

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 H I S HONOR : YUSSIF D. KABA ..... ASSOCIATE JUSTICE  
BEFORE H I S HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE  
BEFORE HER HONOR : CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE

The Management of SEGAL, represented by its )  
Authorized Representative of the City of Monrovia )  
Liberia.....Appellant )

Versus ) APPEAL

His Honor Roland F. Dahn, Resident Circuit Judge, 8<sup>th</sup>)  
Judicial Circuit for Nimba County.....1<sup>st</sup> Appellee )

And )

Aggrieved Workers of SEGAL of Nimba County )  
.....2<sup>nd</sup> Appellee )

GROWING OUT OF THE CASE:

The Management of SEGAL, represented by its )  
Authorized Representative of the City of Monrovia, )  
Liberia.....Petitioner )

Versus ) PETITION FOR THE WRIT  
OF PROHIBITION

His Honor Roland F. Dahn, Resident Circuit Judge, 8<sup>th</sup>)  
Judicial Circuit for Nimba County )  
.....1<sup>st</sup> Respondent )

And )

Aggrieved Workers of SEGAL of Nimba County )  
.....2<sup>nd</sup> Respondent )

Heard: November 11, 2024

Decided: MAY 29, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

This matter is before us from an appeal announced in a ruling made by our distinguished colleague, Mr. Justice Yussif D. Kaba, Associate Justice in Chambers, denying appellant's petition for the writ of prohibition which grows from the denial of the bill of information in the National Labor Court of the Eight Judicial Circuit Court for Nimba County.

The review of the facts in this case revealed that on the 19<sup>th</sup> of June, 2017, the 2<sup>nd</sup> appellees filed an eight (8) count complaint against the Management of SEGAL the appellant, before the Labor Commissioner in Sanniquellie, Nimba County, for unfair labor practice. The appellees, Aggrieved Workers of SEGAL, who were providing security for Arcelor Mittal, confronted the appellant on their concerns and alleged that they asked the appellant to define their employment status; that the appellees have been denied of their annual leaves; that there is no information on their tax deductions, insurance premium and benefits; that the appellant denied them lunch break during their period of work; that they have been denied overtime pay; that Ten United States Dollars (US\$10.00) and 25kg bag of rice were deducted from their salaries for a day absence; that they were transferred by the appellant without resettlement packages; and that female employees were denied maternity leave or were being dismissed while on their maternity leave. The appellees also further alleged that their indefinite employment was terminated for which this suit ensued before the Labor Commissioner and they were issued a definite employment.

The Labor Commissioner invited the parties for a conference and the matter was ruled to trial since the parties could not reach an understanding. The Labor Commissioner, upon the issuance of four notices of assignments for hearing, the appellant failed to attend without any valid excuses; the Labor Commissioner granted complainants' prayer for default judgment, upon making their imperfect judgment perfect on October 26, 2017. On the 16<sup>th</sup> of March A.D. 2018, the Labor Commissioner held the appellant liable for unfair labor practice in an amount of Six Hundred Forty Two Thousand Three hundred Seventy United States Dollars (US\$642,370.00) for salaries and benefits. The appellant Management noted exception to the ruling and announced an appeal to the Eighth Judicial Circuit Court for Nimba County.

On April 11, 2018, the appellant filed a petition for judicial review before the Eighth Judicial Circuit Court for Nimba County, and the trial judge held that the matter be returned to the Labor Commissioner to resume jurisdiction, calculate each employee's claims, and make an appropriate award in the final judgment in order to have the parties appear so that the dissatisfied party will have the opportunity to note exception. Thereafter, the matter was sent to the Labour Commissioner to act as per the Mandate of the trial judge and the appropriate claims were calculated. We will state for the records verbatim the Addendum/Modification to the Labour Commissioner's ruling as per the Mandate of His Honor, Yarmie Quiqui Gbeisay, Sr., the Assigned Judge, Eighth Judicial Circuit, Nimba County as follows:

And therefore, in conjunction with, the ruling, dated March 16, 2018, the Investigation do hereby modify the decision as follows:

That SEGAL Management, Defendant in this case is hereby held LIABLE for UNFAIR LABOUR PRACTICES meted against the complainants; 353 dismissed workers as evidenced by its intentional refusal and failure to cooperate with the investigation in submission of employment records to either prove or disprove the complainant's allegations and by complainants making the imperfect judgment perfect supported their legal counsel's argument.

