FRANCISCO O. YASA, PETITIONER, VS. MARY JEAN CHAVEZ AND BEBERLY HOYUMPA CUASITO, AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 273948, June 23, 2026

Ponente: SINGH, J.

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SINGH, J.:

This is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, filed by petitioner Francisco O. Yasa (Francisco) assailing the Resolutions, dated October 13, 2023[2] and May 14, 2024,[3] of the Court of Appeals (CA) in CA-G.R. SP No. 180612. The CA affirmed the Resolution,[4] dated August 10, 2023, of Branch 258, Regional Trial Court (RTC) of Parañaque City, which granted the Demurrer to Evidence filed by respondents Mary Jean Chavez (Mary Jean) and Beberly Hoyumpa Cuasito (Beberly), thereby acquitting them of the crime of Libel in relation to Section 4 (c), (a), and Section 6 of Republic Act No. 10175 or the Cybercrime Prevention Act of 2012.

Facts

Mary Jean was charged with two counts of Libel in relation to Section 4(c)(a) and Section 6 of Republic Act No. 10175 in two separate Informations which respectively read:[5]

Criminal Case No. 2021-1115

> That on or about [June 28, 2020] in the City of Paranaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to cause dishonor, discredit, public ridicule and/or contempt to private complainant FRANCISCO O. YASA, did then and there willfully, unlawfully, feloniously and maliciously cause the publication, circulation and distribution through the use of a computer system or any other similar means of disparaging or defaming statements, by making public comment or statement against said private complainant on Ma Grethel L. Rufa's (Thel Lopez) public Facebook post about a Notice of the First Division of the Supreme Court in G.R. No. 214308 (Francisco O. Yasa vs. The Honorable Fernanda Lamper Peralta, et al.) to wit:
>
> "HARASS PA MORE!!! SA DAMI NG NAHARAASS NIAN SA VISHAY, BAKA GUSTO NIYA IPOST KO MGA LETTER NG MGA HINARASS NIAN...NAKU DON'T US!!"

which comment does not merely react to said Notice as an original post but has created a new defamatory story or statement against the said private complainant, said comment being totally foreign, unrelated and strange to the short contents of said Notice and which is a public and malicious imputation of a crime, or of a vice or defect or an act, omission or circumstances real or imaginary, which tended to defame said private complainant's reputation, honor and character and exposed him to public hatred, dishonor discredit or contempt and ridicule, to the damage and prejudice of said private complainant.

CONTRARY TO LAW."[6]

Criminal Case No. 2021-1116

That on or about [June 28, 2020] in the City of Paranaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to cause dishonor, discredit, public ridicule and/or contempt to private complainant FRANCISCO O. YASA, did then and there willfully, unlawfully, feloniously and maliciously cause the publication, circulation and distribution through the use of a computer system or any other similar means of disparaging or defaming statements, by making public comment or statement against said private complainant on Marivic J. Bautista's (Mavic Bautista) public Facebook post about a Notice of the First Division of the Supreme Court in G.R. No. 214308 (Francisco O. Yasa vs. The Honorable Fernanda Lamper Peralta, et al.) to wit:

> "Kaya ng ate babes,, HARASS PA MORE!!! SA DAMI NG NAHARAASS NIAN SA VISHAY BAKA GUSTO NIYA IPOST KO MGA LETTER NG MGA HINARASSS NIAN... NAKU DON'T US!!!"
>
> "HINDI LANG BASTA TINAKOT.. KUNDI HARASSMENT/ABUSE NIYA SA MGA BABAE SA WORK. DAMING LETTERS NAKA COMPILE LAHAT."

which comment does not merely react to said Notice as an original post but has created a new defamatory story or statement against the said private complainant, said comment being totally foreign, unrelated and strange to the short contents of said Notice and which is a public and malicious imputation of a crime, or of a vice or defect or an act, omission or circumstances real or imaginary, which tended to defame said private complainant's reputation, honor and character and exposed him to public hatred, dishonor discredit or contempt and ridicule, to the damage and prejudice of said private complainant.

CONTRARY TO LAW."[7] (Emphasis in the original)

On the other hand, Beberly was charged with one count of Libel in relation to Section 4(c)(a) and Section 6 of Republic Act No. 10175 man Information which reads:

> Criminal Case No. 2021-1117
>
> That on or about [June 28, 2020] in the City of Paranaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to cause dishonor, discredit, public ridicule and/or contempt to private complainant FRANCISCO O. YASA, did then and there willfully, unlawfully, feloniously and maliciously cause the publication, circulation and distribution through the use of a computer system or any other similar means of disparaging or defaming statements, by making public comment or statement against said private complainant on Marivic J. Bautista's (Mavic Bautista) public Facebook post about a Notice of the First Division of the Supreme Court in G.R. No. 214308 (Francisco O. Yasa vs. The Honorable Fernanda Lamper Peralta, et al.) to wit:
>
> "nakupo yari na! ubos kabuhayan neto sa dame ng mga tinakot...tsk tsk ayaw p kasi manahimik at magmove on baka sakali makaroon ng peace of mind"

which comment does not merely react to said Notice as an original post but has created a new defamatory story or statement against the said private complainant, said comment being totally foreign, unrelated and strange to the short contents of said Notice and which is a public and malicious imputation of a crime, or of a vice or defect or an act, omission or circumstances real or imaginary, which tended to defame said private complainant's reputation, honor and character and exposed him to public hatred, dishonor discredit or contempt and ridicule, to the damage and prejudice of said private complainant.

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CONTRARY TO LAW."[8] (Emphasis in the original)

During arraignment, Mary Jean and Beberly both pleaded "Not Guilty."[9]

Trial then ensued.

The prosecution presented Emelita dela Cruz (Emelita)[10] and the private complainant Francisco as witnesses.[11]

Emelita testified that Mary Jean and Beberly are her co-workers in Vishay Philippines, Inc. and they are both officers of their union. She saw the comments and public Facebook post of Mary Jean subject of these cases. She then informed Francisco of these Facebook posts relating to him.[12] On cross-examination, Emelita admitted that she was suspended for a period of six months from Vishay Philippines, Inc., and Francisco, who is his close friend, was terminated from the same company sometime in 2011. She likewise confirmed that Francisco filed libel and unjust vexation cases against the union officers, but these cases were dismissed. Furthermore, she admitted that there was no name identified in the comments made by Mary Jean and Beberly which are the subject of these cases.[13]

Francisco confirmed that he received information from Emelita regarding the Facebook posts and comments regarding him. Due to the libelous statements against him, he decided to file these cases to protect his reputation and to stop these people from spreading accusations against him.[14]

The prosecution rested its case and formally offered its evidence.[15]

Subsequently, Mary Jean and Beberly filed a Demurrer of Evidence[16] with leave of court. They alleged that the RTC had no jurisdiction as the Informations failed to allege whether Francisco was a public officer or a private individual at the time the offense was committed, where the written defamations were printed, first published, or where Francisco was actually residing at that time.[17] Further, they claimed that the facts alleged do not constitute an offense,[18] the prosecution failed to prove all the elements of Libel,[19] and that the comments of Mary Jean and Beberly were not defamatory.[20]

The Ruling of the RTC

In a Resolution,[21] dated August 10, 2023, the RTC granted the Demurrer to Evidence and acquitted Mary Jean and Beberly. The RTC ruled that it had jurisdiction to hear the cases as violation of the law and rules on cybercrimes may be filed with the RTC of the province or city where the offense or any of its elements was committed, or where any part of the computer system used is situated, or where any of the damage caused to a natural or juridical person took place.[22] However, the RTC found that the electronic evidence presented by the prosecution was incomplete and unauthenticated. Consequently, these pieces of evidence could not be given evidentiary weight.[23] The dispositive portion of the RTC's Resolution reads:

> WHEREFORE there being no competent or sufficient proof to convict the accused of the crime charged against them, the Demurrer to Evidence is Granted. Accused MARY JEAN CHAVES Y RELOVA and BEBERL Y HOYUMPA CUASITO are hereby ACQUITTED for the crime charged against them in the three (3) separate Information.
>
> Furnish a copy of this Order to the parties as well as their counsels on record.
>
> No pronouncement as to cost
>
> SO ORDERED.[24] (Emphasis in the original)

Subsequently, Francisco filed a Petition for Review on Certiorari under Rule 65 of the Rules of Court before the

CA arguing that the RTC acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it granted the Demurrer to Evidence filed by Mary Jean and Beberly.

The Ruling of the CA

In a Resolution,[25] dated October 13, 2023, the CA dismissed outright Francisco's Petition finding that Francisco failed to file a Motion for Reconsideration of the assailed Resolution.[26] Further, the CA ruled that Francisco had no authority to appeal an acquittal in a criminal case.[27]

Francisco filed a Motion for Reconsideration[28] but the same was denied in the assailed Resolution,[29] dated May 14, 2024.

Hence, this Petition.[30] Francisco argues that the CA erred in dismissing his Petition for Certiorari under Rule 65 of the Rules of Court to set aside the Decision of the RTC, despite sufficient proof to sustain the indictment of Mary Jean and Beberly. Francisco claims that the guilt of both Mary Jean and Beberly were proven beyond reasonable doubt.[31]

The Ruling of the Court

The Petition must be denied outright.

It is a well-established rule that in the appeal of criminal cases before the CA or the Supreme Court, the authority to represent the People is vested solely in the Office of the Solicitor General (OSG).[32] This authority of the OSG is explicitly provided in Section 35, Chapter 12, Title III, Book IV of the Administrative Code of 1987 which states:

> SECTION 35. Powers and Functions. — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:
>
> (1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings . . . .

The rationale behind this rule is that in a criminal case, the party affected by the dismissal of the criminal action is the State and not the private complainant.[33] The private offended party or complainant may file an appeal without the conformity of the OSG only with respect to the civil aspect of the case.[34]

In People v. Santiago,[35] the Court declared:

> It is well-settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability. Thus, in the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution. If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal therefrom on the criminal aspect may be undertaken only by the State through the Solicitor General. Only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not take such appeal. However, the said offended party or complainant may appeal the civil aspect despite the acquittal of the accused.[36]

The Court notes that the foregoing rule was also addressed by the CA in its assailed Resolution, dated October 13, 2023.[37] Despite this, Francisco persistently seeks to overturn the RTC's order granting Mary Jean and Beberly's Demurrer to Evidence by filing the present Petition without the conformity of the OSG. In his Petition, Francisco did not discuss the civil liability of Mary Jean and Beberly. Instead, his arguments focused on the sufficiency of

evidence presented by the prosecution to establish Mary Jean and Beberly's guilt for libel. It is evident that his only intention is to challenge their acquittal. To reiterate, this is not permissible as only the OSG is authorized to prosecute this case on appeal.

Furthermore, it must be stressed that the RTC's grant of Mary Jean and Beberly's Demurrer to Evidence constitutes a judgment on the merits and is equivalent to an acquittal. The Court has consistently held that an order granting a demurrer to evidence and acquitting the accused on the ground of insufficiency of evidence cannot be reviewed, as doing so will violate the accused's right against double jeopardy,[38] as enshrined in Section 21, Article III[39] of the Constitution.

In People v. Sandiganbayan,[40] the Court explained:

> Under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. Thus, in resolving the accused's demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or support a verdict of guilt. The grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling op. the matter shall not be disturbed in the absence of a grave abuse of discretion. Significantly, once the court grants the demurrer, such order amounts to an acquittal; and any further prosecution of the accused would violate the constitutional proscription on double jeopardy. This constitutes an exception to the rule that the dismissal of a criminal case made with the express consent of the accused or upon his own motion bars a plea of double jeopardy.[41] (Emphasis supplied)

Given the far-reaching scope of an accused's right against double jeopardy, even an appeal based on an alleged misappreciation of evidence will not lie. The only instance when double jeopardy will not attach is when the trial court gravely abused its discretion such as when the prosecution was denied the opportunity to present its case, or the trial was a sham.[42] Grave abuse of discretion has been defined as that capricious or whimsical exercise of judgment which is tantamount to lack of jurisdiction. It must be "patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility."[43] To prove such, the party assailing the acquittal must be able to show that the trial court gravely abused its discretion such that it was deprived of its authority to dispense justice.[44]

In this case, there is no showing that the RTC gravely abused its discretion. During trial, the prosecution was able to present its evidence and formally offer the same to the RTC. Thereafter, Mary Grace and Beberly filed a Demurrer to Evidence, which was granted by the RTC. An examination of the RTC's Resolution reveals that it judiciously and extensively examined the evidence presented by the prosecution. The RTC concluded that the evidence was incomplete and unauthenticated, and therefore, could not be given evidentiary weight.[45] Even if there was an error in the RTC's evaluation and assessment of the prosecution's evidence against Mary Jane and Beberly, this error of judgment could not be rectified by a petition for review on certiorari because double jeopardy had already set in.

In view of the foregoing, the Petition must fail.

ACCORDINGLY, the Petition for Review on Certiorari is DENIED. The Resolutions, dated October 13, 2023 and May 14, 2024, of the Court of Appeals in CA-G.R. SP No. 180612 are AFFIRMED.

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SO ORDERED.

Caguioa, Acting C.J. (Chairperson), Inting, Gaerlan, and Dimaampao, JJ., concur.

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[1] Rollo, pp. 3-16.

[2] Id. at 179-181. Penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Florencio M. Mamauag, Jr. and Mary Charlene V. Hernandez-Azura of the Twelfth Division of the Court of Appeals, Manila.

[3] Id. at 197-200.

[4] Id. at 157-166. Penned by Presiding Judge Noemi J. Balitaan.

[5] Id. at 157-158.

[6] Id. at 126-127, Demurrer to Evidence.

[7] Id. at 128.

[8] Id. at 128.

[9] Id. at 159, RTC Resolution.

[10] Id.

[11] Id. at 161.

[12] Id. at 159.

[13] Id. at 160.

[14] Id. at 161.

[15] Id. at 162.

[16] Id. at 125-44.

[17] Id. at 128.

[18] Id. at 131.

[19] Id. at 135.

[20] Id.

[21] Id. at 157-166.

[22] Id. at 163-164.

[23] Id. at 165.

[24] Id. at 166.

[25] Id. at 179-182.

[26] Id. at 180.

[27] Id. at 181.

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[28] Id. at 183-187.

[29] Id. at 197-200.

[30] Id. at 3-19.

[31] Id. at 8.

[32] People v. Alapan, 823 Phil. 272, 279 (2018) [Per J. Martires, Third Division].

[33] Rural Bank of Mabitac, Laguna, Inc. v. Canicon, 834 Phil. 346, 357 (2018) [Per J. Jardeleza, First Division].

[34] Chiok v. People, 774 Phil. 230, 245 (2015) [Per J. Jardeleza, Third Division].

[35] 255 Phil. 851 (1989) [Per J. Gancayco, First Division].

[36] Id. at 861-862.

[37] Id. at 180-181.

[38] Bangayan, Jr. v. Bangayan and Delfin v. Bangayan, 675 Phil. 656, 666-667 (2011) [Per J. Mendoza, Third Division].

[39] ART. III, sec. 21 states:

> Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

[40] 426 Phil. 453 (2002) [Per J. Sandoval-Gutierrez, Third Division].

[41] Id. at 457.

[42] Sanvicente v. People, 441 Phil. 139, 147 (2002) [Per J. Ynares-Santiago, First Division].

[43] People v. Court of Appeals, 368 Phil. 169, 180 (1999) [Per J. Panganiban, Third Division].

[44] Sanvicente v. People, 441 Phil. 139, 147-148 (2002) [Per J. Ynares-Santiago, First Division].

[45] Rollo, p. 165.

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