

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOUR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOUR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOUR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOUR: CEATNEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOUR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

J. Alfred Sackie et al., the USTC Workers of the)
City of Monrovia, Montserrado, R.L)
.....Informants)
)
Versus) BILL OF INFORMATION
)
United States Trading Company of the City of)
Paynesville, County of Montserrado, R.L.)
.....Respondent)
)
GROWING OUT OF THE CASE:)
)
United States Trading Company of the City of)
Paynesville, County of Montserrado, R.L.)
.....Appellant)
)
Versus) Appeal
)
J. Alfred Sackie et al., the USTC Workers of the)
City of Monrovia, Montserrado, R.L)
.....Appellee)

Heard: March 19, 2026 Decided: May 20, 2026

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

This Bill of Information emanates from a Judgment of this Court, in an appeal announced by the United States Trading Company (USTC), respondent herein, in an action for wrongful dismissal/redundancy filed by the informants herein, J. Alfred Sackie et al., the USTC redundant workers. This Court, on August 17, 2004 affirmed in part and reversed in part, from the final ruling of the National Labor Court, in which this Court mandated the trial court to resume jurisdiction and give effect to the Mandate of this Court. When the trial court resumed jurisdiction, according to the informants, the trial judge did not properly execute the Mandate of this Court which we deemed necessary to quote verbatim:

"Wherefore and in view of all the facts, circumstances and legal citations herein mentioned, we hold that the portion of the ruling of the National Labor Court Judge reversing the ruling of the hearing officer relating to the payment of United States Dollars to Mr. Koliego is confirmed; that the portion of the ruling relating to complainants/appellees being paid for the month of July, 1990 on a pro-rata basis in hereby reversed and the defendant/appellant is ordered to pay the complainants/appellees for two day's work for July, 1990; that the trial judge's ruling awarding one month's salary in lieu of notice to complainants/appellees is confirmed; and that the ruling of the judge denying compensation for wrongful dismissal is reversed and the defendant/appellant is adjudged liable for illegal redundancy of complainants/appellees and, therefore, complainants/appellees who have been replaced are entitled to reinstatement or compensation for wrongful dismissal. The Clerk of this Court is ordered to send a mandate to the National Labor Court, ordering the judge presiding therein to resume jurisdiction and order the hearing officer to determine how many complainants/appellees were replaced with new employees so that those replaced can be reinstated or be paid in lieu of reinstatement as follows: Those complainants/appellees who have worked for 15 years and up to 19 years should be paid 24 months; those complainants/appellees who have worked for 10 years and up to 14 years should be paid 19 months; those who have worked for 5 years to 9 years should be paid for 14 months; those who have worked for one year up to 4 years should be paid 8 months; and those who are within five years of retirement as of July 2, 1990, should be paid the aggregate salary of 5 years each. The hearing officer shall thereafter make the necessary calculations and forward same to the National Labor Court for enforcement. The Costs are against the defendant/appellant. And it is hereby so ordered."

In view of this Mandate, the issue necessary in the determination of this bill of information is whether the trial court properly executed the Mandate of the Supreme Court. We answer in the affirmative.

In determining the issue at bar, it is necessary to state the office of bill of information, which is stated as follow:

"Part 12 of the Revised Rules of the Supreme Court states:

- (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.
- (b) A Bill of Information will also lie to prevent anyone whomsoever from interfering with the Judgment and/or Mandate of the Supreme Court.
- (c) The Bill of Information shall be venue before the Court *en banc* and shall be filed with the Clerk of Court. The approval of the Chief Justice or an Associate Justice shall not be required prior to the filing thereof.
- (d) Once a Bill of Information shall have been filed, it shall be governed by the procedures outlined in these Rules and the Civil Procedure Law for handling of Petitions.

(e) Any counsellor who files a Bill of Information before this Court assigning reasons therefor other than the reasons expressly prescribed by these Rules shall be penalized by the imposition of a fine, suspension or disbarment."

It is the law that for a bill of information to be granted, the matter must be pending before the Supreme Court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Court's Mandate; or there must have been a refusal to carry out the Supreme Court's Mandate. *Liberia Aggregate Corporation v. Taylor et al.*, 35 LLR 3 (1988); *Kromah v. Badio and Hill*, 34 LLR 85 (1988); *Barbour-Tarpeh v. Dennis*, 25 LLR 468 (1977).

The informant informed this Court that the Judgment/Mandate of the Supreme Court was not carried out. According to the informant, the Mandate of the Supreme Court has not been executed because the respondent has failed to comply with the instruction of the Supreme Court in that, the Hearing Officer used the last payroll information of 1990 to calculate the informants' benefits; that the Hearing Officer's report on the calculations of the informants' benefits was submitted to the National Labor Court but the informants have not received the calculated benefits up to the filing of this bill of information. The informants prayed this Court among others to grant their bill of information by compelling informant's employment records for accurate calculation.

These averments and or contentions were resisted by the respondent, in its returns to the informants' bill of information, respondent stated that this bill of information was filed between the period 2016 to 2018 before Her Honor Comfort S. Natt of the National Labor Court which bill of information was resisted, heard and denied by His Honor Judge Joseph Kollie on March 14, 2022; that the informants noted exception thereto and give notice to take advantage of the statute; that the Supreme Court's Mandate was properly executed because the trial judge ordered the Hearing Office to calculate the employees' claims as per the Supreme Court's Mandate and following that, the National Labor Court enforced the said Mandate of this Court; that the bill of costs was issued by the trial court, payment was made to the informants through their legal Counsel, now Counsellor Dr. Jallah A. Barbu and receipt was accordingly issued and the respondent also issued a cheque for the amount on the bill of costs, the respondent therefore prayed this Court to deny and dismiss the bill of information.

The certified records before this Court reveal that the Supreme Court mandated the trial court's judge to specifically ensure that the informants be compensated as follow: those informant who have worked for 15 years and up to 19 years should be paid 24 months; those informant who have worked for 10 years and up to 14 years should be paid 19

months; those who have worked for 5 years to 9 years should be paid for 14 months; those who have worked for one year up to 4 years should be paid 8 months; and those who are within five years of retirement as of July 2, 1990, should be paid the aggregate salary of 5 years each. The hearing officer shall thereafter make the necessary calculations and forward same to the National Labor Court for enforcement. The Costs are against the defendant/appellant. And it is hereby so ordered."

The informant provided two communications as follow:

Republic of Liberia
Ministry of Labour
P.O. Box 10-9040

April 25, 2018

Her Honor Comfort S. Natt
Resident Judge, National Labour Court
Temple of Justice
Monrovia, Liberia

May It Please Your Honor:

In Re: United States Trading Company Redundant	)	
Workers Union of City of Monrovia Liberia.....Informant	)	
	)	
Versus	)	Bill of Information
	)	
His Honor Samuel Kpaan, JudgeOf the National	)	
Labour Court Montserrado County, Liberia	)	
And the United States Trading Company by	)	
and tru its General Manager, J. W. Mulder of	)	
Paynesville, Liberia.....Respondent	)	

In response to your communication dated December 21, 2017, and the above captioned case, the following documents (records) were presented to us by Cllr. Copper Kruah along with the redundant workers based upon which, we are submitting the employee's benefits:

- 1. The listing of 18 employees who alleged received their benefits instead of eight employees according to your communication
- 2. The listing of 1986 161 redundant employees with their year of employment, monthly gross salary *432 months [36 years] and total amount for each employee
- 3. The listing of 1990 178 worker who were redundant illegally and were not pay their benefits in keeping with their hourly rate, pay per month in 26 days and amount per year, amount and 27 years and the total amount for each employee

Your Honor, we hope this will serve the intended purpose in keeping with your communication and that the total amount the employees are claiming is US\$89,374,725.00

Regards,

Very truly yours,

Nathaniel S. Dickerson
Director/Senior Hearing Officer

Republic of Liberia
Ministry of Labour
P.O. Box 10-9040

January 31, 2019

Her Honor Comfort S. Natt
Resident Judge, National Labour Court
Temple of Justice
Monrovia, Liberia

May It Please Your Honor:

In Re: United States Trading Company Redundant	)
Workers Union of City of Monrovia Liberia.....Informant	)
	)
Versus	) Bill of Information
	)
His Honor Samuel Kpaan, JudgeOf the National	)
Labour Court Montserrado County, Liberia	)
And the United States Trading Company by	)
and tru its General Manager, J. W. Mulder of	)
Paynesville, Liberia.....Respondent	)

In response to your communication dated December 21, 2017, and the above captioned case, the following documents (records) were presented to us by Cllr. Cooper Kruah along with the redundant workers based upon which, we are submitting the employee's benefits:

1. The listing of 18 employees who allegedly received their benefits instead of eight employees according to your communication.
2. In our response to yur communication of December 21, 2017, in the above captioned case, we observed the following errors:
 - Relating the response. We stated that 161, employees were redundant in 1980. 178 employees were illegally redundant in 1990 and their claims were US\$9,374,725.00.
3. Your Honor, having carefully perused the records. We realized that instead of 161 redundant in 1990, the total for that year is 162, instead of 178 redundant employees in 1990, the total numbers of employees for that year is 193.
4. The total claims of the effected 355 employees is US\$82,114,902.01
5. Your Honor, we hope this will serve the intended –purpose in keeping with your communication of December 21, 2017.

