

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS MARCH TERM, A.D. 2025

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

Speaker J. Fonati Koffa and Members of the House of)
Representatives of the 55th Legislature..... Informants)
)
Versus) BILL OF INFORMATION
)
Representative Richard N. Koon, Purported Speaker of)
the House of Representatives of the 55th Legislature,)
Representative Thomas Fallah, Deputy Speaker of the)
House of Representatives, Members of the self-styled)
Majority Bloc of the House of Representatives, the)
Executive Branch of the Government of Liberia,)
Represented by the Minister of Justice of Liberia and)
Attorney General of the Republic of Liberia)
..... Respondents)
)
GROWING OUT OF THE CASE:)
)
In Re: The Constitutionality of Several Actions)
Taken by Certain Members of the House of)
Representatives)

Heard: March 26, 2024 Decided: April 23, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The law and politics are intrinsically interconnected, the former, that is the law, being the tool with binding effect and the latter, politics, being the activities associated with the governance of the state that rely on the usage of the law to achieve its objectives. This relationship for the purpose of properly governing the State is clearly articulated under Article 2 of the 1986 Constitution of Liberia, which states, “...*the Constitution is the Supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic*”. The Constitution, as the supreme and fundamental law of Liberia, is the tool by which the State is structured and governed, and same confirms the intrinsic

relationship existing between law and politics, and verify that the law is indeed the creator and foundation of politics. When adherence to the rule of law intertwines with political processes, a rare but not unprecedented controversy may arise—one so powerful that its legality reverberates through the very fabric of the nation; such is the scenario in the present amended bill of information and the “*In re*” proceedings from which it emanates.

This amended bill of information under review, which finds its genesis in the case “*In re: the constitutionality of certain actions taken by some members of the House of Representatives of the 55th Legislature*,” Supreme Court Opinion, October Term 2024, exemplifies the delicate nature between statutes and the principles embodied therein, where the issue at hand is not merely one of legal precedence but one that strikes the core of respect for and adherence to the rule of law. Its consequences extend beyond the courts, reverberating into the essence of the fabric of our society and the citizenry. As the Supreme Court renders its Opinion and Judgment, it is confronted not only with the letter of the law, the Court’s independence, and fearlessness, but also with the weight of public trust. In this moment, justice must be seen not only through the lens of legal text but as a reflection of the people's spirit, for “all power is inherent in the people...and all free governments are instituted by their authority and for their benefit...” *Constitution of Liberia*, Article 1, (1986). This is a time when the law’s blindness to the transient whims of politics reaches its zenith, but at the same time, its endearing consideration to the enduring call of national interest becomes a paramount concern.

The present amended bill of information filed by “Speaker” J. Fonati Koffa and members of the House of Representatives of the 55th Legislature, the informants herein, alleges that “Speaker Richard N. Koon”, Deputy Speaker Thomas Fallah, and members of the self-styled “majority bloc” of the House of Representatives, also of the 55th Legislature, the respondents herein, deliberately violated and continue to perpetuate said violation of the final Judgment and Mandate of the Supreme Court rendered on December 6, 2024 in the Opinion “*In re: The Constitutionality of certain actions taken by some members of the House of Representatives of the 55th Legislature*”.

The records show that the informants first filed a bill of information on December 12, 2024, but subsequently withdrew same and refiled an amended bill of information in its stead on March 5, 2025; hence, by established legal principles and procedures, the refiled amended bill of information is the one for the Court’s consideration. The crux of the amended bill of information are set forth in counts 1.2 and 1.3 thereof, and for the purpose of expediency and relevancy, we quote verbatim the said counts as follows:

“1.2. In the Ruling, the Court held that ‘...whether a simple majority is sitting or a lower number, in both cases a presiding officer, defined in Article 49 of the Constitution as the Speaker, and in his/her absence, the Deputy Speaker’ must preside. And in the Final Judgment, Your Honors held that ‘...any sittings or actions by members of the Legislature not in conformity with the intent of Articles 33 and 49 of the Constitution are *ultra vires*.’ Hence, members of the House of Representatives are to conduct themselves accordingly. The Clerk of this Court is hereby ordered to inform the parties. AND IT IS HEREBY SO ORDERED.

