

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

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

Srimex Oil & Gas Company represented by its President)
& Chief Executive Officer (CEO) Mr. Musa Hassan)
Bility, with offices located at Halfway farm (adjacent)
Total Gas Station) Monrovia, Liberia.....Movant)

Versus)

MOTION TO DISMISS
APPEAL)

The Liberia Petroleum Refinery Corporation (L.P.R.C))
by & thru its Managing Director, Hon. Amos B. Tweh)
and all other authorized officers & agents, of Bushrod)
Island, UN Drive, Monrovia, LiberiaRespondent)

GROWING OUT OF THE CASE:)

The Liberia Petroleum Refinery Corporation (L.P.R.C))
by & thru its Managing Director, Hon. Amos B. Tweh)
and all other authorized officers & agents, of Bushrod)
Island, UN Drive, Monrovia, LiberiaAppellant)

Versus)

APPEAL)

Srimex Oil & Gas Company represented by its President)
& Chief Executive Officer (CEO) Mr. Musa Hassan)
Bility, with offices located at Halfway Farm (adjacent)
Total Gas Station) Monrovia, Liberia.....Appellee)

GROWING OUT OF THE CASE:)

Srimex Oil & Gas Company represented by its President)
& Chief Executive Officer (CEO) Mr. Musa Hassan)
Bility, with offices located at Halfway farm (adjacent)
Total Gas Station) Monrovia, Liberia.....Petitioner)

Versus)

PETITION FOR AN ORDER
TO COMPEL ARBITRATION)

The Liberia Petroleum Refinery Corporation (L.P.R.C))
by & thru its Managing Director, Hon. Amos B. Tweh)
and all other authorized officers & agents, of Bushrod)
Island, UN Drive, Monrovia, LiberiaRespondent)

Heard: March 18, 2026

Decided: May 21, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This case is before us on a motion to dismiss an appeal filed by Srimex Oil & Gas Company represented by its President & Chief Executive Officer (CEO) Mr. Musa Hassan Bility, the movant herein, against the Liberia Petroleum Refinery

Corporation (L.P.R.C) by & thru its Managing Director, Hon. Amos B. Tweh and all other Authorized Officers & Agents, the respondent herein.

On November 4, 2025, following the final ruling of the trial judge in a petition for an order to compel arbitration which was received by the respondent on November 13, 2025, the respondent LPRC noted exceptions to this final ruling by the trial judge and announced an appeal to the Full Bench of the Supreme Court, which in accordance with our appeal statute required the respondent LPRC to file its bill of exceptions on or before November 23, 2025, that is ten days after receipt of the court's final ruling. The respondent however filed its approved bill of exceptions on November 26, 2025, and thereafter filed its appeal bond and notice of completion of appeal on December 11, 2025.

On March 6, 2026, the movant filed before this Court, a seven (7) count motion to dismiss the respondent's appeal, contending that the respondent filed its bill of exceptions and appeal bond without the sixty (60) day timeframe provided by law, thereby constituting a ground for the dismissal of the respondent's appeal and the respondents filed its resistance to the motion to dismiss admitting that it indeed filed the bill of exceptions outside the ten-day statutory period for the filing of a bill of exceptions, but attributing it to the illness of its counsel.

This Court has held in a long line of cases that motion to dismiss an appeal for the appellant late filing of a bill of exceptions is cognizable before the lower court and not the Supreme Court in consonance with our Civil Procedure Law Rev. Code: 1.51.16 that states: "An appeal may be dismissed by the trial court on motion for failure of the appellant to file a bill of exceptions within the time allowed by statute, and by the appellate court after filing of the bill of exceptions for failure of the appellant to appear on the hearing of the appeal, to file an appeal bond, to serve notice of the completion of the appeal as required by statute.

Our review of the appeal records reveals that the respondent did timely file its appeal bond on December 11, 2025, and perfect same more than one (1) month prior to the expiration of the appeal timeline. However, the respondent having admitted to the late filing of the bill of exceptions and the movant having waited to file a dismissal of the appeal before the Supreme Court contrary to the statute, and after the lower court had lost jurisdiction, same constitutes a waiver. It would be remiss for this Court under the circumstances where the lower court has lost jurisdiction to have the

case sent back to the court below to hear the motion to dismiss the respondent's appeal based on the late filing of the respondent's bill of exceptions.

The movant having failed to do what it ought to have done and the Court having opined that it favors hearing cases on its merit, *and is ordinarily hesitant to dismiss an appeal on technicality, it is imperative that an appellant in pursuing an appeal takes the utmost care to ensure that the statute is strictly complied with, as the court is not prepared to disregard the mandatory steps of the appeal statute.*" *Manakeh v. Toweh*, 32LLR 207 (1984); *Ezzedine v. Saif* 33LLR 21 (1985). Hence, we are constrained to deny the motion to dismiss the appeal and shall proceed with the hearing of the appeal on its merit.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is denied and the case is ordered proceeded with on its merits. 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 this Judgment. Costs shall abide final determination. AND IT IS HEREBY SO ORDERED.

Motion Denied.

When this case was called for hearing, the movant was represented by Counsellor Jonathan T. Massaquoi of the International Law Group, LLC. The respondent was represented by Counsellors Varney G. Sherman and Arthur N. Morrison of the Sherman & Sherman Law Firm.