

NOEL B. BACCAY, PETITIONER, VS. MARIBEL C. BACCAY AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 173138. December 01, 2010

Ponente: VILLARAMA, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-173138/>

VILLARAMA, JR., J.:

This petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assails the Decision[1] dated August 26, 2005 and Resolution[2] dated June 13, 2006 of the Court of Appeals (CA) in CA-G.R. CV No. 74581. The CA reversed the February 5, 2002 Decision[3] of the Regional Trial Court (RTC) of Manila, Branch 38, which declared the marriage of petitioner Noel B. Baccay (Noel) and Maribel Calderon-Baccay (Maribel) void on the ground of psychological incapacity under Article 36[4] of the Family Code of the Philippines.

The undisputed factual antecedents of the case are as follows:

Noel and Maribel were schoolmates at the Mapua Institute of Technology where both took up Electronics and Communications Engineering. Sometime in 1990, they were introduced by a mutual friend and became close to one another. Noel courted Maribel, but it was only after years of continuous pursuit that Maribel accepted Noel's proposal and the two became sweethearts. Noel considered Maribel as the snobbish and hard-to-get type, which traits he found attractive.[5]

Noel's family was aware of their relationship for he used to bring Maribel to their house. Noel observed that Maribel was inordinately shy when around his family so to bring her closer to them, he always invited Maribel to attend family gatherings and other festive occasions like birthdays, Christmas, and fiesta celebrations. Maribel, however, would try to avoid Noel's invitations and whenever she attended those occasions with Noel's family, he observed that Maribel was invariably aloof or snobbish. Not once did she try to get close to any of his family members. Noel would talk to Maribel about her attitude towards his family and she would promise to change, but she never did.

Around 1997, Noel decided to break up with Maribel because he was already involved with another woman. He tried to break up with Maribel, but Maribel refused and offered to accept Noel's relationship with the other woman so long as they would not sever their ties. To give Maribel some time to get over their relationship, they still continued to see each other albeit on a friendly basis.

Despite their efforts to keep their meetings strictly friendly, however, Noel and Maribel had several romantic moments together. Noel took these episodes of sexual contact casually since Maribel never demanded anything from him except his company. Then, sometime in November 1998, Maribel informed Noel that she was pregnant with his child. Upon advice of his mother, Noel grudgingly agreed to marry Maribel. Noel and Maribel were immediately wed on November 23, 1998 before Judge Gregorio Dayrit, the Presiding Judge of the Metropolitan Trial Court of Quezon City.

After the marriage ceremony, Noel and Maribel agreed to live with Noel's family in their house at Rosal, Pag-asa, Quezon City. During all the time she lived with Noel's family, Maribel remained aloof and did not go out of her way to endear herself to them. She would just come and go from the house as she pleased. Maribel never contributed to the family's coffer leaving Noel to shoulder all expenses for their support. Also, she refused to have any sexual contact with Noel.

Surprisingly, despite Maribel's claim of being pregnant, Noel never observed any symptoms of pregnancy in her. He asked Maribel's office mates whether she manifested any signs of pregnancy and they confirmed that she showed no such signs. Then, sometime in January 1999, Maribel did not go home for a day, and when she came home she announced to Noel and his family that she had a miscarriage and was confined at the Chinese General Hospital where her sister worked as a nurse.

Noel confronted her about her alleged miscarriage sometime in February 1999. The discussion escalated into an intense quarrel which woke up the whole household. Noel's mother tried to intervene but Maribel shouted "Putang ina nyo, wag kayo makialam" at her. Because of this, Noel's mother asked them to leave her house. Around 2:30 a.m., Maribel called her parents and asked them to pick her up. Maribel left Noel's house and did not come back anymore. Noel tried to communicate with Maribel but when he went to see her at her house nobody wanted to talk to him and she rejected his phone calls.[6]

On September 11, 2000 or after less than two years of marriage, Noel filed a petition[7] for declaration of nullity of marriage with the RTC of Manila. Despite summons, Maribel did not participate in the proceedings. The trial proceeded after the public prosecutor manifested that no collusion existed between the parties. Despite a directive from the RTC, the Office of the Solicitor General (OSG) also did not submit a certification manifesting its agreement or opposition to the case.[8]

On February 5, 2002, the RTC rendered a decision in favor of Noel. The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered declaring the marriage of the parties hereto celebrated on November 23, 1998 at the sala of Judge Gregorio Dayrit of the Metropolitan Trial Court in Quezon City as NULL and VOID.

The Local Civil Registrar of Quezon City and the Chief of the National Statistics Office are hereby directed to record and enter this decree into the marriage records of the parties in their respective marriage registers.

The absolute community property of the parties is hereby dissolved and, henceforth, they shall be governed by the property regime of complete separation of property.

With costs against respondent.

SO ORDERED.[9]

The RTC found that Maribel failed to perform the essential marital obligations of marriage, and such failure was due to a personality disorder called Narcissistic Personality Disorder characterized by juridical antecedence, gravity and incurability as determined by a clinical psychologist. The RTC cited the findings of Nedy L. Tayag, a clinical psychologist presented as witness by Noel, that Maribel was a very insecure person. She entered into the marriage not because of emotional desire for marriage but to prove something, and her attitude was exploitative particularly in terms of financial rewards. She was emotionally immature, and viewed marriage as a piece of paper and that she can easily get rid of her husband without any provocation.[10]

On appeal by the OSG, the CA reversed the decision of the RTC, thus:

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Manila Branch 38

declaring as null and void the marriage between petitioner-appellee and respondent is hereby REVERSED. Accordingly, the instant Petition for Declaration of Nullity of Marriage is hereby DENIED.

SO ORDERED.[11]

The appellate court held that Noel failed to establish that Maribel's supposed Narcissistic Personality Disorder was the psychological incapacity contemplated by law and that it was permanent and incurable. Maribel's attitudes were merely mild peculiarities in character or signs of ill-will and refusal or neglect to perform marital obligations which did not amount to psychological incapacity, said the appellate court. The CA noted that Maribel may have failed or refused to perform her marital obligations but such did not indicate incapacity. The CA stressed that the law requires nothing short of mental illness sufficient to render a person incapable of knowing the essential marital obligations.[12]

The CA further held that Maribel's refusal to have sexual intercourse with Noel did not constitute a ground to find her psychologically incapacitated under Article 36 of the Family Code. As Noel admitted, he had numerous sexual relations with Maribel before their marriage. Maribel therefore cannot be said to be incapacitated to perform this particular obligation and that such incapacity existed at the time of marriage.[13]

Incidentally, the CA held that the OSG erred in saying that what Noel should have filed was an action to annul the marriage under Article 45 (3)[14] of the Family Code. According to the CA, Article 45 (3) involving consent to marriage vitiated by fraud is limited to the instances enumerated under Article 46[15] of the Family Code. Maribel's misrepresentation that she was pregnant to induce Noel to marry her was not the fraud contemplated under Article 45 (3) as it was not among the instances enumerated under Article 46.[16]

On June 13, 2006, the CA denied Noel's motion for reconsideration. It held that Maribel's personality disorder is not the psychological incapacity contemplated by law. Her refusal to perform the essential marital obligations may be attributed merely to her stubborn refusal to do so. Also, the manifestations of the Narcissistic Personality Disorder had no connection with Maribel's failure to perform her marital obligations. Noel having failed to prove Maribel's alleged psychological incapacity, any doubts should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.[17]

Hence, the present petition raising the following assignment of errors:

- THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING THAT THE CASE OF CHI MING TSOI vs. COURT OF APPEALS DOES NOT FIND APPLICATION IN THE INSTANT CASE.
- THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING THAT THE RESPONDENT IS NOT SUFFERING FROM NARCISSISTIC PERSONALITY DISORDER; AND THAT HER FAILURE TO PERFORM HER ESSENTIAL MARITAL OBLIGATIONS DOES NOT CONSTITUTE PSYCHOLOGICAL INCAPACITY.[18]

The issue to be resolved is whether the marriage between the parties is null and void under Article 36 of the Family Code.

Petitioner Noel contends that the CA failed to consider Maribel's refusal to procreate as psychological incapacity. Insofar as he was concerned, the last time he had sexual intercourse with Maribel was before the marriage when she was drunk. They never had any sexual intimacy during their marriage. Noel claims that if a spouse senselessly and constantly refuses to perform his or her marital obligations, Catholic marriage tribunals attribute the causes to psychological incapacity rather than to stubborn refusal. He insists that the CA should not have considered the pre-marital sexual encounters between him and Maribel in finding that the latter was not psychologically

incapacitated to procreate through marital sexual cooperation. He argues that making love for procreation and consummation of the marriage for the start of family life is different from "plain, simple and casual sex." He further stresses that Maribel railroaded him into marrying her by seducing him and later claiming that she was pregnant with his child. But after their marriage, Maribel refused to consummate their marriage as she would not be sexually intimate with him.[19]

Noel further claims that there were other indicia of Maribel's psychological incapacity and that she consistently exhibited several traits typical of a person suffering from Narcissistic Personality Disorder before and during their marriage. He points out that Maribel would only mingle with a few individuals and never with Noel's family even if they lived under one (1) roof. Maribel was also arrogant and haughty. She was rude and disrespectful to his mother and was also "interpersonally exploitative" as shown by her misrepresentation of pregnancy to force Noel to marry her. After marriage, Maribel never showed respect and love to Noel and his family. She displayed indifference to his emotional and sexual needs, but before the marriage she would display unfounded jealousy when Noel was visited by his friends. This same jealousy motivated her to deceive him into marrying her.

Lastly, he points out that Maribel's psychological incapacity was proven to be permanent and incurable with the root cause existing before the marriage. The psychologist testified that persons suffering from Narcissistic Personality Disorder were unmotivated to participate in therapy session and would reject any form of psychological help rendering their condition long lasting if not incurable. Such persons would not admit that their behavioral manifestations connote pathology or abnormality. The psychologist added that Maribel's psychological incapacity was deeply rooted within her adaptive system since early childhood and manifested during adult life. Maribel was closely attached to her parents and mingled with only a few close individuals. Her close attachment to her parents and their over-protection of her turned her into a self-centered, self-absorbed individual who was insensitive to the needs of others. She developed the tendency not to accept rejection or failure.[20]

On the other hand, the OSG maintains that Maribel's refusal to have sexual intercourse with Noel did not constitute psychological incapacity under Article 36 of the Family Code as her traits were merely mild peculiarities in her character or signs of ill-will and refusal or neglect to perform her marital obligations. The psychologist even admitted that Maribel was capable of entering into marriage except that it would be difficult for her to sustain one. Also, it was established that Noel and Maribel had sexual relations prior to their marriage. The OSG further pointed out that the psychologist was vague as to how Maribel's refusal to have sexual intercourse with Noel constituted Narcissistic Personality Disorder.

