

DATARAM VALIEAM, HASSOMAL GHANSWANDAS AND RUPCHAND ASSANDAS, PETITIONERS AND APPELLEES, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.*G. R. No. 16643. October 29, 1921*

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16643/>**JOHNSON, J.:**

It appears from the record that said appellees arrived at the port of Manila on the steamship Niko Maru on the 27th day of October, 1919, and asked permission to enter the Philippine Islands. Some question arose concerning their right to enter, and a board of special inquiry was appointed for the purpose of examining into that question. The investigation commenced on the 4th day of November, 1919. The only witnesses presented were the applicants themselves.

After hearing the evidence, the board of special inquiry found that said applicants were not entitled to enter the Philippine Islands. From that decision an appeal was taken to the Collector of Customs, who affirmed the same. Later, the applicants presented a petition for the writ of habeas corpus in the Court of First Instance of the city of Manila. After a consideration of the record made in the department of customs, the Hon. George R. Harvey reached the conclusion that the petitioners were entitled to enter the Philippine Islands, granted the writ of habeas corpus, and ordered the petitioners discharged from the custody of the law. From that decision the Collector of Customs appealed to this court.

The appellees base their right to enter the Philippine Islands upon the claim that they are merchants. An examination of the record shows that they came from India, and from that part of India the inhabitants of which are prohibited from entering territory of the United States unless they belong to one of the exempted classes. They did not present any of the proofs required by the Act of Congress of February 5, 1917, to show that they belonged to one of the exempted classes. In the absence of such proof, the Collector of Customs was not only justified, but it was his duty under the law, to deny the right of the appellees to enter the territory of the United States.

The appellee, Dataram Valiram, attempted to show, by his own declaration, that he had been in the Philippine Islands before on several different occasions, covering a period of six or seven years, and that while here, on the former occasions, he was employed or engaged as a merchant; that when he left the Philippine Islands in 1917 or 1918, he severed his relations with the people with whom he had been engaged (if his statement is true) as a merchant; that he was returning at the present time for the purpose of engaging again in business as a merchant. In other words, he was returning to the Philippine Islands to become a merchant.

The theory of the law (Act of Congress of February 5, 1917) is, that aliens who desire to enter the territory of the United States shall enter because they are and have been merchants in the country whence they came, and not because they desire to enter the territory of the United States in order to become merchants. Upon the theory of the appellees, all aliens belonging to the prohibited classes— Chinamen and Indians—might enter the territory of the United States.

Aliens, even of the merchant class, who belong to the prohibited class, must furnish the evidence required by law before they can enter the territory of the United States. The appellees not having furnished the evidence required by law, the department of customs was justified in denying their right to enter.

There being no abuse of power or discretion shown on the part of the department of customs, the judgment appealed from is hereby revoked, and it is hereby ordered and decreed that the petitioners be returned to the custody of the Collector of Customs in order that the order of deportation heretofore made by him may be carried into effect, with costs against the appellees. So ordered.

Araullo, Street, Avancena, and Villamor, 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.