



was now removed from the trial court and venue before the Honorable Supreme Court as a matter of law and procedure in our jurisdiction. While the matter was still pending, Hans Armstrong (Respondent herein) thru his legal counsel filed a motion to vacate the stay order on grounds that the lawyer representing the informant Counsellor Benedict F. Sannoh was not a licensed lawyer when he represented the Informant ACTIVA International Insurance, up to the time of excepting to the judgment of the lower court and announcing an appeal, filing the bill of exceptions, the appeal bond and the notice of completion of appeal.

The co-respondent judge proceeded to hear the said motion to vacate the stay order and granted same on grounds that the informant's lawyer was unlicensed when he filed legal papers on behalf of the informant and as such every paper filed is a legal nullity, therefore, the stay order was vacated and the ruling of the trial court was ordered enforced.

This ruling of the trial court prompted ACTIVA International Insurance to file this current bill of information before this Court. The informant in its bill of information has argued that the trial court was divested of jurisdiction when it signed the informant's bill of exceptions, therefore, the matter was removed from the trial court's jurisdiction and the only legal process that the trial court could entertain concerning this matter were other statutory processes such as approving the appeal bond, hearing a motion to justify insufficient or defective bond if the matter arises and the issuance of a notice of completion of appeal which will finally bring the matter under the jurisdiction of the Supreme Court; and it is only when the appealing party fails to file its bill of exceptions within the statutory time, that the trial court retains jurisdiction to enforce its judgment by the proper filing of a motion to dismiss by the opposing party.

The informant also argued in its bill of information before this Court that the respondent had already filed before the Honorable Supreme Court a motion to dismiss the appeal filed by it (Informant) on the same grounds as stated in its motion to vacate the stay order before the trial court and that arguments had been heard by the Honorable Supreme Court on the motion to dismiss and ruling is pending. Therefore, a bill of information will lie to stop the trial court from interfering with a matter pending before the Supreme Court.

The co-respondent, Hans Armstrong thru his legal counsel has argued that the bill of information is not properly before the Supreme Court, because it was filed outside the grounds listed for the filing of a bill of information provided for in Rule IV, Part 12 of the Revised Rules of Court, therefore, the said bill of information will not lie.

The respondent has also argued that the co-respondent judge acted properly when he granted the motion to vacate the stay order and proceeded to enforce the lower court's

judgment as the entire process leading up to the announcing of the appeal, filing of the bill of exceptions, asking for a stay order was done by an unlicensed lawyer at the time and as such, it renders the entire process void ab initio and without any legal effect.

There are two issues that we must address in order to bring an end to this controversy, namely:

1. Whether the trial judge acted properly when he granted the respondent's motion to vacate the stay order that was put in place on grounds that the lawyer who filed the paper on behalf of the informant was an unlicensed lawyer at the time he filed the said papers especially where the informant had excepted and announced an appeal to the Supreme Court?
2. Whether a bill of information will lie given the facts and circumstances of this case?

Beginning with the first issue, our laws are clear. Once a trial judge receives and signs a bill of exceptions approving same within the statutory period, his authority to execute the judgment is removed unless and until pursuant to a mandate of the Supreme Court. *Houseini v. Kaydea (2012)*.

The facts in this matter are clear, the trial judge approved the informant's bill of exceptions after it was filed within the statutory period and the records also provide that, though appeal doesn't stay the judgment of the debt court, the said judgment may be stayed on specific grounds, and they are: lack of due process or where the party was denied his day in court; or where the amount of the indebtedness is in dispute. New Judiciary Law, Section 4.2. The informant specifically requested the trial court through the appropriate legal means to stay the enforcement of its judgment citing lack of due process in the trial court's proceedings against it (appellant), the trial court agreed with this assertion of the informant and granted the informant's request thereby placing a stay on the enforcement of its ruling.

The signing of the bill of exceptions by the trial judge is an approval of said exceptions taken by the appealing party against the ruling of the trial judge in the matter before the court and this takes the matter out of the trial court's jurisdiction and except upon a failure of the appealing party to proceed to perfect its appeal within the period allowed by statute which would ultimately render the said appeal dismissible, the trial court can no longer perform any action affecting the case, except ministerial acts of approving the appeal bond or entertaining a challenge if there is any legally before it or serving notice of the completion of the appeal

on the other party. Any acts done by the trial court after the signing of the bill of exceptions that are outside the scope of the appeal process without a mandate from the Honorable Supreme Court must be declared void.

In the instant case, the informant had excepted and filed his bill of exceptions and appeal bond and notice of completion of appeal. In fact, the records show that the respondent filed a motion to dismiss the said appeal before this Court on the same grounds, that the informant's lawyer was not a licensed lawyer when he filed all the legal papers and participated in the said case for the informant. This matter is still before this Court, and this Court had already entertained arguments thereto and reserved ruling.

Our laws are clear, once an appeal is announced and a bill of exceptions is approved, the matter technically and legally is not before the trial court anymore, it goes without saying that once the appeal bond is filed and approved and a notice of completion of appeal is served on the opposing party, the matter is now fully and legally before the appellate court and the trial court becomes *functus officio* and cannot, at that point, exercise anymore jurisdiction whatsoever over the said case, except upon an order or a mandate emanating from the appellate court.

Predicated on the above, we now hold that any action taken by the trial court after the perfection of an appeal is void ab initio.

Respondent has tried to convince this Court that the trial judge's actions were justified, because the informant's lawyer was unlicensed when he filed the said pleadings on behalf of the informant. We affirm the numerous holdings and precedents of this Court that where a lawyer files any pleading or other legal papers before a court when he/she is unlicensed, said pleadings or papers are all legal nullity and must be treated as void and having no legal effect.

However, the facts before us present a different story. The judge had already approved the bill of exceptions and the informant had already complied with the jurisdictional steps and perfected its appeal. Moreover, the respondent had already filed a motion to dismiss the informant's appeal before the Supreme Court on the same grounds which he filed the motion to vacate the stay order before the trial court and the Supreme Court has entertained arguments and ruling is pending.

So, the respondent's argument that the informant's counsel was unlicensed when the pleadings before the lower court were filed is untenable under the circumstances because once jurisdiction has passed to the Supreme Court, no subsequent event, including questions

about counsel's license, can restore authority to the trial court. The trial court's jurisdiction is not a flexible instrument that may be revived, expanded, or reasserted based on collateral allegations concerning counsel or procedure once an appeal has been perfected. In this jurisdiction, the Supreme Court and the lower court cannot exercise jurisdiction simultaneously over the same matter.

The jurisdictional process of our courts is strictly guided by statutes and precedents in support of the appropriate statutes; therefore, once an appeal is completed in accordance with law, the authority of the trial court is not suspended, reduced, or limited, it is extinguished and nothing remains at that point for the trial court to do except acts expressly permitted by statute or mandates or orders emanating from the Supreme Court.

The respondent judge action of vacating a stay order that was in force when the informant perfected its appeal on grounds that the lawyer who signed the pleading was allegedly unlicensed. Even if such an allegation were true, (a matter this Court does not here decide), it cannot restore jurisdiction to a court that has already been divested of it.

Jurisdiction does not ebb and flow with the perceived qualifications of counsel. It is determined by law, not by circumstance, and to hold otherwise would invite chaos as trial courts could revisit judgments, alter orders, or disturb the status quo whenever a party raises a collateral issue about counsel, filing fees, or procedural irregularities and as a result, appeals would lose their stabilizing effect, and litigants would be left uncertain as to which court truly controls their case.

We hold that the trial judge's decision to interfere with a case that he had no jurisdiction over and ruled vacating a stay order, after the bill of exceptions had been signed, the appeal bond approved, and the notice of completion of appeal served, is not merely erroneous but is void, because the judge acted without a shred of jurisdiction.

The justification offered by the respondent and agreed to by the trial judge, that counsel who signed the pleading was allegedly unlicensed, only compounds the error. Even assuming the allegations were true, (which we have not make a determination yet), it does not and cannot resurrect jurisdiction that the law has already removed.

We now move to the second issue, that is whether a bill of information will lie given the facts and circumstances of this case?

We answer this issue in the affirmative. Amongst the many reasons why a bill of information will lie is where there is an act to usurp the province of this Court. *Liberia Petroleum Refining Company v. Tulay*, 36 LLR 467 (1999), *Bassan H. Jawalry, Executor of the Testate Estate of the late Milad R. Hage v. His Honor, Kabineh M. Ja'neh et al*, Supreme Court Opinion, March Term, A.D. 2012.

In the case, "*The intestate estate of Sarah Sirleaf v. El-Bim et al*, Supreme Court Opinion, March Term, A.D. 2013", this Court held that "in order for a bill of information to be granted, the matter forming the basis of the information must have been pending before the court or decided by it."

The above cited cases clearly show that a bill of information where there is an act to usurp the province of this Court and where the matter forming the basis of the information is pending before the court. The facts are not in dispute, the trial court by vacating the stay order on the enforcement of its judgment while the matter is already pending determination by this Court is an interference by the lower court and a usurpation of the province of the Supreme Court and as such a bill of information will lie.

WHEREFORE AND IN VIEW OF THE FOREGOING, the bill of information is granted and the trial court ruling vacating the stay order is hereby reversed and the parties are ordered to return to status quo ante pending determination by this Court. Costs to abide final determination. IT IS HEREBY SO ORDERED.

*WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR AMARA M. SHERIFF APPEARED FOR THE INFORMANT. COUNSELLORS BENEDICT F. SANNOH AND A. NDUBUISI NWABUDIKE APPEARED FOR THE RESPONDENT.*

*Information granted.*