

****Title:****

Tze Sun Wong v. Kenny Wong, 749 PHIL. 206 (2007)

****Facts:****

Tze Sun Wong, a Chinese national, immigrated to the Philippines in 1975, acquiring permanent resident status in 1982. He studied, married, and resided in the country, eventually owning a travel company. On September 12, 2000, Kenny Wong, proprietor of San Andres Construction Supply, filed a complaint against Tze Sun with the Bureau of Immigration (BOI) for misrepresentation in his driver's license application, where Tze Sun claimed Filipino citizenship. Kenny Wong alleged that Tze Sun and his business partner Tina Yu had issued bounced checks amounting to Php 886,922. Despite Tze Sun's defense that another person erroneously filled in his application, the Special Prosecutor found probable cause and filed deportation charges.

The BOI Commissioner issued a Mission Order to verify Tze Sun's immigration status, which was endorsed to the Board of Special Inquiry. On October 2, 2002, the BOI Board of Commissioners ordered Tze Sun's deportation for illegal use of alias (Joseph Wong) and misrepresentation, per Section 37 (a) (7) and (9) of Commonwealth Act No. 613 as amended by RA 6085. Tze Sun's motion for reconsideration was denied by the BOI on December 4, 2002, prompting an appeal to the Secretary of Justice (SOJ).

Acting Secretary Ma. Merceditas N. Gutierrez affirmed the BOI's ruling on March 22, 2004. Tze Sun's subsequent motion for reconsideration was denied by Secretary Raul M. Gonzalez on September 9, 2005, leading Tze Sun to file a certiorari petition with the Court of Appeals (CA).

****Issues:****

1. Did the CA correctly determine that Tze Sun chose the wrong legal remedy by filing a petition for certiorari instead of an appeal via Rule 43?
2. Whether the BOI Board of Commissioners' decision was null due to only being signed by two commissioners?

****Court's Decision:****

****1. Legal Remedy - Wrong Procedure:****

The Supreme Court affirmed the CA's decision, highlighting that decisions from the BOI Board of Commissioners should be appealed directly to the CA under Rule 43, based on jurisdiction over quasi-judicial bodies' decisions in accordance with Section 9(3) of Batas

Pambansa Bilang 129. The CA correctly noted that petitioner's direct resort to certiorari from the SOJ's decision was inappropriate. An ordinary appeal should have been pursued, and petitioner's certiorari petition was denied on procedural grounds.

****2. Substantive Claims and Factual Issues:****

The Supreme Court stressed that factual findings from administrative bodies such as the BOI are generally accorded respect and finality, especially when supported by substantial evidence. Tze Sun's assertion that misrepresentations in the driver's license application were due to another's errors remained uncorroborated and self-serving without independent proof.

****3. Decision Validity with Two Commissioners:****

On the claim regarding the improper signing of the BOI's decision by only two commissioners, the Supreme Court clarified that Section 8 of the Immigration Act allows for a decision by any two members to prevail. Tze Sun's argument on the lack of full deliberation lacked evidence, and the presumption of regularity in the BOI's procedures stood firm. The subsequent affirmation and signing of the earlier decision by all commissioners further validated the decision.

****Doctrine:****

- Proper remedy from decisions of the BOI Board of Commissioners is an appeal under Rule 43 to the Court of Appeals.
- Substantial evidence supporting factual findings of administrative bodies warrants judicial deference.
- Decisions by BOI require signature concurrence of at least two commissioners as per Section 8 of the Immigration Act.
- Presumption of regularity for official acts requires clear and convincing contradictory evidence to rebut.

****Class Notes:****

1. ****Legal Remedies and Appeals****: Rule 43 applies to appeals from decisions of quasi-judicial agencies.
2. ****Immutability of Administrative Decisions****: Factual determinations by administrative bodies are generally binding unless shown to lack substantial evidence.
3. ****Board of Commissioners Decision****: Decision by any two members of a three-member board is sufficient.
4. ****Presumption of Regularity****: Official acts are presumed correct unless proven

otherwise.

****Historical Background:****

This case highlights the stringent adherence to immigration laws and processes of administrative bodies like the BOI. It underscores the judicial system's mechanisms to handle deportation cases, reflecting post-Marcos reorganization of adjudicatory and procedural laws under the 1987 Philippine Constitution, and the subsequent Administrative Code of 1987 (Executive Order No. 292). The pivotal role of the Secretary of Justice in reviewing immigration decisions correlates with efforts at transparency and accountability within the Philippine legal framework.