

SO PING AND CHOA TE, PETITIONERS AND APPELLEES, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. No. 42804. February 16, 1935

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42804/>

HULL, J.:

The Insular Collector of Customs brings this appeal from a judgment of the Court of First Instance of Manila granting the petition of So Ping and Choa Te for a writ of habeas corpus. The petitioners claim admission to this country as the wife and infant daughter of Choa Pian, a resident Chinese merchant. There is no doubt that Choa Pian, is a resident Chinese merchant, and in view of the testimony of the parties and the marriage certificate presented, there is no real dispute of the fact that So Ping is duly married to Choa Pian.

While Choa Pian was being examined by the customs authorities, he said that he left the Philippine Islands for China in 1928 and returned in 1931. The authorities did not ask him anything further about this, although the merchant presented his personal papers showing his return on July 13, 1931. Subsequently, the broker representing Choa Pian presented the manifest of the outward voyage of the *Susana* of October 16, 1928, which showed the name of one Choa Hian, age 49, while the merchant Choa Pian was at that time 63 years of age. No inquiry has been made as to whether it was on this voyage of the *Susana* that the party in this case actually claims to have traveled or what relation that paper has to the case.

In the marriage certificate the date of the marriage is given as Chinese Republic 18-1-4. The Solicitor-General falls in error and argues that this certificate would indicate that they were married on the 4th of January, instead of February 13th as testified by the parties. However, the record clearly shows that the official translator sets forth that the transposition from the Chinese calendar to our calendar makes that date the 13th of February, 1929.

As a resident Chinese merchant, his wife has the right to enter the Islands, and there is nothing in the record to contradict the claim that they are married. The rejection by the immigration authorities of So Ping is therefore arbitrary, and the Court of First Instance did not commit error in granting the relief prayed for so far as she is concerned.

As to the baby daughter, while the father did not show by steamship manifest that he was in China on February 13, 1929, the date of the marriage, such marriage in this case is definitely proven, and the birth of the baby daughter nine months thereafter must be presumed to be legitimate.

The judgment appealed from is therefore affirmed. Costs de oficio. So ordered.

Avanceña, C.J., Street, Abad Santos, and Vickers, JJ., concur.

Judgment affirmed.

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.