

**FELIX RABULIMAN, Defendant-Appellant**  
v.  
**MARIANA M. MATAGOLAI, Plaintiff-Appellee**  
**Civil Appeal No. 149**  
**Appellate Division of the High Court**  
**Mariana Islands District**  
**June 3, 1976**

Action to determine ownership of land. Appellate Division of the High Court, Williams, Associate Justice, held that where plaintiff claimed title and authority over land in question in accordance with Carolinian custom since she was oldest female descendant in line of succession, and defendant claimed use right to a portion of land in accordance with Carolinian custom, trial court's finding for plaintiff and that defendant lost any rights he may have had in land since he made no serious claim or use of property for approximately thirty years, was supported by evidence.

**1. Laches—Generally**

Whether laches applies to a given case depends upon circumstances of the case and is a question primarily addressed to discretion of trial court.

**2. Appeal and Error—Evidence—Conflicting Evidence**

It is the function of the trial court, not the appellate court, to resolve any conflicts in evidence.

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Law*

Before BURNETT, *Chief Justice*; BROWN, *Associate Justice*, and WILLIAMS, *Associate Justice*

WILLIAMS, *Associate Justice*

This is an appeal from a judgment entered in the Marianas District High Court Civil Action No. 84-73 in favor of the plaintiff.

The original action was filed by plaintiff-appellee to determine the ownership of Lots 1856 and 1910, Land Square Sections 2 and 3, Garapan, Saipan, Mariana Islands.

Plaintiff claimed to be vested with the title and authority over the land in question in accordance with the Carolinian custom since she is the oldest female descendant in the line of succession. Defendant-appellant claimed that in accordance with Carolinian custom, he had use rights in a portion of the land in question.

The Trial Court found that appellee did have title and authority over the land and that appellant lost any rights he may have had in the land since he made no serious claim or use of the property for approximately thirty (30) years.

[1] The doctrine of laches has been recognized by the Trial Courts of the Trust Territory for many years. *Kio v. Puesi*, 6 T.T.R. 12 (Tr. Div. 1972); *Oneitam v. Suain*, 4 T.T.R. 67 (Tr. Div. 1968); *Rochunap v. Yosochuno*, 2 T.T.R. 16 (Tr. Div. 1959). Whether laches applies to a given case depends upon the circumstances of the particular case and is a question primarily addressed to the discretion of the Trial Court. *Burnett v. New York Cent. R. Co.*, 380 U.S. 424, 13 L.Ed.2d 941, 85 S.Ct. 1050, (1965).

Appellant's principal contention in his appeal is that the facts presented at the trial do not support the Court's findings. We have reviewed the record, and it does appear that while there are some conflicts in the evidence

presented, it is clear these conflicts were resolved by the Trial Court in favor of the plaintiff.

[2] This Court has previously held that it is the function of the Trial Court, not the Appellate Court, to resolve any conflicts in the evidence. *Adelbai v. Ngircholeot*, 3 T.T.R. 619 (App. Div. 1968); *Fattun v. Trust Territory*, 3 T.T.R. 571 (App. Div. 1965).

We find the evidence is sufficient to support the finding of the Court and the judgment is therefore affirmed.