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Chapter 13 Land Claims Reorganization Act of 1996

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§ 1301. Title.

This chapter shall be known and may be cited as the “Land Claims Reorganization Act of 1996.”

Source

RPPL 4-43 § 1, modified.

Notes

Klai Clan v. Airai State Public Lands Authority, 20 ROP 253, 256 (2013).

Ngarameketii v. Koror State Pub. Lands Auth., 18 ROP 59, 63 (2011).

- Idid Clan v. Demei, 17 ROP 221, 223 (2010).
Ngarameketii v. Koror State Pub. Lands Auth., 16 ROP 229, 230 (2009).
Ngerungel Clan v. Eriich, 15 ROP 96, 99 (2008).
Shmull v. Ngirirs Clan, 11 ROP 198, 201 (2004).
Ngirumerang v. Tmakeung, 8 ROP Intrm. 230 (2000).
Tangadik v. Bitlaol, 8 ROP Intrm. 204 (2000).
Sumang v. Baiei, 8 ROP Intrm. 186 (2000).
Ngerusebek Lineage v. Irikl Clan, 8 ROP Intrm. 183 (2000).
Lakobong v. Tebei, 8 ROP Intrm. 87, 89 (1999).
Rebluud v. Palau Land Court, 7 ROP Intrm. 249 (Tr. Div. 1998).
Tesei v. Belechel, 7 ROP Intrm. 89, 90 (1998).

§ 1302. Purpose.

The primary purpose of this chapter is to proceed on a systematic basis to accomplish, within a reasonable period of time from the effective date of this section, the determination of ownership of all land in the Republic, and to provide for the return, to the original owners or their heirs or assigns, of land which became public land as a result of the acquisition by the previous occupying powers or their nationals through force, coercion, fraud or without just compensation or adequate consideration.

Source

RPPL 4-43 § 2, modified. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-3 § 2.

Notes

Idid Clan v. Koror State Public Lands Authority, 20 ROP 270, 274 (2013).

Amendment by RPPL 7-3 changed “to accomplish, within two years” to read “to accomplish, within a reasonable period of time”.

§ 1303. Definitions.

- (a) “Bureau” means Bureau of Lands and Surveys in the Ministry of Public Infrastructure, Industries and Commerce;
- (b) “Registration Officer” means a Registration Officer with the Bureau of Lands and Surveys; and
- (c) “Senior Judge” means the Senior Judge of the Land Court.

Source

RPPL 4-43 § 3, modified. Amended by RPPL 5-22 § 2. Amended by RPPL 6-31 § 2.

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Notes

RPPL 7-43 § 2 amended “Ministry of Resources and Development” in subsection (a) to “Ministry of Public Infrastructure, Industries and Commerce”, *see* 2 PNCA § 102.

§ 1304. Land Court responsibilities; Supreme Court.

(a) The Land Court, within a reasonable period of time not to extend beyond August 11, 2016, shall proceed on a systematic basis to hold hearings and make determinations with respect to the ownership of all land within the Republic.

(b) The Land Court shall award ownership of public land, or land claimed as public land, to any citizen or citizens of the Republic who prove:

(1) that the land became part of the public land, or became claimed as part of the public land, as a result of the acquisition by previous occupying powers or their nationals prior to January 1, 1981, through force, coercion, fraud or without just compensation or adequate consideration, and

(2) that prior to that acquisition the land was owned by the citizen or citizens or that the citizen or citizens are the proper heirs to the land. Except in cases where claims of Palauan citizens, clans or lineages prevailed over the claim of the Trust Territory Government, its Land Title Officer and all of its political subdivisions, the statute of limitations, laches or stale demand, waiver, *res judicata* or collateral estoppel as to matters decided before January 1, 1981, and adverse possession, may not be asserted against and shall not apply to claims for public land by citizens of the Republic. The record of proceedings of the District Land Title Officer or the Palau Land Commission may be introduced as evidence in land ownership proceedings before the Land Court. The record shall be given such weight as the Land Court or Trial Division, in the exercise of its discretion, deems appropriate. All claims for public land by citizens of the Republic must have been filed on or before January 1, 1989. All determinations of ownership pursuant to this section shall be made by August 11, 2016.

(c) Where the Bureau has issued the proper notice to the parties regarding monumentation, the thirty (30) days to make a claim on the land has lapsed, the monumentation has been completed, and the only claimants to the land have resolved between themselves their claims, or where there is only one claimant to the land, the Land Court shall issue a determination of ownership, within thirty (30) days of receipt of the monumentation documents from the Bureau, to those claimants in accordance with the agreement(s) between them, as the case may be. The Land Court shall give priority to matters in which the claimants have resolved their claims between themselves or in which the remaining claim is undisputed.

(d) If the Land Court deems that consideration of a disputed claim will seriously

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interferewith accomplishment of the purposes of this chapter, it may directly refer the claim to the Trial Division of the Supreme Court without making any determination thereon. The Trial Division shall then proceed to make a determination on the claim. The Trial Division, after the time for appeal from its decision has expired without any notice of appeal having been filed or after an appeal duly taken has been determined, shall certify its decision, as modified by the Appellate Division if that has happened, to the Land Court. The Land Court shall then issue a certificate of title based on the Trial Division's certified decision as if based on a determination of the Land Court as provided in this chapter.

(e) All employees hired by the Land Court shall be subject to the employment rules of the National Judiciary.

Source

RPPL 4-43 § 4, modified. Amended by RPPL 5-22 § 2. Subsections (a), (b)(2), and (c) were amended and subsection (e) was enacted by RPPL 6-31 § 2. Subsections (a) and (b) amended by RPPL 7-3 § 2. Subsection (a) and (b)(2) amended by RPPL 7-26 § 2. Subsections (a), (b)(2) and (c) amended by RPPL 7-54 § 2. Subsections (a) and (b) amended by RPPL 9-56 § 22, modified.

Notes

Subsection (a) amended by RPPL 7-3 § 2 "not to extend beyond three years" previously read "not to extend beyond two years". Subsection (b)(2) was also amended RPPL 7-3 § 2 from "two years" to "three years".

In re Kitalngas, 22 ROP 280 (Land Ct. 2014).

In re Ownership of Ngerchelngael Island, 22 ROP 266, 267, 270, 272, 273, 274 (Land Ct. 2014).

Eklbai Clan v. KSPLA, 22 ROP 139, 145 (2015).

Kebekol v. KSPLA, 22 ROP 74, 75 (2015).

KSPLA v. Idid Clan, 22 ROP 66, 73 (2015).

Kebekol v. KSPLA, 22 ROP 38, 42, 45 (2015).

KSPLA v. PPLA, 22 ROP 30, 33 (2015).

KSPLA v. Idid Clan, 22 ROP 21, 24 (2015).

ASPLA v. Esuroi Clan, 22 ROP 4, 5, 6, 7 (2014).

In re Ebau, 21 ROP 145, 147, 148 (Land Ct. 2014).

In re lots in Iyebukel Hamlet, 21 ROP 129, 137 (Land Ct. 2014).

Koror State Pub. Lands Auth. v. Wong, 21 ROP 5, 8, 9 (2012).

Koror State Pub. Lands Auth. v. Ngermellong Clan, 21 ROP 1, 2, 3, 4, 5 (2012).

Idid Clan v. Koror State Public Lands Authority, 20 ROP 270, 272, 273, 274, 275, 276, 277 (2013).

Koror State Public Lands Authority v. Giraked, 20 ROP 248, 249, 251 (2013).

Ikluk v. Koror State Public Lands Authority, 20 ROP 128, 130, 131, 132 (2013).

Kumer Clan/Lineage v. Koror State Public Lands Authority, 20 ROP 102, 104, 105, 106, 107 (2013).

Elsau Clan v. Peleliu State Public Lands Authority, 20 ROP 87, 88, 89 (2013).

Badureang Clan v. Koror State Public Lands Authority, 20 ROP 80, 85, 86 (2013).

Ngarngedchibel v. Koror State Pub. Lands Auth., 19 ROP 159, 160, 161 (2012).

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- Koror State Pub. Lands Auth., v. Tmetbab Clan, 19 ROP 152, 153, 156, 157 (2012).
In the Matter of Land Identified as Lot No. 2006 B 12-002, 19 ROP 128, 135 (2012).
In re Ngerdermang, 19 ROP 124, 126 (2012).
Estate of Ichiro Dingilius v. Peleliu State Pub. Lands Auth., 19 ROP 121, 123 (2012).
Ngarngedchibel v. Koror State Pub. Lands Auth., 19 ROP 60, 63, 64, 65 (2012).
Ngarameketii v. Koror State Pub. Lands Auth., 18 ROP 59, 61, 62, 63 (2011).
Temaël v. Tobiason, 18 ROP 53, 55 (2011).
In re Tabkusik, 18 ROP 16, 20, 21 (Land Ct. 2010).
Salii v. Koror State Pub. Lands Auth., 17 ROP 157, 160 (2010).
Aimeliik State Pub. Lands Auth. v. Rengchol, 17 ROP 276, 279 (2010).
In re Mesei, 16 ROP 338, 344, 346 (Land Ct. 2009).
Ngaraard State Pub. Lands Auth. v. Tengadik Clan, 16 ROP 222, 224, 225 (2009).
Tmetbab clan v. KSPLA, 16 ROP 91, 92, 93, 94, 95 (2008).
Wasisang v. PPLA, 16 ROP 83, 84 (2008).
Koror State Pub. Lands Auth. V. Ngirmang, 14 ROP 29, 35, 36, 37 (2006).
Palau Pub. Lands Auth. v. Tab Lineage, 11 ROP 161, 164, 166, 167, 169, 170 (2004).
Baulbei Clan v. Melekeok State Pub. Lands Auth., 11 ROP 117, 118, 119 (2004).
Ngatpang State v. Rebluud, 11 ROP 48, 51 (2004).
Palau Cmty. Coll. v. Ibai Lineage, 10 ROP 143, 146, 148 (2003).
Anastacio v. Yoshida, 10 ROP 88, 91 (2003).
ROP v. Wally, 10 ROP 85, 86, 87 (2003).
Rechetuau v. Iwet Clan, 10 ROP 58, 60 (2003).
Rechucher v. Ngiraked, 10 ROP 20, 22, 23 (2002).
Iyar v. Masami, 9 ROP 238, 239, 240 (Tr. Div. 2002).
Masang v. Ngirmang, 9 ROP 215, 216, 217 (2002).
Kerradel v. Ngaraard State Public Lands Authority, 9 ROP 185 (2002).
Sakuma v. ROP, 9 ROP 183, 184 (2002).
Ngerukebid Lineage v. KSPLA, 9 ROP 180, 181, 182 (2002).
Masang v. Ngirmang, 9 ROP 125, 126, 127, 128 (2002).
Rengulbai Lineage v. Medorm Hamlet, 9 ROP 118, 119 (2002).
Adelbai v. Masang, 9 ROP 35, 36, 37, 38, 39 (2001).
Mengesebuuch v. Ngeremlengui State Government, 9 ROP 23, 26 (2001).
Idid Clan v. KSPLA, 9 ROP 12, 13 (2001).
PPLA v. Tmiu Clan, 8 ROP Intrm. 326, 330 (2001).
Carlos v. Ngarchelong SPLA, 8 ROP Intrm. 270, 271 (2001).
Olngembang Lineage v. ROP, 8 ROP Intrm. 197, 198 (2000).
Palau Public Lands Authority v. Salvador, 8 ROP Intrm. 73, 76 (1999).
Rurcherudel v. Palau Public Lands Authority, 8 ROP Intrm. 14, 15 (1999).
Meriang Clan v. ROP, 7 ROP Intrm. 33 (1998).
Robert v. Ikesakes, 6 ROP Intrm. 234, 238 (1997).

§ 1305. Bureau of Lands and Surveys responsibilities; land registration employees.

(a) The Bureau of Lands and Surveys within a reasonable time period not to extend beyond March 31, 2017, shall proceed on a systematic basis to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic. The Bureau's duties include, but are not limited to the registration of land claims, issuing the required notices under this chapter, providing monumentation, providing Land Court with the required information for Land Court hearings and providing temporary and permanent mapping of land parcels and boundaries with respect to the ownership of all

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land within the Republic. If the Bureau fails to provide proof of service of the required notices, monumentation, or other information required for Land Court hearings, the Land Court may, upon receiving an incomplete file from the Bureau, return such file with instructions identifying the deficiencies and ordering the Bureau to complete the file and resubmit the file to the Land Court within thirty (30) days.

(b) Those land registration officers and civil service employees, who worked for the Land Claims Hearing Office on February 14, 1996, and subsequently employed by the Land Court pursuant to RPPL 5-22, shall be transferred to and employed by the Bureau on the same terms and conditions as they had with the Land Claims Hearing Office and the Land Court; these officers and employees shall, for the purpose of receiving uninterrupted compensation, be deemed employed by the Bureau effective February 15, 1996 or their hiring date, if these officers' and employees' date of hire is after February 15, 1996. All land registration employees who are transferred from the Land Court to the Bureau pursuant to this subsection shall continue to be paid on the judicial pay scale.

(c) The appointment of each Land Claims Hearing Officer is hereby vacated effective ninety (90) days after the effective date of this chapter, or upon appointment by the President of Land Court Judges as provided by Title 4 of the Palau National Code Annotated, as amended by this chapter, whichever occurs first. The Judicial Nominating Commission shall submit a list of potential Land Court Judge appointees within sixty (60) days of the effective date of this chapter.

(d) The Bureau shall complete the surveying required under this section within a reasonable time period not to extend beyond March 31, 2017. The Ministry of Public Infrastructure, Industries and Commerce may utilize private surveyors for the surveying work, through bidding pursuant to law. Land owners may hire private surveyors to complete a private monumentation of the land. Should a party utilize a private surveyor, that surveyor must be registered with the Board of Land Surveyor Examiners and must follow all of the notice provisions in this chapter. A map of a private monumentation is not official until it is certified and registered with the Bureau.

(e) Each survey team shall prepare a monthly report detailing its work for that month, which shall include the number of lots surveyed within the monthly reporting period. The Director of the Bureau shall prepare a monthly report detailing the lands scheduled to be monumented and surveyed each month, and the actual work performed on these tasks. The Director of the Bureau shall transmit these reports to the President of the Republic, the Minister of Public Infrastructure, Industries and Commerce, the Chairmen of the Senate and House Committees on Judiciary and Governmental Affairs, and the President of the Senate and the Speaker of the House of Delegates.

Source

RPPL 4-43 § 5, modified. Subsection (a) was amended by RPPL 5-22 § 2. The previously codified subsections (a) and (b) were effectively repealed and new subsections (a) and (b) were enacted by RPPL 6-31 § 2. Subsection (d)

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enacted by RPPL 6-31 § 6, modified. Subsection (a) amended by RPPL 7-3 § 2. Subsection (d) was amended by RPPL 7-43 § 2. Subsection (a) amended by RPPL 7-52 § 3. Subsections (a), (d) and (e) amended by RPPL 7-54 § 2. Subsections (a) and (d) are amended by RPPL 8-10 § 2. Subsections (a) and (d) are amended by RPPL 8-33 § 2. Subsections (a) and (d) are amended by RPPL 8-51 § 6. Subsections (a) and (d) are further amended by RPPL 8-55 § 4. Subsections (a) and (d) amended by RPPL 9-17 § 4.

§ 1306. Survey and establishment of boundaries in designated registration areas.

- (a) The Bureau may designate registration areas and may coordinate the resolution of claims within those areas.
- (b) The Director of Lands and Surveys shall assign a team or teams of land surveyors to perform surveys.

Source

RPPL 4-43 § 6. Amended by RPPL 4-53 § 1(a). Subsections (b) & (c) were amended by RPPL 5-22 § 2. All previously codified subsections were effectively repealed, and subsections (a) & (b) were enacted by RPPL 6-31 § 2.

§ 1307. Mandatory monumentation.

