

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: CEANEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

The Intestate Estate of Konjah Comman, represented by its )  
Administrator, Moses Gbour of the Township of Johnsonville, )  
Liberia.....Appellant )

Versus ) APPEAL

The Intestate Estate of Fahn Kai Korroh, represented by its )  
Administrators, Morris Nurse, Varney Pabai and Edward M. )  
Rogers all of the Township of Johnsonville, Liberia.....Appellee)

GROWING OUT OF THE CASE:

The Intestate Estate of Fahn Kai Korroh, represented by its )  
Administrators, Morris Norris, Varney Pabai and Edward M. )  
Rogers all of the Township of Johnsonville, Liberia.....Petitioner)

Versus ) PETITION FOR A WRIT  
OF CERTIORARI

The Intestate Estate of the late Konjah Comman, represented )  
by its Administrator, Moses Gbour of the Township of )  
Johnsonville, Liberia.....Respondent)

Heard: March 26, 2026 Decided: May 20, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

We are asked in this appeal to review and reverse a ruling rendered by our respected colleague, Her Honor Ceaineh D. Clinton-Johnson, while presiding in Chambers. The appellant has argued that there were reversible errors made by the Chambers Justice which this Court *en bach* should reverse.

We now move to provide the relevant facts in order to give this opinion a spine. The records show that this case originated thru an action of ejectment filed by the Intestate Estate of Fahn Kai Korroh, thru its Administrators Morris Nurse et al, appellant herein, for a parcel of land allegedly estimated at forty-five (45) acres against The Intestate Estate of Fahn Kai Korroh, represented by its Administrators, Morris Nurse, Varney Pabai and Edward M. Rogers appellee herein. The records show that based upon the acquiescence of the parties, the

matter was ruled to arbitration survey by the trial court and the board of arbitration after conducting the said survey, presented its report to the trial court.

Thereafter, the movant (appellant) filed a petition to affirm the arbitration report. The said petition was assigned for hearing, during the said hearing, both parties, represented by their lawyers were assigned for hearing for confirmation of the reward provided for in the said report. During the hearing, the respondent (appellee) excepted to the said report and announced an appeal before this Court.

Upon review, this Court rendered an opinion on February 8, 2021, in which it remanded the case with instruction that a new arbitration be conducted within four (4) months as of the date of the rendition of the opinion. Predicated upon the said opinion, the trial court ordered a new arbitration survey consistent with the mandate from this Court. The trial court, on April 1, 2021, a communication was addressed to the Liberia Land Authority (LLA), requesting the nomination of a qualified and licensed land surveyor to chair the board of arbitration to conduct a survey of the property subject of litigation between the parties.

The said arbitration was conducted, and the report was submitted to the trial court on June 27, 2022, and the report was read on October 27, 2022, to which award the appellant (respondent's) counsel interposed no objection and the court affirmed and confirmed the award under the signature of His Honor, Chief Justice Yamie Quiqui Gbeisay, Sr, then an assigned circuit judge.

After the award was confirmed and affirmed, a writ of execution and a bill of cost was issued by Judge Ousman Feika who was the then assigned circuit judge for the Sixth Judicial Circuit, Civil Law Court, and placed in the hands of the sheriff to put the appellee in complete and unrestricted possession of the said property according to the metes and bounds of the appellee's title deed.

However, the appellant on April 29, 2024, filed a motion for relief from judgment through a new counsel, who was not originally a part of the initial proceedings, alleging primarily that the court appointed surveyor submitted a report that was made from a survey conducted in the absence of the appellant, because the appellant was never notified of the conduct of the said survey and therefore the appellant should be relieved from the judgment as it was not notified of the said survey in order to adequately represent its interests.

The appellee filed a bill of information resisting the said motion by invoking the principle of res judicata on grounds that the matter had already been terminated and laid to rest,

therefore, the matter cannot be relitigated with the same parties for claims that could have been raised during the original trial but were not raised.

