



Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo Sagita
WILFREDO V. LARUAN
Division Clerk of Court
Third Division

AUG 30 2018

THIRD DIVISION

REPUBLIC OF THE
PHILIPPINES,

Petitioner,

G.R. No. 236629

Present:

- versus -

VELASCO, JR., J., *Chairperson*,
BERSAMIN,
LEONEN,
MARTIRES, and
GISMUNDO, JJ.

LIBERATO P. MOLA CRUZ,
Respondent.

Promulgated:

July 23, 2018

Wilfredo Sagita

X ----- X

DECISION

GISMUNDO, J.:

This is an appeal by *certiorari* filed by the Republic of the Philippines (*petitioner*) asking the Court to reverse and set aside the April 25, 2017 Decision¹ and January 11, 2018 Resolution² of the Court of Appeals (*CA*) in CA-G.R. CV No. 105873, which affirmed the May 8, 2015 Decision³ and September 16, 2015 Order⁴ of the Regional Trial Court of Gapan City, Nueva Ecija, Branch 34 (*RTC*) declaring the marriage of Liberato P. Mola Cruz (*respondent*) and Liezl S. Conag (*Liezl*) void *ab initio*.

¹ *Rollo*, pp. 56-66; penned by Associate Justice Rosmari D. Carandang, with Associate Justices Ramon Paul L. Hernando and Ma. Luisa Quijano-Padilla, concurring.

² *Id.* at 68-69.

³ *Id.* at 92-101; penned by Judge Celso O. Baguio.

⁴ *Id.* at 116-118.

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The Antecedents

Respondent and Liezl were married on August 30, 2002 in Bacolod City. Their dating relationship began when Liezl's sister gave Liezl's mobile phone number to respondent so they could become textmates. In the course of their relationship, Liezl left for Japan to work as an entertainer for six (6) months. The couple got married after Liezl returned home. They lived for some time in Manila where respondent worked, but later moved to Japan where Liezl again secured a contract as an entertainer and respondent found work as a construction worker. It was while living in Japan when respondent noticed changes in Liezl. She began going out of the house without respondent's permission and started giving respondent the cold treatment. Liezl also started getting angry at respondent for no reason. The couple later returned to the Philippines after Liezl was released from detention due to overstaying in Japan. It was then that Liezl confessed to respondent her romantic affair with a Japanese man. Despite the confession, Liezl did not end the illicit relationship, which caused respondent such stress that he was hospitalized. Respondent expressed her willingness to forgive Liezl but she chose to walk away from their marriage.

The couple reconciled after respondent made efforts to woo Liezl back. One day, however, respondent found Liezl's Japanese lover in their house. To respondent's surprise, Liezl introduced him to her lover as her elder brother. Respondent went along with the charade, and allowed Liezl to share her bed with her lover as she threatened to leave their home. Liezl went on with her partying ways, and continued working in a Manila nightclub despite respondent's offer for her to start a business.

Despite the concessions given her, Liezl left respondent a second time. Respondent tried to move on and left for Singapore to work in 2008. Though abroad, he continued to woo his wife back, but found out that Liezl already cohabited with her lover.

Respondent decided to file a petition for declaration of nullity of marriage under Article 36 of the Family Code. The public prosecutor assigned to the case reported, submitted a written report to the RTC, stating, among others, that the filing of the petition was not a result of collusion between the spouses.⁵ Thereafter, pre-trial was held and trial on the merits ensued.

⁵ Id. at 92-93.



The RTC's Decision

The RTC granted respondent's petition, and declared respondent and Liezl's marriage *void ab initio* and their property regime dissolved.

The RTC relied on the psychological report and testimony of expert witness, Dr. Pacita Tudla (*Dr. Tudla*) a clinical psychologist. Based on the evaluation and assessment procedure she followed, Dr. Tudla found that Liezl was afflicted by histrionic personality disorder, a pervasive pattern of behavior characterized by excessive emotionality and attention seeking. A histrionic so afflicted tends to be perceived by others as selfish, egotistical and unreliable; seeking immediate gratification; over-reactive to even minor provocations; suggestible; and lacking in analytical ability.

Dr. Tudla presented the following indicators of Liezl's disorder: going out without her husband's knowledge or permission; coldly treating her husband, verbally and sexually; quick anger at the slightest provocation or for no reason; arrest in Japan due to overstaying; admission to an affair; insensitivity towards her husband's feelings, as shown by introducing her husband as her brother to her Japanese lover; threats of leaving if her ideas are not agreed to; unabashed declaration of having no feelings for her husband; maintaining a night life with friends; and choosing to work in a nightclub instead of engaging in a decent job.

