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REPUBLIC OF MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

AMON TIBON,)
)
 Plaintiff,)
)
 -vs-)
)
)
 ROBBIE CHUTARO and)
 EOJIM MELLA,)
)
 Defendants.)
)
 _____)

CIVIL ACTION CASE NO. 2006-138

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT

MEMBERS OF COURT PANEL:

WALTER K. ELBON, CHIEF JUDGE
NIXON DAVID, ASSOCIATE JUDGE
GRACE LEBAN, ASSOCIATE JUDGE

DATE OF COURT PANEL'S HEARING:

JULY 30TH & 31ST, 2013 AND AUGUST 12TH, 2013

HEARING VENUE: ULIGA COURTHOUSE, MAJURO ATOLL

The question put before the panel of the Traditional Rights Court for answer is, "WHO IS THE PROPER PERSON(S) TO HOLD THE LAND TITLE OF DRI JERBAL OR SENIOR DRI JERBAL ON BOKANBUTIN ISLAND, MAJURO ATOLL?".

Information considered by panel as accurate:

1. The genealogy charts presented by both parties as Plaintiff Exhibit 'B' and Respondent Exhibit '2', demonstrate that Bokanbutin Island is Imon Bwij. The Imon Bwij descended from Lantak (female) and continued down to her two daughters, Likjer (older bwij) and Julia (younger bwij). Lantak also had sons who were also entitled to the alap title according to their descend list from the eldest to the youngest.

2. Within a Jidrak in Bwij, which comprised of both males and females, it is customary that the children of a female will inherit the right of an alap, and the children of a male shall inherit the right of a dri jermal (Decision from TRC H/C Civil No. 2006-078).
3. In her testimony, Leroij Takbar Ishiguro testified that she recognizes the children of the males to be the rightful holder of the dri jermal title in a Imon Bwij.

Action Taken:

Question as presented: Who is the proper person between Leslie Tibon and Robbie Chutaro, and those that are included in each party, to hold the Dri Jermal or Senior Dri Jermal land title on Bokanbutin Island?

Opinion in answer to question as presented: Leslie Tibon

Brief Statement of Reasoning on which Opinion in answer to Question presented was based:

The Complaint in this matter was presented and filed on October 9, 2006, Charles Tibon and Amon Tibon, the Plaintiffs, against Robbie Chutaro and Eojim Mella, the Defendants. Based on the evidence presented during the trial, it is clear to the members of the TRC Panel that Bokanbutin Island is Imon Bwij. This Imon Bwij originated from Lantak (female). Amongst the children of Lantak there were two daughters, and other sons. Likjer was the eldest of Lantak's children, and was therefore, considered the elder Jirak in Bwij and Julia, the younger daughter, was considered the younger Jirak in Bwij. The sons of Lantak, beginning with Zedkehia, inherited the alap title and not the dri jermal title because there exists, a Jirak in Botoktok within the Bwij of Likjer. Likjer had three children, Tibon (male), Litaide (female), and Jolet (male), as indicated in the Menmennbwij. The younger siblings of Lantak - Zedkehia, Lokoje, Ablos, Lojkon, and Julia, did not have the authority to appoint another person to be the Dri Jermal or Senior Dri Jermal beside Tibon, as he is the Jidrak in Botoktok, and so Tibon and his children and grandchildren will inherit the right of the Dri Jermal or Senior Dri Jermal for they are the eldest, or for they are the leading males. None of the children of Likjer's brothers ever contested the knowledge that Tibon and his children are Dri Jermal on Bokanbutin Islands.

Plaintiff Exhibit G, the Land Determination of Majuro Atoll 1959, declares that Labi, who was the eldest son of Tibon was the Dri Jerbal on Bokanbutin Island. Iroij Edrik Lanjen and Alap Likjer did not contest the declaration on the Majuro 1959 Land Determination. This shows that Labi was the proper person to have hold the Dri Jerbal title on Bokanbutin Islands until his death on 1997 (Plaintiff Exhibit 'E' – Death Certificate). Clarence who was younger than Labi may have been authorized to carry on the duties of Dri Jerbal while Labi was away from Majuro Atoll. Charles Tibon, the youngest amongst Labi's generation, and who outlived Labi, became the proper person to hold the Dri Jerbal title after the death of Labi in 1997. Charles Tibon was the rightful holder of the Dri Jerbal title on Bokanbutin Islands until he passed away in 2008 (death certificate, Plaintiff Exhibit 'F'). The Leroij of Bokanbutin, Takbar Ishiguro stated in her testimony that according to Marshallese custom, in Imon Bwij, the children of a women will inherit the Alap title and the children of men will inherit the Dri Jerbal title. Luana stated in her testimony that after Eojim Mella has passed away, she will become the Alap. She also testified that she only had knowledge of the Tibon's family as the Dri Jerbal on Bokanbutin Islands.

Amon Tibon, who was authorized to sit in for the deceased Charles Tibon, and Leslie Tibon who is currently in the Unites States, was not contested by the children of Labi in his representation. According to his testimony, Amon Tibon stated that he recognizes Eojim Mella as the current Alap for Bokanbutin Island.

THEREFORE, the members of the Traditional Rights Court Panel, after hearing the matter, finds that Leslie Tibon is the proper and rightful person to hold the Dri Jerbal or Senior Dri Jerbal title on Bokanbutin Island, because he is the eldest surviving and leading person amongst the grandchildren of Tibon.

Names and addresses of witnesses for the Plaintiff:

- 1. Tokbar Ishiguro**
- 2. Betty Tibon Imaikata**
- 3. Luana Lokeijak**
- 4. Amon Tibon'**

Names and addresses of witnesses for the Defendant:

1. Gushi Chutaro
2. Eojim Mella
3. Robbie Chutaro

Important Items and Tangible and Documentary Evidence Received

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|--------------------------|---|
| 1. Plaintiff Exhibit A | Civil Action No. 8 |
| 2. Plaintiff Exhibit B | Menmenbwij |
| 3. Plaintiff Exhibit C | Tibon Kalimur |
| 4. Plaintiff Exhibit D | Eojim Mella's document on Monak Retle and Rear, Bokanbutin Island |
| 5. Plaintiff Exhibit E | Death Certificate of Labi Tibon |
| 6. Plaintiff Exhibit F | Death Certificate of Charles Tibon |
| 7. Plaintiff Exhibit G | Land Determination of Majuro Atoll 1959 |
| 8. Plaintiff Exhibit H | Death Certificate of Clarence Tibon |
| 9. Respondent Exhibit 1 | Civil Action No. 8 |
| 10. Respondent Exhibit 2 | Genealogy Chart |
| 11. Respondent Exhibit 3 | Deed and Bill of Sale 1984 |
| 12. Respondent Exhibit 4 | Jokon Laniar's document regarding Monak Retle and Rear on Bokanbutin Island |
| 13. Respondent Exhibit 5 | Deed and Bill of Sale |

Other matters the Court Panel deems important to make known:

Plaintiff Exhibit 'C', Labi's Kalimur. The Panel took into evidence Plaintiff Exhibit 'C', as presented by the Plaintiff, without any objection from the Defendants. However, before the Counsels' Closing Statements, the Defense's Counsel asked the Court Panel if witness Eojim Mella could be recalled to be re-examined with regards to Plaintiff Exhibit 'C'. The Defense Counsel made this request based on TRC Rule 15. The ruling of the Panel is that the Defendants discuss this matter during the TRC Rule 9 of this case.

Leroij Takbar Ishiguro stated in her testimony that she changes her mind and further withdraws her signature from the Deed and Bill of Sale, or Respondent Exhibit '5'. Leroij Takbar Ishiguro's requested her signature on the Deed and Bill of Sale to be stricken out because she claims she had not seen the Kalimur of Tibon Ladren of 1978, and because she thought the extended family was aware and had approved the Deed and Bill of Sale. However, apparently, the family of Tibon Ledren had no knowledge of the document.

During Jokon Laninar's reign as Alap, he did not have the right to make any changes on the land without consulting the family, such as the children and grandchildren of the Bwij and the children and grandchildren of the Botoktok. During the event whereby there are surviving males members of the elder Bwij of Likjer, such as the children and grandchildren of Tibon Ledren, it is not proper for Jacob Maun, the son of Julia or the younger Bwij to have signed as indicated on Respondent Exhibit '4', or the letter of disclamation of Jokon Laninar of June 9, 1986. The TRC Panel recognizes Labi Tibon as the proper person to hold the Dri Jerbal title on Bokaubutin during the year 1986.

Dated: 09/25/2013

/S/

Walter K. Elbon
Presiding Judge of the Panel
Traditional Rights Court

/S/

Nixon David
Judge of the Panel
Traditional Rights Court

/S/

Grace Leban
Judge of the Panel
Traditional Rights Court