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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

CLAUDINE MONETTE G.R. No. 248675
BALDOVINO-TORRES,

Petitioner, Present:

CAGUIOA, J., *Chairperson,*
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

- versus -

Promulgated:

JASPER A. TORRES,
Respondent.

July 20, 2022

Mist W. Batt

X ----- X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated March 22, 2019 and the Resolution³ dated July 9, 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 109403. The assailed Decision reversed and set aside the Decision⁴ dated January 30, 2017 of Branch 199, Regional Trial Court (RTC), Las Piñas City in SP No. 15-0096 that declared the marriage contracted by Claudine Monette Baldovino-Torres (Claudine) and Jasper Torres (Jasper) as null and void *ab initio* due to psychological incapacity. The assailed Resolution, on the other hand, denied Claudine's Motion for Reconsideration⁵ for lack of merit.

¹ *Rollo*, pp. 3-30.

² *Id.* at 32-38; penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Sesinando E. Villon and Edwin D. Sorongon.

³ *Id.* at 40-41.

⁴ *Id.* at 99-112; penned by Presiding Judge Joselito dj. Vibandor.

⁵ *Id.* at 40.

The Antecedents

Claudine and Jasper met in the year 2000 through text messaging. They learned that they had common friends and had met before at a party. Eventually, they were drawn to each other and started to go on dates. After a few months, they got romantically involved until Claudine became pregnant with their child, Justin Clyde Baldovino Torres (Justin).⁶

Despite the initial objection from Claudine's mother, the couple got married on July 10, 2002 before Judge Encarnacion Jaja Moya-Balbastro of Branch 62, RTC, Makati City. Thereafter, they lived with Jasper's family at San Pedro, Laguna.⁷

Early on in their married life, Claudine began to notice Jasper's strong attachment with his friends as he would often go out with them until the wee hours of the morning. Jobless, he would always wake up around noontime and rely solely on the support of his parents who owned a *sari-sari* store.⁸

On December 5, 2002, Claudine decided to go back to school after the birth of their son, Justin. She took up Mass Communications at St. Scholastica's College where she graduated with distinction. On the other hand, Jasper finished a certification course in culinary arts. He got a job as a cook in Boracay, but he quit his job only after two weeks. Subsequently, he was able to get a two-year contract to work in Dubai; he also quit his job after only three months.⁹

Jasper continued to live a carefree life. His drinking habits worsened: when drunk, he would force Claudine to have sex that the latter felt like being raped. He had likewise become increasingly aggressive towards Claudine. In the meantime, both continued to depend on Jasper's parents because he refused to work elsewhere; he reasoned that his parents would not let them go hungry.¹⁰ Eventually, Claudine decided to leave him. She left their son with Jasper's parents to work in Manila. Later on, she went to Singapore. Her efforts to reconcile with Jasper proved to be futile as she later learned that Jasper had a child with

⁶ Id. at 100-101.

⁷ Id. at 101.

⁸ Id.

⁹ Id.

¹⁰ Id.

another woman.¹¹

The antecedents prompted Claudine to file a Petition for Declaration of Nullity of Marriage under Article 36 of the Family Code¹² against Jasper before the RTC.

In addition to Claudine's testimony in court, the following also testified: Nora Ng Baldovino (Nora), Claudine's mother; and Clinical Psychologist Nedy Tayag (Dr. Tayag).

Nora testified that she was displeased when her daughter married Jasper because both of them were still studying during that time. She also described Jasper as irresponsible, both as a husband and father, as he depended too much on his parents.¹³

On the other hand, Dr. Tayag testified that she was able to conduct a series of psychological evaluations on both Claudine and Jasper and that based on her observations and the results of the tests which she administered on them, she found Jasper to be suffering from Antisocial Personality Disorder. Dr. Tayag described the disorder as a pervasive pattern of disregard for and violation of the rights of others as shown by impulsivity, irresponsible attitude, and lack of regard for others.¹⁴

Moreover, Dr. Tayag stated that Jasper was short-sighted, incautious, and imprudent; that he failed to plan for himself and his family and did not consider alternatives or heed consequences; and that Jasper was untrustworthy and unreliable as he failed to meet personal obligations of a marital, parental, occupational, or financial nature.¹⁵

Dr. Tayag further averred that, in her opinion, Jasper's condition has been ingrained in his core personality since childhood. He developed his antisocial, unruly, and carefree ways because of parental attachment and the kind of home environment in which he grew up.¹⁶ Jasper's mother smothered him with affection and she would get furious at his father for scolding Jasper. This arrangement had amplified Jasper's

¹¹ Id. at 101-102.

