

**TITLE 1
GENERAL PROVISIONS**

**Chapter 1
Palau National Code**

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§ 101. Designation of Code.

The attached manuscript incorporated by reference herein, and is hereby designated as the “Republic of Palau National Code.” The attached manuscript contains the national laws of the Republic of Palau, the national and state constitutions, either applicable introductory, prefatory and resource materials, cross-reference tables and an index. This Palau National Code is prepared by the Republic of Palau National Code Commission, under the authority of Republic of Palau Public Law No. 1-34 (RPPL No. 1-34).

Source
RPPL 2-3 § 2.

Notes

RPPL 2-3 § 1 read: Statement of intent. This Act is intended to effect a codification of the general and permanent national laws relating to and in force in the Republic of Palau as included in the titles of the attached and incorporated manuscript, and is not intended to effect any substantive changes to the law currently applicable in the Republic.

1 PNCA § 101

GENERAL PROVISIONS

Former § 101 “Designation and citation” 1 PNC § 101 written by the Palau National Code Commission, and enacted into law along with all the laws contained in the first codification effective January 1, 1986 was repealed upon the codification of RPPL 2-3.

§ 102. Titles adopted as positive law.

(a) All laws included in the attached and incorporated manuscript making up the titles of the Palau National Code are hereby readopted and reenacted, effective January 1, 1986, as positive law of the Republic of Palau in the form appearing in the manuscript. All bracketed material in the text of the titles of the manuscript designate material that is deleted, all underlined material in the titles of the manuscript is designate material that is added. The circumflex symbols throughout the attached manuscript designate section signs and the blank underline symbols in the source sections designate paragraph signs.

(b) All enacted law which is readopted and reenacted pursuant to subsection (a) of this section is hereby repealed in its prior term.

(c) In case of any inconsistency arising through omission, or otherwise, between the provisions of any section of this Code and the corresponding part of any general and permanent law previously enacted, substantial weight shall be given to those enactments in interpreting the law.

(d) Copies of the Palau National Code printed under the authority of the Palau National Code Commission shall be legal evidence of the original Code.

Source

RPPL 2-3 § 3, modified.

Notes

Subsections were changed from numbers to letters to follow the Code format.

§ 103. Palau National Code; organization of code.

The Palau National Code shall be organized as follows:

- (a) Constitution of the Republic of Palau
- (b) The Republic of Palau National Code

- (1) Title 1 General Provisions
- (2) Title 2 The Executive
- (3) Title 3 The Olbiil Era Kelulau
- (4) Title 4 The Judiciary
- (5) Title 5 State Governments
- (6) Title 6 Administrative Law
- (7) Title 7 Admiralty and Maritime
- (8) Title 8 Aeronautics
- (9) Title 9 Agriculture
- (10) Title 10 [Reserved]
- (11) Title 11 Business and Business Regulation
- (12) Title 12 Business Associations
- (13) Title 13 Citizenship and Immigration
- (14) Title 14 Civil Procedure
- (15) Title 15 Communications
- (16) Title 16 [Reserved]
- (17) Title 17 Penal Code
- (18) Title 18 Criminal Procedure
- (19) Title 19 Cultural Procedures
- (20) Title 20 [Reserved]

- (21) Title 21 Domestic Relations
- (22) Title 22 Education
- (23) Title 23 Elections
- (24) Title 24 Environmental Protection
- (25) Title 25 Estates and Trusts
- (26) Title 26 Financial Institutions
- (27) Title 27 Fishing
- (28) Title 28 Foreign Relations and Trade
- (29) Title 29 [Reserved]
- (30) Title 30 [Repealed]
- (31) Title 31 Land Planning
- (32) Title 32 Postal Service
- (33) Title 33 Public Employment
- (34) Title 34 Public Health, Safety and Welfare
- (35) Title 35 Public Lands
- (36) Title 36 Public Planning and Development
- (37) Title 37 Public Utilities
- (38) Title 38 [Reserved]
- (39) Title 39 Real and Personal Property
- (40) Title 40 Revenue and Taxation

(41) Title 41 Social Security

(42) Title 42 Vehicles

(c) Constitutions of the States of the Republic of Palau

(1) Constitution of the State of Aimeliik

(2) Constitution of the State of Airai

(3) Constitution of the State of Angaur

(4) Constitution of the State of Hatohobei

(5) Constitution of the State of Kayangel

(6) Constitution of the State of Koror

(7) Constitution of the State of Melekeok

(8) Constitution of the State of Ngaraard

(9) Constitution of the State of Ngarchelong

(10) Constitution of the State of Ngardmau

(11) Constitution of the State of Ngatpang

(12) Constitution of the State of Ngchesar

(13) Constitution of the State of Ngeremlengui

(14) Constitution of the State of Ngiwal

(15) Constitution of the State of Peleliu

(16) Constitution of the State of Sonsorol

(d) Cross-Reference and disposition tables

1 PNCA § 103

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- (1) Table I: 1971 PALAU DISTRICT CODE CROSS-REFERENCE TABLE
- (2) Table II: PALAU LEGISLATURE LAWS CROSS-REFERENCE TABLE
- (3) Table III: 1980 TRUST TERRITORY CODE CROSS-REFERENCE TABLE
- (4) Table IV: DISPOSITION OF REPUBLIC OF PALAU PUBLIC LAWS TABLE

(e) Index

Source

RPPL 2-3 § 4, modified.

Notes

Subsection “(b)(30) Title 30 Labor” was repealed by RPPL 9-14 § 25. RPPL 2-3 § 4, II applied to when Palau was still a Trust Territory country. It read:

II. GOVERNMENTAL AUTHORITY

United Nations Charter

Trusteeship Agreement for the Former Japanese Mandated Islands

Joint Resolution of the United States Congress Selected Statutes of the United States

Executive Orders of the President of the United States

Orders of the United States Secretary of the Interior

Subsection (b)(20) above originally read “Title 20 [Defense]” in RPPL 2-3 Section 4 III.

§ 104. Other documents and material not adopted.

The inclusion of the documents and material other than the actual titles of the Code, such as the documents relating to the Government of the Trust Territory of the Pacific Islands, other governmental authority documents, the constitutions of the national and state governments, the prefatory and introductory material, the Commission comments, the case annotations, the cross-reference, the source sections and the cross-reference tables and index, are not to be construed as an adoption of those documents, or as recognition of their efficacy in the Republic.

Source

RPPL 2-3 § 5.

§ 105. Laws unaffected.

Nothing in this chapter shall affect or preclude the continued validity of any law not specifically

laws, other temporary national laws not included in this Code, or laws enacted after July 1, 1985 by the Olbiil Era Kelulau.

Source
RPPL 2-3 § 6.

§ 106. Rights and liabilities unaffected.

The repeal in section 102 of this chapter does not affect the status of any civil or criminal actions, rights, or liabilities existing before any repeal in this chapter takes effect.

Source
RPPL 2-3 § 7, modified.

§ 107. Limitations of actions unaffected.

When a limitation or period of time prescribed in any existing law for acquiring a right or barring a remedy, or for any other purpose, has begun to run before the applicable title of this Code goes into effect, and the same or any limitation is prescribed by this Code, the time which has already run shall be deemed a part of the time prescribed as such limitation by the applicable title of this Code.

Source
RPPL 2-3 § 8.

§ 108. Government authority unaffected.

The republication in this Code of the laws enacted before January 1, 1981, and any retention of references therein to the authority of any governmental entities and officers of the Government of the Trust Territory of the Pacific Islands and Palau District are not intended to alter, diminish, or in any way change or affect the authority of the National Government or the respective state governments of the Republic of Palau, over the subjects of legislation included therein, as that authority has been established by the Constitution of the Republic of Palau, the constitutions of the respective states, and other applicable law or order.

Source
RPPL 2-3 § 9.

§ 109. State law reaffirmed.

The authority of the states of the Republic of Palau with regard to those provisions of the Trust Territory Code within the jurisdiction of the states is unaffected and hereby reaffirmed.

Source
RPPL 2-3 § 10.

§ 110. Future amendments; citation.

(a) Future amendments to laws included in the titles of the attached and incorporated manuscript shall hereafter be made with reference to such laws as they appear in this Code.

(b) The preferred citation of laws included in the titles of the Code is as follows: first, the title number in Arabic numerals; second, “PNC”; and third, section number. Example: The citation of section 602, “Designation of national anthem,” of Title 1, “General Provisions” would appear as “1 PNC § 602.”

Source
RPPL 2-3 § 11, modified.

§ 111. Supplementals as part of Code.

(a) The Palau National Code Commission shall continue in existence and shall continue in its duties as set forth in Section 2 of RPPL No. 1-34 in publishing supplements to continually update and keep the Palau National Code current.

(b) The laws contained in any current supplements or pocket parts to this Code, printed and published under authority of the Palau National Code Commission, constitute prima facie a part of this Code if the laws, as so contained, purport to represent reproductions of statutory amendments to this Code as stated in accompanying notes thereof.

(c) If supplements or pocket parts are published on a cumulative basis, then only the laws in the latest publication thereof constitute prima facie a part of this Code.

(d) If any discrepancy arises between the text of a provision set out in the current supplement and that contained in the basic act as separately printed and published by the

Government of the Republic of Palau, the latter shall constitute the positive law and shall control.

Source
RPPL 2-3 § 12.

§ 112. Technical corrections prior to publication.

Purely technical corrections that do not effect any substantive changes to the attached and incorporated manuscript are hereby authorized to be made by the Executive Secretary of the Palau National Code Commission until the time of final publication. Such technical corrections shall include, but not be limited to:

- (a) Deletion of all bracketed material;
- (b) Addition of all underlined material;
- (c) Correction of manifest clerical, typographical, source cite, or other errors;
- (d) Changes in page or section numbers; and
- (e) Changes in headers or footers.

Source
RPPL 2-3 § 13.

§ 113. Sale of Code and other legal publications.

The published volumes of the Palau National Code may be sold to recoup the costs of producing and publishing the Palau National Code, provided that the Palau National Code is available to the public in some free and accessible form. The Palau National Code shall be published on a regular basis by the Palau National Code Commission or in conjunction with any appropriate government entity established for such publication. All proceeds received for legal publications shall be placed in a separate National Treasury revolving fund to be administered by the publisher of publications sold or publication services rendered. An amount equal to all proceeds received from sales or services provided before or after this law becomes effective shall be deposited in the publishing revolving fund. Said revenues are authorized to be appropriated and are appropriated from year to year for deposit in the publishing revolving fund and segregated and separated from all other funds and accounts in the National Treasury. Funds may be disbursed from such revolving fund at the discretion of the Palau National Code Commission to

pay the costs of producing, marketing and selling legal publications. The appropriations on funds not expended shall not lapse at the end of the year.

Source

RPPL 2-3 § 14 as amended by RPPL 7-25 § 23(a). Amended in its entirety by RPPL 7-29 § 3. Amended by RPPL 11-2 § 8.

§ 114. General definitions.

In this Code:

- (a) “Appellate Division” means the Appellate Division of the Supreme Court of the Republic of Palau.
- (b) “Attorney General” means the Attorney General of the Republic of Palau.
- (c) “Chief Justice” means the Chief Justice of the Supreme Court of the Republic of Palau.
- (d) “Clerk of Courts” means the Clerk of Courts of the Supreme Court of the Republic of Palau.
- (e) “Code” means the Palau National Code.
- (f) “Constitution” means the Constitution of the Republic of Palau.
- (g) “House of Delegates” means the House of Delegates of the Olbiil Era Kelulau.
- (h) “Judiciary” means the unified judiciary that is vested with the judicial power of Palau pursuant to Article X of the Constitution.
- (i) “Olbiil Era Kelulau” means the body vested with the legislative power of Palau pursuant to Article IX of the Constitution.
- (j) “President” means the President of the Republic of Palau who is the chief executive of the national government.
- (k) “President of the Senate” means the presiding officer of the Senate of the Olbiil Era Kelulau.

- (l) “Public Auditor” means the Public Auditor of the Republic of Palau.
- (m) “Republic” means the Republic of Palau.
- (n) “Senate” means the Senate of the Olbiil Era Kelulau.
- (o) “Speaker of the House of Delegates” means the presiding officer of the House of Delegates of the Olbiil Era Kelulau.
- (p) “Supreme Court” means the Supreme Court of the Republic of Palau.
- (q) “Trial Division” means the Trial Division of the Supreme Court of the Republic of Palau.
- (r) “Vice President” means the Vice President of the Republic of Palau.

Source

Former section 102 which was written by the Palau National Code Commission, and enacted into law along with all the laws contained in the first codification (effective January 1, 1986).

Notes

This section was formerly § 102 and was re-numbered upon the codification of RPPL 2-3.

§ 115. Severability of provisions.

If any provision of this Code or amendments or additions hereto, or the application thereof to any person, thing or circumstance, is held invalid, the invalidity does not affect the provisions or application of this Code or the amendments or additions that can be given effect without the invalid provisions or application, and to this end the provisions of this Code and the amendments or additions thereto are severable.

Source

(P.L. No. 4C-28, § 1.) 1 TTC § 157, modified.

Cross-reference

For provisions on rules of construction of this Code, see chap. 2 of this title.

Notes

This section was formerly § 103 and was re-numbered upon the codification of RPPL 2-3.

Palau Chamber of Commerce v. Uherbelau, 12 ROP 183, 184 (Tr. Div. 2005).

1 PNCA

GENERAL PROVISIONS

**Chapter 2
Rules of Construction**

- § 201. Construction of Code.
- § 202. Words and phrases generally.
- § 203. Words denoting number, gender, and tense.
- § 204. English language text to prevail.
- § 205. Classification and arrangement of titles, etc.

§ 201. Construction of Code.

The provisions of this Code shall be construed according to the fair construction of their terms, with a view to effect its object and to promote justice.

Source

(P.L. No. 4C-28 § 1.) 1 TTC § 156.

Cross-reference

For provision on severability of provisions of this Code, see § 114 of this title.

Notes

Sobahan v. ROP, 2017 Palau 6 ¶ 19.

§ 202. Words and phrases generally.

Words and phrases, as used in this Code or in any Act of the Olbiil Era Kelulau or in any regulation issued pursuant thereto, shall be read with their context and shall be interpreted according to the common and approved usage of the English language. Technical words and phrases, and such other words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be interpreted and understood according to their peculiar and appropriate meaning.

Source

(P.L. No. 4C-28, § 1.) 1 TTC § 153, modified.

Notes

Koror State Legislature v. KSPLA III, 2020 Palau 15 ¶ 13.

Sobahan v. ROP, 2017 Palau 6 ¶¶ 9 n.2, 19.

Kanai v. ROP, 2016 Palau 29 ¶ 12.

Diaz v. ROP, 21 ROP 62, 63 (2014).

Tengadik v. King, 17 ROP 35, 40 (2009).

Isechal v. ROP, 15 ROP 78, 81 (2008).
MOJ v. Rechetuker, 12 ROP 43, 46 (2005).
Dalton v. Bank of Guam, 11 ROP 212, 214 (2004).
An Guiling v. ROP, 11 ROP 132, 136 (2004).
Mesubed v. ROP, 10 ROP 62, 66 (2003).
Shmull v. Rosenthal, 8 ROP Intrm. 261, 262 (2001).
Ngirengkoi v. ROP, 8 ROP Intrm. 41, 43 (1999).
Takada v. Supreme Court, 3 ROP Intrm. 262, 264 (1993).

§ 203. Words denoting number, gender, and tense.

As used in this Code or in any Act of the Olbiil Era Kelulau, unless it is otherwise provided or the context requires a different construction, application or meaning:

- (a) words importing the singular number may extend and be applied to several persons, parties or things;
- (b) words importing the plural number may include the singular;
- (c) words importing the masculine gender may be applied to females; and
- (d) words used in the present tense include the future.

Source

(P.L. No. 4C-28, § 1.) 1 TTC § 152, modified.

§ 204. English language text to prevail.

Whenever any provision of this Code or of any law, ordinance, regulation, document or instrument adopted pursuant thereto shall have been translated in whole or in summary from English to a local language, should there be a possible difference of interpretation between the English text and the local translation, the English language text shall prevail and govern in the decision of all cases.

Source

(P.L. No. 4C-28, § 1.) 1 TTC § 154, modified.

Cross-reference

Palauan traditional languages shall be the national languages; Palauan and English shall be the official languages, ROP Const., Art. XIII, § 1. For purposes of the Constitution, Palauan and English versions shall be equally authoritative; in case of conflict, the Palauan version shall prevail, ROP Const., Art. XIII, § 2 amended by the twenty-fifth amendment enacted November 19, 2008.

§ 205. Classification and arrangement of titles, etc.

The classification of the titles, divisions, chapters, subchapters, and sections of this Code, and the headings herein, are made for the purpose of convenient reference and orderly arrangement, and no implication, inference or presumption of a legislative construction shall be drawn therefrom.

Source

(P.L. No. 4C-28, § 1.) 1 TTC § 155, modified.

Cross-reference

For provision on severability of provisions of this Code, see § 114 of this title.

Notes

Some statutes are enacted and/or amended by legislation in which headings are specified. Refer to the original legislation if a heading is at issue.

Mengeolt v. ROP, 2017 Palau 17 ¶ 11.

Sobahan v. ROP, 2017 Palau 6 ¶ 19.

ROP v. Kruger, 8 ROP Intrm. 347, 348 (Tr. Div. 2000).

Gotina v. ROP, 8 ROP Intrm. 56, 58 (1999).

Chapter 3
Application of Legal Authority

- § 301. Additional law applicable in the Republic.
- § 302. Local customs; customary law.
- § 303. Applicability of common law.
- § 304. Repeal of Spanish, German, and Japanese laws.
- § 305. Land law not affected.
- § 306. Existing interim regulations, orders, etc.

§ 301. Additional law applicable in the Republic.

(a) The following are declared to be in full force and to have the effect of law in the Republic:

- (1) the Trusteeship Agreement;
- (2) such laws of the United States as shall, by their own force, be in effect in the Trust Territory, including the executive orders of the President of the United States and orders of the Secretary of the Interior;
- (3) laws of the Trust Territory and amendments thereto, to the extent not repealed by the Olbiil Era Kelulau or a prior legislature;
- (4) district orders heretofore promulgated by the District Administrator of the Palau District and emergency district orders promulgated by the District Administrator of the Palau District in accordance with section 108 of Title 1 of the Trust Territory Code;
- (5) the Acts of the Olbiil Era Kelulau when these Acts are not suspended by the High Commissioner, or otherwise become law as may be provided by law; and,
- (6) duly enacted state laws.

(b) No law, or section thereof, that has been suspended for any reason by the High Commissioner of the Trust Territory of the Pacific Islands or by the Department of the Interior, may take effect unless legislation authorizing its taking effect is enacted within ninety (90) days after the date of the termination of the Trusteeship Agreement.

APPLICATION OF LEGAL AUTHORITY 1 PNCA § 302

(c) Notwithstanding the provisions of subsection (b), all laws, or any sections thereof, that have been suspended for any reason by the High Commissioner of the Trust Territory of the Pacific Islands or by the Department of the Interior that appropriate funds are hereby repealed.

Source

(Code 1966, § 20.) 1 TTC § 101, modified. Recodified as § 301(a). Subsection (b) was added by RPPL 4-28 § 1. Subsection (c) was added by RPPL 4-28 § 2(a).

Cross-reference

For constitutional transition provision providing that all existing law in force and effect in Palau immediately preceding the effective date of the Constitution shall, subject to the provisions of the Constitution, remain in force and effect until repealed, revoked, amended or until it expires by its own terms, see ROP Const. art. XV, § 3(a).

Notes

- Sun Ye Chin Fan v. Pacifica Dev. Corp., 16 ROP 56, 59 (2008).
- Nebre v. Uludong, 15 ROP 15, 30 (2008).
- Arugay v. Wolff, 5 ROP Intrm. 239, 245 (1996).
- ROP v. Sisior, 3 ROP Intrm. 376, 381 (Tr. Div. 1991).
- Trust Territory v. Lopez, (App. Div., December 1976).
- George v. Walder, 5 TTR 9 (1970).
- Calvo v. Trust Territory, 4 TTR 506 (App. Div., 1969).
- Trust Territory v. Saipan Bus Co., 3 TTR 76 (1965).
- Sechelong v. Trust Territory, 2 TTR 526 (1964).
- Ngirasmengesong v. Trust Territory, 1 TTR 615 (App. Div. 1958).
- Kalifin v. Trust Territory, 1 TTR 242 (1955).
- Kentiy v. Trust Territory, 1 TTR 188 (1954).

§ 302. Local customs; customary law.

The customs of the people of Palau not in conflict with the legal authority set out in section 301 of this chapter shall be preserved. The recognized customary law of the Republic shall have the full force and effect of law so far as such customary law is not in conflict with such legal authority.

Source

(Code 1966, § 21.) 1 TTC § 102, modified.

Cross-reference

For constitutional provisions on traditional rights, see ROP Const. art. V; for Trust Territory Bill of Rights provision on recognition of local customs, see Title 1, § 414; for statutory provision on recognition of custom in granting annulments, divorces or adoptions, see Title 21, § 103; for provision on violation of native customs, see Title 17, § 108; for provision on recognition of custom in sentencing and related matters, see Title 17, § 3101.

Notes

- Marsil v. Telungalk ra Iterkerkill, 15 ROP 33, 36 (2008).
Nebre v. Uludong, 15 ROP 15, 30 (2008).
Rechirei v. Diaz, 11 ROP 252, 255, 256 (Tr. Div. 2004).
Seventh Day Adventist Mission of Palau v. Elsau Clan, 11 ROP 191, 193 (2004).
Gibbons v. Seventh Koror State Legislature, 11 ROP 97, 103 (2004).
Bandarii v. Ngerusebek Lineage, 11 ROP 83, 88C (2004).
Town House, Inc. v. Kanai, 9 ROP 286, 288 (Tr. Div. 2002).
Odilang Clan v. Ngiramechelbang, 9 ROP 267, 270 (Tr. Div. 2001).
Iyar v. Masami, 9 ROP 255, 256 (Tr. Div. 2001).
Ysaol v. Eriu Family, 9 ROP 146, 149 (2002).
Ngerketiit Lineage v. Ngirarsaol, 9 ROP 27, 29 (2001).
In re Ngirausui, 5 ROP Intrm. 339, 343 (Tr. Div. 1996).
Remoket v. Omrekongel Clan, 5 ROP Intrm. 225, 228 (1996).
Espangel v. Diaz, 3 ROP Intrm. 240, 242-43 (1992).
Trust Territory v. Lino, 6 TTR 7 (1972).
Shoniber v. Shoniber, 5 TTR 532 (1971).
Figir v. Trust Territory, 4 TTR 368 (1969).
Lajutok v. Kabua, 3 TTR 630 (App. Div. 1968).
Bulele v. Loeak, 4 TTR 5 (1968).
Mutong v. Mutong, 2 TTR 588 (1964).
Kenyul v. Iamangin, 2 TTR 648 (App. Div. 1964).
Basilus v. Rengiil, 2 TTR 430 (1963).
Basilus v. Rengiil, 2 TTR 420 (1963).
Ngiramulei v. Rideb, 2 TTR 370 (1962).
Ngiruhelbad v. Merij, 2 TTR 631 (App. Div. 1961).
Ngiramengesong v. Trust Territory, 1 TTR 615 (App. Div. 1958).
Lalou v. Aliang, 1 TTR 94 (1954).
Lazarus v. Tomijwa, 1 TTR 123 (1954).
Trust Territory v. Benido, 1 TTR 46 (1953).

§ 303. Applicability of common law.

The rules of the common law, as expressed in the restatements of the law approved by the American Law Institute and, to the extent not so expressed, as generally understood and applied in the United States, shall be the rules of decision in the courts of the Republic in applicable cases, in the absence of written law applicable under section 301 of this chapter or local customary law applicable under section 302 of this chapter to the contrary, and except as otherwise provided in section 305 of this chapter; provided that no person shall be subject to criminal prosecution except under the written law of the Republic or recognized local customary law not inconsistent therewith.

Source

(Code 1966, § 22) 1 TTC § 103, modified.

APPLICATION OF LEGAL AUTHORITY 1 PNCA § 303

Notes

- Republic of Palau v. Ngatpang State Pub. Lands Auth., 2023 Palau 7 ¶¶ 23, 25 n.3.
Robert v. Ngirngemeusch, 2023 Palau 5 ¶¶ 9, 10.
Ngirakesiil v. ROP, 2021 Palau 24 ¶ 17 n.7.
Shih Bin-Fang, et al. v. Mobel, et al., 2020 Palau 7 ¶ 24 n.7.
Techeboet Lineage v. Baules, 2019 Palau 21 ¶¶ 13, 14, 15, 16, 17.
Robert v. Cleophas, 2019 Palau 6 ¶ 16 n.5.
Galo v. Bank of Hawaii, 2019 Palau 1 ¶ 10.
Ngiraingas v. Shmull, 2018 Palau 19 ¶ 11.
Ridep v. Uchau, 2017 Palau 1 ¶ 11.
Nakamura v. Nakamura, 2016 Palau 23 ¶ 44.
Pettit v. ROP, 2016 Palau 6 ¶¶ 10, 13
Baules v. Toribiong, 2016 Palau 5 ¶¶ 19, 26
Roll'em Prods. v. Diaz, 22 ROP 229, 234, 240, 246 (Tr. Div. 2015).
In re Angelino, 22 ROP 183, 192 (Tr. Div. 2014).
In re Shadel, 22 ROP 154, 158, 159, 171 (Disc. Proc. 2015).
Toribiong v. Tmetbab Clan, 22 ROP 79, 83 (2015).
ROP v. Baconga, 21 ROP 119, 120 (Tr. Div. 2014).
ROP v. Diaz, 21 ROP 105, 108 (Tr. Div. 2013).
Anson v. Ngirachereang, 21 ROP 58, 60 (2014).
Shmull v. Hanpa Indus. Dev. Corp., 21 ROP 35, 36 (2014).
Mesubed v. Urebau Clan, 20 ROP 166, 167 (2013).
Emesiochl v. Maratita, 20 ROP 118, 122 (C.C.P. 2013).
Asanuma v. Golden Pacific Ventures, Ltd., 20 ROP 29, 33 (2012).
Bekebekmad v. Children of Sabino Bekebekmad, 19 ROP 200, 203 (2012).
Koror State Gov't v. Republic of Palau, 19 ROP 174, 177 (Tr. Div. 2012).
Roll'Em Productions, Inc., v. Diaz Broadcasting Co., 19 ROP 148, 152 (2012).
Saito v. Mekreos, 19 ROP 108, 111 (2012).
Remengesau v. Diaz, 18 ROP 170, 173 (2011).
Republic of Palau v. Katosang, 17 ROP 306, 311 (Tr. Div. 2009).
Blesoch v. Republic of Palau, 17 ROP 198, 200 (2010).
Ucheliou Clan v. Estate of Adelbai Remed, 16 ROP 325, 333 (Tr. Div. 2009).
Omelau v. ROP Div. of Fish and Wildlife Prot., 16 ROP 319, 321 (Tr. Div. 2009).
Aquon v. Continental Micronesia, Inc., 16 ROP 284, 286 (2010).
Osima v. ROP, 16 ROP 178, 181 (2009).
Rengechel v. Uchelkeiukl, 16 ROP 155, 160 (2009).
Shmull v. Doran, 16 ROP 96, 99 (2008).
Sun Ye Chin Fan v. Pacifica Dev. Corp., 16 ROP 56, 59 (2008).
Peleliu State Gov't v. 9th Peleliu State Legislature, 15 ROP 183, 184 (Tr. Div. 2008).
Peleliu State Govt. v. 9th Peleliu State Legislature, 15 ROP 179, 181 (Tr. Div. 2008).
Pac. Sav. Bank v. Ketund Corp., 15 ROP 121, 122 (2008).
Pac. Sav. Bank v. Officers Mgmt. Corp., 15 ROP 117, 120 (2008).
Nebre v. Uludong, 15 ROP 15, 30 (2008)
Tkel v. Leirvik, 14 ROP 155, 157 (2007).
HOTL, et al., v. 7th Koror State Legislature, et al., 14 ROP 52, 56 (2007).
Dalton v. Borja, 12 ROP 65, 70 (2005).
Giraked v. Estate of Rechucher, 12 ROP 133, 139 (2005).
Hanpa Indus. Corp. v. Black Micro, Corp., 12 ROP 29, 33 (2004).

- Johnson v. Gibbons, 11 ROP 271, 274 (Tr. Div. 2004).
Rechirei v. Diaz, 11 ROP 252, 255, 256 (Tr. Div. 2004).
Seventh Day Adventist Mission of Palau, Inc. v. Elsau Clan, 11 ROP 191, 193 (2004).
Gibbons v. Seventh Koror State Legislature, 11 ROP 97, 103 (2004).
Bandarii v. Ngerusebek Lineage, 11 ROP 83, 87, 88C (2004).
Isimang v. Arbedul, 11 ROP 66, 74 (2004).
Rechetuau v. Iwet Clan, 10 ROP 58, 61 (2003).
Francisco v. Chin, 10 ROP 44, 54 (2003).
Renguul v. ASPLA, 8 ROP Intrm. 282, 284 (2001).
Kruger v. Doran, 8 ROP Intrm. 350, 354 (Tr. Div. 2000).
Winterthur Swiss Ins. Co. v. Socio Micronesia, Inc., 8 ROP Intrm. 169, 171 (2000).
Irikl Clan v. Renguul, 8 ROP Intrm. 156, 157 (2000).
Becheserrak v. ROP, 8 ROP Intrm. 147, 149 (2000).
Bank of Palau v. Bank of Micronesia Corp., 7 ROP Intrm. 275, 276 (Tr. Div. 1999).
The Senate v. Nakamura, 7 ROP Intrm. 212, 218 (1999).
Ngiraingas v. Soalablai, 7 ROP Intrm. 208, 209 (1999).
Arbedul v. Isimang, 7 ROP Intrm. 200, 201 (1999).
Jiangsu State Farms v. Frank Ho, 7 ROP Intrm. 268, 274 (Tr. Div. 1998).
WCTC v. Fritz, 7 ROP Intrm. 264, 265 (Tr. Div. 1998).
Becheserrak v. ROP, 7 ROP Intrm. 111, 114, 117 (1998).
Arugay v. Wolff, 7 ROP Intrm. 226, 230 (Tr. Div. 1997).
Robert v. Ikesakes, 6 ROP Intrm. 234, 237 (1997).
In re Udui, 6 ROP Intrm. 154, 157 (1997).
Akiwo v. ROP, 6 ROP Intrm. 105, 115, 119 (1997).
Anderson v. Masami, 6 ROP Intrm. 321, 322 (Tr. Div. 1996).
ROP v. Akiwo, 6 ROP Intrm. 297, 299 (Tr. Div. 1996).
ROP v. Akiwo, 6 ROP Intrm. 283, 288-89 (Tr. Div. 1996).
Sixth Kelului a Kiuluul v. Ngiramekatij, 5 ROP Intrm. 321, 324 (Tr. Div. 1995).
Arugay v. Wolff, 5 ROP Intrm. 239, 245 (1996).
Wolff v. Sugiyama, 5 ROP Intrm. 105, 110 (1995).
Becheserrak v. Uludong (Civil Action No. 306-93, Sept. 1993).
Superluck Enterprises v. ROP, 4 ROP Intrm. 290, 291 (Tr. Div. 1994).
Tell v. Rengiil, 4 ROP Intrm. 224, 225, 227, 229 (1994).
Salii v. Sugiyama, 4 ROP Intrm. 89, 91 (1993).
Takada v. Supreme Court, 3 ROP Intrm. 262, 263 (1993).
Yano v. Kadoi, 3 ROP Intrm. 174, 188 (1992).
A.J.J. Enterprises v. Renguul, 3 ROP Intrm. 29, 30 (1991).
Ngiratkel Etpison Co., Ltd. v. Rdialul, 2 ROP Intrm. 211, 214 (1991).
Salii v. House of Delegates, 1 ROP Intrm. 708, 710 (1989).
Ikosia v. Trust Territory, (Tr. Div., December 1975).
George v. Walder, 5 TTR 9 (1970).
Kumer v. Peter, 4 TTR 102 (1968).
Lakemba v. Milne, 4 TTR 44 (1968).
Oderiong v. Adelbai, 3 TTR 21 (1965).
Ychitaro v. Lotius, 3 TTR 3 (1965).
Likauche v. Trust Territory, 2 TTR 375 (1963).
Ngiramulei v. Rideb, 2 TTR 370 (1962).
Etpison v. Indalecio, 2 TTR 186 (1961).

APPLICATION OF LEGAL AUTHORITY 1 PNCA § 305

Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).
Trust Territory v. Benido, 1 TTR 46 (1953).

§ 304. Repeal of Spanish, German, and Japanese laws.

All laws, regulations, orders and ordinances heretofore enacted, issued, made or promulgated by Spanish, German, or Japanese authority which are still in force in the Republic are hereby repealed, except as provided in section 305 of this chapter; provided that nothing in this Code shall change the effect of local custom which may have been included within the scope of laws, regulations, orders, or ordinances enacted, issued, made or promulgated as aforesaid.

Source

(Code 1966, § 23.) 1 TTC § 104, modified.

Notes

Palau Public Lands Authority v. Salvador, 8 ROP Intrm. 73, 75 (1999).
Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).

§ 305. Land law not affected.

The law concerning ownership, use, inheritance, and transfer of land in effect in any part of the Republic on December 1, 1941, shall remain in full force and effect, except to the extent that it has been or may hereafter be changed by express written enactment.

Source

(Code 1966, § 24.) 1 TTC § 105, modified.

