

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. THE NEGRITO MEYMAI, DEFENDANT AND APPELLANT.

G.R. No. 12846. November 12, 1917

Ponente: MALCOLM, J.

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MALCOLM, J.:

The record before us discloses a typical headhunting expedition of the primitive Negritos. According to one account, the wife of the Negrito Arturo, with others living in the macheria having been murdered, and according to another account, the Negritos by order of one Butong, having been directed to kill the enemies of Butong, in a band of seven or eight, they proceeded to the banks of the Pincanauan River, where about twenty persons were fishing. Without warning, the Negritos attacked the unsuspecting people killing six Christians, Domingo Pagulayan, Saturnino Calaputoc, Vicente Cauan, Rosenda Malillin, Hermogena Buraga, and Eufasia Bernaga.

The evidence is sufficient to demonstrate beyond a reasonable doubt that the defendant and appellant, the Negrito Meymai, accepted an invitation to join a band intent on murderous reprisal, and that he took an active part in the commission of the crime which resulted in the horrible death of six innocent persons. The lower court very properly took into consideration the qualifying circumstance of alevosia, and the aggravating circumstance that the crime was committed in an uninhabited place by a band of more than three armed men, but compensated by the mitigating circumstance of lack of education- provided by Act No. 2142.

The judgment of the lower court sentencing the Negrito Meymai to the penalty of cadena perpetua, with the accessory penalties provided by law, to pay jointly and severally with his companions, who were convicted in case No. 1006 to the heirs of the deceased the amount of P500, and to pay the costs, is affirmed with the costs of this instance against the appellant. So ordered.

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

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