

*Ngirdengoll v. Santos*, 5 ROP Intrm. 219 (1996)  
**INGEREKLII NGIRDENGOLL,**  
**Appellant,**

v.

**BENJAMIN SANTOS,**  
**Appellee.**

CIVIL APPEAL NO. 21-95  
Civil Action No. 422-91

Supreme Court, Appellate Division  
Republic of Palau

Opinion  
Decided: May 13, 1996

Counsel for Appellant: Oldiais Ngiraikelau

Counsel for Appellee: Benjamin Santos, *pro se*

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate Justice; and LARRY W. MILLER, Associate Justice.

MILLER, Justice:

Ingereklii Ngirdengoll appeals the trial court's affirmation of a Land Claims Hearing Office ("LCHO") determination of ownership awarding portions of Tochi Daicho Lot 934 in Koror to Benjamin Santos. The portions at issue have been assigned temporary lot numbers 182-129 and 182-132.<sup>1</sup> Santos contended that his father, **L220** Santos Ngodrii, had conveyed lot 182-132 to him in 1977, and submitted the deed conveying the land. Santos also submitted a deed showing that he had purchased lot 182-129 from Western Caroline Trading Company in 1985, which had purchased the land from his father in 1966.

Appellant now challenges the factual determination that Ngodrii had the authority to dispose of this land, and argues that the trial court erred in failing to grant him a trial de novo.

Appellant's first argument is reviewed under the clearly erroneous standard:

If the trial court's findings are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, they will not be set aside unless the court is left with a definite and firm conviction that a mistake

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<sup>1</sup> Temporary lot no. 182-268, which is also part of Lot 934, was at issue between these parties before the LCHO and on appeal before the Trial Division. The appellant has now abandoned any claim to lot 182-268.

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has been made.

*Rebluud v. Fumio*, 5 ROP Intrm. 55, 57 (1995).

Here, the trial court noted that, although the evidence was conflicting, the LCHO's determination that Ngodrii had control over the land was supported by documentary evidence, by appellee's testimony, and by the fact that appellant had known but failed to object to Ngodrii's sales of the land. While appellant attacks the reliability and weight of that evidence, his arguments do not establish that the trial court's acceptance of the LCHO's findings of fact were clearly erroneous.

Appellant's request for a trial de novo was based on his complaint (1) that claimants and witnesses were not sworn before giving testimony before the LCHO; (2) that certain documentary evidence was not shown to appellant or properly authenticated before being admitted; and (3) that appellant was not informed of his right to cross-examine. We agree with the trial court that the first complaint was waived by the failure to make a timely objection, and that the second and third did not violate the LCHO's Rules and Regulations. See 35 PNC § 1110(b)(directing that rules be "designed to ensure that claimants may appear 'in propria 1221 persona' without undue confusion by legalistic rules").<sup>2</sup> The trial court did not abuse its discretion in refusing to grant a trial de novo.

AFFIRMED.

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<sup>2</sup> 35 PNC § 1110(b) directed that the ROP Rules of Evidence be used as a guide "[p]ending promulgation of such rules," which occurred in March, 1988. They do not apply to LCHO proceedings of their own force. See ROP R. Evid. 1101.