

EDWARD N. LIM, PETITIONER, VS. MA. CHERYL STA. CRUZ-LIM, RESPONDENT.

G.R. No. 176464. February 04, 2010

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-176464/>

NACHURA, J.:

This petition raises a far-from-novel issue, i.e., the invalidity of a marriage on the ground of either or both of the parties' psychological incapacity. However, similar petitions continue to hound the lower courts, even with the stringent requirements for the grant of declaration of nullity of marriage on the ground of psychological incapacity, given the facility with which married persons are diagnosed with personality disorders.

The instant petition for review on certiorari assails the decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 74822, which reversed the decision[2] of the Regional Trial Court (RTC), Branch 140, Makati City, in Civil Case No. 99-1852.

First, the all too familiar antecedents of man-meets-woman; they get married after a whirlwind relationship; and, not surprisingly, the marriage goes awry.

Petitioner Edward N. Lim and respondent Maria Cheryl Sta. Cruz-Lim met in 1978 in Cebu, where petitioner, who resides in Makati City, spent a semestral break from college; and respondent, who resides in Gingoog City, Cagayan de Oro, was a boarder in petitioner's uncle's house. At that time, petitioner was twenty-six (26) years old, a college student, and working in the family business, while respondent was a secretarial student.

After less than a year of courtship via long distance phone calls, petitioner and respondent became sweethearts in early 1979. Within that year, or on December 8, 1979, the two were wed at the Don Bosco Church in Makati City, with a reception at Midtown Ramada Hotel.

As is customary among those of Chinese descent, petitioner and respondent took up residence with the former's grandparents and parents in Forbes Park, Makati City. The couple was blessed with three (3) children: Lester Edward,[3] Candice Grace,[4] and Mariano III.[5]

During their stay in Forbes Park, all living, household and medical expenses were paid and provided by petitioner's grandparents. Petitioner's salary of P6,000.00 for working in the family distillery went straight to respondent. Despite all these amenities, the setup and living arrangement rankled respondent, who continued to insist that they live separately and independently from petitioner's family.

October 14, 1990 proved to be a black-letter day for the union of petitioner and respondent. That morning, respondent registered a complaint, which was recorded in the police blotter of the Makati City police, about a prior incident where she caught petitioner in their house in a compromising situation with the stay-in caregiver of petitioner's grandmother. This incident landed on the pages of a tabloid newspaper, *Abante*, where petitioner, his grandparents' house and the family business were all named and identified. Naturally, this caused embarrassment and humiliation to petitioner and to the rest of his family and relatives.

Also, on that same day, respondent finally left petitioner and brought with her their three (3) children. Respondent forcibly opened their cabinet and cleaned out the contents thereof, which included petitioner's passport, jewelry, and a land title in petitioner's name.

Respondent likewise filed a criminal complaint for Concubinage and Physical Injuries against petitioner which was eventually dismissed by the investigating prosecutor for lack of merit.

Subsequently, respondent filed with the RTC of Makati City an action for support against petitioner and petitioner's parents. Thereafter, the trial court directed petitioner to give a monthly support of P6,000.00 and, in case of his inability to do so, petitioner's parents were also decreed to give a monthly support for the three minor children in the amount of P34,000.00.[6]

On October 29, 1999, petitioner filed a petition and sought the declaration of nullity of his marriage to respondent on the ground of the latter's psychological incapacity under Article 36 of the Family Code. Three years thereafter, on July 22, 2002, petitioner filed an amended petition including an allegation of his own psychological incapacity, as both he and respondent were diagnosed with personality disorders--dependent personality disorder and histrionic personality disorder, respectively.

Following the exchange of pleadings between the parties, petitioner presented evidence, which consisted of the testimonies of Dr. Cecilia C. Villegas, a psychiatrist; and Maxima Adato, petitioner's co-employee in the distillery. In addition, petitioner offered in evidence Dr. Villegas' Psychiatric Report, which concluded that the parties were suffering from personality disorders. Respondent, despite filing an Answer to the petition denying the allegations therein, waived her right to present evidence.

Based on the foregoing, primarily on the Psychiatric Report, the RTC declared the marriage between petitioner and respondent null and void as the two were psychologically incapacitated to comply with the essential marital obligations. The RTC disposed of the case, to wit:

WHEREFORE, premises considered, the Court hereby DECLARES the marriage of EDWARD N. LIM and MA. CHERYL STA. CRUZ on December 8, 1979 in Makati City VOID AB INITIO on ground of psychological incapacity of both parties pursuant to Article 36 of the Family Code with all the effects and consequences of all the existing provisions of law.

As regards the custody of the children, considering that all of them are over seven (7) years of age, the Court shall take into account the choice of each of the child, unless the Court finds compelling reasons to order otherwise.

Let copies thereof be sent to the Office of Local Civil Registrar of Makati City and the National Statistics Office, Quezon City who are directed to CANCEL from their respective Civil Registries the marriage of EDWARD N. LIM and CHERYL STA. CRUZ on December 8, 1979 in Makati City.

The Conjugal Partnership of the Spouses shall be liquidated, partitioned, and distributed in accordance with the provisions of Articles 50 and 51 of the Family Code.[7]

Disagreeing completely with the RTC's disposition, the Office of the Solicitor General (OSG) appealed to the CA, questioning the RTC's finding that the parties were psychologically incapacitated to comply with the essential marital obligations. The appellate court granted the OSG's appeal and reversed the trial court. It ruled thus:

WHEREFORE, premises considered, the instant appeal is GRANTED. Accordingly, the assailed Decision dated March 25, 2002 is hereby REVERSED and SET ASIDE. The marriage between herein parties is hereby declared subsisting and valid.[8]

Hence, this petition for review on certiorari positing the singular issue of whether the marriage between petitioner

and respondent is null and void on the ground of the parties' psychological incapacity.

We deny the petition.

The seminal ruling in *Santos v. Court of Appeals*[9] cites three (3) factors characterizing psychological incapacity to perform the essential marital obligations: (1) gravity, (2) juridical antecedence, (3) incurability. We expounded on the foregoing, to wit:

The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.

Given the foregoing stringent requisites and without going into the non-exclusive list found in *Republic v. Court of Appeals*,[10] petitioner, as the party alleging his own psychological incapacity and that of his spouse, had the special albatross to prove that he and his wife were suffering from "the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage." [11]

Instead, petitioner presented the Psychiatric Report of Dr. Villegas, the conclusions drawn are reprinted in full:

PSYCHODYNAMICS OF THE CASE:

Edward is of Chinese descent, born and grew up in a Philippine environment. He was raised and educated in Philippine school. However, despite his prominent Filipino exposure, his immediate family still practice a strong cultural Chinese tradition within his home. Very clannish, all family members has to stay in one roof, in a communal style of living, with the elders in this case, the grandparents are recognized as the authority. Most of the family members tend to rebel, but at the end, tendency to be submissive and passive were developed. But despite physical closeness, Edward did not build close attachments to his parents. The father was exceptionally temperamental and moody, while the mother was extremely asocial, isolated, withdrawn and seclusive, that repelled him from both of them.

Surrogate parenting from his grandparents satisfied his dependency needs. He developed into a kind, obedient, submissive and passive adult, which became the center of jealousy and rivalry among the siblings. Under stressful situation, he became depressed and had suicidal intentions. He felt so secure with his grandparents, that he subordinated his needs to them. He allowed them to assume responsibilities for major areas of his life, as in his family decision and independence. He has difficulty expressing disagreements with others, especially with his wife, because of fear of loss of support or approval. So that even an abusive spouse may be tolerated for long periods, in order not to disturb the sense of attachments. A persevering worker, he had difficulties initiating change due to lack of self-confidence in judgment or abilities, rather than lack of motivation or energy. Within 10 years in marriage, he tried hard to grant his wife's wishes, but to no avail. His wife left him in October, 1990 together with their three children, whom he missed very much. The death of his grandfather in 1994 was a big blow to him, but he finds solace and security in visiting his grave every Sunday since then.

On the other hand, Cheryl was initially congenial, which lasted only for a short period of time. Later, her immaturity interfered with her behavioral pattern and adjustment. Apparently, she could not recognize realities in their family set-up and will insist on her fantasized wishes. When not granted, she'll go into tantrums, moodiness, anger, hostilities, exhibitions and dramatizations, just to get attention and to emphasize her wants. Her attention-getting devices will be endless and her suggestibility to the influence of others is very fertile.

Based on the family background, pattern of behavior, and outcome of their marriage, clinical evidence showed that Mr. Edward Lim is suffering from a Dependent Personality Disorder, while Cheryl is suffering from Histrionic Personality Disorder associated with immaturity, that render both of them psychologically incapacitated to perform the duties and responsibilities of marriage.

The root cause of the above clinical condition on the part of Edward was due to overindulgence and overprotection of his surrogate parents, that left no room for him to develop his own abilities, encouraging too much dependence, lack of self-confidence, self-doubt, passivity, pessimism, and depression. How much of the Dependent Disorder was due to developmental defect and how much was due to strong Chinese culture and traditions, will be difficult to assess.

On the part of Cheryl, the root cause was due to unsatisfied dependency needs that finds gratification in adult stage, in the form of attention-seeking devices, manifested in her clinical symptoms. Both existed prior to marriage, but became obviously manifested only after the celebration, due to marital stresses and demands. Both disorders are considered permanent and incurable, because they started early in their developmental stage and therefore became so engrained in their personality structure. Both are severe and grave in degree, because they hampered their normal functioning, specifically related to a difficult heterosexual adjustment.[12]

In addition, Dr. Villegas testified in the lower court as to the findings contained in the Psychiatric Report. Thus, on direct examination, Dr. Villegas' testimony consisted of the following:

Q- Can you tell the Court how you happened to know the petitioner?

A- He was referred to me by his counsel for psychological and psychiatric evaluation related to his application for nullity of marriage in this Honorable Court, ma'am.

Q- And were you able to actually conduct an examination for the purposes that you have stated?

A- Yes, ma'am.

Q- How many times were you able to examine or meet the petitioner?

A- I met him three (3x) times, ma'am. That was on January 10, January 14 and January 17, year 2000.

Q- And is there any other witness or person that you have met for the purpose of evaluating the behavior and personality of petitioner?

A- Yes, ma'am. I was able to interview a long time employee that they have in their company in the person of Mrs. Emmy Adato who herself know the petitioner since he was eight (8) years old, ma'am.

x x x x

Q- Do you affirm before this Honorable Court the conclusions that you have arrived at to be correct?

A- Yes, ma'am.

Q- And what was the conclusion after you conducted the evaluation of the character of petitioner, as well as that of the respondent?

A- After my intensive interview about the circumstances of their marriage, family background of the petitioner and also the family background of the respondent, it is the opinion of the examiner that the petitioner Mr. Edward Lim is suffering from DEPENDENT PERSONALITY DISORDER that renders him psychologically incapacitated to perform the duties and responsibilities of marriage, ma'am. On the other hand, based on the informations and clinical data gathered from the petitioner and my other informant, Ms. Emmy Adato, it is the opinion of the examiner that the respondent is suffering from HISTRIONIC PERSONALITY DISORDER associated with an immaturity that renders her psychologically incapacitated to perform the duties and responsibilities of marriage.

Q- In your capacity as expert, a psychiatrist of forty (40) years, can you conclude that this deficiencies or defects that you found are sufficient ground to nullify the marriage under Article 36?

A- Yes, ma'am.

Q- Do you conclude also these deficiencies are continuous and permanent?

A- Yes, ma'am.

Q- Would you conclude therefore - would you consider it as valid ground for the annulment of the marriage?

A- Yes, ma'am.[13]

On cross examination by the prosecutor, Dr. Villegas testified as

follows:

Q- Doctor, you have testified that it was only the petitioner whom you have examined and evaluated with (sic)?

A- Yes, ma'am.

Q- And the other person whom you have interviewed was the employee of the petitioner?

A- Yes, ma'am.

Q- No other person whom you have interviewed?

A- None, ma'am.

Q- You did not interview the surrogate parents of petitioner?

A- No, ma'am.

Q- Did you attempt to communicate with the respondent of this case for the purpose of interviewing her?

A- Yes, ma'am. [A]nd I have made this through the petitioner who has contacted his children in Cagayan De Oro, ma'am.

Q- So you are telling us, Doctor, that the respondent is in Cagayan De Oro?

A- Yes, ma'am.

Q- And despite your invitation, she did not appear to you?

A- Yes, ma'am.

Q- So based from your Report on the circumstances of marriage, the information regarding the marriage of parties in this case came from the petitioner?

A- Yes, sir.

Q- And the family background you have made on Cheryl, the respondent also came from the petitioner?

A- Yes, ma'am.

Q- And the interview you have made on Adato, the employee of petitioner, she gave you some background of the respondent here?

A- Yes, ma'am.

Q- But most of the informations you have gathered from her were pertaining to the petitioner?

A- Yes, ma'am.

Q- So practically, the evaluation you have made were based on the interview only on both the employee and the petitioner himself?

A- Yes, ma'am.

Q- You did not conduct a series of tests to determine or evaluate further?

A- No, ma'am.

Q- You have not collaborated with any psychologists so as to get some psychological evaluation on petitioner?

A- No, ma'am. But the clearer picture of the case presented to me is a very clear picture already of the psychiatric disorder which did not necessitated (sic) the assistance of a psychologist because it is obvious, the signs and symptoms are obviously manifested by the parties.

Q- How many times did you meet the petitioner?

A- Three (3) times ma'am.

Q- And the duration of interview or examination on petitioner is how long?

A- It lasted for about one and a half hours to two and a half hours.

Q- For each session?

A- For each session.

Q- So you were able to examine him for a duration of six (6) hours, more or less. In the six (6) or seven (7) hours, you were able to make the conclusions which you have made in your report?

A- Yes, ma'am. A psychiatric interview is a very structured interview...

Q- When did you find out that you don't have to resort to psychological evaluation?

A- Even on my interview, I already kn[e]w that I will not be referring this case to a psychological evaluation because the signs and symptoms are already very clear.

Q- What are these signs and symptoms?

A- The family background, for example, which gave the rootcause, of this case are very, very typical ground that can bring about...

Q- Did you not have any suspicion that the petitioner might be giving you some informations which would given (sic) some presumption to nullifying his marriage?

A- I have no basis to doubt that kind of information that he might be lying. During the one and a half to two hours of interview based on his reactions, the way he answers me, the way he grimaces and also, his statements that he has been giving me are very sincere on his part, that he even, despite the fact that that happened already about eleven years ago, I could still appreciate how much he feels, so devastated, so frustrated and disappointed about family life.

Q- You made a conclusion about the personality of both the petitioner and the respondent. Would you say that even if petitioner would marry again, the same manifestations would exist in the second marriage?

A- It would depend again on the personality profile of the would be partner that he will be having. So it is not really absolute in his case, in a personality profile, but it would again depend on the personality profile of the would-be partner that he will be having, ma'am.[14]

It was folly for the trial court to accept the findings and conclusions of Dr. Villegas with nary a link drawn between the "psychodynamics of the case" and the factors characterizing the psychological incapacity. Dr. Villegas' sparse testimony does not lead to the inevitable conclusion that the parties were psychologically incapacitated to comply with the essential marital obligations. Even on questioning from the trial court, Dr. Villegas' testimony did not illuminate on the parties' alleged personality disorders and their incapacitating effect on their marriage:

Q- Doctora, you gave a conclusion that the respondent is suffering from Histrionic Personality Disorder associated with immaturity. Did you discover the antecedents of this disorder?

A- Yes, your honor.

Q- What did you find out?

A- I found out from her family background that the parents were separated. She lived with a stepfather and therefore their family relationship were only preoccupied by earning a living and no attention were given to the children. When the children were growing up, specifically Cheryl - (interrupted).

Q- By the way, who supplied you this information?

A- The petitioner.

Q- You never discussed the matter with the respondent or any of her relatives, except the husband?

A- None, ma'am.

Q- Now, you have interviewed Mr. Lim three (3) times. What tests did you give to him aside from the interview?

A- I did not give him any test because a psychological examination is given by a psychologist who acts as a laboratory aide to a psychiatrist and therefore, if there are some doubts in our clinical interviews, that is the time we refer the case to a psychologist for a sort of clarification in our clinical interviews.

Q- As far as the gravity of the disorder of petitioner is concerned do you have any suggestions as to the cure of the same?

A- Because the psychological/psychiatric incapacity has been formed or developed during his early years of development, I would say that it is ingrained in his personality and therefore, no amount of psychiatric assistance or medicines can help him improve his personality, your honor.[15]

The Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV),[16] provides general diagnostic criteria for personality disorders:

- An enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (2) or more of the following areas:

- (1) cognition (i.e., ways of perceiving and interpreting self, other people, and events)
- (2) affectivity (i.e., the range, intensity, lability, and appropriateness of emotional response)
- (3) interpersonal functioning
- (4) impulse control

- The enduring pattern is inflexible and pervasive across a broad range of personal and social situations.

- The enduring pattern leads to clinically significant distress or impairment in social, occupational or other

important areas of functioning.

- The pattern is stable and of long duration, and its onset can be traced back at least to adolescence or early adulthood.
- The enduring pattern is not better accounted for as a manifestation or a consequence of another mental disorder.
- The enduring pattern is not due to the direct physiological effects of a substance (i.e., a drug of abuse, a medication) or a general medical condition (e.g., head trauma).

The alleged personality disorders of the parties have the following specified diagnostic criteria:

301.6 DEPENDENT PERSONALITY DISORDER

A pervasive and excessive need to be taken care of that leads to submissive and clinging behavior and fears of separation, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

- (1) has difficulty making everyday decisions without an excessive amount of advice and reassurance from others;
- (2) needs others to assume responsibility for most major areas of his or her life;
- (3) has difficulty expressing disagreement with others because of fear of loss of support or approval. Note: do not include realistic fears of retribution;
- (4) has difficulty initiating projects or doing things on his or her own (because of a lack of self-confidence in judgment or abilities rather than a lack of motivation or energy);
- (5) goes to excessive lengths to obtain nurturance and support from others, to the point of volunteering to do things that are unpleasant;
- (6) feels uncomfortable or helpless when alone because of exaggerated fears of being unable to care for himself or herself;
- (7) urgently seeks another relationship as a source of care and support when a close relationship ends;
- (8) is unrealistically preoccupied with fears of being left to take care of himself or herself.

301.5 HISTRIONIC PERSONALITY DISORDER

A pervasive pattern of excessive emotionality and attention seeking, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

- (1) is uncomfortable in situations in which he or she is not the center of attention;
- (2) interaction with others is often characterized by inappropriate sexually seductive or provocative behavior;
- (3) displays rapidly shifting and shallow expressing of emotions;
- (4) consistently uses physical appearance to draw attention to self;
- (5) has a style of speech that is excessively impressionistic and lacking in detail;
- (6) shows self-dramatization, theatricality, and exaggerated expression of emotion;
- (7) is suggestible, i.e., easily influenced by others or circumstances; and

(8) considers relationships to be more intimate than they actually are.

Significantly, nowhere in Dr. Villegas' Psychiatric Report and in her testimony does she link particular acts of the parties to the DSM IV's list of criteria for the specific personality disorders.

Curiously, Dr. Villegas' global conclusion of both parties' personality disorders was not supported by psychological tests properly administered by clinical psychologists specifically trained in the tests' use and interpretation. The supposed personality disorders of the parties, considering that such diagnoses were made, could have been fully established by psychometric and neurological tests which are designed to measure specific aspects of people's intelligence, thinking, or personality.[17]

Concededly, a copy of DSM IV, or any of the psychology textbooks, does not transform a lawyer or a judge into a professional psychologist. A judge should not substitute his own psychological assessment of the parties for that of the psychologist or the psychiatrist. However, a judge has the bounden duty to rule on what the law is, as applied to a certain set of facts. Certainly, as in all other litigations involving technical or special knowledge, a judge must first and foremost resolve the legal question based on law and jurisprudence.

The expert opinion of a psychiatrist arrived at after a maximum of seven (7) hours of interview, and unsupported by separate psychological tests, cannot tie the hands of the trial court and prevent it from making its own factual finding on what happened in this case. The probative force of the testimony of an expert does not lie in a mere statement of his theory or opinion, but rather in the assistance that he can render to the courts in showing the facts that serve as a basis for his criterion and the reasons upon which the logic of his conclusion is founded.[18]

WHEREFORE, the petition is hereby DENIED. The Decision of the Court of Appeals in CA-G.R. CV No. 74822 is hereby AFFIRMED.

SO ORDERED.

Carpio[*], Corona, Velasco, Jr., and Peralta, JJ., concur.

[*] Additional member in lieu of Associate Justice Jose Catral Mendoza per Special Order No. 818 dated January 18, 2010.

[1] Penned by Associate Justice Arturo G. Tayag, with Associate Justices Remedios A. Salazar-Fernando and Noel G. Tijam, concurring; rollo, pp. 43-59.

[2] Penned by Judge Leticia P. Morales, CA rollo, pp. 9-17.

[3] Born on June 11, 1981.

[4] Born on October 23, 1985.

[5] Born on August 31, 1986.

[6] This decision of the RTC of Makati City was appealed by petitioner and his parents to the CA, docketed as CA GR CV No. 5890. At the time of writing of the trial court decision on the case for the declaration of nullity of marriage between the parties, the appeal of petitioner and his parents from the Order of the RTC, Makati City, decreeing support, was still pending resolution. (See CA rollo, p. 11.)

[7] CA rollo, pp. 16-17.

[8] Rollo, p. 58.

[9] G.R. No. 112019, January 4, 1995, 240 SCRA 20, 33-34.

[10] G.R. No. 108763, February 13, 1997, 268 SCRA 198.

[11] Santos v. Court of Appeals, *supra* note 9, at 34.

[12] Records, pp. 134-136.

[13] *Id.* at 143-148. (Emphasis supplied.)

[14] *Id.* at 148-154. (Emphasis supplied.)

[15] *Id.* at 155-157.

[16] Quick Reference to the Diagnostic Criteria from DSM IV-TR, American Psychiatric Association, 2000.

[17] See Kaplan and Saddock's Synopsis of Psychiatry and Psychology Behavioral Sciences/Clinical Psychiatry (8th ed.), p. 193.

[18] Dizon v. Tuazon, G.R. No. 172167, July 9, 2008, 557 SCRA 487.

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.