



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**SECOND DIVISION**

**ROWENA MANLUTAC GREEN,**  
 Petitioner,

**G.R. No. 255706**

Present:

-versus-

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

**JEFFERY A. GREEN and THE  
 REPUBLIC OF THE PHILIPPINES,**  
 Respondents.

**Promulgated:**  
 FEB 17 2025

*[Signature]*

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**DECISION**

**LEONEN, J.:**

Psychological assessments based on testimonies of petitioner, respondent, respondent’s mother, and the spouses’ mutual friend may be given credence, unless there are reasons to believe that the testimonies are fabricated. As long as the totality of the evidence establishes petitioner’s psychological incapacity, the declaration of nullity of marriage is warranted.<sup>1</sup>

This Petition for Review on *Certiorari*<sup>2</sup> assails the June 30, 2020 Decision<sup>3</sup> and January 29, 2021 Resolution<sup>4</sup> of the Court of Appeals, which

\* On official business

<sup>1</sup> *Georfo v. Republic*, G.R. No. 246933, March 6, 2023 [Per J. Leonen, Second Division].

<sup>2</sup> *Rollo*, pp. 13–31.

<sup>3</sup> *Id.* at 33–58. The June 30, 2020 Decision in CA-G.R. CV No. 109677 was penned by Associate Justice Maria Filomena D. Singh (now a Member of the Court) and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Bonifacio S. Pascua of the Eleventh Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 60–67. The January 29, 2021 Resolution in CA-G.R. CV No. 109677 was penned by Associate Justice Maria Filomena D. Singh (now a Member of the Court) and concurred in by Associate Justices

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affirmed the June 5, 2017 Decision<sup>5</sup> of the Regional Trial Court of Makati City, declaring the marriage between Rowena Manlutac-Green (Rowena) and Jeffery A. Green (Jeffery)<sup>6</sup> as void *ab initio* on the ground of Rowena's psychological incapacity.

Sometime in 2006, Jeffery, a United States Navy retiree, met Rowena in a bar owned by Rowena's mother in Angeles City, Pampanga.<sup>7</sup> Their friendship at the start later developed into a steady dating relationship.<sup>8</sup> At that time, Jeffery knew Rowena had two children from a previous relationship, and Rowena knew Jeffery was married to another, but that his divorce was still pending.<sup>9</sup>

On August 22, 2008, Rowena gave birth to her third child, Abigail.<sup>10</sup> Jeffery then acknowledged paternity of Abigail.<sup>11</sup> On May 8, 2010, Jeffery and Rowena got married at St. Ignatius de Loyola Cathedral in Quezon City.<sup>12</sup> After getting married, Jeffery stayed and worked in Makati City, while Rowena stayed with him three to four days a week and then returned to her children in Angeles City for the remaining days.<sup>13</sup>

On July 7, 2014, Jeffery filed a Petition for Declaration of Nullity of Marriage<sup>14</sup> with Rowena before the Regional Trial Court of Makati City, on the basis of both parties' psychological incapacity under Article 36 of the Family Code. Aside from documentary evidence proving Rowena's infidelity, lies, and debts, Jeffery attached a Psychiatric Evaluation Report made by Dr. Ma. Bernadette Manalo-Arcena (Dr. Manalo-Arcena) after conducting interviews with Jeffery, Rowena, Rowena's mother, and the spouses' mutual friend. The Psychiatric Evaluation Report summarizes the factual bases for Jeffery's filing of the petition:

1. Rowena had more or else [sic] sustained debts worth [PHP] 4 million[]
2. DNA Test revealed that Jeffery Green is not the father of her daughter Abigail as she claimed however he accepted her as my [sic] own child
3. Jeffery Green saw pictures of his wife with another man hugging[,] holding hands and very close together
4. Lies with money relationship and activities
5. The house which he believed he invested was gone into waste as Rowena mishandled the money for the house

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Ruben Reynaldo G. Roxas and Bonifacio S. Pascua of the Special Former Eleventh Division, Court of Appeals, Manila.

