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

G.R. No. 274842, October 22, 2025

Ponente: HERNANDO, J.

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HERNANDO, J.:

This Petition for Review on Certiorari[2] seeks the reversal of the Decision[3] and the Resolution[4] of the Court of Appeals (CA), which affirmed with modification the Decision[5] of the Family Court (FC) finding petitioner XXX guilty beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262.[6]

Factual antecedents

XXX was charged with 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[7] reads:

> That on or about [May 15, 2019], in the xxxxxxxxxxxxxxxxxxxxxx,[8] and within the jurisdiction of this Honorable Court, [XXX], being the former boyfriend of the complainant [AAA],[9] 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: "ANAKPUTA KA!!! MASAYA NKANG ASIRA MU ING PAMlLYA 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 ENGKANTO...!!! KAREN MAKA BASA KEN POST KU TAG NYE ING ANIMAL A xxxxxxxxxxxx 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, I WILL NOT HESITATE, UGLY BEWITCHED CREATURE! TO ALL WHO WILL READ THIS POST, TAG THAT ANIMAL xxxxxxxxxxxx! 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[.][10] (Emphasis in the original)

Upon arraignment, XXX pleaded not guilty to the offense charged. During the pre-trial, the parties stipulated on the following: (a) the identity of XXX as the person charged and arraigned; (b) the fact that XXX and AAA previously had a sexual relationship; and (c) the fact that XXX and AAA have a common child, BBB. Thereafter, trial on the merits ensued.[11]

Version of the prosecution

The prosecution presented the following witnesses: (1) AAA, the private offended party;[12] (2) CCC, AAA's sister;[13] and (3) DDD, AAA's brother.[14]

AAA narrated that she and XXX became a couple in 2007 after months of courtship. In their relationship, they often fought as XXX was always "jealous" and "possessive." He made baseless accusations that AAA was entertaining other suitors. They broke up in March 2009 but reconciled in December of the same year. Later on, AAA learned that she was pregnant with their child. In 2010, she gave birth to their daughter, BBB.[15]

AAA rejected XXX's marriage proposal as she wanted to finish her studies first. She continued to live with her parents. XXX would come over to help take care of their daughter. However, XXX only became more "jealous" and "possessive." He discouraged AAA to join school activities, accused her of having other male text mates, and insulted her clothing, appearance and abilities, thereby triggering her insecurity.[16]

Unable to endure XXX's "accusations, insults, [and] negativity," AAA finally mustered the courage to cut ties with him in October 2013. XXX, however, would still occasionally visit their daughter.[17]

During one of his visits, XXX suddenly grabbed and groped AAA while the latter was playing with her 5-year-old cousin. AAA was able to push XXX aside, thus enabling her to run away. She locked herself inside her room until she was sure that XXX already left the house. Upon learning of this incident, AAA's mother banned XXX from coming to their house. AAA also blocked XXX from her social media accounts, including Facebook. She nevertheless remained civil with his family. She later learned that XXX already has a new girlfriend. This gave relief to AAA who hoped that XXX would stop bothering her.[18]

On May 14, 2019, CCC and DDD separately received a private message in Facebook Messenger from a Facebook account named "xxxxxxxxxxxxxxxxxxxx" (subject Facebook account). They claimed that this was XXX's Facebook account. In his private message, XXX asked them in the Kapampangan language to "tell someone to stop bugging his family" and "accused this someone of possibly causing his mother a heart attack." CCC and DDD both believed that XXX was referring to AAA.[19]

Thereafter, AAA was informed by a friend that the subject Facebook account posted the following statement (subject Facebook post) in the Kapampangan language on May 15, 2019 at 11:47 p.m.:[20]

> 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 engkanto..!!! xxxxxxxxxxxx mka basa ken post ku tag nye ing animal a xxxxxxxxxxxx ayan..!! Pa block block kapa nimal.....,,!!![21]

The Information supplied an English translation of the subject Facebook post:

> 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, , ugly bewitched creature! To all who will read this post, tag that animal xxxxxxxxxxxx! You are even blocking [me,] animal![22]

Based on the screenshot[23] attached to AAA's Judicial Affidavit, the privacy setting of the facebook post was set to "public." AAA claimed that she was the "xxxxxxxxxxxx" being referred to in the subject Facebook post.[24]

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Notably, a certain Facebook user named "xxxxxxxxxxx" commented on the subject Facebook post: "pare pusu mu."[25] The author of the subject Facebook post then replied in Kapampangan that he will kill "xxxxxxxxxxx" the moment their paths cross.[26] Another Facebook user named "xxxxxxxxxxx" also commented: "Cnu b yan at hiblod ka."[27]

After reading the subject Facebook post, AAA feared for her safety. To her mind, considering XXX's violent tendencies, it was not far-fetched that he might actually hurt or kill her if their paths cross. She got depressed because the subject Facebook post maligned her good reputation by labeling her as an "animal," a "dirty woman," and an "ugly evil spirit." She felt extremely ashamed as the subject Facebook post was viewable by the general public. Embarrassed and anxious, AAA was not able to go to work for a few days.[28]

AAA recalled that she commented on a Facebook post last May 12, 2019 to greet XXX's mother, YYY, a happy mother's day.[29] Upon analyzing the events that transpired, AAA realized that her innocent greeting might have triggered XXX to make the subject Facebook post and send the private messages to CCC and DDD.[30] Reinforcing AAA's speculation, CCC testified that she saw a May 12, 2019 Facebook post (May 12 post) made by the subject Facebook account which ranted about "someone who was calling his mother 'mama' when that person has her own mother."[31]

Heeding her family's advice, 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.[32] A Barangay Protection Order,[33] and eventually a Temporary Protection Order[34] and a Permanent Protection Order[35] were issued in AAA's favor.

Version of the defense

The defense presented the following witnesses: (1) XXX;[36] (2) YYY, his mother;[37] (3) ZZZ, his sister;[38] and (4) VVV, his current live-in partner.[39]

XXX stated, among others, that (a) he previously had a relationship with AAA; (b) they have a common child, BBB; (c) he lost all communication with AAA after they broke up in 2013; and (d) he met VVV in 2015.[40] He also claimed that he was ill-treated and disdained by AAA's family.[41]

However, he denied writing the subject Facebook post.[42]

To bolster his defense, XXX insisted that it was impossible for him to make the subject Facebook post as he was working as a waiter in a xxxxxxxxxxx restaurant at the time of posting, i.e., 11:47 p.m.[43] He submitted a Certificate of Employment[44] to prove that his employment as a waiter commenced on April 30, 2019. According to him, his work shift was from 4:00 p.m. to 1:00 a.m. At the beginning of his shift, he leaves his cellphone in his bag, purportedly in compliance with a company policy strictly prohibiting them from using their cellphones while on duty.[45]