- (a) The Bureau shall schedule a monumentation to occur not less than fifteen (15) working days after the thirty (30) day period for filing claims has ended, unless the boundaries of the property at issue have already been resolved and monumented. For the monumentation, all claimants shall meet at a location near or at the site of the property, as determined by the Director of Lands and Surveys or his designee. The Director of Lands and Surveys shall appoint a surveyor and Registration Officer to coordinate and attend the monumentation. The surveyor and Registration Officer shall attempt to clarify any issues as they relate to land boundaries at the monumentation. Should a claimant at the monumentation not have an opinion on the boundaries of the land, the surveyor and Registration Officer shall monument the lot, not to exceed that which is in the Tochi Daicho. The Registration Officers shall record the results. Within ten (10) working days after the monumentation, the Bureau will forward to the Land Court all documentation relating to the monumented parcel and the claims filed.
- (b) Registration Officers shall use their best efforts to consult with the traditional leaders from the area where land to be monumented is located. Registration Officers shall encourage these traditional leaders to attend monumentation and to assist claimants in resolving their claims.
- (c) Registration Officers shall encourage claimants to discuss their claims among themselves and to attempt to resolve their disputes informally. At each monumentation, the Registration Officer shall distribute copies of the following announcement in English and Palauan to all persons present and shall read it aloud:

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“ONE OF THE PURPOSES OF THIS MONUMENTATION SESSION AND SUBSEQUENT MEDIATION SESSION AT THE LAND COURT IS TO ASSIST EACH OF YOU IN RESOLVING YOUR DISPUTES. IF YOU ARE UNABLE TO RESOLVE YOUR DISPUTES THROUGH THIS SESSION, A HEARING WILL TAKE PLACE TO DETERMINE OWNERSHIP OF THIS PROPERTY. THERE ARE SEVERAL DISADVANTAGES TO A HEARING PROCESS:

1. FIRST, THE HEARING PROCESS CAN BE TIME-CONSUMING. EACH OF THE CLAIMANTS WILL NEED TO SPEND TIME PREPARING FOR AND ATTENDING THE HEARING. ORDINARILY, WITNESSES WILL BE REQUIRED, AND THEY WILL ALSO HAVE TO SPEND THEIR TIME PREPARING FOR AND ATTENDING THE HEARING.
2. SECOND, THE HEARING PROCESS CAN BE EXPENSIVE. YOU ARE NOT REQUIRED TO HAVE AN ATTORNEY, BUT IF YOU HIRE ONE, YOU WILL MOST LIKELY HAVE TO PAY THE ATTORNEY. YOU WILL ALSO VERY LIKELY BE RESPONSIBLE FOR PAYING COURT COSTS.
3. THIRD, THERE IS NO GUARANTEE YOU WILL WIN AT THE HEARING. EVEN THOUGH YOU MAY BELIEVE STRONGLY THAT YOU OWN THIS LAND, BY GOING TO COURT YOU RISK THAT THE COURT WILL RULE AGAINST YOU. YOU MAY END UP WITH NOTHING.
4. FOURTH, HEARINGS CAN INVOLVE VERY HEATED ARGUMENTS THAT CAN DAMAGE FRIENDSHIPS AND OTHER RELATIONSHIPS.”

The Director of Lands and Surveys may modify the content of this message as he deems appropriate.

(d) A Claimant who fails to personally attend or send an authorized representative to a scheduled monumentation may not contest the boundary determinations and monumentation resulting from the session.

Source

RPPL 4-43 § 7. All subsections were amended except subsection (b) by RPPL 5-22 § 2, modified. Amended by RPPL 6-31 § 2 which: 1) amended the wording of subsection (a) and effectively repealed all of its subsections; 2) added the last sentence to subsection (b); 3) amended the wording in the opening sentence and final sentence of subsection (c); 4) effectively enacted a new subsection (d); and repealed all remaining subsections of § 1307. Subsection (a) amended by RPPL 7-3 § 2. Subsection (a) amended by RPPL 7-54 § 2, modified.

Notes

Former section 1307 titled “Mandatory Monumentation and Mediation Session” was split into two sections: 1307 “Mandatory Monumentation” and 1308 “Mandatory Mediation Session” by RPPL 6-31 § 2.

In re Ownership of Ngerchelngael Island, 22 ROP 266, 278 (Land Ct. 2014).
Rengiil v. Urebau Clan, 21 ROP 11, 14 (2013).

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- Koror State Pub. Lands Auth. v. Wong, 21 ROP 5, 7 (2012).
- Ikluk v. Koror State Public Lands Authority, 20 ROP 286 (L.C. 2013).
- Ucheliou Clan v. Oirei Clan, 20 ROP 37, 38 (2012).
- In re Mesei, 16 ROP 338, 344 (Land Ct. 2009).
- Sumang v. Skibang Lineage, 16 ROP 4, 6 (2008).
- Etpison v. Tmetbab Clan, 14 ROP 39, 43 (2006).
- Rechetuau v. Iwet Clan, 10 ROP 58, 60 (2003).

§ 1308. Mandatory mediation sessions.

(a) The Land Court shall, for all claims in which there remains a dispute regarding title or boundaries after the monumentation, schedule a mediation session within twenty five (25) days of receiving the file from the Bureau. However, where there is reason to believe that claims may not likely be resolved in mediation or where mediation is apparently unnecessary, the Land Court may bypass mediation and schedule a hearing for disputed cases or enter a determination of ownership for undisputed cases.

Mediators shall:

- (1) be Palauan;
- (2) be at least thirty (30) years old;

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- (3) have lived in Palau for not less than seven (7) years;
- (4) have some legal training or expertise in customary matters; and
- (5) be recognized in the community for either leadership capability or intelligence.

The Senior Judge shall compile a list of mediators and shall allow claimants to agree on a mediator from that list. The Senior Judge shall also prepare a brochure which explains in English and Palauan the procedures of the Land Court, with an emphasis on the procedures of the mediation session. The brochure shall be made available to the public.

(b) The mediator shall implement the following procedures:

- (1) Each claimant shall be allowed not less than twenty (20) minutes to explain his position to all of the other claimants, provided that the mediator may, in his discretion, allow claimants additional time to explain;
- (2) Each claimant shall be allowed not less than ten (10) minutes to respond to the explanations of the other claimants, provided that the mediator may, in his discretion, allow claimants additional time to respond;
- (3) Each claimant shall have an opportunity to ask questions of any other claimant, provided that the mediator shall control both the amount and type of questions asked;
- (4) After each claimant has been given the opportunity to speak, respond, and ask questions, the mediator shall meet privately with each of the claimants to discuss the matter and to encourage settlement of all claims; and
- (5) Within ten (10) days after the session, the mediator shall prepare a written summary of the positions of the claimants, and a final recommendation as to determination of ownership. This summary and recommendation shall be served promptly on each claimant together with a statement explaining that if the claimant would like to settle, he or she should contact the mediator. The mediator shall continue to work with all claimants until the hearing date to settle their claims.

(c) Within fifteen (15) days after his appointment, the Senior Judge shall prepare a Settlement Form that may be used by claimants who wish to settle their disputes.

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(d) Within sixty (60) days after his appointment, the Senior Judge shall prepare a mediation training seminar for each Registration Officer and mediator. The Senior Judge may hire a consultant to conduct the training seminar. Each Registration Officer and mediator shall complete no less than twenty (20) hours of mediation training within one hundred twenty (120) days after the Senior Judge's appointment. All training shall take place in Palau. The Senior Judge may waive the mediation training requirement for mediators who provide satisfactory proof of expertise in and familiarity with the mediation process.

(e) Claimants may be represented by an attorney at the monumentation and mediation session.

(f) All Land Court proceedings scheduled prior to the effective date of this section shall proceed according to existing law. All other Land Court proceedings shall proceed in accordance with 35 PNC Chapter 13 as amended by RPPL 6-31; provided, that until a Senior Judge has been appointed under the requirements of this chapter, all such proceedings shall be administered by the Acting Senior Judge.

(g) Statements made by any claimant or the mediator during a monumentation and mediation session shall be treated as settlement negotiations and may not be introduced into evidence in subsequent Land Court or Supreme Court proceedings except as authorized by the Rules of Civil Procedure.

(h) The Supreme Court shall promulgate rules and procedures governing the conduct of mediation sessions, the selection and compensation of mediators, the form and content of the summary and recommendations of the mediator, and such other matters as may be necessary for the fair, efficient and effective use of monumentation and mediation sessions to resolve ownership of disputed lands.

Source

RPPL 4-43 § 8 as amended by RPPL 5-22 § 2. RPPL 6-31 § 2, modified. Subsection (a) amended by RPPL 7-3 § 3. Subsection (a) amended by RPPL 7-54 § 2, modified.

Notes

Former section 1307 titled "Mandatory Monumentation and Mediation Session" was split into two sections: 1307 "Mandatory Monumentation" and 1308 "Mandatory Mediation Session" by RPPL 6-31 § 2.

Koror State Pub. Lands Auth. v. Wong, 21 ROP 5, 7 (2012).

Ngetechedong Clan v. Haruo, 19 ROP 139, 142 (2012).

Ucheliou Clan v. Estate of Adelbai Remed, 16 ROP 325, 327 (Tr. Div. 2009).

Etibek v. Uchel Keiukl Clan, 15 ROP 102 (2008).

Roman Tmetuchl Family Trust v. Ordomeh Hamlet, 11 ROP 158, 161 (2004).

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§ 1309. Notice of hearing and mandatory monumentation and mediation sessions; filing of claims.

(a) The Bureau shall, within thirty (30) days of the effective date of this section, create a schedule for monumenting all parcels of unmonumented land within the Republic. The Bureau shall inform Land Court of this schedule and Land Court shall set a date for a Land Court hearing for all claims regarding that parcel. The Bureau shall not schedule the monumentation of, and no person shall file a claim to determine ownership of, lands that have been previously monumented and surveyed, although claimants may be permitted to claim up to the boundaries of such registered lands. All claims shall be filed with the Bureau no later than thirty (30) days after the mailing of the notice. Any claim not timely filed shall be forfeited; however, persons listed on the Land Acquisition Records, who have not filed a claim, shall be deemed to have filed a claim for all parcels for which the Bureau has commenced a monumentation, but which have not been finally adjudicated, as of the effective date of [this law]. The Bureau of Lands and Surveys shall not accept untimely claims or transmit the same to the Land Court.

(b) Before the Bureau commences a monumentation with respect to any claim, notice containing a description of the claim and the date, time, and place of the monumentation shall be given by the Bureau at least forty five (45) days in advance of the monumentation as follows:

(1) by posting notice at the same office and principal meeting place in the village in which or nearest to which the land is situated in both English and the principal local language of the state in which the land is situated.

(2) by posting notice, in the languages specified in subsection (b)(1), at the state office and the principal meeting place in the village in which or nearest to which the land is situated;

(3) by serving notice upon all persons personally known to the Registration Officer to claim an interest in the land, and to all persons listed on the Land Acquisition Records by:

(A) service in the same manner as a civil summons; or

(B) registered air mail, postage prepaid, to the last known address, if outside the Republic; or

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(C) in the case of a clan or lineage, by hand delivery to the senior male title holder, if any, and the senior female title holder, if any; however, if the Registration Officer cannot with reasonable diligence locate the senior male or female title holder, then to such representative or representatives of the clan or lineage as the Registration Officer shall designate;

(4) by posting notice at the Post Office and the Office of the Clerk of the Supreme Court in Koror;

(5) by placing an advertisement on a local Koror radio station;

(6) [Repealed]

(7) by delivering notice to the Association of State Governors of Palau; and

(8) by public notice by other means as the Bureau may deem advisable.

(c) The notice provided for in subsection (b) shall clearly explain the following in both Palauan and English:

(1) the date, time and place of the monumentation, the mediation session and the Land Court hearing; and that all claimants must file their claims with the Bureau not later than thirty (30) days prior to the date of the monumentation, and that if a claimant fails to file a claim, he or she will forfeit that claim;

(2) the date of the monumentation, that attendance by claimants or their representatives is mandatory, and the penalties for failure to attend;

(3) the procedure for filing a claim;

(4) the location and telephone number (if any) of the nearest Registration Officer and the Land Court; and

(5) that the Registration Officers will provide assistance in preparing a written claim without charge to any interested person.

(d) The governor of each state shall work closely with the Bureau and the Land Court to facilitate the giving of notice to interested parties.

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(e) In the event that the monumentation or hearing cannot be conducted as originally scheduled, the Bureau or the Land Court may postpone the monumentation or hearing for a reasonable period of time and shall provide written notification of the postponement to all persons who timely filed a written claim. The postponement of the monumentation will not extend the time for the filing of written claims for the parcel at issue.

Source

RPPL 4-43 § 8. RPPL 6-31 § 2[1309], modified. Subsection (a) amended by RPPL 7-3 § 4, modified. Subsection (b)(6) repealed by RPPL 7-26 § 3. Subsections (a), (b)(1) and (b)(3) amended by RPPL 7-54 § 2, modified.

Notes

Section 1309 above titled "Notice of hearing and Mandatory Monumentation and Mediation Sessions; filing of claims" was formerly section 1308 and was re-codified as § 1309 by RPPL 6-31 § 2.

The bracketed ["this law"] in subsection (a) read "the Act" in RPPL 7-54 § 2[1309].

The effective date of RPPL 7-3 § 4 is February 11, 2005.

KSPLA v. Idid Clan, 22 ROP 66, 69 (2015).

Rengiil v. Urebau Clan, 21 ROP 11, 15 (2013).

Koror State Pub. Lands Auth. v. Wong, 21 ROP 5, 8, 9, 10 (2012).

Estate of Remed v. Ucheliou Clan, 17 ROP 255, 258 (2010).

In re Mesei, 16 ROP 338, 345, 346 (Land Ct. 2009).

Ucheliou Clan v. Estate of Adelbai Remed, 16 ROP 325, 327, 334 (Tr. Div. 2009).

Ngarameketii v. Koror State Pub. Lands Auth., 16 ROP 229, 230, 231 (2009).

Sumang v. Skibang Lineage, 16 ROP 4, 6 (2008).

Etpison v. Tmetbab Clan, 14 ROP 39, 42, 43, 44 (2006).

§ 1310. Conduct of Land Court hearings.

(a) Within thirty (30) days of the effective date of this chapter, the Land Court, in consultation with the Chief Justice of the Supreme Court, shall promulgate special procedural and evidentiary rules designed to allow claimants to represent themselves without the aid of legal counsel, and so that proceedings may be conducted in Palauan.

(b) Except for claims and disputes still pending to public lands, the Land Court shall not hear claims or disputes as to right or title to land between parties or their successors or assigns where such claim or dispute was finally determined by the Land Claims Hearing Office, the former Land Commission, or by a court of competent jurisdiction. The Land Court shall, for purposes of this chapter, accept such prior determinations as binding on such parties and their successors and assigns without further evidence than the judgment or determination of ownership.

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(c) All Land Court hearings shall be public. All claims shall be heard by one judge of the Land Court; however, at the discretion of the Senior Judge, claims may be heard by a three-judge panel. To the extent practicable, Land Court matters shall be heard, in whole or in part, in the state in which the land involved lies and in the village in which, or near which, the land lies. Land Court proceedings shall be taken down by a stenographic reporter or recorded by suitable sound recording equipment. Hearings may be conducted in either Palauan or English, at the discretion of the Land Court judge(s) hearing the matter. The Land Court may order that an interpreter be provided for non-English or non-Palauan speaking persons. Records shall be kept in both Palauan and English.

Source

RPPL 4-43 § 9. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1310 above titled "Conduct of Land Court hearings" was formerly section 1309 and was re-codified as § 1310 by RPPL 6-31 § 2.

In re Ownership of Ngerchelngael Island, 22 ROP 266, 274 (Land Ct. 2014).

Klai Clan v. Airai State Public Lands Authority, 20 ROP 253, 256 (2013).

In re Mesei, 16 ROP 338, 343 (Land Ct. 2009).

§ 1311. Matters involving minors or incompetents.

If the Land Court or the Supreme Court, on application or on its own motion, finds that any party in interest is a minor or incompetent, the Land Court or the Supreme Court, as the case may be, shall appoint one person to act as guardian at law for the minor or incompetent for the matter, unless the minor or incompetent is already represented by a person appointed by competent authority. A properly appointed guardian at law shall have full authority and power to act for the minor or incompetent in all matters in connection with his or her interest in the land; however, a guardian may not encumber or in any way alienate any land under his guardianship except by an order of the Trial Division of the Supreme Court.

Source

RPPL 4-43 § 10. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1311 above titled "Matters involving minors or incompetents" was formerly section 1310 and was re-codified as § 1311 by RPPL 6-31 § 2.

Ngermechesong Lineage v. Children of Oiph, 11 ROP 196, 197 (2004).

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§ 1312. Notice of determination of ownership.

Within twenty (20) business days following the conclusion of a hearing, the Land Court shall issue a determination of ownership or shall issue a written statement explaining why the determination cannot be made within such time. The Land Court shall promptly serve a copy of the findings of fact, conclusions of law, and determination(s) made on all parties of record at such address within the Republic as each party shall register at the hearing.

Source

RPPL 4-43 § 11. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-3 § 5, modified.

Notes

Section 1312 above titled "Notice of determination of ownership" was formerly section 1311 and was re-codified as § 1312 by RPPL 6-31 § 2.

KSPLA v. Idid Clan, 22 ROP 66, 73 (2015).

Koror State Pub. Lands Auth. v. Wong, 21 ROP 5, 7 (2012).

Klai Clan v. Airai State Public Lands Authority, 20 ROP 270, 273 (2013).

In the Matter of Land Identified as Lot No. 2006 B 12-002, 19 ROP 128, 134 (2012).

Shmull v. Ngirirs Clan, 11 ROP 198, 201 (2004).

Ngermechesong Lineage v. Children of Oiph, 11 ROP 196, 197 (2004).

Sadang v. Ongesii, 10 ROP 100, 102 (2003).

§ 1313. Appeal from determination of the Land Court.

A determination of ownership by the Land Court shall be subject to appeal by any party aggrieved thereby directly to the Appellate Division of the Supreme Court in the manner provided in the Rules of Appellate Procedure.

Source

RPPL 4-43 § 12. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1313 above titled "Appeal from determination of the Land Court" was formerly section 1312 and was re-codified as § 1313 by RPPL 6-31 § 2.

Rengiil v. Urebau Clan, 21 ROP 11, 13 (2013).

Etpison v. Tmetbab Clan, 14 ROP 39, 41 (2006).

§ 1314. Issuance of certificate of title.

(a) Immediately upon the expiration of the time for appeal from a determination of ownership by the Land Court without any notice of appeal having been filed or after the determination of an appeal, the Land Court shall order the Bureau to issue a final cadastral map of the area within fifteen (15) days of the order.

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(b) Within five (5) days of receipt of the final cadastral map, the Land Court shall issue a certificate of title setting forth the names of all persons or groups of persons holding interest in the land pursuant to the determination either originally made or as modified by the Appellate Division of the Supreme Court, as the case may be. Such certificate of title shall be conclusive upon all persons so long as notice was given as provided in section 1309, and shall be prima facie evidence of ownership subject to any leases or use rights of less than one (1) year, which need not be stated in the certificate.

(c) Any easements or other rights appurtenant to the land in question which are over unregistered land shall remain so appurtenant even if not mentioned in the certificate, and shall pass with the land until cut off or extinguished in some lawful manner independent of the determination covered by the certificate. For the purposes of this chapter, the term "registered," when referring to land, means recorded in the permanent register referred to in section 1316.

Source

RPPL 4-43 § 13. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1314 above titled "Issuance of certificate of title" was formerly section 1313 and was re-codified as § 1314 by RPPL 6-31 § 2.

In re Estate of Tellames, 22 ROP 218, 223 (Tr. Div. 2015).

Toribiong v. Tmetbab Clan, 22 ROP 79, 86, 87 (2015).

Mikel v. Saito, 20 ROP 95, 99, 100 (2013).

In re Mesei, 16 ROP 338, 346 (Land Ct. 2009).

Wong v. Obichang, 16 ROP 209, 212 (2009).

Sumang v. Skibang Lineage, 16 ROP 4, 6 (2008).

§ 1315. Cadastral mapping.

The Bureau shall compile uniform mapping of Palau. Each cadastral map shall document an area between fifty thousand (50,000) meters square and two hundred fifty thousand (250,000) meters square except that smaller areas may be mapped in order to meet the requirements contained in 35 PNC § 1314(a).

Source

RPPL 6-31 § 2, modified.

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Notes

Former section 1314 titled "Register of title; determinations of ownership and judgments affecting land; mandatory recording of interests in land" was re-codified as § 1316 and former § 1315 titled "Transfers and encumbrances of interests in lands registered; probate matters transferring or affecting land to be determined by Trial Division" was re-codified as § 1317 by RPPL 6-31 § 2. A new section 1315 was enacted by RPPL 6-31 § 2.

Anastacio v. Yoshida, 10 ROP 88, 91 (2003).

§ 1316. Register of title; determinations of ownership and judgments affecting land; mandatory recording of interests in land.

The original determination of ownership or other judgment affecting title to the real property, and certificate of title, shall be bound in a permanent register. This register shall remain in the custody and under the supervision of the Clerk of Courts. A duplicate certificate shall be issued, marked "Owner's Duplicate Certificate," and delivered to the owner or his or its authorized representative. All security interests in land, and releases or satisfactions thereof, leases of one year or more, deeds of transfer, judgments affecting rights or interests in land, and documents evidencing easements or use rights of more than one (1) year, or abstracts of the above, shall be recorded in the permanent register or an appendix thereto, and shall be indexed and cross-referenced in a manner calculated to give persons inspecting the register notice of the security interest, release or satisfaction, lease, deed of transfer, judgment, easement or use right, or abstract thereof. Abstracts shall, at a minimum, identify the property affected, identify the nature of the interest in the property, and shall identify the name, telephone number and address of the person(s) or entity(ies) claiming the interest, and the name, telephone number and address of the person(s) from whom additional information may be received. The effect of failure to record shall be governed by Chapter 4 of Title 39 of the Palau National Code Annotated.

Source

RPPL 4-43 § 14. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1316 above titled "Register of title; determinations of ownership and judgments affecting land; mandatory recording of interests in land" was formerly section 1314 and was re-codified as § 1316 by RPPL 6-31 § 2.

§ 1317. Transfers and encumbrances of interests in lands registered; probate matters transferring or affecting land to be determined by Trial Division.

(a) An owner requesting a transfer, or upon notice that an involuntary transfer has occurred, shall submit his or her owner's duplicate certificate for proper endorsement or cancellation if it is physically practicable to do so. If the owner's duplicate certificate has been lost, destroyed or is otherwise unavailable, the new owner may, by petition under oath, request the Land Court to issue a replacement duplicate certificate. The Land Court, after such notice and hearing, if any, as it may order, may issue a replacement duplicate certificate which shall contain a statement that it is issued in place of a lost

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certificate. Before accepting and noting on the certificate of title any transfer of any interest in the land, the Senior Judge shall be responsible for seeing that the document of transfer is properly executed and properly describes the land. If the certificate holder's entire interest is transferred, the certificate shall be canceled and a new certificate of title issued to the transferee(s). If only a part of the land is transferred, the certificate holder may be required, at his own expense, to have the area to be transferred surveyed and a map thereof submitted, in form satisfactory to the Senior Judge, and a new certificate of title shall then be issued for each part of the land covered by the former certificate.

(b) When an owner of any interest in land dies and that land has been registered in accordance with law, and that interest in land is devised by will, the person(s) entitled to the interest may submit to the Trial Division the owner's duplicate certificate issued to the testator, and the Trial Division, once satisfied with the validity of the will, shall direct the Land Court to cancel the testator's duplicate certificate and to issue a new certificate(s) to the devisee(s) entitled thereto. When an owner of any interest in land dies without having devised the land by will, the person(s) claiming to be heir(s) entitled thereto may submit the owner's duplicate certificate, issued to the intestate, to the Trial Division. Upon determination by the Trial Division of the proper intestate succession, the Trial Division shall direct the Land Court to cancel the intestate's duplicate certificate and the original certificate bound in the permanent register, and to issue a new original certificate(s) and duplicate certificate(s) in favor of the proper heir(s). Where land is to be divided, the devisees or heirs, at their own expense, shall be required, before the issuance of new certificates of title, to have the area devised or inherited surveyed and a map submitted, in form satisfactory to the Senior Judge, and a new certificate of title for each part of the land covered by the former certificate shall then be issued.

(c) The Trial Division of the Supreme Court shall make a determination of the devisee(s) or heir(s), and the interest or respective interests to which each is entitled.

(d) Trial Division determinations regarding transfers of interests in land by will or by intestate succession may be appealed to the Appellate Division as provided by the Rules of Appellate Procedure.

Source

RPPL 4-43 § 15. Amended by RPPL 6-31 § 2, modified.

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Notes

Section 1317 above titled "Transfers and encumbrances of interests in lands registered; probate matters transferring or affecting land to be determined by Trial Division" was formerly § 1315 and was re-codified as § 1317 by RPPL 6-31 § 2. A new section 1315 was enacted by RPPL 6-31 § 2.

Kee v. Ngiraingas, 20 ROP 277, 283, 284, 285 (2013).

§ 1318. Rules and regulations.

(a) The Supreme Court, in consultation with the Land Court, shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter. These rules and regulations shall be exempt from the provisions of Chapter 1 of Title 6 of the Palau National Code Annotated.

(b) The Ministry of Public Infrastructure, Industries and Commerce shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter. These rules and regulations shall be exempt from the provision of Chapter 1 of Title 6 of the Palau National Code Annotated.

Source

RPPL 4-43 § 16. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-54 § 2.

Notes

RPPL 7-43 § 2 changed "Ministry of Resources and Development" in subsection (b) to "Ministry of Public Infrastructure, Industries and Commerce", see 2 PNCA § 102.

Section 1318 above titled "Rules and regulations" was formerly § 1316 and was re-codified as § 1318 by RPPL 6-31 § 2.

In the Matter of Land Identified as Lot No. 2006 B 12-002, 19 ROP 128, 133 (2012).

§ 1319. Oath of office.

Each individual hired as a Registration Officer, before performing the duties of his office, shall take and subscribe to an oath of office required of all public officers of the Republic as prescribed by law.

Source

RPPL 4-43 § 17. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1319 above titled "Oath of office" was formerly § 1317 and was re-codified as § 1319 by RPPL 6-31 § 2.

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§ 1320. Ethics.

Land Claims Registration Officers shall adhere to the standards of the Code of Conduct promulgated by the Supreme Court.

Source

RPPL 4-43 § 18. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1320 above titled "Ethics" was formerly § 1318 and was re-codified as § 1320 by RPPL 6-31 § 2.

§ 1321. Compensation.

The Chief Justice shall prescribe the salary schedule for all employees of the Land Court, other than the Land Court Judges.

Source

RPPL 4-43 § 19. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1321 above titled "Compensation" was formerly § 1319 and was re-codified as § 1321 by RPPL 6-31 § 2.

§ 1322. Prohibitions on outside activities.

- (a) No employee of the Land Court may practice law in the Republic.
- (b) Registration Officers may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties under this chapter.

Source

RPPL 4-43 § 20. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1322 above titled "Prohibitions on outside activities" was formerly § 1320 and was re-codified as § 1322 by RPPL 6-31 § 2.

§ 1323. Pending cases and matters.

- (a) All cases and matters in the Land Court which have not been monumented as of the effective date of this section, shall be transferred to the Bureau.
- (b) The Land Court shall, within thirty (30) days of the effective date of this section,

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inventory all cases for which the expiration of the time for appeal from a determination of ownership by the Land Court without any notice of appeal having been filed or after the determination of an appeal has passed but there has been no issuance of a certificate of title, as of the effective date of this section.

(c) For all cases inventoried in subsection (b), the Bureau shall complete the necessary surveying and/or monumentation within six (6) months of the effective date of this section:

- (1) the Bureau shall issue a final cadastral map of the area within thirty (30) days of completion of the monumentation; and
- (2) the Land Court shall issue certificates of title within thirty (30) days of the completion of a final cadastral map.

Source

RPPL 4-43 § 21. Amended by RPPL 6-31 § 2, modified.

Notes

Section 1323 above titled "Pending cases and matters" was formerly § 1321 and was re-codified as § 1323 by RPPL 6-31 § 2.