

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. 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

The Management of ArcelorMittal Liberia Limited of Yekepa, Nimba)
County, Liberia.....Appellant)
)
Versus) APPEAL
)
His Honor James Gilayenneh, Assigned Circuit Judge, Eight Judicial)
Circuit, Nimba County, and Hon. Itoka Quoi, Labor Commissioner,)
Ministry of Labor, Sanniquellie, Nimba County and Aman S. Dokie of)
the City of Sanniquellie, Nimba County, LiberiaAppellees)
)
GROWING OUT OF THE CASE:)
)
Management of ArcelorMittal Liberia Limited of Yekepa, Nimba)
County, Liberia.....Petitioner)
)
Versus) PETITION FOR
) FOR JUDICIAL
Aman S. Dokie of the City of Sanniquellie, Nimba County, Liberia) REVIEW
.....Respondent)

Heard: April 16, 2025

Delivered: May 29, 2025

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

The appellee, Aman S. Dokie, complained the appellant, ArcelorMittal Liberia (AML) to the Labor Commissioner in Sanniquellie, Nimba County, alleging unfair labor practice. He stated that he was employed by the appellant, AML, on August 26, 2014, as light duty driver, a Grade 4 position, and was assigned at the Mines Department with a monthly salary payment of United States Three Hundred Seventy-Six Dollars Fifty Cents (US\$376.50); that the head of the Estate Department of AML, Maria da Silva, had him transferred on October 2014 from the Mines Department to the Canteen under the Estate Department in the capacity as Food Quality Superintendent; that he worked at the canteen in Yekepa from October 2014 to December 2015, over a year but there was no increment made in his salary although the position he was transferred to elevated him from Grade 4 level to Grade 14, and which he

alleges required an increment in salary of about US\$2,000.00; that he did not receive the increment in salary until his position was declared redundant and that meant his redundancy pay being calculated on the continuous monthly payment of US\$376.50 constituted an unfair labor practice. In summation, the appellee is claiming back pay for his work as Food Quality Superintendent (Grade 14) and calculation of his redundancy pay on the salary assigned to that position.

The Labor Commissioner in Nimba having invited the parties to several conferences to resolve the matter, but same yielding no result, had the matter ruled to trial on its merits. Having listened to the testimonies of witnesses and reviewed the documentary evidence presented, the Labor Commissioner ruled that he was convinced that the delay on the part of the Human Resource Management Department of the appellant to complete the transfer document was willful, intentional and exploitative with the intent to deprive the appellee of his rightful compensation commensurate with his new position; that this violates the Decent Work Act (2015), specifically Chapter 2, under the caption, "Fundamental Rights. He found that the appellant meted out unfair labor practices against the appellee and therefore held the AML liable to the appellee in the sum of United States Twenty-Five Thousand Nine Hundred Dollars and Sixty Cents (US\$25,009. 60), representing his salary and housing allowance accrued from October 14, 2014 - December 2015 (14 months) computed in accordance with the appellant's grade 14 level; the appellant was also ordered to recalculate the appellees redundancy package in line with the rightful salary structure as superintendent, the last position the appellee served when he was made redundant.

This Ruling of the Labor Commissioner was appealed by the appellant AML to the 8th Judicial Circuit, Nimba County, sitting in its Labor Division. The appellant gave reasons alleging that the Labor Commissioner's ruling was erroneous and reversible.

At the call of the case by the judge of the 8th Judicial Circuit, the appellee's counsel filed for dismissal of the appellant's petition for Judicial review, stating that the appellant had filed its petition beyond the ten days allowed for filing of a petition for judicial review as of the date of the Labor Commission's ruling. The appellant on the other hand countered that the Decent Work Act requires thirty days for filing of a petition for judicial review from a ruling of a Labor Commissioner/Hearing Officer, and not ten days as alleged by the appellee; that appellant had filed its petition within the period required by statute when it filed its petition on February 13, 2017; that though the ruling was rendered orally on January 13, 2017, the parties did not get the written ruling on account that the Labor Commissioner had informed them that one of his relatives had been killed and as such the written ruling would be made available two weeks later. The date appearing on the face of the ruling, the appellant said does not determine the

time limitation for the filing of a petition for judicial review, rather it is the date that the party receives copy of the ruling from the Labor Commissioner; that despite the appellant having received the Labor Officer's ruling later than January 13, 2017, the appellant filed its petition for judicial review on February 13, 2017, exactly the legal time of thirty days as the law requires.

