**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(LABOUR DIVISION)**

**AT ARUSHA**

**LABOUR REVISION No. 46 OF 2021**

**(Arising from CMA/ARS/KRT/121/2019)**

**EDWARD VALENTINE ---------- APPLICANT**

**VERSUS**

**FOUNDATION FOR AFRICAN MEDICINE ---------- RESPONDENT**

**JUDGMENT**

16th June, & 21st July, 2022

**TIGANGA, J**

In this matter this court has been moved under section 91(1)(a) and (b), section 91(2), (a), (b), and (c) (3), as well as section 94(1) (b) (i) of the Employment and Labour Relations Act No. 6 of 2004, Rule 24(1), (2)(a), (b), (c), (d), (e), (f), and (3)(a), (b), (c), (d), together with Rule 28 (1), (c), (d) and (e) of the Labour Court Rules, 2007 GN No.106 of 2007. The application has been preferred by chamber summons which was supported by an affidavit sworn by Bungaya Matle Panga, Advocate for the applicant, together with the notice of application and notice of engagement of Advocate. The orders sought in the chamber summons are:

1. That this Court be pleased to call for records, of the proceedings and award of the Commission for Mediation and Arbitration of Arusha Labour Dispute No. CMA/ARS/KRT/ARB/121/2019 and revise, quash and set aside the same on the ground that;
    a. The award of the CMA dated 24th May 2021 is unlawful, illogical and irrational.
    b. Improper procurement of the award.
2. Any relief the court may deem just to grant.

The affidavit filed in support of the application give a historical background of the dispute and the reasons for the application. On the part of the background, the applicant was employed by the respondent from 1st Feb.2013 up to 11th February 2019 when he was terminated. The applicant was a nurse Anesthetist with a gross salary of Tshs. 1,855,000/=.

On 04th February 2019 with no good reasons and without being served with a formal charge and afforded a chance to reply, the applicant was served with a notice to appear before a disciplinary panel on 11th February, 2019. He was accused of the two charges namely failure to work in a team (incompatibility) and failure to take orders from superior.

On 11th February, 2019 when he appeared, the witnesses of the respondent were heard and recorded, but the accused who is now the applicant, was not given chance to be heard by being given opportunity to call witnesses.

On that very date the applicant was given a letter of termination of the contract of employment on the ground that, he violated the code of conduct and employment agreement as stipulated in 1. Code No. 10 & 18 being guilty of immoral act at work place and in the course of work and Coed 18 participating in acts of discrimination and harassment to fellow employee. 2 CODE No. 7 committing repeated acts of insubordination at the company's premises and during working hours against employer and member of management staff.

Consequence to his termination, he was paid a salary of Februay, two weeks un taken leave and travelling costs back home. Believing that the termination was unfair, the applicant filed a dispute for unfair termination before the CMA. On 24th May 2021, the CMA delivered its award holding that the applicant termination was fair and the applicant's complaints were baseless.

In his view, reading the award, it raises a number of legal issues as follows.

i. The legality and correctness of the Commission in rehearing of the entire case/ allegations against the applicant in lieu of focus on the applicant claim in CMA F.1 and decided the matter on basis of the record from the internal disciplinary meetings.

ii. The legality and correctness of the Commission finding that procedure for termination of applicant's employment contract was fair in the absence of the record from the disciplinary proceedings showing when the applicant was afforded his basic right of being heard and questioning witnesses called by the respondent before his employment termination.

iii. The legality and propriety of the commission findings that there were good reasons for termination of the applicants employment contract while the offences/ misconducts named on the notice of appearance before disciplinary meeting letter of termination and before the commission differ substantially.

iv. The legality and propriety of the commissions findings that the procedure for termination of applicant's employment contract

was fair without the applicant been served with the formal charge and afforded chance to make his written reply to the charge.

v. The legality and propriety of the commission findings that the disciplinary committee composed to hear the allegations laid against the applicant was properly constituted while it was composed by only one member Anthony Marley who was impartial.

vi. The legality and propriety of the commission findings that failure to meet with the psychologist by the applicant was a good reason for termination of his contract of his employment without there being written medical grounds.

vii. The legality, propriety and validity of the commission findings to refuse the applicants relief he claimed.

viii. The legality and propriety of the commission findings that that the termination of employment was fair without considering whether charges/claims against the applicant before disciplinary committee were proved on the balance of probabilities.

ix. The propriety, correctness and legality of the holding by the commission that the applicant was properly terminated while he was given burden of proving his innocence before the disciplinary committee.

x. The Propriety and legality of the findings of the Commission while the applicant's fate was initiated, heard and determined by same persons without the involvement of the managerial board.

xi. The correctness and propriety of the Commission's finding that procedure for termination of the employment contract was fair while there is no record that the applicant was given an opportunity to put forward mitigating factors before sanction imposed.

xii. The legality, propriety, and correctness on the findings of the Commission without considering/answering through disputed issues as proposed by the parties.

He asked this court to revised the award and inters of the following reliefs;

a. The commission's Award dated 24th May 2021 be quashed and set aside.

b. The respondent be ordered to pay the applicant two months' salary in lieu of notice of termination Tsh. 3,710,000/=, twelve months' compensation, Ths. 22,260,000/=, severance allowance Tsh, 2597,000/= and general damages Tsh. 150,000,000/= for mental anguish and depression caused to the applicant and his family due to unfair termination of employment contract

c. Any other relief that this court deems fit to grant.

The application was opposed by the respondent by a notice of opposition and a counter affidavit sworn and filed by Mr. Bernard Buberwa Buhoma, learned counsel for the respondent. He said, the respondent had good reasons and applied fair procedures before terminating the employment of the applicant. He also said that, the applicant was afforded the opportunity to be heard and he adduced evidence. he also said that upon termination, the applicant was paid his terminal benefits.

Further to that, he submitted that, the application has no merit, and that the award is sound in fact and law, on the reasons that the proceedings before the CMA was conducted in accordance with the law. The disciplinary Contents was fair in form and content. The findings were grounded on evidence adduced before the CMA. Also that the composition of the displinary

committee at the disciplinary trial complied with the law. Further to that, he deposes that the refusal by the applicant to see the psychologist was not the sole ground for termination which was given before the properly composed CMA. He deposed further that the charges against the applicant were proved to the standard required by the employer in the disciplinary proceedings and the CMA was right in so finding. He said the applicant was afforded an opportunity to mitigate taking advantage that it was his absolute discretion. Last but one, he said, the disputed issues were set out and properly dealt with. Last he said taking into consideration the totality of evidence placed before it, the findings of the CMA cannot be faulted.

Hearing of the application was conducted by way of written submission, where parties through the representation of their respective counsel filed their submission timely. The applicant was represented by Mr. Bungaya Matle Panga, learened counsel, while the respondent was represented by Mr. Bernard Buberwa Buhoma, also learned counsel.

In the submission in chief Mr. Panga, adopted the affidavit filed in support of the application. He also asked the court to review the record of the disciplinary proceedings and the that of the CMA and come up with the

findings that, the termination of employment was both substantively and procedurally wrong.

On the substantive part of argument, he submitted that the employer had no good reasons for terminating the applicant. As the respondent has been changing reason for termination of the applicant. He said for example in exhibit D5 the reasons were incompatibility and failure to take orders from the superior while in exhibit D7 the reasons for termination include immoral act at work place, act of discrimination and harassment and repeated act of insubordination. He submitted further that DW1 before the CMA was testifying of the applicant's refusal to meet a psychologist, the allegation which has never been presented before the disciplinary Committee. Therefore, it was unfairly forming the findings of the CMA. He submitted that exhibit D2 was filled in the year 2018, and according the evidence of Twisa Mbuke who worked with the applicant he said he heard nothing bad spoken against the applicant. In his view, the applicant had corrected his behavior but it seems he was punished for his past behavior. He said that, the reasoning of the arbitrator was unjustified. If at all the reason for termination was incompatibility, it was made without due regard to clause No. 6 and 8 of the guideline for the disciplinary incapacity and incompatibility police and

procedure (the Guideline). Even rule 12(2) of the Employment and Labour Relations (Code of Good Practice), Rules 2007, hereinafter to be the rules prohibiting termination on first offence.

In his view, the decision of CMA is bad in law for failure to address the procedural fault. Because apart from a notice to attend a disciplinary hearing which is exhibit D5, the applicant was not served with the formal charge. In his view, this contravenes rule 13(2) of the Rules as stipulated in the case of **Jimson Security Service vs Joseph Mdegela**, Civil Appeal No. 152 of 2019 CAT.

Second that the applicant was not accorded the right to full hearing as exhibit D6, a summary, does not show that the applicant was accorded the right to state his case or even call witnesses to defend his case. He said at page 28 of the CMA proceedings he made it clear that his side was not heard.

Third that, the panel at the disciplinary hearing did not give him the chance to cross examine all the witnesses who testified contrary to rule 13(5) of the Rules. Fourth, that all exhibits tendered before the CMA were not presented before the disciplinary hearing.

The other complaint raised by the counsel for the applicant was that, the CMA did not address the complaint that, the disciplinary hearing was not

properly constituted. He cited page 29 of the CMA typed proceedings where the applicant said that the only impartial person was Anthony. The rest, for example; William Mhapa was a human resource Manager, Frank Artress was the Director, Siana Nkya a nurse manager and head of department of the applicant and all these became judges of their own course. To substantiate his argument, he submitted that, it was even not clear who presented the allegation against the applicant at the disciplinary hearing in compliance with clause 4(6) of the Guidelines. In his view had prejudiced the applicant's right to hearing.

The other complaint is that the applicant was not given the right to mitigate the sentence as required by Clause 4(8) of the Guideline which requires a penalty to be imposed after the employee has presented his mitigation.

Last but not least, the CMA did not resolve all the issues raised, he said. He submitted that before hearing two categories of issues those touching the reasons for termination and the other one touching procedures were framed. However, the award by CMA did not address the issue related to procedure before the Disciplinary hearing. In the end he asked this court to quash the award and set it aside. In addition thereto to re-evaluate the

evidence on record and documents tendered in evidence and come out with the findings that the applicant is entitled all reliefs put in the chamber summons and affidavit filed in support of the application.

In reply submission, it was submitted that the award which is challenged is sound in both substantive and procedures. regarding the substantive part, specifically on the reasons for termination, he submitted that the evidence before both the disciplinary hearing and CMA in exhibit D8 the evidence does establish without doubt that the applicant had repeatedly committed acts of insubordination. That the applicant had, had a habit of quarrelling and his colleagues on duty to a point of endangering lives of patients. According to the counsel, more often than not, the applicant insisted on having his own way of doing everything even where procedural and ethical rules of medical professional dictated otherwise.

In his view as much as the employer chose to proceed with the procedure for termination on misconduct laid down under rules 12 and 13 of the **Employment and Labour Relations (Code of Good Practice) Rules GN. No. 42 of 2007** as opposed to the incompatibility ones under rule 27, the evidence proves that the applicant had increasingly become unsuitable to work in hospital setting (incompatible).

He submitted further that, the spirit of the Labour regime on substantive and procedural rules as enhirned in the new Labour Legislation in particular, the **Employment and Labour Relations (Code of Good Practice) Rules. GN. No. 42 of 2007** and **Labour Institutions (Mediation and Arbitration Guidelines) Rules GN. No. 67 of 2007** is that, the cardinal rules of justice ought to be observed by employers at work places in matters to do with hiring and firing of employees. He submitted that, according to exhibits D5 and D7 notwithstanding, there is sufficient proof that the applicant was abundantly aware of the charges against him. Those charges attracted termination on the first breach as per item 9 of the guideline from the Disciplinary and incapacity and incompatibility policy and procedures which is a part of GN. No. 42 of 2007 that the applicant was accorded a chance to defend himself before an impartial judge and the verdict was correct basing on the evidence presented.

Further to that, he submitted that, the intervention, advise and cajole by Dr. Frank Artless, the head of the Institution that the applicant needs a professional help at the employer's cost was rejected by the applicant. Because of that, the applicant's behavior at work kept on worsening.

He submitted further that the CMA did not base only on exhibit D2 to make its decision rather, the warning letter was referred to cement the applicant's transgression. That despite earlier warning, the applicant had not reformed, and learned from the past punishment he was given. His behavior at work continued being is becoming worse and unbearable.

Regarding the complaint that the applicant was not served with formal charge, the counsel strongly submitted that that is a lie as exhibit D5 is both a notice of disciplinary hearing and a charge sheet. He also submitted that apart from these two ingredient, the applicant was made aware of the right to defence, to call witnesses. That, he was with Baraka Felichism his lawyer and Twisa Mbuke who was his witness. The charge was read over to him, he denied the charge and the trial commenced. For that reason, the referred case of **Jimson Security Service vs Joseph Mdegela** (supra) is distinguishable.

Also that the allegation that the applicant was not accorded chance to cross examine witnesses and that he did not mitigate and that the exhibits tendered at CMA were not tendered at the disciplinary trial, is falsehood. He submitted that, having denied the charge the applicant chose not to lead evidence, but instead he chose his witness Twisa Mbuke to testify and that

happened while the applicant was enjoying the service of the lawyer who had all the right and capacity to guide the applicant accordingly. He therefore chose not to exercise some of these rights i.e cross examining and mitigating.

Regarding the complaint that not all the document which were tendered at CMA were tendered at the disciplinary hearing, he submitted that it is not the legal requirement that evidence tendered during disciplinary hearing must also be tendered before the CMA and vice versa. In his view, what is important was that regardless the forum, evidence led must satisfy the standard and threshold required of the litigant in civil proceedings that is proof on the balance of probabilities. He submitted that in this case the standard was met before both forums

Regarding the complaint of the impartiality of the member of the disciplinary hearing, he submitted that the allegations are not true, as the conduct of the disciplinary proceedings is in terms of items 4(1)- (15) of the Guidelines for Disciplinary, Incapacity and incompatibility policy and Procedures which is part of GN. No. 42 of 2007 bestowed in a single person, the senior manager appointed by employer as a chairperson to convene a disciplinary hearing. In the instant case, it was Anthony Marley alone who

was appointed to preside over the trial. There was no panel. The members of staff mentioned by the applicant, were mere witnesses invited by the respondent just like Baraka Felichism and Twisa Mbuke who were invited by the applicant. At the end, he asked the application to be dismissed for want of merits.

In rejoinder submission the counsel for the applicant submits that the allegation of insubordination was not proved at the required standard. He insisted further that the exhibit D4 purportedly containing the allegation of insubordination was not tendered and its content was not testified before the disciplinary hearing and it was not even served to the applicant.

In his view, presenting the same before the CMA is an after thought to fill the gap in the effort of rationalizing the reasons for termination which they are firmly holding to be unfair.

He said, by the evidence of Gabriel Kisima who was his superior, it was proved that the applicant's behavior was positively changing, and so said Twisa Mbuke. He thus submits that the applicant's employment was terminated on past behavior which makes the application to be substantively unfair.

On the procedural fault, he insisted that, the applicant was not afforded the opportunity as there is no evidence to prove that. Baraka Felichism was a lawyer but he appeared as a friend and there is no record showing Twisa Mbuke to have testified before the Disciplinary hearing. Also insisting on the complaint that he was not given a formal charge, he said that there is no way exhibit D4 can be equated with a formal charge anticipated under the law. Therefore, the case of **Jinson Security Service** is equally relevant.

Regarding the complaint on the composition of the disciplinary hearing Committee, he said it was formed by the person interested in the matter, he said apart from Anthony Marley, other members were decision maker and directly interested with the fate of the employment of the applicant. He said Wiliam Mhapa was a Human Resource Manager, Frank Artress was a Director and therefore the employer, while Siana Nkya was a nurse Manager and a head of the department of the applicant. He said that, the allegation that they were witnesses do not make sense, as there is no evidence to that effect.

In his view, if the panel composed one member then that was a arbitrary disciplinary hearing committee which was composed to come out

with the desired results. Thus, making the termination of the Applicant to be procedurally unfair. In the end, he asked the court to allow the application as prayed.

That concludes a summary of the record of the case and the pleadings and submissions filed by parties for and against the application. Having all of them, I find only one issue is for determination that is whether the termination of the respondent is substantively and procedurally unfair.

I hold so because the matter of termination of employment is regulated by section 37 of the Employment and Labour Relations Act (supra). For easy reference the same is hereby reproduced hereunder.

> *"(1) It shall be unlawful for an employer to terminate the employment of an employee unfairly.*
> *(2) A termination of employment by an employer is unfair if the employer fails to prove-*
> *(a) that the reason for the termination is valid;*
> *(b) that the reason is a fair reason if it-*
> *(i) related to the employee's conduct, capacity or compatibility; or*
> *(ii) based on the operational requirements of the employer, and*
> *(c) that the employment was terminated in accordance with a fair procedure.*

*(3) N/A*

*(4) In deciding whether a termination by an employer is fair, an employer, arbitrator or Labour Court shall take into account any* ***Code of Good Practice published under section 99.***

*(5) N/A"*[emphasis supplied]

These are the conditions for the court to find that the termination of employment of the employee by the employer is fair. The code of good practice referred to by subsection 4 of section 37 is the **Employment and Labour Relations (Code of Good Practice) G.N. No. 42 of 2007** and the relevant provision which is required to be relied upon by the arbitrator or the Court is Rule 12(1) of the Employment and Labour Relations (Code of Good Practice) G.N. No. 42 of 2007 which provides that;

*"Any employer, arbitrator or judge who is required to decide as to whether termination for misconduct is unfair shall consider-*

*(a) whether or not the employee contravened a rule or standard regulating conduct relating to employment;*

*(b) if the rule or standard was contravened, whether or not*

*(i) it is reasonable;*

*(ii) it is clear and unambiguous;*

*(iii) the employee was aware of it, or could reasonably be expected to have been aware of it;*

*(iv) it has been consistently applied by the employer; and*

*(v) termination is an appropriate sanction for contravening it.*

The law continues to provide for limits of the employer in terminating the employee, under subrule (2), (3), (4) and (5) as follows;

*(2) First offence of an employee shall not justify termination unless it is proved that* ***the misconduct is so serious that it makes a continued employment relationship intolerable****.*

*(3) The acts which may justify termination are;*

*(a) gross dishonesty;*

*(b) willful damage to property;*

*(c) willful endangering the safety of others;*

*(d) gross negligence;*

*(e) assault on a co-employee, supplier, customer or a member of the family of, and any person associated with, the employer; and*

*(4) In determining whether or not termination is the appropriate sanction, the employer should consider: -*

*(a) the seriousness of the misconduct in the light of the nature of the job and the circumstances in which it occurred, health and safety, and the likelihood of repetition; or*

*(b) the circumstances of the employee such as the employee's employment record, length of service, previous disciplinary record and personal circumstances.*

*(5) The employer shall apply the sanction of termination consistently with the way in which it has been applied to the same and other employees in the past, and consistently as between two or more employees who commit same misconduct."*

From these provisions, it is glaringly clear that, section 37 of the Employment and Labour Relations Act (supra), must be read together with the Code of Good Practice made under section 99 of the Employment and Labour Relations Act. These two laws read together, the following are the clear directives to be complied with before the verdict of termination is imposed by the employer and upheld by Arbitrator or the Court;

(i) The employee may be terminated if he/she has contravened the known rule or standard which is reasonable, clear, and free from ambiguity and the employee was aware of it or ought reasonably to be aware of it.

(ii) Generally, the first offence/misconduct of an employee shall not justify termination.

(iii) The termination may exceptionally base on the first offence/misconduct if it is proved that the misconduct is so serious that it makes a continued employment relationship intolerable.

(iv) If that offence/misconduct relates to damage to the property of employer, then it must be established that the act was done willfully.

(v) Taking into account the nature of the job and the circumstances in which it occurred that misconduct is so serious to endanger health and safety, and there is a likelihood of repetition.

(vi) Looking at the circumstances of the employee such as the employee's employment record, length of service, previous disciplinary record and personal circumstances the misconducts merits termination.

(vii) That the termination is the appropriate sanction for contravening the code.

The evidence of compliance with the above conditions can be found no where else but on record. That has necessitated me to visit the record particularly the proceedings of the disciplinary hearing conducted by the disciplinary hearing of the respondent. From the documents which were attached to the CMA form No.1 as rightly submitted by the counsel for the applicant that the charges which were facing the applicant before the

Disciplinary hearing were stated in a notice of hearing which the applicant was served informing him about the disciplinary hearing. These charges were failure to work as a team which is the disciplinary offences falling under incompatibility category. The other offence was failure to take order(s) from his superior. As it was reported by his head of department, workmates and medical Director. However, when he appeared before the disciplinary hearing, the record show that he denied the charge, consequent of which the employer, had to prove that the termination of the applicant was fair in terms of section 39 of the Employment and Labour Relations Act (supra).

When the respondent lead evidence, the same was lead to prove the following offences 1. Code No. 10 & 18 of the code of conduct and employment agreements which are Code No. 10. *Immoral Act at Workplace and in the course of work*, and with regard to Code No. 18. Is *participating in acts of discrimination and Harassment of Fellow employees*. While Code No. 7 is *Committing repeated acts of insubordination at company premises and during working hours against the employer and mambers of management staff*. These are also the offences which the applicant was found guilty of as per termination letter dated 11th February 2019. Therefore, the complaint by the applicant that he was at first not served with the formal

charge is merited. However, the question which arises is whether given the circumstance of the case, failure to serve the applicant with the formal charge prejudiced him his right of fair hearing? I pose this question because, the stand of law today is that, a mere fact that a party complains any violation of procedure is not enough, that person so complaining must prove that that violation has prejudiced him.

In this case, the applicant has not seriously complained the prejudice which resulted from his not being served with the formal charge. On my way perusing the record, I find no complaint by the applicant that he did not understand the nature of the charges. He did not either complain of the composition of the disciplinary hearing and ask for his disqualification. And he neither did complain about the witnesses to testified during disciplinary hearing. I have passed through the evidence of Sehewa Mganga, (in charge of Anasthesia Departmen), Linda Ndangoya, (workmate), Dr. Gabriel Kissima, (Doctor incharge), Dr. Walii Msuya (Medical Doctor) who testified for employer, and that of Twisa Mbuke (workmate) who testified for the applicant. I am satisfied that, their evidence proves that the employer had valid reasons for terminating the applicant to the great extent basing on incompatibility. I hold so because there is enough evidence proving that,

that was not the first misconduct committed by the applicant. This is according to the evidence of his supervisor, Sehewa Mganga, the applicant and so said Walli Msuya. That has also been proved by exhibits D2, D3, and D4.

The contravened code or rules are the known rules regulating conduct relating to employment. They are known because they are addendum of the employment contract which every employee must have a copy. They are reasonable, clear and unambiguous. The applicant was aware of them, or could reasonably be expected to have been aware of them because they are part of the employment contract.

Although it has not been said, it has been consistently applied by the employer there is no evidence that it has not been applied. Lastly, given the nature of the job, in the circumstance where an individual has already been warned more than once, termination is an appropriate sanction for contravening the said code. The records even betray him. That said, I find that there was valid reason to terminate the applicant.

It should be noted that for the termination to stand, it must be proved that the same based on valid reasons, and fair procedure as provided for under section 37 of the Employment and Labour Relations Act. Now what is

to be done in the circumstances. The Court of Appeal of Tanzania, in the case of **Felician Rutwaza vs World Vision Tanzania**, Civil Appeal No. 213 of 2019, CAT-Bukoba, while faced with the similar circumstances quoted with approval the decision of Labour Court in **Sadetra SPRL Ltd vs Mezza & Another**,Labour Revison No. 207 of 2008, ( Rweyemamu, J) which interpreted section 40(1)(c) of the Act that;

> *"....a reading of other sections of the Act gives a distinct impression that the law abhors substantive unfairness more than procedural unfairness, the remedy for the former attracts a heavier penalty than the later."*

The court went on holding in accepting what the trial judge decided in that case *inter alia* that;

> *"Were respectively subscribe to the above interpretation, for we think it is founded on logic and common sense; it reflects a correct interpretation of the law. Under the circumstance since the leaned judge found the reasons for the appellant termination were valid and fair she was right in exercising her discretion in ordering lesser compensation than that awarded by the CMA. We sustain the award."*

In this case, I find that the applicant was heard at the disciplinary hearing. Without being served with the formal charge, and that even at the

hearing the offences proved are not the ones listed in the notice of hearing, do not make unfairness of procedure. However, if so was, that unfairness can not invalidate good reasons for termination. That said, the I find the applicant to be deserving the competition, but since the reasons for termination was reasonably fair and valid, he in terms of the authority in the case of **Felician Rutwaza vs World Vision Tanzania**, (supra) deserves lesser than the one prescribed by section 40(1)(c) of the Act. Having assessed the circumstances of this case, I order for compensation of four months only, the rest of the order remains undisturbed.

It is accordingly.

**DATED** at **MWANZA** this 21st day of July 2022

**J. C. TIGANGA**

**JUDGE**