

ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A. D. 2018

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HIS HONOR: KABINEH M. JA'NEHASSOCIATE JUSTICE
BEFORE HER HONOR: JAMESETTA HOWARD-WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: PHILIP A. Z. BANKS, III.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE

James Z. Momo, by and thru his Attorney in Fact,)
George Lansana Fallah, of the City of Monrovia)
Liberia.....MOVANT)

Versus)

) Motion to Dismiss Appeal

Solomon Ngekia, Hawa Fahnbulleh, Ansumana Sheriff,)
Beatrice Johnson, Madam Kumba Kabapp, Musu)
Swaray, Morris Sayon, George Kunkeh, Tamba Samuel,)
Kofi Sayon, K.D. Enterprise, Fredrick K. C. Fred, Chike)
Akuneto, Mr. Benson T. Ngerlikeh, Fredrick Eme, Foma)
Toure, Mr. Angle Kollie, William Leapay and Branco)
Business Center all of the Red Light, Paynesville City,)
Montserrado County, Liberia.....RESPONDENTS)

GROWING OUT OF THE CASE:)

Solomon Ngekia, Hawa Fahnbulleh, Ansumana Sheriff,)
Beatrice Johnson, Madam Kumba Kabapp, Musu)
Swaray, Morris Sayon, George Kunkeh, Tamba Samuel,)
Kofi Sayon, K.D. Enterprise, Fredrick K. C. Fred, Chike)
Akuneto, Mr. Benson T. Ngerlikeh, Fredrick Eme, Foma)
Toure, Mr. Angle Kollie, William Leapay and Branco)
Business Center all of the Red Light, Paynesville City,)
Montserrado County, Liberia.....APPELLANTS)

APPEAL



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Versus)

James Z. Momo by and thru his Attorney in Fact,)
George Lansana Fallah of the City of Monrovia)
Liberia.....APPELLEES)

GROWING OUT OF THE CASE:)

James Z. Momo by and thru his Attorney in Fact,)
George Lansana Fallah of the City of Monrovia)
Liberia.....PLAINTIFFS)

Versus)

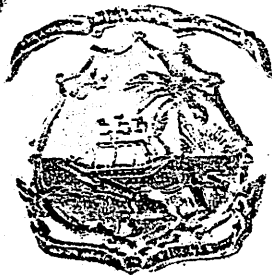
ACTION OF
EJECTMENT

Solomon Ngekia, Hawa Fahnbulleh, Ansumana)
Sheriff, Beatrice Johnson, Madam Kumba Kabapp)
Musu Swaray, Morris Sayon, George Kunkeh, Tamba)
Samuel, Kofi Sayon, K.D. Enterprise, Fredrick K. C. Fred)
Chike Akuneto, Mr. Benson T. Ngerlikeh, Fredrick Eme,)
Foma Toure, Mr. Angle Kollie, William Leapay and)
Branco Business Center all of the Red Light, Paynesville)
City, Montserrado County, Liberia.....DEFENDANTS)

JUDGMENT WITHOUT OPINION

When this case was called for hearing, Counsellor Nyenati Tuan of Tuan Wreh Law Firm appeared for the movants/appellees. Counsellor Thompson N. Jargba of the Law Offices of Jargba & Jargba appeared for the respondents/appellants.

Following the Court's notation of representation by the parties, counsel for the movants/appellees asked leave of Court and was granted permission by the Court to make a submission upon the records of the Court, wherein he called the Court's attention to a motion to dismiss the appeal filed by the movants/appellees. The motion averred that while the respondents/appellants had complied with the statutory time for filing of documents for the completion of their appeal, they had failed to exhibit a valid tax clearance in support of



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the appeal bond, as required by law. This defect in the appeal bond, the movants said, deprived the Supreme Court of jurisdiction to hear the appeal on the merits.

A review of the records showed that contrary to the allegations made by the movants, the respondents had indeed complied with all of the statutory requirements for the taking and completion of an appeal to this Court and that the appeal bond did not show defect warranting the dismissal of the appeal. This Court notes, and as confirmed by counsel for the movants, that the surety to the respondents appeal bond had in fact complied with the standards relative to the validity of an appeal bond as articulated in various cases decided by this Court, including the annexation of a valid business registration document, the surety's articles of incorporation authorizing the insurance company to serve as surety to appeal bonds in this Republic, and exhibition of a valid certificate from the Central Bank indicating the financial viability of the surety to the respondents/appellants' appeal bond.

The movants' counsel, not having challenged the authenticity of the certificate from the Central Bank of Liberia attesting to the financial viability of the respondents/appellants' surety, a dismissal of the appeal on the ground that at the time of execution of the appeal bond, the date stated on the tax clearance had expired is deemed by this Court to be a mere legal technicality that does not affect the validity of the bond to warrant dismissing the appeal. It is that law that *"the intent of the Legislature in passing the Act setting the grounds for dismissing an appeal was primarily to discourage the dismissal of appeals on technical grounds and to give the appellants an opportunity to have their cases heard by the Supreme Court on their merits."* *Forestry Development Authority v. Forestry Development Authority Workers Union (FDAWU)*, 39 LLR 684 (1999); *Hussenni v. Brumskine*, Supreme Court Opinion, March Term, A. D. 2013.

Accordingly, and in view of the foregoing, it is hereby



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ADJUDGED:

That the motion to dismiss the appeal, being without legal merits and not supported by the records, is hereby denied. The Clerk of this Court is ordered to docket the main suit for a determination of the appeal on its merits. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND SEAL OF THE
SUPREME COURT THIS 10TH DAY OF MAY, A. D. 2018

FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

KABINEH M. JA'NEH
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

JAMESETTA H. WOLOKOLIE
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

PHILIP A. Z. BANKS, III
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

SIE-A-NYENE G. YUOH
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA