

CHUA YENG, PETITIONER AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. No. 9853. December 04, 1914

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9853/>

JOHNSON, J.:

The facts in the present case, from an examination of the record, appear to be as follows:

That on or about the 16th day of June, 1913, Chua Tan Ching, a person of Chinese race, arrived at the port of Manila from the port of Amoy, China, on the steamship Taisang, and sought admission into the Philippine Islands as the legitimate minor son of Chua Yeng, a resident Chinese merchant, in the city of Manila; that his right to land was inquired into on the 17th day of June, 1913, by the board of special inquiry; that after hearing the testimony of the witnesses presented, the said board rendered its decision denying him the right to enter the Philippine Islands, on the ground that they did not believe him to be the legitimate son of the said Chua Yeng; that an appeal was had to the Collector of Customs of the port of Manila; that a rehearing was granted; that the rehearing took place on the 25th day of June, 1913, and said board again refused the said Chua Tan Ching the right to land, basing its decision upon the same ground as its first decision; that a second appeal was taken to the Collector of Customs and a third hearing was ordered before said board; that on the 5th day of March, 1914, a third hearing took place before said board and the said Chua Tan Ching was again refused the right to land; that a third appeal was taken to the Collector of Customs and he again affirmed the decision of said board on the 11th day of March, 1914.

On the 14th day of March, 1914, the said Chua Yeng, on behalf of the said Chua Tan Ching, presented a petition for the writ of habeas corpus to the Court of First Instance of the city of Manila. Attached to said petition was a copy of all the proceedings had in the department of customs.

To the said petition the Honorable Ramon Avancena, Attorney-General, presented an answer, in which he said, in part: "That the right of the said Chua Tan Ching to land, was inquired into by the duly authorized board of special inquiry, which board, after hearing the testimony and considering the evidence submitted by the applicant, rendered its decision refusing him the right to land on the ground that it did not believe him to be the son of Chua Yeng, as claimed; that he was a person of Chinese race who presented none of the required statutory evidence of his right to enter the Philippine Islands."

Upon the issue presented by said petition and answer, the lower court, without first determining whether or not there had been an abuse of authority by the department of Customs, proceeded to take testimony upon the right of the said Chua Tan Ching to land and after hearing said testimony, found that the said Chua Tan Ching was the legitimate minor son of Chua Yeng and entered an order discharging him from the custody of the law and allowed him to enter the Philippine Islands. From that decision the Attorney-General appealed to this court.

It has been repeatedly decided that the right to determine, in the first instance, whether or not a Chinese alien has a right to enter the United States or territories thereof to which the Chinese immigration laws have been extended,

has been conferred by law upon a branch of the executive department of the Government. The judicial department of the Government has no authority or right to intervene in determining the right of aliens to enter the Philippine Islands, except and until it has been proven and shown clearly that that branch of the executive department of the Government upon which the power to determine that question has been conferred by law, has abused its authority; in other words, until it is shown that the customs authorities have abused their authority in refusing Chinese aliens the right to land in the Philippine Islands, the courts are without authority to intervene. The decision of the customs authorities is final, unless it is shown that they have abused their authority. (Tan Chin Hin vs. Collector of Customs, 27 Phil. Rep., 521.) It has been frequently held that if there is some proof supporting the conclusions of the department of customs denying a Chinese alien the right to enter, there has been no abuse of authority. (U. S. vs. Williams, 189 Fed. Rep., 915; Tan Chin Hin vs. Collector of Customs, *supra*.) It has also been decided that the customs authorities act more or less as a jury in determining the facts in the First instance; that they have an opportunity to see and hear the witnesses, and that they are under no obligation to believe the declarations of a witness, if his manner or conduct during the examination is such as to cause them to disbelieve him, even though his declarations are not disputed by any other witness. , (Ekiu vs. U. S., 142 U. S., 651; Tan Chin Hin vs. Collector of Customs, *supra*.)

