

GO TO SUN, BY HIS FATHER AND NATURAL GUARDIAN, MANUEL NUBLA CO SIONG, PETITIONER AND APPELLANT, VS. H. B. MCCOY, INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLEE.

G.R. No. 5785. August 23, 1910

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 1st of August, 1909, the said Go To Sun, a Chinaman, arrived in the Philippine Islands and asked permission to enter, which permission was denied, by the Collector of Customs, after giving the said applicant an opportunity to present all the witnesses which he had relating to his right to enter the Philippine Islands.

The plaintiff alleged that he was the minor son of Manuel Nubia Co Siong. He testified that he was 21 years of age and so did his father. The petitioner never had been in the Philippine Islands before. His claim to a right to enter was based upon the ground that he was the minor son of a resident of the Islands.

The board of special inquiry found that the plaintiff was at least 21 years of age. He was, therefore, not a minor and not entitled to enter the Philippine Islands in order to be under the care and protection of his father. (Lo Po vs. McCoy, 8 Phil. Rep., 343.)

From the decision of the board of special inquiry the plaintiff appealed to the Collector of Customs, who affirmed the decision of said board. From the decision of the Collector of Customs the plaintiff appealed to the Court of First Instance, which court decided that the plaintiff had been given a full and fair hearing by the Bureau of Customs; that there had been no abuse of authority, and affirmed the decision of the Collector of Customs.

From that decision the plaintiff appealed to this court.

Upon an examination of the record brought here we find no reason for reversing the judgment of the lower court. The plaintiff himself swore that he was 21 years of age and so did his father. Not being a minor, he was not entitled to enter the Philippine Islands simply for the purpose of being under the care and custody of his father. The plaintiff admitted that he had never been in the Philippine Islands before. The judgment of the lower court is therefore affirmed with costs.

Arellano, C. J., Torres, Moreland, and Trent, JJ., concur.

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