

THE MANAGEMENT OF CATHOLIC RELIEF SERVICES, by and thru its
County Representative, TIMOTHY BISHOP, Petitioner, v. **HER HONOUR**
COMFORT S. NATT, Resident Labour Court Judge, et al., Respondents.

APPEAL FROM THE RULING OF THE JUSTICE IN CHAMBERS DENYING
THE PETITION FOR A WRIT OF PROHIBITION.

Heard: November 25, 1998. Decided: January 22, 1999.

1. Prohibition is that process by which a superior court prevents an inferior court or tribunal possessing judicial or quasi-judicial powers from exceeding its jurisdiction in matters over which it has cognizance or usurping matters not within its jurisdiction to hear and determine.
2. Prohibition is a means of restraint on judicial personnel or bodies to prevent usurpation of judicial powers, its essential being to confine inferior courts to their proper jurisdiction and to prevent them from acting without or in excess of their jurisdiction.
3. Prohibition is a counterpart to mandamus.
4. Prohibition is preventive rather than corrective. As such, it may not be used for the review and correction of errors committed in the trial of a cause for which other remedies are available, but may be invoked only to prevent an inferior court or tribunal from assuming jurisdiction which it is not legally vested in it.
5. The erroneous decision of a jurisdictional question is not ground for issuance of the writ of prohibition, if the court has jurisdiction of the general class to which the particular case belongs, since there is an adequate remedy by appeal.
6. If the inferior court or tribunal has jurisdiction of both the subject matter and of the person of the defendant, prohibition will not lie to correct errors of law or facts, for which there is an adequate remedy by appeal or otherwise, whether such errors are merely apprehended or have been actually committed.
7. Prohibition cannot be used to correct errors already committed, or to review and reverse such errors.
8. Prohibition does not concern itself with, or interfere with, irregularities and errors committed in the trial of a case; this is the function of appeals, writs of error and certiorari.

9. Prohibition cannot be used to review the National Labour Court's ruling on a motion to dismiss an appeal to that court.

10. An appeal cannot be taken from an interlocutory ruling, that being the province of certiorari and appeal.

11. A motion to dismiss cannot be granted where an appeal has been perfected or on the merits of an appeal, since it is only after the hearing of the appeal on the merits that the ruling appealed from can be set aside or modified.

Petitioner applied to the Chambers Justice of the Supreme Court for a writ of prohibition to review the ruling of the judge of the National Labour Court denying the petitioner's motion to dismiss the appeal of the co-respondents, Jackson Tiklo et al. The petitioner, who had appealed the decision of the hearing officer to the National Labour Court, had filed the motion to dismiss contending that the court to which it had appealed the case lacked territorial jurisdiction over the appeal. The Chambers Justice denied the petition and an appeal was taken therefrom to the Supreme Court *en banc*.

The Supreme Court affirmed the ruling of the Chambers Justice denying the petition for prohibition. The Court held that prohibition would only lie to prevent a trial court usurping jurisdiction is not vested in it by law or proceedings by rules which ought to be observed at all times, and not to review alleged errors committed in the course of a proceeding over which the court had jurisdiction, which is the province of certiorari or an appeal. The Court observed that none of the conditions for granting a writ of prohibition was present in the instant case, noting that prohibition could not be used to review a labour court's denial of a motion to dismiss an appeal, which appeal the petitioner had taken to the court. The Labour Court, the Supreme Court observed, had jurisdiction over the case and over the parties, both having submitted themselves to the jurisdiction of the court. Further, that the National Labour Court has not been shown to commit any errors since in fact it had not even entertained or ruled on the petition for judicial review which was by the petitioner.

The Court noted also that the ruling denying the motion to dismiss was interlocutory and therefore reviewable by certiorari or appeal. The Court accordingly denied the petition and ordered that the National Labour Court proceed to determine the merits of the petition for judicial review.

