



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,, G.R. No. 218630
Petitioner,

Present:

SERENO, C.J.
Chairperson,
LEONARDO-DE CASTRO,
*BERSAMIN,
DEL CASTILLO, and
TIJAM, *JJ.*

- versus -

**KATRINA S. TOBORA-
TIONGLICO,****
Respondent.

Promulgated:

JAN 11 2018

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DECISION

TIJAM, J.:

This is a petition for review on certiorari of the Decision¹ dated May 27, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 101985, which affirmed the May 8, 2012 Decision² rendered by the Regional Trial Court (RTC) of Imus Cavite, Branch 20, granting the petition for declaration of nullity of marriage on the ground of Article 36 of the Family Code and declaring the marriage of Katrina S. Tabora-Tionglico and Lawrence C. Tionglico void *ab initio*.

^{**}Referred to as Katrina S. Tabora-Tionglico in the RTC and CA Decisions and other pleadings.

^{*}Designated additional Member per Raffle dated November 20, 2017 *vice* Associate Justice Francis H. Jardeleza..

¹Penned by Associate Justice Socorro B. Inting, and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Mario V. Lopez.; *Rollo*, pp. 25-36.

²Penned by Presiding Judge Fernando L. Felicen; *Id.* at 31-34.

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Respondent Katrina S. Tabora-Tionglico (Katrina) filed a petition for declaration of nullity of her marriage with Lawrence C. Tionglico (Lawrence) on the ground of psychological incapacity under Article 36 of the Family Code.

Katrina and Lawrence met sometime in 1997 through a group of mutual friends. After a brief courtship, they entered into a relationship. When she got pregnant, the two panicked as both their parents were very strict and conservative. Lawrence did not receive the news well as he was worried how it would affect his image and how his parents would take the situation.³ Nevertheless, they got married on July 22, 2000.⁴

Even during the early stage of their marriage, it was marred by bickering and quarrels. As early as their honeymoon, they were fighting so much that they went their separate ways most of the time and Katrina found herself wandering the streets of Hong Kong alone.⁵

Upon their return, they moved into the home of Lawrence's parents until the birth of their child, Lanz Rafael Tabora Tionglico (Lanz), on December 30, 2000.⁶ Lawrence was distant and did not help in rearing their child, saying he knew nothing about children and how to run a family.⁷ Lawrence spent almost every night out for late dinners, parties and drinking sprees.⁸ Katrina noticed that Lawrence was alarmingly dependent on his mother and suffered from a very high degree of immaturity.⁹ Lawrence would repeatedly taunt Katrina to fight with him and they lost all intimacy between them as he insisted to have a maid sleep in their bedroom every night to see to the needs of Lanz.¹⁰

Lawrence refused to yield to and questioned any and all of Katrina's decisions – from the manner by which she took care of Lanz, to the way she treated the household help. Most fights ended up in full blown arguments, often in front of Lanz. One time, when Katrina remembered and missed her youngest brother who was then committed in a substance rehabilitation center, Lawrence told her to stop crying or sleep in the rehabilitation center if she will not stop.¹¹

³Id. at 32 and 44.

⁴Id. at 26.

⁵Id. at 37.

⁶Id. at 42.

⁷Id. at 26.

⁸Id. at 37.

⁹Id. at 46.

¹⁰Id. at 47.

¹¹Id. at 38.



In 2003, due to their incessant fighting, Lawrence asked Katrina to leave his parents' home and never to come back. They have been separated in fact since then.¹²

Katrina consulted with a psychiatrist, Dr. Juan Arellano (Dr. Arellano), who confirmed her beliefs on Lawrence's psychological incapacity. Dr. Arellano, based on the narrations of Katrina, diagnosed Lawrence with Narcissistic Personality Disorder, that is characterized by a heightened sense of self-importance and grandiose feelings that he is unique in some way.¹³

Dr. Arellano determined that this personality disorder is permanent, incurable, and deeply integrated within his psyche;¹⁴ and that it was present but repressed at the time of the celebration of the marriage and the onset was in early adulthood. His maladaptive and irresponsible behaviors interfered in his capacity to provide mutual love, fidelity, respect, mutual help, and support to his wife.¹⁵

The RTC granted the petition and declared the marriage of Katrina and Lawrence as void *ab initio*. It disposed, thus:

WHEREFORE, judgment is hereby rendered declaring the marriage of Katrina S. Tabora-Tionglico and Lawrence C. Tionglico Ito (sic) as void *ab initio*. As a necessary consequence of this pronouncement, petitioner shall cease using the surname of her husband having lost the right over the same and so as to avoid the misconception that she is still the legal wife of respondent. Custody over the couple's minor child is awarded to petitioner, with reasonable visitation rights accorded to respondent, preferably Saturday and Sunday, or as the parties may agree among themselves.

Furnish a copy of this decision the Office of the Solicitor-General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn, shall endorse a copy of the same to the Local Civil Registrar of Mandaluyong City, Metro Manila, so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and counsel.

SO ORDERED.¹⁶

The CA affirmed the RTC decision, the dispositive portion of which reads:

¹²Id. at 48.

¹³Id. at 52.

¹⁴Id.

¹⁵Id at 53.

¹⁶Id. at 33-34.

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WHEREFORE, the appeal is **DENIED**. Accordingly, the Decision of the Regional Trial Court of Imus, Cavite, Branch 20, in Civil Case No. 4903-11 dated 8 May 2012 is hereby **AFFIRMED**.¹⁷

Hence, this petition for review on certiorari.

The Office of the Solicitor General (OSG) points out that there has been a myriad of cases declaring that psychological assessment based solely on the information coming from either party in a petition for declaration of nullity of marriage is considered as hearsay evidence. It is evident that in this case, the psychiatrist obtained his data, in concluding that Lawrence is psychologically incapacitated, exclusively from Katrina.

Katrina counters that the facts, bases and surrounding circumstances of each and every case for the nullity is different from the other and must be appreciated for its distinctiveness. She points out that the psychological report of Dr. Arellano clearly outlined well-accepted scientific and reliable tests¹⁸ to come up with his findings. In any case, the decision must be based not solely on the expert opinions but on the totality of evidence adduced in the course of the proceedings, which the RTC and the CA have found to have been sufficient in proving Lawrence's psychological incapacity.

The issue before Us is plainly whether the totality of evidence presented by Katrina supports the findings of both the RTC and the CA that Lawrence is psychologically incapacitated to perform his essential marital obligations, meriting the dissolution of his marriage with Katrina.

Contrary to the findings of both the RTC and the CA, We rule in the negative.

Time and again, it has been held that "psychological incapacity" has been intended by law to be confined to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. Psychological incapacity must be characterized by (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

¹⁷Id. at 29.

¹⁸Psychiatric and psychological interviews, Rhodes Sentence Completion Test, Draw a Person Test, Zung Anxiety and Depression Scale, Examination of Mental Status and Mental Processes, Hamilton Anxiety Rating Scale, Social Case History, and Survey of Interpersonal Values, see *rollo*, pp. 54-55.

incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.¹⁹

The case of *Republic of the Philippines v. Court of Appeals*²⁰ has set out the guidelines that has been the core of discussion of practically all declaration of nullity of marriage on the basis of psychological incapacity cases that We have decided:

(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. xxx

(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. xxx

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. xxx

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. xxx

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. xxx

(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. xxx

(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. xxx

(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. xxx²¹

Using these standards, We find that Katrina failed to sufficiently prove that Lawrence is psychologically incapacitated to discharge the duties expected of a husband.

Indeed, and We have oft-repeated that the trial courts, as in all the other cases they try, must always base their judgments not solely on the

¹⁹*Castillo v. Republic*, G.R. No. 214064, February 6, 2017.

²⁰335 Phil. 664 (1997) and 268 SCRA 198.

²¹*Id.* at 676-679.

expert opinions presented by the parties but on the totality of evidence adduced in the course of their proceedings.²² Here, We find the totality of evidence clearly wanting.

First, Dr. Arellano's findings that Lawrence is psychologically incapacitated were based solely on Katrina's statements. It bears to stress that Lawrence, despite notice, did not participate in the proceedings below, nor was he interviewed by Dr. Arellano despite being invited to do so.

The case of *Nicolas S. Matudan v. Republic of the Philippines and Marilyn B. Matudan*²³ is instructive on the matter:

Just like his own statements and testimony, the assessment and finding of the clinical psychologist cannot [be] relied upon to substantiate the petitioner-appellant's theory of the psychological incapacity of his wife.

It bears stressing that Marilyn never participated in the proceedings below. The clinical psychologist's evaluation of the respondent-appellee's condition was based mainly on the information supplied by her husband, the petitioner, and to some extent from their daughter, Maricel. It is noteworthy, however, that Maricel was only around two (2) years of age at the time the respondent left and therefore cannot be expected to know her mother well. Also, Maricel would not have been very reliable as a witness in an Article 36 case because she could not have been there when the spouses were married and could not have been expected to know what was happening between her parents until long after her birth. On the other hand, as the petitioning spouse, Nicolas' description of Marilyn's nature would certainly be biased, and a psychological evaluation based on this one-sided description can hardly be considered as credible. The ruling in *Jocelyn Suazo v. Angelito Suazo, et al.*, is illuminating on this score:

We first note a critical factor in appreciating or evaluating the expert opinion evidence – the psychologist's testimony and the psychological evaluation report – that Jocelyn presented. Based on her declarations in open court, the psychologist evaluated Angelito's psychological condition only in an indirect manner – **she derived all her conclusions from information coming from Jocelyn whose bias for her cause cannot of course be doubted. Given the source of the information upon which the psychologist heavily relied upon, the court must evaluate the evidentiary worth of the opinion with due care and with the application of the more rigid and stringent set of standards outlined above** i.e., that there must be a thorough and in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of

²²*Mendoza v. Rep. of the Phils., et. al.*, 698 Phil. 241, 0254 (2012).

