

CO PUY, PETITIONER AND APPELLANT, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLEE.

G.R. No. 11471. March 14, 1917

Ponente: MORELAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11471/>

MORELAND, J.:

This is an appeal by the petitioner from a judgment of the Court of First Instance of the city of Manila dismissing a petition for a writ of habeas corpus.

It appears on the record that on April 26, 1915, two Chinamen claiming themselves to be Co Puy and Co Pay, 25 and 20 years of age respectively, the illegitimate sons of a Filipino woman named Patricia and a Chinaman named Co Lian, arrived at the port of Manila from China and asked permission to enter the Philippine Islands. Permission was denied by the immigration authorities upon the ground that it was believed that they were Chinese persons or persons of Chinese descent and were not provided with credentials showing a right to enter. On the 3d of July, 1915 a petition for a writ of habeas corpus was filed in the Court of First Instance on their behalf and an order to show cause why the writ should not be issued was granted. After due hearing the petition was denied, as aforesaid, and an appeal taken.

There were several hearings before the board of special inquiry with reference to the right of the two Chinamen referred to to enter the Philippine Islands. At the first hearing entrance was denied to each of them. Later, on a rehearing, Co Pay was admitted but Co Puy was refused admission. Not less than six hearings were given by the board of special inquiry in this case. After the hearings were closed the board rendered a decision a part of which is as follows:

"The record shows that he (referring to Co Puy) was born in China; that when he arrived in these Islands he was 25 years old; and he stated at the original hearing that at about the age of 20 he left the home of his parents and became employed in a drug store; and had continued in such employment for four or five years until he departed for the Philippine Islands. If the detained Co, Poe (Puy) is the son of this Filipina woman, as claimed, in the opinion of the board he has expatriated himself by his voluntary act of remaining in China since attaining his majority and has maintained himself separate and apart from his home and lived to all intents and purposes as a subject of the Republic of China."

The board also said in its decision:

"In regard to Co Pay, the youngest of the detained, the Board is of the opinion that there is a reasonable doubt in his favor. The testimony given in all the hearings has been practically the same in regard to both boys, but has not been of a very convincing nature. But Co Pay has somewhat the appearance of a Chinese-Filipino mestizo and is still a minor and the Board therefore decides to give him the benefit of any doubt which may exist and allow him to land as the son of a Filipina woman.

"In regard to Co Poe (Puy) while the testimony has been practically the same as for Co Pay, his personal

appearance is decidedly that of a full-blooded. Chinese."

With regard to the character of the testimony given by the witnesses the board says:

"There are many questions asked of these witnesses to test their credibility, but the witnesses were generally unable to give any minor details that would tend to establish their credibility and render their testimony convincing and satisfactory evidence."

An appeal was taken from the decision of the board of special inquiry to the Collector of Customs where the decision was affirmed.

On the hearing on the order to show cause why a writ of habeas corpus should not be issued the trial court found that the customs officials had abused their discretion and exceeded their authority in excluding Co Puy from the Philippine Islands and, accordingly, found that it had jurisdiction to examine the case on the merits. The ground upon which the court based its finding that the customs officials had exceeded their authority and abused their discretion is stated by the court as follows:

"The attention of the Insular Collector of Customs having been, in the appeal taken by the petitioner, especially called to the subject of whether or not the petitioner has the appearance of a Chinese mestizo or that of a full-blooded Chinaman, with arguments or comments upon the subject by the attorneys for the petitioner, the court is of the opinion that it was the duty of the Insular Collector of Customs to inspect the person of the petitioner for the purpose of reviewing the finding of the board of special inquiry that petitioner's 'personal appearance is decidedly that of a full-blooded Chinese,' and his failure or refusal to do this was an abuse of the discretion, power and authority vested in him as the reviewing authority in such cases."

We are of the opinion that the trial court was in error in holding that the Collector of Customs had abused his discretion and exceeded his authority upon the ground stated. In the case of *Que Quay vs. Collector of Customs* (33 Phil. Rep., 128) this court-said:

"Ocular inspection by a court of the subject-matter in controversy is permitted by the law of the Philippine Islands in certain cases and the right of the court to inspect in other cases has been recognized by many decisions of the Supreme Court. In such cases, whether it be by a commission in condemnation proceedings, or by a judge of the land court in proceedings for the registration of title, or by the Court of First Instance in the location of boundary lines, an ocular inspection by the court or commission has frequently been made the basis of a judgment of the Supreme Court sustaining the decision of the trial court or commission. In such cases the lands inspected are not before the Supreme Court nor is the boundary line as seen by the trial court, or the lay of the ground, the natural contour, the location of trees and other natural objects, and all other indications which lead the court as a result of an ocular inspection to say that the land or the boundary line lies in one place instead of another—none of these things are before the Supreme Court when it renders its decision. Nevertheless, the judgment of the court based on these facts and circumstances is accepted and they are given their due weight in this court. Wounds, weapons, and localities are objects of frequent inspection by trial courts in criminal cases, yet none of these may be before the appellate court. The personal appearance of an accused or a witness will many times tell a court whether he is testifying falsely or truly and will be an element in determining the sentence which will be imposed. Yet these facts may never come to the attention of the appellate court when the case is appealed by the accused. The rule requiring this court, in passing on a question of fact on which the trial court has based its decision, to give due weight and consideration to the fact that the trial court saw the witnesses when they testified and observed their manner on the stand, touches the same principle as the right and necessity of a board of special inquiry to take into consideration the language, personal appearance, and characteristics of an alleged Chinese alien seeking to enter the Philippine Islands, and permits the Collector of Customs to decide the case on appeal although he may never

have seen the person from whose language, appearance, dress, manner and deportment the board of special inquiry drew important conclusions."

The trial court having erred in finding that the Insular Collector of Customs had abused his discretion and exceeded his authority, it also erred in deciding the case on the merits. In the case of *Valdezco Sy Chiok vs. Insular Collector of Customs* (33 Phil. Rep., 406) this court said:

"From this it is clear that, while the court in which the proceeding for the writ is pending may hear evidence on the merits, it can do so only when it has been established to its satisfaction that the customs officials abused their authority or violated the law in refusing to give the hearing which the law required, or in some other manner. Moreover, the mere fact that the decision of the customs official or officials was wrong does not establish the right to be heard on the merits in the court in which the proceeding for the writ is pending."

The judgment appealed from is affirmed, with costs against the appellant. So ordered.

Torres, Carson, Trent, and Araullo, 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.