



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 219709

Petitioner, Present:

PERLAS-BERNABE, * S.A.J.,
 HERNANDO, *Acting Chairperson,*
 INTING,
 GAERLAN, and
 DIMAAMPAO, JJ.

- versus -

BRYAN D. YEBAN and
 MARIA FE B. PADUA-
 YEBAN,

Promulgated:

Respondents.

NOV 17 2021

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DECISION

INTING, J.:

Before the Court is a Petition¹ for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to set aside the Decision² dated May 7, 2015 and the Resolution³ dated July 27, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 03239-MIN. In the assailed issuances, the CA reversed the Decision⁴ dated January 10, 2013 of Branch 19, Regional Trial Court (RTC), Cagayan de Oro City in FC Civil Case No. 2009-065 dismissing the petition for declaration of nullity of marriage filed by Bryan D. Yeban (Bryan) against Maria Fe B. Padua-Yeban (Fe) under Article 36 of the Family Code.

* On official leave.

¹ *Rollo*, pp. 9- 24.

² *Id.* at 28-49; penned by Associate Justice Maria Filomena D. Singh with Associate Justices Oscar V. Badelles and Edward B. Contreras, concurring.

³ *Id.* at 51-52; penned by Associate Justice Maria Filomena D. Singh with Associate Justices Oscar V. Badelles and Pablito A. Perez, concurring.

⁴ *Id.* at 74-80; penned by Presiding Judge Evelyn Gamotin Nery.

The Antecedents

Bryan and Fe met sometime in 1996 as officemates at PCI Bank in Cagayan de Oro City. After six months of courtship, they became sweethearts, and subsequently they got married in civil rites on March 24, 1998. On November 7, 1998, they had a church wedding in San Antonio de Padua Parish.⁵ Their marriage produced two sons: Duke Daniel P. Yeban, born on April 6, 1999;⁶ and Ethan Duane P. Yeban (Ethan), born on November 12, 2000.⁷

On October 15, 2009, Bryan filed with the RTC of Cagayan de Oro City a Petition⁸ for Declaration of Nullity of Marriage against Fe on the ground of psychological incapacity.

Despite service of summons, Fe failed to file her answer.⁹

Trial ensued.¹⁰

In his petition, Bryan alleged the following:

Prior to the marriage, Fe confided to Bryan that she had a long-standing conflict with her mother. Her mother was very strict and would even beat her.¹¹

When Bryan was set to be transferred to PCI Bank, Davao Branch, he acceded to Fe's request that she get out of the clutches of her mother; thus, his decision to marry Fe. Their civil wedding was attended only by their friends. After the birth of their first son, they moved in and lived with his parents. Unfortunately, Fe had a conflict with his mother, Quirina D. Yeban (Quirina), which got worse when Fe was pregnant with their second son, Ethan. In one instance, Fe had a heated altercation with Quirina which ended up with Fe getting a knife and brandishing it

⁵ *Id.* at 28-29.

⁶ See Certificate of Live Birth of Duke Daniel P. Yeban, *id.* at 72.

⁷ See Certificate of Live Birth of Ethan Duane P. Yeban, *id.* at 73.

⁸ *Id.* at 58-69.

⁹ *Id.* at 14.

¹⁰ *Id.*

¹¹ *Id.* at 61.

at Quirina's face. Bryan and Fe subsequently decided to move out of his parents' house.¹²

At work, Fe often contradicted bank policies implemented by Bryan, being the senior officer, thereby compromising his career and dignity. There was even an incident where it came to a point that Fe had to be transferred to another position as punishment for her refusal to sign her evaluation report.¹³

Eventually, Fe got tired of her work and became discontented with the state of her life that she wanted to go abroad and be free. With Bryan's consent and support, she left in 2005 and started to work in a bank in Dubai.¹⁴ With her earnings, Fe barely sent money for their kids, yet she sent money to her mother and siblings. Her calls became less frequent.¹⁵ In one of their conversations, Bryan asked Fe of her plans for the future. She answered that she intended to stay in Dubai for the next five to 10 years. When Bryan told her that it was quite long, she asked him whether he could afford to support her if she went home. Bryan answered that she spent too much on her lifestyle; hence, he could not afford to support her and that his priorities are the kids and their family.¹⁶

When Fe would come home from abroad, she would live and transfer between two houses – their family house at San Agustin and her house in Kalambaguhan Street, Cagayan de Oro City. Bryan and Fe no longer shared a room whenever she visited, and the last time they were together was in April 2009.¹⁷

Fe came home sometime in December of 2009. However, she and Bryan did not see each other because he was in Butuan at the time. His mother merely called him to inform him that Fe went to their house and fetched the children.¹⁸

¹² *Id.* at 29 and 61-62.

