

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

**INABO SECHARMIDAL, RENGIL MEDALARAK, IMENGEL
SECHARMIDAL, NGIRNGESIS MAD, and JUNIOR LUKAS,**
Appellants,
v.
**RENGUUL RA MOCHOUANG WILLIAM NGIRAIKELAU,
ROSE MESUBED, and DILNGLODECH ROSANIA
NGIRAIKELAU,**
Appellees.

Cite as: 2020 Palau 25
Civil Appeal No. 20-018
Appeal from Civil Action No. 17-306

Decided: November 13, 2020

Counsel for Appellants Johnson Toribiong
Counsel for Appellees Siegfried B. Nakamura

BEFORE: JOHN K. RECHUCHER, Associate Justice
DANIEL R. FOLEY, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

Appeal from the Trial Division, the Honorable Kathleen M. Salii, Associate Justice,¹ presiding.

OPINION²

PER CURIAM:

[¶ 1] On October 23, 2019, we affirmed the Trial Division’s October 30, 2018 judgment requiring Appellants to vacate a parcel of land known as

¹ Justice Salii became Presiding Justice of the Trial Division after the date of the Order in Aid of Judgment at issue in this appeal.

² Neither side having requested oral argument, the Court determines pursuant to ROP R. App. P. 34(a) that oral argument is not necessary to resolve this appeal.

Brekong, and awarding fees and costs to Appellees. See *Secharmidal v. Ngiraikelau*, 2019 Palau 35 ¶ 16. On March 12, 2020, Appellees moved the trial court for an order in aid of judgment because Appellants had not vacated the land. On July 13, after a hearing pursuant to 14 PNC § 2105, the trial court declined to address any arguments “raised in opposition that ha[ve] either been raised and addressed at the trial or on appeal, or [are] being raised for the first time at this stage of [the] litigation” and granted Appellees’ motion. Order in Aid of J. (Tr. Div. July 13, 2020). Specifically, the court ordered Appellants to vacate *Brekong* “by no later than August 14, 2020 in compliance with the Judgment entered on October 30, 2018.” *Id.* On August 4, Appellants timely appealed the trial court’s order. After having been denied a stay by the trial court, Appellants moved this Court for a stay on August 18. We denied Appellants’ request for a stay on October 21. Before this Court, Appellants contend that the trial court made various legal errors in determining that they must vacate *Brekong*, and that they must do so without compensation for their dwellings on the land.

[¶ 2] Although neither side questions our jurisdiction, “we must be the most zealous watchdog over the limits of our own jurisdiction and therefore must consider it in connection with every appeal.” *Ngiraingas v. Shmull*, 2019 Palau 23 ¶ 3. We have previously explained that an “[a]ction to enforce an earlier judgment is almost always ministerial and not appealable.” *Baules v. Kuartel*, 19 ROP 44, 46 (2012). Appellants take issue with a portion of the trial court’s order—requiring them to vacate *Brekong*—that “created no rights or responsibilities between the parties that hadn’t already been created by the original judgment.” *Ngiraingas*, 2019 Palau 23 ¶ 7. In other words, Appellants challenge the portion of the trial court’s order that is simply ministerial and does no “more than simply reiterate the previous judgment.” *Id.* ¶ 8.³ For this reason, this Court does not have jurisdiction over this appeal.

³ In addition to again ordering Appellants to vacate *Brekong*, the trial court’s order previewed that it would “issue further orders in aid of judgment thereafter on that portion of the judgment which awarded [Appellees] their costs and fees.” Order in Aid of J. (Tr. Div. July 13, 2020). After this appeal was filed, and after receiving submissions from the parties, the trial court issued a second order in aid of judgment requiring Appellants to pay the previously awarded attorney’s fees and costs and additional fees and costs that accrued after the October 30, 2018 judgment. Appellants have not appealed from this second order or otherwise challenged it in their present appeal, so we need not, and do not, opine as to our hypothetical jurisdiction over

[¶ 3] This appeal is **DISMISSED**. Upon Appellees’ request, and pursuant to Rule of Appellate Procedure 38, we **ORDER** Appellants to pay Appellees’ attorney’s fees arising from their defense of this appeal. *See* ROP R. App. P. 38 (“If the Appellate Division determines that an appeal is frivolous, it may award damages, including attorney’s fees, to the appellee.”); *Baules*, 19 ROP at 47. We further **ORDER** Appellants to pay Appellees’ costs for defending this appeal. *See* ROP R. App. P. 39(a) (“Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant unless otherwise . . . ordered[.]”). Appellees’ counsel shall file a motion for attorney’s fees and costs within fourteen (14) days of the issuance of this Opinion. Appellants may file a response within fourteen (14) days of the filing of Appellees’ motion. Such response shall be directed solely to the question of the reasonableness of the claimed attorney’s fees and costs. This Court will then issue an order directing Appellants to pay such attorney’s fees and costs as are reasonable.

this aspect of the trial court’s orders. *Cf. Ngiraingas v. Shmull*, 2019 Palau 23 ¶¶ 5-9 (exercising jurisdiction over a challenge to the minimum monthly payment and schedule of payments contained in an order in aid of judgment where the original judgment did not set the minimum monthly payment or payment schedule).