The petition lacks merit.

Article 36 of the Family Code provides:

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

The Court held in *Santos v. Court of Appeals*[21] that the phrase "psychological incapacity" is not meant to comprehend all possible cases of psychoses. It refers to no less than a mental (not physical) incapacity that causes a party to be truly noncognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as expressed by Article 68[22] of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. The intendment of the law has been to confine it to the most serious of cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.

In *Republic of the Phils. v. Court of Appeals*,[23] the Court laid down the guidelines in resolving petitions for

declaration of nullity of marriage, based on Article 36 of the Family Code, to wit:

(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 may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, "mild characterological peculiarities, mood changes, occasional emotional outbursts" cannot be accepted as root causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x.

x x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will

be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition. The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall discharge the equivalent function of the defensor vinculi contemplated under Canon 1095. (Emphasis ours.)

In this case, the totality of evidence presented by Noel was not sufficient to sustain a finding that Maribel was psychologically incapacitated. Noel's evidence merely established that Maribel refused to have sexual intercourse with him after their marriage, and that she left him after their quarrel when he confronted her about her alleged miscarriage. He failed to prove the root cause of the alleged psychological incapacity and establish the requirements of gravity, juridical antecedence, and incurability. As correctly observed by the CA, the report of the psychologist, who concluded that Maribel was suffering from Narcissistic Personality Disorder traceable to her experiences during childhood, did not establish how the personality disorder incapacitated Maribel from validly assuming the essential obligations of the marriage. Indeed, the same psychologist even testified that Maribel was capable of entering into a marriage except that it would be difficult for her to sustain one.[24] Mere difficulty, it must be stressed, is not the incapacity contemplated by law.

The Court emphasizes that the burden falls upon petitioner, not just to prove that private respondent suffers from a psychological disorder, but also that such psychological disorder renders her "truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage." [25] Psychological incapacity must be more than just a "difficulty," a "refusal," or a "neglect" in the performance of some marital obligations. An unsatisfactory marriage is not a null and void marriage. As we stated in *Marcos v. Marcos*: [26]

Article 36 of the Family Code, we stress, is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves. It refers to a serious psychological illness afflicting a party even before the celebration of the marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. x x x.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. CV No. 74581 is AFFIRMED and UPHELD.

Costs against petitioner.

SO ORDERED.

Carpio Morales, (Chairperson), and Bersamin, JJ., concur.
Brion, and Sereno, JJ., see concurring opinion.

[1] Rollo, pp. 6-21. Penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Jose L. Sabio, Jr. and Noel G. Tijam.

[2] Id. at 22-25.

[3] Id. at 100-104. Penned by Judge Priscilla J. Baltazar-Padilla.

[4] ART. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (As amended by E.O. 227.)

[5] Rollo, pp. 83, 92, 100.

[6] Id. at 83-87, 93-95.

[7] Id. at 83-88.

[8] Id. at 101-102.

[9] Id. at 103-104.

[10] Id. at 102.

[11] Id. at 20.

[12] Id. at 10-14.

[13] Id. at 17.

[14] ART. 45. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

x x x x

(3) That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;

x x x x

[15] ART. 46. Any of the following circumstances shall constitute fraud referred to in Number 3 of the preceding Article:

(1) Nondisclosure of a previous conviction by final judgment of the other party of a crime involving moral turpitude;

(2) Concealment by the wife of the fact that at the time of the marriage, she was pregnant by a man other than her husband;

(3) Concealment of a sexually transmissible disease, regardless of its nature, existing at the time of the marriage; or

(4) Concealment of drug addiction, habitual alcoholism or homosexuality or lesbianism existing at the time of the marriage.

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. (86a)

[16] Rollo, pp. 18-20.

[17] Id. at 22-25.

[18] Id. at 41-42.

[19] Id. at 42-47.

[20] Id. at 48-52.

[21] G.R. No. 112019, January 4, 1995, 240 SCRA 20, 34.

[22] ART. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

[23] 335 Phil. 664, 676-678 (1997).

[24] TSN, April 24, 2001, p. 19.

[25] Santos v. Court of Appeals, supra note 21.

[26] 397 Phil. 840, 851 (2000).

CONCURRING OPINION

BRION, J.:

I agree with the ponencia that the totality of evidence presented by the petitioner Noel Baccay was not sufficient to sustain a finding that his wife, respondent Maribel Baccay, was psychologically incapacitated to comply with the essential marital obligations, and, thus, there was no basis to declare their marriage a nullity.

Noel primarily contended that Maribel failed to comply with her marital obligation to consummate their marriage. While admitting that he and Maribel had several sexual encounters before their marriage, Noel narrated that after getting married, Maribel senselessly and constantly refused to have any sexual relations with him. He asserted that Maribel's unreasonable refusal amounted to a psychological incapacity to comply with the essential marital obligations.

