



Republic of the Philippines
Supreme Court
 Baguio City

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 210518
 Petitioner,

Present:

CARPIO, *Acting Chief Justice,**
Chairperson,

- versus -

PERALTA,
 PERLAS-BERNABE,
 CAGUIOA, and
 REYES, JR., *JJ.*

MARTIN NIKOLAI Z. JAVIER and
MICHELLE K. MERCADO-
JAVIER,

Promulgated:

Respondents.

18 APR 2018

M. Cabalag

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DECISION

REYES, JR., J.:

This is a petition for review on *certiorari*¹ under Rule 45 of the Rules of Court, which seeks to reverse and set aside the Court of Appeals' (CA) Decision² dated July 10, 2013, and Resolution³ dated November 28, 2013, rendered in relation to CA-G.R. CV No. 98015. In these assailed issuances, the CA reversed the ruling of the Regional Trial Court (RTC) of Pasig City, which dismissed the petition for the declaration of nullity of marriage filed by respondent Martin Nikolai Z. Javier (Martin) against respondent Michelle K. Mercado-Javier (Michelle) under Article 36 of the Family Code.

* Designated as Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

¹ *Rollo*, pp. 9-33.

² Penned by Associate Justice Stephen C. Cruz, with Associate Justices Magdangal M. De Leon and Myra V. Garcia-Fernandez, concurring; *id.* at 36-51.

³ *Id.* at 53-54.

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Factual Antecedents

Martin and Michelle were married on February 8, 2002.⁴

On November 20, 2008, Martin filed a Petition for Declaration of Nullity of Marriage and Joint Custody of Common Minor Child under Article 36 of the Family Code.⁵ Martin alleged that both he and Michelle were psychologically incapacitated to comply with the essential obligations of marriage.⁶ He thus prayed for the declaration of nullity of their marriage, and for the joint custody of their minor child, Amanda M. Javier.⁷

In order to support the allegations in his petition, Martin testified on his own behalf,⁸ and presented the psychological findings of Dr. Elias D. Adamos (Dr. Adamos) (*i.e.*, Psychological Evaluation Report on Martin and Psychological Impression Report on Michelle).⁹

In the Psychological Impression Report on Michelle, Dr. Adamos diagnosed her with Narcissistic Personality Disorder.¹⁰ Likewise, Dr. Adamos concluded in the Psychological Evaluation Report that Martin suffered from the same disorder.¹¹ Their disorder was considered grave and incurable, and rendered Martin and Michelle incapacitated to perform the essential obligations of marriage. Dr. Adamos further testified before the RTC to provide his expert opinion, and stated that with respect to the Psychological Impression Report on Michelle, the informants were Martin and the respondents' common friend, Jose Vicente Luis Serra (Jose Vicente).¹² He was unable to evaluate Michelle because she did not respond to Dr. Adamos' earlier request to come in for psychological evaluation.¹³

Ruling of the RTC

In its Decision¹⁴ dated March 10, 2011, the RTC dismissed the petition for failure to establish a sufficient basis for the declaration of nullity of the respondents' marriage. The relevant portions of the RTC's decision reads:

⁴ Rollo, p. 70.
⁵ Id. at 58-69.
⁶ Id. at 64-66.
⁷ Id. at 67-68.
⁸ Id. at 193-204.
⁹ Id. at 72-73, 205-211.
¹⁰ Id. at 209.
¹¹ Id. at 45, 65.
¹² Id. at 47.
¹³ Id. at 79.
¹⁴ Id. at 80-83.

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Upon the other hand, though Dr. Adamos diagnosed [Martin] to be afflicted with a narcissistic personality disorder, which rendered him incapacitated to comply with his essential marital obligations of observing love, trust and respect. [Martin's] testimony is found by the Court to be not supportive of such finding and *vice-versa*. In fact, on the basis of [Martin's] declarations, the Court came up with an impression that [Martin] is a man gifted with a lot of patience; that he was righteous, that he laudably performed his role as husband and father, and that in spite of [Michelle's] alleged wrongdoings, he still exerted his best efforts to save their marriage.

Thus, as to [Michelle's] alleged psychological incapacity, the Court finds [Martin's] testimony to be self-serving and Dr. Adamos' findings to be without sufficient basis.

Taking all the foregoing into consideration, the Court finds no sufficient basis for granting the relief prayed for in the petition.

WHEREFORE, premises considered, the instant petition is DENIED.

SO ORDERED.¹⁵

Martin moved for the reconsideration of the RTC's decision on May 18, 2011.¹⁶ Finding the arguments in the motion unmeritorious, the RTC denied the motion in its Order¹⁷ dated September 7, 2011:

In the case at bar, the Court found no sufficient basis for making a finding that either petitioner or respondent or both were afflicted with a psychological disorder within the contemplation of existing law and jurisprudence. Such being the case, there was no need to resort to Dr. Adamos' findings.

Having said this, the Court finds no compelling reason to set aside its March 10, 2011 Decision.

Wherefore, premises considered, the pending Motion for Reconsideration is DENIED.

SO ORDERED.¹⁸

Unsatisfied with the RTC's ruling, Martin appealed the denial of his petition to the CA.¹⁹ In his Appellant's Brief, Martin submitted that it is not necessary for the psychologist to personally examine the incapacitated spouse, or Michelle in this case, before the court may rule on the petition for declaration of nullity of marriage.²⁰ He also argued that, at the very least, there was sufficient evidence to support his own diagnosis of psychological

¹⁵ Id. at 83.

¹⁶ Id. at 84-106.

¹⁷ Id. at 107-108.

¹⁸ Id. at 108.

¹⁹ Id. at 109.

²⁰ Id. at 132-138.

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incapacity.²¹ Martin thus claimed that the RTC committed a reversible error in dismissing his petition.

The Republic filed its own brief opposing the appeal of Martin. Arguing that there was no basis for Dr. Adamos' findings as to Michelle's psychological incapacity, the Republic asserts that there was no independent proof to establish this claim. Furthermore, the Republic argued that Martin supported his petition for declaration of nullity of marriage with self-serving testimonies and hearsay evidence.²²

Ruling of the CA

On review, Martin's appeal was granted. In its Decision²³ dated July 10, 2013, the CA held that:

WHEREFORE, the instant appeal is GRANTED. The assailed Decision dated March 10, 2011 and the Resolution dated September 07, 2011, respectively, issued by the [RTC] of Pasig City, Branch 261, are hereby REVERSED AND SET ASIDE. Accordingly, the marriage between [Martin] and [Michelle] is hereby declared NULL and VOID *ab initio* under Article 36 of the Family Code.

SO ORDERED.²⁴

The CA found that there was sufficient evidence to support Martin's claim that he is psychologically incapacitated. The CA also negated the RTC's ruling by referring to Martin's own testimony, in which he narrated his tendency to impose his own unrealistic standards on Michelle.²⁵ In its challenged decision, the CA likewise ruled that Michelle's diagnosis was adequately supported by the narrations of Martin and Jose Vicente.²⁶

Aggrieved, the Republic filed its motion for reconsideration from the CA's Decision dated July 10, 2013.²⁷ The CA denied the motion in its Resolution²⁸ dated November 28, 2013 for being a mere rehash of its earlier arguments.

The Republic is now before this Court, arguing that there was no basis for the CA's ruling granting the petition for declaration of nullity of marriage. It argues that the testimony of Martin was self-serving, especially in relation to Dr. Adamos' diagnosis that Michelle was psychologically

²¹ Id. at 139-144.

²² Id. at 154-185.

²³ Id. at 35-51.

²⁴ Id. at 50.

²⁵ Id. at 45-47.

²⁶ Id. at 47-50.

²⁷ Id. at 186-192.

²⁸ Id. at 52-54.

incapacitated to comply with the essential marital obligations under the Family Code. According to the Republic, there were no other witnesses that were presented in court, who could have testified on Michelle's behavior.²⁹

Ruling of the Court

The Court finds the present petition partially unmeritorious. The totality of evidence supports the finding that Martin is psychologically incapacitated to perform the essential obligations of marriage.

The psychological incapacity of a spouse must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability, which the Court discussed in *Santos v. CA, et al.*³⁰ as follows:

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.³¹

The Court later clarified in *Marcos v. Marcos*³² that for purposes of establishing the psychological incapacity of a spouse, it is not required that a physician conduct an actual medical examination of the person concerned. It is enough that the totality of evidence is strong enough to sustain the finding of psychological incapacity. In such case, however, the petitioner bears a greater burden in proving the gravity, juridical antecedence, and incurability of the other spouse's psychological incapacity.³³

While the Court has consistently followed the parameters in *Republic v. Molina*,³⁴ these guidelines are not meant to straightjacket all petitions for declaration of nullity of marriage. The merits of each case are determined on a case-to-case basis, as no case is on all fours with another.³⁵

Martin, as the petitioner in this case, submitted several pieces of evidence to support his petition for declaration of nullity of marriage. He testified as to his own psychological incapacity and that of his spouse, Michelle. In particular, he stated that Michelle was confrontational even before their marriage.³⁶ He alleged that Michelle always challenged his

²⁹ Id. at 16-27.

³⁰ 310 Phil. 21, 39 (1995).

³¹ Id. at 39.

³² 397 Phil. 840, 850 (2000).

³³ *Viñas v. Parel-Viñas*, 751 Phil. 762, 769-770 (2015).

³⁴ 335 Phil. 664 (1997).

³⁵ *Bier v. Bier, et al.*, 570 Phil. 442, 448-449 (2008).

³⁶ *Rollo*, p. 37.

opinions on what he thinks is proper, which he insisted on because he witnessed the abuse that his mother went through with his biological father.³⁷ He also thought that Michelle was highly impressionable and easily influenced by friends, as a result of which, Martin alleged that Michelle acted recklessly and without consideration of his feelings.³⁸

The psychological findings of Dr. Adamos were also presented in the trial court to corroborate his claim. According to Dr. Adamos, Michelle suffered from Narcissistic Personality Disorder as a result of childhood trauma and defective child-rearing practices.³⁹ This disorder was supposedly aggravated by her marriage with Martin, who she constantly lied to. It was also alleged in the Psychological Impression Report that Michelle openly had extra-marital affairs.⁴⁰

The basis of Dr. Adamos' findings on the psychological incapacity of Michelle was the information provided by Martin and Jose Vicente. Jose Vicente was a close friend of the respondents, having introduced them to each other before their marriage.⁴¹ Jose Vicente was also allegedly a regular confidant of Michelle.⁴²

While it is true that Michelle was not personally examined or evaluated for purposes of the psychological report, the trial court was incorrect in ruling that Dr. Adamos' findings were based solely on the interview with Martin.⁴³ Even if that were the case, the findings of the psychologist are not immediately invalidated for this reason alone. Because a marriage necessarily involves only two persons, the spouse who witnessed the other spouse's behavior may "validly relay" the pattern of behavior to the psychologist.⁴⁴

This notwithstanding, the Court disagrees with the CA's findings that Michelle was psychologically incapacitated. We cannot absolutely rely on the Psychological Impression Report on Michelle. There were no other independent evidence establishing the root cause or juridical antecedence of Michelle's alleged psychological incapacity. While this Court cannot discount their first-hand observations, it is highly unlikely that they were able to paint Dr. Adamos a complete picture of Michelle's family and childhood history. The records do not show that Michelle and Jose Vicente were childhood friends, while Martin, on the other hand, was introduced to Michelle during their adulthood. Either Martin or Jose Vicente, as third persons outside the family of Michelle, could not have

³⁷ Id. at 194-195.

³⁸ Id. at 37-39, 194-201.

³⁹ Id. at 209.

⁴⁰ Id. at 210.

⁴¹ Id. at 47, 136-137.

⁴² Id. at 136.

⁴³ Id. at 83.

⁴⁴ *Camacho-Reyes v. Reyes*, 642 Phil. 602, 627 (2010).

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known about her childhood, how she was raised, and the dysfunctional nature of her family.⁴⁵ Without a credible source of her supposed childhood trauma, Dr. Adamos was not equipped with enough information from which he may reasonably conclude that Michelle is suffering from a chronic and persistent disorder that is grave and incurable.

The Court's explanation in *Rumbaua v. Rumbaua*⁴⁶ judiciously discussed the dangers of relying on the narrations of a petitioner-spouse to the psychologist, *viz.*:

We cannot help but note that Dr. Tayag's conclusions about the respondent's psychological incapacity were based on the information fed to her by only one side – the petitioner – whose bias in favor of her cause cannot be doubted. While this circumstance alone does not disqualify the psychologist for reasons of bias, **her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards in the manner we discussed above. For, effectively, Dr. Tayag only diagnosed the respondent from the prism of a third party account; she did not actually hear, see and evaluate the respondent and how he would have reacted and responded to the doctor's probes.**

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We find these observations and conclusions insufficiently in-depth and comprehensive to warrant the conclusion that a psychological incapacity existed that prevented the respondent from complying with the essential obligations of marriage. It failed to identify the root cause of the respondent's narcissistic personality disorder and to prove that it existed at the inception of the marriage. Neither did it explain the incapacitating nature of the alleged disorder, nor show that the respondent was really incapable of fulfilling his duties due to some incapacity of a psychological, not physical, nature. Thus, we cannot avoid but conclude that Dr. Tayag's conclusion in her Report – i.e., that the respondent suffered “Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable” – is an unfounded statement, not a necessary inference from her previous characterization and portrayal of the respondent. **While the various tests administered on the petitioner could have been used as a fair gauge to assess her own psychological condition, this same statement cannot be made with respect to the respondent's condition.** To make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.⁴⁷ (Citations omitted and emphasis Ours)

It does not escape our attention, however, that Martin was also subjected to several psychological tests, as a result of which, Dr. Adamos diagnosed him with Narcissistic Personality Disorder.⁴⁸ Additionally, the

⁴⁵ *Rollo*, p. 209.

⁴⁶ 612 Phil. 1061 (2009).

⁴⁷ *Id.* at 1084-1085.

⁴⁸ *Rollo*, pp. 45, 205-211.

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diagnosis was based on Dr. Adamos' personal interviews of Martin, who underwent several—or to be accurate, more than 10—counseling sessions with Dr. Adamos from 2008 to 2009.⁴⁹ These facts were uncontroverted by the Republic.

In his testimony, Dr. Adamos explained that Martin had a “grandiose self[-]existence,” which proceeded from his “ideas of preference towards ideal love and ideal marriage.”⁵⁰ Dr. Adamos also found that Martin lacked empathy, leading him to disregard and ignore the feelings of Michelle.⁵¹

As a result, Martin was diagnosed with Narcissistic Personality Disorder, with tendencies toward sadism.⁵² Dr. Adamos concluded from the tests administered on Martin that this disorder was rooted in the traumatic experiences he experienced during his childhood, having grown up around a violent father who was abusive of his mother.⁵³ This adversely affected Martin in such a manner that he formed unrealistic values and standards on his own marriage, and proposed unconventional sexual practices. When Michelle would disagree with his ideals, Martin would not only quarrel with Michelle, but would also inflict harm on her.⁵⁴ Other manifestations include excessive love for himself, self-entitlement, immaturity, and self-centeredness.⁵⁵

These circumstances, taken together, prove the three essential characteristics of psychological incapacity on the part of Martin. **As such, insofar as the psychological incapacity of Martin is concerned, the CA did not commit a reversible error in declaring the marriage of the respondents null and void under Article 36 of the Family Code.**

As a final note, the Court emphasizes that the factual circumstances obtaining in this *specific* case warrant the declaration that Martin is psychologically incapacitated to perform the essential marital obligations at the time of his marriage to Michelle. This is neither a relaxation nor abandonment of previous doctrines relating to Article 36 of the Family Code. The guidelines in *Molina* still apply to all petitions for declaration of nullity of marriage inasmuch as this Court does not lose sight of the constitutional protection to the institution of marriage.

WHEREFORE, premises considered, the petition for review on *certiorari* is **PARTIALLY GRANTED** insofar as the psychological incapacity of respondent Michelle K. Mercado-Javier is concerned. The

⁴⁹ Id. at 95.

⁵⁰ Id. at 46.

⁵¹ Id. at 47.

⁵² Id. at 45-46.

⁵³ Id. at 93-95.

⁵⁴ Id. at 46-47.

⁵⁵ Id. at 93.

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Decision dated July 10, 2013 and Resolution dated November 28, 2013 of the Court of Appeals in CA-G.R. CV No. 98015 are **MODIFIED** to the extent that the marriage of the respondents on February 8, 2002 is declared **NULL** and **VOID AB INITIO** due to the psychological incapacity of respondent Martin Nikolai Z. Javier, pursuant to Article 36 of the Family Code.

SO ORDERED.

Reyes
ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:

Antonio Carpio
ANTONIO T. CARPIO
Acting Chief Justice
Chairperson

Diosdado M. Peralta
DIOSDADO M. PERALTA
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Alfredo Benjamin S. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

I certify 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.

Antonio Carpio
ANTONIO T. CARPIO
Acting Chief Justice