

5 Phil. 462

[G.R. No. 2201. December 28, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO MATEO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

WILLARD, J.:

The defendant admitted that he forged a burial permit by erasing the word "*Loma*," the name of the cemetery which had been placed therein by the authorities, and inserted in its place the words "*Balic-balic*,"

the name of another cemetery, and that he presented the permit so changed to the authorities of the latter cemetery, and that the body of Enrique Manalo, whose funeral he had in charge, was buried in the latter cemetery.

The contention of the defendant that this burial permit was not a public document can not be sustained. (Art. 1216, Civil Code; United States vs. Sarmiento, 1 Phil. Rep., 484; United States vs. Llaines, 1 Phil. Rep., 130; United States vs. Barbasa, 1 Phil. Rep., 313.)

The contention of the defendant that the Board of Health of the Philippine Islands is not described by the words "*Insular Board of Health*" is answered by what is said in the decision of the court below.

We take into consideration as an extenuating circumstance article 11 of the Penal Code, and the defendant is convicted of the crime of falsification of a public document, in violation of the provisions of article 301 of the Penal Code, and is sentenced to six years and one day imprisonment (*presidio mayor*), and a fine of 1,250 pesetas, with the accessories of law and the costs of both instances against him. So ordered.

Arellano, C. J., Mapa, Johnson, and Carson, JJ., concur.

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