Defendant Management without any reference to the laws of this Land, elected during the course of these proceedings to terminate the indefinite employments of 353 of her employees who have worked from two or ten years and subsequently offered them (employees) definite contracts.

Defendant Management denied 353 employees their annual leave in keeping with law and also made these employees to work twelve (12) hours per day, four hours more than the required eight (8) hours per day work without paying these employees for their overtime services. Defendant Management also compelled the 353 workers to work for several years without allowing them to take lunch breaks.

Defendant Management also, terminated the 353 employees' services for exercising their rights under the law, which she attributed this decision to the mandate of her client, Arcelor Mittal Management. The Investigation considers this act on the part of Defendant Management as an illegal/wrongful dismissal.

Defendant Management also flatly failed to produce documents to indicate work schedule, overtime, leave, lunch hour, etc., thus, giving the investigation the clue that complainants were not given such rights under our laws for rest. Therefore, Management shall compensate complainants for accrued lunch hours accordingly.

On the part of the present employees, (complainants who are still employed) the Management is with immediate effect ordered to withdraw the present definite contracts imposed on the employees and it is hereby declared by the Investigation null and void and both parties are also ordered to return to status quo.

Defendant Management is hereby ordered to pay the 353 aggrieved workers of SEGAL for their unpaid accrued leave, accrued overtime, unused lunch breaks and severance pay for time lost in the total sum of United States Three Million Three Hundred and Eight Thousand One Hundred Twenty Three Dollars and Thirty Nine cents (US\$3,308,123.39)

Please see attached booklets marked from A, B, and C containing modified detailed calculations and its procedures. And hereby so ordered

Done this 25<sup>th</sup> day of September, AD 2019  
Under my hand and seal in the City of

After the addendum/modification to the Labour Commissioner's ruling as per the Mandate of His Honor, Yarmie Quiqui Gbeisay, Sr., the Assigned Judge, Eighth Judicial Circuit, Nimba County, the appellant filed before the trial court another petition for judicial review, alleging that they were not given their days in court at the time of the award to appear and confront the appellees. The petition for judicial review was heard and determined and the matter be sent back to the Labor Commissioner to resume jurisdiction and accord the appellant due process. While before the Labor Commissioner, the Aggrieved Workers of SEGAL, 2<sup>nd</sup> appellees filed a summary proceeding against the Labor Commissioner before the trial judge

contending that the Labor Commissioner refused to give effect to the ruling since September 5, 2020 and that the Labor Commissioner was always seen with the CEO of appellant, and that all efforts to hear their case had failed, and the recalculated award carried out by the appellant excluded the 2<sup>nd</sup> appellees overtime and leave pay. The trial judge, His Honor, Roland F. Dahn cited the parties for conference and granted the 2<sup>nd</sup> appellees' petition for judicial review and ordered that the Labour Commissioner to resume jurisdiction and afford the 2<sup>nd</sup> appellees the opportunity to provide proof of overtime and leave but defendant management failed to appear for such hearing after two successive notices of assignments on December 13, 2021 and March 7, 2022. The Labor Commissioner again held for the 2<sup>nd</sup> appellees and the appellant noted exceptions and announced an appeal to the National Labor Court of the Eight Judicial Circuit for Nimba County. The trial judge ruled, affirming and confirming the ruling of the Labor Commissioner awarding the total claims of the 2<sup>nd</sup> appellees in an amount of US\$643,870.00. The appellant noted exceptions and announced an appeal to the Honorable Supreme Court of Liberia but failed to file a bill of exceptions within the ten days statutory time, but instead filed a motion to rescind judgment alleging that the appellant was not given the opportunity to appear and be heard.

Following the lapse of the ten days statutory time, the 2<sup>nd</sup> appellees filed a motion to dismiss the appeal. The 2<sup>nd</sup> appellees in its motion to dismiss appellant's appeal contended that appellant was adjudged liable in the amount of US\$643,870.00 for unfair labor practices by the Labor commissioner and said ruling was confirmed and affirmed on June 6, 2022, by the trial judge sitting in labor; that the 2<sup>nd</sup> appellees also contended that the appellant noted exception and announced an appeal to the Honorable Supreme Court of Liberia but failed to perfect the appeal, and the 2<sup>nd</sup> appellees further contended that the failure to file its bill of exceptions within statutory time is ground for the dismissal of an appeal.

The appellant, dissatisfied with the ruling of the trial judge confirming and affirming the modified ruling of the Labor Commissioner, filed a motion to rescind judgment on June 15, 2022. The trial judge having listened to the arguments of the parties pro et con consolidated the motion to rescind and the motion to dismiss and ruled denying the motion to rescind judgment thereby reconfirming and reaffirming its June 6, 2022 ruling of the Labor Commissioner and granted the motion to dismiss the award was granted to 353 dismissed employees on grounds that the appellant noted exception and announced an appeal to the ruling confirming and affirming the ruling of the Labor Commissioner of June 6, 2021, but elected to file a motion to rescind instead of perfecting the appeal process as required by law. The trial court held that the failure on the part of the appellant to fulfill the requirements concerning the appeal process is ground for the dismissal of an appeal.

This Court notes that when the motions to rescind and dismiss were passed on, it was already 21 days after the appellant had received the ruling of the trial judge confirming and affirming the Labor Commissioner's ruling and, the Court also notes that after the dismissal of the appeal on June 29, 2022, it was when the appellant bill of exceptions was presented to the trial judge for approval and the trial judge declined signing said bill of exceptions.

Thereafter, the appellant fled to the Justice in Chambers, praying for the writ of certiorari to compel the trial judge to approve its bill of exceptions. In the mind of this Court, a writ of certiorari was not the proper remedy available for the appellant before the Justice in

Chambers since an appeal was already announced in the matter. The Chambers Justice declined the issuance of the writ of certiorari and sent down the Mandate ordering the trial Court to resume jurisdiction, and to proceed with the case in line with law. The mandate was read in open court and the trial judge resumed jurisdiction and wrote the appellant, to comply with the bill of costs.

As the result of this communication, the appellant filed before the trial judge a bill of information, contending that the bill of costs does not reflect the individuals named as beneficiaries because the listing of the 2<sup>nd</sup> appellees contains names of individuals who have never worked with the appellant, which would be an unjust enrichment of those individuals, among others; and The appellant therefore pray the trial court to review the bill of costs to ensure that the correct bill of costs is supported by the claims of only those truthfully and to also conduct an investigation and set aside the bill of costs, scrutinize the listing and ghost names, including those guards that are still in the employ.

On September 16, 2022, the trial court sitting in labor, ruled on the bill of information filed on September 7, 2022, and denied and dismissed the bill of information and ordered full compliance of the court's judgment of June 6, 2022, amounting to Six Hundred Forty-Three Thousand, Eight Hundred Seventy United States Dollars (US\$643,870.00), and payment of the bill of costs in the amount of Seven Hundred Thirty-One Thousand, One Hundred Thirty-One United States Dollars Eighty Cent (US\$734,131.80) and One Hundred Nineteen Thousand, Two Hundred United States Dollars (L\$119,200.00) prepared on July 11, 2022 and served on both parties on July 13, 2022.

Predicated upon the trial judge's denial of the appellant's bill of information, the appellant fled to the Justice in Chambers praying for the petition for the writ of prohibition contending that the trial judge had proceeded by wrong rule in the execution of the Mandate of the Justice in Chambers for the petition for the writ of certiorari, in which the Chamber Justice ordered the trial judge to proceed in keeping with law by ensuring the parties and not others, be given the relief they prayed for pursuant to their actual claims, among others.

The Chambers Justice, after review of the petition invited the parties for a conference and thereafter, requested the appellees to file their returns to the petition for the writ of prohibition. The appellees filed their returns and contended that there is an adequate remedy for appeal but not the issuance of the writ of prohibition, as same cannot serve as a substitute for an appeal among others. The appellant filed a petition for judicial review and the matter was remanded twice, in the face of all of the time the matter was sent back to the Labor Commissioner and the appellant at no time questioned the list of the 2<sup>nd</sup> appellees making the claims, but waited to raise such issue at the point of enforcement of the final ruling of the trial Judge sitting in its appellate division on the matter.

The Chambers Justice heard argument pro et con and ruled, quashing the alternative writ of prohibition issued and denying the peremptory writ prayed for by the appellant. The appellant noted exceptions and appeal to this Court *en banc*

Following the arguments advanced by the parties before this Court, this Court says that the issue which decides this matter is whether or not the prohibition can be used as a substitute

for an appeal announced in the court below, which this Court answers in the negative that prohibition will not lie to substitute the appeal announced in the court below.

The records before this Court do not reflect that the appellant complied with the ten days statutory provision for the filing of the bill of exceptions. The certified records before this court reveals, that the appellant was ruled against in the National Labor Court at the Eight Judicial Circuit Court for Nimba and the appellant noted its exception and announced an appeal but failed to file its bill of exceptions within the ten days statutory time allowed by law. However, the appellant elected to file a motion to rescind the court's ruling, thereby ignoring the appeal process leaving the appellees with no alternative but to file a motion to dismiss the appeal, which motion was heard and granted by the trial court thereby dismissing said appeal.

This Court says that a trial judge sitting in labour has an appellate jurisdiction to hear labour matters emanating from the Labour Commissioner. What this means is that, the trial judge sitting in labour has the appellate authority by law, to review the decision of the Labor Commissioner. The appellant according to the records, noted exception to the final ruling of the trial judge and announced an appeal to this Court *en banc*. This Court thinks that the proper remedy available to the appellant was to comply with the appeal process, so as to have this matter heard on its merit on appeal. The failure on the part of the appellant to comply with the statutory requirement of appeal, the trial court was correct in dismissing such appeal. Also, this Court by tradition does not take evidence and what was proper for the appellant was to provide evidence of their contentions before the Labour Commissioner when the mandate was sent down by the trial court to give effect to the contentions but the review of the records before us show that the appellant did not take advantage of this. This Court, from the certified records before it, did not see where the trial judge sitting in labour acted contrary to law in confirming and affirming the Labour Commissioner's decision.

In the mind of this Court, it is the law that prohibition is not a ground for the substitution of an appeal announced in the National Labor Court of Nimba County, but rather, prohibition can be used to prevent a trial tribunal from enforcing its judgment or to undo that judgment where there has been notice of appeal therefrom, merely to restrain it from usurpation, as this Court has indicated in these cases, *Kennedy et al. v Goodridge et al.* 33 LLR 398, 407 (1985); *Henries et al. v Fahnbulleh et al.* 42 LLR 446, 452 (2005). We must state here that prohibition is not the proper forum to hear a matter where an appeal was announced by the party against whom a judgment was rendered. All of the contentions raised by the appellant would have been properly addressed had this matter been decided on the basis of the appeal but the appellant had failed to be in full compliance with the statute on appeal pursuant to *Civil Procedure Law, Rev. Code:51.4*.

However, to avoid unjust enrichment by the appellees, since the contentions of the appellant that the mandate of the trial judge was never upheld to determine the actual number of persons/beneficiaries, because the records in the case file did not state with clarity the authorized person of the appellant signing for those precepts or assignments, we think it is proper to remand this case to the trial court to identify the actual beneficiaries since the appellant is alleging that the list contains names of individuals who have never worked with the appellant or who left the employ of the appellant, either through resignation or death long before the six aggrieved employees who were dismissed, etc., We hold that the appellant is

liable to pay the 2<sup>nd</sup> appellees their respective claims following the verification of the actual beneficiaries for the award because a further review of the certified records before us give us no indication that the mandate sent from the Eight Judicial Circuit Court for Nimba County National Labor Court was ever executed; that is to say, the determination of the actual beneficiaries for the award.

In furtherance of the above, even though we see fit to have this matter remanded to the trial court only to avoid unjust enrichment, it is our opinion or we hold, that considering the appeal announced by appellant in the court below, prohibition is not a legal remedy to substitute an appeal announced by the appellant.

WHEREFORE AND IN VIEW OF THE FOREGOING, the Ruling of the Justice in Chambers is affirmed with modification. The Clerk of this Court is hereby ordered to send a Mandate to the court below and order the trial judge to resume jurisdiction in keeping with this judgment to pay the 2<sup>nd</sup> appellees their respective claims following the verification of the actual beneficiaries for the award. AND IT IS HEREBY SO ORDERED.

Affirmed with modification.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS LAWRENCE TOMAH AND KEBBEH FREEMAN-SIRYON APPEARED FOR THE APPELLANT. COUNSELLORS KIM HARRIS AND M. WILKINS WRIGHT APPEARED FOR THE APPELLEES.