

BY: Wae
TIME: 3:01pm

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 246868

Members:

-versus-

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

ANGELIQUE PEARL O. CLaur and
MARK A. CLaur,
Respondents.

Promulgated:

FEB 15 2022 *Wae*

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This petition for review on *certiorari* assails the following dispositions of the Court of Appeals in CA-G.R. CV No. 107744 entitled *Angelique Pearl O. Claur, Petitioner-Appellee v. Mark A. Claur, Respondent, Republic of the Philippines, Oppositor-Appellant*:

- 1) **Decision**¹ dated January 30, 2018, affirming the grant of the petition for declaration of nullity of marriage of petitioner Angelique Pearl O. Claur with respondent Mark A. Claur; and
- 2) **Resolution**² dated April 11, 2019, denying the Republic's motion for reconsideration.

¹ Penned by Associate Justice Ramon A. Cruz and concurred in by Justices Normandie B. Pizzaro and Pablito A. Perez; *rollo*, pp. 48-61.

² *Rollo*, pp. 62-63.

Antecedents

In her verified petition below, Angelique Pearl sought to have her marriage with Mark declared *void ab initio* on the ground that they were both psychologically incapacitated. Mark failed to file his answer despite notice.³

Angelique Pearl testified that she and Mark were schoolmates in high school. She had a crush on Mark even though he had a notorious reputation for being flirtatious and for drinking alcohol at such a young age. She got Mark's mobile number from their common friends. Soon after, she became his girlfriend.⁴

During their relationship, she discovered that Mark was the "jealous type" and was too obsessed with her.⁵ At the same time though, she also found out that Mark was still texting other girls and had been lying to her. Mark also had the habit of not disclosing his whereabouts to her. When Mark tried to break up with her, she threatened to commit suicide.⁶ On the other hand, when she would try to break up with him, Mark would devise a way for her to stay in the relationship. He would manipulate her dormmates to convince her not to break up with him. He would also wait outside her dorm and even call her parents. For about three (3) to six (6) months, they alternated between breaking up and reconciling.⁷

When they went to different universities for college, Mark's jealousy had escalated as well as their fights. They would curse each other and sometimes their quarrels would turn physically violent. During the five (5) years of their boyfriend-girlfriend relationship, they broke up and reconciled around twenty (20) times.⁸

Then, she got pregnant unexpectedly. She was only twenty (20) years old while Mark was twenty-one (21) years old at that time.⁹ When her parents found out, they did not consider marriage as an option. She, too, was hesitant about it. But Mark insisted that they get married. His parents even deceived her by promising that she and Mark would move to the United States of America if she married their son. Thus, on January 3, 2009, they tied the knot at the Ascension Chapel of Villa Escudero.¹⁰ But after the wedding, they only stayed in the house of Mark's family. She had difficulty living with them since she was not accustomed to doing household chores. Too, Mark's parents would borrow money from her claiming they needed it to pay for Mark's tuition fees.¹¹

³ *Id.* at 77.

⁴ *Id.* at 78.

⁵ *Id.* at 52.

⁶ *Id.* at 78.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 49.

¹⁰ *Id.* at 78.

¹¹ *Id.*

Not long after, she discovered all the lies that Mark fed her. One of them was when Mark made her believe that he was only one (1) semester away from his college graduation. But the truth was, he still needed several years to finish his degree. Another was when Mark told her that his father was working for a certain company. She found out though that Mark's father was a security guard.¹²

Subsequently, they moved in with her parents in Quezon. Since she was used to their household helper doing chores for her, she did not unpack their things. Mark got irritated and threw the bags at her. She retaliated by hitting him with her "happy feet" clogs. Mark sustained a laceration in the head which bled. He panicked because he feared the sight of blood. But instead of helping Mark, she did not do anything and simply watched him as his head continued to bleed. It was her mother who helped Mark clean the wound and stop the bleeding. She did not tell her mother what happened because she thought her mother would not believe her anyway.¹³

