




Republic of the Philippines

Supreme Court
Baguio City

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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LOVELLE SHELLY S.
CAYABYAB-NAVARROSA,*
Petitioner,

G.R. No. 216685

Present:

- versus -

PERLAS-BERNABE, S.A.J.,
Chairperson,

MARK ANTHONY E.
NAVARROSA,
Respondent,

HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

REPUBLIC OF THE
PHILIPPINES,
Oppositor.

Promulgated:

APR 20 2022

X-----X

DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ is the Decision² dated January 29, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 97902, which annulled and set aside the Decision³ dated June 29, 2011 and the Order⁴ dated September 5, 2011 of the Regional Trial Court of Guimba, Nueva Ecija, Branch 33 (RTC), declaring the marriage of petitioner Lovelle Shelly S. Cayabyab-Navarroza and respondent Mark Anthony E. Navarroza (respondent) null and void on the ground of the latter's psychological incapacity.

* Also referred to as "Lovelle Shelly S. Cayabyab" or "Lovelle Shelly S. Cayabyab Navarroza" in some parts of the *rollo*. (*Rollo*, pp. 9, 21, and 77)

¹ Id. at 9-18.

² Id. at 21-32. Penned by Associate Justice Noel G. Tijam (now, a retired Member of the Court) with Associate Justices Mario V. Lopez (now, a Member of the Court) and Myra V. Garcia-Fernandez, concurring.

³ CA *rollo*, pp. 38-42. Penned by Judge Ismael P. Casabar.

⁴ Id. at 43.

The Facts

Petitioner alleged that she met respondent at the Perpetual Help Hospital in Biñan, Laguna where she was an intern in the College of Medicine, while respondent was a nurse at the Emergency Room Department. In 2001, petitioner and respondent became lovers. During the early part of their relationship, respondent would often confide to petitioner about his resentment towards his parents who always favored his eldest sibling.⁵

In 2004, respondent went to Singapore to work, and petitioner eventually followed. However, when petitioner became pregnant, they returned to the Philippines to get married. On August 15, 2006, petitioner and respondent were married in Pulang Lupa II, Las Piñas City. After their wedding, they went back to Singapore. Since respondent had lost his job prior to their wedding, petitioner was the only one who continued working.⁶

While in Singapore, respondent would always turn off his mobile phone whenever he would go out. When asked about it, he would throw a tantrum and yell at petitioner. At one point, respondent even tried to hit petitioner, but the latter was able to successfully dodge. Usually, respondent would come home late in the evening, or in the wee hours of the morning. He also spent most of his time with his friends instead of petitioner, even on special occasions like Christmas and New Year. Petitioner was often alone and even went to her prenatal checkups by herself.⁷

On January 2, 2007, the couple returned to the Philippines in preparation for the birth of their child. During that time, petitioner entrusted respondent with her ATM card. However, upon online monitoring of her bank account, petitioner discovered that respondent withdrew a huge amount of money that she saved for her childbirth, which the latter used to support his parents, niece, and nephew instead. When petitioner confronted respondent about the same, the latter yelled at her and accused her of spying on him.⁸

When the couple went back to Singapore a month after petitioner gave birth, they brought along respondent's mother with them to take care of the baby while petitioner was at work. Meanwhile, respondent, despite being jobless, continued to indulge in his vices and party with his friends, and frequently came home late at night. He also verbally abused petitioner in front of his mother. Nevertheless, petitioner tried to patch things up and address the growing gap between them, but respondent told her that he did not love her anymore.⁹

⁵ Id. at 38.

⁶ Id.

⁷ Id. at 38-39.

⁸ Id. at 39.

⁹ Id.



In August 2007, petitioner and respondent had their final confrontation. Respondent left their home and petitioner never heard from him again.¹⁰

Petitioner then filed a Petition for Declaration of Absolute Nullity of Marriage dated July 19, 2010, averring that respondent is psychologically incapacitated as manifested by his acts of abandoning her after she gave birth to their child, failing to provide family support, and falling out of love with her.¹¹

Despite receipt of summons,¹² respondent did not file his answer.¹³ Subsequently, the case proceeded to trial, during which petitioner testified, as well as her witnesses, namely: Dr. Maricris Reyes Marucut (Dr. Marucut), a clinical psychologist, and Glenn Caballero (Glenn), a neighbor and former employee of respondent's parents.

Dr. Marucut testified and affirmed the contents of her Psychological Evaluation Report. In her report, she concluded that based on the data she gathered from petitioner, petitioner's sister, and two common friends of the couple, respondent is suffering from a personality disorder clinically classified as Passive-Aggressive Personality Disorder with underlying narcissistic traits, a condition deemed to be grave, severe-chronic in proportion, and incurable by any treatment.¹⁴

On the other hand, Glenn testified about the past rumors spreading in their neighborhood that respondent had other girlfriends despite being married to petitioner. He also stated that in one instance, he even saw respondent put his arm on another woman's shoulder and kissed her.¹⁵

The RTC Ruling

In a Decision¹⁶ dated June 29, 2011, the RTC declared the marriage between petitioner and respondent null and void on the ground of psychological incapacity.¹⁷ Based on the evidence presented, the RTC found that respondent was psychologically incapacitated to perform the essential marital obligations. The RTC characterized respondent's psychological incapacity as grave (because it caused the total breakdown of their marriage), permanent (because his psychological incapacity started in the early stage of his life and continued to manifest in his adulthood), and incurable (because he never felt the symptoms, and it was only the people around him who took

¹⁰ Id.

¹¹ Id. at 38; See CA Decision, *rollo*, p. 22.

¹² Records, p. 11.

¹³ Id. at 44.

¹⁴ CA *rollo*, p. 40.

¹⁵ Records, pp. 53-54.

¹⁶ CA *rollo*, pp. 38-42.

¹⁷ Id. at 42.

notice of his maladaptive behavior), and hence, fell within the purview of Article 36 of the Family Code (Article 36).¹⁸

The Republic, through the Office of the Solicitor General (OSG), moved for reconsideration, but was denied in an Order¹⁹ dated September 5, 2011. Hence, the OSG appealed to the CA.

The CA Ruling

In a Decision²⁰ dated January 29, 2015, the CA annulled and set aside the RTC ruling, and accordingly, dismissed the complaint for declaration of nullity of marriage filed by petitioner.²¹ The CA ruled that the totality of evidence was insufficient to prove respondent's psychological incapacity. In this regard, the CA pointed out that petitioner's testimony merely showed that respondent left her and their child, never gave them support, and did not love her anymore, which acts do not rise to the level of psychological incapacity under Article 36. Meanwhile, Dr. Marucut's testimony and psychological report failed to conclusively show that respondent is suffering from a psychological illness, noting that the persons that she interviewed were petitioner, petitioner's sister, and the parties' common friends.²²

Aggrieved, petitioner filed the instant petition.

Issue Before the Court

The issue for the Court's resolution is whether or not the CA erred in reversing the RTC's ruling that the marriage of petitioner and respondent is void *ab initio* on the ground of respondent's psychological incapacity.

The Court's Ruling

The petition is meritorious.

In the recent case of *Tan-Andal v. Andal (Tan-Andal)*,²³ the Court abandoned previous jurisprudence on psychological incapacity and definitively pronounced that psychological incapacity is "neither a mental incapacity nor a personality disorder that must be proven through expert

¹⁸ Id. at 41.

¹⁹ Id. at 43.

²⁰ *Rollo*, pp. 21-32. Penned by Associate Justice Noel G. Tijam (now a retired Member of the Court) with Associate Justices Mario V. Lopez (now a Member of the Court) and Myra V. Garcia-Fernandez, concurring.

²¹ Id. at 31.

²² See id. at 28-30.

²³ G.R. No. 196359, May 11, 2021.

opinion.”²⁴ Divining the intent of the Family Code Revision Committee, the Court, in *Tan-Andal*, clarified that “psychological incapacity consists of clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with one’s essential marital obligations due to psychic causes.”²⁵ Thus:

x x x Psychological incapacity is **neither a mental incapacity nor a personality disorder that must be proven through expert opinion. There must be proof, however, of the durable or enduring aspects of a person’s personality, called “personality structure,” which manifests itself through clear acts of dysfunctionality that undermines the family.** The spouse’s personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.²⁶ (Emphasis and underscoring supplied)

In *Tan-Andal*, the Court further held that in psychological incapacity cases, the petitioning spouse must prove his or her case by clear and convincing evidence. However, proof of a spouse’s personality aspects need not be given by an expert. “Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.”²⁷

In light of the Court’s fundamental paradigm shift in viewing psychological incapacity as a purely legal, rather than a medical concept, the understanding of the requisites in determining psychological incapacity, namely, juridical antecedence, incurability, and gravity, must be refined accordingly.

With regard to the **requisite of incurability**, it must now be recognized that psychological incapacity is incurable only in the legal (not medical) sense in that the incapacity is “so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple’s respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage.”²⁸ In order for the said requisite to obtain, there must be **“[a]n undeniable pattern of a persisting failure to be a present, loving, faithful, respectful, and supportive spouse that must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other.”**²⁹

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ See Separate Concurring Opinion of Senior Associate Justice Estela M. Perlas-Bernabe in *Tan-Andal*.

