

LOO KAY CHAY, PETITIONER AND APPELLANT, VS. THE COLLECTOR OF CUSTOMS OF CEBU, RESPONDENT AND APPELLEE.

G. R. No. 33987. January 21, 1931

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

The appellant seeks admission to the country, alleging he is the minor son of a resident merchant of Cebu, named Loo Ang Chein. The majority of the members of the customs board of special inquiry in said port granted the admission, but upon the decision being appealed to the Insular Collector of Customs, the latter reversed it. The petitioner then instituted the instant proceedings for habeas corpus before the Court of First Instance of Cebu, which denied the petition. The petitioner appeals from this decision.

Counsel for the petitioner maintains that the court below erred in rendering judgment without sufficient evidence and contrary to law.

At the hearing before the court below, the evidence adduced before the board of special inquiry, as well as the documents with reference to the appeal to the Insular Collector of Customs, and the latter's decision were presented in evidence. There is, then, evidence in the case, which we deem sufficient to support the judgment appealed from, the decision of the Collector of Customs is based upon the weight of the evidence duly presented before him, and it is a doctrine in this jurisdiction that where there is evidence in support of the decision of the Collector of Customs, such decision must be respected, and courts cannot go into the sufficiency or admissibility of the evidence. (*Guevara vs. Collector of Customs*, 34 Phil., 394; *Molden vs. Collector of Customs*, 34 Phil., 493.) And it must be borne in mind that, as repeatedly held by this court (*Rafferty vs. Judge of First Instance of Cebu*, 7 Phil., 164; *Ngo-Ti vs. Shuster*, 7 Phil., 355; *Lo Po vs. McCoy*, 8 Phil., 343; *Jao Igco vs. Shuster*, 10 Phil., 448; *Tan Chin Hin vs. Collector of Customs*, 27 Phil., 521; *Chua Yeng vs. Collector of Customs*, 28 Phil., 591) in cases of Chinese immigration, the decisions rendered by administrative authorities are final unless in abuse of authority.

Counsel for the appellant imputes abuse of authority to the Collector of Customs, in that he did not call a hearing on the appeal taken to him. It is not necessary that the Collector of Customs in cases of such appeals should see or hear the witnesses testifying (*See Chiat and See Huan vs. Collector of Customs*, 34 Phil., 865; *Guevara vs. Collector of Customs*, supra; *Que Quay vs. Collector of Customs*, 33 Phil., 128; *Co Puy vs. Collector of Customs*, 36 Phil., 409).

The judgment appealed from being nowise in error, it is hereby affirmed with costs against the appellant. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, Johns, and Villa-Real, JJ., concur.

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