



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RONALD B. BOADO,
Petitioner,

G.R. No. 263627

Present:

-versus-

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

FLORENCE C. GALVEZ-BOADO
and the **REPUBLIC OF THE**
PHILIPPINES,
Respondents.

Promulgated:

NOV 04 2024

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DECISION

LEONEN, J.:

Psychological incapacity may manifest long after the solemnization of a marriage. A spouse who previously seemed capable of performing his marital obligations may prove to be incapable of doing so, and the marriage may be voided so long as the incapacity is shown to be due to a genuine psychic cause.

This Court resolves the Petition for Review on Certiorari¹ filed by petitioner Ronald B. Boado, assailing the Court of Appeals Decision² and

¹ *Rollo*, pp. 11–28.

² *Id.* at 30–45. The May 12, 2022 Decision was penned by Associate Justice Mariflor P. Punzalan Castillo and was concurred in by Associate Justices Pablito A. Perez and Raymond Reynold R. Lauigan of the Court of Appeals, Third Division, Manila.

Resolution³ upholding the validity of his marriage to respondent Florence C. Galvez-Boado (Florence). The Court of Appeals held that Ronald failed to prove his psychological incapacity which would have rendered his marriage to Florence void under Article 36 of the Family Code.

Ronald and Florence were first married in a secret civil ceremony in 2002. Two years later, in 2004, they had their church wedding.⁴

On October 21, 2016, Ronald filed a Petition for Declaration of Nullity of Marriage before the Regional Trial Court of Balaoan, La Union, based on either his or Florence's psychological incapacity.⁵ He also filed a Motion to Take Advance Testimony, requesting that his testimony be taken on October 26, 2016, as he had applied for work abroad and might be unavailable on later dates.⁶

The trial court granted the motion, allowing Ronald to testify on October 26, 2016, with a public prosecutor from the Office of the Provincial Prosecutor of Balaoan, La Union, conducting the cross-examination.⁷

On November 4, 2016, the Office of the Solicitor General entered its appearance, deputizing the Office of the Provincial Prosecutor of Balaoan, La Union, to appear on behalf of the Republic of the Philippines (the Republic).⁸ The trial court received this Notice of Appearance on November 11, 2016.⁹

In the meantime, Florence was served with summons on November 15, 2016. However, despite being served, Florence did not answer Ronald's Petition.¹⁰

The trial court then directed the public prosecutor to report on the possible collusion between the parties. The public prosecutor reported back that he found no collusion between Ronald and Florence. Pre-trial and trial then ensued.¹¹

According to Ronald, he first met Florence at the Ilocos Training and Medical Center in San Fernando City, La Union. In 1998, he began courting

³ *Id.* at 47–50. The September 12, 2022 Resolution was penned by Associate Justice Mariflor P. Punzalan Castillo and was concurred in by Associate Justices Pablito A. Perez and Raymond Reynold R. Lauigan of the Court of Appeals, Former Third Division, Manila.

⁴ *Id.* at 30–31.

⁵ *Id.* at 12.

⁶ *Id.* at 33.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 134.

¹⁰ *Id.* at 13.

¹¹ *Id.* at 33.

Florence due to the prodding of their co-workers. They officially became a couple in 1999.¹²

A year later, in 2000, Ronald resigned from his work in San Fernando, La Union to work in Saudi Arabia. While working abroad, he and Florence would often call each other, frequently arguing over the phone.¹³

After Ronald's contract in Saudi Arabia expired, he returned to the Philippines in 2002 for a vacation. It was in this year that he and Florence decided to marry in secret, but did not live together as husband and wife.¹⁴

In 2004, Ronald vacationed in the Philippines again. This time, he and Florence had their church wedding. A week later, Ronald returned to Saudi Arabia.¹⁵

In 2005, Ronald decided to return to the Philippines for good and began living with Florence. In April 2007, they had their first child, a son. All of them stayed with Florence's family in Naguilian, La Union. A month later, Florence returned to work while Ronald stayed home to care for their son.¹⁶

One night, Ronald's cellphone rang, and Florence answered the call. The caller sounded like a drunken woman who was asking for Ronald, and claimed to have been waiting for him. This angered Florence because she suspected that Ronald was having an affair.¹⁷

In January 2008, Florence left for London to work. While she was abroad, Ronald and his mother cared for his and Florence's son. Florence regularly sent money to Ronald and their child, and every year, she would come home to vacation in the Philippines with her family.¹⁸

Beginning in April 2010, around the time of their son's third birthday, Florence stopped sending money to Ronald. She, however, continuously sent money to her parents. Florence's mother asked Ronald if he needed money, but Ronald said he could provide for his child on his own. Eventually, with the urging of his family, Ronald left for the United States to work and left his child in the care of his mother.¹⁹

¹² *Id.* at 30.

¹³ *Id.*

¹⁴ *Id.* at 31.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

Three months later, in August 2010, Florence's family asked Ronald if they could have his son because Florence was coming home from London. They then fetched the child, whom they had to trick into coming with them. Since then, his son stayed with Florence's family.²⁰

While he was in the United States, Ronald pleaded with Florence to communicate with their child. Florence refused and even threatened him with deportation.²¹

In 2011, Ronald returned home for a vacation. He called Florence to request time to bond with their son and to give him *pasalubong*. This time, Florence agreed.²²

However, the next day, Florence's family called Ronald and told him that something had happened to Florence. This caused Ronald and their son to rush to Naguilian, where Florence resided at that time. That afternoon, Ronald and Florence spoke and agreed to live together as a family again.²³

Ronald described his rekindled relationship with Florence as "good,"²⁴ except for their arguments. Whenever they fought, he would allegedly shut down and stay silent, resulting in sleepless nights for him.²⁵

In December 2012, Ronald and Florence had their second child, a daughter. Florence returned to work, leaving Ronald to care for the children. A year later, Ronald left the Philippines to work abroad, sending USD 500.00 every month to the family.²⁶

In November 2015, Ronald returned to the Philippines for the third time since he left in 2013. When Ronald came home, Florence noticed that his attitude toward her had changed. When she asked him about this, Ronald replied that he was just exhausted from all the traveling.²⁷

However, Ronald and Florence frequently fought over Ronald's alleged affairs. Ronald then told Florence that he no longer loved her. She then began packing her things, but Ronald pleaded with her not to leave because their son still had classes, and their separation would disrupt his schooling. Florence agreed and decided to stay.²⁸

²⁰ *Id.*

²¹ *Id.* at 32.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

In March 2016, Florence returned to Naguilian with her daughter. However, her son did not want to go with her, and so he stayed with Ronald. Since then, Ronald and Florence have been living separately, with Ronald regularly visiting his daughter in Naguilian to check on her. Whenever he remembered his married life, Ronald became angry, senseless, and unreasonable at the slightest insinuations. He endured sleepless nights and stressful days.²⁹

Ronald's testimony was fully corroborated by his neighbor and best friend, Greg Pascua (Greg).³⁰

Apart from Ronald and Greg's respective testimonies, Ronald also presented the expert opinion of Mr. Winston D. Carrera (Carrera), a psychologist. Carrera diagnosed Ronald with Passive-Aggressive Personality Disorder, stating that Ronald "developed a twisted perspective of effectively keeping a relationship"³¹ in that he would "say yes, [but] his behavior screams no."³² According to Carrera, Ronald's passive aggressiveness makes him incapable of directly "[communicating] his needs and wishes clearly, expecting his spouse to read his mind and meet his needs."³³

Carrera attributes Ronald's psychological incapacity to his mother, who was a "strict disciplinarian"³⁴ who "offered . . . too much demand and too little warmth."³⁵ Wanting to keep his mother's love, Ronald learned "to avoid expressing his thoughts and genuine feelings"³⁶ and "saw the need to keep his emotions bottled up, especially anger, just to be able to protect the tenuous bond [he] has with his mother."³⁷

Due to the disorder being allegedly grave, incurable, permanent, and deeply rooted, Carrera recommended the dissolution of Ronald and Florence's marriage.³⁸

The Regional Trial Court initially ruled in favor of Ronald and declared his and Florence's marriage void due to psychological incapacity. It stated that their personalities "definitely cannot complement each other to continue a married life,"³⁹ and that "life could be better off when they are

²⁹ *Id.* at 32-33.

³⁰ *Id.* at 15.

³¹ *Id.* at 73.

³² *Id.* at 21.

³³ *Id.*

³⁴ *Id.* at 71.

³⁵ *Id.* at 72.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 33.

³⁹ *Id.* at 34.

separated.”⁴⁰ In its December 14, 2016 Decision,⁴¹ the trial court disposed of the case as follows:

WHEREFORE, premises considered, the marriage entered into between RONALD B. BOADO and FLORENCE C. GALVEZ-BOADO on May 22, 2002 in Quezon City, Metro Manila is hereby declared **NULL** and **VOID** ab initio pursuant to Article 36 of the Family Code, as amended. Accordingly, the Local Civil Registrar of Quezon City, Metro Manila is ordered to make the proper entries into the records of the herein parties pursuant to the judgment to [sic] this Court.

Further, let copies of this [D]ecision be furnished [to] the **Office of the Solicitor General**, the **Provincial Prosecutor of Balaoan, La Union**, the **Local Civil Registrar of Quezon City, Metro Manila**, the **Local Civil Registrar of Balaoan, La Union** and the **Philippine Statistics Authority, (PSA), Manila**, for their information/record. And for the execution/implementation of this Judgment.

SO ORDERED. (Emphasis in the original)⁴²

Thereafter, the Republic, through the Office of the Solicitor General, filed a Motion for Reconsideration. It argued that it was deprived of its right to due process because it was not furnished copies of the relevant motions and pleadings, including the pre-trial brief and the formal offer of evidence. On the merits, it argued that the totality of evidence presented by Ronald failed to prove his psychological incapacity.⁴³

Ronald opposed the Motion, contending that the Office of the Provincial Prosecutor of Balaoan, La Union, whom the Office of the Solicitor General deputized to appear for the Republic, was furnished all the relevant pleadings. Therefore, the Republic was not deprived of due process. On the merits, Ronald maintained that he proved his psychological incapacity.⁴⁴

The Regional Trial Court reversed its earlier judgment. It agreed with the Republic that the latter was deprived of due process. At the time Ronald testified in court, the Office of the Provincial Prosecutor of Balaoan, La Union, had not yet been deputized to appear on behalf of the Republic. Furthermore, Ronald was allowed to testify before the service of summons on Florence. The trial court likewise held that Ronald failed to prove the gravity and incurability of his psychological incapacity.⁴⁵

⁴⁰ *Id.*

⁴¹ *Id.* at 68–75. The Decision was penned by Judge Manuel R. Aquino of the Regional Trial Court, Branch XXXIV, Balaoan, La Union.

⁴² *Id.* at 34.

⁴³ *Id.*

⁴⁴ *Id.* at 35.

⁴⁵ *Id.* at 36.

The dispositive portion of the trial court's January 17, 2020 Resolution⁴⁶ reads:

ACCORDINGLY, the MOTION FOR RECONSIDERATION filed by the OSG is hereby **GRANTED**. The DECISION in the above-entitled case dated December 14, 2016 is hereby RECONSIDERED and SET ASIDE. The above-entitled Case is considered DENIED.⁴⁷ (Emphasis in the original)

Ronald initially filed a Notice of Appeal, which he subsequently withdrew. Instead, he filed a Motion for Reconsideration with a Motion to Withdraw Appeal, reiterating that the Republic was not deprived of due process and that he sufficiently proved his psychological incapacity.⁴⁸

In its June 26, 2020 Order, the Regional Trial Court denied Ronald's Motion for Reconsideration, finding no reason to disturb its earlier ruling.⁴⁹

The Court of Appeals denied Ronald's appeal.⁵⁰ It agreed that the Republic was deprived of due process when the trial court allowed Ronald to testify without the presence of the Office of the Solicitor General. While it is true that a public prosecutor from the Office of the Provincial Prosecutor of Balaoan, La Union was present and cross-examined Ronald, the Office of the Provincial Prosecutor was not yet deputized at that time. Therefore, the advanced testimony and cross-examination was unauthorized and should have been stricken off the record.⁵¹

In any case, the Court of Appeals said that the procedural lapse had already been cured, considering that the Office of the Solicitor General is now fully informed and in charge of the case.⁵² It then proceeded to rule on the merits and, like the trial court, found that Ronald failed to establish his psychological incapacity with clear and convincing evidence.⁵³

The Court of Appeals highlighted that Ronald technically presented only two pieces of evidence: (1) the testimony of his best friend, Greg; and (2) the expert opinion of Carrera.⁵⁴ Of the two, the Court of Appeals said that only Carrera's expert opinion was worth considering since Greg's

⁴⁶ *Id.* at 76–85. The Resolution was penned by Acting Presiding Judge Ethelwolda A. Jaravata of the Regional Trial Court, Branch 34, Balaoan, La Union.

⁴⁷ *Id.* at 36.

⁴⁸ *Id.* at 37.

⁴⁹ *Id.*

⁵⁰ *Id.* at 39.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 39–40.

⁵⁴ *Id.* at 42.

judicial affidavit “was a mere replica of [Ronald’s] petition for declaration of nullity of marriage.”⁵⁵

The Court of Appeals then went on to examine Carrera’s report, finding that it was not “an in-depth analysis of [Ronald].”⁵⁶ It noted that despite Ronald’s strict upbringing and the “authoritative parenting style”⁵⁷ of his mother, “Ronald had shown nothing but ability to perform his marital obligations”⁵⁸ and that “[i]t was his mere refusal to do so when he admitted that his love for [Florence] was gone.”⁵⁹ According to the Court of Appeals, Carrera “simply restated what needed to be proven as a conclusion without evidence or basis for such.”⁶⁰

In denying the appeal, the Court of Appeals said: “loss of love does not establish psychological incapacity.”⁶¹

The dispositive portion of the Court of Appeals’ May 12, 2022 Decision reads:

WHEREFORE, in view of the foregoing, the Appeal is **DENIED**. The 17 January 2020 Resolution and the subsequent 26 June 2020 Order of the Regional Trial Court, Branch 34 of Balaoan, La Union, are **AFFIRMED**. Consequently, the Petition for Declaration of Nullity of Marriage under Article 36 is **DISMISSED**. The marriage between Ronald B. Boado and Florence C. Galvez-Boado remains **VALID**.

SO ORDERED.⁶²

Ronald filed a Motion for Reconsideration, which the Court of Appeals denied in its September 12, 2022 Resolution.⁶³

On November 17, 2022, Ronald filed his Petition for Review on Certiorari before this Court.⁶⁴ In a March 1, 2023 Resolution,⁶⁵ this Court directed Florence and the Republic to file their respective comments. However, only the Republic filed its Comment,⁶⁶ which it did on July 19, 2023.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 44.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at 47–50.

⁶⁴ *Id.* at 11–28.

⁶⁵ *Id.* at 120.

⁶⁶ *Id.* at 132–149.

In his Petition for Review on Certiorari, Ronald maintains that the totality of the evidence he presented established that he is psychologically incapacitated to comply with his essential marital obligations to Florence. He highlights that he suffers from Passive-Aggressive Personality Disorder, a grave and incurable disorder rooted in his strict upbringing. According to Ronald, the “authoritative” parenting he received resulted in his procrastination, fear of authority, and resentment, all of which contributed to his incapability to communicate his wants and needs directly to his allegedly domineering spouse. This eventually led to the breakdown of his marriage. His psychological incapacity being grave, juridically antecedent, and incurable, Ronald prays that this Court declare his marriage to Florence void under Article 36 of the Family Code.⁶⁷

In its Comment, the Republic counters that Ronald failed to prove the existence of his psychological incapacity. The Republic emphasizes that Ronald testified before the deputization of the Office of the Provincial Prosecutor of Balaoan, La Union, and service of summons on Florence. This, the Republic argues, rendered his testimony unauthorized.⁶⁸

In any case, even if Ronald’s testimony is considered, the Republic maintains that Ronald has no psychological incapacity. According to the Republic, Ronald “displayed behavior showing that it was within his mental faculties to comply. . . [and understand] his essential marital obligations.”⁶⁹ He married Florence twice and was able to maintain a long-distance relationship with her. They lived together and had two children. Thus, the Republic argues that all these behaviors show that Ronald is “capable of showing love, respect, help, and [giving] support to his family,”⁷⁰ and that his failure to discharge his marital duties is not due to psychological incapacity but “only due to his own neglect and refusal.”⁷¹

Finally, the Republic contends that the issues raised by Ronald are factual in nature, all of which were already passed upon by the Court of Appeals. The Republic pleads that this Court, not being a trier of facts, should deny his Petition.⁷²

The issues for this Court’s resolution are:

First, whether this Court should take cognizance of the Petition despite it raising questions of fact; and,

⁶⁷ *Id.* at 19–23.

⁶⁸ *Id.* at 136–138.

⁶⁹ *Id.* at 141.

⁷⁰ *Id.* at 142.

⁷¹ *Id.*

⁷² *Id.* at 144–145.

Second, whether petitioner Ronald B. Boado presented clear and convincing evidence of his psychological incapacity, which would render his marriage to respondent Florence C. Galvez-Boado void from the beginning.

This Court grants the Petition for Review on Certiorari.

Petitioner Ronald B. Boado proved his psychological incapacity with clear and convincing evidence. His marriage to respondent Florence C. Galvez-Boado is void from the beginning under Article 36 of the Family Code.

I

We first address the issue of whether this case falls within any of the exceptions to the general rule that only questions of law may be raised in appeals by certiorari. Questions of law arise when there is doubt as to what the law is within a certain state of facts.⁷³ On the other hand, questions of fact arise when there is doubt as to the truth of the parties' allegations.⁷⁴

To allow this Court to focus on the more fundamental tasks accorded to it by the Constitution, factual determinations and evaluation of evidence are left to the trial courts and the Court of Appeals. From this evolved the following doctrines, that: (1) "findings of fact of the Court of Appeals are accorded great respect, even finality by this Court";⁷⁵ and (2) "this Court is not a trier of facts."⁷⁶ Thus, Section 1 of Rule 45 of the Rules of Court provides:

RULE 45

Appeal by Certiorari to the Supreme Court

Section 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. *The petition shall raise only questions of law which must be distinctly set forth.* (Emphasis provided)

But as with any general rule, exceptions have been carved out:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave

⁷³ *Arriola v. Pilipino Star Ngayon*, 741 Phil. 171, 185 (2014) [Per J. Leonen, Third Division].

⁷⁴ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].

⁷⁵ *Id.*

⁷⁶ *Id.*

abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) *The findings of the Court of Appeals are contrary to those of the trial court*; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.⁷⁷ (Emphasis provided)

An exception exists in this case: the finding of fact of the Court of Appeals is contradicted by the evidence on record.

Petitioner raises the issue of whether he is psychologically incapacitated to comply with his essential marital obligations, a question of fact that requires this Court to re-examine petitioner's evidence, including his testimony, that of witness Greg Pascua, and the testimony of psychologist Winston D. Carrera. This Court will have to re-evaluate the evidence presented to determine whether petitioner's incapacity to perform the marital obligations is due to a genuine psychic cause or only due to a refusal to do so.

Nevertheless, despite the Petition raising a question of fact, We resolve to take cognizance of it. As will be shown, petitioner proved with clear and convincing evidence that he is psychologically incapacitated. His marriage to respondent has been void from the very beginning.

II

Psychological incapacity as a ground to void marriages is provided in Article 36 of the Family Code:

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.

As defined in *Tan-Andal v. Andal (Tan-Andal)*,⁷⁸ psychological incapacity consists of the "durable aspects of a person's personality, called 'personality structure,' which manifests itself through clear acts of dysfunctionality that undermines the family."⁷⁹ The definition is broad, as has been intended by the Code Committee, recognizing the many ways psychological incapacity can manifest itself in a marriage. It is important,

⁷⁷ *Id.* at 182–183.

⁷⁸ 902 Phil. 558 (2021) [Per J. Leonen, En Banc].

⁷⁹ *Id.* at 597.

however, that the dysfunction be shown “durable,” meaning this part of the person’s personality must have predated the marriage.⁸⁰ In other words, it must have juridical antecedence, although it may manifest only after the marriage’s solemnization. Furthermore, the incapacitated spouse’s personality structure “must make it impossible for him or her to understand and, more important, to comply with [the] essential marital obligations”⁸¹ as provided in Articles 68 to 71 of the Family Code.⁸² The failure to comply must not be a mere refusal, neglect, or difficulty to do so.

⁸⁰ *Id.* at 598.

⁸¹ *Id.* at 597.

⁸² FAMILY CODE, Art. 68–71 *provide*:

ARTICLE 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

ARTICLE 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall *decide*.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other *valid* and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the *solidarity* of the family.

ARTICLE 70. The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be *paid* from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case of insufficiency or absence of *said* income or fruits, such obligations shall be satisfied from the separate properties.

ARTICLE 71. The management of the household shall be the right and the duty of both spouses. The expenses for such management shall be *paid* in accordance with the provisions of Article 70.

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

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to *provide* for their upbringing in keeping with their means;
- (2) To give them love and affection, advice and counsel, companionship and understanding;
- (3) To *provide* them with moral and spiritual *guidance*, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- (4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
- (5) To represent them in all matters affecting their interests;
- (6) To demand from them respect and obedience;
- (7) To impose discipline on them as may be required under the circumstances; and
- (8) To perform such other duties as are imposed by law upon parents and guardians.

ARTICLE 221. Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses *provided* by law.

.....
ARTICLE 225. The father and the mother shall jointly exercise legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property or the annual income of the child exceeds P50,000, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child *resides*, or, if the child *resides* in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all *incidents* and issues regarding the performance of the obligations referred to in the second paragraph of this Article shall be heard and resolved.

The ordinary rules on guardianship shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply.

To establish psychological incapacity, the burden of proof rests on the petitioner-spouse, who must prove their case with clear and convincing evidence.⁸³ Because marriages are presumed valid, they may only be voided by evidence that requires more than a preponderance of evidence but is less than proof beyond reasonable doubt.⁸⁴

Further, as clarified in *Tan-Andal*, psychological incapacity is a legal concept. As such, “[o]rdinary 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.”⁸⁵ Medical or expert opinion on the existence of psychological incapacity is no longer required but may be considered by courts if offered in evidence. This marks a radical departure from the formerly medicalized conceptualization of psychological incapacity to include “the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage,”⁸⁶ an erroneous characterization that began with *Santos v. Court of Appeals*⁸⁷ and reinforced by *Republic v. Court of Appeals and Molina*⁸⁸ and other subsequent cases.

Based on the evidence presented by petitioner, he clearly and convincingly proved his psychological incapacity, specifically its juridical antecedence. It remains *undisputed* that petitioner grew up with a strict mother who “offered him too much demand and too little warmth.”⁸⁹ As a result, he maintained emotional distance in relationships, learning how to bottle up his true emotions and feelings just to keep the peace. This is why petitioner can perform essential marital obligations tied to providing the family’s material needs, such as financial support, but lacked in providing emotional needs, the most basic of which is physical presence and companionship.

Indeed, there is evidence of the emotional distance between the spouses, which was exacerbated by the frequent physical distance between them due to their jobs. A review of the facts shows that from 1999-2002, when the parties were still dating, they were only physically together for about a year, i.e., in the years 1999-2000. From 2000 to 2002, they were apart. While they communicated over the phone, they often did so just to fight.

From the time they were married in 2002 until they separated for good in 2016, petitioner and private respondent were only physically together for

⁸³ *Tan-Andal v. Andal*, 902 Phil. 558, 591 (2021) [Per J. Leonen, En Banc].

⁸⁴ *Id.* at 591-592.

⁸⁵ *Id.* at 597.

⁸⁶ *Id.*, citing *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995) [Per J. Vitug, En Banc].

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

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

⁸⁹ *Rollo*, p. 21.

about five years: (1) from 2005-2008, when petitioner went home from Saudi Arabia; (2) from 2011-2012, when the parties reconciled; and (3) from 2015-2016, when petitioner went home from the United States. These show that petitioner can maintain a relationship only from a distance, frequently keeping his spouse at arm's length.

Besides, just because a spouse was once able to perform some marital obligations does not mean that they cannot be subsequently incapable of fulfilling some of the other obligations. This is why Article 36 of the Family Code states that psychological incapacity can manifest after the marriage's solemnization. In the case of petitioner, his psychological incapacity fully manifested later in the marriage, specifically in 2016, 14 years into the marriage.

III

It is true that petitioner's testimony was taken before the Office of the Solicitor General deputized the Office of the Provincial Prosecutor of Balaoan, La Union and prior to the service of summons on private respondent. However, as held by the Court of Appeals, this procedural due process issue was cured since "the [Office of the Solicitor General] is now fully informed and in charge of the case."⁹⁰ Petitioner was likewise cross-examined on his testimony by the public prosecutor, who appeared on behalf of the Republic and was subsequently deputized by the Office of the Solicitor General anyway. This Court, therefore, can very well consider the testimony of petitioner in resolving this case.

IV

Loving one's spouse⁹¹ is an important, if not the most important, essential marital obligation. Petitioner already asserted that he no longer loved private respondent. He also proved that his inability to love private respondent back is rooted in a durable part of his personality, caused by a potentially emotionally immature parent. For these reasons, petitioner must not be forced to stay in a loveless marriage, and his marriage to private respondent must be voided.

ACCORDINGLY, the Petition for Review on Certiorari filed by Ronald B. Boado is **GRANTED**. The May 12, 2022 Decision and the September 12, 2022 Resolution of the Court of Appeals in CA-G.R. CV No. 115614 are **REVERSED** and **SET ASIDE**. The Decision of Branch 34, Regional Trial Court, Balaoan, La Union in Civil Case No. 1524 is

⁹⁰ *Id.* at 39.

⁹¹ FAMILY CODE, Art. 68 *provides*:


ARTICLE 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

REINSTATED. The marriage between petitioner Ronald B. Boado and Florence C. Galvez-Boado is declared **VOID AB INITIO** due to petitioner's psychological incapacity under Article 36 of the Family Code.


The Local Civil Registrar of Quezon City, Metro Manila is **ORDERED** to make the proper entries into the records of the parties pursuant to this Decision.

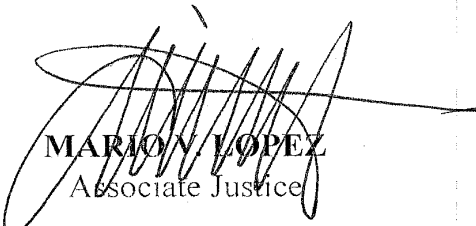
Furthermore, let copies of this Decision be **FURNISHED** to the Office of the Solicitor General, the Provincial Prosecutor of Balaoan, La Union, the Local Civil Registrar of Quezon City, Metro Manila, the Local Civil Registrar of Balaoan, La Union, and the Philippine Statistics Authority, Manila, for their record and the implementation of this Decision.


SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:


AMY C. LAZARO-JAVIER
Associate Justice


MARION LOPEZ
Associate Justice

w/ my dissenting opinion!

JHOSEP LOPEZ
Associate Justice

I join the dissent of Justice Jhosep Lopez

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