Noel further pointed to several traits of Maribel that negatively affected their marital relationship. Maribel was described as arrogant, haughty, rude, and disrespectful; she mingled only with a few individuals and failed to endear herself to Noel's family, even if they lived with them under the same roof. She was also "interpersonally exploitative," as shown by her misrepresentation of pregnancy to force Noel to marry her. All of these, Noel contended, are manifestations of a Narcissistic Personality Disorder (NPD), which clinical psychologist Nedy Tayag diagnosed Maribel to be suffering from. Accordingly, Noel petitioned the Court to review the Court of Appeals' decision that reversed and set aside the Regional Trial Court's decision granting his petition for declaration of nullity of marriage under Article 36 of the Family Code.

Article 36 refers to the Incapacity to
Fulfill Essential Marital Obligations
due to a Psychological Condition

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.

Dissecting the terms of the provision, we list down its elements:

- a celebration of marriage;
- non-performance of marital obligations;
- 3. the marital obligations which are not performed are essential obligations;
- non-performance is due to causes psychological in nature and it is chronic: constant and habitual;
- the cause/s are present during the celebration of marriage although they may not be manifest or evident at that point; and

- the cause/s surface after the celebration of marriage.[1]

Article 36 of the Family Code requires that the psychological incapacity relate to the essential obligations of marriage, i.e., "it is the non-performance of this class of obligations which will lead to a declaration of nullity of marriage due to psychological incapacity." [2] Corollarily, "the non-compliance with these non-essential marital obligations has no effect on the validity of the marriage." [3]

The essential marital obligations under the Family Code are found in Articles 68 to 71, [4] 220, 221, and 225. [5] Notably, these essential marital obligations refer primarily to obligations of spouses towards each other and towards their children. While a harmonious relationship with the in-laws is ideal, particularly in this country's cultural set-up, it appears that the law does not consider it an essential obligation of either spouse to maintain one. The "incapacity should make the party disabled from rendering what is due in the marriage, within the context of justice, not merely in the sphere of good will." [6] Maribel's failure to socialize, interact, and endear herself to Noel's family, as far as our family laws are concerned, is, thus, not considered a non-fulfillment of an essential marital obligation. If at all, Maribel has failed to meet her husband Noel's expectations of how she should conduct herself with and relate to his family, a matter not dealt with by Article 36.

The consummation of the marriage, on the other hand, is an essential marital obligation. Marriage is entered into for the establishment of conjugal and family life; [7] its consummation is not only an expression of the couple's love for each other, [8] but is also a means for procreation. [9] That the Court nullified a marriage due to the husband's obstinate and unjustified refusal to have intimate sexual relations with his wife indicates that the consummation of the marriage is considered an essential marital obligation. [10]

The failure to consummate the marriage by itself, however, does not constitute as a ground to nullify the marriage. The spouse's refusal to have intimate sexual relations must be due to causes psychological in nature, i.e., the psychological condition of the spouse renders him/her incapable of having intimate sexual relations with the other. This crucial nexus between the non-fulfilled essential marital obligation and the psychological condition was what Noel failed to allege and prove; Maribel's refusal to satisfy Noel's sexual needs during their marriage was never proven to have been due to some psychological condition. The evidence did not rule out the possibility that the refusal could be caused by other factors not related to Maribel's psychological make-up; the refusal could very well be attributed to Maribel's pregnancy and her subsequent miscarriage (assuming these were true). That Maribel's refusal to have intimate sexual relations with Noel had more to do with the stresses brought on by married life than her actual psychological condition is validated by Noel's statement that prior to marriage, they have had several sexual encounters. The connection between the psychologist's finding that Maribel was supposedly suffering from NPD and her refusal to have intimate sexual relations was similarly not established.

Even supposing that a spouse's refusal to have intimate sexual relations with the other spouse may be reasonably inferred from or connected with the traditional signs and symptoms associated with NPD, [11] I have difficulty finding credible the psychologist's diagnosis of Maribel's psychological condition.

The narration of facts declared that Maribel never participated in the proceedings below, and indicated that the psychologist's evaluation of Maribel was based mainly on Noel's testimony. As the petitioning spouse, Noel's description of Maribel's nature would certainly be biased, and a psychological evaluation based on this one-sided description can hardly be considered as credible. In *Suazo v. Suazo*, [12] the Court declared that -

Based on her declarations in open court, the psychologist [Nedy Tayag, who incidentally is the same psychologist in the present case] evaluated [the husband's] psychological condition only in an indirect manner - she derived all her conclusions from information coming from [the wife] whose bias for her cause cannot of course be doubted. Given the source of the information upon which the psychologist heavily relied upon, the

court must evaluate the evidentiary worth of the opinion with due care and with the application of the more rigid and stringent set of standards outlined above, i.e., that there must be a thorough and in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a psychological incapacity that is grave, severe and incurable.

The Court's statement above should not be read as making mandatory the personal examination by the psychologist or expert of the spouse alleged to be psychologically incapacitated. We have already stated in *Marcos v. Marcos*[13] that there is no requirement that the defendant/respondent spouse should be personally examined by a physician or psychologist to establish the former's psychological incapacity. Subsequently after the *Marcos* case, the Court promulgated the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, which stated that "[t]he complete facts should allege the physical manifestations, if any, as are indicative of psychological incapacity at the time of the celebration of the marriage but expert opinion need not be alleged." [14]

To balance, however, the need for an objective evaluation of the psychological condition of the spouses alleged to be psychologically incapacitated and the non-necessity of an expert's opinion, we refer again to the Court's ruling in *Suazo*, which declared that -

[F]or a determination x x x of a party's complete personality profile, information coming from persons intimately related to [him/her] (such as the party's close relatives and friends) may be helpful. This is an approach in the application of Article 36 that allows flexibility, at the same time that it avoids, if not totally obliterate, the credibility gaps spawned by supposedly expert opinion based entirely on doubtful sources of information.[15]

It did not help that Noel's case was based entirely on his testimony and that of the psychologist, whose findings, in turn, were also based on Noel's description of Maribel. Apart from these biased testimonies, there was no other evidence presented by which the Court could objectively evaluate Maribel's psychological condition.

