



Republic of the Philippines  
**Supreme Court**  
Bacolod City

**FIRST DIVISION**

REPUBLIC  
PHILIPPINES,

OF THE  
*Petitioner,*

G.R. No. 212971

Present:

GESMUNDO, C.J.,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, \* JJ.

- versus -

JOHN ARNEL H. AMATA,  
*Respondent.*

Promulgated:

NOV 29 2022

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**DECISION**

**HERNANDO, J.:**

Challenged in the instant Petition for Review on *Certiorari*<sup>1</sup> is the May 29, 2014 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 98297 which sustained the July 20, 2011 Decision<sup>3</sup> of the Regional Trial Court (RTC) of Imus, Cavite, Branch 20 in Civil Case No. 2346-08 for a Petition for Declaration of Nullity of Marriage based on Article 36 of the Family Code.

\* On official business.

<sup>1</sup> *Rollo*, pp. 10-31.

<sup>2</sup> *CA rollo*, pp. 170-177. Penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Jose C. Reyes, Jr. (now a retired Member of this Court) and Mario V. Lopez (now a Member of this Court).

<sup>3</sup> *Records*, pp. 103-106. Penned by Presiding Judge Fernando L. Felicen.

## The Facts

John Arnel H. Amata (respondent) and Haydee N. Amata (Haydee) met at the Pamantasan ng Lungsod ng Maynila, and eventually became sweethearts.

They decided to get married and blessed with three children.<sup>4</sup>

The marriage was blissful at the incipient but eventually turned sour. Respondent complained that Haydee was too direct, outspoken, and domineering. Their sexual relationship was no longer satisfying because Haydee always wants it quick and as if devoid of feelings. The couple talked about it and Haydee purportedly promised to improve her attitude. But not more than two months have passed, Haydee reverted to her previous behavior.<sup>5</sup>

Sometime in 2003, respondent attended a workshop in Iloilo City and developed a liking for a lady friend who lived there. His feelings was not reciprocated but they still remained as friends. When Haydee discovered the supposed affair, she became suspicious of respondent and started to secretly check his cellular phone. Feeling betrayed and angry about his spouse's action, respondent packed his things, left their abode, and stayed in a hotel. Because of this, Haydee accused respondent of cohabiting with his mistress.<sup>6</sup>

Respondent eventually returned home. However, their relationship continued to deteriorate. Forcing respondent to leave the house again to spare their children from witnessing their fights.<sup>7</sup>

Respondent consulted a clinical psychologist, Dr. Elena A. Del Rosario (Dr. Del Rosario) and instituted the instant petition for declaration of nullity of marriage on October 13, 2008 on the ground of psychological incapacity.<sup>8</sup>

The psychological and marital evaluation conducted on respondent shows that he is suffering from a Passive-Aggressive Personality Disorder.<sup>9</sup> Dr. Del Rosario observed that he manifested the following behavior:

(1) Covert obstructionism and stubborn behavior as he is predisposed to go ahead on with his plans and desires to be unconventional with [his] ways so that he is also highly impulsive when it comes to decision-making;

(2) Complains of being misunderstood or unappreciated as he is always dissatisfied and disappointed with his wife's lack of concern for him as well as

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<sup>4</sup> *Rollo*, pp. 46, 39.

<sup>5</sup> *Id.* at 47, 39.

<sup>6</sup> *Id.* at 47, 39.

<sup>7</sup> *Id.* at 47, 40.

<sup>8</sup> *Id.* at 13.

<sup>9</sup> *Id.* at 47.

her domineering ways and empty promises that she is going to change for the better;

(3) Complains of personal misfortunes as he has a lot of misgivings and sentiments about the unsuccessful outcome of his marriage mainly because of his abusive and domineering wife; and

(4) Needs another source of care and support as he courted another woman when he was already too frustrated with his wife although said woman rejected him.<sup>10</sup>

Dr. Del Rosario categorized the personality disorder of respondent as serious, permanent, incurable, and interferes with his ability to comply with marital obligations. She also noted that the personality disorder predates the marriage and only became apparent after. Dr. Del Rosario thus recommended that the couple's marriage be annulled.<sup>11</sup>

In her Answer,<sup>12</sup> Haydee prayed for the denial of the petition claiming that it failed to specifically allege complete facts exhibiting the incapacity of either or both parties from complying with the essential obligations of marriage and such incapacity existed from the time of the celebration of the marriage and manifested only after its celebration.<sup>13</sup> Haydee posited that she is open to reconciliation because she still loves respondent and remained committed to their marriage.<sup>14</sup>

### **Ruling of the Regional Trial Court**

In a July 20, 2011 Decision,<sup>15</sup> the RTC declared the marriage of respondent and Haydee as void *ab initio*. Respondent was psychologically incapacitated to perform the essential obligations of marriage based on the testimonies of respondent and Dr. Del Rosario. Haydee failed to refute the testimonies presented by the respondent despite the opportunities given to her by the court.<sup>16</sup> The trial court disposed, thus:

WHEREFORE, judgment is hereby rendered declaring the marriage of John Arnel H. Amata and Haydee N. Amata as *void ab initio*. As a necessary consequence of this pronouncement, respondent shall cease using the surname of her husband having lost the right over the same and so as to avoid the misconception that she is still the legal wife of petitioner.

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<sup>10</sup> Id. at p. 47.

<sup>11</sup> Id. at 47-48.

<sup>12</sup> Records, Minutes and Exhibits, pp. 16-22.

<sup>13</sup> Id. at 21.

<sup>14</sup> Id.

<sup>15</sup> Id. at 103-106.

<sup>16</sup> Id. at 48.

Furnish a copy of this decision the Office of the Solicitor-General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn, shall endorse a copy of the same to the Local Civil Registrar of Parañaque City so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and their respective counsels.

**SO ORDERED.**<sup>17</sup> (Emphasis in the original)

On August 18, 2011, Haydee moved that the Decision of the trial court be reconsidered.<sup>18</sup> The Office of the Solicitor General (OSG), on the other hand, appealed the decision to the CA.<sup>19</sup> On November 28, 2011, an Order<sup>20</sup> was issued by the RTC denying the motion for reconsideration but the appeal filed by the OSG was given due course.<sup>21</sup>

### **Ruling of the Court of Appeals**

The CA sustained the findings of the RTC in its Decision<sup>22</sup> dated May 29, 2014. The appellate court found sufficient evidence to establish respondent's psychological incapacity.

Hence, the present petition.

The OSG points out that the evidence adduced by respondent were insufficient to prove that he is psychologically incapacitated to perform essential marital obligations that warrants a declaration of his marriage void *ab initio*.<sup>23</sup>

For his part, respondent claims that he aptly presented evidence during trial that he is indeed suffering from psychological incapacity. As identified by the expert witness he presented, his personality disorder is serious, permanent, incurable and already existed even prior to the marriage.<sup>24</sup>

Respondent also puts in issue the motion for extension to file petition for review on *certiorari* that was filed by the OSG which according to him is not in accord with existing jurisprudence.<sup>25</sup>

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<sup>17</sup> Id. at 173.

<sup>18</sup> Id. at 107-118.

<sup>19</sup> Id. at 120-121.

<sup>20</sup> Id. at 127-128.

<sup>21</sup> Id.

<sup>22</sup> CA *rollo*, pp. 170-177.

<sup>23</sup> *Rollo*, p. 18.

<sup>24</sup> Id. at 75.

<sup>25</sup> Id. at 75-76.

### Issue

WHETHER THERE IS SUFFICIENT BASIS TO NULLIFY RESPONDENT'S MARRIAGE ON THE GROUND OF PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE.<sup>26</sup>

### Our Ruling

The appeal has merit.

