Uehara was adopted by Ritong, through his maternal side, and as such, he is an ochell of the clan.
9. Dalmellei through her adoption by the clan of Techiwod became an ochell of that clan. Defendant Sebaklim, as an adoptive son of Dalmellei, is an ochell of the clan.
10. Defendant Obeketang through his father Ngirmenganged is an ulechell of the clan.
11. Neither Plaintiff Uehara, Defendant Sebaklim nor Defendant Obeketang has ever been appointed as “Tet” in accordance with Palauan custom.
12. The Tet of Techiwod has been vacant since the death of Ngirangayang in 1979.
13. Plaintiff Uehara, Defendant Sebaklim, and Defendant Obeketang are qualified to become the Tet of Techiwod.

JUDGMENT

IT IS HEREBY ADJUDGED, DECREED AND ORDERED as follows:

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1. Neither Plaintiff Sisang Uehara, Defendant Takao Obeketang, nor Defendant Inao Sebaklim is Tet ra Techiwod.
2. Tet ra Techiwod is vacant, and it shall remain so until appointment is made pursuant to Palauan custom.
3. Each party shall bear its own cost.