

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RODOLFO ALBAPARA Y BORDEOS, CONRADO REYES Y BARTOLOME  
AND LUIS OBSUM Y JORDAN, DEFENDANTS-APPELLANTS.**

*G.R. No. L-25001. March 15, 1968*

Ponente: BENGZON, J.P., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4be6c959c470/>

---

**BENGZON, J.P., J.:**

A strike had been going on for some time at the Pier-Area, South Harbor, Manila, as a result of a labor dispute between the union and management of the Manila Port Service. In the course of several attempts to settle the dispute, the Bureau of Customs took over the operation of the arrastre service for the duration of the emergency. The striking unionists were not satisfied, as only some of them were recalled and strike-breakers or "scabs" were hired. So the strike continued.

At about 4:00 A.M. of July 8, 1963, four jeepneys arrived in front of the Pier's Gate 1, carrying "scabs". The "scabs" then entered thru the gate. Several minutes later, around 20 to 50 strikers arrived in front of Gate 1. Upon their order, the jeepneys left. The strikers then congregated in front of the gate. This put on alert the 5 policemen assigned to Gate 1 to maintain peace and order.[1]

Another jeepney (Plate No. S-16002) arrived, at 4:25 or 4:30 A.M., in front of Gate 1, with twelve male passengers or "scabs".[2] The strikers encircled the jeepney. A few moments later, explosions in and around the jeepney occurred.[3] As a result of the incident, two of the passengers, Edgardo Ago and Encarnado Gonzales, were fatally wounded.[4] Another passenger, Eleuterio Ronquillo, was seriously injured. Passenger Ambrosio Malinis and the driver, Angelito Camia, also sustained physical injuries. All of them were rushed immediately to the Philippine General Hospital.[5]

The report[6] of the doctor showed that Ago had multiple extensive lacerations of the right axilla and right chest; laceration of the right axillary vessels, vena cava, collapsed; laceration of the upper lobe of right lung; intrapulmonary hemorrhage of right lung; hemothorax, 400 cc. recovered blood, right; and that the cause of death was shock and intrapulmonary hemorrhages due to blasting injuries of chest and arm.

As to Gonzales, it stated:[7] Severe lacerations of left arm, amputated at PGH; extensive contused abrasions on left chest; intrapulmonary hemorrhage of left lung; complete fracture of left humerus and simple fracture of 3rd rib on left; and that the cause of death was shock and intrapulmonary hemorrhage due to blasting injuries of the chest, left arm, and fracture of humerus and rib.

The report[8] on Ronquillo showed that he sustained: Third degree burns, lateral aspect of right thigh; abrasion of right chest; fracture of femur, right lower third; and stated that an operation was performed on him, including skin grafting, and that his injuries required medical attendance of at least three months.

Regarding Malinis, the doctor found[9] that he suffered multiple abrasions on the left upper arm, requiring medical attendance of from 4 to 6 days.

And Camia, the driver, was reported therein to have suffered a non-penetrating wound, caused by an ice-pick, on the right suprascapular area and right sub-axillary area, requiring medical attendance of from 4 to 6 days.

After the explosions, the policemen on duty arrested on the spot three of the strikers, namely, Rodolfo Albapara, Conrado Reyes and Luis ?????.[10] An information was later, on July 10, 1963, filed by the Fiscal against them, in the Court of First Instance of Manila, for double murder with multiple frustrated murder.

At the trial, following the plea of not guilty of the defendants, the prosecution called on five witnesses, i.e., three policemen and two doctors. The defense presented nine witnesses, viz., the three accused and two witnesses each to corroborate their respective testimony.

A decision was then rendered on July 7, 1965, finding the defendants guilty of double murder with multiple frustrated murder, and sentencing each of them to suffer reclusion perpetua, to indemnify the heirs of each of the deceased, jointly and severally, in the sum of P5,000.00, and to pay the proportionate amount of the costs.

Appeal by defendants was taken directly to this Court.

The prosecution's evidence, upheld by the Court a quo, rests on the testimony of Patrolmen Segundo Marquez and Emmanuel Lalisa of the Manila Police Department.

Patrolman Marquez testified substantially as follows:

Five policemen, including him, and a sergeant, were assigned to the strike area at the pier to maintain peace and order.[11] They were on night duty from 11 P.M. of July 7, 1963 to 7:00 A.M. of July 8, 1963. At about 4:00 A.M. of July 8, 1963, while he was in front of Gate 1, he noticed the sudden appearance therein of about 20 strikers who did not carry any placard.[12] Shortly later, a passenger jeepney, plate No. S-16002, with 12 male passengers, arrived in front of Gate 1. At this time, he did not yet know the driver's name nor the names of the passengers, except the fact that they were "scabs".[13]

As the "scabs" were alighting from the jeepney, six bombs exploded in and around the jeepney, 4 of them successively and the other 2 with one-minute intervals.[14] The bombs exploded inside the jeepney and there were still about 10 passengers inside. The others had already alighted and entered the gate.[15] The bombs which exploded in-side the jeepney came from the strikers around the jeepney.

After the first bomb exploded, he was able to cover in front of the jeepney.<sup>17</sup> After that, he raised his head to see who threw the bomb and as he did so and looked, he saw Obsum hurling one of the bombs inside the jeepney.<sup>18</sup> After covering from the next explosion, he picked up Obsum.<sup>19</sup> Then he told the jeepney driver to take out the jeepney.<sup>20</sup> After the jeepney moved out of Gate 1, the accused Rodolfo Albapara threw another bomb inside the jeepney, the sixth and last bomb.<sup>21</sup>

Patrolman Lalisa testified that: He was one of the 5 policemen assigned to Gate 1. About 4:30 A.M. of July 8, 1963, there was a clash between the "scabs" and the strikers of the Arrastre Service.<sup>22</sup> In that clash the strikers threw bombs at the "scabs" inside the jeepney driven by Camia, parked in front of Gate 1.<sup>23</sup> Patrolman Marquez and he were then at the back of the jeepney.<sup>24</sup> Six bombs were thrown successively inside the jeepney from the back.<sup>25</sup> Reyes, he saw, threw the third bomb.<sup>26</sup> And the jeepney was then loaded with passengers, who scampered.<sup>27</sup> Some were able to escape but the others were badly injured, like Ago and Gonzales, who were taken to the Philippine General Hospital and thereafter died.<sup>28</sup> Also, he later learned that Camia, the driver, sustained a stab wound at the back.<sup>29</sup>

All the three accused, in testifying, denied having thrown any bomb.

According to Obsum he, as picket leader,<sup>30</sup> merely approached the driver in the jeepney and told him to leave.<sup>31</sup>

Then Patrolman Marquez came in front of the jeep and collared him.<sup>32</sup> When he asked the policeman why he was being arrested, Marquez replied: "Why are you starting, why are you holding the jeepney back?"<sup>33</sup> And he answered that they were on picket. An explosion then occurred in front on the outer right side of the jeepney<sup>34</sup> while he was being held on the collar by the patrolman, at the left (front) side. They both stooped low;<sup>35</sup> a second explosion, inside the jeepney, followed.<sup>36</sup> After-wards, Marquez stood up, and, the policeman still holding him, they zigzagged towards the seawall, as more explosions came.<sup>37</sup>

On reaching near the seawall, Marquez nabbed Rodolfo Albapara, asking him: "You threw the bomb, did you not?"<sup>38</sup> The policeman then marched the two of them towards the police jeep which had now arrived, and they were taken to Precinct 4 where they were detained and their personal data taken.<sup>39</sup>

Said testimony of Obsum was corroborated by that of defense witnesses Roseliano Carrillo<sup>40</sup> and Alejandro Masangke,<sup>41</sup> his fellow strikers at the scene.

Albapara testified that on the day in question he had been sleeping near the seawall since 1:00 or 2:00 A.M.<sup>42</sup> At about 4:00 A.M. he was awakened by sounds of explosion in front of Gate 1, some 10 arms length from where he was.<sup>43</sup> Standing up, he took hold of the placard he was lying on to join the picket line. As he approached, he saw a jeep making a turn and when it came near him, someone in it hurled a piece of wood at him but missed.<sup>44</sup> So he hit the jeep with the placard he had.<sup>45</sup> A policeman - Marquez - then grabbed him from behind.<sup>46</sup> At this time, he saw Obsum being held by Marquez already. Obsum and he were brought to the police jeep.<sup>47</sup>

Rosalina Go and Salvador Abacan,<sup>48</sup> food and cigarette vendors, respectively, in the pier area, corroborated Albapara's testimony.

Finally, accused Conrado Reyes testified that between 4:00 and 4:30 A.M., July 8, 1963, he and 20 others were going from their Union building to Gate 1 of the pier to picket.<sup>49</sup> A group of policemen, who were on their way, ordered them to line up and raise their hands. Then they were searched from the armpit down to the feet.<sup>50</sup> After this, they were allowed to proceed.<sup>51</sup>

When they came to the picket line, a jeepney loaded with passengers tried to break in, but they stopped it.<sup>52</sup> As he was beside the jeep on the right, a person alighted and struck him with a piece of wood but he blocked it with the placard he was holding.<sup>53</sup> And as he boxed the man in the face, Patrolman Lalisa arrested him and brought him out of the picket line towards the dockyard's corner.<sup>54</sup>

On their way, Lalisa and he heard successive explosions and they leaned against the side of the Dockyard Cafe.<sup>55</sup> They were then about 8 to 10 full arm's length from where the explosions came.<sup>56</sup> Afterwards, Lalisa took him to the police jeep, following his explanation that he only boxed the man because the latter hit him with a piece of wood.<sup>57</sup>

Corroborating Reyes' testimony were Teodoro Silverio<sup>58</sup> and Jose Navarro, Navarro,<sup>59</sup> fellow strikers of his.

The present case involves a question of identification. Did each of the accused in fact throw one of the six bombs that exploded and caused the death of Ago and Gonzales and physical injuries of Ronquillo and Malinis? Patrolman Marquez positively testified to having seen the accused; Obsum and Albapara, and Patrolman Lalisa, the accused Reyes, each throw one of said bombs. This accusation, as stated, is denied by the accused, who adduced witnesses in support of their own version of the occurrence. The resolution of the question depends, therefore, on credibility.

And the rule, with few exceptions, in this regard, is that the trial court's judgment as to the credibility of witnesses should be accepted on appeal. Appellants contend the exception obtains here.

Appellants thus argue that the testimonies of Patrolmen Marquez and Lalisa not only did not corroborate each other, but suffered too many contradictions to gain credence, much less to convict beyond reasonable doubt.

Specifically, appellants point out the following: (1) Patrolman Marquez stated that of the six explosions, four were inside the jeepney and two were outside; Patrolman Lalisa said all six explosions were inside the jeepney. (2) Patrolman Marquez said he was in front of the jeepney, to the left and Lalisa was on the right side. Patrolman Lalisa testified that Marquez and he were at the back of the jeepney when the bombs were thrown. (3) Patrolman Marquez attested that two of the passengers had alighted from the jeepney when the explosion started; Patrolman Lalisa observed that none of them had alighted until after the first explosion. (4) Patrolman Lalisa saw heavy smoke come from inside the jeepney; Patrolman Marquez made no mention of smoke. And (5) Patrolman Marquez allegedly testified that Reyes threw a bomb after Obsum threw the first bomb; Patrolman Lalisa testified that several explosions inside the jeepney occurred before Reyes threw a bomb.

The discrepancies in the accounts of Patrolmen Marquez and Lalisa as to their relative positions and as to the precise source of all the explosions are such in nature that do not impair their credibility. Considering the fast occurrence of the events, it is not unusual for them to retain individual impressions as to their relative positions when the explosions occurred. And moreover, they were not observing each other, but the strikers, as they were intent on determining who threw the explosives or from where or whom the trouble was coming. As to the source of the explosion, what matters is that even in the midst of the rapidly transpiring events, the two policemen agreed that at least four of the explosions came from inside the jeepney. The foregoing certainly does not unfavorably affect their testimony that they saw the accused, as aforementioned, throw one each of the bombs that exploded inside the jeepney. Differences in details serve to enhance rather than destroy credibility of witnesses. They may not have seen everything but definitely they have seen the facts they have testified to.

The same is true as to the point of whether two passengers had alighted before the explosions started. This in no way renders the substance of their testimony unworthy of belief or reasonably doubtful. Such unimportant differences are to be expected in the nature of observing abnormal situations in rapid sequence.

Regarding the existence of smoke, there was no contradiction. Simply because Marquez did not mention it does not amount to his saying, even impliedly, that there was none.

And the last alleged contradiction is not supported by the record; Patrolman Marquez testified that Obsum threw the fourth (not the first) bomb;<sup>60</sup> he did not claim having seen Reyes throw a bomb; so his testimony does not go against Patrolman Lalisa's statement that several explosions had occurred before Reyes threw a bomb.

Appellants would also discredit Patrolman Marquez's testimony for self-contradictions. This patrolman, it is argued, described that Obsum swung his hand, but later said he did not swing it but "put it inside" the jeepney. And still later he said that by "it" he meant "something", not the hand. And that he went on to say that he saw Obsum throw something, not holding it, but later he said he was holding it.<sup>61</sup> The record shows, however, that Patrolman Marquez testified that he saw Obsum throw something inside the jeepney that immediately exploded therein; that he saw an object come out from Obsum's hand towards the jeepney.<sup>62</sup> The substance of the testimony is clear: he saw Obsum throw something inside the jeepney. A split-second thereafter something exploded inside the jeepney. And thereupon he seized Obsum. As to the contention that Patrolman Marquez said the object thrown was a firecracker, the record shows that he said its explosion sounded like that of a bawang firecrackers;<sup>63</sup> he did say not it was a firecracker.

Patrolman Marquez, it is also claimed, indulged in inconsistency as to Albapara; first, he said he saw Albapara throw a bomb inside the jeepney after the jeepney was moved out of Gate 1;<sup>64</sup> on cross-examination, he said it was while the jeepney was moving out of the pier.<sup>65</sup>

The point is a matter of semantics - the difference between "was moved out" and "was moving out" - and at most refers to a minor detail not destructive of the import of the testimony.

Appellants further argue that it was physically impossible for anyone outside to throw a bomb inside, as the jeepney was fully packed with twelve passengers, thereby leaving no space for the bomb to pass thru. As testified to by Patrolman Marquez, however, some of the passengers had already alighted from the jeepney when the explosions started.<sup>66</sup>

Also, it is contended that the bombs could not have come from the strikers because they were frisked before entering the pier area. This is not true of them all. For Obsum himself testified that on that occasion he was not frisked when he entered the area.<sup>67</sup>

Contrary to the claim that accused were not arrested for having thrown bombs, even Obsum stated, as noted earlier, that Patrolman Marquez asked Albapara, upon arresting him, why he threw the bomb.

And, finally, the aforesaid prosecution witnesses had no reason to falsely impute on the defendants the commission of so grave an offense as murder.

No evidence, however points to any of the accused as responsible for the stabbing of driver Camia with an ice-pick. As to frustrated murder of Camia, therefore, defendants should be acquitted.

The penalty for double murder and frustrated multiple murder (on Ronquillo and Malinis), should be death, since the penalty for murder of reclusion temporal maximum to death, in a complex crime such as this, is to be imposed in its maximum. For lack, however, of the necessary majority of eight votes to impose the death penalty, the penalty of reclusion perpetua is imposed.

WHEREFORE, the judgment appealed from is modified to acquit defendants-appellants of frustrated murder of Camia, in all other respects, it is affirmed. No costs.

**SO ORDERED.**

Reyes, Acting C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

---

**[1] TSN., 2-A - 4.**

**[2] TSN., 5.**

**[3] TSN., 6; 118-120.**

**[4] TSN., 11.**

[5] Ibid.

[6] Exh. A, Record, p. 165.

[7] Exh. B, Record, p. 171.

[8] Exh. C, Record, p. 176.

[9] Exh. D, Record, p. 177.

**[10] TSN., 35.**

**[11] TSN., 2-A.**

**[12] TSN., 2-A - 4.**

**[13] TSN., 5.**

**[14] TSN., 6.**

**[15] TSN., 7.**

16 Ibid.

**17 TSN., 8-9.**

**18 TSN., 8.**

**19 TSN., 10.**

20 Ibid.

21 Ibid.

**22 TSN., 118.**

**23 TSN., 119.**

**24 TSN., 120.**

25 Ibid.

**26 TSN., 122, 128.**

**27 TSN., 123.**

28 Ibid.

**29 TSN., 124.**

**30 TSN., 161.**

**31 TSN., 166.**

32 Ibid.

**33 TSN., 166.**

34 Ibid.

35 Ibid.

36 Ibid.

**37 TSN., 166-167.**

**38 TSN., 167.**

39 Ibid.

**40 TSN., 174-178.**

**41 TSN., 201-203.**

**42 TSN., 207.**

**43 TSN., 208.**

44 Ibid.

45 Ibid.

46 Ibid.

47 Ibid.

**48 TSN., 204-206.**

**49 TSN., 196.**

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

**54 TSN., 197.**

55 Ibid.

56 Ibid.

**57 TSN., 198.**

**58 TSN., 183-187.**

**59 TSN., 191-193.**

**60 TSN., 92.**

**61 TSN., 60-61.**

**62 TSN., 63.**

**63 TSN., 30, 50.**

**64 TSN., 10.**

**65 TSN., 54.**

**66 TSN., 7.**

**67 TSN., 163.**

## 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.