

EN BANC

G.R. No. 214497 – EDUARDO QUIMVEL Y BRAGA, *petitioner v.*  
PEOPLE OF THE PHILIPPINES, *respondent.*

Promulgated:

April 18, 2017

X-----*Felipa B. Anama*-----X

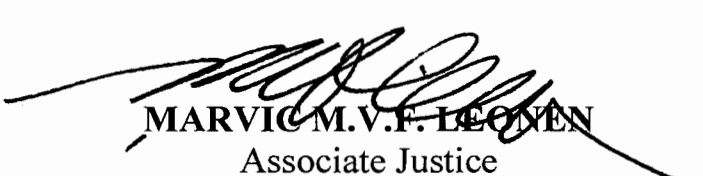
SEPARATE OPINION

LEONEN, J.:

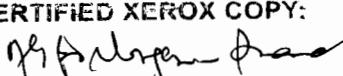
I concur with the majority. The accused has been properly charged and convicted for violation of Article III, Section 5 of Republic Act No. 7610. I add however, that I entertain serious doubts as to whether he could have been convicted of violation of Article 336 of the Revised Penal Code (Acts of Lasciviousness) due to a lacuna in Republic Act No. 8353 or the Anti-Rape Law. That law properly reclassified rape as a crime against persons, thereby leaving Article 336 in a different title without the provisions it used to refer to.

However, in view of the resolution of this case, this issue need not be considered. It should however, be the subject of a more serious deliberation in the proper case, where it becomes salient and is fully argued by the parties.

ACCORDINGLY, I vote to AFFIRM petitioner's conviction.

  
MARVIC M.V.F. LEONEN  
Associate Justice

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FELIPA B. ANAMA  
CLERK OF COURT, EN BANC  
SUPREME COURT