On April 4, 2009, their son Malique Antonio was born. Mark, nonetheless, wanted to end their relationship. They separated several times, each incident lasting for a few days or a week. Mark had a habit of leaving her and their child to meet up with his friends whenever he got upset. Their married life had been marred by quarrels, disagreements, and even violence. There was one (1) incident when he accidentally locked her up in the bathroom. When she finally got out, she and Mark fought and he hit her in the face, breaking her jaw.¹⁴

When Mark eventually finished college, he made no attempt at all to find gainful employment. He was lazy, extravagant, and given to vices.¹⁵ He refused to find a job and merely relied on her for financial support. Sometime in September 2011, she insisted that they part ways. Mark retaliated by falsely telling her parents that she had a male text mate and lover.¹⁶

In January 2012, she was expecting to go out on a date with Mark to celebrate their anniversary. Mark, however, came home late and drunk. She then asked their household helper to pack Mark's things. Mark left and they have since been separated in fact.¹⁷

Johnson C. Tiu testified that he is Angelique Pearl's uncle and confidant. He is very close to her and he fondly calls her "Apol". He first heard about Mark when Apol admitted to him that she had a crush in their school at the De La Salle, Lipa City, Batangas. Apol would always talk about Mark so he (Johnson) told her that she must introduce Mark to him. He

¹² *Id.* at 78-79.

¹³ *Id.* at 79.

¹⁴ *Id.*

¹⁵ *Id.* at 52.

¹⁶ *Id.* at 79.

¹⁷ *Id.*

eventually met Mark when he went to Apol's dorm in Batangas to pick her up. Apol introduced him as her boyfriend but Mark just kept quiet.¹⁸

Thereafter, Apol would confide in him about her "rocky" relationship with Mark. She told him about their constant fights over her jealousy and Mark's philandering. He advised Apol to just end things with Mark, but then, she got pregnant. He (Johnson) and Apol's parents did not want her to marry Mark but they eventually accepted her decision to get married.

After they got married, Apol confided in him about all the lies that Mark made her believe. Mark also lacked a sense of responsibility and still lived his life like a bachelor. Apol, on the other hand, would always be jealous and was a "nagger."¹⁹ She also disclosed that Mark continued his philandering ways and started to physically assault her. The worst incident was when Apol broke her jaw when Mark hit her on the face. He wanted to confront Mark at that time but Apol asked him not to.²⁰

Dr. Jay Madelon Castillo-Carcereny testified that she is a physician and a psychiatrist. She personally examined Angelique Pearl. She also interviewed Angelique Pearl's father Antonio Tan Ong.

Based on the interviews and tests she conducted, she diagnosed Angelique Pearl with "*borderline personality disorder*", thus:

(1) she has frantic efforts to avoid real or imagined abandonment, *e.g.*, she held on to the relationship with Mark by having sexual intercourse with him and eventually becoming pregnant;

(2) she has a pattern of unstable and intense interpersonal relationships characterized by alternating between extremes of idealization and devaluation, *e.g.*, she idealized Mark thinking that he was the escape from her past life experiences;

(3) she is impulsive in at least two (2) areas that are potentially self-damaging, *e.g.*, she spends excessively, and considers purchases as a "quick fix", and money as a form of affection;

(4) she has recurrent suicidal behavior, gestures or threats, or self-mutilating behavior, *e.g.*, she drank insecticide and hurt herself in response to being rejected;

(5) she has affective instability due to a marked reactivity of mood, *e.g.*, she has mood swings, temper tantrums, and tendencies for assault;

(6) she has chronic feelings of emptiness; and

(7) she has inappropriate intense anger or difficulty controlling anger, *e.g.*, she breaks things and makes a scene when she is angry.²¹

¹⁸ *Id.* at 79-80.

¹⁹ *Id.* at 81.

²⁰ *Id.*

²¹ *Id.* at 57-58.

