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

Patricia M. Toe & Mother Haddy Paye of Montserrado County,)
Republic of Liberia..Appellants)
)
Versus) APPEAL
)
Mr. George Anderson of the City of Monrovia, Liberia)
....Appellee)
)
GROWING OUT OF THE CASE:)
)
Mr. George Anderson of the City of Monrovia, Liberia)
....Plaintiff)
)
Versus) ACTION OF EJECTMENT
)
Patricia M. Toe v. Mother Haddy Paye of Montserrado County,)
Republic of Liberia..Defendants)
)
AND)
)
Septemus Massaquoi as well as others to be identified also of)
the City of Monrovia, Liberia...........................3rd Defendants)

Heard: June 22, 2026 Decided: August 27, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This appeal arises from an action of ejectment, an action that is quite a regular subject before this Court. To begin, we deem it expedient to recount very briefly for the benefit of this appeal the facts that are relevant to our analysis and holding herein.

This action was filed by the appellee herein on December 8, 2011, in the Sixth Judicial Circuit Civil Law Court against the appellants herein alleging that he is the bonafide owner through honorable purchase of an acre of land lying and situated in the Township of Virginia, Montserrado County and that the appellants were illegally occupying his land. The appellants filed their respective answers and averred that they are the legitimate owners of the said property and that the appellee has no right to the said land. The appropriate pleadings were exchanged and rested, thereafter, the appellants filed a motion for arbitration and the appellee filed his returns to the said motion and interposed no objection.

Thereafter, the court granted the motion and instructed the parties to name their respective surveyors, while writing to the then Ministry of Lands, Mines and Energy requesting a qualified surveyor to form part of the "arbitration team". After the parties submitted their respective surveyors, the said "arbitration" was conducted and a report was presented to the court.

The arbitration report concluded that the appellee herein be put in possession of the land in dispute as they are the legitimate owners. This report was read in open court and the appellee's excepted to the said conclusion of the report, but the records show that they did not file any objections to the said report within the time allowed by law and the appellee did receive a clerk's certificate to that effect.

The trial court in its final ruling affirmed the said "arbitration award" and adjudged the appellants liable to the appellee in ejectment and ordered that the appellee be put in complete and unrestricted possession of the said land on grounds that the appellants failed to filed objections to the said "arbitration report" and that said "failure means acquiescence to the said report and waiver of their rights to file any objections thereto".

As expected, the appellant excepted and announced an appeal to this Honorable Court.

The appellants in their appeal predominantly argued that the trial judge erred when he ordered an arbitration absent a valid arbitration agreement with clearly defined terms and conditions; that the trial judge erred when he rendered final judgment solely on the basis of a survey report characterized as an arbitration award, without affording the parties the opportunity to present evidence and litigate the contested issues of title, ownership, fraud, chain of conveyance and other issues of fact that the parties had raised; that the trial judge erred when he treated the surveyors' determination regarding the location of the property as conclusive proof of title and ownership thereby improperly adjudicating substantive property rights without competent judicial proceedings.

The appellee, on the other hand, contends that the appellants themselves invoked the arbitral process, actively participated in the proceedings, failed to object to the Board's authority during the hearings, and neglected to invoke the statutory procedures established under Chapter 64 of the Civil Procedure Law for vacating or modifying arbitral awards.

From the pleadings, the records, and the arguments advanced before us, this Court considers the dispositive issue to be the following:

Whether a party who acquiesces and voluntarily submits a land dispute to an investigative survey and participates in the said process, and thereafter fails to file objections as provided for by law may challenge the award on an appeal before this Court on grounds that the investigative survey exceeded the authority conferred upon them?

To answer this question, we first quote the board of arbitration findings: the board, after an analysis and perusal of all submitted title deeds, the verification of the field exercise results, the findings and observations in this investigation, the Board of Arbitration hereby recommends that:

The right of title to the one (1) acre or four (4) lots of land granted by Philip J. Lysanda Brumskine to George L. W. Anderson and Hawa Mawailen Kamara to be restored to them Anderson and Kamara as their title is genuine and ownership authenticated, given that their grantor was the first to purchase from the said Original Barclay.

The Barclays should be made to relocate Septimus Massaquoi, Edmuna Forh and Patricia Forh and Abraham S. Sharper as they have been victimized by the double sale by the Barclays.

The trial court relied upon this report and ordered that the appellee be placed in possession of the disputed property. This is the order that the appellants are challenging.

The law is clear that when an arbitral award is challenged, the said challenge falls under Section 64.11 of the Civil Procedure Law. The appellant alleged that the arbitrators exceeded their powers, but the records show that they did not challenge or object to the said report as required by law.

However, before we address in detail the failure to challenge the arbitral award, we must first determine the origin of the arbitration and the authority of the board of arbitration.

The records before us provide an unmistakable answer. The motion filed by the present appellants requested arbitration upon the express representation that the deeds introduced by the parties appeared to describe different parcels and that the court could not properly dispose of the ejectment action until it was first determined which of those deeds referred to the disputed premises. The motion further represented that arbitration was necessary in order to identify the property and resolve the controversy in an expedient manner.

It is clear that the appellants did not request arbitration merely to establish survey coordinates or verify boundary markers. Neither did they limit the authority of the board to preparing a technical survey report for later judicial consideration. Rather, the motion invited the board to determine which of the competing deeds corresponded to the disputed parcel and thereby identify who has superior title over the disputed property. That is the determination at the very center of the controversy the parties elected to submit.

Equally significant is the response filed by the appellee. The appellee accepted arbitration only upon the express condition that the findings and recommendations of the board would be binding upon all parties to the litigation. Both parties accepted this condition, and the case was ruled to arbitration under those terms.

Thus, by the time the Board was constituted, three propositions had become undisputed: first, the parties desired arbitration, second, the parties desired a binding resolution, and third, the parties sought a determination regarding the relationship between the competing deeds and the disputed parcel of land. These facts become decisive when considered in light of Section 64.11 of the Civil Procedure Law.

That section authorizes judicial intervention only upon narrowly circumscribed grounds, among them corruption, fraud, evidence of partiality, refusal to consider material evidence, or instances in which the arbitrators exceed the authority granted to them by the parties. The statute does not authorize courts to revisit factual determinations merely because one side believes the arbitrators reached an incorrect result.

The question therefore becomes not whether the board reached the correct conclusion regarding the competing deeds, but whether the board decided a question that the parties never submitted for its determination. On this record, we answer that question in the negative.

Having determined that the inquiry under Section 64.11 begins with the scope of submission, we now turn to whether the board of Arbitration exceeded the authority delegated to it by the parties and the court below.

The appellants contend that the Board improperly decided issues involving title to real property and thereby invaded a function reserved exclusively to courts and juries sitting in ejectment proceedings; had the board in fact undertaken to adjudicate issues wholly outside the controversy submitted to it, or attempted to determine rights beyond those placed before it by the parties, this Court would not hesitate to intervene pursuant to the authority conferred by Section 64.11(c) of the Civil Procedure Law.

The Board did not determine matters unrelated to the controversy. Neither did it award relief involving property not before the court. Nor did it adjudicate disputes involving persons who were not parties to the proceedings. Instead, it answered the very question the appellants themselves requested it to answer. The board examined the surveys, heard the parties, considered the deeds, compared the chains of title, and ultimately concluded that the appellee's chain represented the actual and or the earlier conveyance and therefore the superior claim to the premises in dispute.

Whether that conclusion was correct on the merits is not the inquiry before this Court under Chapter 64. The inquiry is whether the Board was authorized to decide it. Upon careful review of the records certified to us, we conclude that it plainly was. The appellants' argument improperly conflates an alleged error in decision-making with an excess of authority.

An arbitrator exceeds his authority when he decides issues not submitted to him. An arbitrator does not exceed his authority merely because one party believes he incorrectly resolved issues that were submitted to him. Were the rule otherwise, every losing party in arbitration could convert a disagreement with factual findings into an allegation that the arbitrators exceeded their powers. Such a rule would render Section 64.11 meaningless and destroy the finality that arbitration is designed to achieve in every dispute.

This Court has consistently recognized that judicial review of arbitration awards is intentionally narrow. The Legislature, in adopting Chapter 64, deliberately limited the circumstances under which courts may interfere with arbitral determinations. Section 64.11 provides that an award may be vacated only where, (a) the award was procured through corruption, fraud or undue means; (b) there was evidence of partiality on the part of a neutral arbitrator; (c) the arbitrators exceeded their authority or rendered an award contrary to public policy; or (d) the arbitrators refused to hear material evidence or otherwise deprived a party of a fair hearing. In this case, the material evidence was the deeds and the parties' points on the ground.

The appellants insist that because land ownership was implicated, broader judicial review should apply. We disagree. Nothing in Chapter 64 creates a separate standard of review for land disputes. Indeed, the practical realities of Liberian litigation have long encouraged parties in land controversies involving conflicting surveys and uncertain boundaries to seek the assistance of surveyors and arbitrators possessing technical expertise in the location and identification of property. The fact that a land dispute is involved does not suspend the operation of Chapter 64. Neither does it authorize this Court to create exceptions that the Legislature itself declined to enact. The controlling question remains whether the matter decided was within the scope of submission. As already demonstrated, the answer to that question is yes.

The Appellants further rely heavily upon Ahmed v. Donzo, 37 LLR 461 (1994), contending that the decision requires reversal of the judgment below. A careful examination of Ahmed reveals otherwise. In Ahmed, the trial court ordered the parties to arbitration notwithstanding the absence of any request by the litigants and despite the absence of an arbitration agreement between them. The arbitration was therefore judicially imposed rather than consensually invoked. This Court held that such action constituted reversible error because arbitration derives its legitimacy from the consent of the parties and not from unilateral judicial direction. Equally significant in Ahmed was the fact that the proceedings suffered from serious procedural deficiencies affecting the integrity of the arbitral process itself. The decision therefore addressed circumstances fundamentally different from those presently before us.

The present case bears little resemblance to Ahmed. Here, the request for arbitration originated not with the trial judge but with the appellants themselves. The appellants actively petitioned the court to employ arbitration. The appellee expressly consented. The trial court merely approved and implemented the agreement reached by the parties. The essential element of consent that was absent in Ahmed is present here in overwhelming measure. Nor can it be said that the appellants were denied participation in the proceedings. The records establish that they executed a binding arbitral contract that was approved by the trial court, introduced and submitted the names of their technical representatives/witnesses, submitted deeds along with precepts, formed the board, and fully participated in the arbitral board's investigative survey, accepted the report and award, and fully signed and endorsed the award.

The very due process concerns that animated this Court's decision in Ahmed are entirely absent from the present controversy. Indeed, if Ahmed establishes any principle relevant to this appeal, it is the proposition that arbitration must rest upon the agreement of the parties. The principle enunciated therein supports the affirming of the trial court's ruling herein rather than reversal.

Having concluded that the Board acted within the scope of authority conferred upon it by the parties and that the award does not offend public policy, we now consider the procedural requirements imposed by Chapter 64 upon a party seeking judicial intervention against an arbitral award. The Legislature did not merely identify the grounds upon which an award may be vacated. It also established the manner and time within which those grounds must be asserted.

Section 64.11(2) of the Civil Procedure Law provides in relevant part that an application to vacate an award shall be made within thirty (30) days after delivery of a copy of the award to the applicant except where corruption, fraud, or undue means are alleged, in which case the application must be filed within thirty (30) days after the grounds become known or reasonably should have become known to the applicant.

This statutory period is mandatory. This limitation reflects a legislative determination that arbitration could serve its intended purpose only if disputes submitted to arbitration reach finality within a reasonable period of time. Without finality, arbitration would merely postpone litigation rather than replace it. The records before this Court reveal that following submission of the arbitral report to the trial court, the appellants did not file a motion to vacate, modify, or correct the award pursuant to Chapter 64. Neither did they allege corruption. Neither did they allege partiality. Neither did they allege refusal to hear material evidence. Neither did they invoke public policy before the trial court as grounds for vacating the award.

Indeed, the records reveal that after the expiration of the statutory period, the appellee obtained from the Clerk of Court a certificate confirming that no objections had been filed by the appellants. The trial court relied upon that certificate in concluding that the award stood unchallenged and was therefore subject to confirmation.

The significance of this omission cannot be overstated. The Civil Procedure Law establishes a specific procedure for challenging arbitration awards. Where the Legislature creates a remedy and prescribes the method by which that remedy is to be invoked, parties are bound to follow the statutory procedure. Courts are not at liberty to disregard legislative requirements in favor of procedural alternatives more convenient to a litigant.

So, even if we were to assume that the board of arbitration had exceeded its authority, or that the award violated public policy or that the proceedings were marked by fraud, Section 64.11 of the Civil Procedure Law provided them a direct avenue of relief, which they did not pursue. Instead, they remained silent until confirmation had been entered and thereafter attempted to transform an appeal from a confirmation order into an original motion to vacate. The statute contemplates no such procedure.

This Court has repeatedly held that where a litigant fails to invoke available remedies in the court below, issues not properly preserved are ordinarily deemed waived upon appeal. That under our law, one who keeps silent when he/she/it ought to speak suffers waiver and laches as a matter of law. Waiver is the intentional or voluntary relinquishment of a known right or such conduct as warrants an inference of the relinquishment. Laches is the neglect to assert a right or claim which, taken together with lapse of time and other circumstances causing prejudice to an adverse party, operates as a bar in a court of equity. *Williams et al v Smith et al.*, 30 LLR 633 (1983); *Catholic Relief Services v Junius et al*, 39 LLR 397 (1999). The failure of the appellants to challenge the arbitral award at the appropriate time when the opportunity was afforded to them, demonstrates that they kept silent; thus, they suffer waiver and laches. And if any such valid claims exist, they cannot be exerted now.

These principles serve not merely procedural convenience but also serves a fundamental fairness. Trial courts should be afforded an opportunity to consider alleged errors before appellate intervention becomes necessary.

So, assuming that there were inconsistencies concerning the said arbitration, there is no challenge to the said arbitration process before this Bench to give us the authority to decide, the appellants did not file any objection to the said arbitration award before the trial court to enable a hearing and a determination therefrom. The appellants having failed to do same, cannot now raise this question before us for the first time on appeal. There being no objection to the arbitration result, we cannot delve into the challenge to the arbitration as the appellants have asked us to.

The ruling of the trial court being consistent with law, it is our opinion that it be upheld and we so hold.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the lower court is affirmed. The Clerk of this Court is ordered to send a mandate to the lower court commanding the judge presiding therein to resume jurisdiction and give effect to this ruling. Costs to abide final determination. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLORS PETER Y. KERKULA OF THE JONE & JONES LAW FIRM APPEARED FOR THE APPELLANTS. COUNSELLOR J. AWIA VANKAN OF THE HERITAGE PARTNERS AND ASSOCIATES, INC., APPEARED FOR THE APPELLEE.

Affirmed.