

## Psychological Incapacity Revisited: A Review of Recent Jurisprudence

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### I. INTRODUCTION

Marriage is a sacrosanct and inviolable institution that serves as the foundation of the Philippine islands. No less than the fundamental law of the land, the Constitution, protects this institution.<sup>1</sup> It even dedicates an entire article solely on the family.<sup>2</sup> It is in this light that the highest court of the land heavily guards against the dissolution of a marriage and the obliteration of a family as if it never existed (or void *ab initio*).<sup>3</sup> Thus, it is a principle that

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1. PHIL. CONST. art XV, § 2.
2. PHIL. CONST. art XV.
3. *Carating-Siayngco v. Siayngco*, 441 SCRA 422, 436 (2004). The Supreme Court states as its cardinal policy that "the state has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life

any doubt as to the validity of a marriage must be resolved in favor of the marriage — *semper praesumitur pro matrimonio*.<sup>4</sup> Because of this inviolability of marriage, it is perhaps unsurprising that several recent decisions of the Supreme Court have denied the declaration of nullity of marriage based on psychological incapacity. Beginning January of 2004 until April of 2007, the Supreme Court dealt with several cases involving psychological incapacity. Of ten decisions to be examined by this note, nine petitions for the declaration of nullity based on psychological incapacity were denied. With these cases, the high Court had an opportunity, like a potter, to shape or reshape this legal creature called psychological incapacity. Has psychological incapacity indeed taken new shape, or has its shape hardened, as mud turns to pottery? Noteworthy is the adamant position of the Supreme Court of protecting marriage as an institution, and denying several petitions for the declaration of nullity.

This note examines these recent decisions in an effort to guide lay people especially as to what may or may not constitute psychological incapacity. Prefatorily, one must keep in mind that, despite these decisions, the Court has emphasized that the determination of the existence or inexistence of psychological incapacity remains to be on a case-to-case basis, and thus depends heavily on the facts adduced for each case.<sup>5</sup>

### II. DENIAL OF DECLARATION OF NULLITY

All too often, relationships—married couples in particular—are beset with problems. It is not uncommon to hear of broken and dysfunctional families. Many times, it seems, these problems arise after the grandeur and romance of fabulous or even very simple but beautiful weddings. Perhaps the pressures of supporting a family and the heat of the daily grind cause married couples to become less affectionate to each other, and treat each other as scapegoats. Or perhaps it is the failure of the couple to communicate with each other about the other's needs. Whatever the reason may be, it is probably better left for sociologists and psychologists to analyze. The legal question to consider however is, what if one spouse is incapable psychologically of being in a particular marriage from the very moment it was forged, albeit unknown to the couple madly-in-love, and waiting to be awoken like a sleeping dragon? This seems to be the nature of psychological incapacity. Indeed, the Court has formulated several guidelines to help both the Bench and the Bar in determining the existence or inexistence of psychological incapacity, the most prominent of which are the doctrines laid down in *Santos*<sup>6</sup> and *Molina*.<sup>7</sup>

and its mission to protect and strengthen the family as a basic autonomous social institution."

4. *Id.* at 437; *Republic v. Quintero-Hamano*, 428 SCRA 735, 740 (2004).
5. *Perez-Ferraris v. Ferraris*, 495 SCRA 396, 400 (2006).
6. *Santos v. Court of Appeals*, 240 SCRA 20 (1995).

Nevertheless, beyond these guidelines is the importance of appreciating the facts of each case.

*A. Dedel v. Court of Appeals*

The first case to be examined by this note is *Dedel v. Court of Appeals*,<sup>8</sup> involving David B. Dedel and Sharon L. Corpuz-Dedel. The couple met while David was working at his father's advertising business. This acquaintance led to courtship and romantic relations, which soon resulted in marriage.<sup>9</sup> They exchanged marital vows before the City Court of Pasay on 28 September 1966, ratified by a church wedding on 20 May 1967. Their union produced four children.

In his petition for the declaration of nullity of marriage based on article 36 of the Family Code,<sup>10</sup> David attempted to prove Sharon's psychological incapacity by averring that she was an irresponsible and immature wife. David showed that she had extramarital affairs with several men, involving a dentist in the Armed Forces of the Philippines, a Lieutenant in the Presidential Security Command, and a Jordanian national. She was even confined at the Manila Medical City for treatment by Dr. Lourdes Lapuz, a clinical psychiatrist. Despite this treatment, however, Sharon continued having an illicit relationship with the Jordanian national named Mustafa Ibrahim. She eventually married him and had two children with him. When Mustafa Ibrahim left the country, however, Sharon returned to David together with her two children by Ibrahim. David accepted her back and even considered her two illegitimate children as his own. However, on 9 December 1995, Sharon abandoned David to join Ibrahim in Jordan with their two children. From then on, Sharon would only return to the country on special occasions.<sup>11</sup>

Petitioner David Dedel presented Dr. Natividad A. Dayan, who declared that Sharon was "suffering from Anti-Social Personality Disorder exhibited by her blatant display of infidelity"<sup>12</sup> and that she committed several indiscretions and even had no capacity for remorse. Dr. Dayan further

7. *Molina v. Court of Appeals*, 268 SCRA 198 (1997).

8. *Dedel v. Court of Appeals*, 421 SCRA 461 (2004).

9. *Id.* at 462.

10. The Family Code of the Philippines, Executive Order No. 209 [FAMILY CODE], (1988). Article 36 provides: "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 amended by Executive Order No. 227).

11. *Dedel*, 421 SCRA at 462-463.

12. *Id.* at 463.

declared that "such immaturity and irresponsibility in handling the marriage like her repeated acts of infidelity and abandonment of her family are indications of Anti-Social Personality Disorder amounting to psychological incapacity to perform the essential obligations of marriage."<sup>13</sup>

The Regional Trial Court declared the marriage as null and void on the ground of psychological incapacity. This was however reversed by the Court of Appeals, which was affirmed by the Supreme Court.

The Court admitted that "the difficulty in resolving the problem lies in the fact that a personality disorder is a very complex and elusive phenomenon which defies easy analysis and definition."<sup>14</sup> In its ruling, the Supreme Court held that the grounds adduced by David were insufficient. Immaturity, irresponsibility, and sexual promiscuity *per se* in this case could not be considered as a form of psychological incapacity as contemplated by article 36 of the Family Code. Quoting *Santos v. Court of Appeals*,<sup>15</sup> the Court reiterated that

... "psychological incapacity" should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed in article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. *There is hardly any doubt that the intentment of the law has been to confine the meaning of "psychological incapacity" to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.* This psychological incapacity must exist at the time the marriage is celebrated.<sup>16</sup>

The Court held that sexual infidelity does not necessarily prove that a person is mentally or psychically ill to such an extent that he or she could not have

13. *Id.*

14. *Id.* at 466.

15. *Santos v. Court of Appeals*, 240 SCRA 20 (1995).

16. *Dedel*, 421 SCRA at 465 (emphasis supplied). *Santos v. Court of Appeals* further states:

The other forms of psychoses, if existing at the inception of marriage like the state of a party being of unsound mind or concealment of drug addiction, habitual alcoholism, homosexuality or lesbianism, merely renders the marriage contract voidable pursuant to article 46, Family Code. If drug addiction, habitual alcoholism, lesbianism or homosexuality should occur only during the marriage, they become mere grounds for legal separation under article 55 of the Family Code. *These provisions, however, do not necessarily preclude the possibility of these various circumstances being themselves, depending on the degree and severity of the disorder, indicia of psychological incapacity.*

known the obligations of marriage, or knowing them, could not have given a valid assumption thereof. Neither was it shown in this case that Sharon's promiscuity existed prior to or at the inception of marriage.<sup>17</sup> The Court observed that the marriage was in fact blissful at the beginning.<sup>18</sup> The Court stated that immaturity, irresponsibility, and sexual promiscuity, to be grounds for psychological incapacity, must be "manifestations of a disordered personality which make respondent completely unable to discharge the essential obligations of the marital state, not merely due to her youth, immaturity, or sexual promiscuity."<sup>19</sup>

Perhaps to show that the Court is not without heart, it extends its sympathy, while affirming its duty to protect the family and marriage as an institution as provided by law.<sup>20</sup>

#### B. *Republic v. Quintero-Hamano*<sup>21</sup>

The next case tackled by this note, decided on 20 May 2004, involved a Filipina by the name of Lolita Quintero-Hamano who married a Japanese national by the name of Toshio Hamano. Lolita and Toshio began with a common-law relationship in Japan on October of 1986. Later on, they both stayed in the Philippines for a month, until Toshio moved back to Japan and stayed there for half of 1987. On 16 November 1987, Lolita gave birth to their child. Eventually, on 14 January 1988, they were married at the Municipal Trial Court of Bacoor, Cavite. A month after their marriage, Toshio returned to Japan, promising to return by Christmas. However, after sending money for two months, Toshio stopped giving financial support, and did not respond to Lolita's letters. Lolita learned from her friends that Toshio would visit the Philippines, without even bothering to see her or their child. Thus, on 17 July 1996, Lolita Quintero-Hamano filed a petition

17. *Santos*, 240 SCRA 20 (1995) provides the three basic requirements that must characterize psychological incapacity: (1) Gravity, (2) Juridical Antecedence, and (3) Incurability.

18. *Dedel*, 421 SCRA at 466.

19. *Id.* (emphasis supplied).

20. *Id.* at 467 (citing *Santos v. Court of Appeals*, 240 SCRA 20 (1995) and *Pesca v. Pesca*, 356 SCRA 588 (2001)). The Supreme Court states:

We cannot deny the grief, frustration and even desperation of petitioner in his present situation. Regrettably, there are circumstances, like in this case, where neither law nor society can provide the specific answers to every individual problem. While we sympathize with petitioner's marital predicament, our first and foremost duty is to apply the law no matter how harsh it may be.

21. *Republic v. Quintero-Hamano*, 428 SCRA 735 (2004).

for declaration of nullity of her marriage on the ground of psychological incapacity.<sup>22</sup>

The Regional Trial Court granted the petition, which was affirmed by the Court of Appeals. The Office of the Solicitor General, for the Republic of the Philippines, filed an appeal to the Supreme Court.

In granting the appeal, the Supreme Court, as in *Dedel v. Court of Appeals*, held that irresponsibility and abandonment *per se* do not constitute psychological incapacity. Abandonment and irresponsibility, to constitute psychological incapacity, must be shown to be due to some psychological illness.<sup>23</sup> They may be indicative of psychological incapacity, but alleging or even proving them with nothing more would fall short of the requirement of article 36 that psychological incapacity must be confined to "the most serious cases of personality disorders."<sup>24</sup> The Court observed that, aside from proving that Toshio abandoned Lolita, no other evidence was presented to show that Toshio's behavior was caused by a psychological disorder.<sup>25</sup> The high Court also pointed to the fact that abandonment is also a ground for legal separation. The evidence presented in this case falls short of psychological incapacity, and may simply be grounds for legal separation.<sup>26</sup>

Two matters are worthy of note in this case. The first is the pronouncement of the Court that there is no need for an actual medical examination, although such would have "greatly helped" in proving the case for the respondent. The second is the pronouncement of the Court that there is no distinction between alien and Filipino spouses, so much so that our law on psychological incapacity would apply of equal value to both. On this matter, the Court had the following to say:

We cannot be lenient in the application of the rules merely because the spouse alleged to be psychologically incapacitated happens to be a foreign national. *The medical and clinical rules to determine psychological incapacity were formulated on the basis of studies of human behavior in general. Hence, the norms used for determining psychological incapacity should apply to any person regardless of nationality.*<sup>27</sup>

#### C. *Carating-Siyngco v. Siyngco*

Juanita Carating-Siyngco and Manuel Siyngco were married under civil rites on 27 June 1973, followed by a Catholic wedding on 11 August 1973.

22. *Id.* at 737-38.

23. *Id.* at 743.

24. *Santos v. Court of Appeals*, 240 SCRA 20, 34 (1995).

25. *Quintero-Hamano*, 428 SCRA at 742-43.

26. *Id.*

27. *Id.* (emphasis supplied).

After learning that they could not have a child on their own, they decided to adopt a baby boy in 1977, named Jeremy.<sup>28</sup>

Both petitioner and respondent adduced evidence in a real-life drama that ensued after their marriage. Manuel, the respondent, filed a petition for the declaration of nullity of their marriage on the ground of psychological incapacity after twenty-four (24) years of married life on 25 September 1997. He alleged that

all throughout their marriage, his wife exhibited an over domineering and selfish attitude towards him which was exacerbated by her extremely volatile and bellicose nature; that she incessantly complained about almost everything and anyone connected with him like his elderly parents, the staff in his office and anything not of her liking like the physical arrangement [of the] tables, chairs, wastebaskets in his office and with other trivial matters. ... that she would yell and scream at him and throw objects around the house within the hearing of their neighbors ...<sup>29</sup>

Manuel further narrated certain incidents that he felt were embarrassing or distressing to him, such as when she would visit him at his office and remark that the curtains were dirty; or when she kicked a trashcan across the room; or when she caused his office drawer to be forcibly opened while he was away on a trip; or when she confronted one of their female tenants and accused her of having an affair with him; and many other incidents indicative of her jealous nature.<sup>30</sup> He also testified that he and Juanita would often quarrel over money matters and her obsession with cleanliness.<sup>31</sup>

Juanita, on the other hand, adamantly fought for their marriage,<sup>32</sup> as “[s]he insisted that they were a normal couple who had their own share of fights.”<sup>33</sup> In her defense, she asserts that she and her husband were happily married until Manuel started having extra-marital affairs.<sup>34</sup> According to her,

[S]he has continuously supported respondent Manuel, waiting up for him while he was in law school to serve him food and drinks. Even when he already filed the present case, she would still attend to his needs. She remembered that after the pre-trial, while they were in the hallway, respondent Manuel implored her to give him a chance to have a new family.<sup>35</sup>

28. *Carating-Siyngco v. Siyngco*, 441 SCRA 422, 424 (2004).

29. *Id.*

30. *Id.* at 426.

31. *Id.* at 425-26.

32. *Id.* at 428. Petitioner Juanita professed that she would wish to preserve her marriage and that she truly loved her husband.

33. *Id.*

34. *Carating-Siyngco v. Siyngco*, 441 SCRA 422, 428 (2004).

35. *Id.* at 428-29.

A friend of the spouses since 1992 testified that the Siyngcos were an ideal couple, and were sweet to each other. She stated that the couple were religious, and were likewise leaders in their community.<sup>36</sup>

The Regional Trial Court denied the petition, which was reversed by the Court of Appeals. In reversing the Court of Appeals and denying the petition for declaration of nullity, the Supreme Court reiterated that the existence or inexistence of psychological incapacity crucially depends on the facts of each case. “Each case must be closely scrutinized and judged according to its own facts as there can be no case that is on ‘all fours’ with another.”<sup>37</sup> The High Court faulted the Appellate Court for applying the ruling in *Chi Ming Tsoi* despite the “clear divergence in its factual milieu.”<sup>38</sup>

More interestingly, the Court of Appeals, in granting the petition for declaration of nullity, found both Manuel and Juanita psychologically incapacitated. Without seeking or even adducing evidence to show that he is psychologically incapacitated, the appellate court declared Manuel as also psychologically incapacitated. While even the petitioner himself or herself may prove his own psychological incapacity,<sup>39</sup> the Supreme Court had the following to say:

We reiterate that the state has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life and its mission to protect and strengthen the family as a basic autonomous social institution. With this cardinal state policy in mind, we held in *Republic v. Court of Appeals* that the burden of proof to show the nullity of marriage belongs to the plaintiff (respondent Manuel herein). Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.<sup>40</sup>

The High Court pointed out that the wife is the person in the best position to determine whether or not her husband fulfilled the essential marital obligations. Indeed, Manuel’s own psychiatrist and expert witness stated the following in his report:

She talked about her spouse, “...He is having extra marital affairs because he wants to have a child. I believe that our biggest problem is not having a child. It is his obsession to have a child with his girl now.”

x x x

... Overall, she feels that he is a good spouse and that he is not really psychologically incapacitated. He apparently told her, “You and Jeremy should give me a chance to have a new family.” She answered and said,

36. *Id.*

37. *Id.* at 432.

38. *Id.*

39. *Villalon v. Villalon*, 475 SCRA 572 (2005).

40. *Carating-Siyngco v. Siyngco*, 441 SCRA 422, 436 (2004) (emphasis supplied).

*"Ikaw tinuruan mo akong to fight for my right. Ipaglalaban ko ang marriage natin."*<sup>41</sup>

The Supreme Court stated that the only marital obligation Manuel apparently failed in was fidelity, and pronounced that sexual infidelity *per se* is not a ground to declare a marriage null and void based on psychological incapacity. "It must be shown that respondent Manuel's unfaithfulness is a manifestation of a disordered personality which makes him completely unable to discharge the essential obligations of the marital state and not merely due to his ardent wish to have a child of his own flesh and blood."<sup>42</sup>

Turning its focus on the supposed psychological incapacity of Juanita, the Supreme Court reiterated that the presumption is always in favor of the validity of marriage<sup>43</sup> and Manuel in this case has failed to overcome this presumption. Juanita's jealousies, obsession with cleanliness, her inability to endear herself to Manuel's parents were not proven by Manuel to be such grave maladies that "paralyze her from complying with the essential obligations of marriage"<sup>44</sup> nor were they defects present at the inception of the marriage, nor were they incurable.<sup>45</sup>

In fine, the Court manifested that "mere showing of 'irreconcilable differences' and 'conflicting personalities' in no wise constitutes psychological incapacity"<sup>46</sup> and neither does sexual infidelity *per se*.<sup>47</sup>

41. *Id.* at 437.

42. *Id.*

43. *Id.* (As encompassed by the Latin maxim "*Semper praesumitur pro matrimonio.*").

44. *Id.*

45. *Id.* at 438.

46. *Carating-Siyngco v. Siyngco*, 441 SCRA 422, 437 (2004). The Court stated that the totality of evidence adduced by both parties was insufficient to show that Juanita was psychologically incapacitated.

...[T]he report clearly shows that the root cause of petitioner Juanita's behavior is traceable—not from the inception of their marriage as required by law—but from her experiences during the marriage, e.g. her in-laws' disapproval of her as they wanted their son to enter the priesthood, her husband's philandering, admitted by no less than him, and her inability to conceive. Dr. Garcia's report paints a story of a husband and wife who grew professionally during the marriage, who pursued their individual dreams to the hilt, becoming busier and busier, ultimately sacrificing intimacy and togetherness as a couple. ...

... [W]e have been allowed a window into the Siyngco's life and have perceived therefrom a simple case of a married couple drifting apart, becoming strangers to each other, with husband consequently falling out of love and wanting a way out.

47. *Id.* at 437.

#### *D. Republic v. Iyoy*

*Irreconcilable differences* would again figure in the case of *Republic v. Iyoy*.<sup>48</sup> Crasus and Fely were married on 16 December 1961 in Cebu City. Their union bore five children. Not long after the celebration of their marriage, however, Crasus found out that Fely was "hot-tempered, a nagger and extravagant."<sup>49</sup> According to the complaint filed by Crasus, Fely left the country for the United States of America in 1984, leaving all their children behind, the youngest being only six years of age. In less than a year, Crasus received divorce papers to sign, and later on learned that Fely has married an American with whom she had a child. She occasionally visited the Philippines, but continued to live with her American family in New Jersey. She even used the surname of her American husband and sent invitations to the wedding of their eldest son, Crasus, Jr. under the name of Mrs. Fely Ada Micklus.<sup>50</sup>

In her defense, Fely explained that she was no more hot-tempered than any other person. She claimed that she had indeed been indignant at Crasus on certain occasions, but that this was because of his "drunkenness, womanizing, and lack of sincere effort to find employment."<sup>51</sup> She also stated that she indeed left the country, but that such was for financial reasons as Crasus had no job and she continued to provide financial support.

The Regional Trial Court granted the petition for declaration of nullity, which was affirmed by the Court of Appeals. The Republic of the Philippines, through the Solicitor General, again interposed an appeal to the Supreme Court.

In granting the petition of the Solicitor, the Supreme Court once again held that the totality of evidence adduced was insufficient to support a finding of psychological incapacity. The High Court, as with many other cases of psychological incapacity, reiterated the cases of *Santos*, *Molina*, and *Marcos* before delving into the facts peculiar to this case. It held that the only substantial evidence presented by respondent Crasus was his own testimony, which may very well be self-serving without other corroborating evidence. Further, he submitted only two other pieces of evidence: a certification of the recording of the marriage contract between Crasus and Fely; and the invitation to the wedding of their eldest son, in which Fely used the surname of her American husband. Thus, the Court was left unconvinced of the

48. *Republic v. Iyoy*, 470 SCRA 508 (2005).

49. *Id.* at 513-14.

50. *Id.* at 514.

51. *Id.* at 515.

presence of psychological incapacity to perform marital obligations on the part of Fely.<sup>52</sup>

Again, the Court emphasized that the psychological incapacity provided for by article 36 of the Family Code involves incapacity of a grave and serious nature which shows an incurable inability to perform marital obligations. It does not involve "a mere refusal, neglect or difficulty, much less, ill will, on the part of the errant spouse."<sup>53</sup> The Court enumerates matters which, on their own, would not constitute psychological incapacity. It states, thus, "Irreconcilable differences, conflicting personalities, emotional immaturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment, by themselves ... do not warrant a finding of psychological incapacity..."<sup>54</sup> The characteristics exhibited by Fely in this case did not amount to psychological incapacity, no matter how hurt and embarrassed Crasus may have been.<sup>55</sup> The Court states in full that:

Fely's hot-temper, nagging, and extravagance; her abandonment of respondent Crasus; her marriage to an American; and even her flaunting of her American family and her American surname, may have hurt and embarrassed respondent Crasus and the rest of the family. Nonetheless, the afore-described characteristics, behavior, and acts of Fely do not satisfactorily establish a psychological or mental defect that is serious or grave, and which has been in existence at the time of celebration of the marriage and is incurable.<sup>56</sup>

Thus, once more, the High Court denied the petition for declaration of nullity based on psychological incapacity.

#### *E. Villalon v. Villalon*

Although this case of *Villalon v. Villalon* presented a twist in that the petitioner is claiming his own psychological incapacity, the result was the same. This case involved infidelity once more. However, the person filing the case for psychological incapacity was himself the unfaithful spouse.

Jaime F. Villalon, petitioner, met Ma. Corazon N. Villalon, respondent, during the early seventies while petitioner was applying for a job at Metrobank, where respondent worked as a foreign exchange trader.<sup>57</sup> They began dating in 1975, and, after going steady for about two years, got married on 22 April 1978 in Paco, Manila.<sup>58</sup> Sometime in 1993 however,

52. *Id.* at 525.

53. *Id.*

54. *Republic v. Iyoy*, 470 SCRA 508, 525 (2005).

55. *Id.*

56. *Id.*

57. *Villalon v. Villalon*, 475 SCRA 572, 576 (2005).

58. *Id.* at 573.

petitioner decided to separate from respondent due to his "constant urge to see other women"<sup>59</sup> which, according to him, resulted in their marriage no longer having any communication and becoming devoid of love, affection, and support.<sup>60</sup> Jaime further admitted that he has had two girlfriends at the same time, and even saw other women while he was engaged to Corazon.<sup>61</sup> Although her wife learned of his affairs, petitioner surmised that it was respondent's nature to be silent and withdrawn.<sup>62</sup>

Jaime presented Dr. Natividad Dayan, a clinical psychologist, who testified that petitioner was afflicted with "Narcissistic Histrionic Personality Disorder with Casanova Complex."<sup>63</sup> This disorder was described by Dr. Dayan as

a pervasive maladaptation in terms of interpersonal and occupational functioning with main symptoms of "grand ideation about oneself, self-centeredness, thinking he is unique and wanting to always be the one followed, the 1 personality." A person afflicted with this disorder believes that he is entitled to gratify his emotional and sexual feelings and thus engages in *serial* infidelities. Likewise, a person with "Casanova Complex" exhibits *habitual* adulterous behavior and goes from one relationship to another.<sup>64</sup>

Corazon, on the other hand, testified that she first learned that Jaime was having an affair on 1980, with one of her friends who worked as a trader in her husband's company. This affair stopped as the woman left to work in the United States, only to resume later upon the woman's return. Corazon further maintained that she was unsure if her husband's acts could be characterized as womanizing, considering the fact that there were only two instances that occurred 13 years apart and with the same woman. She was open to reconciliation with her husband, so long as the latter would give up his extra-marital affairs.

The declaration of nullity was granted by the Regional Trial Court. This was however reversed by the Court of Appeals, which in turn was affirmed by the Supreme Court.

Once more, the Supreme Court found that the totality of evidence adduced by the petitioner was insufficient to warrant a finding of psychological incapacity. The evidence in fact showed that Jaime was capable of fulfilling his marital obligations as he was a good husband for a substantial

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. *Villalon v. Villalon*, 475 SCRA 572, 574 (2005).

64. *Id.* (emphasis supplied).

period of time, and was a loving father.<sup>65</sup> He even consulted a child psychologist before talking to their children prior to separating from his wife. He moved to an apartment five to ten minutes away from their conjugal abode, regularly visited their children, and continued to support them and pay for their tuition. He also continued to pay for the children's medical expenses and for the maintenance of the conjugal abode.<sup>66</sup>

The evidence presented by Jaime was not cohesive. Although Dr. Dayan testified that the petitioner was suffering from Narcissistic Histrionic Personality Disorder with Casanova Complex, such was not backed by concrete evidence of infidelity other than the general averment of the petitioner having had two girlfriends at one time. No evidence was presented showing that petitioner indeed had the symptoms of this disorder. It was not proven that Jaime was truly self-centered or that he was a serial adulterer. In fact, the evidence on record betrays the presence of these symptoms as it was shown that Jaime had an affair only twice, thirteen years apart, and with the same woman.<sup>67</sup> What the Supreme Court perceived rather was a general dissatisfaction by Jaime with his marriage.<sup>68</sup>

Thus, the Supreme Court rejected petitioner's claim of his own psychological incapacity, again citing the doctrine provided by *Santos* and *Molina* that psychological incapacity must be confined to the most serious of cases. It does not involve a refusal to comply with the essential marital obligations, but rather the *downright incapacity or inability* to oblige with such obligations.<sup>69</sup>

#### F. *Republic v. Cuison-Melgar*

This next case allowed the Court to tackle immaturity, habitual alcoholism, unbearable jealousy, maltreatment, and constitutional laziness. Norma and Eulogio were married in Dagupan City on 27 March 1965 before the Catholic Church. However, on 19 August 1996, Norma filed for declaration of nullity based on Eulogio's psychological incapacity to comply with his marital obligations.<sup>70</sup> Norma testified that Eulogio had been a habitual alcoholic, and even sleeps on the streets when he is drunk. She also stated that he would scold their children for no justifiable reason; that he would beat her up and threaten her when she would not give him money for his drinking habit; and that not only has he not been employed since he lost his job, but also refused to look for a job. As such, Norma had been the one

65. *Id.* at 577.

66. *Id.*

67. *Id.* at 578.

68. *Id.* at 579.

69. *Id.*

70. *Republic v. Cuison-Melgar*, 486 SCRA 177, 180 (2006).

providing for the needs of their family from her salary as a government employee. One incident Norma specifically narrated was when, because of his unbearable jealousy to her male officemates, Eulogio went to her office on 27 December 1985, dragged her home and beat her up. Norma's brothers came to her rescue and made Eulogio leave the house.<sup>71</sup>

The Regional Trial Court granted the petition, which was affirmed by the Court of Appeals after an appeal by the Office of the Solicitor General. Believing in its cause, the Solicitor General appealed the case to the Supreme Court.

