

**LEONILO ANTONIO PETITIONER, VS. MARIE IVONNE F. REYES,
RESPONDENT***G.R. No. 155800. March 10, 2006*

Ponente: TINGA, J.

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Statistics never lie, but lovers often do, quipped a sage. This sad truth has unsettled many a love transformed into matrimony. Any sort of deception between spouses, no matter the gravity, is always disquieting. Deceit to the depth and breadth unveiled in the following pages, dark and irrational as in the modern noir tale, dims any trace of certitude on the guilty spouse's capability to fulfill the marital obligations even more.

The Petition for Review on Certiorari assails the Decision[1] and Resolution[2] of the Court of Appeals dated 29 November 2001 and 24 October 2002. The Court of Appeals had reversed the judgment[3] of the Regional Trial Court (RTC) of Makati declaring the marriage of Leonilo N. Antonio (petitioner) and Marie Ivonne F. Reyes (respondent), null and void. After careful consideration, we reverse and affirm instead the trial court.

Antecedent Facts

Petitioner and respondent met in August 1989 when petitioner was 26 years old and respondent was 36 years of age. Barely a year after their first meeting, they got married before a minister of the Gospel[4] at the Manila City Hall, and through a subsequent church wedding[5] at the Sta. Rosa de Lima Parish, Bagong Ilog, Pasig, Metro Manila on 6 December 1990.[6] Out of their union, a child was born on 19 April 1991, who sadly died five (5) months later.

On 8 March 1993,[7] petitioner filed a petition to have his marriage to respondent declared null and void. He anchored his petition for nullity on Article 36 of the Family Code alleging that respondent was psychologically incapacitated to comply with the essential obligations of marriage. He asserted that respondent's incapacity existed at the time their marriage was celebrated and still subsists up to the present.[8]

As manifestations of respondent's alleged psychological incapacity, petitioner claimed that respondent persistently lied about herself, the people around her, her occupation, income, educational attainment and other events or things, [9] to wit:

(1) She concealed the fact that she previously gave birth to an illegitimate son,[10] and instead introduced the boy to petitioner as the adopted child of her family. She only confessed the truth about the boy's parentage when petitioner learned about it from other sources after their marriage.[11]

(2) She fabricated a story that her brother-in-law, Edwin David, attempted to rape and kill her when in fact, no such incident occurred.[12]

(3) She misrepresented herself as a psychiatrist to her obstetrician, Dr. Consuelo Gardiner, and told some of her friends that she graduated with a degree in psychology, when she was neither.[13]

(4) She claimed to be a singer or a free-lance voice talent affiliated with Blackgold Recording Company (Blackgold); yet, not a single member of her family ever witnessed her alleged singing activities with the group. In the same vein, she postulated that a luncheon show was held at the Philippine Village Hotel in her honor and even presented an invitation to that effect[14] but petitioner discovered per certification by the Director of Sales of said hotel that no such occasion had taken place.[15]

(5) She invented friends named Babes Santos and Via Marquez, and under those names, sent lengthy letters to petitioner claiming to be from Blackgold and touting her as the "number one moneymaker" in the commercial industry worth P2 million.[16] Petitioner later found out that respondent herself was the one who wrote and sent the letters to him when she admitted the truth in one of their quarrels.[17] He likewise realized that Babes Santos and Via Marquez were only figments of her imagination when he discovered they were not known in or connected with Blackgold.[18]

(6) She represented herself as a person of greater means, thus, she altered her payslip to make it appear that she earned a higher income. She bought a sala set from a public market but told petitioner that she acquired it from a famous furniture dealer.[19] She spent lavishly on unnecessary items and ended up borrowing money from other people on false pretexts.[20]

(7) She exhibited insecurities and jealousies over him to the extent of calling up his officemates to monitor his whereabouts. When he could no longer take her unusual behavior, he separated from her in August 1991. He tried to attempt a reconciliation but since her behavior did not change, he finally left her for good in November 1991.[21]

In support of his petition, petitioner presented Dr. Dante Herrera Abcede (Dr. Abcede), a psychiatrist, and Dr. Arnulfo V. Lopez (Dr. Lopez), a clinical psychologist, who stated, based on the tests they conducted, that petitioner was essentially a normal, introspective, shy and conservative type of person. On the other hand, they observed that respondent's persistent and constant lying to petitioner was abnormal or pathological. It undermined the basic relationship that should be based on love, trust and respect.[22] They further asserted that respondent's extreme jealousy was also pathological. It reached the point of paranoia since there was no actual basis for her to suspect that petitioner was having an affair with another woman. They concluded based on the foregoing that respondent was psychologically incapacitated to perform her essential marital obligations.[23]

In opposing the petition, respondent claimed that she performed her marital obligations by attending to all the needs of her husband. She asserted that there was no truth to the allegation that she fabricated stories, told lies and invented personalities.[24] She presented her version, thus:

(1) She concealed her child by another man from petitioner because she was afraid of losing her husband.[25]

(2) She told petitioner about David's attempt to rape and kill her because she surmised such intent from David's act of touching her back and ogling her from head to foot.[26]

(3) She was actually a BS Banking and Finance graduate and had been teaching psychology at the Pasig Catholic School for two (2) years.[27]

(4) She was a free-lance voice talent of Aris de las Alas, an executive producer of Channel 9 and she had done three (3) commercials with McCann Erickson for the advertisement of Coca-cola, Johnson & Johnson, and Traders Royal Bank. She told petitioner she was a Blackgold recording artist although she was not under contract with the company, yet she reported to the Blackgold office after office hours. She claimed that a luncheon show was indeed held in her honor at the Philippine Village Hotel on 8 December 1979.[28]

(5) She vowed that the letters sent to petitioner were not written by her and the writers thereof were not fictitious. Bea Marquez Recto of the Recto political clan was a resident of the United States while Babes Santos was employed with Saniwares.[29]

