

RONALD B. BOADO, PETITIONER, VS. FLORENCE C. GALVEZ-BOADO AND THE REPUBLIC OF THE PHILIPPINES, RESPONDENTS.*G.R. No. 263627, November 04, 2024*

Ponente: LEONEN, SAJ.

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Psychological incapacity may manifest long after the solemnization of a marriage. A spouse who previously seemed capable of performing his marital obligations may prove to be incapable of doing so, and the marriage may be voided so long as the incapacity is shown to be due to a genuine psychic cause.

This Court resolves the Petition for Review on Certiorari[1] filed by petitioner Ronald B. Boado, assailing the Court of Appeals Decision[2] and Resolution[3] upholding the validity of his marriage to respondent Florence C. Galvez-Boado (Florence). The Court of Appeals held that Ronald failed to prove his psychological incapacity which would have rendered his marriage to Florence void under Article 36 of the Family Code.

Ronald and Florence were first married in a secret civil ceremony in 2002. Two years later, in 2004, they had their church wedding.[4]

On October 21, 2016, Ronald filed a Petition for Declaration of Nullity of Marriage before the Regional Trial Court of Balaoan, La Union, based on either his or Florence's psychological incapacity.[5] He also filed a Motion to Take Advance Testimony, requesting that his testimony be taken on October 26, 2016, as he had applied for work abroad and might be unavailable on later dates.[6]

The trial court granted the motion, allowing Ronald to testify on October 26, 2016, with a public prosecutor from the Office of the Provincial Prosecutor of Balaoan, La Union, conducting the cross-examination.[7]

On November 4, 2016, the Office of the Solicitor General entered its appearance, deputizing the Office of the Provincial Prosecutor of Balaoan, La Union, to appear on behalf of the Republic of the Philippines (the Republic).[8] The trial court received this Notice of Appearance on November 11, 2016.[9]

In the meantime, Florence was served with summons on November 15, 2016. However, despite being served, Florence did not answer Ronald's Petition.[10]

The trial court then directed the public prosecutor to report on the possible collusion between the parties. The public prosecutor reported back that he found no collusion between Ronald and Florence. Pre-trial and trial then ensued.[11]

According to Ronald, he first met Florence at the Ilocos Training and Medical Center in San Fernando City, La Union. In 1998, he began courting Florence due to the prodding of their co-workers. They officially became a couple in 1999.[12]

A year later, in 2000, Ronald resigned from his work in San Fernando, La Union to work in Saudi Arabia. While working abroad, he and Florence would often call each other, frequently arguing over the phone.[13]

After Ronald's contract in Saudi Arabia expired, he returned to the Philippines in 2002 for a vacation. It was in this year that he and Florence decided to marry in secret, but did not live together as husband and wife.[14]

In 2004, Ronald vacationed in the Philippines again. This time, he and Florence had their church wedding. A week later, Ronald returned to Saudi Arabia.[15]

In 2005, Ronald decided to return to the Philippines for good and began living with Florence. In April 2007, they had their first child, a son. All of them stayed with Florence's family in Naguilian, La Union. A month later, Florence returned to work while Ronald stayed home to care for their son.[16]

One night, Ronald's cellphone rang, and Florence answered the call. The caller sounded like a drunken woman who was asking for Ronald, and claimed to have been waiting for him. This angered Florence because she suspected that Ronald was having an affair.[17]

In January 2008, Florence left for London to work. While she was abroad, Ronald and his mother cared for his and Florence's son. Florence regularly sent money to Ronald and their child, and every year, she would come home to vacation in the Philippines with her family.[18]

Beginning in April 2010, around the time of their son's third birthday, Florence stopped sending money to Ronald. She, however, continuously sent money to her parents. Florence's mother asked Ronald if he needed money, but Ronald said he could provide for his child on his own. Eventually, with the urging of his family, Ronald left for the United States to work and left his child in the care of his mother.[19]

Three months later, in August 2010, Florence's family asked Ronald if they could have his son because Florence was coming home from London. They then fetched the child, whom they had to trick into coming with them. Since then, his son stayed with Florence's family.[20]

While he was in the United States, Ronald pleaded with Florence to communicate with their child. Florence refused and even threatened him with deportation.[21]

In 2011, Ronald returned home for a vacation. He called Florence to request time to bond with their son and to give him pasalubong. This time, Florence agreed.[22]

However, the next day, Florence's family called Ronald and told him that something had happened to Florence. This caused Ronald and their son to rush to Naguilian, where Florence resided at that time. That afternoon, Ronald and Florence spoke and agreed to live together as a family again.[23]

Ronald described his rekindled relationship with Florence as "good,"[24] except for their arguments. Whenever they fought, he would allegedly shut down and stay silent, resulting in sleepless nights for him.[25]

In December 2012, Ronald and Florence had their second child, a daughter. Florence returned to work, leaving Ronald to care for the children. A year later, Ronald left the Philippines to work abroad, sending USD 500.00 every month to the family.[26]

In November 2015, Ronald returned to the Philippines for the third time since he left in 2013. When Ronald came home, Florence noticed that his attitude toward her had changed. When she asked him about this, Ronald replied that he was just exhausted from all the traveling.[27]

However, Ronald and Florence frequently fought over Ronald's alleged affairs. Ronald then told Florence that he no longer loved her. She then began packing her things, but Ronald pleaded with her not to leave because their son still had classes, and their separation would disrupt his schooling. Florence agreed and decided to stay.[28]

In March 2016, Florence returned to Naguilian with her daughter. However, her son did not want to go with her,

and so he stayed with Ronald. Since then, Ronald and Florence have been living separately, with Ronald regularly visiting his daughter in Naguilian to check on her. Whenever he remembered his married life, Ronald became angry, senseless, and unreasonable at the slightest insinuations. He endured sleepless nights and stressful days.[29]

Ronald's testimony was fully corroborated by his neighbor and best friend, Greg Pascua (Greg).[30]