First, We address the procedural issue raised by respondent in his Comment.<sup>27</sup> Respondent posits that the 15-day period to file an appeal via a petition for review on *certiorari* under Rule 45 of the Rules of Court is not extendible. He basically postulates that the challenged decision has already become final and executory when the reglementary period to appeal had lapsed and no appeal was perfected.<sup>28</sup>

The claim of respondent is incorrect.

Section 2, Rule 45 of the Rules of Court provides:

Section 2. *Time for filing; extension.* — The petition shall be filed within fifteen (15) days from notice of the judgment or final order or resolution appealed from, or of the denial of the petitioner's motion for new trial or reconsideration filed in due time after notice of the judgment. **On motion duly filed and served**, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, **the Supreme Court may for justifiable reasons grant an extension of thirty (30) days only within which to file the petition.** (Emphasis supplied).

Clearly, an extension to file a petition for review on *certiorari* is allowed by the Rules provided that the motion was duly filed and served and for justifiable reasons, as in this case.

To recall, the OSG received a copy of the challenged CA Decision on June 9, 2014 and had until June 24, 2014 to file an appeal to this Court. However, the OSG alleged that due to pressure of work in other equally important cases, the assigned State Solicitor may not be able to finish and file the petition on time.<sup>29</sup> Hence, a Motion for Extension of Time to File Petition for Review was filed<sup>30</sup> on June 24, 2014 praying for an extension of 30 days or

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<sup>26</sup> Id. at 14.

<sup>27</sup> Id. at 69-78.

<sup>28</sup> Id. at 75-76.

<sup>29</sup> Id.

<sup>30</sup> Id. at 3.

until July 24, 2014 within which to file a petition for review on *certiorari*. The Court granted the Motion for Extension and gave the OSG additional 30 days to file the petition.<sup>31</sup> The OSG filed the instant petition on July 15, 2014, or within the period prayed for.<sup>32</sup>

The Court is mindful that the OSG is saddled with a heavy workload handling the legal affairs of the government. In recognition of this, absent any showing that the motion for extension was intended to delay the proceedings, motions for extensions filed by the OSG are generally viewed with liberality.<sup>33</sup> We see no compelling reasons to treat this case differently.

We now tackle the core issue in this case.

The instant petition for declaration of nullity of marriage is anchored on psychological incapacity under Article 36 of the Family Code which provides:

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

Jurisprudence requires that psychological incapacity should refer to no less than a mental – not merely physical – incapacity that causes one to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage.<sup>34</sup> It should refer to the most serious cases of personality disorders that is so grave and permanent that clearly deprive a party of awareness of the duties and responsibilities one assumes when getting married.<sup>35</sup>

Psychological incapacity, as a ground to nullify a marriage, must be characterized by (a) **gravity**, (b) **juridical antecedence**, and (c) **incurability**.<sup>36</sup> Expounding on these characteristics means: that the incapacity should be grave or serious in a way 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 predating the marriage, although the overt manifestations may only emerge 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.<sup>37</sup>

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<sup>31</sup> Id. at 8a-8b. See Minute Resolution dated July 18, 2014.

<sup>32</sup> Id. at 10.

<sup>33</sup> *Home Development Mutual Fund Pag-Ibig Fund v. Sagun*, 837 Phil. 608 (2018).

<sup>34</sup> *Matudan v. Republic*, 799 Phil. 449, 469 (2016).

<sup>35</sup> *Eliscupidez v. Eliscupidez*, G. R. No. 226907, July 22, 2019.

<sup>36</sup> *Epina-Dan v. Dan*, 829 Phil. 605, 623 (2018).

<sup>37</sup> *Republic v. Tecag*, 843 Phil. 447, 456 (2018).

In the recent case of *Santos-Macabata v. Macabata, Jr.*,<sup>38</sup> the Court held thus:

Article 36 of the Family Code provides that a marriage may be declared void on the ground of psychological incapacity, to wit:

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 Court declared in *Santos v. Court of Appeals* that the term “psychological incapacity” under Article 36 of the Family Code is characterized by **(a) gravity** which entails that such “psychological incapacity” must be so grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; **(b) juridical antecedence** (*i.e.*, the “psychological incapacity” 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** or, even if it were otherwise indeed curable, the cure would be beyond the means of the party involved.

In the case of *Republic v. Court of Appeals and Molina (Molina)*, the Court further expounded on these characteristics, and provided guidelines in the interpretation and application of Article 36 of the Family Code. However, the succeeding cases of *Ngo Te v. Yu-Te (Ngo Te)* and *Kalaw v. Fernandez (Kalaw)*, among others, criticized the rigidity of the *Molina* guidelines, which led to the rejection of certain petitions for the nullification of marriage based on Article 36 of the Family Code. Thus, in *Kalaw*, citing *Ngo Te*, although the Court did not abandon the *Molina* guidelines, the Court declared that “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.’”

In view of the foregoing observations, and considering the continued tendency of courts to rigidly apply the *Molina* guidelines, the Court meticulously reviewed and revised the *Molina* guidelines in the case of *Tan-Andal v. Andal (Tan-Andal)*. The guidelines, as modified by current case law, are summarized below:

(1) The first *Molina* guideline states that “[t]he 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. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family.”

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<sup>38</sup> G.R. No. 237524, April 6, 2022.

In addition to the foregoing guideline, the Court in *Tan-Andal* emphasized that there is a presumption of validity of marriage, and that such presumption can only be rebutted by a **clear and convincing evidence**. Hence, the plaintiff-spouse in an action to nullify a valid marriage based on Article 36 of the Family Code has the burden of proving his or her case with clear and convincing evidence.

(2) The second *Molina* guideline which provides that “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” was modified in the *Tan-Andal* case. In the *Tan-Andal* case, the Court categorically abandoned the requirement that psychological incapacity must be medically or clinically identified and proven through expert opinion as the term “**psychological incapacity**” **does not refer to a mental incapacity or a personality disorder**, to wit:

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.

Reiterating this Court’s pronouncement in *Marcos v. Marcos*, the medical examination by an expert of the spouse concerned is no longer required as courts may rely on the **totality of evidence** to sustain a finding of psychological incapacity.

(3) The third *Molina* guideline entails that “incapacity must be proven to be existing at ‘the time of the celebration of the marriage,’” which is also clearly stated in Article 36 of the Family Code. Although the “psychological incapacity” may not be perceivable at the time of the celebration of the marriage, such “psychological incapacity” must have attached at such moment, or prior thereto.

(4) The fourth *Molina* guideline which requires that “[s]uch incapacity must also be shown to be medically or clinically permanent or incurable” has already been abandoned.

The case of *Tan-Andal* clarifies that “the psychological incapacity contemplated in Article 36 of the Family Code is incurable, *not* in the medical, but the legal sense”, and that the requirement of incurability means 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 inevitable and irreparable breakdown of marriage." The *Tan-Andal* case further refers to the Concurring Opinion of Senior Associate Justice Perlas-Bernabe which provides that "an undeniable pattern of such persisting failure [to be present, loving, faithful, respectful, supportive spouse] must be established [so] as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."

(5) The *Tan-Andal* case retains the fifth *Molina* guideline that requires that "[s]uch illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage", but further provides that there must be a clear and convincing evidence showing that such incapacity is caused by a genuinely serious psychic cause. The Court, in the *Molina* case, further elaborates:

Thus, 'mild characterological peculiarities, mood changes, occasional emotional 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 sixth *Molina* guideline identifies the essential marital obligations to be the obligations "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. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision." The *Tan-Andal* case affirms that the obligation of the spouses to their children becomes part of their obligations to each other as spouses and, thus, failure to attend to their obligations to their children may be a ground to nullify the marriage of the parties. However, it must be clearly shown that such failure reflects on the capacity of at least one of the spouses.

