

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS MARCH TERM, A.D. 2025

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

Speaker J. Fonati Koffa and Members of the House of)
Representatives of the 55th Legislature INFORMANTS)

VERSUS)

Representative Richard N. Koon, Purported Speaker of)
The House of Representatives of the 55th Legislature,)
Representative Thomas Fallah, Deputy Speaker of the)
House of Representatives, Members of the self-style)
Majority Bloc of the House of Representatives, the)
Executive Branch of Government of Liberia,)
Represented by the Minister of Justice of Liberia and)
Attorney General of the Republic of Liberia...RESPONDENTS)

AMENDED BILL OF
INFORMATION

GROWING OUT OF THE CASE)

In RE: The Constitutionality of several actions taken)
By certain Members of the House of Representatives)

MR. JUSTICE GBEISAY DISSENTS

Based on the fundamental principles of law which should be held at all times, I am in disagreement with my esteemed colleagues who opined that the amended bill of information will lie under Rule IV, Part 12 of the Revised Rules of the Supreme Court. From the onset, let me say that my position is that the contentions asserted in these proceedings cannot be addressed by the office of the bill of information, and that this case presents a clear political question which cannot be answered by the Court. Under the doctrine of separation of powers, this Court cannot decide a case in which it is clear that the responsibility to make a core decision which ought to put finality to the controversy at hand falls solely on the legislative or executive branch of government.

The question of the constitutionality of actions taken by certain members of the House of Representatives has again appeared before this court, this time, by way of Bill of Information, later withdrawn and in its place, by an amended Bill of Information. The Amended Bill of Information succinctly alleged that the mandate of this Honorable Court growing out the judgment of December 6, 2024, had been disobeyed by the members of the "majority bloc", a competing group of the House of Representatives to the group referred to as the "minority bloc".

I believe that the majority opinion in the amended Bill of Information does not appreciate what legally is a mandate, and the conclusion that the decision of this Court of December 6, 2024, contains a mandate, is a misunderstanding and misinterpretation of the law which makes it compelling for me to dissent. It is also compelling to retrospect on the impasse at the National Legislature, which continues unresolved.

The "Minority Bloc" headed by Speaker J. Fonati Koffa, on November 22, 2024, filed a petition styled "In re: the unconstitutionality of certain actions taken by some members of the House of Representatives of the 55th Legislature" before the Honorable Supreme Court of Liberia. The petition alleges as follows:

1. That the convening of some members of a purported and illegal plenary of the House of Representatives without the Speaker, the constitutionally designated Presiding Officer of the House of Representatives consistent with Article 49 of the 1986 Constitution, notwithstanding the fact that he is present and available to perform his duties is illegal and unconstitutional;
2. That the members' use of the illegal plenary to unconstitutionally suspend Honorable Edwards Flomo, Abu Kamara and Marvin Cole as Members of the House of Representatives, without first affording them the necessary and required constitutional due process mandated by Article 20 of the Liberian Constitution and Rule 48 of the House Standing Rules;
3. That the members' illegal restructuring and reconstituting of statutory committees of the House of Representatives in violation of the Committee's Chairman and Co-Chairman appointment by the Speaker for 3 years and that they can only be removed by two-thirds of the vote of the entire membership of the House of Representatives; and
4. That the Members' seizure and taking possession of the 2025 Draft National Budget although it was directed to Speaker Koffa in his capacity as the Presiding Officer of the House of Representatives and unlawfully acting on same violates Article 49 of the Constitution and Rule 10 of the House Standing Rules.

The petitioner therefore prayed the Court to declare as follows:

1. That this Court should declare the convening of the purported and illegal plenary of the House of Representatives by some members without a speaker presiding to be unconstitutional and all actions and decisions taken thereto, be also declared null and void ab initio and of no legal effect.
2. That this Court should declare illegal and unconstitutional the suspension of Honorable Edward Flomo, Abu Kamara and Melvin Cole as members of the House of Representatives without first affording them the necessary and required constitutional

due process mandated by the Liberian Constitution and Rule 48 of the House standing rules unconstitutional.

