

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ELIAS CADACIO AND JULIAN OBRADOR, DEFENDANTS AND APPELLANTS.

G.R. No. L-12943. October 31, 1963

Ponente: BENGZON, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7a557d41f733/>

BENGZON, C.J.:

The decision under review, found the above appellants: (1) guilty of three crimes of murder, and sentenced each of them to three terms of life imprisonment, to indemnify the heirs of each of the three victims in the sum of P6,000.00; (2) guilty of the crime of attempted murder upon three other persons, and to suffer (in addition to what has already been imposed), a further prison sentence of from 6 months and 1 day of prison correctional as minimum to 6 years, 1 month and 11 days of prison mayor as maximum, and to pay costs.

Elias Cadacio and Julian Obrador were charged with the crime of triple murder, with double frustrated murder, and attempted murder, in the Court of First Instance of Batangas, in an information which recited:

"That on or about the 24th day of April, 1955, in the Barrio of Dayapan, Municipality of Lemery, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with three unknown persons who are still at large, armed with firearms, conspiring and confederating together, acting in common accord and mutually aiding one another, with the deliberate intent to kill Dionisio de Leus, Serapia Gamboa, Geminiano Lagrosa, Simplicio Gamboa, Leoncio Razon and Pastor Kamson, by means of treachery and with evident premeditation, did then and there wilfully, unlawfully and feloniously without justifiable cause, attack, assault and fire shots at the said Dionisio de Leus, Serapia Gamboa, Leoncio Razon, Geminiano Lagrosa, Simplicio Gamboa and Pastor Kamson, suddenly and without warning, the accused thus employing means and methods in the execution of the crime which tended directly and especially to insure its execution without risk to themselves arising from the defense which the offended parties might make; that as a result thereof, the accused succeeded in inflicting mortal bullet wounds in the different parts of the body of said Dionisio de Leus, Serapia Gamboa and Geminiano Lagrosa, which injuries directly caused their death; that the said accused succeeded in inflicting upon Simplicio Gamboa gunshot wound, right waist and upon Leoncio Razon wound punctured right superciliary area which injuries caused the illness, required medical attendance and prevented the offended parties from performing their regular work for a period of one week and two weeks respectively, thus performing all the acts of execution which should have produced the crime of murder as a consequence, but which nevertheless did not produce it by reason of causes independent of their will, that is, by the timely and able medical assistance rendered to said Simplicio Gamboa and Leoncio Razon, which prevented their death; and the said accused did then and there commence the commission of the crime of murder directly by overt acts, that is, by attacking, assaulting and firing shots at the said Pastor Kamson, and if the accused did not succeed in performing all the acts of execution which should constitute the crime of murder, it was not due to their voluntary and spontaneous desistance but because the shots failed to hit the said Pastor Kamson and that he was able to jump out of the jeep and crawl on the ground; that the crime was committed with the concurrence of the aggravating circumstances of evident premeditation and use of superior strength.

After an arraignment wherein both the accused pleaded not guilty, trial was held; and thereafter the judgment hereinbefore described, was rendered. Both defendants appealed in due time, contending that the prosecution had failed to prove by clear and convincing evidence, their identity with the killers of Barrio Dayapan, Lemery, Batangas.

On and before April 24, 1955, in Lemery, Batangas, Leoncio Razon, Pastor Kamson and Dionisio de Leus, were partners in the business of buying and selling swine. That morning, they went to barrio Payapa of the same town, to purchase some pigs. From Lemery they rode in a jeepney owned by Martiniano Lagrosa, but driven by Leoncio Razon. Cruising along barrio Dayapan, the vehicle passed a man standing by the side of the road, near the store of Sixto Magsino, accompanied by a woman carrying fish. The man signaled the jeepney to stop. There was another man beside the couple.

Because Dionisio de Leus had previously instructed Razon not to pick up other passengers, for they were carrying much cash, Razon did not stop the jeepney, but proceeded to its destination.

At about 2:00 o'clock in the afternoon of that day, after buying pigs, Razon and companions returned home on the same vehicle. As they neared the house of Simplicio Gamboa, the young nephew of the owner of the jeepney, named Geminiano Lagrosa, flagged down the vehicle. Simplicio Gamboa, Geminiano Lagrosa, Serapia Gamboa and the latter's two small children climbed into the jeepney to ride with the three original passengers (Dionisio de Leus, Leoncio Razon and Pastor Kamson). The motor car continued its trip but after it had passed the residential part of Dayapan, its occupants heard a detonation which at first they thought was a busted tire. Successive shots, coming from all directions, immediately followed. Leoncio Razon, Pastor Kamson and Simplicio Gamboa presently beheld two men, one in the middle of the road in front of the jeepney, the other by the right side near the ditch. Both held "long firearms" aimed at the vehicle and both fired as they moved towards it. Jumping out of the jeepney, Razon dived into a nearby ravine. Pastor Kamson and Simplicio Gamboa followed suit. All of them, although not together and at the same time, crawled and followed the same trail in the ravine towards Matingsin crossing. They eventually came upon each other; and together, they proceeded to the Matingsin road junction, where they hailed a pick-up bus to take them to the Lemery poblacion.

The ambush caused the death of Dionisio de Leus, Serapia Gamboa, and Geminiano Lagrosa. The first received four bullet wounds. A bullet hit Serapia Gamboa above the left eyebrow. Geminiano Lagrosa exhibited five gunshot wounds. On the other hand, Leoncio Razon and Simplicio Gamboa suffered physical injuries. Razon with a punctured wound in his right superciliary area and Simplicio Gamboa with a gunshot wound in his right wrist, were treated in the provincial hospital. Pastor Kamson luckily escaped all injury.

The principal issue involves the identities of those who did the gun firing. According to the lower court's decision, conviction rests on the testimony of witnesses Leoncio Razon, Pastor Kamson and Simplicio Gamboa. The first pointed to appellant Elias Cadacio as the man accompanied by a woman carrying fish, who had signalled their jeepney to stop in the morning of April 24, 1955, on their way to Payapa. He equally swore that the man advancing with a rifle in the middle of the road was none other than Elias Cadacio. He further said that three days after the ambush, the accused Julian Obrador went to the store of Pastor Kamson and asked Razon if he knew the killers. Having admitted that he (Razon), knew them by face, Obrador told him not to implicate his compadre, Elias Cadacio.

Simplicio Gamboa and Pastor Kamson corroborated each other's testimony that appellant Julian Obrador was the man advancing and firing with a "long firearm" from the right side of the road.

Defendants Elias Cadacio and Julian Obrador denied having taken part in the ambush. Through his brother Flaviano Cadacio, Elias tried to show that he was absent from the scene of the crime. Flaviano said that he and his

brother Elias lived near each other in Dayapan; that before 3:00 o'clock that afternoon, he, Flaviano was in his own house; that he saw Elias at that time feeding his horse nearby; that more or less at about that time, he heard shots from the north; that because his wife was scared of the gunshots, they went to the house of his brother-in-law, about half a kilometer away from their house; that before he left, he asked Elias to join them; that Elias told them to go ahead and that he would follow later.

Appellant Obrador stated that at the time of the ambush, he was in Mahayahay, Lemery, playing "pata"; that he left and walked from his house in Dayapan at 10:00 o'clock that morning of April 24, 1955, and arrived at the "patahan" in Mahayahay at about noontime; that the people in Mahayahay heard about the shooting in Dayapan at around 5:30 that afternoon of April 24, 1955; that as he prepared to go home, he met a friend named Enrique, the barrio lieutenant of Mataas na Bayan who advised and prevailed upon him not to go home at that time because he, Obrador might be seen by the ambushers; that he spent the night in said Enrique's house.

The defense also presented Paulino Huertas,[1] alias "Warly" who declared that in the early afternoon of April 24, 1955, he was told by "Commander Danny" whose real name was Felix Castillo, to come with him and a certain "Commander Fidel" on a "huk" mission; that they went to Dayapan where they deployed themselves on an elevated area by the side of the provincial road, Commander Danny to his right and Commander Fidel to his left; that Commander Danny instructed them to find a jeepney; that as ordered, when such vehicle came, they fired at its passengers; that Commander Danny went to the middle of the road, stopped the vehicle and fired at its passengers; that he "Warly" and Commander Fidel also fired at the victims; that immediately thereafter they left the place. "Warly" also declared that said Commanders Danny and Fidel were both dead already; that they were killed in a combat between the "huks" and the government forces in Paliparan; that only the three of them as described above participated in that Dayapan ambush; that the accused Elias and Julian Obrador, whom he claimed never to have met before, had nothing at all to do with the crime.

The trial judge relied on the testimonies of Leoncio Razon, Simplicio Gamboa and Pastor Kamson. Appellants, however, claim that they are highly improbable and incredible. It is incredible as well as ridiculous, they say, that Leoncio Razon who was driving the jeepney could still look back three times just to see who were shooting from behind, and then lift the bloody face of Serapia Gamboa who sat beside him. It is equally beyond human comprehension, they add, how said witnesses under such condition of stress and excitement, could remember and recognize the faces of the ambushers, how they could have escaped alive if as claimed, they had been continuously fired at even in the ravine where they lay flat on their faces.

Another point that allegedly puts in doubt the said witnesses' credibility is the fact that despite having seen many people after they had escaped from the ambush, they never revealed the identity of the perpetrators thereof; that even in their report to the authorities, they did not mention anything about the identity of those who had waylaid them in the barrio.

Aside from the supposedly inherent weakness of the evidence of the prosecution, appellants assert that there is strong evidence in their favor: witness Paulino Huertas excluded appellants from participation in the surprise attack, in positively identifying his two other "huk" companions.

Upon consideration of the whole evidence and the arguments, this Court is convinced that appellants (who are "huks" angered at the failure to stop the jeep for appellant Elias Cadacio and his wife, conspired to, and did, retaliate by force. They waited for the jeepney to return from the trip. The motive is clearly vengeance. Nothing was taken from the passengers. Appellants mercilessly fired at their victims. According to Huertas, they fired at the passengers of the jeepney and then immediately left. It is not incredible that witness Leoncio Razon could look back three times to see who were shooting from behind, lift the bloody face of Serapia Gamboa and at the

same time hold the wheel, because the vehicle must have stopped. Early that morning as driver of the jeepney, he saw Cadacio as the latter hailed the vehicle. Again that afternoon, as the one driving the jeepney, surely, he could not miss all those on the way, persons and things along the road. His mind and eyes were alert for safe driving.

As to appellant Julian Obrador, Simplicio Gamboa was certain it was he who stood on the right side of the road. Simplicio knew Obrador for many years; and Pastor Kamson was positive that it was also Obrador who fired and advanced from the right side of the road. It was broad daylight then.

It is readily understandable that the survivors of the ambush would keep quiet at first over the identity of the gun-men, the latter being reputedly "huks".

It may be added that although Leoncio Razon told Captain Paz that he did not know the name of the ambushers, he, however, said that if the latter were presented to him, he would be able to recognize them by face.

The attempted exoneration of appellants by witness Paulino Huertas alias "Warly" is a futile move. Said witness has been shown to be also a "huk" like appellants. Supposing he participated in the ambush, with two other armed companions, we are not disposed to believe his exculpation of herein appellants.

On the other hand, appellants' alibi appears to be not only weak but also inconclusive, because of the proximity of the place wherein they allegedly were when the crime occurred. Cadacio was merely one kilometer away from the site of the ambushade, and Obrador was supposedly about three kilometers from Dayapan, of which they were significantly residents.

Treachery qualified the killing as murder, the attack having been sudden with deadly weapons. The lower court appreciated in favor of appellants, the mitigating circumstances of lack of instruction[2] but it is offset by the aggravation of help by armed companions. So, each of the appellants should be sentenced to three life imprisonments for the death of Dionisio de Leus, Serapia Gamboa ang Germiniano Lagrosa with accessory penalties of law, and to indemnify the heirs of each of the deceased in the amount of P6,000.00[3].

For each of the three attempted murders committed against Leoncio Razon, Simplicio Gamboa and Pastor Kamson, each of the appellants is sentenced to imprisonment for not less than 4 years and 2 months of prision correccional nor more than 6 years and 1 day of prision mayor.[4]

As correctly suggested by the Office of the Solicitor-General, the victims of the attempted murders should be indemnified for their medical expenses in the amounts of P10.00 for Leoncio Razon and P300.00 for Simplicio Gamboa.

Wherefore, as herein modified, the appealed judgment is affirmed, with costs.

Labrador, Concepcion, Reyes, J.B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, J.J., concur.

[1] He was one of the five accused in the information filed with the Peace Court of Lemery, Batangas. Because he was still at large, he was not included among the accused in the information filed with the Court of First Instance of Batangas. Later on, he was apprehended and charged in separate criminal case (CC No. 259). In the hearing of Crim. Case No. 259, although he admitted having participated in the Dayapan ambush, he claimed to have acted under an irresistible fear of his commanders. The lower court disregarded his defense and convicted him. As witness in the above case, he never mentioned anything about the said fear.

[2] *People vs. Talak, et. al.*, 65 Phil. 696.

[3]and

[4] It is understood that each of the appellants shall not be imprisoned for more than 40 years Art. 70. Revised Penal Code.

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.