



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RAHNILL BUHIAN ZAMORA,⁴
Petitioner,

G.R. No. 253993

Present:

-versus-

LEONEN, J., Chairperson,
LAZARO-JAVIER,*
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

LOURDES MAGSALAY-ZAMORA
AND THE REPUBLIC OF THE
PHILIPPINES,
Respondents.

Promulgated:
OCT 23 2023

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DECISION

LEONEN, J.:

A psychological assessment report is not an indispensable requirement for the declaration of nullity of marriage. What matters is that the totality of evidence presented establishes the concerned spouse's psychological condition.¹

This Court resolves the Petition for Review on *Certiorari*² under Rule 45 of the Rules of Court, praying that the assailed Orders³ of the Regional

* On official business.

¹ *Marcos v. Marcos*, 397 Phil. 840, 850–852 (2000) [Per J. Panganiban, Third Division].

² *Rollo*, pp. 8–21.

³ *Id.* at 74. The June 18, 2020 Order in Civil Case No. CEB-41215 was penned by Acting Presiding Judge Dax Gonzaga Xenos of Branch 22, Regional Trial Court, Cebu City; *Id.* at 69. The January 24, 2020 Order was issued by Acting Presiding Judge Jose Nathaniel S. Andal of Branch 22, Regional Trial Court, Cebu City.

Trial Court denying Rahnill Buhian Zamora's (Rahnill) petition for declaration of nullity of marriage be reversed and set aside.

Rahnill and Lourdes Magsalay-Zamora (Lourdes) grew up in Isabel, Leyte and were schoolmates from kindergarten to high school. Their friendship eventually blossomed into a romantic relationship in high school. During college, however, their meetings became less frequent and their communication with each other ceased after they relocated to different cities.⁴

They met again sometime in 2002 when Rahnill was reviewing for his nursing board examinations. He eventually found work in Saudi Arabia, while Lourdes worked in Abu Dhabi, United Arab Emirates (UAE) as an office secretary in a private firm. When Rahnill relocated to Abu Dhabi to start a job in a government-owned hospital, they rekindled their romantic relationship.⁵

At the encouragement of Lourdes's father, the pair was married in a civil ceremony in Abu Dhabi⁶ on February 14, 2006.⁷

In December 2006, Lourdes gave birth to their daughter, Shameika.⁸ Rahnill alleged that Lourdes showed "irresponsibility and lack of support"⁹ as a wife and a mother, claiming that Lourdes left the care of their baby entirely to him.¹⁰

He recounted an instance where Lourdes kicked and scolded him for falling asleep without disposing of their garbage, despite him having fed their baby right after returning home from work.¹¹

Rahnill claimed that Lourdes told him that she did not want his relatives and friends to visit them, despite her welcoming her own friends and family to their house. He stated that Lourdes and his sister, Neriza, had a verbal tussle after Lourdes told his sister to leave their house.¹²

Following this, Lourdes packed her and Shameika's clothes and left for the Philippines. Rahnill alleged that he could not follow them as Lourdes took

⁴ *Id.* at 26-27.

⁵ *Id.* at 27.

⁶ *Id.* at 28.

⁷ *Id.* at 59.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 30.

his passport with her.¹³ About a month later, Lourdes went back to the UAE but left Shameika with her maternal grandparents in Ormoc City.¹⁴

Rahnill averred that a Protestant pastor attempted to reconcile them but he failed because Lourdes told the pastor that she did not love her husband anymore. However, her answer allegedly changed when she learned of Rahnill's salary increase.¹⁵

Rahnill and Lourdes reconciled and lived together again. However, Lourdes still showed dislike for Rahnill's mother and siblings.¹⁶

Rahnill secured a new job, and his employer provided him with a house and an educational allowance for Shameika. Thus, in June 2011, after a four-year stay in Ormoc City, their daughter returned to Abu Dhabi. They hired Mary Cris Cabello (Mary Cris), also from Ormoc City, to take care of Shameika.¹⁷

Because they had someone to help them in the house, Rahnill expected Lourdes to spend more time with him. He claimed, though, that Lourdes instead chose to sleep alone in their living room and to spend time with her friends. Whenever he was away for work, Lourdes did not initiate phone calls with him and would always cut their conversations short, as if she were in a hurry.¹⁸

In November 2013, Rahnill's mother, Esara Buhian-Zamora (Esara), went to Abu Dhabi on his sponsorship. Rahnill claimed that upon his mother's arrival, Lourdes was cold toward her and made her feel unwanted. Because of this, Esara decided to stay with Neriza.¹⁹

Rahnill recalled an instance where Esara, Neriza, and Charisse Zamora (Charisse), his youngest sister, came to their house upon his invitation. When they arrived, Lourdes asked Rahnill why they were there again.²⁰ Insulted, Rahnill's mother and sisters promptly left the house and Esara felt symptoms of high blood pressure. Neriza rushed her mother to the emergency room and Rahnill likewise went to the hospital.²¹

Rahnill claimed that he had to make a written authorization for his mother and his sisters so that they would not hesitate to stay at his family's

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 31.

¹⁷ *Id.*

¹⁸ *Id.* at 31-32.

¹⁹ *Id.* at 32.

²⁰ *Id.*

²¹ *Id.* at 33.

house.²² Still, Lourdes continued to show signs of inhospitality, such as setting the centralized air conditioning to maximum temperature, locking the controls, then leaving the house.²³ Lourdes even told Esara that “she was willing to sign even a million times”²⁴ any document to end her marriage with Rahnill, but Esara discouraged her.

Subsequently, Mary Cris suspected that Lourdes planned to return to the Philippines with Shameika. Mary Cris then informed Rahnill about this. Rahnill also claimed that Shameika sent him a text message, saying that she wanted to inform the police that she did not want to be with her mother.²⁵

Rahnill took a leave of absence from work and returned home, only to find that Lourdes and Shameika had already left for the Philippines, despite the latter still being enrolled in kindergarten in the UAE.²⁶

Returning to the Philippines, Rahnill went to Ormoc City, where he was surprised to find out that a petition for a protection order prohibiting him to go near Lourdes and Shameika was filed against him. He was anguished over his separation with his daughter, saying that they were close and fond of each other.²⁷

Rahnill also claimed that he bought Lourdes a car in Abu Dhabi and had it registered in her name out of love. However, before leaving for the Philippines, Lourdes entrusted the custody of the car to her sister with instructions not to give the car to him.²⁸

Prior to filing the Petition, Rahnill went to a clinical psychologist where he, as well as persons who knew both him and Lourdes, were interviewed. The psychologist found that Lourdes was afflicted with “comorbid symptoms of Borderline Personality Disorder . . . and Narcissistic Personality Disorder”²⁹ which were “grave, incurable and ha[d] juridical antecedence”³⁰ even though they only manifested after their marriage.

Rahnill argued that these psychological disorders prevent Lourdes from assuming her marital obligations of “living together, observ[ing] mutual love, respect, and fidelity, and render[ing] mutual help and support[.]”³¹

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 34.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 35.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 36.

³¹ *Id.*

Thus, on October 30, 2014, Rahnill filed a Petition for declaration of nullity of his marriage with Lourdes³² on the ground of psychological incapacity under Article 36 of the Family Code.³³ He also prayed that the custody of their child, Shameika, be given to him.³⁴

To prove Lourdes's psychological incapacity, Rahnill presented four witnesses: himself, Esara, Mary Cris, and expert witness Maryjun Delgado (Delgado), a psychologist.³⁵

Lourdes's counsel admitted Delgado as an expert, who testified by way of a judicial affidavit on November 29, 2018. She was cross-examined on the same day.³⁶

In her judicial affidavit, Delgado detailed her findings concerning Lourdes's "comorbid symptoms of Borderline Personality Disorder . . . and Narcissistic Personality Disorder."³⁷

Delgado declared that she did a psychological assessment interview on Rahnill and asked Esara, Charisse, and Mary Cris to make comments on the relationship of Rahnill and Lourdes. Delgado also obtained separate commentaries through questionnaires from Joan P. Petolan and Shilo B. Asne, common friends of Rahnill and Lourdes.³⁸

After evaluating the data, Delgado found that Lourdes's "personality dysfunction caused the total destruction of their marriage."³⁹ She found that Lourdes "manifested grave and serious disability to nurture her marriage with Rahnill and manifested behavior pattern and personality traits as a spouse that are actually symptomatic (sic) of a psychological or personality aberration."⁴⁰

Delgado concluded that the juridical antecedence of Lourdes's symptoms can be traced to her childhood and adolescent experience of being accorded an "easy and free life."⁴¹ Furthermore, she found that Lourdes's borderline-narcissistic personality was incurable in nature.⁴²

³² *Id.* at 26–39.

³³ FAMILY CODE, art. 36 provides:

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

³⁴ *Rollo*, p. 36.

³⁵ *Id.* at 56. "Maryjun" is also spelled as "Marijun" in other parts of the record.

³⁶ *Id.* at 63.

³⁷ *Id.* at 78.

³⁸ *Id.* at 76–77.

³⁹ *Id.* at 78.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 79.

As Delgado was Rahnill's last witness, the Regional Trial Court directed him to formally offer his evidence within 10 days from November 29, 2018.⁴³ Thereafter, Rahnill submitted a Formal Offer of Exhibits on December 10, 2018.⁴⁴

In her Answer,⁴⁵ Lourdes denied the allegations against her. She asserted that she had been kind and hospitable to Rahnill's mother and siblings, and even declared that it was Rahnill who had an uncontrollable temperament.⁴⁶

She claimed that Rahnill did not inform her about his mother's visit to Abu Dhabi.⁴⁷ She also alleged that she left for the Philippines with Shameika out of constant fear for their safety and welfare.⁴⁸ She stated that when Rahnill went to Ormoc City to look for her, he stormed into a church service facilitated by her father and publicly announced that "they better watch out because I will come back for hiding my wife and child."⁴⁹

Finally, she maintained that the Permanent Protection Order granted in her favor by the Regional Trial Court gave her custody over their daughter,⁵⁰ and that Shameika is entitled to legal support from Rahnill.⁵¹

In its assailed January 24, 2020 Order,⁵² the Regional Trial Court dismissed Rahnill's Petition for declaration of nullity because he "rested his case without the Psychological Assessment Report of the psychologist being offered in evidence."⁵³ Citing *Kalaw v. Fernandez*,⁵⁴ the trial court deemed the testimony of Delgado, the psychologist, as insignificant without the psychological assessment report to support her findings.⁵⁵

The dispositive portion of the January 24, 2020 Order reads:

WHEREFORE, this case is hereby ordered **DISMISSED**.

Notify the parties and counsels.

SO ORDERED.⁵⁶ (Emphasis in the original)

⁴³ *Id.* at 63.

⁴⁴ *Id.* at 64–65.

⁴⁵ *Id.* at 41–53.

⁴⁶ *Id.* at 43.

⁴⁷ *Id.* at 45.

⁴⁸ *Id.* at 46.

⁴⁹ *Id.*

⁵⁰ *Id.* at 47.

⁵¹ *Id.* at 50.

⁵² *Id.* at 69. The January 24, 2020 Order was issued by Acting Presiding Judge Jose Nathaniel S. Andal of Branch 22, Regional Trial Court, Cebu City.

⁵³ *Id.*

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

⁵⁵ *Rollo*, p. 69.

⁵⁶ *Id.* at 69.

Rahnill moved for reconsideration⁵⁷ but the trial court denied this in a June 18, 2020 Order.⁵⁸ Hence, Rahnill filed the present Petition⁵⁹ before this Court.

Petitioner argues that the clinical psychologist's judicial affidavit and direct examination constitutes the expert opinion required in *Kalaw*.⁶⁰ He pointed out that Delgado found that Lourdes's psychological disorders were grave or serious, enduring or incurable, and has juridical antecedence.⁶¹

Furthermore, he emphasizes that in *Marcos v. Marcos*,⁶² this Court ruled that psychological exams are not necessary in proving psychological incapacity and that it may be inferred from the totality of evidence adduced in the proceeding.⁶³

Petitioner also points out that even though the psychological assessment report was not formally offered in evidence, the judicial affidavit was identified by Delgado during cross-examination and that she confirmed the truth of its contents.⁶⁴ Thus, he argues that the trial court must consider the psychological assessment report, which is on the record of the case, even if it was not offered in evidence.⁶⁵

He also attributes the failure to include the report in the formal offer of exhibits to the "memory-loss syndrome, or 'senior moments'" of his counsel.⁶⁶

The issue for this Court's resolution is whether the Regional Trial Court erred in dismissing petitioner Rahnill Buhian Zamora's Petition for declaration of nullity of marriage purely on account of the expert witness's psychological assessment report not having been formally offered.

Subsumed under this is the issue of whether the psychologist's evaluation report may be considered by the trial court in deciding the case even if it was not offered in evidence.

The Petition is granted.

⁵⁷ *Id.* at 70–73.

⁵⁸ *Id.* at 74.

⁵⁹ *Id.* at 8–21.

⁶⁰ *Id.* at 13.

⁶¹ *Id.*

⁶² 397 Phil. 840, 847–852 (2000) [Per J. Panganiban, Third Division].

⁶³ *Rollo*, p. 13.

⁶⁴ *Id.*

⁶⁵ *Id.* at 15.

⁶⁶ *Id.* at 11.

The Regional Trial Court erred in dismissing the Petition for the sole reason that the expert witness's psychological assessment report was not formally offered. Even under these circumstances, the report may be considered because the expert witness duly identified it in her testimony, and it was incorporated in the case records.

In the interest of expeditious administration of justice and considering that this Court is abreast of all matters relevant to a final resolution of this case, it now resolves the action on the merits. As the totality of petitioner's clear and convincing evidence presented sufficiently proves that respondent has a personality structure that makes her unable to comply with her essential marital obligations, their marriage is declared *void ab initio*.

I

In *Tan-Andal v. Andal*,⁶⁷ this Court elaborated on the history of jurisprudential discussions on Article 36 of the Family Code on psychological incapacity. The Court recalled the guidelines laid down in *Republic v. Court of Appeals and Molina*⁶⁸ which required expert opinion in medically or clinically identifying the root cause of psychological incapacity:

To recall, the term "psychological incapacity" was first defined by this Court in *Santos* as a "mental (not physical) incapacity" to comply with the essential marital obligations. The term was confined to "the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage." This characterization became the basis of the second *Molina* guideline, where parties to a nullity case are required to present evidence of the root cause of the psychological incapacity. In particular, this root cause must be medically or clinically identified and sufficiently proven by experts.⁶⁹ (Citations omitted)

This Court clarified that characterizing psychological incapacity as a "mental incapacity" and "personality disorder" was contrary to the intent behind Article 36:

By equating psychological incapacity to a "mental incapacity" and to "personality disorders," this Court went against the intent behind Article 36. The Code Committee was clear that psychological incapacity is not a mental incapacity. Among the earlier wordings of the provision on psychological incapacity included "mentally incapacitated," and "mentally" is obviously absent in the present Article 36. This means that for the Code Committee, "mental" is not synonymous with "psychological."

⁶⁷ G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

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

⁶⁹ G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

The reason for deleting “mental” was given by Justice Eduardo P. Caguioa, a member of the Code Committee. He said that “mental” would give the wrong impression of psychological incapacity being a vice of consent. If psychological incapacity was to be an acceptable alternative to divorce, as was intended by the Code Committee, it cannot be a mere vice of consent. Psychological incapacity must consist in a lack of understanding of the essential obligations of marriage, making the marriage void *ab initio*.

Psychological incapacity is also not a personality disorder, as explained by *amicus curiae* Dean Sylvia Estrada-Claudio (Dean Estrada-Claudio). Psychological incapacity cannot be found in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-V), the authoritative listing of various mental, including personality, disorders recognized by the scientific community.

Yet, to comply with the second Molina guideline, psychologists and psychiatrists, when serving as expert witnesses, have been forced to assign a personality disorder and pathologize the supposedly psychologically incapacitated spouse. This cruelty could not have been the intent of the Code Committee.⁷⁰ (Citations omitted)

It was in *Marcos* where the Court categorically emphasized that “actual medical examination of the person concerned need not be resorted to.”⁷¹ In that case, it explained that psychological incapacity is ultimately determined by the totality of evidence. Thus, a total non-examination of the person alleged to be psychologically incapacitated, nor perceived imperfections in expert findings, do not necessarily negate a finding of psychological incapacity:

Psychological incapacity, as a ground for declaring the nullity of a marriage, may be established by the totality of evidence presented. *There is no requirement, however, that the respondent should be examined by a physician or a psychologist as a conditio sine qua non for such declaration.*⁷² (Emphasis supplied)

Furthermore, *Marcos* explained that a physician’s examination and diagnosis of psychological incapacity is not required, as long that the totality of evidence presented establishes the party’s psychological condition:

The foregoing guidelines do not require that a physician examine the person to be declared psychologically incapacitated. In fact, the root cause may be “medically or clinically identified.” What is important is the presence of evidence that can adequately establish the party’s psychological condition. *For indeed, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.*⁷³ (Emphasis supplied, citations omitted)

⁷⁰ *Id.*

⁷¹ 397 Phil. 840, 850 (2000) [Per J. Panganiban, Third Division].

⁷² *Id.* at 842.

⁷³ *Id.* at 850.

In *Camacho-Reyes v. Reyes-Reyes*,⁷⁴ this Court clarified that direct and personal examination of an expert regarding either of the spouses' psychological incapacity is not an absolute and indispensable requirement. To inform an expert's opinion, information obtained from either party to the marriage may suffice. Thus:

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

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

For another, the clinical psychologists' and psychiatrist's assessment were not based solely on the narration or personal interview of the petitioner. Other informants such as respondent's own son, siblings and in-laws, and sister-in-law (sister of petitioner), testified on their own observations of respondent's behavior and interactions with them, spanning the period of time they knew him. These were also used as the basis of the doctors' assessments.⁷⁵ (Citations omitted)

Because of the inconsistencies in the requirement of expert evidence in psychological incapacity cases and the application of the totality of evidence rule, this Court, in *Tan-Andal*, abandoned the second *Molina* guideline and explicitly declared that "psychological incapacity is neither a mental incapacity nor a personality disorder that must be proven through expert opinion."⁷⁶

This Court explained that proof of the spouse's "personality structure" is needed to decide whether a serious incapacity truly exist to render a marriage *void ab initio*:

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. The spouse's personality structure must make it impossible for him or her to

⁷⁴ 642 Phil. 602 (2010) [Per J. Nachura, Second Division]. See also *Calma v. Santos-Calma*, 879 Phil. 427 (2020) [Per J. Leonen, Third Division].

⁷⁵ *Id.* at 627.

⁷⁶ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

understand and, more important, to comply with his or her essential marital obligations.⁷⁷

This proof need not be adduced through an expert opinion. It may be shown through other pieces of evidence:

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 marriage⁸ 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.

In this way, the Code Committee's intent to limit the incapacity to "psychic causes" is fulfilled. Furthermore, there will be no need to label a person as having a mental disorder just to obtain a decree of nullity. A psychologically incapacitated person need not be shamed and pathologized for what could have been a simple mistake in one's choice of intimate partner, a mistake too easy to make as when one sees through rose-colored glasses. A person's psychological incapacity to fulfill his or her marital obligations should not be at the expense of one's dignity, because it could very well be that he or she did not know that the incapacity existed in the first place.⁷⁸ (Emphasis supplied, citations omitted)

The liberalization of the requirement of expert opinion necessitates the relaxation of the standards for deciding a petition for declaration of nullity of marriage under Article 36 of the Family Code.

In fact, *Kalaw*, the case cited by the Regional Trial Court in justifying its dismissal of the Petition, lamented the rigidity of the application of the *Molina* guidelines in examining petitions for declaration of nullity:

The [*Molina*] guidelines have turned out to be rigid, such that their application to every instance practically condemned the petitions for declaration of nullity to the fate of certain rejection. But Article 36 of the Family Code must not be so strictly and too literally read and applied given the clear intendment of the drafters to adopt its enacted version of "less specificity" obviously to enable "some resiliency in its application." Instead, every court should approach the issue of nullity "not on the basis of *a priori* assumptions, predilections or generalizations, but according to its own facts" in recognition of the verity that no case would be on "all fours" with the next one in the field of psychological incapacity as a ground for the nullity of marriage; hence, every "trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court."⁷⁹ (Citations omitted)

⁷⁷ *Id.*

⁷⁸ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

⁷⁹ *Kalaw v. Fernandez*, 750 Phil. 482, 499–500 (2015) [Per J. Bersamin, Special First Division].

The proof required to establish psychological incapacity is totality of evidence. Jurisprudence has previously established that if the totality of evidence suffices to show psychological incapacity, then medical examination of the concerned spouse may be dispensed with.⁸⁰

Hence, the absence of a psychological assessment report of an expert witness should not lead a judge to summarily dismiss the petition as it is not an indispensable requirement in deciding the petition on the merits.

Delgado, whose expertise was admitted by Lourdes's counsel,⁸¹ executed a judicial affidavit detailing her findings following her interviews with petitioner and his mother, his younger sister, the spouses' house help, and two of the spouses' common friends.⁸² Although the psychological assessment report she prepared was not formally offered in evidence, Delgado's judicial affidavit essentially explained and summarized the contents of the report. Furthermore, during her cross-examination, she identified the affidavit and affirmed the truth of its contents.⁸³

Apart from Delgado, petitioner presented two other witnesses: Esara, his mother, and Mary Cris, their house help. During trial, respondent also presented a witness, Asuncion Magsalay Desamparado⁸⁴

Judicial affidavits, such as the one executed by Delgado, and the testimonies of the witnesses may be considered by a judge in determining whether the totality of evidence gives sufficient ground to grant or deny the petition.

Thus, it was an error for the trial court to disregard the various pieces of evidence presented in ordering the dismissal of the case. Even in the absence of the psychological assessment report, the trial court had sufficient evidence to aid it in rendering a decision.

II

Petitioner's contention that the psychologist's evaluation report may be considered by the trial court in deciding the case, despite it not having been offered in evidence, is well taken.

⁸⁰ *Marcos v. Marcos*, 397 Phil. 840, 850 (2000) [Per J. Panganiban, Third Division].

⁸¹ *Rollo*, p. 63.

⁸² *Id.* at 76-81.

⁸³ *Id.* at 108.

⁸⁴ *Id.* at 66.

The general rule under Rule 132, Section 34⁸⁵ of the Rules of Court is that a court can only consider evidence that had been formally offered. But this Court has previously “relaxed the application of [that provision] by allowing the admission of evidence not formally offered.”⁸⁶ Two requirements, however, must be met for the exception to apply: (1) the evidence “must have been duly identified by testimony duly recorded”; and (2) it “must have been incorporated in the records of the case.”⁸⁷

Clearly, those requirements are satisfied in this case. Delgado’s judicial affidavit covered and explained the contents of the report. Then, during her direct examination, she identified the affidavit and affirmed the truth of its contents:

Q: Good morning Madam Witness, have you executed a judicial affidavit in connection with this case?

A: Yes, sir.

Q: I am showing to you this judicial affidavit consisting of six pages; please go over the same whether this is the same judicial affidavit that you have executed?

A: Yes this is the judicial affidavit that I executed.

Q: In your judicial affidavit you have made mention here of a report Psychological Assessment Report; is this the one that you are referring to?

A: Yes, sir, this is the one.

Q: I am showing to you psychological assessment report it consists of fourteen (14) pages, is this the one that you prepared?

A: Yes, sir this is the one which I submitted in this court.

.....

Q: And on the last page of your psychological assessment report there is also a signature above the printed name Maryjun Y. Delgado, whose signature is this?

A: Yes, sir, that is my signature.

.....

Q: Do you have the original of these documents?

A: Yes, sir. I have the original.

Q: Would you affirm and confirm the truthfulness [of] the contents of your judicial affidavit?

A: Yes, sir.⁸⁸

⁸⁵ RULES OF COURT, Rule 132 provides:

SEC. 34. Offer of Evidence. — The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

⁸⁶ *Medina v. People*, 760 Phil. 729, 738 (2015). [Per J. Peralta, Third Division].

⁸⁷ *Id.* (Citation omitted)

⁸⁸ *Rollo*, pp. 106–108.

Hence, the psychologist's evaluation report may be considered as evidence, under the exception to Rule 132, Section 34 of the Rules of Court.

III

Here, both parties "have submitted and presented evidence essential for the resolution of the dispute."⁸⁹ Hence, we proceed with resolving it on its merits, pursuant to our ruling in *China Banking Corporation v. Court of Appeals*.⁹⁰

We have laid down the rule that the remand of the case or of an issue to the lower court for further reception of evidence is not necessary where the Court is in a position to resolve the dispute based on the records before it and particularly where the ends of justice would not be subserved by the remand thereof. Moreover, the Supreme Court is clothed with ample authority to review matters, even those not raised on appeal if it finds that their consideration is not necessary in arriving at a just disposition of the case.

....

In the case at bar, since we already have the records of the case . . . sufficient to enable us to render a sound judgment and since only questions of law were raised . . . , we can, therefore, unerringly take cognizance of and rule on the merits of the case.⁹¹

Such exercise in this case of this Court's plenary power is in line with its policy of "settl[ing] the entire controversy in a single proceeding leaving no root or branch to bear the seeds of future litigation."⁹²

This Court thus finds, based on petitioner's evidence, that respondent has a personality structure that "make[s] it impossible for...her to understand and, more important, to comply with...her essential marital obligations."⁹³

Clear and convincing evidence of respondent's psychological incapacity consisted mainly of testimony on respondent's personality. Delgado expounded on her findings that respondent had "[c]omorbid

⁸⁹ *Tolentino v. Philippine Postal Savings Bank*, G.R. No. 241329, November 13, 2019 [Per J. A. Reyes, Jr., Second Division].

⁹⁰ 337 Phil. 223 (1997) [Per J. Kapunan, First Division].

⁹¹ *Id.* at 237, citing *Heirs of Crisanta Y. Gabriel-Almoradie v. Court of Appeals*, 299 Phil. 14 (1994) [Per J. Nocon, Second Division]; *Escudero v. Dulay*, 241 Phil. 877 (1988) [Per J. Padilla, Second Division]; and *The Roman Catholic Archbishop of Manila v. Court of Appeals*, 275 Phil. 332 (1991) [Per J. Regalado, Second Division].

⁹² *Ching v. Court of Appeals*, 387 Phil. 28, 42 (2000) [Per J. Buena, Second Division], citing *Board of Commissioners v. Judge de la Rosa*, 274 Phil. 1157 (1991) [Per J. Bidin, *En Banc*]. The same Decision adds that "[n]o useful purpose will be served if a case or the determination of an issue in a case is remanded to the trial court only to have its decision raised again to the Court of Appeals and from there to the Supreme Court."

⁹³ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

symptoms of Borderline Personality Disorder and Narcissistic Personality Disorder”.⁹⁴

Lourdes’ borderline-narcissistic personality is a deeply rooted part of her. She developed the thwarted ways of such disorders from the time she was still developing as a child of a family where she experienced pampering and permissiveness. It slowly took its toll upon her personality system and eventually took permanent residency in her whole personality. Such borderline-narcissistic personality is what Lourdes is naturally. Thus, if she should be made to seek psychological help and intervention, things will only turn out useless and futile. Aside from not accepting her problem, such disorder is already permanent with her, and therefore it is resistant to therapy, that is, **INCURABLE** by nature. It does not even calm and does not even fade away with age, it is always there as Lourdes’ basic nature.

The comorbidity of Lourdes’ personality disorder is a **SERIOUS** and **GRAVE** personality aberration. She is herself in grave distress as a person and that she could never find satisfaction within herself and ways sees things only according to her own definition of how and things must be and so causing strain in her close relations with people especially to one whom she was supposed to be the closest with, like her husband. Aside from that her borderline-narcissistic personality disorder drives her to act superior and not even acknowledge her husband’s needs and so pushing her even not to show any respect and trust for him. Her personality aberration is a permanent part of her that’s always there to bring unfortunate things to her relationships with Rahnill. It dictates upon her naturally to act like a vacuum, absorbing and getting her wishes and desires fulfilled without reciprocal and commensurate generosity to another person like her husband.

Rahnill was too unfortunate to have ended in a miserable marriage with Lourdes. He ended up a silent victim of a silent malady of Lourdes in her personality which was already there inside of her even before they got married. It was even the driving force behind Lourdes’ act of using him all the way even before they got married. Lourdes as a person or as a spouse with Borderline-narcissistic personality disorder can never share herself in a meaningful and sustaining relationship in marriage with Rahnill. She is psychologically incapacitated to comply with her marital obligations towards him, and she can never share mutual respect, trust, faith, support, care and love with Rahnill in marriage.⁹⁵ (Emphasis in the original)

Delgado reiterated these findings in her May 16, 2018 Judicial Affidavit.⁹⁶

12. In this Psychological Assessment Report, have you narrated the marriage relationship between the petitioner and the respondent, based on the information you gathered during your interview with the petitioner, and from commentaries of his mother, sister, house-helper and common friends of the parties?

⁹⁴ *Rollo*, p. 99.

⁹⁵ *Id.* at 100.

⁹⁶ *Id.* at 76–80.

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ANSWER: Yes, even the psycho-social background of the petitioner and the respondent are stated in the Psychological Assessment Report.

13. In the penultimate and last paragraph, page 11 (under the heading Assessment and Development Consideration), you have stated respectively, as follows:

“Lourdes expressed controlling and superior stance. She did not like anyone to hamper her way for whatever she wanted to do and what she believed must be done. She did not care for the feelings and welfare of her husband and was never able to do what she had to do as a wife. She expressed herself in the most dysfunctional way as a spouse, took for granted her marriage and degraded the person of her husband, and did not give herself the chance to keep and save her marriage, instead she destroyed everything in their marriage”

xxx

“Lourdes is a wife whose personality dysfunction caused the total destruction of their marriage. She showed no value for her husband and did not even try to put deeper meaning to their marriage. She did not have any insight that marriage calls for her to be in equal footing with her spouse, to show balance power and cooperation, to trust and respect, support and express intimate loving for each other. She manifested grave and serious disability to nurture her marriage with Rahnill and manifested behavior pattern and personality traits as a spouse that are actually symptomatic of a psychological or personality aberration. As identified, Lourdes has consistently manifested comorbid symptoms of Borderline Personality Disorder (BPD) and Narcissistic Personality Disorder (NPD) xxx”.

14. In layman’s word, what does the psychological term comorbid mean?

ANSWER: It means combined with or co-existing with[.]

15. Briefly stated[,] do your abovequoted assessment mean that the respondent has not shown any love, respect and support for the petitioner; and that she is incapable of complying with essential requisites of marriage, which is to observe mutual love, respect and support between the spouses?

ANSWER: Yes, precisely.

16. Under the heading Etiology on page 12 of your Psychological Assessment Report, you have stated that the origin (root cause) of respondent’s personality aberration of comorbid BDP and NPD can be traced back to her childhood and adolescent experiences. What specific experiences were those?

ANSWER: The respondent was reared in a family wherein the mother is the dominant parent (the one who wear[s] the trousers) who decided for everyone and who would tolerate her children, especially the respondent, the favorite child. When she became a teen-ager, respondent was accorded easy and free life, especially that her elder sister worked in the UAE who

could provide respondent with what she wanted for herself, materially. Her mother and elder sister are so close to the respondent that they would just tolerate her in many ways.

17. How did these pampering and permissiveness that her family had indulged on the respondent in her youth affect the latter's personality?

ANSWER: They slowly developed in her the borderline-narcissistic personality aberration, and in time they became deeply rooted part of her, and eventually took permanent residency in her whole personality.

18. Under the first paragraph, page 13, and heading Discussion and Recommendation of your Psychological Assessment Report, you stated that the respondent's borderline-narcissistic personality is INCURABLE by nature, because: such personality aberration is what Lourdes is naturally; it is already permanent in her; the said borderline-narcissistic personality disorder does not even calm; and does not even fade away with age; it is always there as Lourdes['] basic nature.

19. Madam Witness, would it be also correct to say that the BPD and NPD which caused respondent's continuing failure to perform her essential marital obligations to the petitioner – is not a mere refusal, or lack of will on her part to perform the said obligations. Rather, is a mental or psychological illness that caused her inability or incapacity to understand, assume and comply with his essential marital obligations of living together with the petitioner and to observe mutual love, respect, fidelity and support with him? And that is extremely difficult or even impossible to affect a change on a person's attitude on something she does not understand?

ANSWER: Yes, it is absolutely correct.

20. In the second paragraph, under the heading Discussion and Recommendation, page 13 of your Psychological Assessment Report, you have stated that respondent's comorbid BPD and NPD is a SERIOUS and GRAVE, followed by a supporting discussion. Would it also be right to say that what makes comorbid BPD and NPD SERIOUS AND GRAVE is the fact that people afflicted with such psychological malady are not even aware that they are disordered, psychologically?

ANSWER: Yes, that's right.

21. Would you consider the acts of respondent in coming home to the Philippines twice, bringing along their daughter without informing beforehand the petitioner who loves the daughter very much, and who wanted to be always close to her – a gross manifestation of the SERIOUSNESS and GRAVITY of the BPD and NPD that afflict the respondent?

ANSWER: Yes, I certainly consider such acts of respondent as one of the manifestations of the seriousness and gravity of the borderline-narcissistic psychological aberration that has become a permanent component of her total personality.

22. Do the comorbid BPD and NPD psychological malady consistently manifesting in the respondent, have a JURIDICAL ANTECEDENT?

ANSWER: Yes. As I have pointed out earlier, the borderline-narcissistic psychological aberration, stated to develop in the respondent during her childhood up to her adolescence, on account of the indulgence of pampering and permissiveness she enjoyed from her dominant and tolerant mother who had a backstopper in respondent's elder sister. Thus, it is apparent that respondent's personality disorders (BPD and NPD) were already deeply rooted in her psycho-system before she and the petitioner exchanged "I do's[?]" in a wedding rite[.]⁹⁷ (Emphasis in the original)

Delgado was also cross-examined on her findings by respondent's counsel:

Q: In your assessment you concluded that respondent Ms. Lourdes Zamora has borderline personality disorder. What is your basis in arriving [in] that conclusion, Madam Witness?

A: Yes because there was a series of interviews and there were validations and cross validations in determining the psychological incapacity of the respondent in this case.

....

A: Based on my interview that the respondent is constantly expressed (sic) insecure yet superior, hostile, selfish, arrogant, disturbed[,] and irritable emotionality, mistrustful, manipulative, entitled and grandiose, and impulsive actuation which is actually manifested her real and true sense as a person. Her permissive and pampered life molded her into this type of person, and her marriage with the petitioner ended up as the very thing that filled-in the very nature of her personality, the way she used to do and to be in her family. She was just driven by her dysfunctional sense of self and to get what she wanted for herself impulsivity. The respondent here expressed controlling and superior stance, she did not like anyone to hamper her way for whatever she wanted to do and what she believed must be done, she did not care for the feelings and welfare of her husband and was never able to do what she had to do as his wife.⁹⁸ (Emphasis in the original)

Consequently, it was established through Delgado's expert testimony that:

1. Respondent suffers from her Borderline Personality Disorder and Narcissistic Personality Disorder;
2. Respondent has had her Borderline Personality Disorder and Narcissistic Personality Disorder even before her marriage to petitioner;
3. Respondent's Borderline Personality Disorder and Narcissistic Personality Disorder are both incurable; and

⁹⁷ *Id.* at 77-80.

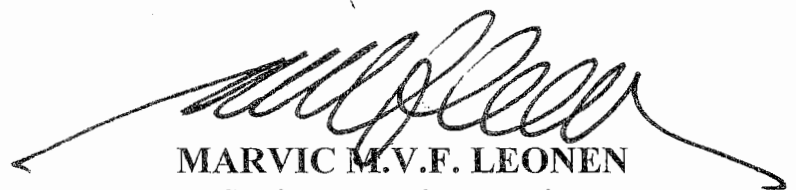
⁹⁸ *Id.* at 112-114.

4. Respondent's Borderline Personality Disorder and Narcissistic Personality Disorder render her incapable of fulfilling her marital obligations to petitioner.

All in all, petitioner sufficiently proved that respondent's "psychological incapacity under Article 36 of the Family Code [is] characterized by (a) gravity, i.e., [respondent is] incapable of carrying out the ordinary duties required in marriage; (b) juridical antecedence, i.e., it [is] rooted in [respondent's] history . . . antedating the marriage, although the overt manifestations . . . emerge[d] only after marriage; and (c) incurability, i.e., it [is] incurable."⁹⁹

ACCORDINGLY, the Petition is **GRANTED**. The January 24, 2020 and June 18, 2020 Orders of Branch 22, Regional Trial Court, Cebu City are hereby **SET ASIDE**. The marriage of petitioner Rahnill Buhian Zamora and respondent Lourdes Magsalay-Zamora is declared *void ab initio*.

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

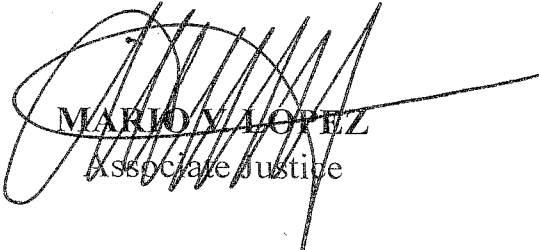
⁹⁹ *Cortez v. Cortez*, 851 Phil. 948, 958–959 (2019) [Per J. Peralta, Third Division], citing *Republic of the Philippines v. Katrina S. Tobora-Tionglico*, 823 Phil. 672 (2018) [Per J. Tijam, First Division].

WE CONCUR:

On official business

AMY C. LAZARO-JAVIER

Associate Justice



MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

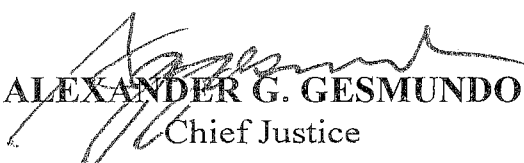
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice