



PENTECOSTAL ASSEMBLIES OF GOD - KENYA

Nyang'ori Mission Station Headquarters off Kisumu – Kakamega Highway

P.O. Box 671 – 40100, KISUMU

PAG KENYA APPEALS AND ARBITRATION TRIBUNAL

Email: pagktribunal@gmail.com

REPUBLIC OF KENYA

IN THE MATTER OF THE ABITRATION ACT

IN THE MATTER OF THE CONSTITUTION OF PENTECOSTAL ASSEMBLIES OF GOD (K) 1998/2024

IN THE PAG (K) APPEALS & ARBITRATION TRIBUNAL

TRIBUNAL CASE NO. 04 OF 2026

1. REV BURTON TSISAGA KEVOGO (DISTRICT OVERSEER)
 2. MR. KELLY LIANI (DISTRICT SECRETARY)
 3. DIGULA DISTRICT OFFICERS AND MEMBERS
- } APPLICANTS
- CLAIMING IN THEIR CAPACITIES OF THE PAG DISTRICT OFFICERS AND
MEMBERS OF DIGULA AND PAGS DISTRICTS

AND

1. REV. BENARD AYEKA (CHAIRMAN)
2. REV. LUKE ODUOR (SECRETARY)
3. THE PAG KENYA BOUNDARIES COMMITTEE
4. REV. KENNETH ADIARA
5. REV. RICHARD OBWOGI
6. REV. B JULIAS RONO
7. PENTECOSTAL ASSEMBLIES OF GOD KENYA

}..... RESPONDENTS

RULING

Before this Honourable Appeals and Arbitration Tribunal (AAT) hereinafter referred to as Tribunal is a Notice of Preliminary Objection dated 13th May 2026 filed on behalf of VOHOVOLE

On 15th May 2026 this Tribunal directed the parties herein to file and serve their respective written submissions to ventilate the issues raised in the said Notice of Preliminary Objection dated 13th May 2026

The Applicants Counsel on record filed their Submissions dated 19th May 2026.

However, we acknowledged receipt of a letter dated 20th May 2026 from the Counsel acting for VOHOVOLE indicating that their Preliminary Objection is self-explanatory and will not file any submissions but requested the Tribunal to make its Ruling.



There is only one issue raised in the said Notice of Preliminary Objection for determination on whether or not the Tribunal has the jurisdiction to hear and entertain the dispute before the Tribunal.

It is worth noting that the PAG- Kenya has its provision for internal dispute resolution mechanism which is provided for in the church constitution and has well laid procedures for resolution of the disputes.

Article 22.1 of Pentecostal Assemblies of God – Kenya Constitution 1998 as amended 2024 under the Dispute Resolution provides as follows:

“22.1 No member, Pastor or official of the church shall take any matter or dispute involving a member, Pastor, official organ of the church to a court of law or any Tribunal without first exhausting the dispute resolution machinery provided hereinafter”

This Tribunal is mandated to hear and resolve disputes as provided under Article 22.1 of the said Constitution where the matter involves the members, pastors or officials of the church. The Petitioners have already filed their case herein which should be heard and determined by this Tribunal. The Tribunal is empowered under the Church constitution to hear them and resolve the disputes emanating from its members, pastors and official organ of the church.

The Appeals and Arbitration Tribunal hereinafter referred to as Tribunal is established under Article 28:1 and 28: 2 of the said Constitution whereby it is the proper province to mediate and arbitrate internally any conflicts involving its members, pastors and officials of the church.

We therefore strongly hold this Tribunal has jurisdiction to hear and entertain the dispute as established under the church Constitution and mandated to entertain and resolve all the church related the disputes involving its members, pastors and officials of the church. The said Notice of Preliminary Objection dated **13th May 2026** is filed by **VOHOVOLE GROUP** who are not parties to the dispute before us and in any event they have not been joined to this proceedings as parties. That is to say this Tribunal has no business entertaining their said Notice of Preliminary Objection in the first place hence the same is misplaced and misconceived.



This Tribunal is guided by recent decisions regarding exhaustion of the dispute resolution mechanism as provided under Article 22 and 23 of the Pentecostal Assemblies of God - Kenya Constitution 1998 as amended 2024

In the case of **FRANCIS NYONGESA AND WYCLIFFE AGUSIOMA AND OTHERS VS EXECUTIVE DARC COMMITTEE PAG KENYA AND ELECTION PRESIDING OFFICER AND OTHERS, ELDORET MCCC NO. E222 OF 2025, Hon. KIMANI MUKABI** sitting at ELDORET on 04th November 2025 had this inter alia to say:

"It is now the contention by the 3rd Defendant that the Plaintiffs had not exhausted the dispute resolution mechanism provided in Article 22 and Article 23 of the PAG - K Constitution. For the avoidance of doubt Article 22.1 of that Constitution provides:

" No member, pastor or official of the church shall take any matter or dispute involving a member, pastor, official, organ of the church or the church to court of law or any tribunal without first exhausting the dispute resolution machinery provided hereinafter... .. "

... .. In the Court of Appeal decision in GEOFFREY MUTHINGI & ANOTHER VS. SAMUEL MUGUMU & 1756 OTHERS (2015) eklr where the court was faced with the dispute involving church members and leadership of East Africa Pentecostal Church; it was observed that:

"It is imperative that where a dispute resolution mechanism exists outside courts, the same be exhausted before the jurisdiction of the court is invoked and that courts ought to be the fora for last resort rather than a first point of call."

The doctrine of exhaustion is a legal principle anchored under Article 159 (2) of the Constitution which provides;

"In exercising judicial authority, the courts and tribunal shall be guided by the following principles;

- a)*
- b)*



- c) *Alternative forms of dispute resolution including reconciliation, meditation, arbitration and traditional dispute resolution mechanisms shall be promoted;*

Flowing from the above and the circumstances in this matter, it was evident that the court was not clothed with the requisite jurisdiction to entertain this matter, since a similar matter was still pending before PAG Appeals and Arbitration Tribunal. It is trite law that this court cannot move an inch bearing in mind it does not have jurisdiction over this matter"

Similarly, we are guided and borrow a leaf from the case which HON. NYAGA J SITTING AT NAKURU HIGH COURT IN THE CASE OF LIHANDA & 5 OTHERS V. OBUBA & 6 OTHERS (CIVIL SUIT NO. E001 OF 2024) (2024) KEHC 8823 (KLR) 19th July 2024 (Ruling), stated the following, *On consideration of Articles 22 & 23 of the PAG - K Constitution and issues raised above, it is clear the church has a provision for internal disputes resolution mechanism which is available and has well laid down procedure for resolution of the disputes, which the Plaintiffs could have considered before invoking the jurisdiction of this Honourable Court. The Plaintiffs are members of the church and had an obligation to exhaust the dispute resolution provisions provided for before instituting the present proceedings".*

Hon. SIUNDU SOITA SRM sitting at NAKURU on 11th November 2025 in the case of PETER AMAYI VERSUS THE BOUNDARIES REVIEW COMMISSION PAG KENYA & 2 OTHERS was confronted with a similar application herein and in his wisdom held that:

12. The Plaintiff is advised to firstly exhaust mechanisms within the PAG - Kenya Constitution before moving to Court and in Case he seeks enforcement of Constitutional Rights within the Constitution of Kenya, he should move the High Court and not the subordinate Court.

13. In the end, it is the finding of the Court, the Court has no Jurisdiction to hear and determine the matter. Based on the foregoing, the suit is hereby struck out and due to the nature of the case, each party to bear their own cost"

Lastly whether the said Notice of Preliminary Objection raises points of law, this Tribunal is guided by the decision made in the case of MURANG'A ELC NO. 219 OF 2017 -VS-



STEPHEN MWANGI KIMOTE -VS- MURATA SACCO SOCIETY in which his Lordship Justice J.G KEMEI sitting at MURANG'A on 31st May 2018 in his wisdom had this to say:

"The definition of a Preliminary Objection was well set out in the case of Mukisa Biscuits Manufacturing Co-Ltd Distributors Ltd (169) EA 696

"... ..a Preliminary Objection consists of a point of law which has been pleaded or which arises by clear implication out pleadings and which if argued as a preliminary Objection point may dispose of the suit"

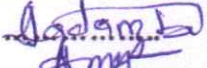
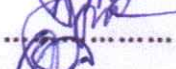
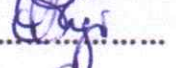
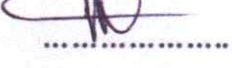
Under Kenyan laws the Church Tribunals are recognized as private domestic bodies with limited jurisdiction while they handle spiritual administrative and canonical matters. Having consider the first issue on jurisdiction the rest of grounds in the said Notice of Preliminary Objection fails.

IN CONCLUSION

In conclusion it is the Tribunal's findings that the said Notice of Preliminary Objection dated 13th May 2026 is overruled, unmeritorious misplaced and misconceived and the same is hereby struck out with no orders as to costs given that the said VOHOVOLE is not a party to this proceedings yet.

It is so ordered by this Tribunal.

DELIVERED, DATED and SIGNED at NYANG'ORI MISSION STATION this 29th day of May 2026

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>	<u>DATE</u>
1. REV. JOHN ADAMBA	CHAIRMAN		29/5/2026
2. REV. ISAAC NYAKUNDI	SECRETARY		29/5/26
3. MR. VICTOR OSANGO	MEMBER		29/5/2026
4. MRS. HEDRICK KHADAMBI	MEMBER		29/5/2026
5. MR. WELLINGTON MBOKU	MEMBER		29/05/2026
6. REV. ELIAS GITHUKA	MEMBER		
7. REV. SIMEON TOO	MEMBER		29/05/2026

