

SALVADORA OCAMPO ET AL., PLAINTIFFS AND APPELLEES, VS. TOMAS CABANGIS, DEFENDANT AND APPELLANT.

G.R. No. No. 3983. February 15, 1910

Ponente: ELLIOTT, J.

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ELLIOTT, J.:

On the 26th of December, 1908, a judgment was entered in this case in the following words:

"Without prejudice to the filing of an extended opinion later, the judgment appealed from is hereby reversed and the defendant is absolved from the complaint without special finding as to costs, and twenty days hereafter let judgment be entered in conformity herewith, and ten days later let the record be returned to the court wherein it originated, for appropriate action. So ordered."

No further decision was ever filed.

Two of the four justices who signed the decision are no longer members of this court. The appellees now seek the cancellation and annulment of the entry of judgment and the recall of the remittitur and the record of the case to this court. The motion is made upon the theory that no final judgment has ever been entered, and that by reason of the changes in the personnel of the court the more extensive opinion which was contemplated can not now be filed.

Section 15 of Act No, 136 provides that "in the determination of causes all decisions of the Supreme Court shall be given in writing, signed by the judges concurring in the decision, and the grounds of the decision shall be stated as briefly as may be consistent with clearness."

The decision of December 26, 1908, was in writing, and was signed by the four justices who concurred therein, but no grounds are stated for the decision.

This statute recognizes the system of rendering written decisions in which are developed the reasonings by which the conclusions are reached. The custom of stating the grounds of a decision in writing is of comparatively recent origin. Under the early English practice, if any reasons were given, they were stated orally by the judges, and taken down by the reporters. It was thought by some of the early judges that reasons are sometimes dangerous things, and that for the credit of the decisions it might be better that each reader be left at liberty to supply reasons satisfactory to his own mind. Thus, Lord Coke says that in the Court of King's Bench "the reasons or causes of the judgment are not expressed; for wise and learned men do, before they judge, labor to reach to the depth of all reasons of the case in question, but in their judgments express not any; and in truth, if judges should set down the reasons and causes of their judgment within every record, that immense labor would withdraw them from the necessary service of the Commonwealth, and their records should prove to be like elephantini libri, of infinite length, and in mine opinion lose somewhat of their present authority and reverence, and that is worthy for learned and grave men to imitate." (Coke, pref. 5, p. 3.)

To relieve the court from that immense labor, which "would withdraw them from the necessary service" of the

public, this Act of the Commission directs that decisions shall be of reasonable instead of infinite length.

It is certainly desirable in the interests of clearness and certainty that appellate courts should state the reasons upon which their decisions rest. The custom which gradually grew up produced that great body of reports from which is derived the common law of England and America, and the great value of which has been universally recognized by jurists and statesmen. Edmund Burke said that English law had "not any other sure foundation, nor consequently the lives and property of the subject any sure hold, but in the maxims, rules, principles, and judicial traditionary line of decisions contained in the notes taken, and from time to time published, called reports," and that 'to give judgment privately is to put an end to the reports, and to put an end to the reports is to put an end to the laws of England.'

There is of course a golden medium between judgments rendered privately or orally and the opinions of infinite length with which the courts have almost overwhelmed the legal profession. The correct general theory is found in this statute. The opinions should be in writing, and the grounds of the decision should be stated as briefly as may be consistent with clearness. But the exact form and manner in which decisions shall be rendered are questions of judicial rather than of legislative determination. No legislature has ever, so far as we have been able to learn, attempted to make the validity of a decision dependent upon the exact form in which it is expressed. Presumably no legislature intends to impose upon the courts conditions and restrictions which will render them incapable of performing their functions properly and efficiently. The results which would follow strict compliance with a statute of this nature may properly be taken into consideration in order to determine whether or not the Legislature intended the statute to be mandatory or merely directory. It should not be assumed in the absence of specific language to the contrary that a legislature intended that the rights of parties should be seriously affected by the failure of a court or some officer to comply strictly with the statutory requirements as to the manner of official action. Legislatures often enact statutes for the purpose of providing an orderly procedure for the conduct of public business, but procedure is secondary in importance to substantive rights, and the nonobservance of such procedure should never be permitted to affect substantive rights, unless the intention of the legislature is clearly expressed. It is desirable that courts should state the grounds upon which their decisions rest, but it is possible to conceive of conditions under which strict compliance with a statute requiring this would be impracticable or even impossible. Instead of protecting the interests of litigants by securing a prompt and orderly administration of the law, it would then result in obstructing or stopping the wheels of the judicial machinery, to the prejudice of all parties. There can be but one decision by any court, and it must be the result of the concurrent judgment of a majority of the justices constituting that court. The legislature can not compel the minds of men. The law has no mandamus to the logical faculty. It is not unusual for the majority of the members of a court to agree to a common conclusion, while being unable to agree upon the grounds or reasons leading to that conclusion. Individuals have different methods of reasoning, but the conclusion of the majority of a court is the decision of the court, regardless of the views of the members as to the reasons which induce that conclusion.

A strict and literal compliance with this statute would often render it impossible for the court to decide a case. The Act declares the manner in which the Supreme Court shall perform the strictly judicial act of giving final expression to its decision, but it does not say that the failure to comply therewith shall render the decision ineffective. The direction is as to a matter which is not of the essence of the thing to be done, and there is nothing to suggest that the Legislature intended that strict compliance therewith should be essential to the validity of a decision duly and formally rendered in some other regular manner. It seems to be universally held that statutes of this nature are merely directory, and that compliance therewith is not necessary to the validity of the proceedings. A somewhat similar question arose in West Virginia. A provision in the constitution required the supreme court to "decide every point fairly arising upon the record, and give its reasons therefor in writing." This provision was held not to affect the common law doctrine of *res judicata*.

"Notwithstanding that clause in the constitution [said the court] if the points are involved in the issue, they are res judicata, although not mentioned in the opinion of the court or noticed by counsel on either side. That clause of the constitution is merely directory to the court, and it ought to be followed; but it does in no wise change the common law rule as to the doctrine of res judicata. The contrary doctrine would lead to endless litigation; and no suitor could know when his controversy was terminated. There would be anything but repose in such a construction of the constitution as that." (Henry vs. Davis, 13 W., Va., 230.)

Section 15 of Act No. 136 expresses a proper rule which should be observed by the court unless there is some substantial reason for departing therefrom, but if such reason exists, the judicial action can not be controlled by legislative directions. In holding that this statute is directory, we assume that the Legislature did not intend to control the action of the court against its judicial judgment.

There is, however, a broader ground upon which the decision may be placed. The doctrine is well established in the various States of the Union that the legislatures have no power to establish rules which operate to deprive the courts of their constitutional authority to exercise the judicial functions. A constitutional court when exercising its proper judicial functions can no more be unreasonably controlled by the legislature than can the legislature when properly exercising legislative power be subjected to the control of the courts. Each acts independently within its exclusive field.

But counsel asserts that the courts of the Philippine Islands are not constitutional courts, and "that Act No. 136, the Acts of Congress and the Commission are the Constitution as far as this Supreme Court is concerned." We are unable to accept this as a correct statement of the law. In a certain sense these courts are not constitutional courts. In a broader sense, and for the purposes of construing and testing the validity of the Acts of the Philippine Legislature, they are constitutional courts, because they, like the Legislature, exist by virtue of a written Organic Law enacted by the supreme legislative body. The validity of all legislative Acts must be determined by their compliance with this Organic Law, and the determination of the legal question of compliance or noncompliance therewith is a judicial question, which must in the last analysis be determined by the judiciary. This principle is inherent in every government organized under the American system which distributes the powers of government among executive, legislative and judicial departments. In the absence of a restrictive provision in the Organic Law, a grant of the legislative power means a grant of all the legislative power; and a grant of the judicial power means a grant of all the judicial power which may be exercised under the government. With the peculiar restrictions upon the power of the Philippine Government, which lie back of the general statement already made, we have no concern at the present time. Within the relation created by the Acts of Congress the general principles of American constitutional law apply whenever they can be made applicable. The motion is therefore denied.

Torres, Mapa, Johnson, Carson, and Moreland, JJ., concur.

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