

SY CHUAN ALIAS LIM AH TONG, ET AL., PETITIONERS AND APPELLEES, VS. HON. EMILIO GALANG, ET AL., RESPONDENTS AND APPELLANT.

G.R. No. L-9793. December 29, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

The Solicitor-General has appealed from the decision of the Manila court of first instance ordering the Board of Special Inquiry, Bureau of Immigration, not to reopen the investigation it had been conducting re the proposed deportation of Sy Chuan alias Lim Ah Tong and seven other Chinese nationals, hereafter called petitioners.

It appears that the latter were the subject of deportation proceedings before said Board, acting by and under the authority of the Commissioner of Immigration; that after several hearings the investigation was declared terminated on August 3, 1954; that a few days after the submission of memoranda, upon motion of Alien Special Prosecutor A. B. Faustino, said Board issued an order reopening the probe for the purpose of allowing the complaining witness Sim Siu Lan further to testify on September 29, 1954; that on this last date the witness testified over the objection of the suspect aliens, whose counsel, in pursuance of their objection and after their motions to reconsider had been denied, applied to the Manila court for a writ of prohibitory injunction.

Such reopening, they asserted, would merely prolong and unduly delay the investigation to the irreparable prejudice of their clients, because the reason upon which the Board decided to reopen was whimsical and unsubstantial, for it was only to hear Sim Siu Lan anew, whose declarations already of record consisted of retractions after retractions, which now would again be retracted and/or re-hashed.

Besides other technical defenses, the respondent officials invoked their discretionary power and their efforts to arrive at the truth which, they believe, often blended with lies.

The parties submitted a stipulation of facts, in the face of which the judge found the Board to have exceeded its authority or abused its discretion in reopening the inquiry. Consequently, it prohibited said Board from taking into account the evidence submitted at the rehearing and from continuing to receive additional evidence.

In reaching this conclusion His Honor made these observations:

"The records show that on November 19, 1953, and on November 23, 1953, the witness Sim Siu Lan executed written statements in question-and-answer form before investigators of the Bureau of Immigration, denouncing the petitioners herein as having compelled her to engage in prostitution. On January 7, 1954, Sim Siu Lan executed an affidavit renouncing her previous declarations. During the formal hearing before the respondent Board of Special Inquiry, Sim Siu Lan, as witness for the Government, again denounced and implicated herein petitioners (pp. 46-54, t.s.n., deportation proceedings attached to record hereof). Subsequently, in the course of the same formal hearings, Sim Siu Lan retracted her previous testimony (See sworn statement attached to Annex "A" of the petition). Now, the witness would have the cases reopened as that she may again retract her retraction,

which she had previously repudiated, and re-arepudiated. To cap it all, on April 19, 1955, this same Sim Siu Lan subscribed and swore to an affidavit—which now forms part of the record of this case—before the deputy clerk of this Court, again absolving the herein petitioners."

* * * * *

"Admittedly, the rehearing was ordered upon the request of the complaining witness who, as the records show, had been examined and cross-examined thoroughly and at length not only before the Board of Special Inquiry, but also before other officers of the Bureau of Immigration. This seems strange, but the rehearing cannot on this score, alone, be considered abusive of discretion, although the practice has nothing to recommend it, and should not be permitted except for compelling reason."

* * * * *

"The Court is of the opinion and so holds that there exists no reason for the reopening of the hearings in the proceedings in question and that such a reopening would be arbitrary and capricious."

Undoubtedly, the above excerpts describe the relevant facts, save that Sim Siu Lan's affidavit before the clerk should not have been considered, since it was not before the Board when it acted. [1]

Probably had the incident occurred before a judicial tribunal, the court would not reopen in the exercise of its own discretion, because the witness seemed to be unreliable. But we are dealing here with an administrative body engaged in proceedings administrative in nature that do not need to be conducted strictly in accordance with court processes. Such body, as His Honor rightly acknowledged, has "broad authority and discretion", which should not be interfered with in the absence of abuse of power.[2] And in determining whether their act amounted to abuse, it should be remembered that respondents constituted a committee of inquiry actively to seek after truth and evidence, as distinguished from a court ordinarily to adjudge only from the proofs submitted to it, wherein or whereto the line of truth extends. For all we know, the members of the respondent Board may have wanted to rehear the matter not only to clarify their doubts with further details, but also—and more important—to gather data and clues from which to deduce the connection which other aliens might have with the ugly business of prostitution in which this woman, Sim Siu Lan, had been engaged allegedly by force and intimidation. And having in mind that this was the first time[3] the investigation had been reopened, we are all of the opinion that no occasion has arisen for the courts to interfere.

Wherefore, the appealed decision should be revoked, and the petition for injunction is hereby denied with costs against petitioners-appellees.

Paras, C. J., Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

Judgment revoked, petition for injunction denied.

[1] Cf. Ty Buan vs. Collector of Customs, 34 Phil., 937

[2] Lao Tang Bun vs. Fabre, 81 Phil., 682.

[3] Cf. Conde vs. Judge, 45 Phil., 173; Mercado vs. Santos, 66 Phil.

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