

CHUN TOY, PETITIONER AND APPELLEE, VS. THE INSULAR COLLECTOR OF CUSTOMS, RESPONDENT AND APPELLANT.

G.R. Nos. 9638 and 9789. March 27, 1915

Ponente: MORELAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-9638/>

MORELAND, J.:

This is an appeal by the Insular Collector of Customs from an order and judgment of the Court of First Instance of Manila in an action for a mandate commanding him to receive the petitioner's declaration of entry for certain cases of meat products and to deliver them to petitioner unless a proper examination and investigation disclose that they are dangerous to health.

The facts in this case are not in dispute. It appears from the record that on October 7, 1913, there was received at the Manila customhouse from Hongkong, China, 50 cases of hams. The plaintiff attempted to make entry of the hams but, failing to accompany his declaration with the certificate of official ante-mortem and post-mortem inspections of the animals in the country from which the hams were exported, as required by Customs Administrative Circular No. 628, entry was refused. A writ of mandamus was then applied for and, after trial, the judgment appealed from was entered by the court.

The position of the appellee in this case is stated in his brief as follows: "The appellant claims: 1. That the merchandise is subject to the provisions of the pure food laws of the United States and of the Philippine Islands.

"This is error. The goods are in the original unbroken packages of import and the local law does not apply.

"2. That the Insular Collector is charged with the enforcement of the Federal Pure Food Law as regards its application to importations into the Philippine Islands.

"This is, in a manner, true. He must enforce the law as it is but cannot, by regulations, amend that law or increase its burdens.

"3. That Customs Administrative Circulars Nos. 628 and 632 are valid and applicable to these importations.
"This is denied.

"4. That the burden of proving that the importations in question were not dangerous to the health of the people of the Philippine Islands rests upon the petitioner.

"This is denied."

We cannot agree with the appellee that the Insular Collector of Customs has no authority to prevent the importation of meats and meat products, where the only ground of refusal is that there is lacking a certificate that an ante-mortem and post-mortem examination of the animal slaughtered showed that it was free from disease.

Section 3 Of the Act of Congress of August 5, 1909, known as the Philippine Tariff Law, dealing with prohibited importations, provides, in part, as follows: "SEC. 3. That importation or shipment into the Philippine Islands of the following articles is prohibited:

* * * * *

"(e) Any article violating the provisions of the Act of Congress of June thirtieth, nineteen hundred and six, entitled 'An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes commonly known as 'the pure food law.' "

Section 25 of the same law authorizes the Insular Collector of Customs to make rules and regulations for the proper performance of the duties laid on him by the law. That section reads as follows: "SEC. 25. That the Insular Collector of Customs shall, subject to the approval of the secretary of the department having jurisdiction over the customs service, make all rules and regulations necessary to enforce the provisions of this Act."

Pursuant to the authority thus conferred the Insular Collector of Customs issued Customs Administrative Circular No. 628, effective March 10, 1911, which is very largely a restatement of regulation 31 of the regulations for the enforcement of the Pure Food and Drugs Act issued pursuant to the authority conferred by section 3 of Act No. 1655. Regulation 31 was issued by the Insular Collector of Customs, the Director of Health and the Collector of Internal Revenue. It reads as follows: "(a) Meat and meat food products imported into the Philippine Islands shall be accompanied by a certificate of official inspection of a character to satisfy the Director of Health that they are not dangerous to health, and each package of such articles shall bear a label which shall identify it as covered by the certificate, which certificate shall accompany or be attached to the invoice on which entry is made.

"(b) The certificate shall set forth the official position of the inspector and the character of the inspection.

"(c) Meat and meat food products as well as other food and drug products of a kind forbidden entry into or forbidden to be sold, or restricted in sale in the country in which made or from which exported, will be refused admission."

He also issued Customs Administrative Circular No. 632, which is as follows: "Paragraph I. Under instructions from the Director of Health * * * (quarantine) officers assigned to Manila and subports of entry will determine the sufficiency of inspection certificates * * * for imported meats and meat food products under the following conditions:

* * * * *

"PAR. II. Customs entries for consignments of meats and meat food products imported into the Philippine Islands that have not been passed by quarantine officers under the foregoing conditions shall not be accepted. "

As we have already seen, the appellee challenges the authority of the Collector of Customs to promulgate these regulations. All of the other contentions found in his brief and argument are based on this ground.

The fundamental error into which the appellee falls is that of assuming that the Collector of Customs, in refusing to permit the entry of the merchandise in question in this case, was enforcing the Pure Food Law. He was not enforcing the Pure Food Law but the Philippine Tariff Law, which prohibits the introduction into the Philippine Islands of impure foods. While in the course of the performance of the duties laid on him by the Tariff Act the Collector of Customs is required to determine whether a given article falls within the condemnation of the Pure Food Law, he is really not engaged in the enforcement of the Pure Food Law. Even though as claimed by the appellee, the burden of proof is on the Government in a prosecution under the Pure Food Law to establish the fact of impurity, that rule does not necessarily prevail with respect to the investigations of the Collector of Customs in admitting foods and foodstuffs into the Philippine Islands. The determination of the Collector of Customs in such case is administrative, is not in court, is not after trial, and to it the rules relating to the burden of proof which prevail in courts of justice do not necessarily apply. The Collector is under the duty to keep out of the Philippine

Islands all impure foodstuffs and he is not strictly limited, as are courts, as to the source from and the methods by which he may secure his information.

Equally without merit, in our judgment, is the argument of counsel embodied in the following statement: "The petitioner asserts that the Collector is doing more than enforcing the Pure Food Law, that he is seeking to enforce the Meat Inspection Law, under cover of the Pure Food Law, and that the circulars hereinafter referred to constitute an administrative amendment of the Pure Food Law in that they seek to incorporate into it provisions of the law found only in the Meat Inspection Law."

We do not believe that because the Collector of Customs has made rules and regulations for the enforcement of the Philippine Tariff Act, by which the importation of diseased meat or meat deleterious to health is forbidden, which, he claims, are similar to certain provisions found in the Meat Inspection Law of the United States, it can be asserted as a necessary conclusion that the Collector is attempting to import into and enforce in the Philippine Islands the Meat Inspection Law of Congress. Aside from the fact that the Meat Inspection Law does not touch importations, the real and only question which engages the attention in this connection is the enforcement of the Tariff Law by the promulgation of rules and regulations necessary to that end. If it is necessary, as the undisputed evidence in this case demonstrates it is, that, in order to determine whether meat is diseased or deleterious to health, and, therefore, a prohibited importation under the Tariff Law, an ante-mortem and a post-mortem examination of the animal must be made, then it follows, as a matter of course, that a rule or regulation requiring a certificate that an ante-mortem and post-mortem examination of the animal disclose that it was in a healthy condition at the time it was slaughtered is not only a reasonable exercise of the authority conferred by the law but is a necessary exercise of that authority without which the officials charged with the execution of the law could not properly enforce it. Congress has expressly authorized the Collector of Customs to investigate importations of foodstuffs from foreign countries and has laid on him the duty of preventing the entrance into the Philippine Islands of those which are impure, adulterated or deleterious to health. This authority carries with it the necessary right to open packages and investigate the contents, whether they be original or otherwise.

Nor do we agree with the argument "that no state or territorial or other local legislation can deal in any manner with imports into the United States from foreign countries while the same are in the original packages of import," and that the decisions of the courts and districts of the United States with respect to foods and drugs in the original packages are applicable to the Philippine Islands. Those clauses of the Constitution of the United States which deal with interstate commerce are not applicable to the Philippine Islands, the latter not being a state or territory of the United States.

We are of the opinion and hold that the regulation of the Collector of Customs requiring a certificate of inspection in cases such as the one before us is a proper exercise of his authority under the Tariff Act and is a valid regulation.

The judgment appealed from is reversed and the ruling of the Collector of Customs on the importation in question is affirmed.

A similar judgment shall be entered in case R. G. No. 9789, entitled Chun Toy vs. Insular Collector of Customs. So ordered.

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

Carson and Trent, JJ., concur 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.