Apart from Ronald and Greg's respective testimonies, Ronald also presented the expert opinion of Mr. Winston D. Carrera (Carrera), a psychologist. Carrera diagnosed Ronald with Passive-Aggressive Personality Disorder, stating that Ronald "developed a twisted perspective of effectively keeping a relationship"[31] in that he would "say yes, [but] his behavior screams no." [32] According to Carrera, Ronald's passive aggressiveness makes him incapable of directly "[communicating] his needs and wishes clearly, expecting his spouse to read his mind and meet his needs." [33]

Carrera attributes Ronald's psychological incapacity to his mother, who was a "strict disciplinarian"[34] who "offered . . . too much demand and too little warmth." [35] Wanting to keep his mother's love, Ronald learned "to avoid expressing his thoughts and genuine feelings" [36] and "saw the need to keep his emotions bottled up, especially anger, just to be able to protect the tenuous bond [he] has with his mother." [37]

Due to the disorder being allegedly grave, incurable, permanent, and deeply rooted, Carrera recommended the dissolution of Ronald and Florence's marriage.[38]

The Regional Trial Court initially ruled in favor of Ronald and declared his and Florence's marriage void due to psychological incapacity. It stated that their personalities "definitely cannot complement each other to continue a married life," [39] and that "life could be better off when they are separated." [40] In its December 14, 2016 Decision, [41] the trial court disposed of the case as follows:

WHEREFORE, premises considered, the marriage entered into between RONALD B. BOADO and FLORENCE C. GALVEZ-BOADO on May 22, 2002 in Quezon City, Metro Manila is hereby declared NULL and VOID ab initio pursuant to Article 36 of the Family Code, as amended. Accordingly, the Local Civil Registrar of Quezon City, Metro Manila is ordered to make the proper entries into the records of the herein parties pursuant to the judgment to [sic] this Court.

Further, let copies of this [D]ecision be furnished [to] the Office of the Solicitor General, the Provincial Prosecutor of Balaoan, La Union, the Local Civil Registrar of Quezon City, Metro Manila, the Local Civil Registrar of Balaoan, La Union and the Philippine Statistics Authority, (PSA), Manila, for their information/record. And for the execution/implementation of this Judgment.

SO ORDERED. (Emphasis in the original)[42]

Thereafter, the Republic, through the Office of the Solicitor General, filed a Motion for Reconsideration. It argued that it was deprived of its right to due process because it was not furnished copies of the relevant motions and pleadings, including the pre-trial brief and the formal offer of evidence. On the merits, it argued that the totality of evidence presented by Ronald failed to prove his psychological incapacity.[43]

Ronald opposed the Motion, contending that the Office of the Provincial Prosecutor of Balaoan, La Union, whom the Office of the Solicitor General deputized to appear for the Republic, was furnished all the relevant pleadings. Therefore, the Republic was not deprived of due process. On the merits, Ronald maintained that he proved his psychological incapacity.[44]

The Regional Trial Court reversed its earlier judgment. It agreed with the Republic that the latter was deprived of due process. At the time Ronald testified in court, the Office of the Provincial Prosecutor of Balaoan, La Union,

had not yet been deputized to appear on behalf of the Republic. Furthermore, Ronald was allowed to testify before the service of summons on Florence. The trial court likewise held that Ronald failed to prove the gravity and incurability of his psychological incapacity.[45]

The dispositive portion of the trial court's January 17, 2020 Resolution[46] reads:

ACCORDINGLY, the MOTION FOR RECONSIDERATION filed by the OSG is hereby GRANTED. The DECISION in the above-entitled case dated December 14, 2016 is hereby RECONSIDERED and SET ASIDE. The above-entitled Case is considered DENIED.[47] (Emphasis in the original)

Ronald initially filed a Notice of Appeal, which he subsequently withdrew. Instead, he filed a Motion for Reconsideration with a Motion to Withdraw Appeal, reiterating that the Republic was not deprived of due process and that he sufficiently proved his psychological incapacity.[48]

In its June 26, 2020 Order, the Regional Trial Court denied Ronald's Motion for Reconsideration, finding no reason to disturb its earlier ruling.[49]

The Court of Appeals denied Ronald's appeal.[50] It agreed that the Republic was deprived of due process when the trial court allowed Ronald to testify without the presence of the Office of the Solicitor General. While it is true that a public prosecutor from the Office of the Provincial Prosecutor of Balaoan, La Union was present and cross-examined Ronald, the Office of the Provincial Prosecutor was not yet deputized at that time. Therefore, the advanced testimony and cross-examination was unauthorized and should have been stricken off the record.[51]

In any case, the Court of Appeals said that the procedural lapse had already been cured, considering that the Office of the Solicitor General is now fully informed and in charge of the case.[52] It then proceeded to rule on the merits and, like the trial court, found that Ronald failed to establish his psychological incapacity with clear and convincing evidence.[53]

The Court of Appeals highlighted that Ronald technically presented only two pieces of evidence: (1) the testimony of his best friend, Greg; and (2) the expert opinion of Carrera.[54] Of the two, the Court of Appeals said that only Carrera's expert opinion was worth considering since Greg's judicial affidavit "was a mere replica of [Ronald's] petition for declaration of nullity of marriage." [55]

The Court of Appeals then went on to examine Carrera's report, finding that it was not "an in-depth analysis of [Ronald]." [56] It noted that despite Ronald's strict upbringing and the "authoritative parenting style" [57] of his mother, "Ronald had shown nothing but ability to perform his marital obligations" [58] and that "[i]t was his mere refusal to do so when he admitted that his love for [Florence] was gone." [59] According to the Court of Appeals, Carrera "simply restated what needed to be proven as a conclusion without evidence or basis for such." [60]

In denying the appeal, the Court of Appeals said: "loss of love does not establish psychological incapacity." [61]

The dispositive portion of the Court of Appeals' May 12, 2022 Decision reads:

WHEREFORE, in view of the foregoing, the Appeal is DENIED. The 17 January 2020 Resolution and the subsequent 26 June 2020 Order of the Regional Trial Court, Branch 34 of Balaoan, La Union, are AFFIRMED. Consequently, the Petition for Declaration of Nullity of Marriage under Article 36 is DISMISSED. The marriage between Ronald B. Boado and Florence C. Galvez-Boado remains VALID.