Yet again, the Supreme Court declared that the totality of evidence was insufficient to find a conclusion that Eulogio was psychologically incapacitated. Norma failed to establish that Eulogio was suffering from psychological defect at the time they were married, nor was it shown that he was not cognizant of the basic marital obligations as provided by the Family Code.<sup>72</sup> The following statement of the Supreme Court is apropos,

The Court *cannot presume psychological defect* from the mere fact of Eulogio's immaturity, habitual alcoholism, unbearable jealousy, maltreatment, constitutional laziness, and abandonment of his family. These circumstances by themselves cannot be equated with psychological incapacity within the contemplation of the Family Code. It must be shown that these acts are manifestations of a disordered personality which make Eulogio completely unable to discharge the essential obligations of the marital state.<sup>73</sup>

Attention must also be given to the Court's pronouncement that evidence other than Norma's lone testimony should have been adduced, and again, while an expert witness is not necessary, it would have greatly helped and strengthened Norma's case. This would again be emphasized in the succeeding case.

#### G. *Perez-Ferraris v. Ferraris*

In a resolution, the Supreme Court denied this motion for reconsideration filed by Ma. Armida Perez-Ferraris. Armida, wife of Brix Ferraris, former lead vocal of the popular band South Border, filed a case for declaration of nullity based on psychological incapacity against her husband. This petition was however denied by the Regional Trial Court of Pasig City on 20 February 2001, which was affirmed by the Court of Appeals. Armida did not fair better at the Supreme Court.<sup>74</sup>

71. *Id.* at 181.

72. *Id.* at 190-91. The basic marital obligations as provided for the Family Code are found in articles 68 to 72, 220, 221, and 225.

73. *Id.* at 193 (emphasis supplied).

74. *Perez-Ferraris v. Ferraris*, 495 SCRA 396, 399 (2006).

In denying the motion for reconsideration, the Supreme Court once more reiterated that psychological incapacity must refer to "a serious psychological illness afflicting a party even before the celebration of the marriage."<sup>75</sup> Further, it must be "a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond..."<sup>76</sup> In stating these, the Court wanted to point out that everyone has their own "quirks and idiosyncrasies" and even "isolated characteristics associated with certain personality disorders."<sup>77</sup> Not every idiosyncrasy, however, is intended by the Family Code to constitute a personality disorder that may make one psychologically incapacitated.<sup>78</sup> Psychological incapacity is limited to the most serious of personality disorders that is "clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage."<sup>79</sup> This being so, the root cause must be identified as a psychological illness, the nature of which must be explained, many times with the help of psychological experts.<sup>80</sup>

The Supreme Court cited the Court of Appeals' decision, wherein the said lower court highlighted the fact that the marriage of Brix and Armida was not always terrible. Armida was, in fact, happy and contented during their short union. "It was only when they started fighting about the calls from women that respondent began to withdraw into his shell and corner, and failed to perform his so-called marital obligations."<sup>81</sup> The Supreme Court, together with the Court of Appeals, articulated that Armida did not sufficiently prove her case. The psychologist she presented, a certain Dr. Dayan, was not able to clearly demonstrate and explain what made Brix psychologically incapacitated, and what the root cause of such incapacity was.<sup>82</sup>

In this case, we again see the importance of the evidence to be presented by the petitioner at the trial court level, for such may make or break the case. As held by the Court, it is in cases of psychological incapacity wherein the declaration of nullity "depends crucially, *more than in any field of the law*, on the facts of the case."<sup>83</sup> One must keep in mind that the Supreme Court is not a reviewer of facts, especially when the factual findings of the trial court are affirmed by the Court of Appeals.

75. *Id.* at 400.

76. *Id.* at 401.

77. *Id.*

78. *Id.*

79. *Id.*

80. *Perez-Ferraris v. Ferraris*, 495 SCRA 396, 401 (2006).

81. *Id.*

82. *Id.* at 402.

83. *Id.* at 400 (emphasis supplied).

In fine, the Court found that Brix's

'leaving-the-house' attitude whenever they quarreled, the violent tendencies during epileptic attacks, the sexual infidelity, the abandonment and lack of support, and his preference to spend more time with his band mates than his family, are not rooted on some debilitating psychological condition, but a mere refusal or unwillingness to assume the essential obligations of marriage.<sup>84</sup>

#### *H. Mallion v. Alcantara*

This next case deviates from the conventional discussion on psychological incapacity in preceding and succeeding cases and probes more into remedial law. Nevertheless, as the contentions involve psychological incapacity, it is worthwhile tackling.

Oscar P. Mallion filed a petition for declaration of nullity of his marriage on the ground of psychological incapacity to Editha Alcantara on 24 March 1995. The Regional Trial Court of San Pablo City denied the petition on 11 November 1997. The appeal with the Court of Appeals was likewise dismissed for failure to file the docket and other lawful fees within the prescribed period. In less than two years after the decision of the Regional Trial Court, Oscar once again filed a petition on 12 July 1999 for the declaration of nullity of his marriage. This time, he claims that his marriage was null and void due to the lack of a valid marriage license when it was celebrated. Respondent filed an answer with a motion to dismiss on the grounds of *res judicata* and forum shopping, which was granted by the Regional Trial Court.<sup>85</sup>

The Supreme Court upheld the ruling of the lower court. In so doing, it stated that the subsequent case is barred by the first decision of the trial court which has attained finality. The Court made use of the concept of *res judicata* as a *bar by prior judgment* (as opposed to *conclusiveness of judgment*).<sup>86</sup> The requirements of *res judicata* in this sense are: (1) the former judgment is final; (2) it is rendered by a court having jurisdiction over the subject matter and the parties; (3) it is a judgment or an order on the merits; and (4) there is—between the first and second—identity of parties, of subject matter, and of *causes of action*.<sup>87</sup> What was disputed by the petitioner was not the presence of the first three requisites, but rather the presence of the last.

As provided by the Court,

84. *Id.* at 402.

85. *Mallion v. Alcantara*, 506 SCRA 336, 339 (2006).

86. *Id.* at 343.

87. *Id.* at 343-44; FLORENZ D. REGALADO, 1 REMEDIAL LAW COMPENDIUM 519 (9d ed. 2005).

"the test to determine whether the causes of action are identical is to ascertain whether the same evidence will sustain both actions, or whether there is an identity in the facts essential to the maintenance of the two actions. If the same facts or evidence would sustain both, the two actions are considered the same, and a judgment in the first case is a bar to the subsequent action."<sup>88</sup>

Relying on this test, the petitioner argued that the evidence required to declare a marriage void based on psychological incapacity is different from the evidence required if the basis for the declaration was the lack of a marriage license. The Supreme Court however brushes this argument aside by stating that "petitioner ... forgets that he is simply invoking different grounds for the same cause of action."<sup>89</sup> The Court further stated that petitioner has only one and the same cause, which is the declaration of nullity of his marriage, and that he only invokes different grounds for the same cause of action. This pronouncement of the Court is rather confusing however, as it did not clearly discuss why the above test—of whether two causes of action are identical—did not or should not apply to the present case. While the High Court provided for a test on the 'identity' of two causes of action, in the same breath and without clarifying the applicability or inapplicability of this test, it jumped to the declaration that there was only one cause of action with two different grounds.

Rule 2, section 2 of the Rules of Court however provides that "[a] cause of action is the act or omission by which a party violates a right of another."<sup>90</sup> Further, it had been enunciated that the elements of a cause of action are:

- (1) A right in favor of the plaintiff by whatever means under whatever law it arises or is created;
- (2) An obligation on the part of the named defendant to respect or not to violate such right; and
- (3) An act or omission on the part of such defendant in violation of the right of the plaintiff or constituting a breach of the obligation of the defendant to the plaintiff for which the latter may maintain an action for recovery of damages or other appropriate relief.<sup>91</sup>

Further, it has been noted by an eminent writer that

A single act or omission can be violative of various rights at the same time but where there is only one delict or wrong, there is but a single cause of action regardless of the number of rights violated belonging to one person.

88. *Mallion*, 506 SCRA at 344.

89. *Id.*

90. 1997 RULES OF CIVIL PROCEDURE, rule 2, § 2.

91. *Centeno v. Centeno*, 343 SCRA 153, 160 (2000); WILLARD B. RIANO, CIVIL PROCEDURE: A RESTATEMENT FOR THE BAR 70 (1d ed. 2007).

...The singleness of a cause of action lies in the singleness of the delict or wrong violating the rights of one person.<sup>92</sup>

Indeed, the test was not applicable to the instant case since that test may only be used when there are two causes of action, and there is a question as to their being identical. What the Court failed to state in more clear terms for the benefit of the petitioner—who applied the test—and the rest of the legal community was that that test finds no application when there is only one cause of action. In view of the above discussion of what constitutes a cause of action, in the present case, the nullity of marriage was the cause of action in itself. Psychological incapacity or lack of a marriage license are not causes of action as the *violation of a right* refers to the contract of marriage itself and its existence or inexistence, rather than what brings about its existence or inexistence—which are the *grounds* as held by the Court.

More significant to the above discussion of this case however is the Court's preference over procedure rather than the substance. As stated by a renowned author and family law practitioner,

The rule in a void marriage is that it is not a protected union except to the extent that rights are conferred by law such as in property relations. It cannot be ratified or be subject to estoppel or acquiescence. It cannot be cured nor waived. It is invalid from the very beginning and therefore has no effect at all. The Supreme Court, just like in the *Sy* case<sup>93</sup>, should have disregarded technicalities and should have allowed the suit. Marriage, as a sacred relationship, creates status and confers rights, which should thus be protected by the State. The State has the obligation to protect the parties in a marriage. Correspondingly, the State also has an obligation to protect parties from a marriage not recognized by the law.<sup>94</sup>

Indeed, it may have been wiser for petitioner Mallion Alcantara to have included all grounds for the declaration of nullity of his marriage to Editha Alcantara in the same case. More important than avoiding the confusing pronouncements of the Court in this case, it would have fostered the policy of avoiding multiplicity of suits, the clogging of court dockets, vexatious litigation, and unnecessary expenditure of precious resources of both the courts and the parties.<sup>95</sup>

*I. Narciso S. Navarro, Jr. v. Cynthia Cecilio-Navarro*

92. FLORENZ D. REGALADO, I REMEDIAL LAW COMPENDIUM 73 (9th ed. 2005) (citing *Joseph v. Bautista*, et. al., 170 SCRA 540 (1989)).

93. *Sy v. Court of Appeals*, 330 SCRA 550 (2000).

94. Melencio S. Sta. Maria, Jr., 51 ATENEO L.J. 530, 541-42 (2006).

95. WILLARD B. RIANO, CIVIL PROCEDURE: A RESTATEMENT FOR THE BAR 92 (1d ed. 2007).

Finally, this recent case of Narciso and Cynthia involved college sweethearts who married while Narciso was still a medical student and respondent a student of pharmacy. They married while they were awaiting their first child, and were financially dependent on Narciso's parents.<sup>96</sup>

Petitioner Narciso averred that respondent would always complain that he did not have time for her, and that she constantly quarreled with him when he could not give her what she wanted. She was not supportive of his career. Further, he stated that Cynthia would refuse to have sex with him when they quarreled, and even told him to look for other women. He claimed that he finally filed the petition for nullification of their marriage when he discovered that their eldest daughter was made pregnant by a person whom respondent hired to follow him.<sup>97</sup> Another witness presented by the petitioner, the housemaid of his parents in whose house they stayed, testified that they were always quarreling because Cynthia was always jealous of petitioner's classmates.<sup>98</sup>

Finally, Dr. Natividad Dayan, a psychologist, testified that tests conducted on the petitioner revealed that he was a perfectionist, short-tempered, critical, argumentative and irritable when people do not meet his expectations. He married Cynthia only when he got her pregnant, he had depressions, and he tended to escapism when he was problematic.<sup>99</sup>

In her defense, Cynthia claimed that they did not have marital problems until petitioner had an illicit affair with a certain Dr. Lucila Posadas. She caught petitioner and Lucila inside the Harana Motel in Sta. Mesa, and confronted them. Narciso rarely went home after that incident. Respondent explained that she would not have sex with her husband and dared him to look for other women only because of frustration and anger after discovering the affair. She however added that she still loved her husband.<sup>100</sup>

The Regional Trial Court declared them both psychologically incapacitated to perform their marital obligations. Lucila appealed the case, claiming that the trial court should have decreed their legal separation with Narciso as the guilty spouse, instead of annulling their marriage. The Court of Appeals reversed the trial court and declared that there was no psychological incapacity among the two. Narciso appealed the case to the Supreme Court, the decision of which is now the subject of this note.

After reminding the parties and the public of the Court's pronouncements in the cases of *Santos v. Court of Appeals* and *Republic v.*

96. *Navarro, Jr. v. Cecilio-Navarro*, 521 SCRA 121, 123-24 (2007).

97. *Id.* at 124.

98. *Id.*

99. *Id.* at 125.

