

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE H I S HONOR: YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE ASSOCIATE JUSTICE
BEFORE H I S HONOR: YUSSIF D. KABA..... ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH ASSOCIATE JUSTICE

His. Hon. George W. Smith, Assigned Circuit Judge Civil)
Law Court and Sahr Sewa and Intestate Estate of The)
late Joseph Trinity also of the City of Paynesville)
Liberia.....Appellants)

VERSUS

APPEAL

Philip Konah Cox, Anita Nukus Cox and Sylvester Justin)
Cox, Jr. Administrators of the Intestate Estate of the late)
Thomas Gayflor of the City of Paynesville, Liberia)
.....Appellees)

GROWING OUT OF THE CASE)

Philip Konah Cox, Anita Nukus Cox and Sylvester Justin)
Cox, Jr. Administrators of the Intestate Estate of Thomas)
Gayflor of the City of Paynesville, Liberia.....Petitioner)

VERSUS

PETITONER FOR A WRIT
OF CERTIORARI

His. Hon. George W. Smith, Assigned Circuit Judge)
Civil Law Court and Sahr Sewa and Intestate Estate of)
The late Joseph Trinity also of the City of Paynesville)
Liberia.....Respondents)

Heard: June 29, 2026

Decided: August 28, 2026

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

This is an appeal from the ruling of our distinguished colleague, Her Honor Jamesetta H. Wolokolie, then presiding in Chambers of this Court during its October Term, A.D. 2025, wherein the petition for a writ of certiorari filed by the appellee herein was granted, reversing the ruling of the Civil Law Court, Sixth Judicial Circuit for Montserrado County. The trial court granted a motion to intervene filed in the trial court by the appellants to intervene in an action of Summary Proceedings to Recover Possession of Real Property by the appellee against Mamie Steward and Benedict Kolubah. When the appellant’s motion to intervene was granted by the trial court, the appellee petitioned the Chambers Justice, praying for a Writ of Certiorari to review the decision of

the trial judge. The Chambers Justice, having held the conference with the parties, issued the alternative writ which was thereafter sustained after a hearing of argument from the parties. Thereafter the preemptory writ was issued, ordering the reversal of the trial court's ruling which granted the appellants' motion to intervene. The appellants, being not satisfy with the ruling by the Chambers Justice, noted an exception and announced an appeal to the Honorable Supreme Court of the Republic of Liberia *en banc*.

In its legal brief filed before this Court, the appellants contended that they are the owners of the properties, the subject of litigation, for which they hold title deeds; that the defendants in the main suit in the trial court, Mamie Steward and Benedict Kolubah are their tenants; that the tenants not having the legal capacity to properly defend the properties, the subject of this litigation, it is the appellants' legal right to intervene and protect said properties. Further, the appellants contended that the law of this jurisdiction requires a party to intervene in a matter that the party believes that his/her rights will be adversely affected; citing the *Civil Procedure Law, Revised* Code: 1.5.61.1(b) as its legal reliance; and prayed this Court *en banc* to reverse the ruling of the Justice in Chambers, and affirm the decision of the trial court.

On the other hand, the appellees contended that they are the administrators of the two properties situated in Coca Cola Factory and on SD Cooper Road respectively in Paynesville City; that the properties were originally owned by the decedent, the late Thomas Gayflor Cox, whose intestate estate is now the rightful owner of said properties; that the co-defendant in the main suit, Mamie Steward, was placed on the property by Ayelay Adjavon Cox, the wife of the late Thomas Gayflor Cox as it is evidenced by the ruling of the Omega Magisterial Court; that the co-defendant Benedict Kolubah is a tenant on the property as it is evidenced by his payment of rent to co-appellee, Sylvester Justin Cox; that as tenants, the defendants are estopped from challenging the title of their landlord through a third party by intervention; and that the ruling of the Chambers Justice, reversing the granting of the motion to intervene be affirmed by this Court.

Considering the contentions raised by the appellees and the appellants respectively, the sole issue determinative of this case is, whether or not the Chambers Justice erred when she granted the writ of certiorari and reversed the ruling of the trial court which had upheld a motion to intervene? Our answer to this question is in the negative.

The law in this jurisdiction defines certiorari as a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court. *Civil Procedure Law, Revised* Code: 1.16.21.1

Taking recourse of the records of this case, it is revealed that this case originated from the Omega Magisterial Court where the co-defendant in the main suit before the circuit court, Mamie Steward,

filed summary proceedings against the co-appellee Sylvester Justin Cox to remove him from the property situated at Coca Cola Factory; in his resistance, Sylvester Justin Cox presented to the magistrate an unregistered letters of administration that does not bear his name, and an unnotarized letter from the Coxes, authorizing him to take care of the property. The ruling of the magistrate reveals that both parties did not have title to the property; but the court ruled that Sylvester Justin Cox is liable and should be ousted from the property; and that Mamie Steward should remain in possession of the property, since it is revealed that Mamie Steward was placed on the property by the wife of the original owner, the late Thomas Gayflor Cox; indicating that she, being a tenant of the appellee and possesses no legal standing to pose a challenge to the title of their landlord by an intervention from a third party. This Court has opined that, once a tenant is in possession of the conveyed property, the tenant is estopped to deny, challenge or dispute the landlord's title and may not defeat a landlord's suit for possession. *Saunders v. Grant*. 3 LLR 152, 159. Further, this Court held in the case *Sonnie Jallah v. the Intestate Estate of George S. B. Tulay*, Supreme Court Opinion, March Term, A.D. 2013, that during a landlord and tenant relationship, a tenant is estopped to deny, challenge or dispute his/her or its landlord's title; and that while in possession, a tenant may not defeat even a landlord's suit for possession by showing a superior outstanding title.

This Court says that the acceptance of this ruling by Mamie Steward is synonymous to her acceptance that she is a tenant of the Coxes. The records further reveal that the other co-defendant in the main suit before the circuit court, Benedict Kolubah, made payment of rent to the co-appellee, Sylvester Justin Cox, as it is indicated by a copy of a receipt dated 07/09/2022; which places co-defendant Benedict Kolubah in a tenant category. We now quote verbatim the ruling of the Omega Magisterial Court:

Summary Judgment

After carefully listening to both the complainant and defendant(s), the defendant in this proceeding in person of Sylvester Justin Cox, Jr. Contested and presented to court letter signed by Philip Konah Cox and Anita Nukus Cox son and daughter/administrators of the late Thomas Gayflor Cox that is not notarized and registered and copy of a letter of administration dated 2020 which has expired and he is not named as an administrator.

the court: having observed the following: that the defendant in this case previously appeared before this honourable court as plaintiff without the supra mentioned documents at which time it was known that he is not a family member of the rightful owners of the property, as such, these documents mentioned supra are deemed nullified due to the fact that he is not named as an administrator and the letter of authorization is not notarized,

probated and registered; thereby making the defendant in this case without any right over the said property; That the plaintiff in this case was placed in the property by the late Ayelay Ajavon Cox/wife of the late Thomas Cox. This court also observed that both the plaintiff and the defendant in this case are not owners and have no legal right to the said subject property. however, the court then invited honorable Yekeh Kolubah who happens to be the cousin to the owners of the property who told the court that the defendant is not a relative to the owners of the property while the plaintiff was placed in the property by the wife of the late Thomas Cox. he further lamented that Philip Konah Cox one of the owners of the property is presently residing in Ghana and it is just fortunate, he will be travelling to Ghana and upon his return he will try to bring to Liberia Philip Konah Cox. he also appeal to the court that the court have the defendant ousted of the property as the said defendant is sensed to have a different motive while the plaintiff be made to take care of the subject property awaiting the arrival and return of Philip Konah Cox at which time this court can have the said property turnover to him, Philip Konah Cox in accordance with our law and practice chapter 62 subsection "\$ 62.21 right to maintain summary proceeding to recover real property." where title is not in issue, a special proceeding to recover possession of real property may be maintained in a circuit court or a court of a justice of the peace or a magistrate. The court of a justice of the peace or magistrate shall have jurisdiction only of cases in which the amount of the judgment demanded does not exceed three hundred dollars"

Wherefore, and in view of the above mentioned observations, this court says the defendant is held liable for summary proceeding to recover possession of real property as the defendant before this court holds no title to the subject property. The defendant is given fifteen (15) days to leave the subject property along with all his belongings and those under his scope of authority, if any. While the plaintiff in this case is hereby ordered to remain as caretaker of the property until the return/arrival of the rightful owners who shall take over their property. And it is hereby so ordered.

In the event the said defendant offer force or violence to illegally withhold said property, the court will be left with no alternative but to have him ousted, ejected and evicted from said property and make your official returns as to the form and manner of the services thereof and for so doing, this shall constitute your sufficient and legal authority.

Done on this 4 day of October, A.D. 2024

signed:

Presiding magistrate

This ruling of the Omega Magisterial Court reveals that the co-defendant, Mamie Steward was

placed on the property by the wife of the original owner of the property, the late Thomas Gayflor Cox and the copy of a receipt dated July 9, 2022, bearing of rent payment of US\$600.00 to co-appellee, Sylvester Justine Cox by Benedict Kolubah settled the question as to whether there existed a tenant-landlord relationship between Mamie Steward and Benedict Kolubah and the appellees.

Therefore, as stated *supra*, once a tenant is in possession of the conveyed property, the tenant is estopped to deny, challenge or dispute the landlord's title and may not defeat a landlord's suit for possession; that during a landlord and tenant relationship, a tenant is estopped to deny, challenge or dispute his/her or its landlord's title; and that while in possession, a tenant may not defeat even a landlord's suit for possession by showing a superior outstanding title.

Having determined the existence of tenants-landlord relationships between the defendants in the main suit and the appellee, we now address the contention of the appellants; same being the right to intervene in the action of summary proceeding to recover possession of real property filed against the defendants in the main suit, Mamie Steward and Benedict Kolubah, as tenants; by their landlord, the appellee.

Our review of the records shows that the appellants filed a motion to intervene in an action of summary proceedings to recover possession of real property involving the tenants and their landlord, claiming ownership of the properties which is the subject of this litigation. To further prove its claim of ownership and the right to intervene, the appellants presented title deeds as their proof of ownership to the properties. It is also revealed by the records of this case that the judge of the Civil Law Court, Sixth Judicial Circuit Court granted the appellants' motion to intervene, on ground that the parties should be given the opportunity to prove their individual claims. The granting of the motion to intervene led to the filing of a petition for a writ of certiorari.

The Chambers Justice, having reviewed the case file, listened to arguments from the parties, and considered the laws controlling, granted the writ of certiorari prayed for by the appellee; and reversed the ruling of the trial court and held that a motion to intervene in an action of summary proceedings to recover possession of real property is not the proper legal medium by which a third party, who is not a party to the main suit, may use to possess ownership of a disputed property. Further, the Justice in Chambers also held that the summary proceedings is a contestation of possessory rights between the tenants and their landlord; and not a contestation of title to claim ownership; hence, that the appellant has legal remedy in separate independent suit in action of ejectment to contest the title of anybody having claim of ownership to the properties.

We agree, in confirming the ruling of our colleague while in chambers, because, we do not see any reason or justification for the claim of the motion to intervene since the law provides that for a party to intervene in a matter, that party must show how his/her right would be adversely affected; especially so in a summary proceedings to recover possession of real property between tenants and their landlords vis-a-vis a separate and distinct person who is not part of the landlord -tenant relationship. Further, this Court has held that the denial of a motion to intervene does not bar the petitioner from instituting an independent action; since the petitioner, not being a party to the pending suit, cannot be bound by any judgment therefrom. *Boye v. Nelson*, [1978] LRSC 33; 27 LLR 174 (1978), and *Johns v. Witherspoon*, [1946] LRSC 3; 9 LLR 152 (1946).

Relevant portions of the ruling of the Chambers Justice are quoted as follow:

.....This Court has held that one cannot intervene in a matter between a landlord and his tenant; that such person claiming ownership to the said property must bring an independent suit establishing his ownership to said property (*Jallah v. Intestate Estate of George S.B. Tulay*, Supreme Court Opinion, March Term 2013).

Where the intervener Sahr Sewa and the intestate Estate of Joseph Trinity assert ownership to the properties of the Estate of Thomas Cox, they are at liberty to institute the appropriate action to recover said properties; that from all the evidence in the records, they are estopped from interfering by a motion to intervene in the action of Summary Proceeding to Recover Real Property brought by the petitioners, Philip Konah Cox et al. against Mamie Stewart and Benedict Kolubah.

It is therefore our opinion that the intervention by Sahr Sewa and The Intestate Estate of Joseph Trinity be denied, and the proceedings in Summary Proceedings to Recover Possession of Real Property between the petitioners, Philip Cox et al. v. Mamie Stewart and Benedict Kolubah be proceeded with by the trial court. The trial court should not and must not allow misguided interveners to thwart the intent and spirit of the law and thereby perpetrate injustice in the administration of justice.....”

The Honorable Supreme Court of the Republic of Liberia has always been consistent in holding that the laws in this jurisdiction require that tenants of landlords cannot contest the claim of title of their landlords or assert ownership in another person: *Sunders v. Gant*, 3 LLR 152, 159 (1930); *Kollie v. Judge Kaba*, Supreme Court Opinion, October Term 2010; *Darius et al v. AME Church*, Supreme Court Opinion, March Term 2017. As stated earlier in this opinion, the ruling of the magistrate and the rent payment receipt clearly indicate that Mamie Stewart and Benedict Kolubah are tenants of the appellee; hence, they are estopped from joining a contest of claim of title against their landlord. This Court says, the judge of the Sixth Judicial Circuit, Civil Law Court

for Montserrado County committed a fatal error when he failed to take judicial notice of the ruling from the Omega Magisterial Court which clearly identifies the status of Mamie Steward as a tenant of the appellee. In a litany of opinions, the Honorable Supreme Court of the Republic of Liberia has held that it will take judicial notice of records of proceedings before it; *MIM Liberia Corp. v. Toweh*, 30 LLR 611, 625 (1983); *Vrex Remodeling, Inc. v. LPRC et al.*, Supreme Court Opinion, March Tern 2016; *Wilie -Jorcie et al. v. Azzam et al*, 31 LLR 606, 610 (1983); moreover, the law in this jurisdiction provides that judgments will be admissible in evidence against all parties thereto and against those claiming under them; *Civil Procedure Law, Rev. Code: 1.25.11*. Therefore, had the judge of the Civil Law Court taken judicial notice of the case file, he would have come to the realization that Mamie Steward and Benedict Kolubah are tenants of the appellee.

Considering the laws and principles as stated in this opinion, and the appellants, having failed to provide proof of an existing tenants-Landlord relationship between the appellant and the tenants of the appellees in the main suit, it is the Opinion of this Court that the presentation of title deeds by the appellants as proof of their claim of right to ownership of the properties, the subject of litigation, which they claim as a ground to intervene in this instant case, cannot be sustained; as doing same will defeat the intent and purpose of the action of summary proceedings, to recover possession of real property; in which title is not in issue, rather it is possession. Therefore, it is our holding that ruling of the Justice in Chambers granting the writ of certiorari which reversed the ruling of the judge of the Civil Law Court, Sixth Judicial Court, be affirmed; and same is hereby affirmed.

WHEREFORE, AND IN VIEW OF THE FOREGOING, alternative writ issued is upheld, and the peremptory writ ordered is sustained. The Clerk of this court is hereby ordered to send a Mandate to the Six Judicial Circuit, Civil Law Court for Montserrado County commanding the Judge presiding therein to resume jurisdiction and give effect to the Judgment of this Opinion. AND IT IS HEREBY SO OREDRED.

AFFIRMED.

When this case was called for hearing, Counsellor Jimmy Saah Bombo of the Central Law Offices appeared for the appellants. Counsellors Denis S. Soka of Jones & Jones Law Firm appeared for the appellees.