

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BARTOLOME GRAY, DEFENDANT AND APPELLANT.

G.R. No. 3482. September 07, 1907

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3482/>

TORRES, J.:

By means of a written complaint dated the 24th of April, 1906, Bartolome Gray, a councilor and resident of the municipality of Candon, was accused by the provincial fiscal of Ilocos Sur of violation of Act No. 663, in that since 1904 to the present day the accused was and is a duly elected councilor of said municipality, and that since 1905 to this day, being then and there a councilor, was unlawfully and feloniously interested in a direct manner in a cockpit established in said town, having secured a license therefor in the year 1905, which was renewed on the 5th of January, 1906.

Act No. 663, amending paragraph (a) of section 28 of the Municipal Code, provides:

"SEC. 28. (a) No municipal officer shall be directly or indirectly interested in any contract work, or cockpits, or other permitted games and amusements, or business of the municipality, or in the purchase of any real estate or any other property belonging to the corporation."

And paragraph (b) of said section 28 of Act No. 82, entitled the Municipal Code, then prescribes that—

"(b) Any officer violating the provisions of this section shall, upon a two-thirds vote of all the members of the council, be removed from office; and, upon trial and conviction in a court of competent jurisdiction, shall be imprisoned for not less than six months and not more than two years."

The case having proceeded to trial upon the said complaint, and after the accused had pleaded not guilty, the provincial fiscal, in order to shorten the proceedings, moved that the following facts stated in the complaint be considered proven, as they were indisputable (fol. 13) :

- (1) That since the year 1904 to April 24, 1906, the accused, Gray, had acted as a duly elected councilor of the municipality of Candon, and had during the said time exercised the rights and duties inherent to such office.
- (2) That since 1905 until the first months of 1906 he was directly interested in the cockpit business in the municipality of Candon.
- (3) That for the purpose above stated he secured the corresponding license from the municipal treasurer of Candon for the year 1905, the same having been renewed on the 5th of January, 1906.

The above facts, as set forth by the fiscal, were admitted by the counsel for the defense, although he alleged that the accused had never intended to commit an offense, which intent is the basis of the penalty, and that he was ignorant that, being a councilor, he could not take part in any contract in which the municipality was interested, nor in cockpits, so much so that as soon as his attention was called thereto by an intelligent person he at once asked that his license be canceled, and that it was then that it was discovered that he was a contractor for the cockpit.

The judge, in view of the proceedings in the case, Tendered judgment therein and sentenced the accused, Bartolome Gray, to the penalty of six months' imprisonment for violating Act No. 82, as amended by Act No. 663, and to pay the costs; from which judgment counsel for the accused appealed.

It is an express legal precept that ignorance of the law does not excuse anyone from compliance therewith (art. 2, Civil Code), and the exculpatory allegation offered by the accused, to the effect that he was ignorant of the prohibitive provisions of said municipal law, as amended, is therefore not at all admissible. It was the duty of the accused, as councilor' for the town of Candon, to be acquainted with all the laws in force, especially the municipal laws in connection with his duties and obligations, because he was obliged not only to comply with them but also, to see that they were complied with by all of his townsmen, and upon this theory he could not be ignorant thereof; on the contrary, the presumption exists that he was well aware of their provisions, particularly such laws as Act No. 82, which was in force since January 31, 1901, and its amendment by Act No. 663, enacted on the 5th of March, 1903, both of which dates are long prior to the time when he began the performance of his duties as councilor of the municipality.

In view of the foregoing considerations, the judgment appealed from should be affirmed with costs. So ordered.

Arellano, C.J., Johnson, Willard, and Tracey, JJ., concur.

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.