

Psychological Incapacity Revised: A Review of Recent Jurisprudence

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That marriage is an inviolable social institution and a special union of permanence is highlighted by the fact that courts heavily guard against its dissolution. Nevertheless, there are instances in law which merits the dissolution of a marriage. One of those instances is psychological incapacity.

As embodied in Article 36 of the Family Code, psychological incapacity has been derided as a divorce provision in disguise as well as hailed as providing a remedy for those marrying a partner who is inherently unable to comply with marital obligations.

This Article revisits this controversial provision by reviewing recent jurisprudence on the matter: *Dedel v. Court of Appeals* (421 SCRA 461 (2004)); *Republic v. Quintero-Hamano* (428 SCRA 735 (2004)); *Carating-Siyngco v. Siyngco* (441 SCRA 422 (2004)); *Republic v. Iyoy* (470 SCRA 508 (2005)); *Villalon v. Villalon* (475 SCRA 572 (2005)); *Republic v. Cuison-Melgar* (486 SCRA 177 (2006)); *Perez-Ferraris v. Ferraris* (495 SCRA 396 (2006)); *Mallion v. Alcantara* (506 SCRA 336 (2006)); and *Navarro, Jr. v. Cecilio-Navarro* (521 SCRA 121 (2007)).