Appellate Jurisdiction Of The Supreme Court In Cases Brought From The Court Of Appeals

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SINCE the creation of the Court of Appeals, one of the most important and pressing problems that has confronted the members of both the bench and the bar is whether, and to what extent, the Supreme Court has the power to review, modify, and reverse the findings and conclusions of facts made by the Court of Appeals in decisions appealed to the Supreme Court by writ of certiorari. Notwithstanding the apparent clarity of our law on this subject as well as the pronouncements made by our Supreme Court, numerous cases find their way into the docket of the Court of Last Resort even if the principal issues involved and raised are purely of fact and not of law. This article proposes to ascertain the state of our law on the subject as construed by the decisions of the Supreme Court to the end that one may know when a decision of the Court of Appeals may be elevated to the Supreme Court for review.

In passing it would not be amiss to state that the Court of Appeals was established by law primarily to relieve the Supreme Court of the burden arising from numerous cases of lesser importance appealed to that body from the trial courts.

Examining the pertinent provisions of law on the matter, our Constitution, in Section 2, Article VIII, provides:

> The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of errors, as the law or the rules of court may provide, final judgments and decrees of inferior courts in—
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> (5) All cases in which an error or question of law is involved.

Thus by constitutional provision our Legislature is powerless to pass any law that may deprive the Supreme Court of its appellate jurisdiction over all cases in which an error or question of law is involved. In the light of this provision the implication is strong that errors or questions of fact may not be appealed anymore to the Supreme Court to the extent that the findings and conclusions on the same by any of the inferior courts shall, by law, be final and conclusive, even as to the Supreme Court.

Pursuant to and inconjunction with the above precept, Section 2 of Commonwealth Act No. 3 amending Section 138 of the Revised Administrative Code (Act No. 2711) in pertinent part provides:

> * * * The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify, or affirm, on appeal, certiorari, or writ of errors, final judgments and decrees of inferior courts in—
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> (6) All other cases in which only errors of law are involved.

Then in Section 3 of the same Act, amending Section 145 of the

Revised Administrative Code, the law states:

> Sec. 145-F. Jurisdiction of the Court of Appeals.—The Court of Appeals shall have exclusive appellate jurisdiction of all cases, actions, and proceedings, not enumerated in section one hundred and thirty-eight of this Code, properly brought to it from the Courts of First Instance. The decision of the Court of Appeals in such cases shall be *final;* Provided, however, That the Supreme Court in its discretion may, *in any case involving a question of law* upon petition of the party aggrieved by the decision and under the rules and conditions that it may prescribe, require by certiorari that the said case be certified to it for review and determination, as if the case had been brought before it on appeal. (Underscoring ours.)

By this provision it is clear that the decisions of the Court of Appeals in the cases mentioned are final in so far as questions and conclusions of fact are concerned, thereby depriving the Supreme Court of the jurisdiction over the same.

Furthermore, Rule 46, Section 2 of the new Rules of Court, regarding appeals from the Court of Appeals to the Supreme Court, reads as follows:

> The petition shall contain a summary statement of the matters involved and the reasons relied on for the allowance of the writ, and it should be accompanied with a certified copy of the judgment sought to be reviewed, together with ten copies of the record on appeal, if any, as printed in the Court of Appeals. *Only questions of law may be raised in the petition and must be distinctly set forth* * * * (Underscoring ours).

Thus far the legal provisions, as set forth above, are clear to the effect that the decisions of the Court of Appeals respecting the findings and conclusions of facts are final and that the Supreme Court is without jurisdiction to review the same. But a complete and thorough understanding of the question makes it necessary to study the rulings made by our Supreme court on this particular matter, and in the study of these cases construing our law the following questions may be propounded:

(1) May the Supreme Court review, revise, or reverse findings and conclusions of fact made by the Court of Appeals in its decisions appealed to the former? The foregoing question is squarely answered in the case of *Penales vs. Garcia, G. R. No. 46905, VIII Lawyers' Journal, page 794,* which held:

> "Five errors are assigned by the petitioner. The first four revolve around a question of fact which determine the applicable decision. Petitioner-Appellant claims that the respondent-appellee had previous knowledge of the existing lease in his favor. But the finding of the majority in the appealed decision (of the Court of Appeals) is that 'las pruebas preponderantes en el juicio demuestran que el apelado no llegó a tener conocimiento alguno de dicho contrato, sino despues ya de haberse otorgado el traspaso de la pesqueria a su favor.' *We have held that the appellate jurisdiction of this Court in cases brought to it from the Court of Appeals is limited to reviewing and revising the errors of law incurred by the latter, the finding of facts of said Court of Appeals being final as to the former."* (Underscoring ours). (Citing the cases of Guico vs. Mayuga, 35 Off. Gaz. 861, and Mamuyac vs. Abena, 38 Off. Gaz. 84).

Again, in the case of *Mateo vs. Collector of Customs, 35 Off. Gaz. 915,* the Supreme Court refused to review a decision of the Court of Appeals on the ground that the error assigned involved the question of appreciation of evidence. After citing the pertinent provisions of law applicable, the decision in the said case further said:

> "The petition in the present case does not raise any question of law. The board of Special Inquiry upon investigation found that the evidence in behalf of the applicant for admission was in-

sufficient and contradictory and denied the application. This finding of the board of special inquiry, as stated was approved by the Collector of Customs. The Court of First Instance of Manila disagreed with the board of special inquiry and Collector of Customs on the credibility of the witnesses and the weight of the evidence presented and reversed the action of the board of special inquiry as approved by the Collector of Customs by granting the petition of habeas corpus. On appeal, the Court of Appeals, in turn, disagreed with the Court of First Instance on the appreciation of the evidence and reversed the latter's decision. *Under these circumstances, we cannot review the decision of the Court of Appeals. Were we to do so it would hardly be possible to set any limit to the recurrence to this court of cases which under the law should terminate in the Court of Appeals.* Upon the other hand, it should be observed that the Court of Appeals has decided the appeal before it in accordance with the applicable decisions of this court (Tan Chin Hin vs. Collector of Customs, 27 Phil., 521; Sing Jing Talento vs. Collector of Customs, 32 Phil., 820), and this is another reason why the present petition should not be entertained." (Underscoring ours)

(2) May the Supreme Court entertain an appeal from the Court of Appeals where a review of a question of fact is necessary be the question of law raised can be reviewed? In the case of *Guico vs. Mayuga, 35 Off. Gaz. 861*, this power was denied to the Supreme Court. Said the same court in this case:

"Our appellate jurisdiction in this case is limited to reviewing and examining the errors of law incurred by the Court of Appeals, in accordance with the provisions of section 138, No. 6, of the Administrative Code, as amended by Commonwealth Act No. 3.

Inasmuch as the conclusions of fact of the Court of Appeals, quoted in one of the statements of this resolution, are conclusive, *no question of law is raised before us by virtue of this petition because the question of whether or not the ruling laid down in Levett vs. Sy Quia* (34 Off. Gaz., 1218) *is applicable to this case depends upon the findings on the scope and character of the motions for a new trial and reconsideration filed by the petitioner in the Court of First Instance of Rizal for the purposes of his appeal, and such findings, which implied the determination of a question of fact, were made by the Court of Appeals in the sense that both motions were identical, thus making the application of the rule in question imperative.*

Rule 47(a) of the Rules of the Supreme Court provides, in respect to cases brought to it in connection with its appellate jurisdiction, that only questions of law may be raised therein and that the court has the power to order *motu propio* the dismissal thereof if in its opinion they are without merit.

In view of the foregoing, we are of the opinion and so hold that we are without jurisdiction to review the proceedings of the Court of Appeals, and the petition must be dismissed, without special pronouncement as to costs. So ordered." (Underscoring ours.)

(3) May the Supreme Court review a decision of the Court of Appeals, where the findings of fact are manifestly contrary to the evidence adduced in the case? The foregoing question leads us to the recently decided case of *Mora Electric Co., Inc. vs. Paulino Matic et al., G. R. No. 45441, promulgated on June 16, 1939.* In that case the findings of fact of the Court of Appeals were contrary to the terms of an undisputed document relied upon by both parties, but the Supreme Court refused to review and alter said findings of fact and declared:

"Mora Electric Co., Inc. ha elevado esta causa ante este Tribunal en apelación, mediante certiorari. El Tribunal de Apelaciones, fundándose en las pruebas, tanto documentales como testificales declaró que Mora Electric Co., Inc. se obligó en su contrato con Benito Quiogue a pagar a la Ciudad la cantidad de ₱8,773.00. *No pudiendo nosotros revisar estas pruebas, tenemos que resolver esta apelación a base de esta conclusion del Tribunal de Apelación* " (Underscoring ours.)

So that although the document relied upon by both parties clear-

ly and unmistakably imposed no obligation on the part of Mora Electric Co. in favor of the City of Manla, yet the Suipreme Court refused to interpret the document in accordance with the clear and unmistakable meaning of its provisions for the reason just mentioned.

(4) May the Supreme Court, in the exercise of its appellate jurisdiction and in view of the evidence adduced in the Court of Appeals, gather therefrom a conclusion of fact? In the light of ruling laid down in the case of *Mora Electric Co. vs. Paulino Matic supra*, it seems that the Supreme Court has that power only when the Court of Appeals had not made any other conclusive findings of fact based upon its own appreciation of the whole evidence of the case, and when the other findings of fact of the Court of Appeals cannot, by their nature, coexist with the conclusion of fact drawn by the Supreme Court from the same evidence, in which latter case the findings of the Court of Appeals must prevail.

From the above considerations of the law on this particular subject as well as the uniform decisions respecting the same, it seems clear that on matters of fact, the Supreme Court has to accept the conclusions of the Court of Appeals. The jurisdiction of our Supreme Tribunal is limited not only by the nature but also by the scope and extent of the pronouncements of the intermediate court. It cannot extend or narrow down such findings nor is it justified to look beyond them in order to find some facts not involved therein.

Litigants should be more cautious in taking appeals to the Supreme Court from decisions of the Court of Appeals. They should not speculate on the expectation that the Supreme Court may by chance consider a case wherein only purely questions of fact are raised and involved. If this objective is attained then only meritorious cases will reach the Supreme Court, expenses due to unnecessary and frivolous appeals will be greatly minimized, justice will be promptly administered, and the purpose for which the Court of Appeals was created will be carried out.