

CHOA SIU, ON BEHALF OF CHOA KA, PETITIONER AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. No. 43605. September 30, 1935

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-43605/>

HULL, J.:

Choa Siu, on behalf of Choa Ka, brought habeas corpus proceedings in the Court of First Instance of Manila to set aside the action of respondent in denying admission into this country of Choa Ka, as the minor son of a resident Chinese merchant. The Court of First Instance having granted the writ, this appeal is brought.

The case was heard and investigated by a board of special inquiry on March 4, 1935, which rendered the following decision:

"This is the case of Choa Ka, mala, 13 years old, ex steamship Ankingt arrived February 23, 1935, who is seeking admission into this country as a minor son of Choa Siu, a resident Chinese merchant, and holder of M. A. No. 32318 and M. A. No. 13500. But, altho, the alleged father is a holder of the last two mentioned documents wherein the name of the applicant appears, yet, the board believes that the applicant fails entirely to establish his right to admission into this country on the following grounds:

"1. Alleged father not continuously engaged in business.—The alleged father of the applicant testified in this investigation, that he has been endorsed as merchant, and that he has been engaged in business since then until this time. In support of this, he presented privilege taxreceipts Nos. 10206 and 9803 for his business for the years 1934 and 1935 respectively. But, in spde of all this, the board could not give any credence to all these testimonies. The reasons are obvious. Privilege tax-receipt No. 10206 for the year-1934, does not show that he was continuously engaged in business until this time. It appears thereon, that the said license was issued to Choa Siu only last April 11, 1934 and further shows that he had paid only P2 for the tax of the year 1934, as shown by the internal revenue stamp tax attached thereto. (Noted by the Board on page 5 of the proceedings.) If his business was continued as alleged by him, he could have paid more taxes than what is shown in said license for that year. It could be suspected only, the said license was secured for purposes of facilitating the investigation of Choa Say, one of his alleged children and landed by the board of special inquiry just six days after said license was obtained or to be exact on April 17, 1934 (C; B. R. No. 4183-43). And again another attempt to cheat the members of the board is made in the investigation of this case, by presenting the same license and another business license No. 9803, which was issued to Choa Siu only last March 2, 1935, only to be used in this investigation which is two days only from the date of its issuance. The doubt of the board as to the business of the alleged father is more heightened by the fact that the business license presented for the years 1934 and 1935, both indicate that they are new, no previous tax-receipts having been noted thereon. Even the business license for 1935 which should have contained the previous receipts numbers corresponding to 1934, was not even noted. This, presupposing that the alleged father was not in business last year or 1934. It may be added further, that the contradicting testimonies of the alleged father himself as regards his own business as shown on page 5, lines 11, 16, 22 and 25 clearly prove that he was not continuously in business. His changing attitude gives the suspicion that he is testifying in something which is untrue and dishonest. For

if he were telling the truth he could not be so changing and so contradicting in his own testimony with respect to his own business. This simply shows that he either has no business or if he had before, he stopped and discontinued it. And that these privilege tax receipts he presented were simply secured for purposes of facilitating the landing of his alleged children thru false representation as explained above. It may be contended that Choa Siu is an endorsed merchant and by virtue of such status he is entitled to bring the members of his family into this country. Granting without conceding that his allegation is true, yet memorandum order on September 13, 1933, provides substantially as follows:

"A merchant's affidavit properly endorsed is a document to facilitate the reentry of the affiant and is intended for this purpose only. It does not give a Chinese who is not a merchant the status of merchant altho for purposes of his reentry this status is presumed unless evidence to the contrary is secured. It is directed that merchant's affidavits be honored only in cases where the holder is applying for readmission after returning from a sojourn abroad. But, in the investigation before the board of special inquiry of the right to enter of the wives and minor children of persons claiming the status of Chinese merchants, the fact that they are merchants within the meaning of the Act of Congress of November 3, 1893, on the date of the arrival of the alleged wives and children should be established by competent evidence, both parol and documentary, to the satisfaction of the board, any previous endorsement as merchant of the alleged husband or father notwithstanding.

"And therefore, after considering all these facts in pursuance of the provisions of the above cited memorandum order, the board concludes and so holds that the right of the applicant to enter into this country is not fully established by competent evidence to its satisfaction, hence he is refused landing.

"2. Ignomice of applicant with respect to the members of his own family.—In the course of time cross-examination of the applicant, he was asked to identify some of the pictures of his alleged brothers attached to C. B. R. Nos. 4092-81, 4183-43, 4137-32, and 4048-101, and which he utterly failed to do so, the applicant having mentioned other names. (Noted by the Board, see pages 2 and 3 of the proceedings.) Now, if he is a real and true son of his alleged father, it is inconceivable that he could not recognize his own brothers in the pictures. The applicant claims to be 13 years of age,—the age, which according to the rule of evidence, is already sufficient to have a mind competent to understand and remember things. Yet, the applicant has not the least idea as to the identity of those appearing in the pictures, presented to him, in spite of the fact that he only missed them for about a year or more, some of them having been landed only in this country last year. Of the four pictures of some of his alleged brothers which were presented to him, not one of them was identified. Any ordinary layman could not believe that a true brother could forget his own brothers. And if he does forget, he has not even the shadow of a brother nor related to them in anyway whatsoever. Therefore, the board concludes that the applicant is a foreign blood to the family—that he is fake and therefore he should be deported.

"It may be stated in this connection, that after a careful perusal of the proceedings of this case, the board did not notice any minor or light contradictions in the testimony of the applicant. There is no wonder, however, that the applicant testified almost as perfectly as an angel from heaven could do so, simply because he has been released under personal guaranty. He must have been taught what to say and what to declare before the board. Kh had been released since February 23, 1935, until March 4, 1935, when he was put to trial for the determination of his status before the board of special inquiry— a time sufficient enough for a person to learn something injected into his head. In the ordinary course of events, a genuine and legitimate case would usually have some minor contradiction and even sometimes material and relevant ones, yet in this case, the testimony of the applicant is almost perfect. This simply shows what transpired during the time of his release. There is a wide gap of difference between a detained immigrant and one who is released under bond or personal guaranty. It seems that Immigration Laws can be enforced only strictly if these Chinese immigrants should no longer be allowed to be released before they are subjected to investigation.

"In view of the foregoing, the applicant is hereby not permitted to land. He and his attorney are informed of this decision and are given two days within which to appeal to the Insular Collector of Customs if they feel

dissatisfied from this decision."

When this appeal was heard in this court, the Solicitor-General admitted that Choa Siu was a resident Chinese merchant and withdrew that contention from our consideration.

The Solicitor-General contends that the testimony of the father and son given before the board of special inquiry "tally so well and without the least discrepancy that it cannot but be attributed to a thorough coaching of the two. This circumstance renders their testimony incredible and unworthy of merit."

We believe the Solicitor-General is misapplying the doctrine enunciated in the case of Lee Chiu vs. Collector of Customs (59 Phil., 730). If witnesses are truthful, there will be an agreement in their testimony as to known facts. It is parrot-like agreement that raises a belief in the mind of an experienced and sensible person that the witness is not testifying from the facts but from memory of a story learned by rote.

A general application of the doctrine contended by the Solicitor-General would make it very easy to handle all immigrant cases. If the witnesses agree, it is collusion and the immigrant should be rejected. If they disagree, the immigrant is an impostor and should be excluded. A hearing with such a predetermined result would be a farce.

The other contention of the Solicitor-General, often repeated here but never followed, is: "So long as there is any evidence, be it strong or weak, competent or incompetent, conclusive or inconclusive, to sustain the decision of the customs officials, their decision should not be disturbed." To say that a scintilla of evidence coming from an incompetent source and inconclusive at best is sufficient to sustain the finding of fact of the administrative board seriously affecting the lives of individuals, is an extreme doctrine. Sensible men would not make decisions on weighty affairs of life affecting themselves on such an uncertain foundation. If such is the rule of law binding upon the courts, then it is illusory to say that the courts have a right to inquire whether in administrative proceedings the interested party has had a fair hearing and that the action of the officials was not arbitrary or capricious.

In the instant case the major portion of the decision of the board of special inquiry was to the effect that the applicant is not a resident Chinese merchant, yet when the case reached this court, the Solicitor-General, reading the same evidence, was constrained to hold that it is clear that the applicant is a Chinese resident merchant and that the conclusions of the board to the contrary were unwarranted in fact and incorrect in law.

The second question is whether Choa Ka is the son of the petitioner. In the decision of the trial court, he states: "It is not controverted that Choa Ka is the child of the applicant." From this comment of the trial court, it would seem that in that hearing the attorney for the Government was relying upon the status of the father and did not insist on the question of paternity.

One of the grounds recited for the action of the board is the fact that the father and son agreed in their answers to the questions asked them by the board of special inquiry. We have discussed above the proper rule to be applied in such cases. An examination of the evidence given in this case does not show parrot-like language but does show an agreement such as honest witnesses can make in their answers to questions of fact such as were propounded to them.

One of the tests they gave to applicant was to show him certain photographs of his brothers. As to the picture of Choa Ti, a brother of the applicant, the immigrant said: "I could not recognize very well"; and when shown the picture of his brother Choa Say, he answered: "It is like Choa Chong's picture but I am not so sure." When shown the picture of Choa Siat he said: "It looks like Choa Ti's picture", and when shown of a picture of Choa Kian, the applicant said it was the picture of Choa Ti. When shown a picture of Lao Yao, who is not a member of his family, he was not trapped by the question but answered that he did not know him.

The photographs were not made a part of the record, so we cannot state whether they are new or old, good or bad in their likeness to the living persons. The ages of his brothers run from 23 to 15 years. With the exception of the eldest, all the brothers were here in Manila, and the immigrant had been living with them for the two weeks prior to the hearing. Under such circumstances, the picture test has little or no probative value.

The board also used the occasion of this case to urge the policy of detaining all immigrants in custody until the hearing and doing away with the release under bond or personal guaranty pending such hearing.

Looking at the entire decision of the board, including as it does their views of the status of the father, we are convinced that the action of the board of special inquiry was arbitrary and capricious.

Therefore, the action of the Court of First Instance of Manila in granting the writ of habeas corpus was correct, and the judgment appealed from is affirmed. Costs, de oficio. So ordered.

Villa-Real, Abad Santos, Imperial, Goddard, and Recto, JJ., concur.

Malcolm, J., concurs in the result.

DISSENTING

VICKERS, J., with whom concurs

AVANCEÑA, C.J.,

Choa Ka, a Chinese boy 13 years old, arrived in Manila from Amoy on February 23, 1935. He sought admission into the Philippine Islands as the son of a resident Chinese merchant, Choa Siu. Choa Ka was released under bond and went to live with his alleged father and seven brothers. The right of Choa Ka to enter the Philippine Islands was investigated by a board of special inquiry on March 4th of this year. Choa Ka was present, accompanied by an immigration broker. After hearing the applicant and his witnesses and considering the evidence, the board of special inquiry denied him admission on two grounds. 1. That it was not proved that the alleged father, Choa Siu, had continued to be a merchant. 2. That Choa Ka was not the son of Choa Siu. The applicant appealed to the respondent Insular Collector of Customs, who affirmed the decision of the board of special inquiry and ordered the deportation of the applicant. Thereupon Choa Siu filed a petition in the Court of First Instance of Manila for a writ of habeas corpus. The lower court held that it clearly appeared that the father of the applicant had been engaged in business in the Philippines as a merchant and had paid taxes for several years; that the father of the applicant was allowed entry into these Islands as a merchant, and as such was entitled to bring into the country the applicant as his child; that "it is not controverted that Choa Ka is the child of the applicant, and the court is of the opinion that the ground is not well founded"; that there has already been a judicial decision that even though an immigrant has changed his status after he has been allowed to enter the United States his former status will still be the basis for the entry of his children. The lower court was of the opinion that the customs authorities had abused their power and discretion, and ordered that the appellant be released from custody.

From this decision the respondent through the Solicitor General appealed to this court, alleging that the lower court erred: (1) In holding that it was not controverted that the immigrant Choa Ka was a child of petitioner Choa Siu; (2) in holding that the customs authorities abused their power and discretion in denying Choa Ka's admission into this country; (3) in granting the writ of habeas corpus applied for in the present proceedings.

The statement in the majority opinion that the Solicitor General admitted when the appeal was heard in this court, that Choa Siu was a resident Chinese merchant is, I believe, unfounded. The Solicitor-General had no occasion to

make such admission, because that point was not raised in his assignments of error. He doubtless realized that if Choa Siu had not continuously engaged in business as a merchant, he had not lost the status of a merchant or his right to bring in his wife and minor children (*Lim Pue vs. Collector of Customs*, 33 Phil., 519; *Lim Son vs. Collector of Customs*, 60 Phil., 647).

At the hearing before the board of special inquiry, Choa Siu, who is an old man of 71, testified that he had nine sons and no daughters; that he returned to the Philippine Islands from China in 1921, and that about eight months after he left China, according to the information he received from his wife, Choa Ka was born; that he never returned to China, and therefore had never seen the, applicant before the latter arrived in Manila on February 23, 1935; that a friend told him which was Choa Ka, and he recognized him because of a photograph his wife had sent him. The only other witnesses were the applicant himself and an employee named Tan Tee.

It is true as stated in the majority opinion that the lower court said that it was not controverted that Choa Ka was a child of the applicant, and from this statement the majority concluded that at the hearing in the lower court the Solicitor-General relied upon the status of the father and did not insist on the question of paternity. This conclusion is clearly unfounded and erroneous. The statement of the lower court, which is practically unintelligible, reads as follows: "It is not controverted that Choa Ka is the child of the applicant (petitioner), and the court is of the opinion that the ground is not well founded." It seems more probable that what the lower court intended to say was that it was controverted that Choa Ka was the child of the applicant, but the court was of the opinion that the ground was not well founded. If the lower court said it was undenied that the applicant was the son of Choa Siu, that statement was manifestly erroneous, because one of the two grounds upon which the decision of the board of special inquiry rests is that the applicant failed to prove he is the son of Choa Siu. The majority held in effect that there was not sufficient evidence to sustain the decision of the board. The converse of that proposition is that there was sufficient evidence to prove the immigrant to be the son of Choa Siu, but the majority did not review that evidence. Choa Siu could not of his own knowledge identify the immigrant as his son because he had never seen him before the immigrant arrived in Manila. The testimony of Tan Tee is very brief and unconvincing. He testified that the immigrant is a son of Choa Siu, but he did not say why he knew that to be true. He said that he had seen the immigrant in Manila, but he did not say that he had known or seen him in China. The wife of Choa Siu is in China, but seven of his sons were in Manila. None of them was called to testify in favor of the immigrant. The fact that the immigrant knew many facts as to the family of Choa Siu and their home in China does not prove him to be Choa Siu's son. He may be a relative or a servant that lived with Choa Siu's family or the son of a near neighbor. The evidence for the immigrant is therefore manifestly insufficient to show him to be the son of Choa Siu. The burden was on the immigrant to establish his right to enter the Philippine Islands, and to do that he had to prove that he was the son of Choa Siu. The immigrant failed to prove that essential fact. The board of special inquiry was therefore fully justified in denying him admission.

There is absolutely nothing in the record to justify the assumption of the majority that at the hearing in the lower court the Solicitor-General relied on the status of the father and did not insist on the question of the paternity. The stenographic record shows that the case was submitted on the record from the Bureau of Customs without oral argument, and the attorney for the petitioner merely asked for time in which to file a memorandum, which he subsequently filed.

At the time of the hearing Choa Ka was thirteen years old. He was shown photographs of four of his alleged brothers and asked to identify them, but he was unable to identify a single one of them correctly. These four brothers whose photographs were shown to the applicant had not been in the Philippines more than three years at most. The photographs shown to the applicant were attached to the records of these brothers in the custom house, and were undoubtedly taken about the time when they entered the Philippine Islands. If the applicant was the son

of Choa Siu and had lived for ten years or more with his alleged brothers in the same house in China, he ought to have been able to recall the appearance of these brothers at the time that they left China and to identify their photographs. The fact that he was unable to identify a single one of them correctly clearly tends to show that he was not a member of the family of Choa Siu, but an impostor.

It is stated in the majority opinion that this picture test was of little or no probative value because the applicant had been living in the same house with his alleged brothers for the two weeks immediately prior to the hearing. It is obvious that the majority misunderstood the purpose for which the photographs were shown to the applicant. They were not shown to him for the purpose of ascertaining whether he then knew his alleged brothers, but to find out whether or not he knew how they looked when they left China. The inability of the applicant to recognize any of these photographs is certainly a fact tending to show that he had not been a member of the family of Choa Siu in China. It was evidence to show that he was not what he claimed to be. Whether or not it was sufficient to justify his rejection was for the board of special inquiry to determine, and neither the lower court nor this court had any right to substitute its own finding on this question for that of the board of special inquiry.

In minimizing the failure of the applicant to recognize the photographs of any of his brothers, the lower court said that pictures are sometimes doubtful in appearance, especially if it has been a long time since they were taken, because the appearance of the persons photographed may have changed. The photographs in question were not made a part of the record. If the petitioner wished them to be taken into consideration, it was his duty to make them a part of the record. No objection was made in the course of the hearing to these photographs on the ground that they were old or faded or imperfect likenesses of the applicant's alleged brothers. As we have already stated, none of these photographs was more than three years old, and any inference that they were faded or otherwise imperfect finds no support in the evidence.

The members of the board of special inquiry did not believe the immigrant and his witnesses. One of the reasons for disbelieving them was that they had been coached. The board of special inquiry was not obliged to accept the testimony of these witnesses as true, even if there was no evidence to the contrary, and it had a perfect right to find that they had been coached. The majority conclude that there was no evidence of coaching, because it does not appear that the witnesses testified in the same words; but that is not the only way in which coaching may be manifested. It is only the most obvious. If two or more witnesses testify with perfect unanimity, although not in the same words, as to unimportant details that the average person would not observe, it is a sure sign of coaching. In the case at bar Choa Siu and the immigrant testified with perfect unanimity as to inconsequential details regarding their home in China. Since Choa Siu had not been in China for fourteen years, he would in the natural course of things have forgotten some of those details during that period and the immigrant, a boy of 13, would probably never have observed them.

It is not contended that the immigrant was not given a fair hearing, and " * * it is now well settled that if a fair, full hearing was given and full opportunity had to present evidence, and a question of fact was presented and decided, and the action was not arbitrary, then the decision of the proper officers affirmed by the department is final, provided there is some evidence to sustain the charge upon which the decision is based, even if such evidence is inconclusive * * * ." (2 C. J., 1108, citing numerous decisions.)

In *Frick vs. Lewis* (195 F., 693; 233 U. S., 291; 115 C. C. A., 493), it was said: "Where a fair, though summary, hearing has been given, in ascertaining whether there is or is not any proof tending to sustain a charge involved in a case like this, it is not open to courts to consider either admissibility or weight of proof according to the ordinary rules of evidence * * * even if it believe the proof was insufficient and the conclusion wrong. The question is whether anything was offered that tends, though slightly, to sustain the charge." (2) "The court will not in proceedings of this character consider the testimony or the weight thereof, if properly and fairly taken, to

determine whether or not it is sufficient to warrant the deportation of an alien. That would be for the proper" immigration officials to determine. But the court may, and it is its duty to, consider the manner of procuring the testimony, its competency and legal admissibility against the petitioners, and determine whether or not they have had a fair and impartial hearing or trial."

In the case of *Chin Yow vs. United States* (208 U. S., 8), the Supreme Court of the United States said that if an alien is given a fair hearing, the merits of the case cannot be reviewed on habeas corpus.

"Fair hearing of an alien's right to enter the United States means a hearing before the immigration officers in accordance with the fundamental principles that inhere in due process of law. To constitute a fair hearing, the alien must be given an opportunity to be heard in the district in which the arrest is made. Such hearing, moreover, must be granted and conducted in good faith, the alien must be advised of his right to be represented by counsel, and he must not only have a fair opportunity to present evidence in his favor but must also be apprised of the evidence against him. Moreover there must be a bona fide decision, the question presented must be actually passed on, and the decision must be based upon some evidence * * *." (2 C. J., 1109.)

"There is nothing in the record to indicate that the alien did not have, at all stages of the proceedings, a full and fair opportunity to establish, if he had one, a claim to permanent and lawful residence in the United States. That being so, the action of the Department of Labor in issuing a warrant for deportation cannot be disturbed by the judicial branch of the government." (*Conti vs. Tillinghast* [1932], 1 Fed. Supp., 981.)

"Truth of facts on issue of identification of Chinese boy held for immigration tribunals, whose decision denying him admission into United States cannot be disturbed by courts in habeas corpus proceedings, where immigration tribunals~gave boy a fair hearing and decision was not arbitrary." (*In re Ng Len Ngeow* [1935], 9 Fed. Supp., 499, citing *Whitty vs. Weedon* [C. C. A.], 68 Fed. [2d], 127.)

The decisions of this court are in accord with the foregoing citations of authority. It has heretofore been the settled doctrine of this court that the decision of the Collector of Customs in cases of Chinese exclusion is final unless there has been an abuse of authority or misinterpretation of the law; that if the party has been given a free, fair, and open hearing and there is some proof to support the conclusions of the Collector of Customs, the court will not disturb his decision (*Tan Boko vs. Collector of Customs*, 26 Phil., 254; *Tan Chin Hin vs. Collector of Customs*, 27 Phil., 521; *Del Rosario vs. Collector of Customs*, 32 Phil., 22; *Tan Puy vs. Collector of Customs*, 36 Phil., 900).

In the case of *Guevara vs. Collector of Customs* (34 Phil., 394), and *Molden vs. Collector of Customs* (34 Phil., 493), it was held that courts cannot review the weight or admissibility of evidence presented before the board of special inquiry on the question whether an alien is unlawfully in the country, and a decision to that effect supported by any evidence is conclusive, citing *Ex pdrte Chin Hin* (227 Fed. Rep., 131). This doctrine was reaffirmed in the case of *Loo Kay Chay vs. Collector of Customs of Cebu* (55 Phil., 571), and again in *Cheng Tao Liap vs. Collector of Customs* (55 Phil., 894), where we said that the courts are not free to review the weight, admissibility, or sufficiency of the evidence adduced before the board of special inquiry of the Bureau of Customs, for its decision based upon the evidence is deemed conclusive.

In the recent case of *Lee Chiu vs. Collector of Customs* (59 Phil., 730), the facts of which are very similar to those of the present case, this court said: "This court likewise found that of the two photographs shown to Lee Yit, one of which was that of his brother Lee Bak and the other of his brother Lee Nam, for the purpose of identifying each of them, said Lee Yit indicated Lee Bak's photograph as that of Lee Nam, although, discovering his mistake, he rectified it some minutes later by correctly telling which was which. If the board of special inquiry of the Bureau of Customs did not give credit to these explanations, it did not, on that account, commit any abuse of authority or discretion because customs authorities are not bound to accept as satisfactory and true, in all cases, the statements

made before them by an immigrant (Jao Igco vs. Shuster, 10 Phil., 448; Lee Jua vs. Collector of Customs, 32 Phil., 24; Chattamal vs. Collector of Customs, 42 Phil., 916); and lastly, this court finds that the testimony of the father and that of the son on some details regarding their house in China; the ages of the latter's brothers who, according to him, were seven in number; and other "minor details, tally so well and without the least discrepancy that it cannot but be attributed to a thorough coaching of the two, particularly if it is borne in mind that neither could the father recognize the son nor the son recognize his two alleged brothers Lee Nam and Lee Bak, through their photographs."

In the majority opinion there appears the following statement: "To say that a scintilla of evidence coming from an incompetent source and inconclusive at best is sufficient to sustain the finding of fact of the administrative board seriously affecting the lives of individuals, is an extreme doctrine." That may be true, but it has no application whatever to the present case. We are not here dealing with "a scintilla of evidence", whatever that may be, "coming from an incompetent source and inconclusive at best". We are dealing with competent evidence taken in the course of a fair hearing. I do not maintain it was conclusive. It was for the board of special inquiry to determine the weight of it. It is not necessary to go as far as the court did in the case of *Ex parte Joyce* (212 Fed., 282), and the case of *Ex parte Watchorn* (160 Fed., 1014), where it was held that the decision of the proper executive officer was 'final provided that there was some evidence to sustain the charge upon which the decision was based, even if such evidence was incompetent or inconclusive. The better rule, which this court has heretofore followed, is that the decision of the board of special inquiry must not be disturbed if there is any competent evidence to sustain it. The phrase "any competent evidence" cannot be defined with precision. It is sufficient to say that I do not regard a mere scintilla, particle, or iota of evidence as constituting "any competent evidence".

In *Vajtauer vs. Commissioner of Immigration* ([1927], 273 U. S., 103), the Supreme Court of the United States said: "(1) Deportation of an alleged alien without hearing, or on charges unsupported by any evidence, is a denial of due process of law. (2) Habeas corpus lies to correct an order for deportation of an alien made without a fair hearing, or on charges unsupported by any evidence. (3) Upon a collateral review of a deportation order in habeas corpus it is sufficient to sustain the order that there was some evidence from which the conclusion of the administrative tribunal could be deduced, and that it committed no error so flagrant as to convince the court of the essential unfairness of the trial."

In the present case there was some competent evidence to sustain the decision of the board of special inquiry, not only because the immigrant could not recognize the photographs of his supposed brothers, but more specially because he did not present any witnesses who knew him to be the son of his alleged father. There is therefore no justification for this court to hold that the customs authorities abused their discretion, and in so doing this court has swept away the jurisprudence of thirty years and usurped the functions of another branch of the government. The decision appealed from should be reversed and the petition for the writ denied.

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.