100. *Id.*

*Court of Appeals*, it declared that "the spouses' frequent squabbles and [Lucila]'s refusal to sleep with [Narciso] and be supportive of him do not constitute psychological incapacity."<sup>101</sup> The Supreme Court cited the fact that the couple were living harmoniously during the first few years of their marriage, which bore them four children. Psychological incapacity must be shown to be such a grave condition that the person adduced to have it is incapable of fulfilling his or her marital obligations. It is not sufficient that the person claimed to be psychologically incapacitated is merely having a difficult time performing his marital obligations, or refuses or neglects to do so. Furthermore, such psychological illness must be present at the time of the celebration of the marriage.<sup>102</sup> These were not shown by the petitioner in this case. At most, claimed the Court, these constant "bickering and arguments even before the marriage and respondent's scandalous outbursts in public, at most, show their immaturity, and immaturity does not constitute psychological incapacity."<sup>103</sup>

It is interesting to note in this case the High Court's citation of the fact that the "respondent did not undergo psychological tests."<sup>104</sup> Here, Abdona T. de Castro, a marriage counselor duly accredited by the Department of Social Welfare and Development, testified that "when petitioner saw her on April 6, 1994, he was distraught, harassed, and unhappy. She concluded from meetings with the petitioner that the marriage was dysfunctional, destructive, and reconciliation was out of the question since he claims he would go insane if he were to go back to his wife."<sup>105</sup> The Court further stated that "Witness de Castro's diagnosis was based solely on petitioner's avowals and not on personal knowledge of the spouses' relationship. Hence, de Castro's diagnosis is based on hearsay and has no probative value."<sup>106</sup> In previous cases however, the Supreme Court would always state that "there is no requirement that the defendant/respondent spouse be personally examined by a physician or psychologist as a condition *sine qua non* for the declaration of nullity of marriage based on psychological incapacity."<sup>107</sup>

### III. GRANT OF DECLARATION OF NULLITY

The sole case to be examined by this note in which the Supreme Court granted the declaration of nullity on the grounds of psychological incapacity

101. *Id.* at 129.

102. *Navarro, Jr. v. Cecilio-Navarro*, 521 SCRA 121, 128 (2007).

103. *Id.* at 126 (emphasis supplied).

104. *Id.* at 129.

105. *Id.* at 124.

106. *Id.* at 129.

107. *Republic v. Cuison-Melgar*, 486 SCRA 177, 190 (2006); *Republic v. Iyoy*, 470 SCRA 508, 524 (2005); *Republic v. Quintero-Hamano*, 428 SCRA 735, 743 (2004) (emphasis supplied).

is the case of *Antonio v. Reyes*.<sup>108</sup> Justice Dante O. Tinga's opening sentence in his *ponencia*, which states, "Statistics never lie, but lovers often do, quipped a sage," is telling of the case to be dealt with.<sup>109</sup>

Leonilo Antonio and Marie Ivonne F. Reyes met on August 1989. Leonilo was 26 years of age, while Ivonne was 36 years old. In less than a year, they got married at the Manila City Hall, followed by a church wedding in Pasig City on 6 December 1990. Their union bore a child on 19 April 1991, who sadly died five months later.<sup>110</sup>

Not very long after, however, on 8 March 1993, Leonilo filed a petition to have his marriage with Ivonne declared null and void on the ground of psychological incapacity. His basis was that Ivonne constantly lied about everything, from herself, to the people around her, her occupation, income, and educational attainment among other things.<sup>111</sup> Leonilo averred that:

- (1) She concealed the fact that she previously gave birth to an illegitimate son, and instead introduced the boy to the petitioner as the adopted child of her family. She only confessed the truth about the boy's parentage when petitioner learned about it from other sources after their marriage.
- (2) She fabricated a story that her brother-in-law, Edwin David, attempted to rape and kill her when in fact, no such incident occurred.
- (3) She misrepresented herself as a psychiatrist to her obstetrician... and told some of her friends that she graduated with a degree in psychology, when she was neither.
- (4) She claimed to be a singer or a free-lance voice talent affiliated with Blackgold Recording Company; yet, not a single member of her family ever witnessed her alleged singing activities with the group. ... She postulated that a luncheon show was held at the Philippine Village Hotel in her honor, and even presented an invitation to that effect, but petitioner discovered per certification by the Director of Sales of said hotel that no such occasion had taken place.
- (5) She invented friends named Babes Santos and Via Marquez, and under those names, sent lengthy letters to petitioner claiming to be from Blackgold and touring her as the "number one moneymaker" in the commercial industry worth ₱2 million. Petitioner later found out that respondent herself was the one who wrote and sent letters to him when she admitted the truth in one of their quarrels. He likewise realized that Babes Santos and Via Marquez were only figments of her

<sup>108</sup> *Antonio v. Reyes*, 484 SCRA 353 (2006).

<sup>109</sup> *Id.* at 357.

<sup>110</sup> *Id.* at 358.

<sup>111</sup> *Id.*

imagination when he discovered [that] they were not known in or connected with Blackgold.

- (6) ...she altered her pay slip to make it appear that she earned a higher income. She bought a sofa set from a public market but told petitioner that she acquired it from a famous furniture dealer. She spent lavishly on unnecessary items and ended up borrowing money from other people on false pretexts.
- (7) She exhibited insecurities and jealousies over him to the extent of calling up his officemates to monitor his whereabouts. ...<sup>112</sup>

Leonilo presented a psychiatrist and a clinical psychologist who testified that, based on their observation, respondent Ivonne's persistent and constant lying were abnormal and pathological. They further stated that respondent's extreme jealousy was also pathological, as it "reached the point of paranoia since there was no actual basis for her to suspect that petitioner was having an affair with another woman."<sup>113</sup>

In her defense, Ivonne claimed that she only concealed her child by another man because she was afraid of losing her husband. She further claimed that she thought David was attempting to rape her because of his acts of touching her back and ogling her from head to foot. Furthermore, she claimed that she was a Banking and Finance graduate who has been teaching psychology at the Pasig Catholic School for two years, and that she was a freelance voice talent of Aris de las Alas and had done three commercials with McCann Erickson for the advertisement of Coca-cola, Johnson & Johnson, and Traders Royal Bank. In reality, though she was a recording artist for the said company and reported to its office after office hours, she did not have a contract with Blackgold. According to her, Bea Marquez Recto was a resident of the United States, while Babe Santos was employed with Saniwares. As to calling Leonilo's officemate, it was only to inquire in a diplomatic manner if she was the one asking chocolates from him, and not to ask on his whereabouts.<sup>114</sup>

Ivonne also presented a psychiatrist who testified that, based on a series of tests conducted by his assistant together with the screening procedures and the Comprehensive Psycho-Pathological Rating Scale (CPRS) he himself conducted, respondent was not psychologically incapacitated to perform the essential marital obligations.

The Metropolitan Tribunal of the Archdiocese of Manila also annulled the Catholic marriage of the parties, which was affirmed by the National

<sup>112</sup> *Id.* at 358-60.

<sup>113</sup> *Id.* at 360 (emphasis supplied).

<sup>114</sup> *Antonio v. Reyes*, 484 SCRA 353, 361-62 (2006).

Appellate Matrimonial Tribunal, and subsequently, by the Roman Rota of the Vatican.<sup>115</sup>

The trial court gave credence to Leonilo Antonio's evidence and declared their marriage as null and void. This was however reversed by the Court of Appeals, which found that the totality of evidence presented was insufficient.<sup>116</sup> The Supreme Court did not agree with the Court of Appeals, and found that the burden of the petitioner has sufficiently been met.<sup>117</sup>

Unlike some of the previous cases discussed, in the present case, the petitioner presented evidence aside from his own testimony. He presented witnesses to corroborate his story, and certifications from both Blackgold and the Philippine Village Hotel disputing Ivonne's allegations. In addition to these, Leonilo also presented two expert witnesses in the field of psychology. These expert witnesses were able to sufficiently establish that the root cause of respondent's psychological incapacity has been medically or clinically identified.<sup>118</sup> Dr. Dante Herrera Abcede, a psychiatrist who had headed the department of psychiatry of at least two major hospitals<sup>119</sup> stated,

[P]ersistent lying violates the respect that one owes towards another. ... You see, relationship is based on communication between individuals and what we generally communicate are our thoughts and feelings. But then when one talks and expresses their feelings, you are expected to tell the truth. And therefore, if you constantly lie, what do you think is going to happen as far as this relationship is concerned. Therefore, it undermines that basic relationship that should be based on love, trust, and respect.<sup>120</sup>

As to the part on jealousy, he further states,

If an individual is jealous enough to the point that he is paranoid, which means that there is no actual basis on her suspect that her husband is having an affair with a woman, if carried on to the extreme, then that is pathological. ... We all feel jealous, in the same way as we also lie every now and then; but everything that is carried out in extreme is abnormal or pathological. If there is no basis in reality to the fact that the husband is having an affair with another woman and if she persistently believes that the husband is having an affair with different women, then that is pathological and we call that paranoid jealousy.<sup>121</sup>

115. *Id.* at 363.

116. *Id.*

117. *Id.* at 376.

118. *Id.* at 376-77.

119. *Id.* at 377 (citing the TSN, 23 February 1994, which states: "University of Santo Tomas Hospital and UERM Memorial Medical Center. Dr. Abcede likewise was the past president of the Philippine Psychiatrist Association.").

120. *Antonio v. Reyes*, 484 SCRA 353, 378 (2006).

121. *Id.* at 378-79.

On these above premises, the gravity of the respondent's condition was not found to be of doubt. The Court described it in this wise:

[The lies] indicate a failure on the part of respondent to distinguish truth from fiction, or at least abide by the truth. ... Indeed, a person unable to distinguish between fantasy and reality would similarly be unable to comprehend the legal nature of the marital bond, much less its psychic meaning, and the corresponding obligations attached to marriage, including parenting. One unable to adhere to reality cannot be expected to adhere as well to any legal or emotional commitments.<sup>122</sup>

Worthy of note in this case is how the Court gave credence to the expert witnesses of the petitioner Leonilo Antonio who based their testimony not on their personal examination of Ivonne Reyes but on observation and on the trial transcripts of respondent's testimony as well as supporting affidavits of petitioner,<sup>123</sup> while it did not give as much weight to the expert witness of the respondent who was able to conduct tests and a personal examination on Ivonne. The Court stated, "[w]hile these witnesses did not personally examine respondent, the Court had already held in *Marcos v. Marcos* that personal examination of the subject by the physician is not required for the spouse to be declared psychologically incapacitated."<sup>124</sup> This must be compared to the Court's pronouncements in the previously discussed case of *Navarro, Jr. v. Cecilio-Navarro*<sup>125</sup> wherein it stated that the respondent did not undergo psychological tests and that the expert witness' diagnosis was based solely on "petitioner's avowals and not on personal knowledge of the spouses' relationship."<sup>126</sup> The Court in that case even went as far as declaring that the expert witness' diagnosis is based on hearsay and has no probative value.<sup>127</sup> This seems to be contrary to the Court's ruling in *Antonio v. Reyes* wherein it admitted that the expert witness of the petitioner "hinged heavily on their own acceptance of petitioner's version as the true set of facts."<sup>128</sup>

In analyzing this case, one cannot also be remiss in examining the Court's consideration of the annulment of the Catholic marriage of the couple by the Roman Catholic Church. It faulted the Court of Appeals for its "deliberate ignorance" in not even making any reference to the decision<sup>129</sup> of the National Appellate Matrimonial Tribunal.<sup>130</sup> Such

122. *Id.* at 381.

123. *Id.* at 379.

124. *Id.*

125. *Navarro, Jr. v. Cecilio-Navarro*, 521 SCRA 121 (2007).

126. *Id.* at 129-30.

127. *Id.*

128. *Antonio v. Reyes*, 484 SCRA 353, 379 (2006).

129. *Id.* at 383. The decision of the National Appellate Tribunal states in part:

decisions of the canonical bodies of the Catholic Church, while not controlling, are persuasive, and must therefore be given some attention, which the Court of Appeals failed to do. This was enunciated in *Republic v. Court of Appeals*<sup>131</sup> from which the Molina doctrine comes.<sup>132</sup>

#### IV. CONCLUSION

The Supreme Court constantly reminds lawyers—professionals and academicians alike—as well as students and the general public of the pronouncements it made in the cases of *Santos v. Court of Appeals* and *Republic v. Court of Appeals*, where it laid the foundation for interpreting and analyzing psychological incapacity, and its existence or inexistence in a particular case. This reiteration by the Supreme Court—almost to the point of making it a *nag*—is found in almost every case which deals with psychological incapacity. However, despite the repetition of these doctrines, it emphasizes at the same time in a seemingly paradoxical fashion that each case must be adjudged on the basis of its own peculiar and unique facts. In fact, the Supreme Court emphasizes that no case on psychological incapacity is on “all fours” with any other case.

Dissecting all these cases however will reveal that there is in fact no paradox. What emerges from the filthy mud rather is hardened pottery in which the Court, amidst all the varying facts, emphasizes and makes clear that psychological incapacity is not a divorce law. It is not a refuge for people seeking to get out of marriage because of irreconcilable differences, idiosyncrasies, immaturity, indifference, or infidelity. It is not a way out of bickering and emotional exhaustion. Finally, it is not an opening in Philippine law to escape marriage once it becomes too difficult to bear.

As can be gleaned from all these cases, the Court has not taken marriage and psychological incapacity lightly. Time and again, it stresses that

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The facts in the Case sufficiently prove with the certitude required by law that based on the depositions of the Partes in Causa and premised on the testimonies of the Common and Expert Witnesses, the Respondent made the marriage option in tenure of adverse personality constructs that were markedly antithetical to the substantive content and implications of the Marriage Covenant, and that seriously undermined the integrality of her matrimonial consent in terms of its deliberative component. In other words, afflicted with a discretionary faculty impaired in its practico-concrete judgment formation on account of an adverse action and reaction pattern, the Respondent was impaired from eliciting a judicially binding matrimonial consent.

*Id.* at 383-84 (citing Rollo 99).

<sup>130.</sup> *Id.* at 382.

<sup>131.</sup> *Republic v. Court of Appeals*, 268 SCRA 198 (1997).

<sup>132.</sup> *Antonio*, 484 SCRA at 383.

psychological incapacity is limited to the gravest and most serious cases of personality disorders that would truly render a person incapable of knowing or performing his essential marital obligations. Emphasis must be placed, not only on the Supreme Court's, but also on the Constitution's and Philippine society's adamant and zealous efforts to protect the family. Far from attacking marriage, psychological incapacity seeks to protect marriage as an institution by ensuring that it is entered into only by those who have the psychological capacity to indeed foster the family as a basic institution of Philippine society.