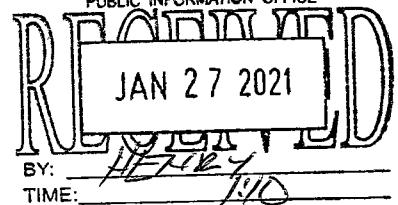




Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



FIRST DIVISION

BERNARDINE S. SANTOS-  
GANTAN,

Petitioner,

G.R. No. 225193

Present:

- versus -

JOHN-ROSS C. GANTAN,  
Respondent.

PERALTA, C.J., Chairperson  
CAGUIOA,  
LAZARO-JAVIER,  
LOPEZ and  
ROSARIO,\* JJ.

Promulgated:

OCT 14 2020

X-----X

DECISION

LAZARO-JAVIER, J.:

PREFATORY

The oft-referred “totality of evidence” is a short and simple way of expressing the allocation of the burden of proof in a civil case for nullity of marriage under Article 36, *Family Code*. The burden of proof lies upon the petitioner to prove his or her case by preponderance of evidence or balance of probabilities. The burden of proof is discharged by the petitioner if he or she is able to prove his or her cause of action *more likely than not*.

\* Designated Member per Special Order No. 2794 dated October 9, 2020.

The rule of totality of evidence does not add a new dimension in terms of structuring or facilitating the analysis in an Article 36 petition. In fact, this rule does not address the usual *happenstance* in petitions like the present one, where there are no two (2) versions of the claims asserted in the civil case. The narrative is *often* solely that of the petitioner and his or her witnesses, and *frequently*, all the trial court has by way of the respondent's version is the clinical narration of the factual basis of the expert report, which in turn *typically* arises from the examination of the petitioner and other resource persons who *may or may not* be witnesses in the civil case.

It is in this oft-repeated context that trial courts are directed to apply the totality of evidence rule. The rule makes no reference to *how* trial courts should assess facts that are asserted in the expert report *but* do not appear in sworn proof on the trial of the civil case, being data outside of the trial record or facts not in evidence. The lack of a precise and bright-line analytical framework for this type of expert report pervades the trial record of petitions for declaration of nullity of marriage under Article 36 of the *Family Code* and impacts on the evaluation of the totality of evidence.

This gap has contributed to the supposed "strait-jacketed" and one-size-fits-all understanding and application of the criteria laid down in *Molina*. Especially since there is only one (1) version of the facts, *which is made worse by the fact that the version is self-serving*, that is, *it comes from the party solely interested in the grant of the Petition*, the gap or lacuna has made the totality of evidence rule, together with the allocation of the burden of proof, more likely than not **prone to** the *circular reasoning fallacy*. The trial court's analysis begins with what it is trying to end with, *i.e.*, the analysis starts with a statement of the issue and ends with a conclusion that declares the issue as a statement. In a case such as the present one, the circular reasoning takes the form that *what the expert says is true, what is true is what the expert says*.

### The Case

This Petition for Review on *Certiorari*<sup>1</sup> seeks to reverse and set aside the following dispositions of the Court of Appeals in CA-G.R. CV No. 100277:

- (1) Decision<sup>2</sup> dated June 29, 2015 which reversed the grant of the petition for declaration of nullity of the marriage between petitioner Bernardine S. Santos-Gantan and respondent John Ross C. Gantan; and

<sup>1</sup> *Rollo*, pp. 3-24.

<sup>2</sup> Penned by Now Supreme Court Associate Justice Rodil V. Zalameda and concurred in by Associate Justices Sesinando E. Villon and Pedro B. Corales, *id.* at 28-39.

- (2) Resolution<sup>3</sup> dated June 3, 2016 which denied petitioner's motion for reconsideration.

### **Antecedents**

On March 23, 2010, petitioner filed the petition<sup>4</sup> below citing Article 36 of the Family Code. The case was docketed Civil Case No.13-0-2010 FC and raffled to the Regional Trial Court-Branch 73, Olongapo City.<sup>5</sup> Petitioner essentially stated:

She first met respondent in 1999 when the latter was only nineteen (19) years old. They got married twice by civil rites: first, on May 28, 2002 in Angeles City, and later, on December 18, 2002 in Baguio City. She was then thirty-two (32) years old while he, only twenty-two (22) years old. They do not have common children, nor any conjugal properties.<sup>6</sup>

Being next door neighbors, she knew long before that he was irresponsible and had been in and out of school. She observed that he did not speak much, easily got bored, and exhibited a short temper when drunk. He was also irritable and unable to keep a job.<sup>7</sup> Yet she still married him hoping he would change. But he did not. He continued to be lackadaisical and irresponsible which often caused his termination from work.<sup>8</sup>

Their relationship was all rosy during the courtship stage but eventually became a roller coaster ride after they got married. Respondent was often unruly and violent, especially when drunk. He had anger management issues. Whenever he drank with his friends, he would almost always end up fighting with them. He frequently abused her physically, even during their petty arguments. One time, he severely beat her up, causing her to be hospitalized. She even suffered a miscarriage due to his fits of anger.<sup>9</sup>

He was also verbally and emotionally cruel to her. He often refused to be intimate with her because he was having short-term illicit affairs with older or married women. He loathed and insulted her, calling her "thin," "old," "ugly" and "old hag."<sup>10</sup>

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<sup>3</sup> *Id.* at 26-27.

<sup>4</sup> *Id.* at 40-47.

<sup>5</sup> *Id.* at 29.

<sup>6</sup> *Id.* at 29.

<sup>7</sup> *Id.* at 52.

<sup>8</sup> *Id.* at 30.

<sup>9</sup> *Id.* at 29-30.

<sup>10</sup> *Id.* at 30.

In 2006, respondent left to work in Korea where he later had an illicit affair. When his overseas employment expired, he decided to live with his paramour. From then on, they have been separated.<sup>11</sup>

She consulted a clinical psychologist, Dr. Martha Johanna Dela Cruz (Dr. Dela Cruz), who opined that their marriage should be nullified on ground of her husband's psychological incapacity. Dr. Dela Cruz was not able to interview respondent as the latter did not come despite repeated invitations. She, nonetheless, collated the information provided by petitioner herself, the couple's relatives and common friends.<sup>12</sup>

Based on her assessment, Dr. Dela Cruz diagnosed respondent with "*Axis II Anti-Social Personality Disorder*," characterized by a pervasive pattern of disregard for and violation of the rights of others. She explained that people suffering from this disorder are chronically irresponsible, unsupportive, and have total disregard for the rights of others and the rules of society. They commit criminal acts with no remorse and typically have a pattern of legal problems, deception, impulsivity, irritability, aggressiveness, physical assault and intimidation, reckless disregard for the safety of others, unwillingness to meet normal standards for work, support and parenting, and failure to conform to social norms with respect to lawful behaviors.<sup>13</sup> Dr. Dela Cruz concluded that respondent's personality disorder is serious, grave, incurable and has juridical antecedence, rendering him psychologically incapacitated to perform his responsibilities as husband.<sup>14</sup> It was depicted through his constant deceitfulness as indicated by repeated lying and conning method to achieve personal pleasure. He also exhibited consistent irresponsibility, lack of remorse, ill treatment of others, indifference, and rationalizing action which hurt others.<sup>15</sup>

John Ross did not respond to the petition.

During the hearing, Dr. Dela Cruz, who elaborated on her report and explained the link between the manifestation of respondent's psychological incapacity and the psychological disorder itself. Petitioner herself also testified on the facts upon which the psychological report was based.

### The Trial Court's Ruling

By Decision<sup>16</sup> dated February 23, 2012, the trial court granted the petition and declared *void ab initio* the marriage between petitioner and respondent, *viz.:*

<sup>11</sup> *Id.* at 30.

<sup>12</sup> *Id.* at 31.

<sup>13</sup> *Id.* at 31, 54.

<sup>14</sup> *Id.* at 31, 53-54.

<sup>15</sup> *Id.* at 85-97, 54.

<sup>16</sup> Penned by Judge Norman V. Pamintuan, *id.* at 51-56.

x x x The Clinical Documentation (Exhibit "F") shows that defendant was seen with Antisocial Personality Disorder. There is therefore inability to pursue fundamental adult life tasks including close and meaningful intimate relationship.

Such personality disorder is serious or grave considering that it is fully engraved into the system of the defendant. It distorted the concept of marital relationship. It is incurable because it is clinically permanent and has a stable, long standing pattern. Time, according to the expert witness, does not change personality disorder or any scientific breakthrough which might help the defendant to acknowledge his incapacity. The personality disorder of the defendant can be traced during the latter's early formative years and continuously reaching its full manifestation even before, during and after marriage.

x x x

x x x

x x x

Applying the totality of evidence rule and after considering the evidence submitted by the plaintiff and the convincing findings of the clinical psychologist that defendant John Ross C. Gantan is afflicted with grave, pre-existing and incurable psychological incapacity, the marriage which the parties had contracted should be dissolved.

**WHEREFORE**, judgment is hereby rendered declaring the marriage entered into by and between **BERNARDINE S. SANTOS-GANTAN and JOHN-ROSS C. GANTAN** on May 28, 2002 and December 18, 2002 at the Municipal Trial Court Branch 3, Angeles City and Branch 3, Municipal Trial Court in Baguio City, respectively, as null and void ab initio based on Article 36 of the Family Code.

Upon the finality of this Decision, issue a Decree of Nullity to be registered with the proper local civil registries and the National Statistics Office, and let copies hereof be furnished the Local Civil Registrar General, Manila, for appropriate action after payment of necessary legal fees due their respective offices.

**SO ORDERED.<sup>17</sup>**

The Office of the Solicitor General (OSG) filed a motion for reconsideration, assailing the totality rule from which the trial court based its decision, more specifically the credibility of petitioner herself and the clinical psychologist.<sup>18</sup> It asserted that Dr. Dela Cruz's psychological report did not deserve credit in view of her failure to personally examine respondent and her utter reliance on petitioner's version of events.<sup>19</sup>

Petitioner opposed.<sup>20</sup>

<sup>17</sup> *Id.* at 55-56.

<sup>18</sup> *Id.* at 6.

<sup>19</sup> *Id.* at 57.

<sup>20</sup> See Annex "E," *id.* at 6.

Under Order<sup>21</sup> dated October 2, 2012, the trial court denied the motion for reconsideration.

### **Proceedings before the Court of Appeals**

On appeal, the OSG faulted the trial court when it granted the petition for nullity of the marriage. It argued in the main that the totality of evidence failed to prove that respondent was psychologically incapacitated to comply with his marital obligations.<sup>22</sup>

### **The Court of Appeals Ruling**

By Decision<sup>23</sup> dated June 29, 2015, the Court of Appeals reversed and dismissed the petition.

It ruled that the totality of the evidence on record failed to establish that respondent is psychologically incapacitated to comply with his marital obligations. Respondent's acts of physical violence and infidelity do not necessarily equate to psychological incapacity. Too, respondent's alleged psychological incapacity was not shown to have juridical antecedence.

Petitioner's Motion for Reconsideration<sup>24</sup> was denied under Resolution<sup>25</sup> dated June 3, 2016.

### **The Present Petition**

Petitioner now seeks affirmative relief from the Court and prays that the assailed dispositions of the Court of Appeals be reversed and her marriage with respondent be declared *void ab initio*. She faults the Court of Appeals for disregarding the expert findings of Dr. Dela Cruz. She argues that the lack of personal examination and interview of respondent did not *per se* invalidate the findings of Dr. Dela Cruz.

In its Resolution<sup>26</sup> dated August 8, 2016, the Court required respondent to file his comment on the petition within ten (10) days from notice. This resolution was served in respondent's address in Quezon City but was returned undelivered with the postmaster's notation "RTS-Unknown." Pursuant to the Court's directives,<sup>27</sup> petitioner ascertained respondent's whereabouts and informed the Court on April 23, 2018 of

<sup>21</sup> *Id.* at 63-64.

<sup>22</sup> *Id.* at 32-33.

<sup>23</sup> *Id.* at 28-38.

<sup>24</sup> *Id.* at 65-80.

<sup>25</sup> *Id.* at 26-27.

<sup>26</sup> *Id.* at 98.

<sup>27</sup> *Id.* at 102-103, 110, Resolutions dated April 25, 2017 and January 8, 2018, respectively.

respondent's correct and current address in Porac, Pampanga.<sup>28</sup> Thereafter, on October 25, 2018, petitioner furnished respondent a copy of the petition through registered mail.<sup>29</sup> Records, however, do not bear any Comment filed by respondent. Accordingly, such comment is deemed dispensed with.

The Court resolves to decide the case on the merits, sans respondent's comment.

### Issue

Did the Court of Appeals commit reversible error when it reversed the trial court's decision granting the petition for declaration of nullity of her marriage with respondent?

### Ruling

We rule in the affirmative.

Article 36 of the Family Code as amended recognizes the psychological incapacity of a spouse as a ground to void a marriage, *viz.*:

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.

Psychological incapacity refers to a mental incapacity that causes a party to be non-cognitive of the basic marital covenants which must be assumed and discharged by the parties to the marriage. As expressed by Article 68<sup>30</sup> of the Family Code, these marital covenants include their mutual obligations to live together, observe love, respect, and fidelity and to help and support each other. The law has intended to confine "psychological incapacity" to the most serious cases of personality disorders that clearly demonstrate an utter insensitivity or inability to give meaning and significance to the marriage.<sup>31</sup> It is the inability to understand the obligations of marriage, as opposed to a mere inability to comply with them.<sup>32</sup>

<sup>28</sup> *Id.* at 111-112.

<sup>29</sup> *Id.* at 122.

<sup>30</sup> Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

<sup>31</sup> *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995).

<sup>32</sup> *Republic of the Philippines v. Mola Cruz*, G.R. No. 236629, July 23, 2018, citing *Antonio v. Reyes*, 519 Phil. 337, 351 (2006).

To constitute psychological incapacity, the personality disorder must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability. It 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.<sup>33</sup>

In *Ngo Te v. Yu-Te*,<sup>34</sup> the Court pronounced that each case must be judged according to its own facts, guided by findings of experts in the field of psychology and decisions by church tribunals, *viz.*:

Lest it be misunderstood, we are not suggesting the abandonment of *Molina* in this case. We simply declare that, as aptly stated by Justice Dante O. Tinga in *Antonio v. Reyes*, there is need to emphasize other perspectives as well which should govern the disposition of petitions for declaration of nullity under Article 36. 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.

Here, the Court of Appeals reversed the trial court's verdict and chided it for purportedly relying on the medical findings of Dr. Dela Cruz which it found to be inconclusive, unreliable, and inaccurate due to the doctor's failure to personally examine the supposed psychologically incapacitated spouse, respondent, and the latter's parents. The Court of Appeals, thus, discredited Dr. Dela Cruz' findings and testimony for alleged lack of probative value.

We do not agree.

There is no requirement that the person to be declared psychologically incapacitated be personally examined by a physician.<sup>35</sup>

*Camacho-Reyes v. Reyes*<sup>36</sup> ordains that the non-examination of one of the parties will not automatically render as hearsay or invalidate the findings of the examining psychiatrist or psychologist, since marriage, by its very definition, necessarily involves only two (2) persons. As such, the totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other.<sup>37</sup>

<sup>33</sup> *Santos v. CA, et al.*, supra note 31, at 39.

<sup>34</sup> 598 Phil. 666, 699 (2009).

<sup>35</sup> *Marcos v. Marcos*, 397 Phil. 840, 842 (2000).

<sup>36</sup> *Camacho-Reyes v. Reyes*, 642 Phil. 602, 627 (2010).

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

The absence of such personal examination is not fatal so long as the totality of evidence sufficiently supports a finding of psychological incapacity. Consequently, petitioner bears the burden of proving the gravity, juridical antecedence, and incurability of respondent spouse's psychological incapacity.<sup>38</sup> *Zamora v. Court of Appeals*<sup>39</sup> clearly decrees:

Even in the subsequent case of *Republic v. Court of Appeals* (also known as the Molina case), wherein the Court laid down the guidelines in the interpretation and application of the aforementioned article, **examination of the person by a physician in order for the former to be declared psychologically incapacitated was likewise not considered a requirement.** What is important, however, as stated in *Marcos v. Marcos*, is the presence of evidence that can adequately establish the party's psychological condition. **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.** (Emphasis supplied)

To be fair to the Court of Appeals, there is a genuine issue to be considered whenever the psychological report appears to be one-sided and based on facts that were not the subject of evidence during the trial. The facts could be one-sided if it comes only from petitioner and individuals related to her. This raises questions about the reliability, accuracy, impartiality and fairness of the psychological report.

The fact that Dr. Dela Cruz was not able to personally examine respondent *per se* does not nullify her finding of psychological incapacity, especially when such omission was attributable to respondent's own failure or refusal to appear for interview despite repeated invitations that he or his relatives had received. As for the absence of respondent's parents, Dr. Dela Cruz aptly explained that they could not be subjected to evaluation or examination as they were already staying abroad as illegal aliens. Nonetheless, Dr. Dela Cruz' assessment of respondent's condition cannot be considered prejudiced and partial as it was based on information she gathered from petitioner herself and the couple's relatives and common friends, and not merely on information provided by petitioner alone.

It also bears noting that **the procedures adopted by Dr. Dela Cruz in his expert opinion, including the facts and data she used to come up with his expert conclusions, are procedures, facts and data that other psychologists rendering an opinion in relation to a petition under Article 36, Family Code, would rely upon.** This is because of the very nature of Article 36 whereby *the otherwise inadmissible facts or data are the bread and butter of every psychiatric or psychological expert opinion*, that is, *psychiatrists and psychologists reasonably rely upon such type of facts and data in rendering their opinions.*

<sup>38</sup> *Republic v. Javier*, G.R. No. 210518, April 18, 2018, citing *Vinas v. Parel-Viñas*, 751 Phil. 762, 769-770 (2015).

<sup>39</sup> *Zamora v. Court of Appeals*, 543 Phil. 701, 708 (2007).

Thus, our case law has reminded trial courts to give due regard to expert opinion on the parties' psychological and mental disposition.<sup>40</sup> In *Kalaw v. Fernandez*:<sup>41</sup>

Moreover, it is already settled that the courts must accord weight to expert testimony on the psychological and mental state of the parties in cases for the declaration of the nullity of marriages, for by the very nature of Article 36 of the Family Code the 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."<sup>42</sup>

The Court rules that the totality of evidence presented here has sufficiently established that respondent is afflicted with psychological incapacity which hindered him from performing his duties as husband to petitioner.

Petitioner testified on how respondent fail to observe mutual love, respect, and fidelity, let alone, render mutual help and support to her. She mainly averred that they were no longer living together as husband and wife. Respondent had abandoned her and is already living with his paramour and their daughter.<sup>43</sup> He had been abusing her physically, mentally, and emotionally. He had been having illicit affairs with older and married women while ignoring and rejecting her need for love, affection and intimacy. He often mocked, insulted and called her names, such as "thin," "ugly," and "old hag." He was short-tempered and violent. He frequently hurt or assaulted her physically, even causing her to get hospitalized and suffer a miscarriage. His lackadaisical and irresponsible attitude often caused his termination from employment and left him jobless and unable to support the family. All these reflect his lack of remorse, deception, impulsivity, irritability, aggressiveness, physical assault and intimidation, reckless disregard for the safety of others, unwillingness to meet normal standards for work, support and parenting, and failure to conform to social norms with respect to lawful behaviors.<sup>44</sup>

To aid in her assessment of the couple's psychological condition, Dr. Dela Cruz gave questionnaires to the other informants consisting of the couple's friends and relatives. Their answers to the questionnaires elicited the various behaviors which they reportedly observed from respondent. Dr. Dela Cruz then collated and reflected this information in her report.

<sup>40</sup> *Tani-De La Fuente v. De La Fuente, Jr.*, 807 Phil. 31, 48 (2017), citing *Halili v. Santos-Halili*, 607 Phil. 1, 4 (2009).

<sup>41</sup> 750 Phil. 482 (2015).

<sup>42</sup> *Id.* citing *Ngo Te v. Yu-Te*, supra note 34, at 700.

<sup>43</sup> *Rollo*, p. 76.

<sup>44</sup> *Id.* at 29-20, 52-52.

Dr. Dela Cruz's clinical documentation<sup>45</sup> indubitably showed that respondent exhibited the following behaviors as observed by petitioner and the other resource persons: anger, baiting and picking fights, belittling, condescending and patronizing speech, blaming, bullying, chaos manufacture, cheating, chronic broken promises, emotional abuse, impulsiveness and impulsivity, lack of boundaries, lack of conscience, manipulation, "not my fault" syndrome, objectification, pathological lying, physical abuse, raging, violence and impulsive aggression, testing, threats, and verbal abuse.<sup>46</sup>

After keen assessment and evaluation of petitioner and information gathered from the latter herself and other informants, Dr. Dela Cruz diagnosed respondent to be suffering from "Axis II Anti-Social Personality Disorder" characterized by a pervasive pattern of disregard for and violation of the rights of others. She found that respondent was: (1) deceitful, as indicated by his repeated lying and conning method to achieve personal pleasure; (2) consistently irresponsible, as indicated by his repeated failure to sustain consistent work behavior or honor financial obligations; and (3) lacked remorse, as indicated by being indifferent to or rationalizing his having hurt or mistreated others.<sup>47</sup>

Dr. Dela Cruz showed a medical link between respondent's psychological incapacity and the acts or behaviors that manifest the same. Her testimony, as corroborated by petitioner, amply proved that respondent's anti-social personality disorder made him deceitful, irresponsible, remorseless, unfaithful, violent, ill-tempered, and inconsiderate of other's safety. It was so grave and serious to the point that it distorted his concept of marital relationship, thus, incapacitating him to fully comprehend, assume, and carry out the essential marital obligations.<sup>48</sup> It has also caused great damage to the spouses' marital union, as well as their social and personal relationships.<sup>49</sup> She explained that respondent's personality disorder was fully engraved into his system and has rendered him unable to pursue fundamental adult life tasks, including close and meaningful intimate relationship. It was clinically permanent with a stable and long-standing pattern. She testified that its root cause existed during respondent's teen years, arising from his family set-up.<sup>50</sup> Respondent's parents, being overseas workers, left him under the care of his uncle. His family became dysfunctional over the years, resulting in his loss of emotional and psychological continuity of contact and attachment. Respondent carried this dysfunctional concept of family on to his engagement and, later on, marriage with petitioner.<sup>51</sup>

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<sup>45</sup> *Id.* at 85-97.

<sup>46</sup> *Id.* at 88-89.

<sup>47</sup> *Id.* at 85-97, 54.

<sup>48</sup> *Id.* at 55.

<sup>49</sup> *Id.* at 96.

<sup>50</sup> *Id.* at 96.

<sup>51</sup> *Id.* at 60.

Ultimately, Dr. Dela Cruz concluded that respondent's personality disorder was clinically permanent, incurable, grave and already existent at the time of the celebration of his marriage to petitioner, albeit it became manifest only during their marriage.

To repeat, *in view of the very nature of Article 36, as psychiatrists and psychologists reasonably rely upon such type of facts and data in rendering their opinions*, courts must give due regard to expert opinion on the parties' psychological and mental disposition.<sup>52</sup>

The trial court, therefore, correctly accorded evidentiary weight to Dr. Dela Cruz' psychological evaluation and conclusions based on all the vital information she gathered from petitioner and the couple's relatives and common friends. Her findings were properly anchored on a holistic psychological evaluation of the parties as individuals and as a married couple and verified with other resource persons.

*Kalaw v. Fernandez*<sup>53</sup> further stressed that the trial court's findings and evaluation on the existence or non-existence of a party's psychological incapacity deserve credence and should be final and binding for it was in better position to observe and examine the demeanor of the witnesses while they were testifying.<sup>54</sup> We cannot ignore the trial court's findings and evaluation and substitute our own only because marriage is regarded as an inviolable social institution. The fulfilment of the State's constitutional mandate to protect marriage as an inviolable social institution only applies to a valid marriage. The Court cannot afford the same protection to a marriage that is *void ab initio* because such a marriage has no legal existence.<sup>55</sup>

Indeed, the totality of evidence has sufficiently established here that respondent is psychologically incapacitated at the time he got married to petitioner and continue to be so thereafter. He is truly non-cognitive of the basic marital covenants such as the mutual obligation to live together, observe love, respect and fidelity, and render help and support to each other. Such psychological incapacity is enough to declare the nullity of his marriage with petitioner even if such incapacity becomes manifest only after its solemnization.

In dissolving marital bonds on ground of psychological incapacity of either spouse, the Court is not demolishing the foundation of families. By preventing a person who is afflicted with a psychological disorder

<sup>52</sup> *Tani-De La Fuente v. De La Fuente, Jr.*, supra note 40, at 48, citing *Halili v. Santos-Halili*, 607 Phil. 1, 4 (2009); *Kalaw v. Fernandez*, supra note 41, at 510.

<sup>53</sup> Supra note 41.

<sup>54</sup> *Id.* at 500-501 citing *Collado v. Intermediate Appellate Court*, 283 Phil. 102, 109 (1992); *People v. Basmayor*, 598 Phil. 194, 207-208 (2009).

<sup>55</sup> *Kalaw v. Fernandez*, supra note 41, at 500-501.

and incapable of complying with the essential marital obligations from remaining in that sacred bond, the Court is actually protecting the sanctity of marriage. In the first place, there is no marriage to speak of since it is void from the very beginning.<sup>56</sup> As *Ngo Te v. Yu-Te*<sup>57</sup> aptly enunciates, the declaration of nullity of marriage under Article 36 will merely provide a decent burial to a stillborn marriage.

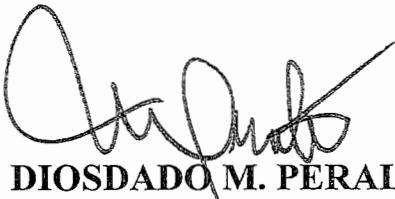
**ACCORDINGLY**, the Petition is **GRANTED**. The marriage of Bernardine S. Santos-Gantan and John-Ross C. Gantan is declared **VOID AB INITIO**. The Court of Appeals' Decision dated June 29, 2015 and Resolution dated June 3, 2016 in CA-G.R. CV No. 100277 are **REVERSED** and **SET ASIDE**. The trial Court's Decision dated February 23, 2012 in Civil Case No. 13-0-2010 FC, declaring the marriage between Bernardine S. Santos-Gantan and John-Ross C. Gantan as *void ab initio* is **REINSTATED**.

**SO ORDERED.**

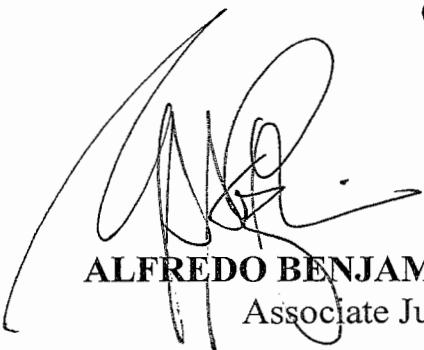


AMY C. LAZARO-JAVIER  
Associate Justice

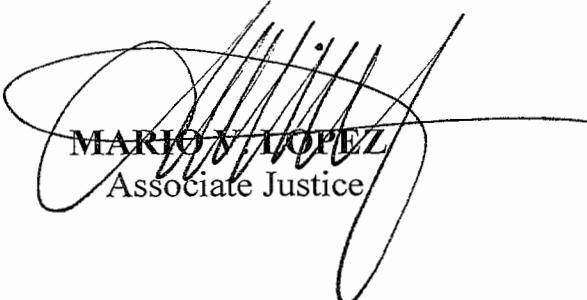
**WE CONCUR:**



DIOSDADO M. PERALTA  
Chief Justice  
Chairperson – First Division



ALFREDO BENJAMIN S. CAGUIOA  
Associate Justice



MARICEL V. LOPEZ  
Associate Justice

<sup>56</sup> *Ngo Te v. Yu-Te*, supra note 34, at 698.

<sup>57</sup> *Id.* at 699.

**RICARDO R. ROSARIO**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VII of the Constitution, 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