

**INTERNATIONAL TRUST COMPANY/ INTERNATIONAL BANK (LIBERIA)
LIMITED**, by and through its Authorized Officer, Appellant, *v.* **REGINALD W. DOE**,
Director/Hearing Officer, and MOMO R. GARPI et al., Appellees.

APPEAL FROM THE JUDGMENT OF THE NATIONAL LABOUR COURT,
MONTSERRADO COUNTY.

Heard: March 17, 2004. Decided: August 13, 2004.

1. Judicial review is a regular appeal to the National Labour Court by a party against whom a final judgment has been entered in a labour dispute by a hearing officer at the Ministry of Labour.
2. Summary investigations is a remedial process whereby the circuit court reviews alleged irregularities of the magisterial and justice of the peace courts; and unless there is irregularity there is no basis for maintaining it before the circuit judge.
3. The Ministry of Labour is an administrative forum of first instance to hear and determine labour disputes.
4. Alleged irregularities on the part of a hearing officer at the Ministry of Labour in a labour matter are subjects of review by the National Labour Court upon the filing of a petition of summary proceedings, which is the same as summary investigation against the hearing officer by the aggrieved party.
5. The judge of the National Labour Court has the power, authority and exclusive jurisdiction to issue or order the issuance of writs of injunction and writs of summary proceedings in the nature of prohibition addressed to the Ministry of Labour and its officers in the exercise or aid of its appellate jurisdiction over them.
6. The labour courts and judges thereof have the exclusive jurisdiction, power and authority, among other things, to issue summons in summary proceedings addressed to the hearing officer or labour commissioners under their jurisdiction for the enforcement of judgments or orders and in exercise of the appellate jurisdiction vested in each labour court.
7. A writ of summons in summary proceedings, addressed to a hearing officer at the Ministry of Labour by a judge of the National Labour Court, is in the nature of a writ of prohibition issued by a Chambers Justice of the Supreme Court to an inferior court.
8. The issuance of a writ of summons in summary proceedings is intended to prohibit the hearing officer to which it is addressed from conducting any further hearings into matters over which he lacks jurisdiction, pending a hearing in the labour court.

9. Estoppel means that a party is prevented by his or her own act from claiming a right to the detriment of the other party who was entitled to rely on such conduct and has acted accordingly.

The co-appellees, former workers of the appellant company, sued the appellant for unfair labour practice. In their complaint, filed before the Ministry of Labour, the co-appellees demanded housing and transportation allowance, medical benefits, overtime pay for worked performed on Saturday, leave pay, deductions made in salaries and three months notice pay. Two years prior to the filing of the complaint by the co-appellees, the appellant had, with the approval of the Ministry of Labour, terminated the services of the co-appellees on the ground that it had lost one of its lines of business. The appellant had compensated the co-appellee workers, who in turn had signed receipts/releases irrevocably and unconditionally releasing the appellant from any and all claims growing out of the relationship between the appellant and the co-appellees.

The appellant filed a motion to dismiss the complaint, citing as ground: That the Ministry lacked jurisdiction over the subject matter of the complaint; that the co-appellees were statutorily barred from bringing the action more than seven years after the right to relief accrued; that the co-appellees had voluntarily issued the receipts/releases in which the co-appellees irrevocably released and discharged the appellant; and that some persons named as complainants had stated that they were not parties to the action.

The motion to dismiss was heard and denied and the case ruled to trial on the merits. From the denial of the motion, the appellant filed a petition for summary proceedings with the National Labour Court, Montserrado County, assigning as errors the ruling on the issues contained in the motion to dismiss as the basis for the petition. In their returns filed to the petition, the co-appellees asserted: That summary proceedings could not be maintained since the National Labour Court did not have the authority to issue writs of summons for summary proceedings; that Ministry of Labour had jurisdiction over labour matters; that the receipts issued by them did not cover housing and transportation allowance, overtime, etc.

The National Labour Court denied the petition, stating that it was not properly filed before the Court, in that the appeal was not based on a final judgment of the hearing officer but instead on the ruling on the motion to dismiss which did not determine the rights of the parties. The court therefore ordered the case remanded for the hearing officer to conduct a trial of the case on the merits. From this ruling of the National Labour Court, an appeal was taken to the Supreme Court.

The Supreme Court reversed the rulings of both the National Labour Court and the hearing officer and ordered that the lower court direct the hearing officer to dismiss the complaint in its entirety. The appellate Court held that the Judge of the National Labour Court erred when she construed the petition for summary proceedings to be a petition for judicial review. The Court distinguished between the two types of petitions but noted that

the National Labour Court had jurisdiction over both. The Court made reference to Section 3, Article III of PRC decree No. 21, which granted to the National Labour Court the authority and the obligation to entertain actions of summary proceedings and held that the lower court judge was in error to determine otherwise. Under the cited decree, the Court said, the National Labour Court Judge was obligated to entertain the petition and dispose of the issues contained therein.

The Court further opined that a writ of summons in summary proceedings is in the nature of a writ of prohibition issued by a Chambers Justice of the Supreme Court, the purpose being to address issues concerning errors and irregularities committed by the hearing officer in the course of the hearing of a case. The intent of the writ in summary proceedings, the Court concluded, was to prohibit the hearing from proceeding further with the case pending a hearing and determination by the Labour Court.

The Supreme Court also disagreed with the ruling of the National Labour Court that since the Ministry of Labour was an administrative agency, it was not mandated to give credence to legal technicalities. The Court noted that the Ministry of Labour, being an administrative forum of first instance to hear and determine labour disputes, the National Labour Court was obligated review irregularities committed by a hearing officer of the Ministry.

The Court stated further that the co-appellees had issued releases in favour of the appellant releasing and discharging the appellant irrevocably and unconditionally from all claims growing out of their relationship with the appellant. As such, the Court opined, the co-appellees were estopped from instituting the action, subject of the appeal. Moreover, the Court said, the Ministry of Labour should not have entertained the complaint since an important officer of the Ministry had attested to the releases executed by the co-appellees. Rather, it said, the hearing officer should have granted the motion to dismiss and accordingly dismiss the complaint. The Court therefore ordered the lower tribunals to dismiss the complaint in its entirety.

Stephen B. Dunbar, Jr. and James C. R. Flomo of the Dunbar and Dunbar Law Firm, in association with the Henries Law Firm, appeared for the appellant. *George S. B. Tulay* of Tulay Law Firm appeared for the appellees.

MR. JUSTICE CAMPBELL delivered the opinion of the Court.

According to the records in this case, Momo R. Garpi et al., complainants/co-appellees, were former employees of the International Trust Company/International Bank (Liberia) Limited, who were employed at various dates and times starting in 1992.

Due to the loss of one of its lines of businesses, the defendant/appellant decided to reduce its work force and, in November 1999, gave written notices to complainants/co-

appellees that their services were no longer needed. The defendant/appellant also informed the Ministry of Labour about the termination of the complainants/co-appellees' services and requested the Ministry of Labour to conduct an investigation so as to ensure that compensation for the complainants/co-appellees were paid in accordance with the Labour Laws of Liberia.

Consistent with the written notices to complainants/co-appellees and, as a result of the Ministry of Labour's investigation, the complainants/co-appellees were paid their benefits. Thereafter, each of them voluntarily signed a Receipt/Release wherein they irrevocably and unconditionally released and discharged defendant/appellant from any and all claims growing out of their relationship with the defendant/appellant. The Receipt/Release signed by each complainant/co-appellee was attested to by the Assistant Minister for Labour Standards, Ministry of Labour.

On April 23, 2002, two years thereafter, the complainants/ co-appellees, by and thru their counsel, filed with the Ministry of Labour an action of unfair labour practices against the defendant/appellant, demanding housing and transportation allowances, medical benefits, overtime pay for Saturdays' work, leave pay, deduction made in salaries, and three months notice pay.

The hearing officer convened a conference with the parties but the conference did not resolve the issues between them and therefore the case was ruled to trial.

On May 8, 2002, defendant/appellant filed a nine count motion to dismiss the complainants/co-appellees' complaint on grounds that the Ministry of Labour lacked jurisdiction over the subject matter because the complainants/co-appellees were statutorily barred for failure to institute their action within seven years of the time the right to relief accrued, as required by law; that each complainant/co-appellee voluntarily executed a Receipt/Release wherein each of the complainants/ co-appellees irrevocably released and discharged the defendant/appellant from any and all claims growing out of their employment; and that several individuals listed as complainants had stated that they were not parties to the complaint and therefore requested that their names be dropped from the list of complainants. Hence, the appellant prayed the hearing officer to dismiss the action.

In response to the motion to dismiss the complaint, the complainants/co-appellees in their resistance contended, among other things: That they became aware of their rights to housing and transportation allowances and other claims demanded in their letter of complaint in October 1999, when the defendant/appellant, for the first time, paid them said benefits; that the statute of limitations is not applicable in that from 1999, the year they got to know about their benefits, up to 2002 is not seven years, and therefore they are not barred from instituting their complaint against the defendant/ appellant; and that the Releases/Receipts signed by them were not for the same claims they were making. They therefore prayed the hearing officer to deny the motion to dismiss.

Following legal arguments on the motion to dismiss and the resistance thereto, the hearing officer denied the defendant/appellant's motion to dismiss and ruled the case to trial on its merits, stating as grounds that the complainants/co-appellees were employed at different times, and that as such the invocation of the statute of limitations was a mere technicality; and that the Ministry of Labour was not bound by the strict rules of evidence prevailing in courts of law.

The defendant/appellant excepted to the ruling and there-after filed with the Labour Court a twenty-one count petition for summary proceedings. The petition for summary proceedings stated, among other things, that the ruling of the hearing officer was erroneous because the labour statute provided that the complainant must seek relief within seven years from the date the complainants' right to relief first accrued, failing which the Ministry of Labour was prohibited from entertaining such action; that the complainants/co-appellees' right to relief accrued in 1992 and 1995, the respective years they commenced rendering services; that they (the complainants) having failed to institute their claims within seven years of the time their right to relief accrued, that is to say, on or before 1999 and March 2002, respectively, the action was barred by the statute of limitations; and that the hearing officer therefore lacked jurisdiction to hear and determine the action filed by the complainants/appellees.

The defendant/appellant also stated in its petition for summary proceedings that each complainant had adequate notice of their full benefits prior to executing individual receipt/release whereby each complainant individually and irrevocably released and discharged the defendant/appellant from any and all claims growing out of each complainant's relationship with the defendant/appellant; and that the defendant/appellant was therefore not liable for any additional benefits since the complainants could not legally claim any additional benefits after the issuance of the Receipts/Releases releasing and discharging the defendant/appellant.

To the petition for summary proceedings, the complainants/appellees filed a ten-count returns. The returns stated, among other things, that the ruling of the co-respondent/hearing officer was not erroneous, in that the said ruling was in accordance with law since the Ministry of Labour has jurisdiction over all labour cases; that the statute of limitations could not lie in view of the fact that the complainants/co-appellees became aware of their benefits in 1999 when they first received said benefits reflected on their pay checks, and that from 1999 to 2002 was not more than seven years.

The complainants also contended that the defendant/appellant pleaded the statute of limitations badly and wrongly, in that the said statute is an affirmative plea which requires admission before being invoked. They therefore requested the court that the petition should be overruled and denied. The complainants/appellees also maintained that they did not issue Receipts/Releases in favor of the defendant/appellant for housing and transportation allowances, overtime etc. in that nobody could issue a Receipt/Release for what he/she had

not received; and that the National Labour Court did not have the power or authority to issue writs of summons for summary proceedings. Consequently, summary proceedings could not be maintained in or before the National Labour Court.

Finally, the complainants/appellees argued that there was coercion, undue influence, and mal-labour practice meted out against them in the signing of the Receipts/Releases of the defendant/appellant, in that the Assistant Minister of Labour for Labour Standards was misled by the defendant/ appellant when he signed the Receipts/Releases on December 9, 1999 while the complainants/co-appellees signed said Receipts/ Releases on December 30, 1999. Complainants/co-appellees therefore prayed the court to dismiss the petition for summary proceedings.

After arguments on the petition for summary proceedings and the returns thereto, the judge of the National Labour Court denied the petition for summary proceedings on grounds that it was not filed properly before the National Labour Court in keeping with the Labour Laws of Liberia regarding appeals from hearing officers, in that the appeal filed before said Court was not based on final judgment of the hearing officer, but rather a ruling upon a motion to dismiss whereby the rights of the parties had not been determined in order to warrant a petition for judicial review; and except the matter be properly adjudicated and a verified petition is duly filed before the National Labour Court, the Court cannot delve into the issues raised therein.

The National Labour Court further ruled that the Ministry of Labour is an administrative and quasi judicial forum and is therefore mandated by statute not to give credence to legal technicalities. The Court below therefore mandated the Hearing Officer to resume jurisdiction and proceed with the trial on its merits. To the ruling, appellant excepted and announced an appeal to this Honourable Court.

This Court says for the purpose of the disposition of this matter, we shall concern ourselves with the below two issues:

1. Whether or not the National Labour Court has the authority to hear summary proceedings against hearing officers?
2. Whether or not the receipts/releases signed by complainants/appellees were valid, enforceable and barred subsequent filing of suit(s) against appellant by appellees.

On the first issue, the Court says that judicial review is a regular appeal to the National Labour Court by a party against whom a final judgment has been entered in a Labour dispute by a hearing officer at the Ministry of Labour. This Court has held that summary investigation is a remedial process whereby the circuit court reviews alleged irregularities of the magisterial and justice of the peace courts; and unless there is irregularity, there is no basis for maintaining it before the circuit Judge". See the case *Smith v. Stubblefield and Brown*, 15 LLR 338 (1963), Syl. 6, text at page 342.

The Ministry of Labour is an administrative forum of first instance to hear and determine labour disputes. Therefore, alleged irregularities on the part of a hearing officer at the

Ministry of Labour in a Labour matter are subjects of review by the National Labour Court upon the filing of a petition of summary proceedings, which is the same as summary investigation against hearing officer by the party aggrieved.

Decree No.21, Article III, Section 3, (1985) provides that “the Judge of the National Labour Court shall have power, authority, and exclusive jurisdiction to issue or order the issuance of writs of injunction and writs for summary proceedings in the nature of prohibition addressed to the Ministry of Labour and its officers in the exercise or aid of its appellate jurisdiction over them”. Under the Act to Repeal An Act Amending the Labour Practices Law of Liberia With Respect to Administration And Enforcement, and to Amend Decree No. 21 of the Interim National Assembly (1987), it is provided that “the Labour Court and judges thereof shall have the exclusive jurisdiction, power and authority among other things to issue summons in summary proceedings addressed to the hearing officer or labour commissioners under their jurisdiction for the enforcement of judgments or orders and in exercise of the appellate jurisdiction herein vested in each Labour Court”.

In view of the above law citations, the National Labour Court and the judge below have the legal authority and obligation to have entertained and disposed of the issues raised in the petition of summary proceedings/summery investigation filed by the appellant. In this situation, the judge below could have done two things in disposing of the petition of summary proceedings: either grant the petition and order the hearing officer to resume jurisdiction and dismiss the appellee’s complaint; or deny the petition and mandate the hearing officer to resume jurisdiction and proceed to hear the case on its merit. The judge below erred when she construed the petition of summary proceedings to be a petition for judicial review. Therefore, the ruling of the Labour Court Judge is reversed since it is clearly contrary to the statutory provision cited above.

A writ of summons in summary proceedings addressed to a hearing officer at the Ministry of Labour by a judge of the National Labour Court is in the nature of a writ of prohibition issued by a Chambers Justice of the Honorable Supreme Court to an inferior court.

The issuance of such a writ of summons in summary proceedings is intended to prohibit the hearing officer to which it is addressed from conducting any further hearings into matters over which it lacks jurisdiction, pending a hearing in the Labour Court.

Concerning the issue of receipts/releases, we note that there is no dispute concerning the payment of benefits and the signing of receipts/releases by the complainants/appellees, whereby each of them irrevocably and unconditionally released and discharged defendant/appellant from any and all claims growing out of their relationship with the employer. Moreover, the records also reveal that said receipts/releases signed by the complainants/appellees were attested to by the Assistant Minister of Labour Standard, Ministry of Labour. In view of these occurrences, the complainants/appellees are *estopped*

from instituting an action based on any employment relationship previously had with defendant/appellant.

“Estoppel means that a party is prevented by his or her own act from claiming a right to the detriment of other party who was entitled to rely on such conduct and has acted accordingly.” See BLACK’S LAW DICTIONARY 494 (Fifth ed. 1979)

Firstly, this Court says that the Ministry of Labour should not have entertained the complaint since a highly placed officer of said Ministry had attested to the Receipts/Releases signed by the complainants/appellees discharging and releasing defendant/appellant from any and all claims growing out of their employment relationship. Secondly, the hearing officer should have granted defendant/appellant’s motion to dismiss the complainants’ complaint due to the Receipts/ Releases signed by the complainants/appellees. They having signed receipts/releases, wherein each of them had released and discharged defendant/appellant from any and all claims growing out of their employment relationship, complainants/ appellees cannot now bring any suit against defendant/ appellant relating to the same relationship; and we so hold.

Wherefore and in view of the facts, circumstances and the laws cited, the rulings of the judge of the National Labour Court and the hearing officer are hereby reversed. The Clerk of this Court is ordered to send a mandate to the National Labour Court to resume jurisdiction and order the hearing officer to resume jurisdiction and dismiss the entire complaint. Costs are ruled against the appellees. And it is hereby so ordered.

Ruling reversed; case dismissed.