



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MARIA TERESA B. TANI-DE LA FUENTE, **G.R. No. 188400**

Petitioner,

Present:

CARPIO, *J.*, Chairperson,
LEONARDO-DE CASTRO,*
PERALTA,
MENDOZA, and
LEONEN, *JJ.*

-versus-

RODOLFO DE LA FUENTE, JR.,
Respondent.

Promulgated:

MAR 08 2017

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DECISION

LEONEN, *J.*:

Psychological incapacity is a mental illness that leads to an inability to comply with or comprehend essential marital obligations.

This resolves the Petition for Review¹ filed by Maria Teresa B. Tani-De La Fuente (Maria Teresa) assailing the Court of Appeals Decision² and Resolution³ dated August 29, 2008 and May 25, 2009, respectively, in CA-

* Designated as Fifth Member per S.O. No. 2416-EE dated January 4, 2017.

¹ *Rollo*, pp. 12-35.

² *Id.* at 37-53. The Decision, docketed as CA-G.R. CV. No. 76243, was penned by Associate Justice Lucas P. Bersamin and concurred in by Associate Justices Estela M. Perlas-Bernabe and Ramon M. Bato, Jr. of the Seventeenth Division, Court of Appeals, Manila.

³ *Id.* at 55-56. The Resolution was penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Mariano C. Del Castillo and Estela M. Perlas-Bernabe of the Special Former Seventeenth Division, Court of Appeals, Manila.

G.R. CV. No. 76243, which reversed the Decision⁴ dated August 14, 2002 of Branch 107 of the Regional Trial Court of Quezon City in Civil Case No. Q-99-37829.

Petitioner Maria Teresa and respondent Rodolfo De La Fuente, Jr. (Rodolfo) first met when they were students at the University of Sto. Tomas. Soon thereafter, they became sweethearts.⁵

After graduating from college, Maria Teresa found work at the University of Sto. Tomas Treasurer's Office.⁶ Meanwhile, Rodolfo, who was unable to finish his college degree, found continued employment at his family's printing press business.⁷

While they were still sweethearts, Maria Teresa already noticed that Rodolfo was an introvert and was prone to jealousy.⁸ She also observed that Rodolfo appeared to have no ambition in life and felt insecure of his siblings, who excelled in their studies and careers.⁹

On June 21, 1984, Maria Teresa and Rodolfo got married in Mandaluyong City. They had two children: Maria Katharyn, who was born on May 23, 1985, and Maria Kimberly, who was born on April 6, 1986.¹⁰

Rodolfo's attitude worsened as they went on with their marital life. He was jealous of everyone who talked to Maria Teresa, and would even skip work at his family's printing press to stalk her.¹¹ Rodolfo's jealousy was so severe that he once poked a gun at his own 15-year old cousin who was staying at their house because he suspected his cousin of being Maria Teresa's lover.¹²

In addition, Rodolfo treated Maria Teresa like a sex slave. They would have sex four (4) or five (5) times a day.¹³ At times, Rodolfo would fetch Maria Teresa from her office during her lunch break, just so they could have sex.¹⁴ During sexual intercourse, Rodolfo would either tie her to the bed or poke her with things.¹⁵ Rodolfo also suggested that they invite a third person with them while having sex, or for Maria Teresa to have sex with

⁴ Id. at 82-95. The Decision was penned by Presiding Judge Rosalina L. Luna Pison.

⁵ Id. at 83.

⁶ Id. at 84.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 85.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 86.

another man in Rodolfo's presence.¹⁶ Rodolfo's suggestions made Maria Teresa feel molested and maltreated.¹⁷ Whenever Maria Teresa refused Rodolfo's advances or suggestions, he would get angry and they would quarrel.¹⁸

Maria Teresa sought the advice of a doctor, a lawyer, and a priest, as well as any person she thought could help her and Rodolfo.¹⁹ Maria Teresa also suggested that she and Rodolfo undergo marriage counselling, but Rodolfo refused and deemed it as mere "*kalokohan*".²⁰

Sometime in 1986, the couple quarrelled because Rodolfo suspected that Maria Teresa was having an affair.²¹ In the heat of their quarrel, Rodolfo poked a gun at Maria Teresa's head. Maria Teresa, with their two (2) daughters in tow, left Rodolfo and their conjugal home after the gun-poking incident. Maria Teresa never saw Rodolfo again after that, and she supported their children by herself.²²

On June 3, 1999, Maria Teresa filed a petition for declaration of nullity of marriage²³ before the Regional Trial Court of Quezon City. The case was initially archived because Rodolfo failed to file a responsive pleading.²⁴ Maria Teresa moved for the revival of the Petition.²⁵ The trial court granted the motion and referred the case to the Office of the City Prosecutor for collusion investigation.²⁶ Assistant City Prosecutor Jocelyn S. Reyes found no collusion and recommended the trial of the case on the merits.²⁷

Despite notice, Rodolfo failed to attend the scheduled pre-trial conference.²⁸ The pre-trial conference was declared closed and terminated, and Maria Teresa was allowed to present her evidence.²⁹

Aside from Maria Teresa, Dr. Arnulfo V. Lopez (Dr. Lopez), a clinical psychologist, was presented as an expert witness.³⁰ Dr. Lopez testified that he conducted an in-depth interview with Maria Teresa to gather information on her family background and her marital life with Rodolfo, and

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 86-87.

²² Id. at 87.

²³ Id. at 151. Comment of the Office of the Solicitor General.

²⁴ Id. at 153.

²⁵ Id.

²⁶ Id.

²⁷ Id. at 83.

²⁸ Id.

²⁹ Id.

³⁰ Id. at 87.

subjected her to a battery of psychological tests.³¹ Dr. Lopez also interviewed Rodolfo's best friend.³²

After subjecting Maria Teresa to interviews and tests, Dr. Lopez concluded that Maria Teresa was not suffering from any severe mental disorder and had no indication of any organic or functional impairment.³³ Although Dr. Lopez found that Maria Teresa had an emotionally disturbed personality, he opined that this was not severe enough to constitute psychological incapacity.³⁴

Dr. Lopez affirmed that he sent Rodolfo a letter of invitation through registered mail.³⁵ After two (2) months, Rodolfo contacted Dr. Lopez and said, "*Doctor, ano ba ang pakialam niyo sa amin, hindi niyo naman ako kilala.*" Dr. Lopez explained that he only wanted to hear Rodolfo's side of the story, but Rodolfo replied with, "*[I]nuulit ko doktor, wala kayong pakialam sa akin.*"³⁶

Dr. Lopez diagnosed Rodolfo with "paranoid personality disorder manifested by [Rodolfo's] damaging behavior like reckless driving and extreme jealousy; his being distrustful and suspicious; his severe doubts and distrust of friends and relatives of [Maria Teresa]; his being irresponsible and lack of remorse; his resistance to treatment; and his emotional coldness and severe immaturity."³⁷

Dr. Lopez stated that Rodolfo's disorder was one of the severe forms of personality disorder, even more severe than the other personality disorders like borderline and narcissistic personality disorders.³⁸ Dr. Lopez explained that Rodolfo's personality disorder was most probably caused by a pathogenic parental model.³⁹ Rodolfo's family background showed that his father was a psychiatric patient, and Rodolfo might have developed psychic contamination called double insanity, a symptom similar to his father's.⁴⁰ Dr. Lopez further claimed that Rodolfo's disorder was serious and incurable because of his severe paranoia.⁴¹

Dr. Lopez recommended that Maria Teresa and Rodolfo's marriage be annulled due to Rodolfo's incapacity to perform his marital obligations.⁴²

³¹ Id.

³² Id.

³³ Id. at 88.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 88–89.

³⁸ Id. at 89.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Id. at 90.



Summons was served upon Rodolfo but he did not file any responsive pleading.⁴³ He likewise did not appear during the pre-trial conference.⁴⁴ He was given a specific date to present evidence but he still failed to appear.⁴⁵ The trial court eventually deemed his non-appearance as a waiver of his right to present evidence.⁴⁶

On June 26, 2002, the trial court directed the Office of the Solicitor General to submit its comment on Maria Teresa's formal offer of evidence.⁴⁷ The Office of the Solicitor General was also directed to submit its certification.⁴⁸ The Office of the Solicitor General, however, failed to comply with the trial court's orders; thus, the case was submitted for decision without the certification and comment from the Office of the Solicitor General.⁴⁹

On August 14, 2002, the trial court promulgated its Decision⁵⁰ granting the petition for declaration of nullity of marriage.

While Dr. Lopez was not able to personally examine Rodolfo, the trial court gave credence to his findings as they were based on information gathered from credible informants. The trial court held that the marriage between Maria Teresa and Rodolfo should be declared null and void because "[Rodolfo's] psychological incapacity [was] grave, serious and incurable."⁵¹ The dispositive portion of the trial court's decision reads:

WHEREFORE IN VIEW OF THE FOREGOING, judgment is hereby rendered, to wit:

- (1) Declaring the marriage of petitioner, MARIA TERESA B. TANI DE LA FUENTE to respondent, RODOLFO DE LA FUENTE, JR. null and void on the ground of respondent's psychological incapacity pursuant to Article 36 of the Family Code. Their conjugal partnership (sic) property relations is hereby dissolved. There being no mention of properties acquired by the parties, no pronouncement as to its liquidation and partition is hereby made;
 - (2) Their children, Maria Katharyn and Maria Kimberly, both surnamed De la Fuente shall remain legitimate. They shall remain in the custody of the petitioner.
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⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id. at 41.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Id. at 82-95.

⁵¹ Id. at 93.

- (3) Both parties must support their children. There being no evidence presented as to the capability of the respondent to give support, no pronouncement is hereby made in the meantime;
- (4) Henceforth, the petitioner shall be known by her maiden name, TANI.

Let copies of this Decision be furnished the Local Civil Registrars of Quezon City and Mandaluyong City where the marriage was celebrated upon the finality of this Decision.

SO ORDERED.⁵² (Emphasis in the original)

On August 20, 2002, the Office of the Solicitor General filed a motion for reconsideration.⁵³ The Office of the Solicitor General explained that it was unable to submit the required certification because it had no copies of the transcripts of stenographic notes.⁵⁴ It was also unable to inform the trial court of its lack of transcripts due to the volume of cases it was handling.⁵⁵

On September 13, 2002, the trial court denied the motion for reconsideration, with the dispositive portion reading:

WHEREFORE, considering the foregoing, the Motion for Reconsideration filed by the Office of the Solicitor General is hereby deemed moot and academic.

This Court would like to call the attention of the Office of the Solicitor General that this case was filed on June 3, 1999 and there should be no more delay in the disposition of the case.⁵⁶

The Office of the Solicitor General filed an appeal before the Court of Appeals.⁵⁷ It argued that the trial court erred a) in deciding the case without the required certification from the Office of the Solicitor General,⁵⁸ and b) in giving credence to Dr. Lopez's conclusion of Rodolfo's severe personality disorder. It held that Dr. Lopez's finding was based on insufficient data and did not follow the standards set forth in the *Molina* case.⁵⁹

The Court of Appeals granted⁶⁰ the Office of the Solicitor General's appeal.

⁵² Id. at 94–95.

⁵³ Id. at 42.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id. at 83.

⁶⁰ Id. at 37–53.

The Court of Appeals ruled that the testimony of Dr. Lopez was unreliable for being hearsay, thus, the trial court should not have given it weight.⁶¹ The Court of Appeals also disagreed with Dr. Lopez's finding that Rodolfo's behavior descended from psychological illness contemplated under Article 36 of the Family Code.⁶²

In addition, the Court of Appeals emphasized that Maria Teresa's admission that she married Rodolfo with the belief that he would change, and that they were in a relationship for five (5) years before getting married, showed that they were in good terms during the early part of their marriage. It also negated her claim that Rodolfo's psychological defect existed at the time of the celebration of their marriage, and that it deprived him of the ability to assume the essential duties of marriage.⁶³ The dispositive portion of the Court of Appeals decision reads:

WHEREFORE, the DECISION DATED AUGUST 14, 2002 is REVERSED and the petition for declaration of nullity of the marriage of the parties is DISMISSED.

