

JAO YAN ON BEHALF OF TEE LIOK HUY, PETITIONER AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. No. 31686. December 14, 1929

Ponente: JOHNS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-31686/>

JOHNS, J.:

The petitioner presented the evidence of himself and Tee Liok Huy, both of whom testified that they were married in China, as a result of which they had two children, and in its opinion the lower court said:

"The uncontradicted evidence of Jao Yan (or Hao Yan) is that he is married to petitioner Tee Liok Huy, by whom he has had two children. The wife's testimony corroborates this."

The lower court also said:

"The other ground for excluding the petitioner is that Chinese wives do not travel alone. Times change. When the undisputed evidence shows the immigrant to be the wife of a Chinaman lawfully in the country, it should be dangerous to exclude her on account of a highly technical presumption that in 1928, Chinese married women never travelled alone."

It is conceded that the only testimony of the marriage is that of the alleged husband and wife, and that no documentary or written evidence was submitted. Neither is there any other oral nor corroborating proof of any kind of the marriage.

The Attorney-General says:

"The customs authorities are not required to accept, as true, statements made by an alien applicant or by his witnesses. (Lim Cheng vs. Collector of Customs, 42 Phil., 876, 879; Tan Chin Hin vs. Collector of Customs, 27 Phil., 521; Gnilo vs. Collector of Customs, 32 Phil., 100; Ekiu vs. U. S., 142 U. S., 651.) Even though such statements are given under oath, the immigration officials are not required to accept them as true. (Jao Igco vs. Shuster, 10 Phil., 448; Tan Puy vs. Collector of Customs, 36 Phil., 900; Lim Cheng vs. Collector of Customs, supra; Chin Low vs. U. S., 18 Sup. Court Report, 201.)" Again, this court held, in an opinion promulgated March 21, 1929, in the case of Antonio Chua Chiac, in behalf of Ong Tio, petitioner, vs. Collector of Customs (53 Phil., 31), that:

"The decision of the board from which the appeal was taken finds in substance, and the brief of the Attorney-General assumes, that the petitioner and Ong Tio are husband and wife. The only proof on that point is the oral testimony of the petitioner and Ong Tio, both of whom testified that they were legally married according to the Chinese customs in Teng Tang, China, on February 10, 1927. That is the only evidence of their marriage, the legal proof of which is not contested by the Attorney-General. Be that as it may, in this class of cases, to prevent fraud and collusion, the evidence of the contracting parties should be corroborated by that of some other person or some official certificate. In other words, there should be some other competent evidence of a convincing nature which corroborates that of the contracting parties as to the existence of the

marriage."

That is to say, where the only evidence of the marriage is that of the contracting parties, which is not clear and convincing, and there is no documentary proof or corroborating evidence, the customs authorities are not legally bound to accept the evidence of the contracting parties as conclusive proof of their marriage in China. In case of any doubt, as in this case, they may well require documentary proof of the marriage or corroborating evidence of a clear and convincing nature.

We are clearly of the opinion that the errors assigned are well taken. The judgment of the lower court is reversed and the petition dismissed, with costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Ostrand, and Villa-Real, 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.