<sup>5</sup> *Id.* at 150-161. The June 5, 2017 Decision in Civil Case No. 14-719 was penned by Judge Cristina F. Javalera-Sulit of Branch 140, Regional Trial Court, Makati City.

<sup>6</sup> Spelled as "Jeffrey" in some parts of the *rollo*.

<sup>7</sup> *Rollo*, p. 34.

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

<sup>9</sup> *Id.*

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

<sup>11</sup> *Id.* at 34, 175.

<sup>12</sup> *Id.* at 34.

<sup>13</sup> *Id.* at 34-35.

<sup>14</sup> *Id.* at 68-73.

6. Rowena had 3 abortions and he found out she was using abortifacient medications
7. Dishonesty[,] lying[,] cheating and verbal abuse
8. Numerous debts and with pathological gambling
9. Falsification of their title of the house which he believed initially they owned and paid for but Rowena squandered his money.<sup>15</sup>

The Office of the Solicitor General entered its appearance for the Republic of the Philippines and manifested that it authorized the Office of the City Prosecutor of Makati City to appear on its behalf.<sup>16</sup>

On November 29, 2014, Rowena was duly served with summons, but she did not file an answer.<sup>17</sup> Upon the Regional Trial Court's directive, the Office of the City Prosecutor submitted a Manifestation stating that he found no evidence of collusion between the parties.<sup>18</sup> On June 16, 2015, the pre-trial conference was terminated without Rowena filing a pre-trial brief.<sup>19</sup>

In a June 5, 2017 Decision,<sup>20</sup> the Regional Trial Court granted Jeffery's Petition for Declaration of Nullity of Marriage and ordered the Local Civil Registrars of Makati City and Quezon City to record the Decision and cancel the marriage of the parties in their respective Books of Marriages. The dispositive portion of the Decision reads:

WHEREFORE, judgment is hereby rendered declaring the marriage between the petitioner Jeffery A. Green and respondent Rowena Manlutac-Green celebrated on May 8, 2010 in Quezon City as NULL and VOID *ab initio* on the ground of the respondent's psychological incapacity pursuant to Article 36 of the Family Code of the Philippines.

The Local Civil Registrars of Makati City and Quezon City and the Philippine Statistics Authority, Quezon City, upon the finality of this Decision, are ordered to record the instant Decision and to cancel the marriage of the parties in their respective Books of Marriages.

In order to cancel the registration of the Marriage Contract between the herein parties appearing in the Book of Marriage [sic], let copies of this Decision be furnished to the Local Civil Registrars of Makati City and Quezon City[,] as well as the Philippine Statistics Authority (PSA), CRD Legal Department, EDSA, Quezon City.

Furnish also the Office of the Solicitor General, the Public Prosecutor and the respondent with a copy of this Decision.

SO ORDERED.<sup>21</sup>

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<sup>15</sup> *Id.* at 35-36.

<sup>16</sup> *Id.* at 37.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 38.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 150-161.

<sup>21</sup> *Id.* at 161.

The Regional Trial Court held that there was insufficient evidence to show Jeffery's alleged psychological incapacity to perform his marital obligations.<sup>22</sup> On the other hand, the trial court found that Rowena's condition (Borderline Personality Disorder and Antisocial Personality Disorder falling into category of Personality Disorders Not Otherwise Specified) were supported by the evidence in record.<sup>23</sup>

In an August 11, 2017 Order,<sup>24</sup> the Regional Trial Court denied the Motion for Reconsideration filed by Rowena.

