



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

**SECOND DIVISION**

**LEONORA O. DELA CRUZ- G.R. No. 242362**  
**LANUZA,**

Petitioner,

Present:

-versus-

LEONEN, *J.*, Chairperson,  
 LAZARO-JAVIER,  
 LOPEZ, M.,  
 MARQUEZ,\* and  
 KHO, JR., *JJ.*

**ALFREDO M. LANUZA, JR. and**  
**the REPUBLIC OF THE**  
**PHILIPPINES,**  
 Respondents.

Promulgated:  
APR 17 2024

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**DECISION**

**LEONEN, J.:**

Unjustified absence from the marital home for decades may be considered as part of the totality of evidence that a person is psychologically incapacitated to comply with the essential obligations of marriage.

This resolves a Petition for Review on *Certiorari*<sup>1</sup> seeking the reversal of the May 31, 2018<sup>2</sup> and October 2, 2018<sup>3</sup> Resolutions of the Court of

\* Designated additional Member vice Associate Justice Jhosep Y. Lopez per Raffle dated June 22, 2022.

<sup>1</sup> *Rollo*, pp. 30–65.

<sup>2</sup> *Id.* at 334–335. The May 31, 2018 Resolution in CA-G.R. SP No. 155807 was penned by Associate Justice Priscilla J. Baltazar-Padilla, and concurred in by Associate Justice Nina G. Antonio-Valenzuela and Associate Justice Jhosep Y. Lopez (now a Member of this Court) of the Special Sixteenth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 349–351. The October 2, 2018 Resolution in CA-G.R. SP No. 155807 was penned by Associate Justice Priscilla J. Baltazar-Padilla, and concurred in by Associate Justice Nina G. Antonio-Valenzuela and Associate Justice Jhosep Y. Lopez (now a Member of this Court) of the Former Special Sixteenth Division, Court of Appeals, Manila.

Appeals in CA-G.R. SP No. 155807. The Court of Appeals dismissed petitioner's Rule 42 appeal for being the wrong remedy.

Leonora O. Dela Cruz-Lanuza (Leonora) filed a Petition for Declaration of Nullity of Marriage based on the lack of a valid marriage license and/or psychological incapacity with the Regional Trial Court of Caloocan City, Branch 124.<sup>4</sup>

Leonora was married to Alfredo M. Lanuza, Jr. (Alfredo) in June 1984. They have four children together.<sup>5</sup>

In her petition, Leonora said that although their marriage contract states that a marriage license was secured from the Local Civil Registry of Imus, Cavite, she did not secure any such license, nor did she appear before the same.<sup>6</sup>

She claimed that, although their married life started smoothly, Alfredo later showed signs of psychological incapacity which led to the marriage's breakdown.

During the hearing before the Regional Trial Court, Leonora testified that she and Alfredo met at work. They eventually married on June 9, 1984. However, they did not apply for a marriage license prior to their marriage, nor did they appear before the Local Civil Registry of Imus, Cavite.<sup>7</sup>

Later on, Alfredo's behavior changed. He would come home late or early morning after a night out with friends. He neglected his duty and did not provide food for the family.<sup>8</sup> He treated Leonora as an ordinary occupant of the house, not as his wife.<sup>9</sup> Alfredo also engaged in illicit affairs.<sup>10</sup>

In 1994, Alfredo and Leonora separated.<sup>11</sup> It was also in 1994 when Alfredo married a certain Mary Ann Makalintal in Quezon City.<sup>12</sup> Thereafter, Leonora filed a complaint for bigamy against Alfredo. However, the complaint for bigamy was archived because Alfredo could not be found.<sup>13</sup>

Alfredo was a police officer, but was dismissed from service after he went on AWOL because of the bigamy case. The mail sent by Leonora's

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<sup>4</sup> *Id.* at 23.

<sup>5</sup> *Id.* at 246.

<sup>6</sup> *Id.* at 93.

<sup>7</sup> *Id.* at 247.

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

<sup>9</sup> *Id.* at 93-94.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 248.

<sup>12</sup> *Id.* at 93-94, 248

<sup>13</sup> *Id.* at 248.

counsel to Alfredo was returned with a notation "deceased," but there is no record regarding his death.<sup>14</sup>

In 2000, Alfredo married Jane Alejo, as shown by pictures posted on Facebook. He later remarried Jane in a church wedding.<sup>15</sup>

To support her allegation that Alfredo married two other women, Leonora attached a Certification issued by the Philippine Statistics Authority that as per the record of marriages, the name "Alfredo Jr. Mares Lanuza" comes out in three records:

Date of marriage: October 16, 2000  
Place of marriage: Santo Domingo, Nueva Ecija  
Name of Bride/Groom: JAINE P. ALEJO/ALFREDO M. LANUZA  
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Date of marriage: June 09, 1984  
Place of marriage: Ermita, Manila  
Name of Bride/Groom: LEONORA DELA CRUZ/ALFREDO JR  
LANUZA  
\*\*\*\*\*

Date of marriage: February 22, 1994  
Place of marriage: Quezon City, Metro Manila (2nd District)  
Name of Bride/Groom: MARY ANN DUNGCA MAKALINTAL/  
ALFRED JR MARES LANUZA<sup>16</sup>

Leonora further testified that Alfredo abandoned his family and did not provide any financial support. The only instance when Alfredo visited his children was in 1999, during the recognition day in school. However, he only stayed for less than an hour.<sup>17</sup>

Advised by a lawyer, Leonora underwent a psychological evaluation and the psychologist concluded that Alfredo was psychologically incapacitated to comply with his marital obligations.<sup>18</sup>

Clinical Psychologist Noel N. Ison (Ison) was presented as an expert witness.<sup>19</sup> He testified that he conducted a clinical interview and administered a battery of tests on Leonora. He interviewed Leonora's sister Araceli C. Cleofas, as well as Jizella Rose Jica Lanuza, the daughter of Leonora and Alfredo. However, Ison was unable to assess Alfredo because he did not respond to the invitation.<sup>20</sup>

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 247-248.

<sup>16</sup> *Id.* at 239.

<sup>17</sup> *Id.* at 297-298.

<sup>18</sup> *Id.* at 248.

<sup>19</sup> *Id.* at 248-249.

<sup>20</sup> *Id.* at 248-249.

Ison pointed out that it is accepted in the fields of psychology and psychiatry to use other informants as basis of evaluation, in the absence of the person concerned, such as his spouse with whom he lived for years. He asserted that clinical psychologists have tools and methods to delineate traits, attitude, and personality that are unique to a person, as well as those traits, personality, and attitudes that are merely imbibed from this person's other half during their cohabitation. Ison named several of these tools, particularly, "projection," "identification," and "introjection."<sup>21</sup>

Thus, based on the data available, Ison concluded that Alfredo suffered from narcissistic personality disorder with underlying borderline personality traits.<sup>22</sup>

In its December 27, 2017 Decision,<sup>23</sup> the Regional Trial Court held that the evidence to prove Alfredo's subsequent marriages were insufficient. Leonora did not submit any Certificate of Marriage between Alfredo and Mary Ann Makalintal, or between Alfredo and Jane Alejo.<sup>24</sup>

The trial court's Decision further discussed that assuming that Alfredo did have two subsequent marriages, it only establishes infidelity, which is insufficient to establish psychological incapacity. There should be other circumstances and situations showing Alfredo's actions and inactions to show his aberrant attitudes and behavioral patterns demonstrating his total personality and his psychological illness.<sup>25</sup>

The Regional Trial Court also cast doubt on Ison's factual basis for his conclusions,<sup>26</sup> stating that his testimony and findings lacked particulars, and were only generally related to Alfredo's condition.<sup>27</sup>

Ison identified character traits, attitudes, and behavior of a person suffering from the disorders Alfredo allegedly suffered from, but Ison failed to show the specific acts and factual circumstances on which he based these conclusions. The Regional Trial Court cited, as an example, Ison's description of Alfredo as having "a great sense of self-entitlement and self-importance,"<sup>28</sup> but which description did not mention any specific behavior showing this personality and character. Thus, the Regional Trial Court doubted whether Leonora provided Ison sufficient factual data to enable him to render a credible report about Alfredo's psychological condition.<sup>29</sup>

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<sup>21</sup> *Id.* at 249–250.

<sup>22</sup> *Id.* at 250–251.

<sup>23</sup> *Id.* at 246–259. The December 27, 2017 Decision in Civil Case No. C-23815 was penned by Presiding Judge Glenda K. Cabello-Marin of Branch 124, Regional Trial Court, Caloocan City.

<sup>24</sup> *Id.* at 256.

<sup>25</sup> *Id.* at 256–257.

<sup>26</sup> *Id.* at 257.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

The dispositive portion of the Regional Trial Court Decision reads:

WHEREFORE, premises considered, the instant petition is hereby DENIED.

SO ORDERED.<sup>30</sup>

Leonora filed a Motion for Reconsideration,<sup>31</sup> which the Regional Trial Court denied in an Order dated April 23, 2018.<sup>32</sup>

The Regional Trial Court reiterated that Leonora herself failed to provide details regarding her relationship with Alfredo before marriage. Hence, there was no basis to find that Alfredo's psychological incapacity existed prior to their marriage. The Regional Trial Court noted that Ison even stated that Leonora described Alfredo as "very kind, gentle and witty. The respondent was a picture of a perfect man. Good character and brains rolled into one."<sup>33</sup>

For lack of evidence, the Regional Trial Court rejected the argument that the marriage should be annulled because of the lack of application for a marriage license, or for Leonora's failure to appear before the Local Civil Registrar prior to her marriage.<sup>34</sup>

Leonora filed a Motion for Reconsideration of the Regional Trial Court's Decision,<sup>35</sup> which was denied through an Order dated April 23, 2018.<sup>36</sup>

Leonora then filed a Petition for Review before the Court of Appeals.<sup>37</sup>

Leonora insisted that she narrated the factual events necessary to annul her marriage to Alfredo. She quoted portions of her testimony:

SACP GRAVINO

Q So, madam witness, you are the petitioner in this case, am I correct?

A Yes, ma'am.

Q When are you married with the respondent?

<sup>30</sup> *Id.* at 259.

<sup>31</sup> *Id.* at 260-271.

<sup>32</sup> *Id.* at 279-284.

<sup>33</sup> *Id.* at 282.

<sup>34</sup> *Id.* at 283.

<sup>35</sup> *Id.* at 260-273.

<sup>36</sup> *Id.* at 279-284.

<sup>37</sup> *Id.* at 66-91.

- A June 9, 1984, ma'am.
- Q And separated?
- A Sometime 1994, ma'am.
- Q So, you were united for only ten years?
- A Yes, ma'am.
- Q And in that period of nine years you were gifted with four children?
- A Yes, ma'am.
- Q All fathered by the respondent?
- A Yes, ma'am.
- Q You mentioned that there is a Warrant of Arrest issued against the respondent in this case in a Bigamy case, am I right?
- A Yes, ma'am.
- Q Is that subsequent marriage subject of the Bigamy case solemnized after your wedding to the respondent in this case?
- A Yes, ma'am.
- Q Meaning, that of all the marriages, because I understand that the respondent contracted two more marriages after yours?
- A Yes, ma'am.
- Q So, your marriage with the respondent is the first?
- A Yes, ma'am.
- Q Among the marriages that he contracted, right?
- A Yes, ma'am.
- Q Why did you separate, madam witness?
- A I've been asking myself also, what have I done?
- [] What is wrong with the marriage because I thought it is a very good marriage because we had plans and he will go back to school and take law, and he took two semesters of law at Manila Law College. Then, because of his schedule as a police officer, his duty at night and filing cases in the morning, then going to school, so I never asked him or I never expect him to go home every day because of the tight schedule.
- Q Yes, and so finally after pondering what's wrong with [the] marriage that made it fall down, because that's my question to you earlier. What was the cause of your separation?
- A When he got married to Mary Ann, I've been questioning myself, but when he married another woman, the second mistress, then I told myself that he got this psychiatric disorder because you will not marry four times, three women.
- Q Why four times? There are only three women?
- A He married again in Nueva Ecija in a Christian Marriage, the same woman.
- .....



- Q So they are together now, this third woman?  
A He is abroad and the woman stays in Nueva Ecija with the kids, ma'am.
- Q Do you have copies of his Marriage Contracts? Are they marked as evidence in this case?  
A Pictures of the Christian Wedding in Nueva Ecija, ma'am.
- Q But you have no Marriage Contracts?  
A I can get one, ma'am.<sup>38</sup>

In its May 31, 2018 Resolution,<sup>39</sup> the Court of Appeals dismissed Leonora's Petition for Review for being the wrong remedy.

The Court of Appeals discussed that Leonora filed a Petition for Review under Rule 42 of the Rules of Court. However, she should have filed a Notice of Appeal before the Regional Trial Court, considering that the questioned judgment was rendered by the trial court in the exercise of its original jurisdiction.<sup>40</sup>

The dispositive portion of the Resolution reads:

**WHEREFORE**, the petition at bar is hereby **DISMISSED** for being the improper remedy.

**SO ORDERED.**<sup>41</sup>

Leonora moved for reconsideration,<sup>42</sup> but the Court of Appeals denied the same in its October 2, 2018 Resolution.<sup>43</sup> The Court of Appeals reasoned that the right to appeal is a mere statutory privilege which must be exercised in accordance with the provisions of law, and that failure to perfect an appeal raises a jurisdictional issue which deprives the appellate court of jurisdiction. The Court of Appeals reasoned further that, while it may relax the rules when called for, Leonora failed to show that her case is highly meritorious, since the assailed Regional Trial Court issuances were amply supported by both law and jurisprudence.<sup>44</sup>

Thus, Leonora filed the present Petition for Review.<sup>45</sup>

On April 1, 2019, this Court required respondents to Comment on the

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<sup>38</sup> *Id.* at 74-76.

<sup>39</sup> *Id.* at 334-335.

<sup>40</sup> *Id.* at 334.

<sup>41</sup> *Id.* at 335.

<sup>42</sup> *Id.* at 336-345.

<sup>43</sup> *Id.* at 349-351.

<sup>44</sup> *Id.* at 351.

<sup>45</sup> *Id.* at 30-65.

Petition.<sup>46</sup>

Public respondent Republic of the Philippines, through the Office of the Solicitor General, filed a Motion for Extension of Time which was granted through a Resolution dated August 7, 2019.<sup>47</sup>

In the same Resolution, this Court noted petitioner's Compliance and noted without action petitioner's Amended Petition for Review, in view of the April 1, 2019 Resolution requiring respondents to Comment.<sup>48</sup>

On November 25, 2019, this Court noted the Office of the Solicitor General's Comment to the Amended Petition for Review.<sup>49</sup> Through the same Resolution, petitioner was required to inform the Court of the correct and present address of private respondent Alfredo.<sup>50</sup>

Through a Resolution dated March 9, 2020,<sup>51</sup> the Court noted petitioner's Compliance to the November 25, 2019 Resolution. The Court also required private respondent to show cause why he should not be cited in contempt for his failure to comply with the April 1, 2019 Resolution requiring him to file his Comment.<sup>52</sup>

Private respondent did not file any explanation why he was unable to file his Comment.

Through a Resolution dated February 1, 2021, the Court resolved to impose a fine of PHP 1,000.00 on private respondent and required him to comply with the April 1, 2019 Resolution.<sup>53</sup>

Private respondent still did not comply with the Court's Resolution.

Through a Resolution dated August 1, 2022, the Court increased the fine imposed on private respondent to PHP 5,000.00 and required private respondent to comply with the April 1, 2019 and March 9, 2020 Resolutions.<sup>54</sup>

Throughout the pendency of this Petition, private respondent never filed any responsive pleading despite the resolutions sent to his last known address. Thus, we dispense with private respondent's Comment.

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<sup>46</sup> *Id.* at 376.

<sup>47</sup> *Id.* at 727-728.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 752-753.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 762-763.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 764-765.

<sup>54</sup> *Id.* at 768-A-769-B.

Petitioner claims that the Court of Appeals committed grave abuse of discretion when it dismissed her Petition for Review by reason of technicality.<sup>55</sup>

Petitioner also claims that the Regional Trial Court committed grave abuse of discretion when it found that private respondent's two subsequent marriages are not sufficient to prove that he is incognizant of the duties and obligations of a marital union.<sup>56</sup>

The Office of the Solicitor General counters that there was no error on the part of the Court of Appeals when it dismissed petitioner's appeal on procedural grounds.<sup>57</sup>

The Court of Appeals could not have treated the Petition for Review as a Notice of Appeal, the two modes of appeal being different from each other.<sup>58</sup>

The Office of the Solicitor General argues that the evidence presented by petitioner is insufficient to prove psychological incapacity on the part of private respondent.<sup>59</sup>

Petitioner's allegation that private respondent's habit of coming home late at night, his preference of spending more time with friends, and his failure to provide food for his family do not constitute psychological incapacity. At most, it would only prove that Alfredo had difficulty "in performing the essential marital obligations."<sup>60</sup>

To support its argument, the Office of the Solicitor General cites *Perez-Ferraris v. Ferraris*<sup>61</sup> where the Court mentioned:

We find respondent's alleged mixed personality disorder, the "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>62</sup>

In addition, it was not shown that private respondent's sexual

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<sup>55</sup> *Id.* at 38.

<sup>56</sup> *Id.* at 39.

<sup>57</sup> *Id.* at 735-737.

<sup>58</sup> *Id.* at 739-740.

<sup>59</sup> *Id.* at 740-746.

<sup>60</sup> *Id.* at 743.

<sup>61</sup> 527 Phil. 722 (2006) [Per J. Ynares-Santiago, First Division].

<sup>62</sup> *Rollo*, p. 742, citing *Perez-Ferraris v. Ferraris*, 527 Phil. 722, 729 (2006) [Per J. Ynares-Santiago, First Division].

indiscretions and abandonment of his family were “traits [that] already existed prior to or at the time of the celebration of the marriage.”<sup>63</sup> At most, it only shows private respondent’s youth and immaturity.<sup>64</sup>

The Office of the Solicitor General questions Ison’s findings since he was unable to personally examine private respondent. Citing *Suazo v. Suazo*,<sup>65</sup> the Office of the Solicitor General highlights that the persons interviewed by Ison are those who are interested in the declaration of nullity of petitioner and private respondent’s marriage.<sup>66</sup>

According to the Office of the Solicitor General, Ison was unable to specifically show that private respondent’s personality disorder is grave, incurable, and with juridical antecedence.<sup>67</sup>

Ison was also unable to explain in his report how private respondent’s narcissistic personality disorder with borderline personality traits rendered him incapacitated to perform his marital obligations.<sup>68</sup> At most, it only caused marital strain which is not sufficient to declare the marriage void.<sup>69</sup>

The issues for this Court’s resolution are the following:

- (1) Whether the Court of Appeals erred in dismissing the case on procedural grounds; and
- (2) Whether the totality of evidence presented by petitioner Leonora O. Dela Cruz-Lanuza is sufficient to declare her marriage to private respondent Alfredo M. Lanuza, Jr. as void on the ground of psychological incapacity.

## I

We grant the Petition.

On the procedural issue, we rule that the Court of Appeals did not err in dismissing the appeal on the ground that it was the wrong remedy.

Considering that the appeal was filed in 2018, or prior to the effectivity of the 2019 Rules of Civil Procedure, we apply the 1997 Rules of Civil

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<sup>63</sup> *Id.* at 743.

<sup>64</sup> *Id.*

<sup>65</sup> 629 Phil. 157 (2010) [Per J. Brion, Second Division].

<sup>66</sup> *Id.* at 744–746.

<sup>67</sup> *Id.* at 745.

<sup>68</sup> *Id.* at 745–746.

<sup>69</sup> *Id.* at 746.

## Procedure.

The RTC Decision denying the Petition for Declaration of Nullity of Marriage was promulgated in the exercise of its original jurisdiction. Thus, the proper mode of appeal would have been an ordinary appeal under Rule 41(a),<sup>70</sup> or a petition for review on *certiorari* under Rule 45 if the matters raised are purely questions of law.<sup>71</sup>

An appeal under Rule 42, availed of by petitioner, would have been appropriate if the questioned RTC Decision was rendered in the exercise of its appellate jurisdiction.<sup>72</sup>

In *Malixi v. Baltazar*,<sup>73</sup> the Court enumerated instances when the rules of procedure may be relaxed. These instances include:

(a) matters of life, liberty, honor or property[,] (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.<sup>74</sup>

<sup>70</sup> RULES OF COURT (1997), Rule 41, sec. 2 provides:  
Section 2. *Modes of appeal.* —

(a) *Ordinary appeal.* — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where law on these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) *Petition for review.* — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review in accordance with Rule 42.

(c) *Appeal by certiorari.* — In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with the Rule 45.

<sup>71</sup> RULES OF COURT (1997), Rule 45, sec. 1 provides:

Section 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth. (1a, 2a)

<sup>72</sup> RULES OF COURT (1997), Rule 42, sec. 1:

Section 1. *How appeal taken; time for filing.* — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days. (n)

<sup>73</sup> 821 Phil. 423 (2017) [Per J. Leonen, *En Banc*].

<sup>74</sup> *Id.* at 448, citing *Barnes v. Hon. Quijano Padilla*, 500 Phil. 303, 311 (2005) [Per J. Austria-Martinez, Second Division], citing further *Sanchez v. Court of Appeals*, 452 Phil. 665, 674 (2003) [Per J. Bellosillo, *En Banc*].

A review of the substantive matter raised in this Petition shows that it is meritorious. Hence, even if there was no error on the part of the Court of Appeals, we give due course to the Petition.

## II

In deciding cases for declaration of nullity of marriage under Article 36 of the Family Code, we are guided by the pronouncements in *Tan-Andal v. Andal*,<sup>75</sup> thus:

Psychological incapacity is *neither* a mental incapacity *nor* a personality disorder that must be proven through expert opinion. There must be proof, however, of the durable or enduring aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.

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

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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 existing 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. Furthermore, it must be shown caused by a genuinely serious psychic cause. To prove psychological incapacity, a party must present clear and convincing evidence of its existence.<sup>76</sup> (Citations omitted)

*Datu v. Datu*<sup>77</sup> expounded on the statement in *Tan-Andal* that psychological incapacity under Article 36 of the Family Code is a legal concept.

<sup>75</sup> 902 Phil. 558 (2021) [Per J. Leonen, *En Banc*].

<sup>76</sup> *Id.* at 597, 608.

<sup>77</sup> 910 Phil. 436 (2001) [Per J. Leonen, Third Division].

*Tan-Andal*, however, clarified that psychological incapacity, as envisioned by the Family Code Revision Committee, is, again, a legal concept. Instead of being a medical illness, psychological incapacity is “[a] durable or enduring [aspect] of a person’s personality called ‘personality structure,’ which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse’s personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.”

As a legal concept, psychological incapacity cannot be characterized as incurable. Instead, it is permanent relative to a specific partner. However, psychological incapacity can be grave, not in the sense that it is a serious or dangerous mental illness, but that it excludes “mild characterological peculiarities, mood changes, occasional emotional outbursts[.]” The incapacity must be shown to be due to a genuinely serious psychic cause. And, as explicitly required by the law, the incapacity must have existed before or during the celebration of the marriage.<sup>78</sup> (Citations omitted)

Articles 68 to 73 of the Family Code provide for the rights and obligations between husband and wife. In particular, Article 68 states:

Article 68. The husband and wife are **obliged to live together, observe mutual love, respect and fidelity**, and render mutual help and support. (Emphasis supplied)

Article 220 of the same Code enumerates some of the obligations of parents to their children.

Article 220. The parents and those exercising parental authority shall have with the respect to their unemancipated children on wards the following rights and duties:

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
- (2) To give them love and affection, advice and counsel, companionship and understanding;
- (3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- (4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
- (5) To represent them in all matters affecting their interests;
- (6) To demand from them respect and obedience;
- (7) To impose discipline on them as may be required under the circumstances; and

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<sup>78</sup> *Id.* at 452–453.

(8) To perform such other duties as are imposed by law upon parents and guardians.

We find that the pieces of evidence presented by petitioner sufficiently establish the psychological incapacity of respondent.

Based on the facts, respondent left his family in 1994 and appears to have contracted marriage several times, with different women. He never gave financial support to his children and only visited them once, for less than an hour. These indicate that respondent did not understand his obligations as a husband and father.

Ison, whom petitioner presented as expert witness, examined petitioner, petitioner's sister, and petitioner's daughter in lieu of respondent.

The Office of the Solicitor General questions the findings of Ison, arguing that he was unable to personally examine private respondent.<sup>79</sup>

On this matter, *Georfo v. Republic*<sup>80</sup> reiterated *Tan-Andal* where this Court pronounced that "it is an accepted practice in psychiatry to base a person's psychiatric history on collateral information, or information from sources aside from the person evaluated."<sup>81</sup>

*Georfo* also discussed that "[i]n cases where a psychiatric report is offered as an expert's opinion, the psychiatric evaluation of the alleged incapacitated spouse is not indispensable. The psychiatric evaluation may be based on collateral information or other sources."<sup>82</sup>

Ison came to the conclusion, as written in his Psychological Evaluation of respondent, that:

Overall assessment of the psychological evaluation conducted affirms that the present psychopathology that exists in the minds of the respondent is profoundly embedded in his personality, and the manifestations had emanated from the early years of his development, which have found its profound and continuous manifestations in the succeeding years of his life. It stemmed out from the effects of his early socialization with his family. His preoccupation with his self-interest and personal gain made him ineffective to fulfill the essential elements of marriage. His personality disorder had impaired his individual growth which caused detriment in his cognition (perception and interpretation of the self and life events) and interpersonal functioning. As a result, the maladaptive patterns of personality that he possesses have psychologically

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<sup>79</sup> *Rollo*, pp. 744-745.

<sup>80</sup> G.R. No. 246933, March 6, 2023 [Per J. Leonen, Second Division].

<sup>81</sup> *Id.* (Citation omitted)

<sup>82</sup> *Id.*



deterred him to fulfill the mutual observance of love, respect, fidelity, help, and support in their marital relationship.<sup>83</sup>

Ison explained his findings through his Judicial Affidavit:

Q25: What is your evaluation of the Respondent?

A25: Clinically, Respondent is evaluated to be suffering from **Narcissistic Personality Disorder** with underlying **Borderline Personality Traits**.

Q26: What are the character flaws of this personality disorder?

A26: The *Diagnostic Statistical Manual Fourth Edition Text Revisions (DSM-IV-TR)* of the American Psychological Association has conceptualize **narcissistic personality disorder** as a pervasive pattern of grandiosity, need for admiration and lack of empathy, beginning by early adulthood and present in a variety of context as indicated by his: grandiose sense of self-importance; sense of entitlement; belief that she is "special" and unique and can only be understood by, or should associate with, other special or high-status people; excessive need for admiration interpersonally exploitative attitude; lack of empathy; and arrogant, haughty behaviors or attitudes. Because of Borderline Personality Disorder, accordingly, these people are unaware of their true feelings and are unable to explain their motivations. Under stress, reality testing easily becomes impaired. They are sensation seekers and may get into trouble with the law, abuse drugs and act promiscuously. The Respondent's unstable self-concept and emotion liability predict difficulty in maintaining commitment to long-term goals. That is the main reason why his erratic behaviors which was related to his life's decisions that are of major concerns led him to leave/abandon the petitioner and their children and even got married twice with different women.

Q27: Would this personality disorder be consistent with his psychological incapacity to perform the essential marital obligations?

A27: Yes sir, as a matter of fact it is constitutive of his psychological incapacity to perform the essential marital obligations.

Q28: Are people suffering from this disorder good partners?

A28: They are not good partners because people suffering from this disorder have inability to maintain deep, long, lasting attachments. They are controlling, dominant and manipulative. They lack remorse.

Q29: What characterizes the psychological incapacity of the Respondent?

A29: His psychological disorder is **grave, incurable** and **permanent** in nature and has juridical antecedence. It is grave enough to deter his (sic) from performing his essential marital obligations. There is an arrest in his psychological growth that is why he cannot cope with the demands of the marriage. He did not fulfill all the responsibilities of a husband and the most important responsibilities of attending to the emotional, physical and psychological and even social needs of one's wife were not complied with.

Q30: Why do you say so?

A30: Because it is developmental in nature. It is deeply embedded in his system thus it will always be there. The **respondent** does not have any insight of his condition given the fact that he has already adapted to such

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<sup>83</sup> Rollo, p. 228.

behaviors.

Q31: How about therapy or medicines, can it not be cured?

A31: No sir. People with these conditions are ego-syntonic, that is, they don't feel anything wrong with their own behavior and attribute to others their problems for failing to understand them. Being such, they strongly deny that they are mentally ill, reject the idea of seeking professional help and therefore refuse any form of psychiatric treatment.

Q32: In your expert opinion, when did his personality disorder begin?

A32: There is a strong basis for assertion that his psychopathology was well in place even when he was a child, his growing up or formative years sir.

Q33: What is the root cause of his personality disorder?

A33: The Respondent grew up in somewhat favorable familial environment and he was deprived of appropriate parental supervision and guidance. His parents' lenient and tolerable attitude encouraged him to become extremely assertive. He appears to overly emphasize his worthiness that he manifests a flamboyant behavior to satisfy his intense need for self-importance. His pompous attitude frequently annoys his immediate environment that he is unable to create an amiable atmosphere. He seemed to have an intense belief that he has all the potentials to obtain his desires. His sense of entitlement is very much striking. He has been so focused on his self-interest that he habitually creates situations to attain his demands. He goes to excessive lengths that he shows fearlessness and willingness to risk his character just to have his way, lacks remorse as he does things that put petitioner and his family to shame. The father is quiet and a passive type of person.

Q34: Given all your findings, what would be your expert opinion?

A34: The undersigned recommends for the declaration of nullity of their marriage due to the personality disorder harbored by the Respondent making him psychologically incapacitated to perform the essential marital obligations.

Q35: Do you have anything more to say?

A35: Nothing more sir.<sup>84</sup> (Emphasis in the original)

From the foregoing, it is clear that Ison was able to explain how respondent's personality disorder developed from his childhood and how it is correlated to his inability to fulfill his obligations as a husband and father.

To restate, the gravity of respondent's personality disorder is shown by his lack of recognition that he has responsibilities to his wife and children.

His personality disorder appears to have been fostered by how he was raised by his family as "he was deprived of appropriate parental supervision and guidance"<sup>85</sup> and "his parents' lenient and tolerable attitude encouraged him to become extremely assertive."<sup>86</sup> This shows that there is juridical

<sup>84</sup> *Id.* at 174-176.

<sup>85</sup> *Id.* at 175.

<sup>86</sup> *Id.*

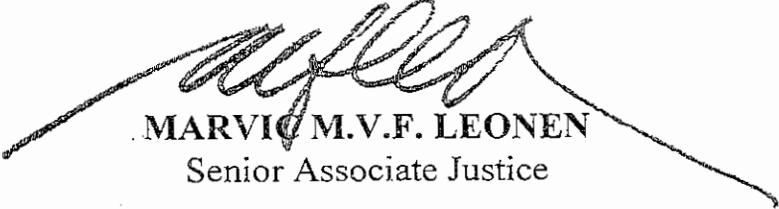
antecedence. His psychological incapacity developed during his formative years and existed prior to his marriage to petitioner.

The incurability of respondent's personality disorder was also explained by Ison when he stated in his Judicial Affidavit that those who are diagnosed with narcissistic personality disorder "strongly deny that they are mentally ill, reject the idea of seeking professional help and therefore refuse any form of psychiatric treatment."<sup>87</sup>

Respondent's infidelity, failure to give support to his wife and children, and unjustified absence from his family are all indicative that he is not cognizant of the duties and responsibilities of a husband and father.

**ACCORDINGLY**, the Petition is **GRANTED**. The May 31, 2018 and October 2, 2018 Resolutions of the Court of Appeals in CA-G.R. SP No. 155807 are **REVERSED** and **SET ASIDE**. The marriage of petitioner Leonora O. Dela Cruz-Lanuza and private respondent Alfredo M. Lanuza, Jr. is **VOID** on the ground of psychological incapacity.

**SO ORDERED.**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

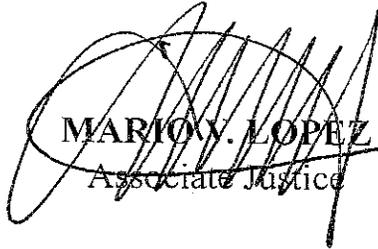
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<sup>87</sup> *Id.* at 174-176.

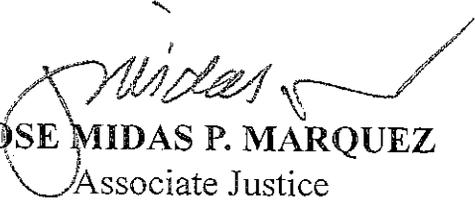
WE CONCUR:



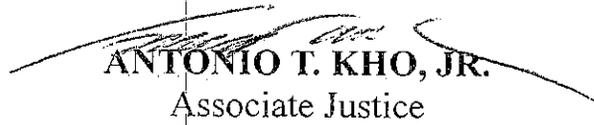
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO W. LOPEZ**  
Associate Justice



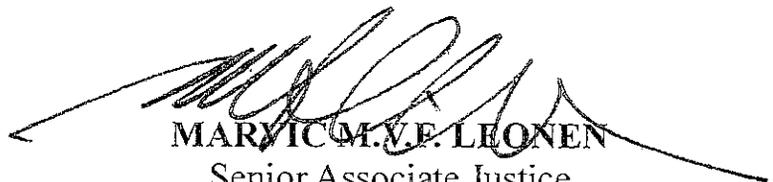
**JOSE MIDAS P. MARQUEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

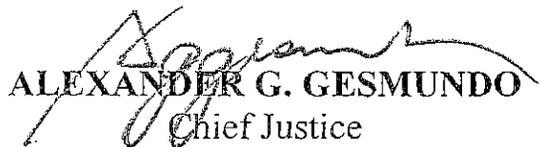
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARY M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson

**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.



**ALEXANDER G. GESMUNDO**  
Chief Justice