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Third Division

MAY 07 2021

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

JEFFREY M. CALMA,
Petitioner,

G.R. No. 242070

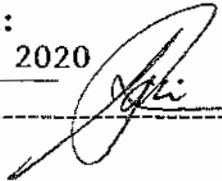
Present:

-versus-

LEONEN, *J.*, Chairperson,
GISMUNDO,
CARANDANG,
ZALAMEDA, and
LOPEZ,* *JJ.*

MARI KRIS SANTOS-CALMA,
Respondent.

Promulgated:
August 24, 2020

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DECISION

LEONEN, *J.*:

When the totality of evidence demonstrates psychological incapacity, a marriage may be declared null and void pursuant to Article 36 of the Family Code.¹

This resolves a Petition for Review on Certiorari² under Rule 45 of the 1997 Rules of Civil Procedure, praying that the assailed Decision³ and

* Designated additional Member per Raffle dated June 8, 2020.

¹ FAMILY CODE, art. 36 provides:

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

² *Rollo*, p. 25-39.

³ *Id.* at 222-237. The June 21, 2018 Decision docketed as CA-G.R. CV No. 109155 was penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Samuel H. Gaerlan (now a member of this Court) and Marie Christine Azcarraga-Jacob of the Eighth Division, Court of Appeals, Manila.

Resolution⁴ of the Court of Appeals in CA-G.R. CV No. 109155 be reversed and set aside, and that petitioner Jeffrey M. Calma's (Jeffrey) marriage with respondent Mari Kris Santos-Calma (Kris) be declared null and void in accordance with Article 36 of the Family Code.

The assailed Court of Appeals Decision affirmed Guagua Regional Trial Court's January 6, 2017 Decision⁵ which dismissed the Petition for Declaration of Nullity of Marriage filed by Jeffrey against Kris. The assailed Resolution denied Jeffrey's Motion for Reconsideration.

Jeffrey met Kris in February 2005 while they were both working as Jollibee crew members. Within a month of meeting each other, they had become sexually intimate. Soon after, Kris became pregnant. Though admittedly incapable of raising a family, Jeffrey sought Kris' hand in marriage. They were married in civil rites on August 15, 2005.⁶

Ten days into their marriage, Jeffrey received information that he was given a visa for a three-year contract as an overseas Filipino worker in the Middle East. Confronted with this, Jeffrey and Kris agreed that Kris would live with Jeffrey's parents in Pampanga while he was away working. This choice was also due, in part, to how Kris did not have good relations with her parents.⁷

On December 31, 2005, Kris gave birth to their son, Josh Xian. A few months later, Kris told Jeffrey that she wanted to stay with her own family in Bulacan. Jeffrey acceded. After a couple of months, however, Kris told Jeffrey that she needed to leave Bulacan due to a misunderstanding with her father. Jeffrey then made arrangements for Kris to live at his sister's house in Quezon City.⁸

Jeffrey thought things were going well, when he noticed that Kris' demands for money kept escalating; always claiming that the money was for Josh Xian. In 2008, Kris changed mobile numbers in rapid succession, making Jeffrey suspicious. Moreover, some time in 2008, Kris asked for more money, explaining that she was in "deep trouble[.]"⁹ Jeffrey responded that he was due to return to the Philippines shortly, and asked that Kris wait for him instead.¹⁰

⁴ Id. at 251-252. The August 22, 2018 Resolution docketed as CA-G.R. CV No. 109155 was penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Samuel H. Gaerlan (now a member of this Court) and Marie Christine Azcarraga-Jacob of the Former Eighth Division, Court of Appeals, Manila.

⁵ Id. at 40-48. The Decision docketed as Civil Case NO. G-13-4943 was penned by Presiding Judge Merideh D. Delos Santos-Malig of the Regional Trial Court, Branch 51, Guagua Pampanga.

⁶ Id. at 223.

⁷ Id.

⁸ Id.

⁹ Id. at 224.

¹⁰ Id.

Upon his return, Kris never bothered to meet Jeffrey. He had to go to Bulacan to see her and his son. While Josh Xian was there, Kris was not. Kris' parents told Jeffrey that Kris was already cohabiting with another man and was pregnant. His in-laws allowed him to have Josh Xian and advised him to start anew.¹¹

When Jeffrey confronted Kris, she allegedly showed no remorse and blamed Jeffrey for abandoning her to work abroad. Kris would never again talk to Jeffrey or visit Josh Xian.¹²

In 2013, Jeffrey considered the possibility of having his marriage to Kris declared null. Efforts were then made to locate Kris.¹³ Clinical psychologist Dr. Leo Ruben C. Manrique's services were subsequently engaged. After interviews with Jeffrey, Kris, and their relatives.¹⁴ Dr. Manrique concluded that Kris: (1) was suffering from schizoid personality disorder; (2) manifested maladaptive behavioral patterns; and (3) was psychologically incapacitated to such an extent that she was "incapable of performing essential marital obligations[.]"¹⁵

Subsequently, Jeffrey filed a Petition for Declaration of Nullity of Marriage on account of psychological incapacity.

Jeffrey presented three (3) witnesses: (1) himself; (2) his mother; and (3) Dr. Manrique.¹⁶

After trial, the Guagua Regional Trial Court rendered its January 6, 2017 Decision¹⁷ dismissing Jeffrey's Petition on account of his supposed failure to show the gravity, juridical antecedence, and incurability of Kris' psychological capacity. The Regional Trial Court was particularly dismissive of Dr. Manrique's findings, stating that nothing was offered by way of evidence.¹⁸

Still centering on the supposed inadequacies of Dr. Manrique's findings, the Court of Appeals' assailed June 21, 2018 Decision¹⁹ affirmed the Regional Trial Court.

¹¹ Id.

¹² Id.

¹³ Id. at 41-42.

¹⁴ Id. at 78.

¹⁵ Id. at 224.

¹⁶ Id. at 225.

¹⁷ Id. at 40-48.

¹⁸ Id. at 44.

¹⁹ Id. at 222-237.

Following the denial²⁰ of his Motion for Reconsideration, Jeffrey filed the present Petition.

For this Court's resolution is the issue of whether or not the gravity, juridical antecedence, and incurability of Kris' psychological capacity has been shown as would justify the declaration of nullity of her marriage to Jeffrey.

I

Article 36 of the Family Code identifies psychological incapacity as a ground for considering a marriage void:

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.

This Court had an early occasion to interpret Article 36 in *Santos v. Court of Appeals*.²¹ Noting that Article 36 was deliberately framed with "less specificity... [so as to] to allow some resiliency in its application[.]"²² *Santos* determined that:

"[P]sychological 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.²³

Santos proceeded to determine that psychological incapacity, under Article 36, "must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability."²⁴

Proceeding from this, *Republic v. Court of Appeals and Molina*²⁵ set more specific standards. *Republic v. Pangasinan*²⁶ summarized these

²⁰ Id. at 251–252.

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

²² Id. at 36.

²³ Id. at 40.

²⁴ Id. at 39.

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

²⁶ 792 Phil. 808 (2016) [Per J. Velasco, Jr., Third Division].

standards, as follows:

- (1) The burden of proof to show the nullity of the marriage belongs to the plaintiff.
- (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.
- (3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage.
- (4) Such incapacity must also be shown to be medically or clinically permanent or incurable.
- (5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of 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.
- (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.

In sum, a person's psychological incapacity to comply with his or her essential obligations, as the case may be, in marriage must be rooted on a medically or clinically identifiable grave illness that is incurable and shown to have existed at the time of marriage, although the manifestations thereof may only be evident after marriage[.]²⁷ (Citations omitted)

However, jurisprudence subsequent to *Molina* observed that the Court's decision “has unnecessarily imposed a perspective by which psychological incapacity should be viewed, *totally inconsistent* with the way the concept was formulated — free in form and devoid of any definition.”²⁸ *Ngo Te v. Yu-Te*, decided in 2009, lamented that “*Molina* has become a strait-

²⁷ Id. at 820, citing *Aurelio v. Aurelio*, 665 Phil. 693 (2011) [Per J. Peralta, Second Division].

²⁸ *Ngo Te v. Yu-Te*, 598 Phil. 666, 669 (2009) [Per J. Nachura, Third Division].

jacket, forcing all sizes to fit into and be bound by it.”²⁹ It explained:

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 [Office of the Solicitor General’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[.]³⁰ (Citations omitted)

In 2015, *Kalaw v. Fernandez*³¹ echoed *Ngo Te*:

The [*Molina*] guidelines have turned out to be rigid, such that their application to every instance practically condemned the petitions for declaration of nullity to the fate of certain rejection. But Article 36 of the Family Code must not be so strictly and too literally read and applied given the clear intendment of the drafters to adopt its enacted version of “less specificity” obviously to enable “some resiliency in its application.” Instead, every court should approach the issue of nullity “not on the basis of a priori assumptions, predilections or generalizations, but according to its own facts” in recognition of the verity that no case would be on “all fours” with the next one in the field of psychological incapacity as a ground for the nullity of marriage; hence, every “trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court.”³² (Citation omitted)

II

The *Molina* guidelines have spurred emphasis on the importance of expert testimony. For example, *Hernandez v. Court Appeals*,³³ citing the second *Molina* guideline, explained:

It must be shown that these acts are manifestations of a disordered personality which make private respondent completely unable to discharge the essential obligations of the marital state, and not merely due to private respondent's youth and self-conscious feeling of being handsome, as the

²⁹ Id. at 696.

³⁰ Id. at 695–696.

³¹ 750 Phil. 482 (2015) [Per J. Bersamin, Special First Division].

³² Id. at 499–500.

³³ 377 Phil. 919 (1999) [Per J. Mendoza, Second Division].

appellate court held. As pointed out in [*Molina*]:

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.

Moreover, expert testimony should have been presented to establish the precise cause of private respondent's psychological incapacity, if any, in order to show that it existed at the inception of the marriage. The burden of proof to show the nullity of the marriage rests upon petitioner. The Court is mindful of the policy of the 1987 Constitution to protect and strengthen the family as the basic autonomous social institution and marriage as the foundation of the family. Thus, any doubt should be resolved in favor of the validity of the marriage.³⁴ (Citations omitted)

It has, however, been subsequently clarified that expert findings on either of the spouses' psychological incapacity obtained from direct, personal examination is not an absolute and indispensable requirement. Drawing on the nature of marriage as a relation between two individuals, *Camacho-Reyes v. Reyes-Reyes*³⁵ emphasized that information obtained from either party to the marriage may suffice to inform an expert's assessment:

The lack of personal examination and interview of the respondent, or any other person diagnosed with personality disorder, does not per se invalidate the testimonies of the doctors. Neither do their findings automatically constitute hearsay that would result in their exclusion as evidence.

For one, marriage, by its very definition, necessarily involves only two persons. The totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other. In this case, the experts testified on their individual assessment of the present state of the parties' marriage from the perception of one of the parties, herein petitioner. Certainly, petitioner, during their marriage, had occasion to interact with, and experience, respondent's pattern of behavior which she could then validly relay to the clinical psychologists

³⁴ Id. at 931–932.

³⁵ 642 Phil. 602 (2010) [Per J. Nachura, Second Division].

and the psychiatrist.

For another, the clinical psychologists' and psychiatrist's assessment were not based solely on the narration or personal interview of the petitioner. Other informants such as respondent's own son, siblings and in-laws, and sister-in-law (sister of petitioner), testified on their own observations of respondent's behavior and interactions with them, spanning the period of time they knew him. These were also used as the basis of the doctors' assessments.³⁶ (Citations omitted)

*Marcos v. Marcos*³⁷ categorically stated that psychological incapacity is ultimately determined by the totality of evidence. It is not necessarily negated by perceived imperfections in expert findings, or even by total non-examination of the person alleged to be psychologically incapacitated:

Psychological incapacity, as a ground for declaring the nullity of a marriage, may be established by the totality of evidence presented. There is no requirement, however, that the respondent should be examined by a physician or a psychologist as a *conditio sine qua non* for such declaration.³⁸

Commenting on the *Molina* guidelines, *Marcos* further explained:

The foregoing guidelines *do not require that a physician examine the person to be declared psychologically incapacitated*. In fact, the root cause may be “medically or clinically identified.” What is important is the presence of evidence that can adequately establish the party's psychological condition. For indeed, *if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to*.³⁹ (Citations omitted, emphasis supplied)

Informed by these evolving standards in Article 36 cases—and, in the process, itself evolving these standards as well—jurisprudence has become more receptive to varying manifestations of psychological incapacity.

Some marriages, which this Court saw as warranting a declaration of nullity, stand out for the rather prodigious narratives involved (even as some proportions were not quite literally immense). They involved egregious examples of a spouse's being psychologically incapacitated.

For example, *Chi Ming Tsoi v. Court of Appeals*,⁴⁰ involved “the

³⁶ Id. at 627.

³⁷ 397 Phil. 840 (2000) [Per J. Panganiban, Third Division].

³⁸ Id. at 842.

³⁹ Id. at 850.

⁴⁰ 334 Phil. 294 [Per J. Torres, Jr., Second Division].

senseless and protracted refusal of one of the parties”⁴¹ to engage in sexual relations throughout the entire duration spanning their marriage to their *de facto* separation. This Court found these circumstances to be indicative of “the gravity of the failed relationship in which the parties found themselves[,] trapped in its mire of unfulfilled vows and unconsummated marital obligations[.]”⁴²

Antonio v. Reyes,⁴³ involved a pathological liar who: (1) concealed to her spouse how she previously bore a son (and instead introduced him to her spouse as her family’s adopted child); (2) fabricated a tale about her brother-in-law attempting to rape and kill her; (3) misrepresented herself to be a psychiatrist; (4) falsely introduced herself as a singer in whose honor a luncheon show was held (even going to the extent of presenting a supposed invitation); (5) invented two (2) non-existent friends and sent letters in their names to her spouse; (6) altered her pay slip to inflate her income; and (7) falsely claimed that a living room set purchased at a public market was obtained from a famous furniture dealer.⁴⁴

*Tani-De La Fuente v. De La Fuente*⁴⁵ involved a husband noted to be suffering from paranoid personality disorder. He feared that his 15-year-old cousin was his wife’s lover and thus, poked a gun at his head. Further, he made a sex slave out of his wife—having sex with her as much as five (5) times a day, and forcing to see her during lunch break just to have sex. In a heated argument in front of their children, he poked a gun at his wife’s head.⁴⁶

The marriages involved in some recent cases decided by this Court have involved manifestations of psychological incapacity which were of somewhat lesser notoriety. Without meaning to discount the gravity of circumstances in those cases, it is nevertheless a reasonable observation that recent jurisprudence has exhibited a greater willingness to admit psychological incapacity in cases that evoked far less bizarre narratives.

Resolved in 2015, *Kalaw* saw this Court reverse itself after ruling in 2011⁴⁷ that no declaration of nullity was availing. This involved an allegation by the husband regarding the wife’s “immaturity and irresponsibility towards [him] and their children during their co-habitation, as shown by [the wife]’s following acts:

1. she left the children without proper care and attention as she

⁴¹ Id. at 303.

⁴² Id. at 305.

⁴³ *Antonio v. Reyes*, 519 Phil. 337 (2006) [Per J. Tinga, Third Division].

⁴⁴ Id. at 344–345.

⁴⁵ 807 Phil. 31 (2017) [Per J. Leonen, Second Division].

⁴⁶ Id. at 34–35.

⁴⁷ *Kalaw v. Fernandez*, 673 Phil. 460 (2011) [Per J. Del Castillo, First Division].

played mahjong all day and all night;

2. she left the house to party with male friends and returned in the early hours of the following day; and
3. she committed adultery on June 9, 1985, which act Tyrone discovered in flagrante delicto.⁴⁸ (Citation omitted)

In reversing itself, this Court showed a keener understanding of how the wife's fixation with gambling was far from innocuous:

The frequency of the respondent's mahjong playing should not have delimited our determination of the presence or absence of psychological incapacity. Instead, the determinant should be her obvious failure to fully appreciate the duties and responsibilities of parenthood at the time she made her marital vows. Had she fully appreciated such duties and responsibilities, she would have known that bringing along her children of very tender ages to her mahjong sessions would expose them to a culture of gambling and other vices that would erode their moral fiber.

Nonetheless, the long-term effects of the respondent's obsessive mahjong playing surely impacted on her family life, particularly on her very young children. We do find to be revealing the disclosures made by Valerio Teodoro Kalaw — the parties' eldest son — in his deposition, whereby the son confirmed the claim of his father that his mother had been hooked on playing mahjong[.]

The respondent revealed her wanton disregard for her children's moral and mental development. This disregard violated her duty as a parent to safeguard and protect her children, as expressly defined under Article 209 and Article 220 of the Family Code[.]⁴⁹ (Citation omitted)

In *Camacho-Reyes*,⁵⁰ this Court remarked that:

[The husband's] pattern of behavior manifests an inability, nay, a psychological incapacity to perform the essential marital obligations as shown by his: (1) sporadic financial support; (2) extra-marital affairs; (3) substance abuse; (4) failed business attempts; (5) unpaid money obligations; (6) inability to keep a job that is not connected with the family businesses; and (7) criminal charges of estafa.⁵¹

In *Azcueta v. Republic*,⁵² the wife alleged that her husband was “emotionally immature, irresponsible and continually failed to adapt himself

⁴⁸ Id. at 463.

⁴⁹ *Kalaw v. Fernandez*, 750 Phil. 482, 515–517 (2015) [Per J. Bersamin, Special First Division].

⁵⁰ 642 Phil. 602 (2010) [Per J. Nachura, Second Division].

⁵¹ Id. at 632–633.

⁵² 606 Phil. 177 (2009) [Per J. Leonardo-de Castro, First Division].

to married life[.]”⁵³ Specifically, he was noted to have “never bothered to look for a job and instead always asked his mother for financial assistance.”⁵⁴ Further, the place where they resided was secured by her mother-in-law, who also paid rent. At one point, the husband claimed to have found a job, but was only spending time at his parents’ residence. When confronted, he explained that he pretended to have a job so that his wife “would stop nagging him[.]”⁵⁵ The spouses’ sex life was also said to be “unsatisfactory[.]”⁵⁶ with them having sex only once a month and the wife “never enjoy[ing] it.”⁵⁷ The husband was also charged with inflicting violence on his wife when he got drunk.⁵⁸

In concluding that the husband was psychologically incapacitated, this Court explained:

We likewise cannot agree with the [Court of Appeals] that Rodolfo's irresponsibility and overdependence on his mother can be attributed to his immaturity or youth. We cannot overlook the fact that at the time of his marriage to petitioner, he was nearly 29 years old or the fact that the expert testimony has identified a grave clinical or medical cause for his abnormal behavior.

....

Rodolfo is evidently unable to comply with the essential marital obligations embodied in Articles 68 to 71 of the Family Code. As noted by the trial court, as a result of Rodolfo's dependent personality disorder, he cannot make his own decisions and cannot fulfill his responsibilities as a husband. Rodolfo plainly failed to fulfill the marital obligations to live together, observe mutual love, respect, support under Article 68. Indeed, one who is unable to support himself, much less a wife; one who cannot independently make decisions regarding even the most basic and ordinary matters that spouses face everyday; one who cannot contribute to the material, physical and emotional well-being of his spouse is psychologically incapacitated to comply with the marital obligations within the meaning of Article 36.⁵⁹

*Republic v. Mola Cruz*⁶⁰ concerned a wife who started giving her husband the “cold treatment”⁶¹ and was later confirmed to have been in an extra-marital affair with a Japanese national. The wife left her husband, although they later reconciled. Sometime after, however, the husband found his wife’s Japanese lover in their residence and, to his surprise, was

⁵³ Id. at 181.

⁵⁴ Id.

⁵⁵ Id. at 182.

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id. at 197–198.

⁶⁰ G.R. No. 236629, July 23, 2018 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64585>> [Per J. Gesmundo, Third Division].

⁶¹ Id.

introduced by his wife to her lover as her elder brother. The wife would again leave the husband and ultimately cohabit with her lover. The wife was found to be suffering from histrionic personality disorder. This Court explained:

It is true that sexual infidelity and abandonment are grounds for legal separation. It may be noted, however, that the courts a quo duly connected such aberrant acts of Liezl as actual manifestations of her histrionic personality disorder. A person with such a disorder was characterized as selfish and egotistical, and demands immediate gratification. These traits were especially reflected in Liezl's highly unusual acts of allowing her Japanese boyfriend to stay in the marital abode, sharing the marital bed with his Japanese boyfriend and introducing her husband as her elder brother, all done under the threat of desertion. Such blatant insensitivity and lack of regard for the sanctity of the marital bond and home cannot be expected from a married person who reasonably understand the principle and responsibilities of marriage.⁶² (Citation omitted)

III

In keeping with contemporary standards on appraising Article 36 cases, this Court finds that the Court of Appeals and Regional Trial Court erred in failing to appreciate that respondent's condition was attended by gravity, juridical antecedence, and incurability, thereby warranting a declaration that her marriage to petitioner is void.

Witnesses recounted several damaging occurrences and circumstances. None of these were ever successfully rebutted.

First, respondent was unable to settle in a single residence with her and petitioner's son for a sufficiently prolonged duration. After getting married, she initially opted to stay in Pampanga, and not with her parents in Bulacan, because of strained relations with her parents. Shortly after giving birth, however, she would opt to live with her parents. Things would not work out with respondent's father and petitioner would have to make arrangements for respondent to stay with his sister in Quezon City.⁶³ Respondent would, nevertheless, find her way back to Bulacan where petitioner would endeavor to find her and their son upon his return. She would, however, leave Bulacan again to cohabit with another person.⁶⁴

Second, respondent did not only squander whatever meager support petitioner could muster. Worse, she kept entreating him for more money on the pretense that it was for their son. At one particularly glaring instance,

⁶² Id.

⁶³ *Rollo*, p. 223.

⁶⁴ Id. at 224.

she offered no concrete justification and simply said that she was in “deep trouble.”⁶⁵

Third, for no apparent and justifiable reason, respondent distanced herself from petitioner. While he was still abroad, she changed her mobile number in rapid succession.⁶⁶ Upon his return, she never bothered to see or communicate with him. After petitioner took their son with him, she never communicated with petitioner or bothered to see their son.⁶⁷

Fourth, she engaged in an extra-marital affair, abandoning not only petitioner, but also her son.⁶⁸

Lastly, she was utterly indifferent both to petitioner and her son. She never objected to, questioned, or acted on her parents’ allowing petitioner to take their son. She showed no remorse when finally, she saw petitioner. To the contrary, she would even cast the blame on him for “abandoning”⁶⁹ her and working abroad. After their confrontation, she would never bother to see their son.⁷⁰

Even without technical examination by a psychologist, the gravity of respondent’s quagmire and her utter inability to fulfill essential marital obligations are plain to see. This gravity is further highlighted when juxtaposed with similar conditions and circumstances of abandonment, squandering, apathy, and dejection seen in such cases as *Kalaw*,⁷¹ *Camacho-Reyes*,⁷² *Azcueta*,⁷³ and *Mola Cruz*.⁷⁴

Respondent showed herself utterly incapable of “liv[ing] together, observ[ing] mutual love, respect and fidelity, and render[ing] mutual help and support”⁷⁵ with her husband. She let petitioner carry the burden of support all to himself, making things even worse by squandering whatever support he rendered when he was abroad, and ultimately abandoning their son to petitioner. She left petitioner and her son to their own devices in utter and callous disregard of her obligations under Article 70 and 220 of the Family Code:

ARTICLE 70. The spouses are jointly responsible for the support of the

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ Id.

⁷¹ 750 Phil. 482 (2015) [Per J. Bersamin, Special First Division].

⁷² 642 Phil. 602 (2010) [Per J. Nachura, Second Division].


⁷³ 606 Phil. 177 (2009) [Per J. Leonardo-de Castro, First Division].

⁷⁴ G.R. No. 236629, July 23, 2018 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64585>> [Per J. Gesmundo, Third Division].

⁷⁵ FAMILY CODE, art. 68.

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 their separate properties.

ARTICLE 220. The parents and those exercising parental authority shall have with respect to their unemancipated children or wards the following rights and duties:

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
 - (2) To give them love and affection, advice and counsel, companionship and understanding;
 - (3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
 - (4) To 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.
- 

Further to the undisputed facts and incidents just recalled, Dr. Manrique's findings confirmed the extent of respondent's debility. By identifying her as suffering from schizoid personality disorder, and manifesting maladaptive behavioral patterns,⁷⁶ Dr. Manrique's report medically identified the root cause of her psychological incapacity, and explored how she has been rendered incapable of fulfilling essential marital obligations. Thus, her lack of interest in social relationships—though not as grave as the degree manifested in schizophrenia⁷⁷—prevents her from developing strong attachments and from staying in relationships. Her maladaptive behavioral patterns affect her impulse control and makes her susceptible to mood changes. This “invariably strain[s]”⁷⁸ her relationships and results in her lacking empathy and concern.⁷⁹

The same report explored and explained how respondent's condition had its onset in early childhood. Thus, it was already attendant when she and petitioner were married in February 2005. Moreover, it noted that her condition is not only “chronic and long lasting.”⁸⁰ Worse, that same condition drives respondent to avoid seeking treatment, thereby aggravating her imperviousness to recovery. Also, since her condition inheres in her, it is a debility that she does not suffer specifically with respect to petitioner only.

For clarity, it is worth quoting Dr. Manrique's report at length:

From the interviews and tests administered to the subjects, the relatives of the couple, as well as from the results of the community investigation conducted by the undersigned psychologist, it is clear that Mari Kris Santos-Calma, has manifested patterns of behavior compatible with a person suffering from SCHIZOID PERSONALITY DISORDER.

Often described as a ‘loner’ or an eccentric, the schizoid personality shows lack of interest in social relationships. Kris' emotions of people appear shallow or blunted but not to the degree found in schizophrenia. People with this personality disorder see[m] rarely, if ever, to experience strong anger, joy or sadness.

Although Kris prefer[s] to remain distant from others, she remains in better contact with reality than do schizophrenics. Kris' [face], as all others who suffer from the same personality disorder, rarely show[s] emotional expression and rarely exchange[s] smiles or nod with others. Women with schizoid personality disorder are more rarely (sic) to passively accept romantic advances. They seldom develop strong attachments with their partners, but their sexual desires are very strong. Women with this disorder are more likely to experiment sexual relationships that stay in a heterosexual relationship, as what happened in this case.

⁷⁶ *Rollo*, p. 224.

⁷⁷ *Id.* at 230.

⁷⁸ *Id.* at 231.

⁷⁹ *Id.*

⁸⁰ *Id.*

The personality profile of MARI KRIS SANTOS-CALMA, showing that she suffers from *personality disorder* and *psychological incapacity* in the performance of her marital obligations were further confirmed.

In comparing the data gathered from the standard patterns of behavior, it is clear that MARI KRIS SANTOS-CALMA manifest[s] *MALADAPTIVE BEHAVIORAL PATTERNS* which [affect] her *IMPULSE CONTROL*, and *MOOD CHANGE*. Interpersonal relations are invariably strained (sic) her demands and by her lack of empathy and concern for her husband. She is keenly sensitive to criticism and may feel angry by any hint that she is not as special as she fancies herself to be.

The PERSONALITY DISORDER of MARI KRIS SANTOS-CALMA, have had [sic] its onset during her early adulthood stage. In this particular case, it was found that it started during the time that she was turning 16 years old.

Her *disorder is chronic and long lasting, being a development defect.* It stemmed from the formation of inflexible traits, which are responsible for the lifelong maladaptive behavior a person. Moreover, the disorder involves psychological factors of long duration so that a major therapeutic endeavor is needed only to suppress the manifestations of the disorder.

MARI KRIS SANTOS-CALMA, suffering from a personality disorder also suffers from *PSYCHOLOGICAL INCAPACITY* in the performance of her marital obligations. She [i]s incapable of giving love and support to her husband and has no sense of responsibility towards family.

Likewise, MARI KRIS SANTOS-CALMA, suffering from *psychological incapacity* lacks insight of her deficit, such that she feels comfortable with her maladaptive ways. As such, she never seeks treatment and [is] impervious to recovery. Since her [p]sychological [i]ncapacity towards her marital obligations is the product of her personality disorder, it is therefore considered to be a PERMANENT and INCURABLE defect of the personality functioning. No amount of therapy and counseling could cure the incapacity but the same can only suppress the manifestations of the disorder. MARI KRIS SANTOS CALMA's psychological incapacity is *NOT-RELATIVE* to her present relationship. It will be hard for the subject to establish and maintain relationships with any other partner.

....

MARI KRIS SANTOS-CALMA has brought great strain to the marriage and had exposed her husband and son to severe mental and emotional torture. There seems to be a significant impairment in her cognition, affectivity, and interpersonal relationships. Her actions are clear indications of her poor conscience development and inadequate moral development, which reflect personality disorder and psychological incapacity.⁸¹ (Emphasis and underscoring in the original)

⁸¹ Id. at 230-231.

Pressed for further details on his findings, Dr. Manrique explained that, when she was being examined, respondent gave evasive, “shadow” answers.⁸² These answers confirmed her apathy and incapacity for interpersonal attachment. Dr. Manrique also noted that these confirmed respondent’s condition as deep-seated, anchored in paternal relations:

During the clinical interview that was conducted with the respondent[,] there were questions that were asked from her and she gave answers that were awash with the shadow of probable irrelevant[,] for example, when asked what do you think of marriage? Her answer was, i don’t think about marriage. What do you think about your sexual relationship with your husband? Her answer was, it is not important that she has [a] sexual relationship with her husband. So that these are shadow answers, these are just examples of the answers that were given as to the point in the discovery of the root cause obtaining to the lack of fatherly love. It is very clear in the examination of the respondent as well the interviews that she hated her father. The hate was really on [a] higher degree than we, psychologists, would not even consider it as normal anymore.⁸³

The Regional Trial Court and the Court of Appeals were myopic, zeroing in only on Dr. Manrique’s supposed inadequacies. It is unfortunate that they were so dismissive of those findings and, ultimately, of petitioner’s cause.

Even without Dr. Manrique’s report, however, other pieces of evidence indisputably point to the extent of respondent’s debility. Dr. Manrique’s findings bolster these by proffering not only a medically grounded understanding of respondent’s condition that explored its causes, historical persistence, and prospects of being alleviated. In giving little regard to Dr. Manrique’s findings, the Regional Trial Court and the Court of Appeals appear to have disregarded how jurisprudence has settled that, though not an absolute and indispensable requirement, expert findings deserve great weight when they are available. In *Ngo Te*:⁸⁴

By the very nature of Article 36, courts, despite having the primary task and burden of decision-making, must not discount but, instead, must consider as decisive evidence the expert opinion on the psychological and mental temperaments of the parties.⁸⁵ (Citation omitted)

Consistent with how the totality of evidence should ultimately inform any determination of whether a marriage should be declared void pursuant to Article 36 of the Family Code, as well as with judicial wisdom expressed in contemporary jurisprudence that has more keenly and openly understood the

⁸² Id. at 45.

⁸³ Id. at 45–46.

⁸⁴ *Ngo Te v. Yu-Te*, 598 Phil. 666 (2009) [Per J. Nachura, Third Division].

⁸⁵ Id. at 700.

myriad manifestations of psychological incapacity, this Court finds that petitioner successfully discharged his burden of demonstrating respondent's psychological incapacity. It was error for the Regional Trial Court and the Court of Appeals to insist on the validity and subsistence of the parties' marriage.

It was clear from the onset how respondent was unsuited to fulfill the essential obligations of marriage. She was unable to settle in what should have been a common abode with her spouse and son. She never contributed to and even squandered resources for their family's subsistence and her child's rearing. She scoffed at petitioner's effort to support their family; gaslighting him with the claim that he abandoned her. Ever unsatisfied, she would come to a point when she would not even offer a proper explanation for imploring more money. In the face of her husband's fortitude and beneficence, she would leave him for another partner. Worse, she only seemed all too satisfied to abandon their son's rearing to her husband.

As cited in *Kalaw*:

[T]he fulfilment of the constitutional mandate for the State to protect marriage as an inviolable social institution only relates to a valid marriage. No protection can be accorded to a marriage that is null and void *ab initio*, because such a marriage has no legal existence.⁸⁶ (Citations omitted)

It is not an affront to the institution of marriage to rule that marriages, which are so utterly devoid of the spouses' capacity to fulfill the basic purposes of entering into a shared, loving life⁸⁷—such as those subject of this case—are no marriages at all. By declining recognition to them as valid, the state is able to limit marriage only to those relations that can be true to marriage's purposes. Quite contrary to being an affront, “[i]n declaring a marriage null and void *ab initio*... the Courts really assiduously defend and promote the sanctity of marriage as an inviolable social institution. The foundation of our society is thereby made all the more strong and solid.”⁸⁸

WHEREFORE, the Petition is **GRANTED**. The June 21, 2018 Decision and August 22, 2018 Resolution of the Court of Appeals in CA-

⁸⁶ *Kalaw v. Fernandez*, 750 Phil. 482, 501 (2015) [Per J. Bersamin, Special First Division], citing CONST., art. XV, sec. 2, and *Camacho-Reyes v. Reyes-Reyes*, 642 Phil. 602 (2010) [Per J. Nachura, Second Division].

⁸⁷ In J. Leonen, Dissenting Opinion in *Mallilin v. Jamesolamin*, 754 Phil. 158, 203 (2015) [Per J. Mendoza, Second Division]:

The notion of “permanent” is not a characteristic that inheres without a purpose. The Family Code clearly provides for the purpose of entering into marriage, that is, “for the establishment of conjugal and family life.” Consequently, the state's interest in protecting the marriage must anchor on ensuring a sound conjugal union capable of maintaining a healthy environment for a family, resulting in a more permanent union. The state's interest cannot extend to forcing two individuals to stay within a destructive marriage.

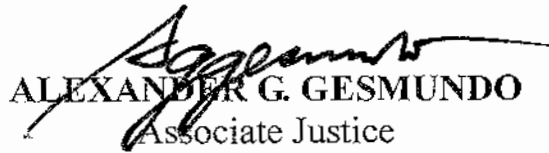
⁸⁸ *Kalaw v. Fernandez*, 750 Phil. 482, 501 (2015) [Per J. Bersamin, Special First Division].

G.R. CV No. 109155 are **REVERSED and SET ASIDE**. The marriage of Jeffrey M. Calma with respondent Mari Kris Santos-Calma is declared **NULL and VOID**.

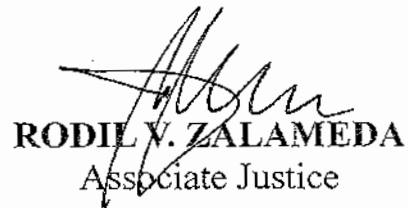
SO ORDERED.

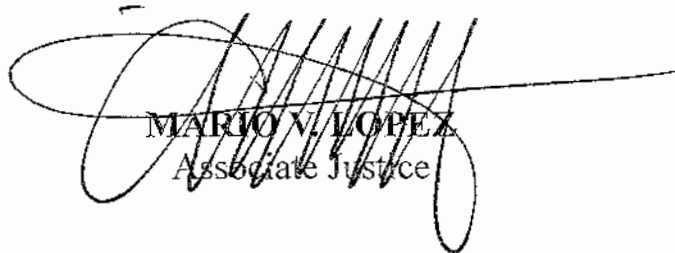

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Associate Justice

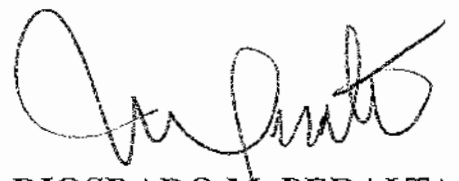

ROSMARI D. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO N. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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 assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

Mis-DEC-#
ISAAC CRISTO G. BATTUNGIN
Division Clerk of Court
Third Division
MAY 07 2021