

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. QUAN KANG, DEFENDANT AND APPELLANT.

G. R. No. 44610. June 30, 1937

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This is an appeal taken by the accused-appellant Quan Kang from the judgment of the Court of First Instance of the 26th Judicial District, finding him guilty of violating Act No. 702 of the Philippine Commission, having been found, according to the information, in the municipality of Mati, Province of Davao, Philippines, without the corresponding certificate of registration.

The evidence presented by the prosecution at the trial does not show preponderantly that the herein accused-appellant was a Chinese laborer when he first came to the Philippines. On the other hand, the uncontradicted evidence presented by the accused shows that said accused was born in Canton, China, of Chinese-Filipino parents named Antonio Juan and Maria Lopez, natives of Manila. He first came to the Philippines with his father when he was only six years of age, residing at Santo Cristo Street, Manila, where his father had a store of sundry goods, commonly known as a "sari-sari" store. After his father's death, the herein accused-appellant continued to manage said store until the year 1911 when he went to Davao to establish himself in business opening stores first in the capital and later in the municipalities of Manay and Mati being still so engaged in the latter municipality. He never engaged in manual labor characteristic of laborers and wage earners. The fact that he did not register nor obtain a certificate of registration was due to his belief that he was not obliged to comply with the provisions of Act No. 702 of the Philippine Commission, being a merchant and the son of Chinese-Filipino parents.

In finding the accused guilty of violating Act No. 702, the lower court based its opinion upon the fact that said accused, upon arraignment, pleaded guilty and admitted being a Chinese.

Section 5 of Act No. 702 provides, among other things, that "every Chinese person found without such certificate within the Philippine Islands after the expiration of the time limited by law for registration shall be presumed, in the absence of satisfactory proof to the contrary, to be a Chinese laborer and shall be subject to deportation as provided in section 4 of this Act." The presumption of being a Chinese laborer arising from the lack of certificate of registration, established by said section 5 of Act No. 702, is a disputable presumption and, according to said legal provision itself, yields to satisfactory proof to the contrary. This presumption has been destroyed by the evidence adduced by the accused-appellant at the trial to the effect that he has always engaged in commerce from the time he continued his father's business upon the latter's death. Consequently, as the herein accused-appellant does not have the status of Chinese laborer, the provisions of section 4 of Act No. 702, which he was found guilty of violating, are not applicable to him.

The fact that he pleaded guilty upon arraignment is not equivalent to a confession that he is a Chinese laborer without a certificate of registration because it is not alleged in the information that he is a Chinese laborer but simply a "Chinese." Consequently, upon pleading guilty he only admitted the fact that he was Chinese and that he

did not have the corresponding certificate of registration, and this is how he understood it. The fact that a person is Chinese and has no certificate of registration does not necessarily imply that he is a laborer.

Wherefore, the appealed judgment is reversed and the accused is acquitted of the information which is dismissed, with the costs de oficio. So ordered.

Avancena, C. J., Abad Santos, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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