

CHUA SHUN, PLAINTIFF AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, DEFENDANT AND APPELLANT.

G.R. No. 9855. October 06, 1914

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9855/>

JOHNSON, J.:

From an examination of the record, the following facts seem to be established by a large preponderance of the evidence:

First. That the said Chua Shun is a person of Chinese descent, a minor about 20 years of age, and the legitimate son of Chua Pingco.

Second. That the said Chua Pingco was a Chinese merchant and a resident of the Philippine Islands.

Third. That the said Chua Shun came to the Philippine Islands the first time when he was about 11 years of age, in the year 1903 or 1904, and was permitted to enter the Islands as the minor and legitimate son of Chua Pingco.

Fourth. That the said Chua Shun remained in the Philippine Islands until the year 1907, when he returned to China, in company with his father; that he returned from China to the Philippine Islands in the same year (1907), with his father and they were both permitted to enter.

Fifth. That the said Chua Shun remained in the Philippine Islands after his return in 1907, until the month of November, 1909, when he again visited China.

Sixth. That the said Chua Pingco, while still a resident merchant of the Philippine Islands, died in the city of Manila, on the 10th day of January, 1909.

Seventh. That Chua Pingco left an estate in the Philippine Islands valued at about P186,000,

Eighth. That an administrator was duly appointed for his estate; that a guardian was appointed for his minor children; that before Chua Shun returned to China in the month of November, 1909, he obtained permission of the court, as well as the consent of his guardian, so to do.

Ninth. That the share of the estate of Chua Pingco belonging to the said Chua Shun was more than P6,000.

Tenth. That Chua Shun was engaged in the cigarette business in the city of Manila.

Eleventh. That he returned to the Philippine Islands on the steamship Taisang on the 2d day of January, 1913, while he was still a minor of about 20 years of age, and was refused admission, upon the ground that he was a person of Chinese descent.

The board of special inquiry, after hearing the evidence presented by the said Chua Shun relating to his right to land in the Philippine Islands, in its order denying to him the right to enter, said: "As the only right of the detained to enter the Philippine Islands would be the actual presence of his father, the board finds and decides that the said

Chua Shun is coming to the Philippine Islands without the certificate required by law for the admission of Chinese of the exempt class, and he is, therefore, refused landing."

From this decision Chua Shun appealed to the Insular Collector of Customs. In passing upon the questions presented by the appeal, the Honorable B. Herstein, Insular Collector of Customs, among other things, said: "He cannot be admitted as the legitimate minor son of a resident Chinese merchant, by reason of the fact that not alone at the time of his entrance on January 2, 1913, but also at the time of his departure in November, 1909, his father was dead."

Immediately after the petitioner was denied the right to admission into the Philippine Islands, he presented a petition for the writ of habeas corpus in the Court of First Instance of the city of Manila. The petition was duly considered by the Honorable A. S. Crossfield, judge, who found as a fact: "That Chua Shun is the minor son of a Chinese merchant, residing in and doing business in the city of Manila, and that the petitioner resided, as such minor son, in the city of Manila for more than five years; that his father died and the petitioner succeeded to a portion of his father's mercantile business, as heir thereto, and, because of his minor age, became a ward of this court and was allowed to leave the Philippine Islands, by order of the court, on account of his health; that upon his return from his journey of health seeking, he was refused landing in the Philippine Islands, on the ground that his father was no longer a resident of the Philippine Islands."

Upon the foregoing facts, the lower court reversed the order of the Collector of Customs and admitted Chua Shun into the Philippine Islands. From that order the Insular Collector of Customs appealed to this court.

The only question which is left for us to decide is whether or not the death of the father of Chua Shun had the effect of depriving him of the right to continue to reside in the Philippine Islands. It will be remembered that he was permitted to land as the legitimate minor son of Chua Pingco and had continued to reside in the Philippine Islands with his father for a period of more than three years, and that the occasion of his leaving the islands ten or eleven months after the death of his father was to regain his health. We do not believe, had he remained in the Philippine Islands after the death of his father, that he could have been deported upon any theory, having once been admitted as the legitimate minor son of a resident Chinese merchant. As such legitimate minor son, having once been admitted and having become a part of the population of the country, we do not believe that the mere death of his father had the effect of depriving him of his right to remain. And if he had the right to remain, we cannot understand upon what theory he lost his residence in the Philippine Islands, simply by the fact that he left the Islands for a short period for the purpose of regaining his health. It is true that when he left the Islands on the 2d day of January, 1909, he did not get the usual document from the Insular Collector of Customs which is obtained by Chinamen generally who leave the Philippine Islands with the intention of returning. At that time, however, we are of the opinion that such certificate was unnecessary. (U. S. vs. Gue Lim, 176 U. S., 459; Lo Po vs. McCoy, 8 Phil. Rep., 343; U. S. vs. Yu Kiao, 20 Phil. Rep., 307.) We do not believe that Congress intended, when it adopted the Chinese Exclusion Laws, to prohibit Chinese aliens from continuing to reside in the territory of the United States, under the circumstances such as exist in the present case. Neither do we believe, after the minor children of resident Chinese merchants in the territory of the United States have been admitted and have resided in such territory with their parents, that they lose their right to remain in or to reenter said territory, simply because subsequent to their entrance their parents have died. (U. S. vs. Gue Lim, 176 U. S., 459; U. S. vs. Yu Kiao, 20 Phil. Rep., 307.)

Therefore the judgment of the lower court is hereby affirmed, with costs.

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

Moreland, 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.