Regards.

Very truly yours,

Nathaniel S. Dickerson
Director/Senior Hearing Officer

To traverse the contention of the informant, the respondent, in their returns to the bill of information, submitted the following documentations:

1. The Hearing Officer, Philip G. Williams, on September 20, 2004, submitted to Her Honor, Comfort S. Natt, a calculation made for employees of USTC as per the mandate total Six Hundred Ninety Eight Thousand, Four Hundred Twenty-Six Liberian Dollars Forty Five Cents (LRD698,426.45).

2. The cheque issued by the respondent, USTC to Christiana Dweh/Bailiff of the Labor Court in that amount of Eight Hundred Eleven Thousand One Hundred Ten Liberian Dollars, Sixty-Seven Cents (LRD811,110.67).
3. Official receipt from the acting sheriff madam Christiana Dweh of the National Labor Court receiving the amount of Seven Hundred Fifty Four Thousand Three Hundred Liberian Dollars (LRD754,300.00) which amount was signed by Attorney Jallah A. Barbu for the informants on October 13, 2004.
4. A bill of cost against the management of the respondent totalling Eight Hundred Eleven Thousand One Hundred Ten Liberian Dollars, Sixty-Seven Cents (LRD811,110.67) which is broken down into amount awarded to the respondent Six Hundred Ninety Eight Thousand, Four Hundred Twenty-Six Liberian Dollars Forty Five Cents (LRD698,426.45); six percent interest on the amount awarded is Forty One Thousand Nine Hundred Five Liberian Dollars Fifty Nine Cents (LRD 41,905.59) totalling the amount awarded to the informant as Four Hundred Forty Thousand Three Hundred Thirty Two Liberian Dollars Four Cents (LRD440,332.04); clerk's fees totalling Nine Hundred Twenty Five Liberian Dollars (LRD925), government tax fees One Liberian Dollar (LRD1.00) and successful attorney fees Ten Liberian Dollars (LRD10.00) totalling Eleven Liberian Dollars (LRD11.00); two percent prevailing cost Thirteen Thousand Nine Hundred Sixty Eight Liberian Dollars Fifty Two Cents (LRD13,968.52); and costs of court Fifty Five Thousand Eight Hundred Seventy Four Liberian Dollars Eleven Cents (LRD55,874.11) which present a grand total to be collected by the Sheriff in the amount of Eight Hundred Eleven Thousand One Hundred Ten Liberian Dollars, Sixty-Seven Cents (LRD811,110.67);
5. The list of 136 former employees of the informant to be paid by the respondent for illegal redundancy in this case.

Further, the respondent also attached to their brief the following documentations:

1. A communication from Nathaniel S. Dickerson, Senior Hearing Officer dated April 25, 2018 to Judge Comfort S. Natt of the National Labor Court concerning the list of 18 employees who allegedly received the benefits instead of 8 employees according to the communication of the National Labor Court; the listing of 1980 161 redundant employees with their year of employment, monthly gross salary times 432 [36 years] and total amount for each employee; the listing of 1990 178 workers who were redundant illegally and were not paid their benefits in keeping with their monthly

rates, paid per month in 26 days and amount per year; amount and 27 years and the total amount for each employee all of which amount the employees are claiming is Eighty Nine Million Three Hundred Seventy Four Thousand Seven Hundred Twenty Five Liberian Dollars (LRD89,374,725);

2. Original cheques paid to 18 redundant workers of the respondent One Hundred Thirty Four Thousand, One Hundred Ninety Liberian Dollars Twenty Three Cents (LRD134,190.23);
3. Benefits of 1980 employees of the respondent unpaid redundant workers for monthly salary times 32 months involving 162 employees;
4. 1990 list of former employees to be paid by the respondent for illegal redundancy for amount per month in 26 days, per year and amount in 27 years involving 178 employees grand totalling Fifty Nine Million Three Hundred Ninety Two Thousand Seven Hundred and One Liberian Dollars (LRD59, 392,701.00).

To determine this matter, we must state here the rationale of a bill of information, that is to say, the bill of information will lie if the Mandate of this Court is improperly executed and it will also lie to prevent interference thereof; that as the consequence of an improper execution of such Mandate, the proper venue to file such bill of information is before the Supreme Court *en banc* which do not need the approval of any member of the Bench and such bill of information shall be governed by the rules on bill of information and the Civil Procedure Law on handling of petitions; and that the counsellor filing a bill of information must state reasons expressly prescribed in these Rules, or else, the said counsellor shall be penalized by imposition of fine, suspension or disbarment.

