

XXX, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 274842, June 29, 2026

Ponente: HERNANDO, J.

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HERNANDO, J.:

This resolves the Motion for Reconsideration[2] filed by petitioner XXX seeking the reversal of the Court's Decision,[3] which affirmed his conviction for violation of Section 5(i) of Republic Act No. 9262.[4]

Antecedents

XXX was charged with a violation of Section 5(i) of Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004." The accusatory portion of the Information[5] reads:

That on or about [May 15, 2019], in the ,[6] and within the jurisdiction of this Honorable Court, [XXX], being the former boyfriend of the complainant [AAA],[7] did then and there willfully, unlawfully and feloniously subject the said complainant to psychological abuse, by posting on his Facebook Messenger Account, the following malicious, offending, injuring and threatening words, which was set to public view, to wit: "ANAKPUTAKA!!! MASAYA NKANG ASIRA MU ING PAMILYA KO...!! PA INOSENTI KA PALAGI ING ANIMAL KA...!! EDA BALU NAKA KARINAT A BABAE!!!...PABLASANG EDA BALU ING BULUK MU...!! NANU MONG PANAGALAN MU KEKMI?...ALA NAKEMAN PERA OT GUGULU KNG MKNYAN...!! EDAKA AKAKIT DALAN AIDANA EDKA SANTWAN PNUMBUKAN DKANG ANIMAL KA...!! ANAKPUTA KANG MACHURANG LUPANG ENKANTO... !!! MAKa BASA KEN POST KU TAG NYE ING ANIMAL A AYAN...!! PA BLOCK BLOCK KAPA NIMAL.....!!! (CHILD OF A WHORE, ARE YOU HAPPY THAT YOU HAVE DESTROYED OUR FAMILY! YOU ALWAYS ACTS [sic] INNOCENT, YOU ANIMAL! THEY DON'T KNOW THAT YOU'RE A FILTHY WOMAN SINCE THEY DO NOT KNOW YOUR FILTHY SMELL. WHAT IS IT THAT YOU ARE CHASING US! WE DON'T HAVE MONEY, WHY ARE YOU TROUBLING US LIKE THAT! I SHOULD NOT HAVE SEE [sic] YOU ON THE ROAD CHILD OF A WHORE, I WILL NOT HESITATE, I WILL BOX YOU, YOU ANIMAL! CHILD OF A WHORE, UGLY BEWITCHED CREATURE! TO ALL WHO WILL READ THIS POST, TAG THAT ANIMAL ! YOU ARE EVEN BLOCKING ANIMAL!), thereby causing serious emotional and psychological torment/distress, mental anguish, sleepless nights, anxiety, public ridicule and humiliation to the complainant.

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

Version of the prosecution

Based on the prosecution's evidence, AAA, the private offended party, had a sexual relationship with XXX. AAA testified that they became a couple in 2007. As XXX turned out to be a "jealous" and "possessive" partner, they broke up in 2009 but eventually reconciled the same year. In 2010, AAA gave birth to DDD, their common child.[9]

Determined to finish her studies first, AAA rejected XXX's marriage proposal. She lived in her parents' house,

where XXX would visit to take care of their daughter. However, XXX only grew more "jealous" and "possessive." He discouraged AAA from participating in school activities, accused her of entertaining other suitors, and ridiculed her abilities and looks. Exasperated by XXX's persistent "accusations, insults, [and] negativity," AAA finally summoned the courage to break up with him in October 2013.[10]

After their separation, XXX was allowed to occasionally visit their daughter. However, he grabbed and groped AAA during one of his visits. This prompted AAA's mother to ban XXX from coming to their house. AAA blocked XXX from her social media accounts but remained civil with his family. Later on, she learned that XXX already has a new girlfriend.[11]

On May 14, 2019, AAA's siblings, BBB and CCC, separately received private messages from a Facebook account named "" (the subject Facebook account). In his private message, XXX allegedly told BBB and AAA in the Kapampangan language to "tell someone to stop bugging his family." He also "accused... someone of possibly causing his mother a heart attack." BBB and CCC claimed that XXX was referring to no other than AAA.[12]

Afterwards, AAA learned from a friend that the subject Facebook account posted the following statement (subject Facebook post) using the Kapampangan language on May 15, 2019 at 11:47 p.m.: [13]

Anakputa ka !!!.. Masaya nkang asira mu ing pamilya ko.....!!.. Pa inosenti ka palagi ing animal ka..!!! Eda balu naka karinat a babae!!!.. Pablasang eda balu ing buluk mu..!! Nanu mong panagalan mu kekmi?.. Ala nakeman pera ot gugulu mknyan...!!! Edaka akakit dalan aidana edka santwan pnumbukan dkang animal ka...!!! Anakputa kang machurang lupang engkanto...!!! Karen mka basa ken post ku tag nye ing animal a ayan...!! Pa block block kapa nimal.....,!!![14]

An English translation of the subject Facebook post, as provided in the Information, reads:

Child of a whore, are you happy that you have destroyed our family[?] You always [act] innocent, you animal! They don't know that you're a filthy woman since they do not know your filthy smell. [Why] is it that you are chasing us[?] We don't have money, why are you troubling us like that[?] I should not have see you [sic] on the road, child of a whore[.] I will not hesitate, I will box you, you animal! Child of a whore, I will not hesitate, I will box you, you animal! Child of a whore, ugly bewitched creature! To all who will read this post, tag that animal ! You are even blocking [me,] animal![15]

The privacy setting of the subject Facebook post was set to "public." It gained several reactions and comments.[16]

Upon reading the subject Facebook post, AAA testified that she feared for her life and safety, considering XXX's violent tendencies in the past. She got depressed because she was tagged as an "animal," a "dirty woman," and an "ugly evil spirit" in the eyes of the public. She could not work for a few days.[17]

Aggrieved, AAA filed criminal complaints against XXX for violation of Republic Act No. 9262, cyber libel, and grave threats. The complaints for cyber libel and grave threats were dismissed during preliminary investigation.[18] A Barangay Protection Order,[19] and eventually a Temporary Protection Order[20] and a Permanent Protection Order[21] were issued in favor of AAA.

Version of the defense

XXX, during the arraignment before the Family Court (FC), pleaded not guilty to the offense charged.[22]

XXX identified the persons in the profile picture of the subject Facebook account as himself and one of his children with YYY, his current live-in partner.[23] However, he vehemently denied ownership of the subject Facebook account and authorship of the subject Facebook post. XXX insinuated that AAA created the subject

Facebook account, and might have used the same to falsely incriminate him.[24]

To establish the defense of alibi, XXX alleged that on May 15, 2019, he was working as a waiter in a restaurant, with a work shift from 4:00 p.m. to 1:00 a.m. He left his cellphone in his bag, pursuant to a company policy prohibiting the use of cellphone while on duty.[25]

YYY, his current live-in partner, also asserted that XXX's cellphone does not have access to internet, and described it as "di-keypad" and "sinaunang cellphone na di pindot lang." [26] Her claim, however, was unsubstantiated.[27]

Ruling of the Family Court

In its Decision,[28] the FC convicted XXX for violating Section 5(i) of Republic Act No. 9262:

WHEREFORE, in view of the foregoing facts and circumstances, accused [XXX] is found] GUILTY beyond reasonable doubt for violation of [Republic Act No.] 9262[,] [Section] 5(i) and is sentenced to suffer an indeterminate penalty of [six] months and [one] day of prision correccional, as minimum, to [eight] years and [one] day of prision mayor, as maximum. He is also ordered to (a) pay a fine in the amount of [PHP 100,000.00]; (b) to undergo mandatory psychological counseling or psychiatric treatment[.]

....

SO ORDERED[.][29] (Emphasis supplied)

Unyielding, XXX appealed before the Court of Appeals (CA).[30]

Ruling of the Court of Appeals

The CA, in its Decision,[31] affirmed with modification the ruling of the FC:

WHEREFORE, the Appeal is Denied. The Decision dated January 3, 2022 of the Family Court of [] in Criminal Case No. R-ANG-19-04079-CR, is hereby AFFIRMED with MODIFICATION. In addition to the directive for him to undergo a mandatory psychological counseling or psychiatric treatment, he must REPORT his compliance therewith to the court of origin within [15] days after the completion of such counselling or treatment.

SO ORDERED.[32] (Emphasis in the original)

XXX filed a motion for reconsideration,[33] which was denied by the CA in its Resolution.[34]

Unrelenting, he filed a Petition for Review on Certiorari[35] before the Court.

Assailed Decision of the Court

The Court denied the Petition. The dispositive portion of the assailed Decision[36] reads:

ACCORDINGLY, the Petition is DENIED. The September 19, 2023 Decision and the June 13, 2024 Resolution of the Court of Appeals in CA-G.R. CR No. 46898 are AFFIRMED. Petitioner XXX is GUILTY beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262, and is sentenced to suffer the indeterminate penalty of six months and one day of prision correccional, as minimum, to eight years and one day of prision mayor, as maximum. Petitioner is also ORDERED to pay a fine of PHP 100,000.00.

Furthermore, petitioner is DIRECTED to UNDERGO a mandatory psychological counselling or psychiatric treatment, and to REPORT his compliance to the court of origin within 15 days after the completion of such counselling or treatment.

SO ORDERED.[37] (Emphasis in the original)

Preliminarily, the Court ruled that although a petition for review on certiorari under Rule 45 of the Rules of Court is limited to questions of law, this rule admits of certain exceptions. Factual issues may be raised when, among others, the assailed judgment is based on a misapprehension of facts. Petitioner argued that the CA improperly appreciated certain facts relating to his alleged authorship of the subject Facebook post. Hence, the Court resolved to exercise its discretionary appellate jurisdiction.[38]

In denying the Petition, the Court ruled that both the identity of petitioner as perpetrator of the offense and the elements of the offense charged were proven beyond a reasonable doubt.[39] The Court accorded no merit to petitioner's defenses of denial and alibi.[40] The Court also affirmed the penalty imposed by the CA.[41]

Hence, the present Motion for Reconsideration.[42]

Our Ruling

The Court denies the Motion for Reconsideration with finality for lack of merit. Petitioner failed to raise any ground or argument warranting the reversal of the assailed Decision. Nonetheless, after a careful perusal of the records, the Court resolves to modify the penalty imposed.

The identity of petitioner as the perpetrator of the offense was proven beyond a reasonable doubt

Petitioner maintains that the prosecution failed to prove that he authored the subject Facebook post. According to him, the fact that the subject Facebook account used his name and photo does not discount the possibility that he is being impersonated by someone else. He also harps on AAA's admission that she helped create petitioner's Facebook account and claims that AAA continued to have access to it when the subject Facebook post was made.[43] Moreover, petitioner insists that AAA's name was neither mentioned nor referred to in the subject Facebook post.[44]

The arguments deserve scant consideration.

At the outset, the Court reiterates the guidelines, as set forth in the assailed Decision, in establishing the fact of ownership of or access to a social media account, in the context of crimes and offenses committed through social media:

For purposes of establishing beyond reasonable doubt the identity of the perpetrator of the crime or offense committed through social media, the fact of social media account ownership or access, and the fact of authorship of a social media post or private message, may be established by direct or circumstantial evidence, including but not limited to the following:

- The perpetrator admits ownership of or access to the social media account, or admits authorship of the social media post or private message.
- The perpetrator is seen accessing or using the social media account, or is seen composing, posting or sending the social media post or private message.
- The social media post or private message contains information known only to the perpetrator or a few people, or that only the perpetrator could be expected to say or know.
- The perpetrator posts or communicates using the social media account consistent with a unique manner, language pattern, or other distinctive characteristics indicating their authorship of the said post or communication.

- The records of the Internet service provider or telecommunications company, the records of a social media site, geolocation features, the results from an examination of the search history or hard drive of the perpetrator's device, or a social media forensics authorship attribution report show that: (i) the social media account is owned or accessed by the perpetrator; (ii) the social media account is connected to the perpetrator's email address, mobile number, or other social media accounts; or (iii) the social media post or private message originated from the perpetrator's computer, laptop, mobile phone or similar device, under circumstances in which it is reasonable to believe that only the perpetrator would have had access to such device. In no case, however, should the foregoing records, geolocation features, search history or hard drive examination results, or investigation reports be indispensable in establishing the fact of social media account ownership or access, or the fact of authorship of a social media post or private message.
- The perpetrator acts in such a manner consistent with the post or private message previously or contemporaneously posted or sent through the social media account.
- Other pieces of evidence showing that the perpetrator is the owner of or has access to the social media account, or that the perpetrator is the author of the social media post or private message.[45] (Emphasis in the original, citations omitted)

In the assailed Decision, the Court had extensively passed upon the threshold issue of whether petitioner was the owner of the subject Facebook account and, in turn, the author of the subject Facebook post.[46] It bears emphasis that the finding is not solely based on the fact that petitioner's photo and name were used by the subject Facebook account. Rather, the Court considered the totality of the following circumstances in determining whether petitioner authored the subject Facebook post using the subject Facebook account:

First, the subject Facebook account used petitioner's full name as account name, and petitioner's photo with one of his common children with YYY as profile picture.[47]

Second, in 2015, the subject Facebook account previously sent private messages (2015 private messages) to BBB, AAA's sister, to ask permission to visit DDD, his common child with AAA, on her birthday. Notably, the 2015 private messages were sent four years before the subject Facebook post was made by the same account. The very existence of the 2015 private messages reduces the likelihood that the subject Facebook account was a dummy account created to falsely incriminate petitioner. The fact that the user of the subject Facebook account reached out to BBB, instead of AAA, jibes with AAA's claim that she already blocked petitioner in Facebook as early as 2013. The 2015 private messages were communicated in such a manner and under such circumstances pointing to petitioner as the user of the subject Facebook account.[48]

Third, the subject Facebook post stated that the user was blocked by a "." AAA testified that her friends and family call her "." This nickname is likewise reflected in her business card and her Facebook account profile. The statement in the subject Facebook post also dovetails with AAA's allegation that she has blocked petitioner in Facebook. It is unlikely that there is another person also nicknamed "" and surnamed "" who happened to have blocked petitioner in Facebook. In sum, the subject Facebook post contained statements that petitioner could be expected to say and know.[49]

Fourth, on May 12, 2019, the subject Facebook account posted a rant (May 12 post) about "someone who was calling his mother 'mama' when that person has her own mother." The May 12 post garnered 11 reactions and 18 comments. Among the Facebook users who reacted to the May 12 post was "," which is like the name of YYY, petitioner's current live-in partner. The subject Facebook post likewise gained 10 reactions and 2 comments. One commenter even referred to the user as "pre." These circumstances are indeed tell-tale signs that the subject Facebook post is not a mere dummy account or an account controlled by AAA.[50]

As the Court concluded in the assailed Decision:

Like the fibers of a tapestry, the foregoing circumstances make sense, not when plucked out and individually scrutinized, but when interwoven and appreciated as a whole. All told, the totality of the foregoing circumstances engenders moral certainty and leads to the ineluctable conclusion that petitioner is indeed the author of the subject post. There is no other reasonable and logical conclusion given the circumstances of the case.[51] (Emphasis in the original, citations omitted)

Furthermore, the Court has already addressed petitioner's argument that AAA retained control over the subject Facebook account:

Petitioner insinuates that it was AAA, using the subject Facebook account, who made the subject Facebook post. However, considering AAA's personal history with petitioner, it would be contrary to reason and common human experience to conclude that AAA would go to great lengths to orchestrate an elaborate scheme just to incriminate petitioner by: (a) accessing the subject Facebook account; (b) obtaining petitioner's photo together with his common child with [YYY] to be used as profile picture; (c) sending the 2015 messages to [BBB], including a request to visit [DDD] for her birthday, using the subject Facebook account, just to create an impression that petitioner was indeed using the same; and (d) ensuring that the posts made by the subject Facebook account, including the May 12 post and the subject Facebook post, garner reactions, including that of a Facebook user [whose account name was similar to 's name]," and comments[.]"[52] (Emphasis in the original, citation omitted)

The Court thus affirms its ruling that petitioner's authorship of the subject Facebook post was proven beyond reasonable doubt.

The elements of violation of Section 5(i) of Republic Act No. 9262 were established beyond reasonable doubt

The elements of psychological abuse under Section 5(i) of Republic Act No. 9262[53] are:

- the offended party is a woman and/or her child or children;
- the woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child, or the woman's child or children is legitimate or illegitimate, or living within or without the family abode;
- the offender causes on the woman and/or child mental or emotional anguish; and
- the anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children, or similar acts or omissions.[54]

The first two elements are undisputed.[55] However, petitioner contends that the prosecution failed to prove beyond reasonable doubt the third and fourth elements of the offense charged. Petitioner asserts that the supposed mental and emotional anguish suffered by AAA was based on her "unilateral and malicious assumption" that the subject Facebook post pertained to her. Petitioner submits that AAA's claimed injury was "self-induced" and "not the natural and proximate result of any wrongful act attributable to [him]." He even accuses AAA of inflicting distress upon him when she filed criminal complaints several years after they broke up.[56]

The Court is not convinced.

Time and again, this Court has ruled that in violations of Section 5(i) of Republic Act No. 9262, the mental or emotional anguish caused by acts of psychological violence consist of experiences personal to the offended party. As such, the lone testimony of the offended party, as long as it is positive, categorical, and credible, may be

sufficient to sustain a conviction.[57] The trial court's assessment of the credibility of the witness is accorded with great respect, if not finality, especially when affirmed by the CA and supported by the evidence on record.[58]

As the Court ruled in its assailed Decision, the records show that AAA suffered mental and emotional anguish caused by petitioner's threatening and demeaning subject Facebook post. In her testimony, AAA candidly recalled her traumatic experience, describing the worry, fear, shame, and helplessness she felt. When she learned about the subject Facebook post, she spiraled into sleeplessness and anxiety, thus even forcing her to take a few days off from work.[59] Both the PC and the CA ascribed credibility to her testimony,[60] and the Court finds no cogent reason to disturb this finding.

Moreover, the prosecution sufficiently established the nexus between the mental and emotional anguish suffered by AAA, and the act of public ridicule and humiliation, through the subject Facebook post, as perpetrated by petitioner. Proximate cause has been defined in jurisprudence as "that cause which[,] in natural and continuous sequence, unbroken by an efficient intervening cause, produces the injury, and without which the result would not have occurred." [61] Here, AAA would not have undergone such a traumatic and harrowing experience were it not for the subject Facebook post made by petitioner. Surely, any ordinary human being publicly threatened with serious harm, and ridiculed as an "animal," "dirty woman," and "ugly evil spirit" [62] would have felt the same.

Petitioner attempts to shift the blame on AAA by insisting that her distress was self-inflicted or "self-induced." [63] Unfortunately for petitioner, there is no shred of evidence supporting this claim.

Accordingly, the Court rules that the elements of psychological abuse under Section 5(i) of Republic Act No. 9262 were established beyond reasonable doubt.

The penalty should be increased in view of the qualifying circumstance that the offense was committed using information and communications technology (ICT)

At the outset, a Rule 45 petition or appeal by certiorari in criminal cases, which was filed by petitioner to assail his conviction, [64] "throws the entire case wide open for review and allows the tribunal to correct errors, though unassigned, in the appealed judgment." [65] Thus, the Court is conferred full jurisdiction over the case and, as such, may "examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." [66]

In the assailed Decision, the Court affirmed the penalty imposed by the RTC and the CA, i.e., indeterminate sentence of six months and one day of prision correctional, as minimum, to eight years and one day of prision mayor, as maximum, and a fine of PHP 100,000.00.

However, the Court finds it proper to increase the penalty, considering that the offense was committed using ICT, as sufficiently alleged in the Information and established by the evidence on record. Both the FC and the CA erred in not applying Section 6 of Republic Act No. 10175, which makes the use of ICT a qualifying circumstance.

Section 6 of Republic Act No. 10175, [67] otherwise known as the "Cybercrime Prevention Act of 2012," provides:

All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act: Provided, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be. (Emphasis

supplied)

In *Disini, Jr. v. Secretary of Justice*,^[68] the Court explained the rationale for the higher penalty mandated by Section 6 of Republic Act No. 10175:

Section 6 merely makes commission of existing crimes through the internet a qualifying circumstance. As the Solicitor General points out, there exists a substantial distinction between crimes committed through the use of [ICT] and similar crimes committed using other means. In using the technology in question, the offender often evades identification and is able to reach far more victims or cause greater harm. The distinction, therefore, creates a basis for higher penalties for cybercrimes.^[69] (Emphasis supplied)

Under Section 3(z) of the Implementing Rules and Regulations of Republic Act No. 10175,^[70] an ICT system is defined as follows:

(z) Information and communication technology system refers to system intended for, and capable of, generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents, and includes the computer system or other similar device^[71] by or in which data is recorded or stored, and any procedures related to the recording or storage of electronic data message or electronic document^[.] (Emphasis supplied)

As used above, the term "electronic data message" refers to "information generated, sent, received or stored by electronic or similar means."^[72]

Meanwhile, social media pertain to internet-based platforms that "enable online interaction and facilitate users to generate and share content."^[73] It is generally considered as "any internet-based tool, website, or computer program which is primarily intended for personal and group social interaction and information sharing."^[74] In the assailed Decision, the Court took discretionary judicial notice of the basic features of Facebook, a widely used social media site in the Philippines:

Once a Facebook account is created, the user can add other users as friends and exchange private messages with them. The user can also post statements, photos, or videos, "which can be made visible to anyone, depending on the user's privacy settings." The user's friends can like and comment on posts visible to them.^[75] (Citations omitted)

Considering the foregoing, social media, such as Facebook, squarely falls within the definition of an ICT.

Social media platforms are internet-based systems intended for social interaction and information sharing among its users. These systems allow the generation, sending, receipt, storage, and processing of information through electronic means. Social media sites may be accessed through a desktop computer, laptop, mobile phone, or similar electronic devices capable of connecting to the internet. Since Facebook, a social media site, enables the exchange of information through electronic means, it can be properly characterized as an ICT system.

By virtue of Section 6 of Republic Act No. 10175, the use of an ICT in the commission of a crime or offense is a qualifying circumstance warranting the imposition of a higher penalty.^[76] As such, it must be sufficiently alleged in the criminal complaint or information, as required under Rule 110, Section 8 of the Rules of Court, as amended.^[77] Otherwise, it cannot be appreciated as a qualifying circumstance even if proved during trial.^[78]

As regards the proper manner of alleging qualifying circumstances, Rule 110, Section 9 of the Rules of Court, as amended, provides:

Section 9. Cause of the accusation. — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know

what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment. (Emphasis supplied)

This requirement protects the constitutional right of the accused to be informed of the nature and cause of the accusation against them,[79] thus enabling them to suitably prepare their defense.[80]

Here, it was alleged in the Information that petitioner subjected AAA to psychological abuse by posting a statement in his "Facebook Messenger Account," the privacy setting of which was set to "public view":

That on or about [May 15, 2019], in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, [XXX], being the former boyfriend of the complainant [AAA], did then and there willfully, unlawfully and feloniously subject the said complainant to psychological abuse, by posting on his Facebook Messenger Account, the following malicious, offending, injuring and threatening words, which was set to public view, to wit:..., thereby causing serious emotional and psychological torment/distress, mental anguish, sleepless nights, anxiety, public ridicule and humiliation to the complainant.[81] (Emphasis supplied)

As discussed above, Facebook is considered an ICT system. Hence, the allegation that petitioner used Facebook in the commission of the offense necessarily constitutes an allegation that ICT was utilized—even if the exact term "information and communications technology" or "ICT" was not stated in the Information. Moreover, the phrase "by posting on his Facebook Messenger Account" is unambiguous, straightforward and readily understandable. It sufficiently apprised petitioner that the offense charged was qualified by his use of Facebook, thus allowing him to prepare his corresponding defense. This satisfies the requirement under Rule 110, Section 9 of the Rules of Court, as amended, that the qualifying circumstances be pleaded in an "ordinary and concise" manner, and "not necessarily in the language used in the statute."

In fine, the Court resolves that the use of ICT, as a qualifying circumstance, was adequately alleged in the Information. Since this qualifying circumstance was likewise proven during trial, then the impossible penalty should be raised by one degree, pursuant to Section 6 of Republic Act No. 10175.

First, as regards the penalty of imprisonment, Section 6(f) of Republic Act No. 9262 provides that acts of psychological violence falling under Section 5(i) of the same law shall be punished by prision mayor. The penalty higher by one degree than prision mayor is reclusion temporal, which ranges from 12 years and one day to 20 years.[82]

Applying the Indeterminate Sentence Law,[83] the minimum term shall be taken from the full range of the penalty next lower in degree,[84] which is prision mayor, or six years and one day to 12 years.[85] Meanwhile, the maximum term shall be taken from that which could be properly imposed under the law,[86] which is reclusion temporal in its medium period, or 14 years, eight months and one day to 17 years and four months,[87] there being no aggravating or mitigating circumstances.

In light of the foregoing, the Court deems it proper to impose the indeterminate sentence of six years and one day of prision mayor, as minimum, to 14 years, eight months, and 1 day of reclusion temporal, as maximum.

Second, the range of the impossible amount of fine is likewise covered by Section 6 of Republic Act No. 10175.[88]

The last paragraph of Section 6 of Republic Act No. 9262[89] imposes a fine in the amount of not less than PHP 100,000.00 but not more than PHP 300,000.00. Following Article 75 of the Revised Penal Code,[90] one degree shall be equivalent to 1/4 of the maximum amount of fine prescribed by law, which is PHP 75,000.00. Thus, the maximum impossible amount shall be PHP 375,000.00. However, the minimum amount of PHP 100,000.00, as prescribed by law, shall remain unchanged.[91] Consequently, the penalty of fine, as increased by one degree,

shall be not less than PHP 100,000.00 but not exceeding PHP 375,000.00.

The Court retains the fine of PHP 100,000.00, as imposed by the CA, as said amount falls within the foregoing range.

Lastly, petitioner shall undergo mandatory psychological counselling or psychiatric treatment, and report compliance to the court of origin, pursuant to the last paragraph of Section 6 of Republic Act No. 9262.[92]

Final note

This case lies at the intersection of two vital State policies: the protection of women and their children from various forms of violence, and the deterrence of crimes and offenses committed through social media and other ICT systems.

It illustrates how social media can be misused to facilitate psychological abuse and exacerbate the suffering and humiliation of the offended party. As such, the law mandates the imposition of a higher penalty in recognition of the greater and more far-reaching harm done when violence is inflicted through an ICT system.

It also serves as a warning to perpetrators of online violence that they cannot evade liability by simply disclaiming ownership of a social media account, and an assurance to the innocent that legal safeguards exist against fake or dummy accounts intended to falsely incriminate them.

More significantly, it affirms that violence against women and children, whether committed through electronic means or otherwise, has no place in our society.

FOR THESE REASONS, the Motion for Reconsideration is DENIED with FINALITY. The Decision dated October 22, 2025 is AFFIRMED with MODIFICATION as to the penalty of imprisonment imposed.

Petitioner XXX is GUILTY beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262 and is sentenced to suffer the indeterminate penalty of six years and one day of prision mayor, as minimum, to 14 years, eight months, and 1 day of reclusion temporal, as maximum. Petitioner is also ORDERED to pay a fine of PHP 100,000.00.

Furthermore, petitioner is DIRECTED to UNDERGO a mandatory psychological counselling or psychiatric treatment, and to REPORT his compliance to the court of origin within 15 days after the completion of such counselling or treatment.

No further pleadings shall be entertained. Let entry of judgment be issued immediately.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Zalameda, Rosario, and Marquez, JJ., concur.

[1] In line with the Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[2] Motion for Reconsideration dated January 5, 2026, pp. 1-9.

[3] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division].

[4] Id. at 27. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[5] RTC records, pp. 1-2.

[6] Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

[7] "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004." (People v. Dumadag, 667 Phil. 664, 669 [2011]).

[8] Id. at 1.

[9] Rollo, p. 41; RTC records, pp. 120-122, 124, 141-142.

[10] Rollo, p. 41; RTC records, pp. 124-126.

[11] Rollo, pp. 41-42; RTC records, pp. 126-128.

[12] RTC records, pp. 234-235, 243, 255-256, 265.

[13] Rollo, p. 42; RTC records, p. 131.

[14] RTC records, pp. 131, 151.

[15] Id. at 1.

[16] Id. at 151.

[17] Rollo, pp. 42-43; RTC records, pp. 134-136.

[18] Rollo, p. 43; RTC records, pp. 5, 7.

[19] RTC records, p. 167.

[20] Id. at 168-171.

[21] Id. at 172-178.

[22] Rollo, p. 41.

[23] TSN, XXX, February 4, 2021, pp. 17-18.

[24] Rollo, pp. 44-45; TSN, XXX, February 4, 2021, pp. 18, 21-22.

[25] Rollo, p. 44; FC records, pp. 389-390.

[26] TSN, YYY, August 24, 2021, pp. 13-16.

[27] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 22-23. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[28] Rollo, pp. 79-99. The January 3, 2022 Decision in Criminal Case No. R-ANG-19-04079-CR was penned by Presiding Judge Katrina Nora S. Buan Factora of Branch 10, Family Court, .

[29] Id. at 99.

[30] RTC records, p. 701.

[31] Rollo, pp. 39-59. The September 19, 2023 Decision in CA-G.R. CR No. 46898 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Eduardo S. Ramos, Jr. of the Seventh Division, Court of Appeals, .

[32] Id. at 58.

[33] Id. at 62.

[34] Id. at 61-62. Tue June 13, 2024 Resolution in CA-G.R. CR No. 46898 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Eduardo S. Ramos, Jr. of the Former Seventh Division, Court of Appeals, .

[35] Id. at 12-37.

[36] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 1-29. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[37] Id. at 27-28. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[38] Id. at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[39] Id. at 17-26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[40] Id. at 22-23. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[41] Id. at 27. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[42] Motion for Reconsideration dated January 5, 2026, pp. 1-9.

[43] Id. at 2.

[44] Id. at 3.

[45] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 16-17. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[46] Id. at 16-22. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[47] Id. at 17. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[48] Id. at 18-19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[49] Id. at 19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[50] Id. at 19-20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[51] Id. at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[52] Id. at 20-21. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[53] Republic Act No. 9262 (2004), sec. 5(i) states:

SECTION 5. Acts of Violence Against Women and Their Children. — The crime of violence against women and their children is committed through any of the following acts:. . .

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.

[54] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 24. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[55] Rollo, p. 49.

[56] Motion for Reconsideration dated January 5, 2026, p. 4.

[57] Dinamling v. People, 761 Phil. 356, 375 (2015) [Per J. Peralta, Third Division].

[58] Id. at 372.

[59] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 24-26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[60] Id. at 26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[61] People v. Lalap, 904 Phil. 812, 824 (2021) [Per J. Inting, Third Division]. (Citation omitted)

[62] XXX v. People, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 24. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[63] Motion for Reconsideration dated January 5, 2026, p. 4.

[64] Rollo, pp. 12-37.

[65] AAA v. People, 844 Phil. 213, 225 (2018) [Per J. Gesmundo, Third Division]. See also Aquino v. People, G.R. No. 274077, February 24, 2025 [Per J. Lazaro-Javier, Second Division] at 6. The pinpoint citation in Aquino refers to the copy of the Decision uploaded to the Supreme Court website.

[66] Aquino v. People, G.R. No. 274077, February 24, 2025 [Per J. Lazaro-Javier, Second Division] at 6; AAA v. People, 844 Phil. 213, 225 (2018) [Per J. Gesmundo, Third Division]. (Emphasis supplied) The pinpoint citation in Aquino refers to the copy of the Decision uploaded to the Supreme Court website.

[67] Republic Act No. 10175 took effect in 2012, and is thus applicable to the offense charged, which was committed sometime in 2019.

[68] 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[69] Id. at 126.

[70] See also Republic Act No. 8792 (2000), sec. 5(d), Electronic Commerce Act of 2000, which similarly defines an ICT system as follows:

(d) "Information and Communications System" refers to a system intended for and capable of generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar device by or in which data is recorded or stored and any procedures related to the recording or storage of electronic data message or electronic document.

[71] Republic Act No. 10175 (2012), sec. 3(g), defines a computer system as follows:

(g) Computer system refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data

processing capabilities including, but not limited to, computers and mobile phones. The device consisting of hardware and software may include input, output and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

See also Republic Act No. 8792 (2000), sec. 5(b), which defines a "computer" as follows:

(b) "Computer" refers to any device or apparatus which, by electronic, electro-mechanical, or magnetic impulse, or by other means, is capable of receiving, recording, transmitting, storing, processing, retrieving, or producing information, data, figures, symbols or other modes of written expression according to mathematical and logical rules or of performing any one or more of these functions.

[72] Republic Act No. 8792 (2000), sec. 5(c)

[73] *Belo-Henares v. Atty. Guevarra*, 801 Phil. 570, 583 (2016) [Per J. Perlas-Bernabe, First Division].

[74] *Toston v. People*, 897 Phil. 820, 824, n. 28 (2021) [Per J. Gaerlan, First Division].

[75] *XXX v. People*, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 12. The pinpoint citation in *Aquino* refers to the copy of the Decision uploaded to the Supreme Court website. See generally *Vivares v. St. Theresa's College*, 744 Phil. 451, 469-470 (2014) [Per J. Velasco, Jr., Third Division]. The privacy settings include: (a) public: can be viewed by every Facebook user; (b) friends of friends: can be viewed only by the user's Facebook friends and their friends; (c) friends: can be viewed only by the user's Facebook friends; (d) custom: can be viewed only by particular Facebook friends and/or networks of the user; and (e) only me: can be viewed only by the user.

[76] *Disini v. Secretary of Justice*, 727 Phil. 28, 126 (2014) [Per J. Abad, En Banc].

[77] RULES OF COURT, Rule 110, sec. 8, states:

Section 8. Designation of the offense. — The complaint or information shall state the designation given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it. (Emphasis supplied)

[78] *People v. Natindim*, 889 Phil. 18, 47 (2020) [Per J. Hernando, Third Division].

[79] CONST., art. III, sec. 14(2), states:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused: Provided, that he has been duly notified and his failure to appear is unjustifiable. (Emphasis supplied)

[80] *People v. Natindim*, 889 Phil. 18, 45 (2020) [Per J. Hernando, Third Division].

[81] RTC records, p. 1.

[82] REV. PEN. CODE, art. 27, par. 2.

[83] Act No. 4103 (1933), sec. 1, as amended by Act No. 4225 (1935), sec. 1, states:

Section 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the

said Code, and to a minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (Emphasis supplied)

See *Bantang v. People*, 932 Phil. 470, 491 (2022) [Per J. Lopez, J., Second Division]. If the special penal law adopts the nomenclature of penalties under the Revised Penal Code, the computation of the indeterminate sentence shall be based on the rule under the Indeterminate Sentence Law applicable to those crimes punishable under the Revised Penal Code.

[84] Act No. 4103 (1933), sec. 1, as amended by Act No. 4225 (1935), sec. 1. See *People v. Roaring*, 903 Phil. 837, 850 (2021) [Per J. Lopez, J., Third Division].

[85] REV. PEN. CODE, art. 27, par. 3.

[86] REV. PEN. CODE, art. 64(1), states:

Article 64. Rules for the application of penalties which contain three periods. — In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each of which forms a period in accordance with the provisions of Articles 76 and 77, the courts shall observe for the application of the penalty the following Rules, according to whether there are or are no mitigating or aggravating circumstances:

1. When there are neither aggravating nor mitigating circumstances, they shall impose the penalty prescribed by law in its medium period. (Emphasis supplied)

[87] REV. PEN. CODE, art. 76.

[88] See *People v. Soliman*, 941 Phil. 438, 447 (2023) [Per J. Kho, Jr., En Banc]. Section 6 of Republic Act No. 9262 does not distinguish whether the penalty is imprisonment or fine.

[89] Republic Act No. 9262 (2004), sec. 6, last par., states:

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than [PHP 100,000.00] but not more than [PHP 300,000.00]; (b) undergo mandatory psychological counselling or psychiatric treatment and shall report compliance to the court.

[90] REV. PEN. CODE, art. 75, par. 1, states:

Article 75. Increasing or reducing the penalty of fine by one or more degrees. — Whenever it may be necessary to increase or reduce the penalty of fine by one or more degrees, it shall be increased or reduced, respectively, for each degree, by one-fourth of the maximum amount prescribed by law, without, however, changing the minimum.

[91] See REV. PEN. CODE, art. 75, par. 1.

[92] *XXX v. People*, G.R. No. 274842, October 22, 2025 [Per J. Hernando, First Division] at 27. The pinpoint citation in *Aquino* refers to the copy of the Decision uploaded to the Supreme Court website.

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