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



**ESTATE OF BENGED RIUMD, ALFONSO RIUMD, VERONICA RIUMD, FERMINA RIUMD, and JEFFREY RIUMD,**
*Appellants,*
**v.**
**ANGELINO RIUMD, SEI-ICHI RIUMD, and IGNACIO ANASTACIO,**
*Appellees.*

Cite as: 2025 Palau 14
Civil Appeal No. 24-014
Appeal from Civil Action No. 22-106

Decided: October 29, 2025

Counsel for Appellant ..... Mariano W. Carlos

Counsel for Appellee ..... Yukiwo P. Dengokl

BEFORE: FRED M. ISAACS, Associate Justice, presiding
DANIEL R. FOLEY, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

Appeal from the Trial Division, the Honorable Honora E. Remengesau Rudimch, Associate Justice, presiding.

## OPINION

PER CURIAM:

[¶ 1] This appeal stems from a family dispute over the ownership of Lot B, formerly part of *Olechochel*, a family-owned tract of land located in Ngetkib, Airai State. Appellants appeal the Trial Division's determination that, although customary law bars Angelino and Sei-ichi Riumd from transferring land to

Anastacio, Appellees are entitled to equitable relief in the form of partitioning Lot B.

[¶ 2] For the reasons set forth below, we **REVERSE** and **REMAND**.

## BACKGROUND

[¶ 3] This case is one of many which concerns the ownership of land known as *Ochelochel* in Ngetkib, Airai State. *Ochelochel* was originally part of a larger tract of land, which was split by the construction of the Compact Road and divided into two Cadastral Lots, Lot No. 037 N 07 and Lot No. 037 N 08. The land was owned by Dirratmetbab, who gave the land to her four children: Mobel Delemel, Eichi Delemel, Patrick Delemel, and Benged Riumd. Prior lawsuits established that *Ochelochel* was family-owned pursuant to Palauan custom and that each sibling shared an undivided interest and title in the land that may not be divested absent the knowledge and consent of all the others. The last of the four siblings, Benged Riumd, passed away on October 24, 1999. Benged left behind her six children, Appellants Alfonso Riumd, Veronica Riumd, Fermina Riumd, and Jeffrey Riumd, and Appellees Angelino Riumd and Sei-ichi Riumd.

[¶ 4] In September 2012, Alfonso petitioned to partition Cadastral Lot No. 037 N 07. Ultimately, the parties agreed to partition the property into four roughly equal lots, and the land was accordingly divided equally among the heirs of Dirratmetbab's four children.

[¶ 5] In 2015, Alfonso filed another petition to settle the estate of Benged Riumd, and, absent any objections, a certificate of title was issued in the names of Alfonso, Veronica, Fermina, Jeffrey, Angelino, and Sei-ichi. Cadastral Lot No. 037 N 07 was further subdivided into six equal parts as their tenancy in common property. *See In re Estate of Benged Riumd*, Civil Action No. 15-065 (Tr. Div. July 8, 2015). Each of the six subsequently sold their portion to Appellee Ignacio Anastacio.

[¶ 6] Meanwhile, the certificate of title for Cadastral Lot No. 037 N 08 remained in the names of Dirratmetbab's children: Mobel Delemel, Eichi Delemel, Patrick Delemel, and Benged Riumd. Masae Tanaka succeeded to Mobel's interest. Eichi's interest passed to his children. Edgar Patrick inherited his father Patrick's interest

and then sold his interest to Anastacio. In June 2021, Sei-ichi and Angelino sold their interests to Anastacio.

[¶ 7] Anastacio filed a suit before the Trial Division to settle the ownership of Lot No. 037 N 08. The parties informed the court that they reached an agreement, and a judgment was entered pursuant to the stipulation. Under the terms of that agreement, Lot No. 037 N 08 was split into four equal lots: Lot A was awarded to Anastacio as the lot sold to him by Edgar Patrick; Lot B was awarded to the Estate of Benged Riumd; Lot C was awarded to the Estate of Masae Tanaka; and Lot D was awarded to Eichi's children.

[¶ 8] Lot B is the land at issue in this case. The Trial Division looked to prior cases, which determined that *Ochelochel* is family-owned land that must be administered pursuant to Palauan custom. Under customary law, co-holders of family-owned land have an undivided interest which may not be divested without the consent of the other co-holders. The trial court determined that, under custom, Benged's children inherited the land and that Benged in fact had eight children who have an interest in Lot B. [1] The court held that Sei-ichi and Angelino's purported transfers to Anastacio were invalid under custom because Sei-ichi and Angelino did not receive their siblings' consent for the sales. Nonetheless, the trial court further found that the relationship between Sei-ichi and Veronica and Fermina had deteriorated to the extent that the family would be unable to share the land. Accordingly, the trial court fashioned an equitable remedy and partitioned Lot B by severing Sei-ichi and Angelino's interests therefrom.

## STANDARD OF REVIEW

[¶ 9] We delineate the standards of review as follows:

> A trial judge decides issues that come in three forms, and a decision on each type of issue requires a separate standard of review on appeal: there are conclusions of law, findings of fact, and matters of

[1] Previously, the trial court settled Benged's estate and awarded her land interests to six of her children who are parties to this case: Alfonso, Veronica, Fermina, Jeffrey, Angelino, and Sei-ichi. *In re Estate of Benged Riumd*, CA 15-065 (Tr. Div. July 8, 2025). In the present case, however, the trial court found that Benged in fact had two additional children, Antonino and Antonina, who are now deceased. Accordingly, it determined that each sibling has a one-eighth interest in Lot B.

> discretion. Matters of law we decide de novo. We review findings of fact for clear error. Exercises of discretion are reviewed for abuse of that discretion.

*Kiuluul v. Elilai Clan*, 2017 Palau 14 ¶ 4 (internal citations omitted).

## DISCUSSION

[¶ 10] The principle of *kltarreng*, or consensus, as expressed in the Palauan proverb *A chimad el dodersii a chimal a chad elodersii* ("put out your arm and a man's hand shall reach back"), is a fundamental and basic tenet of Palauan customary law. *Blesam v. Tamakong*, 1 ROP 578, 581 (1989). At issue is whether the trial court has the authority to fashion an equitable remedy when parties are unable to reach consensus, as required by custom.

[¶ 11] Article V, Section 2 of the Constitution enshrines customary law, affirming that both statutes and traditional customs hold equal authority. In the present case, there is no statutory law governing family-owned land; thus, the application of traditional law is paramount.[2]

[¶ 12] At trial, the expert witness on customary law testified that when a landowner dies, her children inherit the family-owned land and may not transfer their interests without the knowledge and consent of all siblings. He also testified that custom does not provide a remedy when siblings cannot reach unanimous consent. The trial court then found that *Ochelochel* is family-owned land. We do not question the validity of the Palauan custom presented at trial, nor do we question the trial court's finding that *Ochelochel* is family-owned land. Instead, we consider the tension between equity and custom.

[¶ 13] Generally, a "court may grant equitable relief if it finds that such relief is the most appropriate remedy to end the controversy. . . ." *Children of Kadoi v. Eberdong*, 2024 Palau 8 ¶ 20. Indeed, equitable remedies are preferred in matters concerning real property. *Id.* ¶ 21. We have previously allowed partition as an equitable remedy for land owned under principles of common law. *See, e.g.*, *Tirso v. Tirso*, 2024 Palau 30. For example, we have partitioned land held by tenants in common when faced with irreconcilable or conflicting claims of ownership. *Id.* ¶

[2] The term "traditional law" as employed in Article V of the Constitution is understood to be synonymous with customary law.

8. "The Court exercises broad discretion when employing such equitable remedies." *Id.* (citing *Belibei v. Belibei*, 14 ROP 96 (2007)). Yet there is no such precedent concerning customary family-owned land.

[¶ 14] We have previously upheld the court's role in settling matters involving custom. *Espangel v. Diaz, et al.*, 3 ROP Intrm. 240, 245 (1992) ("the court must intervene in the interest of justice and maintaining the peace when the matter is presented to the courts by one or more of the interested parties"). Our precedent also sets out guidelines for courts to consider before deciding whether to intervene. *See, e.g.*, *Filibert v. Ngirmang*, 8 ROP Intrm. 273, 276–77 ("In deciding whether it is appropriate to intervene in a matter of custom, the court must ultimately decide whether intervention is necessary to 'quiet controversy, bring peace, and settle differences' among the participants in the customary matter").

[¶ 15] The case at bar presents a distinguishable set of facts. While it may be true that a court could partition the land if custom were silent or unclear on any issue, that is not the case before us. *Espangel*'s facts compelled the court's intervention into custom because the parties disagreed about the nature of the custom itself. 3 ROP Intrm. at 243 ("Two conflicting views of Palauan custom are presented"). In other words, determining the custom's substance was necessary to quiet the controversy. *Id.* Once clarified, the custom was central and sufficient to bring peace. *Id.* at 246. The present case, however, does not raise the question of whether or what custom applies. The trial court already made that determination, and it is not in dispute. Although Appellees ask us to go beyond and against traditional law, we must affirm a basic constitutional principle: custom has the full force of law. Moreover, unlike in previous cases, the custom at hand explicitly precludes resolution when family members disagree. That is the very substance of the traditional rule. In contrast to a judicially mandated partition, it necessitates the unanimous knowledge and consent of all parties concerned.

[¶ 16] Policy considerations also weigh against the use of an equitable remedy over such an established customary matter. Permitting an equitable remedy over matters for which custom demands consensus will set a precedent that opens the floodgates to an overwhelming volume of litigation. Every time parties find themselves in disagreement, as they do here, they may too easily circumvent the customary law requiring consensus by seeking some form of equitable intervention. Such a result would unduly burden the judicial system, turning the Supreme Court

into a default mechanism for resolving routine disputes that traditional law vests in the family. This risks both undermining the integrity of the process and eroding the sanctity of custom in Palau.

[¶ 17] We acknowledge the trial court's disposition to quiet this controversy, particularly in light of the parties' yearslong standstill. Our Constitution, however, makes clear that the Judiciary is generally without the authority to override traditional law: The common law does not triumph over clearly established tradition, and absent a statute authorizing it to do so, the Court cannot intervene in matters governed by well-established custom requiring consensus. We thus decline to undermine Palauan custom through judicial intervention. Pursuant to custom, the parties must have the knowledge and consent of all family members before alienating their land interests. Accordingly, we find that the trial court erred in using its equitable powers to partition the property.

## CONCLUSION

[¶ 18] For the foregoing reasons, and after careful consideration, we **REVERSE** the Trial Division's judgment and **REMAND** this matter for further proceedings consistent with this opinion.

**SO ORDERED,** this 29th day of October 2025.

FRED M. ISAACS
Associate Justice, presiding

DANIEL R. FOLEY
Associate Justice

ALEXANDRO C. CASTRO
Associate Justice