As for Mark, although she was not able to personally examine him, the information she gathered from Angelique Pearl and Antonio, who personally saw Mark's coping mechanisms when the couple lived with them, was adequate for her to diagnose Mark with "*narcissistic personality disorder*", thus:

(1) he has a grandiose sense of self-importance, *e.g.*, he painted stories of his family's wealth and did not want anyone to know the real status of his family;

(2) he is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love, *e.g.*, he took review classes, but did not take the board examinations;

(3) he requires excessive admiration, *e.g.*, he had simultaneous relationships and flirted with other women before and during his marriage with Angelique Pearl;

(4) he has a sense of entitlement, or unreasonable expectations of especially favorable treatment or automatic compliance with his expectations, *e.g.*, he did not try to gain employment and provide for his family;

(5) he is interpersonally exploitative or takes advantage of others to achieve his own ends, *e.g.*, he used Angelique Pearl by making her pay for his education;

(6) he lacks empathy and is unwilling to recognize or identify with the feelings and needs of others, *e.g.*, he only visited his son once a year and was verbally and physically abusive towards Angelique Pearl; and

(7) he shows arrogant, haughty behaviors or attitudes, *e.g.*, he is disrespectful towards his parents.²²

Dr. Castillo-Carcereny explained that the root cause of their personality disorders was their respective dysfunctional families classified as "double bind" in Mark's case and "pseudo hostility" in Angelique Pearl's case.²³ They had developed it during childhood and had become deeply entrenched in their persons such that neither of them thought they were problems.²⁴ Any medication or recommended treatment to address the condition would be useless since each of the parties' personality disorder is "grave, permanent and incurable."²⁵

Dr. Castillo-Carcereny recommended that the marriage of Angelique Pearl and Mark be declared void on the basis of each party's "psychological incapacity to perform essential marital obligations which manifested during early adulthood, increasing in gravity and severity from adolescence to present."²⁶

²² *Id.*

²³ *Id.* at 52.

²⁴ *Id.* at 82.

²⁵ *Id.*

²⁶ *Id.* at 52.

1

Mark did not present evidence.

The Ruling of the Trial Court

Under Decision²⁷ dated November 26, 2015, the Regional Trial Court – Branch 260, Parañaque City granted the petition for declaration of nullity of Angelique Pearl and Mark’s marriage on the ground of both parties’ psychological incapacity. It found that the totality of evidence shows that Angelique Pearl and Mark were both psychologically incapacitated to perform their marital obligations.

Acting for the Republic, the Office of the Solicitor General (OSG) moved for reconsideration, which got denied under Order²⁸ dated July 4, 2016.

Proceedings before the Court of Appeals

On appeal, the OSG argued that the trial court failed to specify the pieces of evidence pertaining to the supposed existence of the parties’ psychological incapacity. It argued that Angelique Pearl’s statements were “inherently biased and self-serving,” Johnson’s testimony was “hearsay,” and Dr. Castillo-Carcereny’s findings were “not credible.” Thus, even if taken together, their testimonies deserve scant consideration.²⁹

On the other hand, Angelique Pearl was deemed to have waived her right to file her Appellee’s Brief.³⁰

The Ruling of the Court of Appeals

Through its assailed Decision³¹ dated January 30, 2018, the Court of Appeals affirmed. It held that from the totality of evidence presented, the trial court correctly determined that Angelique Pearl and Mark were both suffering from psychological incapacity characterized by gravity, juridical antecedence, and incurability.³²

The Court of Appeals found that the assessment and professional opinion of Dr. Castillo-Carcereny conformed with the factual milieu of the case and the evidence presented by Angelique Pearl. Dr. Castillo-Carcereny’s comprehensive analysis and findings sufficiently established the parties’ psychological incapacity.³³

²⁷ Penned by Judge Jaime M. Guray; *rollo*, pp. 77-85.

²⁸ See *rollo*, p. 53.

²⁹ *Id.* at 54.

³⁰ *Id.* at 33.

³¹ *Id.* at 48-60.

³² *Id.* at 56.

³³ *Id.* at 59.