Notes

Bandarii v. Ngerusebek Lineage, 11 ROP 83, 88C (2004).
Shoniber v. Shoniber, 5 TTR 532 (1971).
Mariur v. Ngoriakl, 5 TTR 232 (1970).
Ngiruhelbad v. Merii, 2 TTR 631 (App. Div. 1961).
Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).
Kehler v. Kehler, 1 TTR 613 (App. Div. 1958).
Orijon v. Etijon, 1 TTR 101 (1954).
Levi v. Kumtak, 1 TTR 36 (1953).
Petiele v. Max, 1 TTR 26 (1952).
Kilara v. Alexander, 1 TTR 3 (1951).

§ 306. Existing interim regulations, orders, etc.

The provisions of this Code, to the extent that they are substantially the same as prior interim regulations of the Trust Territory, are to be construed as a continuation thereof, and not as new enactments. All interim regulations and amendments thereto, heretofore enacted or made, which are contained in this Code are to be deemed to have taken effect and come into force on the date of original publication thereof or on the date expressly provided in such interim regulation or amendments thereto. All proclamations, regulations, orders and directives of the United States military government, all civil administration orders (except existing district orders), and all interim regulations, amendments and supplements thereto, which are not contained in this Code are hereby expressly repealed.

Source

(Code 1966, § 26.) 1 TTC § 106.

**Chapter 4
Trust Territory Bill of Rights**

- § 401. Freedom of religion, speech and press; right of assembly and petition.
- § 402. Slavery and involuntary servitude.
- § 403. Unreasonable search and seizure.
- § 404. Due process of law; double jeopardy; self-incrimination; trial; assistance of counsel; capital punishment.
- § 405. Bills of attainder, etc.
- § 406. Excessive bail; excessive fines; cruel and unusual punishments.
- § 407. Discrimination on account of race, sex, language or religion; equal protection.
- § 408. Freedom of migration and movement.
- § 409. Education.
- § 410. Imprisonment for failure to discharge contractual obligation.
- § 411. Writ of habeas corpus.
- § 412. Quartering of soldiers.
- § 413. Trade and property rights.
- § 414. Local customs.

§ 401. Freedom of religion, speech and press; right of assembly and petition.

No law shall be enacted in the Trust Territory respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble and to petition the government for a redress of grievances.

Source

(Code 1966, § 1.) 1 TTC § 1.

Cross-reference

ROP Const., Art. IV, §§ 1, 2 & 3.

§ 402. Slavery and involuntary servitude.

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the Trust Territory.

Source

(Code 1966, § 2.) 1 TTC § 2.

Cross-reference

ROP Const., Art. IV, § 11.

§ 403. Unreasonable search and seizure.

The rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Source

(Code 1966, § 3.) 1 TTC § 3.

Cross-reference

ROP Const., Art. IV, §§ 4, 6; for statutory provisions on searches and seizures, see chapter 3 of Title 18; for provisions on seizure and forfeiture of vessels, see chapter 3 of Title 7.

Notes

ROP v. Cayetano, 2020 Palau 32 (C.C.P.) ¶ 4.

ROP v. Gibbons, 1 ROP Intrm. 547A (1988).

In re Lizama, 5 TTR 645 (1972).

Nichig v. Trust Territory, 1 TTR 409 (1958).

§ 404. Due process of law; double jeopardy; self-incrimination; trial; assistance of counsel; capital punishment.

No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall enjoy the right to a speedy public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. No crime under the laws of the Trust Territory shall be punishable by death.

Source

(Code 1966, § 4.) 1 TTC § 4.

Cross-reference

ROP Const., Art. IV, §§ 6, 7; for statutory provision on rights of defendants, see chapter 4 of Title 18.

TRUST TERRITORY BILL OF RIGHTS 1 PNCA § 404

Notes

- Ngowakl v. Ngoakl, 5 ROP Intrm. 150, 154 (1995).
Kruger v. Social Sec. Bd., 5 ROP Intrm. 91, 92 (1995).
Trust Territory v. Este, (App. Div., December, 1977).
Trust Territory v. Waayan, (App. Div., December, 1977).
In re Transpacific Lines, Inc., (App. Div., September 1977).
Abrams v. Trust Territory High Court Disciplinary Panel, (App. Div., May 1977).
Sonoda v. Burnett, (App. Div., 1977).
Trust Territory v. Lopez (App. Div., December, 1976).
Sonoda v. Trust Territory, (App. Div. November, 1976).
Trust Territory v. Arce, (App. Div., April 1976).
Whipps v. Morris, (Tr. Div., November, 1975).
In re Application of Matagolai, 6 TTR 577 (1974).
Christensen v. Micronesia Occupational College, 6 TTR 346 (1973).
Curley v. Government, 6 TTR 409 (1973).
Di Stefano v. Di Stefano, 6 TTR 312 (1973)
In re Lizama, 5 TTR 645 (1972).
Trust Territory v. Etscheit, 5 TTR 586 (1971).
Trust Territory v. Tarkong, 5 TTR 549 (1971).
Mariur v. Ngoriakl, 5 TTR 232 (1970).
Trust Territory v. Tarkong, 5 TTR 252 (1970).
Trust Territory v. Ngiraitpang, 5 TTR 282 (1970).
Figir v. Trust Territory, 4 TTR 368 (1969).
Rivera v. Trust Territory, 4 TTR 140 (1968).
Lizama v. Trust Territory, 3 TTR 436 (1968).
Moolang v. Figir, 3 TTR 455 (1968).
Eram v. Trust Territory, 3 TTR 442 (1968).
Trust Territory v. Poll, 3 TTR 387 (1968).
Rivera v. Trust Territory, 4 TTR 140 (1968).
Opispo v. Mesileng, 4 TTR 80 (1968).
Trust Territory v. Ogo, 3 TTR 287 (1967).
In re Ngiralois, 3 TTR 303 (1967).
Alig v. Trust Territory, 3 TTR 603 (App. Div. 1967).
Figir v. Trust Territory, 3 TTR 127 (1966).
Meyer v. Epsom, 3 TTR 54 (1965).
Meyer v. Trust Territory, 3 TTR 586 (App. Div., 1965).
Mendiola v. Trust Territory, 2 TTR 651 (App. Div., 1964).
Tkoel v. Trust Territory, 2 TTR 513 (1964).
Sechelong v. Trust Territory, 2 TTR 526 (1964).
Sechesuch v. Trust Territory, 2 TTR 458 (1963).
Firetamag v. Trust Territory, 2 TTR 413 (1963).
Yamashiro v. Trust Territory, 2 TTR 638 (App. Div., 1963).
Ngirailenglam v. Trust Territory, 2 TTR 646 (App. Div. 1963).
Sechesuch v. Trust Territory, 2 TTR 458 (1963).
Catholic Mission v. Trust Territory, 2 TTR 251 (1961).
Mooru v. Trust Territory, 2 TTR 124 (1960).
Mesechol v. Trust Territory, 2 TTR 84 (1959).
Ngirkelau v. Trust Territory, 2 TTR 72 (1959).

Kengsiro v. Trust Territory, 2 TTR 76 (1959).
Paul v. Trust Territory, 2 TTR 603 (App. Div. 1959).
Temengil v. Trust Territory, 2 TTR 31 (1959).
Ngirasmengesong v. Trust Territory, 1 TTR 615 (App. Div. 1958).
Ngirasmengesong v. Trust Territory, 1 TTR 345 (1958).
Santos v. Trust Territory, 1 TTR 463 (1958).
Rusasech v. Trust Territory, 1 TTR 472 (1958).
Esebei v. Trust Territory, 1 TTR 495 (1958).
Oiterong v. Trust Territory, 1 TTR 516 (1958).
Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).
Tamael v. Trust Territory 1 TTR 520 (1958).
Rusasech v. Trust Territory, 1 TTR 472 (1958).
Urrimech v. Trust Territory, 1 TTR 534 (1958).
Rungun v. Trust Territory, 1 TTR 601 (App. Div., 1957).
Bisente v. Trust Territory, 1 TTR 327 (1957).
Ngirmidol v. Trust Territory, 1 TTR 273 (1955).
Purako v. Efou, 1 TTR 236 (1955).
Borja v. Trust Territory, 1 TTR 280 (1955).
Purako v. Efou, 1 TTR 236 (1955).
Ichiro v. Bismark, 1 TTR 57 (1953).
Trust Territory v. Benido, 1 TTR 46 (1953).
Haruo v. Trust Territory, 1 TTR 565 (App. Div. 1952).

§ 405. Bills of attainder, etc.

No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall be enacted.

Source

(Code 1966, § 5.) 1 TTC § 5.

Cross-reference

ROP Const., Art. IV, § 6.

Notes

Remengesau v. Senate, 10 ROP 173, 175 (Tr. Div. 2001).

§ 406. Excessive bail; excessive fines; cruel and unusual punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

TRUST TERRITORY BILL OF RIGHTS 1 PNCA § 408

Source

(Code 1966, § 6.) 1 TTC § 6.

Cross-reference

ROP Const., Art. IV, § 7; for statutory provisions on bail, see chapter 6 of Title 18; for provisions on punishments, judgment and sentencing, see chapter 31 of Title 17.

Notes

Rasa v. Trust Territory, 6 TTR 535 (1973).

§ 407. Discrimination on account of race, sex, language or religion; equal protection.

No law shall be enacted in the Trust Territory which discriminates against any person on account of race, sex, language or religion, nor shall the equal protection of the laws be denied.

Source

(Code 1966, § 7.) 1 TTC § 7.

Cross-reference

ROP Const., Art. IV, § 5.

Notes

Kruger v. Social Sec. Bd., 5 ROP Intrm. 91, 92, 93 (1995).

Sonoda v. Trust Territory, (App. Div. Nov. 1976).

Whipps v. Morris, (Tr. Div. Nov. 1975).

Trust Territory v. Elias, (App. Div. Jan.. 1975).

Di Stefano v. Di Stefano, 6 TTR 312 (1973).

Karuo v. Chochy, 5 TTR 304 (1971).

Yang v. Yang, 5 TTR 427 (1971).

Mesechol v. Trust Territory, 2 TTR 84 (1959).

§ 408. Freedom of migration and movement.

Subject only to the requirements of public order and security, the inhabitants of the Trust Territory shall be accorded freedom of migration and movement within the Trust Territory.

Source

(Code 1966, § 8.) 1 TTC § 8.

Cross-reference

ROP Const., Art. IV, § 9.

§ 409. Education.

Free elementary education shall be provided throughout the Trust Territory.

Source

(Code 1966, § 9.) 1 TTC § 9.

Cross-reference

ROP Const., Art. VI; for statutory provisions relating to education, see Title 22.

§ 410. Imprisonment for failure to discharge contractual obligation.

No person shall be imprisoned solely for failure to discharge a contractual obligation.

Source

(Code 1966, § 10.) 1 TTC § 10.

Cross-reference

ROP Const., Art. IV, § 6.

Notes

Elechuus v. Trust Territory, 3 TTR 297 (1967).

§ 411. Writ of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

Source

(Code 1966, § 11.) 1 TTC § 11.

Cross-reference

ROP Const., Art. IV, § 7; for statutory provisions on habeas corpus, see chapter 11 of Title 18.

Notes

Borja v. Trust Territory, 6 TTR 584 (1974).

§ 412. Quartering of soldiers.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor

TRUST TERRITORY BILL OF RIGHTS 1 PNCA § 414

in time of war but in a manner to be prescribed by law.

Source

(Code 1966, § 12.) 1 TTC § 12.

§ 413. Trade and property rights.

Subject to applicable laws of the Trust Territory, the High Commissioner may restrict or forbid the acquisition of interests in real property and in business enterprises by persons who are not citizens of the Trust Territory.

Source

(Code 1966, § 13.) 1 TTC § 13.

Cross-reference

ROP Const., Art. XIII, § 8.

Notes

Madrainglai v. Emesiochel, 6 TTR 440 (1974).

§ 414. Local customs.

Due recognition shall be given to local customs in providing a system of law, and nothing in this chapter shall be construed to limit or invalidate any part of the existing customary law, except as otherwise provided by law.

Source

(Code 1966, § 14.) 1 TTC § 14.

Cross-reference

For constitutional provisions on traditional rights, see ROP Const., Art. V; for statutory provision on recognition of local customs not in conflict with other legal authority, see Title 1, § 302; for provision on recognition of custom in granting annulments, divorces or adoptions, see Title 21, § 103; for criminal provision on violation of native customs, see Title 17, § 108; for provision on recognition of custom in sentencing and related matters, see Title 17, § 3101.

Notes

Marsil v. Telungalk ra Iterkerkill, 15 ROP 33, 36 (2008).

Bandarii v. Ngerusebek Lineage, 11 ROP 83, 88C (2004).

Trust Territory v. Lino, 6 TTR 7 (1972).

Yangilemau v. Mahoburimalei, 1 TTR 429 (1958).

Chapter 5

Flag

- § 501. Description.
- § 502. Reproduction.
- § 503. Display in general.
- § 504. Display with flags of other nations.
- § 505. Display until termination of Trusteeship.
- § 506. Desecration of the flag; penalties.

§ 501. Description.

The flag of the Republic shall be a golden-yellow full moon slightly off-centered on a field of sky-blue. The width of the flag shall bear the ratio to its length of 1.0 to 1.6. The diameter of the moon shall bear the ratio to the width of the flag of 0.6 to 1.0. The distance from the side of the flag nearest the mast or staff to the center of the moon shall bear the ratio to the width of 0.7 to 1.0. The distances from the top and bottom of the flag to the center of the moon shall be equal.

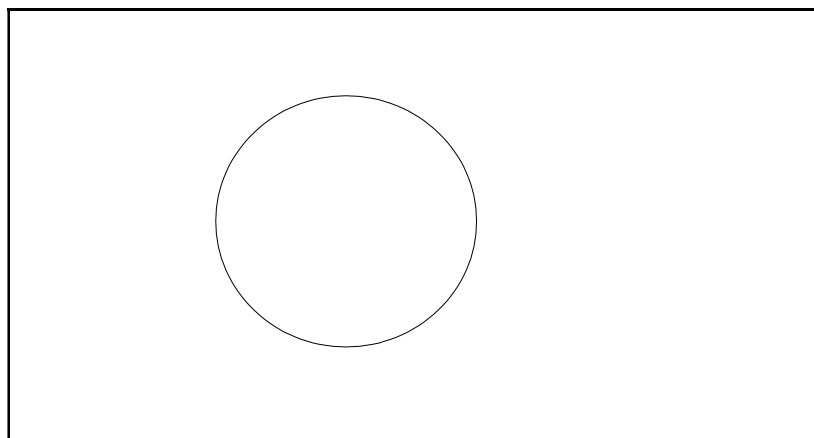
Source

PL 7-6-2 § 1(a), modified.

Notes

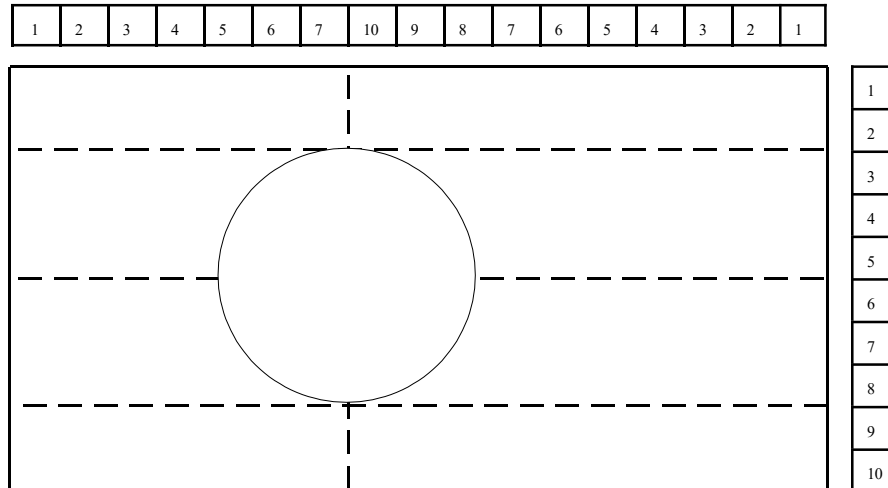
FLAG WIDTH AND LENGTH RATIO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
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FLAG MOON LOCATION AND SIZE



§ 502. Reproduction.

The flag may be reproduced for unofficial purposes with different dimensions and appropriate devices for attaching the flag to a mast, staff, or other means of display may be added discretely to the flag.

Source

PL 7-6-2 § 1(b), modified.

§ 503. Display in general.

- (a) The flag of the Republic shall be displayed in the open only from sunrise until sunset, and during such hours shall be displayed only on buildings, flagstaffs or halyards.
- (b) The flag shall be hoisted and lowered briskly and ceremoniously.
- (c) The President may establish rules and procedures for the half-mast display of the flag upon the death of a government or traditional leader or distinguished citizen of the Republic, for the production and materials of official flags, and such other rules and procedures as may be appropriate for display of the flag.

Source

PL 7-6-2 § 2, modified.

Cross-reference

For provision regarding the flying of the flag by all vessels registered and licensed by the Republic, see Title 7, § 108.

§ 504. Display with flags of other nations.

(a) When the flag of the Republic is flown or displayed together with the flag of another nation on separate masts or staffs, the flag of the Republic shall be flown or displayed at approximately the same level with the flag of the other nation, and shall occupy a position to the right of the flag of the other nation when viewed from the adjacent building or platform.

(b) The flag of the Republic shall not be flown or displayed with the flag of another nation on a single mast or staff.

Source

PL 7-6-2 § 3, modified.

§ 505. Display until termination of Trusteeship.

(a) When the flag of the Republic is flown or displayed together with the flags of the United States and the United Nations on separate masts or staffs, the three flags shall be flown or displayed at approximately the same level and in the following positions when viewed from an adjacent building or platform: the flag of the United States shall occupy the right-hand position; the flag of the Republic shall occupy the center position; and the flag of the United Nations shall occupy the left-hand position.

(b) When the flag of the United States is being flown at half-mast by official order and the flag of the Republic is being flown at the same time, the flag of the Republic shall also be flown at half-mast.

(c) Notwithstanding section 504 of this chapter, this section shall determine the manner of display of the flag of the Republic between the effective date of this chapter and the date of termination of the Trusteeship Agreement between the United Nations and the United States. This section shall expire and be of no force and effect upon termination of the Trusteeship Agreement.

Source

PL 7-6-2 § 6, § 6(b) rewritten and section modified.

Commission Comment

Subsection (b) replaces PL 7-6-2 § 6(2), which states: “When the Flag of the Republic of Palau is flown at the same time as by official order the Flag of the United States is being flown at the half mast, the Flag of the Republic of Palau shall also be flown at half-mast.”

§ 506. Desecration of the flag; penalties.

(a) Any person who knowingly casts contempt upon any flag of the Republic by mutilating, defacing, defiling, burning or trampling upon it shall, upon conviction, be fined not more than one thousand dollars (\$1,000), or imprisoned for not more than six (6) months, or both.

(b) The term “flag of the Republic” as used in this section shall include an official flag of the Republic as described in section 501 of this chapter, or any reproduction thereof for official or unofficial purposes and having the same or different dimensions as the flag of the Republic.

Source

PL 7-6-2 § 4, modified.

**Chapter 6
National Anthem**

§ 601. Short title.

§ 602. Designation of national anthem.

§ 603. Conduct while national anthem is played.

§ 601. Short title.

This chapter may be cited as the “National Anthem Act of 1981.”

Source

PL 7-8-9 § 1, modified.

§ 602. Designation of national anthem.

(a) The composition consisting of the music and words known as “Belau Er Kid” is hereby designated the national anthem of the Republic.

(b) The official copy of the national anthem shall be attested by the first President of the Republic and deposited in the register established pursuant to section 133 of Title 19.

Source

PL 7-8-9 § 2, modified.

Commission Comment

Section 133 of Title 19, the Cultural Resources title of this Code, creates a depository for certain specimens and objects.

§ 603. Conduct while national anthem is played.

(a) When the flag of the Republic is displayed during the rendition of the national anthem, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Persons not in uniform should remove any headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should stand at attention and render the military salute at the first note of the national anthem and retain this position until the last note.

NATIONAL ANTHEM

1 PNCA § 603

(b) When the flag of the Republic is not displayed during the rendition of the national anthem, those present should face toward the music and act as if the flag were displayed there.

Source

PL 7-8-9 § 3, modified.

Chapter 7

Holidays

§ 701. Holidays designated.

§ 702. Observance of holidays falling on Saturday and Sunday.

§ 701. Holidays designated.

The following days, and such other days declared by the President of the Republic to be legal holidays, shall be legal holidays of the Republic of Palau:

- (a) The first day of January, New Year's Day;
- (b) The fifteenth day of March, Youth Day;
- (c) The fifth day of May, Senior Citizens Day;
- (d) The ninth day of July, Constitution Day;
- (e) The first Monday of September, Labor Day;
- (f) The twenty-fourth day of October, United Nations Day;
- (g) The fourth Thursday of November, Thanksgiving Day;
- (h) The fourth Friday of November, Family Day;
- (i) The twenty-fifth day of December, Christmas Day.

Source

RPPL 2-15 § 1. Amended by RPPL 10-15 § 1.

§ 702. Observance of holidays falling on Saturday and Sunday.

(a) If any of the holidays enumerated in section 701 of this chapter falls on Sunday, the following Monday shall be observed as a holiday. If any of the holidays enumerated in section 701 of this chapter falls on Saturday, the preceding Friday shall be observed as a holiday.

HOLIDAYS

1 PNCA § 702

(b) Any law, regulation or order in conflict with this chapter is superseded and void to the extent of the conflict.

Source

RPPL 2-15 § 2, modified.

**Chapter 8
National Officers Oath of Office**

§ 801. Oath of office.

§ 801. Oath of office.

National officers of the Republic, before entering upon the duties of their offices, shall take and subscribe to the following oath of office:

“I DO SOLEMNLY SWEAR THAT I SHALL SUPPORT AND DEFEND THE CONSTITUTION OF THE REPUBLIC OF PALAU, AND THE LAWS OF THESE ISLANDS, AND THAT I SHALL FAITHFULLY DISCHARGE MY DUTIES AND RESPONSIBILITIES AS _____ TO THE BEST OF MY ABILITY, SO HELP ME GOD.”

Source
PL 7-8-4 § 1.

**Chapter 9
Open Government Act**

- § 901. Definitions.
- § 902. Meetings shall be open and public.
- § 903. No conditions to attendance may be required.
- § 904. Notice.
- § 905. Exceptions.
- § 906. Records and government documents open to public.
- § 907. Penalties; remedies.
- § 908. Severability.

§ 901. Definitions.

(a) As used in this chapter, unless the content indicates otherwise, the following definitions shall apply:

- (1) “Action” means any transaction of official business by a governing body.
- (2) “Final action” means a collective positive or negative decision by a governing body on a particular issue with substantive relevance to the public or a vote by a majority of the members of a governing body, when sitting as a body or entity and making decisions or voting upon a bill, motion, proposal, resolution, order, report, or ordinance.
- (3) “Governing body” means any government entity created under the Constitution of the Republic, by treaty, by law, by regulation, or by executive order, including quasi-government entities, such as, for example, Palau Public Utilities Corporation, Palau National Communications Corporation, National Development Bank of Palau, and any subdivisions of a government entity or quasi-government entity.
- (4) “Notice” means to publish the time and place where a governing body will meet along with a brief description of the matter that is to be discussed or the final action that may take place, and to announce such notice over at least one (1) radio station and post such notice at the Palau Supreme Court and the Olbiil Era Kelulau at least twenty-four (24) hours before the time that the meeting is scheduled to commence.

(5) “Public record” means any written or printed report, book, paper, map, or plan of a governing body, which is the property thereof and in or on which an entry has been made or is required to be made by law, or which any public officer or employee of a governing body has received or is required to receive for filing, but shall not include records that invade the right of privacy of any person or business entity as defined in this chapter.

Source

RPPL 9-32 § 4, modified.

Notes

RPPL 9-32 § 1 reads: Short Title. This Act shall be known as and may be cited as “The Open Government Act.”
 RPPL 9-32 § 2 reads: Presidential Statement of Introduction. Pursuant to Article VIII, Section 12: “The President may introduce measures in the Olbiil Era Kelulau.” The President finds and declares that all government entities, whether quasi or whole, exist to serve the people in the conduct of the people’s business. It is the intent of this Act: that the actions of the government be conducted openly, that all deliberations be transparent, and that all public government documents be open for public inspection. Indeed, this Act is intended to provide a legal framework for the rights that are already guaranteed to the people of the Republic in Article V, Section 12 of the Constitution of the Republic, which states that: “A citizen has the right to examine any government document and to observe the official deliberations of any agency of government.”

It is a fundamental aspect of a democracy that government governs the people only with the consent of the people. The people, therefore, in consenting to be governed do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The President hereby finds that the people of the Republic insist upon being informed of the workings of the government so that they may retain control over the instruments of government that they have created for governance with their consent.

Accordingly, it is the intent of the President of the Republic that, as introduced, the provisions contained in this bill, which is modeled on the Commonwealth of Northern Marianas Islands Public Law No. 8-41 (effective Jan. 21, 1994), in providing for an open government and open access to the documents of the government the law shall be liberally interpreted, and that the provisions providing for exceptions to the open meeting requirements and open records requirements the law shall be strictly interpreted against closed meetings and the non-disclosure of records.
 RPPL 9-32 § 3 reads: Legislative Findings. The legislature finds that having an open and transparent government is important to ensure the public is involved in the government to the fullest extent possible, consistent with the constitutional mandate for an open government. At the same time, the legislature recognizes the balance that must take place with privacy constraints and the realities imposed by financial administration and practicalities in operating government bodies.

Shmull v. Ngiraingas, 2021 Palau 3 ¶¶ 2, 9, 17.

Akitaya v. Obichang, 2019 Palau 8 ¶¶ 1, 10.

§ 902. Meetings shall be open and public.

(a) All meetings of a governing body shall be open and public, and all persons shall be permitted to attend any meeting of the governing body, unless otherwise provided by this chapter or other law.

(b) The minutes of all meetings of any governing body that are open and public shall be available upon request.

(c) A meeting of a governing body, and the minutes of that meeting, shall not be required to be open and public where the matter under discussion relates to information that shall not be disclosed to the public under § 905.

Source

RPPL 9-32 § 5, modified.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.

Akitaya v. Obichang, 2019 Palau 8 ¶ 1.

§ 903. No conditions to attendance may be required.

(a) A governing body shall not require registration or any other prerequisite information to be filed with the governing body before permitting a member of the public entry to an open and public meeting of a governing body.

(b) This section shall not preclude voluntary sign-in sheets.

Source

RPPL 9-32 § 6.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.

Akitaya v. Obichang, 2019 Palau 8 ¶ 1.

§ 904. Notice.

(a) A governing body shall give notice of any regular meeting.

(b) A governing body shall apprise a member of the public of any regular meeting upon request.

(c) For purposes of this section, “regular” meetings shall mean recurring meetings or proceedings held in accordance with a schedule declared by statute, rule or regulation of the governing body, and any meeting in which a final action may take place.

Source

RPPL 9-32 § 7.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.

Akitaya v. Obichang, 2019 Palau 8 ¶ 1.

§ 905. Exceptions.

The following information shall not be made available to the public:

(a) information properly classified as secret in the interest of national defense or foreign policy as follows:

(1) information may be classified as secret in the interest of national defense where the disclosure of the information would compromise the current ability of the Republic of Palau or the United States to provide for the defense of the Republic of Palau;

(2) information related to negotiations with another country or another foreign entity that has its principal place of business in another country.

(b) information related solely to internal operation procedures and practices of the governing body the release of which would potentially risk circumvention of law or regulations;

(c) information specifically exempted by other statutes;

(d) a trade secret or privileged or confidential commercial or financial information obtained from a person or legally established corporation or entity in the Republic of Palau;

(e) a privileged inter-agency or intra-agency memorandum or letter;

(f) a personnel, medical, or similar file the release of which would constitute a clearly unwarranted invasion of personal privacy; provided that disclosure of a government employment contract or contract of an independent contractor working for a government, including any contracts that are performed as part of the execution of a foreign aid grant, are deemed to not be an invasion of personal privacy;

- (g) information compiled for law enforcement purposes, the release of which:
- (1) could reasonably be expected to interfere with law enforcement proceedings;
 - (2) would deprive a person of a right to a fair trial or an impartial adjudication;
 - (3) could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (4) could reasonably be expected to disclose the identity of a confidential source;
 - (5) would disclose techniques, procedures, or guidelines for investigations or prosecutions; or
 - (6) could reasonably be expected to endanger an individual's life or physical safety.
- (h) information contained in or related to examination, operating, or condition reports about financial institutions that the Financial Institutions Commission regulates or supervises;
- (i) attorney client privileged communications or attorney work product;
- (j) judicial deliberations; or
- (k) information related to informal negotiations or discussions that take place as a part of the decision making process of a governing body prior to a meeting where a final action is made; however, any negotiations or discussions that take place during a meeting in which a final action is taken shall be conducted in accordance with § 902; and
- (l) information related to a declared and confirmed State of Emergency in accordance with the Constitution of the Republic.

Source

RPPL 9-32 § 8, modified.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.
Akitaya v. Obichang, 2019 Palau 8 ¶¶ 1, 9, 15 n.5.

§ 906. Records and government documents open to public.

(a) Within ten (10) days of any request, all public records produced by a governing body shall be available [to] any person during regular business hours, unless the disclosure will take more time to produce due to exceptional circumstances or the volume of information requested, is in violation of the Constitution of the Republic, other law of the Republic, or is exempted under this chapter.

(b) All governing bodies shall develop procedures in order to promptly comply with the ten (10) day requirement. The person requesting access to public records shall bear the reasonable cost associated with the production.

Source

RPPL 9-32 § 9, modified.

Notes

The bracketed [to] in subsection (a) replaced the word “by” in the original legislation per Code Commission.

Shnull v. Ngiraingas, 2021 Palau 3 ¶¶ 2, 9, 11.

Akitaya v. Obichang, 2019 Palau 8 ¶¶ 1, 9.

§ 907. Penalties; remedies.

(a) Any person who seeks the disclosure of public records or government documents, or is wrongfully denied access to a meeting of a governing body, may undertake any legal action necessary for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

(b) Each member of a governing body who attends a meeting of a governing body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for all subsequent offenses. The civil penalty shall be assessed by a judge of the Palau Supreme Court in a successful action to enforce this chapter. A violation of this chapter shall not constitute a criminal offense and the assessment of this civil penalty shall not give rise to any disability or legal disadvantage based upon conviction of a criminal offense.

(c) Any person responsible for the failure to timely disclose a public record shall be jointly and severally personally liable in the form of a civil penalty in the amount of five

hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for all subsequent offenses. The civil penalty shall be assessed by a judge of the Palau Supreme Court in a successful action to enforce this chapter. A violation of this chapter shall not constitute a criminal offense and the assessment of the civil penalty shall not give rise to any disability or legal disadvantage based upon conviction of a criminal offense.

(d) Any person who prevails against a governing body in any action in the Palau Supreme Court to enforce a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action.

(e) Any governing body that prevails in defense of a civil action for a violation of this chapter may be awarded reasonable expenses and attorney fees if the Palau Supreme Court also finds that the commencement of such civil action was frivolous and advanced without reasonable cause.

Source

RPPL 9-32 § 10, modified.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.

Akitaya v. Obichang, 2019 Palau 8 ¶ 1.

§ 908. Severability.

If any provision of this chapter is found to be invalid or unconstitutional by a court of competent jurisdiction, then the offending part or portions may be severed from the rest of the bill and the remaining parts or portions shall continue in full force and effect.

Source

RPPL 9-32 § 11, modified.

Notes

Shmull v. Ngiraingas, 2021 Palau 3 ¶ 2.

Akitaya v. Obichang, 2019 Palau 8 ¶ 1.

Chapter 10
Palau National Code Commission

- § 1001. Establishment of Commission.
- § 1002. Duties of Commission.
- § 1003. Enactment by Congress.
- § 1004. United States federal grants.

§ 1001. Establishment of Commission.

There is hereby established a Palau National Code Commission to be composed of the Chief Justice of the Supreme Court, the Attorney General, the Public Defender, the Senate Legislative Counsel, the House of Delegates Legislative Counsel, and a representative of the Palau Bar Association to be selected by the members of the Palau Bar Association.

Source
RPPL 1-34 § 1.

§ 1002. Duties of Commission.

The Commission shall compile, revise, codify and publish all session laws, statutes, and other general and permanent laws of the Republic of Palau. In preparing the Palau National Code the Commission may:

- (a) Number and renumber titles, chapters, sections and parts of sections;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered titles, chapters, parts or sections;
- (d) Substitute the proper section, title or chapter numbers for the term “the preceding section,” and like terms;
- (e) Strike out figures where they are merely a repetition of written words;
- (f) Change capitalization for the purpose of uniformity;

- (g) Correct manifest clerical or typographical errors;
- (h) Change titles of officers, agencies and entities in conformity with the organization and responsibilities of the Republic of Palau;
- (i) Omit obsolete laws and laws inconsistent with the Constitution of the Republic of Palau;
- (j) Make such other changes in any act as shall be necessary to conform the style thereof as near as may be with the style of the Code; provided, that in making such revision, the Commission shall not alter the sense, meaning or effect of any act; and
- (k) May hire any staff necessary to assist the Commission to perform its task.

Source
RPPL 1-34 § 2, modified.

§ 1003. Enactment by Congress.

Upon the publication of the Palau National Code, the Palau National Code Commission shall transmit the Code to the Olbiil Era Kelulau for consideration and enactment. The Olbiil Era Kelulau may make such modifications and amendments to the Code as it deems necessary.

Source
RPPL 1-34 § 3.

§ 1004. United States federal grants.

The Palau National Code Commission is authorized to receive United States federal grants on behalf of the Republic of Palau for the performance of its responsibilities. The National Federal Programs Coordinator of the Republic of Palau shall assist the Commission in securing such funds.

Source
RPPL 1-34 § 4.