SO ORDERED.⁶⁴ (Emphasis in the original)

Maria Teresa moved for reconsideration⁶⁵ but this was denied by the Court of Appeals in its Resolution⁶⁶ dated May 25, 2009.

On July 24, 2009, Maria Teresa filed a Petition for Review on *Certiorari*.⁶⁷

Petitioner argued that based on current jurisprudence, trial courts had a wider discretion on whether expert opinion was needed to prove psychological incapacity.⁶⁸ Petitioner further argued that for as long as the trial court had basis in concluding that psychological incapacity existed, such conclusion should be upheld.⁶⁹

Rodolfo filed a Comment⁷⁰ stating that he was not opposing Maria Teresa's Petition since "[h]e firmly believes that there is in fact no more sense in adjudging him and petitioner as married."⁷¹

⁶¹ Id. at 50.

⁶² Id. at 51.

⁶³ Id. at 52.

⁶⁴ Id.

⁶⁵ Id. at 64–71.

⁶⁶ Id. at 55–56.

⁶⁷ Id. at 12–35.

⁶⁸ Id. at 28.

⁶⁹ Id.

⁷⁰ Id. at 104–105.

⁷¹ Id. at 104.

The Office of the Solicitor General, in its Comment,⁷² agreed that a physician was not required to declare a person psychologically incapacitated but emphasized that the evidence presented must be able to adequately prove the presence of a psychological condition. The Office of the Solicitor General maintained that Maria Teresa was unable to sufficiently prove Rodolfo's alleged psychological incapacity.⁷³

The Office of the Solicitor General pointed out that Dr. Lopez's psychological report stated that his assessment was based on interviews he made with petitioner and two (2) of the parties' common friends. However, Dr. Lopez did not name the two (2) common friends in the report.⁷⁴ Furthermore, during trial, Dr. Lopez testified that he only interviewed petitioner and Rodolfo's best friend, not two (2) friends as indicated in his report.⁷⁵ The Office of the Solicitor General insisted that the finding of Rodolfo's psychological incapacity should be dismissed as hearsay as it was based solely on information given by petitioner to Dr. Lopez.⁷⁶

The only issue raised for the resolution of this Court is whether the Court of Appeals erred in denying the Petition for Declaration of Nullity of Marriage because petitioner's evidence was insufficient to prove that Rodolfo was psychologically incapacitated to fulfill his marital obligations.

The Petition is granted.

The 1995 case of *Santos v. Court of Appeals*⁷⁷ was the first case that attempted to lay down the standards for determining psychological incapacity under Article 36 of the Family Code. *Santos* declared that "psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability."⁷⁸ Furthermore, the 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[.]"⁷⁹

Two (2) years later, *Republic v. Court of Appeals and Molina*,⁸⁰ provided the guidelines to be followed when interpreting and applying Article 36 of the Family Code:

(1) The burden of proof to show the nullity of the marriage belongs to the

⁷² Id. at 149–184.

⁷³ Id. at 164.

⁷⁴ Id. at 168.

⁷⁵ Id.

⁷⁶ Id.

⁷⁷ 310 Phil. 21 (1995) [Per J. Vitug, En Banc].

⁷⁸ Id. at 39.

⁷⁹ Id. at 40.

⁸⁰ 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

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. Thus, our Constitution devotes an entire Article on the Family, recognizing it “as the foundation of the nation.” It decrees marriage as legally “inviolable,” thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be “protected” by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their *permanence, inviolability and solidarity*.

(2) 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. Article 36 of the Family Code requires that the incapacity must be psychological — not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or psychically ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of *ejusdem generis*, nevertheless such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. The evidence must show that the illness was existing when the parties exchanged their “I do’s.” The manifestation of the illness need not be perceivable at such time, but the illness itself must have attached at such moment, or prior thereto.

