

HO NINA, HO YEN, HO CIAP, HO UY, AND HO FU, PETITIONERS AND APPELLANTS, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLEE.

G.R. No. 9737. October 28, 1914

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an application for the writ of habeas corpus, presented in the Court of First Instance of the city of Manila, to require the Insular Collector of Customs to show by what authority he was detaining the bodies of the petitioners.

It appears from the record that said petition was presented in the Court of First Instance of the city of Manila, on the 11th day of February, 1914. We find also, upon an examination of the record, that almost exactly the same petition, word for word, even including the interlineations and misspelling, had theretofore been presented in the Court of First Instance of the city of Manila, on the 24th day of September, 1912. The record shows that upon the presentation of the first cause in the Court of First Instance (No. 9949), an order was issued to the Insular Collector of Customs to show why the1 prayer of said petitioners should not be granted. To that order, the Acting Insular Collector of Customs made answer, setting forth a correct copy of all the proceedings relating to said petition, which had been had in the department of customs.

Upon the record thus made and the issues presented therein, the Honorable A. S. Crossfield, judge, found that the Insular Collector of Customs was legally detaining the bodies of the said petitioners, and denied the writ of habeas corpus. From that judgment, the petitioners appealed to this court.

The record in that cause was received in the office of the clerk of the Supreme Court on the 30th day of January, 1913. Said cause was not given a number in the Supreme Court, for the reason that the appellants never paid the registration fee. On the 31st day of January, 1913, the attorneys for the appellants were notified and requested to pay the filing fee necessary for the registration of said cause. The appellants apparently paid no attention whatever to said notice. On the 29th day of October, 1913, the Supreme Court dictated an order, directed to the attorneys for the plaintiffs and appellants, requiring them, within a period of ten days after notice, to pay to the clerk the sum of P24, as the registration fee. Said order further provided that in case they should fail to pay such registration fee, the court would consider that they had abandoned their appeal and that the same would be dismissed and the case returned to the lower court for execution. A copy of said order was actually received by the attorneys* for the appellants, as more fully appears by the certificate of the sheriff of the city of Manila, on the 11th day of November, 1913. So far as the record shows, the appellants paid no attention to the foregoing order of the court.

The appellants having failed to comply with the foregoing order, the Supreme Court, on the 15th day of December, 1913, dictated a further order, dismissing said appeal. In accordance with said order a final judgment was rendered in said cause and the record returned to the Court of First Instance upon the 17th day of December,

1913.

Nearly two months after final judgment had been rendered in said cause (No. 9949) and after the same had been returned to the lower court for execution, the plaintiffs, on the 11th day of February, 1914, presented the petition in the present cause, which, as was said above, is exactly the same, word for word, even to the interlineations and misspelling, as that presented in cause No. 9949.

On the 13th day of February, 1914, Mr. Beaumont appearing for the petitioners and Mr. Gerkin for the respondent, they entered into the following agreement:

"1. That the question raised in the present case has already been submitted to the Third Branch by the same interested parties, in case No. 9949, and decided by Judge Crossfield adversely to the claims of the appellant.

"2. That when the judgment was appealed from to the Supreme Court of these Islands, the appeal was vacated in said court through failure to pay the legal fees.

"3. That the interested party, through his counsel, again raises in this court the same question that was decided in the First Branch, so that he may have the opportunity to appeal from whatever judgment is rendered.

"4. That by common agreement they submit the same proceedings had in the Third Branch as evidence in the present case.

"5. That counsel for the Collector of Customs submits the same reply that is already on record in case No. 9949, so that it be considered in the present case as the answer therein."

On the issues thus presented by the petition, the said agreement and the record made in said cause No. 9949, the case was submitted to the Honorable Simplicio del Rosario, judge, who, after setting forth the said agreement, rendered a decision, the dispositive part of which is as follows:

"The petition now presented by the same interested party having been decided against him by the judge presiding in the Third Branch and the facts submitted by the petitioner not having changed.

"The writ of habeas corpus sought is denied, with the costs against the petitioner."

From that judgment the petitioners appealed to this court and made a number of assignments of error, all relating to the authority and conduct of the customs authorities in passing upon the right of the petitioners to enter the Philippine Islands.

It is difficult to understand upon what theory the attorneys for the petitioners, after a final judgment had been rendered against their clients, can justify the presentation of the same questions again in a new action, without even alleging or indicating the existence of new questions or facts which had arisen subsequently. A final judgment in a habeas corpus proceeding is just as binding upon the parties as a final judgment in any other proceeding. The parties have no more right to relitigate the same questions in a habeas corpus proceeding than they have in an ordinary action. A final judgment in such actions concludes further proceedings just as effectually as it does in other proceedings.

A judgment which has been rendered in proceedings regularly conducted, when the same is not tainted with fraud, can not be disregarded or set aside, except and until, in some legal proceeding brought for that purpose, it has been nullified. In the present case no intimation is made in the record or no suggestion presented that the final judgment was illegal for any reason. No hint is made even that it should be set aside or annulled. Its existence and finality are admitted by the petitioners. Their only reason for commencing the present action is that they may have another judgment upon the same facts, with the evident hope that the next may be different and more favorable to them.

The questions presented in the present petition have been once settled by the courts. That judgment is final. No new facts have been presented. No new questions have arisen. No reason is alleged nor suggested why the court should reopen the case already closed, and closed by the consent of the parties.

For the reason that all the facts presented in the present action have already been passed upon by the courts in a decision which has become final, it is hereby ordered that the appeal in the present case be dismissed, with costs against the appellants, and without a further discussion of the assignments of error, it is so ordered.

Arellano, C. J., Torres, Carson, and Araullo, JJ., concur.

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