

LIM SON, PETITIONER AND APPELLANT, VS. THE BOARD OF COMMISSIONERS OF THE BUREAU OF IMMIGRATION, RESPONDENT AND APPELLEE.

G. R. No. L-18622. October 30, 1962

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/41168ac38a61/>

CONCEPCION, J.:

Appeal by petitioner Lim Son from a decision of the Court of First Instance of Manila.

On February 29, 1960, said petitioner commenced this special civil action in said Court, to secure a writ of certiorari and prohibition with preliminary injunction against respondent, Board of Commissioners of the Bureau of Immigration, mainly to enjoin the latter from proceeding with his deportation from the Philippines. After a hearing on the petition for a writ of preliminary injunction, the same was denied. Subsequently, respondent filed its answer, and, after several postponements of the hearing on the merits, petitioner, without introducing any evidence, submitted the case for decision, upon the filing of the memoranda of the parties. Thereupon, the lower court rendered its aforementioned decision. A reconsideration thereof having been denied, petitioner interposed the present appeal.

It appears that on October 12, 1949, a warrant for petitioner's arrest was issued for the purpose of deporting him, under Section 37 (a) (9) of the Philippine Immigration Act of 1940, upon the charge that he had given false testimony under oath in an administrative investigation conducted by the Bureau of Immigration. The Board of Commissioners of Immigration found petitioner—in a decision dated July 14, 1955, in immigration Case No. 14708F—guilty as charged, and, accordingly, ordered his deportation. Said decision having become final, the corresponding warrant for petitioner's deportation was, On August 6, 1955, issued by the Commissioner of Immigration. A motion of petitioner to re-open the deportation proceedings was denied by said respondent Board on September 3, 1955. Petitioner took no further action on the matter until the institution, on February 29, 1960, of this case, in which he assails said decision as null and void, upon the theory that said Board had "acted without or in excess of its jurisdiction with grave abuse of discretion", but the Court of First Instance of Manila found this pretense devoid of merit, aside from holding petitioner guilty of laches. Hence, this appeal by petitioner.

He maintains that the lower court has erred in finding that his cause of action is barred by laches. Mere delay, he says, does not amount to laches, when there has been an irregularity in the procedure, and, there has been, he maintains, such irregularity in the present case, because his motion to re-open the deportation proceedings was denied by the Board of Commissioners, not by the Commissioner of Immigration, who, petitioner asserts, has, under Rule 3, Subdivision A, Section 21 of Administrative Order No. 1, the exclusive authority to act on said motion. There is, however, no merit in this pretense, for the Commissioner of Immigration is the Chairman of said Board, so that the action of the latter is, also, actually an action of the former. Moreover, considering that the decision of the Board finding petitioner guilty of false testimony was rendered on July 14, 1955, and that he neither assailed the action of the Board until February 29, 1960, nor tried to explain this long inaction, we find

that the lower court was justified in declaring petitioner herein guilty of laches. Regardless of the foregoing, there is no reason to review the decision of the Board of Commissioners there being absolutely no evidence that the same had committed a grave abuse of discretion in finding petitioner guilty of false testimony.

One other point. Nobody appeared before this Court at the hearing of this case, on July 20, 1962. Five (5) days later, counsel for petitioner filed an unverified motion, alleging that his failure to attend said hearing was due to his presence in Samar in connection with several cases, neither the number nor the title of which he gave, that he did not return to Manila until July 24, 1962, and that it was only on July 25, 1962 that he received the notice of said hearing, and praying, accordingly, that this case be re-scheduled for hearing. The motion is denied, it appearing that the notice of hearing was mailed on July 13, 1962 that it was received in the office of the postmaster of Caloocan City where counsel for petitioner resides, on July 14, 1962, and that it could not be delivered to said counsel prior to July 24, 1962, owing to his absence from Caloocan up to such date. Besides, the appeal and the case in itself are so manifestly devoid of merit that another hearing would merely delay further the execution of a valid decision that has been final since 1955.

The decision appealed from is, therefore, affirmed, with costs against petitioner. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.