

CO PIAN, PLAINTIFF AND APPELLANT, VS. THE INSULAR COLLECTOR OF CUSTOMS, DEFENDANT AND APPELLEE.

G.R. No. 11098. March 21, 1916

Ponente: JOHNSON, J.

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JOHNSON, J.:

It appears from the record that the plaintiff arrived at the port of Manila, together with one hundred and twenty-three other aliens, on the steamship Linan on or about the 26th of April, 1915, and asked permission to enter the Philippine Islands. Some question arose concerning his right to enter and the question was referred to a board of special inquiry which found that Co Pian is a Chinese laborer, coming to the Philippine Islands without the certificate required by law, and refused him the right to land. From that decision of the board of special inquiry an appeal was taken to the Collector of Customs who, after examining the evidence adduced before the board of special inquiry and considering all of the facts and circumstances of the case together with the arguments of counsel, and being fully advised in the premises, adjudged and decided that the appeal should be overruled and denied.

On the 27th of July, 1915, the plaintiff presented a petition for the writ of habeas corpus in the Court of First Instance of the city of Manila, to which petition the Attorney-General duly made answer.

Upon the issue presented by the petition, the answer of the Attorney-General and the evidence taken before the board of special inquiry, the matter was referred to the Honorable James A. Ostrand, judge, who reached the conclusion that:

"There is no evidence now before the court showing an abuse of discretion on the part of the administrative officials, and such errors of law as there may have been do not appear to have been substantial.

"It is not disputed that the petitioner was born in China and has been living there ever since; that he is now thirty years of age, and that his father was a Chinaman. These facts alone would, in the opinion of the court, be sufficient to justify his exclusion, whether his mother was a Filipina woman or not and whether or not his parents were legally married."

The lower court denied the petition for the writ of habeas corpus and ordered the plaintiff remanded to the custody of the Insular Collector of Customs for deportation. From that decision the petitioner appealed to this court.

Without now discussing the alleged errors assigned by the appellant, we are of the opinion and so hold that the judgment and sentence of the lower court should be and is hereby affirmed, with costs. So ordered.

Torres, Moreland, Trent, and Araullo, JJ., concur.

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