

UNITED STATES TRADING COMPANY REDUNDANT WORKERS and
THE BOARD OF GENERAL APPEALS, Ministry of Labour,
Respondents/Appellants, v. **UNITED STATES TRADING COMPANY**,
represented by its General Manager, Informant/Appellee.

INFORMATION PROCEEDINGS.

Heard: July 10, 1986. Decided: August I, 1986.

1. While the right of appeal is guaranteed to every person against whom a final judgment is rendered, it is also true that a decision of the Supreme Court of Liberia is absolute and final and that no appeal can be taken therefrom.
2. By appealing to the Board of General Appeals regarding how a Supreme Court mandate is being carried out is essentially appealing the decision of the Supreme Court. However, there should be redress where a Supreme Court mandate is improperly carried out in such a manner to cause a party to suffer substantial injustice.
3. Where presentation of evidence is required in carrying out a Supreme Court mandate, the one enforcing the mandate must receive evidence from both parties.
4. The taking of evidence referred to in a mandate does not mean re-opening a case that has finally been decided by the Supreme Court. It is essentially a means of ensuring that the mandate is carried out properly.

The Supreme Court sent down a mandate to the Ministry of Labour in an illegal dismissal matter instructing the hearing officer to collect evidence regarding how appellants were paid. In carrying out the mandate, the hearing officer accepted evidence from only the appellee and not the appellants. The appellants then filed a bill of information with the Justice in Chambers contending that the hearing officer had not properly carried out the mandate in that he had only received evidence from

one party, the appellee company. The Chambers Justice ruled that in carrying out the mandate evidence should have been accepted from both parties. From this ruling an appeal was taken to the full Bench. After entertaining arguments, the Supreme Court *affirmed* the Chambers Justice ruling.

Francis Y. S. Garlawolu, J. Edward Koenig and J. Laveli Supumwood appeared for the appellants. *S. Raymond Horace, Sr.* and *S. Raymond Horace, Jr.*, of the Horace & Horace Law Firm appeared for the appellee.

MR. CHIEF JUSTICE NAGBE delivered the opinion of the Court.

During the March A. D. 1985 Term of this Honorable Court, decision was rendered on June 21, 1986, in consequence of which, a mandate was sent to the Ministry of Labour, the relevant portion of which read as follows:

"1. To state in terms of dollars and cents the total amount which each of the fourteen workers and the four workers respectively, listed in the decision are entitled to for the three years and five years' salaries respectively, and deduct the redundancy pay allegedly received and show by calculation the balance due the workers.

2. To receive evidence of payment by the management of the notice pay and the redundancy pay, respectively, as claimed by management and denied by the workers.

And it is hereby so ordered."

The Ministry of Labour having received the mandate, referred same to the hearing officers for the purpose of carrying out its contents. During the exercise in the hearing officers' office, appellants contended that they were not afforded the opportunity to present evidence that they were not paid the amounts which management contended it had paid them. Although the hearing officers received evidence from management/appellee regarding how appellants were paid, the appellants themselves were not permitted to verify as to what amount management said they were entitled to and had received. Because of the hearing officers' refusal to

admit evidence from appellants, the said appellants appealed to the Board of General Appeals for its intervention into the manner in which the hearing officers were carrying out the letter of the mandate, particularly with respect to the receiving of evidence to "show by calculation the balance due the workers." Because of the appeal filed before the Board of General Appeals, appellee filed a bill of information before the Justice presiding in Chambers, His Honour Elwood L. Jangaba.

In count 4 of appellee's brief, it is therein stated in part that "while the right of appeal is guaranteed to every person against whom a final judgment is rendered, it is also true that a decision of the Supreme Court of Liberia is absolute and final and that no appeal can be taken therefrom. We agree with this assertion. Appealing from the hearing officers to the Board of General Appeals, in that connection, amounted to an appeal from the mandate of the Supreme Court. However, we also believe that in carrying out the mandate, evidence should have been received from both sides since the nature of the case makes that necessary. See U. S. Supreme Court Digest, Vol. 16, § 1754, p. 61-483.

According to paragraph 2 of the mandate, the hearing officers were to "receive evidence of payment." This means that both sides should have been involved in the process, especially since it was the issue related to calculations of payment which appellants were disputing. The taking of evidence referred to by the mandate does not mean reopening the cases but that such evidence as mentioned in the mandate relates to the payment of the amount actually due and payable to the workers.

In view of the foregoing, and in the interest of fair play, it is the opinion of this Court that the ruling of the Chambers Justice be, and the same is, hereby affirmed. Both the appellants and the appellee should be allowed to submit evidence in support of their respective position in fulfillment of the mandate. Costs to abide final determination. And it is hereby so ordered.

Information granted.