²³G.R. No. 203284, November 14, 2016.

a psychological incapacity that is grave, severe and incurable.

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From these perspectives, we conclude that the psychologist, using meager information coming from a directly interested party, could not have secured a complete personality profile and could not have conclusively formed an objective opinion or diagnosis of Angelito's psychological condition. While the report or evaluation may be conclusive with respect to Jocelyn's psychological condition, this is not true for Angelito's. The methodology employed simply cannot satisfy the required depth and comprehensiveness of examination required to evaluate a party alleged to be suffering from a psychological disorder. In short, this is not the psychological report that the Court can rely on as basis for the conclusion that psychological incapacity exists.

In the earlier case of *Rowena Padilla-Rumbaua v. Edward Rumbaua*, it was similarly declared that '[t]o make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.'

At any rate, We find the report prepared by the clinical psychologist on the psychological condition of the respondent-appellee to be insufficient to warrant the conclusion that a psychological incapacity existed that prevented Marilyn from complying with the essential obligations of marriage. In said report, Dr. Tayag merely concluded that Marilyn suffers from Narcissistic Personality Disorder with antisocial traits on the basis of what she perceives as manifestations of the same. The report neither explained the incapacitating nature of the alleged disorder, nor showed that the respondent-appellee was really incapable of fulfilling her duties due to some incapacity of a psychological, not physical, nature. (Emphasis Ours)

The same could be said in this case, where the various tests conducted by Dr. Arellano can most certainly be conclusive of the psychological disposition of Katrina, but cannot be said to be indicative of the psychological condition of Lawrence. There was simply no other basis for Dr. Arellano to conclude that Lawrence was psychologically incapacitated to perform his essential marital obligations apart from Katrina's self-serving statements. To make conclusions and generalizations on a spouse's psychological condition based on the information fed by only one side, as in



the case at bar, is, to the Court's mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.²⁴

Second, the testimony of Katrina as regards the behavior of Lawrence hardly depicts the picture of a psychologically incapacitated husband. Their frequent fights, his insensitivity, immaturity and frequent night-outs can hardly be said to be a psychological illness. These acts, in our view, do not rise to the level of the “psychological incapacity” that the law requires, and should be distinguished from the “difficulty,” if not outright “refusal” or “neglect” in the performance of some marital obligations that characterize some marriages.²⁵ It is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he must be shown to be incapable of doing so due to some psychological illness. The psychological illness that must afflict a party at the inception of the marriage should be a malady so grave and permanent as to deprive the party of his or her awareness of the duties and responsibilities of the matrimonial bond he or she was then about to assume.²⁶

Although We commiserate with Katrina's predicament, We are hard-pressed to affirm the RTC and CA when the totality of evidence is clearly lacking to support the factual and legal conclusion that Lawrence and Katrina's marriage is void *ab initio*. No other evidence or witnesses were presented by Katrina to prove Lawrence's alleged psychological incapacity. Basic is the rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof, *i.e.*, mere allegations are not evidence.²⁷ Here, we reiterate that apart from the psychiatrist, Katrina did not present other witnesses to substantiate her allegations on Lawrence's psychological incapacity. Her testimony, therefore, is considered self-serving and had no serious evidentiary value.²⁸

WHEREFORE, the petition for review on certiorari is hereby **GRANTED**. The Decision dated May 27, 2015 of the Court of Appeals in CA-G.R. CV No. 101985, which affirmed the May 8, 2012 Decision rendered by the Regional Trial Court of Imus Cavite, Branch 20, granting the petition for declaration of nullity of marriage on the ground of Article 36 of the Family Code and declaring the marriage of Katrina S. Tabora-Tionglico and Lawrence C. Tionglico void *ab initio*, is hereby **REVERSED and SET ASIDE**. The petition for declaration of nullity of marriage docketed as Civil Case No. 4903-11 is hereby **DISMISSED**.

²⁴*Castillo v. Republic*, supra note 19.

²⁵*Padilla-Rumbaua v. Rumbaua*, 612 Phil. 1061, 1083 (2009).

²⁶*Id* at 1092.


²⁷*Castillo v. Republic*, supra note 19.

²⁸*Id*.

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
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.


MARIA LOURDES P. A. SERENO
Chief Justice