Dr. Tudla found that Liezl's psychological incapacity existed prior to the marriage because she grew up irritable, hard-headed and more fond of friends than family. She despised advice or suggestion from her elders, and would rebel when her demands were not met. This personality aberration was determined by Dr. Tudla as rooted on Liezl's poor upbringing – Liezl's father resorted to corporal punishment to instill discipline, while her mother tolerated her whims. Liezl also tended to skip house and spend nights with her friends to avoid her father's spanking. According to Dr. Tudla, the irregular treatment she received from her parents led to Liezl acquiring unsuitable behavioral patterns.

Aside from the existence of Liezl's psychological incapacity prior to the marriage, Dr. Tudla found her incapacity too grave that it seriously impaired her relationship with her husband, and caused her failure to discharge the basic obligations of marriage which resulted in its breakdown. Her incapacity was also found incurable because it was deeply ingrained in her personality. Further, Dr. Tudla found Liezl unconscious of her personality disorder and, when confronted, would deny it to avoid criticism. The disorder was also permanent as it started during her adolescence and

continued until adulthood. Treatment was also deemed ineffective as lack of any indication that behavioural or medical therapy would play a significant role, considering Liezl's unawareness of her disorder. Only the people around her noticed her maladaptive behavior.

The RTC found that Liezl was largely responsible for the failure of her marriage. Her moral bankruptcy, coupled with respondent's weakness in character inconsistent with what is expected of the head of a family, left the marital union bereft of any mutual respect. According to the RTC, the marriage was wrong from the very beginning.

Petitioner moved for reconsideration, and argued that Dr. Tudla's findings were based on hearsay because she lacked personal knowledge of the facts on which her evaluation was anchored; and that the hopelessness of the parties' reconciliation should not mean that their marriage should be declared void *ab initio*.

In its Order,⁶ the RTC denied the motion for lack of merit.

The Court of Appeals' Decision

On appeal, petitioner raised the sole issue of whether respondent was able to prove Liezl's psychological incapacity to perform her marital obligations. It claimed that respondent failed to do so, and that witness Dr. Tudla only made a sweeping statement that Liezl's condition was grave and permanent. Petitioner questioned Dr. Tudla's report as it lacked details regarding Liezl's condition and how Liezl was unable to comply with her marital obligations. Petitioner contended that the change in Liezl's behavior was only caused by her illicit relationship and not because of psychological incapacity. Petitioner asserted that sexual infidelity, indulgence and abandonment can only be grounds for legal separation as they do not constitute psychological incapacity.

In its decision, the CA dismissed the appeal for lack of merit and affirmed the RTC's decision. It reasoned that:

What matters in cases of declaration of nullity of marriage under Article 36 of the Family Code is whether the totality of evidence presented is adequate to sustain a finding of psychological incapacity. In the task of ascertaining the presence of psychological incapacity as a ground for the nullity of marriage, the courts, which are concededly not endowed with

⁶ Id. at 116-118.

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expertise in the field of psychology, must rely on the opinions of experts in order to inform themselves on the matter, and thus enable themselves to arrive at an intelligent and judicious judgment. Indeed, the conditions for the malady of being grave, antecedent and incurable demand the in-depth diagnosis of experts.

In the present case, the Psychological Evaluation Report prepared by petitioner's witness Pacita P. Tudla, Ph.D concluded [that] respondent is suffering from histrionic personality disorder. From interviews of said psychologist with petitioner, respondent and her sister, it was revealed how her psychological disorder resulted in the failure of their marriage. At the time the parties were living in Japan, respondent had an affair with a Japanese national which she admitted to petitioner. Furthermore, her attitude towards her husband had changed ever since she met her Japanese lover, giving him the cold treatment and getting angry at him at the slightest provocation. She likewise refused to have sexual intercourse with petitioner. Respondent preferred to work at a nightclub over a decent business offered to her by petitioner. Worst, she let her Japanese boyfriend visit the conjugal home she shared with petitioner and introduced the latter as her older brother to her lover. Petitioner was forced to keep silent because she threatened to leave him. And ultimately, Liezl left Liberato and cohabited with her Japanese boyfriend.

According to Ms. Tudla, respondent's psychological incapacity has antecedence since it already existed long before she married petitioner. Growing up, Liezl was irritable, hard-headed and was fond of her group of friends. She did not know how to accept advice and suggestion from elders.

Respondent's psychological incapacity is considered by the expert witness to be grave, permanent and incurable. Liezl's histrionic personality disorder seriously impaired the quality of her relationship with her husband and caused her failure to discharge the basic obligations of marriage – love, respect, concern, support and fidelity to her husband. Further, she is unconscious of her personality disorder and if confronted about it, she would deny it in her attempt to protect herself from criticisms.

Ms. Tudla said in her report that Liezl's psychological incapacity is permanent because it started in the adolescent stage of her life and continued to manifest as she grew up into adulthood. Thus, it is already ingrained in her personality make-up and no treatment will be effective.⁷

The CA described Liezl's acts of allowing her lover to stay in the conjugal home and introducing her husband as her brother as extreme perversion and depravity. It then concluded that, in dissolving marital bonds on account of psychological incapacity, the court is actually protecting the sanctity of marriage.

⁷ Id. at 64-65. Citations omitted.



Petitioner filed a motion for reconsideration but it was denied.

The Present Appeal

Petitioner now questions whether the totality of the evidence adduced by respondent proves Liezl's psychological incapacity, thus warranting the declaration of their marriage as null and void under Art. 36 of the Family Code.

Using the guidelines set forth in the case of *Republic v. Court of Appeals and Molina (Molina)*,⁸ petitioner argues that the CA erred in affirming the RTC's findings because there was no sufficient evidence to prove that Liezl is psychologically incapacitated to perform her marital obligations. Dr. Tudla's assessment, based only on the information given by respondent, Liezl and her sister, must be weighed strictly and with due care. Petitioner avers that there must be a thorough and in-depth assessment of the couple to obtain a conclusive diagnosis of psychological incapacity that is grave, severe and incurable. Information retrieved from Liezl's interview does not necessarily enhance Dr. Tudla's conclusion because the details Liezl conveyed were wanting. There is also no independent collateral informants, which made Dr. Tudla's evaluation fallible. Therefore, Dr. Tudla's findings should not be accepted without question.

For petitioner, Liezl's purported actuations were not proven to have existed prior to the marriage; nor was it alleged in respondent's petition that she showed abnormal and peculiar character and behavior prior to the celebration of the marriage that would support a conclusion that she is suffering from any psychological incapacity. Petitioner argues that the CA observed nothing peculiar about the spouses that would insinuate that they are suffering from psychological incapacity, and that the finding that Liezl was suffering from a psychological disorder was merely based on incidents that occurred after the celebration of the marriage. Petitioner, thus, avers that Liezl's incapacity is merely conjectural since there was no mention or proof that her incapacity manifested, or at least was hinted at, before the celebration of the marriage.

Petitioner also claims that the CA failed to detail how Liezl's disorder could be characterized as grave, deeply rooted in her childhood and incurable. There should be a causal connection between the failure of the marriage and the psychological disorder. Psychological incapacity must be more than just a "difficulty", a "refusal" or a "neglect" in the performance of

⁸ 335 Phil. 664 (1997).

some marital obligations. Petitioner maintains that sexual infidelity and abandonment are only grounds for legal separation and not for the declaration of nullity of marriage. The change in the spouses' feelings toward each other could hardly be described as a psychological illness.

Issue

Whether Liezl's psychological incapacity to comply with her marital obligations was sufficiently established by the totality of evidence presented by respondent.

The Court's Ruling

The petition lacks merit.

In *Santos v. Court of Appeals*,⁹ the Court explained psychological incapacity as follows:

“[P]sychological incapacity” should refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that the intendment of the law has been to confine the meaning of “psychological incapacity” to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. xxx.¹⁰

Further, “xxx psychological incapacity pertains to the inability to understand the obligations of marriage, as opposed to a mere inability to comply with them xxx.”¹¹

Jurisprudence consistently adhered to the guidelines in appreciating psychological incapacity cases set in *Molina*. We quote the fairly recent iteration of the guidelines in *Republic v. Pangasinan*¹² for reference:

xxx [P]sychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. Thereafter, in

⁹ 310 Phil. 21 (1995).

¹⁰ Id. at 40.

¹¹ *Antonio v. Reyes*, 519 Phil. 337, 351 (2006).

¹² 792 Phil. 808 (2016).



Molina, the Court laid down more definitive guidelines in the disposition of psychological incapacity cases, to wit:

(1) Burden of proof to show the nullity of the marriage belongs to the plaintiff.

(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.

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

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

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

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife, as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts.

(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.

In sum, a person's psychological incapacity to comply with his or her essential obligations, as the case may be, in marriage must be rooted on a medically or clinically identifiable grave illness that is incurable and shown to have existed at the time of marriage, although the manifestations thereof may only be evident after marriage. xxx.¹³

In addition, the Court is mindful that the *Molina* guidelines should no longer be viewed as a stringent code which all nullity cases on the ground of psychological incapacity should meet with exactitude, in consonance with the Family Code's ideal to appreciate allegations of psychological incapacity

¹³ Id,at 819-820. Citations omitted.



on a case-to-case basis and “to allow some resiliency in its application” as legally designed.¹⁴ *Ngo Te v. Yu-Te*¹⁵ predicated, thus:

Lest it be misunderstood, we are not suggesting the abandonment of *Molina* in this case. We simply declare that, as aptly stated by Justice Dante O. Tinga in *Antonio v. Reyes*, there is need to emphasize other perspectives as well which should govern the disposition of petitions for declaration of nullity under Article 36. At the risk of being redundant, we reiterate once more the principle that each case must be judged, not on the basis of *a priori* assumptions, predilections or generalizations but according to its own facts. And, to repeat for emphasis, courts should interpret the provision on a case-to-case basis; guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.¹⁶

In the case at hand, petitioner is again assailing the CA’s affirmance of the RTC’s conclusion that Liezl is psychologically incapacitated to carry out her marital obligations to respondent (1) by attacking the reliability of expert witness Dr. Tudla’s medical conclusions on the ground that they were based only on interviews of Liezl and her sister; (2) by claiming that Liezl’s actions manifesting her disorder occurred after the celebration of the marriage; and (3) because the CA failed to detail why it found Liezl’s disorder grave, deeply rooted in her childhood and incurable. These issues were resolved by the CA by affirming the factual findings earlier made by the RTC as regards the histrionic personality disorder suffered by Liezl, all of which were deemed binding to the Court. The Court is so bound “xxx owing to the great weight accorded to the opinion of the primary trier of facts, and the refusal of the Court of Appeals to dispute the veracity of these facts.”¹⁷ A sharper pronouncement on the respect accorded to the trial court’s factual findings in the realm of psychological incapacity was made in *Kalaw v. Fernandez (Kalaw)*:¹⁸

The findings of the Regional Trial Court (RTC) on the existence or non-existence of a party's psychological incapacity should be final and binding for as long as such findings and evaluation of the testimonies of witnesses and other evidence are not shown to be clearly and manifestly erroneous. In every situation where the findings of the trial court are sufficiently supported by the facts and evidence presented during trial, the appellate court should restrain itself from substituting its own judgment. It is not enough reason to ignore the findings and evaluation by the trial court and substitute our own as an appellate tribunal only because the

¹⁴ Supra note 8 at 36.

¹⁵ 598 Phil. 666 (2009).

¹⁶ Id. at 699. Citation omitted.

¹⁷ *Antonio v. Reyes*, supra note 10 at 358.

¹⁸ 750 Phil. 482 (2015).

Constitution and the Family Code regard marriage as an inviolable social institution. We have to stress that the fulfilment of the constitutional mandate for the State to protect marriage as an inviolable social institution only relates to a valid marriage. No protection can be accorded to a marriage that is null and void *ab initio*, because such a marriage has no legal existence.¹⁹

The CA decision itself recognized and Our own review of Dr. Tudla's psychological report confirms, contrary to petitioner's allegation, that Dr. Tudla personally interviewed both spouses regarding their personal and familial circumstances before and after the celebration of their marriage. Information gathered from the spouses was then verified by Dr. Tudla with Ma. Luisa Conag, Liezl's youngest sister,²⁰ a close relation privy to Liezl's personal history before and after she got married. Dr. Tudla then based her psychological evaluation and conclusions on all the information she gathered. Her findings were, thus, properly anchored on a holistic psychological evaluation of the parties as individuals and as a married couple under a factual milieu verified with an independent informant. The courts *a quo* properly accorded credence to the report and utilized it as an aid in determining whether Liezl is indeed psychologically incapacitated to meet essential marital functions. Clearly, petitioner has no basis to assail Dr. Tudla's psychological findings as wanting evidentiary support.

Even the failure of an expert to conduct personal examination of the couple will not perforce result to the expert's opinion becoming unreliable, as petitioner advances. In *Kalaw*, a case also involving a petition for declaration of nullity of marriage wherein the expert witnesses declared the respondent spouse therein as suffering from narcissistic personality disorder without personally examining the latter albeit with the support of the medical findings of the respondent spouse's own clinical psychologist. In said case, the Court had the occasion to re-emphasize that such lack of personal examination does not *per se* invalidate the experts' findings of psychological incapacity. Citing *Marcos v. Marcos*,²¹ the Court emphasized the importance of the presence of evidence that adequately establishes the party's psychological incapacity and the inessentiality of a physician's personal examination to have a party declared psychologically incapacitated. *Kalaw* expounded on the point, as follows:

Verily, the totality of the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself. If other evidence showing that a certain

¹⁹ Id. at 500-501. Citations omitted.

²⁰ *Rollo*, p. 86.

²¹ 397 Phil. 840 (2000).

condition could possibly result from an assumed state of facts existed in the record, the expert opinion should be admissible and be weighed as an aid for the court in interpreting such other evidence on the causation. Indeed, an expert opinion on psychological incapacity should be considered as conjectural or speculative and without any probative value only in the absence of other evidence to establish causation. The expert's findings under such circumstances would not constitute hearsay that would justify their exclusion as evidence. This is so, considering that any ruling that brands the scientific and technical procedure adopted by Dr. Gates as weakened by bias should be eschewed if it was clear that her psychiatric evaluation had been based on the parties' upbringing and psychodynamics.²²

Guided by the foregoing jurisprudential premise, the Court holds that both the CA and the RTC did not err in finding that the totality of evidence presented by respondent in support of his petition, sufficiently established the link between Liezl's actions showing her psychological incapacity to understand and perform her marital obligations and her histrionic personality disorder. The Court respects the RTC's appreciation of respondent's testimony during trial on what transpired before and during the marriage, considering that "[t]he totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other."²³ In addition, Dr. Tudla was able to collect and verify largely the same facts in the course of her psychological evaluation of both spouses and her interview of Liezl's sister. Dr. Tudla's report gave a description of histrionic personality disorder, and correlated the characteristics of this disorder with Liezl's behavior from her formative years through the course of her marriage to petitioner. Indubitably, Dr. Tudla's report and testimony enjoy such probative force emanating from the assistance her opinion gave to the courts to show the facts upon which her psychological conclusion was based.²⁴

The fact that Liezl's disorder manifested itself through actions that occurred after the marriage was celebrated does not mean, as petitioner argues, that there is no psychological incapacity to speak of. As held in *Republic v. Pangasinan*,²⁵ psychological incapacity may manifest itself after the celebration of the marriage even if it already exists at the time of the marriage. More importantly, Art. 36 of the Family Code is explicit – a marriage contracted by a psychologically incapacitated party is also treated as void even if the incapacity becomes manifest only after the marriage was celebrated.²⁶

²² Supra note 17 at 503. Citations omitted.

²³ *Tani-De La Fuente v. De La Fuente, Jr.*, G.R. No. 188400, March 8, 2017.

²⁴ See *Castillo v. Republic*, G.R. No. 214064, February 6, 2017.

²⁵ Supra note 12 at 825-826.

²⁶ Art. 36 of the Family Code provides:

Also, contrary to petitioner's allegation, the CA did expound on the reasons why it found Liezl's disorder grave, deeply rooted in her childhood and incurable.

To entitle a petitioner spouse to a declaration of the nullity of his or her marriage, the totality of the evidence must sufficiently prove that the respondent spouse's psychological incapacity was grave, incurable and existing prior to the time of the marriage.²⁷ The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.²⁸ "There must be proof of a natal or supervening disabling factor in the person – an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to the marriage – which must be linked with the manifestations of the psychological incapacity."²⁹

The CA explained that Liezl's histrionic personality disorder was the cause of her inability to discharge her marital obligations to love, respect and give concern, support and fidelity to her husband. The CA also narrated how the disorder was evidenced by Liezl's actions after the marriage was celebrated, starting from when she and petitioner lived together in Japan. The gravity of her disorder is shown by appreciating the totality of her actions after she got married. Liezl was unable to accommodate the fact that she was already married into the way she wanted to live her life, and essentially treated petitioner as a manipulable inconvenience that she could ignore or threaten to accede to her desires. It is clear that Liezl is truly incognitive of her marital responsibilities.

The disorder was found by the CA to have begun when Liezl was an adolescent and continued well into adulthood. It fully appreciated Liezl's psychological evaluation that revealed her unconsciousness of her disorder. Together with its rootedness in Liezl's personality since her teens, the CA came to agree with the expert findings that any medical or behavioral treatment of her disorder would prove ineffective.

