



Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
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FIRST DIVISION

RENA MONTEALTO-LAYLO,  
Petitioner,

G.R. No. 240802

Present:

- versus -

GESMUNDO, C.J., Chairperson,  
CAGUIOA,  
LAZARO-JAVIER,  
LOPEZ, M., and  
LOPEZ, J., JJ.

THOMAS JOHNSON S.  
YMBANG<sup>1</sup> and REPUBLIC OF  
THE PHILIPPINES,  
Respondents.

Promulgated:

SEP 29 2021

*[Signature]*

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DECISION

LOPEZ, J., J:

The Court resolves this Petition for Review on *Certiorari*<sup>2</sup> dated September 5, 2018, which seeks to reverse the Decision<sup>3</sup> dated April 13, 2018 and the Resolution<sup>4</sup> dated July 12, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 108948, which reversed the Decision<sup>5</sup> dated August 4, 2016 and Order<sup>6</sup> dated December 22, 2016 of the Regional Trial Court (RTC) of Lemery, Batangas in Civil Case No. 04-2016. In its rulings, the RTC granted the Petition for Declaration of Nullity of Marriage<sup>7</sup> filed by Rena Montealto-Laylo (*Rena*) against Thomas Johnson S. Ymbang (*Thomas*) on the grounds of both her and Thomas' psychological incapacities under Article 36 of the Family Code.

<sup>1</sup> Also spelled as "Jonhson" in the Report of Marriage; *rollo*, p. 54.

<sup>2</sup> *Id.* at 11-26.

<sup>3</sup> Penned by Associate Justice Renato C. Francisco, with Associate Justices Magdangal M. De Leon (retired) and Pablito A. Perez concurring; *id.* at 29-43.

<sup>4</sup> Penned by Associate Justice Renato C. Francisco, with Associate Justices Magdangal M. De Leon (retired) and Pablito A. Perez concurring; *id.* at 44-45.

<sup>5</sup> Penned by Acting Presiding Judge Eleuterio Larisma Bathan; *id.* at 44-45; *id.* at 62-67.

<sup>6</sup> *Id.* at 68-71.

<sup>7</sup> *Id.* at 46-51.

### *The Antecedents*

Rena and Thomas were married on December 23, 2010 in Dubai, United Arab Emirates, after Thomas' previous marriage to another woman was dissolved.<sup>8</sup> Shortly after their marriage, Rena stayed in Dubai while Thomas returned to the Philippines due to health issues which eventually caused the denial of his application for a Dubai resident visa.<sup>9</sup>

To establish their psychological incapacities, Rena attached to her petition a Psychiatric Report<sup>10</sup> dated March 1, 2016 prepared by Dr. Romeo Z. Roque (*Dr. Roque*), who interviewed Rena; Gilbert Laylo, Rena's brother; and Eden Espeleta, a common friend of Rena and Thomas. She also submitted her Judicial Affidavit<sup>11</sup> dated March 12, 2016. Her sister-in-law, Racquel Laylo (*Racquel*), also provided her Judicial Affidavit<sup>12</sup> dated May 31, 2016.

In his Report, Dr. Roque diagnosed Rena with Borderline Personality Disorder, which afflicted her with an insatiable craving for attention from persons she looked to as nurturing figures.<sup>13</sup> Rena also testified on the manifestations of her Borderline Personality Disorder before and during her marriage with Thomas, particularly: extreme jealousy over Thomas' interactions with his friends and family, threats to commit suicide or inflict pain on herself, loneliness and depression, refusal to entertain Thomas' calls while she was living in Dubai and Thomas in Saudi Arabia, distrustfulness of Thomas in his communications with his female friends, her constant drinking sprees, and her rumored involvement with another man.<sup>14</sup>

As for Thomas, the Report indicated that he suffered from Dependent Personality Disorder, rendering him submissive with a clinging dependence on his nurturing figures.<sup>15</sup> Thomas' supposed Dependent Personality Disorder manifested in him being indecisive and overly-attached to his sibling, constantly asking the latter for advice regarding his marital woes with Rena.<sup>16</sup>

Thomas did not file any responsive pleading to the Petition. The OSG deputized the public prosecutor to appear in the proceedings, for which the latter found no collusion between the parties.<sup>17</sup>

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<sup>8</sup> *Id.* at 47, 54.

<sup>9</sup> *Id.* at 56.

<sup>10</sup> *Id.* at 55-61.

<sup>11</sup> Records, pp. 23-29.

<sup>12</sup> *Id.* at 30-34.

<sup>13</sup> *Rollo*, p. 58.

<sup>14</sup> *Id.* at 47-48.

<sup>15</sup> *Id.* at 59.

<sup>16</sup> *Id.* at 48.

<sup>17</sup> *Id.* at 62.

On August 4, 2016, the RTC rendered its Decision<sup>18</sup> declaring the marriage between Rena and Thomas null and void on the ground of both their psychological incapacities, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring the marriage between Rena Montealto-Laylo and Thomas Jonhson S. Ymbang null and void. The Department of Foreign Affairs and the Philippine Statistics Authority, Manila are hereby ordered to expunge from the records the said marriage.

Upon finality of this decision, the Department of Foreign Affairs and National Statistics Office, Manila are hereby directed to cause the annotation and registration of this decision in their Book of Registry of Marriages and to effect the necessary acts consistent with the [c]ourt's decision.

SO ORDERED.<sup>19</sup>

The RTC particularly found the failure of Thomas' previous marriage as indicative of his psychological incapacity. For Rena's part, the RTC pointed out her outbursts of jealousy and infliction of self-harm as manifestations of her psychological incapacity.

The OSG moved for reconsideration<sup>20</sup> of the Decision dated August 4, 2016, but its motion was denied by the RTC in an Order<sup>21</sup> dated December 22, 2016. Thereafter, the OSG timely filed its Notice of Appeal.<sup>22</sup>

The CA rendered a Decision<sup>23</sup> dated April 13, 2018, reversing the RTC's ruling and disposing as follows:

WHEREFORE, premises considered, the appeal is **GRANTED**. The Decision dated 04 August 2016 and the Order dated 22 December 2016 of Branch 5, Regional Trial Court of Lemery, Batangas in Civil Case No. 04-2016 are **REVERSED and SET ASIDE**. Accordingly, the complaint for declaration of nullity of marriage filed under Article 36 of the Family Code is **DISMISSED**.

SO ORDERED.<sup>24</sup>

The CA ruled, based on the totality of evidence, that Rena failed to establish her or Thomas' psychological incapacities. It found that while Rena devoted more time to her peers than to Thomas, such translates to a mere

<sup>18</sup> *Id.* at 62-67.

<sup>19</sup> *Id.* at 67.

<sup>20</sup> Records, pp. 66-73.

<sup>21</sup> *Id.* at 68-71.

<sup>22</sup> *Id.* at 113-114.

<sup>23</sup> *Id.* at 29-43.

<sup>24</sup> *Id.* at 42.

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refusal to perform her duties as a wife, not as “outright incapability to do so.”<sup>25</sup> The CA emphasized Rena’s admission that, when they lived together, they exhibited mutual love.<sup>26</sup> On the other hand, it held that Thomas’ indecisiveness was not indicative of some incapacity.<sup>27</sup> Finally, the appellate court opined that Dr. Roque failed to explain how Rena’s and Thomas’ purported incapacities were incurable.<sup>28</sup>

Rena moved for reconsideration<sup>29</sup> which was denied by the CA in a Resolution<sup>30</sup> dated July 12, 2018.

As a result, Rena filed this instant petition arguing that the CA disregarded Dr. Roque’s expert medical findings, failed to respect the RTC’s findings of fact, and rendered a decision that ran contrary to the State’s policy on marriage.<sup>31</sup> In its Comment<sup>32</sup> dated December 14, 2018, the OSG argued that (1) the Court of Appeals did not err in rendering the Decision dated April 13, 2018, considering that Rena’s and Thomas’ purported incapacities were not grave and are merely constitutive of a refusal to perform their marital obligations, and (2) that Dr. Roque’s Report failed to trace the juridical antecedence and explain the incurability of their purported incapacities.

### *The Issue*

The core issue in this petition is whether or not the Court of Appeals erred in issuing the Decision dated April 13, 2018 and the Resolution dated July 12, 2018, thereby dismissing the petition.

### *Our Ruling*

This Court grants the Petition for Review on *Certiorari* on the authority of the recently-promulgated *En Banc* Decision in *Tan-Andal v. Andal*<sup>33</sup> (*Andal*) which restates the *Republic v. Molina*<sup>34</sup> (*Molina*) guidelines on psychological incapacity under Article 36 of the Family Code, which, for the longest time, have proven to be “restrictive, rigid, and intrusive of our rights to liberty, autonomy, and human dignity.”<sup>35</sup> In so doing, *Andal* realigns long-standing jurisprudence with the intent that Article 36 of the Family Code be “humane and evolved on a case-to-case basis but resilient in its application.”<sup>36</sup> Thus, the

<sup>25</sup> *Id.* at 40.

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

<sup>27</sup> *Id.* at 40-41.

<sup>28</sup> *Id.* at 41.

<sup>29</sup> *CA rollo*, pp. 259-271.

<sup>30</sup> *Id.* at 44-45

<sup>31</sup> *Id.* at 14.

<sup>32</sup> *Id.* at 85-99.

<sup>33</sup> G.R. No. 196359, May 11, 2021.

<sup>34</sup> 335 Phil. 664, 676-680 (1997).

<sup>35</sup> *Tan-Andal v. Andal*, *supra* note 33.

<sup>36</sup> *Id.*

*Molina* guidelines are reformulated, with the refinements underscored, as follows:

1. Burden of proof to show the nullity of the marriage, by clear and convincing evidence, 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. “Psychological incapacity” pertains, not just to a mental incapacity so as to be misconstrued as a vice of consent, nor to a personality disorder, but to the durable aspects of a person's personality, called “personality structure,” which manifests itself through clear acts of dysfunctionality that undermine the family. The spouse's personality structure must make it impossible for him or her to understand and, more importantly, to comply with his or her essential marital obligations
3. The incapacity must be proven to be existing at “the time of the celebration” of the marriage.
4. The incapacity must be legally incurable, meaning that the incapacity is so enduring and persistent with respect to a specific partner, whereby the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage.
5. Such illness must be grave enough, not in the sense of a serious or dangerous illness, to bring about the disability of the party to assume the essential obligations of marriage. Mild characterological peculiarities, mood changes, and occasional emotional outbursts are excluded.
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.<sup>37</sup>

On the first *Molina* guideline, as clarified, clear and convincing evidence is that which produces in the mind of the trier of fact a firm belief or conviction as to the allegations sought to be established.<sup>38</sup> Under this quantum of proof,

<sup>37</sup> *Republic v. Molina*, *supra* note 34.

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

which is higher than a preponderance of evidence, a party, in successfully declaring a marriage void, must proffer evidence with a higher degree of believability than that of an ordinary civil case.<sup>39</sup>

The second *Molina* guideline, as restated, must be understood in relation to the “*totality of evidence*” rule, which the Court has employed in a number of psychological incapacity cases. With this rule, the judge's scope of inquiry transcends the misplaced prominence given to expert opinion by psychologists and psychiatrists, thereby rendering such expert testimony not indispensable. Ordinary witnesses' testimonies – regarding the root cause, juridical antecedence, gravity, and incurability of the psychological incapacity – should be accorded just as much evidentiary weight as expert testimony in supporting a finding of psychological incapacity.

Thus, in the case of *Kalaw v. Fernandez*,<sup>40</sup> the Court initially brushed aside the expert testimony of a psychologist and a canon law expert, on the ground that they were based solely on therein petitioner's version of the events. Resolving the motion for reconsideration, the Court upheld the findings of these experts considering that their testimonies were largely drawn from admitted case records and undisputed facts, even if based primarily from the petitioner's own narration, and even while one of them was not a medical expert. In ruling that “expert opinion should be considered not in isolation but along with other evidence presented[,]”<sup>41</sup> this Court elucidated:

Verily, the totality of the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself. If other evidence showing that a certain condition could possibly result from an assumed state of facts existed in the record, the expert opinion should be admissible and be weighed as an aid for the court in interpreting such other evidence on the causation. Indeed, an expert opinion on psychological incapacity should be considered as conjectural or speculative and without any probative value only in the absence of other evidence to establish causation. The expert's findings under such circumstances would not constitute hearsay that would justify their exclusion as evidence.<sup>42</sup>

In *Azcueta v. Republic*,<sup>43</sup> the Court downplayed the OSG's attempt to discredit the psychiatrist's expert opinion on the ground that she had not personally examined the respondent spouse. Still, the Court found that the psychiatrist had formed an expert opinion based on facts established by the spouse and her relative through their personal testimony – facts which sufficiently established psychological incapacity:

<sup>39</sup> *Id.*, citing *Riguer v. Atty. Mateo*, G.R. No. 222538, June 21, 2017, 811 Phil. 538, 547 (2017).

<sup>40</sup> 673 Phil. 460, 475 (2011).

<sup>41</sup> *Kalaw v. Fernandez*, 750 Phil. 482, 523 (2015).

<sup>42</sup> *Id.* at 503. (Citations omitted; underscoring ours)

<sup>43</sup> 606 Phil. 177, 190-191 (2009).

It should be noted that, apart from her interview with the psychologist, petitioner testified in court on the facts upon which the psychiatric report was based. When a witness testified under oath before the lower court and was cross-examined, she thereby presented evidence in the form of testimony. Significantly, petitioner's narration of facts was corroborated in material points by the testimony of a close relative of Rodolfo. Dr. Villegas likewise testified in court to elaborate on her report and fully explain the link between the manifestations of Rodolfo's psychological incapacity and the psychological disorder itself. It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof. Since the trial court itself accepted the veracity of petitioner's factual premises, there is no cause to dispute the conclusion of psychological incapacity drawn therefrom by petitioner's expert witness.<sup>44</sup>

As aptly summarized in *Andal*, expert testimony is not indispensable:

Proof of these aspects of personality need not only 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.<sup>45</sup>

Further expounding on the fourth *Molina* guideline, as restated, personality structures that lead to clashes, and marital defects triggered by these clashes, should not be characterized with permanence that applies to all kinds of relationships. A finding of psychological incapacity should be limited to the specific spouse with whom the void marriage was contracted.<sup>46</sup> After all, persons found psychologically incapacitated relative to a former spouse could very well be capacitated with respect to a different partner. Not only being an illness in a medical sense, psychological incapacity is not something to be healed and cured.<sup>47</sup>

In light of the foregoing refinements, the Court finds that only Rena is psychologically incapacitated, such finding still sufficiently warrants the declaration of nullity of her and Thomas' marriage.

The Court lends credence to the testimony of Dr. Roque<sup>48</sup> who prepared his Report after conducting interviews, mental status examinations, psychological evaluations, and gathering collateral information. Dr. Roque sourced his information from Rena, her brother, and a common friend of the

<sup>44</sup> *Id.*

<sup>45</sup> *Tan-Andal v. Andal*, *supra* note 33.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Dr. Roque is a Doctor of Medicine, Diplomate of the Philippine Board of Psychiatry, Fellow of the Philippine Psychiatric Association Vice-Chairman of the Philippine Mental Health Association (Batangas Chapter), and Vice-President of the Southern Tagalog Group of Psychiatrists; records, p. 11.

spouses.<sup>49</sup> Dr. Roque found that Rena suffered from Borderline Personality Disorder, thereby exhibiting a pervasive pattern of mood instability as a result of constant emotional crisis. This causes her to struggle with real or imagined abandonment, suffer from identity disturbance and poor self-image leading to insecurity and jealousy, exhibit affective instability and anger-management issues, impulsiveness, and chronic depression. While persons with this disorder constantly seek companionship and develop clinging dependency, such can morph into expressions of rage once they feel that their needs are left unfulfilled.<sup>50</sup>

On the other hand, Dr. Roque reported Thomas as suffering from Dependent Personality Disorder, thereby exhibiting a pervasive pattern of emotional vulnerability, resulting to a submissive and clinging dependence on nurturing figures, causing him difficulty in making decisions, in initiating projects, expressing disagreement, and engendering a feeling of discomfort when alone, and making him weak and passive and unable to adequately handle positions of responsibility.<sup>51</sup>

Dr. Roque connected these disorders with the couple's marital dysfunctions, particularly, Rena's Borderline Personality Disorder which led her to give more time to her peers, rather than resuscitate her deteriorating marriage; cultivated an abusive attitude towards Thomas; and encouraged self-mutilating acts such as threats of suicide, and actual self-infliction such as banging her head on the walls, or intentionally scratching her arms with sharp objects. Meanwhile, Thomas's Dependent Personality Disorder induced indecisiveness in essential marital conflicts for which he would often defer to his sibling for advice on how to address marital issues, such as confronting Rena about her supposed unfaithfulness, or deciding where the couple would settle.

Consistent with the interface between expert and personal testimony, Rena's and Racquel's Judicial Affidavits detailed the various manifestations of the disorders identified by Dr. Roque. Particularly, Rena often exhibited extreme jealousy, fighting Thomas whenever the latter would communicate with his own male friends and family. Rena even intruded into Thomas' privacy by unauthorizedly accessing his social media accounts when, according to Racquel, there really was no reason for Rena to worry since Thomas hardly accessed such accounts, much less had any meaningful communications with other persons. When faced with long-distance issues, Rena opted to just spend nights out with her friends, rather than work through things with Thomas, eventually even accusing him of being unfaithful.

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<sup>49</sup> *Id.* at 36.

<sup>50</sup> *Id.* at 14-15.

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

Corollarily, this Court finds only Rena psychologically incapacitated to fulfill her marital obligations. While Thomas invited her to live together in Saudi Arabia, Rena ascribed more weight to her job in Dubai, thereby defeating their joint obligation to live together<sup>52</sup> and to fix the family domicile.<sup>53</sup> While economic independence should not automatically give way to requests for domestic bliss, Rena did not even extend any understanding or willingness to compromise with Thomas, exhibiting a failure to grasp the importance of marital cohabitation. Moreover, instead of supporting each other and pooling their resources<sup>54</sup> and efforts at managing a household,<sup>55</sup> Rena is more inclined to spend nights out with her peers, yet at the same time, equivocate between quarreling with Thomas when he attempted reconciliation, and then faulting him with indecisiveness.

Indeed, the sanction for marriage is the spontaneous, mutual affection between husband and wife and not any legal mandate or court order to enforce consortium.<sup>56</sup> It must be viewed with respect, sacrifice and a continuing commitment to togetherness, conscious of its value as a sublime social institution.<sup>57</sup> Clearly, the durable aspects of Rena's personality, particularly her Borderline Personality Disorder, debilitates her from grasping these values and fulfilling her marital obligations to Thomas.

The OSG leans heavily on Dr. Roque's supposed failure to connect Rena's psychological incapacity to any manifested inability to fulfill her marital obligations. On the contrary, Dr. Roque did identify various marital dysfunctions as manifestations of Rena's Borderline Personality Disorder. Contributing to the deterioration of her marriage with Thomas was her choosing her peers over Thomas, most critically while the latter sought gainful employment in Saudi Arabia; her abusive nature towards Thomas which would leave disagreements at a deadlock, as well as her self-mutilating acts which, apart from aggravating the marriage, also inflicted psychological and emotional stress on Thomas. At any rate, as earlier emphasized, expert testimony is not indispensable, and the courts will appreciate the totality of evidence, with Dr. Roque's Report being duly complemented by Rena's and Racquel's Judicial Affidavits.

This Court finds no psychological incapacity with Thomas seeking advice in attempting to resolve their marital woes. If at all, such behavior demonstrates that he recognizes his and Rena's marital obligations, and is exerting genuine efforts to fulfill the same. Specifically, he even asked her to live together with him again in Saudi Arabia. The long distance between them was wedged, not by any psychological incapacity on the part of Thomas, but

<sup>52</sup> The Family Code, Art. 68.

<sup>53</sup> The Family Code, Art. 69.

<sup>54</sup> The Family Code, Art. 70.

<sup>55</sup> The Family Code, Art. 71.

<sup>56</sup> 413 Phil. 754, 760 (2001).

<sup>57</sup> *In re of the Petition for Habeas Corpus of Ilusorio v. Ilusorio-Bildner*, 413 Phil. 754, 760 (2001).

by the circumstance of the non-renewal of his Visa. It bears stressing that Article 36 of the Family Code still “contemplates downright incapacity or inability to take cognizance of and assume the basic marital obligations[.]”<sup>58</sup> and Thomas is not shown to exhibit such incapacity.

While the Court has previously considered Dependent Personality Disorder as constitutive of psychological incapacity,<sup>59</sup> this Court in *Azcueta v. Republic*<sup>60</sup> enunciated that:

x x x [T]his is not to say that anyone diagnosed with dependent personality disorder is automatically deemed psychologically incapacitated to comply with the obligations of marriage. xxx It is the duty of the court in its evaluation of the facts, as guided by expert opinion, to carefully scrutinize the type of disorder and the gravity of the same before declaring the nullity of a marriage under Article 36.

That Rena's incapacity is juridically antedated is established by Dr. Roque's Report and Rena's own testimony. Being the seventh out of nine siblings, Rena often had to compete for her parents' attention, which mostly would only come from her mother as her father worked overseas. Her Borderline Personality Disorder can be traced to her feeling of deprivation and rejection throughout her infancy, childhood, and adolescent years. Between such periods in her life and her marriage with Thomas, she had exhibited the above-detailed dysfunctions even in their two months of courtship.

On this requirement, each individual, being unique and having their respective personality, brought about by the culture, upbringing, and influence of the environment surrounding them, when paired with another, does not always result in a utopian partnership. There are personalities that can easily adopt with each other and bring out the good in each of them, producing a healthy and harmonious relationship, while others become oppositely repulsive as they live together as husband and wife. Verily, it is only when the spouses live together under one roof that the personalities of each of the spouses are freely exposed and discovered. Consequently, their reaction towards this new discovery would manifest their respective personalities, which could either be good for the marriage or may serve as a trigger to reveal an inherent inability to perform marital obligations.<sup>61</sup>

Being embedded in the individuality of every human being, the personality structure of a married person is continuously unearthed by the constant interaction with the marriage itself and with the personality of his or her spouse. Throughout the interaction, when the personality structures of each of the spouses result in clashes, leading towards a grave incompatibility

<sup>58</sup> *Paras v. Paras*, 555 Phil. 786, 810 (2007).

<sup>59</sup> *Ngo Te v. Yu-Te*, 598 Phil. 666, 708-709 (2009).

<sup>60</sup> *Supra* note 34, at 190-191.

<sup>61</sup> *Tan-Andal v. Andal*, *supra* note 33.

that is equivalent to the inability to perform the essential obligations of marriage, then it can be said that a defect in the marriage exists. The clashes in the personality structures must however be interrelated with behavioral patterns, experiences or actions taken by one of the spouses, which existed prior to the marriage. Tying these principles back to the totality of evidence rule, the testimony of relatives, friends, and neighbors who had an encounter, or observed the spouse alleged to be psychologically incapacitated, will be given sufficient weight. The behaviors and actuations of a party to a petition for nullity of marriage may thus be examined without the need for an expert testimony.<sup>62</sup>

Such juridical antecedence must be the case in order to distinguish psychological incapacity, as a ground for nullity of marriage, from divorce. Consistent with *Marcos v. Marcos*,<sup>63</sup> this Court stated that:

Article 36 of the Family Code, we stress, is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves. It refers to a serious psychological illness afflicting a party even before the celebration of the marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. These marital obligations are those provided under Articles 68 to 71, 220, 221 and 225 of the Family Code.<sup>64</sup>

On gravity, Rena's behavior clearly exhibits more than sporadic refusal, neglect, or difficulty in complying with marital duties. Rena fails to grasp the importance of open and honest communication when, at times that Thomas reached out to her despite their long distance, she just shut him off and went on nights out with her friends. When confronted about such indifference, her affective instability would cause her to lash out at Thomas. In the times that they were together, instead of talking things through with Thomas, her anger issues would lead her to inflict self-harm by banging her head on hard surfaces and scratching her arms with sharp objects. Finally, Rena's Borderline Personality Disorder leaves her prevaricating between craving Thomas' attention, yet, also reproaching him when he does reach out to her.

Notably, under the stricter and outdated standard of incurability, the instant petition would have failed. The Court would have sustained the Court of Appeals in finding that Rena's incurability was not medical nor scientific. But, as modified by *Andal*, incurability is construed in the legal sense, *i.e.*, that, given the utter incompatibility in personalities, the union faces inevitable decline despite genuine opportunities at rehabilitation.

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<sup>62</sup> *Id.*

<sup>63</sup> 397 Phil. 840 (2000).

<sup>64</sup> *Id.* at 851 (2000).

Concomitant to the concept of personality structure in marriage is its inter-relation which entangles the personality structure of a person towards that of his or her spouse. Two personality structures are involved and carefully analyzed if the clashes between the two have indeed resulted in the inability of one of the spouses to perform the essential obligations of marriage. As a specific personality structure is examined based on how one interacts with another, this means that any inability of one of the spouses to perform marital obligations came to light because of the interaction of these specific personality structures. Any declaration that a person is psychologically incapacitated to perform marital obligations must thus be limited to his or her marriage with the specific spouse with whom he contracted the void marriage. It should not be considered as an innate inability on the part of the person determined to be psychologically incapacitated to enter into a marriage with another person with a different personality structure. The psychological incapacity under Article 36 of the Family Code must not therefore be characterized with incurability, which is equated to be medically permanent.<sup>65</sup>

It is with the foregoing principles in mind that this Court finds no incurability on the part of Thomas. Rather than displaying incurability, his desire to fix their marriage, and exert efforts towards bringing them to live together, actually shows promise. At the very least, it demonstrates a clear recognition of his marital obligations to Rena – a personal circumstance which completely negates psychological incapacity.

While Thomas' own Dependent Personality Disorder does not afflict him with psychological incapacity, it surely exacerbates Rena's own Borderline Psychological Incapacity. Rena's yearning for affection is clearly unmet by Thomas' indecisiveness, and her erratic and harsh attitude towards him dwarfs his own insecurities. These incompatibilities lead to outbursts that are far more counterproductive than they are helpful in resolving their marital conflict. The frictions between the spouses cause clear patterns, and not merely isolated instances, of marital dysfunction. It is no wonder that they only spent two months of marriage together and, thereafter, had been separated for four years when the Petition was filed. So much could have been done to rehabilitate their marriage in those four years, but Rena's psychological incapacity is so enduring so as to hinder any effort therefor.

Appreciating the totality of all the foregoing, the Court finds that the Petition has surmounted the presumed validity of Rena's and Thomas' marriage, by clearly and convincingly demonstrating that the marriage is void due to Rena's psychological incapacity.

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<sup>65</sup> *Tan-Andai v. Andai*, *supra* note 33.

It is hoped that, with this ruling, and with a torrent of psychological incapacity petitions still to be filed and resolved, this Court's concerns in *Ngo Te v. Yu-Te*<sup>66</sup> would be put to rest:

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

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In dissolving marital bonds on account of either party's psychological incapacity, the Court is not demolishing the foundation of families, but it is actually protecting the sanctity of marriage, because it refuses to allow a person afflicted with a psychological disorder, who cannot comply with or assume the essential marital obligations, from remaining in that sacred bond. It may be stressed that the infliction of physical violence, constitutional indolence or laziness, drug dependence or addiction, and psychosexual anomaly are manifestations of a sociopathic personality anomaly. Let it be noted that in Article 36, there is no marriage to speak of in the first place, as the same is void from the very beginning. To indulge in imagery, the declaration of nullity under Article 36 will simply provide a decent burial to a stillborn marriage.<sup>67</sup>

**WHEREFORE**, the Petition for Review on *Certiorari* dated September 5, 2018 is **GRANTED**. The Decision dated April 13, 2018 and the Resolution dated July 12, 2018 the Court of Appeals in CA-G.R. CV No. 108948 are **REVERSED and SET ASIDE**. The Decision dated August 4, 2016, and the Order dated December 22, 2016 of the Regional Trial Court, Branch 5, Lemery, Batangas, in Civil Case No. 04-2016, which declared the marriage between Rena Montealto-Laylo and Thomas Johnson S. Ymbang null and void, are hereby **REINSTATED**.

**SO ORDERED.**

  
**JHOSEP Y. LOPEZ**  
Associate Justice

<sup>66</sup> *Supra* note 59.

<sup>67</sup> *Id.* at 695-696. (Citations omitted)

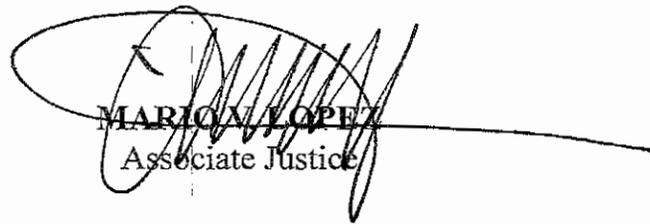
**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice



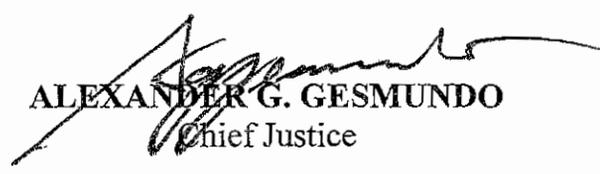
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

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

  
**MARION LOPEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII 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.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice