



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DIONISIO C. LAROCO,
Petitioner,

G.R. No. 253342

Members:

-versus-

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

AURORA B. LAROCO and
REPUBLIC OF THE
PHILIPPINES,
Respondents.

Promulgated:

JUN 22 2022

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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. 111010 entitled “*Dionisio C. Laroco v. Aurora B. Laroco, Republic of the Philippines:*”

- 1) Decision¹ dated November 6, 2019, which affirmed the decision of the Regional Trial Court (RTC) – Branch 9, La Trinidad,

¹ Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Louis P. Acosta and Walter S. Ong, *rollo*, pp. 46–59.

Benguet, denying the petition for declaration of nullity of marriage of petitioner Dionisio C. Laroco with respondent Aurora B. Laroco; and

- 2) Resolution² dated June 15, 2020, which denied petitioner's motion for reconsideration.

Antecedents

On February 20, 2014, petitioner filed a petition³ for declaration of nullity of his marriage with respondent based on Article 36⁴ of the Family Code. The case was docketed as Civil Case No. 14-F-2133 and raffled to RTC – Branch 9, La Trinidad, Benguet.

Petitioner alleged that he first met respondent in 1970 while they were both students at Saint Louis University, Baguio City. He courted her until they became a couple. He later broke up with her after learning that she was still entertaining other suitors even though they were already in a relationship. His parents also disapproved of their relationship because of respondent's reputation as a promiscuous, dishonest, and flirtatious woman. He left respondent and went to Manila to support her mother, then undergoing cobalt therapy. When he returned to Baguio, respondent informed him that she was pregnant and invited him to meet her parents in Lepanto Mines, Mankayan, Benguet. There, respondent's parents forced him to marry her.⁵

On September 6, 1971, he and respondent tied the knot before a municipal judge in Mankayan, Benguet. They begot three children, namely: Dennise David, Donna Marie, and Baby Boy, who were born in 1972, 1973, and 1977, respectively. His mother brought him back to Baguio City to finish his studies after Dennise's birth. When his mother passed away in 1973, it was only then that respondent was able to move and join him in Baguio, together with their children. But since his father still disliked respondent, she stayed in an apartment beside the Laroco's residence. When his father left for America in 1978, he and respondent rented out the store his father gave them and moved into an adjacent apartment. He worked in the government while respondent managed a canteen inside his family's residence.⁶

² Id. at 69–71.

³ Id. at 72–79.

⁴ 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.

⁵ *Rollo*, pp. 73–74.

⁶ Id. at 74–75.

While managing the canteen, respondent continued to go on dates with other men, especially when he was not around. She also deceived him and embarrassed the family by borrowing money from several persons without paying them. He confronted respondent about it but she simply denied it. She also refused to account for and explain the income shortage of the canteen, although it had a lot of customers. Even after their separation, respondent's creditors still tried to collect her loans from him. When respondent got arrested for estafa for failing to pay for or return the pieces of jewelry she bought, he went home to search for these items. He did not find them though. What he found instead were love letters from men respondent was dating and some love letters of respondent herself that she was unable to send to her men. He entrusted these letters to a certain Atty. Aquino as he planned to file a case against respondent and these men. Unfortunately, Atty. Aquino died and he was not able to retrieve anymore the letters. Respondent stayed in jail for almost a week until he was able to raise the money for her bail. After the incident, respondent never returned to their home. She took their children and lived with her paramour. Their children later on decided to live with him because respondent's paramour maltreated them. He remained in custody of their children since 1983 until they started their own families.⁷

Meantime, petitioner consulted a physician-psychiatrist, Dr. Clarette Rosario Dy (Dr. Dy), who opined that their marriage should be nullified on the ground of psychological incapacity of both spouses. Dr. Dy interviewed petitioner, his sister Carmelita Mendoza, and their neighbors, Benjamin and Daisy Mendoza.⁸

Based on the assessment, Dr. Dy diagnosed petitioner with *obsessive-compulsive personality disorder* characterized by a pervasive pattern of preoccupation with orderliness, perfectionism, and mental and interpersonal control at the expense of flexibility.⁹ More specifically, petitioner was diagnosed, as follows:

1. He is preoccupied with details, list, and order.
2. He needs to be perfect in everything he does, has difficulty accepting failure, expects others to be like him, and thus, tends to be critical.
3. He is excessively devoted to his work and productivity.
4. He is overly conscientious and scrupulous about morality and values.
5. He is rigid and stubborn.¹⁰

Dr. Dy concluded that petitioner's disorder evolved from his past personal history. Having been raised by strict and controlling parents who

⁷ Id. at 48; 75-76.

⁸ Id. at 48; 116.

⁹ Id. at 48-49.

¹⁰ Id. at 49.

inculcated in him the value of education, industry, and obedience, petitioner thought that he had to possess these traits to earn his parents' appreciation. He became submissive to anything they said, like being diligent in his studies, avoiding social activities to concentrate on his studies, and obediently following the house rules. When he impregnated respondent, he felt he should take responsibility. During their marriage, he wanted her to submit to his desires but she refused. He wanted her to distance herself from other men (ex-suitors, boarders, and customers) and make a detailed accounting of their business, which became a source of their frequent arguments. He, however, kept it to himself to show the people that he had a perfect marital relationship. When he learned about respondent's relationship with the boarders and customers in their store, he felt bad and betrayed, and consequently began to fall out of love. He lost his love, trust, honor, and respect for respondent. He never gave themselves a chance to reconcile and fix their marriage because he believed that respondent would never submit herself to his desires. This rendered him psychologically incapacitated as a spouse to respondent.¹¹

Dr. Dy concluded that petitioner's psychological incapacity has been existing at the time of the celebration of his marriage to respondent and had juridical antecedence from his past history. It is a lifetime disorder, hence, considered permanent and incurable. It is also grave enough to bring petitioner's disability to assume the essential marital obligations of marriage.¹²

As for respondent, Dr. Dy diagnosed her with *Histrionic Personality Disorder* characterized by the following personality traits:

1. She feels uncomfortable in situations in which she is not the center of attraction.
2. She rapidly shifts and shows shallow expressions of emotions.
3. She has a style of speech that is excessively impressionistic and lacking in detail.
4. She engages in self-dramatization, theatrically and exaggerated expression of emotions.
5. She is easily influenced by others or by circumstances.¹³

Dr. Dy opined that respondent's incapacity may have evolved from her past personal history. Respondent was unable to develop the richness of her inner feelings. Her relationship with petitioner was based on a dependency need that someone was still there to take care of her. When petitioner began avoiding her because she refused to listen to him, she felt

¹¹ Id. at 30.

¹² Id. at 49.

¹³ Id. at 50.

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rejected. She was incapable of sustaining affection and became intolerant of frustration and disappointment. Her emotions were shallow and fleeting. She accused him of neglecting her. Trust, respect, honor, and love toward her husband consequently got lost, making her incapable of assuming the essential obligations of her marriage to petitioner.¹⁴ Dr. Dy concluded that respondent's personality disorder is also serious, grave, incurable, and had juridical antecedence, rendering her psychologically incapacitated to assume the essential obligations of marriage.¹⁵

During the trial, petitioner presented Dr. Dy as expert witness to prove his and respondent's respective psychological incapacities, his friend Christina Martinez (Christina), and his nephew's wife, Charina Mendoza (Charina).

Christina and Charina both testified that petitioner was a good and responsible person and a disciplinarian to his children, yet, he was also stubborn, making it difficult sometimes to deal with him.¹⁶ Respondent, on the other hand, was more concerned with her paramour than her own children, craved for attention, was living beyond her financial means, and was indicted for estafa because of her attitude.¹⁷

Despite notice and summons, respondent neither filed an Answer nor participated in the proceedings. After investigation, the assistant provincial prosecutor of Benguet, on behalf of the Office of the Solicitor General (OSG), determined that no collusion existed between the parties.¹⁸

The Ruling of the Regional Trial Court

By Decision¹⁹ dated May 22, 2017, the trial court denied the petition, thus:

WHEREFORE, premises considered, this court resolves to DENY the prayer in this Petition and hereby renders judgment declaring that the marriage of Dionisio C. Laroco to Aurora B. Laroco subsists and remains valid.

Furnish copies of this Decision to the Office of the Solicitor General, Makati City; the Provincial Prosecutor of Benguet; the plaintiff and his counsel; and defendant.

¹⁴ Id. at 30–31; 91.

¹⁵ Id. at 49–50.

¹⁶ Id. at 25.

¹⁷ Id. at 50–51.

¹⁸ Id. at 22; 51.

¹⁹ Penned by Judge Marietta S. Brawner-Cualing, id. at 22–39.

SO ORDERED.²⁰

It held that the totality of evidence presented failed to establish either or both spouses' respective psychological incapacities that antedated the marriage and that are grave and incurable. The gravity of the disorders was not duly proven. There was no sufficient basis to conclude that petitioner's orderliness and perfectionism can be equated with psychological incapacity. Neither was the gravity of his behavior in relation to his failure to perform the essential marital obligations sufficiently described in Dr. Dy's report. Petitioner's characterization of respondent as unfaithful, selfish, and irresponsible in managing the family canteen was not sufficient to constitute psychological incapacity. At most, respondent's mismanagement of the family's finances merely constituted difficulty, refusal, or neglect, during the marriage, in the handling of funds intended for the family's financial support.²¹

Petitioner filed a motion for reconsideration²² which the trial court likewise denied under Order dated April 3, 2018.²³

The Proceedings before the Court of Appeals

On appeal, petitioner faulted the trial court for denying the petition for nullity of marriage. He argued in the main that the totality of evidence proved his and respondent's psychological incapacities to comply with their marital obligations, as well as the gravity and incurability thereof. Their psychological defects have been shown to exist even prior to their marriage or during their childhood.²⁴

For its part, the OSG²⁵ defended the validity of the petitioner's marriage with respondent. It maintained that the totality of evidence failed to show that either of the spouses is psychologically incapacitated to assume and perform their respective essential marital obligations which may warrant the nullification of their marriage. Neither were the root cause, gravity, and incurability of their supposed psychological incapacities duly established.²⁶

²⁰ Id. at 39.

