

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2024

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

The House of Representative, National Legislature of the)
Republic of Liberia, by and thru its House Speaker, Hon Dr.)
Bhofal Chambers, of the City of Monrovia, Montserrado)
County, Republic of Liberia..... Appellant)

Versus)

APPEAL)

Hon Yekeh Koluba, Representative of the District # 10, Mont.)
County, Republic of Liberia..... Appellee)

GROWING OUT OF THE CASE:)

Hon Yekeh Koluba, Representative of the District # 10, Mont.)
County, Republic of Liberia..... Informant)

Versus)

BILL OF)
INFORMATION)

The House of Representative, National Legislature of the)
Republic of Liberia, by and thru its House Speaker, Hon Dr.)
Bhofal Chambers, of the City of Monrovia, Montserrado)
County, Republic of Liberia..... Respondent)

GROWING OUT OF THE CASE:)

Hon Yekeh Koluba, Representative of the District # 10, Mont.)
County, Republic of Liberia.....Petitioner)

Versus)

PETITION FOR)
THE WRIT OF)
PROHIBITION)

The House of Representative, National Legislature of the)
Republic of Liberia, by and thru its House Speaker, Hon Dr.)
Bhofal Chambers, of the City of Monrovia, Montserrado)
County, Republic of Liberia..... Respondent)

Heard: October 29, 2024

Decided: December 19, 2024

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

On November 8, 2021, the informant herein, Hon. Yekeh Kolubah, filed a five (5) count bill of information before the then Chambers Justice, Mr. Justice Yussif D. Kaba, alleging therein that the respondent, The House of Representatives, by and thru Hon Bhofal Chambers, the erstwhile Speaker of the House of Representatives of the 54th Legislature, had failed to comply with an agreement that both the informant and the respondent had entered into, pursuant to a petition for the Writ of Prohibition that had been filed by the informant.

The informant alleged that in June, 2021 he filed the aforementioned petition for the writ of Prohibition before Mr. Justice Joseph N. Nagbe, now of sainted memory, complaining that the respondent had withheld his salaries and benefits without according him due process.

The informant further averred that Mr. Justice Nagbe convened a conference with the parties, during which conference both sides agreed to formalize an arrangement stipulating that the parties would revert to *status quo ante*. As part of this agreement, it was decided that the informant would receive retroactive payment of all previously withheld salaries and benefits. Additionally, the parties agreed that the informant would be accorded due process before any actions be taken against him; that predicated on these arrangements between the informant and the respondent, Mr. Justice Nagbe declined to issue the alternative writ, but noted the stipulation of the parties and mandated that same be pursued in accordance with law.

It appears that notwithstanding the agreement of the parties when they appeared before Mr. Justice Nagbe, the respondent reneged on the performance of some of its obligation as contained in the said agreement, thus prompting the filing of the present bill of information by the informant wherein he alleged that the respondent had failed to pay him his salary and benefits for the month of June, 2021.

The Records show that following the filing of the bill of information before Mr. Justice Kaba, the latter cited the parties to a conference slated for November 12, 2021. The records are vague as to the outcome of or even if the conference was ever held. We however note that a subsequent conference was slated for November 23, 2024. Again the records are silent as to the outcome of that scheduled conference.

Howbeit, on December 3, 2021, Mr. Justice Kaba ordered the issuance of the alternative writ of prohibition, commanding the Respondent to file its Returns to the Bill of Information on or before December 13, 2021.

On December 13, 2021, the respondent filed its eleven (11) count Returns to the Bill of information, averring therein, *inter alia*, that the respondent had complied with the agreement the parties had concluded before Mr. Justice Nagbe; that the informant had been paid his salaries and benefits for the all the months for which same had been withheld, except for the month of June, 2021; that pursuant to the Mandate of Mr. Justice Joseph N. Nagbe, the respondent had resumed jurisdiction over the case and proceeded in accordance with law by citing the informant to a hearing on the Complaint that had been filed against him; that predicated on the investigation into the complaint against the informant, which investigation the latter participated in, the Respondent found the informant liable and sanctioned him for a period of one month, that is June, 2021. Hence, the respondent contended that it had fully complied with the agreement the parties entered into before Mr. Justice Nagbe, and as such, the Bill of Information should be denied and dismissed.

Although the alternative writ was ordered issued by Mr. Justice Kaba, he did not conduct a hearing on the Bill of Information until the expiration of his Chambers' term.

On May 30, 2022, Madam Justice Jamesetta H. Wolokolie, having succeeded Mr. Justice Kaba in Chambers for the March Term, 2022, entertained arguments on the Bill of Information, *pro et con*, and thereafter reserved her Ruling to be delivered on August 11, 2022.

Madam Justice Wolokolie's Ruling on the Bill of Information succinctly narrated the events leading to the Bill of Information, and adequately addressed the issues pertinent thereto. Having reviewed the records, we are in accord with the Ruling of our Colleague and herewith quote same below in its entirety.

"RULING

In this bill of information filed before the Justice in Chambers, we are asked to determine whether the respondent, House of Representatives, adhered to the agreement reached between that body and the informant in a conference held with Chambers Justice Joseph N. Nagbe that could allow that body legally withhold the informant's salary and benefits for the month of June 2021?

The records reveal that the informant, Honorable Yekeh Kolubah, a lawmaker and member of the House of Representative, was suspended by the respondent, House of Representative, on May 18, 2021, for a period of sixteen (16) meeting days and denied all salaries and benefits for the said period. Informant Yekeh complained that such decision by the respondent was unfair and illegal as he was not afforded due process when he was suspended on May 18, 2021, and denied all his salaries and benefits for the period of his suspension.

The respondent denied the assertion made by the informant, countering that the informant was given due process before he was suspended. The respondent attached documents such as letters that were written to the informant by its committee on Rules, Order and Administration, bringing to the informant's attention a compliant that had been filed against him by his colleague, Hon. Thomas Fallah, for his alleged constant, direct and egregious behaviour exhibited against the Liberian Presidency and the President, George M. Weah, and inviting him to a meeting. The respondent alleged that several attempts to have the informant appear for a hearing failed as the informant refused to receive the letters that were written to him, let alone show up for the hearings, sending last minute excuses on the days set for hearing. The respondent further alleged that the informant offices were always locked and that he had instructed his staffs at his home not to take any communication. Based on this, the respondent's Committee on Rules, Order and Administration met and came up with a report with recommendations which was accepted by the plenary of the House of Representatives.

The committee on Rules, Order and Administration reported that with the frequent last minute excuses sent by the informant and with his offices been unusually locked in addition to his instruction to his staff not to receive official communications or letters at his home, this made it impossible to reach the petitioner. Therefore, the Committee concluded that the informant's action was deliberate and intended to avoid the Committee's hearings. The Committee then recommended that the

informant be suspended from all legislative functions for a period of thirty (30) meeting days and his benefits, including salary, gasoline, etc. be withheld and not paid for the period of the suspension.

The plenary of the House of Representatives convened on May 18, 2021, and voted on the Committee's recommendation, agreeing to implement the committee's findings. The Clerk of the Respondent House of Representative then wrote the informant, on May 18, 2021, informing him that:

1. He had been suspended from Plenary Sessions and other legislative functions for the period of sixteen (16) meeting days as of May 18, 2021;
2. That he was to forfeit all salaries and benefits such as gasoline during the period of the suspension; and
3. That he refrains from making any derogatory remarks against the Honorable House, Presidency or any functionality or authority of the Liberian Government in any form and manner during the period of the suspension.

Predicted upon the plenary decision as above mentioned, the informant fled to the Justice in Chambers of the Honorable Supreme Court with a petition for the writ of prohibition, complaining that the respondent violated his constitutional right of due process and prayed the Justice in Chambers to prohibit the respondent from enforcing its decision.

His Honor Justice Joseph N. Nagbe who presided as the Justice in Chambers when the informant filed its petition for prohibition, placed a stay order on the decision taken by the respondent and called for a conference to be held with the parties for July 14, 2021. At the conference held, the respondent conceded that it did not afford the informant his due process right as required by law before suspending him without pay and benefits.

Based on this concession, the Justice in Chambers ordered the parties to return to *status quo ante*, and for the respondent to accord the informant due process before taking any action against him.

Based on the outcome of the conference, the respondent wrote to the informant on July 19, 2021, informing him that the suspension had been lifted with immediate effect, and all rights and privileges to receive his salary, benefits, including gas and special allowances were restored.

The Office of the Clerk of the Supreme Court also wrote to the Speaker of the House of Representatives, Honorable Bhofal chambers on July 2, 2021, informing him that based on the communication from the Honorable House of Representatives, dated July 19, 2021, lifting the suspension of the informant, by the directive of His Honor Joseph N. Nagbe, Associate Justice presiding in chambers, he, Honorable Bhofal Chambers, was mandated to resume jurisdiction and proceed in keeping with law. The Chambers Justice therefore, declined to issue the alternative writ prayed for by the informant and the stay order that was issued on July 14, 2021 was ordered lifted.

The bill of information now before us stems from the failure of the respondent to pay the informant his salary and benefits for the month of June 2021, even though the respondent failed to proceed to take any action in conformity with due process.

In the bill of informant filed before Justice Yussif D. Kaba, who succeeded Justice Nagbe, the informant alleged that the respondent had not fully complied with the understanding reached in the conference with His Honor Joseph N. Nagbe, and respondent's letter of July 19, 2021 to him, the informant, and also informing Justice Nagbe that the suspension put in effect against the informant was lifted and all his rights and privileges restored. That in fact, the respondent had deliberately withheld the informant's June 2021 salary and other benefits. The informant therefore prayed the Justice in Chambers to cause the Respondent to pay his salary and benefit for the month of June 2021.

Justice Kaba held a conference with the parties and thereafter issued the alternative writ ordering that the respondent file its return to show cause why the informant's information as prayed for should not be granted.

Though Justice Kaba issued the writ, he did not render a ruling until he left Chambers. Upon her assignment in Chambers, Her Honor Justice Wolokolie, called for a hearing of the bill information on May 30, 2022. During the hearing, the informant's principal argument was that he was not afforded due process as agreed to by the respondent in the meeting with Justice Nagbe on July 14, 2021, and that in the absence of due process, the respondent cannot legally deny him his salary and other benefits that he is entitled to as a Representative. The respondent on the other hand argued that the informant was subsequently given due process and that his assertion was false.

A careful review of the records shows that no hearing was called and had with the informant after the meeting with Justice Nagbe on July 14, 2021, and the counsel for the respondent showed no proof otherwise. The records in the files show that the informant was previously issued his suspension letter on May 18, 2021; the informant filed a petition for writ of prohibition against this suspension in July 2021, and a stay order was placed on the action taken by the respondent, pending the outcome of a conference, which was scheduled for July 14, 2021 with the parties; that during the conference scheduled for July 14, 2021 with the parties, the respondent conceded that the informant was not afforded due process and agreed to have a hearing to provide the informant a chance to be heard; subsequent on July 19, 2021, the respondent wrote to the informant informing him that his suspension was lifted with immediate effect, and as the result of the suspension being lifted, all his rights and privileges to receive his salary and benefits to include gas and special allowances were restored; that based on this concession by the respondent, Justice Nagbe declined to issue the write prayed for and ordered that the respondent proceed in accordance with law; that is, to desist from proceeding to suspend the informant and withhold his salary and benefits without a hearing consistent with due process of law.

The record is devoid of any citation from the respondent's Committee on Rules, Order and Administration or minutes of a hearing had subsequent to Justice Nagbe declining to issue the writ of prohibition based on the understand reached by the parties that the respondent would accord the informant due process prior to suspending him and withholding his salaries and benefits. What the respondent attached to its returns was the previous report of the House of Representative

Committee on Rules, Order and Administration, recommending the petitioner suspension, and a Journal of the 32nd day of the 4th session of the Honorable House of Representatives of the 54th Legislature of the Republic of Liberia, Tuesday, May 18, 2021, which adopted and agreed on the recommendation of the Committee and which the informant had challenged in its petition for a writ of prohibition. The respondent having previously agreed that indeed these documents did not show proof of due process having been accorded the informant these, attachments to the respondents' returns to the bill of information are of no probative value. The withholding of the informant's June salary and benefits without a hearing therefore was an attempt by the respondent to circumvent the understanding reached between the parties based upon which Justice Nagbe declined to issue of the writ, ordering the respondent to proceed in accordance with the law.

This Court has held that due process is a fundamental right of every individual and is cardinal and an integral and significant part of our law and jurisprudence, with the essential elements being notice, and an opportunity given an individual to be heard and defend himself in an orderly proceeding adapted to the nature of the case. *Broh v. House of Representative, et al*, Supreme Court Opinion, October Term 2015; *Kpaan v. Johnson et al*, Supreme Court Opinion, October Term, 2015; *Republic of Liberia v. Bernice Trading Center*, Supreme Court Opinion, October Term, 2014; *Chambers v. NEC et al*, Supreme Court Opinion, March Term, 2015; *Kruah et al v. Weah*, 42 LLR 148, 155-156 (2004). We cannot overemphasize the significance of this principle under our law.

Article 38 of the Liberian Constitution also provides that "each House shall adopt its own rules of procedure, enforce order and with the concurrence of two-thirds of the entire membership, may expel a member for cause... *All rules adopted by the Legislature must shall conform to the requirements of due process of law laid down in this Constitution*" (emphasis ours).

Our role as a court is to ensure that all, to include the branches and agencies of government, adhere to the rule of law and Constitution (Article 20 (a) of the Constitution), and this Court envisions that no circumstance would warrant the violation of one's due process rights any by individual, agency, or functionary of government. *Williams v. Tah et al.*, Supreme Court Opinion Term, 2011; *Morlu v. House of the Senate*, Supreme Court Opinion, March Term, 2008.

The Revised Rules of the Supreme Court Part 12, Bill of Information provides that-

- (a) Bill of Information will lie to prevent a Judge or any judicial officer who attempts to execute the mandate of the Supreme Court in an improper manner from doing so.
- (b) A Bill of Information will also lie to prevent any one whomsoever from interfering with the Judgement and or/Mandate of the Supreme Court.

We have found that the respondent, contrary to its letter written to the informant on July 19, 2021, and without a hearing to afford the informant his due process rights, as agreed to by the parties in the conference of July 14, 2021, and in violation of the mandate sent by Justice Nagbe that the respondent proceeds in accordance with the

law, has willfully withheld the petitioner's salary and benefits for June 2021, contrary to the Court's mandate.

This action by the respondent being in violation of the Court's mandate, a bill of information will lie. We therefore order that the Respondent House of Representatives not having proceeded to have a hearing but to proceed to arbitrarily withhold the informant's salary and benefits for the month of June 2021, it is herewith ordered to pay to the informant his salary and all benefits that accrued to him for the month of June 2021. AND IT IS SO HEREBY SO ORDERD"

Before concluding this Opinion, we note that the joint stipulation entered into by the parties pursuant to the petition for the writ of prohibition filed by the present informant, and based upon which joint stipulation the Justice then presiding in Chambers issued a Mandate ordering the parties to return to *status quo ante*, the respondent was obliged to pay the informant his entire salary and benefits that had been withheld. Hence, the respondent's refusal to pay the informant his salary and benefits for the month of June, 2021 is a violation of the Mandate of the Justice in Chambers, for which a bill of information will lie.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Justice in Chambers rendered on August 11, 2022, wherein she granted the Bill of Information is affirmed in its entirety, and the respondent is mandated to pay the informant his salary and benefits for the month of June, 2021. The alternative writ issued is affirmed, and the peremptory writ is ordered issued. The Clerk of this Court is ordered to send a Mandate to the respondent informing the latter of this Court's Judgment. AND IT IS HEREBY SO ORDERED.

Affirmed

When this case was called for hearing, Counsellors Albert S. Sims and Bob W. Laywhyee appeared for the appellant. Counsellor Jimmy Saah Bombo of the Central Law Offices appeared for the appellee.