The Circuit Judge held that the appellant had shown no evidence that the ruling was served on the parties beyond the time it was delivered on January 13, 2017, while both parties were present; that the law required the appellant to complete its appeal within thirty (30) days and not ten (10) days as stated by the appellee's counsel; however, as the appellant had received the ruling on January 13, 2017, and filed its petition for judicial review on February 13, 2017, its petition was filed more than thirty days, that is, it was filed thirty one (31) days after the Labor Commissioner's ruling on January 13, 2017, and therefore the petition was dismissed for late filing.

The appellee appealed the Circuit Judge's ruling and this Court sees only count 3 as being relevant to the appeal. Count 3 of the bill of exceptions reads:

"3. That Your Honor committed reversible error by ruling that Petitioner's Petition for Judicial Review was filed out of statutory time. Petitioner says because the last day for the filing of its petition was February 12, 2017, since it received the ruling of the Labor Commissioner on January 13, 2017. Accordingly, February 12, 2017, fell on Sunday; hence, the last day for filing and service of the petition was Monday, February 13, 2017. The Court records showed that petitioner filed and served its petition on Monday, February 13, 2017, in keeping with Section 1.7 of the Civil Procedure Law. Petitioner submits that because that last day for filing of its petition was a Sunday, the computation of its period for filing and service of its petition extended to "the end of the next day which is neither a Sunday or legal holiday."

The laws relevant to this issue of the appeal are our Decent Work Act Chapter 10.1 (b), and Civil Procedure Law Rev. Code 1.7 (1) on Computation.

Our Decent Work Act, 10.1 (b) provides that, "A party aggrieved by an order of the Ministry under section § 9.5 may appeal against that order within thirty days after service of the order on the parties," while, Civil Procedure Law Rev. 1:1.7(1) – Computation, states that, "In computing any period of time prescribed or allowed by statute, by order or rule of Court, by rule or regulation, or by executive order, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor legal holiday. When the period of the time prescribed or allowed is less than ten days, intermediate Sundays and holidays shall be excluded from the computation."

The Labor Law cited above confirms the circuit judge's ruling that the time allowed for filing of a petition for judicial review from the ruling of a Labor Commissioner/Hearing Officer is thirty (30) days and not ten days as the appellee's counsel stated.

This Court's calculations from the date the ruling was rendered on January 13, 2017 to the day the appellant's petition was filed, February 13, 2017, does confirm that the petition was filed thirty-one (31) days after the Labor Commissioner's ruling; however, the Civil Procedure Law as cited above states that the last day of the period for filing legal papers, when computed is to be included unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor legal holiday: *Dennis v. RL*, 7 LLR 232, 235 (1971); *NEC v. Amos S. Siebo*, Supreme Court Opinion, March Term A.D. 2017. The thirtieth and last day for filing of the appellant's petition, when computed, was on February 12, 2017, which fell on a Sunday, and therefore Sunday was not to be computed as the last day as it is a *dies non*. The appellant having filed its petition on February 13, 2017, it was within the statutory time allowed by law. Therefore, the ruling of the Judge of the 8th Judicial Circuit was erroneous and reversible.

This Court has cautioned judges to exhibit an industry and application commensurate with the duties imposed upon them to administer, interpret and apply the law, in the discharge of their duties. Computation of time is an elementary principle of our statutory laws that judges should be au courant with in their disposition of matters before the court. In the instant case, the decision of the judge to deny the appellant's petition for judicial review for late filing is not only detrimental to the parties' cause and the speedy administration of justice, as it puts an extra burden on the parties to procure legal representations to have the matter finalized, but it reflects poorly on the court's case management system. Hence, judges must exercise judicial efficacy when handling matters before them to ensure that cases are properly and efficiently disposed of.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the trial judge of the 8th Judicial Circuit Court dismissing the appellants petition for judicial review is reversed. The Clerk of this Court is ordered to send a Mandate to the 8th Judicial Circuit Court commanding the judge presiding therein to resume jurisdiction over the matter and proceed to hear the appellant's petition on its merit. Costs to abide final determination. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, THE APPELLANT WAS REPRESENTED BY COUNSELLOR STEPHEN B. DUNBAR JR. OF THE DUNBAR AND DUNBAR LAW OFFICES. THE APPELLEE WAS REPRESENTED BY COUNSELLOR MAMEE S. GONGBAH JR. OF THE LIBERTY LAW FIRM.