

YU HUA CHAI, IN BEHALF OF HIS MINOR SONS, YU HANG AND YU KING, PETITIONER AND APPELLANT, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLEE.

G.R. No. 43728. September 30, 1935

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This petition for a writ of habeas corpus was filed in the Court of First Instance of Manila to determine the right of Yu Hang and Yu King to admission into this country, as minor sons of the petitioner, Yu Hua Chai, who claimed to be a resident Chinese merchant. The court below denied the petition on the ground that the respondent, the Insular Collector of Customs, did not abuse his authority in denying the right of Yu Hang and Yu King to enter this country.

In support of this appeal, it is now claimed that the lower court erred (1) in not making any findings of facts in its decision, and (2) in not granting the writ of habeas corpus applied for.

- Because of the nature of habeas corpus proceedings involving the administration of Chinese immigration laws, a Court of First Instance, in rendering a decision therein, need not make any elaborate statement of facts, such as might be required in ordinary civil cases. The jurisdiction of the court in such proceedings is usually limited to the determination of whether or not the immigration officer concerned has abused his power or discretion in the premises. For this purpose an examination of the record of proceedings had before such officer is generally sufficient, and the findings of the court are based on such record which is available to all the parties concerned.

- The record does not show that the petitioner, Yu Hua Chai, has ever been endorsed as a merchant. He tried to prove by his own testimony and that of another Chinese that he was a merchant engaged in grocery business in the City of Baguio with a capital of PP5,000. The law, however, requires that his exempt status must be established not only by his own testimony, but by the testimony of two or more credible witnesses other than Chinese. (*Teng Ching vs. Collector of Customs*, 60 Phil, 794.) Having thus failed to establish satisfactorily his claim as a resident Chinese merchant, the petitioner is not entitled to bring into this country any member of his family. (*Go Eng Chew vs. Collector of Customs*, 60 Phil., 689.)

It results that the order appealed from must be affirmed with costs against the appellant. So ordered.

Avanceña, C.J., Hull, Vickers, and Recto, JJ., concur.

Order affirmed.

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