3. The members' restructuring and reconstituting of the statutory committee of the House of Representatives should be declared illegal.

4. The members' seizure of the 2025 Draft National Budget and all actions and decisions taken thereon to be unconstitutional and in violation of article 49 of the 1986 Constitution and rule 10 of the house standing rule.

To this petition, the "Majority Bloc" headed by Hon. Richard Koon filed a return and substantially contended as follows:

1. That prior to Hon. Fonati Koffa being elected as Speaker and while serving as Deputy Speaker, he has engaged and conducted himself in a form and manner in violation of article 90 (A) of the 1986 Constitution which provides that "no person, whether elected or appointed to any public office shall engage in any other activity which shall be against public policy or constitute conflict of interest;"

2. That Hon. Koffa's actions are also in violation of Article 90 (b) of the 1986 Constitution;

3. That some of the evidence in violation of Article 90 includes: (a) of the Liberian Constitution and Rule 44 and 45 of the House Standing Rules are that, Hon. Koffa's Law Firm, the International Law Group during his service as member of the House of Representatives and Deputy Speaker and Speaker of the House of Representatives, is still retained as legal counsel for several state owned enterprises, for instance, the Liberia Petroleum Refining Corporation; Liberia Maritime Authority, Liberia Telecom Authority, etc.

The contention followed that Article 38 of the Liberian Constitution provides that the House should establish its own rules. Further that Article 18 (a) and (b) of the ECOWAS Protocol entitled "Elections, Terms of offices and Vacancies" required the House to have the representative elected to ECOWAS parliament but instead Fonati selected people unilaterally.

The Supreme Court entertained arguments on the petition and its returns and on December 6, 2024, rendered a 22-page Opinion and a Final Judgment. For the benefit of this dissenting opinion, I quote below the Supreme Court's judgment as follows:

"Having reviewed the records, heard the arguments and contentions advanced by the counsels representing the parties, and considering the laws relied thereupon, it is hereby

ADJUDGED:

That the Supreme Court, pursuant to Article 66 of the Constitution "shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from the courts of record, court not of records, administrative agencies, autonomous agencies or any authority, both as to the law and fact..." Hence, the Supreme Court has the jurisdiction to decide constitutional issues arising out of internal dissensions among the members of the Legislature, as in the present case.

That it is the law in vogue that the Constitution must be interpreted in light of the entire document rather than a sequestered pronouncement because every provision is of equal importance and even where there is apparent discrepancy between different provisions, the Court should harmonize them if possible.

That this Court's interpretation of Article 33 of the Constitution (1986), is whether a simple majority is sitting or a lower number, in both cases a presiding officer, defined in Article 49 of the Constitution is the speaker, and in his or her absence, the Deputy Speaker;

That in the event where the Speaker is presiding over minority, the Constitution is void of a mechanism for how the minority is to compel the attendance of absent members and the legislature has promulgated no enabling statute or standing rules for the process for compelling absentee members to attend session as envisioned under Article 33 of the Constitution; and that under these circumstances, the Supreme Court cannot do for the legislature what is within its purview to do as to do so will be a violation of the constitutional mandate on the separation of powers.

This court concluded thus: "WHEREFORE AND IN VIEW OF THE FOREGOING, any sitting or action by members of the legislature not in conformity with the intent of Article 33 and 49 of the Constitution are ultra vires. Hence, members of the House of Representatives are to conduct themselves accordingly. The clerk of this court is hereby ordered to inform the parties, and it is hereby so ordered."

From the above ruling, the informant, Hon. J. Fonati Koffa and certain members of the House of Representatives of the 55th National Legislature on December 12, 2024, filed a Bill of Information, which they however withdrew, amended, and subsequently filed on March 5, 2025, strenuously contending as follows:

That the respondents have violated the Supreme Court's final judgment when they deliberately and intentionally convened, voted and passed into law, the Fiscal Year 2025 budget document without authorization; that The Respondents illegally authorized and withheld the salaries and legitimate benefits of certain members; that the Respondents illegally authorized the payments and disbursements to certain of its

members of the House of Representatives (one more than the 49 required by Article 49 of The Constitution) voted and adopted a Resolution to remove and did remove Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives. Every other action of Respondents, including disciplinary actions taken against certain members of the House of Representatives for violation of various Rules of The House's Rules were done in conformity to the simple majority quorum requirement and pursuant to "due process". Respondents therefore submit that there was no violation of Your Honors' Opinion and Judgment of December 6, 2024 in the Constitutionality Case for which this Amended Bill of Information was been filed.

7. The Journals of the House of Representatives and the Resolution for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives having already been submitted as Exhibit R/6", R/7" and "R/8" to Respondent's Return to the Petition in the Constitutionality Case and the Resolution for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives also having been submitted as Exhibit "R/9" to Respondents' Return to the Petition in the Constitutionality Case, for the sake of brevity, Respondents begs leave not to attach these Exhibits to this Return. Similarly, the citations for the investigation of the suspended members of the House of Representatives are Exhibit "R/10" to the Returns to Petition in the Constitutionality Case and the Journals of the House of Representatives for the sanctions imposed on Hon. Marvin Cole, Abu Kamara and Edward Flomo Exhibit "R/11" to the Return to the Petition in the Constitutionality Case. Again, to avoid being repetitive, Respondents pray Your Honors that these documents need not be attached to this Return. For the sanctions imposed on Hon. Frank Saah Foko, Hon. Eugene Kollie, Hon. Alex Noah and Hon. Zinnah Normah, Respondents attached hereto as Exhibit "HR/I" the Journals of the House of Representatives. The documents together show that "due process" was accorded to each of the Informants: that each informant opted not to attend to the investigation and that evidence was adduced against each in his absence: that each sitting of the House of Representatives was in conformity with the requirement of a simple majority, as required by Article 33 of The Constitution; and that for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives, a vote and Resolution of at least two-thirds of the entire seventy-three (73) members of the House of Representatives was obtained. Therefore, Respondents reiterate their submission that they have not in any way or manner violated or departed from Your Honors' Opinion and Judgment of December 6, 2024. The Journals of the House of Representatives are the official records of the proceeding of the House of Representatives. *Rule 15.1* of The House's Rules and Respondents pray Your Honors to accord said Journals the appropriate deference.

17. That also specifically as to Count 1.2 of the Amended Bill of Information, Respondents do not contest the rulings of Your Honors as narrated in said Count 1.2, but Respondents submit that for every sitting of the House of Representatives, there was a quorum in excess of the simple majority (37 of the 73 members of the

House of Representatives and it was presided over by Hon. Thomas Fallah prior to the removal of Hon. J. Fonati Koffa, during the investigation and vote of fifty (50) of the seventy-three (73) members to remove Hon. Fonati Koffa from the office of Speaker of the House of Representatives for the commission of the acts of corruption and conflict of interest in violation of Article 90 of The Constitution and in violation of Rule 44 (acts of corruption), Rule 45 (conflict of interest) and Rule 63 (mismanagement) of The House's Rules. Informants have presented no evidence or law to the contrary. In addition, Respondents pray Your Honors to refer back to their Return in the Constitutionality Case (Part III thereto), where the laws and evidence, which support the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives (including according him "due process" as required by Your Honors in the Snowe v. Members of the House of Representatives case) was submitted. The matter of the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives is also discussed lengthily in Respondents' Brief (Issues 2 and 3 thereof) filed in the Constitutionality Case and argued before you. So, Respondents say that there was full compliance with law regarding the process for the removal of Hon. J. Fonati Koffa from the Office of Speaker of the House of Representatives; and this Amended Bill of Information has presented no evidence or law to the contrary.

18. That specifically as to Count 1.3 of the Bill of Information, Informants have distorted Your Honors' Opinion and Judgment; Your Honors never "*ruled and determined that the sittings, decisions and actions that the self-styled Majority Bloc previously took were ultra vires, i.e. unauthorized and therefore illegal*" as alleged by Informants. Your Honors also never ruled and determined that there was an "*unconstitutional removal of Speaker Koffa as Speaker and purported election of Representative Koon as Speaker*". (EMPHASIS OURS) Respondents challenge Informants to show where in Your Honors' Opinion of December 6, 2024 that such ruling and/or determination was made, as no such ruling or determination was made by Your Honors.

19. That also specifically as to Count 1.3 of the amended Bill of Information, Respondents concede that in Your Honors' Ruling and Final Judgment Your Honors ruled and ordered as follows:

"WHEREFORE AND IN VIEW OF THE FOREGOING, any sittings or actions by members of the Legislature not in conformity with the intent of Articles 33 and 49 of the Constitution are *ultra vires*. Hence, Members of the House of Representatives are to conduct themselves accordingly."

Respondents say that as averred in their Return and Brief in the Constitutionality Case, out of which this Amended Bill of Information grows, for every sitting of the House of Representatives Respondents complied with Article 33 of The Constitution, which provides that there shall be a simple majority {at least thirty-seven (37) of the seventy-three (73) members of the House of Representatives} present to constitute a quorum for the transaction of business of the House of Representatives. (EMPHASIS OURS). There was no time that any business of

who should know that the constitution is the supreme law of this country and its provisions are binding on authorities including the Legislature. Article 2.

Moreover, the Legislature under Article 31 of the constitution took a solemn oath to uphold and defend the constitution and the laws of the Republic. Thus, their actions must be consistent with the oath they took.

The other observation I made is that our government under Article 3 of the constitution, consists of three separate coordinate branches. Three separate coordinate branches in my opinion, speaks to the relationship between the three branches for the effective and efficient running of the government, to preserve law and order, and maintain peaceful existence. If one branch fails this responsibility by ignoring the constitution and the laws of Liberia, that is pushing the country into a dangerous territory, and unhealthy for our nation.

My final observation is that the House of Representatives had placed itself in a "power struggle" motivated by politics, which this Court should be cautious not to be in the center of such a conflict. For the duty of the court is to state what the law is and not engage in political disputes as it is in the instant case.

The first issue as I have identified is the office of bill of information, put it directly, whether bill of information will lie in this case?

I answer this issue in the NEGATIVE.

Rule IV, Part 12 of the Revised Rules of the Supreme Court of Liberia prescribes the office of bill of information as follows:

(a) 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 with the judgment and/or Mandate of the Supreme Court.

(b) A bill of information will also lie to prevent anyone whomsoever from interfering with the judgment and/or Mandate of the Supreme Court.

From the above rule, it is profoundly clear that a Bill of Information in this jurisdiction, in its legal context and application, is an accusatory proceeding that complains of a judge or judicial officer who attempts to execute the mandate of the Supreme Court in an improper manner, or any person who interferes with the mandate of the Supreme Court. In other words, a Bill of Information may be brought against a judge, judicial officer or any person whomsoever, who acts contrary to the mandate of the Supreme Court by disobeying, interfering, or obstructing the mandate of the Supreme Court.

In consideration of the above rule, I ask: What is a mandate and did the judgment of the Supreme Court of December 6, 2024, constitute a mandate, order or instruction to anyone?

A mandate is essentially an official order or instruction. In the legal context, it is a document that emanates from the higher court to a lower court that tells the lower court what to do next after a decision has been made by an appellate court. A mandate is a formal order from an appellate court to a lower court, notifying a lower court of an appellate court's decision and directing a lower court to act accordingly. BLACK'S LAW DICTIONARY, 5th Edition.

In the application of the definition above, there are two things that stand out: an order or instruction from an appellate court, and a lower court is directed to do an act. In my mind, there was no mandate from the Supreme Court to a lower court in the December 6, 2024, judgment. This is a case involving controversy between members of the House of Representatives and the court was called upon to interpret the law, specifically Articles 33 and 44 relevant to the actions of members of the House of Representatives. This Court being mindful of a constitutional crisis that would have arisen had it issued a mandate to the members of the Legislature, refrained from doing so. And by the way, could the Supreme Court instruct the members of the House of Representatives to stop holding sessions be it the "majority" or "minority"? Certainly not!