(6) She admitted that she called up an officemate of her husband but averred that she merely asked the latter in a diplomatic matter if she was the one asking for chocolates from petitioner, and not to monitor her husband's whereabouts.[30]

(7) She belied the allegation that she spent lavishly as she supported almost ten people from her monthly budget of P7,000.00.[31]

In fine, respondent argued that apart from her non-disclosure of a child prior to their marriage, the other lies attributed to her by petitioner were mostly hearsay and unconvincing. Her stance was that the totality of the evidence presented is not sufficient for a finding of psychological incapacity on her part.[32]

In addition, respondent presented Dr. Antonio Efren Reyes (Dr. Reyes), a psychiatrist, to refute the allegations anent her psychological condition. Dr. Reyes testified that the series of tests conducted by his assistant,[33] together with the screening procedures and the Comprehensive Psycho-Pathological Rating Scale (CPRS) he himself conducted, led him to conclude that respondent was not psychologically incapacitated to perform the essential marital obligations. He postulated that regressive behavior, gross neuroticism, psychotic tendencies, and poor control of impulses, which are signs that might point to the presence of disabling trends, were not elicited from respondent.[34]

In rebuttal, Dr. Lopez asseverated that there were flaws in the evaluation conducted by Dr. Reyes as (i) he was not the one who administered and interpreted respondent's psychological evaluation, and (ii) he made use of only one instrument called CPRS which was not reliable because a good liar can fake the results of such test.[35]

After trial, the lower court gave credence to petitioner's evidence and held that respondent's propensity to lying about almost anything-her occupation, state of health, singing abilities and her income, among others-had been duly established. According to the trial court, respondent's fantastic ability to invent and fabricate stories and personalities enabled her to live in a world of make-believe. This made her psychologically incapacitated as it rendered her incapable of giving meaning and significance to her marriage.[36] The trial court thus declared the marriage between petitioner and respondent null and void.

Shortly before the trial court rendered its decision, the Metropolitan Tribunal of the Archdiocese of Manila annulled the Catholic marriage of the parties, on the ground of lack of due discretion on the part of the parties.[37] During the pendency of the appeal before the Court of Appeals, the Metropolitan Tribunal's ruling was affirmed with modification by both the National Appellate Matrimonial Tribunal, which held instead that only respondent was impaired by a lack of due discretion.[38] Subsequently, the decision of the National Appellate Matrimonial Tribunal was upheld by the Roman Rota of the Vatican.[39]

Petitioner duly alerted the Court of Appeals of these rulings by the Catholic tribunals. Still, the appellate court reversed the RTC's judgment. While conceding that respondent may not have been completely honest with petitioner, the Court of Appeals nevertheless held that the totality of the evidence presented was insufficient to establish respondent's psychological incapacity. It declared that the requirements in the case of *Republic v. Court of Appeals*[40] governing the application and interpretation of psychological incapacity had not been satisfied.

Taking exception to the appellate court's pronouncement, petitioner elevated the case to this Court. He contends herein that the evidence conclusively establish respondent's psychological incapacity.

In considering the merit of this petition, the Court is heavily influenced by the credence accorded by the RTC to the factual allegations of petitioner.[41] It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof.[42] The Court is likewise guided by the fact that the Court of Appeals did not dispute the veracity of the evidence presented by petitioner. Instead, the appellate court concluded that such evidence was not sufficient to establish the psychological incapacity of respondent.[43]

Thus, the Court is impelled to accept the factual version of petitioner as the operative facts. Still, the crucial question remains as to whether the state of facts as presented by petitioner sufficiently meets the standards set for the declaration of nullity of a marriage under Article 36 of the Family Code. These standards were definitively laid down in the Court's 1997 ruling in *Republic v. Court of Appeals*[44] (also known as the *Molina case*[45]), and indeed the Court of Appeals cited the *Molina* guidelines in reversing the RTC in the case at bar.[46] Since *Molina* was decided in 1997, the Supreme Court has yet to squarely affirm the declaration of nullity of marriage under Article 36 of the Family Code.[47] In fact, even before *Molina* was handed down, there was only one case, *Chi Ming Tsoi v. Court of Appeals*,[48] wherein the Court definitively concluded that a spouse was psychologically incapacitated under Article 36.

This state of jurisprudential affairs may have led to the misperception that the remedy afforded by Article 36 of the Family Code is hollow, insofar as the Supreme Court is concerned.[49] Yet what *Molina* and the succeeding cases did ordain was a set of guidelines which, while undoubtedly onerous on the petitioner seeking the declaration of nullity, still leave room for a decree of nullity under the proper circumstances. *Molina* did not foreclose the grant of a decree of nullity under Article 36, even as it raised the bar for its allowance.

Legal Guides to Understanding Article 36

Article 36 of the Family Code states that "[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." [50] The concept of psychological incapacity as a ground for nullity of marriage is novel in our body of laws, although mental incapacity has long been recognized as a ground for the dissolution of a marriage.

The Spanish Civil Code of 1889 prohibited from contracting marriage persons "who are not in the full enjoyment of their reason at the time of contracting marriage." [51] Marriages with such persons were ordained as void,[52] in the same class as marriages with underage parties and persons already married, among others. A party's mental capacity was not a ground for divorce under the Divorce Law of 1917,[53] but a marriage where "either party was of unsound mind" at the time of its celebration was cited as an "annullable marriage" under the Marriage Law of 1929.[54] Divorce on the ground of a spouse's incurable insanity was permitted under the divorce law enacted during the Japanese occupation.[55] Upon the enactment of the Civil Code in 1950, a marriage contracted by a party of "unsound mind" was classified under Article 85 of the Civil Code as a voidable marriage.[56] The mental capacity, or lack thereof, of the marrying spouse was not among the grounds for declaring a marriage void ab initio.[57] Similarly, among the marriages classified as voidable under Article 45 (2) of the Family Code is one contracted by a party of unsound mind.[58]

