

THIRD DIVISION

[G.R. No. 242070, August 24, 2020]

JEFFREY M. CALMA, PETITIONER, VS. MARI KRIS SANTOS-CALMA, RESPONDENT.

DECISION

LEONEN, J.:

When the totality of evidence demonstrates psychological incapacity, a marriage may be declared null and void pursuant to Article 36 of the Family Code.^[1]

This resolves a Petition for Review on Certiorari^[2] under Rule 45 of the 1997 Rules of Civil Procedure, praying that the assailed Decision^[3] and Resolution^[4] of the Court of Appeals in CA-G.R. CV No. 109155 be reversed and set aside, and that petitioner Jeffrey M. Calma's (Jeffrey) marriage with respondent Mari Kris Santos-Calma (Kris) be declared null and void in accordance with Article 36 of the Family Code.

The assailed Court of Appeals Decision affirmed Guagua Regional Trial Court's January 6, 2017 Decision^[5] which dismissed the Petition for Declaration of Nullity of Marriage filed by Jeffrey against Kris. The assailed Resolution denied Jeffrey's Motion for Reconsideration.

Jeffrey met Kris in February 2005 while they were both working as Jollibee crew members. Within a month of meeting each other, they had become sexually intimate. Soon after, Kris became pregnant. Though admittedly incapable of raising a family, Jeffrey sought Kris' hand in marriage. They were married in civil rites on August 15, 2005.^[6]

Ten days into their marriage, Jeffrey received information that he was given a visa for a three-year contract as an overseas Filipino worker in the Middle East. Confronted with this, Jeffrey and Kris agreed that Kris would live with Jeffrey's parents in Pampanga while he was away working. This choice was also due, in part, to how Kris did not have good relations with her parents.^[7]

On December 31, 2005, Kris gave birth to their son, Josh Xian. A few months later, Kris told Jeffrey that she wanted to stay with her own family in Bulacan. Jeffrey acceded. After a couple of months, however, Kris told Jeffrey that she needed to leave Bulacan due to a misunderstanding with her father. Jeffrey then made arrangements for Kris to live at his sister's house in Quezon City.^[8]

Jeffrey thought things were going well, when he noticed that Kris' demands for money kept escalating; always claiming that the money was for Josh Xian. In 2008, Kris changed mobile numbers in rapid succession, making Jeffrey suspicious. Moreover, some time in 2008, Kris asked for more money, explaining that she was in

"deep trouble[.]"^[9] Jeffrey responded that he was due to return to the Philippines shortly, and asked that Kris wait for him instead.^[10]

Upon his return, Kris never bothered to meet Jeffrey. He had to go to Bulacan to see her and his son. While Josh Xian was there, Kris was not. Kris' parents told Jeffrey that Kris was already cohabiting with another man and was pregnant. His in-laws allowed him to have Josh Xian and advised him to start anew.^[11]

When Jeffrey confronted Kris, she allegedly showed no remorse and blamed Jeffrey for abandoning her to work abroad. Kris would never again talk to Jeffrey or visit Josh Xian.^[12]

In 2013, Jeffrey considered the possibility of having his marriage to Kris declared null. Efforts were then made to locate Kris.^[13] Clinical psychologist Dr. Leo Ruben C. Manrique's services were subsequently engaged. After interviews with Jeffrey, Kris, and their relatives,^[14] Dr. Manrique concluded that Kris: (1) was suffering from schizoid personality disorder; (2) manifested maladaptive behavioral patterns; and (3) was psychologically incapacitated to such an extent that she was "incapable of performing essential marital obligations[.]"^[15]

Subsequently, Jeffrey filed a Petition for Declaration of Nullity of Marriage on account of psychological incapacity.

Jeffrey presented three (3) witnesses: (1) himself; (2) his mother; and (3) Dr. Manrique.^[16]

After trial, the Guagua Regional Trial Court rendered its January 6, 2017 Decision^[17] dismissing Jeffrey's Petition on account of his supposed failure to show the gravity, juridical antecedence, and incurability of Kris' psychological capacity. The Regional Trial Court was particularly dismissive of Dr. Manrique's findings, stating that nothing was offered by way of evidence.^[18]

Still centering on the supposed inadequacies of Dr. Manrique's findings, the Court of Appeals' assailed June 21, 2018 Decision^[19] affirmed the Regional Trial Court.

Following the denial^[20] of his Motion for Reconsideration, Jeffrey filed the present Petition.

For this Court's resolution is the issue of whether or not the gravity, juridical antecedence, and incurability of Kris' psychological capacity has been shown as would justify the declaration of nullity of her marriage to Jeffrey.

I

Article 36 of the Family Code identifies psychological incapacity as a ground for considering a marriage void:

ARTICLE 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.

This Court had an early occasion to interpret Article 36 in *Santos v. Court of Appeals*.^[21] Noting that Article 36 was deliberately framed with "less specificity . . . [so as to] to allow some resiliency in its application[,]"^[22] Santos determined that:

"[P]sychological incapacity" should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that the intendment of the law has been to confine the meaning of "psychological incapacity" to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.
^[23]

Santos proceeded to determine that psychological incapacity, under Article 36, "must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability."^[24]

Proceeding from this, *Republic v. Court of Appeals and Molina*^[25] set more specific standards. *Republic v. Pangasinan*^[26] summarized these standards, as follows:

- (1) The burden of proof to show the nullity of the marriage 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.
- (3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage.
- (4) Such incapacity must also be shown to be medically or clinically permanent or incurable.
- (5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage.
- (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.

In sum, a person's psychological incapacity to comply with his or her essential obligations, as the case may be, in marriage must be rooted on a medically or clinically identifiable grave illness that is incurable and shown to have existed at the time of marriage, although the manifestations thereof may only be evident after marriage[.]^[27]
(Citations omitted)

However, jurisprudence subsequent to *Molina* observed that the Court's decision "has unnecessarily imposed a perspective by which psychological incapacity should be viewed, *totally inconsistent* with the way the concept was formulated — free in form and devoid of any definition."^[28] *Ngo Te v. Yu-Te*, decided in 2009, lamented that "*Molina* has become a strait-jacket, forcing all sizes to fit into and be bound by it."^[29] It explained:

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 [Office of the Solicitor General'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[.]^[30] (Citations omitted)

In 2015, *Kalaw v. Fernandez*^[31] echoed *Ngo Te*:

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.”^[32] (Citation omitted)

II

The *Molina* guidelines have spurred emphasis on the importance of expert testimony. For example, *Hernandez v. Court Appeals*,^[33] citing the second *Molina* guideline, explained:

It must be shown that these acts are manifestations of a disordered personality which make private respondent completely unable to discharge the essential obligations of the marital state, and not merely due to private respondent's youth and self-conscious feeling of being handsome, as the appellate court held. As pointed out in [*Molina*]:

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. Article 36 of the Family Code requires that the incapacity must be psychological—not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or physically ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of *ejusdem generis* . . . nevertheless such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.

Moreover, expert testimony should have been presented to establish the precise cause of private respondent's psychological incapacity, if any, in order to show that it existed at the inception of the marriage. The burden of proof to show the nullity of the marriage rests upon petitioner. The Court is mindful of the policy of the 1987 Constitution to protect and strengthen the family as the basic autonomous social institution and marriage as the foundation of the family. Thus, any doubt should be resolved in favor of the validity of the marriage.^[34] (Citations omitted)

It has, however, been subsequently clarified that expert findings on either of the spouses' psychological incapacity obtained from direct, personal examination is not an absolute and indispensable requirement. Drawing on the nature of marriage as a relation between two individuals, *Camacho-Reyes v. Reyes-Reyes*^[35] emphasized that information obtained from either party to the marriage may suffice to inform an expert's assessment:

The lack of personal examination and interview of the respondent, or any other person diagnosed with personality disorder, does not per se