

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANDRES GIMENO, DEFENDANT AND APPELLANT.

G.R. No. 3848. March 13, 1908

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3848/>

JOHNSON, J.:

This defendant was charged with a violation of sections 29 and 37 of Act No. 1458 of the Philippine Commission, was found guilty of said offense, and was sentenced to pay a fine of 25 and the costs. From this sentence the defendant appealed to this court.

The defendant was municipal secretary of the pueblo of Bulan and at the same time was secretary of the municipal board of health. On or about the 20th day of May, 1906, by order of the president of said pueblo, he issued a burial certificate to Hipolito Morilla, giving permission for the burial, of the body of Ponciano Morilla in the cemetery of the barrio of Butag of said pueblo.

Section 29 of said act provides:

"Except in cases of emergency, any person who shall bury or inter, or cause to be buried or interred, the dead body of any human being or any human remains in any place except in a burial ground or cemetery, now or here-after lawfully existing, shall, upon conviction, be punished as hereinafter provided."

Section 37 provides the punishments for the provisions of said section.

The evidence shows that there had been established in the said barrio of Butag a cemetery and that the body of the deceased was buried therein. There was nothing in the record to show that burials in said cemetery had been prohibited. The prosecuting attorney made no effort to show that said cemetery had not been legally established. There is nothing in said law which prohibits the continued use of cemeteries already established prior to the enactment of said law.

The judgment of the lower court is hereby reversed and the defendant is ordered to be discharged from custody with costs de oficio. So ordered.

Arellano, C. J., Torres, Mapa, Carson, Willard, and Tracey, JJ.,

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.