1.3 In the Ruling, Your Honors held and determined that the sittings, decisions, and actions that the self-styled majority bloc previously took were *ultra vires*, i.e., unauthorized and therefore illegal. This included the unconstitutional removal of Speaker Koffa as Speaker and the purported ‘election’ of Representative Koon as Speaker. In the Court’s final Judgment, Your Honors ordered the members to conduct themselves in compliance with both the quorum provisions of Article 33, as well as Article 49 which required the presence of the Speaker as the Constitutional Presiding Officer.”

The informants further cite in count 2.1 of the amended bill of information the actions which they believed amount to violation of the Supreme Court’s Mandate. We also quote the alleged violations as contained in count 2.1 as follows, to wit:

“2.1 In deliberate and intentional violations and direct contravention of the Court’s Ruling and final Judgment, Representatives Koon and Fallah and other members of the self-styled majority bloc have continued to convene and hold unauthorized hearings, including budget hearings, all of which were declared *ultra vires* and invalid in Your Honors’ Ruling and final Judgment to wit:

- a. Voting upon and “‘passing into law” the FY 25 budget document without authorization, recklessly endangering the full faith and credit of the Republic of Liberia by purporting to legislate the primary fiscal instrument that drives the nation’s economy and spending power when they knew or should have known they did not have the authority to do so;
- b. Authorizing the withholding of salaries and legitimate benefits of certain members;
- c. Authorizing the payment and disbursement to certain of its members for their personal benefits, financial resources belonging to the House of Representatives, or financial instruments belonging to non-members of the majority bloc;
- d. Invading the premises of the office of the Speaker of the House by use of force without authorization or court order and refusing to allow the Speaker of the House of Representatives to conduct business by seizing the instruments of governance of the House using force; and
- e. Attempting to recall from their lawful assignment, the members who are representatives to ECOWAS when they knew or should have known they had no legal right to do so.”

On March 14, 2025, the respondents filed a 36 count returns to the bill of information, denying therein any violation of the Supreme Court’s Opinion and Judgment of December 6, 2024. In their 36 count returns, the Respondents first proceeded to extensively refer to numerous portions contained in an “opinion” by the Attorney General, alluding to the December 6, 2024, Opinion of the Supreme Court. These are found in count 1 and counts 9 to 15 of the returns.

This Court notes that the referenced opinion by the Attorney General is not before the Court, and therefore will not burden this Opinion by delving on the same. It is common acknowledge though, that one of the duties of the Attorney General as set forth in the New Executive Law (Sec. 22.2 (c) (d)) is to furnish opinions as to legal matters, and to render services requiring legal skills to the president and other agencies of the Executive Branch of the government; howbeit, it must be noted that said opinion of the attorney general do not change or affect the rulings and/or Opinions of the Supreme Court or subordinate courts, and any opinion given in that regard is of no relevance to the Opinion and Judgment of this Court.

We therefore proceed and quote below what we have determined as pertinent counts of the respondents’ returns, to wit:

RESPONDENTS' RETURNS TO THE AMENDED BILL OF INFORMATION

6. Respondents say that when Your Honors decided not to pass on the four (4) other prayers, which were restated in Your Honors' Opinion of December 6, 2024, and which, to the minds of Respondents, are matters reserved by The Constitution and The House's Rules to be within the jurisdiction, power and authority of the House of Representatives to exercise, Respondents inferred, just as the Minister of Justice and Attorney General inferred, that Your Honors had adhered to the fundamental "*SEPARATION OF POWERS*" doctrine and that Your Honors will not intervene in legislative matters, such as issues raised in the Constitutionality Case, once the actions of the Legislature (e.g. Respondents) were in conformity with Article 3 of The Constitution (simple majority requirement for a quorum in order for the House of Representatives to transact business), and Article 49 of The Constitution (the requirement that the House may remove its Speaker, Deputy Speaker and any other officer from office for cause and pursuant to "*due process*" by a vote of two-third of the entire membership of the House). And Respondents reiterate its Returns and Brief in the Constitutionality Case that all sittings of the House of Representatives conformed to the simple majority requirement for a quorum and that fifty (50) members of the House of Representatives (one more than the 49 required by Article 49 of The Constitution) voted and adopted a Resolution to remove and did remove Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives. Every other action of Respondents, including disciplinary actions taken against certain members of the House of Representatives for violation of various Rules of The House's Rules were done in

conformity to the simple majority quorum requirement and pursuant to "*due process*". Respondents therefore submit that there was no violation of Your Honors' Opinion and Judgment of December 6, 2024 in the Constitutionality Case for which this Amended Bill of Information was been filed.

