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

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR ……..…….CHIEF 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. KANNEH…….....ASSOCIATE JUSTICE

Workers Union of Mesurado Group of Companies, represented by Milton H. Hailee of the City Monrovia, Liberia……...……..Appellant)

Versus) APPEAL

The Management of Mesurado Group of Companies, of the City of Monrovia, Liberia…….Appellee)

GROWING OUT OF THE CASE:

Workers Union of Mesurado Group of Companies, represented by Milton H. Hailee of the City of Monrovia, Liberia……Petitioner)

Versus) PETITON FOR JUDICIAL REVIEW

The Management of Mesurado Group of Companies of the City of Monrovia, Liberia……Respondent)

Heard: December 17, 2025 Decided: February 12, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

The appellant, (Workers Union of Mesurado Group of Companies) seeks a review by this Court of a decision rendered by the National Labor Court, in which the trial judge ruled denying the petitioner's petition for judicial review on grounds that the matter was already handled by his predecessor and as such, he could not review same, and that the said petition was only intended to delay and waste the court's time and proceeded to fine the lawyer who filed the said petition.

The appellant excepted to this ruling of the National Labor Court and filed this appeal before this Court.

The records certified to this Court reveal that the appellant instituted an action of unfair labor practice against the Management of Mesurado Group of Companies (appellee herein) at the Ministry of Labor on June 25, 1995, alleging unfair labor practice against the appellee on

grounds that the appellee owes them salaries, benefits and severance pay amounting to Five Hundred and Forty-Seven Thousand, Eight and Fourteen Dollars and Fifty-Five Cents (L$547,814.55.00) that was still unpaid.

The appellee filed their response along with a motion to dismiss on grounds that the said action by the appellant was time barred because the matter subject of the dispute was something that occurred since 1983, that is twelve (12) years before the filing of the said action before the Ministry of Labor, and that the statute of limitations, specifically INA Decree #21 which specifically provides that *"all labor actions shall be commenced within seven (7) years of the time the right to relief accrues, otherwise such action shall not be entertained by the Ministry of Labor. The right to relief shall accrue the day the employee incurs a grievance. The time within which an action shall commence shall, except otherwise, provided by law, be computed from the time that the right accrues to the time the claim is interposed."*

The Hearing Officer at the Ministry of Labor heard the motion and denied the appellee's motion to dismiss on grounds that the appellee's representative had written a letter to the appellants affirming liability and promising to pay the said money and the fact that the letter was written on May 13, 1987, it shows that the it shows that the matter was still progressing between the parties for which the statute of limitations was inapplicable

The appellee excepted to the ruling of the Hearing Officer and filed a petition for summary proceedings before the National Labor Court for Montserrado County. The appellant filed its resistance to the said petition for summary proceedings and the National Labor Court ruled on August 29, 2018, reversing the decision of the Hearing Officer at Ministry of Labor and ordered the hearing officer to rescind his ruling. The appellant excepted to this decision and announced an appeal. However, the records show that the appellant failed to file its bill of exceptions as mandated by the appeal statute and the appellee obtained a clerk's certificate to that effect.

The appellee then filed a motion to dismiss the appeal before the National Labor Court, however, when the motion to dismiss was assigned for argument, the appellant thru its counsel informed the court that he had instead filed a petition for the writ of certiorari before Her Honor Sie-A-Nyene G. Yuoh, then presiding in Chambers, Justice Yuoh held a conference and declined to issue the writ as prayed for by the appellant.

Thereafter, the trial court ruled dismissing the appellant's appeal on grounds that the appellant failed to perfect its appeal.

Notwithstanding, three years thereafter, in 2021, the appellant again this time through a different counsel who filed a bill of information with the Ministry of Labor on the same grounds that their wages were unpaid, however, the bill of information was denied. The appellant then filed a petition for judicial review before the National Labor Court, the case was assigned for hearing and the trial judge ruled dismissing the said action on grounds that the matter had already been handled by his colleague and that he could not legally review a decision made by his colleague as they share concurrent jurisdiction and proceeded to fine the lawyer.

The appellant, being dissatisfied with this ruling, now seeks a reversal of the said decision of the National Labor Court and to convince this Court to reverse the said decision, the appellant has in its bill of exceptions argued that the trial judge erred when he failed, refused and neglected to take into consideration that appellee did not deny that the appellant worked for them for many years and that they owe the appellant money; that the trial judge erred when he failed to consider that the appellee's representative, Madam Carmenia E. Tolbert admitted in a letter to the appellant that the appellee owes them money; that the trial judge failed to consider that the appellee only prevailed on grounds of the tolling of the statutes, specifically that the right to relief accrued and that the case was not brought forward within seven (7) years consistent with INA Decree Number 31 and therefore the said ruling of the trial judge should be reversed.

The appellant has raised as a subsidiary argument in its brief that even though it excepted and announced an appeal when the National Labor Court ruled dismissing the ruling of the hearing officer and that even though it failed to perfect its appeal from the decision of the National Labor Court rendered in 2018, the appellee failed to file a motion to dismiss the said case before the appropriate forum, therefore the appellee suffered waiver and laches when it perfected its appeal before the Honorable Supreme Court.

After reviewing the evidence and facts as presented in the certified records before this Court, we must determine if the case at bar is properly before this Court for us to make a determination on the merits.

The appellee has argued that the appellant failed to perfect its appeal process after excepting to a ruling rendered by the National Labor Court in August of 2018 for a period spanning three

years, that is, the appellant did not file a bill of exceptions, did not file an appeal bond and did not file a notice of completion of appeal from the appeal it announced in 2018, but has again brought the same matter with the same parties up before the very National Labor Court.

The appellant has not denied this assertion by the appellee, in fact, the appellant has conceded that indeed it did not comply with the appeal process and did not perfect its appeal but has argued that the trial judge erred when he failed to consider that the appellee owes it money and that the appellant's representative has admitted same; that the trial judge erred when he failed to take into consideration that the appellee only prevailed on procedural grounds and that the appellee failed to file a motion to dismiss the said case before the appropriate forum when the appellant failed to perfect its appeal, therefore, the appellee suffered waiver and laches when it, appellant perfected its appeal before the Honorable Supreme Court.

The procedural posture of this case is straightforward. Following the entry of judgment by the National Labor Court, the appellant in line with the law, excepted and announced an appeal to this Court on August 29, 2018. The next appropriate steps as mandated by law for the appellant to follow were: to file its bill of exceptions, file a valid appeal bond, and file a notice of completion of appeal and file it on the opposing party. *Civil Procedure Law Rev. Code* 1.51:4.

The law is clear that anything outside this procedural step is a violation of the law and makes the said appeal a fit subject for dismissal. Whatever issues the appellant had, were to be raised in its bill of exceptions before this Court in its appeal; however, by not following the said procedural steps the appellant willingly forfeited its appeal thereby denying us the chance to review it and acquiesced to the ruling of the lower court.

The appellant has raised a somewhat bizarre argument by urging this Court to overlook the procedural deficiencies in its case, asserting that the underlying labor dispute raises issues of substantial importance that was overlooked by the trial judge and that because the appellee did not file a motion to dismiss, the appellee suffered waiver and laches when it perfected its appeal.

Firstly, under the doctrine of concurrent jurisdiction, the law is clear that a judge cannot review his colleague of concurrent jurisdiction decision. No judge has the power to review, modify or rescind any decision of a judge exercising concurrent jurisdiction on any point already passed

upon by him, whether that decision is right or wrong. That authority lies only with the Supreme Court. *Gaga v. Pratt et al.,* 6 LLR 246, 254 (1938); *Republic of Liberia v. Aggrey*, 13 LLR 469, 479 (1960); *Kanawaty et al., v. King* 14 LLR 241, 242 (1960); *Kpotov. Kpoto,* 34 LLR 371, 382 (1981); *Sarnor v. Sherman*, Supreme Court Opinion March Term, 2012.

His Honor Judge Kollie proceeded legally in dismissing the petition for judicial review filed by the appellant for the second time on the same issue after it had been handled by his colleague of concurrent jurisdiction.

However, assuming that His Honor Judge Kollie could legally review the decision of the previous judge, he would be without jurisdiction to do same as the appellant had already excepted to the said ruling of the court and announce an appeal to the Honorable Supreme Court. If we were to agree with this argument of the appellant, we would be overturning years of precedents by this Court and ignoring foundational principles of our jurisprudence. Firstly, this law provides that it is incumbent upon courts to take judicial cognizance of its own jurisdiction and that where jurisdiction is wanting, the Court must so declare, for jurisdiction cannot be conferred by consent, waiver, or silence of the parties. This principle of law has been held in numerous decisions by this Court holding that "it is the law that "courts to include the Supreme Court and other judicial forums must of necessity take cognizance of their jurisdiction as prescribed by law, since the lack of jurisdiction, renders a judgment therefrom void regardless of the consent of the parties." *Rogers et. al v. Universal Insurance et. al*, 40 LLR 609, 612 (2001); *Sarweh et. al v. NPA*, 42 LLR 436, 439 (2005). It is also the law in this jurisdiction that "a court on its own initiative must first determine its jurisdiction over a subject matter, even if it is not raised". *Lamco J. V. Operating Company v. James Verdier,* 26 LLR 445, 448 (1978); *Union National Bank v. M.C.C,* 22 LLR 32, 35 (1973).

We affirm this principle of law and hold that this Court cannot proceed on the merits of a case where the statutory prerequisites to appellate review have not been satisfied.

The appellant's argument that the appellee should have filed a motion to dismiss and that since it did not file a motion to dismiss, its appeal should stand is without support in our jurisprudence. As stated above, the law is clear that courts should determine their own jurisdiction even when not raised by the parties. This law is important because even where no party challenges the propriety of the appeal, this Court and every other court must independently inquire into its jurisdiction. This duty is an inherent judicial function. This importance of the Court's jurisdiction is that it is the authority given the Court by law to declare

the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. Moreover, this Court's authority is not self-generating. It must be properly invoked by following all the required procedural steps especially in the case of appeal as the appeal statute is strict.

Under our law, for an appeal to be properly venue before this Court, the appealing party must except and announce an appeal, file a bill of exceptions, file an appeal bond and file a notice of completion of appeal on the opposing party within statutory time. If any of these steps are not fulfilled, the said appeal is a fit subject for dismissal and this Court is bound to take judicial notice of the said defects in the jurisdictional steps and dismiss the said appeal, even if it is not raised by the other party as stated supra.

Therefore, the appellant's argument that its appeal is rightfully before this Court because the appellee did not raise the issue is unfounded in law and reasoning.

While the appellant's argument that the judge overlooked in his ruling the fact that the appellee's representative conceded to owing the appellant and that the judge ignored the fact that the matter was dismissed without hearing the merits of the case may be so but at this point makes no difference in this circumstance. The responsibility for invoking a court's jurisdiction including appellate jurisdiction rests squarely with the party litigant, as courts do not possess roving authority to remedy procedural omissions, however sympathetic the circumstances.

The fact that the appellant announced an appeal in August of 2018 and did not perfect its appeal but elected to file a frivolous petition before the National Labor Court for the second time on the same issue and announce an appeal when the trial judge rightfully denied the appellant's frivolous suit. We affirm His Honor Judge Kollie ruling denying the appellant's second petition for judicial review on the same issue as he could not legally review a decision rendered by his colleague of concurrent jurisdiction.

This appeal, been intrinsically flawed and defective in its route to this Court cannot be heard on its merits as the case should not have been before this Court in the first place and we therefore decline to express any view on the merits of the underlying labor dispute, nor on the correctness of the judgment below. We hold only that the statutory prerequisites to appellate review have not been met.

WHEREFORE AND IN VIEW OF THE FOREGOING, the judgment of the lower court is affirmed in its entirety. The Clerk of this Court is ordered to send a mandate to the lower court commanding the judge therein to resume jurisdiction and give effect to this ruling. Costs are ruled against the appellant. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS JIMMY SAAH BOMBO AND ADE WEDE KEKULAH APPEARED FOR THE INFORMANT. COUNSELLOR STEPHEN B. DUNBAR, JR. APPEARED FOR THE RESPONDENT.

Affirmed.