

- 2) Resolution³ dated July 25, 2019 denying petitioner's motion for reconsideration.

Antecedents

In her Petition⁴ dated November 25, 2015, **Janice Maristela-Cuan** sought to have her marriage with Marcelino A. Cuan, Jr. declared void on the ground that they were both psychologically incapacitated. **Marcelino A. Cuan, Jr.** did not file his answer despite notice.⁵

Janice testified that she met Marcelino sometime in 1997 when she and her friends were playing lawn tennis in Quezon City. Marcelino introduced himself and invited them to have some drinks thereafter. Then she met Marcelino again and they started playing tennis together. Marcelino courted her. He would call her regularly and they would go out on dates. After two (2) months of courtship, she finally accepted Marcelino's proposal and she became his girlfriend.⁶

In the course of their relationship, she noticed that Marcelino was overprotective toward her. He would constantly ask where she was and who she was with. She thought it was normal for any person in a relationship to be in such state of emotion.⁷ Their relationship was on and off during the first five (5) months because of Marcelino's constant jealousy. Marcelino later on told her that only marriage could remove his anxiety.⁸ Thus, to mend their turbulent affair, they got married on June 20, 1997 in the City Hall of Quezon City.⁹

Their parents were unaware of their decision to get married. After the wedding ceremony, they just shared a meal at a restaurant and then parted ways. They went home to their respective houses. There was no honeymoon.¹⁰ They did not live together under one roof. They only saw each other after work and during weekends.¹¹

Days and months passed by but they continued to live their respective lives as they used to. In her heart and mind and on paper, she was married to Marcelino. But they never lived together as husband and wife.¹² They went to motels for about five (5) times, yet, they never engaged in sex. Marcelino would attempt to have sex with her but then, he would suddenly stop. She did not know why and it constantly puzzled her.¹³

³ *Id.* at 49-50.

⁴ *Id.* at 71-73.

⁵ *Id.* at 56.

⁶ *Id.* at 53.

⁷ *Id.*

⁸ *Id.* at 54.

⁹ *Id.* at 52.

¹⁰ *Id.* at 54.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Three (3) months after their wedding, Marcelino's jealousy escalated and took a turn for the worse. He barred her from talking to any other man. He got angry whenever they passed by a handsome man thinking she was staring at the latter.¹⁴ He was furious every time he saw her talking to a male co-worker. He turned violent and even physically hurt her whenever he got jealous.¹⁵ There was one incident when he hit her because he thought she was staring at some random man in a disco.¹⁶

Their last argument was in 1999 when he wanted her to leave her work early so they could go out on a date. She refused because her boss was still in the office. Enraged, he shouted at her over the phone and hung up. She tried to call him back, but to no avail. She waited for him to call her back, but he never did. That was the last communication between them.¹⁷

Janette Velasco corroborated the testimony of Janice. She testified that she met Janice in college at AMA Computer College. Back then, they were close friends but they lost communication for a while. They met again when they were already working. She met Marcelino when he and Janice were still sweethearts. Janice confided to her that they got married and their parents knew nothing about it. She also confided to her about Marcelino's unfounded jealousy over a friend. She suspected that Marcelino had insecurities in their relationship. She confirmed that Janice and Marcelino never lived under one roof and they had no children.¹⁸

Clinical Psychologist Nedy L. Tayag testified that she is a clinical psychologist at the National Center for Mental Health, a consultant of various clinics in Metro Manila, and the Chief or visiting psychologist of several clinics in Pampanga. She has been testing and diagnosing personality disorders for about forty (40) years already.¹⁹

When Janice consulted her for a psychological assessment, she subjected her to clinical interview and did the following tests on her: (1) Revised Beta Examination II; (2) Bender Visual Motor Gestalt Test; (3) Draw-A-Person Test; (4) Rorschach Psycho Diagnostic Test; Sach's Sentence Completion Test; (5) Minnesota Multiphasic Personality Inventory I (MMPI); and (6) Hand Test and Self-Analysis. The interview and psychological tests were clinical tools to assess the cognition and state of mind of an individual.²⁰

She (Dr. Tayag) diagnosed Janice with *Passive-Aggressive Personality Disorder*.²¹ Janice was emotionally unstable whose weak disposition drove her to enter into relationships to cater to her deep emotional longings.²² The

¹⁴ *Id.*

¹⁵ *Id.* at 55.

¹⁶ *Id.*

¹⁷ *Id.* at 55-56.

¹⁸ *Id.* at 57-58.

¹⁹ *Id.* at 58.

²⁰ *Espiritu v. Boac-Espiritu*, G.R. No. 247583, October 6, 2021.

²¹ *Rollo*, p. 58.

²² *Id.*

root-cause of her condition was her desire for control. As a middle child, Janice struggled to gain favor from significant others through passive compliance and blind obedience. She longed for a relationship to boost her need for attachment and nurturance. This, she found in the arms of Marcelino and she accepted whatever fate had prepared for her.²³

Marcelino, on the other hand, did not appear for clinical examination despite her (Dr. Tayag) invitation.²⁴ She, nonetheless found Marcelino to be suffering from *Paranoid Personality Disorder with Narcissistic and Antisocial Features* based on the psychodynamic analysis of his behavior, attitude, and character known to both Janice and Janette.²⁵ Marcelino was a self-centered man highly engrossed with immediate satisfaction of his pleasures. He had very low tolerance for stress and frustration. Having been raised from a broken-family, he lacked a sense of responsibility and proper chastisement. Since he always got what he wanted, he became highly sensitive to deprivation. He was preoccupied with his needs and desires which prevented him from performing his spousal functions.²⁶

Dr. Tayag concluded that the union of Janice and Marcelino failed because both of them were suffering from personality disorders characterized as grave, chronic, incurable, and marked by juridical antecedence which hindered them from performing their marital duties.²⁷

Marcelino did not present evidence.²⁸

The Ruling of the Trial Court

By Decision²⁹ dated May 8, 2017, the trial court granted the petition and declared the marriage of Janice to Marcelino *void* on ground of psychological incapacity of both parties. It ruled that Janice and Marcelino did not observe love, respect, and support for each other. They were abnormally involved in the union as their personality disorders deprived them from performing their marital obligations.

Janice was found to be suffering from *Passive Aggressive Personality Disorder*. With her condition, she entered the special contract of marriage without fully comprehending its concomitant responsibilities. Marcelino, on the other hand, was found to be suffering from *Paranoid Personality Disorder with Narcissistic and Antisocial Features* as a result of having been raised in a broken family. Their personality disorders rendered them inflexible, maladaptive, and functionally impaired. For more than fifteen (15) years, they had been living apart without communication. They should now be freed from the bondage of marriage that existed only in paper.

²³ *Id.* at 59.

²⁴ *Id.* at 61.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 56.

²⁹ *Id.* at 52-69.

The trial court, too, ordered the dissolution of the parties' absolute community property relation.

The Proceedings before the Court of Appeals

On appeal, the Office of the Solicitor General (OSG) argued that the totality of evidence presented was insufficient to prove the parties' alleged psychological incapacity.³⁰ It asserted that the immaturity of Marcelino and the passiveness of Janice were mere manifestations of deliberate refusal to assume marital obligations. In fact, from the time they last talked in 1999, or just two (2) years after their marriage, neither of them exerted any effort to find the other to resolve their conflict.³¹

Janice, on the other hand, claimed that the Court of Appeals should consider the specific acts and manifestations of the psychological incapacity of both parties, most especially their lack of endeavor to live together as husband and wife under one roof and Marcelino's refusal to have sex with her.³²

The Ruling of the Court of Appeals

In its assailed Decision³³ dated January 18, 2019, the Court of Appeals **reversed**. It held that Janice failed to prove that she and Marcelino were suffering from psychological incapacity within the contemplation of Article 36³⁴ of the Family Code.

Her portrayal of Marcelino as overly jealous, irrational, demanding, and abusive, if at all true, were only indicative of **immaturity**, not of disordered personality. No evidence was shown to prove that Marcelino's immaturity constituted psychological illness. The trial court heavily relied on the psychological assessment of Dr. Tayag which, however, lacked in-depth analysis as regards the gravity, juridical antecedence, and incurability of Marcelino's personality disorders. Janice's portrayal of herself as passive and emotionally weak was not indicative of any psychological illness either. On the contrary, Janice's behavior and attitude revealed her efforts to observe her marital obligations.

Janice sought reconsideration but the Court of Appeals denied by Resolution³⁵ dated July 25, 2019.

³⁰ *Id.* at 40.

³¹ *Id.* at 45.

³² *Id.* at 24.

³³ *Id.* at 36-47.

³⁴ **ARTICLE 36.** A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

The action for declaration of nullity of the marriage under this Article shall prescribe in ten years after its celebration. (n) (Family Code of the Philippines, Executive Order No. 209, July 6, 1987)

³⁵ *Rollo*, pp. 49-50.