Psychological incapacity, by its nature, refers only to the most serious cases and is the root cause of the failure to fulfill the essential marital obligations

Noel enumerated other negative traits of Maribel[16] that he claimed were indicative of a psychological illness, specifically, that of NPD. But not all negative traits exhibited by a person are rooted in some psychological illness or disorder; these may simply be a character flaw or a bad habit that the person has developed over the years. It has been said that "[a] deeply ingrained bad habit does not qualify as a source of x x x incapacity." [17] Slight character flaws also do not make a person incapable of marriage.[18]

Assuming that these negative traits were indeed manifestations of NPD or some other psychological illness, jurisprudence has declared that not every psychological illness/disorder/condition is a ground for declaring the marriage a nullity under Article 36. "[T]he meaning of 'psychological incapacity' [is confined] to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage." [19] The psychologist testified that persons suffering from NPD were unmotivated to participate in therapy sessions and would reject any form of psychological help, rendering their condition long lasting, if not incurable, perhaps in an attempt to define the gravity and extent of Maribel's NPD. This, however, is but a general description of on persons with personality disorders,[20] as the term is clinically defined; NPD is just one of the kinds of personality disorders.[21] The testimony did not specifically refer to Maribel and did not paint a clear picture of the seriousness of her NPD.

Furthermore, the petitioning spouse must also allege and prove that the psychological illness/disorder/condition is the root cause of the respondent spouse's incapacity or inability to fulfill any, some, or all of the essential obligations of marriage. Noel attempted to establish this link by alleging that Maribel's NPD has made her view marriage simply as a piece of paper and made her believe that she can easily get rid of her husband without any provocation. He claimed that she entered marriage not because of an emotional desire for it, but to prove something.[22]

Rather than establishing Maribel's incapacity to fulfill the essential marital obligations, Noel's contentions seem to indicate that Maribel was utterly unaware of the nature of marriage and its consequent obligations. There is, however, a significant difference between lack of awareness or understanding of marriage and its obligations, and lack of capacity to fulfill these marital obligations. A spouse's lack of awareness or understanding of marriage and its obligation is an irrelevant consideration for a petition filed under Article 36 of the Family Code.

Article 36 of the Family Code refers
to psychological incapacity to fulfill
essential marital obligations, not
to understand or appreciate what these
essential marital obligations are

Article 36 of the Family Code was based on Canon 1095 of the New Canon Law of the Catholic Church.[23]
Canon 1095 states that-

[t]he following are incapable of contracting marriage:

- Those who lack sufficient use of reason;
- Those who suffer from a grave lack of discretionary judgment concerning the essential matrimonial rights and obligations to be mutually given and accepted;
- Those who, because of causes of a psychological nature, are unable to assume the essential obligations of marriage.

Specifically, it is the third paragraph of Canon 1095 that provided for the model for what is now Article 36 of the Family Code.[24]

The third paragraph of Canon 1095 does not refer to a defect in the consent of one of the contracting parties to the marriage; in fact, it recognizes the existence of a valid consent. Rather, the third paragraph of Canon 1095 refers to the incapacity to assume essential marital obligations. Church decisions "held that a person may appear to enjoy full use of his faculties, but because of some psychiatric defect, he/she may be incapable of assuming the obligations of marriage, although he/she may have a conceptual understanding of such obligation." [25] Thus, a person's ability to give a valid consent can be equated to his/her ability to know and understand the essential marital obligations, but this does not necessarily equate to a similar ability or capacity to actually fulfill them. The spouse "may very well know what are the substantive imperatives of marriage, and [he/she] may also very much want to observe these unconditionally, but at the same time [he/she] simply cannot do so for a given psychical causal factor that gravely lessens or seriously undermines their self-dominion in terms of dysfunctional volitive faculty." [26] This situation was exemplified by Adolfo Dacanay, S.J., in the following manner:

The evidence from the empirical sciences is abundant that there are certain anomalies of a sexual nature which may impel a person towards sexual activities which are not normal, either with respect to its frequency [nymphomania, satyriasis] or to the nature of the activity itself [sadism, masochism, homosexuality]. However, these anomalies notwithstanding, it is altogether possible that the higher faculties remain intact such that a

person so afflicted continues to have an adequate understanding of what marriage is and of the gravity of its responsibilities. In fact, he can choose marriage freely. The question though is whether such a person can assume those responsibilities which he cannot fulfill, although he may be able to understand them. In this latter hypothesis, the incapacity to assume the essential obligations of marriage issues from the incapacity to posit the object of consent, rather than the incapacity to posit consent itself.[27]

In the same manner that the Chuich has limited the third paragraph of Canon 1095 to refer only to lack of capacity to fulfill essential marital obligations (lack of due capacity), Article 36 of the Family Code should also be interpreted as limited only to this kind of incapacity. The framers of Article 36 of the Family Code intended that "jurisprudence under Canon Law prevailing at the time of the code's enactment x x x cannot be dismissed as impertinent for its value as an aid x x x to the interpretation and construction of the codal provision." [28]

Accordingly, the incapacity that Article 36 speaks of is not the incapacity to know and understand marriage and its concomitant obligations (lack of due discretion), but the incapacity to fulfill these obligations for some psychological reason (lack of due capacity). A party may be considered as incapable of assuming the essential obligations of marriage even though he may have sufficient use of reason plus due discretion in judgment. The lack of due discretion, on the other hand, may be indicative of vitiated consent, but this is not the concern of Article 36 of the Family Code. Noel's assertion of Maribel's failure to appreciate marriage and its obligations was, therefore, an irrelevant allegation insofar as his Article 36 petition was concerned.

Republic v. CA and Molina did not
set forth guidelines beyond those
contemplated by the framers of
Article 36 of the Family Code

Lately, the Molina case has been receiving flaks because, apparently, the guidelines it has established created a straitjacket that unduly limited the application of Article 36 of the Family Code. The case of Ngo-Te v. Te said that "[t]he resiliency with which the concept [of psychological incapacity] should be applied and the case-to-case basis by which the provision should be interpreted, as so intended by its framers, had, somehow, been rendered ineffectual by the imposition of a set of strict standards in Molina." [29] Ngo-Te v. Te found it erroneous for courts to apply the rigid set of rules laid down by Molina, without regard to the law's clear intent to treat each Article 36 case separately. As a consequence, "the Court, in conveniently applying Molina, has allowed diagnosed sociopaths, schizophrenics, nymphomaniacs, narcissists and the like, to continuously debase and pervert the sanctity of marriage. Ironically, the Roman Rota has annulled marriages on account of the personality disorders of the said individuals." [30]

I find Ngo-Te's argument contradictory. It advocates a case-to-case approach in resolving psychological incapacity cases, yet, at the same time, implies that since the Church has already annulled marriages on account of the enumerated personality disorders, the courts should declare the marriage's nullity if these were alleged and proved in the case.

Surprisingly enough, Ngo-Te backtracked on its criticism of Molina a month later by saying in the case of Ting v. Velez-Ting [31] that Ngo-Te did not abandon Molina. Far from abandoning Molina, Ting explains the Ngo-Te simply suggested a relaxation of the stringent requirements set forth in Molina. [32]

At any rate, whatever conflict and confusion that might have surfaced because of Ngo-Te's attack against Molina, the Court reconciled these in Suazo, [33] saying that "[Ngo-Te] x x x merely [stood] for a more flexible approach in considering petitions for declaration of nullity of marriages based on psychological incapacity." [34] It noted Ngo-Te for the new evidentiary approach it directed the courts to adopt - to consider as decisive evidence the

expert opinion on the psychological and mental temperaments of the parties.

The guidelines listed in *Molina* are but expositions of what the Court has determined in *Santos v. Bedia-Santos*[35] as characteristics of the psychological incapacity that render a marriage void under Article 36 of the Family Code; these guidelines merely incorporated the basic requirements of gravity, juridical antecedence and incurability.[36] *Molina* did not create new rules, but simply identified and consolidated the legislative intent behind Article 36 of the Family Code. A majority of the guidelines listed corresponds to and is consistent with the concept of psychological incapacity that the members of the Family Code Revision Committee had in mind, the interpretation of Canon 1095 from which the provision was modeled after, and the existing laws, both procedural and substantive. The guidelines in *Molina* were never intended to remove the resiliency and flexibility envisioned by the framers in the application and interpretation of Article 36 of the Family Code. The resiliency and flexibility, however, are not a license to interpret Article 36 of the Family Code as allowing any and every assertion of psychological incapacity to merit a declaration of nullity of marriage. The Court remains bound to interpret the provision in a manner consistent with the Constitution and relevant family laws. For now, Article 36 of the Family Code will remain to be a limited remedy, addressing only a specific situation - a relationship where no marriage could have been validly concluded because the parties, or one of them, by reason of grave and incurable psychological illness existing at the time when the marriage was celebrated, was incapacitated to fulfill the essential marital obligations and, thus, could not have validly entered into a marriage. Outside of this situation, the Court is powerless to provide any permanent remedy.

[1] M. Cruz-Abrenica, *Re-Examining the Concept of Psychological Incapacity: Towards a More Accurate Reflection of Legislative Intent*, 51 *Ateneo Law Journal* 596, 599 (2006), citing *J. Temporal, Republic v. Court of Appeals and Molina: Providing Definite Standards for the Interpretation and Application of Article 36 of the Family Code*, 43 *Ateneo Law Journal* 384 (1998).

[2] *Id.* at 601.

[3] *Ibid.*

[4] Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support. (109a)

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

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family. (110a)

Art. 70. The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be paid from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case of insufficiency or absence of said income or fruits, such obligations shall be satisfied from the separate properties. (111a)

Art. 71. The management of the household shall be the right and duty of both spouses. The expenses for such management shall be paid in accordance with the provisions of Article 70. (115a)

[5] Art. 220. The parents and those exercising parental authority shall have with respect to their unemancipated children or 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 enhance, protect, preserve and maintain their physical and mental health at all times; (5) 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; (6) To represent them in all matters affecting their interests; (7) To demand from them respect and obedience; (8) To impose discipline on them as may be required under the circumstances; and (9) To perform such other duties as are imposed by law upon parents and guardians.(316a)

Art. 221. Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law. (2180 [2]a and [4]a)

Art. 225. The father and the mother shall jointly exercise legal guardianship over the property of their unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property or the annual income of the child exceeds P50,000, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child resides, or if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all incidents and issues regarding the performance of the obligations referred to in the second paragraph of this Article shall be heard and resolved.

The ordinary rules on guardianship shall be merely supplementary except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply. (320a)

[6] M. Cruz-Abrenica, *supra* note 1, at 617, citing Roman Rotal decision c. Lanversin (18 January 1995).

[7] FAMILY CODE, Article 1.

[8] *Id.*, Article 68, which declares that spouses must observe mutual love.

[9] See also Canon 1055 of the New Canon Law of the Catholic Church, which "describes marriage as a partnership of a whole life which is ordered towards the well-being of the spouses, and the procreation and upbringing of children," cited in M. Cruz-Abrenica, *supra* note 1, at 614.

[10] See Ching Ming Tsoi v. Court of Appeals, G.R. No. 119190, January 16, 1997, 266 SCRA 324.

[11] Persons with [NPD] have grandiose sense of self-importance; they consider themselves special and expect special treatment. Their sense of entitlement is striking. They handle criticism poorly and may become enraged when someone dares to criticize them, or they may appear completely indifferent to criticism. Persons with this disorder want their own way and are frequently ambitious to achieve fame and fortune. Their relationships are fragile, and they can make others furious by their refusal to obey conventional rules of behavior. Interpersonal

exploitativeness is commonplace. They cannot show empathy, and they feign sympathy only to achieve their selfish ends. Because of their fragile self-esteem, they are prone to depression. Interpersonal difficulties, occupational problems, rejections, and loss are among the stresses that narcissists commonly produce by their behavior - stresses they are least able to handle. (Kaplan and Sadock, Synopsis of Psychiatry: Behavioral Sciences/Clinical Psychiatry [9th ed.]), pp. 811-812.

[12] G.R. No. 164493, March 10, 2010.

[13] G.R. No. 136490, October 19, 2000, 343 SCRA 755, 764.

[14] Section 2.

[15] Supra note 12.

[16] Noel alleged that Maribel was "interpersonally exploitative," indifferent to his needs, and displayed unfounded jealousy. Decision, p. 7.

[17] M. Cruz-Abrenica, supra note 1 at 619.

[18] Mat 621.

[19] Santos v. Bedia-Santos, G.R. No. 112019, January 4, 1995, 240 SCRA 20, 34.

[20] See Kaplan and Sadock, supra note 11, at 800, which states that "persons with personality disorders are far more likely to refuse psychiatric help and to deny their problems than persons with anxiety disorders, depressive disorders, or obsessive-compulsive disorders, x x x Because they do not routinely acknowledge pain from what others perceive as their symptoms, they often seem disinterested in treatment and impervious to recovery."

[21] Ibid.

[22] See Decision, p. 4.

[23] Promulgated on January 25, 1983, and took effect on November 27, 1983; see M. Cruz-Abrenica, supra note 1, at 601-602.

[24] Ngo-Tev. re, G.R No. 161793, February 13, 2009, 579 SCRA 193, 211.

[25] M. Cruz-Abrenica, supra note 1, at 615, citing Adolfo Dacanay, Canon Law on Marriage: Introductory Notes and Comments 3 (2000).

[26] Ibid.

[27] Ngo-Te v. Te, supra note 24, at 215.

[28] Santos v. Bedia-Santos, supra note 19. at

[29] Supra note 24, at 220.

[30] Id at 224-225.

[31] G.R. No. 166562, March 3 1, 2009, 582 SCRA 694.

[32] Id. at 708-709.

[33] Supra note 12.

[34] Ibid.

[35] Supra note 19.

[36] Toring v. Toring, G.R. No. 165321, August 3, 2010.

[37] See So v. Valera, G.R. No. 150677, June 5, 2009, 588 SCRA 319, 343.

CONCURRING OPINION

SERENO, J.:

Justice Eduardo Caguioa, member of the Civil Code Revision Committee that drafted the Family Code, explained that the definition of psychological incapacity "has been left [by the Family Code] for the determination by the judges since to define it in the Code would be straight-jacketing the concept."^[1] I disagree with the wisdom of leaving to the judiciary the task of defining psychological incapacity. The legislature should have provided clear standards that the judiciary can apply even while the latter takes into account the peculiar circumstances of each case brought before it. However, I recognize that it has been twenty-two (22) years since the Family Code took effect and so much water has passed under the bridge. It is not an ideal situation and is not compatible with the constitutional design of the division of labor among the three great branches of government. The situation speaks poorly of the ability of the legislature to provide sufficient legal standards for application by the judiciary of a law as important as the law on declaration of nullity of marriages.

To clarify the meaning of Article 36, we need to look closely at its origin and the journey it has gone through in the courts. Article 36 of the Family Code was taken from paragraph 3 of Canon 1095 of the New Code of Canon Law which took effect on 27 November 1983.^[2] The Court at one time explained the essence of "psychological incapacity" under the Family Code by referring to Canon Law discussions comparing marriage in the context of the psychological incapacity of one of the parties to a contract between the parties to sell a house, which, unknown to both, had already burned down. In such a case, "the consent may indeed be free, but is juridically ineffective because the party is consenting to an object that he cannot deliver. The house he is selling was gutted down by fire."^[3]

Refining the concept, we held in *Santos v. Court of Appeals*^[4] that psychological incapacity must be characterized by (a) gravity - the incapacity must be grave or serious, such that the party would be incapable of carrying out the ordinary duties required in marriage; (b) juridical antecedence - it must be rooted in the party's history antedating the marriage, although overt manifestations may emerge only after the marriage; and (c) incurability - it must be incurable or, even if it were otherwise, the cure must be beyond the means of the party involved.^[5]

After observing that Article 36 was being abused as a convenient divorce law,^[6] the Court laid down the procedural requirements for its interpretation and application in *Republic v. Court of Appeals and Molina*.^[7] While a majority concurred in the decision, three justices concurred only "in the result" and another three rendered their individual Separate Opinions.^[8] Justice Padilla warned that "each case must be judged, not on the basis of a priori assumptions, predilections or generalizations but according to its own facts." Justice Vitug preferred the earlier simpler legal standard set in *Santos v. Court of Appeals*.

In *Antonio v. Reyes*,^[9] the Court reinstated the trial court's declaration of nullity of the subject marriage based on "the totality of the evidence," with the caveat that "Molina is not set in stone, and that the interpretation of Article 36 relies heavily on a case-to-case perception." We held that granting a petition for declaration of nullity of marriage based on Article 36 is not incompatible with the Constitution's recognition of the sanctity of the family.

Rather, it "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."

In *Ngo Te v. Yu-Te*,^[10] after tracing the origin and development of jurisprudence relating to Article 36, the Court noted that "(t)he resiliency with which the concept should be applied and the case-to-case basis by which the provision should be interpreted, as so intended by its framers, had, somehow, been rendered ineffectual by the imposition of a set of strict standards in *Molina*. ... Far from what was intended by the Court, *Molina* has become a strait-jacket, forcing all sizes to fit into and be bound by it. Wittingly or unwittingly, the Court, in conveniently applying *Molina*, has allowed diagnosed sociopaths, schizophrenics, nymphomaniacs, narcissists and the like, to continuously debase and pervert the sanctity of marriage. ... The Court need not worry about the possible abuse of the remedy provided by Article 36, for there are ample safeguards against this contingency The Court should rather be alarmed by the rising number of cases involving marital abuse, child abuse, domestic violence and incestuous rape."

In *Ting v. Velez-Ting*,^[11] the Court clarified that "(f)ar from abandoning *Molina*, we simply suggested the relaxation of the stringent requirements set forth therein." Requiring petitioner to allege in the petition the particular root cause of the psychological incapacity and to attach thereto the verified written report of the accredited psychologist or psychiatrist proved to be too expensive and adversely affected poor litigants' access to justice. This was the finding of the Committee on the Revision of the Rules on the rationale of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC).

In *Azcuenta v. Republic of the Philippines and Court of Appeals*, we then concluded that "(w)ith the advent of *Te v. Te*, the Court encourages a reexamination of jurisprudential trends on the interpretation of Article 36, although there has been no major deviation or paradigm shift from the *Molina* doctrine."^[12]

In this instance, whether we apply the *Molina* standard or a more relaxed interpretation and application of Article 36, petitioner was unable to prove his case with preponderant evidence. Since the presumption in favor of the validity of marriage^[13] was not ably rebutted, this presumption prevails. I therefore concur in the Decision denying the Petition, but I reach this conclusion based solely on the insufficiency of the evidence presented by petitioner. However, I disagree with the import this Decision conveys that *Molina*, in its undiluted form, should be reiterated and emphasized in this case. Had the case gone forward to a choice between the strict application of *Molina* and the more recent decisions cited, I would have submitted that a second hard look at *Molina* is warranted.

[1] Proceedings of the Public Hearing on the Family Code, 3 February 1988. p. 7.

[2] Justice Alicia Sempio-Diy, Handbook on the Family Code of the Philippines (1997).

[3] *Edward Kenneth Ngo Te vs. Rowena Gutierrez Yu-Te*, GR. No. 161793, 13 February 2009, 579 SCRA 193.

[4] 310 Phil. 22 (1995).

[5] The Court adopted the opinion of Justice Sempio-Diy, who in turn cited the work of Dr. Gerardo Veloso, former Presiding Judge of the Metropolitan Marriage Tribunal of the Catholic Archdiocese of Manila (Branch I).

- [6] Brenda Marcos v. Wilson Marcos, GR.No. 136490, 19 October 2000, 343 SCRA 755.
- [7] GR. No. 108763, 13 February 1997, 268 SCRA 198.
- [8] Edward Kenneth Ngo Te vs. Rowena Gutierrez Yu-Te, GR. No. 161793, 13 February 2009, 579 SCRA 193.
- [9] GR. No. 155800, 10 March 2006, 484 SCRA 353.
- [10] G.R. No. 161793, 13 February 2009, 579 SCRA 193.
- [11] GR. No. 166562, 31 March 2009.
- [12] G.R. No. 180668, 26 May 2009.
- [13] Carating-Siayngco v. Siayngco, GR. No. 158896, 27 October 2004, 441 SCRA 422.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.