Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ARTHUR A. CANDELARIO,
Petitioner,

- versus -

MARLENE E. CANDELARIO and the OFFICE OF THE SOLICITOR GENERAL,
Respondents.

G.R. No. 222068

Present:

GESMUNDO, *C.J.*,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO,* and
MARQUEZ, *JJ.*

Promulgated:

JUL 25 2023

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DECISION

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court seeks to set aside the March 6, 2015 Judgment[2] and the December 7, 2015 Order[3] of the Regional Trial Court (RTC) of San Jose, Antique, Branch 11, in Civil Case No. 2013-01-3848, which denied the Petition for Declaration of Nullity of Marriage[4] filed by petitioner Arthur A. Candelario (Arthur) against respondent Marlene E. Candelario (Marlene).

The Facts

Arthur and Marlene were married in a civil ceremony on June 11, 1984. Their marriage produced one child who was born on May 14, 1985. Hoping to

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* On leave.
1 *Rollo*, pp. 12-29.
2 Id. at 35-40. Penned by Pairing Judge Nery G. Duremdes.
3 Id. at 57-63. Penned by Pairing Judge Nery G. Duremdes.
4 Id. at 64-70.

provide a better life for her family, Marlene moved to Singapore to work as a domestic helper sometime in October 1987 and left her child under the care and custody of Arthur, who worked as a farmer.[5] While working in Singapore, Marlene sent her earnings to her family. However, Arthur took advantage of Marlene's absence and frequently visited nightclubs where he later on met his present partner.[6]

Marlene heard about Arthur's affair and decided to return to the Philippines in October 1989 without the latter's knowledge. It was then when she discovered that Arthur and his new partner were already living together in their conjugal dwelling.[7] Because of this, Marlene separated from Arthur that same year. Meanwhile, Marlene took their child from the custody of Arthur and was eventually raised and cared for by Marlene's sister and parents. For his part, Arthur continued to live with his partner and they had four children together.[8]

More than 20 years later, Arthur filed before the RTC a Petition for Declaration of Nullity of Marriage, praying that his marriage with Marlene be declared void *ab initio* due to his psychological incapacity to comply with his essential marital obligations.[9]

Marlene was served with summons but failed to file a written answer. Consequently, the RTC ordered the provincial prosecutor to conduct an investigation to ascertain whether collusion existed between the parties. The investigation report negated the presence of collusion between Arthur and Marlene. At the scheduled pre-trial conference, Marlene was likewise absent, and subsequently, the RTC declared the pre-trial terminated and set the case for trial on the merits.[10]

During trial, Arthur testified on his own behalf. Additionally, Dr. Daisy L. Chua-Daquilanea (Dr. Chua-Daquilanea), a psychiatry practitioner for 20 years, also testified for Arthur by way of Judicial Affidavit, which she identified together with her Psychiatric Report.[11]

According to Dr. Chua-Daquilanea, she conducted a psychiatric evaluation of Arthur and Marlene based on a series of psychiatric interviews, mental status examinations, neurologic and physical examinations of the parties themselves and collateral data from the following persons: (a) Faustina Mendoza (Faustina), the owner of the land where Arthur worked; (b) Cerina Bardina (Cerina), a neighbor of the couple; and (c) Rizalyn Basilio (Rizalyn), the sister

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5 Id. at 16-17.
6 Id. at 17.
7 Id.
8 Id.
9 Id. at 35.
10 Id. at 35-36.
11 Id. at 36.

of Marlene. Dr. Chua-Daquilanea's assessment revealed that Arthur was afflicted with Dependent Personality Disorder.[12] The Psychiatric Report stated that:

> In view of the foregoing psychiatric evaluation, the petitioner is found to have a DEPENDENT PERSONALITY DISORDER. He was found to have an extreme pattern of dependency. This was due to *low self-esteem* and *fear of abandonment* from an overprotective parental figure. This psychological conflict affected his development such that this personality disorder was noted prior to the *marriage* and became more prominent during the marriage. It is found to be serious as he manifested with the *full-blown signs and symptoms of this extreme dependency*. It was the cause of his untoward behavior in marital life and made *him incapable to do his marital obligations to love, care, respect, render support and fidelity to his spouse*. It was *not likely to respond to any treatment intervention* as such behavior is acceptable to him and not bound to be modified in any way.
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> The respondent is not found to have any disorder as she was able to cope with the marital crisis and showed no deterioration in her functioning. She was rational in her decisions to improve the future of her child and of herself.
>
> Therefore, the petition for nullity of marriage in this case is highly recommended based on the presence of a severe and irreversible personality disorder on the part of the petitioner.[13]

After his evidence were admitted by the trial court, Arthur rested his case. Thereafter, the case was deemed submitted for resolution given that Marlene and the State opted not to present any evidence.[14]

Ruling of the Regional Trial Court

In its March 6, 2015 Judgment,[15] the RTC denied Arthur's Petition for lack of merit. The dispositive portion of the Judgment reads:

> IN VIEW OF ALL THE FOREGOING CONSIDERATIONS, the verified PETITION dated January 18, 2013 of the petitioner Arthur A. Candelario is hereby DENIED for lack of merit and, to all intents and purposes, this case is hereby dismissed.
>
> Let separate copies of this judgment be furnished to Atty. Jenalyn A. Traifalgar, Prosecutor Marilou Garachico-Fabila, the Office of the Solicitor General, the respondent Marlene E. Candelario and the petitioner Arthur A. Candelario.
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> SO ORDERED.[16]

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[12] Id. at 73.
[13] Id. at 78-79.
[14] Id. at 36.
[15] Id. at 35-40.
[16] Id. at 39-40.

The RTC gave credence to Dr. Chua-Daquilanea's psychiatric evaluation and found that Arthur's psychological incapacity, which was characterized by gravity, juridical antecedence, and incurability, had been preponderantly established.[17] However, even if this were the case, the trial court ruled that his marriage to Marlene cannot be nullified or declared as void *ab initio* under Article 36 of the Family Code considering that the said Code only became effective on August 3, 1988, while Arthur and Marlene's marriage was celebrated on June 11, 1984.[18]

Aggrieved, Arthur moved for reconsideration;[19] however, the same was denied through the trial court's December 7, 2015 Order.[20]

The Present Petition

Given the above, Arthur filed before this Court the present Petition for Review on *Certiorari*,[21] raising the lone assignment of error, *viz.*:

> The [c]ourt *a* [*quo*] erred in finding that the Family Code of the Philippines, particularly Section [sic] Thirty-Six (36) thereof, providing Psychological Incapacity as a ground for declaration of nullity of marriage, has no retroactive effect.[22]

In a February 10, 2016 Resolution,[23] the Court resolved to implead the Office of the Solicitor General (OSG) in the instant case.[24] In compliance thereto, Arthur filed a Motion to Amend Petition and to Admit Amended Petition.[25]

Thereafter, in a March 14, 2016 Resolution,[26] the Court denied the Petition for "failure to sufficiently show that the trial court committed any reversible error in the challenged judgment and order as to warrant the exercise by this Court of its discretionary appellate jurisdiction."[27] It also stated that the Petition failed to comply with certain requirements under Rule 45 and other related provisions of the 1997 Rules of Civil Procedure.[28]

Subsequently, Arthur filed a Motion for Reconsideration of the Resolution dated March 14, 2016.[29] Acting on such motion, the Court, in a July 25, 2016

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17 Id. at 38.
18 Id. 38.
19 Id. at 41-56.
20 Id. at 57-63.
21 Id. at 12-29.
22 Id. at 18.
23 Id., unpaginated.
24 Id.
25 Id. at 83-104.
26 Id. at 81-82.
27 Id. at 81.
28 Id.
29 Id. at 109-114.

Resolution,[30] required the respondents to file their respective comments thereon.[31]

In its Comment dated October 20, 2017,[32] the OSG disagreed with the RTC's disquisition and opined that the latter erred in ruling that Arthur and Marlene's marriage cannot be declared void *ab initio* on the ground of psychological incapacity on the part of petitioner, on the sole reason that their marriage was celebrated prior to the effectivity of the Family Code.[33]

Meanwhile, after copies of the Resolutions were returned unserved, the Court issued a Resolution[34] on June 27, 2018 dispensing with the filing of Marlene's Comment on Arthur's Motion for Reconsideration.

Consequently, on March 20, 2019, the Court granted Arthur's Motion for Reconsideration and set aside its March 14, 2016 Resolution.[35] It then required the parties to file their Comment to the Petition, to which the OSG filed its Manifestation In Lieu of Comment,[36] stating that it is adopting its Comment dated October 20, 2017 as its Comment to the Petition for Review on *Certiorari*.[37] On the other hand, Marlene still failed to file her Comment.

Thus, the Court will now proceed to determine the merits of the Petition.

Issue

The sole issue presented before this Court is whether the Family Code, particularly Art. 36 thereof, can be retroactively applied to marriages that took place before its effectivity on August 3, 1988, including that of Arthur and Marlene's marriage, which was solemnized on June 11, 1984.

Our Ruling

We deny the petition.

At the outset, it must be borne in mind that direct recourse to this Court from the decisions and final orders of the RTC may be taken where only questions of law are raised or involved. There is a question of law when the doubt arises as to what the law is on a certain state of facts, which does not call for the examination of the probative value of the evidence of the parties.[38] Here,

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30 Id. at 122-123.
31 Id.
32 Id. at 142-153.
33 Id. at 150.
34 Id. at 157-158.
35 Id. at 161.
36 Id. at 163-165.
37 Id. at 164.
38 *Republic v. Olaybar*, 726 Phil. 378, 384 (2014).

the question on the retroactive application of the Family Code does not entail a review or evaluation of the evidence presented by Arthur at the trial court level. Verily, petitioner raised a pure question of law.

To recall, while the RTC found that Arthur's Dependent Personality Disorder rendered him psychologically incapacitated to comply with his essential marital obligations, it nevertheless held that his marriage to Marlene, which was celebrated on June 11, 1984, cannot be dissolved on the ground of psychological incapacity because the Family Code did not yet exist during that time.[39] It held that the applicable law that was in effect during the celebration of their marriage was the Civil Code, which did not contain any provision similar to Art. 36 of the Family Code.[40]

The Court disagrees with the conclusion reached by the RTC.

The legal provisions that are pertinent to the case are Arts. 36, 39, and 256 of the Family Code, to wit:

> 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.
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> Art. 39. The action or defense for the declaration of absolute nullity of a marriage shall not prescribe. (As amended by Executive Order 227 and Republic Act No. 8533; The phrase "However, in case of marriage celebrated before the effectivity of this Code and falling under Article 36, such action or defense shall prescribe in ten years after this Code shall have taken effect" has been deleted by Republic Act No. 8533 [Approved February 23, 1998]).
>
> Art. 256. This Code shall have retroactive effect insofar as it does not prejudice or impair vested or acquired rights in accordance with the Civil Code or other laws.

A plain reading of the above provisions would reveal that the Family Code, including its concept of psychological incapacity as a ground to nullify marriage, shall be given retroactive effect, to the extent that no vested or acquired rights under relevant laws will be prejudiced or impaired. The amendment of Art. 39 would also show that an action for nullifying a marriage is imprescriptible, without any distinction as to whether the marriage was solemnized before or after the effectivity of the Family Code.

Otherwise stated, nowhere does it state that Art. 36 cannot be retroactively applied to marriages that were celebrated prior to the effectivity of the Family Code. Basic is the rule in statutory construction that where the law does not

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[39] *Rollo*, p. 39.
[40] Id.

distinguish, the courts should not distinguish. Where the law is free from ambiguity, the court may not introduce exceptions or conditions where none is provided from considerations of convenience, public welfare, or for any laudable purpose; neither may it engraft into the law qualifications not contemplated.[41]

Moreover, it is worthy to point out that in *Santos v. Court of Appeals*,[42] this Court took the opportunity to discuss the import of psychological incapacity during the deliberations of the Family Code Revision Committee, to wit:

