

THE UNITED STATES, PLAINTIFF AND APPELLANT, VS. SO HAO KA, DEFENDANT AND APPELLEE.

G. R. No. 9807. October 15, 1915

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 26th of February, 1914, a complaint was presented in the Court of First Instance of the city of Manila, charging the defendant with being a laborer in the Philippine Islands without the laborer's certificate provided for by section 4 of Act No. 702.

Upon the complaint the defendant was duly arrested and brought before the court for trial. After hearing the evidence adduced during the trial of the cause, the Honorable A. S. Crossfield, judge, found as a fact that the defendant came to the Philippine Islands in 1899; that he was a laborer until about 1912 or 1913, when he became a merchant. Under these facts the lower court made the following observations: "While the respondent would have been subject to deportation because of failure to obtain his certificate at any time before his becoming a merchant, I am of the opinion that, having been allowed to remain in the Islands for a long period of time without the certificate and that having become a merchant, he is relieved from the necessity of having such certificate as a laborer; and being legally in the Philippine Islands and having become a member of one of the exempt classes, he is not subject to deportation."

With that conclusion the lower court ordered the defendant discharged from custody, with costs de officio. From that judgment the plaintiff appealed to this court.

From an examination of the record, the following facts appear to be proven and not denied:

First. That the defendant is a Chinaman; that he was born in Fu Kien; that he is a subject of the Chinese Republic; that he came to the Philippine Islands in 1899 from China.

Second. That he was a laborer until the year 1912 or 1913.

Third. That he was in the city of Manila during the years 1903 and 1904; in fact, he continued to reside in Manila, from the time of his arrival, up to and including the time of the commencement of the present proceeding.

Fourth. That during the years 1902, 1903, and 1904, he was a laborer; that he learned in the year 1905 that it was necessary for him to secure a certificate; that he did not secure the certificate, for the reason that he was informed that the time within which he could secure it had closed.

Fifth. That during all the time that he has been in the Philippine Islands he never obtained a personal cedula.

From the foregoing facts it clearly appears that the defendant was in the Philippine Islands as a laborer during the period within which he was required to register under Act No. 702 and that he failed to register during that period, or during any other period. We have decided in numerous cases that the necessity of registration under Act No. 702 depended upon the status of the Chinese alien during the time within which Chinese laborers are required to

register under Act No. 702. If they are required to register during that period, and fail, their status thereafter could not relieve them from the necessity of having a laborer's certificate. (U. S. vs. Sia Lam Han, 29 Phil. Rep., 159; U. S. vs. Yu Wa, 28 Phil. Rep., 1; U. S. vs. Tan Chuy Ho, p. 383 ante.)

The enforcement of the foregoing rule may work a hardship. The courts, however, are not responsible for statutory law. It is the duty of the courts to enforce the law as they find it.

In view of all of the foregoing, we are of the opinion that the judgment of the lower court must be revoked, and the defendant deported from the Philippine Islands, and without any finding as to costs, it is so ordered.

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

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