SO ORDERED.[62]

Ronald filed a Motion for Reconsideration, which the Court of Appeals denied in its September 12, 2022 Resolution.[63]

On November 17, 2022, Ronald filed his Petition for Review on Certiorari before this Court.[64] In a March 1, 2023 Resolution,[65] this Court directed Florence and the Republic to file their respective comments. However, only the Republic filed its Comment,[66] which it did on July 19, 2023.

In his Petition for Review on Certiorari, Ronald maintains that the totality of the evidence he presented established that he is psychologically incapacitated to comply with his essential marital obligations to Florence. He highlights that he suffers from Passive-Aggressive Personality Disorder, a grave and incurable disorder rooted in his strict upbringing. According to Ronald, the "authoritative" parenting he received resulted in his procrastination, fear of authority, and resentment, all of which contributed to his incapability to communicate his wants and needs directly to his allegedly domineering spouse. This eventually led to the breakdown of his marriage. His psychological incapacity being grave, juridically antecedent, and incurable, Ronald prays that this Court declare his marriage to Florence void under Article 36 of the Family Code.[67]

In its Comment, the Republic counters that Ronald failed to prove the existence of his psychological incapacity. The Republic emphasizes that Ronald testified before the deputization of the Office of the Provincial Prosecutor of Balaoan, La Union, and service of summons on Florence. This, the Republic argues, rendered his testimony unauthorized.[68]

In any case, even if Ronald's testimony is considered, the Republic maintains that Ronald has no psychological incapacity. According to the Republic, Ronald "displayed behavior showing that it was within his mental faculties to comply. . . [and understand] his essential marital obligations." [69] He married Florence twice and was able to maintain a long-distance relationship with her. They lived together and had two children. Thus, the Republic argues that all these behaviors show that Ronald is "capable of showing love, respect, help, and [giving] support to his family," [70] and that his failure to discharge his marital duties is not due to psychological incapacity but "only due to his own neglect and refusal." [71]

Finally, the Republic contends that the issues raised by Ronald are factual in nature, all of which were already passed upon by the Court of Appeals. The Republic pleads that this Court, not being a trier of facts, should deny his Petition.[72]

The issues for this Court's resolution are:

First, whether this Court should take cognizance of the Petition despite it raising questions of fact; and,

Second, whether petitioner Ronald B. Boado presented clear and convincing evidence of his psychological incapacity which would render his marriage to respondent Florence C. Galvez-Boado void from the beginning.

This Court grants the Petition for Review on Certiorari.

Petitioner Ronald B. Boado proved his psychological incapacity with clear and convincing evidence. His marriage to respondent Florence C. Galvez-Boado is void from the beginning under Article 36 of the Family Code.

I

We first address the issue of whether this case falls within any of the exceptions to the general rule that only questions of law may be raised in appeals by certiorari. Questions of law arise when there is doubt as to what the law is within a certain state of facts.[73] On the other hand, questions of fact arise when there is doubt as to the truth of the parties' allegations.[74]

To allow this Court to focus on more fundamental tasks accorded to it by the Constitution, factual determinations and evaluation of evidence are left to the trial courts and the Court of Appeals. From this evolved the following

doctrines, that: (1) "findings of fact of the Court of Appeals are accorded great respect, even finality by this Court";[75] and (2) "this Court is not a trier of facts." [76] Thus, Section 1 of Rule 45 of the Rules of Court provides:

RULE 45

Appeal by Certiorari to the Supreme Court

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

But as with any general rule, exceptions have been carved out:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.[77] (Emphasis provided)

An exception exists in this case: the finding of fact of the Court of Appeals is contradicted by the evidence on record.

Petitioner raises the issue of whether he is psychologically incapacitated to comply with his essential marital obligations, a question of fact that requires this Court to re-examine petitioner's evidence, including his testimony, that of witness Greg Pascua, and the testimony of psychologist Winston D. Carrera. This Court will have to re-evaluate the evidence presented to determine whether petitioner's incapacity to perform the marital obligations is due to a genuine psychic cause or only due to a refusal to do so.

Nevertheless, despite the Petition raising a question of fact, We resolve to take cognizance of it. As will be shown, petitioner proved with clear and convincing evidence that he is psychologically incapacitated. His marriage to respondent has been void from the very beginning.

II

Psychological incapacity as a ground to void marriages is provided in Article 36 of the Family Code:

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 defined "in *Tan-Andal v. Andal* (Tan-Andal),[78] psychological incapacity consists of the "durable aspects of a person's personality, called 'personality structure,' which manifests itself through clear acts of dysfunctionality that undermines the family." [79] The definition is broad, as has been intended by the Code Committee, recognizing the many ways psychological incapacity can manifest itself in a marriage. It is important, however, that the dysfunction be shown "durable," meaning this part of the person's personality must have predated the marriage.[80] In other words, it must have juridical antecedence, although it may manifest only after the marriage's solemnization. Furthermore, the incapacitated spouse's personality structure "must make it impossible

for him or her to understand and, more important, to comply with [the] essential marital obligations"[81] as provided in Articles 68 to 71 of the Family Code.[82] The failure to comply must not be a mere refusal, neglect, or difficulty to do so.

To establish psychological incapacity, the burden of proof rests on the petitioner-spouse, who must prove their case with clear and convincing evidence.[83] Because marriages are presumed valid, they may only be voided by evidence that requires more than a preponderance of evidence but is less than proof beyond reasonable doubt.[84]

Further, as clarified in *Tan-Andal*, psychological incapacity is a legal concept. As such, "[o]rdinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse." [85] Medical or expert opinion on the existence of psychological incapacity is no longer required but may be considered by courts if offered in evidence. This marks a radical departure from the formerly medicalized conceptualization of psychological incapacity to include "the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage," [86] an erroneous characterization that began with *Santos v. Court of Appeals* [87] and reinforced by *Republic v. Court of Appeals and Molina* [88] and other subsequent cases.

Based on the evidence presented by petitioner, he clearly and convincingly proved his psychological incapacity, specifically its juridical antecedence. It remains undisputed that petitioner grew up with a strict mother who "offered him too much demand and too little warmth." [89] As a result, he maintained emotional distance in relationships, learning how to bottle up his true emotions and feelings just to keep the peace. This is why petitioner can perform essential marital obligations tied to providing the family's material needs, such as financial support, but lacked in providing emotional needs, the most basic of which is physical presence and companionship.

