



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

AIDA EGMALIS-KE-EG,
Petitioner,

G.R. No. 249178

Present:

CAGUIOA, J.,
Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

- versus -

REPUBLIC OF THE
PHILIPPINES,
Respondent.

Promulgated:

July 13, 2022

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DECISION

INTING, J.:

Before the Court is a Petition for Review¹ filed under Rule 45 of the Rules of Court assailing the Decision² dated October 29, 2018 and the Resolution³ dated July 24, 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 108998. The CA reversed the Decision⁴ dated February 1, 2017 of Branch 30, Regional Trial Court (RTC), City of San Fernando, La Union, which declared the marriage entered into by petitioner Aida Egmalis-Ke-eg (Aida) with Ireneo Ke-eg (Ireneo) on January 18, 1983 null and void *ab initio* due to the psychological incapacity of both parties to comply with their essential marital obligations.

¹ *Rollo*, pp. 18-40.

² Id. at 152-162. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Stephen C. Cruz and Rafael Antonio M. Santos.

³ Id. at 191-192.

⁴ Id. at 49-60. Penned by Judge Alpino P. Florendo.

The Antecedents

The case stemmed from the petition for declaration of nullity of marriage⁵ under Article 36 of the Family Code filed by Aida against Ireneo before the RTC. Aida prayed that her marriage to Ireneo be declared null and void on the ground that Ireneo is psychologically incapacitated to perform his essential marital obligations.⁶

The petition narrated as follows:

Aida and Ireneo met in high school and dated for about two years. In 1982, Ireneo got Aida pregnant. Ashamed and afraid, Aida did not inform Ireneo and her family about her pregnancy. Instead, she went to Baguio City and worked as a waitress. When her pregnancy became more noticeable, she decided to return home to Lon-oy, San Gabriel, La Union. It was only then that her family, Ireneo, and Ireneo's family learned that she was pregnant.⁷

Aida and Ireneo belonged to the Kankana-ey Tribe, which regards a single woman getting pregnant without a husband as an embarrassment to the family and the community.⁸ As a result, the elders of the community prepared a wedding ceremony for Aida and Ireneo. The wedding took place on January 18, 1983.⁹

After the wedding, Aida had a difficult time because Ireneo did not have a job. Ireneo preferred drinking with his friends instead of helping Aida with her pregnancy and securing a stable job.¹⁰ In fact, he was already into drinking with his friends when he and Aida were still dating.¹¹ For this reason, Aida had no choice but to rely on her own family and Ireneo's family for support.¹²

⁵ Id. at 41-48.

⁶ Id. at 46.

⁷ Id. at 42.

⁸ Id. at 153.

⁹ Id. at 42.

¹⁰ Id. at 153.

¹¹ Id. at 50.

¹² Id. at 153.

Aida gave birth to their son, Kurk Egmalis-Ke-eg (Kurk), on July 2, 1983.¹³ She and Kurk were supported by her parents and in-laws as Ireneo still did not make any effort to secure a job.¹⁴

In 1984, after having enough of fighting and bickering with Ireneo, Aida decided to work in Baguio City as a helper in a grocery store. She was constrained to ask her blind mother and sibling to look after her son because Ireneo was constantly drinking with his friends and earned a reputation in the community as a troublemaker.¹⁵

Aida went to Singapore in July 1986 to work as a domestic helper and left Kurk in the care of her family, who had then moved to Baguio City. Aida and Ireneo constantly wrote letters to each other during Aida's first three months in Singapore until their exchanges eventually stopped. Aida returned to the Philippines two years later. To her dismay, Ireneo had not changed at all. It was then that she decided to devote her life to her son.¹⁶

In 1988, Aida returned to Singapore. She and Ireneo were no longer communicating with each other. While in Singapore, Aida learned about Ireneo's involvement in a murder case. She constantly feared for the safety of her son.¹⁷

After 10 years in Singapore, Aida moved to Hong Kong and worked therein until June 2000. Thereafter, she went to England where she also worked as a domestic helper. Through her own efforts and industry, she was able to send Kurk to school and help her family.¹⁸

Aida had not seen Ireneo since 1988. The couple also did not acquire any property during their marriage.¹⁹

In support of Aida's petition, her sister, Claire Egmalis-Dagdag (Claire), testified as to her observations about Ireneo and Aida's marriage. According to her, Ireneo never contributed to his son's living

¹³ Id. at 41.

¹⁴ Id. at 153.

¹⁵ Id.

¹⁶ Id. at 154.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

expenses and constantly fought with Aida when she was still in the Philippines. She also recounted that Ireneo did not bother to visit Kurk in Baguio City.²⁰

The State, through the Office of the Solicitor General (OSG), cross-examined Aida and Claire but did not present evidence.²¹

Michelle Nabua (Ms. Nabua), a psychologist and also a witness in support of the petition, diagnosed Aida with Obsessive Compulsive Personality Disorder.²² Ms. Nabua explained that Aida developed her personality disorder from her childhood experience and environment where she had to monitor her actions in order to meet her community's expectations. Ms. Nabua stated that Aida's experiences with Ireneo triggered the onset of Aida's condition.²³

Ms. Nabua also diagnosed Ireneo. On the basis of the description given by Aida and other informants, Ms. Nabua found Ireneo to be suffering from Antisocial Personality Disorder.²⁴

Ms. Nabua concluded that both Aida and Ireneo were psychologically incapacitated and that their "essential marital obligations x x x are being affected."²⁵ She also stated that their personality disorders are already deeply rooted in their personality structures and had developed long before their marriage. She further stated that no amount of counseling or family psychotherapy can modify the parties' personality disorders, which are assessed to be permanent and incurable that they will never be able to assume marital obligations.²⁶

The Ruling of the RTC

In its Decision²⁷ dated February 1, 2017, the RTC declared null and void *ab initio* the marriage between Aida and Ireneo due to the psychological incapacity of *both* parties. It noted with favor the findings

²⁰ Id.

²¹ Id.

²² Id. at 54.

²³ Id. at 55.

²⁴ Id. at 56.

²⁵ Id.

²⁶ Id. at 56-57.

²⁷ Id. at 49-60.

of the psychologist, Ms. Nabua, that Aida is suffering from Obsessive-Compulsive Personality Disorder and that respondent, on the other hand, has Antisocial Personality Disorder.²⁸ According to the RTC, the gravity of the failed relationship left the parties “trapped in [a] mire of unfulfilled vows and unconsummated marital obligations.”²⁹

The OSG filed a Motion for Reconsideration.³⁰ Aida, in turn, filed her Comment/Opposition on the Motion for Reconsideration.³¹ In its Order³² dated March 24, 2017, the RTC denied the OSG’s Motion for Reconsideration.

Thus, the OSG appealed to the CA.

The Ruling of the CA

In the assailed Decision³³ dated October 29, 2018, the CA granted the OSG’s appeal and reversed and set aside the RTC Decision dated February 1, 2017.³⁴

The CA found the totality of the evidence insufficient to establish Ireneo’s psychological incapacity.³⁵ It held that Aida failed to prove that Ireneo’s psychological incapacity is characterized by juridical antecedence, gravity, and incurability.³⁶ For the CA, at best, what Aida managed to prove was Ireneo’s emotional immaturity and irresponsibility as a husband and a father.³⁷

The CA further ruled that the marriage cannot be nullified on the ground of Aida’s supposed psychological incapacity as it was not averred in her petition.³⁸

²⁸ Id. at 58.

²⁹ Id. at 59-A.

³⁰ Id. at 61-69.

³¹ Id. at 70-78.

³² Id. at 79-82.

³³ Id. at 152-162.

³⁴ Id. at 161-162.

³⁵ Id. at 158.

³⁶ Id. at 158-160.

³⁷ Id. at 160.

³⁸ Id.

In the Resolution³⁹ dated July 24, 2019, the CA denied Aida's Motion for Reconsideration.⁴⁰

Hence, this petition.

The Issues

The issues before the Court are as follows:

- 1) WHETHER THE MARRIAGE BETWEEN AIDA AND IRENEO IS NULL AND VOID *AB INITIO* ON THE GROUND OF THE PSYCHOLOGICAL INCAPACITY OF EITHER OR BOTH OF THEM TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE; and⁴¹
- 2) WHETHER THE RTC MAY GRANT A RELIEF NOT PRAYED FOR IN THE PETITION,⁴² *i.e.*, THE DECLARATION OF AIDA'S PSYCHOLOGICAL INCAPACITY TO COMPLY WITH HER ESSENTIAL MARITAL OBLIGATIONS.

The Court's Ruling

The petition has merit.

The marriage between Ireneo and Aida is null and void *ab initio* on the ground that Ireneo is psychologically incapacitated to assume the essential obligations of marriage.

In accordance with the settled rule that courts cannot grant a relief not prayed for in the pleading or in excess of what is being sought by a party,⁴³ the RTC may not declare, in the absence of clear and convincing

³⁹ Id. at 191-192.

⁴⁰ Id. at 163-171.

⁴¹ Id. at 25.

⁴² Id.

⁴³ *Gaffney v. Butler*, 820 Phil. 789, 800 (2017).

evidence, that Aida is likewise psychologically incapacitated to comply with her essential marital obligations.

Psychological incapacity under Article 36 of the Family Code as a ground for declaration of nullity of marriage

The psychological incapacity of a spouse is a ground for declaration of nullity of marriage under Article 36 of the Family Code which states:

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” was first explained in *Santos v. Court of Appeals*⁴⁴ (*Santos*) wherein the Court declared that the clear intendment of the law was to confine the meaning of the term to “the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.” The psychological condition must exist at the time of the celebration of the marriage.⁴⁵

In *Republic v. Court of Appeals and Molina*⁴⁶ (*Molina*), the Court laid down the definitive guidelines (*Molina* guidelines) in resolving petitions for declaration of nullity of marriage on the ground of psychological incapacity under Art. 36 of the Family Code; thus:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it “as the foundation of the nation.” It decrees marriage as legally “inviolable,” thereby protecting it from dissolution at the

⁴⁴ 310 Phil. 21 (1995).

⁴⁵ Id. at 40.

⁴⁶ 335 Phil. 664 (1997).

whim of the parties. Both the family and marriage are to be “protected” by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their *permanence, inviolability and solidarity*.

(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. 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 psychically 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.

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. The evidence must show that the illness was existing when the parties exchanged their “I do’s.” The manifestation of the illness need not be perceivable at such time, but the illness itself must have attached at such moment, or prior thereto.

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job. Hence, a pediatrician may be effective in diagnosing illnesses of children and prescribing medicine to cure them but may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, “mild characterological peculiarities, mood changes, occasional emotional outbursts” cannot be accepted as *root* causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the

person from really accepting and thereby complying with the obligations essential to 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. It is clear that Article 36 was taken by the Family Code Revision Committee from Canon 1095 of the New Code of Canon Law, which became effective in 1983 and which provides:

“The following are incapable of contracting marriage: Those who are unable to assume the essential obligations of marriage due to causes of psychological nature.”

Since the purpose of including such provision in our Family Code is to harmonize our civil laws with the religious faith of our people, it stands to reason that to achieve such harmonization, great persuasive weight should be given to decisions of such appellate tribunal. Ideally — subject to our law on evidence — what is decreed as canonically invalid should also be decreed civilly void.

This is one instance where, in view of the evident source and purpose of the Family Code provision, contemporaneous religious interpretation is to be given persuasive effect. Here, the State and the Church — while remaining independent, separate and apart from each other — shall walk together in synodal cadence towards the same goal of protecting and cherishing marriage and the family as the inviolable base of the nation.

(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. The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall discharge the equivalent function of the *defensor vinculi* contemplated under Canon 1095.⁴⁷ (Citations omitted; italics in the original)

⁴⁷ Id. at 676-680.

The foregoing guidelines incorporate the basic requirements established in *Santos* that psychological incapacity must be characterized by the following: “(a) *gravity* (*i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage); (b) *juridical antecedence* (*i.e.*, it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage); and (c) *incurability* (*i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved).”⁴⁸

The Court also pointed out in *Santos* that “psychological 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 set forth under Art. 68 of the Family Code, include their mutual obligations to live together, to observe love, respect, and fidelity, and to render help and support.⁴⁹

Significantly, the Court’s recent pronouncement in *Tan-Andal v. Andal*⁵⁰ (*Tan-Andal*) has reconfigured the concept of psychological incapacity.

In *Tan-Andal*, the Court noted that since *Molina*’s promulgation in 1997 until 2008, it was only in *Antonio v. Reyes*⁵¹ (*Antonio*) that the Court found all the requirements of *Molina* to have been fully satisfied.⁵² In *Antonio*, the pathological lying of the wife rendered her psychologically incapacitated to comply with her essential marital obligations.

⁴⁸ *Republic v. Tecag*, G.R. No. 229272, November 19, 2018, citing *Lontoc-Cruz v. Cruz*, 820 Phil. 62, 78 (2017), further citing *Republic v. De Gracia*, 726 Phil. 502, 510 (2014) and *Santos v. CA*, supra note 44, at 39.

⁴⁹ *Santos v. CA*, supra note 44, at 40.

⁵⁰ G.R. No. 196359, May 11, 2021.

⁵¹ 519 Phil. 337 (2006).

⁵² See *Navales v. Navales*, 578 Phil. 826 (2008); *Navarro, Jr. v. Cecilio-Navarro*, 549 Phil. 632 (2007); *Tongol v. Tongol*, 562 Phil. 725 (2007); *Republic v. Tanyag-San Jose*, 545 Phil. 725 (2007); *Antonio v. Reyes*, 519 Phil. 337 (2006); *Republic v. Iyoy*, 507 Phil. 485 (2005); *Republic v. Quintero-Hamano*, 472 Phil. 807 (2004); *Ancheta v. Ancheta*, 468 Phil. 900 (2004); *Choa v. Choa*, 441 Phil. 175 (2002); *Pesca v. Pesca*, 408 Phil. 713 (2001); *Republic v. Dagdag*, 404 Phil. 249 (2001); *Marcos v. Marcos*, 397 Phil. 840 (2000); *Hernandez v. Court of Appeals*, 377 Phil. 919 (1999).

After recalibration of the *Molina* guidelines, the Court in *Tan-Andal* held that equating psychological incapacity to a “mental incapacity” and to “personality disorders” was against the intent behind Article 36 of the Family Code. In view thereof, the Court categorically abandoned the second *Molina* guideline pertaining to the requirement of *juridical antecedence*.⁵³ It was thus clarified:

x x x Psychological incapacity is *neither* a mental incapacity *nor* a personality disorder that must be proven through expert opinion. 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 understand and, more important, to comply with his or her essential marital obligations.⁵⁴

Additionally, *Tan-Andal* also amended the requirement of *incurability* under the *Molina* guidelines to make it clear that the term must be understood, not in the medical, but in the legal sense, *viz.*:

Reading together the deliberations of the Code Committee and our rulings in *Santos* and *Molina*, we hold that the psychological incapacity contemplated in Article 36 of the Family Code is incurable, *not* in the medical, but in the legal sense; hence, the third *Molina* guideline is amended accordingly. This means that the incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple’s respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage. “[A]n undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other.”⁵⁵

Tan-Andal retained the requirement of *gravity* but clarified that the term must be understood not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness; instead, “mild characterological peculiarities, mood changes, occasional emotional outbursts” are excluded. Also, the psychological incapacity cannot be mere “refusal, neglect[,] or difficulty, much less ill will”; it

⁵³ *Tan-Andal v. Andal*, supra note 50.

⁵⁴ *Id.*

⁵⁵ *Id.*

must be shown that the incapacity is caused by a genuinely serious psychic cause.⁵⁶

The marriage is null and void ab initio due to Ireneo's psychological incapacity to comply with the essential obligations of marriage.

The Court finds that the totality of evidence clearly and convincingly showed Ireneo's psychological incapacity to fulfill the essential obligations of marriage. These obligations are found in the Family Code, specifically Articles 68 to 71 with respect to the husband and wife and Articles 220, 221, and 225 as regards parents and their children.⁵⁷ The provisions are reproduced as follows:

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.

X X X X

⁵⁶ Id.

⁵⁷ *Republic v. Court of Appeals and Molina*, supra note 46, at 678.

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 enhance, protect, preserve and maintain their physical and mental health at all times;
- (5) 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;
- (6) To represent them in all matters affecting their interests;
- (7) To demand from them respect and obedience;
- (8) To impose discipline on them as may be required under the circumstances; and
- (9) 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.

x x x x

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.

x x x x

Foremost, the obligation of Ireneo and Aida to “live together, observe mutual love, respect and fidelity, and render mutual help and support” has been wanting since the beginning of their marriage. It is worthy of note that the celebration of the marriage was not of the parties’ own free will. It was a decision of the elders of their community. To spare Aida from becoming an embarrassment to her family and to the Kankana-ey Tribe because of her pregnancy, the elders prepared the wedding ceremony and compelled Ireneo and Aida to respectively become husband and wife.⁵⁸ Ireneo and Aida had no choice but to adhere to the strict moral standards of their community.

Regrettably, the marriage started difficult and full of disappointments because Ireneo was jobless and preferred drinking with his friends. Apparently, he was already into drinking habitually when he and Aida were still dating.⁵⁹

Moreover, since their wedding on January 18, 1983, Ireneo and Aida had never fixed their family domicile. They just stayed and lived alternately with their parents.⁶⁰

Ireneo and Aida relied on their families for support until Aida gave birth to Kurk on July 2, 1983.⁶¹ The circumstances did not improve and even became worse after Kurk was born. Ireneo did not secure a job. The marriage was full of constant fights between the spouses and tears on Aida’s part.⁶²

When Aida eventually worked as a domestic helper in Singapore and left Kurk in the care of her family in Baguio City, Ireneo neither bothered to visit their son nor provided any moral or financial support. While Aida was abroad working and remitting her earnings to support their family, Ireneo never changed and even allegedly became involved in a murder case.⁶³

⁵⁸ *Rollo*, p. 42.

⁵⁹ *Id.* at 50.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at 51.

Since 1988, there was no communication between Aida and Ireneo.⁶⁴

Aida's account as to Ireneo's psychological incapacity is bolstered by the testimony of her sister, Claire, who testified as follows: that she knows Ireneo because he is a townmate and he is Aida's husband; that Ireneo's family was summoned by the elders of the community who decided that Ireneo and Aida should get married because of Aida's pregnancy; that Ireneo and Aida were never consulted by their parents and the elders regarding their marriage; that after their wedding, Ireneo and Aida stayed alternately with their parents in *Barangays* Lon-oy and Poblacion, both in San Gabriel, La Union; that financial support was provided by the families of both parties in any way they can; that Aida went to Baguio City to find work when Kurk was only six months old and left her child in her family's care; that Aida did not trust Ireneo with their son because he was always out drinking with his peers; that Aida decided to work in Singapore because her son was growing up and her husband remained irresponsible; that after her two-year contract abroad, Aida went home to Baguio City and brought Kurk to San Gabriel, La Union (San Gabriel) where Ireneo was; that while in San Gabriel, Aida was disappointed because nothing changed with Ireneo; that the money Aida sent to Ireneo were all spent for his vices; that Aida went back to Singapore to work so that he could support Kurk; and that while abroad, Ireneo was involved in a murder case in San Gabriel.⁶⁵

That Ireneo is psychologically incapacitated to comply with the essential obligations of marriage is also supported by the psychological evaluation conducted by Ms. Nabua on his personality structure based on the description of Aida and other informants. As found by the RTC, Ms. Nabua has proven expertise in the field of psychology.⁶⁶

Significantly, the Court in *Tan-Andal* has categorically abandoned the *Molina* guideline requiring that the root cause of the psychological incapacity be medically or clinically identified and sufficiently proven by an expert. Nonetheless, it bears stressing that by the very nature of Article 36 of the Family Code, courts, despite having the primary task and burden of decision-making, must not discount but instead consider

⁶⁴ Id.

⁶⁵ Id. at 52.

⁶⁶ Id. at 58.

as decisive evidence the expert opinion on the psychological and mental temperaments of the spouses.⁶⁷ Also, while it is ideal that the person to be diagnosed be personally interviewed, it is an accepted practice in psychiatry to derive a person's psychiatric history from collateral information or information from sources aside from the person evaluated. This is usually done "if the patient is *not available*, incapable, or otherwise refuses to cooperate,"⁶⁸ as in the present case.

According to Ms. Nabua's findings, which the RTC noted with favor, Ireneo suffered from Antisocial Personality Disorder:

On the part of respondent, Mr. Ireneo Ke-eg whom [Aida] and other informants described as having gross and persistent attitude of irresponsibility, he disregard [*sic*] social norms, rules and obligations that he had being the head of the family, and having very low tolerance of frustration and a low threshold for discharge of aggression, including verbal violence and[/]or exploitation; [Ireneo] is having an ANTISOCIAL PERSONALITY DISORDER.

Taking into account [Ireneo]'s attitudinal factor as influenced by his family and is believed to be Genetically Based but typically has likewise Environmental Factors, such as family relations that trigger its onset during childhood years of [Ireneo].

That from seven (7) symptoms, [Ireneo] manifest [*sic*] four (4) which are the following:

1. *Failure to conform to social norm with respect to lawful behaviors* as indicated by repeatedly performing verbal, emotional and psychological abuses towards [Aida], he nags at her, treated her not as his wife, not appreciative to [Aida] of her work which are [*sic*] supposed to be his role as the head of the family.
2. *Deception*, as indicated by habitual lying, living as a bachelor despite of [*sic*] married status, or cheating [Aida] from his earnings for his personal profit or pleasure.
3. *Impulsiveness or failure to plan ahead*, [Ireneo] was irritable when his vices and caprices were questioned, he turned violent and defensive who verbally abused [Aida] when they had arguments.
4. *Consistent irresponsibility*, as indicated by [Ireneo]'s repeated failure to sustain love and care to his wife and child. Worse, he spent a lot of time for vices and caprices, never finding a job to help [Aida] in

⁶⁷ *Kalaw v. Fernandez*, 750 Phil. 482, 510 (2015).

⁶⁸ *Tan-Andal v. Andal*, supra note 50.

their finances. It was only [Aida] who provided for needs, even the education of their son among others.⁶⁹ (Emphases and underscoring omitted; italics supplied)

Ireneo's psychological incapacity is, beyond doubt, characterized by *gravity*, *juridical antecedence*, and *incurability*.

The requirement of *gravity* is satisfied considering that Ireneo's failure to assume his essential marital obligations is not because of his mere "refusal, neglect[,] or difficulty, much less ill will"; it is due to a genuinely serious psychic cause.⁷⁰ His act of living like a bachelor despite being a married man, his being verbally, emotionally, and psychologically abusive towards Aida, his habitual drinking, his reputation in the community as a troublemaker, his irritability when his vices and caprices were questioned, his lack of any attempt to secure a job to support his family, and his complete irresponsibility and lack of care by not providing emotional and financial support for Aida and Kurk during the subsistence of the marriage are all "clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with [his] essential marital obligations."⁷¹

The requirement of *juridical antecedence* is also satisfied as Ireneo's incapacity already existed at the time of the celebration of the marriage and became even more evident during its subsistence. His personality structure has made it impossible for him to understand and comply with his essential marital obligations.

Apparently, Ireneo entered into the marriage without a clear understanding of the duties and responsibilities that he would assume as a husband to Aida and as an expectant father to Kurk. This is not surprising in light of the fact that there appeared no intention on his part to get married, much less assume the essential obligations of marriage. To reiterate, the marriage was the decision of the elders and not of Ireneo's and Aida's own free will.

Moreover, Ireneo's lack of sense of responsibility already existed even before he entered the marriage. This is manifested by his choice of spending most of his time for his vices and caprices instead of securing a

⁶⁹ *Rollo*, pp. 55-56.

⁷⁰ See *Tan-Andal v. Andal*, *supra* note 50.

⁷¹ *Id.*

job and assisting Aida during her pregnancy. He remained irresponsible despite the birth of his son. During the subsistence of the marriage, nothing changed as he did not seem to have any concern for the family and never exerted any effort to seek employment. He instead continued with his vices.

Lastly, there is no question as to the *incurability* of Ireneo's condition. There appears to be an "undeniable pattern of persisting failure" on the part of Ireneo "to be a present, loving, faithful, respectful, and supportive spouse."⁷² It is also evident that his personality structure is incompatible with that of Aida, who is found to have "a strong personality by being confident" and is "preoccupied with rules and values when it comes to her family, personal, and social plans."⁷³ Evidently, Ireneo's and Aida's respective personality structures are so incompatible and antagonistic that their union had only resulted in the breakdown of their marriage.

Indeed, the marriage between Ireneo and Aida has no solid foundation. There is no love, respect, commitment, and devotion. Ireneo manifestly failed to comply with his essential marital obligations.

The RTC may not grant a relief not prayed for in the pleadings, i.e., the declaration of Aida's psychological incapacity; in any case, such alleged psychological incapacity was not proven by clear and convincing evidence.

The RTC is precluded from granting a relief not prayed for in the pleadings or in excess of what is being sought by Aida. "Due process considerations justify this requirement."⁷⁴ It is not proper to enter an order that exceeds the extent of the relief sought by the pleadings where the opposing party is not given an opportunity to be heard with respect to the proposed relief.⁷⁵

⁷² Id.

⁷³ *Rollo*, p. 56.

⁷⁴ *Gaffney v. Butler*, supra note 43, at 800.

⁷⁵ Id.

Aida contends that before the RTC, she prayed for other just and equitable remedies aside from her main prayer to have her marriage to Ireneo declared void due to the latter's psychological incapacity. Hence, even if she did not specifically pray that she be likewise declared psychologically incapacitated to assume her essential marital obligations, she maintains that the RTC decision declaring the psychological incapacity of *both* parties should be upheld.⁷⁶

The Court is not persuaded.

Admittedly, where there is a general prayer for "other reliefs just and equitable" appearing on the complaint or pleading, the Court may award reliefs not specifically prayed for as long as these are supported by the complaint or other pleadings, by the facts admitted at the trial, and by the evidence adduced by the parties.⁷⁷ As the Court held in *Sps. Gutierrez v. Sps. Valiente*:⁷⁸

x x x [T]he general prayer is broad enough "to justify extension of a remedy different from or together with the specific remedy sought". Even without the prayer for a specific remedy, proper relief may be granted by the court if the facts alleged in the complaint and the evidence introduced so warrant. The court shall grant relief warranted by the allegations and the proof, even if no such relief is prayed for. The prayer in the complaint for other reliefs equitable and just in the premises justifies the grant of a relief not otherwise specifically prayed for.⁷⁹ (Citations omitted)

Even so, the Court holds that the foregoing rule should not be made to apply in cases for declaration of nullity of marriage under Art. 36 of the Family Code where the psychological incapacity should be proven *by clear and convincing evidence*.⁸⁰ It bears emphasizing that "the burden of proof to show the nullity of the marriage belongs to the plaintiff [or the petitioner]."⁸¹ Moreover, *doubts are resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity*.⁸² In this regard, the Court finds that Aida's general prayer for other just and equitable remedies does not suffice as

⁷⁶ *Rollo*, pp. 36-37.

⁷⁷ *Ilusorio v. Ilusorio*, 829 Phil. 492, 499 (2018).

⁷⁸ 579 Phil. 486 (2008).

⁷⁹ *Id.* at 500. See also *Prince Transport, Inc. v. Garcia*, 654 Phil 296, 314 (2011) and *Philippine Airlines, Inc. v. PAL Employees Savings & Loan Association, Inc.*, 780 Phil. 795, 813 (2016).

⁸⁰ See *Tan-Andal v. Andal*, *supra* note 50.

⁸¹ *Republic v. Court of Appeals and Molina*, *supra* note 46, at 676.

⁸² *Id.*

basis for the RTC to declare that she is likewise psychologically incapacitated to comply with her essential marital obligations.

In any case, the Court does not agree with the RTC that Aida is psychologically incapacitated to assume the essential obligations of marriage.

In declaring Aida's psychological incapacity as an additional ground to nullify the marriage, the RTC heavily relied on Ms. Nabua's finding that Aida is suffering from Obsessive-Compulsive Personality Disorder that allegedly renders her incapable of performing marital obligations. Based on the totality of evidence, however, the Court finds that Aida, unlike Ireneo, is not psychologically incapacitated to assume the essential obligations of marriage. In fact, Aida possesses sufficient understanding of such obligations and acknowledges that compliance therewith is necessary to sustain the marriage. While the psychological incongruity between Ireneo and Aida cannot be denied, Aida did not appear to have been neglectful, careless, or heedless to the needs of the family. She exerted efforts to contribute to the marriage. Despite her frustrations due to Ireneo's irresponsibility and lack of care, she took the responsibility of securing a job in order to support the family and provide for Kurk's education.

As a final remark, it is the Court's Constitutional duty to value the sanctity of marriage. Corollary to this is the duty to ensure that only marriages that establish conjugal and family life are maintained.⁸³ "That marriage is an inviolable social institution does not mean that a spouse who unwittingly marries an individual with a certain level of 'dysfunctionality that show[s] a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes' is condemned to a life sentence of misery."⁸⁴ In declaring a marriage null and void *ab initio*, the Court does not deride but "really assiduously defend and promote the sanctity of marriage as an inviolable social institution. The foundation of our society is thereby made all the more strong and solid."⁸⁵

WHEREFORE, the petition for review is **GRANTED**. The Decision dated October 29, 2018 and the Resolution dated July 24, 2019

⁸³ *Quilpan v. Quilpan*, G.R. No. 248254, July 14, 2021.

⁸⁴ *Id.*

⁸⁵ *Kalaw v. Fernandez*, *supra* note 67 at 501.

of the Court of Appeals in CA-G.R. CV No. 108998 are **REVERSED** and **SET ASIDE**. The marriage between petitioner Aida Egmalis-Ke-eg and Ireneo Ke-eg is declared null and void *ab initio*.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

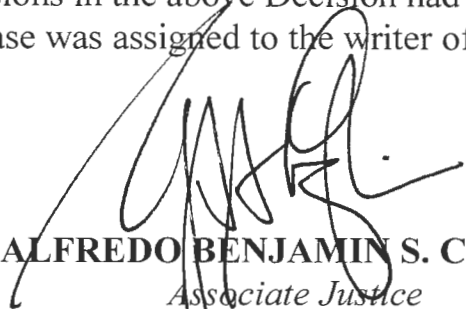


MARIA FILOMENA D. SINGH
Associate Justice

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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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII 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

