

J. J. J. ADDENBROOKE, PLAINTIFF AND APPELLEE, VS. JOAQUIN NATIVIDAD, AS COLLECTOR OF CUSTOMS FOR CEBU, DEFENDANT AND APPELLANT.*G. R. No. 16172. December 13, 1921*

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16172/>**STREET, J.:**

The plaintiff, J. J. J. Addenbrooke, resident of the city of Cebu, is the owner of a motor yacht, called the Cecilia, of about 22 tons gross, which is operated exclusively for pleasure and recreation, and is not engaged in carrying passengers or freight for profit. Said yacht is propelled by an oil burning internal combustion engine, and not by steam. Prior to the institution of this action, the defendant, Joaquin Natividad, collector of customs of Cebu, had required the plaintiff to place upon this boat, as master, a patron licensed for the minor coastwise trade, in supposed conformity with subsection (e) of section 1203 of the Administrative Code. In order to test this question, the plaintiff thereupon instituted this action in the Court of First Instance of Cebu, asking for a perpetual injunction to prevent the collector from taking any steps to enforce said requirement. Judgment having been there entered favorably to the contention of the plaintiff, the said collector of customs appealed.

The provision of law under which the defendant is proceeding requires that "Every steam vessel of less than one hundred gross tons shall have * * *: One patron in the minor coastwise trade, who shall have charge of the vessel as master/" etc.; and the concrete question here presented is whether a yacht, propelled like the Cecilia by an internal combustion engine, should be considered a steam vessel within the meaning of the language above quoted.

Among provisions pertinent to be considered in this connection we may refer to section 1419 of the Administrative Code, where the word "vessel" is so defined as to include all sorts of artificial contrivances used, or capable of being used, as a means of transportation by water; to section 1167, where it is required that every vessel of more than 3 tons gross used in Philippine waters, not being of transient or foreign register, shall be registered in the Bureau of Customs; and, finally, to section 1203, where provision is made as to the complement of officers to be carried on registered vessels. Upon examination of this section in its entirety it will be seen that, according to the classification there made, registered vessels are supposed to be either steam vessels (steamers) or sailing vessels. No third category, as that of motor boats, is recognized. Yet it is evident from the opening words of said section that it is intended to apply to "Every vessel registered in the Philippine Islands." Why did the law make casus omissus of the motor boat? In our opinion for the reason simply that the Legislature supposed, and intended, that the motor boat is included under the term "steam vessel."

This classification of the motor boat as a steam vessel may appear somewhat artificial, but that such was the intention of the Legislature is to be deduced not only from the form in which the requirements as to the proper complement of officers for the different sorts of vessels is expressed, but from the prior state of regulative provisions of the Bureau of Customs relative to this subject. Thus, we find that in the Customs Marine Regulations

which in the main were in force when Act No. 2614 (from which section 1203, Administrative Code is taken) was passed, the word "steam vessel" is defined as including any vessel propelled by machinery, except as otherwise provided.

(Customs Marine Circular No. 53, Oct. 22, 1912.)

The idea thus expressed is not unfamiliar to marine jurisprudence, as appears from the decision of one of the Federal District Courts of the United States, where it was held that the word "steam vessel" comprehends every vessel propelled by machinery. (*The Nimrod*, 173 Fed., 520.) The point arose in that case in connection with the observance of the rules of navigation for the prevention of collisions when vessels are passing; and while we would not consider it of decisive weight, the doctrine of that case is relevant here, for the reason that the requirements of our own law with reference to the necessary complement of officers are directly intended to promote the general safety in the navigation of the seas. In other words, the same general considerations that would require a licensed patron for a vessel propelled by steam would require such an officer on a vessel propelled by motor.

We may add that we see no sufficient reason for supposing that the Customs Marine Circular No. 53, was not in force when Act No. 2614 and Act No. 2711 (Administrative Code) were passed; and we believe that the provisions relative to the officers to be carried on Philippine vessels contained in these Acts should be interpreted, so far as practicable, consistently with the then existing marine regulations.

It has been suggested that the requirement as to the carrying of a licensed patron should not be understood as being applicable to boats used exclusively for pleasure and recreation; and in support of this suggestion the fact is pointed out that, by the provision referred to, the patron required to be kept on vessels of less than 100 tons is a patron in the minor coastwise trade. We consider, however, that the words "in the minor coastwise trade," as here used, have reference to the classification of the officer, and not to the character of the service to which the boat is applied. This seems to follow clearly from section 1200 of the Administrative Code, which defines the kinds of certificates to be issued to the officers of different types.

The conclusion to which we arrive is that there is no sufficient reason for excepting the *Cecilia* from the requirements of subsection (e) of section 1203 of the Administrative Code. The judgment must therefore be reversed, the injunction dissolved, and the defendant absolved from the complaint. So ordered, without costs.

Araullo, Avancena, and Villamor, JJ., concur.

Johnson, J., dissents.

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.