

DY CHIAN, PLAINTIFF AND APPELLANT, VS. THE INSULAR COLLECTOR OF CUSTOMS, DEFENDANT AND APPELLEE.*G.R. No. 11659. September 26, 1916*

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11659/>**JOHNSON, J.:**

This action arose by the presentation of a petition for the writ of habeas corpus in the Court of First Instance of the city of Manila. Due return was made by the Attorney-General to the said petition. After hearing the respective parties the Honorable Simplicio del Rosario reached the conclusion that the petitioner was not entitled to the writ prayed for and ordered him deported, and for that purpose ordered him returned to the custody of the Insular Collector of Customs. From that judgment the petitioner appealed to this court.

From an examination of the record certain facts appear to be undisputed:

First, that on the 18th of February, 1904, a "certificate of residence" was issued to the appellant, in accordance with the provisions of Act No. 702 of the Philippine Commission. By reference to said certificate it appears that the appellant was at that time residing in Manila, that he was a merchant and was at that time lawfully entitled to remain in the Philippine Islands.

Second, that on the 7th of January, 1914, the appellant, desiring to visit China, obtained from the Insular Collector of Customs a certificate which is generally known as a "Chinese laborer's return certificate."

Third, that on the said 7th of January, 1914, the appellant departed from the city of Manila for China on a temporary visit.

Fourth, that he returned to the city of Manila on the steamship Linan on the 17th of December, 1915, and tried to enter the Philippine Islands as a merchant; that he was refused permission to enter the Philippine Islands upon the theory that he had not returned within the period of one year from the date of his departure and had not obtained an extension of that period.

The petitioner and appellant was refused his right to enter the Philippine Islands, upon his return on the 17th of December, 1915, upon the theory that he was a laborer; that he had left the Philippine Islands and had not returned within one year thereafter, in accordance with the requirements of law; and that he had not secured an extension of the period of one year within which to return. If the petitioner is, in fact, a laborer and did not return within the period of one year, nor within the second year after having, in accordance with the provisions of law, secured an extension of time, he has lost his right to reenter the Philippine Islands. (*Tin Lio vs. Collector of Customs*, 32 Phil. Rep., 32; *U. S. vs. Vy Bo Tec*, 34 Phil. Rep., 160; Act of Congress of April 29th, 1902.)

Upon the other hand, if the appellant is, in fact, a merchant, as appears by the certificate of residence issued to him by the Collector of Customs of the Philippine Islands and is entitled to remain in the Philippine Islands, in accordance with said certificate issued under Act No. 702, then, as such resident, he would have a right to go and come, enter and depart at his own pleasure. Said certificate of residence was issued in the month of February,

1904. It is contended, however, that inasmuch as the appellant obtained the said "Chinese laborer's return certificate" in 1914, he is a laborer and not a merchant. No explanation is found in the record showing why the appellant obtained the "Chinese laborer's return certificate" in 1914, when he was already possessed of a certificate showing that he was a merchant and entitled to reside in the Philippine Islands in 1904. The "Chinese laborer's return certificate" must have been obtained under a mistaken view of his rights, for the reason that he was possessed at that time and had been for a period of ten years, of a certificate, issued by the Collector of Customs, showing conclusively that he was not a laborer, but was a merchant. The fact having been established in 1904 by an investigation by the department of customs and a certificate issued to the effect that he was a merchant and not a laborer, that status, so far as it affects his right to remain in the Philippine Islands, continues even though he has subsequently become a laborer. His status as a merchant having been established by a certificate of residence which was issued to him in 1904, he still retains the privileges of a merchant, although he subsequently became a laborer, so far as his right to remain in the Philippine Islands is concerned. (*Lim Pue vs. Collector of Customs*, 33 Phil. Rep., 519; *U.S. vs. Ye Chung*, 30 Phil. Rep., 151; *U. S. vs. Li Sui Wum*, 32 Phil. Rep., 151; *U.S. vs. Lim Kiu Eng*, 31 Phil. Rep., 115.) Neither do we believe that he has lost his right to enter the Philippine Islands simply because he did, without fully understanding his rights, obtain a laborer's return certificate.

No claim is made that the certificate of residence issued to the appellant in 1904 was issued to him by reason of any false representations made by him. No effort has been made to cancel it. It is still in full force and effect. Not only does said certificate of residence conclusively show that his status was that of a merchant, but an examination of the proof adduced during the hearing in the department of customs shows conclusively that he continued to be a merchant up to the time when he obtained the "Chinese laborer's return certificate" on January 17, 1914. Said certificate of residence, considered in relation with the proof adduced during the hearing, clearly shows that the appellant did not understand his rights at the time he returned to China in the month of January, 1914, for a temporary visit. The Collector of Customs having clothed the appellant with positive proof of his status as a merchant in 1904 should not now be heard to say that he was not a merchant at that time.

The Attorney-General, in a carefully prepared brief supported by much authority, recommends that the judgment of the lower court ordering the appellant deported be revoked and that the appellant be set at liberty. In that recommendation we concur for the reasons stated above. It is clearly an abuse of authority on the part of the Insular Collector of Customs to refuse to a resident of the Philippine Islands, who is armed with a certificate of his right to remain therein, a right to return to the Islands when he has left for a temporary visit abroad. We fully agree with the recommendation of the Attorney-General.

It is therefore hereby ordered and decreed that the judgment of the lower court be revoked, and it is hereby ordered and decreed that a judgment be entered to the effect that the appellant be ordered discharged from the custody of the law, with costs de officio.

So ordered.

Torres, Carson, Moreland, 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.