

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BUTAG, EREC, CUSIDON, DUMAUA, BANGAYAN, GURENGAD, GALADI, LEGUE, BEGUING ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 13251. October 08, 1918

Ponente: MALCOLM, J.

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MALCOLM, J.:

A considerable band of Kalingas, out on a head-hunting expedition, set upon and decapitated two women, a man, and a boy. Eighteen persons in all were charged with the crime. Action was suppressed, on motion of the defense during the course of the trial, as to seven of the defendants. Three others were acquitted. The remaining eight, named Erec, Cusidon, Dumaua, Bangayan, Gurengad, Galadi, Legue and Beguing, were found guilty of the crime of murder, and each was sentenced to life imprisonment with the accessory penalties of the Penal Code, and to pay one-eighteenth part of the costs, while all were jointly and severally made liable to the heirs of the four deceased in the amount of P4,000.

The assignments of error relate in different form to the sufficiency of the evidence. We find on review that the guilt of the defendants is proved beyond a reasonable doubt by their own voluntary confessions and admissions, corroborated by other competent witnesses. The crime is murder because committed by the defendants with evident premeditation. In order that evident premeditation may exist, it is not necessary that the accused premeditate the killing of a particular individual. (U. S. vs. Manalinde [1909], 14 Phil., 77; U. S. vs. Rodriguez [1911], 19 Phil., 150.) There also concur the aggravating circumstances that the crime was committed by a band of more than three armed men, and in disregard of the age and sex of the deceased, one being a boy of twelve years of age, and two, women. The trial court found present the mitigating circumstance provided by article 11 of the Penal Code, as superseded by Act No. 2142. The penalty imposed by the trial court is accordingly correct.

Judgment is affirmed with one-eighth part of the costs of this instance against each appellant. So ordered.

Torres, Johnson, Street, Avanceña, and Fisher, JJ., concur.

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