Thus, Rowena filed an appeal before the Court of Appeals.<sup>25</sup> On August 16, 2017, the Office of the Solicitor General filed a Manifestation (In Lieu of Comment) stating that it does not find any ground to seek the reversal of the trial court's Decision.<sup>26</sup>

In a June 30, 2020 Decision,<sup>27</sup> the Court of Appeals affirmed the Decision of the Regional Trial Court, and held that Jeffery overcame the burden of proving that Rowena is psychologically incapacitated to comply with her essential marital obligations.<sup>28</sup> The Court of Appeals was convinced that Rowena, at the time she married Jeffery, had such a psychological impairment that prevented her and will continue to prevent her from assuming the essential marital obligations that come with their union, in particular "[s]he refused to live with Jeffery, they have no fixed family domicile, she lied about Abigail's paternity, she was a gambler and a spendthrift but was entirely dependent on Jeffery's support, and she made one lie after another and got deeper and deeper in debt, resulting in civil and criminal cases."<sup>29</sup> The Court of Appeals further found as established the root cause, gravity, and incurability of Rowena's psychological incapacity at the time of her marriage with Jeffery.<sup>30</sup>

The dispositive portion of the Decision reads:

**WHEREFORE**, the appeal is **DENIED**. The Decision dated 5 June 2017 of the Regional Trial Court, Branch 140, Makati City, in Civil Case No. 14-719, declaring the marriage between petitioner-appellee Jeffery A. Green and respondent-appellant Rowena Manlutac-Green void *ab initio* on the ground of the latter's psychological incapacity under Article 36 of the Family Code of the Philippines[,] is **AFFIRMED**.

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<sup>22</sup> *Id.* at 157.

<sup>23</sup> *Id.* at 158-160.

<sup>24</sup> *Id.* at 136-137.

<sup>25</sup> *Id.*

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

<sup>27</sup> *Id.* at 33-58.

<sup>28</sup> *Id.* at 39, 43.

<sup>29</sup> *Id.* at 49, 57.

<sup>30</sup> *Id.* at 57.

**SO ORDERED.**<sup>31</sup>

In a January 29, 2021 Resolution,<sup>32</sup> the Court of Appeals denied the Motion for Reconsideration filed by Rowena, and held that the Regional Trial Court correctly appreciated the parties' evidence.<sup>33</sup>

In the present Petition, petitioner Rowena claims exception as to when this Court may review question of facts, specifically when the Court of Appeals manifestly overlooked or misconstrued certain relevant facts and the findings of facts were not supported by the evidence in record.<sup>34</sup>

Petitioner essentially questions the Decision of the Court of Appeals in giving allegedly undue weight on Dr. Manalo-Arcena's testimony.<sup>35</sup> Specifically, petitioner asserts that (1) Dr. Manalo-Arcena's testimony as to what petitioner's mother told her should not be taken truthfully, (2) Dr. Manalo-Arcena was not equipped with enough reliable and credible information to conclude her alleged disorder, and (3) her debts should not be a cause for declaration of psychological incapacity.<sup>36</sup> Petitioner also argues that there was no evidence to prove her alleged infidelity and respondent knew that Abigail was not his child, but he acknowledged her to be his.<sup>37</sup> Petitioner further claims that maintaining two households or separating respondent from her children does not indicate that she is incapable of discharging her marital obligations, but it is her way of "shielding her husband from problems concerning her other children."<sup>38</sup> She claims that "her act of compartmentalizing the needs of her children and her husband . . . is a clear indication that she is well-aware of her obligations[.]"<sup>39</sup> Finally, petitioner pleads for the Court's help to preserve her marriage and asserts that respondent failed to prove the existence of grounds to justify the nullity of their marriage.<sup>40</sup>

Pursuant to the Court's December 7, 2022 Resolution, respondents filed their respective Comment.

Respondent Jeffery alleges that the psychological incapacity of petitioner has vital factual bases, which is not solely supported by the psychologist's testimony or report.<sup>41</sup> He claims that he overcame his burden of proving the psychological incapacity of the petitioner by presenting clear

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<sup>31</sup> *Id.* at 57–58.

<sup>32</sup> *Id.* at 60–67.

<sup>33</sup> *Id.* at 67.

<sup>34</sup> *Id.* at 19–20.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 21–22, 24.

<sup>37</sup> *Id.* at 22.

<sup>38</sup> *Id.* at 23.