Farmere G. Stubblefield of Stubblefield and Associates law Firm appeared for the petitioner. *Jerome George Korkoya* of the Brumskine and Associates Law Firm appeared for the respondents.

MR. JUSTICE WRIGHT delivered the opinion of the Court.

On July 24, 1998 Appellant CRS applied to the Chambers of Justice Nathaniel Morris for a writ of prohibition to review a ruling of Her Honour Comfort S. Natt, judge of the National Labour Court, who had denied a motion to dismiss for lack of territorial jurisdiction filed by CRS and to also prevent the National Labour Court from hearing the petition for judicial review also filed by CRS. The Chamber Justice granted the alternative writ and same was issued, served and returned, thus saying all further proceedings in the National Labour Court.

On August 3, 1998 respondents filed their returns to the prohibition. The returns were withdrawn, amended and refiled on September 4, 1998. Arguments on the prohibition were entertained by Chambers Justice Karmo G. Soko Sackor, Sr., who ruled on September 24, 1998, denying the petition for prohibition, quashing the alternative writ, and denying the peremptory writ.

In his ruling on the petition for prohibition, Chambers Justice Sackor held that since the denial of the motion to dismiss was interlocutory prohibition was inappropriate to review and correct the same. The petitioner, he said, should have come by certiorari. It is from this ruling of our very distinguished colleague, Mr. Justice Sackor, that petitioner appealed to the Bench *en bane* for review of the Chambers Justice.

The facts are that on April 15, 1997, some redundant employees of the Buchanan Branch of the Catholic Relief Services (CRS) filed a complaint on their own behalf for unfair labor practices against the management of CRS, before the labor commissioner of Grand Bassa Count, Mr. Nathaniel S. Dickerson. The complaint was withdrawn and later amended on May 22, 1997, and refiled on May 26, 1997.

On June 10, 1997, when the case was called for hearing, the complainants were represented by G. S. Monee and James D. Sorboh, labor consultants, while CRS, petitioner herein, was represented by Freeman's Consultancy with Counsellor Annie Wesley Swen present. The trial began with the first witness for complainants, Mr. McJulius T. Hill, spokesman, being qualified and taking the stand. He rested on the direct and the case was reassigned for June 24, 1997. However, the next sitting was on July 22, 1997 when petitioner was absent. Complainants' request for default

judgment was denied and the case suspended pending reassignment. The next regular sitting was August 14, 1997, when complainants' first witness was cross-examined and the case suspended until August 29, 1997. Apparently, the case was not heard as per that assignment and so the complainants themselves, perhaps feeling disillusioned and apprehensive about the conduct of the hearing, addressed a letter dated September 8, 1997 to Hon. Emmanuel A. Lomax, Deputy Minister of Labour, then Acting Minister of Labour, complaining against the labor commissioner for Grand Bassa County, Mr. Nathaniel S. Dickerson, and requesting the Minister's official intervention. The Minister ordered the case transferred to Monrovia and on September 24, 1997, assigned it to Hon. G. Rudolphus Brown, Assistant Minister for Labour Standards, who proceeded and conducted the hearing *de novo*. On September 26, 1997, the complainants amended their letter of May 22, 1997 to augment their number from 41, as stated in the original complaint, to a total of 60 irregularly redundant employees.

The case was called on October 7, 1997, at which time both parties were represented by counsel. At this hearing, the complainants were represented by Brumskine & Associates, by and thru Counsellor Clarence E. Dixon and Attorney Weah Wesseh. Defendant therein was represented by Attorney Joseph N. Nagbe of Freeman Legal Consultancy. Counsel for defendant management, petitioner herein, CRS, made a motion to dismiss the complaint on ground that the Labour Ministry central office in Monrovia lacked territorial jurisdiction over the case since it was begun in Grand Bassa and there had not been any motion for change of venue. Further, petitioner contended that there was no evidence that the Government of Liberia had an "essential interest" in the case which may have required the Minister of Labour to assign it to a hearing officer in Monrovia. Finally, petitioner raised the issue of *lis pendens*, asserting that the same case between the same parties was pending before two hearing officers of concurrent jurisdiction in Monrovia and Buchanan.

Counsel for the co-respondent employees resisted the motion to dismiss and prayed its denial, contending that labor hearings are generally fact-finding, and that as such are not governed by strict legal rules. Co-respondents contended that the government had an essential interest in all labor matters, and further, that since the strict rules of pleadings did not apply in labor cases, the co-respondents' letter of complaint dated September 8, 1997, requesting the Minister's intervention against the conduct of the labor commissioner for Grand Bassa County was sufficient to serve as a motion for change of venue.

The hearing officer handed down his ruling denying petitioner's motion on October 13, 1997. On the issue of territorial jurisdiction, the hearing officer ruled that the Minister of Labour had the authority to transfer any and all matters to the central office for speedy disposition. Still on the issue of territorial jurisdiction, the hearing officer held that it was in the interest of CRS that the case was transferred to Monrovia because CRS had its head office in Monrovia, as were all its essential records and top staff, which meant that there was no hardship worked on CRS. As to the essential interest of the government, the hearing officer held that it was the primary duty of the Ministry of Labour to attend to the well being of workers and to at all times intervene in their behalf when it had reason to believe that their rights were being trampled upon.

On the issue of *lis pendens*, i.e. concurrent jurisdiction of the two hearing officers, the hearing officer ruled that labor matters do not conform to legal technicalities, they being mainly fact-finding, and further, that when a hearing officer's impartiality is questioned, it is normal or usual for the case to be passed on to another hearing officer. Therefore, the hearing officer denied the petitioner's motion to dismiss and ordered the case proceeded with. Petitioner's counsel, not being present even though notified, the hearing officer appointed Mr. Patrick W. Doe, Labor Consultant, to take the ruling for petitioner, which he did by excepting to said ruling and notifying the investigation that he will take advantage of the law controlling.

On October 22, 1997, the case was called for trial but the petitioner was absent without excuse and the case was reassigned for October 24, 1997. The case was reassigned for October 24th 1997, with the co-respondents putting their first witness on the stand in person of Uray K. Smith. This witness completed his testimony in chief and direct examination was begun. The trial was suspended subject to assignment.

On October 29, 1997, the petitioner, CRS, filed a petition for summary proceedings in the National Labour Court praying a review of the hearing officer's ruling on petitioner's motion to dismiss. The National Labour Court, presided over by His Honour John H. Mathies, heard and denied petitioner's petition for summary proceedings on December 8, 1997, and mandated the hearing officer to resume jurisdiction and proceed to try the case on its merits. Again, both parties were represented by their respective counsel named above.

In his ruling, Judge Mathies upheld INA Decree No. 21 which gave power to the Ministry of Labour to issue regulations and which found support in chapter 34,

section 54.2, of the Executive Law. Pursuant to the Regulation Number 4, issued by the Ministry of Labour on January 4, 1982, the National Labour Court judge upheld the authority of the Minister of Labour to assign any case to a hearing officer at the central office in Monrovia where the case is one of importance and the government has an essential interest, irrespective of where the case originates.

Dissatisfied with the ruling of Judge Mathies, Petitioner CRS' s counsel merely excepted to this ruling; which exception was noted by the court. On the same date of the ruling December 8, 1997, the National Labour Court issued its mandate but same was received by Hearing Officer G. Rudolphus Brown on December 15, 1997.

The case was called on December 18, 1997, and both parties were represented by their respective counsellors, named above. First, the mandate from the National Labour Court was tread and in keeping with the orders contained therein, the trial was immediately resumed, commencing with the continuation of the direct examination of the co-respondent's first witness. Counsel for Defendant CRS started his cross-examination of the said first witness of complainants and the, trial was suspended until after the Christmas/New Year's season, subject to assignment.

The trial resumed on January 8, 1998 and gradually progressed to the stage where trial was concluded and arguments had. The hearing officer handed down his final ruling on April 27, 1998 adjudging Petitioner CRS liable to the 60 co-respondents in the total amount of US\$186,859.35, the details of which were carefully outlined and broken down per person.

On May 6, 1998, Petitioner CRS filed a petition for judicial review in the form of an a peal praying the National Labour Court to set aside the ruling of the hearing officer, asserting, firstly, the said ruling was contrary to the weight of the evidence; and secondly, that in light of the firm denial of the veracity and legal sufficiency of co-respondents' complaint by petitioner's witnesses, co-respondents did not meet the standard of proof required to sustain their complaint. Thus, petitioner said, the ruling adjudging petitioner liable was erroneous. Therefore, petitioner prayed that the ruling be set aside and a new trial ordered.

The National Labour Court ordered the writ of summons issued, and it was issued, served and returned served, all on the same day, May 6, 1998. On May 12, 1998, the co-respondents filed their returns and pleadings rested. Then on June 2', 1998, a notice of additional counsel was filed by Petitioner CRS to include Simpson and Associates. On Jun 10, 1998, the certified records from the Labour Ministry were

forwarded to the National Labour Court and the case was assigned on June 11, 1998 for disposition of the petition for judicial review to be had on June 16th 1998. Then on June 15' 1998, one day before the hearing of the petition, Petitioner CRS filed a motion to dismiss, raising the same issue of territorial jurisdiction as the first motion before the hearing officer and praying the National Labour Court to dismiss the case for want of subject matter jurisdiction and that of the person of CRS.

The co-respondents filed their resistance to petitioner's motion to dismiss and contended that the motion was filed merely for vexation and delay. The co-respondents wondered which action it was that the motion sought to dismiss since the co-respondents were not petitioners in any action before the court and that said motion could not be an out-growth of the petition for judicial review because the petition was filed by the petitioner itself. The co-respondents also contended that the motion was without legal foundation since the main action had already been disposed of on its merits and the very petitioner had appealed therefrom, which appeal was still pending. The co-respondents also called the Court's attention to the fact that a similar motion with the identical issues was previously filed by the petitioner, which previous motion was heard and denied by ruling of the National Labour Court. Finally, co-respondents contended that the Ministry of Labour has the authority to transfer and assign a case from any part of the country to a hearing officer at the Central Office of the Labour Ministry in Monrovia.

The National Labour Court, presided over by Her Honour Comfort S. Nat, resident judge, on June 16, 1998, heard arguments' on the motion to dismiss, and on July 17, 1998, handed down the ruling thereon. Petitioner's counsel being absent, even though notified, the court deputized Counsellor Joseph H. Constance to take the ruling on behalf of the petitioner.

The Court denied the motion in a well-written ruling by Her Honour, Judge Natt. The court dwelt on three issues:

1. Whether or not the National Labour Court has authority to dismiss a case in which the Labour Ministry had entered final judgment and regarding which an appeal was pending before the National Labour Court?
2. Whether or not the National Labour Court lacked territorial jurisdiction over matters emanating from counties other than Montserrado County?

3. Whether or not the Ministry of Labour had territorial jurisdiction over all labor matters irrespective of their origin?

The court answered the first issue in the negative and held that it could not dismiss a case on appeal in which a final judgment on the merits has been made. On the second issue, the court answered in the negative and held that it had jurisdiction over all labor cases appealed to it from the decisions of hearing officers or labor commissioners in the county where it was established. On the third issue, the court held that pursuant to section 34.2 of the Executive Law and Regulation Number 4, issued by the Ministry of Labour on January 4, 1982, it was lawful for the Minister to assign a case of importance, if essential interests of the government were involved to a hearing officer at the central office in Monrovia irrespective of the county of origin of said case.

The court appointed counsel for petitioner excepted to the court's ruling on behalf of the petitioner. The court noted the exception and there and then made an assignment on the minutes of court of that day, July 17, 1998, for the hearing of petitioner's petition for judicial review on July 28, 1998, at 11:00 a.m. In the interim, between the assignment of July 17th, the petitioner fled to the and the hearing date of July 28 Chambers of the Supreme Court on July 24, 1998 with a petition for a writ of prohibition to restrain the National Labour Court from hearing petitioner's own petition for judicial review.

The petition for prohibition is a replica of petitioner's motion to dismiss filed in the National Labour Court on the identical issue of lack of territorial jurisdiction. It is interesting to note at petitioner has challenged the jurisdiction of the National Labour Court over this case even though it was the petitioner who filed a petition for judicial review to have the National Labour Court review an appeal from the final judgment of the Ministry of Labour on the merits of the case adjudging petitioner liable.

The respondents filed their returns on August 3, 1998, which they amended on September 4, 1998. In their returns, they raised the same defenses raised in their resistance to petitioner's motion to dismiss, and upheld by the National Labour Court on both occasions when petitioner filed its two motions to dismiss.

Both parties have advanced several issues, for our determination but, for us, the starting point is the basic question upon which all other issues rest, and that is, whether or not prohibition will lie. The petitioner puts the question thus:

Whether prohibition, not certiorari, is the appropriate remedy to restrain a judicial officer or body from assuming jurisdiction not conferred by law and to undo what has already been unlawfully done under authority of the court.

The co-respondents put the question as follows:

Whether or not prohibition will lie to review an interlocutory judgment rendered by a subordinate court? Co-respondents answered No.

"Prohibition is a special proceeding to obtain a writ ordering the respondent to refrain from further pursuing a judicial action or proceeding specified therein." Civil Procedure Law, Rev. Code 1: 6.21(3). When a petition for a writ of mandamus or prohibition is made to a Justice of the Supreme Court, such Justice shall issue a citation or an alternative writ requiring the respondent to do an act or to refrain from pursuing a judicial action or proceeding specified therein until a hearing has been held on the writ and to show cause why a peremptory writ should not issue. At the conclusion of the hearing, the Justice shall dismiss the citation or quash the alternative writ if such a writ was issued, or issue a peremptory writ requiring the respondent in a mandamus proceeding to perform the duty therein specified, or in a prohibition proceeding, to desist from continuance of the action or proceeding in the inferior court. *Id.*, § 16.22(1)(3).

"Prohibition is that process by which a superior court prevents an inferior court or tribunal possessing judicial or quasi judicial powers from exceeding its jurisdiction in matters over which it has cognizance, or usurping matters not within its jurisdiction to hear and determine. A means of restraint on judicial personnel or bodies to prevent usurpation of judicial power, and its essential function is to confine inferior courts to their proper jurisdiction and to prevent them from acting without or in excess of their jurisdiction, *it is preventive in nature rather than corrective.* (Emphasis supplied). Prohibition is the counterpart of mandamus. BLACK'S LAW DICTIONARY 1212 (6th ed. 1990).

Applying the statutory definition and legal basis of prohibition to the instant case, we observe several things: First, prohibition is a writ to restrain the respondent from pursuing a judicial action or desist from continuation of the proceeding complained of. Who are the respondents in these prohibition proceedings and what are they doing for which prohibition was sought? The respondents are Her Honour Comfort S. Natt, resident judge of the National Labour Court, and Jackson Tiklo et al., who are the complainants in the unfair labor practices case. Following an adverse final

judgment before the hearing officer at the Ministry of Labour, the petitioner who was then defendant, filed a petition for judicial review in the National Labour Court for the said court to review on appeal and set aside the final judgment of the hearing officer. The National Labour Court issued out the writ of summons at the behest of the petitioner. The respondents filed their returns (which they later amended) raising several defenses. Then, before the petition for judicial review could be heard, the petitioner filed a motion to dismiss, which was denied by the court and the hearing of the judicial review was assigned. But again, before it could be held, petitioner filed these prohibition proceedings.

The question then is, where has the National Labour Court assumed jurisdiction it lacked, or exceeded jurisdiction it had? The National Labour Court in Monrovia certainly has jurisdiction over the subject matter of labor cases emanating from hearing officers at the central office in Monrovia. Further, the said court acquired jurisdiction over the persons of both Petitioner CRS by virtue of its petition for judicial review in the form of an appeal voluntarily filed and over the co-respondents by virtue of their being served with a writ of summons and their filing of returns.

The National Labour Court has not yet heard and determined petitioner's appeal for review of the final judgment of the hearing officer. So what was the error that has been committed by it?

Petitioner contended that prohibition and not certiorari, is the proper remedy to restrain a judicial officer or body from assuming jurisdiction not conferred upon that judicial forum or officer by law and to undo what has already been unlawfully done under authority of that inferior body. To this we ask, what is petitioner hoping to restrain the judge of the National Labour Court from doing? Is it to restrain the court from hearing petitioner's own appeal from the final judgment of the hearing officer?

It is our determination that the judge of the National Labour Court has not exceeded her jurisdiction or assumed jurisdiction not conferred on her court. She has not committed by any wrongful act and is not proceeding in any manner for which a restraint is necessary. It is ironic that the petitioner, who has brought an appeal by way of its petition for judicial review, asking the National Labour Court to review and set aside the final judgment of the hearing officer, would be the same one to file Prohibition to restrain the National Labour Court from reviewing and possibly setting aside the said final judgment, if necessary. We wonder what it is that the petitioner really wants.

It is to be observed that prohibition is a restraining writ (Civil Procedure Law, Rev. Code 1: 16.21 and 16.22); it is preventive rather than corrective in nature, BLACK'S LAW DICTIONARY 1212, *supra*. Prohibition may not be used as a process for the review and correction of errors committed in the trial of a cause for which other remedies are available, but may be invoked only to prevent an inferior court or tribunal from assuming jurisdiction which is not legally vested in it. *Lamco J. V. Operating Company v. Flomo and Wollie*, 27 LLR 52 (1978), text at 58-59. 'Even the erroneous decision of a jurisdictional question is not ground for issuing a writ of prohibition, if the court has jurisdiction of the general class of cases to which the particular case belongs, since there is an adequate remedy by appeal. 22 RCL., *Prohibition*, § 22 (1918)'. 'If the inferior Court or tribunal has jurisdiction of both the subject matter and of the person, prohibition will not lie to correct errors of law or facts, for which there is an adequate remedy by appeal or otherwise, whether such errors are merely apprehended or have been actually committed. 32 Cyc., *Prohibition*, 617 (1909)." *Ibid*.

The instant case falls squarely within the ambit of the criteria or principle laid down in the cited case and legal treatises. The National Labour Court had jurisdiction over both the subject matter and the persons of the parties as stated *supra*, and therefore prohibition will not lie.

Further, have there been any errors committed? We think not. But even if there were, prohibition would not be the way to correct them. The notion that prohibition may be used to correct errors already committed is not supported by the statute or the definition of prohibition. Indeed, by its very name and meaning, prohibition is to put a halt to or to restrain, and not to review and reverse.

Prohibition does not concern itself with, or interfere with irregularities and errors committed in the trial of cases. This is the function of appeals, writs of error and certiorari, but not of this high prerogative writ, for it busies itself with preventing inferior courts or tribunals from assuming jurisdiction not legally vested in them, and it is purely a *negative and not an affirmative remedy*. (Emphasis supplied) *Nasser v. Smith and Bright, Minister of Justice*, 26 LLR 115 (1977), text at 122 and 123.

In the instant case, it is clear that there exists no basis in law or the facts in the case to support, the granting of prohibition against the National Labour Court because the only issue before that court now is the petition for judicial review which has not been heard and determined. Certainly, prohibition could not be used to review the National Labour Court's ruling on petitioner's motion to dismiss because when the

ruling was rendered, petitioner simply excepted to it. Petitioner could not even appeal from it, because it was interlocutory and only certiorari or appeal could review it.

Secondly, the motion to dismiss could not have been granted because only an appeal from a final judgment on the merits of the main suit was pending before the National Labour Court and where an appeal is perfected, a motion to dismiss the case on its merits is improper; but only after the appeal is heard, can the ruling be set aside, or modified, or affirmed.

Therefore, if the National Labour Court had granted petitioner's motion to dismiss, the only thing dismissible was and would have been petitioner's own appeal in the form of its petition for judicial review, which then would have meant that the case would have reverted to and rests upon the hearing officer's final judgment. Similarly, if prohibition were to be granted, the National Labour Court would then be restrained from hearing petitioner's own appeal for judicial review of the final judgment rendered against petitioner by the hearing officer. Therefore, who stands to benefit from this prohibition? And what would then be the status or outcome of the case?

We observed that at the start of the case before the hearing officer, petitioner, then defendant, made its motion to dismiss for the first time. When the motion was denied, petitioner filed for summary proceedings in the National Labour Court. The summary proceedings were dismissed and the ruling of the hearing officer on the motion to dismiss was affirmed. Petitioner excepted to this ruling of the National Labour Court but took no further action. Hence, the court remanded the case to the hearing officer to proceed with continuation of the trial on the merits. It was at that point that petitioner should have come by certiorari, but petitioner did not do so. Instead, it conceded the ruling and went back to the Labour Ministry where it actively participated in a full and regular trial of the case on its merits up to the point of final judgment being rendered; and from that final judgment petitioner appealed. Why did petitioner abandon or not initiate its remedial process at that point?

The only course now open to petitioner is to have its appeal heard on the merits by the National Labour Court and a ruling made, either confirming, reversing, or modifying the final judgment rendered by the hearing officer. It is clear to us that the petitioner only filed these prohibition proceedings to prevent a determination of the case on the merits; that is, to baffle and delay justice for which this Court does not take kindly or look upon with favor. Therefore, petitioner's counsel is hereby fined the sum of LD\$1,000.00 to be paid within seventy two hours of this opinion or risk

suspension from the practice of law, directly and indirectly, for a period of three months.

We have not found any error committed by our distinguished colleague, the Chambers Justice, for which review or reversal of his ruling is warranted. His ruling will accordingly remain undisturbed and is hereby affirmed and confirmed in toto. Prohibition is denied, the alternative writ quashed, the peremptory writ refused, and the case remanded.

All of the other issues raised by the parties in their respective pleadings and briefs are subject of a regular appeal following a hearing and determination of the petition for judicial review. Therefore, this Court has deliberately not passed upon them but only on the jurisdictional question of whether prohibition would lie in the instant case. Accordingly, the Court hereby remands the case to the National Labour Court to proceed and hear petitioner's petition for judicial review and make a determination thereon and thereafter to let the law take its course.

Wherefore, and in view of the foregoing law, facts and circumstances, it is the opinion of this Court that the ruling of the Chambers Justice appealed from to this Bench be, and the same is hereby confirmed and affirmed as made, since it is supported by the law controlling. Accordingly, these prohibition proceedings, being woefully unmeritorious are hereby dismissed, the petition denied, the alternative writ quashed, the peremptory writ refused, and the case remanded to the court below for continuation of the trial by hearing the petition for judicial review. The counsel for petitioner is ordered to pay a fine of LD\$1,000.00 into the government revenue within seventy-two (72) hours or risk suspension from the practice of law for three months.

The Clerk of this Court is hereby ordered to send a mandate to the National Labour Court for Montserrat County ordering the judge presiding therein to resume jurisdiction over the case, hear the petition for judicial review and make a ruling thereon, and thereafter to let the law take its course. Costs are assessed against petitioner. And it is hereby so ordered.

Petition denied