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The Present Petition

Janice now seeks affirmative relief from the Court. She argues that the trial court correctly found that the totality of evidence presented below was sufficient to declare her marriage to Marcelino void. The root cause of her psychological incapacity and that of Marcelino's was clinically identified and sufficiently proven in the proceedings below. Too, their psychological incapacity existed at the time of the celebration of the marriage and was characterized as grave, serious, chronic, severe, and incurable which incapacitated them from assuming their marital obligations.³⁶ As such, neither of them could have possibly performed their marital obligations under Article 68 of the Family Code.³⁷

The Republic of the Philippines, through the OSG, countered that the parties' failure to meet their duties and responsibilities as married persons does not amount to psychological incapacity. The pieces of evidence presented below show a mere difficulty or refusal, rather than a manifestation of a serious illness that could have prevented the parties from complying with their marital obligations.³⁸

Marcelino's supposed constant feelings of jealousy is not a manifestation of mental illness but indicative only of immaturity. Meanwhile, being a submissive wife is also not indicative of a grave psychological disorder. Rather, it shows that she was aware of her marital obligations and she intended to comply with them.³⁹

Lastly, the root cause of either Janice's or Marcelino's psychological incapacity was not sufficiently established.⁴⁰

Issue

Did the evidence on record sufficiently support the petition of Janice for declaration of nullity of her marriage with Marcelino on ground of psychological incapacity?

Ruling

We grant the petition.

Article 36 of the Family Code, as amended, recognizes psychological incapacity as a ground to declare the nullity of marriage, *viz.*:

³⁶ *Rollo*, pp. 3-33.

³⁷ **ARTICLE 68.** The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support. *Family Code of the Philippines*, Executive Order No. 209, July 6, 1987.

³⁸ *Rollo*, pp. 134-149.

³⁹ *Id.*

⁴⁰ *Id.*

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

As expressed in Article 68⁴¹ of the Family Code, the marital covenants include the mutual obligations of husband and wife to live together, observe love, respect, and fidelity and to help and support each other.

In *Tan-Andal v. Andal*,⁴² the Court *En Banc* revisited the concept of psychological incapacity and how through the years, it was invariably interpreted and applied as a medical condition which hinged on mental incapacity or personality disorder. The Court, voting as one, ultimately agreed on a reconfigured concept of psychological incapacity, thus:

Psychological incapacity is not only a mental incapacity nor only a personality disorder that must be proven through expert opinion. There may now be proof of the durable aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for him or her to understand and, more importantly, to comply with his or her essential marital obligations.

Proof of these aspects of personality need not only be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.

In this way, the intent of the Joint Committee to limit the incapacity to "psychic causes" is fulfilled. Furthermore, there will be no need to label a person as mentally disordered just to obtain a decree of nullity. x x x

Difficult to prove as it may be, a party to a nullity case is still required to prove juridical antecedence because it is an explicit requirement of the law.

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Furthermore, not only being an illness in a medical sense, psychological incapacity is not something to be healed or cured. And even if it were a mental disorder, it cannot be described in terms of being curable or incurable.

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Therefore, reading together the deliberations of the Joint Committee and our rulings in Santos and Molina, we hold that the psychological incapacity contemplated in Article 36 of the Family Code is incurable, not in the medical, but in the legal sense; hence, the third Molina guideline is

⁴¹ Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

⁴² G.R. No. 196359, May 10, 2021.

amended accordingly. This means that the incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage. "An undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."

With respect to gravity, the requirement is retained, not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness, but that "mild characterological peculiarities, mood changes, occasional emotional outbursts" are excluded. x x x

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To summarize, psychological incapacity consists of clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes. It is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.

As an explicit requirement of the law, the psychological incapacity must be shown to have been in existence at the time of the celebration of the marriage, and is **caused by a durable aspect of one's personality structure**, one that was formed before the parties married. **To prove psychological incapacity, a party must present clear and convincing evidence of its existence.** (Emphases supplied; citations omitted)

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To stress, psychological incapacity consists of clear acts of dysfunctionality which show lack of understanding and concomitant compliance with one's essential marital obligations.⁴³ But every case involving the alleged psychological incapacity of a spouse should be resolved based on its particular set of facts and Article 36 of the Family Code, applied on a case-to-case basis.

Tan-Andal correctly stated the threshold of evidence in psychological incapacity cases, *i.e.*, *the spouse alleging psychological incapacity is required to prove his or her case with **clear and convincing evidence***. Clear and convincing evidence is the quantum of proof that requires more than preponderance of evidence but less than proof beyond reasonable doubt.⁴⁴

In the case of marriage, the presumption strongly upholds its validity. Trial courts hearing psychological incapacity cases that are uncontested must bear in mind this legal requirement – a petitioner carries the heavy burden of proving by clear and convincing evidence the legal requisites of psychological incapacity (**juridical antecedence, gravity, and incurability**) in order to

⁴³ *Id.*

⁴⁴ *Id.*

rebut the presumptive validity of marriage and obtain the relief that he or she seeks, even if neither the State nor the respondent presents any evidence.⁴⁵

Notably, in *Marcos v. Marcos*,⁴⁶ the Court had already decreed that there is no requirement for the person to be declared psychologically incapacitated to have been personally examined by an expert, be it a psychiatrist or a clinical psychologist. What is important is the presence of totality of evidence that adequately establishes the party's psychological incapacity. *Tan-Andal*, too, cited *Marcos*, albeit it clarified that *Marcos* failed to categorically mention that expert opinion is no longer required in proving psychological incapacity, *viz.*:

It took time before this Court, in *Marcos v. Marcos*, declared that "a medical examination of the person concerned need not be resorted to," requiring instead that "the totality of evidence presented be enough to sustain a finding of psychological incapacity." **This seemed to do away with the requirement of expert opinion on the root cause of the psychological incapacity, but the Court was not categorical with this.** It even said in *Marcos* that the "root cause may be 'medically or clinically identified,' implying that though medical opinion may be done away with, a clinical identification, which is still expert opinion, must nevertheless be presented. (Emphasis added.)

Keen attention to expert opinion, nonetheless, would not be harmful if only to enable the Court to reach an "intelligent and judicious" ruling.⁴⁷ Although the Court in *Tan-Andal* maintained that expert opinion is no longer required, it still gave credence to the testimony and findings of Dr. Valentina Del Fonso Garcia who found therein petitioner's husband as psychologically incapacitated. The Court pronounced that the Court of Appeals erred in discrediting Dr. Garcia's expert opinion just because no prior personal examination and interview of therein respondent was done, *viz.*:

Dr. Garcia recounted how Mario developed traits exhibiting chronic irresponsibility, impulsivity and lack of genuine remorse, lack of empathy and sense of entitlement, behaviors manifesting his inherent psychological incapacity to comply with his essential marital obligations.

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It is true that the expert opinion --- which, we reiterate, is no longer required but is considered here x x x the Court of Appeals erred in discounting wholesale Dr. Garcia's expert opinion because her methodology was allegedly "unscientific and unreliable."

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On the principles and methodology utilized by Dr. Garcia in evaluating Rosanna and Mario, Dr. Garcia conducted a psychiatric clinical interview and mental status examination of Rosanna. She likewise interviewed Ma. Samantha and Jocelyn Genevieve, Rosanna's sister. The

⁴⁵ *Alcantara v. Alcantara*, 558 Phil. 192, 204 (2007).

⁴⁶ 397 Phil. 840, 850 (2000) as cited in *Republic v. Galang*, 665 Phil. 658, 679 (2011).

⁴⁷ *Kalaw v. Fernandez*, 750 Phil. 482, 500 (2015).

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psychiatric clinical interview and mental status examination remain to be the principal techniques in diagnosing psychiatric disorders.

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

x x x x

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

Verily, *Tan-Andal* democratized the forms of evidence proving psychological incapacity. The Court allowed lay persons to prove psychological incapacity through evidence of a *personality structure or psychic causes that manifest itself through clear acts of dysfunctionality that undermine the family*.⁴⁸ The types of evidence that a lay person may adduce for this purpose are (i) the reputation of the incapacitated spouse being psychologically incapacitated – that is, the viewpoint of reasonable members of the spouses’ relevant communities; (ii) the character of the incapacitated spouse relevant to or indicative of such incapacity, (iii) the every day behavior, acts or conduct of the incapacitated spouse, (iv) the offended spouse’s own experience of neglect, abandonment, unrequited love, and infliction of mental distress, among others.⁴⁹

These types of evidence may establish circumstances probative of the dysfunctional acts inimical to the family. The relevant circumstances to be proven may include (i) instances of violence against women and their children as defined in Republic Act No. 9262 (RA 9262), (ii) zero probability of reconciliation between the spouses, and (iii) failure of the spouse or the spouses to perform his, her, or their marital duties and obligations in a manner clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.⁵⁰ The third category of circumstances refers to the characterization, *i.e., clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage*, that was once used to describe the *personality disorder* that gave rise to psychological incapacity.⁵¹

Since *Tan-Andal* has abandoned the focus on personality disorders and expert opinions, this characterization may now be appropriated to capture the essence of the problematic personality structure or psychic causes that spawn psychological incapacity. Embraced in this inclusive circumstance are such

⁴⁸ Supra note 20.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ See e.g. *Republic v. Deang*, G.R. No. 236279, March 25, 2019.

facts as (i) forms of addiction demonstrative of such insensitivity or inability, (ii) abandonment by one spouse of the other, or (iii) instances of actual loss of trust, love, and respect for each other. This notwithstanding the reality of meaningless marriages which force either or both spouses into chronically unproductive and detached lives, thus, physically and psychologically endangering themselves in the process.⁵²

Applying *Tan-Andal* here, we find that Janice was able to prove by **clear and convincing evidence** that, indeed, her marriage to Marcelino should be declared *void* on ground of psychological incapacity. We find though, that based on the evidence presented, **only Marcelino** was psychologically incapacitated to perform his marital duties.

Janice sufficiently established that her marriage with Marcelino should be nullified on ground of the latter's psychological incapacity

Janice testified that when she and Marcelino became sweethearts, she already noticed Marcelino's overprotective tendencies toward her. He would always call her to check where she was and who she was with. She thought it was only normal for any person in a relationship to experience such emotion.⁵³ Their relationship was on and off during the first five (5) months because of Marcelino's constant jealousy. He then told her that only marriage could remove his anxiety. Thus, Janice gave in and they "secretly" got married thinking it would solve their turbulent affair.⁵⁴

After their wedding, however, they just shared a meal at a restaurant and then parted ways. They went home to their respective houses. There was no honeymoon.⁵⁵ They never lived together as husband and wife.⁵⁶ They only saw each other after work and during weekends. They went to motels for about five (5) times but they never engaged in sex. Marcelino would attempt to have sex with her but then, he would suddenly stop. She did not know why and it always puzzled her.⁵⁷

Then, three (3) months after the wedding, Marcelino's jealousy had gotten worse.⁵⁸ He barred Janice from talking to any other man. He got angry whenever they passed by a handsome man thinking she was staring at the latter.⁵⁹ He became furious every time he saw her talking to a male co-worker. Worse, Marcelino became violent whenever he got jealous. It reached a point when he already physically hurt her.⁶⁰ There was one incident when Marcelino

⁵² *Supra* note 20.

⁵³ *Rollo*, p. 53.

⁵⁴ *Id.* at 54.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 55.

hit her just because he thought she was staring at some random man inside a disco.⁶¹

Janice's college close friend Janette corroborated her testimony on material points. She saw and observed them up close. Janice also confided to her about Marcelino's unfounded jealousy. She suspected that Marcelino had insecurities in their relationship. She also confirmed that Janice and Marcelino did not live under one roof and had no children as they never engaged in sex.⁶²

As it was, the testimonies of Janice and Janette established how Marcelino manifested his psychological incapacity in various ways.

Marcelino is psychologically incapacitated in the legal sense

Next, We proceed to determine whether Marcelino's manifestations of psychological incapacity may be construed in the legal sense so as to warrant the nullity of his marriage to Janice. We refer to the three (3) criteria for psychological incapacity – juridical antecedence, gravity, and incurability, as recalibrated in *Tan-Andal*, viz.:

First - Juridical Antecedence (i.e., the condition existed prior to the celebration of marriage):

Marcelino's condition has juridical antecedence since it manifested even before the celebration of his marriage to Janice. When he and Janice were only in a boyfriend-girlfriend relationship, he manifested early on his overprotective tendencies toward her. His constant but unfounded feeling of jealousy was the cause of his "on and off" relationship with Janice. He convinced Janice that his anxiety would only go away if she would marry him.⁶³

But even after they got married, Marcelino's attitude took a turn for the worse. He got jealous of other men and barred Janice from talking to them altogether. He also became violent and started physically assaulting Janice.

Second – Gravity (i.e., the condition cannot be categorized as mild characterological peculiarities, mood changes, and occasional emotional outbursts):

Marcelino never accorded Janice the love and respect that was due her as his wife and partner. During their marriage, he never lived with Janice under one roof. He never even had sex with her. According to Janice, although he attempted to have sex with her in a motel for about five (5) times, he

⁶¹ *Id.*

⁶² *Id.* at 57-58.

⁶³ *Id.* at 54.

suddenly stopped each time. For reasons unknown to Janice, Marcelino was not able to consummate even a single sexual intercourse with her.

Marcelino's constant jealousy could not be considered as mere emotional outburst or mood swing. In fact, his jealousy escalated and got worse when he and Janice were already married. Janette attested to these and added that Marcelino had insecurities in their relationship. Surely, we cannot, by any means, consider Marcelino's condition a mild characterological peculiarity.

Finally – Incurability (i.e., the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable breakdown of the marriage):

Marcelino's psychological incapacity is incurable in the legal sense. To recall, Marcelino brought up the idea of marriage to Janice, not for reasons such as mutual love or settling down and starting a family with Janice, **but to remove his anxiety.**⁶⁴ He himself admitted to Janice that marriage was the only way for him not to feel anxious, jealous, and overprotective of Janice. As it was though, his overprotectiveness, extreme jealousy, and violent tendencies were the very same reasons why he never got to fulfill his spousal obligations toward Janice. Marcelino was so preoccupied with his own needs and insecurities which prevented him from performing his spousal functions. In the end, he got so consumed by them that he abandoned his wife and ended their union over the telephone.

The findings of Dr. Tayag support Marcelino's psychological incapacity

To emphasize, *Tan-Andal* categorically declared that the testimony of a medical expert is no longer required for purposes of establishing psychological incapacity as a legal concept. Thus, whether Dr. Tayag's testimony deserves weight and credence is beside the point. For the testimonies of Janice and Janette were sufficient to duly establish Marcelino's condition.

In any event, *Tan-Andal* discussed the parameters for determining the sufficiency of a report rendered by a psychologist or psychiatrist without personally examining the supposed psychologically incapacitated spouse, viz.:⁶⁵

It is true that expert opinion – **which, we reiterate, is no longer required** but is considered here given that the case was filed during the effectivity of *Molina* – was made by Dr. Garcia without having to interview Mario. Even Dr. Garcia herself admitted during cross-examination that her psychiatric evaluation would have been more comprehensive had Mario submitted himself for evaluation. However, the Court of Appeals erred in

⁶⁴ *Id.*

⁶⁵ *Supra* note 42.

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discounting wholesale Dr. Garcia's expert opinion because her methodology was "unscientific and unreliable."

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x x x According to the Court, opinions are products of personal interpretation and belief and, therefore, they are inherently subjective and generally inadmissible in evidence. Thus, **to qualify as an expert and the opinion admitted as expert opinion, the witness must be shown to possess special knowledge, skill or training relevant to the matter he or she is testifying on, and that the opinion was rendered on the basis of any of these special criteria.** This is apart from the requirement that **the testimony, in itself, be credible, that is, based on "common experience and observation x x x as probable under the circumstances."**

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x x x [T]he rule [on admissibility of expert opinion] requires the following. First, that the "knowledge" testified on must be "scientific," that is, it must be "more than subjective belief or unsupported speculation." Second. The specialized knowledge be of such character that the trial judge be "able to understand the evidence or to determine a fact in issue." Third, the trial judge, like a "gatekeeper," takes a firsthand look on "the scientific validity...[or] the evidentiary relevance or reliability... of the principles that underlie" the testimony being offered as expert opinion. **"The focus...must solely be on the principles and methodology, not on the conclusions they generate."**

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On hearsay, x x x they are generally inadmissible. **However, if "the expert opinion [is] based on otherwise inadmissible hearsay, [it is] to be admitted only if the facts or data are 'of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon a subject.'"** x x x (Emphases added, Citations omitted)

We now apply these parameters to the present case.

First - Dr. Tayag testified as an expert witness:

The State does not challenge the expertise of Dr. Tayag in the field of psychology. She is a clinical psychologist at the National Center for Mental Health, a consultant of various clinics in Metro Manila, and the Chief or visiting psychologist of several clinics in Pampanga. She has been testing and diagnosing personality disorders for about forty (40) years.⁶⁶

Second - on the methodologies applied by Dr. Tayag:

Specifically, Dr. Tayag testified on the methodologies and procedures she applied in assessing Janice and Marcelino's conditions, *viz.*:⁶⁷

⁶⁶ *Rollo*, p. 58.

⁶⁷ *Id.* at 105-108.

12. Q: Can you please tell us the circumstances on how you became acquainted with Janice?
A: Petitioner, (sic) Janice, consulted me and said that she needed a psychological assessment for the purpose of filing an annulment case.
13. Q: And what did you do thereafter, if any?
A: Pursuant to this request, I conducted a clinical interview and a mental status examination of Janice, including the administration of series of psychological test on her. Also, an interview was conducted with JANETTE B. VELASCO – close friend of the petitioner, a corroborative witness of the petitioner, to amplify the statement of the petitioner.
14. Q: Can you please give us a brief summary of these tests you refer to?
A: Tests conducted on petitioner Janice were the following: Revised Beta Examination II, Bender Visual Motor Gestalt Test, Draw-A-Person Test, Rorschach Psycho Diagnostic Test, Sach's Sentence Completion Test, Minnesota Multiphasic Personality Inventory I (MMPI), Hand Test and Self-Analysis plus clinical interview.

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20. Q: What about respondent, MARCELINO CUAN JR? What were your clinical assessments on him, if any?
A: Based on the psychodynamic analysis of her behaviors, attitudes, character as known to petitioner Janice and the interview made to witness JANETTE B. VELASO – close friend of petitioner. I found respondent Marcelino to be psychologically incapacitated to perform his essential marital obligations and is also suffering from a personality disorder clinically known as PARANOID PERSONALITY DISORDER with narcissistic and antisocial features.
21. Q: Why do (sic) say that respondent Marcelino is suffering PARANOID PERSONALITY DISORDER with narcissistic and antisocial features?
A: The following are manifestation of the respondent's personality disorder:
- He displayed recurrent suspicions, without justification, regarding sexual infidelity of the Petitioner. His constant suspicion is fueled by his fertile imagination that Petitioner has another man, even if he has no concrete evidence supporting his claims.
 - The jealousy of the Respondent always sparked a scandalous fight between the parties to the point of disrupting peace and harmony.
 - Respondent manifested pervasive tendency to distort experience by misconstruing the neutral or friendly actions of others as hostile or contemptuous.
 - His unfounded suspiciousness had also caused scandal and problems at Petitioner's workplace. He would call her up at work many times.
 - Respondent had very low tolerance for stress and frustration. His emotional control is so impoverished rendering him prone to act impulsively without taking into consideration the possible outcome of his unpremeditated actuations.
 - Respondent consistently displayed impulsiveness, unstable emotionality, apparent narrow-minded disposition, reckless indulgences, and lack of insight to his negative behaviors.
 - Respondent is seen as self-centered man who is highly engrossed with the immediate satisfaction of his pleasures. His sheer selfishness and

happy go-lucky disposition had made him slack-handed when it comes to managing the relationship and thus gave more importance to pursuing what could make him happy to the point of total oblivion to his spousal obligations.

- He is seen to be self-centered and highly egotistic as he only thought of the immediate gratification of his pleasure-oriented desires and fancies.
- He is negligent to her needs and personal well-being.
- He was insensitive, apathetic, and uncaring towards her. He would shout when he was angry.
- Respondent lacked insight towards his tarnished behavior making him incapable to thrive into loving relationship. He has been blinded by his own blemished condition that he would refuse to admit his fault and would even project the blame to others.
- He is seen to be void of self-awareness making it difficult for him to evaluate and to change his tarnished condition.

22. Q: What do you think is the root cause of respondent, Marcelino's condition?

A: Coming from a broken-family, Respondent wasn't able to experience adequate nurturance, care, affection, and guidance from his primary caregivers. He wasn't able to learn ample sense of responsibility early on since he was not given much task at home. Proper chastisement was also deemed lacking. Such indulgent lifestyle made Respondent embrace a self-centered immature, pleasure-oriented and stubborn disposition. He has always gotten what he wanted and thus become highly sensitive of deprivation. Hence, he failed to defer personal comforts in exchange for the welfare of others. His sheer selfishness and egotism further kept him away from his spousal functions as he has always become pre-occupied of his pleasure-oriented needs and desires. Moreover, Respondent's views and perception towards relationship had been distorted. His capacity to develop basic trust and self-assurance had become vague and indistinct rendering him highly impaired when it comes to his relational adjustment and functioning. Consequently, he failed to develop insight and therefore could not realize that his adjustments are faulty and that change had to be done to correct his ways.

Verily, aside from conducting personal interviews of Janice and Janette, Dr. Tayag also did several tests to arrive at her findings. She, too, found that Marcelino portrayed as overly jealous and irrationally demanding husband. His personality disorder was medically confirmed by Dr. Tayag as *Paranoid Personality Disorder with Narcissistic and Antisocial Features* known to have been developed due to his unhealthy family background. His constant suspicion was fueled by his imagination that Janice had another man, even if he had no concrete evidence supporting his claim.

Dr. Tayag also testified that Marcelino is seen as a self-centered man who is highly engrossed with immediate satisfaction of his pleasures. His sheer selfishness and happy go-lucky disposition had made him slack-handed when it comes to managing his relationship. Thus, he gave more importance to pursuing what could make him happy to the point of total oblivion to his spousal obligations.⁶⁸

⁶⁸ *Id.* at 65.



Finally – Dr. Tayag’s findings were based on admissible evidence:

The fact alone that Dr. Tayag was not able to personally interview and administer tests on Marcelino does not render her findings inadmissible. As stated in *Tan-Andal*, expert opinion based on otherwise hearsay evidence could still be admitted if the facts are “*of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon a subject.*”

Here, Dr. Tayag was unable to personally interview and perform tests on Marcelino simply because the latter ignored her invitation for psychological evaluation. Yet, Dr. Tayag still managed to draw a reasonable conclusion on Marcelino’s condition based on the information which Janice and Janette had given her. As held in *Tan-Andal*, this method of data collection, *i.e.*, clinical interviews of patients and collaterals, remain to be a principal technique in diagnosing psychiatric disorders up to this date. Thus, the information she gathered were “of a type reasonably relied upon by experts,” hence, [her] expert opinion based thereon may be admitted in evidence.”

At any rate, the witnesses Dr. Tayag interviewed also gave their testimonies before the trial court. These testimonies were duly admitted in evidence. Consequently, Dr. Tayag’s expert opinion based thereon should likewise be admitted.

Based on the evidence on record, we thus find that Marcelino failed to give mutual love, respect, and support to Janice. His personality disorder barred him from performing even the most basic of marital obligations: **to love, respect and live together with his wife.**⁶⁹ Verily, Janice should be free from the shackles of marriage that actually exists in paper only.

As the Court decreed in *Santos-Gantan v. Gantan*⁷⁰ in dissolving marital bonds on ground of psychological incapacity of **either** spouse, the Court is not demolishing the foundation of families. By preventing a person who is afflicted with a psychological disorder and incapable of complying with the essential marital obligations from remaining in that sacred bond, **the Court is actually protecting the sanctity of marriage.** In the first place, there is no marriage to speak of since it is *void* from the very beginning.

All told, applying Article 36 of the Family Code, as clarified in the recent landmark case of *Tan-Andal*, we find that there is clear and convincing evidence here to support the conclusion that Marcelino is psychologically incapacitated, in the legal sense, from complying with his marital obligations.

⁶⁹ NCC, Art. 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family.

⁷⁰ *Santos-Gantan v. Gantan*, G.R. No. 225193, October 14, 2020.

↑

Consequently, the marital union between Janice and Marcelino is declared *void ab initio*.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated January 18, 2019 and Resolution dated July 25, 2019 of the Court of Appeals in CA-G.R. CV No. 109851 are **REVERSED** and **SET ASIDE**.

The Decision dated May 8, 2017 of the Regional Trial Court – Branch 202, Las Piñas City in SP 15-0175 is **MODIFIED**.

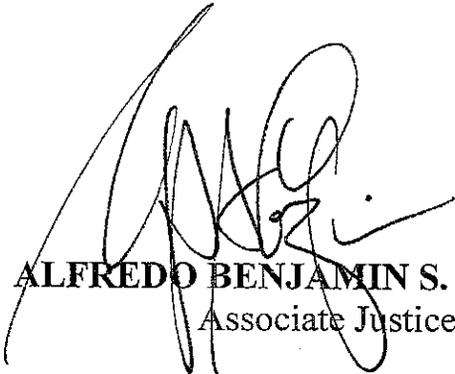
The marriage between Janice Maristela-Cuan and Marcelino A. Cuan, Jr. is declared **VOID** on ground of **Marcelino A. Cuan, Jr.**'s psychological incapacity. Accordingly, their property relation as husband and wife is **DISSOLVED**.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



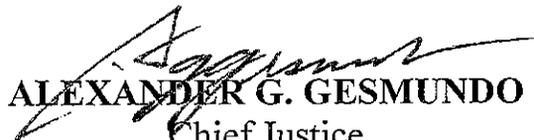
MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

CERTIFICATION

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



ALEXANDER G. GESMUNDO
Chief Justice

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