

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

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SRCHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR : CEAINEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEHASSOCIATE JUSTICE

Life Saving Center of Jesus Christ International by and thru its)
Pastor Edwin F. Korpu of the City of Monrovia, Republic of Liberia)
..... Appellant)
Versus) APPEAL

Freddenis K. Nagbe of the United States of America by and thru)
his Attorney- in- Fact, Emmanuel Wesseh, of the City of Monrovia,)
Republic of Liberia Appellee)

GROWING OUT OF THE CASE

Freddenis K. Nagbe of the United States of America by and thru)
his Attorney- In- Fact, Emmanuel Wesseh, of the City of Monrovia,)
Republic of Liberia Petitioner)
Versus) PETITION FOR
THE WRIT OF
PROHIBITION

Her Honor Golda A. Bonah- Elliot, Assigned Circuit Judge, Civil)
Law Court, Sixth Judicial Circuit, Montserrado County, and the Life)
Saving Center of Jesus Christ International by & thru its Pastor,)
Edwin F. Korpu, of the City of Monrovia, Republic of Liberia)
..... Respondent)

GROWING OUT OF THE CASE

Life Saving Center of Jesus Christ International by and thru its)
Pastor, Edwin F. Korpu, of the City of Monrovia, Republic of Liberia)
..... Petitioner) SUMMARY
Versus) PROCEEDING TO
RECOVER

Mr. Aloysius Jackson also of the City of Monrovia Republic of Liberia) POSSESSION OF
REAL PROPERTY
.....Respondent)

Heard: November 13, 2025

Delivered: February 12, 2026

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

This appeal currently before us evolves from a judgment rendered by our colleague, Her Honor Ceaineh D. Clinton Johnson, while presiding as Justice in Chambers during the 2025 March Term of this Honorable Supreme Court of Liberia.

The facts as culled from the records, reveals that the appellant, Life Saving Center of Jesus Christ International, initially instituted an action of felonious restraint against the appellee, Freddennis K. Nagbe, through his attorney-in-fact, Emmanuel K. Wesseh, on August 21, 2023, before the West Point Magisterial Court. The appellant contended that the appellee had illegally occupied its property which it obtained through squatter's right from the township of West Point, conferring on it legal rights to reside thereon. As per the records, upon the issuance of a notice of assignment in this action, the appellee and others failed to appear and the case was not heard. This matter thereafter remained pending before the magisterial court undetermined.

On June 7, 2024, the appellant took further action regarding the property by instituting a Summary Proceeding to Recover Possession of Real Property before the Sixth Judicial Circuit, Civil Law Court for Montserrado County, presided over by Her Honor Golda A. Bonah - Elliot, against the appellee, and others, alleging therein that it was the legal owner of a squatter rights property lying and situated within 0402 Block A in the township of West Point, having received the squatter's rights from the township of West Point upon payment of United States Seven Thousand Dollars (\$7,000.00), on May 28, 2023, to Charles K. Johnson, Smarth Johnson, Rancy Johnson, Kesseh Johnson, Romeo Johnson, PlayBoy Johnson, David Johnson and Evelyn Johnson, the previous holders of the squatter rights to said property who had built structures thereon; that they having received squatter's right from the township of West Point, they were legally vested with authority to claim ownership over said property which they had passed on to the appellant; and that the appellee and others had wrongfully encroached upon the property absent the appellant's knowledge and consent, and have refused to vacate same despite several notices. The appellant then prayed the court to have the appellee ousted and evicted from the disputed property.

The records show that the Petition for Summary Proceedings to Recover Possession of Real Property filed before the Sixth Judicial Circuit, named Aloysius Jackson, Freddennis K. Nagbe and Joan Wesseh as respondents. The writ of summons however carried only the name of Aloysius Jackson, and the Sheriff after having failed to serve the defendant Aloysius Jackson twice, the appellant requested the court for publication of the summons. The application was granted but only Aloysius Jackson was named as defendant in the publication.

Her Honor Golda A. Bonah-Elliot, Assigned Circuit Judge of the Sixth Judicial Circuit Court during its September Term 2024, had notices of assignment sent out for the disposition of law issues and hearings. When the defendant did not show up at assigned dates, the Judge upon a motion, granted a default judgment. The appellant consistent with law, then proceeded to make the imperfect judgment perfect by calling up two witnesses, Pastor Edwin F. Korpu and Mr. Harrison F. Jarka. The witnesses testified that the appellant had legal rights to the stated property, it having entered on the property by the issuance of a Squatter's Certificate by the Township of WestPoint and signed by the Commissioner of the township.

At the conclusion of the appellant witnesses' testimony and the entry of the squatter's certificate as evidence, the lower court on November 8, 2024 entered ruling granting the appellants' petition and awarding damages of United States One Thousand Dollars (US\$ 1,000.00) against the appellee and other defendants, and further ordered that the appellee be ousted, ejected and evicted from the property. The Judge ruled that because squatter's right is a claim of ownership to a parcel of land or piece of property which also confers on the squatter authority to take legal action against any person who interferes with such rights, the said squatter right is a vested title as such, consistent with section 62.21 of the Civil Procedure Law of Liberia, the appellant was therefore legally permitted to institute an action of summary proceeding to recover possession of real property against the appellee and all others.

On November 25, 2024, the appellee, thru his attorney-in-fact, Emmanuel Wisseh, filed a petition for a writ of prohibition before His Honor Yamie QuiQui Gbeisay, Sr., who presided as Justice in Chambers. The appellee prayed the Chambers Justice to order the lower court Judge to refrain from the enforcement of its ruling made on November 8, 2024, stating that he is the legitimate owner of the disputed property, having acquired same through honest purchase from Charles Kladea Johnson, the administrator of the intestate estate of the late Mataldi W. Johnson, for the amount of One Million Three Hundred Sixty Thousand Liberian Dollars (L\$1,360,000.00); that prior to the purchase, there existed a valid 10-year lease agreement between the appellee and his grantor Charles Kladea Johnson, which lasted from April 9, 2012 to April 9, 2022; that despite the appellant's instituting a pending action of felonious restraint against the appellee before the West Point Magisterial Court, and without same being heard and determined, the appellant went on to institute an action of Summary Proceeding to Recover Possession of Real Property for the same property before the Sixth Judicial Circuit, Civil Law Court, Montserrado County against the appellee along with one Aloysius Jackson and Joan Wesseh, and although the appellant knew or had reasons to know that the appellee was in possession of the stated property, the appellant had out of deception refused to serve the court's precept on the appellee but rather requested for a court's order

for service of summons by publication and mailing which did not name the appellee as a party; that based on the appellant's deception, the appellee did not have his day in court but was wrongly ordered ousted and ejected from his property by a judgment rendered by the Sixth Judicial Circuit, Civil Law Court for Montserrado County, in an action for Summary Proceeding to Recover Possession of Real Property filed by the appellant which did not name the appellee as a party respondent.

The appellant, in its returns to the appellee's petition for a writ of prohibition filed, prayed the Chambers Justice to dismiss same and affirm the judgment of the lower court on grounds that the appellee lacked standing and capacity to institute the petition after having failed to establish that he holds valid ownership or title to the stated property by his failure to attach his Administrator's Deed, Letters of Administration, a valid lease agreement, official Squatter Right Certificate, official Bill of Transfer and Official Squatter Authority from the office of the Township Commissioner as per the procedure of land acquisition in West Point; that the purported payment receipt displayed by the appellee does not establish ownership and leasehold title under the Liberian laws; that given that the lower court has already rendered judgment in favor of the appellant, the appellee has a remedy at law to institute an action of ejectment against the appellee and not abort same by pursuing a remedial writ of prohibition; that assuming that the appellees purported lease agreement between him and Mr. Charles Johnson was consummated and legally valid, same had expired since April 9, 2022, and therefore extinguishes any and all leasehold title that the appellee may have had over the stated property; that further assuming that the appellee had acquired the property from Charles K. Johnson on May 23, 2023, appellant title remains superior to that of appellee based on appellant's purchase of same about twenty (20) days earlier on May 1, 2023, from the same Charles K. Johnson, obtaining a valid squatter rights certificate, squatter authority and official bill of transfer from the Township Commissioner of West Point. The appellee stated that its petition filed before the Civil Law Court did include the name of the appellee as a co-defendant with subsequent publications in the local dailies also including the appellee as a party, and that the appellee was ideally served and given a notice to appear in court along with copies of the petition prior to the writ of summons being served by publication.

The petition for the writ of prohibition remained pending upon the expiry of Chief Justice Yamie Quiqui Gbeisay, Sr. tenure as Justice in Chambers, and Her Honor Ceaineh D. Clinton Johnson, upon being assigned as Justice in Chambers during the March Term of Court 2025, cited the parties to a conference and had the alternative writ issued. On December 9, 2024, she conducted a hearing into the matter and ruled granting the peremptory writ prayed for by the appellee.

In her ruling on the singular issue of “whether or not the trial court acquired jurisdiction over the appellee considering the facts and legal circumstances in the case”, the Chambers Justice held that the judgment of the court below could not be enforced against the appellee on grounds that the appellant was fully aware that the appellee occupied the disputed property as he had previously instituted an action of felonious restraint against the appellee before the West Point Magisterial Court; that it was therefore strange that the appellant would name the appellee and Aloysius Jackson as defendants in its action of Summary Proceeding to Recover Possession of Real Property before the Civil Law Court of Montserrado County and fail to have the appellee name mentioned in the writ of summons and summons by publication; that further, the appellant’s service of summons by publication ran contrary to the statutory requirements that service by publication be made at least once in four successive weeks, and the records of the trial court show that said publication was done only once without any mention of the appellee’s name on the summons; and that the appellants failed to show proof of mailing each publication to the appellee’s last known address or the post office receipt address of the appellee at his last known address deposited in the post office.

Consequently, the alternative writ of prohibition issued was sustained and appellees peremptory writ prayed for was granted with a Mandate sent to the court below to resume jurisdiction over the case.

It is against this ruling of the Chambers Justice that the appellant filed this appeal en banc, praying this Honorable Supreme Court to reverse the ruling of the Chamber Justice, deny the peremptory writ of prohibition granted and rule that the appellee lacked standing to file a petition for prohibition by mere reliance on a purported and disputed payment receipt.

The singular question we are called to answer is whether under the facts and circumstances of this case, the Chambers Justice’s reversal of the final ruling of the lower court was consistent with law?

Our Constitution (1986) provides that no person shall be deprived of their life, liberty, or property in the absence of a trial consistent with due process of law. Similarly, a plethora of Opinions handed down by this Honorable Supreme Court have held that no person shall be bound by a judgment absent proper service of summons which brings him/her under the jurisdiction of the court and that courts lack legal authority to execute a judgment against a party who is yet to be brought before it whether directly, indirectly, constructively or through a party it is in privity with.- *Venn v. Johnson*, Supreme Court Opinion, March Term A.D. 2025; *AIC v. Morris et al.*, 42 LLR 508, 518 (2005); *FLA v. Metzger et al.*, 42LLR 64,70 (2004). Direct service in this case would mean that the party was personally served the court’s

precepts or said papers were served on another person who the proper party have designated to receive said precepts, or resummons. Where the defendant cannot be found to be personally served with the summons, our Civil Procedure Law, Rev Code: 1: 3.40 requires service by publication and mailing.

The Chambers Justice in her ruling essentially stated that the appellant did not abide by the appropriate legal procedure of service of summons consistent with the Civil Procedure Law of Liberia in bringing a party under the jurisdiction of the court when it elected to institute its action of Summary Proceeding to Recover Possession of Real Property before the Sixth Judicial Circuit, Civil Law Court, Montserrado County by having the appellee, Freddennis K. Nagbe named in the petition for Summary Proceeding to Recover Real Property along with Aloysius Jackson and Joan Wesseh but only placing Aloysius Jackson named as defendant in the summons by publication, instead of the appellee or his attorney-in-fact whom the appellant knew and interacted with and has a matter pending with in the Magisterial court where the property is located. We believe that under the facts and circumstances, when the appellant moved the matter to the Sixth Judicial Circuit Court, it did so with all intent and purposes to deny the appellee participation in the case and therefore deny him his property rights without due process.

We therefore uphold the ruling of the Chambers Justice which reads:

“ We are of the opinion that the respondent having failed to show proof of four successive publications by law, having failed to exhibit any writ of summons with the name of the petitioner and or his attorney in fact but rather exhibited a publication with the name of Aloysius Jackson and having failed to show proof of mailing each publication to the petitioner’s address and further failing to show proof of the post office receipt addressed to the petitioner at his last known address was deposited in the post office, constitute a violation of the mandatory requirement of the statute.

The Law Hoary with age states, that what was not legally done was never done at all. Based on these circumstances addressed in this opinion, we are convinced that the petitioner was never brought under the jurisdiction of the Court to defend his right to the property he is claiming ownership of. It is our holding that the trial court’s judgment cannot be enforced against the petitioner, same must be set aside and the petitioner be repossessed due to the trial court judge’s failure to properly acquire jurisdiction over the persons of the petitioner.

WHEREFORE AND IN VIEW OF THE FOREGOING, the alternative writ of prohibition issued is sustained and the peremptory writ prayed for is hereby granted. The Clerk of this Court is mandated to order the trial judge presiding therein to resume jurisdiction in this case and give effect to this ruling. IT IS HEREBY ORDERED.”

This Honorable Supreme Court has consistently held that no person shall be deprived of life, liberty, security of the person, property, privilege, or any other right except as the outcome of a hearing consistent with the provisions laid down in this Constitution and in accordance with due process of law (Constitution of Liberia, 1986, Chapter III, Art.20).

Given what we have said in this Opinion, we confirm and affirm the Ruling of the Chambers Justice, her ruling being consistent with law. We therefore affirm that the trial court's ruling was unconstitutional as the appellant was not given his due process rights to protect his property.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Chambers Justice sustaining the alternative writ and granting the peremptory writ prayed for is hereby affirmed. The Clerk of this Court is ordered to send a Mandate to the court below ordering the judge presiding therein to resume jurisdiction in this case and give effect to the judgment emanating from this Opinion. **AND IT IS HEREBY SO ORDERED.**

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR J. ALOYSIOUS TOE APPEARED FOR THE APPELLANT. COUNSELLOR DAVID N. KATIAH APPEARED FOR THE APPELLEE.