

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

BEFORE HER HONOR: SIE-A-NYENE G. YUOHCHIEF 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: CEANEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

G. Wiefueh Alfred Sayeh of the City of Monrovia, Liberia.....Appellant)

Versus

)
) APPEAL
)

The Liberia Telecommunications Authority represented by and thru its)
Acting Chairman Abdullah L. Kamara and all its other Commissioners)
and Corporate Officers, all of the City of Monrovia, Liberia.....Appellee)

GROWING OUT OF THE CASE:

G. Wiefueh Alfred Sayeh of the City of Monrovia, Liberia.....Plaintiff)

Versus

)
) ACTION FOR
) DAMAGES FOR

The Liberia Telecommunications Authority represented by and thru its)
Acting Chairman Abdullah L. Kamara and all its other Commissioners)
and Corporate Officers, all of the City of Monrovia, Liberia...Defendant)

HEARD: APRIL 15, 2024

DECIDED: August 14, 2025

MR. JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

The facts in this case are clearly outlined which present a question of whether the trial court erred in dismissing the appellant's case during the disposition of law issues instead of allowing it to go to the jury. Before determining the said issue, it is prudent that we outline the relevant facts as it relates to the determination of this case.

The appellant herein, Counsellor G. Wiefueh Alfred Sayeh was employed by the appellee on November 1, 2007 as General Counsel and served in the said capacity for four years until he was dismissed on July 27, 2012 by the appellee for an alleged grievous breach of confidentiality; the appellant later challenged his dismissal by the appellee by filing a complaint with the Ministry of Labor for unfair labor practice meted against him by the appellee; that the Ministry of Labor ruled in his favor and the appellee filed a petition for judicial review with the National Labor Court and the National Labor Court upheld the Ministry of Labor ruling. The appellee (Liberia Telecommunications Authority) being dissatisfied with the said ruling of the National Labor Court excepted and announced an appeal to the Honorable

Supreme Court. The Supreme Court after entertaining arguments in the said matter and reviewing the facts and evidence in the said case, ruled on December 16, 2016, affirming the judgment of the National Labor Court that the appellee wrongfully dismissed the appellant on grounds that the appellant failed to prove the grievous breach of confidentiality as alleged by the appellee for which the appellant was dismissed and awarded the appellant reasonable compensation of his net salary.

The appellant, relying on the December 16, 2016, Opinion of the Honorable Supreme Court, filed an action for damages for wrong in the Sixth Judicial Circuit, Civil Law Court, alleging that his illegal dismissal by the appellee for grievous breach of confidentiality has affected his professional life as a lawyer as he was refused employment in two reputable law firms in Liberia on grounds that he cannot handle sensitive and confidential information as alleged by the appellee; that because of the appellee's actions, there is no guarantee that he will ever get retainers from any foreign or local clients because when they conduct a check on his professional career and character, they will be skeptical to employ him and now he is only confined to case by case work such as summary proceedings, ejectment, etc.,; that the Supreme Court having determined that appellant failed to prove the allegation of grievous breach of confidentiality, an action for damages for wrong will lie against the appellee. The appellant then prayed the trial court to adjudge the appellee liable and award him (appellant) Five Million United States Dollars (US\$5,000,000.00) as general damages for the injury sustained as a result of the damaging dismissal letter.

The appellee on November 17, 2017 filed its answer along with a motion to dismiss the said complaint on grounds that the said action is bordered upon a labor dispute for which the Civil Law Court lacks jurisdiction; that even though the caption of the action says "Action for Damages for Wrong", the averments contained therein are border on wrongful dismissal which has already been handled by the Supreme Court and that the matter was fully resolved by the Supreme Court when it ruled on December 18, 2016 and awarded reasonable compensation to the appellant and the appellee complied with the said judgment; that the principle of res judicata will lie since the Supreme Court has already decided the matter; that the appellant is estopped from instituting another action solely to enrich himself as the matter has been settled and he has being compensated in accordance with the Supreme Court's ruling; that the period for which appellant is alleging that he was denied employment by the law firms he applied to was included in the Supreme Court's judgment when he was rewarded reasonable compensation; that damages is defined as money claimed by or ordered to be paid to a person as compensation for loss or injury; therefore, since the appellant has been

reasonably compensated, an action for damages for wrong will not lie; that the appellant professional life and career is not affected by the reasons of his dismissal from the appellee's employ as the appellant is gainfully self-employed as he is operating a law firm which has top notch clients, including government clients; that the appellant's integrity is unquestionable following the ruling by the Honorable Supreme Court; that since there is no injury to the appellant's professional reputation as alleged in the complaint, the appellant is not entitled to general damages or punitive damages and therefore the entire complaint should be dismissed.

The appellant filed his reply averring that he has the legal capacity to maintain the damages for wrong action and that the Civil Law Court has jurisdiction over the said matter; that the complaint for the action of damages for wrong is complaining the injuries to the reputation sustained by the appellant as a result of the reasons stated by the appellee in its dismissal letter to the appellant; that there is no law which prohibits the appellant from filing an action for damages for wrong especially when the appellee has failed to prove the allegations it included in appellant's dismissal letter; that the Supreme Court dealt with the issue of the wrongful dismissal and an action for damages for wrong cannot be construed as a wrongful dismissal action as the two actions are separate and distinct under the law and have separate legal remedies; that the award granted the appellant by the Supreme Court is for wrongful dismissal and not action for damages for wrong; that the principle of res judicata is not applicable in this case as the two actions are separate and distinct; that the appellee's reasons for illegally dismissing the appellant were never proven and the said reasons have caused injury to the appellant's professional life and as such the action for damages for wrong is proper; that the appellant was constrained to open his own law firm because he was denied employment based upon reasons stated by the appellee in its dismissal letter to the appellant; that he has no retained clients but handles matters on a case by case basis just to stay afloat and therefore the action will lie. The appellant then reiterated the prayer in his compliant.

The motion to dismiss was heard and trial court ruled denying the motion on grounds that the grounds enumerated in the appellee's motion to dismiss are not one of the grounds provided for in Section 11.2 (1) of Our Civil Procedure Law for dismissing an action.

Thereafter, the court scheduled the disposition of law issues on February 8, 2018, after the hearing of the disposition of law issues, the court ruled dismissing the action on grounds that, the action for damages for wrong is based upon the same wrong against the appellant for which he filed an action of unfair labor practice and wrongful dismissal before the Ministry of Labor which travelled to the Supreme Court and he was awarded judgment and

compensation; that no matter which theory of recovery the appellant employs, the fact is that the appellee committed only one wrong against the appellant and that is dismissing him unfairly and that the Supreme Court has already handled the issue and awarded the appellant just compensation; that the action for damages for wrong as filed by the appellant grows out of the same wrong committed by the appellee against the appellant for which the appellant has received adequate recovery and to permit the appellant to file another action against the appellee for the same wrong is to allow him obtain a double recovery and unjustly enrich himself; moreover, if every employee who prevails against his employer at the Ministry of Labor is allowed to subsequently file a tort action against the same employer, there would be endless litigation.

The appellant excepted to this ruling of the trial court and announced an appeal to this Court.

The appellant filed a two-count bill of exceptions to this Court, we however focus on the count that is relevant to the conclusion of this opinion, which we herewith reproduce verbatim for further clarity of this Opinion:

1. That your honor, in your ruling on the law issues on the 22nd Day of March A.D. 2018 same being the 4th day jury sitting of the March Term, A.D. 2018 Term of Court committed reversible error when your Honor ruled dismissing the plaintiff's compliant as follows: " this court says that plaintiff has already been adequately compensated by the Supreme Court of Liberia for the wrong committed against him by defendant, his former employer, therefore, he is estopped from seeking a double recovery for the same wrong by filing this action of damages against the defendant.

We must now examine the evidence and the facts and arguments advanced by both parties in order to bring this matter to judicial finality.

We move to determine whether the labor case that was heard and affirmed by the Supreme Court and the action for damages case filed by the appellant are the same and as such he is estopped from raising the same claim in a separate action. We answer in the negative.

The facts are clear and there is no dispute between the parties on the fact that the Honorable Supreme Court ruled affirming the National Labor Court ruling with modification that the appellee terminated the appellant's employment unfairly and unjustly and that the appellee did not prove its stated reason for the termination of the appellant's employment, namely, "breach of confidentiality and improper handling of sensitive information" and the Supreme

Court awarded the appellant just compensation for the said unfair action that was meted against him by the appellee (his former employer).

The trial judge however, during the disposition of law issues dismissed the appellant's complaint with prejudice primarily because according to the judge, the appellant has already been awarded compensation by the Supreme Court in the unfair dismissal labor dispute filed by the appellant and as such the action for damages will not lie as it is the same wrong for which the appellant has been compensated and therefore the court cannot allow him to seek another compensation as allowing such would amount to unjust enrichment and double recovery.

We are befuddled by this reasoning and ruling of the trial judge. Firstly, we have pondered but failed to find out how the two actions are similar. The first action is an unfair labor practice action that was heard and determined and the appellant was awarded compensation for the period for which the Supreme Court determined was reasonable compensation in lieu of reinstatement as it is the law in this jurisdiction that where wrongful dismissal is established, the court shall have the power to order reinstatement or order reasonable compensation to the aggrieved employee in lieu of reinstatement. *Davis and Sayeh v. LTA*, Supreme Court Opinion, March Term 2016.

The compensation or payment received by the appellant from the appellee as ordered by this Court was for the wrongful dismissal and was in lieu of reinstatement as the Court determined and nothing else, it was not for any other reason or loss sustained by the appellant other than the unfair termination of his employment contract with the appellee.

In the instant case, the trial judge committed reversible error when he dismissed the appellant's complaint during the disposition of law issues on the grounds mentioned by him as stated supra in this opinion. As stated above, the appellant is alleging damages to his professional career because of the appellee's reasons for terminating his employment contract, a termination that has already been determined unfair and illegal by this Court as this Court found that the appellee did not present any convincing evidence to prove the reasons provided for the termination of the appellant's contract.

The appellant has a right if he believes that the appellee unfair termination of his employment contract and the reasons stated therefor has damaged his professional reputation and is causing him problems in his professional life to file an action for damages for wrong.

Damage is defined as loss, injury or deterioration, caused by negligence, design, or accident and the three essential elements that are considered to be the basis for any tort action are: (a) Evidence of legal duty (b) Breach of the legal duty (c) Proximate cause of that breach. *Liberia Agricultural Co. v Mingle*, 36 LLR 413 (1989).

The present alleged wrong sued for is in the form of deformation of character or reputation; therefore, the trial judge should have ruled the case to trial to allow the appellant to present whatever evidence he has to the jury and for the jury to determine if he has any proof that he sustained the damage that he is alleging and that the appellee is the cause of the said damages and prove same by the preponderance of the evidence.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the court below is reversed, and the case is remanded for trial on the action of damages for wrong. The Clerk of this Court is ordered to send a Mandate to the lower Court commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are to abide final determination. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR J. AUGUSTINE TOE OF THE SAYEH & SAYEH LAW OFFICES APPEARED FOR THE APPELLANT. COUNSELLOR G. WEIFUEH ALFRED SAYEH OF THE SAYEH & SAYEH LAW OFFICES APPEARED PRO SE. COUNSELLORS AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, REPUBLIC OF LIBERIA, T. EMMANUEL TOMAH, PHIL TARPEH DIXON, EZUMA EBOKU AND J. ADOLPHUS KARNUAH II, OF THE MINISTRY OF JUSTICE IN ASSOCIATION WITH THE LTA IN HOUSE LEGAL COUNSEL APPEARED FOR THE APPELLEE.

Remanded.