On cross-examination, XXX was shown the printed screenshot of the subject Facebook post. He identified the persons in the profile picture of the subject Facebook account as himself and one of his common children with VVV.[46] However, XXX claimed that he is not the owner of the subject Facebook account. He argued that someone might have used his photo and name to create a fake Facebook account and post photos of himself with his common child with VVV. He suggested that it was AAA who actually created and controlled the purportedly fake Facebook account.[47]

YYY, ZZZ, and VVV belied the accusations hurled against XXX.[48]

A warrant of arrest was issued against XXX, who voluntarily surrendered. He posted bail for his temporary

liberty.[49]

Ruling of the Family Court

The FC convicted XXX for violation of Republic Act No. 9262, Section 5(i). The dispositive portion of the FC Decision[50] reads:

> 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[.][51] (Emphasis in the original)

The FC found that all the elements of violation of Republic Act No. 9262, Section 5(i) were established beyond reasonable doubt.[52]

The FC also ruled that the printouts of the subject Facebook post were properly identified and authenticated by showing its integrity and reliability. The FC considered the same as ephemeral electronic evidence as the subject Facebook post and subject Facebook account were already deleted.[53] Regarding the ownership of the subject Facebook account, the FC held:

> The evidence of [XXX] establishes, his present status and how he was treated by the family of xxxxxxxxxxxx. As to the [Facebook] post, he merely denied being the owner of the [Facebook] account or that he is working at that time. However, when confronted about the profile pictures he identified. . . he answered that it was the picture of [his eldest child with [VVV]. This was the same with [VVV], who denied knowing if [XXX] has a previous Facebook account; but when asked about [the profile pictures identified by petitioner], she identified the picture as their youngest son[.][54]

Thus, XXX appealed before the CA.[55]

Ruling of the Court of Appeals

The CA affirmed with modification the Decision of the FC. The dispositive portion of the CA Decision[56] reads:

> WHEREFORE, the Appeal is DENIED. The Decision dated January 3, 2022 of the Family Court of [Angeles City] 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.[57] (Emphasis in the original)

The CA upheld the finding of the FC that all the elements of the crime charged were established beyond a reasonable doubt.[58]

Unconvinced by XXX's defense of denial, the CA held that he is the author of the subject Facebook post. The CA gave weight to the testimony of AAA who would not subject herself to "the trouble and humiliation of public trial unless she has actually been a victim of psychological abuse." AAA testified that the subject Facebook account is owned by XXX, having previously created the account herself for XXX. Nonetheless, she already blocked the subject Facebook account of XXX and can no longer view his posts. Moreover, as observed by the CA, both CCC

and DDD testified that they received private messages from XXX through the subject Facebook account.[59]

Aggrieved, XXX filed a motion for reconsideration, which was denied by the CA for lack of merit.[60]

Hence, this Petition.

Petitioner essentially argues that there is a reasonable doubt as to his identification as the author of the subject Facebook post.[61]

In its Comment,[62] the People, through the Office of the Solicitor General (OSG), maintains that petitioner's identity as the author of the subject Facebook post was established by the prosecution. The OSG argues that while it was AAA who created the petitioner's Facebook account, it was the petitioner who had been using it. AAA claims that she already blocked the petitioner in Facebook. According to the OSG, this claim jibes with the statement in the subject Facebook post that "xxxxxxxxxxx" blocked the petitioner.[63] In their testimonies, both CCC and DDD were certain that the subject Facebook account is owned by the petitioner, having received private messages from the latter.[64] The OSG claims that petitioner's insinuation that AAA herself made the subject Facebook post is "preposterous" as "[n]o woman in her right mind would. . . subject herself to public humiliation and ridicule."[65]

Issues

This Court resolves the following issues:

First, whether the prosecution has established beyond a reasonable doubt that petitioner is the author of the subject Facebook post; and

Second, whether the prosecution has established the elements of the crime charged beyond a reasonable doubt.

Our Ruling

The Petition is bereft of merit.

At the outset, it bears emphasizing that a petition for review on certiorari under Rule 45 of the Rules of Court is limited to questions of law.[66] By way of exception, questions of fact may be raised in the following instances: (1) the conclusion is a finding grounded entirely on speculation, surmises, or conjecture; (2) the inference made is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of fact are conflicting; (6) the CA, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) the findings of the CA are contrary to those of the trial court; (8) the findings of fact are conclusions without citation of specific evidence on which they are based; (9) the facts set forth in the petition as well in the petitioner's main and reply briefs are not disputed by the respondents; and (10) the finding of fact of the CA is premised on the supposed absence of evidence and is contradicted by the evidence on record.[67]

Here, petitioner argues that the CA Decision was based on a misappreciation of facts relating to, among others, the issue of whether the petitioner is the author of the subject Facebook post.[68] This falls under the instances when the Court may review questions of fact. Thus, the Court resolves to exercise its discretionary appellate jurisdiction.

The combination of circumstances surrounding the subject Facebook account established beyond a reasonable doubt that petitioner is the author of the subject Facebook post

The threshold issue in this case is whether the prosecution established beyond a reasonable doubt that petitioner is the author of the subject Facebook post. This issue is hinged on whether petitioner is the owner of or has access to

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the subject Facebook account, as the fact of posting using a Facebook account presupposes ownership of or access to the same.

It is settled that in criminal cases, the prosecution must prove not only the elements of the crime charged but also the identity of the perpetrator of the crime. Even if the commission of the crime is established, there can be no conviction without proof of identity of the culprit beyond a reasonable doubt.[69] As We ruled in People v. Cadenas:[70]

> Every criminal conviction requires the prosecution to prove two things: (1) the fact of the crime, i.e., the presence of all the elements of the crime for which the accused stands charged, and (2) the fact that the accused is the perpetrator of the crime. When a crime is committed, it is the duty of the prosecution to prove the identity of the perpetrator of the crime beyond [a] reasonable doubt for there can be no conviction even if the commission of the crime is established. Apart from showing the existence and commission of a crime, the State has the burden to correctly identify the author of such crime. Both facts must be proved by the State beyond cavil of a doubt on the strength of its evidence and without solace from the weakness of the defense.[71] (Emphasis supplied, citations omitted)

Proof beyond reasonable doubt requires moral certainty, or "that degree of proof which produces conviction in an unprejudiced mind."[72] This quantum of evidence does not require "such degree of proof as, excluding possibility of error, produces absolute certainty."[73] However, mere suspicion, speculation, or probability of guilt is not sufficient to sustain a conviction.[74] When there is reasonable doubt, the scales of justice shall tilt in favor of the constitutional presumption of innocence.[75] Reasonable doubt exists when after an examination of the entire evidence, an "unprejudiced mind"[76] cannot rest easy upon the moral certainty of guilt.[77]

To satisfy this quantum of evidence, the identity of the perpetrator of the crime may be established by direct or circumstantial evidence.[78]

In Bacerra v. People,[79] the Court discussed the interplay between direct and circumstantial evidence in the context of criminal cases:

> Direct evidence and circumstantial evidence are classifications of evidence with legal consequences.
>
> The difference between direct evidence and circumstantial evidence involves the relationship of the fact inferred to the facts that constitute the offense. Their difference does not relate to the probative value of the evidence.
>
> Direct evidence proves a challenged fact without drawing any inference. Circumstantial evidence, on the other hand, 'indirectly proves a fact in issue, such that the factfinder must draw an inference or reason from circumstantial evidence.'
>
> The probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence. . . . The same quantum of evidence is still required. Courts must be convinced that the accused is guilty beyond reasonable doubt.[80] (Citations omitted)

In particular, circumstantial evidence "consists of proof of collateral facts and circumstances from which the main fact in issue may be inferred based on reason and common experience."[81]

Circumstantial evidence is sufficient for conviction upon the concurrence of all the following requisites: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond a reasonable doubt.[82] In other words, for conviction to be warranted on the basis of circumstantial evidence, "the circumstances proven should constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the

exclusion of others, as the guilty person."[83]

Thus, this Court, in several decisions, found that the accused was the perpetrator of the crime on the basis of circumstantial evidence.[84]

In weighing the pieces of circumstantial evidence for crimes and offenses committed through social media, the basic features of the specific social media platform, such as Facebook in this case, ought to be taken into account.

Social media are internet-based platforms that "enable online interaction and facilitate users to generate and share content."[85] Social networking sites is one classification of social media platforms. Facebook falls under said category.[86]

Facebook remains a widely used social media site in the Philippines.[87] It is a voluntary social network to which members register, share information such as thoughts and photographs, and interact with other members.[88]

This Court takes discretionary judicial notice[89] that in the Philippines, a Facebook account can be easily created by any person claiming to be at least 13 years of age who has an email address or mobile phone number.[90]

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."[91] The user's friends can like and comment on posts visible to them.[92] The user may access their Facebook account by entering the following log-in credentials: (a) username, email address, or mobile phone number; and (b) password.[93] Considering the susceptibility of Facebook accounts to hacking,[94] they may be protected through built-in security features such as two-factor authentication and log-in alerts.[95]

Furthermore, posts and private messages in Facebook can be deleted. For private messages, users have the option to delete their private message not only for them but also for their recipients.[96] Facebook accounts can be easily deactivated or deleted by the user. Once a Facebook account is permanently deleted, all its posts will also be deleted but its private messages will be stored in the recipients' inboxes.[97]

The ease by which a Facebook account can be created allows the proliferation of fake or dummy accounts, i.e., accounts "created in one person's name by someone else or by a person using a pseudonym."[98] Fake accounts can be used for surveillance and entrapment operations,[99] the spreading of disinformation,[100] identity theft,[101] among others. They can also be utilized to falsely incriminate people[102] or, as illustrated below, to facilitate the commission of crimes.

In Catan v. People,[103] Robert Catan (Catan) was charged with simple robbery under Article 294(5) of the Revised Penal Code in relation to Section 6 of Republic Act No. 10175 or the Cybercrime Prevention Act of 2012. Using a Facebook account with the name "Rolly Gatmaitan," Catan threatened the private offended party that he will post the latter's nude pictures and videos in social media unless he will be paid a certain amount of money. He instructed the private offended party to bring the money alone at a certain location and time, place the money inside a red plastic bag, and leave it on a seat. During an entrapment operation, Catan was caught taking the money inside the red plastic bag. The apprehending officers recovered from Catan's possession one silver Huawei Y7 cellphone, which contained the nude pictures and videos of the private offended party.[104] This Court affirmed the factual finding of the lower court that Catan was the "Rolly Gatmaitan" who demanded money through Facebook. We ruled that Catan's unexplained possession of the Huawei cellphone "gives credence to the fact that he was the 'Rolly Gatmaitan' who extorted money[.]" To establish Catan's ownership of the subject Facebook account, this Court relied on the presumption under Rule 131, Section 3(j) of the Rules of Court that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act.[105]

In People v. Bandojo, Jr.,[106] Ludivico Patrimonio Bandojo, Jr. (Ludivico) was charged with qualified human trafficking. An agent of the National Bureau of Investigation (NBI) conducted a surveillance and entrapment operation. Ludivico used a Facebook account with the name "Jhanne David" to offer sexual services of women. The NBI agent communicated with Ludivico through said Facebook account. Later, Ludivico met the NBI agent in person for the payment. The NBI agent handed Ludivico the downpayment as they agreed upon through Facebook. These circumstances, as held by this Court, established that Ludivico indeed owned the said Facebook account and used the same to communicate with clients.[107]

In Asa v. People,[108] Journey Kenneth Asa (Asa) was charged with robbery with intimidation of persons under Article 293 of the Revised Penal Code. Using a Facebook account with the name "Indho Than," Asa sent a message to the friend of the private offended party, threatening to post the latter's "private and post-coital photos." Using her friend's Facebook account, the private offended party pleaded with Asa not to release the photos. Asa demanded money in exchange for the memory card containing the private photos. Later on, Asa met the private offended party on the date agreed upon, introduced himself as the person talking through the subject Facebook account, and received the money.[109] Asa denied the charge but did not raise the issue of whether his ownership of subject Facebook account was proven beyond reasonable doubt. This Court upheld his conviction.[110]

Indeed, based on the foregoing, there is no hard-and-fast rule in establishing the fact of ownership of or access to a Facebook account.

In People v. Kent,[111] the Appellate Court of Illinois similarly dealt with the issue of ownership of a Facebook account.

In Kent, Lorenzo Kent, Jr. (Kent) was accused of murdering the victim in his driveway. Kent was then in a relationship with the victim's girlfriend. The prosecution presented and offered, among others, a Facebook post stating "its [sic] my way or the highway. . . . leave em dead n his driveway." It was posted by a Facebook account named "Lorenzo Luckii Santos" bearing Kent's photograph. A screenshot of the Facebook post was taken and printed by an investigator. To authenticate the Facebook post, the investigator testified that the profile picture of the Facebook account resembled Kent and that the post was later deleted. The prosecution also represented, but failed to substantiate, that "Santos" was the surname of Kent's mother, and that Facebook records will have an internet protocol address that belongs to the victim's girlfriend.[112]

The Appellate Court of Illinois ruled that the supposedly incriminating Facebook post was not properly authenticated. The investigator himself admitted and demonstrated how easy it was for any person with an email address to create a Facebook account using another person's name and photo. This, according to the Appellate Court, poses the danger that someone may be masquerading under Kent's name and photo. The mere fact that the Facebook account used Kent's name and photo—in itself and without other supporting evidence—does not sufficiently link the Facebook post to Kent. In resolving the case, the Appellate Court enumerated the following examples of evidence which may establish the nexus between a social media post being offered as documentary evidence and its purported author: (a) the purported sender admits authorship; (b) the purported sender is seen composing the communication; (c) the business records of an Internet service provider or cellphone company show that the communication originated from the purported sender's personal computer or cellphone under circumstances in which it is reasonable to believe that only the purported sender would have had access to the computer or cellphone; (d) the communication contains information that only the purported sender could be expected to know; (e) the purported sender responds to an exchange in such a way as to indicate circumstantially their authorship of the communication; and (f) other circumstances peculiar to the particular case.[113]

We find persuasive guidance from the foregoing pronouncements in Kent. Though decided by a foreign court,

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Kent is premised on a similar understanding of the basic features of Facebook, including the ease of creating a Facebook account and the risk of impersonation in said social media site.

In view of the foregoing disquisition, it is opportune for the Court to provide guideposts 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 a 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.[114]

- 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.[115]

- 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.[116]

- 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.[117]

- 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.[118] 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.[119]

- 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.[120]

After a careful scrutiny of the records, We find that the prosecution proved beyond a reasonable doubt that petitioner is the perpetrator of the offense charged. We thus affirm the conclusion of the FC and the CA that petitioner is the author of the subject Facebook post—but for different reasons, as discussed below.

Based on a judicious review of the records, it can be inferred from the combination of the following circumstances that petitioner made the subject Facebook post using the subject Facebook account:

First, the subject Facebook account used (a) petitioner's full name as account name, and (b) petitioner's photo with one of his common children with VVV, as he himself identified,[121] as profile picture. Notably, "xxxxxxxxxxx," the middle name of petitioner, was correctly spelled in the account name.[122]

Second, CCC testified that she knows the subject Facebook account to be owned by petitioner, as she previously received private messages (2015 private messages) from the same as early as 2015. In particular, on September 26, 2015, CCC stated that petitioner sent her a message using the subject Facebook account to ask permission to visit BBB, petitioner's child with AAA, on his birthday: [123]

XXX
Messenger

08/01/2015, 6:08 [a.m.]

> [XXX:] say muxta.
>
> 05/05/2015, 1:03 [a.m.]
>
> [XXX:] say .muxta =<
>
> 26/09/2015, 5:57 [p.m.]
>
> [XXX:] say kumuxta nkyu, say pwde bng mkisuyo kng dra if ok muh pasyal ke bukas byu yah mag bday, . thank you sna pumayag yah , cnxca na keng abala

TUE 11:24 [p.m.]

> [XXX:] Sbyan mu namo ken kapatad mo..,, patugutan na na ing pamilya ko..!!! Migugulu kami dahil ken drapatan nang papansin!!!..,, maynip ya yata ken biya nya kknyan ya..,! Mayatake ne ma ku ken pigugulu nkming pamilya..,,!!!!!!!!!
>
> If you reply, xxxxxxxxxxxx will be able to call you and see information like your Active Status and when you've read messages.[124] (Emphasis supplied)

The 2015 private messages to CCC prove that the subject Facebook account was already extant as early as 2015, or around four years before the subject Facebook post was made. Hence, it is unlikely that the subject Facebook account was a dummy account created solely for the purpose of making the subject Facebook post to petitioner's detriment.

Meanwhile, the contents of the 2015 private messages establish that petitioner indeed used the subject Facebook account. Contrary to petitioner's insinuation that the subject Facebook account was controlled by AAA, it would be pointless for AAA to ask for permission, using said account, to visit BBB who is anyway in her custody—much less concoct a message to conjure an impression that petitioner is the one asking for permission. Given petitioner's separation from AAA and BBB, it is within the realm of reason and logic that petitioner would ask permission, using subject Facebook account, to attend his child's birthday. True enough, BBB's birthday that year was on September 28, 2015,[125] or two days prior to the request to visit her.

Notably, the user of the subject Facebook account asked for permission from CCC instead of AAA, BBB's mother. This runs in congruence with AAA's statement that she already blocked petitioner in Facebook when they parted ways in 2013.[126] Thus, petitioner was unable to send her any private message, let alone search her in Facebook.

In sum, 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. In particular, the request to visit BBB on the occasion of her birthday was something petitioner could be expected to say or ask.

Third, the subject Facebook post stated that the user was blocked by "xxxxxxxxxxxx" and asked its Facebook friends to tag the same. AAA testified that her nickname is "xxxxxxxxxxxx" as known to friends and family

members.[127] To substantiate her claim, she presented her business card[128] and a screenshot of her Facebook account profile,[129] which both indicate said nickname. As reiterated by the OSG, the statement in the subject Facebook post jibes with AAA's testimony that she has blocked petitioner in Facebook when she cut ties with him in 2013.[130] In the normal course of things, these circumstances lessen the likelihood that there is another person known to petitioner—apart from [AAA]—who is nicknamed "xxx," surnamed "xxxxxx," and at the same time blocked petitioner in Facebook. Indeed, the subject Facebook post contains statements that petitioner, under the circumstances, could be expected to say and know.

Fourth, the existence of the May 12 post,[131] regardless of whether it was directed to AAA or not, indicates that the subject Facebook account is not a mere dummy account created for the sole purpose of posting the incriminating subject Facebook post. This inference is also supported by the fact that the May 12 post gained 18 comments and 11 reactions.[132] Noticeably, among the Facebook users who reacted to the May 12 post was a certain "xxxxxxxxxxxx"[133]—which, incidentally, is similar to the name of VVV, petitioner's current live-in partner.[134] This is evident from the screenshot[135] of the May 12 post offered in evidence by the prosecution. During trial, the defense did not touch upon the identity of said "xxxxxxxxxxxx" who reacted to the May 12 post.

Similarly, the subject Facebook post also gained 10 reactions and 2 comments:[136] The comments appear to be commiserating with the sentiments of the subject Facebook post. "xxxxxxxxxxxxxxx," one of the Facebook users who commented, referred to the user of the subject Facebook account as "pre."[137] Petitioner denied knowing this "xxxxxxxxxxxxxx."[138]

Under the circumstances of this case, these details are badges that the subject Facebook post is not a mere dummy account or an account operated by AAA. More importantly, they are tell-tale signs that the subject Facebook account was used by petitioner to interact with Facebook friends who react to and comment on posts.

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.[139] 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 Facebook post. There is no other reasonable and logical conclusion given the circumstances of the case.

Petitioner insinuates that it was AAA, using the subject Facebook account, who made the subject Facebook post.[140] 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 VVV to be used as profile picture; (c) sending the 2015 messages to CCC, including a request to visit BBB 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 named "xxxxxxxxxxxxxxxxxx," and comments including those of a certain "xxxxxxxxxxxx" and "xxxxxxxxxxxxxxxxxx."

As aptly held by the CA in its assailed Decision:[141]

> No tenability can be fathomed in the supposed ill motives imputed on [AAA] by the defense. It is difficult to believe that she would subject herself to humiliation, disgrace, trauma[,] and life-long stigma attendant to the prosecution of the subject offense. No [person] would want to go through the process, the trouble[,] and humiliation of [a] public trial unless [they have] actually been a victim of psychological abuse and [their] motive is but a response to the compelling need to seek and obtain justice.[142]

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As regards the prosecution's view that the subject Facebook post was motivated by AAA's mother's day greeting to petitioner's mother, We rule that such theory is, at best, speculative. The May 12 post, which was supposedly a response to AAA's mother's day greeting, referred neither to AAA nor to any mother's day greeting.[143] Nonetheless, this, to Our mind, does not cast any reasonable doubt on the conclusion derived from the combination of circumstances discussed above.

Anent the creation of the subject Facebook account, AAA testified that she was the one who indeed made the same for petitioner:

> Atty. Alger-Del Rosario:
>
> . . . What makes you certain that this was the [F]acebook account of [petitioner]?
>
> Witness:
>
> As far as I remember, I am familiar with the [F]acebook account of [petitioner]. If I remember correctly, I was even the one who made the account for him. He was using the same name and since I've already blocked him, I was not able to view the posts that he had posted publicly. But then my siblings has been able to find his posts by searching his name by looking into his account named after [XXX].[144]

However, it does not necessarily follow, contrary to what petitioner insists, that AAA retained access to the subject Facebook account from the time of its creation until the subject Facebook post was made. AAA herself testified that it was petitioner who used the subject Facebook account after its creation, considering that the same was in petitioner's name, and that AAA had a Facebook account of her own.[145] It would be pointless for AAA to block the subject Facebook account if she can still anyway access the same.

Petitioner's defenses of denial and alibi are unavailing

Petitioner argues that he could not have made the subject Facebook post as he was busy working and had no access to his cellphone at the time of posting, i.e., 11:47 p.m.[146] In her testimony, VVV corroborated petitioner's claim that his shift in the xxxxxxx restaurant was from 4:00 p.m. to 1:00 a.m.[147]

His alibi deserves scant consideration.

The Certificate of Employment[148] that petitioner submitted does not indicate the time of his shift as a waiter. When asked about the Certificate of Employment, petitioner himself admitted that the same does not indicate the time of his shift. According to him, his "time cards" cannot be located by his employer.[149] His statements as to his work shift, without supporting evidence, are merely self-serving. Even if We were to believe petitioner's claim as to his time shift, it does not prove that he had no opportunity to access his cellphone during work.

In an attempt to bolster petitioner's defense of denial, VVV testified that petitioner's cellphone is "di-keypad" and "sinaunang cellphone na di pindot lang" which was not equipped to access the internet.[150]

This defense is likewise unmeritorious.

When asked during re-cross examination, VVV failed to substantiate her claim:

> Atty. Alger-Del Rosario:
>
> Ms. Witness, you said that his cellphone was the analog type, the di-pindot. Do you have any proof that his cellphone was the analog type?
>
> Witness
>
> Yes, ma'am.

Q:

What proof do you have?

A:

Yun pong cellphone niya, nasa bahay nga lang po.

Q:

At that time, what proof do you have that his cellphone at that time, in May 2019, was the analog type?

A:

Kasi po nakikita kong ginagamit niya.

Q:

But you don't have any proof aside from your testimony?

A:

Aside from eyes, nakita ko po talaga yun ang gamit niya.

Q:

Yes, but you don't have any proof, physical proof that his cellphone was analog?

A:

Pwede nyong tanungin sa iba.

Q:

No, I am asking you, Ms. Witness.

A:

Okay, kung yun pong- paano ba iyon.

. . . .

Witness

Yun nga, hanga [sic] ngayon nasa amin pa rin iyong cellphone na gamit niya.

Atty. Alger-Del Rosario:

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> But, at that time, do you say right now his cellphone is analog, but at that time, do you have any proof that in May 2019, his cellphone was analog or it was not a smart phone?
>
> Witness
>
> Mata ko po.
>
> Q:
>
> So, you don't have any proof?
>
> A:
>
> Wala po.[151]

Considering the foregoing, VVV's assertion as to the type of cellphone used by petitioner in May 2019 is likewise self-serving and thus deserves scant consideration. Even if We were to give credence to her testimony, it only tends to establish that petitioner used an "analog" type cellphone, but does not necessarily mean that petitioner did not use any other type of device, e.g. smart phone, computer, or laptop, which can access Facebook.

Even discounting the weakness of petitioner's defense,[152] the combination of the circumstantial evidence, as discussed above, nonetheless points to him as the author of the subject Facebook post.

The prosecution established beyond a reasonable doubt the elements of the offense charged

We affirm the findings of both the FC and the CA that all the elements of violation of Section 5(i) of Republic Act No. 9262 were established beyond a reasonable doubt.

Section 5(i) of Republic Act No. 9262 provides:

> 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 or denial of access to the woman's child/children. (Emphasis supplied)

The elements of psychological abuse under Section 5(i) 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.[153]

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Here, regarding the first and second elements, it is undisputed that AAA is a woman who had a sexual relationship and a common child with petitioner.[154]

With respect to the third and fourth elements, the CA correctly ruled that AAA suffered mental or emotional anguish caused by public ridicule or humiliation made by petitioner through the subject Facebook post. AAA was maligned as an "animal," a "dirty woman," and an "ugly evil spirit" and threatened with physical harm, thereby causing her anxiety. She was publicly ridiculed and insulted, considering that the privacy setting of the subject Facebook post was set to "public" for everyone to view.[155] In her testimony, AAA vividly recalled the emotional anguish and trauma she experienced upon reading the subject Facebook post:

> 54. Q:
>
> How did you find out about [petitioner's] insulting and threatening Facebook posts?
>
> A:
>
> A common friend sent me a private message and told me that she read [petitioner's] Facebook posts. I felt worried, and told my family about [petitioner's] Facebook posts. . . .
>
> . . . .
>
> 68. Q:
>
> How did you feel after you saw [the subject Facebook post] made by [petitioner]?
>
> A:
>
> Honestly, my first reaction was that I feared for my safety. Except for his previous attempt to sexually force himself upon me, [petitioner] never physically hit me before. However, I know [petitioner] to be very volatile and impulsive. He would throw things, slam the door[,] or hit things when I did something that upset him during the time we were dating. I was very careful during those times not to upset him any further. So, in my mind, it was not far-fetched that he might actually make good on what he said about hurting me or killing me if our paths crossed. Our paths crossing was also very possible because he only lives a few kilometers away from my home and he knows all the places my daughter and I frequent, including our house, [BBB's] school, her dance school, and my relative's addresses. Then, after everything settled in, my next reaction was that I felt ashamed and helpless.
>
> 69. Q:
>
> Why did you feel ashamed and helpless?
>
> A:
>
> Aside from threatening me, [petitioner] humiliated me. He insulted and maligned me in his Facebook posts. He called me an animal, a dirty woman[,] and an ugly evil spirit. [Petitioner] also implied that I had a dirty background which people did not know about and that I was only pretending to act innocent. [Petitioner] also stated that I was out to harass and cause discord to his family. His Facebook posts were all set to public for all everyone [sic] to see, including our common friends and my family. Furthermore, he specifically named me and even asked people to tag me. I felt ashamed knowing that other people have read and might believe all those things about me. I felt that I had strived to better myself after I gave birth to [BBB—]I finished school and graduated from college, I found a job, I raised and provided for my daughter as a single parent, and I tried my

> best to maintain a good reputation for the sake of my daughter. But now, with a few Facebook posts, my reputation was ruined and I was scared of what my daughter would feel is she read all these posts her father made against me. I felt helpless and under [petitioner's] mercy once again. I could not sleep and was depressed about my situation.
>
> 70. Q:
>
> After finding out about [petitioner's subject Facebook post], what happened to you, if any?
>
> A:
>
> I was actually on [sic] my work when I found about this. After telling my family, I also told my manager at work about it. I was shaking, very angry[,] and worried as well. I then asked my manager if I can get the rest of the day off. Afterwards, I went home and locked myself in my room. I cried all day and night and was not able to eat or even talk to other people.
>
> My parents, who were in [xxxxxxxxxxxxxxxxxxxxxx] at that time, were very worried about me. They asked my siblings to bring me and [BBB] to xxxxxx the next day. My sister CCC then called my manager at work to inform her that I won't be able to come work for a few days.
>
> When I got to xxxx, I was somewhat relieved because I got to open up to my parents. I also felt safe because I was far away from [petitioner]. A few days later, I eventually returned to xxxxxxxx, but I still could not return to work. All the time, [petitioner's] Facebook posts kept flashing back on my mind and even the traumatic past I had with him. I still continued to cry a lot.
>
> After being absent for several days, I finally decided to go back to work. I was still distracted and the anxiety was still there. My manager even talked to me and asked me if I needed more time to recover. But then, I knew I needed to work to keep busy and [keep] my mind off what happened. I needed to cheer up myself.[156] (Emphasis supplied)

To substantiate her claim that she was not able to report to work due to the anxiety caused by the subject Facebook post, AAA presented a Certification[157] issued by her employer that she was absent from May 16, 2019 to May 20, 2019.[158]

As established by AAA's testimony, the subject Facebook post humiliated her, caused her anxiety, and made her feel unsafe knowing that petitioner might make good his threat to physically harm her.[159] We give weight to the FC's assessment of the credibility of AAA's testimony. Indeed, the FC had the unique position and firsthand opportunity to observe her demeanor, attitude, and candor as a witness.[160]

In fine, the prosecution was able to establish all the elements of the offense charged. Settled is the rule that factual findings of the trial court, when affirmed by the CA and supported by the evidence on record, are accorded with great weight and respect by this Court,[161] as in this case. Petitioner merely alleged but utterly failed to show that the CA committed a misappreciation of facts.

Penalties

We affirm the penalties imposed by the CA.

Acts falling under Section 5(i) of Republic Act No. 9262 shall be punished by prision mayor.[162] Applying the Indeterminate Sentence Law,[163] the minimum term of the indeterminate penalty shall be taken from the penalty next lower in degree, which is prision correccional, or six months and one day to six years. Meanwhile, the maximum term shall be that which could be properly imposed under the law, which is eight years and one day to 10 years of prision mayor, there being no aggravating or mitigating circumstances attending the commission of the offense.[164] The penalty imposed by the CA, i.e., indeterminate sentence of six months and one day of prision correccional, as minimum, to eight years and one day of prision mayor, as maximum, falls within the foregoing range.

The CA also correctly imposed a fine of PHP 100,000.00, and ordered petitioner to undergo mandatory psychological counselling or psychiatric treatment and to report compliance to the court of origin, in accordance with the last paragraph of Section 6 of Republic Act No. 9262.[165]

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.

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

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[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] Rollo, pp. 12-37.

[3] Id. at 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, xxxxxxx.

[4] Id. at 61-62. The 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, xxxxxxx.

[5] Id. at 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, xxxxxxxxxxx.

[6] 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:
>
> . . . .

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> (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.

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

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

[9] "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]).

[10] Id. at 1.

[11] Rollo, p. 41.

[12] See RTC records, pp. 119-140, Judicial Affidavit of AAA; TSN, AAA, June 18, 2020.

[13] See RTC records, pp. 230-240, Judicial Affidavit of CCC; TSN, CCC, July 30, 2020.

[14] See RTC records, pp. 253-264, Judicial Affidavit of DDD; TSN, DDD, August 20, 2020.

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

[16] Rollo, p. 41; RTC records, pp. 124-125.

[17] Rollo, p. 41; RTC records, pp. 125-126.

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

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

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

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

[22] Id. at 1.

[23] Id. at 151.

[24] Id. at 132-133.

[25] Id. at 151.

[26] Id. The reply reads: "mka galgal laman pare.., eke mu magcruxz landas niyan apaslang ke...,."

[27] Id.

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

[29] RTC records, pp. 241-242.

[30] Rollo, p. 42; RTC records, pp. 128-129.

[31] RTC records, pp. 236, 245. The May 12, 2019 post reads: "Aidana epal!!.., eme awsan mama ing mama ku.., atin nka mang inda., enka eepal.!!"

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

[33] RTC records, p. 167.

[34] Id. at 168-171.

[35] Id. at 172-178.

[36] See RTC records, pp. 382-392, Judicial Affidavit of XXX; TSN, XXX, February 4, 2021.

[37] See RTC records, pp. 435-441, Judicial Affidavit of YYY; TSN, YYY, May 4, 2021.

[38] See RTC records, pp. 463-470, Judicial Affidavit of ZZZ; TSN, ZZZ, August 3, 2021.

[39] See TSN, VVV, August 24, 2021.

[40] Rollo, p. 44; RTC records, pp. 383-384, 386-387.

[41] Rollo, p. 44; RTC records, pp. 383-385.

[42] RTC records, p. 389.

[43] Id. at 389-390.

[44] Id. at 398.

[45] Rollo, p. 44; RTC records, pp. 389-390.

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

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

[48] Rollo, p. 44; TSN, YYY, May 4, 2021, p. 8; RTC records, p. 466; TSN, VVV, August 24, 2021, pp. 10, 12-15.

[49] Rollo, pp. 13, 45.

[50] Id. at 79-99.

[51] Id. at 99.

[52] Id. at 95-98.

[53] Id. at 98.

[54] Id.

[55] RTC records, p. 701.

[56] Rollo, pp. 39-59.

[57] Id. at 58.

[58] Id. at 48-53.

[59] Id. at 53-56.

[60] Id. at 62.

[61] Id. at 24-25.

[62] Id. at 148-168.

[63] Id. at 157-158.

[64] Id. at 158-159.

[65] Id. at 159.

[66] Bascon v. Negre, 938 Phil. 12, 19 (2023) [Per J. Hernando, En Banc].

[67] Id. at 25. (Citations omitted)

[68] Rollo, p. 23.

[69] People v. Akil, G.R. No. 265570, April 7, 2025 [Per J. Gaerlan, Third Division] at 15-16, citing People v. Wagas, 717 Phil. 224, 235-236 (2013) [Per J. Bersamin, First Division] and People v. Ansano, 891 Phil. 360, 384 (2020) [Per J. Caguioa, Third Division]. The pinpoint citation for Akil refers to the copy of the Decision uploaded to the Supreme Court Website.

[70] 842 Phil. 608 (2018) [Per J. Peralta, Third Division].

[71] Id. at 617.

[72] RULES OF COURT, Rule 133, sec. 2.

[73] Id.

[74] People v. Adona, 959 Phil. 72, 84 (2024) [Per J. Dimaampao, Third Division].

[75] CONST., art. II, sec. 14(2).

[76] RULES OF COURT, Rule 133, sec. 2.

[77] People v. Claro, 808 Phil. 455, 464-465 (2017) [Per J. Bersamin, Third Division]; DIOSDADO M. PERALTA & EDUARDO B. PERALTA, JR., INSIGHTS ON EVIDENCE 968 (2020).

[78] People v. Cadenas, 842 Phil. 608, 618-619 (2018) [Per J. Peralta, Third Division].

[79] Bacerra v. People, 812 Phil. 25 (2017) [Per J. Leonen, Second Division].

[80] Id. at 35.

[81] People v. Juare, 874 Phil. 850, 868 (2020) [Per J. Inting, Second Division]. (Emphasis supplied)

[82] RULES OF COURT, Rule 133, sec. 4.

[83] People v. Cadenas, 842 Phil. 608, 619 (2018) [Per J. Peralta, Third Division].

[84] See People v. Rama, Jr., 923 Phil. 971, 981-986 (2022) [Per J. Lazaro-Javier, Second Division]; People v. Pedido, 890 Phil. 761, 768 (2020) [Per J. Zalameda, First Division]; People v. Juare, 874 Phil. 850, 869-871 (2020) [Per J. Inting, Second Division]; Bacerra v. People, 812 Phil. 25, 37-39 (2017) [Per J. Leonen, Second Division]; Almojuela v. People, 734 Phil. 636, 647-649 (2014) [Per J. Brion, Second Division]; People v.

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Notarion, 585 Phil. 611, 622-623 (2008) [Per J. Chico-Nazario, Third Division].

[85] Belo-Henares v. Atty. Guevarra, 801 Phil. 570, 583 (2016) [Per J. Perlas-Bernabe, First Division]. See generally Caleb T. Carr & Rebecca A. Hayes, Social Media: Defining, Developing, and Divining, 23(1) ATLANTIC JOURNAL OF COMMUNICATION 46, 47-52 (2015).

[86] Belo-Henares v. Atty. Guevarra, 801 Phil. 570, 583-584 (2016) [Per J. Perlas-Bernabe, First Division].

[87] DataReportal, Digital 2025 Philippines, available at https://datareportal.com/reports/digital-2025-philippines (last accessed October 9, 2025). As of January 2025, there were 97.5 million internet users and 90.8 million Facebook users in the Philippines.

[88] Belo-Henares v. Atty. Guevarra, 801 Phil. 570, 584 (2016) [Per J. Perlas-Bernabe, First Division].

[89] RULES OF COURT, Rule 129, sec. 2 states that "[a] court may take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration[.]"

[90] Facebook, Create a Facebook account, available at https://www.facebook.com/help/android-app/188157731232424/ (last accessed on September 15, 2025); Facebook, Confirming your age on Facebook, available at https://www.facebook.com/help/958848942357089/?query=age%20of%20consent%20philippines (last accessed on October 9, 2025).

[91] Belo-Henares v. Atty. Guevarra, 801 Phil. 570, 584 (2016) [Per J. Perlas-Bernabe, First Division], citing Disini, Jr. v. Secretary of Justice, 727 Phil. 28, 117 (2014) [Per J. Abad, En Banc]. See also 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.

[92] Disini, Jr. v. Secretary of Justice, 727 Phil. 28, 117 (2014) [Per J. Abad, En Banc].

[93] Facebook, Login and Password, available at https://www/facebook.com./help/1058033620955509/?helpref=hc_fnav (last accessed on October 9, 2025).

[94] Colin Miller & Charles White, The Social Medium: Why the Authentication Bar Should be Raised for Social Media Evidence, 87 TEMPLE LAW REVIEW 1, 7 (2014-2015).

[95] Facebook, Account Security, available at https://www.facebook.com/help/235353253505947/?helpref=hc_fnav (last accessed on October 9, 2025). Subject to eligibility requirements and payment of subscription, Facebook accounts owned by a "notable person, brand, or entity" may apply for a "verified badge," which indicates that facebook has confirmed the account as the "authentic presence" of the person it represents. See Facebook, Request a verified badge on Facebook, available at https://www.facebook.com/help/1288173394636262/?helpref=uf_share (last accessed on October 9, 2025); Facebook, About verified Pages and profiles, available at https://www.facebook.com/help/196050490547892/?helpref=uf_share (last accessed on October 9, 2025); Facebook, Eligibility requirements for Meta Verified creator subscriptions, available at https://www.facebook.com/help/596285382333151/?helpref=uf_share (last accessed on October 9, 2025). Facebook users may subscribe to "Meta Verified" if they are notable persons, brands, or entities, or if they meet certain eligibility criteria for a "Meta Verified" subscription, subject to the submission of government-issued

identification documents. A Facebook account with a "verified badge" means that Facebook has confirmed "that [said account] is the authentic presence for that person or brand" and that said account "represents who it says it does." Moreover, a "Meta Verified" subscription helps protect an account with "proactive impersonation monitoring."

[96] Facebook, Remove or hide posts from your Facebook Page, available at https://www.facebook.com/help/252986458110193/ (last accessed on October 9, 2025); Facebook, Delete messages or chats on Messenger, available at https://www.facebook.com/help/messenger-app/242107552657620/ (last accessed on October 9, 2025).

[97] Facebook, Permanently delete your Facebook account, available at https://www.facebook.com/help/224562897555674/ (last accessed on October 9, 2025).

[98] Ira P. Robbins, Writings on the Wall: The Need for an Authorship-Centric Approach to the Authentication of Social-Networking Evidence, 13 MIN. J.L. SCI. & TECH. 1, 8 (2012).

[99] See People v. JJJ, 954 Phil. 337, 343-344 (2024) [Per J. Inting, Third Division] at 6; People v. Rodriguez, 948 Phil. 67, 68 (2023) [Per J. Lopez, M., Second Division]; People v. Bandojo, Jr., 842 Phil. 511, 516, 527 (2018) [Per J. Reyes, Jr., Second Division].

[100] See JONATHAN CORPUS ONG & JASON VINCENT A. CABAÑES, ARCHITECTS OF NETWORKED DISINFORMATION: BEHIND THE SCENES OF TROLL ACCOUNTS AND FAKE NEWS PRODUCTION IN THE PHILIPPINES 34-35, 37-38 (2018).

[101] See Ira P. Robbins, Writings on the Wall: The Need for an Authorship-Centric Approach to the Authentication of Social-Networking Evidence, 13 MIN. J.L. SCI. & TECH. 1, 10-12 (2012).

[102] See id. at 30-31, which states that in case of social media accounts allegedly belonging to an accused in a criminal case, "[a]ny person who knows the circumstances surrounding the [accused's] case can easily create a profile or posting allegedly belonging to the [accused] that suggests the [accused's] guilt."

[103] 946 Phil. 432 (2023) [Per J. Lopez, M., Second Division].

[104] Id. at 436-437.

[105] Id. at 441.

[106] 842 Phil. 511 (2018) [Per J. Reyes, Jr., Second Division].

[107] Id. at 516, 524-525.

[108] 894 Phil. 478 (2021) [Per J. Delos Santos, Third Division].

[109] Id. at 479-481.

[110] Id. at 483, 487.

[111] People v. Kent, 2017 IL App (2d) 140917 (2017) [United States of America].

[112] Id.

[113] Id.

[114] See RULES OF COURT, Rule 129, sec. 4; Rule 130, secs. 27, 28-31, 33-34.

[115] See Yasmin Herdoiza, An Overview of Authentication Methods for Social Media Evidence, 33 JOURNAL

OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS 199, 216-217 (2020); People v. Kent, 2017 IL App (2d) 140917 (2017) [United States of America].

[116] See People v. Kent, 2017 IL App (2d) 140917 (2017) [United States of America]; Steven M. Cerny, The Intersection Between Social Networking and Litigation: Discovery and Authentication of Social Media Evidence, 1 REYNOLDS COURT & MEDIA LAW JOURNAL 479, 502 (2011). See also John G. Browning, Introducing Social Media Evidence (State Bar of Texas 32[nd] Annual Litigation Update Institute), 74 ADVOCATE 1, 11-12 (2016), which states that unique identifiers include references to nicknames, inside jokes, personal identifying information, particular hobbies or interests, other facts matching with the person's background, among others.

[117] Colin Miller & Charles White, The Social Medium: Why the Authentication Bar Should be Raised for Social Media Evidence, 87 TEMPLE LAW REVIEW 1, 12-13 (2014-2015).

[118] See People v. Kent, 2017 IL App (2d) 140917 (2017) [United States of America]; Anderson Rocha et al., Authorship Attribution for Social Media Forensics, 12 IEEE TRANSACTIONS ON INFORMATION FORENSICS AND SECURITY 5, 5-26 (2017); Darla Jackson, Social Media Evidence, 87 OKLAHOMA BAR JOURNAL 2333, 2334 (2016); Steven M. Cerny, The Intersection Between Social Networking and Litigation: Discovery and Authentication of Social Media Evidence, 1 REYNOLDS COURT & MEDIA LAW JOURNAL 479, 501-502 (2011). See also Catan v. People, 946 Phil. 432, 441 (2023) [Per J. Lopez, M., Second Division].

[119] See Catan v. People, 946 Phil. 432, 436-437, 441 (2023) [Per J. Lopez, M., Second Division]; Asa v. People, 894 Phil. 478, 479-481, 483, 487 (2021) [Per J. Delos Santos, Third Division]; People v. Bandojo, Jr., 842 Phil. 511, 516, 524-525 (2018) [Per J. Reyes, Jr., Second Division]. See also Breanne M. Democko, Social Media and the Rules on Authentication, 43 U. TOL. L. REV. 367, 387 (2012), which states that in case the social media account uses a fictitious name, the courts may consider evidence that, when a meeting with the person using the fictitious name was arranged, the individual in question showed up.

[120] See People v. Kent, 2017 IL App (2d) 140917 (2017) [United States of America]. See generally Elizabeth A. Flanagan, #Guilty? Sublet v. State and the Authentication of Social Media Evidence in Criminal Proceedings, VILL. L. REV. 287, 296-303 (2016).

[121] Rollo, p. 98.

[122] See TSN, XXX, February 4, 2021, p. 12. During cross-examination, Dumo confirmed that his middle name is spelled as "Bengero," and not "Benguera" or "Benguerao" as appearing in some parts of the rollo.

[123] RTC records, pp. 235, 243, 541.

[124] Id. at 243.

[125] Id. at 31.

[126] Rollo, pp. 41-42; FC records, pp. 125-126.

[127] RTC records, p. 132.

[128] Id. at 163. Her business card name is "xxxxxxxxxxx."

[129] Id. at 162. Her Facebook account name is "xxxxxxxxxxx (AAA)."

[130] Rollo, p. 158.

[131] RTC records, p. 245.

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[132] Id.

[133] Id.

[134] TSN, VVV, August 24, 2021, p. 3.

[135] RTC records, p. 245.

[136] Id. at 151.

[137] Id.

[138] TSN, XXX, February 4, 2021, p. 18.

[139] See Bacerra v. People, 812 Phil. 25, 38-39 (2017) [Per J. Leonen, Second Division].

[140] Rollo, pp. 44-45.

[141] Id. at 39-59.

[142] Id at 53.

[143] See RTC records, p. 245.

[144] TSN, AAA, June 18, 2020, p. 11.

[145] RTC records, p. 162.

[146] Rollo, p. 29.

[147] TSN, VVV, August 24, 2021, p. 12.

[148] RTC records, p. 398.

[149] TSN, XXX, February 4, 2021, pp. 18-19.

[150] TSN, VVV, August 24, 2021, pp. 13-16.

[151] TSN, VVV, August 24, 2021, p. 14-15.

[152] See People v. Padilla, 920 Phil. 181, 191-192 (2022) [Per J. Hernando, Second Division]. The prosecution has the burden to overcome the constitutional presumption of innocence by presenting its own evidence and without relying on the weakness of the defense's arguments and evidence.

[153] XXX260547 v. People, 961 Phil. 281, 292 (2024) [Per J. Lopez, J., Second Division].

[154] Rollo, p. 49.

[155] Id.

[156] RTC records, pp. 131, 134-135.

[157] Id. at 179.

[158] Id.

[159] Rollo, p. 52.

[160] See BBB255466 v. People, 961 Phil. 458, 474 (2024) [Per J. Inting, Third Division].

[161] People v. Cornista, 871 Phil. 257, 271 (2020) [Per J. Hernando, Second Division].

[162] Republic Act No. 9262 (2004), sec. 6(i).

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

[164] BB255466 v. People, 961 Phil. 458, 480 (2024) [Per J. Inting, Third Division].

[165] 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."

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