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

<sup>40</sup> *Id.* at 24.

<sup>41</sup> *Id.* at 250, 253.

and convincing evidence, including the expert opinion of Dr. Manalo-Arcena.<sup>42</sup> On the other hand, respondent Republic of the Philippines, through the Office of the Solicitor General, alleges that the totality of the evidence sufficiently proved petitioner's psychological incapacity, characterized by gravity and juridical antecedence.<sup>43</sup>

The sole issue for this Court's resolution is whether petitioner Rowena is psychologically incapacitated to comply with her marital obligations, so as to make her marriage with respondent Jeffery annulable under Article 36 of the Family Code.

This Court denies the Petition.

Article 36 of the Family Code provides:

ARTICLE 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.

Psychological incapacity, as a ground to declare the nullity of marriage, has been first characterized by gravity, juridical antecedence, and incurability:

[P]sychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. 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.

... Thus correlated, "psychological incapacity" should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that the intendment of the law has been to confine the meaning of "psychological incapacity" to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. This psychologic condition must exist at the time the marriage is celebrated.<sup>44</sup>

In *Republic v. Court of Appeals and Molina*,<sup>45</sup> Court laid down the guidelines for interpreting and applying psychological incapacity, to wit:

<sup>42</sup> *Id.* at 256.

<sup>43</sup> *Id.* at 269.

<sup>44</sup> *Santos v. Court of Appeals*, 310 Phil. 21, 39-40 (1995) [Per J. Vitug, *En Banc*].

<sup>45</sup> 335 Phil. 664 (1997) [Per J. Panganiban, *En Banc*].


(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 physically 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. It is clear that Article 36 was taken by the Family Code Revision Committee from Canon 1095 of the New Code of Canon Law, which became effective in 1983 and which provides:

The following are incapable of contracting marriage: Those who are unable to assume the essential obligations of marriage due to causes of psychological nature.

Since the purpose of including such provision in our Family Code is to harmonize our civil laws with the religious faith of our people, it stands to reason that to achieve such harmonization, great persuasive weight should be given to decisions of such appellate tribunal. Ideally—subject to our law on evidence—what is decreed as canonically invalid should also be decreed civilly void.

This is one instance where, in view of the evident source and purpose of the Family Code provision, contemporaneous religious interpretation is to be given persuasive effect. Here, the State and the Church—while remaining independent, separate and apart from each other—shall walk together in synodal cadence towards the same goal of protecting and cherishing marriage and the family as the inviolable base of the nation.<sup>46</sup> (Emphasis in the original, citations omitted)

However, due to the overly restrictive interpretation of the *Molina* guidelines, resulting to dismissal of petition for annulment cases, it has been emphasized that each case of Article 36 must be judged according to its own facts, thus:

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<sup>46</sup> *Id.* at 677–679.



In hindsight, it may have been inappropriate for the Court to impose a rigid set of rules, as the one in *Molina*, in resolving all cases of psychological incapacity. Understandably, the Court was then alarmed by the deluge of petitions for the dissolution of marital bonds, and was sensitive to the OSG's exaggeration of Article 36 as the "most liberal divorce procedure in the world." The unintended consequences of *Molina*, however, has taken its toll on people who have to live with deviant behavior, moral insanity and sociopathic personality anomaly, which, like termites, consume little by little the very foundation of their families, our basic social institutions. Far from what was intended by the Court, *Molina* has become a strait-jacket, forcing all sizes to fit into and be bound by it. Wittingly or unwittingly, the Court, in conveniently applying *Molina*, has allowed diagnosed sociopaths, schizophrenics, nymphomaniacs, narcissists and the like, to continuously debase and pervert the sanctity of marriage. Ironically, the Roman Rota has annulled marriages on account of the personality disorders of the said individuals.

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At the risk of being redundant, we reiterate once more the principle that each case must be judged, not on the basis of *a priori* assumptions, predilections or generalizations but according to its own facts. And, to repeat for emphasis, courts should interpret the provision on a case-to-case basis; guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.<sup>47</sup> (Citations omitted)

Accordingly, the Court in *Tan-Andal v. Andal*<sup>48</sup> modified the *Molina* guidelines and set to clarify the meaning of psychological incapacity:

**[T]his 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.

In this way, the Code Committee's intent to limit the incapacity to "psychic causes" is fulfilled. Furthermore, there will be no need to label a person as having a mental disorder just to obtain a decree of nullity. A psychologically incapacitated person need not be shamed and pathologized for what could have been a simple mistake in one's choice of intimate

<sup>47</sup> *Ngo Te v. Yu-Te*, 598 Phil. 666, 695–696, 699 (2009) [Per J. Nachura, Third Division].

<sup>48</sup> 902 Phil. 558 (2021) [Per J. Leonen, *En Banc*].

partner, a mistake too easy to make as when one sees through rose-colored glasses. A person's psychological incapacity to fulfill his or her marital obligations should not be at the expense of one's dignity, because it could very well be that he or she did not know that the incapacity existed in the first place.

.....

[W]e 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.

.....

**To summarize, psychological incapacity consists of clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes. It is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.**

As an explicit requirement of the law, the psychological incapacity must be shown to have been existing at the time of the celebration of the marriage, and is caused by a durable aspect of one's personality structure, one that was formed before the parties married. Furthermore, it must be shown caused by a genuinely serious psychic cause. To prove psychological incapacity, a party must present clear and convincing evidence of its existence.<sup>49</sup> (Emphasis supplied, citations omitted)

The *Tan-Andal* guidelines were listed and summarized in *Georfo v. Republic*:<sup>50</sup>

First, *Tan-Andal* established that the quantum of proof required in nullity cases is clear and convincing evidence based on the presumption of validity of marriage. It requires more than preponderant evidence but less than proof beyond reasonable doubt.

<sup>49</sup> *Id.* at 597–598, 599–600, 608.

<sup>50</sup> G.R. No. 246933, March 6, 2023 [Per J. Leonen, Second Division].

Second, Tan-Andal abandoned the guideline in Molina requiring the root cause of the psychological incapacity to be medically or clinically identified.

Tan-Andal delved into the history and intent behind Article 36 and found that psychological incapacity is not tantamount to mental incapacity. Rejecting the proposal to include the term "mentally incapacitated," the Family Code Commissioners agreed that psychological incapacity is not a mere vice of consent. Neither is psychological incapacity a personality disorder. It is not a mental disorder identified in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition. Still, psychologists and psychiatrists are compelled "to assign a personality disorder and pathologize the supposedly psychologically incapacitated spouse" to comply with the second Molina guideline.

This Court now requires a proof of a person's "personality structure" which makes it impossible for them to understand and comply with their marital obligations:

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.

This approach is consistent with the Family Code Commissioners' intent to limit psychological incapacity to "psychic causes." Moreover, it does away with the cruel and dehumanizing exercise of labelling a person as having a mental disorder in order to nullify a marriage.

Third, in light of the shift in viewing psychological incapacity as a legal concept, the three characteristics of psychological incapacity are restated.

Juridical antecedence is established by showing that the psychological incapacity exists at the time of the celebration, even if it only manifests during the marriage. It may be proven by "testimonies describing the environment where the supposedly incapacitated spouse lived that may have led to a particular behavior."

While it is difficult to pinpoint when the psychological incapacity existed, it is enough that the petitioner show that the incapacity, "in all reasonable likelihood," already exists at the time the marriage was celebrated. Since the spouses will only assume marital obligations after the marriage, their psychological capacity to fulfill those obligations will only manifest after the celebration of the marriage.



Incurability must be viewed in the legal, not medical, sense. Veering away from the medical orientation, the third Molina guideline was amended. Psychological incapacity is not a medical illness which can be cured: it must be “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.”

To satisfy the requirement of incurability, there must be a showing of an “undeniable pattern of such 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.”

The requirement on the gravity of the psychological incapacity was retained, which must be “caused by a genuinely psychic cause.” It must not be mere “mild characterological peculiarities, mood changes, occasional emotional outbursts,” nor “mere refusal, neglect[,] difficulty, much less ill will.”<sup>51</sup> (Citations omitted)

Although not essential, the Court in *Tan-Andal* considered the psychologist’s expert opinion given that it was offered in evidence and found that respondent is psychologically incapacitated to comply with his marital obligations:

It is true that Dr. Garcia gave the expert opinion—which, we reiterate, is no longer required but is considered here given that it was offered in evidence—without having to interview Mario. Even Dr. Garcia herself admitted during cross-examination that her psychiatric evaluation would have been more comprehensive had Mario submitted himself for evaluation. However, the Court of Appeals erred in discounting wholesale Dr. Garcia’s expert opinion because her methodology was allegedly “unscientific and unreliable.”

Unlike ordinary witnesses who must have personal knowledge of the matters they testify on, expert witnesses do not testify in court because they have personal knowledge of the facts of the case. The credibility of expert witnesses does not inhere in their person; rather, their testimony is sought because of their special knowledge, skill, experience, or training that ordinary persons and judges do not have.<sup>52</sup> (Citations omitted)

In ruling that the marriage is void due to psychological incapacity, the Court in *Georfo* gave due weight and consideration to the psychological assessment derived on sources other than the petitioning spouses:

Here, Dr. Gerong’s psychological assessment is not only based on petitioner, but also on another source: petitioner’s sister. This circumstance is more akin with *Tan-Andal*, where this Court gave credence to the

<sup>51</sup> *Id.*

<sup>52</sup> *Tan-Andal v. Andal*, 902 Phil. 558, 610–611 (2021) [Per J. Leonen, *En Banc*].

psychological assessment based on the interview of the petitioning spouse, her sister, and daughter.

It is essential to have the psychological assessment derived from sources other than the petitioning spouse because of the obvious bias in favor of the petitioner's cause. This dilemma is avoided when another person supports the petitioner's testimony, even if the supporting testimony comes from the petitioning spouse's friend or relative. This is a realistic reception of psychological assessments considering that the friends or relatives of the alleged psychologically incapacitated spouse will not be inclined to give hostile testimonies against the latter.

Thus, psychological assessments based on testimonies of petitioner and her sister may be given credence, unless there are reasons to believe that the testimonies are fabricated to favor the petitioner. As long as the totality of the evidence establishes the private respondent's psychological incapacity, the dissolution of the marriage is warranted.<sup>53</sup> (Citations omitted)

*Datu v. Datu*<sup>54</sup> reiterated *Tan-Andal* and held a person psychologically incapacitated to comply with his essential marital obligations when his psychosis was an enduring part of his personality structure, leading him to do clear acts of dysfunctionality undermining his spouse and their family:

Here, this Court finds that Alfredo is psychologically incapacitated to comply with his essential marital obligations, *not* because he suffers from schizophrenia per se, but because his psychosis has been found to be an enduring part of his personality structure. This psychosis, in turn, led him to do clear acts of dysfunctionality that undermined Irene and their family. As the lower courts found, Alfredo believes himself to be the son of God. In his mind, his refusal to live with Irene and to provide for the family was God's will. He also believes that he can have as many wives as he wants, which is not only illegal but is in utter disrespect and disregard of his marital vow to Irene. His incapacity is grave, not a "mild characterological peculiarity," a "mood change," or an "occasional emotional outburst"; his psychosis was grave enough for him to be discharged from military service.<sup>55</sup>

Similarly here, the totality of the evidence presented proved petitioner's psychological incapacity to comply with her marital obligations. Respondent discharged the burden of proof to establish the psychological incapacity with clear and convincing evidence. Aside from the Psychiatric Evaluation Report by Dr. Manalo-Arcena, respondent attached documentary evidence such as copies of collection cases filed against petitioner, the DNA test result on Abigail's paternity, and pictures of petitioner hugging and holding hands with another man,<sup>56</sup> in order to prove his allegation of petitioner's infidelity, lies, and debts. The Psychiatric Evaluation Report of the parties is further given probative value, since it was offered in evidence and the psychologist

<sup>53</sup> G.R. No. 246933, March 6, 2023 [Per J. Leonen, Second Division].

<sup>54</sup> 910 Phil. 436 (2021) [Per J. Leonen, Third Division].

<sup>55</sup> *Id.* at 453.

<sup>56</sup> *Rollo*, p. 76.

conducted a series of standard tests and interviewed petitioner, respondent, petitioner's mother, and the spouses' mutual friend.

According to Dr. Manalo-Arcena, petitioner's personality structure of Borderline Personality Disorder and Antisocial Personality Disorder are characterized and manifested in her "frantic efforts to avoid real or imagined abandonment, having unstable relationships with her own mother and the petitioner, unstable self-image, impulsivity, affective instability and difficulty in controlling anger."<sup>57</sup> As further found by the trial court:

For the Borderline Personality Disorder, the psychiatrist identified the [Rowena]'s trait as follows:

1. Frantic efforts to avoid real or imagined abandonment
2. Having unstable relationship with her mother and with the [Jeffery]
3. Unstable self-image
4. Impulsivity
5. Affective instability []
6. Difficulty in controlling anger

On the Antisocial Personality Disorder of [Rowena], Dr. Arcena listed the following symptoms:

1. Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds of arrest
2. Deceitfulness, as indicated by repeated lying, use of aliases or conning others for personal profit or pleasure
3. Impulsivity or failure to plan ahead
4. Irritability and aggressiveness, as indicated by repeatedly physical fights or assaults
5. Reckless disregard for the safety of self or others
6. Consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations
7. Lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated or stolen from another.

Borderline Personality Disorder is a pervasive pattern of instability of interpersonal relationships, self-image, and affects, and marked impulsivity. Meanwhile, antisocial personality disorder is a condition characterized by repetitive behavioral patterns that are contrary to usual moral and ethical standards and cause a person to experience continuous conflict with society.

It was apparent that [Rowena] is impulsive and irresponsible. She was already hooked on gambling even before she married [Jeffery]. [Rowena] had shown disregard to her obligations and commitments. Despite the monetary support given to her by [Jeffery], [Rowena] defaulted in the payment of her debts and monthly amortizations for her car.

She is scheming and deceitful. She manipulated [Jeffery] in giving her money for the purchase of the house and lot in Angeles City. She tricked

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<sup>57</sup> *Id.* at 83.

him by showing a spurious Transfer Certificate of Title No. 90148 allegedly registered under her name.

She fooled [Jeffery] in believing that Abigail Manlutac Green is his daughter. However, the DNA test results conducted proved otherwise. She lied as to the true identity of the biological father of Abigail.

[Rowena] has unstable interpersonal relationships. Despite her relationship with [Jeffery], she flaunted her affair with another man, whom she introduced as her cousin to [Jeffery]. Said relationship with the same man even carried on after the parties got married. Her involvement with several men before and after the marriage is an indication of her reckless behavior, disregarding or compromising her own and her husband's health and safety.

The string of criminal and civil cases that [Rowena] [is] facing now are indications of having failed to conform to social norms.

She conned her husband by providing spurious documents, repeatedly lied to her husband about money and fooled her husband for carrying extramarital affairs. [Rowena] did all of these things for money, for her personal gain and pleasure.

Her impulsivity or failure to plan ahead has shown when she agreed to live with [Jeffery] without the benefit of marriage and after they got married, she refuses to live with her husband by using her children as her excuse. In the first place, when she got married to [Jeffery], her marital obligations began. She did not prepare or tell her children that she needs to live with her husband.

[Rowena] is irritable and aggressive. She is demanding and always asked for money from [Jeffery]. When her wants and demands are not met, she becomes angry and demeaned [Jeffery]. She texted boisterous messages and verbally abused [Jeffery] by threatening to report him to the Embassy for not supporting her.

She lacks empathy and remorse that she disregarded the feelings of her husband as long as she could get what she wants. Although she feared that her husband would abandon her for her misdeeds, she has no guilt feelings. She lacks remorse for what she has done as she continues her gambling in casinos and contracting loans even if she has no money to pay for them and her affair with men. Her string of court cases involving money showed her continuous failure to settle her obligations in spite of the monetary support extended to her by the petitioner.

Instead of owning her misdeeds, she faulted her husband for all the misery that she is encountering.

Dr. Arcena attributed the Borderline Personality Disorder and Antisocial Personality Disorder falling into category of Personality Disorders Not Otherwise Specified of [Rowena] from problems of trust that existed at the early age (15 years old) and poor parental model figures.<sup>58</sup>

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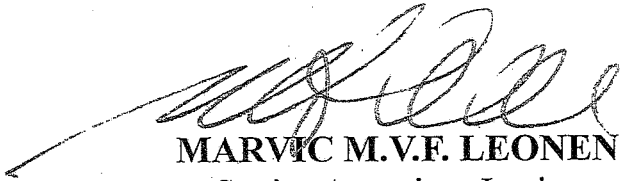
<sup>58</sup> *Id.* at 157-159.

The Psychiatric Evaluation Report further establishes the gravity, incurability, root cause, and permanence of the parties' personality structures. According to Dr. Manalo-Arcena, petitioner's personality structure is a product of problems of trust that existed during the early stages of childhood and her poor parental model figures.<sup>59</sup> Her personality structure is found to be continuing and incurable considering that "the obligations to live together, provide love, give respect, loyalty and fidelity among each other were no longer existent in their marriage."<sup>60</sup> Furthermore, as noted by Dr. Manalo-Arcena, petitioner's personality with Borderline Personality Disorder and Antisocial Personality Disorder makes it difficult for her to assume essential marital obligations with respondent. Her unstable interpersonal relationship, self-image and emotions, impulsivity, deceitfulness, consistent irresponsibility, and lack of remorse resulted to "[her refusal] to live with Jeffery, they have no fixed family domicile, she lied about Abigail's paternity, she was a gambler and a spendthrift but was entirely dependent on Jeffery's support, and she made one lie after another and got deeper and deeper in debt, resulting in civil and criminal cases."<sup>61</sup>

All told, since petitioner has grave and incurable psychological incapacity, consisting of her personality structure rooted from her childhood and manifested during marriage, her marriage with respondent is declared null and void.

**ACCORDINGLY**, the Petition is **DENIED**. The June 30, 2020 Decision and January 29, 2021 Resolution of the Court of Appeals in CA-G.R. CV No. 109677 are **AFFIRMED**.

**SO ORDERED.**



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

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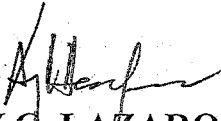
<sup>59</sup> *Id.* at 82.

<sup>60</sup> *Id.* at 83.

<sup>61</sup> *Id.* at 49.



WE CONCUR:

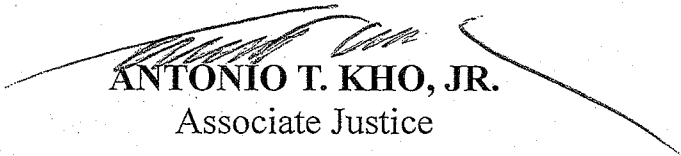


**AMY C. LAZARO-JAVIER**  
Associate Justice

On official business  
**MARIO V. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



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

**ATTESTATION**

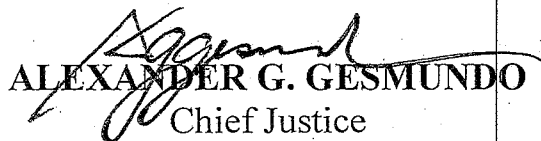
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was as assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice

