

### Title: Quimvel v. People of the Philippines

### Facts:

- \*\*July 18, 2007, 8 PM:\*\* Victim AAA, seven years old, sleeps at home with her siblings in Palapas, Ligao City while their father YYY, a Barangay Tanod, is out buying kerosene. Their mother XXX works in Batangas.
- \*\*Incident:\*\* Eduardo Quimvel y Braga, caretaker of AAA's grandparents' ducks, enters AAA's home, delivers vegetable viand, and stays upon AAA's request due to fear.
- \*\*Crime:\*\* While AAA sleeps, Quimvel places his leg over her body, inserts his hand inside her panty, and caresses her vagina. AAA wakes up, removes his hand, and Quimvel leaves as YYY returns.
- \*\*July 19, 2007:\*\* XXX returns from Batangas. Her child BBB tells her that Quimvel touched AAA's vagina.
- \*\*Reporting:\*\* XXX and YYY report the incident to Barangay Tanod and the police, then bring AAA for a medical examination.
- \*\*Denial by Quimvel:\*\* Quimvel denies visiting AAA's house that night, claiming he was elsewhere at the time.

### Procedural Posture:

1. \*\*January 23, 2013:\*\* RTC, Branch 11, Ligao City, finds Quimvel guilty of Acts of Lasciviousness in relation to Section 5(b), RA 7610. Quimvel is sentenced to imprisonment and ordered to pay P30,000 in moral damages and a P30,000 fine.
2. \*\*May 29, 2014:\*\* The CA affirms the RTC decision with modification, including additional damages and interest.
3. \*\*June 2017:\*\* Quimvel files a Petition for Review on Certiorari with the Philippine Supreme Court. He argues that:
  - The prosecution failed to prove his guilt beyond reasonable doubt.
  - Alternatively, if guilty, that he should be punished under Art. 336 of the RPC and not RA 7610.

### Issues:

1. \*\*Sufficiency of Evidence:\*\* Whether the prosecution proved Quimvel's guilt beyond reasonable doubt.
2. \*\*Proper Conviction:\*\* Whether Quimvel should be convicted under RA 7610 or Art. 336 of the RPC for Acts of Lasciviousness.

### Court's Decision:

- **Sufficiency of Evidence:** The Supreme Court affirmed the conviction, finding substantial evidence proving that Quimvel committed the crime. AAA's detailed and consistent testimony regarding the incident was given considerable weight.
- **Application of Law:** The Court upheld the application of Sec. 5(b) of RA 7610. The Information filed sufficiently alleged elements of the crime, including act of lasciviousness committed with a child through force and intimidation.
- **Interpreting "Coercion or Influence":** The Court clarified that "force and intimidation" in this context are subsumed under "coercion or influence." The trial and appellate courts correctly interpreted and applied RA 7610 considering the law's objective to protect children from all forms of sexual abuse.

### ### Doctrine:

1. **Information Allegation Requirement:** Criminal prosecution requires every element constituting an offense to be clearly alleged in the Information to apprise the accused and enable suitable defense preparation.
2. **Sec. 5(b) RA 7610 Application:** When the victim is under twelve, the perpetrator's acts fall under this section, with increased penalties for offenses involving moral ascendancy or influence over child victims, reaffirming the protection against all forms of abuse.
3. **Definition Expansion:** RA 7610 expansively covers sexual abuse under scenarios involving both profit-driven prostitution and coercion/influence scenarios.

### ### Class Notes:

- **Acts of Lasciviousness under Art. 336, RPC:** Requires act of lewdness committed with force, intimidation, unconsciousness of victim, or age under twelve.
- **Sec. 5(b), RA 7610:** Lascivious conduct committed with a child exploited in prostitution or subjected to other sexual abuse, with the emphasized intent of coercion or influence.
- **Expanded Coverage:** Includes abuse scenarios without direct punishment from sexual exploitation for profit, broadening child protection against various forms of abuse.
- **Legal Statutes Application:** Emphasizes the necessity to prove each required element in criminal prosecution while ensuring comprehensive protection under child abuse laws.

### ### Historical Background:

This case highlights the evolution of child protection laws in the Philippines. Republic Act No. 7610, enacted in 1992, provides a legal framework aiming to offer robust protection against child abuse, exploitation, and discrimination. The establishment and strict interpretation of laws like RA 7610 underscore the Philippine government's commitment to safeguarding children's welfare in a society where economic hardships often expose them to

various risks. This case exemplifies the judicial system's role in interpreting and applying these legislative protections, reinforcing legal mechanisms designed to mitigate child exploitation and ensure justice for child victims.