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. (*As amended by E.O. 227*)

²⁷ *Mendoza v. Republic, et al.*, 698 Phil. 241, 243 (2012).

²⁸ *Santos v. Court of Appeals*, supra note 8 at 39.

²⁹ *Del Rosario v. Del Rosario*, G.R. No. 222541, February 15, 2017.



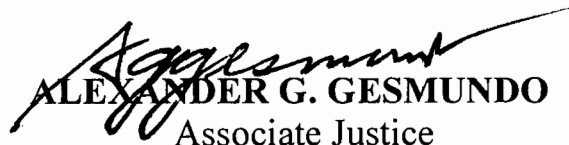
Petitioner also relies on the premise that Liezl's sexual infidelity and abandonment are only grounds for legal separation and cannot be used as basis to hold a marriage void *ab initio*. According to petitioner, Liezl cheated on and abandoned her husband because of her illicit affair and not because she is psychologically incapacitated.

It is true that sexual infidelity and abandonment are grounds for legal separation. It may be noted, however, that the courts *a quo* duly connected such aberrant acts of Liezl as actual manifestations of her histrionic personality disorder. A person with such a disorder was characterized as selfish and egotistical, and demands immediate gratification.³⁰ These traits were especially reflected in Liezl's highly unusual acts of allowing her Japanese boyfriend to stay in the marital abode, sharing the marital bed with his Japanese boyfriend and introducing her husband as her elder brother, all done under the threat of desertion. Such blatant insensitivity and lack of regard for the sanctity of the marital bond and home cannot be expected from a married person who reasonably understand the principle and responsibilities of marriage.

The Court has to affirm the declaration of respondent's marriage as void *ab initio*, even as it is clear from the records how much petitioner must love his wife to endure the pain and humiliation she callously caused him in the hope that their relationship could still work out. Clearly, Liezl does not recognize the marital responsibilities that came when she married petitioner. The severance of their marital *vinculum* will better protect the state's interest to preserve the sanctity of marriage and family, the importance of which seems utterly lost on respondent.

WHEREFORE, the petition is **DENIED**. The April 25, 2017 Decision and January 11, 2018 Resolution of the Court of Appeals in CA-G.R. CV No. 105873 are **AFFIRMED**.

SO ORDERED.

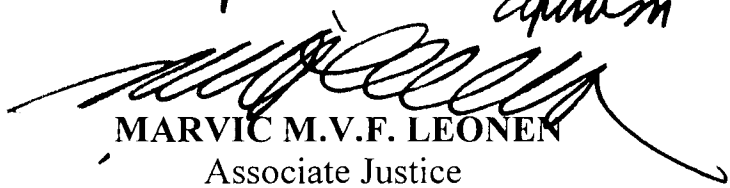

ALEXANDER G. GESMUNDO
Associate Justice

³⁰ *Rollo*, p. 89.

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

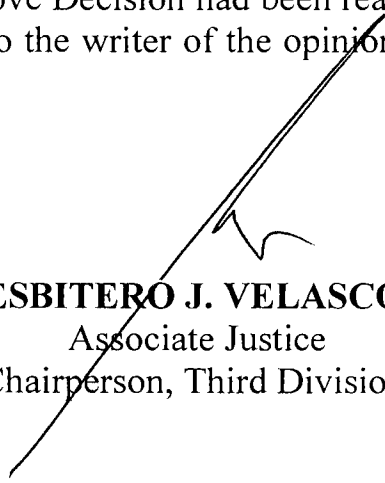

LUCAS P. BERSAMIN
Associate Justice

See separate concurring opinion in

MARVIC M.V.F. LEONEN
Associate Justice


SAMUEL R. MARTIRES
Associate Justice

ATTESTATION

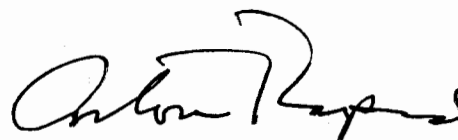
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

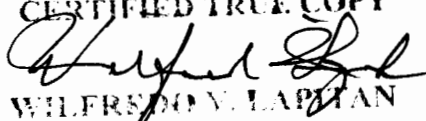


CERTIFICATION

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



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296)
The Judiciary Act of 1948, as amended

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WILFREDO N. LAPITAN
Division Clerk of Court
Third Division

AUG 30 2018