We note from the certified records that the trial judge of the National Labor Court read the Mandate of the Supreme Court and remanded the case to the Hearing Officer of the Ministry of Labor and His Honor Philip G. Williams heard the matter, did the calculations and transmitted said records to the National Labor Court in obedience to the Supreme Court's Mandate. The records show from the information provided by the respondent, that the Hearing Officer made the necessary calculations which amounted to Six Hundred Ninety-eight Thousand, Four Hundred Twenty-nine Liberian Dollars Forty-five Cents (L\$698,429.45) a bill of costs in the amount of Eight Hundred Eleven Thousand One Hundred Ten Liberian Dollars Sixty-seven Cents (L\$811,110.67) was taxed by the lawyers representing the parties and approved by Her Honor Comfort S. Natt.

The certified records further show that the respondent, on October 12, 2004 issued a cheque to the bailiff of the National Labor Court, Christian Dweh, in the amount of Eight

Hundred Eleven Thousand One Hundred Ten Liberian Dollars Sixty-seven Cents (L\$811,110.67), out of which Seven Hundred Fifty-four Thousand, Three Hundred Liberian Dollars (L\$754,300.00) was claimed by the informants herein and the balance of Fifty-five Thousand, Eight Hundred Seventy-four Liberian Dollars Eleven Cents (L\$55,874.11) was the costs of court.

We now take recourse of the decision this Court made when this case first came up on appeal. The records reveal that the Hearing Officer gave two different awards in different monetary values for wrongful dismissal in the amount of Two Million, One Thousand, Seven Hundred Fifty-six Liberian Dollars and One Cent (L\$2,001,756.01) and Three Thousand, Two Hundred One United States Dollars and Twenty-five Cents (US\$3,201.25) to Mr. Augustine F. Koliego, a former employee of the respondent's corporation. The records also show that on judicial review, the trial judge of the National Labor court, His Honor Samuel M. Kpana, reversed the ruling of the Hearing Officer in part, modified and affirmed in part which ruling this Court addressed in its Mandate to the trial judge. We also observed from the records that the informants' claims were paid, capturing 1980 and 1990 for illegal redundancy and the years of their services were considered as per the Mandate of this Court.

We must emphasize here that, the claim to Mr. Koliego was reversed due to the lack of evidence to verify such claims which this Court affirmed. The Liberian dollars ward was contingent upon the making of the necessary calculations to be made by the hearing officer and have same forwarded to the National Labor Court for enforcement.

We are of the opinion that we do not see any record to the contrary to inform our decision that the Mandate of this Court was not obeyed by the National Labor Court for the purpose of granting this bill of information because the informants' allegations are not supported by substantive evidence but rather mere allegation. It is a settled law that mere allegation without proof to substantiate same will not move the Court, because it is only evidence that enables this Court to decide with certainty the matter in dispute. *Cooper et al. v. Cooper et al.*, 39 LLR 750, 757 (1999).

This Court has maintained that in order to grant a bill of information, there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Court's Mandate; or there must have been a refusal to carry out the Supreme Court's Mandate. *Liberia Aggregate Corporation v. Taylor et al.*, 35 LLR 3 (1988); *Kromah v. Badio and Hill*, 34 LLR 85 (1988); *Barbour-Tarpeh v. Dennis*, 25 LLR 468 (1977).

This Court says that the informants have not shown any evidence that there were irregularities or obstruction in the execution of the Court's Mandate; nor had they provided any evidence that there was a refusal or improper execution of the Supreme Court's Mandate. Further, the informant has not denied receiving or objecting to the manner in which the calculation and payment were made; Informants did not show what aspect of the specific year was not executed. To the contrary, the records have shown that the Mandate of this Court was not executed in an improper manner by the trial court and payments were made to the informants in consonance with the said Mandate.

We hold that for a bill of information to be granted, the matter must be pending before the Supreme Court, or decided by it; that there must be an act to usurp the province of the Court; that there must exist some irregularities or obstruction in the execution of the Court's Mandate; or that there must have been a refusal to carry out the Supreme Court's Mandate.

We also hold that the records having shown that the Mandate of this Court was not executed in an improper manner by the trial court, and the records having also shown that payments made to the informants was in consonance with the said Mandate, the bill of information will not lie.

WHEREFORE AND IN VIEW OF THE FOREGOING, the informants' bill of information is hereby denied and the resistance thereto is sustained. The Clerk of this Court is ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are ruled against the informants. AND IT IS HEREBY SO ORDERED.

Bill of Information denied.

When the case was called for hearing Counsellors Emmanuel B. James, Kabina M. Ja'neh and Sayma Syrnius Cephus appeared for the Informants. Counsellor Albert S. Sims appeared for the Respondent.