

LLR 152,156-157(1960); Sillah et al v. Sherman et al., 36LLR 918,923(1990); Port v. Citibank, NA., 37 LLR 126,130(1993); Ahmar v. Gbotoe, 42 LLR 117,127(2004); Sarweh et al v. National Port Authority, 42 LLR 436,444(2005); Williams et al v. National Port Authority, 42 LLR 520,525(2005); Varney et al v. Kollor, Supreme Court Opinion, October Term, A.D.2015; Parkinson et al v. Parker, Supreme Court Opinion, October Term, A.D.2016.

The movant/appellee in this motion to dismiss has alleged that she filed with the Ministry of Labor a complaint against the appellant alleging unfair labor practice; that following an investigation by the Hearing Officer of the Ministry of Labor, the respondent/appellant was found liable and ordered to pay an award of Two Hundred Ninety Nine Thousand Four Hundred Seventy seven Dollars Seventy-six cents (L\$299,477.76); that the respondent/appellant excepted to the Hearing Officer's Ruling and filed a petition for judicial review before the National Labor Court, and that the National Labor Court heard the petition and affirmed the ruling of the Hearing Officer of the Ministry of Labor on December 20, 2016, to which ruling of the National Labor Court the respondent/appellant excepted and announced an appeal to the Supreme Court.

The respondent/appellant having filed its bill of exceptions within the statutory period but failed to perfect its appeal within the time allowed by statute, the movant/appellee prayed this Honorable Court to dismiss the appeal. The movant/appellee further alleged that the respondent/appellant filed its notice of completion of appeal outside the statutory time, and thereby deprived the Supreme Court of jurisdiction to hear the appeal.

We perused the case file and the records contained therein, authenticated the movant/appellee's allegations as to the failure by the respondent/appellant to fully comply with the procedural requirements of the appeal statute. The record showed that the National Labor Court heard the respondent/appellant's petition, and in its ruling on December 20, 2016, affirmed the Hearing Officer's ruling. The respondent/appellant excepted to the judgment of the National Labor Court, announced an appeal therefrom, which according to our statute commenced the tolling of the appeal period from December 20, 2016, and ended February 18, 2017, a period of sixty days. The records showed that the clerk of the National Labor Court issued a Clerk's

Certificate on March 14, 2017, eighty four days after the National Labor Court's Judgment, stating that up to the date of the issuance of the said certificate the respondent had not filed its notice of completion of appeal, one of the mandatory conditions for perfecting the appeal.

At the call of the motion to dismiss for hearing, counsel for the respondent/appellant conceded the allegations made in the movant/appellee's motion to dismiss and the legal soundness thereof. The respondent/appellant's counsel further informed the Court that it had held discussions with the movant/appellee with regards to the payment of the judgment sum and other applicable expenses contained in the bill of costs prepared by the lower court, and that it was only a matter of time for the movant to receive full satisfaction of the judgment amount. Counsel for the respondent/appellant further committed the respondent/appellant to pay the movant/appellee the judgment amount to the movant/appellee within seventy-two (72) hours as of the date of the hearing.

Having heard the submission of the respondent/appellant and the movant/appellee having acknowledge the truthfulness of the assertion made in the submission and interposed no objection thereto, the motion to dismiss is hereby granted. The Clerk of this Court is hereby ordered to send a mandate to the Judge of the National Labor Court to resume jurisdiction over the case and to proceed forthwith with the enforcement of its judgment. Costs are ruled against the respondent/appellant. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS SAMUEL W. NYAZEEBOU AND PHILIP Y. GONGLOE OF THE GONGLOE AND ASSOCIATES INC. APPEARED FOR MOVANT/APPELLEE. COUNSELLORS AMBROSE TARPLAH AND FREDDIE R. TAYLOR OF THE KEMP AND ASSOCIATES LEGAL AND CONSULTANCY CHAMBERS, INC. APPEARED FOR THE RESPONDENT/APPELLANT.