

FERMIN DE LA CRUZ, PETITIONER AND APPELLANT, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLEE.

G.R. No. 8120. December 12, 1913

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance dismissing a petition for a writ of habeas corpus prayed for by one Fermin de la Cruz, who claimed to be unlawfully detained by the customs authorities.

Said petitioner came to the Philippine Islands in December, 1911, from China. He was taken before the board of special inquiry for the purpose of determining his right to land. Much evidence was adduced before that board relative to the petitioner having been born in the Philippine Islands. Some of the witnesses who, at the first hearing, testified to having been present at the birth of the petitioner in the city of Manila, at subsequent hearings returned and declared that the testimony given in the first hearing was absolutely false and had been given at the request of the Chinaman who was seeking to obtain the entry of the petitioner into the Philippine Islands.

The board of special inquiry refused to believe the testimony of the witnesses for the petitioner and held that the presumption that the petitioner was a Chinese alien induced by the fact of his coming direct from a Chinese port, together with his personal appearance, characteristics and language, was not overcome by the testimony of witnesses who declared concerning his birth in the Philippine Islands. The customs officials were of the opinion that upon the whole case and from all of the circumstances surrounding it, there was an attempt to obtain the entry of the petitioner into the Philippine Islands by fraudulent methods and by the manufacturing of false testimony.

We are satisfied that the board in making the decision in this case was guilty of no abuse of authority or discretion but that it, instead, exercised its powers within the law.

The judgment is affirmed, with costs against the appellant.

Arellano, C.J., Torres, Johnson, Carson, and Trent, JJ., concur.

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