¹³ *Id.* at 29 and 62-63.

¹⁴ *Id.* at 64.

¹⁵ *Id.* at 30.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

In support of his case, Bryan presented his mother, Quirina, and Dr. Maria¹⁹ Nena R. Peñaranda (Dr. Peñaranda), a practicing psychiatrist.

Quirina testified that she only met Fe once prior to her marriage with her son, Bryan. It was during their town fiesta when Bryan invited Fe to their house. Her first impression was that Fe treated his son as some sort of a “waiter” as she would instruct him to get her food and water.²⁰

Meanwhile, Dr. Peñaranda, in her Psychological Evaluation Report, concluded that Fe is psychologically incapacitated to fulfill the essential marital obligations, to wit:²¹

x x x The manifestations of narcissistic personality disorder in the respondent [Fe] is seen in her lack of empathy to the feelings and needs of her family. She did not take care of her children and her husband even when they were sick. She handles criticisms, even when constructive, poorly. This can be seen in her frequent conflicts with her mother-in-law, her co-workers and her superiors. She showed arrogant and haughty behaviour. She also expected others, including her spouse, to automatically comply with her wishes. This pattern of behavior was seen even prior to the marriage of the couple in her being demanding of her then boyfriend's [Bryan] time. The other manifestations of narcissistic personality disorder became more evident when the couple married and the duties and obligations of marriage became pronounced on the respondent [Fe]. This maladaptive pattern of responding to the demands of married life on the part of the respondent [Fe] was pervasive and consistent throughout the time that she lived with the petitioner [Bryan] and even when they were already separated. The pervasiveness of this maladaptive behaviour led to the separation of the spouses, hence it is grave enough to cause the breakup of the marital union.²²

RTC Ruling

On January 10, 2013, the RTC rendered a Decision²³ denying Bryan's petition, the dispositive portion of which reads:

¹⁹ Spelled as "Ma." in the *rollo*.

²⁰ *Rollo*, p. 30.

²¹ As culled from the Comment dated April 8, 2016, *id.* at 144-147.

²² *Id.* at 146.

²³ *Id.* at 74-80.

ALL THE FOREGOING CONSIDERED, the Petition to have the marriage of Petitioner Bryan D. Yeban to Respondent Maria Fe B. Padua declared a nullity is DENIED.²⁴

Aggrieved, Bryan filed a Motion for Reconsideration²⁵ of the RTC Decision. Finding the arguments in the motion unmeritorious, the RTC denied the motion in its Order²⁶ dated April 29, 2013.

Unsatisfied, Bryan appealed the denial of his petition to the CA.²⁷

CA Ruling

In the Decision²⁸ dated May 7, 2015, the CA reversed and set aside the RTC Decision and found Fe to be psychologically incapacitated to perform her essential marital obligations, and thus, declared Fe's marriage to Bryan as null and void, *viz.*:

WHEREFORE, the appeal is GRANTED. The Decision dated January 10, 2013 in Civil Case No. 2009-065 of the Regional Trial Court, Branch 19, Cagayan de Oro City is REVERSED and SET ASIDE. Accordingly, the marriage between BRYAN D. YEBAN and MARIA FE B. PADUA is declared null and void under Article 36 of the Family Code as amended.

SO ORDERED.²⁹

The Republic (petitioner), through the Office of the Solicitor General (OSG) moved for reconsideration,³⁰ but the CA denied it in its Resolution³¹ dated July 27, 2015.

Hence, the instant petition.

The OSG argues that the CA Decision has no basis in fact and in law. It argues that the root cause of the alleged psychological illness and

²⁴ *Id.* at 80.

²⁵ *Id.* at 81-92.

²⁶ *Id.* at 93-94.

²⁷ See Notice of Appeal dated March 15, 2013, *id.* at 95-96.

²⁸ *Id.* at 28-49.

²⁹ *Id.* at 48.

³⁰ See Motion for Reconsideration (Re: Decision dated May 7, 2015) dated May 28, 2015, *id.* at 132-139.

³¹ *Id.* at 51-52.

its incapacitating nature was not established because Fe was never personally examined by Dr. Peñaranda.³²

The Court's Ruling

The Court denies the petition.

Article 36 of the Family Code, as amended,³³ 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.

In deciding cases involving nullity of marriage on the ground of psychological incapacity, the Court in *Republic v. Court of Appeals and Molina*³⁴ (*Molina*) laid down the following guidelines, to wit:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. x x x.

(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. x x x.

(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. x x x.

(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. x x x.

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. x x x.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and

³² *Id.* at 16-18.

³³ As amended by Executive Order No. 227, entitled "Amending Executive Order No. 209, Otherwise Known as the Family Code of the Philippines," approved on July 17, 1987.

³⁴ 335 Phil. 664 (1997).

wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. x x x.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x.

x x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition. x x x.³⁵

Parenthetically, for a husband to be entitled to a declaration of the nullity of his marriage with his wife under Article 36, the totality of the evidence presented must sufficiently prove that his wife's psychological incapacity was grave, incurable, and existing prior to the time of the marriage, and vice-versa.³⁶

Unfortunately, the foregoing guidelines turned out to be too rigid, such that petitions for declaration of nullity were practically condemned to the fate of certain rejection. In hindsight, the Court stated that it may have been stringent in imposing such a rigid set of rules in resolving all cases of psychological incapacity.³⁷ In *Ngo Te vs. Gutierrez Yu-Te*,³⁸ the Court noted that the *Molina* guidelines were intended to prevent the dissolution of the Filipino family, an inviolable social institution, at the whim of the parties. Its rigid application to every instance, 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.”³⁹

Be that as it may, the CA found that Bryan was able to comply with the guidelines set in preceding jurisprudence.⁴⁰ It held that the

³⁵ *Id.* at 676-680. Citation, omitted.

³⁶ See *Mendoza v. Rep. of the Phils.*, 698 Phil. 241, 243 (2012).

³⁷ See *Kulaw v. Fernandez*, 750 Phil. 482, 514 (2015).

³⁸ 598 Phil. 666 (2009).

³⁹ *Id.* at 696.

⁴⁰ *Rollo*, p. 40.

totality of the evidence presented by Bryan shows more than just a mere difficulty or even refusal on the part of Fe to perform her marital and parental obligations.

The Court agrees with the CA.

Records show that Bryan was able to comply with the rigid requirements set forth in *Molina*, to wit:

First, Bryan successfully discharged his burden to prove the psychological incapacity of his wife. Apart from Bryan's testimony, he presented witnesses who corroborated his allegations regarding his wife's behavior: x x x.

x x x x

Second, the root cause of Fe's psychological incapacity has been medically or clinically identified, alleged in the petition, and sufficiently proven by expert testimony.

x x x x

The difficult relationship Fe has with her mother, which started in childhood and which continues to the present, is the root cause of Fe's personality disorder. The physical abuse Fe has experienced at the hands of her very own mother has scarred her for life as it has patently caused her to be hardened to the point of callousness, a defense mechanism to insulate herself from feeling anything at all. This made Fe lose her human trait of empathy for other people. This also likely killed her maternal instincts. x x x.

x x x x

Third, Fe's psychological incapacity was established to have clearly existed at the time of and before the celebration of her marriage to Bryan. Even before their marriage, Bryan testified to the manifestations of Fe's personality disorder such as when he found Fe to be uncompromising and hard-headed.

x x x x

Fourth, The gravity of Fe's psychological incapacity was adequately related.

Dr. Peñaranda affirmed Bryan's testimony and declared that Fe is suffering from narcissistic personality disorder based on her behavioral pattern x x x.

x x x x

Fifth[,] Fe is evidently unable to comply with the essential marital obligations as embraced by Articles 68 to 71 of the Family Code. x x x In this case, Fe's unilateral decision to work abroad and be separated from her husband and children shows a wanton disregard for her children's moral, emotional and mental development, not to mention her husband's feelings. Worse, Fe, despite her earnings in Dubai, has not helped Bryan in supporting the needs of the children. This is an inexplicable disregard of her duty as a parent to safeguard and protect her children x x x.

x x x x

Lastly, Fe's psychological incapacity was shown to be medically or clinically permanent or incurable.

The expert witness testified that Fe's personality disorder is incurable because she herself is not aware that her maladaptive behavior is causing a problem in her relationships. x x x.⁴¹

The totality of the evidence presented shows that as a wife and a mother, Fe lacks empathy for the feelings and needs of her family and is unable to identify and realize the emotional needs and feelings of other people. This is further bolstered by the fact that she unilaterally decided to live by herself in Dubai. Worse, despite being gainfully employed thereat, she did not even help Bryan in supporting the needs of their children. The CA is thus correct in holding that the gravity, incurability and the root cause of Fe's psychological incapacity were sufficiently established.

Clutching at straws, petitioner contends that the CA Decision lacks factual and legal basis *solely* because Dr. Peñaranda never personally examined and interviewed Fe.

Petitioner's contention lacks merit.

⁴¹ *Id.* at 40-45.

For one, a person afflicted with a personality disorder will not necessarily have personal knowledge thereof.⁴² In most instances, he or she may not even be aware of the problem because the abnormal behavior, which has never been corrected, comes naturally to him or her.

For another, "*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.*"⁴³

As such, jurisprudence abounds that 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.*"⁴⁴

In *Kalaw v. Fernandez*,⁴⁵ the Court held that there is no requirement for one to be declared psychologically incapacitated to be personally examined by a physician, to wit:

x x x Although her findings would seem to be unilateral under such circumstances, *it was not right to disregard the findings on that basis alone. After all, her expert opinion took into consideration other factors extant in the records, including the own opinions of another expert who had analyzed the issue from the side of the respondent herself. 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."*

x x x *Consequently, the lack of personal examination and interview of the person diagnosed with personality disorder, like the respondent, did not per se invalidate the findings of the experts. The Court has stressed in *Marcos v. Marcos* that there is no requirement for one to be declared psychologically incapacitated to be personally examined by a physician, because what is important is the presence of evidence that adequately establishes the party's psychological incapacity. Hence, "if the totality of evidence presented is enough to*

⁴² *Camacho-Reyes v. Reyes-Reyes*, 642 Phil. 602, 629 (2010).

⁴³ *Id.* at 627, citing Article 1 of the Family Code of the Philippines.

⁴⁴ *Id.*

⁴⁵ 750 Phil. 482 (2015).

sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.⁴⁶ (Emphasis omitted; italics supplied.)

To be sure, doctors within their field of expertise can diagnose the psychological make up of a person based on a number of factors which can be taken from different sources.⁴⁷

Here, it is undisputed that Fe was never personally examined by Dr. Peñaranda as she was already living in Dubai. Nonetheless, Dr. Peñaranda based her assessment from other informants such as Bryan, his mother, Quirina, and Fe's former co-workers. Certainly, Bryan, Quirina, and Fe's former co-workers had the occasion to interact with and experience Fe's behavioral pattern which they then relayed to Dr. Peñaranda.

Recently, in *Tan-Andal v. Andal*,⁴⁸ the Court dispensed with the requirement of permanence or incurability and held that the testimony of a psychologist or psychiatrist is not mandatory in all cases, *viz.*:

x x x Psychological incapacity is *neither* a mental incapacity *nor* a personality disorder that must be proven through expert opinion. There must be proof, however, of the durable or enduring aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. x x x.

Proof of these aspects of personality need not be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.⁴⁹

Therefore, as long as the totality of evidence presented by the petitioner shows a clear case of psychological incapacity, the testimony of an expert witness, such as Dr. Peñaranda, is not even needed.

⁴⁶ *Id.* at 502-503. Citation omitted.

⁴⁷ *Camacho-Reyes v. Reyes-Reyes*, *supra* note 42 at 629.

⁴⁸ G.R. No. 196359, May 11, 2021.


⁴⁹ *Id.*

To the Court's mind, Bryan arguably sacrificed his career and his happiness to support Fe's career and happiness. He even helped her fulfill her dreams of living and working in Dubai while he single-handedly provided for their children. Sadly, Fe never appreciated Bryan's sacrifices. Worse, she told Bryan that she had no plans of going back to the Philippines because he cannot provide her with the material things she desired. Then, little by little, Fe stopped all communications with Bryan and started living as if she was single.⁵⁰ Indubitably, Fe's constant nonfulfillment of her marital and maternal responsibilities speaks volumes about her character. The Court, thus, sees no point in compelling Bryan and Fe to stay and live together as husband and wife.

All told, the Court's mandate to protect the inviolability of marriage as the basic foundation of our society does not preclude striking down a marital union that is ill-equipped to promote family life, as in the case.⁵¹

WHEREFORE, the petition is **DENIED**. The Decision dated May 7, 2015 and the Resolution dated July 27, 2015 of the Court of Appeals in CA-G.R. CV No. 03239-MIN are **AFFIRMED**.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

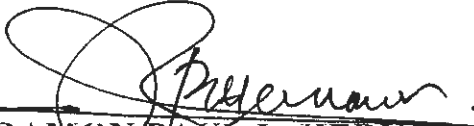
WE CONCUR:


(On official leave)
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

⁵⁰ *Rollo*, p. 65-66.

⁵¹ *Kalay v. Fernandez*, *supra* note 37 at 521-522.




RAMON PAUL L. HERNANDO
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

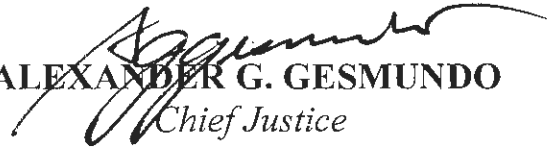
ATTESTATION

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


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ALEXANDER G. GESMUNDO
Chief Justice

