



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2023** which reads as follows:*

**“G.R. No. 257870 (*People of the Philippines v. Teofilo Clemeno y Dote aka “Pilo”*)**. — Before the Court is an ordinary appeal<sup>1</sup> filed by accused-appellant Teofilo Clemeno y Dote, a.k.a. “Pilo” (accused-appellant), from the Decision<sup>2</sup> dated 21 January 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11492, which affirmed with modification the Decision<sup>3</sup> of Branch 1, Regional Trial Court (RTC), ██████████, in Criminal Case Nos. 19012, 19094 and 19095, dated 11 April 2018, finding accused-appellant guilty beyond reasonable doubt of the crimes of rape under Article 266-A, Revised Penal Code (RPC), and sexual abuse under Section 5(b), Republic Act No. (RA) 7610,<sup>4</sup> or the Child Abuse Law.<sup>5</sup>

From the records, it appears that accused-appellant was charged with one count of rape and two counts of sexual abuse of AAA,<sup>6</sup> a 14-year-old girl, committed on three occasions in 2014.<sup>7</sup> In ruling for accused-appellant’s guilt, the RTC found that the prosecution sufficiently established the presence of all the elements of rape and sexual abuse, which was upheld by the CA.<sup>8</sup>

After a judicious study of the case, the Court upholds the findings of the CA that as between the 14-year-old victim’s sincere and straightforward testimony and accused-appellant’s denial, “[t]he choice was obvious, and the

<sup>1</sup> *Rollo*, pp. 3–5. See Notice of Appeal dated 06 February 2020.

<sup>2</sup> *CA rollo* pp. 103–120. Penned by Associate Justice Edwin D. Sorongon, and concurred in by Associate Justices Remedios A. Salazar-Fernando (now Presiding Justice) and Geraldine C. Fiel-Macaraig.

<sup>3</sup> *Rollo*, pp. 29–37. Penned by Presiding Judge Florencio S. Arellano.

<sup>4</sup> Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES.” Approved on 17 June 1992.

<sup>5</sup> *Rollo*, pp. 29–30. Accused-appellant was charged with one count of rape (Criminal Case No. 19012) and two counts of sexual abuse (Criminal Case Nos. 19094 and 19095).

<sup>6</sup> The real name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*), dated 05 September 2017.

<sup>7</sup> *Rollo*, pp. 10–11.

<sup>8</sup> *Id.* at 24–25.

trial court did not err in making it.”<sup>9</sup> The RTC, as affirmed by the CA, found the testimony of AAA to be credible, forthright, and consistent with medical findings.<sup>10</sup> Both courts found the prosecution evidence sufficient to prove accused-appellant’s guilt beyond reasonable doubt.<sup>11</sup>

It is settled that findings of the trial court, as affirmed by the CA, deserve full weight and credit, there being no showing that the lower courts overlooked relevant facts which would affect the outcome of the case.<sup>12</sup> Absent any showing that these findings were tainted with arbitrariness, the Court shall give them the respect and conclusiveness they deserve,<sup>13</sup> as in this case.

Thus, the Court resolves to **DISMISS** the instant appeal for failure of accused-appellant to show that the court *a quo* committed reversible error in affirming his conviction for the crime of rape as defined and penalized under Art. 266-A, Revised Penal Code, and sexual abuse under Sec. 5(b), RA 7610, or the Child Abuse Law.

While the CA correctly modified the monetary awards for rape, there is a need to modify the monetary awards for sexual abuse to conform with prevailing jurisprudence. Following the ruling in *People v. Tulagan*,<sup>14</sup> the monetary awards for each count of sexual abuse should be increased to PhP 50,000.00 for civil indemnity, PhP 50,000.00 for moral damages, and PhP 50,000.00 for exemplary damages.

**WHEREFORE**, the instant appeal is **DISMISSED**. The Decision dated 21 January 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11492 is **AFFIRMED with MODIFICATION**. Accused-appellant Teofilo Clemeno y Dote, a.k.a. “Pilo,” is found **GUILTY** beyond reasonable doubt of:

- (a) one count of rape under Article 266-A, Revised Penal Code, and is sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the victim, AAA, the amounts of PhP 75,000.00 as civil indemnity, PhP 75,000.00 as moral damages, and PhP 75,000.00 as exemplary damages; and
- (b) two counts of sexual abuse under Section 5(b), Republic Act No. 7610, and is sentenced to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum, to 17 years, four (4) months, and one (1)

<sup>9</sup> Id. at 15.

<sup>10</sup> Id. at 15–22.

<sup>11</sup> Id. at 15, 33.

<sup>12</sup> *People v. Dereco*, G.R. No. 243625, 02 December 2020; *Madrigal v. People*, 584 Phil. 241, 244 (2008).

<sup>13</sup> *People v. Gonzales*, 290 Phil. 73, 74 (1992).


<sup>14</sup> 849 Phil. 197, 291 (2019).

day of *reclusion temporal*, as maximum, for each count. He is likewise ordered to pay the victim, AAA, the amounts of PhP 50,000.00 as civil indemnity, PhP 50,000.00 as moral damages, PhP 50,000.00 as exemplary damages, and a fine of PhP 15,000.00, for each count.

All monetary awards shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until full payment.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m.s.b.*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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**MAY 04 2023**

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(CA-G.R. CR-HC No. 11492)

The Hon. Presiding Judge  
Regional Trial Court, Branch 1  
Pallocan West, 4200 Batangas City  
(Crim. Case Nos. 19012, 19094 & 19095)

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