1

The Court of Appeals subsequently denied the OSG's motion for reconsideration.³⁴

The Present Petition

The Republic, through the OSG, now seeks the Court's discretionary appellate jurisdiction to reverse the assailed rulings of the Court of Appeals. It maintains that Angelique Pearl failed to establish that her marriage to Mark is void due to the psychological incapacity of her husband and even herself. For other than the self-serving testimonies of Angelique Pearl and her biased witnesses, no other evidence was presented to substantiate the finding of both the trial court and the appellate court that the parties were indeed psychologically incapacitated.³⁵

More, even on the assumption that the testimonies of the witnesses were credible, they still failed to establish a debilitating personality disorder that renders the spouses incapable of performing their essential marital obligations.³⁶ While Angelique Pearl established that: a) Mark lied about his schooling and his father's occupation; b) both parties inflicted physical injuries on each other; and c) Angelique Pearl forced Mark to leave the conjugal home, these facts did not render their marriage void.³⁷ They are, at most, mere grounds for legal separation.³⁸

In her Comment,³⁹ Angelique Pearl ripostes that the petition should be denied considering that both the trial court and the Court of Appeals were one in finding that the evidence presented sufficiently established that she and Mark are psychologically incapacitated.⁴⁰

She experienced and suffered first-hand the manifestations of Mark's psychological incapacity.⁴¹ Thus, she was merely stating a fact when she testified about it before the trial court. Meanwhile, as her confidant, Johnson had personal knowledge of the physical manifestations of her "borderline personality disorder", her turbulent relationship with Mark, and the emotional and physical pain that the latter inflicted on her.⁴²

As for Dr. Castillo-Carcereny, her findings were based on psychological tests and interviews of the witnesses who gave their personal accounts, observations, perceptions, and experiences with her (Angelique Pearl) and Mark. The data she gathered allowed Dr. Castillo-Carcereny to diagnose her and Mark's psychological disorder and to trace the root causes thereof.⁴³ Her professional expertise and findings cannot be discounted just

³⁴ *Id.* at 52-63.

³⁵ *Id.* at 40-42.

³⁶ *Id.* at 43.

³⁷ *Id.*

³⁸ *Id.* at 44.

³⁹ *Id.* at 157-170.

⁴⁰ *Id.* at 168.

⁴¹ *Id.* at 169.

⁴² *Id.*

⁴³ *Id.* at 169-170.

↑

because she did not have the opportunity to personally examine Mark. At any rate, the personal examination of the party alleged to be psychologically incapacitated is not a mandatory requirement for the declaration of nullity of marriage under Article 36 of the Family Code.⁴⁴

Issue

Did the evidence on record sufficiently support the petition of Angelique Pearl O. Claur for declaration of nullity of her marriage with Mark A. Claur on ground of psychological incapacity?

Ruling

Article 36 of the Family Code recognizes the psychological incapacity of a spouse as a ground for declaration of nullity of marriage, thus:

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.

Psychological incapacity is a legal, not a medical, concept

In the recent case of *Tan-Andal v. Andal*,⁴⁵ the Court clarified that “psychological incapacity” should be understood as a legal concept rather than a medical one. As such, it does not require clinical diagnosis to be established. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse.

Tan-Andal, too, set new parameters in appreciating the three (3) main criteria for psychological incapacity. First, **gravity** still has to be established, if only to preclude spouses from invoking mild characterological peculiarities, mood changes, occasional emotional outbursts as ground for nullity. Second, **incurability** should also be understood in the legal sense. So long as the couple’s respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable breakdown of the marriage, the psychological incapacity of a spouse or both spouses is deemed “incurable”. Third, **juridical antecedence** or the existence of the condition prior to the celebration of marriage, is a statutory requirement which must be proven by the spouse alleging psychological incapacity.

Tan-Andal likewise decreed that the plaintiff-spouse must prove his or her case by **clear and convincing evidence**. Notably, this quantum of proof requires more than preponderant evidence but less than proof beyond

⁴⁴ *Id.*

⁴⁵ G.R. No. 196359, May 10, 2021.

reasonable doubt.⁴⁶ The Court, nonetheless, reiterated that judgments in cases involving the alleged psychological incapacity of a spouse should be based on the **totality of evidence** adduced during the course of the proceedings.⁴⁷ Each case must be resolved based on its particular set of facts and Article 36 of the Family Code applied on a case-to-case basis. For *Tan-Andal* was not meant to strait-jacket lower courts, forcing them to apply the guidelines in nullity cases of all shapes and sizes.⁴⁸

The totality of evidence on record clearly and convincingly establishes the psychological incapacity of both Angelique Pearl and Mark

In *Republic v. Mola Cruz*,⁴⁹ the Court stressed that the findings of the trial court on the existence or non-existence of a party's psychological incapacity should be final and binding for as long as such findings and evaluation of the testimonies of witnesses and other evidence are not shown to be clearly and manifestly erroneous. A sharper pronouncement on the respect accorded to the trial court's factual findings in the realm of psychological incapacity was made in *Kalaw v. Fernandez*,⁵⁰ viz.:

It is not enough reason to ignore the findings and evaluation by the trial court and substitute our own as an appellate tribunal only because the Constitution and the Family Code regard marriage as an inviolable social institution. We have to stress that the fulfilment of the constitutional mandate for the State to protect marriage as an inviolable social institution only relates to a valid marriage. No protection can be accorded to a marriage that is null and void *ab initio*, because such a marriage has no legal existence.

Here, the Republic failed to provide compelling reason to convince the Court to deviate from the findings of the trial court, as affirmed by the Court of Appeals. The totality of evidence presented clearly and convincingly show that both Mark and Angelique Pearl are psychologically incapacitated from discharging their respective duties as husband and wife.

First. Their psychological incapacity has **juridical antecedence** since their personality structures were manifest even before the celebration of their marriage.

Angelique Pearl admitted she got attracted to Mark despite his notoriety when they were still in high school. Their relationship had already been "rocky" since the beginning. Mark was too jealous and obsessed with her, yet, he still flirted with other women. When Mark tried to break-up with her, she

⁴⁶ *Sps. Manalo v. Roldan-Confesor*, 290 Phil. 311 (1992).

⁴⁷ *Republic v. Tabora-Tionglico*, 823 Phil. 672, 678 (2018).

⁴⁸ See *Ngo Te v. Yu Te*, 598 Phil. 666, 695-696 (2009).

⁴⁹ *Republic v. Mola Cruz*, 836 Phil. 1266, 1278-1279 (2018), citing *Kalaw v. Fernandez*, 750 Phil. 482 (2015).

⁵⁰ *Kalaw v. Fernandez*, 750 Phil. 482 (2015).

threatened to commit suicide. On the other hand, when she tried to break up with Mark, he pressured her into staying together.

Their quarrels even escalated when they went to college. They would curse each other and their fights had gotten violent. During the five (5) years they had been in a boyfriend-girlfriend relationship, they broke up and reconciled around twenty (20) times.⁵¹ But then, she got pregnant unexpectedly. She was only twenty (20) years old while Mark was only twenty-one (21). She herself was hesitant to get married but got forced to yield because Mark and his parents insisted otherwise.

Unfortunately, their relationship turned for the worse after they got married. She struggled living with Mark's parents. She also uncovered Mark's lies about the financial status of his family and his studies.⁵² He lived extravagantly, yet, he was unemployed and merely relied on her for financial support.⁵³

Their relationship did not improve even when they moved in with her parents. They separated several times. Mark would leave her and their son whenever he got upset. They kept fighting like they did before and they ended up physically hurting each other. There was one incident when she wounded Mark in the head and just watched him bleed.⁵⁴ On another occasion, it was Mark who hit her in the face and broke her jaw.⁵⁵ Their married life has been marred by disagreements, quarrels, and violence.⁵⁶

Evidently, the testimony of Angelique Pearl successfully discharged the burden to prove her and Mark's psychological incapacity. The trial court and the Court of Appeals properly gave credence to her personal account of what transpired before and during her marriage to Mark considering that "[t]he totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other."⁵⁷

Further, Angelique Pearl's uncle and confidant, Johnson, corroborated her testimony. He witnessed her turbulent relationship with Mark even before they got married. Subsequently, despite their marriage and the birth of their son, Angelique Pearl and Mark's relationship spiraled downward. Mark lacked a sense of responsibility and still lived his life like a bachelor. Angelique Pearl, on the other hand, was always jealous and became a "nagger."⁵⁸ Worse, Mark continued his philandering ways and started to physically assault Angelique Pearl. Johnson bore witness to how Mark broke the jaw of Angelique Pearl during one of their violent fights.⁵⁹

⁵¹ *Rollo*, p. 78.

⁵² *Id.* at 78-79.

⁵³ *Id.* at 79.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Republic v. Mola Cruz*, supra note 49.

⁵⁸ *Rollo*, p.81.

⁵⁹ *Id.*

Clearly, the respective personality structures of Angelique Pearl and Mark were already present even before they got married. Their dysfunctional acts when they were in a boyfriend – girlfriend relationship and even when they were already husband and wife have made it impossible for either of them to understand and, more important, to comply with their essential marital obligations.

Second. The **gravity** of their condition cannot be categorized as mild characterological peculiarities, mood changes, and mere occasional emotional outbursts.

They resented each other and it never failed to manifest each time. Their relationship started from being “rocky”, to turbulent, to violent. Neither of them accorded the other the love and respect that was due to a spouse or life partner. Their incongruity depicted a pattern of persistent failure to be a loving, faithful, respectful and supportive spouse. As shown, their misunderstandings had escalated to frequent quarrels, cursing, and worst, physical violence. Surely, we cannot, by any means, consider them as mere refusal, neglect, or difficulty in the performance of their marital obligations.

Third. Their respective personality structures are “**incurable**” in the legal sense. Their conditions prevented them from complying with their marital obligations as embodied in the Family Code, particularly the observance of mutual love, respect and fidelity, and rendering mutual help and support.⁶⁰

Their behavior before and after their wedding clearly manifests their psychological incapacity and show their utter lack of willingness to properly treat each other as husband and wife. Their dysfunctional on and off relationship, though solemnized, was not salvaged by their marriage. On the contrary, their formalized union only served to trap both of them in a perpetually loveless relationship. They are so incompatible and antagonistic toward each other that the only result of their marriage would be its inevitable and irreparable breakdown.⁶¹

True, physical and verbal abuse, neglect and abandonment of spouse and children, or acts of infidelity including adultery or concubinage, each constitutes a ground for legal separation. But where each one of these grounds or a combination thereof, at the same time, manifests psychological incapacity that had been existing even prior to marriage,⁶² the court may void the marriage on ground of psychological incapacity under Article 36 of the Family Code.

Here, Mark’s acts of infidelity, abuse, neglect, and abandonment, on one hand, and Angelique Pearl’s suicidal behavior, ill temper, and verbal and

⁶⁰ Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

⁶¹ See *Tan-Andal v. Andal*, G.R. No. 196359, May 10, 2021.

⁶² *Id.*

1

physical abuse, on the other, collectively manifest both of their psychological incapacity in the legal sense. They satisfy the criteria of juridical antecedence, gravity, and incurability. Their behavioral patterns and personality structures clearly show that they are psychologically incapacitated from fulfilling their obligations as husband and wife and as parents to their son.

Fourth. The findings of Dr. Castillo-Carcereny support this conclusion.

To emphasize though, *Tan-Andal* categorically declared that the testimony of a medical expert is no longer required for purposes of establishing psychological incapacity as a legal concept. We no longer look at psychological incapacity as a medical condition or personality disorder, the root cause of which has to be identified. Instead, courts may rely on the testimonies of ordinary witnesses for purposes of determining whether one or both spouses are psychologically incapacitated.

Even then, *Tan-Andal* discussed the parameters for determining the sufficiency of a report rendered by a psychologist or psychiatrist, *viz.*:⁶³

x x x [T]he rule [on admissibility of expert opinion] requires the following. First, that the "knowledge" testified on must be "scientific," that is, it must be "more than subjective belief or unsupported speculation." Second. The specialized knowledge be of such character that the trial judge be "able to understand the evidence or to determine a fact in issue." Third, the trial judge, like a "gatekeeper," takes a firsthand look on "the scientific validity...[or] the evidentiary relevance or reliability... of the principles that underlie" the testimony being offered as expert opinion. **"The focus...must solely be on the principles and methodology, not on the conclusions they generate."** (emphases added, citations omitted)

x x x x

On hearsay, x x x they are generally inadmissible. **However, if "the expert opinion [is] based on otherwise inadmissible hearsay, [it is] to be admitted only if the facts or data are 'of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon a subject.'"** xxx (emphases added, citations omitted)

Here, the State does not challenge the expertise of Dr. Castillo-Carcereny as a psychiatrist. As the Court of Appeals found, her credentials and expertise to testify as an expert witness in the field of psychiatry have been duly established.⁶⁴

On the methodologies and procedures applied by Dr. Castillo-Carcereny, records show that aside from conducting personal interviews of Angelique Pearl and her father Antonio, Dr. Castillo-Carcereny also did several tests to arrive at her findings, *viz.*: (1) Culture Fair Test; (2) Basic Personality Inventory; (3) House-Tree-Person; (4) Draw-A-Person Test, (5)

⁶³ *Id.*

⁶⁴ *Rollo*, p. 58.

Bender Gestalt Visual Motor Test, (6) Luscher Full Color Test; and (7) Zung Depression Scale.⁶⁵ These tests bore the following results:

REMARKS:

x x x Mark Claur is suffering from a NARCISSISTIC PERSONALITY DISORDER[.]

x x x x

Mark Claur presented with 7 out of 9 traits of a Narcissistic Personality, wherein only 5 are needed to satisfy the criteria[.]

x x x x

Mark Claur is an [u]nprincipled narcissist [with] antisocial features[,] a charlatan[,] x x x a fraudulent, exploitative, deceptive and unscrupulous individual[.]

On the other hand, x x x, the Petitioner Angelique Pearl Ong-Claur is suffering from a BORDERLINE PERSONALITY DISORDER[.]

x x x x

Angelique Ong-Claur presented with 7 out of 9 traits, wherein only 5 w[ere] needed to satisfy the criteria for a Borderline Personality[.]⁶⁶

Dr. Castillo-Carcereny found that Mark is suffering from a “narcissistic personality disorder.” The manifestations of his condition are: (1) grandiose sense of self-importance which made him concoct stories of his family’s wealth; (2) fantasies of unlimited success as shown when he took review classes although he did not take the board examinations; (3) need for excessive admiration which fueled him to flirt with other women before and during his marriage with Angelique Pearl; (4) sense of entitlement such that he merely relied financially on Angelique Pearl; (5) exploitative character when he used Angelique Pearl to pay for his education; (6) lack of empathy which clearly showed when he got verbally and physically abusive toward Angelique Pearl and then abandoned her and their son; and (7) arrogance and haughty behavior.⁶⁷

On the other hand, Dr. Castillo-Carcereny testified that Angelique Pearl is suffering from a “borderline personality disorder” which is manifested by: (1) frantic efforts to avoid abandonment by having pre-marital sex with Mark which got her pregnant; (2) idealization of Mark as an escape from her past life experiences; (3) impulsiveness by spending excessively and using money as a form of affection; (4) suicidal behavior in response to being rejected; (5) instability through mood swings, temper tantrums and tendencies for assault;

⁶⁵ *Id.* at 52.

⁶⁶ *Id.* at 57.

⁶⁷ *Id.* at 57-58.

1

(6) chronic feelings of emptiness; and (7) inappropriate intense anger or difficulty controlling anger.⁶⁸

Verily, the fact alone that Dr. Castillo-Carcereny was not able to personally interview and administer tests on Mark does not render her findings inadmissible. As stated in *Tan-Andal*, expert opinion based on otherwise hearsay evidence could still be admitted if the facts are “of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon a subject.” The Court has ruled that doctors, within their acknowledged field of expertise, can diagnose the psychological make up of a person based on a number of factors culled from various sources.⁶⁹

Here, Dr. Castillo-Carcereny still managed to draw a reasonable conclusion on Mark’s condition based on the information which Angelique Pearl and her father Antonio had given her. As held in *Tan-Andal*, this method of data collection, *i.e.*, clinical interviews of patients and collaterals, remains to be a principal technique in diagnosing psychiatric disorders up to this date. Thus, the information she gathered were “of a type reasonably relied upon by experts”, hence, (her) expert opinion based thereon may be admitted in evidence.”

Thus, based on the evidence on record and applying Article 36 of the Family Code (as clarified in the recent landmark case of *Tan-Andal*), we affirm the uniform findings of the trial court and the Court of Appeals that there is clear and convincing evidence here to support the conclusion that Angelique Pearl and Mark are psychologically incapacitated, in the legal sense, from complying with their marital obligations. Consequently, the marital union between them is declared void *ab initio*. As correctly underscored by the Court of Appeals:

This court has been convinced that the quantum of evidence sufficient to declare the nullity of marriage was met in this case. To reiterate, this court shuns granting petitions for declaration of nullity of marriage unless on the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage, x x x. **However, it cannot ignore the fact that the totality of evidence shows that the parties are indeed suffering from psychological incapacities which are grave, permanent or incurable, and ha[ve] juridical antecedence.** In this particular case, it is distinctly clear that [the] spouses have failed to establish a functional family because of their failure to perform their essential marital obligations. **There is no more love and respect and this is not the kind of family that the State wants to preserve.** (emphasis and underscoring supplied)

ACCORDINGLY, the petition is **DENIED**. The Decision dated January 30, 2018 and Resolution dated April 11, 2019 in CA-G.R. CV No. 107744 are **AFFIRMED**.

⁶⁸ *Id.*

⁶⁹ *Republic v. Banzon*, G.R. No. 238732 (Notice), February 3, 2021.


18

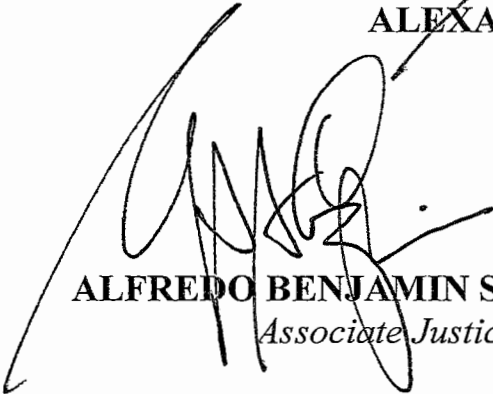
The marriage between Angelique Pearl O. Claur and Mark A. Claur is declared **VOID** on ground of their psychological incapacity. Accordingly, their property relation as husband and wife is **DISSOLVED**.

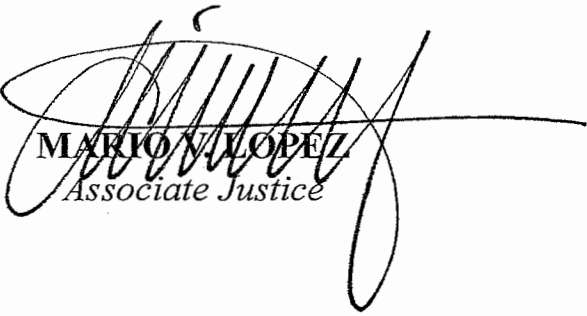
SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

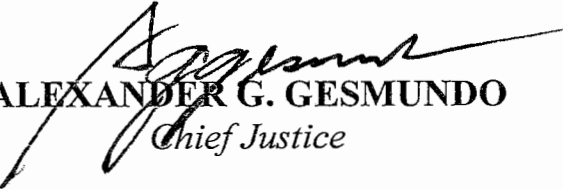

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


MARIO N. LOPEZ
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice

1