¹² Id. at 99.

¹³ Id. at 102.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

feelings of entitlement and importance as he has always felt that he had the support of his mother no matter what he does.¹⁷ In addition, because his father was often away to manage their store in Makati City, there was no one to balance his mother's leniency. Thus, Jasper went on to live his life in a manner that is pleasure-seeking, disregarding the rules and norms of the society for the sake of the fulfillment of his desires and other caprices.¹⁸

In sum, Dr. Tayag maintained that Jasper's psychological incapacity is grave, serious, chronic, severe, and incurable by any form of treatment. She recommended that the marriage between Jasper and Claudine be declared null and void as it was doomed from the start.¹⁹

Ruling of the RTC

On January 30, 2017, the RTC rendered a Decision²⁰ declaring the marriage of Jasper and Claudine as null and void *ab initio*. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

- (1) Declaring the marriage contracted by the petitioner CLAUDINE MONETTE BALDOVINO-TORRES and respondent JASPER A. TORRES solemnized on July 10, 2002 at Branch 62, Metropolitan Trial Court of Makati City and all its effects under the law NULL AND VOID *AB INITIO* conformably with Article 36 of the Family Code as annulled;
- (2) Dissolving the regime of absolute community of property between the parties;
- (3) Pursuant to the provisions of A.M. 02-11-10-SC (*Rule on Declaration of Absolute Nullity of Marriages and Annulment of Voidable Marriages*):
 - (a) Directing the Branch Clerk of Court to enter this judgment, upon its finality in the Book of Entry of Judgment and to issue an Entry of Judgment in accordance thereto; and

¹⁷ Id. at 103.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 99-112.

(b) Directing the Civil Registrars of Makati City and Las Piñas City to cause the registration of the entry of judgment in their respective book of marriages.

Upon compliance, a Decree of Nullity of Marriage shall be issued.

Let a copy of this Decision be furnished the parties and their counsel at their last known addresses, the Office of the Solicitor General and the Office of the City Prosecutor for their information.

SO ORDERED.²¹

In granting the petition for declaration of nullity of marriage under Article 36 of the Family Code, the RTC gave credence to the psychiatric report and testimony of the expert witness, Dr. Tayag, as follows: Jasper was psychologically incapacitated to perform his marital obligations; his psychological incapacity was characterized as grave, severe, and incurable by any clinical intervention;²² he had neither the mind, the will, nor the heart to perform the obligations of marriage; while he lived together with Claudine, there was no conjugal effort to keep and support his family in that he had no initiative to work and support his wife in rearing their child;²³ the possibility of reconciliation between them was already beyond reach because his condition was irredeemable and chronic, having been developed early in his life and long before he met Claudine.²⁴

The Office of the Solicitor General (OSG), representing the Republic of the Philippines, filed a Motion for Reconsideration²⁵ and sought the reversal of the RTC Decision dated January 30, 2017. However, the RTC denied it in an Order dated May 29, 2017.²⁶

Ruling of the CA

On appeal, the CA reversed the ruling of the RTC in the assailed Decision²⁷ dated March 22, 2019. The CA ruled that the totality of evidence failed to establish that the gravity of Jasper's disorder could be

²¹ Id. at 112.

²² Id. at 110.

²³ Id. at 111.

²⁴ Id. at 110.

²⁵ Id. at 91-98.

²⁶ Id. at 32.

²⁷ Id. at 32-38.

categorized under Article 36 of the Family Code.²⁸ It held that the acts of Jasper are not demonstrative of an utter insensitivity or inability to give meaning and significance in their marriage.²⁹ It found the acts of Jasper to be manifestations of his refusal to perform his marital obligation to help and support Claudine in attaining the financial security that she had envisioned for their family, and while Jasper did not aspire for more in life, he was also neither unaware of nor indifferent to his marital obligations.³⁰

The CA explained that upon review of the report of Dr. Tayag, the problem in the marriage of Jasper and Claudine lies on their opposing views on how to raise a family that is not a manifestation of psychological incapacity as a ground for declaration of nullity of marriage. As to Jasper's alleged penchant for drinking, sexual aggression, and extra-marital affair, the CA stressed that sexual infidelity or perversion, habitual drunkenness, and failure to find a job do not, by themselves, warrant a finding of psychological incapacity.³¹

Undaunted, Claudine moved for a reconsideration of the assailed Decision, but the CA denied it for lack of merit in its subsequent Resolution³² dated July 9, 2019.

Hence, the instant petition.

Issues

The issues to be resolved in the case are (1) whether the CA erred in not giving credence to the expert testimony of the clinical psychologist; (2) whether the CA erred in ruling that the totality of evidence does not show that the disorder of Jasper is that which is contemplated by Article 36 of the Family Code; and (3) whether the CA erred when it did not dismiss the appeal outright as the RTC Decision had already become final and executory.³³

²⁸ Id. at 36.

²⁹ Id.

³⁰ Id.

³¹ Id. at 37.

³² Id. at 40-41.

³³ Id. at 14.

In her petition, Claudine avers that the totality of evidence presented in the RTC proves that Jasper is afflicted with psychological incapacity characterized by gravity, juridical antecedence, and incurability, which renders him incapable of complying with his essential marital obligations. Moreover, she assails, as being “whimsical and baseless,” the CA’s disregard of the testimony of an expert witness.³⁴ She stresses that while the presentation of any form of medical or psychological examination in evidence does not equate to an automatic grant of a petition for declaration of nullity of marriage, its presentation must not be discounted outright.³⁵ Further, she maintains that the testimonies of her witnesses, viewed in relation with the exhaustive testimony of Dr. Tayag, establish the link between the acts which manifest psychological incapacity and the psychological disorder itself.

As to the issue that the appeal before the CA should have been dismissed outright, Claudine submits that the decision of the RTC had already become final and executory in view of the failure of the OSG to timely file its motion for reconsideration before the RTC. According to Claudine, the public prosecutor in charge of the case received a copy of the RTC Decision on March 20, 2017. Consequently, the OSG had 15 days or until April 4, 2017 to move for reconsideration of the decision. However, the Motion for Reconsideration³⁶ was dated April 17, 2017 which shows that it was filed out of time. Hence, Claudine argues that the RTC Decision had already become final and executory and it can no longer be reviewed by way of appeal.³⁷

For its part, the OSG counters that: the totality of evidence failed to prove the presence of the elements of gravity, juridical antecedence, and incurability, required by jurisprudence;³⁸ the RTC relied heavily on the clinical psychologist’s report when it granted the petition and failed to consider the totality of evidence presented by Claudine;³⁹ and assuming *arguendo* that the Report⁴⁰ of Dr. Tayag is thorough, it should be regarded merely as recommendatory and not conclusive in line with the rule that the court is not bound by the opinion of an expert and that any expert opinion is to be considered or weighed like any other

³⁴ Id. at 14-15.

³⁵ Id. at 20.

³⁶ Id. at 91-98.

³⁷ Id. at 25-26.

³⁸ Id. at 167.

³⁹ Id.

⁴⁰ Id. at 68-90.

testimony.⁴¹

As to the contention that the RTC Decision had already attained finality and can no longer be appealed, the OSG posits that the reckoning date when the Republic is deemed to have been given notice of the decision subject of the motion for reconsideration depends not on the date of receipt by the deputized prosecutor but on the date of receipt by the OSG.⁴² Having received a copy of the RTC Decision on April 4, 2017, the OSG maintains that its filing of a motion for reconsideration on April 18, 2017 was well within the 15-day reglementary period in filing an appeal.

The Court's Ruling

The Court grants the petition.

On the procedural issue that the Motion for Reconsideration was filed out of time in the RTC.

The Court finds no merit in the contention that the OSG filed its Motion for Reconsideration out of time in the RTC. Admittedly, the public prosecutor in charge of the case, who was deputized by the OSG to appear on its behalf, received a copy of the RTC Decision on March 20, 2017.⁴³ On the other hand, the OSG received its copy only on April 4, 2017.⁴⁴

In the case of *National Power Corporation v. National Labor Relations Commission*⁴⁵ (NAPOCOR), the Court held that the proper basis for computing the reglementary period to file an appeal and in determining whether a decision had attained finality is service on the OSG. In holding so, the Court emphasized that the lawyer deputized by the OSG is considered as a mere representative of the latter who retains supervision and control over the deputized lawyer. As a consequence, copies of orders and decisions served on the deputized counsel, acting as agent or representative of the Solicitor General, are not binding until

⁴¹ Id. at 173-174.

⁴² Id. at 174.

⁴³ Id. at 25.

⁴⁴ Id. at 176.

⁴⁵ 339 Phil. 89 (1997).

they are actually received by the latter.⁴⁶

The *NAPOCOR* case was cited in the subsequent case of *Commissioner of Customs v. Court of Tax Appeals*,⁴⁷ where it was reiterated that although the OSG may have deputized the lawyers in a government agency represented by it, the OSG continues to be the principal counsel and, therefore, service on it of legal processes, and not that on the deputized lawyers, is decisive.⁴⁸

In the same vein, the period to file a motion for reconsideration in the present case should be counted from the receipt by the OSG of a copy of the RTC Decision on April 4, 2017.⁴⁹ Consequently, the filing by the OSG of its Motion for Reconsideration questioning the RTC Decision on April 18, 2017 was well within the reglementary period for filing such motion. The counting of the period for its filing should be reckoned from the date of receipt of the assailed decision by the OSG and not by the public prosecutor. This is because the public prosecutor acted as a mere representative of the OSG which, in turn, retained supervision and control over the former.

The totality of evidence sufficiently proves the psychological incapacity of Jasper to comply with his marital obligations.

The petition is anchored on Article 36 of the Family Code which declares psychological incapacity as a ground to nullify a marriage as follows:

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.

As a ground for nullity of marriage, psychological incapacity should be confined to the most serious cases of personality disorders that clearly manifest utter insensitivity or inability to give meaning and significance to the marriage. The party must be truly incognitive of his

⁴⁶ Id. at 101-102.

⁴⁷ 385 Phil. 569 (2000).

⁴⁸ Id. at 577-578.

⁴⁹ *Rollo*, p. 186.

or her basic marital covenants which, among others, include the mutual obligation of the husband and wife to live together; observe love, respect, and fidelity; and render help and support.⁵⁰ In other words, psychological incapacity must be characterized by: (a) *gravity* in that 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* in that it is rooted in the history of the party antedating the marriage; and (c) *incurability*.⁵¹

Corollary thereto is the case of *Marcos v. Marcos*⁵² where the Court ruled that psychological incapacity as a ground for declaring the nullity of a marriage may be established by the totality of evidence presented.⁵³ It reiterated that the alleged psychological incapacity must be characterized by gravity, juridical antecedence, and incurability.⁵⁴ The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.⁵⁵

Also, there is no requirement, however, that the respondent should be examined by a physician or a psychologist as a condition for such declaration.⁵⁶

Highlighting that the psychological incapacity need not be proven by an expert, the Court, in the more recent case of *Tan-Andal v. Andal*⁵⁷ (Andal), clarified that psychological incapacity is neither a mental incapacity nor a personality disorder that must be proven through an expert opinion. So long as there is proof that the spouse's personality structure makes it impossible for him or her to comply with his or her marital obligations, ordinary witnesses who have been present in the life of the spouses before their marriage may testify on behaviors that they have consistently observed from the incapacitated spouse. As explained in the case:

⁵⁰ *Cahapisan-Santiago v. Santiago*, G.R. No. 241144, June 26, 2019. Citations omitted.

⁵¹ *Id.*

⁵² 397 Phil. 840 (2000).

⁵³ *Id.* at 842.

⁵⁴ *Id.*

⁵⁵ *Santos v. Court of Appeals*, 310 Phil. 39 (1995).

⁵⁶ *Id.*

⁵⁷ G.R. No. 196359, May 11, 2021.

In light of the foregoing, this Court now categorically abandons the second *Molina* guideline. 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.

Proof of these aspects of personality 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.

In this way, the Code Committee's intent to limit the incapacity to "psychic causes" is fulfilled. Furthermore, there 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.⁵⁸

In *Andal*, the Court found therein respondent to be psychologically incapacitated to comply with his essential marital obligations. The petitioner in *Andal* was able to prove such incapacity by clear and convincing evidence which mainly consisted of the testimony on respondent's personality structure and how it was formed primarily through his childhood and adult experiences before his marriage to therein petitioner.⁵⁹ The Court likewise gave weight to the expert opinion of the psychiatrist who was presented as a witness during the trial even though the respondent therein, who was later on found to be psychologically incapacitated, did not appear for psychiatric evaluation. In giving credence to the expert opinion of the psychiatrist, the Court stated that personal examination of the alleged psychologically incapacitated spouse is not required. A decree of nullity of marriage may still be issued so long as the totality of evidence sufficiently proves the

⁵⁸ Id.

⁵⁹ Id.

psychological incapacity of one or both of the spouses. Thus:

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

In any case, it cannot be said that the psychiatric evaluation of Mario was exclusively based on collateral information. Dr. Garcia likewise based her diagnosis on a personal history handwritten by Mario himself while staying at Seagulls, an "independent evidence."

At any rate, this Court said in *Marcos* that personal examination of the allegedly psychologically incapacitated spouse is "not [required] for a declaration of [nullity of marriage due to] psychological incapacity." So long as the totality of evidence, as in this case, sufficiently proves the psychological incapacity of one or both of the spouses, a decree of nullity of marriage may be issued.

Therefore, the Court of Appeals erred in not giving credence to Dr. Garcia's expert opinion just because Mario did not appear for psychiatric evaluation.⁶⁰ (Citations omitted)

Applying the ruling in *Andal* in the case, the Court finds that the totality of evidence presented in the RTC sufficiently proves that Jasper is psychologically incapacitated to comply with his essential marital obligations.

The psychological incapacity of Jasper was grave, incurable, and with juridical antecedence.

The three witnesses presented in the RTC testified as regards the psychological incapacity of Jasper which can be characterized as grave. Claudine categorically stated that early on in their married life, she began to notice her husband's attachment with his friends as he would

⁶⁰ Id.

often go out with them until the wee hours of the morning. Despite being a married man, with Claudine pregnant, Jasper was jobless and would wake up around noontime. They relied solely on the support of Jasper's parents who had a *sari-sari* store.⁶¹ Claudine thought that fatherhood might change her husband's attitude. However, while Jasper was able to finish a certification course in culinary arts, he suddenly lost interest in working; he instead processed his papers to become a seaman. Later on, he was hired as a cook in Boracay, but he quit his job after only two weeks. When he was able to secure a two-year contract in Dubai, he also quit his job after only three months. Jasper then continued to live a carefree life. His drinking habits worsened and, when drunk, he would force Claudine to have sex with him that she felt like she was being raped.⁶²

Because of the foregoing, Claudine decided to leave Jasper to work in Manila and, later on, in Singapore. Jasper tried to reconcile with her, but he did not change his ways. Thereafter, Claudine learned that Jasper had a child with another woman.⁶³

Nora, the mother of Claudine, also testified that she was displeased when her daughter married Jasper because both of them were still studying at that time. She described Jasper as an irresponsible husband and father who depended much on his parents.⁶⁴

Dr. Tayag, the clinical psychologist who was presented as an expert witness, stated that she was able to conduct a series of psychological evaluations of both Claudine and Jasper. According to her, Jasper was suffering from Antisocial Personality Disorder, which is characterized by a pervasive pattern of disregard for and violation of the rights of others, as shown by impulsivity, irresponsible attitude, and lack of regard for others.⁶⁵ Per the Report⁶⁶ of Dr. Tayag, this disorder was seen in the following: (a) he is short-sighted, incautious, imprudent, and does not plan ahead, consider alternatives, or heed consequences; (b) he is untrustworthy and unreliable, and either fails to meet or intentionally neglects his personal obligations of a marital, parental, occupational or financial nature; (c) he is disdainful of traditional ideas, fails to conform

⁶¹ *Rollo*, p. 101.

⁶² *Id.*

⁶³ *Id.* at 101-102.

⁶⁴ *Id.* at 102.

⁶⁵ *Id.*

⁶⁶ *Id.* at 68-90.

to social norms, and is contemptuous of conventional values; and (d) he is insensitive, irritable, and aggressive, as expressed in wide-ranging deficit in social charitableness, compassion, and remorse.⁶⁷

Further, the Report explained that the dependent attitude of Jasper was seen to be an extension of his antisocial ways, which constitute the core trait of his personality. He developed his unruly and carefree ways due to parental attachment and the kind of home environment in which he grew up. His feelings of entitlement and importance were amplified because his mother smothered him when he was growing up and he knew that he had her support no matter what he does.⁶⁸ Having no one to reprimand him enough, he remained immature and carefree. He pursued that which he saw to be pleasurable regardless of the consequences of his actions.⁶⁹

Lastly, Dr. Tayag described Jasper's condition to be grave, severe, and incurable by any clinical intervention. She likewise found Jasper's state as characterized by juridical antecedence because it developed early in life long before he met Claudine. She surmised that the possibility of reconciliation between the couple is already beyond reach because Jasper would not change his ways, and the feelings of love, trust, and respect were all gone.⁷⁰

It bears to emphasize that in making her findings, Dr. Tayag interviewed and personally examined both Jasper and Claudine with a corroborative interview of Jasper's father, Domingo Torres (Domingo). Domingo described his son as unruly and as someone who prioritized his friends over his family. Domingo narrated that when Jasper was still in high school, he and his wife, were often called by his teacher due to Jasper's drinking and smoking in school. Jasper had likewise transferred to several schools due to his misdemeanors.⁷¹ Domingo admitted that his son is irresponsible and, whenever he would scold Jasper, his wife (Jasper's mother) would also get mad at him.

While expert opinion is not required in cases for declaration of nullity of marriage, the Court nonetheless finds that it should be given weight and taken into consideration in the resolution of this case.

⁶⁷ Id. at 85-87.

⁶⁸ Id. at 88.

⁶⁹ Id. at 89.

⁷⁰ Id. at 89-90.

⁷¹ Id. at 79.

Dr. Tayag amplified the reasons why the personality disorder of Jasper is considered grave, deeply-rooted in his childhood, and incurable.

At this point, the Court agrees with the RTC when it ruled that Jasper did not have the mind, the will, nor the heart to perform the essential obligations of marriage.⁷² As it aptly ruled:

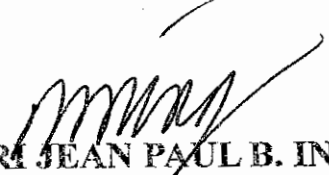
x x x He lived together with the petitioner but there was no conjugal effort to keep and support the family. He has no initiative to work and support his wife in rearing their child. As the husband, he should be the pillar of the family. He should be there for his family not only physically but also emotionally and financially. That is not the case with the respondent. He failed to perform his marital obligations because he is suffering from Antisocial Personality Disorder.⁷³

The psychological incapacity of Jasper is characterized as follows: (1) *grave and serious* such that he is incapable of carrying out the ordinary duties required in a marriage; (2) *with juridical antecedence* as shown by the parental attachment in the home environment in which he grew up; and (3) *incurable* by any clinical intervention. These characteristics were proven by the totality of evidence that consisted of the testimonies of both ordinary and expert witnesses.

All told, the Court finds that Claudine was able to prove with clear and convincing evidence that Jasper was psychologically incapacitated to perform his essential marital obligations. This renders their marriage void under Article 36 of the Family Code.

WHEREFORE, the petition is **GRANTED**. The Decision dated March 22, 2019 and the Resolution dated July 9, 2019 of the Court of Appeals in CA-G.R. CV No. 109403 are **REVERSED** and **SET ASIDE**. The Decision dated January 30, 2017 of Branch 199, Regional Trial Court, Las Piñas City in SP No. 15-0096 is **REINSTATED**.

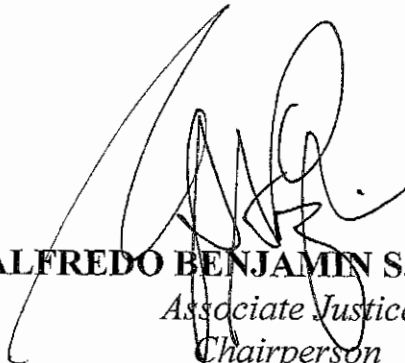
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

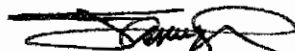
⁷² Id. at 111.

⁷³ Id.


WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



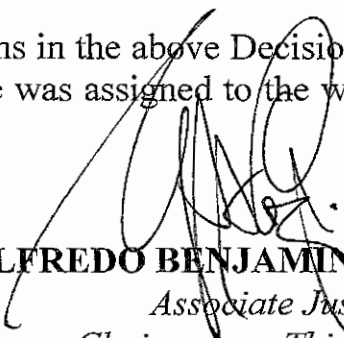
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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

