

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

FILED *J*

2024 MAY -3 A 11: 24

TIKEI CLAN, rep. by JOE NGIRACHELCHONG
RENGEHEL and TIKEI CLAN, rep. by MASAO BEDOR
and TOSIE BEDOR KELDERMANS,
Appellants,
v.
REPUBLIC OF PALAU,
Appellee.

SUPREME COURT
OF THE
REPUBLIC OF PALAU

Cite as: 2024 Palau 14
Civil Appeal No. 23-033
Appeal from Civil Action No. 20-102

Decided: May 3, 2024

Counsel for Appellant Joe Rengechel Johnson Toribiong
Counsel for Appellants Bedor and Keldermans C. Quay Polloi
Counsel for Appellee Christaan Mitchell, AAG

BEFORE: JOHN K. RECHUCHER, Associate Justice, presiding
FRED M. ISAACS, Associate Justice
KEVIN BENNARDO, Associate Justice

Appeal from the Trial Division, the Honorable Lourdes F. Materne, Associate Justice, presiding.

ORDER DISMISSING APPEAL¹

PER CURIAM:

[¶ 1] This appeal arises from the Trial Division’s Order Granting Summary Judgment ruling that the Republic of Palau satisfied the requirements of adverse possession over the disputed land.

¹ Although Appellee requests oral argument, we resolve this matter on the briefs pursuant to ROP R. App. P. 34(a).

[¶ 2] Because the Trial Division did not issue a final judgment and Appellants failed to show how this appeal falls within the collateral order exception, we **DISMISS** the appeal.

BACKGROUND

[¶ 3] The parties below dispute the ownership of Tochi Daicho Lot No. 1447, located in Meyuns, Koror, upon which the Belau National Hospital sits. On August 3, 2020, Appellant Joe Rengechel filed suit against the Republic of Palau (“the ROP”), claiming to represent Tikei Clan as chief *Spesungel*. Rengechel claims that Tikei Clan owns Lot 1447 and that the ROP is trespassing on Lot 1447. Rengechel points to a Judgment in Civil Action 592-89, entered July 30, 1998, which awards Lot 1447 to Tikei Clan.

[¶ 4] On March 31, 2021, Appellants Masao Bedor and Tosie Bedor Keldermans intervened in the suit, alleging to also represent Tikei Clan. They maintain that Bedor is the rightful *Spesungel*, but they also claim that the ROP has trespassed on Lot 1447. On April 29, 2022, the ROP filed Motions for Summary Judgment against Joe Rengechel and Masao Bedor, presenting a Certificate of Title stating that the ROP and its predecessors were in possession of Cadastral Lot No. 010 A 01 since at least 1973. The ROP admitted that an unknown portion of Lot 1447 was within Lot No. 010 A 01 but argued that it acquired the land through adverse possession.

[¶ 5] Thereafter, on June 26, 2022, another member of Tikei Clan filed a Motion to Intervene: Felisa Jean Remoket, who claims that she has maintained a house on Lot 1447 since 2000, that she acquired the Lot through adverse possession, and that the ROP is trespassing on the Lot. Her intervention was granted on January 27, 2023. The trial court granted the ROP’s Motions for Summary Judgment after the parties answered Remoket’s Complaint. *See* Order Grant. Def’s Mot. for Summ. J., *Tikei Clan et al. v. Republic of Palau et al.*, Civ. No. 20-102 (Oct. 6, 2023) [hereinafter the Order].

DISCUSSION

[¶ 6] The ROP argues that the appeal is premature because some claims remain to be resolved in front of the trial court. Appellants maintain that any remaining issues are intra-clan disputes over authority and title within Tikei

Clan, which do not concern the ROP, and that the Order Granting Summary Judgment is final for the purposes of this appeal.

[¶ 7] Under Article X, § 6 of the Constitution, we have jurisdiction to review all decisions by the lower courts. In considering the proper timing of such review, we have applied the “final judgment rule,” which holds that a party may not appeal a trial court’s orders until a final judgment has been rendered. *See ROP v. Black Micro Corp.*, 7 ROP Intrm. 46, 47 (1998). “[A] judgment is final and appealable when there is no further judicial action required to determine the rights of the parties. Absent an exception, appeals from interlocutory judgments and orders will be dismissed.” *Toribiong v. Seid*, 23 ROP 1, 3 (2015). “A summary judgment that fully disposes of all claims among all parties is final for purposes of the final judgment rule.” *Toribiong v. Whipps*, 2016 Palau 4 ¶ 18.

[¶ 8] The final judgment rule is a prudential rule that we impose upon ourselves in order to conserve judicial resources and guard “against the scattershot disposition of litigation.” *Black Micro Corp.*, 7 ROP Intrm. at 47. This avoids “piecemeal appeals [that] disrupt the trial process, extend the time required to litigate a case, and burden appellate courts. It is far better to consolidate all alleged [lower] court errors in one appeal.” *Salii v. Etpison*, 18 ROP 41, 43 (2011); (quoting *Ngirchechol v. Triple J. Enters., Inc.*, 11 ROP 58, 60 (2004)); *Black Micro Corp.*, 7 ROP at 47. Nevertheless, we have recognized the “collateral order” exception to the final judgment rule, which permits “an immediate appeal of an interlocutory order entered during trial that determines important rights of the parties but that is not related to the relevant cause of action.” *Black Micro Corp.*, 7 ROP at 47.

[¶ 9] The collateral order doctrine permits immediate appeal of a trial court order when it (1) conclusively determines a disputed question, (2) resolves an important issue that is completely separate from the merits of the action, and (3) is effectively unreviewable on appeal from a final judgment. ROP R. App. P. 5(c).

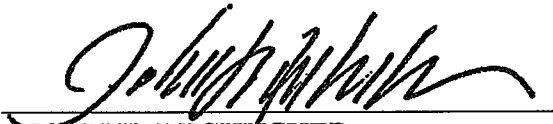
[¶ 10] The trial court granted summary judgment to the ROP on its adverse possession claim, but the Order does not fully dispose of all claims among all parties: the Order neither addresses the claims regarding the *Spesungel* title nor does it tackle the claim of Intervenor Felisa Jean Remoket to Lot 1447. Under

these circumstances, the Order is clearly not a final judgment. In addition, the trial court did not “direct the entry of a final judgment as to one or more but fewer than all of the claims” pursuant to Civil Procedure Rule 54(b), nor did it certify the Order for an interlocutory appeal pursuant to Appellate Rule 6(b)(1). Our review of the record does not reveal that the Order falls within the collateral order exception. The ownership of Lot 1447 is at the heart of this case, and as such, we cannot say that it is an issue “completely separate from the merits of the action,” nor that this issue would be “effectively unreviewable” later on appeal from a final judgment.

CONCLUSION

[¶ 11] Therefore, we **DISMISS** the appeal as premature.

SO ORDERED, this 3rd day of May 2024.



JOHN K. RECHUCHER
Associate Justice, presiding



FRED M. ISAACS
Associate Justice



KEVIN BENNARDO
Associate Justice