Had such a mandate been sent to the members of the House of Representatives and not obeyed, the Supreme Court would have created a rift and a crisis that would challenge its authority. In other words, the Supreme Court cannot legally hold the members of the House of Representatives in contempt for disobeying the order of this court, because enforcement of a contempt against another branch of government would create a legal storm of uncertainty.

A recourse to the judgment of the Supreme Court, the relevant part thereof is quoted below to address the issue of a mandate:

"Hence, members of the House of Representatives are to conduct themselves accordingly. The clerk of this court is hereby ordered to inform the parties, and it is hereby so ordered."

Certainly, there is nothing in this statement, this statement that constitutes a mandate from the Supreme Court. The only order here is given to the Clerk. And the only thing the clerk is required to do is to inform the parties. The mandate of this court has always been a clear directive to a lower court to do an act specified therein, The Supreme Court in giving a mandate, does not inform a lower court; it directs! Here, the Supreme Court ordered the clerk of court to "inform the parties" of its judgment without any instruction or directive to the parties.

More besides, the first prayer of the current informant read thus: "declare the actions of the purported speaker Koon and members of the majority bloc null and void ab initio and sessions, hearings, or decisions that violate the Court's ruling and final judgment ultra vires and unconstitutional." **The question my colleagues choose to ignore is how can a bill of information ask to declare an action unconstitutional?**

In the bill of information, the prayer can never legally be a request to declare an act or action unconstitutional and illegal as contained in the current informant's prayer quoted above. A prayer for a bill of information is to punish the respondent for violation or disobedience of the court's mandate. But on the contrary as quoted above the informant herein asked this Court to re-declare unconstitutional or ultra vires what the court earlier declared in its December 6, 2024, opinion, and unfortunately, my majority colleagues proceeded to re-declare, clarify and explain the judgment of December 6, 2024, contrary to Rule IV, Part 12 of the Supreme Court. This is not and has never been the office of a bill of information. It is an unequivocal departure from the law. The action by my esteemed majority colleagues has created a Pandora box and leave many questions than answers wherein anyone who feels dissatisfied with a Supreme Court Opinion in the future will revert to the Supreme Court via a bill of information to explain, declare or restate the Court's earlier judgment.

I am of the strong conviction that whether right or wrong, the informant's bill of information came to this Court through an improper means or in our Liberian parlance, "**through a backdoor**" and therefore unacceptable in the face of Rule IV, Part 12 of the current Supreme Court rule. This Court cannot and should not encourage a party litigant to pursue what may be their right through a wrong path, as two wrongs cannot make a right.

My majority colleagues cannot disagree with me that a petition for "**In Re: the unconstitutionality**" is a form of declaratory judgment, because it prays or requests the Court to declare certain act or law unconstitutional. So when such act or law is declared by the Court, any party who feels strongly that the rights declared by the Court are being violated has the right to proceed to the appropriate tribunal to establish and prove who violated his or her right, where it was violated, when it was violated, how it was violated etc., all of which are factual matters that requires evidence taking which the Supreme Court is prohibited by law not to do. Certainly, these facts cannot be established by a bill of information before the Supreme Court.

As recent as October 2020, in the case: The ECOWAS Bank for Investment and Development v. United Commodities Incorporated, a declaratory judgment was filed in the Civil Law Court and the losing party appealed to the Supreme Court, the Supreme Court having heard the appeal inadvertently ordered the Civil Law Court to resume jurisdiction and enforce the payment of the money judgment. That mandate of the Supreme Court was challenged through a bill of information and this Court was

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compelled to concede the soundness of the bill of information and ruled reversing itself and sent an order below for the parties whose right was declared to file an appropriate action. Accordingly, the appropriate action was filed and as we speak the trial is proceeding before the proper court. It is unfortunate that my majority colleagues as recent as 2020 are pursuing the same error.

I conclude that there being no mandate from the Supreme Court, the Bill of Information does not meet the requirements of Rule IV, Part 12 of the Revised Rule of the Supreme Court and the law. Hence, the Opinion and judgment of my majority colleagues is a slap in the face of justice. In my opinion, the judgment of my esteemed colleagues is unfortunate as it is a miscarriage of the law.

Now coming to the second issue, Whether the passage into law of the budget for the fiscal year 2025 by the "Majority Bloc" of the House of Representatives, and subsequently confirmed by the Liberian Senate is illegal as alleged by the informant?

In addressing this issue, I must consider the political and legal acts and expediency under the circumstance of this case. Though, an impasse exists in the House of Representatives that had divided them into "majority bloc" and "minority bloc", they still have the right to sit in spite of the Supreme Court's decision of December 6, 2024. As earlier indicated in this Opinion, the Supreme Court has no authority whatsoever to stop another branch of government from performing its constitutional duty.

The "majority bloc" while sitting, received the draft budget for fiscal year 2025 from the clerk of the House of Representatives, which was submitted by the President of Liberia. The "majority bloc" deliberated on the draft budget and passed on it, then submitted it to the Liberian Senate which concurred by affirming the act of the "majority bloc" with respect to the passage of the budget.

Here, a political decision was made by the "majority bloc" and the House of Senate by taking action to pass on the draft budget notwithstanding the impasse at the House of Representatives. Following this political decision of the "majority bloc" and confirmed by the Liberian Senate, the budget was submitted to the President of Liberia to sign, which he did in line with his official duty as President of Liberia, Head of Government, and Chief Executive of the Liberian Government.

The expediency of these actions cannot go unnoticed by any reasonable mind and this court is not unaware to what would have enlarged into an eminent chaos in the Government of Liberia. I am restating the circumstances that could have led to a chaos and total collapse of the Government of Liberia. The President of Liberia in keeping with his constitutional duty as Head of Government and Chief Executive is required to submit a draft budget for each fiscal year to enable the operation of the Liberian Government: pay salaries, pay obligations of the government and provide operational expenses for the three branches of the government. And by law, the fiscal budget for 2025 should have been submitted to the House of Representatives before

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October 31, 2024. What then could the President have done in the midst of a divided members of the House of Representatives? Wait until his government collapse because the fiscal budget has not been passed? Indeed, that would have been an unmindful act or a non-functional government to head.

In his wisdom as the President, Head of Government, and Chief Executive, he proceeded to submit his draft budget to the clerk of the House of Representatives, which the "majority" block took seize of. As I recall, at the time the Supreme Court rendered its decision on December 6, 2024, the President was nearly late by two months to comply with the budget law.

Given all of the above circumstances, the Executive Branch of the Liberian Government, acted promptly and politically by signing into law the budget that has been passed by the "Majority Bloc" of the House of Representatives and the Liberian Senate for the survival of the state itself. Thus, this is now the 2025 fiscal budget which this government is utilizing to operate and which every branch of the government is drawing on.

Moreover, the act of the executive in processing the 2025 fiscal budget irrespective of the legislative impasse is lined with the concept of self-preservation of the state. This doctrine of international law prefers to a state fundamental needs to protect itself, its citizens and its interests from harm or destruction, often in the face of external threats or internal instability. The executive action also finds support in public policy.

As head of government, head of state, head of government and commander-in-chief of the Armed Forces of Liberia. (Art.50), the President exercises expediency and approval powers under Article 35. And as a consequence of this, he signed the budget into law after the de jure concurrence granted the budget by the Honorable Liberian Senate. Moreover, in the absence of a solution to the legislative problem the President could not wait for the state machinery to grind to a halt because of the deadlock. This would have certainly had security implications and other implications wherein, the entire functionaries of the government would have collapsed due to lack of operating budget to keep health facilities, school facilities and other functionaries of government, including the judiciary from performing its duties and functions.

I now come to the third and final issue, the functioning and operation of the government under the budget of 2025. May the "Minority Bloc" of the House of Representatives or any branch of the Liberian Government receive benefits under the same budget and then challenge its legality?

I also answer in the negative. In the case: LAMCO JV Operating Company Co. v. Azzam et al., 31 LLR, 649 (1983), *"one who knowingly accepts the benefits of a contract or conveyance is estopped from denying the validity or binding effect on him of such a contract or conveyance."* It would be an inconsistent position to benefit from the budget of 2025 by receiving salaries and then seek to challenge its legality. This

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In his wisdom as the President, Head of Government, and Chief Executive, he proceeded to submit his draft budget to the clerk of the House of Representatives, which the "majority" block took seize of. As I recall, at the time the Supreme Court rendered its decision on December 6, 2024, the President was nearly late by two months to comply with the budget law.

Given all of the above circumstances, the Executive Branch of the Liberian Government, acted promptly and politically by signing into law the budget that has been passed by the "Majority Bloc" of the House of Representatives and the Liberian Senate for the survival of the state itself. Thus, this is now the 2025 fiscal budget which this government is utilizing to operate and which every branch of the government is drawing on.

Moreover, the act of the executive in processing the 2025 fiscal budget irrespective of the legislative impasse is lined with the concept of self-preservation of the state. This doctrine of international law prefers to a state fundamental needs to protect itself, its citizens and its interests from harm or destruction, often in the face of external threats or internal instability. The executive action also finds support in public policy.

As head of government, head of state, head of government and commander-in-chief of the Armed Forces of Liberia. (Art.50), the President exercises expediency and approval powers under Article 35. And as a consequence of this, he signed the budget into law after the de jure concurrence granted the budget by the Honorable Liberian Senate. Moreover, in the absence of a solution to the legislative problem the President could not wait for the state machinery to grind to a halt because of the deadlock. This would have certainly had security implications and other implications wherein, the entire functionaries of the government would have collapsed due to lack of operating budget to keep health facilities, school facilities and other functionaries of government, including the judiciary from performing its duties and functions.

I now come to the third and final issue, the functioning and operation of the government under the budget of 2025. May the "Minority Bloc" of the House of Representatives or any branch of the Liberian Government receive benefits under the same budget and then challenge its legality?

I also answer in the negative. In the case: LAMCO JV Operating Company Co. v. Azzam et al., 31 LLR, 649 (1983), *"one who knowingly accepts the benefits of a contract or conveyance is estopped from denying the validity or binding effect on him of such a contract or conveyance."* It would be an inconsistent position to benefit from the budget of 2025 by receiving salaries and then seek to challenge its legality. This

brings to mind the "minority block" position that the budget as passed is illegal, then they cried out that they have been denied salaries for which they resulted to a mandamus proceeding before this Court. The question then is, under which budget they seek to recover their salaries? Are they seeking salaries under the same budget of 2025 they declared illegal? In my mind, this amounts to a contradictory position, which I cannot sustain.

Expanding this question further, may any branch of the government seek to benefit from the budget of 2025 and then declare same illegal? And this question is more to be considered by this Court. Currently, the Liberian Judiciary like the other two branches of government is receiving salaries, benefits and operational expenses under the 2025 budget. In the wisdom of this Court, could it declare the budget illegal? I think doing so is preposterous, because the consequence would be producing chaos and collapse of the government for lack of money to operate, and the judiciary would be paralyzed. The Court is guided by and should be reasoning in applying the law in the light of the circumstances of a particular case as in the instant one. The preservation of our government, maintenance of civility, peace and orderliness in our society are embodied in judicial pronouncement of what the law is. Hence the action of the president as head of state, head of government and commander in chief of the Armed Forces of Liberia to prevent chaos which has made us to sit here today as Justices finds support in law, expediency and public policy; as the prime duty of the constitutional court is to interpret the law for the safety and survivability of the body politic.

For the reasons stated above, I respectfully withhold my signature from the majority opinion of this Court as a bill of information will not legally lie. I further hope and pray that the opinion will be recalled in the immediate future by this bench or the succeeding bench.

The Clerk of this Court is ordered to file this dissenting opinion within the archives of the Supreme Court.