

LIM JAO LU, PETITIONER AND APPELLANT, VS. H. B. MCCOY, RESPONDENT AND APPELLEE.

G.R. No. 4037. March 27, 1908

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 12th day of April, 1907, the applicant presented a petition for a writ of habeas corpus in the Court of First Instance of the city of Manila, alleging that he was being deprived of his liberty and illegally detained by the respondent.

On the 15th day of April the respondent appeared and answered said petition, giving his reasons why the petitioner was being so detained and alleging that the said applicant was being detained for the reason that he had been refused admission into the Philippine Islands by the board of special inquiry because he was an alien and was suffering with a loathsome or dangerous contagious disease known as trachoma.

On the 15th day of April, 1907, the attorneys for the petitioner and the respondent entered into a stipulation by which it was admitted that the petitioner took no appeal from the decision of the board of special inquiry denying him the right to enter the Philippine Islands.

The lower court, after hearing the facts, denied the petition of the applicant and refused him the benefit of the writ of habeas corpus, upon the ground that he had not appealed from the decision of the board of special inquiry. From that decision the petitioner appealed to this court.

After a full consideration of the facts and for the reasons stated in the cases of *Ngo-Ti vs. Shuster* (7 Phil. Rep., 355), *Lo Vom. McCoy* (8 Phil. Rep., 343), and *Ko Poco mt McCoy*[1] (6 Off. Gaz., 702), the judgment of the lower court is affirmed with costs, and it is hereby ordered that the petitioner be returned to the custody of the Collector of Customs, to the end that the order of the board of special inquiry may be carried out.

Arellano, C. J., Torres, Mapa, Carson, Willard and Tracey, JJ., concur.

[1] The following eleven cases of the same nature, against the Insular Collector of Customs, were considered at the same time and the action of the special board of inquiry in denying to the petitioners the right to enter the Islands was sustained: *Tiu Chin Sieng*; *Sy Boc*; *Wong Yong*; *Gregorio Vy Bico*; *Yu Sun*; *Chan Sui Siao* and *Vy Una*; *Eng at and Eng COng*; *Yap Siam Co*; *Uy Poco*; *Dy Kin*; and *Ang Ma Ong*.

[1] Page 442, *supra*.

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