Such cause for the annulment of marriage is recognized as a vice of consent, just like insanity impinges on consent freely given which is one of the essential requisites of a contract.[59] The initial common consensus on psychological incapacity under Article 36 of the Family Code was that it did not constitute a specie of vice of consent. Justices Sempio-Diy and Caguioa, both members of the Family Code revision committee that drafted the Code, have opined that psychological incapacity is not a vice of consent, and conceded that the spouse may have

given free and voluntary consent to a marriage but was nonetheless incapable of fulfilling such rights and obligations.[60] Dr. Tolentino likewise stated in the 1990 edition of his commentaries on the Family Code that this "psychological incapacity to comply with the essential marital obligations does not affect the consent to the marriage." [61]

There were initial criticisms of this original understanding of Article 36 as phrased by the Family Code committee. Tolentino opined that "psychologically incapacity to comply would not be juridically different from physical incapacity of consummating the marriage, which makes the marriage only voidable under Article 45 (5) of the Civil Code x x x [and thus] should have been a cause for annulment of the marriage only." [62] At the same time, Tolentino noted "[it] would be different if it were psychological incapacity to understand the essential marital obligations, because then this would amount to lack of consent to the marriage." [63] These concerns though were answered, beginning with *Santos v. Court of Appeals*, [64] wherein the Court, through Justice Vitug, acknowledged that "psychological incapacity should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage." [65]

The notion that psychological incapacity pertains to the inability to understand the obligations of marriage, as opposed to a mere inability to comply with them, was further affirmed in the *Molina* [66] case. Therein, the Court, through then Justice (now Chief Justice) Panganiban observed that "[t]he evidence [to establish psychological incapacity] must convince the court that the parties, or one of them, was mentally or psychically ill to such extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereto." [67] Jurisprudence since then has recognized that psychological incapacity "is a malady so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume." [68]

It might seem that this present understanding of psychological incapacity deviates from the literal wording of Article 36, with its central phrase reading "psychologically incapacitated to comply with the essential marital obligations of marriage." [69] At the same time, it has been consistently recognized by this Court that the intent of the Family Code committee was to design the law as to allow some resiliency in its application, by avoiding specific examples that would limit the applicability of the provision under the principle of *ejusdem generis*. Rather, the preference of the revision committee was for "the judge to interpret the provision on a case-to-case basis, guided by experience, in the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals which, although not binding on the civil courts, may be given persuasive effect since the provision was taken from Canon Law." [70]

We likewise observed in *Republic v. Dagdag*: [71]

Whether or not psychological incapacity exists in a given case calling for annulment of a marriage, depends crucially, more than in any field of the law, on the facts of the case. Each case must be judged, not on the basis of a priori assumptions, predilections or generalizations but according to its own facts. In regard to psychological incapacity as a ground for annulment of marriage, it is trite to say that no case is on "all fours" with another case. The trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court. [72]

The Court thus acknowledges that the definition of psychological incapacity, as intended by the revision committee, was not cast in intractable specifics. Judicial understanding of psychological incapacity may be informed by evolving standards, taking into account the particulars of each case, current trends in psychological and even canonical thought, and experience. It is under the auspices of the deliberate ambiguity of the framers that the Court has developed the *Molina* rules, which have been consistently applied since 1997. *Molina* has proven

indubitably useful in providing a unitary framework that guides courts in adjudicating petitions for declaration of nullity under Article 36. At the same time, the Molina guidelines are not set in stone, the clear legislative intent mandating a case-to-case perception of each situation, and Molina itself arising from this evolutionary understanding of Article 36. There is no cause to disavow Molina at present, and indeed the disposition of this case shall rely primarily on that precedent. There is need though to emphasize other perspectives as well which should govern the disposition of petitions for declaration of nullity under Article 36.

Of particular notice has been the citation of the Court, first in Santos then in Molina, of the considered opinion of canon law experts in the interpretation of psychological incapacity. This is but unavoidable, considering that the Family Code committee had bluntly acknowledged that the concept of psychological incapacity was derived from canon law,[73] and as one member admitted, enacted as a solution to the problem of marriages already annulled by the Catholic Church but still existent under civil law.[74] It would be disingenuous to disregard the influence of Catholic Church doctrine in the formulation and subsequent understanding of Article 36, and the Court has expressly acknowledged that interpretations given by the National Appellate Matrimonial Tribunal of the local Church, while not controlling or decisive, should be given great respect by our courts.[75] Still, it must be emphasized that the Catholic Church is hardly the sole source of influence in the interpretation of Article 36. Even though the concept may have been derived from canon law, its incorporation into the Family Code and subsequent judicial interpretation occurred in wholly secular progression. Indeed, while Church thought on psychological incapacity is merely persuasive on the trial courts, judicial decisions of this Court interpreting psychological incapacity are binding on lower courts.[76]

Now is also opportune time to comment on another common legal guide utilized in the adjudication of petitions for declaration of nullity under Article 36. All too frequently, this Court and lower courts, in denying petitions of the kind, have favorably cited Sections 1 and 2, Article XV of the Constitution, which respectively state that "[t]he State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total developmen[t]," and that "[m]arriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State." These provisions highlight the importance of the family and the constitutional protection accorded to the institution of marriage.

But the Constitution itself does not establish the parameters of state protection to marriage as a social institution and the foundation of the family. It remains the province of the legislature to define all legal aspects of marriage and prescribe the strategy and the modalities to protect it, based on whatever socio-political influences it deems proper, and subject of course to the qualification that such legislative enactment itself adheres to the Constitution and the Bill of Rights. This being the case, it also falls on the legislature to put into operation the constitutional provisions that protect marriage and the family. This has been accomplished at present through the enactment of the Family Code, which defines marriage and the family, spells out the corresponding legal effects, imposes the limitations that affect married and family life, as well as prescribes the grounds for declaration of nullity and those for legal separation. While it may appear that the judicial denial of a petition for declaration of nullity is reflective of the constitutional mandate to protect marriage, such action in fact merely enforces a statutory definition of marriage, not a constitutionally ordained decree of what marriage is. Indeed, if circumstances warrant, Sections 1 and 2 of Article XV need not be the only constitutional considerations to be taken into account in resolving a petition for declaration of nullity.

Indeed, Article 36 of the Family Code, in classifying marriages contracted by a psychologically incapacitated person as a nullity, should be deemed as an implement of this constitutional protection of marriage. Given the avowed State interest in promoting marriage as the foundation of the family, which in turn serves as the foundation of the nation, there is a corresponding interest for the State to defend against marriages ill-equipped to

promote family life. Void ab initio marriages under Article 36 do not further the initiatives of the State concerning marriage and family, as they promote wedlock among persons who, for reasons independent of their will, are not capacitated to understand or comply with the essential obligations of marriage.

These are the legal premises that inform us as we decide the present petition.

Molina Guidelines As Applied in This Case

As stated earlier, Molina established the guidelines presently recognized in the judicial disposition of petitions for nullity under Article 36. The Court has consistently applied Molina since its promulgation in 1997, and the guidelines therein operate as the general rules. They warrant citation in full:

1) The burden of proof to show the nullity of the marriage belongs to the 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 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.[77]

Molina had provided for an additional requirement that the Solicitor General issue a certification stating his reasons for his agreement or opposition to the petition.[78] This requirement however was dispensed with following the implementation of A.M. No. 02-11-10-SC, or the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.[79] Still, Article 48 of the Family Code mandates that the appearance of the prosecuting attorney or fiscal assigned be on behalf of the State to take steps to prevent collusion between the parties and to take care that evidence is not fabricated or suppressed. Obviously, collusion is not an issue in this case, considering the consistent vigorous opposition of respondent to the petition for declaration of nullity. In any event, the fiscal's participation in the hearings before the trial court is extant from the records of this case.

As earlier noted, the factual findings of the RTC are now deemed binding on this Court, owing to the great weight accorded to the opinion of the primary trier of facts, and the refusal of the Court of Appeals to dispute the veracity of these facts. As such, it must be considered that respondent had consistently lied about many material aspects as to her character and personality. The question remains whether her pattern of fabrication sufficiently establishes her psychological incapacity, consistent with Article 36 and generally, the Molina guidelines.

We find that the present case sufficiently satisfies the guidelines in Molina.

First. Petitioner had sufficiently overcome his burden in proving the psychological incapacity of his spouse. Apart from his own testimony, he presented witnesses who corroborated his allegations on his wife's behavior, and certifications from Blackgold Records and the Philippine Village Hotel Pavillon which disputed respondent's claims pertinent to her alleged singing career. He also presented two (2) expert witnesses from the field of psychology who testified that the aberrant behavior of respondent was tantamount to psychological incapacity. In any event, both courts below considered petitioner's evidence as credible enough. Even the appellate court acknowledged that respondent was not totally honest with petitioner.[80]

As in all civil matters, the petitioner in an action for declaration of nullity under Article 36 must be able to establish the cause of action with a preponderance of evidence. However, since the action cannot be considered as a non-public matter between private parties, but is impressed with State interest, the Family Code likewise requires the participation of the State, through the prosecuting attorney, fiscal, or Solicitor General, to take steps to prevent collusion between the parties and to take care that evidence is not fabricated or suppressed. Thus, even if the petitioner is able establish the psychological incapacity of respondent with preponderant evidence, any finding of collusion among the parties would necessarily negate such proofs.

Second. The root cause of respondent's psychological incapacity has been medically or clinically identified, alleged in the complaint, sufficiently proven by experts, and clearly explained in the trial court's decision. The initiatory complaint alleged that respondent, from the start, had exhibited unusual and abnormal behavior "of peren[n]ially telling lies, fabricating ridiculous stories, and inventing personalities and situations," of writing letters to petitioner using fictitious names, and of lying about her actual occupation, income, educational attainment, and family background, among others.[81]

These allegations, initially characterized in generalities, were further linked to medical or clinical causes by expert witnesses from the field of psychology. Petitioner presented two (2) such witnesses in particular. Dr. Abcede, a psychiatrist who had headed the department of psychiatry of at least two (2) major hospitals,[82] testified as follows:

WITNESS:

Given that as a fact, which is only based on the affidavit provided to me, I can say that there are a couple of things that [are] terribly wrong with the standards. There are a couple of things that seems (sic) to be repeated over and over again in the affidavit. One of which is the persistent, constant and repeated lying of the "respondent"; which, I think, based on assessment of normal behavior of an individual, is abnormal or pathological. x x x

ATTY. RAZ: (Back to the witness)

Q- Would you say then, Mr. witness, that because of these actuations of the respondent she is then incapable of performing the basic obligations of her marriage?

A- Well, persistent lying violates the respect that one owes towards another. The lack of concern, the lack of love towards the person, and it is also something that endangers human relationship. You see, relationship is based on communication between individuals and what we generally communicate are our thoughts and feelings. But then when one talks and expresse[s] their feelings, [you] are expected to tell the truth. And therefore, if you constantly lie, what do you think is going to happen as far as this relationship is concerned. Therefore, it undermines that basic relationship that should be based on love, trust and respect.

Q- Would you say then, Mr. witness, that due to the behavior of the respondent in constantly lying and fabricating stories, she is then incapable of performing the basic obligations of the marriage?

x x x

ATTY. RAZ: (Back to the witness)

Q- Mr. witness, based on the testimony of Mr. Levy Mendoza, who is the third witness for the petitioner, testified that the respondent has been calling up the petitioner's officemates and ask him (sic) on the activities of the petitioner and ask him on the behavior of the petitioner. And this is specifically stated on page six (6) of the transcript of stenographic notes, what can you say about this, Mr. witness?

A- If an individual is jealous enough to the point that he is paranoid, which means that there is no actual basis on her suspect (sic) that her husband is having an affair with a woman, if carried on to the extreme, then that is pathological. That is not abnormal. We all feel jealous, in the same way as we also lie every now and then; but everything that is carried out in extreme is abnormal or pathological. If there is no basis in reality to the fact that the husband is having an affair with another woman and if she persistently believes that the husband is having an affair with different women, then that is pathological and we call that paranoid jealousy.

Q-

Now, if a person is in paranoid jealousy, would she be considered psychologically incapacitated to perform the

basic obligations of the marriage

A- Yes, Ma'am.[83]

The other witness, Dr. Lopez, was presented to establish not only the psychological incapacity of respondent, but also the psychological capacity of petitioner. He concluded that respondent "is [a] pathological liar, that [she continues] to lie [and] she loves to fabricate about herself." [84]

These two witnesses based their conclusions of psychological incapacity on the case record, particularly the trial transcripts of respondent's testimony, as well as the supporting affidavits of petitioner. While these witnesses did not personally examine respondent, the Court had already held in *Marcos v. Marcos* [85] that personal examination of the subject by the physician is not required for the spouse to be declared psychologically incapacitated. [86] We deem the methodology utilized by petitioner's witnesses as sufficient basis for their medical conclusions. Admittedly, Drs. Abcede and Lopez's common conclusion of respondent's psychological incapacity hinged heavily on their own acceptance of petitioner's version as the true set of facts. However, since the trial court itself accepted the veracity of petitioner's factual premises, there is no cause to dispute the conclusion of psychological incapacity drawn therefrom by petitioner's expert witnesses.

Also, with the totality of the evidence presented as basis, the trial court explicated its finding of psychological incapacity in its decision in this wise:

To the mind of the Court, all of the above are indications that respondent is psychologically incapacitated to perform the essential obligations of marriage. It has been shown clearly from her actuations that respondent has that propensity for telling lies about almost anything, be it her occupation, her state of health, her singing abilities, her income, etc. She has this fantastic ability to invent and fabricate stories and personalities. She practically lived in a world of make believe making her therefore not in a position to give meaning and significance to her marriage to petitioner. In persistently and constantly lying to petitioner, respondent undermined the basic tenets of relationship between spouses that is based on love, trust and respect. As concluded by the psychiatrist presented by petitioner, such repeated lying is abnormal and pathological and amounts to psychological incapacity. [87]

Third. Respondent's psychological incapacity was established to have clearly existed at the time of and even before the celebration of marriage. She fabricated friends and made up letters from fictitious characters well before she married petitioner. Likewise, she kept petitioner in the dark about her natural child's real parentage as she only confessed when the latter had found out the truth after their marriage.

Fourth. The gravity of respondent's psychological incapacity is sufficient to prove her disability to assume the essential obligations of marriage. It is immediately discernible that the parties had shared only a little over a year of cohabitation before the exasperated petitioner left his wife. Whatever such circumstance speaks of the degree of tolerance of petitioner, it likewise supports the belief that respondent's psychological incapacity, as borne by the record, was so grave in extent that any prolonged marital life was dubitable.

It should be noted that the lies attributed to respondent were not adopted as false pretenses in order to induce petitioner into marriage. More disturbingly, they indicate a failure on the part of respondent to distinguish truth from fiction, or at least abide by the truth. Petitioner's witnesses and the trial court were emphatic on respondent's inveterate proclivity to telling lies and the pathologic nature of her mistruths, which according to them, were revelatory of respondent's inability to understand and perform the essential obligations of marriage. Indeed, a person unable to distinguish between fantasy and reality would similarly be unable to comprehend the legal nature of the marital bond, much less its psychic meaning, and the corresponding obligations attached to marriage, including parenting. One unable to adhere to reality cannot be expected to adhere as well to any legal or emotional

commitments.

The Court of Appeals somehow concluded that since respondent allegedly tried her best to effect a reconciliation, she had amply exhibited her ability to perform her marital obligations. We are not convinced. Given the nature of her psychological condition, her willingness to remain in the marriage hardly banishes nay extenuates her lack of capacity to fulfill the essential marital obligations. Respondent's ability to even comprehend what the essential marital obligations are is impaired at best. Considering that the evidence convincingly disputes respondent's ability to adhere to the truth, her avowals as to her commitment to the marriage cannot be accorded much credence.

At this point, it is worth considering Article 45(3) of the Family Code which states that a marriage may be annulled if the consent of either party was obtained by fraud, and Article 46 which enumerates the circumstances constituting fraud under the previous article, clarifies that "no other misrepresentation or deceit as to character, health, rank, fortune or chastity shall constitute such fraud as will give grounds for action for the annulment of marriage." It would be improper to draw linkages between misrepresentations made by respondent and the misrepresentations under Articles 45 (3) and 46. The fraud under Article 45(3) vitiates the consent of the spouse who is lied to, and does not allude to vitiated consent of the lying spouse. In this case, the misrepresentations of respondent point to her own inadequacy to cope with her marital obligations, kindred to psychological incapacity under Article 36.

Fifth. Respondent is evidently unable to comply with the essential marital obligations as embraced by Articles 68 to 71 of the Family Code. Article 68, in particular, enjoins the spouses to live together, observe mutual love, respect and fidelity, and render mutual help and support. As noted by the trial court, it is difficult to see how an inveterate pathological liar would be able to commit to the basic tenets of relationship between spouses based on love, trust and respect.

Sixth. The Court of Appeals clearly erred when it failed to take into consideration the fact that the marriage of the parties was annulled by the Catholic Church. The appellate court apparently deemed this detail totally inconsequential as no reference was made to it anywhere in the assailed decision despite petitioner's efforts to bring the matter to its attention.[88] Such deliberate ignorance is in contravention of *Molina*, which held that 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.

As noted earlier, the Metropolitan Tribunal of the Archdiocese of Manila decreed the invalidity of the marriage in question in a Conclusion[89] dated 30 March 1995, citing the "lack of due discretion" on the part of respondent.[90] Such decree of nullity was affirmed by both the National Appellate Matrimonial Tribunal,[91] and the Roman Rota of the Vatican.[92] In fact, respondent's psychological incapacity was considered so grave that a restrictive clause[93] was appended to the sentence of nullity prohibiting respondent from contracting another marriage without the Tribunal's consent.

In its Decision dated 4 June 1995, the National Appellate Matrimonial Tribunal pronounced:

The JURISPRUDENCE in the Case maintains that matrimonial consent is considered ontologically defective and wherefore judicially ineffective when elicited by a Part Contractant in possession and employ of a discretionary judgment faculty with a perceptive vigor markedly inadequate for the practical understanding of the conjugal Covenant or seriously impaired from the correct appreciation of the integral significance and implications of the marriage vows.

The FACTS in the Case sufficiently prove with the certitude required by law that based on the depositions of the Parties in Causa and premised on the testimonies of the Common and Expert Witness(es), the Respondent made the marriage option in tenure of adverse personality constructs that were markedly antithetical to the

substantive content and implications of the Marriage Covenant, and that seriously undermined the integrality of her matrimonial consent in terms of its deliberative component. In other words, afflicted with a discretionary faculty impaired in its practico-concrete judgment formation on account of an adverse action and reaction pattern, the Respondent was impaired from eliciting a judicially binding matrimonial consent. There is no sufficient evidence in the Case however to prove as well the fact of grave lack of due discretion on the part of the Petitioner.[94]

Evidently, the conclusion of psychological incapacity was arrived at not only by the trial court, but also by canonical bodies. Yet, we must clarify the proper import of the Church rulings annulling the marriage in this case. They hold sway since they are drawn from a similar recognition, as the trial court, of the veracity of petitioner's allegations. Had the trial court instead appreciated respondent's version as correct, and the appellate court affirmed such conclusion, the rulings of the Catholic Church on this matter would have diminished persuasive value. After all, it is the factual findings of the judicial trier of facts, and not that of the canonical courts, that are accorded significant recognition by this Court.

Seventh. The final point of contention is the requirement in *Molina* that such psychological incapacity be shown to be medically or clinically permanent or incurable. It was on this score that the Court of Appeals reversed the judgment of the trial court, the appellate court noting that it did not appear certain that respondent's condition was incurable and that Dr. Abcede did not testify to such effect.[95]

Petitioner points out that one month after he and his wife initially separated, he returned to her, desiring to make their marriage work. However, respondent's aberrant behavior remained unchanged, as she continued to lie, fabricate stories, and maintained her excessive jealousy. From this fact, he draws the conclusion that respondent's condition is incurable.

From the totality of the evidence, can it be definitively concluded that respondent's condition is incurable? It would seem, at least, that respondent's psychosis is quite grave, and a cure thereof a remarkable feat. Certainly, it would have been easier had petitioner's expert witnesses characterized respondent's condition as incurable. Instead, they remained silent on whether the psychological incapacity was curable or incurable.

But on careful examination, there was good reason for the experts' taciturnity on this point.

The petitioner's expert witnesses testified in 1994 and 1995, and the trial court rendered its decision on 10 August 1995. These events transpired well before *Molina* was promulgated in 1997 and made explicit the requirement that the psychological incapacity must be shown to be medically or clinically permanent or incurable. Such requirement was not expressly stated in Article 36 or any other provision of the Family Code.

On the other hand, the Court in *Santos*, which was decided in January 1995, began its discussion by first citing the deliberations of the Family Code committee,[96] then the opinion of canonical scholars,[97] before arriving at its formulation of the doctrinal definition of psychological incapacity.[98] *Santos* did refer to Justice Caguioa's opinion expressed during the deliberations that "psychological incapacity is incurable,"[99] and the view of a former presiding judge of the Metropolitan Marriage Tribunal of the Archdiocese of Manila that psychological incapacity must be characterized "by (a) gravity, (b) juridical antecedence, and (c) incurability." [100] However, in formulating the doctrinal rule on psychological incapacity, the Court in *Santos* omitted any reference to incurability as a characteristic of psychological incapacity.[101]

This disquisition is material as *Santos* was decided months before the trial court came out with its own ruling that remained silent on whether respondent's psychological incapacity was incurable. Certainly, *Santos* did not clearly mandate that the incurability of the psychological incapacity be established in an action for declaration of nullity. At least, there was no jurisprudential clarity at the time of the trial of this case and the subsequent promulgation of

the trial court's decision that required a medical finding of incurability. Such requisite arose only with Molina in 1997, at a time when this case was on appellate review, or after the reception of evidence.

We are aware that in *Pesca v. Pesca*,^[102] the Court countered an argument that Molina and Santos should not apply retroactively

with the observation that the interpretation or construction placed by the courts of a law constitutes a part of that law as of the date the statute is enacted.^[103] Yet we approach this present case from utterly practical considerations. The requirement that psychological incapacity must be shown to be medically or clinically permanent or incurable is one that necessarily cannot be divined without expert opinion. Clearly in this case, there was no categorical averment from the expert witnesses that respondent's psychological incapacity was curable or incurable simply because there was no legal necessity yet to elicit such a declaration and the appropriate question was not accordingly propounded to him. If we apply *Pesca* without deep reflection, there would be undue prejudice to those cases tried before Molina or Santos, especially those presently on appellate review, where presumably the respective petitioners and their expert witnesses would not have seen the need to adduce a diagnosis of incurability. It may hold in those cases, as in this case, that the psychological incapacity of a spouse is actually incurable, even if not pronounced as such at the trial court level.

We stated earlier that Molina is not set in stone, and that the interpretation of Article 36 relies heavily on a case-to-case perception. It would be insensate to reason to mandate in this case an expert medical or clinical diagnosis of incurability, since the parties would have had no impelling cause to present evidence to that effect at the time this case was tried by the RTC more than ten (10) years ago. From the totality of the evidence, we are sufficiently convinced that the incurability of respondent's psychological incapacity has been established by the petitioner. Any lingering doubts are further dispelled by the fact that the Catholic Church tribunals, which indubitably consider incurability as an integral requisite of psychological incapacity, were sufficiently convinced that respondent was so incapacitated to contract marriage to the degree that annulment was warranted.

All told, we conclude that petitioner has established his cause of action for declaration of nullity under Article 36 of the Family Code. The RTC correctly ruled, and the Court of Appeals erred in reversing the trial court.

There is little relish in deciding this present petition, pronouncing as it does the marital bond as having been inexistent in the first place. It is possible that respondent, despite her psychological state, remains in love with petitioner, as exhibited by her persistent challenge to the petition for nullity. In fact, the appellate court placed undue emphasis on respondent's avowed commitment to remain in the marriage. Yet the Court decides these cases on legal reasons and not vapid sentimentality. Marriage, in legal contemplation, is more than the legitimatization of a desire of people in love to live together.

WHEREFORE, the petition is GRANTED. The decision of the RTC dated 10 August 1995, declaring the marriage between petitioner and respondent NULL and VOID under Article 36 of the Family Code, is REINSTATED. No costs.

SO ORDERED.

Quisumbing, (Chairman), Carpio, and Carpio Morales, JJ., concur.

[1] Penned by Associate Justice Ruben T. Reyes, concurred in by Associate Justices Renato C. Dacudao and Mariano C. Del Castillo; See rollo, pp. 67-84.

[2] Rollo, p. 86.

[3] Penned by Judge (now Associate Justice of the Court of Appeals) Josefina Guevara-Salonga.

[4] Solemnized by Rev. Victor M. Navarro, Minister of the PCCC, Las Piñas, Metro Manila.

[5] Solemnized by the Parish Priest, Rev. Fr. Rodolfo Aguirre Gallardo.

[6] Rollo, pp. 69, 91.

[7] Records, pp. 1-5.

[8] Id. at 1-2.

[9] Id. at 2-3. See also rollo, pp. 69, 91.

[10] Named Tito F. Reyes II, born on 21 January 1982.

[11] Supra note 8.

[12] Rollo, pp. 69, 92.

[13] Id. at 70, 92.

[14] Id. at 95.

[15] Supra note 13.

[16] Id. at 70, 92.

[17] TSN, 8 September 1993, p. 12.

[18] Id. at 12-13. See also records, p. 91.

[19] Rollo, pp. 71, 92.

[20] Id.; records, p. 3.

[21] Rollo, pp. 71, 92.

[22] Id. at 71-72, 92-93.

[23] Id.

[24] Id. at 93.

[25] Id. at 74, 94.

[26] Id.

[27] Id. at 73, 93.

[28] Id.

[29] Id.

[30] Id. at 74, 94.

[31] Id. at 73, 94.

[32] Id. at 77-78.

[33] Miss Francianina Sanches.

[34] Rollo, p. 94.

[35] Id. at 72, 93; TSN, 23 March 1995, pp. 15-17.

[36] Rollo, pp. 95-96.

[37] Id. at 97-98.

[38] Id. at pp. 99-100.

[39] Id. at 101-103.

[40] 335 Phil. 664 (1997).

[41] Rollo, p. 95.

[42] *Limketkai Sons Milling, Inc. v. Court of Appeals*, 321 Phil. 105, 126 (1995), citing *Serrano v. Court of Appeals*, 196 SCRA 107 (1991).

[43] Rollo, p. 82.

[44] *Supra* note 40.

[45] The petitioning spouse and co-respondent in the case being Roridel O. Molina. Id.

[46] Rollo, p. 78.

[47] There were two cases since 1997 wherein the Court did let stand a lower court order declaring as a nullity a marriage on the basis of Article 36. These cases are *Sy v. Court of Appeals*, 386 Phil. 760 (2000), and *Buenaventura v. Court of Appeals*, G.R. Nos. 127358 & 127449, 31 March 2005, 454 SCRA 261. However, in *Sy*, the Court found that the marriage was void ab initio due to the lack of a marriage license at the time the marriage was solemnized, and thus declined to pass upon the question of psychological incapacity. In *Buenaventura*, since the parties chose not to challenge the trial court's conclusion of psychological incapacity and instead raised questions on the award of damages and support, the Court did not review the finding of psychological incapacity.

[48] 334 Phil. 294 (1997).

[49] It does not escape this Court's attention that many lower courts do grant petitions for declaration of nullity under Article 36, and that these decisions are not elevated for review to the Supreme Court.

[50] See Family Code, Art. 36.

[51] Translated from the original Spanish by Justice F.C. Fisher. See F.C. Fisher, *The Civil Code of Spain with Philippine Notes and References* 45 (Fifth Ed., 1947). The original text of Article 83 (2) of the Spanish Civil Code reads: "No pueden contraer matrimonio: x x x (2) Los que no estuvieren en el pleno ejercicio de su razon al tiempo de contraer matrimonio."

[52] See Spanish Civil Code. (1889) Art. 101.

[53] Act No. 2710 (1917).

[54] See Act No. 3613 (1929), Sec. 30 (c)

[55] See Executive Order No. 141 (1943), Sec. 2 (5).

[56] Unless the party of unsound mind, after coming to reason, freely cohabited with the other as husband or wife. See Civil Code, Art. 85 (3).

[57] See Civil Code, Art. 80.

[58] Subject to the same qualifications under Article 85 (3) of the Civil Code. See note 56.

[59] See Civil Code, Art. 1327 (2) in relation to Art. 1318 (1).

[60] See Santos v. Court of Appeals, 310 Phil. 21, 32-33 (1995). See also A. Sempio Diy, Handbook on the Family Code of the Philippines 37 (1988). A contrary view though was expressed by Justice Ricardo Puno, also a member of the Family Code commission. See Santos v. Court of Appeals, *ibid*.

[61] I A. Tolentino, Civil Code of the Philippines: Commentaries and Jurisprudence 274-275 (1990 ed.).

[62] *Id*.

[63] *Id*. at 274.

[64] *Supra* note 60.

[65] *Id*. at 40, emphasis supplied. The Court further added, "[t]here is hardly any doubt that the intendment of the law has been to confine the meaning of 'psychological incapacity' to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to marriage." *Id*.

[66] *Supra* note 40.

[67] *Id*. at 677.

[68] Marcos v. Marcos, 397 Phil. 840, 851 (2000).

[69] It may be noted that a previous incarnation of Article 36, subsequently rejected by the Family Code Commission, stated that among those void ab initio marriages are those "contracted by any party who, at the time of the celebration, was wanting in the sufficient use of reason or judgment to understand the essential nature of marriage or was psychologically or mentally incapacitated to discharge the essential marital obligations, even if such lack of incapacity is made manifest after the celebration." See Santos v. Court of Appeals, *supra* note 60, at 30.

[70] Salita v. Magtolis, G.R. No. 106429, 13 June 1994, 233 SCRA 100, 107-108; citing A. Sempio-Diy, *supra* note 60, at 37, emphasis supplied. See also Santos v. Court of Appeals, *supra* note 60, at 36; Republic v. Court of Appeals, *supra* note 40, at 677.

[71] G.R. No. 109975, 9 February 2001, 351 SCRA 425.

[72] *Id*. at 431; citing Republic v. Court of Appeals, 268 SCRA 198, 214 (1997), Padilla, J., Separate Statement.

[73] See Santos v. Court of Appeals, *supra* note 60, at 32-39.

[74] See Sempio-Diy, *supra* note 60, at 36.

[75] Republic v. Court of Appeals, *supra* note 40, at 678.

[76] Thus, Chi Ming Tsoi v. Court of Appeals, *supra* note 48, wherein the psychological incapacity of the petitioner was recognized by the Court from the fact that he did not engage in sexual relations with his wife during their ten (10) month marital cohabitation, remains a binding precedent, even though it was decided shortly before the Molina case.

[77] Republic v. Court of Appeals, *supra* note 40, at 676-680.

[78] Id. at 680.

[79] See *Carating-Siayngco v. Siayngco*, G.R. No. 158896, 27 October 2004, 441 SCRA 422, 435.

[80] Rollo, p. 82.

[81] Records, pp. 2-3.

[82] University of Santo Tomas Hospital and UERM Memorial Medical Center. Dr. Abcede likewise was the past president of the Philippine Psychiatrist Association. TSN, February 23, 1994, p. 6.

[83] TSN, 23 February 1994, pp. 7-9, 11-12.

[84] TSN, 23 March 1995, p. 12.

[85] 397 Phil. 840 (2000).

[86] Id. at 850.

[87] Rollo, pp. 95-96.

[88] As shown by the Motion(s) for Early Resolution of the Case filed by petitioner with the canonical declarations attached as annexes.

[89] Id. at 97-98.

[90] The Metropolitan Tribunal of the Archdiocese of Manila based the decree of invalidity on the ground of lack of due discretion on the part of both parties. On appeal, however, the National Appellate Matrimonial Tribunal modified the judgment by holding that lack of due discretion applied to respondent but there was no sufficient evidence to prove lack of due discretion on the part of petitioner. See also note 38.

[91] Rollo, pp. 99-100.

[92] Id. at 101-103.

[93] "A restrictive clause is herewith attached to this sentence of nullity to the effect that the respondent may not enter into another marriage without the express consent of this Tribunal, in deference to the sanctity and dignity of the sacrament of matrimony, as well as for the protection of the intended spouse."; rollo, p. 97.

[94] Rollo, p. 99. Emphasis supplied, citations omitted.

[95] Rollo, p. 82.

[96] *Santos v. Court of Appeals*, supra note 60, at 30-36.

[97] Id. at 37-39.

[98] Id. at 39-40.

[99] Id. at 33.

[100] Id. at 39.

[101] "It should be obvious, looking at all the foregoing disquisitions, including, and most importantly, the deliberations of the Family Code Revision Committee itself, that the use of the phrase "psychological incapacity" under Article 36 of the Code has not been meant to comprehend all such possible cases of psychoses as, likewise mentioned by some ecclesiastical authorities, extremely low intelligence, immaturity, and like circumstances

(cited in Fr. Artemio Baluma's "Void and Voidable Marriages in the Family Code and their Parallels in Canon Law," quoting from the Diagnostic Statistical Manual of Mental Disorder by the American Psychiatric Association; Edward Hudson's "Handbook II for Marriage Nullity Cases"). Article 36 of the Family Code cannot be taken and construed independently of but must stand in conjunction with, existing precepts in our law on marriage. Thus correlated, "psychological incapacity" should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that the intendment of the law has been to confine the meaning of "psychological incapacity" to the most serious cases of personality disorders clearly demonstrative of an utter intensivity or inability to give meaning and significance to the marriage. This psychologic condition must exist at the time the marriage is celebrated. The law does not evidently envision, upon the other hand, an inability of the spouse to have sexual relations with the other. This conclusion is implicit under Article 54 of the Family Code which considers children conceived prior to the judicial declaration of nullity of the void marriage to be "legitimate."

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

"Until further statutory and jurisprudential parameters are established, every circumstance that may have some bearing on the degree, extent, and other conditions of that incapacity must, in every case, be carefully examined and evaluated so that no precipitate and indiscriminate nullity is peremptorily decreed. The well-considered opinions of psychiatrists, psychologists, and persons with expertise in psychological disciplines might be helpful or even desirable." Santos v. Court of Appeals, id. at 39-41.

[102] G.R. No. 136921, 17 April 2001, 356 SCRA 588.

[103] Id. at 593.

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