

NGIKLEB v. NGIRAKELBID

by that Order of January 10, 1979. All of these matters remain pending in the Trial Division.

It is therefore Ordered, that

1. Application of Priscilla Threadgill, by counsel, to vacate this Court's Order of January 12, 1979, is denied.

2. Civil Action 2-79 remains pending in the Trial Division, Truk District for all purposes until final disposition on the merits.

**TIKEI NGIKLEB, Plaintiff-Appellant**

**v.**

**KEBEKOL NGIRAKELBID, Defendant-Appellee**

Civil Appeal No. 184

Appellate Division of the High Court

Palau District

January 29, 1979

Action for redistribution of award of Micronesian Claims Act Commission. The Appellate Division of the High Court, Laureta, Temporary Justice, held that although the act prohibited appeal of the award, actions to determine distribution of the award were not prohibited.

**Real Property—Micronesian Claims Act—Contested Awards**

Micronesian Claims Act provision stating that settlements and payments shall be final and conclusive for all purposes and not subject to review precludes appeals from final decisions of the claims commission in granting or denying claims and appeals challenging the amounts awarded, but does not preclude the courts from making determinations as to and among the rightful recipients of the awards.

*Counsel for Appellant:*

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HERBERT D. SOLL, ESQ.

*Counsel for Appellee:* Micronesian Legal Services Corporation  
J. ROMAN BEDOR (did not appear)

Before BURNETT, *Chief Justice*, GIANOTTI, *Associate Justice*, LAURETA, *Temporary Justice*

LAURETA, *Temporary Justice*

Plaintiff-appellant brought this action in the Trial Division of the High Court on behalf of the Imerab lineage, to quiet title to certain lots in Peleliu Municipality, Palau District, and for a distribution of the award made regarding these lands under Micronesian Postwar Claims Decision No. 8967. The complaint alleges that the lots in question are properties of the plaintiff lineage of which the defendant was the head, and that the defendant, without consent of the plaintiff and other senior members of the lineage, claimed individual ownership of the lots and was accordingly awarded damages under Decision No. 8967.

The trial court found that the lots are "owned by the Imerab lineage and (that) all members of the lineage, *including the defendant*, are entitled to the use and enjoyment of the land according to Palauan custom"; and further that "the defendant does not own any of the property as his individual property." Notwithstanding this finding, the court denied relief to plaintiff, holding that "the award of Micronesian Claims Commission for damages is final and defendant need not make any reimbursement to the members of the lineage."

By virtue of this ruling, the court refused to make any determination as to how the proceeds of the award were to be made.

Title II of the Micronesian Claims Act of 1971 (pertaining to Micronesian Postwar Claims) is codified in 50 U.S.C.A. App. § 2020: *Personal or property loss claims*

*against the United States; finality of administrative settlements and payments.* The provisions in controversy state in relevant part:

For the purpose of promoting and maintaining friendly relations by the final settlement of meritorious postwar claims, the Micronesian Claims Commission is, pursuant to authority granted in section 104(a) of title I (section 2019c(a) of this Appendix), authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of *all claims by Micronesian inhabitants against the United States or the Government of the Trust Territory of the Pacific Islands* on account of personal injury or death or damage to or loss or destruction of private property, both real and personal, of Micronesian inhabitants of the former Japanese mandated islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations. . . .

. . . Provided further, *That any such settlements made by such Commission and any such payments made by the Secretary under the authority of title I or title II (sections 2019 to 2019e or 2020 to 2020b of this Appendix) shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary and not subject to review.* (Emphasis supplied.) 50 U.S.C.A. § 2020, Pub. L. 92-39, Title II, § 201, July 1, 1971, 85 Stat. 92.

Appellant argues that judicial review of issues which may arise from the Commission's decisions or awards that do not disturb the finality of "settlement" or "payment" from the United States Government should not bar the Trust Territory courts from resolving legal controversies regarding the "settlement" or "payment" as between or among Trust Territory citizens.

In our reading of the statute, we are persuaded that appellant is correct on this point.<sup>1</sup>

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<sup>1</sup> We do not necessarily agree with appellant that the legal meaning of the terms "settlement" and "payment" are to be distinguished from the terms "awards" and "decision." We merely find that the language of the statute is clear and reveals on its face the intent of the legislature, thus obviating the necessity of construing these terms in the context of the statute.

The finality provision states that “any such settlements made by the Commission and any such payments made by the Secretary . . . shall be final for all purposes . . . and not subject to review.” “Such” payments and “such” settlements are those which, in the explicit language of the statute, may be had “against the United States or the government of the Trust Territory of the Pacific Islands.” Nowhere does the statute contemplate preclusion of judicial review of causes of action between individual citizens stemming from Postwar Claims awards, such as that which has arisen between the parties to this action.

We hold that this finality provision of the statute was intended to preclude appeals from final decisions of the Commission in granting or denying claims and in the amounts awarded. It is quite evident from the trial court’s findings that the Commission did not enter into extensive fact finding as to who were the owners of the subject lands. This is evidenced by the finding that the members of the Imerab lineage, including the plaintiff and defendant, are entitled to the use and enjoyment of the land—yet only the defendant-appellee was named the awardee by the Commission.

It is of particular significance that the purpose of the Postwar Claims awards is articulated in the statute itself. It is “the final settlement of *meritorious* postwar claims. . . .” (Emphasis added.) Further, Joint Resolution 617 creating the Micronesian Claims Act of 1971 states that “the United States is desirous of making an *equitable* settlement of these claims.” (Emphasis added.) To now deny appellant a forum of review wherein he does not question the payment or settlement as determined by the Commission but only the entitlement to the payment or settlement as between the parties herein, all of whom are members of the same clan, would be inconsistent with the stated legislative intent and the ends of justice.

SINDING v. GIANOTTI

We decline to review the trial court's findings and conclusions beyond its interpretations of the finality provision of Title II of the Micronesian Claims Act. We further decline to address the subject of constitutional principles governing the scope of review of the activities of the Commission. We hold only that the courts of the Trust Territory are not precluded by the finality provision of the Micronesian Claims Act from making determinations as to the rightful recipients of the Commission's awards.

Accordingly, the trial court's conclusion regarding the finality provision is reversed, and the case is remanded with the instruction that the proceeds of Decision No. 8967 be distributed in accordance with law and consistent with this opinion.

REVERSED AND REMANDED.

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JAMES E. SINDING, Petitioner

v.

ERNEST F. GIANOTTI, Associate Justice

and

JANET E. CRUM, Court Reporter, of the High Court of the  
Trust Territory, in and for Truk District, Respondents

Civil Appeal No. 286

Appellate Division of the High Court

January 29, 1979

Before BURNETT, *Chief Justice*, HEFNER, *Associate Justice*, and LAURETA, *Designated Justice*

PER CURIAM

On consideration of the petition herein, IT IS ORDERED that the same be, and it hereby is, granted.