In the present case we find a very marked conflict between the declarations made by the said Chua Tan Chin and the declarations of his alleged father and his alleged brother.

Said conflict, in our opinion, was sufficient to justify the board of special inquiry and the Insular Collector of Customs as well, in disregarding their testimony and disbelieving the same. The board of special inquiry in its first decision said, among other things:

"The alleged father, brother, and Chua Yan, a relative appeared in his behalf. Their stories were so conflicting and the lie was passed so often, that the board hardly knows whether to believe any of the testimony or disbelieve all of it. * * *

"The alleged father and both of the witnesses contradicted themselves so many times, especially the second witness, and both of the witnesses have admitted to having falsely testified under oath, and the discrepancies are so many and so plainly false, that the board believes it to be a fraudulent case to the core."

The board of special inquiry stated that there was no resemblance between the alleged son and, the alleged father. It has been decided that a physical comparison may be made between a minor Chinese, an applicant for admission into the territory of the United States, with his alleged father, and that said comparison constitutes competent and material evidence, providing the fact of such comparison is made a part of the record. (Ex parte Choey Dee Ying, 214 Fed. Rep., 873; 2 Wigmore on Evidence, sees. 1150-1154; In re Jessup, 81 Cal., 408; 6 L. R. A., 594; Gilmanton vs. Ham, 38 N. H., 108,113; Tan Beko vs. Collector of Customs, 26 Phil. Rep., 254; De la Cruz vs. Collector of Customs, 26 Phil. Rep., 270.)

It certainly can not be contended, however, under such comparison, that if there is no resemblance between the alleged son and the alleged father, that that fact alone would constitute sufficient proof to show that the alleged parentage did not exist. The mere absence of parental resemblance, in the face of other proof, would not be sufficient to declare that the parentage did not exist. If the courts should decide that lineage and legitimacy depended upon parental physiognomy or bodily marks of similarity, a great many people might be deprived of their legal inheritance. Legitimacy can not depend wholly upon the presence or absence of parental similarity of physical appearance. Neither was it made the basis of the decision of the board of special inquiry.

The record contains a number of exhibits. It does not appear Of record just how said exhibits were made a part of the record. Exhibit A is a letter written by H. B. Mc-Coy, Insular Collector of Customs, on July 22,1913, directed

to Mr. Petronilo Valenzuela, immigration broker, which letter was accompanied by an alleged decision, signed with a rubber stamp by the name "H. B. McCoy, Insular Collector of Customs," by which decision it appears that the Insular Collector of Customs had overruled the decision of the board of special inquiry and had permitted the said Chua Tan Ching to land, as the legitimate minor son of Chua Yeng. It is neither alleged nor proved that said alleged decision had ever been rendered by the Insular Collector of Customs, in fact, the record shows that no such decision had been rendered. We find in the petition presented by the plaintiff a statement made by the plaintiff himself, that an appeal was duly taken to the Insular Collector of Customs, who affirmed the decision of the said board of special inquiry, constituted as above stated. No pretension was made in the court below that the Insular Collector of Customs had reversed the decision of the board of special inquiry and had permitted the said Chua Tan Ching to land. In view of the fact that the plaintiff admits that the Insular Collector of Customs affirmed the decision of the board of special inquiry and denied the applicant the right to land, we are not disposed to discuss that question further.

While the record contains much proof supporting the contention of the appellee, yet there was sufficient proof, or rather conflicting of proof, in our opinion, to justify the conclusions of the department of customs. That being true, there was no abuse of authority and the Court of First Instance was without jurisdiction to hear proof upon the question presented by the petition for the writ of habeas corpus.

For the foregoing reasons, the judgment of the Court of First Instance is hereby reversed, and it is hereby ordered and decreed that Chua Tan Ching be remanded to the Insular Collector of Customs to be dealt with in accordance with his decision of the 11th day of March, 1914. And without any finding as to costs, it is so ordered.

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

Trent, J., concurs in the result.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.