7. The Journals of the House of Representatives and the Resolution for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives having already been submitted as Exhibit R/6", R/7" and "R/8" to Respondent's Return to the Petition in the Constitutionality Case and the Resolution for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives also having been submitted as Exhibit "R/9" to Respondents' Return to the Petition in the Constitutionality Case, for the sake of brevity, Respondents begs leave not to attach these Exhibits to this Return. Similarly, the citations for the investigation of the suspended members of the House of Representatives are Exhibit "R/10" to the Returns to Petition in the Constitutionality Case and the Journals of the House of Representatives for the sanctions imposed on Hon. Marvin Cole, Abu Kamara and Edward Flomo Exhibit "R/11" to the Return to the Petition in the Constitutionality Case. Again, to avoid being repetitive, Respondents pray Your Honors that these documents need not be attached to this Return. For the sanctions imposed on Hon. Frank Saah Foko, Hon. Eugene Kollie, Hon. Alex Noah and Hon. Zinnah Normah, Respondents attached hereto as Exhibit "HR/I" the Journals of the House of Representatives. The documents together show that "due process" was accorded to each of the Informants: that each informant opted not to attend to the investigation and that evidence was adduced against each in his absence: that each sitting of the House of Representatives was in conformity with the requirement of a simple majority, as required by Article 33 of The Constitution; and that for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives, a vote and Resolution of at least two-thirds of the entire seventy-three (73) members of the House of Representatives was obtained. Therefore, Respondents reiterate their submission that they have not in any way or manner violated or departed from Your Honors' Opinion and Judgment of December 6, 2024. The Journals of the House of Representatives are the official records of the proceeding of the House of Representatives. *Rule 15.1* of The House's Rules and Respondents pray Your Honors to accord said Journals the appropriate deference.

17. That also specifically as to Count 1.2 of the Amended Bill of Information, Respondents do not contest the rulings of Your Honors as narrated in said Count 1.2, but Respondents submit that for every sitting of the House of Representatives, there was a quorum in excess of the simple majority (37 of the 73 members of the House of Representatives and it was presided over by Hon. Thomas Fallah prior to the removal of Hon. J. Fonati Koffa, during the investigation and vote of fifty (50) of the seventy-three (73) members to remove Hon, Fonati Koffa from the office of Speaker of the House of Representatives for the commission of the acts of corruption and conflict of interest in violation of Article 90 of The Constitution and in violation of Rule 44 (acts of corruption), Rule 45 (conflict of interest) and Rule 63 (mismanagement) of The House's Rules. Informants have presented no

evidence or law to the contrary. In addition, Respondents pray Your Honors to refer back to their Return in the Constitutionality Case (Part III thereto), where the laws and evidence, which support the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives (including according him “due process” as required by Your Honors in the Snowe v. Members of the House of Representatives case) was submitted. The matter of the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives is also discussed lengthily in Respondents' Brief (Issues 2 and 3 thereof) filed in the Constitutionality Case and argued before you. So, Respondents say that there was full compliance with law regarding the process for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives; and this Amended Bill of Information has presented no evidence or law to the contrary.

18. That specifically as to Count 1.3 of the Bill of Information, Informants have distorted Your Honors' Opinion and Judgment; Your Honors never *"ruled and determined that the sittings, decisions and actions that the self-styled Majority Bloc previously took were ultra vires, i.e. unauthorized and therefore illegal"* as alleged by Informants. Your Honors also never ruled and determined that there was an *"unconstitutional removal of Speaker Koffa as Speaker and purported election of Representative Koon as Speaker"*. (EMPHASIS OURS) Respondents challenge Informants to show where in Your Honors' Opinion of December 6, 2024 that such ruling and/or determination was made, as no such ruling or determination was made by Your Honors.

19. That also specifically as to Count 1.3 of the amended Bill of Information, Respondents concede that in Your Honors' Ruling and Final Judgment Your Honors ruled and ordered as follows:

"WHEREFORE AND IN VIEW OF THE FOREGOING, any sittings or actions by members of the Legislature not in conformity with the intent of Articles 33 and 49 of the Constitution are *ultra vires*. Hence, Members of the House of Representatives are to conduct themselves accordingly."

Respondents say that as averred in their Return and Brief in the Constitutionality Case, out of which this Amended Bill of Information grows, for every sitting of the House of Representatives Respondents complied with Article 33 of The Constitution, which provides that there shall be a simple majority {at least thirty-seven (37) of the seventy-three (73) members of the House of Representatives} present to constitute a quorum for the transaction of business of the House of Representatives. (EMPHASIS OURS). There was no time that any business of the House of Representatives was conducted without at least a simple majority present for the transaction of business and Deputy Speaker Thomas Fallah presiding before the election of Hon. Richard N. Koon as Speaker to replace Hon. J. Fonati Koffa as Speaker, and after that, Hon. Koon, as presided as Speaker. And the December 10, 2024 Opinion of the Minister of Justice and Attorney General confirms these facts, while Informants have presented no facts to the contrary.

20. That also further as to Count 1.3 of the Amended Bill of Information, Respondents say that for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives, as averred in the Return and Brief filed by Respondents in the Constitutionality Case, out of which this Amended Bill of Information grows, not only was Informants accorded "*due process*", complaint against him served, citation to appear for investigation served, investigation conducted and a report submitted to Plenary as required by law and set out as threshold in the *Snowe v. Members of the House of Representatives* case, but a vote and a Resolution of fifty (50) members of the House of Representatives was obtained for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives: which number is one more than the (two-thirds) (that is 49 members of the 73 members of the House of Representatives) required by Article 49 of The Constitution. The Resolution itself was attached as Exhibit "R/9" to Respondents' Return to the Petition in the Constitutionality Case and Respondents pray Your Honors to take judicial notice thereof. Simply stated, as mandated by Your Honors, Respondents had complied with *Article 49* of The Constitution for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives; which is also Rule 9.1 of The House's Rules.

22. That specifically as to Count 2.1 of the Amended Bill of Information, Respondents reiterate that prior to the removal of Hon. J. Fonati Koffa as Speaker of the House of Representatives on November 21, 2024, all hearings and sittings of the House of Representatives were in compliance with the simple majority requirements of the members of the House of Representatives (Article 33 of The Constitution) presided over by the Deputy Speaker (in the absence of then Speaker J. Fonati Koffa) and his removal from the Office of Speaker of the House of Representatives was in compliance with the % vote/resolution requirement of Article 49 of The Constitution.

29. That as to Count 2.1 (d) of the Amended Bill of Information, which accuses Respondents of "*Invading the premises of the office of the Speaker of the House of Representatives by use of force without authorization or Court Order and refusing to allow the Speaker of the House of Representatives to conduct business by seizing the instruments of governance of the House using force*", Respondents submit that pursuant to Rule 10.I of The House's Rules, which provides that a new Speaker shall be elected within 60 (sixty) days after the Office of Speaker becomes vacant by reason of removal .. Hon. Richard N. Koon was elected Speaker of the House of Representatives after the removal of Hon. J. Fonati Koffa from that office as averred in several Counts above. Hon. Koffa was informed about his removal from office and the election of Hon. Richard N. Koon as his successor. Hon. Koffa was also given reasonable written notice to vacate the offices designated in the Capitol Building as offices for the Speaker of the House of Representatives. Instead of complying with the written notice, Hon. Koffa replied that he was illegally and unconstitutionality removed from office and that Respondents should use the same illegal and unconstitutional process to evict him from the office spaces reserved for the Speaker of the House of Representatives. This response of Hon. Koffa was also carried live on radio and publicly accessible social media posts. Copy of the

written notice to Hon. Koffa and his written response are attached hereto as Exhibit “HR/5”.

33. To maintain the Rule of Law in Liberia and to compel informants to acknowledge the removal of Hon. Koffa from the Office of Speaker of the House of Representatives and the suspension of certain members of the House of Representatives, Respondents pray Your Honors to be definitive and exact with Your Honors’ disposition of this Amended Bill of Information so that Your Honors’ ruling will not be susceptible of more than one interpretation, as Informants has tried to do with Your Honors’ Opinion and Judgment of December 6, 2024 in the Constitutionality Case. The fact that since Your Honors Opinion and Judgment of December 6. 2024, Informants have filed this Amended Bill of Information, filed a Petition for the Writ of Mandamus, and even filed a Petition for Declaratory Judgment with the Civil Law Court for the Sixth Judicial Circuit is sufficient evidence that Informants desires to use the arm of this Honorable Court and the Judiciary to continue the disruptions and interruptions at the House of Representatives with the sole aim of making the House of Representatives dysfunctional. Respondents pray Your Honor to make your Opinion and Judgment so definitive and exact that such nefarious conduct of Informants will not thereafter be possible. Copy of the Writ of Summons in the Declaratory Judgment proceeding and the first page of Respondents’ Return in said Declaratory Judgement proceeding is attached hereto as Exhibit HR/6" for Your Honors' information.

36. Respondents deny all and singular every averment of fact or statement of law contained in the Amended Bill of Information, which has not been made a subject of special traverse in this Return.

WHEREFORE AND IN VIEW OF THE FOREGOING, Respondents pray Your Honors to declare: (i) that Respondents have not violated the order or mandate of Your Honors’ Opinion and Judgment of December 6, 2024 in the Constitutionality Case: (ii) that the Amended Bill of Information is meritless, unfounded and frivolous; (iii) the prayer of said Amended Bill of Information is denied: and (iv) that the entire Bill of Information is dismissed with costs against Informants and appropriate sanctions imposed...”

Having reviewed the records, especially the actions allegedly perpetrated by the respondents, we must now determine whether the averments asserted by the Informants are within the province of a bill of information.

We firstly reaffirm our holdings and decisions in the December 6, 2024 Opinion captioned “*In re: The Constitutionality of Certain Actions taken by Some Members of the House of Representative of the 55th Legislature*” as well as the accompanying Judgment, excerpt of which we quote below, to wit:

1. “That this Court’s interpretation of Article 33 of the Constitution (1986), is that whether a simple majority is sitting or a lower number, in both cases a Presiding Officer, defined in Article 49 of the Constitution is the Speaker, and in his/her absence, the Deputy Speaker;

2. That in the event where the Speaker is presiding over a minority, the Constitution is devoid of the mechanism for how the minority is to compel attendance of a majority who choose not to attend session; and the Legislature has promulgated no enabling statute or standing rules setting forth the process for compelling absentee members to attend sessions as envisioned under Article 33 of the Constitution.
3. WHEREFORE AND IN VIEW OF THE FOREGOING, any sittings or actions by members of the Legislature not in conformity with the intent of Articles 33 and 49 of the Constitution are *ultra vires*. Hence, members of the House of Representatives are to conduct themselves accordingly.”

It is obvious that notwithstanding this Court’s declaration in the *In re Petition* as to what the law is, and what adherence thereto is required of the then petitioners, now informants, as well as the respondents thereto who are also the respondents herein, each party has ascribed differing interpretation to this Court’s Opinion and Judgment. These differing views are the bedrock of this amended bill of information, as the Respondents have prayed in count 33 of its returns to the bill of information that this Court must be definitive and exact in its disposition of this Amended Bill of Information so that its Ruling of December 6, 2024 will not be susceptible to more than one interpretation, since the informants using their interpretation of the Court’s Opinion of December 6, 2024 has caused continuous disruptions and interruptions at the House of Representatives with the sole aim of making the House of Representatives dysfunctional.

This view by the Respondents therefore requires the Court not only to revert to the Opinion from which these proceedings emanate, but to provide clarity and remove all cloud of uncertainties if any, as to this Court’s Opinion and Judgment in the *In re Petition* to obviate any future misinterpretation thereof.

In executing this task, we are reminded, as we stated *supra* in this Opinion, that the Supreme Court in making a determination of this amended bill of information is not only confronted with the letter of the law, but also with the weight of public trust and the mandatory constitutional obligation to uphold the sanctity of our jurisprudence as an independent Court that holds together the fabric of our democracy through adherence to the rule of law. This Court, speaking in the case: *In re: The Constitutionality of the Act of 1914*, espoused thus: “...The courts stand between order and anarchy, facing the latter (anarchy) with a stern repressive frown, and extending aid and encouragement to the former (order)...” In the same light, we are duty bound to speak and interpret the law according to the intent of the framers, remaining oblivious to sentiments.

Reverting to the *In re Petition* that was filed by Counsellor Fonati J. Koffa, in his capacity as Speaker of the House of Representatives, and some Representatives of the 55th Legislature, we note that in said proceedings, the petitioners sought a declaration from this Court that the actions of certain members of the House of Representatives were unconstitutional. Specifically, the Speaker argued that those actions violated Articles 20(a), 33, and 49 of the 1986 Constitution, which address due process, quorum, the designation of the Speaker as the Presiding Officer, and related provisions, as well as Rules 10 and 48 of the Rules and Procedures adopted by the House of Representatives of the 55th Legislature.

In his returns filed on November 26, 2024, Representative Richard Nagbe Koon, designating himself as Speaker on behalf of those Representatives supporting his position, prayed this Honorable Court to deny the *In Re Petition* filed by Cllr. J. Fonati Koffa, Speaker of the House of Representatives, and Representatives of the 55th Legislature. Representative Koon asserted the following: that the removal of Honorable J. Fonati Koffa, Edward Flomo, Abu Kamara, and Marvin Cole from their respective positions in the House was a purely political matter and not justiciable before the Supreme Court; that, consistent with prior Opinions, the Supreme Court has refrained from addressing political questions; that the Constitution grants the House of Representatives the authority to promulgate rules, hold quorum, and expel its members under rules adopted by the House; that all individuals listed in the *In Re petition* were accorded due process of law and were subsequently removed for violating the rules of the House of Representatives; that Cllr. J. Fonati Koffa was removed based on charges of corruption and unethical conduct; that Edward Flomo, Abu Kamara, and Marvin Cole were removed on charges of unethical conduct that impeded the work of the House of Representatives; and that, under the doctrine of separation of powers, the Supreme Court cannot review the decision of the House of Representatives to remove its members who were investigated and found in breach of the House's rules.

Upon review of the various contentions advanced by the respective parties in the *In Re Petition*, this Court noted the following pertinent issues for consideration:

1. The jurisdiction of the Supreme Court to adjudicate issues arising from such internal disputes among House members was explicitly challenged; and
2. That both parties sought the interpretation of Articles 33 and 49 of the Constitution to support their respective actions and or sides.

In our determination of the issues advanced by the parties in the *In re Petition*, this Court opined as follows:

1. As to the Supreme Court’s authority to adjudicate issues arising from internal disputes among members of the House of Representatives, this Court opined that “... predicated upon its authority articulated in Articles 66 of the Constitution (1986), the Supreme Court does have jurisdiction to decide allegations of violation of the constitutional rights of members of the Legislature, even if arising out of internal wrangling among the members of the House of Representatives as same clearly falls within the purview of Article 66 of the Constitution.”

In this regard, the Supreme Court noted that although the petition filed by Speaker Koffa involved an internal dispute within the House of Representatives, between Speaker Counsellor J. Fonati Koffa and certain members on one side, and Representative Richard N. Koon and other members on the other side, the crux of the dispute between the parties poses a constitutional crisis, thus vesting the Supreme Court with the authority to delve into same. Accordingly, we herewith reaffirm this position of the Court as was done in the December 6, 2024, Opinion; this Court emphatically declares that it is within the power and authority of the Supreme Court of Liberia to say what the law is, without fear or favor, irrespective of the parties before the Court; that pursuant to this constitutional authority, the Supreme Court can and will address any allegation of a constitutional violation within any branch of government.

2. As to the interpretation of Articles 33 and 49 of the Constitution of Liberia (1986), this Court unequivocally held that “a simple majority of each House shall constitute a quorum for the transaction of business...; that whether a simple majority is sitting or lower number, in both cases the presiding officer, defined in Article 49 of the Constitution, is the Speaker, and in this case, Speaker J. Fonati Koffa who was duly elected presides over the Houses’ functions except absent or removed as required under Article 49 the Constitution and the Rules of the House of Representatives (Rules 8, 9, 10).

The Supreme Court has consistently held that "in interpreting the provisions of the [constitution] statute, all provisions or sections relating to the same subject, or provisions, having the same general purpose should be construed together as though they constituted one law, or, one provision and that they must be [construed] governed by one system, one spirit and policy”. Predicated on this principle of law, the Supreme Court interpreted Articles 33 and 49 together given that each provision compliments the other...”

3. In application to Speaker Koffa, we opined and held then, and hold now, that although Speaker Koffa, who at the time was presiding over a minority membership of the House of Representatives, and as such could not exercise his authority under Rule 21 of the House of Representatives, and penalize absentees in a manner deemed appropriate as same had to be done in consultation with plenary, which requires a quorum, and he not being able to form a quorum for plenary as the absentees comprises majority of members of the House, the Constitution, statute and House Rules are all silent as to how the minority is to compel attendance absentee members and who insist on being absent. We are therefore at a loss as there is no enabling statute promulgated or standing rules setting forth the process for

compelling said absentee members to attend sessions as envisioned under Article 33 of the Constitution.

Also, in application to the respondents, this Court noted then and notes now, that in addition to Article 33, Rules 7, (7.2), 8(8. 1), and 12 of the House of Representatives provides that “a quorum shall consist of simple majority of the members of the Honorable House of Representatives which shall be necessary for the transaction of business. However, a minority may meet from day to day. Meetings at which a quorum is not present, only a motion to compel the attendance of absent members or to adjourn may be made.” Therefore, even though the respondents comprised of simple majority, it was not only necessary but constitutionally mandatory for said quorum to be presided over by the Presiding Officer defined under Article 49 of the Constitution as the Speaker, that is, Speaker Koffa, and only in his absence, the Deputy Speaker.

Having expounded on this Court’s decision in the *In re Petition*, we are now left to determine whether or not either of the parties pursued with this Court’s Declaration of December 6, 2024.

As we stated *supra* in this Opinion, the informants listed a number of actions which they alleged amount to violations of this Court’s Mandate in the *In re Petition*.

Beginning with the informants, we emphasize that we see no promulgation of an enabling statute as to how Article 33 of the Constitution of Liberia (1986) can be executed by the Presiding Officer, whom we have held, pursuant to Article 49 of the Constitution, is the Speaker, that is, Speaker Koffa, and unfortunately he has presented no means as to how he, the constitutional Presiding Officer of the House of Representatives, can compel absentee members to attend session for the purpose of attaining quorum for the transaction of business. What is before us in this amended bill of information is an amplification of this dilemma which we stated in the Court’s previous Opinion of December 6, 2024, when we declared that setting a sanction to compel attendance by the simple majority was without the ambit of the Court, as this Supreme Court does not make laws; besides, it would be in violation of the Constitution on separation of powers. In a situation, such as this, where majority of the members of the House of representatives refuse to sit under their elected Speaker, or to have him removed as the Constitution dictates, this Court can only speak to said violation as being in total disregard to the law which members of the House of Representatives took an oath to uphold and protect.

As to the respondents, we similarly ask the question, have you pursued this Court’s Declaration of December 6, 2024, especially as we have espoused herein? It is common knowledge that the members of the House of Representatives are or have been conducting a parallel House with a minority group meeting and presided over by Speaker Koffa, and a self-styled “majority group/bloc”. These parallel sittings and/or actions lack legal foundation either by the dictates of the Constitution or any other laws within this jurisdiction. Additionally, we take judicial

cognizance that during the hearing and determination of the *In re Petition*, the respondents firmly argued, as stated in their returns, that they expressed a vote of no confidence in the leadership of Speaker Koffa; that their quorum in the joint-Chambers of the Legislature was legitimate for the transaction of business since they met the constitutional requirement of a “simple majority” as prescribed in the Constitution and the Rules of the House of Representatives; that their quorum was being chaired by a presiding officer in person of the Deputy Speaker who is legally clothed with the same authority as the Speaker to preside over their deliberations in the **absence** of the Speaker. (Emphasis ours)

During oral arguments before this Court, one of the counsels representing the respondents was asked a question by the Court as to the whereabouts of Speaker Koffa at the time Deputy Speaker Thomas Fallah was acting as the Presiding Officer during the parallel plenary session in the Joint-Chambers of the Legislature. In response thereto, the respondents’ counsel stated that Speaker Koffa was “in another room” within the confines of the Legislature. This response by the respondents’ counsel raises the cardinal question of whether the Deputy Speaker or any other Representative could legally act as Presiding Officer for a plenary session of the House of Representatives in the wake of the Speaker being present and available to perform his constitutionally delegated task? We state an emphatic No! Speaker Koffa not being absent to preside over plenary sessions, the Deputy Speaker or any Representative for that matter could not legally preside over any plenary session even if said session met the simple majority criteria for the transaction of business, and no action therefrom can be considered by this court as constitutional. Therefore, any action or sitting by the majority to the exclusion of the speaker presiding while he is present, and available to preside, is unconstitutional and without the pale of the law, and we so hold.

This Court held in the case *Kpargoi v. Jallah et al.*, Supreme Court Opinion, October Term, 2014, that “the Constitution provides the framework within which the Legislature operates, and any act, including a vote of no confidence, that breaches constitutional provisions or due process shall be subject to judicial review.” Moreover, the purported quorum which the respondents claimed to have had to conduct official business of the House of Representatives was done in the Joint-Chambers of the Legislature, whereas the Speaker who was available, which fact is conceded to by the respondents in both their returns and oral argument before the Supreme Court, was convening session in the Plenary Chambers which is the official place of sitting for the plenary session for the House of Representatives to conduct official business.

The resolution of this present crisis amongst the House of Representative does not lie solely with the Court to say what the law is, but adherence to the mandates and directives of the Constitution is divulge upon every citizen and all authorities within the Country. Therefore, all

authorities and officers of the state, whether the Legislature, Executive or Judiciary or officers of government created by and exercising powers pursuant to the provisions of the Constitution are expected to meticulously abide by all constitutional mandates and directives.

This Court in the case, *CPP v. NEC, The Honorable House of Representative and the Executive Branch*, Supreme Court Opinion, October Term, A.D. 2020 stated that Constitutional mandates are absolute rules of action and decisions for those required are to exercise same; failure to abide by the mandate of the Constitution is repugnant to this supreme and paramount law, and said disregard for the constitutional mandates exposes the nation to lawlessness and pose the risk of undermining the democratic and law-abiding culture for which the Constitution was promulgated.

Having clarified our Opinion and Judgment, the question of concern now is whether a bill of information will lie in the instant case.

During the arguments of the amended bill of information, one of the counsels for the informants strenuously argued that the respondents violated the Mandate of this Court by the commission or omission of actions enumerated in the amended bill of information. Therefore, the informant prays that this Court enforce its Mandate contained in the December 6, 2024 Opinion and Judgment of the *In re Petition*. When he was also asked to say what the Mandate of this Court was in the *In re petition*, he answered that the Mandate is encapsulated in the concluding paragraph of our Judgment which reads as follows: “Wherefore and in view of the foregoing, any sittings or actions by members of the Legislature not in conformity with the intent of Articles 33 and 49 of the Constitution are *ultra vires*.”

On the other hand and as earlier stated in this Opinion, one of the counsels for the respondents, also relying on our Judgment, argued that the respondents did not violate this Court's mandate, and therefore urged this Court to be “definitive and exact in its disposition of this amended bill of information so that its Ruling of December 6, 2024 will not be susceptible to more than one interpretation...”

In plethora of Supreme Court Opinions, this Court have unwaveringly and consistently recognized that only a bill of information can remove uncertainty from its Judgment or correct the enforcement of its Judgment. *Nyumah et al., v. Kontoe*, 40LLR 14, 20 (2000); *Houssenini v. Jawhary*, Supreme Court Opinion, March Term, 2005; *William E. Dennis, Sr. Realty Trust v. Kaba et al*, Supreme Court Opinion March Term A.D. 2010, *Jawhary v. Ja’neh*, Supreme Court Opinion, October Term A.D. 2012; *K&H Construction Company v. William E. Dennis, Sr. Realty Trust*, Supreme Court Opinion, October Term A.D. 2015.

Now since it is obvious that all the parties before the Court, including the Minister of Justice seem to be at variance with respect to what constitutes our Opinion and Mandate of December 6, 2024 and have advance their own personal interpretations of what the law is, it is imperative that in keeping with our precedents espoused in the afore-cited cases, it is necessary for the purpose of Constitutional clarity and respect for the rule of law to grant this bill of information in so far as it relates to the parties' uncertainty of the December 6, 2024 Opinion and Judgment of the Court.

WHEREFORE AND IN VIEW OF THE FOREGOING, the bill of information is granted for the reasons stated herein, and the "majority bloc" (respondents) are hereby mandated to operate in accordance with the Supreme Court's interpretation of Articles 33 and 49 of the Constitution as contained in the Court's Opinion and Judgment of December 6, 2024, and further clarified in this Opinion. The Clerk of this Court is hereby ordered to inform the parties of this Court's decision. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellors M. Wilkins Wright, Arthur T. Johnson, Jonathan T. Massaquoi, and Elisha T. Forkeyoh appeared for the informants. Counsellors H. Varney G. Sherman and Albert S. Sims appeared for the respondents.