²¹ Id. at 34–39.

²² Id. at 40–44.

²³ Id. at 51.

²⁴ Id. at 94–104.

²⁵ Represented by Senior State Solicitor Enamarie Lizzette C. Medenceles-Villalon and Associate Solicitor II Jacqueline H. Acorda-Ragasa.

²⁶ *Rollo*, pp. 116–119.

The Ruling of the Court of Appeals

In its assailed Decision²⁷ dated November 6, 2019, the Court of Appeals affirmed, thus:

In fine, there being no evidence presented by appellant Dionisio showing that he and his wife were psychologically incapacitated to perform marital duties, their marriage shall be upheld, following the mandate of the Constitution to protect the marriage from dissolution at the whim of the parties.

WHEREFORE, premises considered, the Decision dated 22 May 2017 of Regional Trial Court, Branch 9, La Trinidad, Benguet Province is **AFFIRMED**.

SO ORDERED.²⁸

The Court of Appeals ruled that the totality of evidence was not sufficient to sustain a finding of psychological incapacity. Petitioner failed to present proof to substantiate his imputations of infidelity, propensity to lie, deceit, and indifference on respondent. The psychiatric evaluation report failed to specifically explain the gravity, juridical antecedence, and incurability of the spouses' alleged personality disorders. It also lacked credibility considering that the evidence adduced were biased in petitioner's favor and respondent was not personally examined and interviewed by Dr. Dy.²⁹

The Court of Appeals denied reconsideration³⁰ through Resolution³¹ dated June 15, 2020.

The Present Petition

Petitioner now seeks affirmative relief from the Court *via* Rule 45 of the Rules of Court. He faults the Court of Appeals for sustaining the validity of his marriage with respondent. He asserts anew that the totality of evidence sufficiently established that he and respondent have grave and incurable psychological disorders already existing at the time of their marriage and made them both incapable of performing their marital obligations.³²

²⁷ Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Louis P. Acosta and Walter S. Ong, *id.* at 46–59.

²⁸ *Id.* at 58–59.

²⁹ *Id.* at 55–56.

³⁰ *Id.* at 60–67.

³¹ *Id.* at 69–71.

³² *Id.* at 3–17.

Our Ruling

We **GRANT** the petition.

The **overarching issue** in the case at bar is *whether the marriage between petitioner and respondent should be set aside for being a nullity on the ground of psychological incapacity* under Article 36 of the *Family Code*. Hence, the applicable rules begin with Article 36 and the relevant decisional law on this statutory provision.

Article 36 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.

Evolving Contextual Framework of Psychological Incapacity: From Personality Disorders to Incompatible and Antagonistic Personality Structures

Previously, the Supreme Court explained Article 36 by consistently reiterating the rule that psychological incapacity had been intended by law to be confined to the “*most serious cases of personality disorders,*” *clinically or medically* identified, as the **root cause** of the spouse’s or the spouses’ clear demonstration of an utter insensitivity or inability to give meaning and significance to the marriage.

This however was **reconceptualized** in *Tan-Andal v. Andal*.³³ This case law **set aside** the **focus on personality disorders**. Instead, the Court re-tooled psychological incapacity as the **mutual incompatibility** and **antagonism** between the spouses arising from their respective **personality structures**. Thus:

Psychological incapacity is **neither a mental incapacity nor only a personality disorder** that must be **proven through expert opinion**. There may now be **proof** of the **durable 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 importantly, to **comply with** his or her **essential marital obligations**.

³³ G.R. No. 196359, May 11, 2021 [Per *J. Leonen, En Banc*].

Proof of these aspects of personality need not only be given by an expert. 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. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.

In this way, the intent of the Joint Committee **to limit the incapacity to “psychic causes” is fulfilled.** Furthermore, there will be **no need to label a person as mentally disordered just to obtain a decree of nullity.** x x x³⁴

x x x x

Difficult to prove as it may be, a party to a nullity case is **still required to prove juridical antecedence** because it is an **explicit requirement of the law.** x x x³⁵

x x x x

Furthermore, not only being an illness in a medical sense, **psychological incapacity is not something to be healed or cured.** And even if it were a mental disorder, it cannot be described in terms of being **curable or incurable.**³⁶

x x x x

Reading together the deliberations of the Joint 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.** “An 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.**”

With respect to **gravity**, the requirement is **retained, not** in the sense that the psychological incapacity must be shown to be a **serious or dangerous illness**, but that **“mild characterological peculiarities, mood changes, occasional emotional outbursts” are excluded.** x x x³⁷

x x x x

³⁴ Id. at 32.

³⁵ Id.

³⁶ Id. at 33.

³⁷ Id. at 33–34.

To summarize, psychological incapacity consists of **clear acts of dysfunctionality** that show a **lack of understanding** and **concomitant compliance** with one's essential marital obligations due to **psychic causes**. It is **not a medical illness** that has to be **medically or clinically identified**; hence, **expert opinion is not required**.

As an explicit requirement of the law, the **psychological incapacity** must be shown to have been **in existence at the time of the celebration** of the marriage, and is **caused by a durable aspect of one's personality structure**, one that was **formed before the parties married**. To prove **psychological incapacity**, a party must **present clear and convincing evidence of its existence**.³⁸ (citations omitted)

x x x x

To restate, psychological incapacity consists of the **mutual incompatibility** and **antagonism** between the spouses that *(i) shows the lack of understanding* and **concomitant compliance** with the spouses' essential marital obligations and *(ii) undermine* the unity and harmony within the family. This **state of discord** and **disharmony** may be traced to the spouses' **psychic** or **personality structures** that **clash** with one another. Because **psychic** or **personality structures** are invariably **internal, mental, and emotional processes** and may themselves be the **product** of, or **caused by**, complex factors of volition, predisposition, or congenital origins, we have to look for **other forms of evidence** to prove psychic or personality structures *if we are to veer away from the focus on personality disorders* and *render expendable the need for expert opinion*.

These **other forms of evidence**, perceivable and expressible by **ordinary** pieces of evidence and in turn **verifiable** by the lawyers' examinations thereof, are the **clear, persistent, and chronic acts, behavior, conduct, events, reputation, character, or circumstances** of **dysfunctionalities** that **result in** the state of mutual incompatibility and antagonism, which, in turn undermines the family. Seen in this manner, the reconceptualization of psychological incapacity in *Tan-Andal* would now be **accessible** to proof by **ordinary**, and *not necessarily* expert, **witnesses, documents, and objects**.

From Concept to Practice: Proof and Evidence of Psychological Incapacity

To prove psychological incapacity according to the conceptual framework outlined in *Tan-Andal*, our courts must first recognize the

³⁸ Id. at 33–40.

complex task of turning theory to practice, of **converting internal, mental, and emotional processes** about psychic or personality structures to **evidence-based decisions**.

The first order of business is to preclude the writing of willy-nilly decisions whose outcomes are determined arbitrarily if not whimsically. The decisions must be based on evidence, and not upon anything else that judges may have no expertise on. To this end, we aim to provide *guidelines* on how to establish psychological incapacity. These guidelines consist of nonbinding or suggested proof of facts for this ground of nullity.

Elements of Proof of Psychological Incapacity

We begin with what *Tan-Andal* has decreed: **psychological incapacity** is **no longer proven** merely by medically or clinically establishing a **personality disorder** through an expert opinion.

Rather, while proof of a personality disorder may help establish psychological incapacity, the **starting point** is now the **proof of the durable aspects of a spouse's personality**, called *personality structure*, which **manifests itself** through one or both spouses' **clear, persistent and chronic acts, behavior, conduct, events, reputation, character, or circumstances of dysfunctionalities**, indicative of the **mutual incompatibility and antagonism** between them, which in turn already **undermines** the very **existence and essence** of the **family**.

The **overarching and baseline** issue in every psychological incapacity case is *whether mutual incompatibility and antagonism between the spouses exists*. The decision on every claim of psychological incapacity **begins** with this question and **ends** with an answer to this question.

The existence and essence of the *family* is undermined by *psychological incapacity* because of the *ensuing incompatibility and antagonism* between the **personality structure of one spouse** and the **personality structure of the other spouse**. The **incompatibility and antagonism** between the spouses must make it *clearly and convincingly improbable* for **both spouses to understand** and, more important, to **comply** with their respective family and marital obligations. The **disharmony** of the spouses in their common life must be so deep and intense as to be irremediable. The **result** should be an **undeniable pattern or habit** of a

persisting failure for both spouses to be present, loving, faithful, respectful, and supportive **towards each other** and to establish a healthy and respectful family and marital relationships **between them**. It must be *clearly and convincingly improbable* for the spouses **to continue a normal marital relationship with each other** much less for them **to live together in peace and happiness**. There must be clear and convincing proof that the spouses are so **mismatched** that their marriage has **in fact ended** as the result of their hopeless disagreement and discord.³⁹ Only then should the courts be empowered to terminate the marriage as a matter of law and declare it a nullity.

With the foregoing characterization, the **incompatibility** and **antagonism** between the spouses do **not** refer to *petty quarrels* and *minor bickerings* that are part of normal human frailty. The terms signify **more than a mere mental process** or **an afterthought** conceived and nurtured in the psyche of the complaining spouse.⁴⁰

Incompatibility and **antagonism** necessarily involve **both** spouses. This discordant state should be **mutual**. It **cannot** be just **unilateral**. While one spouse may have a *more normal* personality structure than the other, and the overt acts evidencing the incompatibility and antagonism *may come largely from the other spouse*, it is **inconceivable** that a spouse's personality can be compatible with that of the other, *if the latter is already incompatible* with the former. **If there is a clash of personalities, both must clash.**

We hold that the terms *incompatibility* and *antagonism* describe a **state** or **quality** of the *relationship between* the spouses. One spouse in a case for Article 36 **cannot** establish incompatibility and antagonism on the latter's part alone. To repeat, incompatibility and antagonism **cannot be unilateral** but should **always be mutual**.

Thus, where one spouse alleges to be disillusioned or disappointed in the marriage due to some difficulties, this would be **insufficient** to destroy an **otherwise normal and wholesome matrimonial association** on the ground of psychological incapacity. It is **essential** that there must be **proof first** of a *clearly and convincingly* hopeless marriage already tormented by fundamental disagreement and discord between them. **Conversely**, it would be of **no significance** that one spouse testified that the latter felt *no* incompatibility and antagonism **if the marriage had** in fact **been wracked by dissension and discord** between the spouses, or where there is no present,

³⁹ Id. at 33–34.

⁴⁰ Id.

loving, faithful, respectful, and supportive conduct *toward each other*, or where establishing a healthy and respectful family and marital *relationships* is already improbable, since to continue a normal marital relationship with each other, much less to live together in peace and happiness, has been undermined by their hopeless disagreement and quarrels.

For purposes of establishing psychological incapacity, *mutual incompatibility and antagonism* denote a state of irremediable rift or discord produced by a **reciprocal** conflict of personalities. The condition envisioned is by its nature **bilateral**. Once a marital relation of this character is established as a fact, **there exists** in contemplation of law a state of **actionable incompatibility and antagonism**, though the effect of the mismatch may be wholly unbearable to one spouse yet appear somewhat less harmful and disturbing to the other spouse.

This situation is **especially true** and **manifested** where the alleged **unilateral** conduct amounts to or is actually a **relational act of violence by one spouse against the other** or the **latter's children** and **other close relatives**.⁴¹ Where this type of crime is involved, we have to **presume conclusively** that the incompatibility and antagonism are **mutual**. In this instance, as when the spousal privilege is lost, *the crime "directly attacks, or directly and vitally impairs, the conjugal relation, there is no more spousal harmony to be preserved as the identity of interests has disappeared and the law's aim of protecting the privacy and the security of private life has ceases to exist."*⁴²

In proving psychological incapacity, **fault** in the sense of *matrimonial misconduct* is **not** an essential element. It is **not** incumbent on the petitioner to show any misconduct or guilt by or against the respondent. It is **enough** that the **required state of incompatibility and antagonism exists**, regardless of whether it is the fault of any one or both of the spouses or no one is at fault. Misconduct, fault, or blame is of no significance **if in fact** incompatibility and antagonism as described above already characterize the troubled marriage.

Previous to *Tan-Andal*, the **personality disorder** of the spouse or spouses *must be proven clinically or medically* as the root cause of the marital breakdown. Today, under the framework of *Tan-Andal*, this is **no longer the case**. Of course, presenting evidence of personality disorder *would still help* to show that the incompatibility and antagonism really does exist and that this state is grave, incurable, and preuptial. But this evidence of personality disorder is **not anymore necessary**.

⁴¹ For instance, violation of Republic Act No. 9262, also known as the *Anti-Violence Against Women and their Children Act of 2004*.

⁴² *Sanchez v. Darroca*, G.R. No. 242257, October 15, 2019 [Per J. Leonen, *En Banc*].

For practical purposes, it *would help* petitioner's cause for the trial court to be informed, so far as it is possible, of the **cause** of the **incompatibility** and **antagonism** — whether it is the result of volition, or a predisposition, or is congenital. The evidence of personality disorder *would help* in this regard.

A word of caution though. The relationship between spouses is **complicated** and to attempt to isolate individual contributing factors in the destruction of the marital relationship, as we once required prior to *Tan-Andal*, is to engage in an **artificial, problematic, and unrealistic** inquiry. The *elements and qualities that may create incompatibility and antagonism* between persons, more so between spouses, **cannot** be precisely defined. Indeed, the state of one spouse's personal disposition varies between **personal circumstances**, such as either or both of the spouses' **health, financial status, work opportunities, education, habits of thought, life contentment, opportunities for other relationships, physical distance, and peculiarities of character.**⁴³

To summarize, in proving psychological incapacity, petitioner must establish —

- clear and convincing evidence of *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** in the lives of the spouses,
- that are clearly and convincingly indicative or illustrative of the **incompatibility** and **antagonism** between them and the resulting **impairment** of family harmony and unity.

The *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** would often revolve around or be classified as one of —

- *general differences of interests and antagonistic feelings,*
- *loss of love,*
- *hostility and resentment,*
- *distrust,*
- *the inability to live harmoniously together,*
- *lack of concern or indifference,*
- *lack of common interests and goals,*
- *instances of violence against women and their children as defined in Republic Act 9262 and other laws,*
- *zero probability of reconciliation between the spouses, and*

⁴³ See *Tan-Andal v. Andal*, supra, at 144; Per *J. Caguioa*' Separate Opinion, p. 15.

- *failure of the spouse or the spouses to perform his, her, or their marital duties and obligations clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.*⁴⁴

This list is **not** by any means exclusive. They are only illustrative.

More, the **last example** refers to the characterization *clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage*. This was once used to describe the *personality disorder* that gave rise to psychological incapacity.⁴⁵

But ever since *Tan-Andal* abandoned the **focus on personality disorders** and expert opinions, this **last example** may now be appropriated to capture such facts as (i) *forms of addiction* demonstrative of such insensitivity or inability; (ii) *abandonment* by one spouse of the other; or (iii) *instances of mutual actual loss* of trust, love, and respect for each other.

Distinctive of these and other instances of *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** is the **harsh reality** that spouses **coerced together in a meaningless marital relationship** would only **physically or psychologically endanger** either or both of them. They easily fall prey to isolation and depression, because they cannot move on to productive relationships. As these spouses are trapped within relationships that offer no intimate interactions where there should be one, they are compelled to seek normalcy and happiness by living secret double lives.

On whether the **incompatibility** and **antagonism** that could be inferred from the *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** in the lives of the spouses is **mutual**, the petitioning party may canvass –

- *whether there is still mutual concern for the emotional needs of each other;*
- *whether the marriage is characterized by financial difficulties, long physical separation, differences of interests, decisions, wants and values, resentment, coolness, distrust, constant bickering, and antagonistic feelings that are irreversible and demonstrate an irremediable rift; and*

⁴⁴ See *Estella v. Perez*, G.R. No. 249250, September 29, 2021 [Per *J. Lazaro-Javier*, First Division].

⁴⁵ See *Republic v. Deang*, G.R. No. 236279, March 25, 2019 [Per *J. Perlas-Bernabe*, Second Division].

- *whether there is an overall conflict of personalities, that is, if their conduct, actions, decisions, wants, interests, or values often collide.*

As regards the **potential cause** and the **truthfulness** or **reliability** and **validity** of the **claim** of **mutual incompatibility** and **antagonism**, since the *personality structure* may only be established by outward appearances, the petitioning party may consider such factors as –

- *age disparity and ages of the spouses,*
- *actual indiscreet or unfaithful conduct,*
- *suspicious of adultery or infidelity,*
- *charges or suspicions of child abuse,*
- *financial difficulties and nonsupport,*
- *intemperance or addiction,*
- *lack of marital or psychiatric counseling,*
- *medical problems,*
- *physical violence,*
- *problems with relations or friends,*
- *religious, moral, or political differences,*
- *lack of or unsatisfactory sexual relations,*
- *unsociability or refusal to speak or communicate,*
- *physical separation,*
- *verbal abuse and objectionable language, among others.*

Note that the immediately preceding factors **may themselves constitute** the *acts, behavior, conduct, events, reputation, character,* or *circumstances* of **dysfunctionalities** in the lives of the spouses, which witnesses may testify on.

Further, while proof of **personality disorders** may help explain the **cause** of the dysfunctional acts, conduct, or behavior, as well as the **ensuing** incompatibility and antagonism, personality disorders are no longer **by themselves** proof of psychological incapacity — the dysfunctional acts, conduct, or behavior that characterizes the incompatibility and antagonism between the spouses **must** be validated clearly and convincingly.

Tan-Andal has **retained** the rule that the **mutual incompatibility** and **antagonism** to constitute **psychological incapacity** must be characterized by the **elements** of –

- (a) **gravity**, *i.e.*, they must be serious, such that the spouses would be incapable of carrying out the ordinary duties required in a marriage;
- (b) **juridical antecedence**, *i.e.*, they must be rooted *and shown* in the *history* of the spouses antedating their marriage though the overt manifestations may *emerge substantially* and *significantly only after* the marriage; and
- (c) **incurability**, *i.e.*, they must not be susceptible to any cure, or even if they were otherwise, the cure would be beyond the means *and inclination* of the spouses.⁴⁶

Each of these elements must be proven *clearly and convincingly*.

Standard of Proof

Tan-Andal clarified that the **standard of proof** in an Article 36 case is **clear and convincing evidence**, not *mere preponderant evidence*. This is because every marriage is **presumed to be valid**. This **presumption of validity** of marriage, like any other rebuttable presumption, must be **rebutted by clear and convincing evidence**.⁴⁷

Clear and convincing evidence is the quantum of proof that requires *substantially and significantly more* than preponderance of evidence *but less* than proof beyond reasonable doubt.⁴⁸ In this standard, the evidence must be **substantially and significantly greater than a 50% likelihood of being true**.⁴⁹

The **presumption strongly** upholds the **validity** of marriage. This **presumption** is the **trump card** that acts as an **evidentiary barrier** against claims of psychological incapacity, **though no** one may have adduced any **contrary** evidence but for the inconsistencies and improbabilities in petitioner's case.⁵⁰

Trial courts hearing psychological incapacity cases that are **uncontested** must invariably bear in mind this legal requirement — any **petitioner** bears the **heavy burden** of proving by **clear and convincing evidence** the legal requisites of psychological incapacity. Any petitioner must rebut the presumptive validity of marriage and obtain the relief

⁴⁶ Supra note 33, at 32–34; Per *J. Lazaro-Javier's* Concurring Opinion, p. 2.

⁴⁷ Id. at 27.

⁴⁸ Id.

⁴⁹ *Estella v. Perez*, supra note 44.

⁵⁰ Id.

sought, **even if** neither the State nor the respondent presents any evidence in chief and depends only, *or even not at all*, on the cross-examination of a petitioner's witnesses and objections to the latter's evidence.⁵¹ Verily, the **inconsistencies** within, and the **improbabilities** of, a petitioner's evidence, or the **paucity** of a petitioner's evidence itself, could make the evidence **inadequate to hurdle** the standard of clear and convincing evidence and could therefore be the reason to deny the relief prayed for.

To stress — *semper praesumitur pro matrimonio*. The **presumption** is always in favor of the validity of the marriage. Every intendment of the law or fact leans **toward the validity** of the marital bonds. Courts look upon this presumption with great favor. It is not to be lightly repelled. Every case to nullify a marriage positions the petitioner as invariably standing against this presumption. Thus, a petitioner would have to successfully discharge the burden of proving the existence of psychological incapacity by **clear and convincing evidence** to overcome the presumed validity of the marriage.⁵²

Types of Evidence

Laypersons can testify about **dysfunctional acts** that **undermine the family**. In *Tan-Andal*,⁵³ the Court held:

.... 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. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.⁵⁴ (Emphasis supplied)

The **types of evidence** that a **layperson may adduce** for this purpose are (i) the **reputation** of the spouses being psychologically incapacitated — that is, the viewpoint of reasonable members of the spouses' relevant communities; (ii) the **character** of the spouses relevant to or indicative of psychological incapacity; (iii) the **everyday specific behavior, acts, or conduct** of the spouses; and (iv) the individual **spouse's own experience** of neglect, abandonment, unrequited love, and infliction of mental distress, among others.⁵⁵

⁵¹ *Espiritu v. Boac-Espiritu*, G.R. No. 247583, October 6, 2021. [Per J. Lazaro-Javier, First Division].

⁵² *Estella v. Perez*, supra.

⁵³ Supra, note 33.

⁵⁴ Id. at 32.

⁵⁵ *Espiritu v. Boac-Espiritu*, supra.

By training, lawyers have the competence to assemble the evidence on these matters. They know how to present witnesses who would **testify on everyday behavior, acts, or conduct, or adduce reputation and character evidence**. They know how to question the spouses about their **own experience of neglect, abandonment, unrequited love, and infliction of mental distress**. Similarly, judges — especially family court judges — are already equipped to assess these pieces of evidence. These clarifications allow us to operationalize *Tan-Andal*'s teaching to **reconfigure psychological incapacity as a legal concept** and for us to understand and apply this concept within legal parameters.

Applying the reconfigured concept of psychological incapacity to the present case

Applying the reconceptualized framework and elements of proof in *Tan-Andal* to the case at bar, we at once would find the existence and gravity of the **mutual incompatibility and antagonism** between Spouses Laroco. This state of **discord and disharmony** between them has **undermined** the **unity and harmony** in their family.

The *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** revolve around **charges and suspicions** of respondent's adultery and child abuse, and the spouses' long separation in fact. The dysfunctional acts have led to the children bouncing from one parent to another while they were growing up and maturing. That these *acts, behavior, conduct, events, reputation, character, or circumstances* of **dysfunctionalities** clearly and convincingly happened cannot be doubted.

The **truthfulness or reliability** and **validity** of this claim are **confirmed** by the **ages** of the spouses. Having wed in 1971, the spouses are now senior citizens who will gain nothing much romantically or sexually from this nullity proceeding. We may validly infer that given their ages, petitioner's claim cannot be characterized as a petty quarrel or minor bickerings, but the product of life-long hostilities in their marital life. We also cannot say that the instant petition was motivated by the whims of a macho lothario whose warped predilection is to make more conquests of women. What we see here is petitioner's desire to set things right for both him and respondent and see things as they really are, as they reach the twilight of their lives.

Corroborative of these dysfunctionalities is the clinical psychologist's finding of personality disorders on the part of both petitioner and respondent. Petitioner was found to have a compulsive-obsessive personality disorder while respondent was diagnosed to be suffering from a histrionic personality disorder. These defects in their personality structures made it clearly and convincingly improbable to reconcile and build a harmonious family.⁵⁶

The **mutual incompatibility** and **antagonism** are, **self-evidently, clearly and convincingly grave**. The long separation of the spouses, the way the children has bounced from one parent to another, and the undying charges and suspicions of adultery of respondent no matter how aged have they each come, prove significantly and substantially, more likely than not, that the state of discord and disharmony is **grave**.⁵⁷

That it is **incurable** is also, **self-evidently**, clear and convincingly established. The spouses were married in 1971, had children, and yet, their marital relationship and family relations have been **unceasingly interrupted**. Time did not heal the wounds of the mutual incompatibility and antagonism. The findings of the clinical psychologist **corroborate** the fact that this state significantly and substantially, more likely than not, will go with them in their graves.⁵⁸

The **juridical antecedence** of the fundamental discord and disharmony already showed itself when it was said that —

Petitioner alleged that he first met respondent in 1970 while they were both students at Saint Louis University, Baguio City. He courted her until they became a couple. He later broke up with her after learning that she was still entertaining other suitors even though they were already in a relationship. His parents also disapproved of their relationship because of respondent's reputation as a promiscuous, dishonest, and flirtatious woman. He left respondent and went to Manila to support her mother, then undergoing cobalt therapy. When he returned to Baguio, respondent informed him that she was pregnant and invited him to meet her parents in Lepanto Mines, Mankayan, Benguet. There, respondent's parents forced him to marry her.

⁵⁶ Record, pp. 75–81, Psychological Report.

⁵⁷ Id.

⁵⁸ Id.

Neither the State nor respondent contradicted this narration of petitioner. We believe it to be clearly and convincingly more probable than not. There is no contradiction. It stands un rebutted. It is also not improbable or contrary to human experience. As regards respondent's alleged flirtatious disposition, we do not exactly accept this to be true. We take this allegation as evidence of petitioner's consistent charge and suspicion of respondent's unfaithfulness, which rightly or wrongly, factually or falsely, has **laid down the seeds *prenuptially* of their mutual incompatibility and antagonism.**

All told, the trial court and the Court of Appeals erred in their respective decisions. It is **not** that these courts applied the wrong standards and misanalysed the case. Possibly, they did not, but they did so under the strictures of the now-abandoned doctrines on psychological incapacity. But since the Court has now the benefit of hindsight, a vision clarified by *Tan-Andal*, a lens that we say is progressive and responsive to the times, we reverse these decisions.

There are no vested rights impacted by the application of *Tan-Andal* to this case.⁵⁹ No party relied in good faith and reaped benefits under the defunct doctrine of psychological incapacity. In fact, its application to this case is more in-tune with remediating the adverse consequences of the old view of psychological incapacity.⁶⁰ As a corrective interpretation of Article 36, *Tan-Andal* properly governs nullity cases whose dispositions are still pending and have not become final and executory.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated November 6, 2019 and Resolution dated June 15, 2020 of the Court of Appeals in CA-G.R. CV No. 111010 and the Decision dated May 22, 2017 and Order dated April 3, 2018 of the Regional Trial Court – Branch 9, La Trinidad, Benguet in Civil Case No. 14-F-2133 are **REVERSED and SET ASIDE**. In place thereof, a **NEW JUDGMENT** is rendered **declaring** the marriage between Dionisio C. Laroco and Aurora B. Laroco **VOID** from the beginning on the ground of psychological incapacity.

⁵⁹ *Manuel L. Quezon University v. National Labor Relations Commission*, 419 Phil. 776 (2001) [Per J. Pardo, Second Division].

⁶⁰ *Philippine Health Insurance Corporation v. Commission on Audit*, G.R. No. 222710, September 10, 2019 [Per J. Gesmundo, En Banc].

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SO ORDERED.



AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:




MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice
Chairperson



MARIO V. LOPEZ
Associate Justice




JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

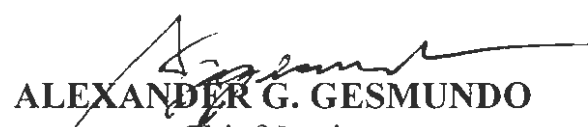
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC MARIO VICTOR F. LEONEN
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the above 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