

**IN THE GHORENA LOCAL COURT  
OF SOLOMON ISLAND**

**LANDCASE NO: 13 OF 2012**

**BETWEEN:** Jonathan Dive & Ors

**Plaintiff**

**AND:** Jack Lagobe  
Dalcie Tozaka  
Milner Tozaka

**Defendants**

**BEFORE:** Seth Luaboe -President  
Walter Semepitu -Vice  
Redley Amon -Member  
Oda Lilo -Member  
Kapi K Lapo -Clerk (Local Court)

**IN THE MATTER OF: CHIEF OF RERESARE**

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**JUDGMENT**

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This is a dispute about the Chieftaincy of Reresare Tribe, a tribe in Vella la Vella Island in the Western Province.

**BREIF BACKGROUND OF THIS CASE**

The defendant filed his claim to the High Court to challenge the validity of the plaintiff as the true chief of Reresare Tribe.

The High Court after hearing both parties, made an order for the Ghorena local Court who have jurisdiction to hear and determine the validity issues on Vella la Vella custom by answering the (4) following question;

- Was Jack Lagobe validly appointed and enthroned as the chief of Reresare Tribe?
- Was the purported enthronement ceremony of Jonathan Dive on the 27<sup>th</sup> May 2009 in accordance with Vella custom and did it make him chief of Reresare Tribe?
- Did the ceremony terminate the chieftaincy of Jack Lagobe?
- Who is the true chief of Reresare Tribe?

The Ghorena Local Court based on the same order of the High Court convened and hears this case.

### COURT ANALYSIS

In considering both parties evidences, the court must remind itself that the burden of proof in a civil case matter is based on the balance of probabilities. That is to weigh both parties evidence that is before the court.

The determination of the following questions referred to Ghorena Local court is as follows:-

-The findings of the court to answer question one (1) is Jack Lagobe was validly appointed by the members of the Reresare Tribe by custom to be the chief of Reresare Tribe, while in the absence of Jonathan Dive.

The custom practices process done to enthrone Chief Jack Lagobe was according with Vella la Vella custom and culture. The crowning ceremony of Jack Lagobe's chieftaincy, original tribes from Vella la Vella were present to witness his crowning. Thus, confirms that Jack Lagobe was validly appointed.

-The finding of the Court on questions two (2) is that, the enthronement ceremony of Jonathan Dive on 27<sup>th</sup> of May 2009 was *not* purported. It was done in accordance with the Vella la Vella custom principles, in terms of the evidence of transferring custom money which empowers the office of former chief, the late chief Silas Lezutuni. The custom money in Vella language named as *Patapata* was from Late Chief Silas Lezutuni.

Jonathan Dive is the authentic and legitimate successor of the Late Chief Silas Lezutuni of the Reresare tribe, as the custom proof proves beyond reasonable doubts known as *Patapata* which the seat of the chief, "Lekasa" ko papupapu was shown in front of court.

This traditional customary right of Chief Jonathan Dive was given to him at the time of the crowning ceremony. Therefore, was not purported.

-The court's finding on question (3) is – the ceremony of Jonathan Dive on 27 May 2009 did not terminate the chieftaincy of Jack Lagobe, because Jack Lagobe's enthronement has gone through the process in custom and culture practices in Vella la Vella. Jack Lagobe was the chief of Reresare Tribe for more than 10 years. In assurance to his brother Jack Lagobe, Jonathan Dive wrote a letter to him to look after the people of Reresare tribe, resolving problems that might arise among the people of Reresare Tribe.

Jack Lagobe was enthroned by nine (9) original tribes from Vella la Vella with (9) custom money called "Sota" as a witness of the authenticity and legitimate of his enthronement crowning. Therefore it did not terminate the chieftaincy of Jack Lagobe.



-In answer to question (4) the court find that according to the custom and culture of Vella la Vella in appointing a chief, Late Silas Lezutuni had already appoint and announced his customary WILL to whom to be his successor when Jonathan Dive was not yet born. Late Chief Silas Lezutuni announced that his successor will be his sister, Naomi Sisiagoro's first born son. This aspect of custom and culture was accepted in custom and was consistent in Vella la Vella customary laws and culture. Jonathan Dive's enthronement on 27<sup>th</sup> May 2009 was valid according to Vella la Vella custom. Therefore, the court finds that Jonathan Dive was the true chief of Reresare Tribe and will reign until his next successor will be made known.

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**ORDER**

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1. That chief Jonathan Dive must recognized Chief Jack Lagobe as he is still alive and together to maintain relationship until Jack Lagobe is unable to perform the duties.
2. That chief Jonathan Dive to bring the Reresare Tribal members together as one under one common chief as decreed by late Silas Lezutuni.
3. That chief Jonathan Dive and Chief Jack Lagobe to work hand in hand in development and using the resources within the Reresare Tribal land.
4. Both parties to settle the matter in custom and to make peace and live in harmony with each other within the Reresare Tribe.
5. Peace and unity among the people of Reresare Tribe must prevail and reflect the oneness as brothers and sisters and to recognise each other as one people, one family, and one tribe starting from to date.

No order as to cost – Parties to meet their own expenses

Dated at Gizo on 12<sup>th</sup> April 2013.

Signed: Seth Luaboe (President)

Walter Semepitu (Vice)

Redley Amon (Member)

Oda Lilo (Member)

Kapi K Lapo (Clerk)

R.O.A, explained.....