

CHANG KA HEE, IN BEHALF OF HIS SON DIONG SONG KENG, PETITIONER AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. No. 36080, March 14, 1932

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36080/>

IMPERIAL, J.:

The Collector of Customs appealed from the decision of the Court of First Instance of Manila, declaring that petitioner Diong Song Keng is entitled to enter and remain in this country.

On December 5, 1930, Diong Song Keng arrived at the Port of Manila on board steamship Susmia from China, and applied for permission to enter and reside in this country, claiming he is entitled thereto by reason of the fact that he is a minor son of Chang Ka Hee, a citizen of the Republic of China, with a non-resident's certificate issued under section 6, and at present a teacher at the Chinese Y. M. C. A., Manila.

He was investigated by a special board appointed by the appellant, and in view of all the evidence presented, this board of special enquiry decided that the appellee was not entitled to reside in this country, and accordingly denied his petition. An appeal was taken to the Insular Collector of Customs, who affirmed the decision in its entirety. The appellee then applied to the Court of First Instance of Manila for a writ of habeas corpus, and in view of the evidence adduced, the appellant's decision was reversed and the appellee declared to be entitled to remain in the country as a minor son of his aforesaid father. From this judgment the Attorney-General appealed.

The appellant assigns two errors in his brief, to wit:

"1. In holding that the customs authorities abused their discretion and authority in refusing the applicant Diong Song Keng admission to this country as the minor son of the petitioner Chang Ka Hee.

"2. In issuing the writ of habeas corpus prayed for." This appeal raises a question of fact, and another of law. The former relates to the evidence adduced at the administrative investigation, and the latter to the appellee's right arising from such evidence.

The decision of the board of special enquiry, affirmed by the Insular Collector of Customs, contains the following findings:

"The applicant Diong Song Keng, male, 14 years is seeking admission into this country as a minor son of Chang Ka Hee, a Section Six traveller. His name appeared on the precis and notary affidavit of his alleged father. He is, however, refused landing by the board on account of contradiction and discrepancy in his statement.

"Diong Song Keng testified that his alleged father, Chang Ka Hee, was a teacher before coming to this country, but when he was asked to name the school in which his father was teaching, he was unable to do so. He further stated that his alleged father was teaching in Amoy. The alleged father, however, declared that he was teaching in Fuklin before coming here, a place entirely different from the one mentioned by the applicant. Upon further

examination of the proceeding in this case, it was found that Fuklin Is the birth place of the applicant and also the place where his alleged father pursued his profession as a teacher. If the applicant is really the son of Chang Ka Hee, he should have known where his alleged father was then a teacher. No reason is seen why he should know his father's calling without knowing where did his father practice that calling, more so when his father practiced said profession in the town where the present applicant was born. Such a common knowledge supposed to be known to all members of Chang Ka Hee's family ought to have been known to the applicant if he is the true son of the former. It may be argued that the applicant was then only a boy of tender age when the alleged father left China for this country and that he is not expected to know such small detail. The board could not concede to this argument. It maintained, on the contrary, that the applicant by this time ought to have known where his alleged father worked as a teacher before coming to this country, for undoubtedly the older members of the applicant's family (mother and grandparents) with whom he was left in China, ought to have told him something about his father particularly where and what his father used to be. If the applicant was able to know his father's profession, his birth place and other data in connection with his family, it also follows that by now he ought to have known where his alleged father practice his profession. Children as a rule are inquisitive and if the applicant is really the son of Chang Ka Hee as he claims to be, he should have at least known the place where his father used to be a teacher.

"It may be mentioned in this connection that the applicant is completely ignorant of his surrounding in China.

He does not know his immediate neighbor living in a house just fifty steps from his own. When the alleged father was asked the same question he was able to give the name of that immediate neighbor in spite of the fact that he left China for the first time almost seven years ago. The applicant in this case looks to be an intelligent boy or at least above the average for a boy of his age and the board could not believe his testimony to the effect that he does not know his nearest neighbor. He has been living as a neighbor of the person named by his alleged father for almost one-half of his lifetime and the board believes that he should at least know even the name only of that particular neighbor."

It will be noted that in affirming the decision of the board of special enquiry and denying the appellee's right to enter, the appellant relied, in the main, upon contradictions in the statements of the petitioner-appellee' and his alleged father, Chang Ka Hee. From these contradictions, both the board of special enquiry and the Insular Collector of Customs inferred that the appellee was not a son of the alleged father. We have examined the evidence presented during the investigation and find that it sufficiently sustains the conclusions of the customs officials. The petitioner-appellee stated, for example, that his alleged father was a teacher before coming to Manila, but upon being asked the name of the school or college where his alleged father taught, he was unable to do so. He further stated that his so-called father taught at Amoy. The latter, however, testifying in favor of the petitioner, declared under oath that he taught in Fuklin before coming here, which place is entirely different from that named by the appellee.

It has been repeatedly held that decisions rendered by customs officials in matters of immigration may be reversed only when they involve an abuse of discretion or authority, and that there is no such violation of the law when any principle of evidence justifies the findings of the aforesaid officials. (*Tan Beko vs. Collector of Customs*, 26 Phil., 254; *Que Quay vs. Collector of Customs*, 33 Phil. 128; *Guevara vs. Collector of Customs*, 34 Phil., 394; *Molden vs. Collector of Customs*, 34 Phil., 493; and *Chattamat vs. Collector of Customs*, 42 Phil., 916.)

It appearing that the Insular Collector of Customs has not exceeded his powers or abused his discretion or authority, the judgment appealed from is reversed and it is held that the petitioner-appellee is not entitled to enter and remain in this country; without special award of costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, Romualdez, 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.