



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MIRASOL CASTILLO,
Petitioner,

G.R. No. 214064

Present:

- versus -

CARPIO, J., Chairperson,
PERALTA,
DEL CASTILLO,*
MENDOZA, and
LEONEN, JJ.

REPUBLIC OF THE PHILIPPINES
and FELIPE IMPAS,
Respondents.

Promulgated:

06 FEB 2017

X-----X

DECISION

PERALTA, J.:

We resolve the petition for review on *certiorari* filed by petitioner Mirasol Castillo (*Mirasol*) challenging the Decision¹ and Resolution,² dated March 10, 2014 and August 28, 2014, respectively, of the Court of Appeals (*CA*), which ruled against the dissolution and nullity of her marriage under Article 36 of the Family Code.

The facts of the case follow:

As their parents were good friends and business partners, Mirasol and Felipe started as friends then, eventually, became sweethearts. During their courtship, Mirasol discovered that Felipe sustained his affair with his former

* Associate Justice Francis H. Jardeleza, no part; Associate Justice Mariano C. del Castillo designated Additional Member per Special Order No. 2416-J dated January 4, 2017.

¹ Penned by Associate Justice Magdangal M. De Leon, with Associate Justices Stephen C. Cruz and Eduardo B. Peralta, Jr., concurring, *rollo*, pp. 27-39.

² *Id.* at 58-59.

girlfriend. The couple's relationship turned tumultuous after the revelation. With the intervention of their parents, they reconciled. They got married in Bani, Pangasinan on April 22, 1984 and were blessed with two (2) children born in 1992 and in 2001.³

On June 6, 2011, Mirasol filed a Complaint⁴ for declaration of nullity of marriage before the Regional Trial Court (RTC) of Dasmariñas, Cavite, Branch 90.

Mirasol alleged that at the beginning, their union was harmonious prompting her to believe that the same was made in heaven. However, after thirteen (13) years of marriage, Felipe resumed philandering. Their relatives and friends saw him with different women. One time, she has just arrived from a trip and returned home to surprise her family. But to her consternation, she caught him in a compromising act with another woman. He did not bother to explain or apologize. Tired of her husband's infidelity, she left the conjugal dwelling and stopped any communication with him.⁵ Felipe's irresponsible acts like cohabiting with another woman, not communicating with her, and not supporting their children for a period of not less than ten (10) years without any reason, constitute a severe psychological disorder.⁶

In support of her case, Mirasol presented clinical psychologist Sheila Marie Montefalcon (*Montefalcon*) who, in her Psychological Evaluation Report,⁷ concluded that Felipe is psychologically incapacitated to fulfill the essential marital obligations. A portion of the report reads:

x x x x

The personality disorder speaks of antecedence as it has an early onset, with an enduring pattern and behavior that deviates markedly from the expectations of the individual's culture. His poor parental and family molding (particularly lack of parental parenting) caused him to have a defective superego and he proved to be selfish, immature and negligent person and followed a pattern of gross irresponsibility and gross disregard of the feelings of his partner/wife disregarding the marriage contract and the commitment he agreed on during the wedding. In other words, the root cause of respondent's flawed personality pattern can be in childhood milieu. Respondent's familial constellation, unreliable parenting style from significant figures around him, and unfavorable childhood experiences have greatly affected his perceptions of himself and his environment in general. The respondent did not grow up mature enough to cope with his obligations and responsibilities as, married man and father.

³ *Id.* at 28.

⁴ Records, pp. 14-19.

⁵ *Id.* at 16-17.

⁶ *Id.* at 17.

⁷ *Id.* at 43-54.

It also speaks of gravity as he was not able to carry out the normative and ordinary duties of marriage and family, shouldered by any married man, existing in ordinary circumstances. He just cannot perform his duties and obligations as a husband, as he entered into marriage for his own self-satisfaction and gratification, manipulate and denigrate the petitioner for his own pleasures and satisfaction. In the process, respondent was unable to assume his marital duties and responsibilities to his wife. He failed to render mutual help and support (Article 68, FC).

Additionally, it also speaks of incurability, as respondent has no psychological insight that he has a character problem. He would not acknowledge the pain he caused to people around him. People suffering from this personality disorder are unmotivated to treatment and impervious to recovery. There are no medications and laboratory examinations to be taken for maladaptive behavior such as the NPD (Narcissistic Personality Disorder).

Otherwise stated, his personality disorder is chronic and pervasive affecting many aspects of his life, such as social functioning and close relationships. Apparently, he has failed to develop appropriate adjustment methods. He lacks the intrapersonal and interpersonal integration that caused him the failure to understand the very nature of that sharing of life that is directed toward the solidarity and formation of family.

x x x x⁸

In a Decision⁹ dated January 20, 2012, the RTC in Civil Case No. 4853-11 declared the marriage between Mirasol and Felipe null and void. The dispositive portion of the decision states:

WHEREFORE, premises considered, Court hereby declares the marriage contract by the petitioner MIRASOL CASTILLO to the respondent FELIPE IMPAS on April 22, 1984 in Bani, Pangasinan to be NULL AND VOID AB INITIO.

ACCORDINGLY, pursuant to the provisions of A.M. No. 02-11-10-SC, the Clerk of Court is directed to enter this judgment upon its finality in the Book of Entry of Judgment and to issue the corresponding Entry of Judgment. Thereupon, the Office of the Civil Registrars in Bani, Pangasinan and Imus, Cavite, are also mandated to cause the registration of the said ENTRY OF JUDGMENT in their respective Book of Marriages.

Likewise, furnish the petitioner and the counsel of the petitioner, the respondent, the Solicitor General, 3rd Assistant Provincial Prosecutor Oscar R. Jarlos and the Civil Registrar General with copies hereof.



⁸ *Id.* at 52-53. (Underscoring supplied).

⁹ Penned by Executive Judge Perla V. Cabrera-Faller, *rollo*, pp. 60-62.

Upon compliance, the Court shall forthwith issue the DECREE OF NULLITY OF MARRIAGE.

SO ORDERED.¹⁰

On February 22, 2012, the Republic of the Philippines, through the Office of the Solicitor General (*OSG*), filed a motion for reconsideration, which the RTC denied in an Order¹¹ dated April 3, 2012.

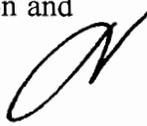
On appeal, the CA in CA-G.R. CV No. 99686 reversed and set aside the decision of the RTC, ruling that Mirasol failed to present sufficient evidence to prove that Felipe was suffering from psychological incapacity, thus, incapable of performing marital obligations due to some psychological illness existing at the time of the celebration of the marriage.¹² A pertinent portion of the decision reads:

x x x x

Based on the records, it appears more likely that Felipe became unfaithful as a result of unknown factors that happened during the marriage and not because of his family background. His tendency to womanize was not shown to be due to causes of a psychological nature that are grave, permanent and incurable. In fact, it was only after thirteen (13) years of marriage that he started to engage in extra-marital affairs. In the complaint filed by Mirasol, she said that after they got married, their relationship as husband and wife went smoothly and that she was of the belief that she had a marriage made in heaven.

In short, Felipe's marital infidelity does not appear to be symptomatic of a grave psychological disorder which rendered him incapable of performing his spousal obligations. Sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make him completely unable to discharge the essential obligations of marriage. Since that situation does not obtain in the case, Mirasol's claim of psychological incapacity must fail. Psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations. Rather, it is essential that the concerned party was incapable of doing so, due to some psychological illness existing at the time of the celebration of the marriage.

In fine, given the insufficiency of the evidence proving the psychological incapacity of Felipe, We cannot but rule in favor of the existence and continuation of the marriage and against its dissolution and nullity.



¹⁰ *Id.* at 62.

¹¹ *Id.* at 63.

¹² *Id.* at 38-39.

WHEREFORE, the appeal is GRANTED. The Decision dated January 20, 2012 is REVERSED and SET ASIDE.

SO ORDERED.¹³

Upon the denial of her motion for reconsideration, Mirasol elevated the case before this Court raising the issue, thus:

[Petitioner] was able to establish that respondent is suffering from grave psychological condition that rendered him incognitive of his marital covenants under Article 36 of the Family Code.

Basically, the issue to be resolved by this Court is whether or not the totality of evidence presented warrants, as the RTC determined, the declaration of nullity of the marriage of Mirasol and Felipe on the ground of the latter's psychological incapacity under Article 36 of the Family Code.

This Court rules in the negative.

Mirasol alleges that she has sufficiently established that Felipe is psychologically incapacitated to comply with the essential obligations of marriage. The conclusions of the trial court regarding the credibility of the witnesses are entitled to great respect because of its opportunity to observe the demeanor of the witnesses. Since the court *a quo* accepted the veracity of the petitioner's premises, there is no cause to dispute the conclusion of Felipe's psychological incapacity drawn from the expert witness. She claims that Montefalcon was correct in interviewing her for it was submitted that it was only her who knew best whether her husband was complying with his marital obligations. Moreover, the OSG admits that personal examination of the respondent by the clinical psychologist is not an indispensable requisite for a finding of psychological incapacity.

On the other hand, the OSG argues that Mirasol failed to establish from the totality of evidence the gravity, juridical antecedence and incurability of Felipe's alleged Narcissistic Personality Disorder. The conclusions of the clinical psychologist that he was psychologically incapacitated and that such incapacity was present at the inception of the marriage were not supported by evidence. At most, the psychologist merely proved his refusal to perform his marital obligations.¹⁴ Moreover, she has no personal knowledge of the facts from which she based her findings and was working on pure assumptions and secondhand information related to her by one side.¹⁵

¹³ *Id.* at 38-39.

¹⁴ *Id.* at 80.

¹⁵ *Id.* at 84.

Time and again, it was held that "psychological incapacity" has been intended by law to be confined to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.¹⁶ Psychological incapacity must be characterized by (a) **gravity**, *i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage, (b) **juridical antecedence**, *i.e.*, it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage, and (c) **incurability**, *i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.¹⁷

In the case of *Republic v. Court of Appeals and Molina*,¹⁸ this Court laid down the more definitive guidelines in the disposition of psychological incapacity cases, *viz.*:

x x x x

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. x x x

(2) The *root cause* of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. x x x

(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. x x x

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. x x x

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. x x x In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. x x x

¹⁶ *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995).

¹⁷ *Republic v. Cabantug-Baguio*, 579 Phil. 187 (2008) citing *Republic v. Iyoy*, G.R. No. 152577, September 21, 2005, 470 SCRA 508, 521.

¹⁸ G.R. No. 108763, February 13, 1997, 268 SCRA 198.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x

x x x¹⁹

The existence or absence of the psychological incapacity shall be based strictly on the facts of each case and not on *a priori* assumptions, predilections or generalizations.²⁰

As held in *Ting v. Velez-Ting*:²¹

By the very nature of cases involving the application of Article 36, it is logical and understandable to **give weight to the expert opinions furnished by psychologists regarding the psychological temperament of parties in order to determine the root cause, juridical antecedence, gravity and incurability of the psychological incapacity.** However, such opinions, while highly advisable, are not conditions *sine qua non* in granting petitions for declaration of nullity of marriage. **At best, courts must treat such opinions as decisive but not indispensable evidence in determining the merits of a given case.** In fact, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical or psychological examination of the person concerned need not be resorted to. **The trial court, as in any other given case presented before it, must always base its decision not solely on the expert opinions furnished by the parties but also on the totality of evidence adduced in the course of the proceedings.**²²

The presentation of any form of medical or psychological evidence to show the psychological incapacity, however, did not mean that the same would have automatically ensured the granting of the petition for declaration of nullity of marriage. It bears repeating that the trial courts, as in all the other cases they try, must always base their judgments not solely on the expert opinions presented by the parties but on the totality of evidence adduced in the course of their proceedings.²³

Guided by the foregoing principles and after a careful perusal of the records, this Court rules that the totality of the evidence presented failed to establish Felipe's psychological incapacity.

¹⁹ *Id.* at 209-213.

²⁰ *Republic v. Dagdag*, G.R. No. 109975, February 9, 2001, 351 SCRA 425, 431.

²¹ G.R. No. 166562, March 31, 2009, 582 SCRA 694, 709.

²² *Id.* (Emphasis supplied)

²³ *Mendoza v. Republic*, 698 Phil. 241, 254 (2012).

Clinical psychologist Montefalcon opined that respondent is encumbered with a personality disorder classified as Narcissistic Personality Disorder deeply ingrained in his personality structure that rendered him incapacitated to perform his marital duties and obligations. In her direct testimony, she stated:

ATTY. BAYAUA:

Question: Were you able to interview and conduct examination on the respondent?

Answer: No, sir.

Question: [W]here did you base your conclusion that supported your findings that the husband of Mirasol is psychologically incapacitated to comply with the essential obligations of marriage?

Answer: From the interviews I had with the petitioner and also from my interview of the couple's common friend who validated all information given to me by the petitioner.

Question: You mean to say you were not able to interview the respondent?

Answer: No sir. But I sent him an invitation to undergo the same psychological evaluation I administered with the petitioner but he did not respond to my invitation.

Question: [W]hat relevant information were you able to gather from your interview of the friend of the couple?

Answer: She validated every piece of information relayed to me by the petitioner during the interview.

x x x x

Question: Madam witness, were you able to determine at what point in time in the life of the respondent did he acquire this disorder that you mentioned?

Answer: The disorder of the respondent already existed even at the time of celebration of their marriage, although the incapacity became manifest only after their marriage. **His disorder seemed to have started during the early years of his life.**

Question: In your expert opinion, what would be the likely source of the disorder of the respondent?

Answer: **The disorder of the respondent seemed to have developed during the early years of his life due to his poor parental and family [molding] particularly lack of parental guidance.** [His] parents separated when he was still young and when [his] mother had another affair and lived with her common-law husband. Respondent's familial constellation and [unfavorable] childhood experiences have greatly affected his perceptions of himself and his environment. Respondent did not grow up mature enough to cope with his obligations and responsibilities as a married man and father.

x x x²⁴



²⁴ TSN, December 12, 2011, pp. 4-5. (Emphasis supplied).

The RTC noticeably relied heavily on the result of the psychological evaluation by Montefalcon. A perusal of the RTC's decision would reveal that there was no assessment of the veracity of such allegations, the credibility of the witnesses, and the weight of the pieces of evidence presented. Also, there were no factual findings which can serve as bases for its conclusion of Felipe's psychological incapacity.

The presentation of expert proof in cases for declaration of nullity of marriage based on psychological incapacity presupposes a thorough and an in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a grave, severe and incurable presence of psychological incapacity.²⁵ **The probative force of the testimony of an expert** does not lie in a mere statement of her theory or opinion, but rather in **the assistance that she can render to the courts in showing the facts that serve as a basis for her criterion and the reasons upon which the logic of her conclusion is founded.**²⁶

Although the evaluation report of Montefalcon expounds on the juridical antecedence, gravity and incurability of Felipe's personality disorder, it was, however, admitted that she evaluated respondent's psychological condition indirectly from the information gathered from Mirasol and her witness. Felipe's dysfunctional family portrait which brought about his personality disorder as painted in the evaluation was based solely on the assumed truthful knowledge of petitioner. There was no independent witness knowledgeable of respondent's upbringing interviewed by the psychologist or presented before the trial court. Angelica Mabayad, the couple's common friend, agreed with petitioner's claims in the interview with the psychologist, confirmed the information given by petitioner, and alleged that she knew Felipe as "*chick boy*" or "*playboy*."²⁷ She did not testify before the court *a quo*.

As such, there are no other convincing evidence asserted to establish Felipe's psychological condition and its associations in his early life. Montefalcon's testimony and psychological evaluation report do not provide evidentiary support to cure the doubtful veracity of Mirasol's one-sided assertion. The said report falls short of the required proof for the Court to rely on the same as basis to declare petitioner's marriage to respondent as void.

While the examination by a physician of a person in order to declare him psychologically incapacitated is not required, the root cause thereof

²⁵ *Marable v. Marable*, 654 Phil. 528, 538 (2011).

²⁶ *Republic of the Philippines vs. Court of Appeals and De Quintos, Jr.*, G.R. No. 159594, November 12, 2012, 685 SCRA 33, 46. (Emphasis supplied).

²⁷ Records, pp. 43-44.

must still be "medically or clinically identified," and adequately established by evidence.²⁸ We cannot take the conclusion that Felipe harbors a personality disorder existing prior to his marriage which purportedly incapacitated him with the essential marital obligations as credible proof of juridical antecedence. The manner by which such conclusion was reached leaves much to be desired in terms of meeting the standard of evidence required in determining psychological incapacity. The lack of corroborative witness and evidence regarding Felipe's upbringing and family history renders Montefalcon's opinion on the root cause of his psychological incapacity conjectural or speculative.

Even if the testimonies of Mirasol and Montefalcon at issue are considered since the judge had found them to be credible enough, this Court cannot lower the evidentiary benchmark with regard to information on Felipe's pre-marital history which is crucial to the issue of antecedence in this case because we only have petitioner's words to rely on. To make conclusions and generalizations on a spouse's psychological condition based on the information fed by only one side, as in the case at bar, is, to the Court's mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.²⁹

Anent Felipe's sexual infidelity, Mirasol alleged in her judicial affidavit, to wit:

x x x x

Question: You said Madam Witness that after several months you and respondent became sweethearts, what happened next Madam Witness?

Answer: Sir, while we were already sweethearts, I got dismayed when respondent was also maintaining another woman who was his former girlfriend.

Question: What was the reaction of the respondent when you told him about his relation with his former girlfriend?

Answer: Respondent was shocked and became moody Sir. This turned our relationship sour and it led to being stormy.

Question: You said Madam Witness that you and respondent's relationship became sour and stormy, what happened next, if any?

Answer: Sir, my relationship with respondent should have been ended had it not been with the timely intervention of our parents. Respondent and I reconciled.

x x x x

²⁸ *Republic v. Cabantug-Baguio*, *supra* note 17.

²⁹ *Ochosa v. Alano*, 655 Phil. 512 (2011).

Question: Madam Witness as you said you finally got married with the respondent as evidenced in fact by a Marriage Certificate. What happened next after the marriage?

Answer: After our wedding, our relationship as husband and wife went on smoothly. I was of the belief that my marriage was made in heaven and that respondent had already reformed his ways and had completely deviated from his relationship with his ex-girlfriend;

x x x³⁰

Question: After giving birth to your first child did respondent change or become responsible considering that he is already a father?

Answer: No, Sir. I thought that having our first child would already change the ways of respondent. The birth of our first child did not actually help improve respondent's ways because respondent is really a man who is not contented with one woman even before we got married;

x x x³¹

Question: After you gave birth to you[r] second child what happened next Madam Witness?

Answer: Sir, after thirteen (13) years of marriage, respondent is back to his old habit where he has been seen having relationship with a different woman. This was also seen by our relatives and friends of respondent.

x x x³²

Irreconcilable differences, **sexual infidelity** or perversion, emotional immaturity and irresponsibility and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage.³³ In order for sexual infidelity to constitute as psychological incapacity, the **respondent's unfaithfulness must be established as a manifestation of a disordered personality, completely preventing the respondent from discharging the essential obligations of the marital state**; there must be proof of a natal or supervening disabling factor that effectively incapacitated him from complying with the obligation to be faithful to his spouse.³⁴ It is indispensable that the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself.³⁵

³⁰ Records, pp. 56-57.

³¹ *Id.* at 58.

³² *Id.* at 59.

³³ *Republic of the Philippines vs. Court of Appeals and De Quintos, Jr.*, *supra* note 26, at 47-48

³⁴ *Toring v. Toring*, 640 Phil. 434 (2010). (Emphasis supplied).

³⁵ *Marable v. Marable*, *supra* note 25, at 539.

As discussed, the findings on Felipe's personality profile did not emanate from a personal interview with the subject himself. Apart from the psychologist's opinion and petitioner's allegations, no other reliable evidence was cited to prove that Felipe's sexual infidelity was a manifestation of his alleged personality disorder, which is grave, deeply rooted, and incurable. We are not persuaded that the natal or supervening disabling factor which effectively incapacitated him from complying with his obligation to be faithful to his wife was medically or clinically established.

Basic is the rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof, *i.e.*, mere allegations are not evidence.³⁶ Based on the records, this Court finds that there exists insufficient factual or legal basis to conclude that Felipe's sexual infidelity and irresponsibility can be equated with psychological incapacity as contemplated by law. We reiterate that there was no other evidence adduced. Aside from the psychologist, petitioner did not present other witnesses to substantiate her allegations on Felipe's infidelity notwithstanding the fact that she claimed that their relatives saw him with other women. Her testimony, therefore, is considered self-serving and had no serious evidentiary value.

In sum, this Court finds no cogent reason to reverse the ruling of the CA against the dissolution and nullity of the parties' marriage due to insufficiency of the evidence presented. The policy of the State is to protect and strengthen the family as the basic social institution and marriage is the foundation of the family. Thus, any doubt should be resolved in favor of validity of the marriage.³⁷

WHEREFORE, we **DENY** the petition for review on *certiorari* filed by herein petitioner Mirasol Castillo. Accordingly, we **AFFIRM** the assailed Decision and Resolution, dated March 10, 2014 and August 28, 2014, respectively, of the Court of Appeals.

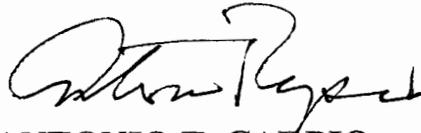
SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

³⁶ *Real v. Belo*, 542 Phil. 109, 122 (2007).

³⁷ *Villalon v. Villalon*, 512 Phil. 219, 230 (2005).

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson


MARIANO C. DEL CASTILLO
Associate Justice
JOSE CATRAL MENDOZA
Associate Justice

separate dissent


MARVIC M.V.F. LEONEN
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

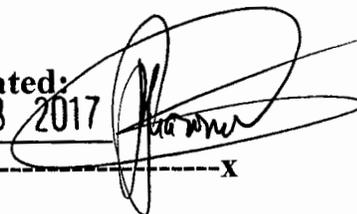


MARIA LOURDES P. A. SERENO
Chief Justice

SECOND DIVISION

G.R. No. 214064: MIRASOL CASTILLO, Petitioner v. REPUBLIC OF THE PHILIPPINES and FELIPE IMPAS, Respondents.

Promulgated:
06 FEB 2017



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DISSENTING OPINION

LEONEN, J.:

The Regional Trial Court declared void the marriage of Mirasol Castillo (Mirasol) and Felipe Impas (Felipe) due to Felipe's psychological incapacity.¹ The Court of Appeals, however, reversed and set aside² the Regional Trial Court Decision³ and held that Mirasol failed to sufficiently prove that Felipe is psychologically incapacitated to perform his marital obligations.⁴

The ponencia affirmed the Court of Appeals Decision.⁵ It held that the totality of evidence offered by Mirasol failed to substantiate Felipe's alleged psychological incapacity and its relation to his "early life."⁶ Although Dr. Shiela Marie Montefalcon's⁷ (Dr. Montefalcon) psychological evaluation report explained the juridical antecedence, gravity, and incurability of Felipe's personality disorder, this Court found that it fell short of the necessary proof to declare the marriage void.⁸ As Dr. Montefalcon admitted that she evaluated Felipe's psychological condition based on the information given by Mirasol and the couple's common friend, her evaluation report failed to "provide evidentiary support to cure the doubtful veracity of Mirasol's one-sided assertion."⁹ Thus, the ponencia concluded:

As discussed, the findings on Felipe's personality profile did not emanate from a personal interview with the subject himself. Apart from the psychologist's opinion and petitioner's allegations, no other reliable evidence was cited to prove that Felipe's sexual infidelity was a

¹ Ponencia, p. 3.

² *Rollo*, pp. 27–13. The Decision was penned by Associate Justice Magdangal M. De Leon (Chair) and concurred in by Associate Justices Stephen C. Cruz and Eduardo B. Peralta, Jr. of the Tenth Division, Court of Appeals, Manila.

³ *Id.* at 60–62. The Decision was penned by Executive Judge Perla V. Cabrera-Faller of Branch 90, Regional Trial Court, Dasmariñas, Cavite, sitting in Imus, Cavite.

⁴ Ponencia, p. 4.

⁵ *Id.* at 12.

⁶ *Id.* at 7.

⁷ *Rollo*, p. 61, Regional Trial Court Decision.

⁸ Ponencia, p. 9.

⁹ *Id.*



manifestation of his alleged personality disorder, which is grave, deeply rooted, and incurable. We are not persuaded that the natal or supervening disabling factor which effectively incapacitated him from complying with his obligation to be faithful to his wife was medically or clinically established.

Basic is the rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof, *i.e.*, mere allegations are not evidence. Based on the records, this Court finds that there exists insufficient factual or legal basis to conclude that Felipe's sexual infidelity and irresponsibility can be equated with psychological incapacity as contemplated by law. We reiterate that there was no other evidence adduced. Aside from the psychologist, petitioner did not present other witnesses to substantiate her allegations on Felipe's infidelity notwithstanding the fact that she claimed that their relatives saw him with other women. Her testimony, therefore, is considered self-serving and had no serious evidentiary value.

In sum, this Court finds no cogent reason to reverse the ruling of the [Court of Appeals] against the dissolution and nullity of the parties' marriage due to insufficiency of the evidence presented. The policy of the State is to protect and strengthen the family as the basic social institution and marriage is the foundation of the family. Thus, any doubt should be resolved in favor of validity of the marriage.¹⁰ (Citations omitted)

I disagree. Mirasol has sufficiently proven that Felipe is psychologically incapacitated. The totality of evidence confirms that Felipe's marital infidelity is a manifestation of a grave psychological order, which renders him incapable of fulfilling his essential marital obligations.

I

The evidence presented by Mirasol mainly consisted of her testimony and Dr. Montefalcon's psychological evaluation report.¹¹ The ponencia found that apart from these, no other dependable evidence was offered to prove that Felipe's sexual infidelity was a manifestation of a "grave, deeply rooted[,] and incurable" personal disorder.¹² Furthermore, it pointed out that the trial court's decision mainly relied on Dr. Montefalcon's psychological evaluation.¹³ The trial court failed to assess the veracity of the allegations contained in the report, as well as the credibility of the witnesses and the

¹⁰ Id. at 12.

¹¹ *Rollo*, p. 61.

"To support her claim, the petitioner [Mirasol] consulted with Mme. Shiela Marie O. Montefalcon, the psychologist on case, and based on her psychological evaluation of the parties, it appeared that the respondent is encumbered with a personality deficit classified as narcissistic personality disorder, which is grave, severe and incurable, as well as deeply ingrained in his personality structure that has rendered him as psychologically incapacitated to perform his marital duties and obligations.

....

Largely on the basis of the marital history of the petitioner and the respondent, supported with the findings of the clinical psychologist, the Court finds that the petitioner has sufficiently established the root cause of the psychological incapacity[.]" (Emphasis supplied)

¹² Ponencia, p. 12.

¹³ Id. at 9.

weight of the evidence offered.¹⁴ Hence, “there were no factual findings [that] can serve as bases for its conclusion” that Felipe is psychologically incapacitated.¹⁵

The courts, in determining the presence of psychological incapacity as a ground for annulment, must essentially “rely on the opinions of experts in order to inform themselves on the matter.”¹⁶ Courts are “not endowed with expertise in the field of psychology”; resorting to expert opinion enables them to reach an “intelligent and judicious” ruling.¹⁷

In her psychological evaluation report, Dr. Montefalcon concluded that Felipe was suffering from narcissistic personality disorder.¹⁸ This condition was ingrained from Felipe’s “poor parental and family molding,” which caused him to “develop a defective superego and gross disregard for the feelings of others, particularly his wife.”¹⁹ Thus:

The personality disorder speaks of antecedence as it has an early onset, with an enduring pattern and behavior that deviates markedly from the expectations of the individual’s culture. *His poor parental and family molding (particularly lack of parental parenting) caused him to have a defective superego and he proved to be [a] selfish, immature and negligent person and followed a pattern of gross irresponsibility and gross disregard of the feelings of his partner/wife[,] disregarding the marriage contract and the commitment he agreed on [sic] during the wedding.* In other words, the root cause of respondent’s flawed personality pattern can be in childhood milieu. Respondent’s familial constellation, unreliable parenting style from significant figures around him, and unfavorable childhood experiences have greatly affected his perceptions of himself and his environment in general. The respondent did not grow up mature enough to cope with his obligations and responsibilities as married man and father.

It also speaks of *gravity as he was not able to carry out the normative and ordinary duties of marriage and family, shouldered by any married man, existing in ordinary circumstances. He just cannot perform his duties and obligations as a husband, as he entered into marriage for his own self-satisfaction and gratification, manipulate[d] and denigrate[d] the petitioner for his own pleasures and satisfaction.* In the process, respondent was unable to assume his marital duties and responsibilities to his wife. He failed to render mutual help and support.

Additionally, it also speaks of *incurability, as respondent has no psychological insight that he has a character problem. He would not acknowledge the pain he caused to people around him. People suffering*

¹⁴ Id. at 9.

¹⁵ Id. at 9.

¹⁶ *Kalaw v. Fernandez*, G.R. No. 166357, January 14, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/january2015/166357.pdf>> 7 [Per J. Bersamin, Special First Division].

¹⁷ Id.

¹⁸ Ponencia, p. 3.

¹⁹ *Rollo*, p. 61.

from this personality disorder are unmotivated to treatment and impervious to recovery. There are no medications and laboratory examinations to be taken for maladaptive behavior such as the NPD (Narcissistic Personality Disorder).

Otherwise stated, his personality disorder is chronic and pervasive[,] affecting many aspects of his life, such as social functioning and close relationships. Apparently, he has failed to develop appropriate adjustment methods. *He lacks the intrapersonal and interpersonal integration that caused him the failure to understand the very nature of that sharing of life that is directed toward the solidarity and formation of family.*²⁰ (Emphasis supplied)

Dr. Montefalcon's expert testimony was consistent with the undisputed facts evincing Felipe's incapability to fulfill his essential marital obligations to Mirasol.

Mirasol and Felipe started as good friends as their parents were business partners.²¹ During their courtship, Mirasol found out that Felipe maintained an affair with his former girlfriend. This caused their relationship to be tumultuous, and it was only after their parents' intervention that they reconciled and got married.²² After 13 years of marriage, Felipe began philandering again. Even their friends and relatives saw him with other women. On one instance, Mirasol returned home from a trip to surprise her family but, to her dismay, she caught Felipe "in a compromising act with another woman."²³ This prompted Mirasol to leave their conjugal dwelling and file a Complaint for declaration of nullity of marriage before the trial court.²⁴

Felipe's continuous philandering, despite his being married and having children, shows a grave and incurable psychological incapacity that warrants the dissolution of his marriage with Mirasol. Moreover, his indifference about being seen publicly by friends and relatives with other women, as well as engaging in a compromising act with a woman not his wife, shows his utter disregard for Mirasol's feelings.

In this case, even without Dr. Montefalcon's evaluation report, the undisputed narrative of events offered by Mirasol undoubtedly points to the conclusion that Felipe is psychologically incapacitated. Felipe's acts—which already left traces even during the inception of their marriage—are indicative of a disordered personality. This makes him incapable of fulfilling his essential marital obligations²⁵ embodied in the Family Code,

²⁰ Ponencia, pp. 2–3.

²¹ Id. at 1.

²² Id. at 2.

²³ Id.

²⁴ Id. at 2.

²⁵ *Republic v. Court of Appeals and Molina* 335 Phil. 664, 678 (1997) [Per Justice Panganiban, En Banc]: "The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code

thus:

Article 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

....

Article 220. The parents and those exercising parental authority shall have with respect to their unemancipated children or wards the following rights and duties:

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
- (2) To give them love and affection, advice and counsel, companionship and understanding;
- (3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- (4) To enhance, protect, preserve and maintain their physical and mental health at all times;
- (5) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
- (6) To represent them in all matters affecting their interests;
- (7) To demand from them respect and obedience;
- (8) To impose discipline on them as may be required under the circumstances; and
- (9) To perform such other duties as are imposed by law upon parents and guardians.

Contrary to the ponencia, the trial court did not “heavily rel[y] on the result” of Dr. Montefalcon’s evaluation report, which allegedly lacked “factual findings which can serve as bases” for concluding that Felipe is psychologically incapacitated.²⁶ The totality of evidence presented by Mirasol is more than enough to prove Felipe’s psychological incapacity. Hence, Mirasol and Felipe’s marriage is void under Article 36²⁷ of the

as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children.”

²⁶ Ponencia, p. 9.

²⁷ FAMILY CODE, art. 36 provides:

Family Code.

II

Dr. Montefalcon's admission that she evaluated Felipe's psychological condition indirectly from the testimonies of Mirasol and the couple's common friend should not discredit her evaluation as expert testimony.

In *Camacho-Reyes v. Reyes-Reyes*,²⁸ this Court underscored that the lack of examination of the party afflicted with a personality disorder neither discredits a doctor's testimony nor renders his or her findings as hearsay:

The lack of personal examination and interview of the respondent, or any other person diagnosed with personality disorder, does not *per se* invalidate the testimonies of the doctors. Neither do their findings automatically constitute hearsay that would result in their exclusion as evidence.

*For one, marriage, by its very definition, necessarily involves only two persons. The totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other. In this case, the experts testified on their individual assessment of the present state of the parties' marriage from the perception of one of the parties, herein petitioner. Certainly, petitioner, during their marriage, had occasion to interact with, and experience, respondent's pattern of behavior which she could then validly relay to the clinical psychologists and the psychiatrist.*²⁹ (Emphasis supplied)

The interview conducted by Dr. Montefalcon with Mirasol to indirectly evaluate Felipe's psychological condition should not be set aside. Because of the intimate nature of marriage, Mirasol knows best whether Felipe has fulfilled his marital obligations as well as his responsibilities to his children.

Psychological incapacity as a ground for nullity of marriage may be ascertained through the totality of evidence offered.³⁰ That the respondent should be examined by a physician or psychologist is neither a necessity nor a *conditio sine qua non* for a declaration of nullity.³¹

A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

The action for declaration of nullity of the marriage under this Article shall prescribe in ten years after its celebration.

²⁸ 642 Phil. 602 (2010) [Per J. Nachura, Second Division].

²⁹ *Id.* at 627.

³⁰ *Marcos v. Marcos*, 397 Phil. 840, 850–852 (2000) [Per J. Panganiban, Third Division].

³¹ *Id.*

For this reason, the ponencia cannot readily conclude that Dr. Montefalcon's psychological evaluation report lacks the "evidentiary support to cure the doubtful veracity of Mirasol's one-sided assertion."³² As the totality of evidence is sufficient to substantiate Felipe's psychological incapacity, Dr. Montefalcon's evaluation report has become unnecessary. Nonetheless, Mirasol went beyond what is required of her when she substantiated her claims through Dr. Montefalcon's evaluation report.

Furthermore, I emphasize that Felipe failed to participate in the proceedings. Despite valid service of summons, he did not even bother to file any responsive pleading.³³ Similarly, Mirasol asserted that Felipe was sent a letter of request for psychological tests.³⁴ The request was left unheeded.³⁵ Despite Mirasol's efforts to compel Felipe to participate in the proceedings, Felipe remained unresponsive. Hence, Felipe's refusal to be examined should not be taken against Mirasol.

III

Article 36 of the Family Code provides:

Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

The action for declaration of nullity of the marriage under this Article shall prescribe in ten years after its celebration.

The term "psychological incapacity" was not explicitly defined in the Family Code.³⁶ The Family Code Revision Committee intended not to give examples for fear that it "would limit the applicability of the provision under the principle of *ejusdem generis*."³⁷ The Committee also decided to accept the provision "with less specificity than expected" for the law to allow "some resiliency in its application."³⁸

Therefore, each case involving the application of Article 36 must be specifically regarded and ruled on "not on the basis of a priori assumptions, predilections or generalizations" but based on its own associated facts.³⁹ Courts should construe the provision "on a case-to case-basis, guided by

³² Ponencia, p. 9.

³³ *Rollo*, p. 60.

³⁴ *Id.* at 13, Petition for Review.

³⁵ *Id.*

³⁶ *Santos v. Court of Appeals*, 310 Phil. 21, 30 (1995) [Per J. Vitug, En Banc].

³⁷ *Id.* at 36, citing *Salita v. Hon. Magtolis*, 303 Phil. 106, 113-114 (1994) [Per J. Bellosillo, First Division].

³⁸ *Id.*

³⁹ *Aurelio v Aurelio*, 665 Phil. 693, 703 (2011) [Per J. Peralta, Second Division].

experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.”⁴⁰

However, “psychological incapacity” does not mean to grasp “all such possible cases of psychoses.”⁴¹ The ponencia, citing *Santos v. Court of Appeals*,⁴² reiterated that “psychological incapacity” deliberately pertains to “the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.”⁴³ Similarly, it cited *Republic v. Cabantug-Baguio*⁴⁴ and enumerated the following characterizations of psychological incapacity:

(a) **gravity**, *i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage, (b) **juridical antecedence**, *i.e.*, it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage, and (c) **incurability**, *i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.⁴⁵ (Emphasis in the original)

The guidelines in interpreting Article 36 of the Family Code, as provided for in *Republic v. Court of Appeals and Molina*,⁴⁶ are reiterated and applied in this case. Thus:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. . . .

. . . .

(2) The *root cause* of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. . . .

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. . . .

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. . . .

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, “mild characteriological peculiarities, mood changes, occasional emotional

⁴⁰ Id.

⁴¹ *Santos v. Court of Appeals*, 310 Phil. 21, 39 (1995) [Per J. Vitug, En Banc].

⁴² 310 Phil. 21 (1995) [Per J. Vitug, En Banc].

⁴³ Ponencia, p. 6.

⁴⁴ 579 Phil. 187 (2008) [Per J. Carpio Morales, Second Division].

⁴⁵ Ponencia, p. 6.

⁴⁶ 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

outbursts” cannot be accepted as *root* causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. . . .

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. . . .

. . . .

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state[.]⁴⁷ (Emphasis in the original)

Contrary to the supposed resilient application of Article 36, *Ngo-Te v. Yu-te*⁴⁸ compared the rigid guidelines in *Molina* to a “strait-jacket.”⁴⁹ Thus:

In hindsight, it may have been inappropriate for the Court to impose a rigid set of rules, as the one in *Molina*, in resolving all cases of psychological incapacity. Understandably, the Court was then alarmed by the deluge of petitions for the dissolution of marital bonds, and was sensitive to the OSG’s exaggeration of Article 36 as the “most liberal divorce procedure in the world.” The unintended consequences of *Molina*, however, has taken its toll on people who have to live with deviant behavior, moral insanity and sociopathic personality anomaly, which, like termites, consume little by little the very foundation of their families, our basic social institutions. Far from what was intended by the Court, *Molina* has become a strait-jacket, forcing all sizes to fit into and be bound by it. Wittingly or unwittingly, the Court, in conveniently applying *Molina*, has allowed diagnosed sociopaths, schizophrenics, nymphomaniacs, narcissists and the like, to continuously debase and pervert the sanctity of marriage. Ironically, the Roman Rota has annulled marriages on account of the personality disorders of the said individuals.⁵⁰ (Citations omitted)

Likewise, *Ngo-Te* underscored that in dissolving marriages due to psychological incapacity, this Court is not destroying the foundation of families. Rather, it is protecting the sanctity of marriages:

In dissolving marital bonds on account of either party’s psychological incapacity, the Court is not demolishing the foundation of

⁴⁷ Id. at 676–679.

⁴⁸ 598 Phil. 666 (2009) [Per J. Nachura, Third Division].

⁴⁹ Id. at 696.

⁵⁰ Id. 695–696.

families, but it is actually protecting the sanctity of marriage, because it refuses to allow a person afflicted with a psychological disorder, who cannot comply with or assume the essential marital obligations, from remaining in that sacred bond. It may be stressed that the infliction of physical violence, constitutional indolence or laziness, drug dependence or addiction, and psychosexual anomaly are manifestations of a sociopathic personality anomaly. Let it be noted that in Article 36, there is no marriage to speak of in the first place, as the same is void from the very beginning. To indulge in imagery, the declaration of nullity under Article 36 will simply provide a decent burial to a stillborn marriage.⁵¹

Thus, *Ngo-Te* explicitly provides that it does not, in any way, propose the abandonment of the guidelines provided for under *Molina*.⁵² It reiterates that the necessity to consider other perspectives in disposing cases under Article 36 exists.⁵³

The recent case of *Kalaw v. Fernandez*⁵⁴ is instructive, in that Article 36 of the Family Code must not be strictly and literally read as to give way for the real intention of its drafters:

The foregoing guidelines [in *Molina*] have turned out to be rigid, such that their application to every instance practically condemned the petitions for declaration of nullity to the fate of certain rejection. But Article 36 of the Family Code must not be so strictly and too literally read and applied given the clear intendment of the drafters to adopt its enacted version of “less specificity” obviously to enable “some resiliency in its application.” Instead, every court should approach the issue of nullity “not on the basis of *a priori* assumptions, predilections or generalizations, but according to its own facts” in recognition of the verity that no case would be on “all fours” with the next one in the field of psychological incapacity as a ground for the nullity of marriage; hence, every “trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court.”⁵⁵

It is imperative upon this Court to annul the marriage between Mirasol and Felipe. Mirasol admitted that she was happy when she married Felipe.⁵⁶ Although she once discovered that Felipe had been keeping his affair with his former girlfriend, she had hopes that Felipe would reform from his old ways.⁵⁷ However, Felipe continued womanizing after Mirasol gave birth to

⁵¹ Id. at 698–699.

⁵² Id. at 699.

⁵³ Id.

⁵⁴ *Kalaw v. Fernandez*, G.R. No. 166357, January 14, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/january2015/166357.pdf>> [Per J. Bersamin, Special First Division]. This Court granted petitioner’s motion for reconsideration and similarly declaring the parties’ marriage as void due to psychological incapacity.

⁵⁵ Id. at 6–7.

⁵⁶ *Rollo*, p. 60.

⁵⁷ Id. at 61.

their daughter.⁵⁸

I have had the privilege to emphasize in *Matudan v. Republic*:⁵⁹

The effects of applying the rigid Article 36 guidelines does not negate the compassion that some of the Members of this Court may have for the parties. ***Still, it is time that this Court operate within the sphere of reality. The law is an instrument to provide succor.*** It is not a burden that unreasonably interferes with individual choices of intimate arrangements.

The choice to stay in or leave a marriage is not for this Court, or the State, to make. The choice is given to the partners, with the Constitution providing that “[t]he right of spouses to found a family in accordance with their religious convictions and demands of responsible parenthood[.]” Counterintuitively, the State protects marriage if it allows those found to have psychological illnesses that render them incapable of complying with their marital obligations to leave the marriage. ***To force partners to stay in a loveless marriage, or a spouseless marriage as in this case, only erodes the foundation of a family.***⁶⁰ (Emphasis supplied, citations omitted)

I cannot join the majority’s reading of the law as it condemns loveless married couples to a life of pain and suffering. The law should not be read as too callous or cruel that it forever condemns those who may have made very human errors in choosing those with whom they should be intimate. For the State to enforce this cruelty is the very antithesis of the freedoms embodied in many provisions of our Constitution.

Marriage is a struggle. In some cases, fortunate couples discover that they become better together. They learn that their compromises make them grow further.

However, there are others who discover that marriage creates a bond that magnifies their differences. Irreconcilable differences make every moment of eternal bondage excruciating. The State, through the courts, do not add any new factor in a couple’s intimate relationship when it denies petitions for declarations of nullity in failed marriages. The State leaves its citizens in a perpetual state of misery and places multiple hardships on a couple and their children.

Felipe’s continuous philandering, albeit having his own family, manifests an incurable psychological disorder of utmost gravity. If Felipe’s sexual infidelity were merely caused by his “refusal or unwillingness”⁶¹ to

⁵⁸ Id.

⁵⁹ G.R. No. 203284, November 14, 2016
<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/november2016/203284.pdf>>
[Per J. Del Castillo, Second Division].

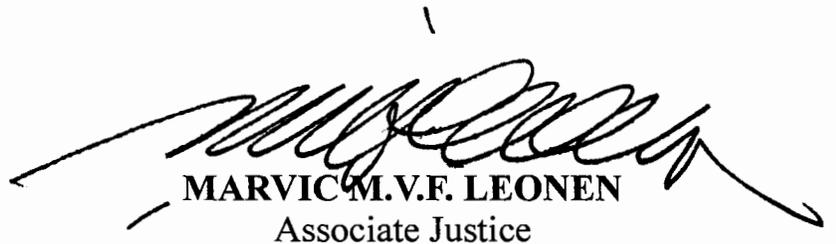
⁶⁰ Id. at 7–8.

⁶¹ Ponencia, p. 11.

assume his marital obligations, then he would not have been indifferent about being seen publicly with the other women with whom he had other affairs. What Felipe has done apparently caused much pain to his family and should be put to an end. It is cruel for this Court to rule that Mirasol should remain married to Felipe.

Republic v. Court of Appeals and Molina interpreted Article 36 of the Family Code to introduce restrictions not found in the text of the law. Worse, it was inspired by a conservative, religious view of what marriages should be. This has caused untold hardships and costs for many Filipinos. It is time we review this doctrine and allow intimate relationships to be what they truly are: a life of celebration, rather than a living hell.

ACCORDINGLY, I vote to **GRANT** the Petition.



MARVIC M. V. F. LEONEN
Associate Justice

