

JUCONTEE THOMAS WOEWIYU, Minister of Labour,
and DWIGHT HARVEY, Appellants, *v.* THE
INTERNATIONAL TRUST COMPANY OF LIBERIA,
Appellee.

APPEAL FROM THE NATIONAL LABOUR COURT,
MONTSERRADO COUNTY.

Heard: November 10, 1997. Decided: January 22, 1998.

1. Under the Act creating the Ministry of Labour, the Ministry has the function and authority to promote, develop, regularize and control the Labor Law and Labor Practices Law of the Republic.
2. The Labor Law of Liberia mandates the Ministry of Labour to grant work permit to alien employees only in cases in which it is satisfied that suitable qualified Liberians are not available to meet the labour requirements of the employer concerned.
3. The granting or denial of work permits to all aliens is within the discretion of the Minister of Labour.
4. The granting of work permits to aliens is a privilege which the government allows aliens to enjoy at the government's discretion.
5. The right of the State to decide by statute the conditions upon which aliens shall be allowed to reside within the State or under which they will be granted work permit to work within its territories is an unquestionable one and is inherent in every sovereign and independent state.
6. The strict applicability of section 1507(2) of the Labour Practices Law regarding the granting of work permit to aliens does not affect the exceptions provided in section 75 of said law with regards to self employed aliens in the trading business.

7. The authority granted the Minister of Labour by section 1507(2) to grant or deny work permit to aliens does not conflict or interfere with the employer's administration of its establishment.
8. When a statute is clear and unambiguous, the Supreme Court can do nothing but uphold it, unless it is unconstitutional.
9. It is not within the authority or the business of the Supreme Court, or the subordinate courts, to concern themselves with whether a legislation is wise, unwise, oppressive, democratic or undemocratic; such is the province of the Legislature.
10. The right of appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolable.
11. An appeal from a subordinate court serves as a supersedeas and shall be held inviolable, where such appeal is not from a judgment in an action of summary ejectment or summary proceedings to recover possession of real property.
12. The Supreme Court may pass only upon those issues it considers meritorious, worthy of notice and germane to the legal determination of a case.

The appellee, a foreign owned establishment in which the Liberian Government held a reversionary contingent interest, had applied to the Minister of Labour for work permit for an alien whose services were being secured as a senior vice-president. The Minister had refused to grant the work permit, stating that there were qualified Liberians to hold the position for which the alien services were being engaged, and that under the Labor Law, aliens were entitled to work permit from the Ministry of Labour only where there were no qualified Libe-rians to hold the positions for

which the work permits were being sought. Following a series of exchanges between the ap-pellee and the appellants, the failure of negotiations to resolve the issue, and a further refusal by the Minister of Labour to grant a request for a work permit renewal for the same alien, the appellee resorted to petitioning the National Labour Court for a judicial review of the Minister's refusal to grant the requested work permit.

The National Labour Court judge, on review of the matter, determined that the Minister of Labour's refusal to grant the requested work permit was tantamount to interfering in the administration of the establishment's business, and therefore ordered the Minister to grant the request for the work permit. Dissatisfied with the decision of the court, the Minister announced an appeal to the Supreme Court for a review. The appeal was granted, but the National Labour Court judge ruled further that notwithstanding the granting of the appeal, and that while the appeal was pending disposition by the Supreme Court, the Minister should issue the work permit requested by the appellee. From this latter ruling, a further appeal was taken.

The Supreme Court held the National Labour Court judge to be in error, both with regards to the finding that the Minister could not deny the request of the appellee for work permit for an alien employee and in respect of the further order that the permit be issued notwithstanding the granting of an appeal for a review of the earlier ruling. The Court noted that under the Labor Law of Liberia, the Minister of Labour was vested with the exclusive authority to issue work permits and that the granting or denial thereof was within the sole discretion of the Minister. The granting of work permit to aliens, the Court observed, was a privilege accorded by the State to such aliens, at the discretion of the State. The granting of such permit, it said,

was not mandatory but was dependent on whether or not there were Liberians qualified to occupy the positions for which the work permits were sought.

The Supreme Court disagreed with the National Labour Court judge that the denial of a request for a work permit to an alien was interference in the administration of a foreign-owned establishment, and it noted that the strict application of the statute with regards to work permit to aliens did not affect the exception regarding self-employed alien traders.

With regards to the National Labour Court judge's action in ordering that the work permit be granted pending the disposition of the appeal, the Supreme Court said that with the exception of summary ejection actions and summary proceedings to recover possession of real property, an appeal taken from a lower court's decision served as a supersedeas and stay to all further action by said court. As such, it opined, the trial court judge was in error in ordering that the work permit be granted notwithstanding the granting of the appeal announced by the appellants. The Court therefore *reversed* the decision of the lower court.

David A. B. Jallah appeared for the appellants. *George E. Henries* of the Henries Law Firm, in association with *H. Varney G. Sherman* of the Sherman & Sherman Law Firm, appeared for the appellee.

MR. JUSTICE MORRIS delivered the opinion of the Court.

The facts of this case as culled from the records transmitted to us revealed that in 1994, appellee, The International Trust Company of Liberia (I.T.C.), applied to

the Co-appellant Minister of Labour for work permit in favor of Christopher Torgerson, an expatriate, as Senior Vice President. The Co- appellant Minister of Labour, after reviewing a management chart submitted by Appellee I.T.C., which indicated that the appellee had four (4) or more senior vice presidents who were all expatriates, denied the Appellee I.T.C.'s application for work permit for Mr. Torgerson to serve as a senior vice president of the appellee company, giving as reason that there were qualified and available Liberians within the employ of the appellee company, as well as outside the company, to occupy said position.

Following months of negotiations, Mr. Torgerson was granted a work permit for the position of foreign exchange manager. The said permit was renewed in 1995 for the same position. Surprisingly, in August 1996, the appellee, in apply-ing for the renewal of Mr Torgerson's work permit, requested same for the position of senior vice president. This request was denied by appellant, the latter reiterating their earlier decision that there were qualified and available Liberians within appellee's company to occupy a vice president position.

Again several meetings were held between appellants and appellee, the former maintaining their position, as aforesaid. On March 19, 1997, the appellants received application from appellee for work permit in favor of one Mr. Gary Lavender, also an expatriate, to replace Mr. Torgerson as senior vice president, when the latter had never been granted a permit for said position. The appellants denied the appellee's request, which decision culminated into an action of " judicial review" cognizable before the National Labour Court, Montserrado County, Liberia.

Appellants contended that during the trial before the

National Labour Court, several reversible errors were committed by the National Labour Court judge, to which appellants objected. The objections were overruled and the appellants excepted thereto, as is fully observed from the appellants' bill of exceptions.

On the 28th day of May, A. D. 1997, the appellants filed a nine-count bill of exceptions which, on the same date, was approved by Her Honour C. Aimesa Reeves, Judge of the National Labour Court. For the purpose of this opinion, we hereunder quote the relevant counts of the bill of exceptions, being counts 1, 4, 5, 6, 7, & 8, which we consider important for the determination of this case, to wit:

1. Because respondents say that Your Honour committed reversible error when upon rendition of judgment, which was read in open court, and respondents excepted to same and announced an appeal thereafter to the Honorable the Supreme Court, Your Honour granted the said appeal but went on to instruct respondents to grant a temporary work permit to the petitioner for Mr. Gary Lavender, while the appeal was pending; to which instruction, respondents excepted, and again announced an appeal to the Honourable the Supreme Court, as announcement of an appeal as a matter of law in such cases is a matter of right and serves as a stay to any further action by Your Honour, and following which Your Honour denied respondents said appeal. The latter action of Your Honour is violative of respondents' rights as guaranteed under the Constitution of Liberia "that the right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, *shall be inviolable*". (Our emphasis).
4. Your Honour further committed reversible error when

on the one hand you acknowledged in your ruling that it was undisputed that the petitioner is a creation of the Act of Legislature of December 8, 1948, and on the other hand failed to apply the provision of said Act, but instead applied the provisions of the Business Corporation Act, when the Act of 1948 creating the petitioner provides for the applicability of the Business Corporation Act of the Associations Law only in so far as it shall not be in-consistent with any of the terms and provisions of the Act creating petitioner. Your Honour therefore committed reversible error when you set aside the provisions of the Act creating the petitioner and applied the Business Corporation Act.

5. Because Your Honour committed reversible error when you admitted the authority of respondents to promote, develop, direct and supervise all government's programs and activities relating to Labour Law and the Labour Practices Law of Liberia, but imputed into the Labour Law that the denial of work permits must be based on just cause. It was a reversible error that Your Honour committed when you attempted to judicially legislate. The law extant within our jurisdiction gives only the Legislative Branch of Government the authority to make and amend the laws.
6. Also Your Honour committed reversible error, when you applied certain inconsistencies in your ruling. In the said ruling, you admitted that it was undisputed that the New Executive Law, Chapter 34, empowers the respondents to promote, direct and supervise all government programs and activities relating to labour, and that as a matter of fact and law, the respondents are the principal administrator of the Labour Practices Law, and that the Ministry is the forum of first

instance with respect to the violation or enforcement of any provision of the Labour Practices Law. Your ruling further admitted that the respondents have the power and authority to, among other things, grant or *deny a work permit to any alien who desires to work in Liberia*, but went on to order that the respondents grant a work permit to Mr. Lavender, which order was tantamount to mandating respondents to not only contravene their authority and disobey the law cited by Your Honour, but also same is above your jurisdiction to man-date or order the respondents to perform an official duty. Our laws and precedent in such cases provide that one affected by the decision of an administrative forum in the exercise of its discretionary powers under the law, shall apply to the Honourable Supreme Court for a writ of mandamus. Reversible error Your Honour committed when you attempted to usurp the functions of the Supreme Court. Subject matter jurisdiction can be raised at any stage of the trial, even in the Supreme Court.

7. And also Your Honour committed reversible error when you attempted to shift the onus of whether or not there are qualified and available Liberians to fill the position applied for in favor of Mr. Gary Lavender, when the Labour Law is clear and unambiguous that respondents must be satisfied that there are qualified and available Liberians, which puts the onus upon an applicant, in this case, petitioner, to ensure that the respondents are satisfied as to the application made. Further, Your Honour omitted to also observe that in its petition, the petitioner did not present any evidence as to the qualification of Mr. Gary Lavender.
8. Because Your Honour committed reversible error when in your ruling you traversed sections 75 and

1507 (2) of the Labour Practices Law, and equated the decision of respondents in denying petitioner's application in favor of Gary Lavender as being tantamount to depriving foreign or alien businesses or merchants of managing their own businesses. Your Honour failed to take judicial notice of your own explanation of the Business Corporation Act which you so strenuously expounded, that such businesses established under said Act fall within the *purview of the agencies of government* and it is only when the employer of these businesses subsequently apply to the respondents for work permit in favor of aliens, then it becomes the legal duty of respondents to be satisfied with the application, that is, ensure that no Liberian is qualified and available before granting same. Your Honour therefore committed reversible error when you attempted to equate the owner of a business with a mere employer's prospective employee.

Reviewing carefully the briefs filed and after listening to the arguments made by counsels of both parties before this Honourable Court, the appellants have consistently contended as follows, to wit:

- (a) That the Act creating the Ministry of Labour provides, *inter alia*, that the function of the Ministry of Labour is to "promote, develop, regularize and control the *Labour Law and Labour Practices Law of the Republic of Liberia*. (See *new Executive Law, Title 1 Revised Code of Laws Chapter 34, Ministry of Labour and Youth*) section 34.2. (Emphasis Ours)
- (b) That pursuant to the authority granted them by the statute cited *supra*, they had examined appellee's applications and determined that same were found lacking the prerequisite for granting work permits to alien employees, i.e. that "*only in cases in which it is satisfied*" that suitably qualified Liberians are not available to meet the

Labour requirement of the employer concerned.” Labor Practices Law, Lib. Code 18-A: 1507(2) *“Employment of Person Not Liberians.* (Emphasis ours)

- (c) That appellants' action in denying the application of the appellee was also in consonance with the Liberianization Policy of the Republic of Liberia, as contained in the statute, which states, *inter alia*, that "it shall be unlawful to hire an alien employee unless and until the list of qualified Liberians has been exhausted or there is no qualified person on the list capable of performing the job to be filled. In the event that the employer reports to the Minister of Labour that he cannot find any Liberian employee capable of doing a specific job, the Minister or his deputy appointed for that purpose shall grant a special permit setting forth this fact and according the employer the privilege to engage the services of an alien or aliens to be named in the permit, designating the class of work he or she will be required to performed. Alien and Na-tionality Law, Rev. Code 4: 75, *Liberian Employee to be Preferred.*
- (d) That the decision of the appellants in denying the application of appellee was justified by law;
- (e) That it is undisputed that the Government of Liberia has direct interest in ITC, for both reversionary and taxation purposes;
- (f) That ITC's refusal and failure to promote and/or employ a Liberian citizen to occupy one of the positions of senior vice president (there are presently five such positions) was in violation of the Labour Practices Laws of Liberia; and,
- (g) That the refusal of the National Labour Court judge to grant a second announcement of appeal from a second order, after having previously granted an appeal from the judgment, constituted a violation of appellant's right

to an appeal.

On the other hand, appellee's counsel strenuously argued and contended in his brief and arguments before this Court as follows, to wit:

1. That the holding of the National Labour Court judge that just cause should also be taken into consideration in determining whether to grant or deny a work permit constitutes no reversible error;
2. That the refusal of the National Labour Court judge to grant a second announcement of appeal from an order, having previously granted appeal from the final judgment, does not constitute a reversible error and is not in violation of appellants' constitutional right to an appeal.
3. That the National Labour Court judge did not err in citing and relying on sections 6.2, 6.4, 6.15(1), (4) and (8) of the Business Corporation Act to support her final judgment as those laws are both relevant and in vogue in this jurisdiction. More than this, Appellee ITC's legislative charter (the 1948 Act of the Legislature creating ITC) specifically provided that the Business Corporation Act would apply to ITC.
4. That the appellants may deny work permit only upon giving just cause; and
5. That the National Labour Court judge did not err in holding that the judge did not usurp the functions of the Supreme Court when it reviewed an administrative decision of the Ministry of Labour (appellant) denying a work permit based upon a petition for judicial review by the affected party (in the instant case, Appellee ITC), reversing said administrative decision, and ordering appellants to grant said work permit, amongst other things.

After a careful perusal of the certified records forwarded to us in this case, we have deemed it necessary that the

below listed germane points shall constitute the issues for the determination of this case, as follows to wit:

1. Whether or not it is within the purview of the Ministry of Labour to grant or deny applications for work permits or labour clearances, or the renewal thereof, in favor of alien employees?
2. Whether or not the denial of a work permit by a Ministry of Labour to an employer who applies for same for an alien employee can be deemed as interfering in the administration of the employer's establishment?
3. Whether or not, after the granting of an appeals from a final judgment, the judge can make a subsequent order repudiating the judgment appealed from and then refuse to grant an appeal from the subsequent order?
4. Whether or not under the legislative act creating ITC, at Article IV, the Liberian Government has a vested reversionary interest in ITC?

In traversing issues one (1) and two (2), with respect to whether or not it is within the purview of the Ministry of Labour to grant or deny applications for work permits or for the renewal thereof in favor of alien employees, or whether the denial can be deemed interfering in the administration of the employer's establishment, we herewith cite the relevant portions of the statutory laws concerning the Ministry of Labour's authority to grant or deny work permits to alien employees, to ascertain whether the denial thereof can be considered as interference in the administration of the employer's establishment.

The Act creating the Ministry of Labour provides, among other things, that the function and authority of the Ministry of Labour is to "promote, develop, regularize, and control the Labour Law and Labour Practices Law of the Republic of Liberia." (See Executive Law, Rev. Code 12:34.2 (Ministry of Labour and Youth)). Therefore, and

pursuant to the authority devolved upon the Ministry by the statute, quoted *supra*, appellants examined the appellee's applications and determined that they were found lacking the prerequisite for granting work permits to the alien employees. The Labour Law mandates the Ministry of Labour to grant work permits to alien employees "only in cases in which it is satisfied that suitably qualified Liberians are not available to meet the Labour requirement of the employer concerned", which is not applicable in the case at bar because the appellee has, by its own admission, acknowledged that there are Liberians presently in its employ who are serving as vice presidents. These Liberians are qualified and, under the law cited, are eligible to serve in the post of senior vice president of the appellee company. For reliance, see Labor Practices Law, Lib. Code 18-A: 1507(1) and (2); Civil Procedure Law, Rev. Code 1: 25.8. Therefore, and in view of the law cited and the circumstances and evidence adduced from the certified records before us in this case, we hold that the ruling of the Ministry of Labour denying the application of the appellee for work permit for Mr. Gary Lavender to serve as senior vice president of the appellee is sustained, and that the decision of the National Labour Court to grant same is hereby reversed. The granting or denial of work permits to all aliens is within the discretion of the Minister of Labour. The granting of work permit is a privilege the Government allows the employer to enjoy at the government's discretion. For reliance, see *Harmon v. Horace*, 10 LLR 29, 32, (1948). Also, in *Pratt v. Republic*, this Court said ".....the right of the state to decide by statute the conditions upon which aliens shall be allowed to reside or grant work permit within its territories is an unquestionable one and is inherent in every sovereign and independent state." 2 LLR 289, 290 (1918). See also *Dhalival International Trading Company (DITCO) v. King*, 26 LLR 195 (1977), at 210

and 211. (Emphasis ours).

This Court would like to state that the strict applicability of section 1507 (2) of the Labour Practices Law does not affect the exceptions provided by section 75 of the Labour Practices Law for self employed aliens in the trading business. Thus, for Lebanese, Indian and Pakistani merchants would not be adversely affected and thereby be deprived of managing their own businesses; and it is not the government policy to remove self-employed foreign businessmen and investors from the management of their business and investments, and instead have Liberians manage these businesses and investments, as was alleged in the argument by the appellee's counsel and as was erroneously ruled by the judge of the National Labour Court. Hence, a reversible error was committed by the judge.

Furthermore, it must be unequivocally noted in this opinion that Messrs. Christopher Torgerson and Gary Lavender had never been previously the holders of work permits for the *position of senior vice president for the appellee company; therefore, appellee could not have requested the renewal of same* when in fact and in deed they were never in existence, as alleged by the appellee's counsel. Therefore, the provision of *chapter 82, section 82.7 (1)(2) of the Administrative Act*, with respect to the activity of a continuing nature, is not applicable. (Emphasis ours).

With respect to the issue of whether or not the denial of a work permit by the Ministry of Labour to an employer who applies for same for an alien employee can be considered an interference in the administration of the employer's establishment, we say that *to legally answer this issue, we quote Articles VIII, IX and X of the Act of the Legislature creating ITC, dated December 8, 1948, as follows, to wit:*

"The chief executive officer of the company shall be

the president. There may be one or more vice presidents, a secretary, a treasurer, and one or more of said vice presidents may be placed in charge of one or more of the departments of the company. The president shall execute directly or indirectly by delegation, the decision of the Board. Officers need not be stockholders and can be of any nationality; that it shall be the policy of the Board to elect qualified and available Liberians as officers.

ARTICLE IX

The powers of the Board shall be those powers required appropriately to execute the functions assigned the company by this charter.

ARTICLE X

The Board shall create an executive committee and such other committees as may be required or appropriate for the operations of the company. The executive committee shall be responsible for efficient administration of matters delegated to it by the Board
".

Our interpretation and construction of the articles of the above mentioned Act is that the chief executive officer of the company shall be the president who shall execute, directly or indirectly by delegation, the decisions of the Board, whose powers shall be to appropriately execute the functions assigned the company by its charter for the efficient administration of matters delegated to it by the Board, and which do not involve or include the interference of the Minister of Labour. On the other hand, the prescription of chapter 16, section 1507(2) of the Labour Law of Liberia, relates to the authority of the Minister of Labour in granting or denying work permits. This function is distinct and different from the authority of the president and board of the appellee company (ITC), and does not in

any way conflict with or interfere in the administration of the appellee's establishment. Therefore, the ruling of the appellants is hereby upheld.

This Court further says that when a statute is clear and unambiguous, as in the instant case, the Honourable Supreme Court should not and cannot do anything but uphold it, unless it is unconstitutional. *The Management of BAO v. Mulbah and Sikeley*, 36 LLR 404 (1989), *petition for judicial review*. In addition to the above, we further hold that it is not the authority or business of this Honourable Court, or any of the subordinate courts for that matter, to be concerned with whether a legisla-tion is wise, unwise, oppressive, democratic or undemocratic. Such is the province of the Legislature. For reliance, see *Harris v. Harris*, 9 LLR344 (1947).

Traversing issue three which concerns itself with whether or not, after the granting of an appeal from a final judgment, the judge can make a subsequent order repudiating the judg-ment appealed from and then refuse to grant an appeal from the subsequent order, the Organic Law of the Republic of Liberia provides that "the right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agen-cy, except the Supreme Court, shall be held inviolable..." LIB. CONST., Art. 20(b) (1986).

Our construction and interpretation of the above mentioned portion of the Constitution is that an appeal from a judgment of subordinate court, as in the instant case, serves as a super-sedeas and shall be held inviolable, especially since same was not an appeal from a judgment in an action of summary ejectment or summary proceedings to recover possession of real property. For reliance, see Civil Procedure Law, Rev. Code 1: 62.24; *Williams v. Horton and Bull*, 13 LLR 444 (1960); for cases where an appeal serves as

a supersedeas imposed by appeal, see *Ex parte Prout* 3 LLR 39 (1928); *Bracewell and Harmon v. Massaquoi and Massaquoi*, 7 LLR 390 (1942); *In re Smallwood et al.*, 8 LLR 3 (1942); *Wanney v. Massaquoi and Tabbleh*, 10 LLR 241 (1949); and *Schilling and Company v. Tirait and Dennis*, 15 LLR 164 (1964).

In view of the evidence culled from the certified records transmitted to us and the laws controlling appeals, cited *supra*, we are constrained and compelled to hold that the National Labour Court judge's subsequent order, after an appeal had been taken and granted from her *final judgment*, ordering the appellants to grant work permit to Mr. Gary Lavender was erroneous and unconstitutional, and therefore said subsequent order constitutes a reversible error. Accordingly, the said order is hereby reversed.

We shall now traverse the fourth issue, which is whether or not under the Act creating ITC, at Article IV, the Government of the Republic of Liberia has vested reversionary interests in ITC.

The Act of the Legislature creating the International Trust Company of Liberia indicates and state expressly the objective for the creation of said company, as follows, to wit: " in order to provide an instrumentality capable of serving every inter-national financial and commercial function now serviced by modern, international and metropolitan financial institutions elsewhere, and in order to attract to such instrumentality funds which could not otherwise be obtained in any other fashion for the *Development of Liberian Resources And For The Purpose of Making the Republic of Liberia A Financial Center of Africa*, there is created and constituted pursuant to laws of the Republic of Liberia a body corporate, which incorporated company shall be governed by the following provision under the name, style, and title The International Trust Company of Liberia." See An Act Creating the International Trust

Company of Liberia, 1948, " Preamble." (Emphasis ours).

It can therefore be clearly seen that the legislative intent and spirit of this Act, amongst other things, was that appellee was under the moral and legal obligation to train and promote Liberians who would eventually succeed to the management of the corporation, as contemplated by the Act. Moreover, the same Act provides that at the expiration of eighty (80) years from the date this Act became effective, all of the capital stock of the Company must be made available for sale to the Government and/or citizens of the Republic of Liberia at the then established " book" value of such capital stock. *An Act Creat-ing the International Trust Company of Liberia, Article IV, Capital Stock*

The Act further provides that "the corporation shall publish annual statements of its financial operations and the Go-vernment shall have the right to inspect the balance sheets and income of the Corporation." *Id.*, Article XII, TAXATION.

In view of the foregoing provisions of said Act and the legislative intent construed therefrom, it is the undisputed holding of this Honourable Court that the Government of the Republic of Liberia has direct and patent interest in ITC, for both the *reversionary and taxation purposes*, that in the event the foreign owners decided to withdraw prior to the expiration of its contract, there would be Liberians in the establishment knowledgeable enough to assume the obligation of running the corporation effectively.

As to the contention that several issues were raised in this case but not passed upon, it has always been the practice of this Court to pass upon only those issues it deems meritorious, worthy of notice, and germane to the legal determination of the case. It needs not pass on every issue raised in the bill of exceptions or in the briefs filed. In this case, the Court has acted in keeping with practice and precedence, and has only addressed itself to the issues and/or questions deemed to be germane to the determination thereof. For reliance, See *Lamco J. V. Operating Company v. Verdier*, 26 LLR 445 (1978).

Wherefore, and in view of the foregoing facts, circumstances and the laws controlling in this case, it is the opinion of this Court that the judgment of the National Labour Court should be and the same is hereby reversed. Count one of the administrative decision of the Ministry of Labour is also here-by upheld with modification that counts 2, 3, 4, 5 & 6 of the said decision are reversed. The Clerk of this Court is hereby ordered to send a mandate to the court below informing the judge presiding therein to resume jurisdiction over the case and give effect to this opinion in keeping with law. Costs are disallowed. And it is hereby so ordered.

Judgment reversed.