²⁹ Id.

Meanwhile, the requisite of gravity in psychological incapacity must be such that it is caused by a genuinely psychic cause, and not just “mild characterological peculiarities, mood changes [or] occasional emotional outbursts” nor mere “refusal, neglect[,] difficulty, much less ill will.”³⁰ As such, “a deeper and fuller assessment of the alleged incapacity must be done such that it is clearly and convincingly shown that the fulfillment of the essential marital obligations is not merely feigned or cumbersome but rather, practically impossible, because of the distinct psychological makeup of the person relative to his or her spouse.”³¹

Lastly, the requisite of juridical antecedence (which – to note – is explicitly necessitated by the phrase “at the time of the celebration of the marriage” in Article 36³²) means that the incapacity is determined to exist during the time of celebration. While it may indeed be difficult—if not scientifically impossible—to determine the existence of psychological incapacity at the exact point in time that the couple exchanged their ‘I dos,’ it is sufficient, however, that the petitioner demonstrates, by clear and convincing evidence, that the incapacity, in all reasonable likelihood, already exists at the time of the marriage’s celebration. To determine the reasonable likelihood of its existence at the time of the celebration of the marriage, the Court, in *Tan-Andal*, held that “proof of juridically antecedent psychological incapacity *may* consist of testimonies describing the environment where the supposedly incapacitated spouse lived that *may* have led to a particular behavior.”³³

Moreover, the concept of juridical antecedence must be understood to include the ordinary experiences of the spouses not only prior to the marriage itself, but more importantly, during their “lived conjugal life” together since, as the law itself states, a marriage can be declared null and void under Article 36 “even if such incapacity becomes manifest only after its solemnization.” As the parties have yet to assume any of the essential marital obligations prior to being married, the Court discerns that the experience of marriage itself is the litmus test of self-realization, reflecting one’s true psychological makeup as to whether or not he or she was indeed capable of assuming the essential marital obligations to his or her spouse at the time the marriage was entered into.³⁴

Therefore, in order to determine juridical antecedence, “judges must reconstruct the marital decision-making process of an individual, just like inquisitive investigators. The judge must trace back and examine all the manifestations before and during marriage to find out if such non-fulfillment

³⁰ *Id.*, citing *Republic v. Molina*, 335 Phil. 664, 678 (1997).

³¹ See Separate Concurring Opinion of Senior Associate Justice Estela M. Perlas-Bernabe in *Tan-Andal*.

³² Art. 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. (See Family Code of the Philippines)

³³ *Tan-Andal v. Andal*, *supra*.

³⁴ See Separate Concurring Opinion of Senior Associate Justice Estela M. Perlas-Bernabe in *Tan-Andal*.

relates to the intrinsic psychological makeup of the person relative to his or her specific partner, and not just some mere difficulty that ordinary spouses, at some point in time, are bound to go through.³⁵

Overall, the focus should be on the manifestations during the marriage itself since, as intended by Canon Law from which psychological incapacity was patterned after, the lived conjugal life is that which provides a confirmation of the original consent or its absence at the time of the marriage's celebration.³⁶ Since there is no way to determine the existence of psychological incapacity at the exact point that vows were exchanged, it is enough that it exists at such time in all reasonable likelihood. This is determined, in turn, by the manifestations and circumstances attending before, and most significantly, during the marriage.

Applying the foregoing to this case, the Court finds that petitioner had sufficiently overcome the burden to prove the nullity of her marriage with respondent on the ground of the latter's psychological incapacity by clear and convincing evidence.

Preliminarily, it should be underscored that during the trial, petitioner presented herself, Glenn, and Dr. Marucut (who interviewed her, her sister, and two (2) common friends of the parties, and accordingly, prepared the psychological report reflecting the facts as personally narrated to her and her expert findings). Meanwhile, respondent did not file any answer nor testify before the trial court despite receipt of summons. Juxtaposed against the specific facts of this case, respondent's lack of participation evinces his total lack of care for the status of his marriage with petitioner, which coincides with the unmistakable pattern of persistent neglect and abandonment throughout the years.

To recall, just a year into the parties' marriage (*i.e.*, from August 15, 2006 to August 2007)³⁷ and not even eight (8) months after petitioner gave birth, it was established, through petitioner's uncontroverted testimony, that respondent had already abandoned his family, *viz.*:

Q: When did you separate ways with the respondent?

A: In 2007, sir.

Q: Why did you decide to separate with him?

A: He was the one who left us, sir.

Q: It was the respondent who left you?

A: Yes, sir.

³⁵ Id.

³⁶ Id.

³⁷ Records, pp. 98-100.

x x x x

- Q: How long [before] did (sic) he left (sic) you?
A: Five (5) years, sir.
Q: After your marriage, he left you for (sic) a few months?
A: After our marriage, sir.
Q: How many months?
A: Eight (8) months, sir.
Q: Before he left you, you lived together?
A: Yes, sir, we lived together in one house.
Q: Do you know where he went when you said he left you?
A: No, sir, I never heard from him. I just heard from some of our friends and some relatives.
Q: When did you return to (sic) Singapore after your husband left you?
A: I always come (sic) home, sir.
Q: You said your husband left after eight (8) months?
A: Yes, sir.
Q: **When was this (sic) eight (8) months?**
A: **After I gave birth, I went back to Singapore, sir. When I come (sic) back to Singapore, he said he does not love me anymore.**
Q: Did you continue to work in Singapore?
A: After our marriage, sir.³⁸ (Emphasis supplied)

Moreover, as once more testified by petitioner, prior to her being abandoned by respondent, the latter was financially irresponsible and did not support his family at all, viz.:

- Q: You also mentioned in your petition that no property was acquired, why did you not acquire property at all?
A: Because I was the one working, sir. Upon our marriage he stopped working.
Q: When did you separate ways with the respondent?
A: In 2007, sir.
Q: Why did you decide to separate with him?
A: He was the one who left us, sir.
Q: **Before he left, was he supporting the child?**
A: **No, sir.**
Q: **Since when?**
A: **He never supported us, sir.**

x x x x

³⁸ Id. at 36-38.

- Q: **You said, he never supported you?**
- A: **Yes, sir, he was not supporting me but he was the one supporting his family.**
- Q: **He never participated in the management of your family?**
- A: **No, sir.**
- Q: He never?
- A: Never, sir.³⁹ (Emphases supplied)

Additionally, it was established that respondent had abusive tendencies, both physical and emotional. In fact, respondent was physically unavailable during and after petitioner's pregnancy, which was, evidently, a crucial point in their marriage. To note, it was further shown that the parties were in a hurry to get married when they discovered that petitioner was pregnant, which pregnancy was apparently unplanned. As well-documented in the psychological report of Dr. Marucut:

From 2001, the time they became sweethearts, petitioner often heard about the bitter feelings of respondent towards his parents and elder brother, and the unfair treatment he received while growing up. Respondent likewise revealed that he was sent to school and financially supported as a student by his maternal aunt, who later died of breast cancer.

x x x x

Respondent fortunately found a job in Singapore but he still stayed in the flat of petitioner's sister for free. He went straight from work, and never bothered to help in the household chores. Petitioner's sister soon complained to petitioner that respondent is happy-go-lucky and he loved to go to parties. And since some of the friends of respondent and petitioner's sister are into extra-marital affairs, petitioner was convinced by her sister to follow respondent in Singapore or he might end up being into a relationship with one of his friends.

x x x x

Petitioner and respondent were such in a hurry to be married when (sic) former revealed to the latter her being pregnant. This unplanned pregnancy constrained them to seek for the fastest, easiest and most convenient means to obtain a marriage contract to show their relatives and friends.


x x x x

On August 15, 2006, petitioner and respondent were married in Pulang Lupa II, Las Piñas City.

After the wedding, petitioner and respondent went back to Singapore, since petitioner has a job in the said country. Respondent lost his job before they were married. And so it was the petitioner who shouldered all of the expenses of their wedding.

When they returned to Singapore after their wedding, respondent's attitude changed. He turned off his mobile phone and

³⁹ Id. at 36-37.



whenever petitioner would ask him why his mobile phone was turned off, respondent would get mad at petitioner and yell at her. One time he even raised his hands at her and he was about to slap her. It was good that petitioner was able to dock (sic) and so he was not able to hit her. Respondent went home late in the evening, around 12 midnight, sometimes in the wee hours of the morning, and he reasoned out that he took the bus so he could save money while looking for a job. **He never accompanied petitioner for her pre-natal check ups and he went to parties or friends (sic) gathering all the time.**

Christmas 2006, petitioner and respondent planned of celebrating the said occasion in the house of petitioner's aunt. Respondent picked up petitioner and as planned, they went to her aunt's flat, but then respondent left the said place after dropping off petitioner and he proceeded to his friends (sic) flat where he spent Christmas. He went back in the afternoon of the following day.

New Years (sic) Eve 2006, around 11 o'clock in the evening, respondent arrived from a party and went straight to bed. **He did not bother to bring along petitioner or be at home to celebrate the said occasion with her.** x x x

Petitioner was scheduled to return to the Philippines on January 2, 2007, after she and respondent agreed that she would give birth in respondent's parent's hometown, since her parents cannot take care of her because her father is undergoing dialysis. Before leaving for the Philippines, around November, petitioner sent her parents the money her father will need for his dialysis, and the money she brought with her to the Philippines would be for her child birth, and she also brought her credit card. **But petitioner was surprised, because instead of using the money for her delivery, she ended up supporting respondent's parents and niece and nephew aged 3 and 4, who were still drinking milk.** Petitioner left her ATM card with respondent so he could use it to pay for credit cards where respondent is a supplementary card holder of petitioner's credit cards, since he could not get (sic) approved, because he does not have a job. Petitioner could monitor her ATM cards (sic) activities online, and she was surprised when she saw that respondent withdrew a large sum of money, and **when asked by petitioner, respondent only got mad at her and accused her of spying on him and not trusting him.**

x x x x

x x x When she went back to Singapore, respondent continued to go home at midnight or in the wee hours of the morning even when he had no job. **He even talked with his mother and told her that he wanted to separate with petitioner. Respondent even had the temerity to yell at petitioner in the presence of his mother, and being supported by petitioner at that. He uttered to petitioner disdainful words and accused her of always questioning him.**⁴⁰

x x x x (Emphases and underscoring supplied)

Despite respondent's brazen failure to fulfill his essential marital obligations to petitioner, she tried to fix their relationship; however,

⁴⁰ Id. at 97-99.

respondent told her that he did not love her anymore. He did not show any effort to reconcile with her. There was also no indication that respondent exerted any effort whatsoever to salvage the marriage. As narrated in the psychological report:

A few days later, respondent went back to Singapore. It was petitioner who initiated all communications with respondent.

x x x x

Petitioner talked with respondent so they could patch up whatever differences they have, but respondent told her "HINDI NA KITA MAHAL." Petitioner asked him if there is a third party involved. Respondent asked Petitioner, "KUNG MERON BA PALALAYAIN MO AKO? He even told petitioner "MAS MABUTI HABANG MALIIT PA ANG ANAK NATIN AY WALA NANG MAKAGISNAN NA TATAY. KAYSA LUMAKI NA MAG-AAWAY LANG TAYO."

x x x x

Petitioner and respondent are separated since March 2007, but they lived in the same flat, which was paid by petitioner until August 2007, since petitioner requested that they try to work out their marriage, Respondent told her that he only agrees to the said plan of living under the same roof, since he had no place to go. Petitioner tried to humble herself to respondent, but respondent never exerted effort on his part. Whenever he raised his voice at her, she would lower her tone/pitch, so that respondent would stop yelling at her.⁴¹ (Emphases and underscoring supplied)

Verily, the foregoing circumstances demonstrate an undeniable pattern of persisting failure on the part of respondent to fulfill his duty as a present, loving, faithful, respectful, and supportive spouse to petitioner, which renders his psychological incapacity **incurable**. As may be gleaned from the records, respondent's acts of abandonment, financial irresponsibility, and falling out of love with petitioner have consistently endured and persisted throughout their marriage. Even more, his lack of care and love, abandonment, and neglect of his family coincide with the fact that Dr. Marucut was unable to interview him for purposes of completing the psychological report, despite being invited therefor.⁴² Respondent could no longer be found even when efforts were made to find him through his friends.⁴³

Further, respondent's non-compliance with his essential marital obligations cannot be considered as a mere product of some difficulty, neglect, refusal, or ill-will to escape the marital bond. Rather, his acts show a serious failure to love and support petitioner as her husband. As shown in Dr. Marucut's psychological report, such failure is rooted in a genuine anomaly in his psychological makeup that renders him truly incapable of

⁴¹ Id. at 99-100.

⁴² Id. at 82.

⁴³ Id. at 100.

performing his essential marital obligations to petitioner, and incidentally, to their child. Thus, the Court finds that the requisite of **gravity** has been satisfied.

Finally, as to the requisite of juridical antecedence, the Court finds that petitioner was able to clearly and convincingly show that, in all reasonable likelihood, respondent's psychological incapacity was already present during the celebration of their marriage. To reiterate, the concept of juridical antecedence must be understood to include the ordinary experiences of the spouses not only prior to the marriage itself, but more importantly, during their "lived conjugal life" together.

Here, during the early periods of the parties' relationship, respondent confided to petitioner stories of his childhood which manifested bitter feelings against his parents. Further, according to Dr. Marucut's psychological report, respondent divulged to petitioner that "his parents played favorite[s] among them, and even if they exerted efforts like doing good in school and later on graduating from college, his parents never appreciated his and his younger sibling's efforts. They (the parents) favored their eldest child, and up to that time they are still supporting the said eldest child and his children since he is unemployed."⁴⁴ This apparently resulted in a contemptuous childhood.

Aside from respondent's childhood experiences, respondent already showed signs of irresponsibility while the parties were still boyfriend and girlfriend. Among others, respondent was heavily reliant on petitioner's sister during his stay in Singapore at the time he was jobless. Even after finding a job there, respondent would continue to stay in her place for free without even bothering to help in the household chores. His irresponsibility was aggravated by the fact that respondent was observed to be happy-go-lucky as he would love to go to parties during his stay in Singapore, *viz.:*

In 2004, respondent went to Singapore to seek greener pastures. While in Singapore, he lived in the flat of the sister of petitioner. The said sister of petitioner even helped him financially and paid for most of his expenses. Petitioner and her siblings took pity of respondent because of the stories he told them about his family and his growing up years.

Respondent fortunately found a job in Singapore but he still stayed in the flat of petitioner's sister for free. He went home straight from work, and never bothered to help in the household chores. Petitioner's sister soon complained to petitioner that respondent is happy-go-lucky and he loved to go to parties.⁴⁵ x x x

⁴⁴ Id. at 97.

⁴⁵ Id. at 69-70.

Respondent's happy-go-lucky personality was corroborated by his friend Glenn, who also testified on respondent's irresponsibility and womanizing habits, viz.:

x x x x

2. When I was with his family, Respondent was already in College pursuing a Bachelor of Science in Nursing;

3. I know Respondent to be an irresponsible man, a chick boy, as he was popularly known, and spoiled brat;

4. Respondent used to call my attention to give him company in his extra-curricular activities including his womanizing habit;

x x x x

8. During the absence of Petitioner, the Respondent continued being an irresponsible man and kept on dating other women;

x x x x

13. Rumors spread like wildfire that Respondent had many more girlfriends despite being married and one of her girlfriends got pregnant. Because of this pregnancy, the Respondent was constrained to live with his girlfriend somewhere in Nueva Ecija[.]⁴⁶

Accordingly, the psychological report concluded that respondent exhibited "[resentfulness], with negativistic trends by procrastination, irksome behavior, and resisting from his social or household demands for adequate performance" prior to their marriage.⁴⁷ Thus, based on her expert evaluation, Dr. Marucut observed that respondent is suffering from a passive-aggressive personality disorder with underlying narcissistic traits:

Respondent is depicted to be resentful, with negativistic trends by procrastination, irksome behavior, and resisting from his social and household demands for adequate performance. He assumes conflicting and changing roles in relationship, particularly dependent and contrite acquiescence and assertive and hostile independence. x x x He recognized himself being characteristically embittered, and disgruntled with life. Overall description of his behaviors define the presence of a personality disorder, clinically classified as **PASSIVE-AGGRESSIVE PERSONALITY DISORDER**, a condition deemed to be grave, severe chronic in proportion and incurable by any treatment.

Clinically, respondent is found to be suffering from disorder diagnostically classified as **PASSIVE-AGGRESSIVE PERSONALITY DISORDER** with underlying **NARCISSISTIC** traits a condition deemed to be grave, severe-chronic in proportion and incurable by any treatment.⁴⁸

⁴⁶ Id. at 94-95.

⁴⁷ Id. at 101.

⁴⁸ Id.

The harrowing experiences of petitioner during her lived conjugal life with respondent (*during the marriage*), as well as their history even as boyfriend and girlfriend, and respondent's intrinsic personality that may have been forged by his childhood experiences (*before the marriage*), all point to the conclusion that there is **juridical antecedence** – that is, respondent's psychological incapacity, in all reasonable likelihood, already existed at the time their marriage was celebrated.

Notably, the CA did not give credence to the psychological report, pointing out that the information gathered by Dr. Marucut and the declarations against respondent came only from the mouths of petitioner, petitioner's sister, and the parties' common friends. On this score, the CA opined that the information relayed to Dr. Marucut was inadequate to secure a complete personality profile, and hence, could not have conclusively formed an opinion or diagnosis of respondent's psychological condition.⁴⁹

The CA is mistaken.

At the onset, it must be reiterated that in the recent case of *Tan-Andal*, the Court had already clarified that psychological incapacity is “neither a mental incapacity nor a personality disorder that must be proven through expert opinion.”⁵⁰ In this regard, *Tan-Andal* sensibly exhorts that:

[T]here will be no need to label a person as having a mental disorder just to obtain a decree of nullity. A psychologically incapacitated person need not be shamed and pathologized for what could have been a simple mistake in one's choice of intimate partner, a mistake too easy to make as when one sees through rose-colored glasses. A person's psychological incapacity to fulfill his or her marital obligations should not be at the expense of one's dignity, because it could very well be that he or she did not know that the incapacity existed in the first place.⁵¹ (Emphases and underscoring supplied)

Thus, a psychological report or diagnosis is not indispensable to sustain a petition for nullity of marriage filed under Article 36.

This notwithstanding, petitioner presented Dr. Marucut who testified on the psychological report that she prepared based on the information she had gathered from petitioner, petitioner's sister, and the parties' common friends. While it is true that respondent was not interviewed by Dr. Marucut, this, alone, should not denigrate the credence of the psychological report she prepared, especially since it was respondent who refused to participate despite being invited. More so, the fact that the information comes from one side alone should not dilute the veracity of the evidence petitioner presented during the trial, for to do so would punish every innocent spouse suffering in a marriage with a psychological incapacitated spouse who comes to the court

⁴⁹ *Rollo*, p. 29.

⁵⁰ *Tan-Andal*, supra.

⁵¹ *Id.*

for succor. Ultimately, courts should judiciously assess the merits of each Article 36 petition on a case-to-case basis, including the psychological report, if any, regardless of the fact that only one of the spouses was interviewed by the psychologist.

In any case, it should be stressed that the statements of petitioner's sister and common friends contained in the psychological report were corroborative of petitioner's own personal account of her marital history with respondent. These corroborative statements were relayed to Dr. Marucut, who, in turn, testified, based on her personal knowledge and expert opinion, of the existence of respondent's psychological incapacity, which remain undisputed.

In this relation, it is fitting to elucidate that, as thoroughly explained in *Tan-Andal*, “[u]nlike ordinary witnesses who must have personal knowledge of the matters they testify on, **expert witnesses [like Dr. Marucut in this case] do not testify in court because they have personal knowledge of the facts of the case.** The credibility of expert witnesses does not inhere in their person; rather, their testimony is sought because of their special knowledge, skill, experience or training that ordinary persons and judges do not have.”⁵² To be considered as an expert witness, the Court in *Tan-Andal* explained that “[w]hile ideally, the person to be diagnosed should be personally interviewed, it is accepted practice in psychiatry **to base a person's psychiatric history on collateral information, or information from sources aside from the person evaluated**”:

The United States Supreme Court noted how Rule 702 does not require general acceptance for admissibility of expert opinion. Instead, the rule requires the following: **first, that the “knowledge” testified on must be “scientific,” that is, it must be “more than subjective belief or unsupported speculation.” second, the specialized knowledge be of such character that the trial judge is “able to understand the evidence or to determine a fact in issue.” and third, the trial judge, like a “gatekeeper,” takes a firsthand look on “the scientific validity. . . [or] the evidentiary relevance and reliability. . . of the principles that underlie” the testimony being offered as expert opinion. “The focus. . . must be solely on the principles and methodology, not on the conclusions they generate.”**

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Applying [the foregoing here], we find that Dr. Garcia was sufficiently qualified as an expert in psychiatry. She possesses the special knowledge to practice her profession, holding degrees in medicine and special education. She has been practicing her profession as a physician-psychiatrist since 1990, including working for the Philippine Mental Health Association as a psychiatrist for 11 years.

On the principles and methodology Dr. Garcia applied in evaluating Rosanna and Mario, Dr. Garcia conducted a psychiatric clinical interview

⁵² *Tan-Andal*, supra.

and mental status examination of Rosanna. She likewise interviewed Ma. Samantha and Jocelyn Genevieve, Rosanna's sister. The psychiatric clinical interview and mental status examination remain to be the principal techniques in diagnosing psychiatric disorders. **While ideally, the person to be diagnosed should be personally interviewed, it is accepted practice in psychiatry to base a person's psychiatric history on collateral information, or information from sources aside from the person evaluated. This is usually done if the patient is not available, incapable, or otherwise refuses to cooperate, as in this case.**⁵³

Applying the foregoing, there is no quibble that the opinion of Dr. Marucut may be amply relied upon since she is sufficiently qualified as an expert witness and had made her findings based on collateral information/information from sources who were able to observe the couple's interpersonal dynamics (*i.e.*, petitioner herself, her sister, and two (2) common friends of the parties).

It should be noted that Dr. Marucut has a bachelor's and a master's degree in psychology and has been trained on psychological testing and counseling using projective techniques. She has also been practicing her profession since 1993. As attested by Dr. Marucut during the trial:

Q: Madam witness, what is your educational attainment?

A: I have my master's degree in Psychology, Sir.

Q: What about your bachelor's degree?

A: Bachelor of Science in Psychology, Sir.

Q: You mentioned that you have a master's degree. From where did you receive that?

A: From the University of Sto. Tomas, Sir.

Q: How about your bachelor's degree?

A: From FEU, Sir.

Q: Aside from your educational attainment, what further trainings did you have, if any?

A: I have attended seminars and trainings with respect to psychological testing and counseling using the projective techniques, Sir.

x x x x

Q: Prior to that, have you been employed in the government or private sector which employs your bachelor's degree?

A: In the government service, Sir. But I was also doing psychological report for a private psychologist, Sir.

Q: Since when have you been practicing your degree in psychology?

A: I started writing in 1993, Sir. But in 1997 after I resigned, I started signing my name in psychological reports, Sir.⁵⁴

⁵³ Id.

⁵⁴ Records, pp. 78-79.

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In preparing the psychological report, Dr. Marucut did not only interview petitioner, petitioner's sister, and two other common friends of the parties, she likewise administered the following psychological tests: projective drawings, sentence completion test, bender visual motor gestalt test, basic personality inventory, 16 personality factors, revised beta examinations, emotions profile index, and neuroticism scale questionnaire.⁵⁵ Pertinently, the psychological report was never controverted. There is neither any finding of collusion between the parties by the State. As such, there is nothing on record that negates its veracity.

In fine, the petition for nullity of marriage filed by petitioner under the auspices of Article 36 should be granted. To uphold the marital bonds between the parties notwithstanding respondent's wanton failure to comply with his essential marital obligations is to unfairly punish petitioner to languish in a marriage with a spouse who had long abandoned, neglected, and failed to support his family with unnerving consistency and persistence. Based on the evidence of petitioner, respondent had failed to perform – as he is truly incapable to perform – his essential marital obligations to petitioner who deserves the love, faithfulness, and support of any decent partner in a marriage. Thus, the Court rightfully declares their marriage null and void pursuant to Article 36.

A final word. With the promulgation of *Tan-Andal*, the doctrines relative to the concept of psychological incapacity, as well as its three requisites of gravity, incurability, and juridical antecedence, have now been refined by the Court to reflect its genuine sense as originally intended by the Family Code Revision Committee. While the Court has adopted a more liberalized approach to psychological incapacity cases through the *Tan-Andal* ruling, it should be borne in mind that in declaring marriages void *ab initio* on the ground of psychological incapacity, courts are not demolishing the foundation of families, but are actually preserving its true purpose and meaning. While the Constitution depicts marriage as an inviolable social institution, its inviolability should not mean an absolutist resistance to sever the marital bonds. Both prudence and fairness dictate that the inviolability envisioned by the Constitution should pertain to marriages which are valid and not those which are null and void. Since there is no marriage at all when there is psychological incapacity, the inviolability of marriage does not attach. In the final analysis, the Constitution is a bastion for liberty inasmuch as it is a blueprint for social order. Hence, while the Constitution renders inviolable marriages that are valid, it also frees the chains of those trapped in one which is a nullity.⁵⁶

WHEREFORE, the petition is **GRANTED**. The Decision dated January 29, 2015 of the Court of Appeals in CA-G.R. CV No. 97902 is hereby **REVERSED** and **SET ASIDE**. The Decision dated June 29, 2011 and the

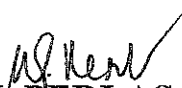
⁵⁵ Id. at 65-66.

⁵⁶ See Separate Concurring Opinion of Senior Associate Justice Estela M. Perlas-Bernabe in *Tan-Andal*.

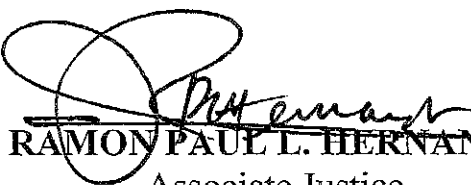
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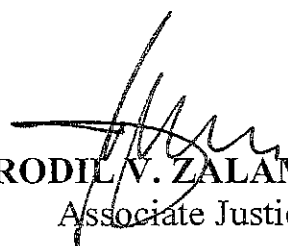
Order dated September 5, 2011 of the Regional Trial Court of Guimba, Nueva Ecija, Branch 33 are hereby **REINSTATED**.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice



RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

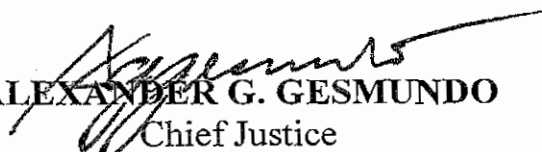
ATTESTATION

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.


ESTELA M. PERLAS-BERNABE
Senior 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.



ALEXANDER G. GESMUNDO
Chief Justice

