

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. REYNALDO RAMOS Y LINAO, DEFENDANT AND APPELLANT.

G.R. No. L-1029. November 28, 1947

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is a case certified to this Court by the Court of Appeals upon the ground that it is "of the opinion that the penalty that should be imposed in this case is reclusion perpetua, as recommended by the Solicitor General, and not reclusion temporal, as imposed by the lower court."

When this certification was submitted to this Court, the question arose as to the procedure to be followed by the Court of Appeals in certifying cases to this Court under section 145-K of the Revised Administrative Code, as amended by Republic Act No. 52, which reads as follows:

"Whenever in any criminal case submitted to a division the said division should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal."

The jurisdiction of this Court predicated upon the opinion of the Court of Appeals, as provided in the above-quoted provision of the law, must of necessity depend upon the correctness of that opinion. There is nothing in the law precluding this Court from exercising its authority to pass upon such question which concerns its own jurisdiction. And in order that this Court may exercise its power of review, the Court of Appeals is bound to make in its order of certification such findings of facts as are necessary to support its conclusion that either life imprisonment or death is the penalty to be imposed. This is indeed covered by Rule 52, section 3, which provides that where a court to which an appeal has been taken has no appellate jurisdiction over the case and it certifies the same to the proper court, it must do so "with a specific and clear statement of the grounds therefor." The requirement of clear and specific grounds is precisely a device to prevent erroneous transmissions of jurisdiction from a lower to a superior court.

Furthermore, the words "shall refrain from entering judgment thereon" appearing in the provision above quoted, are a sufficient indication that the Court of Appeals, at the time of certifying the case to this Court, had already examined the evidence and was ready to render judgment on the merits, but having found from the facts established by proof that the penalty to be imposed is either death or life imprisonment, instead of entering judgment thereon, it certifies the case to the Supreme Court for final determination. Since the certification is the only ground for determining our jurisdiction, it must contain not only conclusions of law but also findings of fact, the latter being more important than the former for they supply the real basis for determining jurisdiction. This is similar to a complaint or petition filed in a court, which must show on its face the jurisdictional facts, and the court will assume jurisdiction where the facts thus set out are sufficient, regardless of whether it turns out upon trial or hearing that the sum to be recovered or the penalty to be imposed is within the jurisdiction of lower courts.

The instant case cannot be compared with cases coming directly from a Court of First Instance wherein either life imprisonment or death penalty is imposed, for in such cases, if we assume jurisdiction even where the judgment appears to be erroneous on its face, it is because the Court of First Instance has already exhausted its jurisdiction by rendering judgment on the merits containing both findings of fact and conclusions of law, and under such circumstance it is more practical for the administration of the law that this Court should exercise its appellate jurisdiction by examining the evidence and correcting all errors both of fact and of law that might have been committed by the trial court. But here, the Court of Appeals is refraining from rendering judgment on the merits and is refusing to complete the exercise of appellate jurisdiction because it believes that such jurisdiction belongs to the Supreme Court and thus, it proceeds to transfer the case to this Court. It is in that transfer that we believe we may intervene in order to prevent an erroneous transfer.

As a matter of fact, we have been so doing in other cases transferred to this Court under section 145-H of the Administrative Code. Under such provision, whenever an appeal is taken erroneously to the Court of Appeals, the case shall be sent to this Court "which shall hear the same as if it had originally been brought before it." Some of the cases transferred to this Court under this provision have been returned to the Court of Appeals, thus reversing the opinion of that court on questions of law relating to jurisdiction. And there can be no reason why the same thing cannot be done in cases transferred under section 145-K of the Administrative Code.

It is already a rule that this Court may reject claims upon its jurisdiction, predicated upon issues that are not real or substantial. Thus, we have rejected direct appeals to this Court upon the issue of jurisdiction which was found to be unsubstantial and not real. (*People vs. Imas*, 64 Phil., 419; *Uy vs. Villafranca*, 64 Phil., 561.) And in at least one instance, we rejected an appeal found to be frivolous. (*De la Cruz vs. Franco*, 1 Off. Gaz., June 1942, p. 582.) If this is so, there can be no valid reason why we cannot reject transfers made by the Court of Appeals which we find to be not only unsubstantial but clearly erroneous or contrary to law.

Section 145-K of the Administrative Code is merely a method designed to make effective the appellate jurisdiction of both the Court of Appeals and this Court, as defined by law. According to the law of jurisdiction (section 138, Revised Administrative Code, as amended by Commonwealth Acts Nos. 3 and 259), offenses, for which the penalty imposed is death or life imprisonment, including offenses arising from the same occurrence or committed on the same occasion, come within the appellate jurisdiction of the Supreme Court, and the remaining offenses fall within the appellate jurisdiction of the Court of Appeals. To hold that this Court is bound to assume jurisdiction over an offense only because the Court of Appeals, through mistake, believes that the penalty to be imposed is either life imprisonment or death, which in truth and according to the findings of fact of that same Court, the penalty should be lower or much lower, is tantamount to sacrificing substance to form and to subordinating jurisdiction to a mere matter of method or procedure.

We are of the opinion and so hold, therefore, that in a case like this, the Court of Appeals, in certifying it to this Court, must state its findings of fact necessary to support its conclusion that the penalty to be imposed is either life imprisonment or death. While this Court will not review the findings of fact, it will pass upon the correctness of the legal conclusions derived therefrom. And if this Court finds the conclusions to be correct, it will assume jurisdiction. If it finds them to be wrong, the case will be returned to the Court of Appeals.

Messrs. Justices Paras, Feria, Pablo, Perfecto, Hilado and Briones agree with this theory. Messrs. Justices Bengzon, Padilla and Tuason do not.

The present case is, however, accepted by this Court because the order of certification issued by the Court of Appeals is in substantial compliance with the requirements of the law and of the rules for it makes reference to the opinion and recommendation of the Solicitor General whose brief contains sufficient findings of fact to warrant

the conclusion that life imprisonment should be imposed upon the appellant.

Messrs. Justices Pablo, Perfecto and Padilla agree with this conclusion. Messrs. Justices Bengzon and Tuason agree on other grounds. Messrs. Justices Paras, Feria, Hilado and Briones do not.

From all the foregoing, let the appeal in this case take its course in this Court until final determination upon its merits.

Paras, Feria, Pablo, and Hilado, JJ., concur.

MORAN, C. J.:

I certify that Mr. Justice Briones voted in the manner stated in this opinion.

CONCURRING AND DISSENTING

PERFECTO, J.:

Robbery with rape committed in Manila on April 5, 1946, is the crime imputed to appellant. Finding him guilty, the Court of First Instance of Manila sentenced him to from 8 years and 1 day of prison mayor to 17 years, 4 months and 1 day of reclusion perpetua, to indemnify Filomeno Lerias and his family in the sum of P2,380 without subsidiary imprisonment in case of insolvency and to pay the costs. On October 11, 1946, the record of the case was on appeal received in the Supreme Court. Sometime between November 11, 1946, and March 15, 1947, the case was transferred to the Court of Appeals. The case was heard and submitted for decision on July 9, 1947. On the same day the Second Division of the Court of Appeals promulgated a resolution certifying the case to the Supreme Court in accordance with section 145-K of the Revised Administrative Code, as amended by section 2 of Republic Act No. 52, because the division was of opinion that the penalty that should be imposed to appellant is reclusion perpetua. No reason is advanced in the opinion in support of the conclusion, although it mentions the fact that the Solicitor General recommended that reclusion perpetua be imposed upon appellant.

The resolution of transfer to this Court is before us for action. Controversy has arisen as to the interpretation of section 145-K of the Revised Administrative Code, as amended by Republic Act No. 52, the one recreating the Court of Appeals. We will express succinctly our own interpretation. Said section reads as follows:

"Whenever in any criminal case submitted to a division the said division should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal."

The provision calls for the following procedural steps:

- That a criminal case be submitted for decision to a division of the Court of Appeals, presupposing the processes leading to have the case ready for final action.
- That the division had formed the opinion that the appellant is guilty and that the penalty of death or life imprisonment, should be imposed. The opinion must be based on conclusions of fact and of law, requiring, therefore, study of the evidence, deliberation by the division, and agreement or unanimity as to the facts proved and as to the law applicable. In brief, the division should do all that it should if it had to render decision on the case.
- That on certifying the case to the Supreme Court for final determination, the division should state in its opinion

the reasons why death or life imprisonment should be imposed.

- That upon receiving the certification, the Supreme Court shall determine if, upon the facts found by the Court of Appeals, its conclusion that death or life imprisonment should be imposed is correct or not. If it should find it correct, it shall take steps in order to dispose of the case for final decision. If otherwise, the Supreme Court shall proceed to render decision upon the facts found by the Court of Appeals by imposing to the appellant the penalty provided by law.

- That in case the Court of Appeals should certify a criminal case to the Supreme Court without conclusions of fact, the case should be remanded to the Court of Appeals with instruction to make findings of fact and render its opinion or decision upon them. Without said findings of fact, the Supreme Court is not in a position to determine whether the opinion of the Court of Appeals is correct or not.

The resolution of the Court of Appeals in this case does not contain any finding of fact. No reason is adduced in support of its conclusion that life imprisonment should be imposed upon appellant. This Court is not in a position to determine whether the resolution is correct or not. The fact that the Solicitor General has recommended reclusion perpetua as penalty is immaterial. The Court of Appeals must base its conclusion upon its own findings, not upon the findings made by the Solicitor General. The need of expressing its findings of fact, imposes on the Court of Appeals the duty of studying the evidence, in which it will determine whether the appellant is guilty or not.

We conclude that the case should be remanded to the Court of Appeals so that it may be able to write an opinion with conclusions of fact, in the same way as if it had to render a decision in accordance with the provisions of the Constitution.

We notice that in the controversy, the dignity, prestige, and feelings of tribunals and judges are being mentioned as arguments. We deem it our duty to express our disagreement with the use of such things as arguments in a matter of law. In matters of law and justice, the dignity, prestige, and feelings of tribunals and judges are not involved. They are considerations which are completely foreign. Law does not deal with the feelings of those who are called upon to administer it. Justice has no favors nor fears, and never takes into account whether its decisions affect or not the sensibilities or susceptibilities of anyone. In matters of justice, there is nothing affecting the personality of those who are called upon to administer it.

We vote to remand the case to the Court of Appeals with instruction to make an opinion with findings of fact.

DISSENTING

TUASON, J.:

I dissent in so far as the resolution holds that it is necessary for the Court of Appeals or a division thereof to state the reasons for its opinion that death penalty or life imprisonment should be imposed. I particularly dissent from the ruling that if this Court "finds them (Court of Appeals' conclusions) to be wrong, the case will be returned to the Court of Appeals." This Court's interpretation does not accord with the plain language of section 145-K of the Revised Administrative Code as amended by Republic Act No. 52, section 2, quoted in the resolution. Moreover, this interpretation would lead to anomalous results. Having regard to the relationship between the different courts and the nature of judicial processes under the scheme upon which the Philippine courts are organized, as well as to the literal sense of the terms of the law, it seems obvious that the opinion of the Court of Appeals is, under our judicial set-up, final as far as that Court is concerned, regardless of the correctness of the opinion. It appears to me

from the words of the law, considered in relation to the working of the Philippine courts, that when a case is certified to this Court, it is placed, by force of the Court of Appeals' opinion, within the jurisdiction of the Supreme Court to decide on the merits. This is the literal import of the clause in section 145-K of the Revised Administrative Code, "for final determination, as if the case had been brought before it on appeal." And as I have stated and will later explain more fully, the Legislature could not have intended to give this section the meaning which this Court's resolution attaches thereto. We are to presume that the Legislature realized that this Court might not always agree with the Court of Appeals, and yet it made no proviso that in the event of disagreement the Supreme Court might or should remand the cause to the Appellate Court. Section 145-H of the Revised Administrative Code as amended makes such provision when an appeal is erroneously taken to this Court or to the Court of Appeals. The other inference we can draw from the absence of similar provision from section 145-K is that the phrase "as if the case had been brought before it on appeal" denotes an appeal taken to this Court properly, regularly and according to law, and not through ignorance, mistake or inadvertence of the appellant or the clerk of court.

Quite apart from the explicit wording of the law, the resolution of the majority will lead to an untenable situation and unnecessary waste of time without any compensating benefit. Slight reflection, I trust, will illustrate my point. But before I go ahead, let me call attention to the fact that this Court's resolution is obscure and apparently contradictory in one important particular. The resolution orders that "the appeal in this case take its course in this Court until final determination upon its merits." This result has been reached on the sole basis of the Solicitor General's brief which the Court says suffices to take the place of a required reasoned certification by the Court of Appeals. I infer from the phrase "final determination upon its merits" that this Court will dispose of the appeal irrespective of the punishment which, upon review of the evidence, may be meted out to the appellant. If this be the intention, some explanation is needed to reconcile it with the pronouncement that if this Court "finds them (Court of Appeal's conclusions) to be wrong, the case will be returned to the Court of Appeals." Whatever the intention, the resolution will not, I dare say, bear analysis.

I will first assume that what this Court means is that it will refuse to take jurisdiction of the appeal if it discovers at any time before decision is handed down, that the appropriate penalty for the crime charged is less than imprisonment for life. On this assumption, this Court, in order that it may determine whether it will keep the case or return it to the Court of Appeals, will, if it is to be faithful to its duty and fair to the parties, have to study thoroughly the evidence, the pleadings and all other essential matters to arrive at a just conclusion. The study had to be as thorough and as conscientious as if the case were to be finally terminated here. Mere reading of the Court of Appeals' certification or the Solicitor General's brief would not do. I am at a loss to understand the statement that "while this Court may not review the findings of fact, it may certainly pass upon the correctness of the legal conclusions derived therefrom." I am unable to understand how this Court or any other court could tell the correctness of any legal conclusion unless it reviewed or knew the facts. The Court of Appeals' or the Solicitor General's findings of fact might be wrong or deficient. To resume, if this Court reaches the same conclusion as the Court of Appeals or the Solicitor General regarding the penalty merited by the crime, it will render final judgment; if it disagrees, it will send back the case to the Court of Appeals. In remanding the case, this Court will have to set out the reasons for its order or resolution, for the guidance of the court that is to render decision according to the tenor of the order, for the information of the parties and for the benefit of Philippine Jurisprudence. And, naturally, the Court of Appeals will be bound to follow the resolution of this Court, not only because it cannot punish an accused with death or life imprisonment, which in its opinion is the proper penalty, but also because it has to obey this Court's mandate.

Herein comes the incongruity or, if I may be allowed to say, useless waste of time. The above considerations will reveal the lack of any substantial good to be gained by the shuttling back of the case to the Court of Appeals. The

remand of the case is a meaningless formality after this Court has studied and deliberated on it and "utter[ed] the last word" which, in the nature of the Court of Appeals' relation to this Court and because of that Court's limited jurisdiction regarding penalty, strips the Court of Appeals of all discretion to render any decision according to its lights, the resolution of this Court to all intents and purposes lays down the law of the case and leaves nothing for the Court of Appeals to perform except what amounts to a ministerial or clerical function. Now, it may be asked, what in the name of reason prevents this Court from pursuing the only sensible course under the circumstances, speaking directly to the parties, disposing of the case once and for all, sentencing the appellant to a penalty justified by the circumstances of the offense, whatever the penalty may be, instead of making the Court of Appeals an automaton and perhaps doing violence to its feelings, its conscience and conviction. I fail to see how one course of action could impair this Court's integrity any more or any less than the other. In fact I can not see that the question of integrity enters into the scene at all. It is this Court's virtually telling the Court of Appeals to write a decision—with its inseparable statement of facts and reasoning which is contrary to its way of thinking—that would tend to produce the feared effects, not on this Court but on another court which has its own dignity, prestige, feelings which this Court can not afford to ignore.

Other grounds of objection suggest themselves. One that readily comes to mind concerns the appealability of the decision of the Court of Appeals under the situation I have endeavored to paint. Could the accused, in the event of conviction, appeal to this Court? If the answer is yes, would the appellant have much prospect of success? And would it be fair and just to the parties for this Court to review a decision which is nothing more than a reflection or concrete expression of its own findings and ideas? The appellant's chance of winning the appeal would be no greater than an ordinary litigant's chance of having a court reconsider and reverse its own decision. Delving farther into the consequences, do we not practically deprive the accused of the right of appeal granted him by the Rules of Criminal Procedure? And does not this Court in effect decide the case without having heard the parties in oral argument, a right to which they are entitled under the law?

If, on the other hand, this Court wants to convey the idea that it definitely acquires jurisdiction from the mere fact that it is satisfied with the Court of Appeals' showing in its certification or the Solicitor General's reasoning in his brief, even if in reality the certification or the brief be not supported by the evidence, then, I say again, with all due respect, that the resolution is devoid of any rational, ideal or practical objective, unless this Court believes that correct syllogism though predicated on incorrect analysis and synthesis of the facts, has the effect "of protecting the integrity of its own jurisdiction against possible misconceptions of the law by a lower court" But I do not believe that a procedure which pays homage to matters of form in absolute disregard of matters of substance can enhance the prestige or integrity of the courts. If it be argued, as insinuated, that a reasoned certification will "avoid its being whimsical or capricious," I beg to disagree. A certification in any form can be whimsical or capricious, if indeed it be possible to imagine that responsible judges could be swayed by whims or caprice from the path of duty.

Furthermore, reliance on the certification alone is fraught with danger to the cause of justice. Suppose, for instance, the Court of Appeals in its certification or the Solicitor General in his brief is right in holding that reclusion perpetua or death is demanded by the circumstances of the crime but fails to convince this Court. This is likely to happen when the facts are inadequately or improperly presented in the certification or brief. In that event the case will be remanded with the statement that in this Court's opinion the penalty imposed by the trial court ought not to be modified, and the Court of Appeals will render judgment affirming the appealed decision in pursuance of this Court's order, an order which, under this example, is erroneous born of a haphazard, superficial study of the proofs.

The explicit and positive language of the law read in the light of contemporary practice and procedure permits

only the conclusion that the certification by the Court of Appeals operates by its own force to shift the jurisdiction on the appeal to this Court. The Court of Appeals' opinion, like the judgment of a Court of First Instance, condemning a defendant to the electric chair or life imprisonment, gives the case a serious aspect which demands that the highest court should take control. If the penalty which the Court of Appeals believes should be imposed should turn out to be wrong, or if the accused should prove to be innocent or deserving of a lighter sentence than that given him by the trial court, final decision by this Court would not be incompatible with its exalted position in the judicial hierarchy. It is in exact conformity to the almost universal practice, based on a practical and rational administration of justice, of making a court finish a case once it has acquired initial legal jurisdiction over the same. Stated differently, and with particular reference to criminal cases appealable directly to the Supreme Court, it is not the penalty that should be imposed but the penalty that has actually been imposed by the Court of First Instance which gives this Court appellate jurisdiction. If the trial court sentences an accused to reclusion perpetua or death, this Court takes cognizance of the appeal even though the penalty has to be reduced or the defendant acquitted. This Court does not pause to inquire into the correctness of the sentence appealed from as a preliminary step to test this Court's appellate jurisdiction. When it finds that a lesser term of imprisonment is warranted, this Court does not wash its hands and certify the appeal to the Court of Appeals for decision; it itself lowers the penalty to the proper grade and puts an end to the case. By the same token and for stronger reasons, a certification by the Court of Appeals founded on the unanimous opinion of a division thereof that death or life imprisonment is called for by the crime, should be entitled to a consideration and respect no whit less than that accorded the judgment of a single judge of an inferior court and ought to confer upon this Court a jurisdiction no less absolute than that conferred by one trial judge's decision.

I do not think section 3 of Rule 52 of the Rules of Court cited in the resolution can be applied to cases (like the present) certified to this Court under section 145-K of the Revised Administrative Code as amended by Republic Act No. 52. I am inclined to think that this Rule of Court was promulgated with section 145-H of the Revised Administrative Code, as amended, in view, which provides that "all cases which may be erroneously brought to the Supreme Court or to the Court of Appeals shall be sent to the proper Court, which shall hear the same, as if it had originally been brought before it." The Rule of Court referred to makes specific reference to cases taken to the Court of Appeals over which it "has no appellate jurisdiction". The quoted phrase is another way of saying cases erroneously appealed. In a true and larger sense, the Court of Appeals has appellate jurisdiction of cases like the one under consideration. The instant appeal was properly brought before that Court, and, as a matter of fact, it could and should decide the case were it not for its belief that the penalty should be increased.

Other differences may be worth taking into account. A statement of the grounds of the Court of Appeals for certifying cases falling under section 145-H, while convenient to this Court is not likely to cause embarrassment or work unfairness to the parties. Neither the Court of Appeals nor this Court is obliged to advance under this procedure any opinion on the merits of the case. The jurisdiction of the Court of Appeals or of this Court in cases erroneously appealed can be, and usually is, determined from the issues formulated and the arguments adduced in the briefs. The courts are able to judge from the briefs alone whether questions of fact or only questions of law are submitted for decision, or whether the questions involved are, under the law or the constitution, ones that should go to one court or the other. And in passing on these questions, as I have said, the merits of the case do not have to be dragged into the discussion. But a certification under section 145-K goes to the very bottom of the prosecution. Lastly, while a certification under section 145-H is purely ministerial in character, as it has for its object the curing of a mistake of transmission or filing, certification under section 145-K is a judicial action which, as I maintain, and by the unequivocal meaning of the law, generates a new juridical situation that elevates the case on a higher plane of jurisdiction.

After the foregoing dissenting opinion was filed, the resolution of this Court was to a large degree rewritten. In

certain respects, the resolution as altered is a reply to my dissenting opinion. I make this explanation in order to account for discrepancies to be found between the text of the resolution and my references to and quotations from it. The resolution has not been changed on the basic grounds of my dissent, and on these fundamental propositions I have nothing to take from what I have stated. Regarding other features of the resolution, I have nothing to add beyond commenting on the statement that "The instant case cannot be compared with cases coming directly from a Court of First Instance wherein either life imprisonment or death penalty is imposed, for in such cases, if we assume jurisdiction even where the judgment appears to be erroneous on its face, it is because the Court of First Instance has already exhausted its jurisdiction by rendering judgment on the merits containing both findings of fact and conclusions of law, and under such circumstance it is more practical for the administration of the law that this Court should exercise its appellate jurisdiction by examining the evidence and correcting all errors both of fact and of law that might have been committed by the trial court."

In pointing to appeals from the Courts of First Instance to this Court as an example, I merely wanted to emphasize that this Court's jurisdiction is determined by what the lower courts say shall be the penalty and not what this Court believes. Considered in this light, the line which this Court draws to differentiate a judgment of a Court of First Instance and a certification by the Court of Appeals does not and can not matter. The presence of "findings of fact and conclusions of law" in the Court of First Instance's judgment and the absence of such findings and conclusions from the Court of Appeals' certification do not detract a whit from the force of the comparison I made between a judgment and a certification. The difference is purely one of practice and procedure, and one reason for the difference is that Courts of First Instance are expressly required by law to make such findings and conclusions while the Court of Appeals is not so required when it certifies a case under section 145-K of the Administrative Code as amended. The other reason for the difference is that the Court of First Instance deals with the merits of the case; the Court of Appeals is concerned essentially with jurisdiction.

In their fundamental aspects the two cases are the same. If "the Court of First Instance has already exhausted its jurisdiction by rendering judgment," as the resolution says, so has the Court of Appeals. I can not understand how it could be "more practical for the administration of the law that this Court should exercise its appellate jurisdiction" in one case than in the other. In both cases, there are findings of facts and conclusions of law by the Court of First Instance; in both cases we have the briefs of the parties; in one case the record and the evidence are as complete as in the other. The only difference I can perceive on this point is that in one case it is the Court of First Instance which opines that capital punishment or life imprisonment is the right penalty whereas in the other case the Court of Appeals substitutes its opinion for the trial court's regarding the penalty.

It is not only practical to review a case certified to this Court under section 145-K without a detailed explanation of the opinion, but findings of fact and conclusions of law by the Court of Appeals would constitute an unfair intrusion by a court which is not a party to the case, whose findings and conclusions have no place in the decision by this Court on the merits, and whose opinion the law or procedure has not provided the prejudiced party a means or opportunity of refuting.

When this Court says that it assumes jurisdiction of a direct appeal from the Court of First Instance "even where the judgment appears to be erroneous on its face," it unconsciously admits the dispensability of findings of fact and conclusions of law by the Court of Appeals as a practical necessity. And this Court must agree that if its appellate jurisdiction can be exercised unhampered by manifestly incorrect or unsound findings and conclusions in the appealed decision, an unreasoned opinion by the Court of Appeals should not give cause for objection on the score of practical utility. As a matter of fact, since the creation of the Court of Appeals, more than ten years ago, the uniform practice has been for that Court or the various divisions thereof to certify cases to this Court under section 145-K of the Administrative Code as amended without giving the reasons for their opinion. No

hitch ever developed in the cases so certified to retard or inconvenience their disposition by this Court.
Bengzon and Padilla, JJ., concur in the foregoing dissent.

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