Indeed, there is evidence of the emotional distance between the spouses, which was exacerbated by the frequent physical distance between them due to their jobs. A review of the facts shows that from 1999-2002, when the parties were still dating, they were only physically together for about a year, i.e., in the years 1999-2000. From 2000 to 2002, they were apart. While they communicated over the phone, they often did so just to fight.

From the time they were married in 2002 until they separated for good in 2016, petitioner and private respondent were only physically together for about five years: (1) from 2005-2008, when petitioner went home from Saudi Arabia; (2) from 2011-2012, when the parties reconciled; and (3) from 2025-2016, when petitioner went home from the United States. These show that petitioner can maintain a relationship only from a distance, frequently keeping his spouse at arm's length.

Besides, just because a spouse was once able to perform some marital obligations does not mean that they cannot be subsequently incapable of fulfilling some of the other obligations. This is why Article 36 of the Family Code states that psychological incapacity can manifest after the marriage's solemnization. In the case of petitioner, his psychological incapacity fully manifested later in the marriage, specifically in 2016, 14 years into the marriage.

III

It is true that petitioner's testimony was taken before the Office of the Solicitor General deputized the Office of the Provincial Prosecutor of Balaoan, La Union and prior to the service of summons on private respondent. However, as held by the Court of Appeals, this procedural due process issue was cured since "the [Office of the Solicitor General] is now fully informed and in charge of the case." [90] Petitioner was likewise cross-examined on his testimony by the public prosecutor, who appeared on behalf of the Republic and was subsequently deputized by the Office of the Solicitor General anyway. This Court, therefore, can very well consider the

testimony of petitioner in resolving this case.

IV

Loving one's spouse^[91] is an important, if not the most important, essential marital obligation. Petitioner already asserted that he no longer loved private respondent. He also proved that his inability to love private respondent back is rooted in a durable part of his personality, caused by a potentially emotionally immature parent. For these reasons, petitioner must not be forced to stay in a loveless marriage, and his marriage to private respondent must be voided.

ACCORDINGLY, the Petition for Review on Certiorari filed by Ronald B. Boado is GRANTED. The May 12, 2022 Decision and the September 12, 2022 Resolution of the Court of Appeals in CA-G.R. CV No. 115614 are REVERSED and SET ASIDE. The Decision of Branch 34, Regional Trial Court, Balaoan, La Union in Civil Case No. 1524 is REINSTATED. The marriage between petitioner Ronald B. Boado and Florence C. Galvez-Boado is declared VOID AB INITIO due to petitioner's psychological incapacity under Article 36 of the Family Code.

The Local Civil Registrar of Quezon City, Metro Manila is ORDERED to make the proper entries into the records of the parties pursuant to this Decision.

Furthermore, let copies of this Decision be FURNISHED to the Office of the Solicitor General, the Provincial Prosecutor of Balaoan, La Union, the Local Civil Registrar of Quezon City, Metro Manila, the Local Civil Registrar of Balaoan, La Union, and the Philippine Statistics Authority, Manila, for their record and the implementation of this Decision.

SO ORDERED.

Lazaro-Javier and M. Lopez, JJ., concur.

J. Lopez, J., with dissenting opinion.

Kho, Jr., J., joins the dissent of Justice Jhosep Lopez.

[1] Rollo, pp. 11-28.

[2] Id. at 30-45. The May 12, 2022 Decision was penned by Associate Justice Mariflor P. Punzalan Castillo and was concurred in by Associate Justices Pablito A. Perez and Raymond Reynold R. Lauigan of the Court of Appeals, Third Division, Manila.

[3] Id. at 47-50. The September 12, 2022 Resolution was penned by Associate Justice Mariflor P. Punzalan Castillo and was concurred in by Associate Justices Pablito A. Perez and Raymond Reynold R. Lauigan of the Court of Appeals, Former Third Division, Manila.

[4] Id. at 30-31.

[5] Id. at 12.

[6] Id. at 33.

[7] Id.

[8] Id.

[9] Id. at 134.

- [10] Id. at 13.
- [[11]] Id. at 33.
- [12] Id. at 30.
- [13] Id.
- [14] Id. at 31.
- [15] Id.
- [16] Id.
- [17] Id.
- [18] Id.
- [19] Id.
- [[20]] Id.
- [21] Id. at 32.
- [22] Id.
- [23] Id.
- [24] Id.
- [25] Id.
- [26] Id.
- [27] Id.
- [28] Id.
- [29] Id. at 32-33.
- [30] Id. at 15.
- [31] Id. at 73.
- [32] Id. at 21.
- [33] Id.
- [34] Id. at 71.
- [35] Id. at 72.
- [36] Id.
- [37] Id.
- [38] Id. at 33.
- [39] Id. at 34.
- [40] Id.

[41] Id. at 68-75. The Decision was penned by Judge Manuel R. Aquino of the Regional Trial Court, Branch XXXIV, Balaoan, La Union.

[42] Id. at 34.

[43] Id.

[44] Id. at 35.

[45] Id. at 36.

[46] Id. at 76-85. The Resolution was penned by Acting Presiding Judge Ethelwolda A. Jaravata of the Regional Trial Court, Branch 34, Balaoan, La Union.

[47] Id. at 36.

[48] Id. at 37.

[49] Id.

[50] Id. at 39.

[51] Id.

[52] Id.

[53] Id. at 39-40.

[54] Id. at 42.

[55] Id.

[56] Id.

[57] Id.

[58] Id.

[59] Id.

[60] Id. at 44.

[61] Id.

[62] Id.

[63] Id. at 47-50.

[64] Id. at 11-28.

[65] Id. at 120.

[66] Id. at 132-149.

[67] Id. at 19-23.

[68] Id. at 136-138.

[69] Id. at 141.

[70] Id. at 142.

[71] Id.

[72] Id. at 144-145.

[73] *Arriola v. Pilipino Star Ngayon*, 741 Phil. 171, 185 (2014) [Per J. Leonen, Third Division].

[74] *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].

[75] Id.

[76] Id.

[77] Id. at 182-183.

[78] 902 Phil. 558 (2021) [Per J. Leonen, En Banc].

[79] Id. at 597.

[80] Id. at 598.

[81] Id. at 597.

[82] FAMILY CODE, Art. 68-71 provide:

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

ARTICLE 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.

ARTICLE 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.

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

....

ARTICLE 220. The parents and those exercising parental authority shall have with the 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 furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;

(5)

To represent them in all matters affecting their interests;

(6)

To demand from them respect and obedience;

(7)

To impose discipline on them as may be required under the circumstances; and

(8)

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

ARTICLE 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.

....

ARTICLE 225. The father and the mother shall jointly exercise legal guardianship over the property of the 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 suppletory 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.

[83] *Tan-Andal v. Andal*, 902 Phil. 558, 591 (2021) [Per J. Leonen, En Banc].

[84] *Id.* at 591-592.

[85] *Id.* at 597.

[86] *Id.*, citing *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995) [Per J. Vitug, En Banc].

[87] 310 Phil. 21 (1995) [Per J. Vitug, En Banc].

[88] 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

[89] *Rollo*, p. 21.

[90] *Id.* at 39.

[91] FAMILY CODE, Art. 68 provides:

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

DISSENTING OPINION

LOPEZ, J., J.:

The majority granted the Petition for Review on Certiorari^[1] filed by Ronald B. Boado (Ronald) and agreed with his contention that he has proven by clear and convincing evidence that his marriage to Florence C. Galvez-Boado (Florence) is null and void considering that he is psychologically incapacitated and therefore cannot perform his essential marital obligations to Florence.^[2]

The majority took note that Ronald was diagnosed with Passive-Aggressive Personality Disorder by Dr. Winston Carrera (Carrera) and ruled that such condition, in the context of his marriage with Florence, is sufficient to annul their marriage.^[3] They agreed that Ronald duly proved his psychological disorder and it satisfies all the elements of psychological incapacity, i.e., gravity, incurability, and juridical antecedence, and pointed to the fact that Ronald and Florence were barely physically together during the entirety of their marriage. It was added that Ronald no longer loves Florence as proof of his psychological incapacity.^[4]

With due respect, I dissent.

I

Articles 68 to 71 of the Family Code provides what are the essential marital obligations between husband and wife, as follows:

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

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.

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.

Art. 71. The management of the household shall be the right and the duty of both spouses. The expenses for

such management shall be paid in accordance with the provisions of Article 70.

Notably, Section 36 of the Family Code provides that a marriage contracted by any party who at the time of the celebration was psychologically incapacitated to comply with the essential marital obligations is void:

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 guidelines for interpreting and applying Section 36 of the Family Code was first laid down in *Republic v. Molina*:^[5]

From their submissions and the Court's own deliberations, the following guidelines in the interpretation and application of Art. 36 of the Family Code are hereby handed down for the guidance of the bench and the bar:

(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

....

(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.[6] (Citation omitted)

Twenty-four years later, this Court had cause to, and thus modified, its interpretation and application of the doctrine of psychological incapacity in its seminal ruling in *Tan-Andal v. Andal*:^[7]

To recall, the term "psychological incapacity" was first defined by this Court in *Santos* as a "mental (not physical) incapacity" to comply with the essential marital obligations. The term was 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." This characterization became the basis of the second Molina guideline, where parties to a nullity case are required to present evidence of the root cause of the psychological incapacity. In particular, this root cause must be medically or clinically identified and sufficiently proven by experts.

By equating psychological incapacity to a "mental incapacity" and to "personality disorders," this Court went against the intent behind Article 36. The Code Committee was clear that psychological incapacity is not a mental incapacity. Among the earlier wordings of the provision on psychological incapacity included "mentally incapacitated," and "mentally" is obviously absent in the present Article 36. This means that for the Code Committee, "mental" is not synonymous with "psychological."

....

Yet, to comply with the second Molina guideline, psychologists and psychiatrists, when serving as expert witnesses, have been forced to assign a personality disorder and pathologize the supposedly psychologically incapacitated spouse. This cruelty could not have been the intent of the Code Committee.

It took time before this Court, in the 2000 case of *Marcos v. Marcos*, declared that "a medical examination of the person concerned need not be resorted to." Instead, as this Court said, "the totality of evidence presented is enough to sustain a finding of psychological incapacity[.]"

....

In light of the foregoing, this Court now categorically abandons the second Molina guideline. Psychological incapacity is neither a mental incapacity nor a personality disorder that must be proven through expert opinion. There must be proof however, of the durable or enduring aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for him or her to understand and, more important, to

comply with his or her essential marital obligations.

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

....

Difficult to prove as it may be, a party to a nullity case is still required to prove juridical antecedence because it is an explicit requirement of the law. Article 36 is clear that the psychological incapacity must be existing "at the time of the celebration" of the marriage, "even if such incapacity becomes manifest only after its solemnization." This distinguishes psychological incapacity from divorce. Divorce severs a marital tie for causes, psychological or otherwise, that may have developed after the marriage celebration.

According to Dean Estrada-Claudio, "it is an accepted principle of all major and recognized theoretical schools within psychology that a person's behavior is determined by the interaction of certain genetic predispositions and by his or her environment, working in iterative loops of influence." From this, proof of juridically antecedent psychological incapacity may consist of testimonies describing the environment where the supposedly incapacitated spouse lived that may have led to a particular behavior. For instance, violence against one's spouse and children can be a manifestation of juridically antecedent psychological incapacity when it is shown that the violent spouse grew up with domestic violence or had a history of abusive romantic relationships before the marriage.

....

Furthermore, not being an illness in a medical sense, psychological incapacity is not something to be cured. And even if it were a mental disorder, it cannot be described in terms of being curable or incurable. Dean Estrada-Claudio explained that true mental disorders follow a probable course or outcome, called "prognosis," that can either be self-limited or remain "stable across time and consistent in situations." If self-limited, the disorder is, in layperson's terms, "curable." If it has poor long-term prognosis, the disorder is said to be "incurable."

That psychological incapacity is "incurable," but in a legal sense, is evident in the deliberations of the Code Committee. This was explained by Justice Eduardo P. Caguioa, when he said that "'incurable' has a different meaning in law and medicine."

....

Reading together the deliberations of the Code Committee and our rulings in Santos and Molina, we hold that the psychological incapacity contemplated in Article 36 of the Family Code is incurable, not in the medical, but in the legal sense; hence, the third Molina guideline is amended accordingly. This means that the incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage. "[A]n undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."

With respect to gravity, the requirement is retained, not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness, but that "mild characterological peculiarities, mood changes, occasional emotional outbursts" are excluded. The psychological incapacity cannot be mere "refusal, neglect[,] or difficulty, much less ill will." In other words, it must be shown that the incapacity is caused by a genuinely serious psychic cause.[8] (Emphasis supplied, citations omitted)

In *Navarro v. Navarro*,^[9] this Court further refined the requisites of juridical antecedence, incurability, and gravity in determining psychological incapacity as follows:

In light of the Court's fundamental paradigm shift in viewing psychological incapacity as a purely legal, rather than a medical concept, the understanding of the requisites in determining psychological incapacity, namely, juridical antecedence, incurability, and gravity, must be refined accordingly.

With regard to the requisite of incurability, it must now be recognized that psychological incapacity is incurable only in the legal (not medical) sense in that the incapacity is "so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage." In order for the said requisite to obtain, there must be "[a]n undeniable pattern of a persisting failure to be a present loving, faithful, respectful, and supportive spouse that must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."

Meanwhile, the requisite of gravity in psychological incapacity must be such that it is caused by a genuinely psychic cause, and not just "mild characterological peculiarities, mood changes [or] occasional emotional outbursts" nor mere "refusal, neglect[,] difficulty, much less ill will." As such, "a deeper and fuller assessment of the alleged incapacity must be done such that it is clearly and convincingly shown that the fulfillment of the essential marital obligations is not merely feigned or cumbersome but rather, practically impossible, because of the distinct psychological makeup of the person relative to his or her spouse."

Lastly, the requisite of juridical antecedence (which – to note – is explicitly necessitated by the phrase "at the time of the celebration of the marriage" in Article 36) means that the incapacity is determined to exist during the time of celebration. While it may indeed be difficult—if not scientifically impossible—to determine the existence of psychological incapacity at the exact point in time that the couple exchanged their 'I dos,' it is sufficient however, that the petitioner demonstrates, by clear and convincing evidence, that the incapacity; in all reasonable likelihood, already exists at the time of the marriage's celebration. To determine the reasonable likelihood of its existence at the time of the celebration of the marriage, the Court, in *Tan-Andal*, held that "proof of juridically antecedent psychological incapacity may consist of testimonies describing the environment where the supposedly incapacitated spouse lived that may have led to a particular behavior."

Moreover, the concept of juridical antecedence must be understood to include the ordinary experiences of the spouses not only prior to the marriage itself, but more importantly, during their "lived conjugal life" together since, as the law itself states, a marriage can be declared null and void under Article 36 "even if such incapacity becomes manifest only after its solemnization." As the parties have yet to assume any of the essential marital obligations prior to being married, the Court discerns that the experience of marriage itself is the litmus test of self-realization, reflecting one's true psychological makeup as to whether or not he or she was indeed capable of assuming the essential marital obligations to his or her spouse at the time the marriage was entered into.

Therefore, in order to determine juridical antecedence, "judges must reconstruct the marital decision-making process of an individual, just like inquisitive investigators. The judge must trace back and examine all the manifestations before and during marriage to find out if such non-fulfillment relates to the intrinsic psychological makeup of the person relative to his or her specific partner, and not just some mere difficulty that ordinary spouses, at some point in time, are bound to go through."

Overall, the focus should be on the manifestations during the marriage itself since, as intended by Canon Law from which psychological incapacity was patterned after, the lived conjugal life is that which provides a confirmation of the original consent or its absence at the time of the marriage's celebration. Since there is no way to determine the existence of psychological incapacity at the exact point that vows were exchanged, it is

enough that it exists at such time in all reasonable likelihood. This is determined, in turn, by the manifestations and circumstances attending before, and most significantly, during the marriage.[10] (Citations omitted)

Thus, based on prevailing jurisprudence, the party claiming that they or their spouse is suffering from psychological incapacity must prove by clear and convincing evidence that such psychological incapacity: (1) must have a genuine psychic cause and is of such gravity that it is practically impossible to fulfill the essential marital obligations relative to his or her spouse; (2) is incurable in a legal sense such that it is so enduring and persistent with respect to a specific partner that the only result of the union would be the inevitable and irreparable breakdown of the marriage; (3) exists at the time of the celebration of the marriage. Expert testimony or the testimony of a psychologist/psychiatrist is no longer required to prove psychological incapacity.[11] Ordinary witnesses who have been present in the spouses' lives before they contracted marriage may testify on their observations as to the incapacitated spouse's behavior or describe the incapacitated spouse's past experiences or environment growing up, which may have triggered one's particular behavior. What is important is that the totality of evidence is sufficient to support a finding of psychological incapacity.[12]

II

Applying the foregoing standards to the present case, Ronald failed to prove by clear and convincing evidence that he is psychologically incapacitated in the context of Article 36 of the Family Code, and consequently, that his marriage with Florence should be declared null and void.

II (A)

In *Cayabyab-Navarro*[13] this Court held that for the requisite of incurability to be considered present, there must be "[a]n undeniable pattern of a persisting failure to be a present, loving, faithful, respectful, and supportive spouse that must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other." [14] No such pattern was shown here. As correctly pointed out by the Court of Appeals,[15] Ronald's own account of the circumstances surrounding his marriage showed that, not only was he capable of, but at one point did perform his obligations to Florence as her husband. He professed that he loved Florence,[16] even married her twice,[17] lived with her,[18] and was faithful to her.[19] Ronald also provided for his family by going abroad to work on several occasions.[20] While there were rough patches along the way, Ronald exerted efforts to fix whatever marital issues that he and Florence might have had as shown by his attempts to and eventual reconciliation with his wife in 2011.[21] More, it is telling that Ronald himself admitted that it was only in 2016 when he told Florence that he no longer loved her did he desist in performing his marital obligations to her.[22]

To be sure, instead of proving by clear and convincing evidence that he has persistently failed to fulfill his obligations to be a present, loving, faithful, respectful, and supportive spouse to Florence, Roland proved otherwise and showed that he exerted earnest efforts to fulfill his essential marital obligations to his wife. Clearly, Ronald's personality structure, which was manifested through his actions towards Florence up until 2016, does not support a finding that it is impossible for him or her to understand and, more important, to comply with his essential marital obligations.

II (B)

Ronald also failed to prove the requisite of incurability. Psychological incapacity under Article 36 of the Family Code contemplates incapacity or inability to take cognizance of and to assume basic marital obligations and not merely difficulty, refusal, or neglect in the performance of marital obligations or ill will.

Here, it must be emphasized that, by Ronald's own account, he was a loving, faithful, respectful, and supportive spouse to Florence up to the point that he no longer wanted to be one. To be sure, no clear and convincing evidence was offered by Ronald to prove that he is incapable of performing his marital obligations to Florence or that his previous performance of such obligations was in any way feigned or forced by reason of his personality structure or personality disorder.

II (C)

Similarly, no evidence was offered by Ronald that his Passive-Aggressive Personality Disorder, or a personality structure that renders impossible his continued marriage with Florence, existed prior to their marriage to prove the requirement of juridical antecedence. More, the record of the case is not only devoid of any mention of a specific instance prior or during his marriage with Florence where Ronald manifested that he is incapable of performing his marital obligations but is in fact littered with examples where Ronald performed his marital obligations to his wife.

As for Ronald's insistence that Dr. Carrera's professional opinion that his Passive-Aggressive Personality Disorder satisfies all the requisites of psychological incapacity should be the final word on the matter,[23] it is patently without any merit. Psychological incapacity is now neither a mental incapacity nor a personality disorder that must be proven by expert opinion.[24] It should be viewed in the legal sense and established by clear and convincing proof of consistent behavior of the psychologically incapacitated spouse which consist of an undeniable pattern of failing to be present, loving, faithful, respectful, and supportive.[25]

A review of Dr. Carrera's report, which was reproduced in the Decision rendered by the Regional Trial Court[26] as well as portions of Dr. Carrera's testimony that Ronald quoted in the Petition[27] does not show the presence of the requisites of psychological incapacity under Article 36 of the Family Code. The report and testimony of Dr. Carrera only contained general statements that Ronald's personality disorder was rooted in his mother being a strict disciplinarian[28] and that it is characterized by gravity, is incurable, and had developed during his childhood.[29] However, it was bereft of any detail regarding: (1) how Ronald's personality disorder would render impossible his continued marriage to Florence; (2) a specific account of a pattern of behavior on the part of Ronald which shows that he is incapable of performing his essential marital obligations to his wife; and (3) specific instances where Ronald would manifest his personality disorder during his marriage to Florence. Verily, Dr. Carrera's professional opinion that Ronald is suffering from a personality disorder, by itself and absent any substantiation how such personality disorder prevents him from fulfilling his marital obligations to Florence, is not sufficient to support a finding of psychological incapacity under Article 36 of the Family Code.

Notably, Ronald presented another witness during trial, his longtime friend Greg Pascual (Greg), to ostensibly prove his psychological incapacity.[30] However, Greg's testimony is similarly bereft of any mention how Ronald's personality disorder manifested itself prior or during his marriage to Florence and how such condition prevented Ronald from performing his marital obligations to Florence. Instead, Greg's testimony merely echoed that of Ronald insofar as it showed that the latter was capable of and did perform his obligations to Florence.

III.

Despite the foregoing, the majority still opined that Ronald was able to prove by clear and convincing evidence that he is psychologically incapacitated.[31] They pointed out that Ronald and Florence were barely physically together during their marriage as a manifestation of his incapacity.[32] However, it must be noted that the fact that Ronald and Florence lived separately for the majority of their marriage was primarily caused by economic reasons as both Ronald and Florence had to work abroad or in parts of the country other than where their family resides to

sustain their needs.[33]

As for the fact that Ronald was able to and previously performed his marital obligations to his wife, the majority brushed that aside by stating that just because he was able to perform some of his marital obligations does not mean that he cannot be subsequently incapable of performing some of his other obligations, i.e., loving his wife.[34]

I disagree. The fact that Ronald was previously willing and able to fulfill his essential marital obligations to Florence, coupled by the lack of any evidence that such fulfillment was in any way feigned or forced, should have negated any finding that Ronald is psychologically incapacitated.

In *Tan-Andal*,[35] this Court ruled that to prove psychological incapacity, it must be shown that the durable or enduring aspects of a person's personality or his "personality structure" make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations. This "psychological incapacity" will manifest itself through "clear acts of dysfunctionality that undermines the family." The party asserting that they or their spouse is psychologically incapacitated must then present evidence to establish a pattern of behavior that they or their spouse has exhibited which proves the required "personality structure." It will then be up to the judge to determine if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.[36]

Thus, in *Clavecilla v. Clavecilla*,[37] this Court affirmed that "there must be proof of the consistent behavior of the psychologically incapacitated spouse" and that this should show "an undeniable pattern of failing to be present, loving, faithful, respectful, and supportive." [38]

From the foregoing, it is apparent that their previous actions and behavior prior and during the marriage would ultimately determine whether someone is psychologically incapacitated to fulfill their essential marital obligations.

In this case, Ronald was previously able to fulfill all his essential marital obligations to his wife, except that of living together, which was mostly due to economic reasons. There is no pattern of behavior on record which showed that Ronald is incapable of understanding and performing his marital obligations to his wife. However, Ronald now insists that he no longer loves his wife and tries to claim that his inability to do so can be traced back to his childhood experiences and his overly strict mother.[39] However, Ronald failed to establish causality between his personality structure and his purported inability to no longer love his wife. There is no evidence on record that he did not understand and is not capable of fulfilling his marital obligations. What is clear is that he no longer wants to do so now. Notably, in *Rivo v. Rivo*,[40] this Court ruled that previous fulfillment of the essential marital obligations runs counter to a finding of psychological incapacity and "falling out of love," unless caused by a genuine psychic cause, is not sufficient to dissolve the *vinculum* of marriage:

Tan-Andal emphasized that the psychological incapacity must be shown to have been existing at the time of the celebration of the marriage, and is caused by a durable aspect of one's personality structure, one that was formed before the parties married.

Here, based on the narrative of events offered by respondent and Marlene, it is undeniable that petitioner was a faithful and loving husband to respondent and a responsible parent to his children before he met his present partner, Perla. Their marriage was blissful, and their family life was peaceful and harmonious until petitioner started philandering. However, it is noteworthy that after petitioner's first extra-marital affair, he exerted efforts to reconcile with respondent and reunite with his family. It was only in the second instance of infidelity where petitioner got too involved with Perla that eventually led him to abandon their conjugal dwelling.

Thus, by petitioner's own statements and admissions in his petition and in his testimony in court, he has

displayed full knowledge and understanding of his obligations and has, in fact, committed positive acts towards building and sustaining a family. This exhibits his genuine awareness of his marital obligations, which clearly negated his claim of juridically antecedent psychological incapacity.

Moreover, apart from the claim of Marlene that their father has a history of extra-marital affairs to make it appear that petitioner's psychological capacity is deeply rooted in his childhood, no other convincing evidence was adduced to demonstrate how and to what extent their father's philandering ways correlate to petitioner's alleged disorder, and how it incapacitated him to understand and comply with his marital obligations. All that Marlene claimed was that petitioner was a silent type during his childhood days. Neither was there proof of petitioner's behavior or habits during his adolescent years that could explain his behavior during the marriage.

On the contrary, it was indubitably established that at the inception of their marriage, petitioner was faithful and caring to respondent. Petitioner's sister herself testified that petitioner's union with respondent was smooth sailing and that it began to crumble only after they had kids, that is after 12 years of being together. Thus, there was no showing that petitioner's defects were already present at the time of celebration of their marriage.

....

Given the foregoing, We find no concrete evidence to support a finding that petitioner's alleged disorder is rooted in his history antedating the marriage.

In the same vein, We are not convinced that petitioner's alleged incapacity is caused by a genuinely serious psychic cause.

An examination of petitioner's testimony reveals that he has fallen out of love of respondent due to his dissatisfaction towards her rather than a psychological disorder rooted in his personality. He cited reasons such as, respondent's lack of time and attention to him and the children on account of the business and respondent's neglect of her personal hygiene.

In fact, petitioner admitted that the marriage collapsed due to their irreconcilable differences which became more complicated when he had an affair with another woman. This clearly suggests that petitioner's failure to continue his common life with respondent stems from his refusal, not downright incapacity to do so.

Tan-Andal stressed that the psychological incapacity cannot be mere "refusal, neglect, or difficulty, much less ill will." Also, it has always been held that mere irreconcilable differences and conflicting personalities in no wise constitute psychological incapacity. Verily, an unsatisfactory marriage is not a null and void marriage.[41] (Citations omitted and emphasis supplied)

In fine, there is no evidence that Ronald's personality structure or the fact that he has Passive-Aggressive Personality Disorder renders him unable to fulfill his essential marital obligations to Florence. By his own account, he is more than capable of fulfilling such obligations but merely refuses to do so now that he has had a change of heart regarding how he feels for his wife.

While it is true that this Court's interpretation of psychological incapacity has been correctly restated in light of scientific progress, jurisprudential developments and other contemporary circumstances, surely it has not evolved so far that a mere change of heart by one of the parties to a marriage would be considered as psychological incapacity and therefore sufficient to dissolve the marital bond.

Accordingly, I vote to DENY the Petition and SUSTAIN the validity of the marriage between Ronald B. Boado and Florence C. Galvez-Boado.

[1] Rollo, pp. 11-28.

- [2] Ponencia, p. 14.
- [3] Id. at 13.
- [4] Id. at 13-14.
- [5] 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].
- [6] Id. at 676-679.
- [7] 902 Phil. 558 (2021) [Per J. Leonen, En Banc].
- [8] Id. at 595-600.
- [9] 922 Phil. 565 (2022) [Per J. Perlas-Bernabe, Second Division].
- [10] Id. at 570-573.
- [11] Carullo-Padua v. Republic, 922 Phil. 758, 768 (2022) [Per J. Hernando, Second Division].
- [12] Pugoy-Solidum v. Republic, 922 Phil. 552, 559 (2022) [Per J. Hernando, Second Division].
- [13] 922 Phil. 565 (2022) [Per J. Perlas-Bernabe, Second Division].
- [14] Id. at 571.
- [15] Rollo, p. 42.
- [16] Id. at 14.
- [17] Id. at 13.
- [18] Id. at 13-14.
- [19] Id. at 13.
- [20] Id. at 13-14.
- [21] Id. at 14.
- [22] Id. at 14-15.
- [23] Rollo, p. 22.
- [24] Tan-Andal v. Andal, 902 Phil. 558, 597 (2021) [Per J. Leonen, En Banc].
- [25] Alberto v. Alberto, 922 Phil. 423, 430 (2022) [Per J. Inting, First Division]. (Citation omitted)
- [26] Rollo, pp. 71-73.
- [27] Id. at 19-21.
- [28] Id. at 72.
- [29] Id. at 20-21.
- [30] Id. at 36.
- [31] Ponencia, p. 13.
- [32] Id. at 13-14.

[33] Rollo, pp. 13, 31-32.

[34] Ponencia, p. 14.

[35] 902 Phil. 558, 597 (2021) [Per J. Leonen, En Banc].

[36] Id. at 597.

[37] Clavecilla v. Clavecilla, G.R. No. 228127, March 6, 2023 [Per J. Gesmundo, First Division].

[38] Id. at 23. This pinpoint citation refers to the copy of the Decision uploaded in the Supreme Court website.

[39] Rollo, pp. 20-22.

[40] G.R. No. 210780, January 25, 2023 [Per J. Hernando, First Division].

[41] Id. at 7-9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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