(7) The seventh *Molina* guideline which provides that the interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, is persuasive is retained in the *Tan-Andal* case.

(8) The eighth and final *Molina* guideline provides that "[t]he trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition. The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall

discharge the equivalent function of the *defensor vinculi* contemplated under Canon 1095.”<sup>39</sup>

Measured under the above-mentioned standards and guidelines, We find the evidence presented before the lower court insufficient to prove respondent’s supposed psychological incapacity. The trial court’s complete reliance on the Judicial Affidavit<sup>40</sup> of the respondent and the psychological examination<sup>41</sup> conducted by Dr. Del Rosario on him to establish psychological incapacity is not enough to hurdle the burden of proof required in the dissolution and declaration of nullity of a marriage.<sup>42</sup>

As keenly observed by petitioner, the trial court’s ruling is a mere summary of the allegations, testimonies, and pieces of evidence presented by the respondent. The RTC did not make its own factual findings. There was no actual assessment of the allegations made, witnesses presented, and evidence offered that will serve as a basis for its legal conclusion of psychological incapacity.

The trial court relied heavily on the findings and conclusions made by Dr. Del Rosario about the respondent’s psychological incapacity. However, these observations and conclusions are not comprehensive enough to support a conclusion that a psychological incapacity existed and prevented the respondent from complying with the essential obligations of marriage. There was no identification of the root cause of respondent’s *Passive-aggressive Personality Disorder with Narcissistic Traits* and that it existed at the commencement of the marriage. There was also no discussion of the incapacitating nature of the supposed disorder and how it affected the capacity of respondent in fulfilling his matrimonial duties due to some illness that is psychological in nature. Clearly, the combined testimonies of respondent and Dr. Del Rosario which became the basis of the trial court in concluding psychological incapacity do not sufficiently prove the root cause, gravity, and incurability of the alleged condition of the respondent.

To support a petition for the severance of marital tie, it is not enough to show that a party alleged to be psychologically incapacitated had difficulty in complying with his marital obligations, or was unwilling to perform these obligations.<sup>43</sup> It is indispensable for the party moving for the dissolution of marriage to present proof of a natal or supervening disabling factor that effectively incapacitated him or her from complying with his or her essential

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<sup>39</sup> Id. Citation omitted.

<sup>40</sup> Records, pp. 49-60.

<sup>41</sup> Records, Minutes and Exhibits, Exb. “L”, pp. 59-71.

<sup>42</sup> *Rollo*, pp. 48-49.

<sup>43</sup> *Republic v. Court of Appeals*, 698 Phil. 257, 271 (2012).

marital obligations.<sup>44</sup> No such proof was presented in this case. On the contrary, respondent's testimony reveals that he is capable of complying with the essential duties and obligations of a married life:

ATTY. BORJA:

x x x x

Q: What were the traits of respondent that you liked that made you decide to court her?

A: She was good looking, Mam.

Q: Aside from that, what other characteristics?

A: We able to talk to each other, Mam.

Q: Meaning you have the same interest?

A: Probably, Mam.

Q: How did you court her?

A: I went to her house, Mam.

x x x x

Q: How long did you court her?

A: For about several months, Mam.

Q: How long you became steady before you finally decided to get married?

A: For about one year, Mam.

x x x x

Q: Will you describe your relationship when you were still steadies or as boyfriend-girlfriend?

A: As his [sic] boyfriend, I usually fetch her from work and go on dates, Mam.

Q: How was your relationship?

A: It was okay, Mam.

Q: Did you ever had any disagreements during that relationship when you were still steadies?

A: Occasionally, Mam.

Q: What was the reason?

A: Usually, remembering dates, anniversary dates and I think that's it.

Q: And how was it resolved?

A: Usually, it was me, Mam.

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<sup>44</sup> *Del Rosario v. Del Rosario*, 805 Phil. 978, 993 (2017).

x x x x

Q: Will you describe your relationship with respondent after the marriage?

A: The same situation, Mam.

Q: When you were still steady?

A: Yes, Mam.

Q: Was it good or bad?

A: It was okay, Mam.

Q: Will you describe the respondent as a wife?

A: Hardworking and she helped in the rearing of the kids, Mam.

Q: As a mother?

A: She takes care of the children, Mam.

Q: So, she is caring?

A: Yes, Mam.

Q: Will you describe yourself as a husband?

A: I also take good care of her needs.

Q: As a father?

A: I also take good care of my children, Mam.

Q: You testified that as husband and wife, you have quarrels and easily resolved?

A: Yes, Mam.

Q: What are those [sic] instances of those quarrels?

A: Usually, financial, mam.

Q: Mr. Witness, you stated that after your marriage, you noticed changes in your wife. When did you start to notice those changes which upset you?

x x x x

Q: So, what are those changes you noticed after the marriage?

A: She became more concentrated on her work. Usually, we talked less, we communicated less, Mam.

Q: That happened after seven years of living together as husband and wife?

A: Yes, Mam.

Q: Did you ever tell her your observation regarding her attitude and personality?

A: Yes, Mam.

Q: How did she react?

A: She said she will change, Mam.

x x x x

Q: You testified that in 2003, you attended a workshop in Iloilo City?

A: 2005, Mam.

x x x x

Q: You testified that during that workshop, you met a lady friend from residency who lived there?

A: Yes, Mam.

x x x x

Q: How long did you stay in Iloilo for that workshop?

A: For one month, Mam.

x x x x

Q: Even after the workshop, is it not that you still continued to communicate with that lady friend, x x x ?

A: Yes, Mam.

Q: You communicated through text, correct?

A: Yes, Mam.

x x x x

Q: Why is it that respondent became mad at you when she discovered that you were communicating with that lady friend, x x x if she did not find anything from your cellphone?

x x x x

Q: After that incident when respondent found out your affair x x x you and respondent reconciled, correct?

A: Yes, mam.

Q: In fact, she conceived your third child in 2006 and gave birth in 2007?

A: Yes, Mam. x x x

Q: When did you actually separate from your wife?

A: Almost three years ago, Mam.

W

x x x x

Q: What was the cause of your separation?

A: We quarreled, Mam.

Q: What was the reason for the that quarrel?

A: Because I don't want to fetch her anymore from work, Mam.

x x x x

Q: After the separation, did you and respondent have communication?

A: Regarding our children, Mam.

Q: Do you give support to your children?

A: Yes, Mam.<sup>45</sup>

x x x x

The foregoing shows that the couple had a normal relationship during the period of their courtship, when they were boyfriend-girlfriend, and even during the first 7 years of their 13-year marriage before the instant petition was filed. They had the occasional misunderstandings which they quickly resolved at the instance of the respondent. Respondent even testified that he is capable of taking good care of his wife and children. There was a momentary falling out during the marriage when respondent allegedly engaged in an affair but the couple eventually reconciled and Haydee even conceived their third child.

Evidently, the totality of these evidence negates any manifestation that respondent was indeed afflicted with psychological disorder that is so grave, permanent, incurable, and existed at the inception of the marriage which incapacitated him to perform his matrimonial duties and obligations. At most, the evidence presented reveals that respondent's refusal to cohabit with Haydee was because the marriage has become unsatisfactory. The frequent quarrels caused by suspicion of marital infidelity and the consequent sexual dissatisfaction of the respondent were some of the reasons he is now unwilling to assume the essential obligations of marriage. However, an unsatisfactory marriage is not a null and void marriage.<sup>46</sup> And a person's refusal to assume essential marital duties and obligations does not constitute psychological incapacity.<sup>47</sup>

In fine, We hold that there was no sufficient and convincing evidence to prove the alleged psychological incapacity of the respondent.

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<sup>45</sup> TSN, April 29, 2010, pp. 10-23.

<sup>46</sup> *Lontoc-Cruz v. Cruz*, 820 Phil. 62, 92 (2017).

<sup>47</sup> *Castillo v. Republic*, 805 Phil. 209, 239 (2017).

It is a policy of the State to protect and strengthen the family as a basic autonomous social institution in recognition of the sanctity of family life<sup>48</sup> and as the foundation of the nation.<sup>49</sup> As marriage is the foundation of the family<sup>50</sup> and an inviolable social institution, it is protected by the state and cannot be easily dissolved at the whim of the parties.<sup>51</sup> Those who comes to court in an attempt to sever the marital *vinculum* bears the heavy burden of showing that there is a serious ground to nullify the same. Respondent failed to discharge the burden. The presumption in favor of the validity of marriage<sup>52</sup> must therefore prevail.

In closing, We reiterate what We said in *Santos-Macabata v. Macabata, Jr.*<sup>53</sup>

This Court commiserates with the parties who find themselves in an unsatisfactory marriage, but the Court emphasizes that a petition for declaration of nullity of marriage on the ground of psychological incapacity under Article 36 of the Family Code is limited to cases where there is a downright incapacity or inability to assume and fulfill the basic marital obligations, not a mere refusal, neglect or difficulty, much less, ill will, on the part of the errant spouse.<sup>54</sup> Expert opinion may be persuasive but, ultimately, the totality of evidence must show that an adverse integral element in the personality structure of the respondent effectively incapacitates him [or her] from accepting, and thereby complying with his essential marital obligations,<sup>55</sup> and such incapacity must be proven to exist prior to, or at the time of celebration, of the marriage of the parties. Absent any such clear and convincing evidence, the petition must be denied.

**WHEREFORE**, the Petition is **GRANTED**. The challenged May 29, 2014 Decision of the Court of Appeals in CA-G.R. CV No. 98297 is **REVERSED** and **SET ASIDE**.

The Petition for declaration of nullity of marriage is **DISMISSED** for lack of merit.

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<sup>48</sup> THE 1987 CONSTITUTION, ARTICLE II, SECTION 12.

SECTION 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. xxx.

<sup>49</sup> THE 1987 CONSTITUTION, ARTICLE XV, SECTION 1.

SECTION 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

<sup>50</sup> THE 1987 CONSTITUTION, ARTICLE XV, SECTION 2.

SECTION 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

<sup>51</sup> *Cahapisan-Santiago v. Santiago*, G.R. No. 241144, June 26, 2019.

<sup>52</sup> *Calimag v. Heirs of Macapaz*, 786 Phil. 59, 74 (2016).

<sup>53</sup> *Supra* note 38.

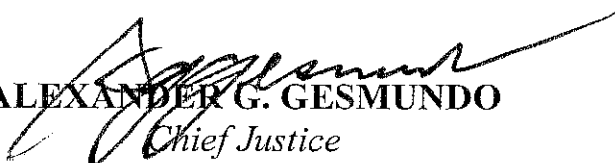
<sup>54</sup> See *Republic v. Romero II*, 781 Phil. 737, 747 (2016); *Republic v. Deang*, G.R. No. 236279, March 25, 2019; *Republic v. Court of Appeals and Molina*, *supra* note 40 at 678.

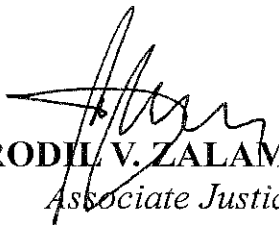
<sup>55</sup> *Id.*

**SO ORDERED.**

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*  
*Chairperson*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

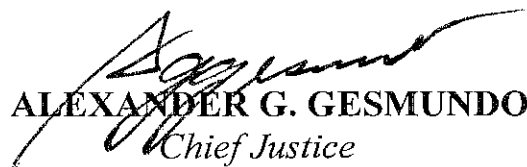
  
**RICARDO R. ROSARIO**  
*Associate Justice*

On official business  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*



## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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*