The trial judge, His Honor Ousman Feika heard arguments pro et con, and ruled granting the said motion for relief from judgment, thereby relieving the appellant from the said judgment on grounds that the appellant was never notified of the conduct of the survey that produced the findings of the survey report. The trial judge then set aside the previous trial judge's ruling on the previous arbitration report and ordered a new survey to be done on the same property.

As a consequence of the trial judge, the appellee then opted to file a petition for the writ of certiorari to correct the alleged errors of law that it claimed the trial judge committed. The appellee in its petition for the writ of certiorari argued that the Judge Feika's ruling granting the motion for relief from judgment was a review and reversal of his a judge of concurrent jurisdiction's ruling which is against our law and precedents; that the matter was already completed and laid to rest, therefore, the principle of res judicata is applicable and the trial judge erred in re-opening the matter between the same parties for issues that could have been raised previously but were not raised.

The appellant filed its returns to the petition for the writ of certiorari arguing that the motion for relief from judgment originated from the inadvertence of Chief Justice Yamie Quiqui Gbeisay, Sr., when he was a circuit judge, when he passed upon an investigative survey report instead of an arbitration report; that at no time did the parties ever signed an arbitration agreement as our laws required but it was their lawyers who signed what they termed as an arbitration agreement without the acquiescence of the parties, especially the appellant; that the appellee's petition seeks a writ of certiorari to restrain the co-respondent judge from proceeding with the matter after he had already heard the said matter and made a determination; that the report submitted by the court's appointed surveyor, MacArthur Z. Beyan, was an investigative survey report and not an arbitration survey report; that the appellant was never served with a survey notice; that the appellant's deed was excluded from the entire conduct of the survey by the court's appointed surveyor, which is a clear evidence of foul play; that there was no reconnaissance survey as required by procedure and law and that there were no qualification of the board of arbitrators nor any instruction from the court to the arbitrators; that the principle of res judicata is not applicable in this case because it was the motion for relief from judgment that the trial judge passed upon. The appellant then prayed the Chambers Justice to deny the petition for the writ of certiorari.

The Chambers Justice, after issuing the alternative writ and ordering the parties to file their returns, heard arguments from both parties and ruled sustaining the alternative writ issued and granting the peremptory writ, opining that Judge Feika acted outside the pale of law when he review another judge of concurrent jurisdiction ruling by grating the motion for relief from judgment and therefore his decision is void and of no legal effect.

The appellant, dissatisfied with this ruling of the Chambers Justice, excepted and announced an appeal to this Court of last resort. Upon review, our scope is strictly limited to whether the Chambers Justice erred when she ruled granting the peremptory writ of certiorari. We begin our analysis of such review.

Certiorari is a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court. *Civil Procedure Law Rev. Code 1.16:21*

The facts as already narrated show that after the second arbitration survey was conducted, both counsels were in court when the report was read and no objections were raised, even after a bill of costs was prepared and taxed by both counsels, no objections were raised whatsoever, only after an eviction order was placed in the hands of the sheriff by Judge Feika, did appellant's new lawyer then filed a motion for relief from judgment, which was granted by Judge Feika as he was the one presiding over the court by assignment.

We consider all the arguments raised by both parties especially the arguments raised by the appellant's counsel and consider all the legal application and all the laws and other arguments advanced by the appellant's counsel and proceed to make a determination.

As said earlier, our focus in this opinion is whether the Chambers Justice erred when she ruled granting the peremptory writ of certiorari. The crux of Chambers Justice ruling is that Judge Feika ruling was a review of a judge of concurrent jurisdiction ruling, a power that he (Judge Feika) doesn't have and therefore, his ruling was illegal and was therefore reversible, hence the reversal.

Firstly, this Court reiterates its decision entrenched in numerous Opinions, that, "no trial judge has the power to review, modify, rescind, and/or reverse the acts or any decision by a colleague of concurrent jurisdiction on any point already passed upon by him, however erroneous the said act of his colleague may be; said authority lies only with this Supreme Court; the Supreme Court has the authority to render whatever judgment the lower court should have rendered." *The United Methodist Church and Consolidated African Trading*

*Corporation v. Cooper et al*, 40 LLR 449, 459 (2001); *Emirates Trading Agency Company v. Global Import and Export Company*, 42 LLR 204, 212-213 (2004); *IN RE Judicial Inquiry against Judge Emery S. Paye*, *Supreme Court Opinion*, October Term, 2012.

This precedent is one of the foundations of our jurisprudence and it finds support in law and reasoning, because if this were allowed, it would undermine the finality of judicial decisions, create uncertainty in the administration of justice, and expose the court to endless re-litigation of the same issues. Finality is a cornerstone of judicial efficiency and public confidence.

The facts show that this is the second time the matter was heard, the initial report as given by the arbitration board was set aside by this Court on grounds that the other party, (the appellant), wasn't notified and was not a part of the said survey that was conducted, therefore, this Court remanded the said matter to the lower court to conduct a new survey in line with the law. Based upon this directive, the said survey was conducted and the Board of Arbitration survey report was read in open court and signed by both parties, together with the bill of costs prepared, reviewed, and taxed by counsel for both sides, without any objections from the appellant's counsel, as a result, the trial court affirmed and confirmed the said arbitration survey report, thereby constituting it as the final of the court. By both parties, especially the appellant's lawyer's acceptance and endorsement of the said report and the trial court's affirmation and endorsement thereof, made the report the final ruling of the court to be enforced; therefore, Judge Feika did not have the authority or power to review the said decision as only this Court had that authority to review whatever errors that the appellant thought occurred.

Assuming arguendo that there are valid grounds for the granting of the motion for relief from judgment, (a question that is not before us), Judge Feika still did not have any authority to grant the said motion as the arbitration survey report that was affirmed and confirmed by his colleague was the final ruling of the trial court and by granting the said motion for relief from judgment, he (Judge Feika) essentially overturn the ruling of the previous judge and by parity of reasoning ordered a new trial, an authority which he did not have.

We also take note of the appellant's contention that it is not bound by the arbitral survey because it did not personally sign any arbitration survey agreement, asserting that counsel executed what they describe as an arbitration agreement without the it (appellant's) acquiescence. We find this argument wholly untenable. Our laws are unequivocal on this point, a party appearing through counsel is bound by the acts, representations, and

undertakings of its duly authorized legal representative. *Civil Procedure Law*, Rev. Code 1: 25.8.

Consequently, counsel's execution of the agreement and participation in the arbitral process are attributable to the appellant which therefore renders the resulting survey binding upon it.

The appellant, having appeared through counsel, is bound by the acts and omissions of its duly authorized representative. Therefore, the appellant's counsel's acquiescence to both the conduct of the arbitral survey and the resulting report therefrom, operates to legally bind the appellant to those proceedings and their outcomes.

We hold that our colleague properly applied the law when she ruled that Judge Feika's granting of the motion for relief from judgment was erroneous as it amounted to a review of a judge of concurrent jurisdiction ruling and therefore certiorari will lie.

This Court has held that a writ of certiorari is an extraordinary remedy available to correct gross irregularities, actions in excess of jurisdiction, or failures to proceed according to law on the part of a lower court or administrative authority. *Jawhary v. Greaves*, 40 LLR 489, 491 (2001). *Jidsanc Inc. et al v. Pearson et al*, 35 LLR 742, 752 (1988).

It is evident that the principles espoused in this case are a settled issue in our jurisdiction; therefore, we need not belabor the said issue or dedicate pages to recitation of precedents or legal reasonings in support thereof, as our laws are replete with same.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Justice in Chambers granting the petition for the writ of certiorari is hereby affirmed. The alternative writ issued is ordered sustained and the peremptory writ affirmed. 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 appellant. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR D. ANTHONY MASON APPEARED FOR THE APPELLANT. COUNSELLOR JOSEPH P. GIBSON APPEARED FOR THE APPELLEE.

*Affirmed.*