> Justice Puno formulated the next Article as follows:
>
> [Art.] 37. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated, to comply with the essential obligations of marriage shall likewise be void from the beginning even if such incapacity becomes manifest after its solemnization.
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> Justice Caguioa suggested that "even if" be substituted with "although." On the other hand, Prof. Bautista proposed that the clause "although such incapacity becomes manifest after its solemnization" be deleted since it may encourage one to create the manifestation of psychological incapacity. Justice Caguioa pointed out that, as in other provisions, they cannot argue on the basis of abuse.
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> Judge Diy suggested that they also include mental and physical incapacities, which are lesser in degree than psychological incapacity. Justice Caguioa explained that mental and physical incapacities are vices of consent while psychological incapacity is not a species of vice of consent.
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> Dean Gupit read what Bishop Cruz said on the matter in the minutes of their February 9, 1984 meeting:
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> "On the third ground, Bishop Cruz indicated that the phrase 'psychological or mental impotence" is an invention of some churchmen who are moralists but not canonists, that is why it is considered a weak phrase. He said that the Code of Canon Law would rather express it as 'psychological or mental incapacity to discharge..."
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> Justice Caguioa remarked that they deleted the word 'mental' precisely to distinguish it from vice of consent. He explained that 'psychological incapacity' refers to lack of understanding of the essential obligations of marriage.
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> Justice Puno reminded the members that, at the last meeting, they have decided not to go into the classification of "psychological incapacity" because there was a lot of debate on it and that this is precisely the reason why they classified it as a special case.
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> At this point, Justice Puno remarked that, since there having been annulments of marriages arising from psychological incapacity, Civil Law should not reconcile with Canon Law because it is a new ground even under Canon Law.

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[41] *Ifurung v. Carpio-Morales*, 831 Phil. 135, 184-185 (2018).
[42] 310 Phil. 21 (1995).

> Prof. Romero raised the question: With this common provision in Civil Law and in Canon Law, are they going to have a provision in the Family Code to the effect that marriages annulled or declared void by the church on the ground of psychological incapacity is automatically annulled in Civil Law? The other members replied negatively.
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> **Justice Puno and Prof. Romero inquired if Article 37 should be retroactive or prospective in application.**
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> **Justice Diy opined that she was for its retroactivity because it is their answer to the problem of church annulments of marriages, which are still valid under the Civil Law. On the other hand, Justice Reyes and Justice Puno were concerned about the avalanche of cases.**
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> **Dean Gupit suggested that they put the issue to a vote, which the Committee approved.**
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> **The members voted as follows:**
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> **(1) Justice Reyes, Justice Puno and Prof. Romero were for prospectivity.**
> **(2) Justice Caguioa, Judge Diy, Dean Gupit, Prof. Bautista and Director Eufemio were for retroactivity.**
> **(3) Prof. Baviera abstained.**
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> Justice Caguioa suggested that they put in the prescriptive period of ten years within which the action for declaration of nullity of the marriage should be filed in court. The Committee approved the suggestion.[43]

From the foregoing, it can be gleaned that the Family Code Revision Committee actually took into consideration and voted on the retroactive application of Art. 36. In this regard, even if Arthur and Marlene's marriage took place before the effectivity of the Family Code, the same can be declared void on the ground of Arthur's psychological incapacity, as long as no vested or acquired rights are disturbed.

On this score, it must be noted that the records are bereft of any indication that there were vested or acquired rights that were prejudiced or impaired in this case. As mentioned by Arthur in his Petition, "[d]uring their marriage, the spouses have not acquired real and personal properties of significant value."[44] It bears emphasis that if Marlene had an actual vested or acquired right that would be prejudiced should the Family Code be given retroactive effect, she should have raised such matter at the first possible instance or at any given stage of the proceedings where she was required to file an answer or comment. However, this she did not do. For failure to avail herself of the several opportunities given to her, she is deemed to have waived her right to prove and testify on such matter.

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[43] Id. at 34-36; emphases supplied.
[44] *Rollo*, p. 26.

Additionally, the petitioner also correctly pointed out that there have already been numerous cases promulgated by this Court where Art. 36 of the Family Code was applied even though the marriage involved was celebrated prior to August 3, 1988. As painstakingly enumerated by Arthur in his Motion for Reconsideration[45] before the RTC:

> 22. In **Chi Ming Tsoi vs. CA and Gina Lao-Tsoi, G.R. No. 119190, January 16, 1997**, the Supreme Court sustained the JUDGMENT of the trial court declaring as VOID the marriage entered into by the plaintiff with the defendant on May 22, 1988, a date that falls BEFORE the effectivity of the Family Code on August 3, 1988;
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> 23. In **Republic vs. CA and Roridel Olaviano Molina, G.R. No. 108763, February 13, 1997**, the Supreme Court handed down the GUIDELINES in the interpretation and application of Article 36 of the Family Code, for the guidance of the bench and the bar;
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> 24. The marriage of Reynaldo Molina to Roridel Olaviano Molina may have been ruled subsisting and valid, but the Supreme Court did not find any issue with regard to the application of Article 36 of the Family Code in the said case, notwithstanding the fact that Reynaldo and Roridel were married on **April 14, 1985**, a date that falls BEFORE the effectivity of the Family Code on August 3, 1988;
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> 25. It is not lost on PETITIONER that even the case of **Marcos vs. Marcos** cited by this Honorable Court in the assailed JUDGMENT involves a case in which the parties were married BEFORE the effectivity of the Family Code, that is, the date of the marriage is **September 6, 1982**;
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> 26. In fact, there is a plethora of cases that reached the Supreme Court, which cases raised the issue of PSYCHOLOGICAL INCAPACITY of either or both parties, concerning marriages solemnized BEFORE the effectivity of the Family Code on August 3, 1988, among which are the following:
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> a) **Camacho-Reyes vs. Ramon Reyes**, G.R. No. 185286, August 18, 2010 (Date of marriage – **December 5, 1976**);
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> b) **Valdes vs. RTC, Branch 102, Quezon City & Gomez-Valdes**, G.R. No. 122749, July 31, 1996 (Date of marriage – **January 5, 1971**);
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> c) **Republic vs. Encelan**, G.R. No. 170022, January 9, 2013 (Date of marriage – **August 25, 1979**);
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> d) **Republic vs. De Gracia**, G.R. No. 171557, February 12, 2014 (Date of marriage – **February 15, 1969**);
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> e) **Marable vs. Marable**, G.R. No. 178741, January 17, 2011 (Date of Marriage – **December 19, 1970**);
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> f) **Suazo vs. Suazo, et al.**, G.R. No. 164493, March 10, 2010 (Date of Marriage – **March 3, 1986**);

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[45] Id. at 41-56.

g) **Republic vs. CA & De Quintos, Jr.** (G.R. No. 159594, November 12, 2012 (Date of marriage – **March 16, 1977**);

h) **Ligeralde vs. Patalinghug & Republic**, G.R. No. 168796, April 15, 2010 (Date of marriage – **October 3, 1984**);

i) **Republic vs. Cuison-Melgar**, G.R. No. 139676, March 31, 2006 (Date of marriage – **March 27, 1965**);

j) **Najera vs. Najera**, G.R. No. 164817, July 3, 2009 (Date of marriage – **January 31, 1988**);

k) **Kalaw vs. Fernandez**, G.R. No. 166357, September 19, 2011 (Date of marriage – **November 4, 1976**);

l) **Agraviador vs. Amparo-Agraviador & Republic**, G.R. No. 170729 (Date of marriage – **May 23, 1973**);

m) **Yambao vs. Yambao & Republic**, G.R. No. 184063, January 24, 2011 (Date of marriage – **December 21, 1968**);

n) **Carating-Siayngco vs. Siayngco**, G.R. No. 158896, October 27, 2004 (Date of marriage – **June 23, 1973**);

o) **Toring vs. Toring & Republic**, G.R. No. 165321, August 3, 2010 (Date of marriage – **September 4, 1978**);

p) **Aspillaga vs. Aspillaga**, G.R. No. 170925, October 26, 2009 (Date of marriage – **1980**);

q) **Paras vs. Paras**, G.R. No. 147824, August 2, 2007 (Date of marriage – **May 21, 1964**);

r) **Pesca vs. Pesca**, G.R. No. 136921, April 17, 2001 (Date of marriage – **March 3, 1975**);

s) **Republic vs. Quintero-Hamano**, G.R. No. 149498, May 20, 2004 (Date of marriage – January 14, 1988);

t) **Malcampo-Sin vs. Sin**, G.R. No. 137590, March 26, 2001 (Date of marriage – **January 4, 1987**);

u) **Dimayuga-Laurena vs. CA & Laurena**, G.R. No. 159220, September 22, 2008 (Date of marriage – **December 19, 1983**); and

v) **Salas, Jr. vs. Aguila**, G.R. No. 202370, September 23, 2013 (Date of marriage – **September 7, 1985**).[46]

Further, the OSG also properly observed in its Comment that, "the ruling of the court *a quo* discriminates against married couples for no reason other than having had the misfortune of contracting their marriage earlier than 3 August

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[46] Id. at 50-52.

1998. There is no reason why it should be so, as all persons are prone to being afflicted by a psychological disorder that could cause a downright incapacity to perform the obligations of marriage. The question should not be when the party asking for dissolution got married, but whether such psychological incapacity in fact exists."[47]

From the foregoing, the Court sees no reason why it should depart from its earlier rulings which recognized the applicability of Art. 36 even to those marriages celebrated prior the effectivity of the Family Code. Given this, the Court agrees with both petitioner and the OSG that the RTC erred when it held that Arthur and Marlene's marriage cannot be nullified on the ground of psychological incapacity solely on the basis that the Family Code was not yet in effect then.

At this juncture, it must be recalled that the RTC actually found Arthur to be psychologically incapacitated to comply with his essential marital obligations. It held that:

> Thus, the result of the psychiatric evaluation of the petitioner Arthur A. Candelario by Dr. Daisy L. Chua Daquilanea preponderantly establishes that the petitioner is afflicted with a dependent personality disorder, a psychological incapacity characterized by severity or gravity, juridical antecedence and incurability, which has made the petitioner incognitive of the essential marital obligations of marriage that require the spouses to live together, observe mutual love, respect and fidelity, and render mutual help and support (Art. 68, Family Code; Republic vs. Iyoy, 470 SCRA 508). It is then obvious that before and at the time the petitioner Arthur A. Candelario and the respondent Marlene E. Candelario contracted marriage on June 11, 1984, the said petitioner was already psychologically incapacitated to comply with the essential marital obligations of marriage, and the same still subsists as it is incurable such that their marriage would be void under Article 36 of the Family Code.[48]

However, the jurisprudential development established in *Tan-Andal v. Andal* (*Tan-Andal*)[49] leads this Court to re-examine the findings of the trial court.

In *Tan-Andal*, the Court abandoned previous jurisprudence on psychological incapacity and categorically upheld that it is "neither a mental incapacity nor a personal disorder that must be proven through expert opinion."[50] Nevertheless, the Court added that proof must still be provided to show 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

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47 Id. at 149.
48 Id. at 38.
49 G.R. No. 196359, May 11, 2021.
50 Id.

must make it impossible for him or her to understand and comply with the essential marital obligations embedded in the Family Code.[51]

Further, the Court in *Tan-Andal* stated that these aspects of personality need not 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. What is important is that the plaintiff-spouse must prove his or her case with clear and convincing evidence, with the totality of evidence sufficient to support a finding of psychological incapacity. [52]

Be that as it may, the alleged psychological incapacity must still be shown to be grave, incurable, and juridically antecedent.[53] 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.[54]

Applying the foregoing in the instant case, the Court finds that no psychological incapacity exists on record to merit nullifying Arthur and Marlene's marriage.

Here, Arthur presented the Psychiatric Report of Dr. Chua-Daquilanea who found that the former is suffering from Dependent Personality Disorder brought about by an overprotective upbringing which led him to have dependency, low self-esteem, and abandonment issues that affected his marriage with Marlene. To recall, such findings were based on the testimony of Arthur, Marlene, and three other informants who knew the couple.[55]

However, this Court cannot accept such evidence as sufficient given that it failed to establish the gravity, incurability, and juridical antecedence of Arthur's alleged incapacity.

A reading of Dr. Chua-Daquilanea's report reveals that her findings are lacking in data as to Arthur's personality structure and how it incapacitates him to perform the essential marital obligations. Neither does it prove that Arthur's

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[51] Id.
[52] Id.
[53] *Alberto v. Alberto*, G.R. No. 236827, April 19, 2022.
[54] *Republic v. Claur*, G.R. No. 246868, February 15, 2022.
[55] *Rollo*, p. 73.

psychological incapacity is due to a genuine psychic cause. While the report was detailed on how Arthur had a difficult upbringing, it failed to show that his condition made it practically impossible for him to comply with the ordinary duties required in marriage. It only offered a general assessment on the supposed effect of Arthur's personality disorder to his marital union with Marlene.

Notably, the Psychiatric Report stated that Arthur "had no regrets in this marriage and exerted no effort to save it"[56] and that "during marriage, he carried with him the same attachment issues of his developmental years, imbibed as part of who he had become as a person."[57] It further added that:

> x x x In his marital life with her, he continued to grapple with self-doubts and low self-esteem, which were the core conflicts of an extremely dependent individual. When she left him to work abroad, he perceived this as loss or abandonment such that he could not cope with it because of his dependent personality disorder. He longed to have a constant dose of care and affection. Without her, he did not show consistent ability to assume responsibilities, like a simple work as a tricycle driver and famer, to fend for his family and take care of their only daughter. He needed to always sustain attachment with another to prevent himself from feeling fearful of facing things on his own. Hence, he related with another woman. He brought this woman home and the respondent saw all these when she surprised him by an unannounced vacation. He failed to love, care, respect, render support and most of all, [show] fidelity to his spouse. She could not bear to remain connected with him who could not detach from other women and his vices. She did not want to continue the marital relationship with him and separated from him permanently. His dependent personality got in the way such that she opted to eventually separate from him.[58]

However, no other adequate explanation was provided to show that Arthur's failure to assume his marital obligations was not because of his mere refusal, neglect, difficulty, or ill will. It is worthy to point out that Art. 36 of the Family Code contemplates downright incapacity or inability to take cognizance of and to assume the basic marital obligations. It is not enough to prove that a spouse failed to meet his responsibilities and duties as a married person; the incapacity must be so enduring and persistent with respect to a specific partner, that the only result of the union would be the inevitable and irreparable breakdown of the marriage.[59] Here, it can be gleaned that Arthur simply made no real effort to work on his marriage with Marlene.

From this, the Court finds that the requirement of gravity was not satisfied.

The Court also holds that the requirement of incurability was not sufficiently proven. Jurisprudence provides that in order for the said requisite

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[56] Records, p. 15.
[57] Id. at 17.
[58] *Rollo*, p. 78.
[59] *Carullo-Padua v. Republic*, G.R. No. 208258, April 27, 2022.

to be met, there must be "an undeniable pattern of a persisting failure to be a present, loving, faithful, respectful, and supportive spouse that must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."[60] Unfortunately, the Court finds that Dr. Chua-Daquilanea's assessment of Arthur is wanting in this respect. While it was shown that Arthur had an extramarital affair while Marlene was working abroad, there was not enough evidence provided to prove that his incapacity or condition was incurable. Similar to the requirement on gravity, the report only made a general evaluation on the incurability of Arthur's condition by stating that, "it was not likely to respond to any treatment intervention as such behavior is acceptable to him and not bound to be modified in any way."[61]

Lastly, the Court also finds that the requirement of juridical antecedence was not met. There was no sufficient evidence that Arthur's alleged incapacity existed prior to his marriage to Marlene. While the Psychiatric Report cited the corroborative testimonies of Faustina, Cerina, and Rizalyn, the same do not indicate that they have known Arthur longer than such period of time as to have personal knowledge of his circumstances. It is not clear in the report that these persons had already been present in Arthur's life before the latter contracted marriage to testify on his past experiences or environment while growing up that they have consistently observed which may have triggered his behavior towards Marlene.

It bears emphasis that irreconcilable differences, conflicting personalities, emotional immaturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment, by themselves, do not warrant a finding of psychological incapacity under Art. 36 of the Family Code. It must be stressed that an unsatisfactory marriage is not a null and void marriage.[62]

In sum, Arthur failed to prove by clear and convincing evidence that his personality disorder was one of psychological incapacity within the meaning of Art. 36 of the Family Code that would warrant the severance of Arthur and Marlene's marital bonds. Failing in this regard, the Court must protect the sanctity of their marriage as mandated by the Constitution.

WHEREFORE, the Petition is **DENIED**. The March 6, 2015 Judgment and the December 7, 2015 Order of the Regional Trial Court of San Jose, Antique, Branch 11, in Civil Case No. 2013-01-3848 are **AFFIRMED**. The marriage between Arthur A. Candelario and Marlene E. Candelario is declared **VALID** and **SUBSISTING.**

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60 *Cayabyab-Navarrosa v. Navarrosa*, G.R. No. 216655, April 20, 2022.
61 *Rollo*, p. 78.
62 *Carullo-Padua v. Republic*, supra.

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice
Working Chairperson

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

RODIL V. ZALAMEDA
Associate Justice

(On leave)
RICARDO R. ROSARIO
Associate Justice

JOSE MIDAS P. MARQUEZ
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