

**TITLE 2
THE EXECUTIVE**

**Chapter 1
Organization**

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§ 101. Short title.

This chapter may be cited as the “Executive Branch Organization Act.”

Source
PL 7-8-8 § 1, modified.

§ 102. Ministries.

- (a) The major departments of the Executive branch of the national government shall be:

- (1) the Ministry of State;
- (2) the Ministry of Justice;
- (3) the Ministry of Public Infrastructure, Industries and Commerce;
- (4) the Ministry of Finance;
- (5) the Ministry of Health;
- (6) the Ministry of Education; and
- (7) the Ministry of Community and Cultural Affairs;
- (8) the Ministry of Natural Resources, Environment, and Tourism.

(b) The heads of these departments shall be referred to as ministers and shall be members of the President's cabinet.

Source

PL 7-8-8 § 2, as amended by RPPL 3-30 § 3, modified. Amended by RPPL 6-26 § 33. Amended by RPPL 7-43 § 2.

Notes

ROP v. Etpison, 5 ROP Intrm. 313, 316 (Tr. Div. 1995).

PL 7-8-8 § 2 (c),(d) titled "Ministry of National Resources" and "Ministry of Social Services" were repealed by RPPL 3-30 § 2. Five ministries: Ministry of Resources and Development; Ministry of Commerce and Trade; Ministry of Health; Ministry of Education and Ministry of Community and Cultural Affairs, were created by RPPL 3-30 § 3. Subsection (a)(4) "Ministry of Finance" read "Ministry of Administration" and was amended by RPPL 6-26 § 33. RPPL 3-30 § 5 "Ministry of Commerce and Trade" was repealed by RPPL 7-43 § 5. 2 PNC § 106 "Ministry of Resources and Development" was split into two ministries: "Ministry of Public Infrastructure, Industries and Commerce" and "Ministry of Natural Resources, Environment, and Tourism" by RPPL 7-43 § 2. The functions of Ministry of Resources and Development and Ministry of Commerce and Trade were split up into the new ministries.

§ 103. Appointment of ministers.

Ministers shall be appointed by the President with the advice and consent of the Senate and shall serve at the will of the President. A nomination for the appointment of a minister shall be deemed withdrawn from the Senate by the President if the Senate does not give its consent within sixty (60) calendar days from the day the Senate receives the nomination from the President.

Source

PL 7-8-8 § 3, modified.

Cross-reference

ROP Const. art. IX, § 5(8).

§ 104. Functions of Ministry of State.

The Ministry of State shall be responsible for national defense, treaty matters, relations between the national and state governments, relations with other nations, the United Nations and other international organizations, and related matters.

Source

PL 7-8-8 § 4(1), modified.

Notes

Allied Boston Bank, Inc. v. Registrar of Corps., 10 ROP 198, 200, 201 (Tr. Div. 2002).

§ 105. Functions of Ministry of Justice.

(a) The Ministry of Justice shall be responsible for providing legal services to the national government and its agencies and political subdivisions, promoting and protecting the safety and peace of the public, maintaining order, enforcing all laws, labor, and related matters.

(b) There is hereby established a Bureau of Labor and Human Resources, under the Ministry of Justice, which shall be responsible for labor and the effective utilization of human resources. The Bureau of Labor and Human Resources shall have all of the powers, duties, and responsibilities of the former Division of Labor and the former Bureau of Human Resources and Development; and the Bureau of Labor and Human Resources shall follow the rules and regulations promulgated by the former Division of Labor. The Bureau of Labor and Human Resources may amend the current Labor rules and regulations, in accordance with 6 PNC Chapter 1, to properly carry out its duties and responsibilities.

Source

PL 7-8-8 § 4(2), modified. Amended by RPPL 9-14 § 3.

Notes

Foreign Investment Board v. OEK, 5 ROP Intrm. 344, 346 (Tr. Div. 1996).
Koror v. Blanco, 4 ROP Intrm. 208, 214 (1994).

ROP v. Sakuma, 2 ROP 23, 29 (1990).

§ 106. Functions of Ministry of Public Infrastructure, Industries and Commerce.

The Ministry of Public Infrastructure, Industries and Commerce shall be responsible for the maintenance, operation, engineering, and design of government-owned facilities and equipment, including public utilities; public works; capital improvement projects; infrastructure; lands; surveys; land, sea, and air transportation, including ports; communications; and for other related matters.

Source

PL 7-8-8 § 4(3), repealed by RPPL 3-30 § 2. RPPL 3-30 § 4. Subsection (b) was added by RPPL 5-7 § 34(4). Subsection (b) amended by RPPL 6-26 § 17(b). Subsection (c)(1) through (c)(13) was added by RPPL 6-26 § 17(a). Subsection (d) was added by RPPL 6-37 § 17, modified. Amended by RPPL 7-43 § 2.

§ 107. Functions of Ministry of Health.

The Ministry of Health shall be responsible for promoting and protecting the public health, providing clinical medical services to the public, operating and managing public medical facilities, and related matters.

Source

RPPL 3-30 § 6.

§ 108. Functions of Ministry of Finance.

The Ministry of Finance shall be responsible for the administration and management of government finance, revenue, personnel, property, and related matters.

Source

PL 7-8-8 § 4(5), modified. “Ministry of Finance” read “Ministry of Administration” and was amended by RPPL 6-26 § 33.

§ 109. Subdivisions of Ministries.

The President shall provide for subdivisions of ministries and prescribe their duties, responsibilities and functions by executive order and consistent with the provisions of this section.

Source

PL 7-8-8 § 4(6), modified.

§ 110. Executive offices and agencies; appointment of heads.

The President may by executive order establish offices and agencies within the Executive branch and prescribe their duties, responsibilities and functions to assist the President, Vice President and ministers in the performance of their duties, responsibilities and functions. Heads of such offices and agencies shall be appointed by and serve at the will of the President. Heads of such offices and agencies shall not be empowered to exercise any authority over a minister or ministry or perform any duty, responsibility or function of a ministry.

Source

PL 7-8-8 § 5, modified.

§ 111. Staff of President and Vice President.

The President and Vice President may each appoint staff to serve within their respective offices. Such staff shall serve at the respective wills of the President and Vice President. Such staff shall not be empowered to exercise any authority over a minister or ministry or perform any duty, responsibility or function of a ministry.

Source

PL 7-8-8 § 6.

Notes

Kingon v. ROP, 2 ROP Intrm. 72, 73, 76 (1990).

§ 112. Compensation of ministers and heads of offices and agencies.

Heads of major executive departments and offices and agencies established by executive order shall receive compensation prescribed by law; provided that the President may prescribe such compensation by executive order for heads of such departments, offices and agencies prior to the Olbiil Era Kelulau enacting laws to prescribe their compensation.

Source

PL 7-8-8 § 7.

Cross-reference

For statutory provision establishing the salaries of Ministers, see § 403 of this title.

§ 113. Executive orders promulgated under this chapter.

Executive orders promulgated pursuant to the provisions of this chapter shall be made available to the Olbiil Era Kelulau and Judiciary no later than ten (10) days from the date of promulgation.

Source
PL 7-8-8 § 8, modified.

§ 114. Transition; Palau District officers.

District officers shall not become heads of divisions within major executive departments and offices and agencies established by executive order unless appointed to such positions subsequent to the effective date of this chapter.

Source
PL 7-8-8 § 9(2), modified.

§ 115. [Repealed]

Source
RPPL 3-30 § 5. Repealed by RPPL 7-43 § 5.

§ 116. Functions of Ministry of Education.

The Ministry of Education shall be responsible for managing, operating, and promoting the public elementary and secondary schools systems throughout the Republic, developing and implementing educational curriculum and standards, and related matters.

Source
RPPL 3-30 § 7.

§ 117. Functions of Ministry of Community and Cultural Affairs.

The Ministry of Community and Cultural Affairs shall be responsible for the development and promotion of cultural and historical resources, including museum facilities, the management and development of park and recreation facilities and programs, the management and development of social welfare programs, including youth affairs and programs for the aged, and related matters.

Source
RPPL 3-30 § 8.

§ 118. Bureau of Revenue, Customs, and Taxation.

There is hereby created a Bureau of Revenue, Customs, and Taxation under the Ministry of Finance. All duties and responsibilities of the Bureau of the National Treasury pertaining to collecting revenue, customs, and taxes shall be transferred to the Bureau of Revenue, Customs, and Taxation.

Source
RPPL 4-10 § 22, modified. See 40 § 1002(h), definition of Director.

Notes
“Ministry of Finance” read “Ministry of Administration” and was amended by RPPL 6-26 § 33, *see* 2 PNCA § 108.

§ 119. Local revenues analysis.

The Director of the Bureau of the National Treasury shall submit and furnish copies of daily cash collection reports to the presiding officers of the Olbiil Era Kelulau. These daily reports shall be submitted together at the beginning of each month and shall show collections and accounts receivable. The reports shall also show all delinquent taxes, divided into the following categories: over thirty (30) days, over ninety (90) days, and over one hundred twenty (120) days.

Source
RPPL 4-10 § 32, modified. Amended by RPPL 5-7 § 63, modified.

§ 120. Audit of Ministry of Public Infrastructure, Industries and Commerce projects.

(a) Within thirty (30) days after the effective date of this section, and at least once every quarter thereafter, the Ministry of Public Infrastructure, Industries and Commerce shall submit to the President and the presiding officers of the Olbiil Era Kelulau a status report describing all projects for which the Ministry has the responsibility for allocating or administering funds. The report shall indicate:

- (1) the amount of money appropriated or otherwise allocated for the project;
- (2) the amount of money spent on the project to date;

- (3) the names of outside contractors hired to work on the project, if any, and the value of the contract awarded to each contractor;
 - (4) the percentage of the work that has been completed on the project to date;
 - (5) the estimated completion date; and
 - (6) if the project is completed, the amount of money that has reverted to the National Treasury.
- (b) Within ten (10) days after completion of a project for which the Ministry is responsible, the Minister shall notify in writing the Ministry of Finance and the Olbiil Era Kelulau.
- (c) Funds appropriated by the Olbiil Era Kelulau for capital improvement projects may only be used to perform work on the project. The Ministry of Public Infrastructure, Industries and Commerce may not use any of the funds so appropriated for administrative or other costs incurred by the Ministry.

Source

RPPL 5-7 § 60, effective October 3, 1997, modified.

Notes

“Ministry of Finance” read “Ministry of Administration” and was amended by RPPL 6-26 § 33, *see* 2 PNCA § 108. “Ministry of Public Infrastructure, Industries and Commerce” in subsections (a) and (c) read “Ministry of Resources and Development” and was amended by RPPL 7-43 § 2, *see* 2 PNCA § 102.

Cross-reference

For projects financed by the Olbiil Era Kelulau generally, *see* 40 PNCA § 401.

§ 121. Functions of Ministry of Natural Resources, Environment, and Tourism.

- (a) The Ministry of Natural Resources, Environment, and Tourism shall be responsible for the promotion, exploration, exploitation, development, and management of the natural resources of the Republic, including marine and fisheries, agriculture, aquaculture, forests, mineral and other land-based and ocean-based resources; as well as the promotion and development of tourism, and the protection and management of the environment; and for other related matters.
- (b) The Ministry of Natural Resources, Environment, and Tourism shall provide monetary and technical assistance to state governments on a nondiscriminatory and

equitable basis, to further the goals of the Ministry.

(c) The Bureau of Marine Resources, under the Ministry of Natural Resources, Environment, and Tourism, shall be headed by a Director who shall be responsible for exploring, surveying, developing, managing and conserving all near shore marine resources. Specifically, the Director shall:

- (1) Continue efforts to develop inshore fisheries by transferring modern fishing techniques to Palauan fishermen for the purpose of enhancing subsistence and commercial fishing;
- (2) Promote and develop commercialization of fisheries and fishery value added products;
- (3) Assisting the development of fisheries infrastructure and programs at the state level;
- (4) Continue the exploration of other species of high value, such as deep water fish, crabs, shrimp and squid for potential commercial development;
- (5) Explore seabed mineral resources within the continental shelf in the Republic of Palau;
- (6) Conduct pilot programs with the aim of promoting and developing commercialization of fisheries and fishery products;
- (7) Establish programs to hatch and rear identified species of fish, mollusks, crustaceans, and turtles to be returned to their natural habitats at maturity as a means of preventing the depletion of such important marine resources;
- (8) Assess and evaluate the commercial viability of various reef and deep water fish, baitfish, mollusks, crustaceans, turtles, and other marine and aquatic life from catch records, census and quantitative field measurements;
- (9) Assist the Minister of Natural Resources, Environment, and Tourism and the Palau Fisheries Advisory Committee ("PFAC") in the development and implementation of a comprehensive fisheries policy and in the negotiation of multilateral, sub-regional, and bilateral fisheries agreements;
- (10) Assist the Minister of Natural Resources, Environment, and Tourism and the PFAC in formulating, establishing and implementing guidelines and conservation measures to safeguard against the over-exploitation and over-harvesting of near shore marine resources;

(11) Provide technical assistance and advisory services to local fishing cooperatives in the purchasing, handling and marketing of fish and other marine products both locally and outside the Republic of Palau;

(12) Provide staff support and administrative assistance to the PFAC; and

(13) Maintain and operate the Palau Mariculture Demonstration Center, in order to enhance marine biological research, study and experimentation of mariculture and aquaculture fisheries.

(d) Money paid to the National Government under the “Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America” and certain Annexes thereto and labeled or set aside as the “Project Development Fund” (“PDF”) shall only be used for fishing, aquaculture and mariculture projects, and shall not be used for travel expenses. The section of RPPL No. 6-37 entitled ‘Apportionment and Allotment’ shall not apply to this PDF, which shall be allocated by the President to the Director of Marine Resources who shall distribute the PDF to various projects as requested by the states. The Director shall institute a method of rotation to ensure fair distribution of money to all sixteen states. At a minimum, this rotation shall ensure that if PDF funds are insufficient to fund all projects within a given year, states that received funding in the previous year shall not again have projects funded unless all other project requests have been fulfilled. The Director of Marine Resources shall submit a yearly report to the Olbiil Era Kelulau setting forth all the expenditures from the PDF.

(e) There is hereby established a Bureau of Labor and Human Resources, under the Ministry of Natural Resources, Environment, and Tourism, which shall be responsible for labor and the effective utilization of human resources. The Bureau of Labor and Human Resources shall have all of the powers, duties, and responsibilities of the former Division of Labor and the former Bureau of Human Resources and Development; and the Bureau of Labor and Human Resources shall follow the rules and regulations promulgated by the former Division of Labor. The Bureau of Labor and Human Resources may amend the current Labor rules and regulations, in accordance with 6 PNC Chapter 1, to properly carry out its duties and responsibilities.

Source

RPPL 7-43 §§ 2 & 3, modified. Subsection (a) is amended by RPPL 9-14 § 4.

Cross-reference

For general amendments to Division of Labor and Chief of Division of Labor, see RPPL 7-43 § 3. For state grants-in-aid generally, *see* 5 PNCA § 301.

**Chapter 2
Functions of the President**

- § 201. Definitions.
- § 202. Transfer of functions from Trust Territory to Republic.
- § 203. Delegation of functions.
- § 204. Scope of authority.
- § 205. Functions performed by executive officials of Trust Territory Government.
- § 206. Functions performed by District Administrator.

§ 201. Definitions.

In this chapter:

- (a) “Function” means any executive duty, responsibility, authority or discretion transferred to or vested in the President.
- (b) “Perform” means exercise.

Source

PL 7-8-7 § 1, rewritten and modified.

Commission Comment

This section replaces PL 7-8-7 § 1, which states: “As used in this act, the term ‘function’ embraces any executive duty, responsibility, authority, or discretion transferred to or vested in the President of the Republic of Palau, and the term ‘perform’ or ‘performance’ may be construed to mean ‘exercise.’”

§ 202. Transfer of functions from Trust Territory to Republic.

The President is authorized and empowered to accept and perform executive functions transferred from the Trust Territory Government to the Republic pursuant to Secretarial Order No. 3039.

Source

PL 7-8-7 § 2.

Commission Comment

Executive functions transferred from Trust Territory Government to the Republic, pursuant to Secretarial Order No 3039, are found in Transfer Agreements executed by High Commissioner and President of the Republic of Palau.

§ 203. Delegation of functions.

The President is authorized to designate and empower the Vice President, or any other cabinet member or the head of any department, office, or agency in the Executive branch, to perform, without approval, ratification, or other action by the President, any executive function which is transferred from the Trust Territory Government to the Republic, or any function which is vested in the President by law; provided that nothing contained herein shall relieve the President of his responsibility in office for acts of any official designated by him to perform such functions. Such designation shall be in writing, shall be made available to the Olbiil Era Kelulau and the Judiciary, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

Source

PL 7-8-7 § 3, modified.

Notes

Allied Boston Bank, Inc. v. Registrar of Corps., 10 ROP 198, 200 (Tr. Div. 2002).

§ 204. Scope of authority.

The authority conferred by this chapter shall apply to any function transferred to the President pursuant to Secretarial Order No. 3039 or vested in the President by law, if such law does not affirmatively prohibit delegation of the performance of such function or specifically designate the officer or officers to whom it may be delegated. This chapter shall not be deemed to limit or derogate from any existing or inherent right of the President to delegate the performance of functions vested in him by law, and nothing herein shall be deemed to require express authorization in any case in which such official would be presumed in law to have acted by authority or direction of the President.

Source

PL 7-8-7 § 4, modified.

§ 205. Functions performed by executive officials of Trust Territory Government.

Whenever any provision of Trust Territory law consistent with the Constitution of the Republic provides for the performance of a function by an executive official of the Trust Territory Government, the function shall be performed by an executive official of the national government of the Republic upon the transfer of such function from the Trust Territory Government to the Republic. Such function shall be performed by the President or an official designated and

empowered to perform such function pursuant to the provisions of this chapter and shall be performed pursuant to applicable law.

Source

PL 7-8-7 § 5, modified.

§ 206. Functions performed by District Administrator.

Duties, responsibilities and functions formerly of the District Administrator that are consistent with the Constitution shall be assumed and performed by the President in a manner consistent with law.

Source

PL 7-8-8 § 9(1), modified.

**Chapter 3
Presidential Succession**

§ 301. Short title.

§ 302. Vacancy in the Presidency; order of succession.

§ 303. Vacancy in the Vice Presidency due to Vice President's succession to the Presidency.

§ 304. Vacancy in the Vice Presidency other than from Vice President's succession to the Presidency.

§ 305. Time vacancy occurs.

§ 301. Short title.

This chapter may be cited as the "Presidential Succession Act."

Source

RPPL 1-45 § 1, modified.

§ 302. Vacancy in the Presidency; order of succession.

(a) In the event that the Presidency becomes vacant due to death, resignation or disability and one hundred eighty (180) days or fewer remain in the term, the Vice President shall succeed to the Presidency for the remaining term. In the event that the Presidency becomes vacant due to impeachment or recall, the Vice President shall succeed to the Presidency for the remaining term.

(b) If at the time a vacancy occurs in the Presidency there is no Vice President, President of the Senate or Speaker of the House of Delegates, or neither the President of the Senate nor the Speaker of the House of Delegates qualifies as President of the Republic at the time of the vacancy, the order of succession to the Presidency shall be as follows: Minister of State; Minister of Justice; Minister of Natural Resources; Minister of Social Services; Minister of Finance.

(c) The taking of the oath of office by a minister shall be held to constitute resignation from the ministry.

Source

RPPL 1-45 § 2, modified.

Notes

Ministry of National Resources; Ministry of Social Services were repealed by RPPL 3-30 § 2. Ministry of Administration in subsection (b) is changed to Ministry of Finance by RPPL 6-26 § 33, *see* 2 PNCA § 102.

Cross-reference

ROP Const., Art. VIII, § 11.

§ 303. Vacancy in the Vice Presidency due to Vice President's succession to the Presidency.

In the event that the Vice Presidency becomes vacant due to death, resignation, disability, impeachment or recall of the President, the former Vice President, who has succeeded to the Presidency under subsection (a) of 2 PNC § 302, shall appoint a new Vice President. Should the former Vice President, as acting President, choose to appoint as a new Vice President any person who is currently serving as a member or officer of the national government or state government, that person must resign from his or her current position in order to succeed to the Vice Presidency.

Source

RPPL 1-45 § 3, modified. Amended in its entirety by RPPL 7-40 § 3.

Notes

RPPL 7-40 is specified in Section 4 as taking effect on January 1, 2009.

§ 304. Vacancy in the Vice Presidency other than from Vice President's succession to the Presidency.

In the event that the Vice Presidency becomes vacant due to the death, resignation, disability, impeachment or recall of the Vice President, the President of the Republic of Palau shall appoint a new Vice President. Should the President choose to appoint as a new Vice President any person who is currently serving as a member or officer of the national government or a state government, that person must resign from his or her current position in order to succeed to the Vice Presidency.

Source

RPPL 1-45 § 4, modified. Amended in its entirety by RPPL 7-40 § 2, modified.

Notes

RPPL 7-40 is specified in Section 4 as taking effect on January 1, 2009.

§ 305. Time vacancy occurs.

For the purposes of this chapter, the time a vacancy occurs shall be established as follows:

- (a) In the case of death, the vacancy occurs at the time of death.
- (b) In the case of resignation, the vacancy occurs at the time a written declaration, signed by the person resigning, is delivered to the Office of the Ministry of State.
- (c) In the case of disability, the vacancy occurs at the time a written declaration, signed by the President or Vice President and stating that he is unable to discharge the powers and duties of his office, is delivered to the President of the Senate and the Speaker of the House of Delegates.
- (d) In the case of impeachment, the vacancy occurs at the time the votes of the Olbiil Era Kelulau are tabulated and results made official.
- (e) In the case of recall, the vacancy occurs at the time the votes are tabulated and results made official.

Source

RPPL 1-45 § 5, modified.

**Chapter 4
Compensation**

§ 401. [Repealed]

§ 402. [Repealed]

§ 403. [Repealed]

§ 401. Salary of President.[Repealed]

Source

PL 7-7-6 § 1(1), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

For constitutional provision mandating that the compensation of the President be established by law, see ROP Const., Art. VIII, § 8.

Notes

Section 3 of RPPL 4-36 amended 33 PNC § 702 to include new salaries for the President, Vice President and Ministers.

ROP v. Etpison, 5 ROP Intrm. 313, 316 (Tr. Div. 1995).

§ 402. Salary of Vice President.[Repealed]

Source

PL 7-7-6 § 1(2), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

For constitutional provision mandating that the compensation of the Vice President be established by law, see ROP Const., Art. VIII, § 8.

Notes

Section 3 of RPPL 4-36 amended 33 PNC § 702 to include new salaries for the President, Vice President and Ministers.

ROP v. Etpison, 5 ROP Intrm. 313, 316 (Tr. Div. 1995).

§ 403. Salaries of Ministers.[Repealed]

Source

RPPL 1-6 § 1, modified. Repealed by RPPL 4-36 § 4.

Notes

Section 3 of RPPL 4-36 amended 33 PNC § 702 to include new salaries for the President, Vice President and Ministers.

Cross-reference

For statutory provision providing that compensation of ministers and officers be established by law, see §112 of this title.

**Chapter 5
Special Prosecutor**

- § 501. Short title.
- § 502. Office of the Special Prosecutor; creation; appointment; removal.
- § 503. Powers and duties of Special Prosecutor; independent nature of office.
- § 504. Accounting and appropriations.
- § 505. Special Prosecutor salary.
- § 506. Severability.

§ 501. Short title.

This chapter shall be known and may be cited as the “Special Prosecutors Act.”

Source

RPPL 2-7 § 1, modified.

Notes

- Olikong v. ROP, 8 ROP Intrm. 250, 251, 254 (2000).
- Kotaro v. ROP, 7 ROP Intrm. 57, 58 (1998).
- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
- ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
- ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 502. Office of the Special Prosecutor; creation; appointment; removal.

There is hereby created an Office of the Special Prosecutor for the Republic of Palau. The Office shall be headed by a Special Prosecutor appointed for a term of five years by the President with the advice and consent of the Senate and shall be within the Office of the President for budget purposes only. The Special Prosecutor shall within 30 days of assuming office, become licensed to practice law before the courts of the Republic as a condition of retaining office. Rule 3 of the Palau Rules of Admission for Attorneys shall be modified so that he may practice law in Palau as a Special Prosecutor for 5 years without taking the Palau bar examination. The Special Prosecutor will not be removed from his duties except for cause and without the President’s first consulting the President of the Senate and the Speaker of the House of Delegates and ascertaining that their consensus is in accord with his proposed action. The President must appoint a Special Prosecutor within 30 days of receipt of a Joint Resolution from the Olbiil Era Kelulau requesting such appointment. In the event of the President fails to so appoint, the Olbiil Era Kelulau may appoint a Special Prosecutor by Joint Resolution of the Olbiil Era Kelulau

pursuant to Article IX, Section 5(20) of the Constitution of the Republic.

Source

RPPL 2-7 § 2, as amended by RPPL 3-33 § 1(1), modified.

Notes

Olikong v. ROP, 8 ROP Intrm. 250, 251, 252 (2000).

Kotaro v. ROP, 7 ROP Intrm. 57, 59, 60 (1998).

ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).

ROP v. Sisor, 3 ROP Intrm. 376, 377 (Tr. Div. 1991).

ROP v. Sakuma, 2 ROP Intrm. 55, 55 (1990).

ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 503. Powers and duties of Special Prosecutor; independent nature of office.

(a) The Special Prosecutor shall have the following powers, functions and duties:

(1) receive complaints of, investigate, and prosecute any and all allegations of violations of the Constitution and laws of the Republic of Palau;

(2) to investigate and act as the prosecutor for the national government in any other case in which the Ministry of Justice or the Office of the Attorney General is unable to investigate or prosecute because of an actual or potential conflict of interest or other ethical considerations;

(3) to inspect personally, or by his or her duly authorized assistants, all books, records, accounts and property owned or in the possession of the national government and state governments, their subdivisions and agencies;

(4) to require the aid and assistance of any national or state officials, government employees, and any custodian of public funds or property at all times in the inspection and examination of all books, records, accounts and property of the national government or a state government, their subdivisions and agencies;

(5) to hire such staff as may be necessary to carry out its functions under this chapter;

(6) to conduct investigations, and upon a finding of probable cause by the trial division of the Palau Supreme Court, or after an information, criminal, or civil complaint has been filed, to subpoena witnesses, administer oaths, and obtain

testimony; and

(7) to enter into contracts with attorneys licensed to practice law in foreign jurisdictions in order to have foreign licensed attorneys advance the interests of the Special Prosecutor’s Office as necessary to carry out the powers, functions, and duties of the Special Prosecutor’s Office.

(b) In exercising his powers, functions, and duties, the Special Prosecutor will have the greatest degree of independence. The President will not countermand or interfere with the Special Prosecutor’s decision or actions. The Special Prosecutor will determine whether, or and to what extent, he will inform or consult with the President about the conduct of his duties and responsibilities.

(c) The Authority of the Special Prosecutor to investigate and prosecute elected or appointed officials or employees of the national government or a state government and their respective agencies is not exclusive. The intent of this statute is to empower the Office of the Special Prosecutor to work independently from, yet cooperatively and collaboratively with, the Attorney General’s Office and the Ministry of Justice in order to ensure that all individuals in Palau are held to the same standard of accountability for their conduct.

Source

RPPL 2-7 § 3, as amended by RPPL 3-33 § 1(2), modified. Subsection (a)(6) was amended by RPPL 6-37 § 19[503(a)(6)]. Amended by RPPL 9-9 § 3, modified.

Notes

- Uehara v. Republic of Palau, 17 ROP 167, 179, 180 (2010).
- Shmull v. Rosenthal, 8 ROP Intrm. 261, 262 (2001).
- Olikong v. ROP, 8 ROP Intrm. 250, 251 (2000).
- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
- ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
- ROP v. Sakuma, 2 ROP Intrm. 55, 56 (1990).
- ROP v. Sakuma, 2 ROP Intrm. 23, 28-29 (1990).

§ 504. Accounting and appropriations.

(a) The sum of one hundred fifty thousand dollars (\$150,000) is hereby authorized from the National Treasury of the Republic for the purpose of funding the Office of Special Prosecutor for the Fiscal Year 1986.

(b) The Special Prosecutor shall submit a quarterly report to the Olbiil Era Kelulau not

later than thirty (30) days after the expiration of the quarter which report shall provide a full disclosure of all sums expended by the Special Prosecutor during the reporting period.

Source

RPPL 2-7 § 4, modified.

Notes

ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).

ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).

ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 505. Special Prosecutor salary.

The salary of the Special Prosecutor shall be within the grades and steps specified in 33 PNCA § 702. The salary shall be determined by the President based upon the experience and qualifications of the applicant for the position of Special Prosecutor. The salary limit does not include recruitment, transportation and repatriation costs and benefits or housing allowances and benefits, as allowed and stated in the standard employment contract.

Source

RPPL 4-21 § 5, modified.

Notes

ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).

ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).

ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 506. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Source

RPPL 2-7 § 5, changed from § 505 to accommodate new § 505 from RPPL 4-21 § 5, modified.

Notes

Olikong v. ROP, 8 ROP Intrm. 250, 252 (2000).

Kotaro v. ROP, 7 ROP Intrm. 57, 60 (1998).

2 PNCA § 506

THE EXECUTIVE

ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

**FORMER PRESIDENTS STIPEND
AND SURVIVORS ALLOWANCE**

2 PNCA § 602

**Chapter 6
Former Presidents Stipend and Survivors Allowance**

- § 601. Purpose.
- § 602. Former Presidents stipend; limitation.
- § 603. Same; former President by election.
- § 604. Same; former President other than by election.
- § 605. Deceased Presidents survivors allowance.

§ 601. Purpose.

The purpose of this chapter is to provide for the needs of former Presidents of the Republic for their service in office as President. The Olbiil Era Kelulau has determined that upon leaving office, Presidents necessarily continue as public figures and are encumbered with considerable burdens and expenses. Furthermore, the Olbiil Era Kelulau recognizes the difficulties faced by former Presidents in securing positions within the private sector appropriate to their stature and the desirability of ensuring that chief executives will not be placed in a position of potential conflict of interest by having to seek employment during their last days in office.

Source
RPPL 2-17 § 1, modified.

§ 602. Former Presidents stipend; limitation.

Upon leaving public office, the President of the Republic shall be paid from the National Treasury a yearly stipend equal to fifty percent (50%) of his annual salary. The stipend shall be non-taxable, and shall be paid in equal bi-weekly installments immediately following his service in office. No stipend shall be paid to a President who has been impeached and removed from office for treason, bribery, or other serious crimes by a vote of not less than two-thirds of the members of each house of the Olbiil Era Kelulau.

Source
RPPL 2-17 § 2, modified.

Cross-reference
For constitutional provision regarding impeachment of the President, see ROP Const. art. VIII, § 9.

§ 603. Same; former President by election.

A former President who ascended to the presidency by election shall be eligible to receive the presidential stipend for eight years immediately following his service in office. Payment of the stipend shall terminate upon employment by either the national or state government or election to other public office.

Source

RPPL 2-17 § 2(a), modified.

§ 604. Same; former President other than by election.

A former President who assumed the presidency other than by election to the Office of the President shall be entitled to the presidential stipend; provided, however, that this stipend shall be for the duration of four years commencing immediately after leaving office; provided, further, that this stipend shall terminate upon employment by either the national or state governments or election to other public office, whichever occurs earlier.

Source

RPPL 2-17 § 2(b), modified.

§ 605. Deceased Presidents survivors allowance.

In the event the President dies while in office, his surviving spouse and/or minor children shall be entitled to a presidential survivors' allowance equal to fifty percent (50%) of the annual salary of the deceased President; provided, however, that the period of payment of such allowance shall be limited to the number of years in the terms or terms which the deceased was elected to serve in office or, in the case of such deceased President who ascended to office through succession, a period of four years.

Source

RPPL 2-17 § 2(c), as amended by RPPL 3-42 § 11(a), modified.

Commission Comment

The amendment made to this section by RPPL 3-42 § 11(a) shall be retroactive in effect and application pursuant to RPPL 3-42 § 11(b).