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job. Hence, a pediatrician may be effective in diagnosing illnesses of children and prescribing medicine to cure them but may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. 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 essential marital obligations must be those 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.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. It is clear that Article 36 was taken by the Family Code Revision Committee from Canon 1095 of the New Code of Canon Law, which became effective in 1983 and which provides:

“The following are incapable of contracting marriage:
Those who are unable to assume the essential obligations of marriage due to causes of psychological nature.”

Since the purpose of including such provision in our Family Code is to harmonize our civil laws with the religious faith of our people, it stands to reason that to achieve such harmonization, great persuasive weight should be given to decisions of such appellate tribunal. Ideally – subject to our law on evidence – what is decreed as canonically invalid should also be decreed civilly void.

This is one instance where, in view of the evident source and purpose of the Family Code provision, contemporaneous religious interpretation is to be given persuasive effect. Here, the State and the Church – while remaining independent, separate and apart from each other – shall walk together in synodal cadence towards the same goal of protecting and cherishing marriage and the family as the inviolable base of the nation.

(8) The 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 1095.⁸¹ (Emphasis in the original)

Contrary to the ruling of the Court of Appeals, we find that there was sufficient compliance with *Molina* to warrant the nullity of petitioner's marriage with respondent. Petitioner was able to discharge the burden of proof that respondent suffered from psychological incapacity. 

The Court of Appeals chided the lower court for giving undue weight to the testimony of Dr. Lopez since he had no chance to personally conduct a thorough study and analysis of respondent's mental and psychological condition. The Court of Appeals cited *Republic v. Dagdag*,⁸² where this

⁸¹ Id. at 676–680.

⁸² 404 Phil. 249 (2001) [Per J. Quisumbing, Second Division].

Court held that “the root cause of psychological incapacity must be medically or clinically identified and sufficiently proven by experts.”⁸³ The Court of Appeals then ruled that “[o]bviously, this requirement is not deemed complied with where no psychiatrist or medical doctor testifies on the alleged psychological incapacity of one party.”⁸⁴

The Court of Appeals is mistaken.

*Camacho-Reyes v. Reyes*⁸⁵ states that the non-examination of one of the parties will not automatically render as hearsay or invalidate the findings of the examining psychiatrist or psychologist, since “marriage, by its very definition, necessarily involves only two persons. The totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other.”⁸⁶

*Marcos v. Marcos*⁸⁷ emphasizes that *Molina* does not require a physician to examine a person and declare him/her to be psychologically incapacitated. What matters is that the totality of evidence presented establishes the party’s psychological condition.⁸⁸

Dr. Lopez’s testimony, as corroborated by petitioner, sufficiently proved that respondent suffered from psychological incapacity. Respondent’s paranoid personality disorder made him distrustful and prone to extreme jealousy and acts of depravity, incapacitating him to fully comprehend and assume the essential obligations of marriage. As the trial court found:

Dr. Lopez testified that he arrived at his conclusion of respondent’s personality by taking into consideration the psychological impression and conclusion he gathered from the analysis of the different behaviors he manifested during the time that he and petitioner were living together. According to him, under the Diagnostic Statistical Manual, he found the respondent to be suffering from a paranoid personality disorder manifested by the respondent’s damaging behavior like reckless driving and extreme jealousy; his being distrustful and suspicious; his severe doubts and distrust of friends and relatives of the petitioner; his being irresponsible and lack of remorse; his resistance to treatment; and his emotional coldness and severe immaturity. He also testified that this kind of disorder is actually one of the severe forms of personality disorder even more severe than the other personality disorders like the borderline and narcissistic personality disorders.

⁸³ *Rollo*, p. 50.

⁸⁴ *Id.*

⁸⁵ 642 Phil. 602 (2010) [Per J. Nachura, Second Division].

⁸⁶ *Id.* at 627.

⁸⁷ 397 Phil. 840 (2000) [Per J. Panganiban, Third Division].

⁸⁸ *Id.* at 850.

As to the *root cause*, [h]e explained that this must have been caused by a pathogenic parental model. As he investigated the family background of the respondent, Dr. Lopez discovered that his father was a psychiatric patient such that the respondent developed a similar symptom or psychic contamination which is called double insanity. This, according to Dr. Lopez is usually developed among close family members, bestfriends (sic), sweethearts and even couples who are close to one another; that people close to one another get psychically contaminated; that surprisingly, the symptom that the father manifested is the same as those of the respondent. The said disorder started during respondent's late childhood years and developed in his early adolescent years.

He further testified that this disorder is very severe, serious and incurable because of the severe paranoia of the patient; that patients with this kind of personality disorder could never accept that there is something wrong with them and if ever forced to seek treatment, they would rather engage in an intellectual battle with the therapist rather than cooperate with them.

Dr. Lopez concluded that because of respondent's personality disorder, he is incapacitated to perform his marital obligations of giving love, respect, and support to the petitioner. He recommends that the marriage be annulled.⁸⁹ (Emphasis supplied)

By the very nature of Article 36, courts, despite having the ultimate task of decision-making, must give due regard to expert opinion on the psychological and mental disposition of the parties.⁹⁰

The root cause of respondent's paranoid personality disorder was hereditary in nature as his own father suffered from a similar disorder. Dr. Lopez stated that respondent's own psychological disorder probably started during his late childhood years and developed in his early adolescent years. Dr. Lopez explained that respondent's psychological incapacity to perform his marital obligations was likely caused by growing up with a pathogenic parental model.

The juridical antecedence of respondent's psychological incapacity was also sufficiently proven during trial. Petitioner attested that she noticed respondent's jealousy even before their marriage, and that he would often follow her to make sure that she did not talk to anyone or cheat on him.⁹¹ She believed that he would change after they got married;⁹² however, this did not happen. Respondent's jealousy and paranoia were so extreme and severe that these caused him to poke a gun at petitioner's head.⁹³

⁸⁹ *Rollo*, pp. 88–90.

⁹⁰ *Halili v. Santos-Halili*, 607 Phil. 1, 4 (2009) [Per J. Corona, Special First Division].

⁹¹ *Rollo*, p. 85.

⁹² *Id.* at 84.

⁹³ *Id.* at 87.

The incurability and severity of respondent's psychological incapacity were likewise discussed by Dr. Lopez. He vouched that a person with paranoid personality disorder would refuse to admit that there was something wrong and that there was a need for treatment. This was corroborated by petitioner when she stated that respondent repeatedly refused treatment. Petitioner consulted a lawyer, a priest, and a doctor, and suggested couples counselling to respondent; however, respondent refused all of her attempts at seeking professional help. Respondent also refused to be examined by Dr. Lopez.

Article 68 of the Family Code obligates the husband and wife "to live together, observe mutual love, respect and fidelity, and render mutual help and support." In this case, petitioner and respondent may have lived together, but the facts narrated by petitioner show that respondent failed to, or could not, comply with the obligations expected of him as a husband. He was even apathetic that petitioner filed a petition for declaration of nullity of their marriage.

This Court also noticed respondent's repeated acts of harassment towards petitioner, which show his need to intimidate and dominate her, a classic case of coercive control. At first, respondent only inflicted non-physical forms of mistreatment on petitioner by alienating her from her family and friends due to his jealousy, and stalking her due to his paranoia. However, his jealousy soon escalated into physical violence when, on separate instances, he poked a gun at his teenage cousin, and at petitioner.

Coercive control is a form of psychological abuse, which refers to a pattern of behavior meant to dominate a partner through different tactics such as physical and sexual violence, threats, emotional insults, and economic deprivation.⁹⁴ Although not specifically named, coercive control as a form of psychological abuse or harm has been recognized in Republic Act No. 9262 or the Anti-Violence Against Women and Children Act of 2004:

SECTION 3. Definition of Terms. – As used in this Act,

(a) "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

⁹⁴ Kuennen, Tamara L. *Analyzing the Impact of Coercion on Domestic Violence Victims: How Much is Too Much?*, 22 BERKELEY JOURNAL OF GENDER, LAW & JUSTICE 8 (2013).

....

C. “Psychological violence” refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

Respondent’s repeated behavior of psychological abuse by intimidating, stalking, and isolating his wife from her family and friends, as well as his increasing acts of physical violence, are proof of his depravity, and utter lack of comprehension of what marriage and partnership entail. It would be of utmost cruelty for this Court to decree that petitioner should remain married to respondent. After she had exerted efforts to save their marriage and their family, respondent simply refused to believe that there was anything wrong in their marriage. This shows that respondent truly could not comprehend and perform his marital obligations. This fact is persuasive enough for this Court to believe that respondent’s mental illness is incurable.

In granting the petition and declaring void the marriage of Maria Teresa and Rodolfo, this Court reiterates the pronouncement we made in an opinion in *Mallilin v. Jamesolamin*:⁹⁵

Our choices of intimate partners define us – inherent ironically in our individuality. Consequently, when the law speaks of the nature, consequences, and incidents of marriage governed by law, this refers to responsibility to children, property relations, disqualifications, privileges, and other matters limited to ensuring the stability of society. The state’s interest should not amount to unwarranted intrusions into individual liberties.

Since the State’s interest must be toward the stability of society, the notion of psychological incapacity should not only be based on a medical or psychological disorder, but should consist of the inability to comply with essential marital obligations such that public interest is imperiled.⁹⁶

Lastly, this Court takes note of *Ngo Te v. Gutierrez Yu Te*’s observation that a straitjacket application of the *Molina* guidelines “has taken its toll on people who have to live with deviant behavior, moral

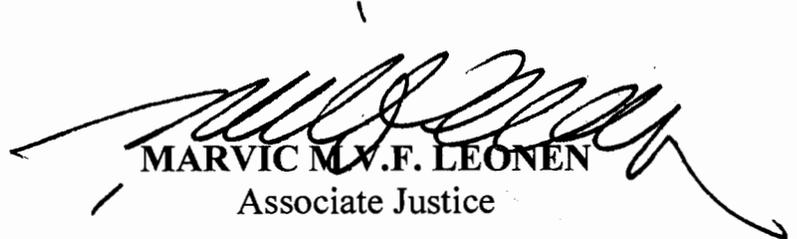
⁹⁵ G.R. No.192718, February 18, 2015, 751 SCRA 1 [Per J. Mendoza, Second Division].

⁹⁶ Dissenting Opinion of J. Leonen in *Mallilin v. Jamesolamin*, G.R. No.192718, February 18, 2015, 751 SCRA 1, 46 [Per J. Mendoza, Second Division].

insanity and sociopathic personality anomaly, which, like termites, consume little by little the very foundation of their families, our basic social institutions.”⁹⁷ Ironically, the ultimate effect of such stringent application of the *Molina* guidelines is the perversion of the family unit, the very institution that our laws are meant to protect.

WHEREFORE, premises considered, the Petition is **GRANTED**. The marriage of Maria Teresa Tani-De La Fuente and Rodolfo De La Fuente is declared **NULL and VOID**. The Decision and Resolution of the Court of Appeals dated August 29, 2008 and May 25, 2009, respectively, in CA-G.R. CV. No. 76243 are **REVERSED** and **SET ASIDE**. The Decision dated August 14, 2002 of Branch 107, Regional Trial Court of Quezon City in Civil Case No. Q-99-37829 is **REINSTATED**.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

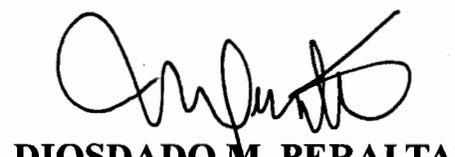
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

⁹⁷ *Ngo Te v. Gutierrez Yu-Te*, 598 Phil. 666, 696 (2009) [Per J. Nachura, Third Division].

ATTESTATION

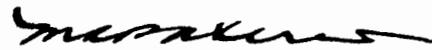
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice