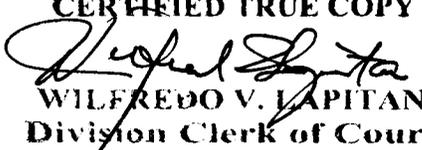




Republic of the Philippines
 Supreme Court
 Baguio City

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 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAY 17 2019

THIRD DIVISION

MARY CHRISTINE C. GO-YU,
 Petitioner,

G.R. No. 230443

Present:

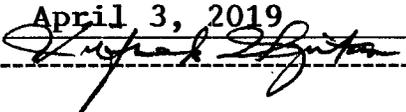
PERALTA, J., *Chairperson,*
 LEONEN,
 REYES, A., JR.,
 HERNANDO, and
 CARANDANG,* JJ.

- versus -

ROMEO A. YU,
 Respondent.

Promulgated:

April 3, 2019

X----------X

DECISION

PERALTA, J.:

Assailed in the present petition for review on *certiorari* under Rule 45 of the Rules of Court are the Decision¹ and the Resolution² of the Court of Appeals (CA), promulgated on January 13, 2017 and March 6, 2017, respectively, in CA-G.R. SP No. 05780-MIN. The assailed CA Decision reversed and set aside the following: (1) the June 20, 2013 Order³ of the Regional Trial Court (RTC) of Davao City, Branch 12, in Civil Case No. 33,083-09, which denied herein respondent Romeo A. Yu's Demurrer to Evidence in the Petition for Declaration of Nullity of Marriage and Dissolution of the Absolute Community of Property which petitioner Mary Christine C. Go-Yu filed against respondent; and (2) the July 31, 2013 Order⁴ of the RTC denying respondent's Motion for Reconsideration.

* Designated as additional member per Special Order No. 2624 dated November 28, 2018.
¹ *Rollo*, Vol. I, pp. 49-56. Penned by Associate Justice Ronaldo B. Martin, and concurred in by Associate Justices Romulo V. Borja and Oscar V. Badelles.
² *Id.* at 57-58.
³ *Id.* at 82-83. Penned by Judge Pelagio S. Paguican.
⁴ CA *rollo*, Vol. I, p. 32.



The factual and procedural antecedents of the case are as follows:

On October 21, 2009, herein petitioner filed with the RTC of Davao City, Branch 12, a Petition for Declaration of Nullity of Marriage and Dissolution of the Absolute Community of Property⁵ against herein respondent, alleging that: she was a child who was well provided for and taken care of by her parents; she grew up to become a self-assured, independent and confident person; after finishing college at the University of British Columbia in Vancouver, Canada, she came back home to the Philippines, worked in various companies, eventually joined their family business where she started as a secretary and worked her way to become the Senior Vice President who is in charge of the day-to-day operations of the company which has in its employ at least 700 personnel; she and respondent were casually introduced by the former's mother; several months after their first meeting, respondent asked her out on a date and, after a few months of dating exclusively, they got married on June 11, 1999; thereafter, they stayed at respondent's family home where petitioner had to contend with the constant meddling of her mother-in-law, as well as the latter's intrusion into their privacy; when she complained, respondent promised her that they will eventually move out; however, his promise was never fulfilled; petitioner had to make a lot of adjustments which entailed a lot of sacrifice on her part; she gave up some of the luxuries she had gotten used to when respondent's financial resources dwindled; she limited her social life and became withdrawn, maintaining only a small circle of friends; she took on the responsibility of single-handedly running their household and making all decisions as respondent was too busy in his involvement with his personal and social activities outside their house; after their wedding, the parties' sexual activity decreased considerably; petitioner was unable to conceive and even tried to convince respondent that she undergo in vitro fertilization but the latter refused; as a result, the parties grew apart as a married couple leading them to live separate lives even though they stay under the same roof; petitioner was eventually diagnosed with Narcissistic Personality Disorder which was found to exist before the parties' marriage; and the fact that petitioner is comfortable with her behavior and sees nothing wrong with it or the need to change renders treatment improbable. Petitioner sought the dissolution of the parties' absolute community of properties claiming that their marriage is governed by the provisions of the Family Code and that they did not enter into any prenuptial agreement.

In his Amended Answer with Special and Affirmative Defenses, respondent denied the material allegations of petitioner's Petition and contended that: he offers his love and affection for petitioner and he desires for them to reconcile and save their marriage in the spirit of love, forgiveness and Christian values on marriage; and petitioner is not suffering from psychological incapacity and personality disorder, instead, her problem

⁵ *Rollo*, Vol. I, pp. 91-99.



is behavioral in the sense that she has difficulty adjusting to married life and in dealing with respondent's relatives, especially his mother. As to the dissolution of the parties' absolute community of properties, respondent claimed that the properties adverted to by petitioner in her Petition are not properties of the parties' absolute community as these are merely held by respondent in trust for his siblings and relatives; in fact, petitioner had executed an attestation admitting that the properties she mentioned in her Petition are owned by respondent's siblings and other relatives.

Subsequently, the case proceeded to trial where petitioner presented her documentary and testimonial evidence, the latter consisting of the testimonies of petitioner, her friend, her secretary, and the psychiatrist who examined her.

After petitioner has rested her case, respondent filed a Demurrer to Evidence⁶ claiming that petitioner's alleged Narcissistic Personality Disorder, which supposedly renders her psychologically incapacitated to perform her essential marital obligations, is not supported by clear evidence.

In its Order⁷ of June 20, 2013, the RTC denied respondent's Demurrer to Evidence by holding that petitioner has adduced substantial evidence to show that she is suffering from a personality disorder and that there is, therefore, a need for respondent to adduce controverting evidence. Respondent filed a Motion for Reconsideration⁸ but the same was denied in the Order⁹ of the RTC dated July 31, 2013.

Respondent then filed with the CA a special civil action for *certiorari* under Rule 65 of the Rules of Court assailing the Orders of the RTC which denied his Demurrer to Evidence and his subsequent Motion for Reconsideration.¹⁰

In its assailed Decision dated January 13, 2017, the CA reversed and set aside the June 20, 2013 and July 31, 2013 Orders of the RTC and granted respondent's Demurrer to Evidence, thereby dismissing the Petition for Declaration of Nullity of Marriage and Dissolution of the Absolute Community of Property filed by petitioner.

The CA held that the evidence presented by petitioner, through the psychological report and all supporting testimonial evidence, failed to establish any proof of a natal or supervening disabling factor that effectively

⁶ *Id.* at 140-153.

⁷ *Supra* note 3.

⁸ *Rollo*, Vol. I, pp. 84-88.

⁹ *Id.* at 89.

¹⁰ *Id.* at 59-81.

incapacitated her from complying with her essential marital obligations. The CA further ruled that, if at all, what petitioner has admitted to be afflicted of or materially manifesting in her marriage with respondent is an obvious refusal, if not neglect, to perform her marital obligations. The CA concluded that it was grave abuse of discretion on the part of the trial judge to have denied the demurrer to evidence and require respondent to controvert petitioner's evidence which is patently lacking and, thus, unduly impose unwarranted burden on respondent and his resources, and, most especially, the docket of the courts.

Petitioner filed a Motion for Reconsideration but the CA denied it in its Resolution dated March 6, 2017.

Hence, the instant petition for review on *certiorari* based on the following grounds:

I.

WITH ALL DUE RESPECT, THE COURT OF APPEALS MAY HAVE COMMITTED REVERSIBLE ERROR WHEN IT FAILED, OR REFUSED, TO CONSIDER THE FOLLOWING NEW AND SUBSTANTIAL LEGAL ISSUES RAISED IN THE MOTION FOR RECONSIDERATION, THAT:

- A. RESPONDENT'S PETITION WITH THE COURT OF APPEALS FOR CERTIORARI UNDER RULE 65, WHICH IT GRANTED IN ITS ASSAILED DECISION, HAS IN FACT ALREADY BEEN MOOTED AND OVERTAKEN BY THE PROCEEDINGS IN THE TRIAL COURT, WHERE THE TRIAL COURT ORDERED THE PETITION FOR DECLARATION OF NULLITY OF MARRIAGE SUBMITTED FOR DECISION, AFTER RESPONDENT HAD SUBMITTED HIS OWN CONTROVERTING EVIDENCE AND RESTED HIS CASE.
- B. CONTRARY TO ITS RULING WHICH ADMITTEDLY WAS BASED ONLY ON THE EVIDENCE PRESENTED THUS FAR AT THE TIME OF THE FILING OF THE DEMURRER TO EVIDENCE, THE TOTALITY OF EVIDENCE PRESENTED BY THE PETITIONER WAS NOT AT ALL "PATENTLY LACKING" AS IN FACT IT HAS SATISFACTORILY SUPPORTED THE CASE FOR DECLARATION OF NULLITY OF MARRIAGE, AND WHICH WAS NOT EVEN EFFECTIVELY CONTROVERTED BY RESPONDENT'S OWN EVIDENCE.

II.

WITH ALL DUE RESPECT, THE COURT OF APPEALS HAD NO FACTUAL AND LEGAL BASIS TO RULE THAT PETITIONER'S MOTION FOR RECONSIDERATION WAS FILED OUT OF TIME.¹¹

¹¹ *Id.* at 11-12.



The petition lacks merit.

In her first assigned error, petitioner contends that respondent's petition for *certiorari* filed with the CA was rendered moot by reason of the continuation of the proceedings before the RTC where respondent was able to present his own controverting evidence and rested his case. Petitioner also argues that, contrary to the assailed ruling of the CA, the totality of evidence she presented before the trial court was not patently lacking but, in fact, has satisfactorily supported the case for declaration of nullity of the parties' marriage.

The Court is not persuaded.

It is settled that a special civil action for *certiorari* under Rule 65 of the Rules of Court is an original action, independent from the principal action, and not a part or a continuation of the trial which resulted in the rendition of the judgment complained of.¹² It "is intended for the correction of errors of jurisdiction only or grave abuse of discretion amounting to lack or excess of jurisdiction. Its principal office is only to keep the inferior court within the parameters of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction."¹³ As a consequence, "a petition for *certiorari* pending before a higher court does not necessarily become moot and academic by a continuation of the proceedings in the court of origin."¹⁴ Hence, in the instant case, the special civil action for *certiorari* which respondent filed with the CA is independent from the petition for declaration of nullity of marriage filed by petitioner. Being independent from the principal action, the petition for *certiorari* may not, thus, be rendered moot by the mere continuation of the proceedings in the RTC.

It is true that under Section 7,¹⁵ Rule 65 of the Rules of Court, a petition for *certiorari* shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case. However, despite the absence of a temporary restraining order or a writ

¹² *Yasuda v. Court of Appeals*, 386 Phil 594, 602 (2000).

¹³ *Tagle v. Equitable PCI Bank, et al.*, 575 Phil. 384, 395-396 (2008); citation omitted.

¹⁴ *Sps. Diaz v. Diaz*, 387 Phil. 314, 334 (2000).

¹⁵ Sec. 7. Expediting proceedings; injunctive relief. The court in which the petition is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. The petition shall not interrupt the course of the principal case, unless a temporary restraining order or a writ of preliminary injunction has been issued, enjoining the public respondent from further proceeding in the case.

The public respondent shall proceed with the principal case within ten (10) days from the filing of a petition for *certiorari* with a higher court or tribunal, absent a temporary restraining order or a preliminary injunction, or upon its expiration. Failure of the public respondent to proceed with the principal case may be a ground for an administrative charge.

of preliminary injunction which enjoins the RTC from further proceeding with the case, it appears that the RTC has chosen to follow the rule on judicial courtesy. Indeed, while the RTC continued in holding trial and, in fact, allowed the parties to complete the presentation of their evidence, it stopped short of rendering its decision on the petition even if the same has been submitted for resolution as early as July 1, 2015.

In this regard, this Court has noted instances where even if there is no writ of preliminary injunction or temporary restraining order issued by a higher court, it would be proper for a lower court or court of origin to suspend its proceedings on the precept of judicial courtesy. As this Court explained in *Eternal Gardens Memorial Park Corp. v. Court of Appeals*:¹⁶

Although this Court did not issue any restraining order against the Intermediate Appellate Court to prevent it from taking any action with regard to its resolutions respectively granting respondents' motion to expunge from the records the petitioner's motion to dismiss and denying the latter's motion to reconsider such order, upon learning of the petition, the appellate court should have refrained from ruling thereon because its jurisdiction was necessarily limited upon the filing of a petition for *certiorari* with this Court questioning the propriety of the issuance of the above-mentioned resolutions. Due respect for the Supreme Court and practical and ethical considerations should have prompted the appellate court to wait for the final determination of the petition before taking cognizance of the case and trying to render moot exactly what was before this court[.]¹⁷

In the subsequent cases of *Go v. Judge Abrogar*¹⁸ and *Rep. of the Phils. v. Sandiganbayan (First Div.)*,¹⁹ this Court has qualified and limited the application of the principle of judicial courtesy to maintain the efficacy of Section 7, Rule 65 of the Rules of Court by holding that the principle of judicial courtesy applies only if there is a strong probability that the issues before the higher court would be rendered moot and moribund as a result of the continuation of the proceedings in the lower court. Thus, the principle of judicial courtesy remains to be the exception rather than the rule.

In the instant case, the Court finds that the RTC correctly adhered to this principle because there is a strong probability that the issue raised before the CA – of whether or not the RTC committed grave abuse of discretion in denying respondent's Demurrer to Evidence, which issue ultimately lies in the determination of whether or not petitioner's evidence is patently and utterly insufficient to prove her petition for declaration of nullity of marriage – would be rendered moot as a result of the continuation of the proceedings in the lower court.

¹⁶ 247 Phil. 387 (1988).

¹⁷ *Id.* at 394.

¹⁸ 446 Phil. 227, 238 (2003).

¹⁹ 525 Phil. 804, 809-810 (2006).

Petitioner further insists that the issue of the presence or absence of psychological incapacity on the part of petitioner is a factual matter which requires the examination and determination of the totality of evidence presented and, as such, the trial court should have primacy in the determination thereof.

It bears to remind petitioner, however, of the nature of a demurrer to evidence.

“A *demurrer to evidence* is defined as ‘an objection or exception by one of the parties in an action at law, to the effect that the evidence which his adversary produced is insufficient in point of law (whether true or not) to make out his case or sustain the issue.’ The demurrer challenges the sufficiency of the plaintiff’s evidence to sustain a verdict. In passing upon the sufficiency of the evidence raised in a demurrer, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt.”²⁰ Moreover, “[t]he grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of such discretion.”²¹

As to whether or not a trial court’s denial of a demurrer to evidence may be the subject of a petition for *certiorari* under Rule 65 of the Rules of Court, this Court, in the case of *Ong, et al. v. People of the Philippines*,²² held as follows:

Indeed, the rule generally prevailing is that “*certiorari* does not lie to review a trial court’s interlocutory order denying a motion to dismiss (or to acquit), which is equivalent to a demurrer to evidence, filed after the prosecution had presented its evidence and rested its case. An order denying a demurrer to evidence is interlocutory. It is not appealable. Neither can it be the subject of a petition for *certiorari* (*Tadeo v. People*, 300 SCRA 744 [1998]).”

However, *Tadeo* itself states that “[f]rom such denial (of the demurrer to evidence), appeal in due time is the proper remedy, not *certiorari*, in the absence of grave abuse of discretion or excess of jurisdiction, or an oppressive exercise of judicial authority.”

Consequently, if the denial of the demurrer to evidence is attended by grave abuse of discretion, the denial may be assailed through a petition for *certiorari*. This exception was explicitly recognized by the Court in *Cruz v. People* (303 SCRA 533 [1999]), where we stated that:

The general rule that the extraordinary writ of *certiorari* is not available to challenge (the denial of the

²⁰ *Choa v. Choa*, 441 Phil. 175, 183 (2002); citations omitted.

²¹ *Te v. Court of Appeals*, 400 Phil. 127, 139 (2000); citation omitted.

²² 396 Phil. 546 (2000).

demurrer to evidence) may be subject to exceptions. When the assailed interlocutory orders are patently erroneous or issued with grave abuse of discretion, the remedy of *certiorari* lies.

Likewise, in *Gutib v. Court of Appeals* (312 SCRA 365 [1999]), we declared that "the rule is not absolute and admits of an exception. Thus where, as in the instant case, the denial of the motion to dismiss by the trial court was *tainted with grave abuse of discretion* amounting to lack or excess of jurisdiction, the aggrieved party may assail the order of denial on *certiorari*."

The present case presents one such exception warranting the resort to the remedy of *certiorari*, the trial court judge having committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying petitioners' demurrer to evidence. A demurrer to evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is *competent* or *sufficient* evidence to sustain the indictment or to support a verdict of guilt.²³

In the instant case, consistent with petitioner's contention, the trial court was given the opportunity and the primacy in the determination of the merits of respondent's demurrer to evidence. In other words, the RTC was given precedence in determining whether petitioner's evidence was enough to sustain the issue. In fact, the RTC has ruled in petitioner's favor by denying respondent's Demurrer to Evidence on the ground that petitioner has adduced substantial evidence to show that she is suffering from Narcissistic Personality Disorder. Hence, petitioner may not claim that, in ruling against respondent's Demurrer to Evidence, the RTC was not given the chance to make an independent assessment of the merits of the case, albeit sans the evidence presented by respondent. But again, as previously discussed, in a demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict.

In the present petition, this Court is confronted with the main issue of whether or not the CA correctly held that the RTC committed grave abuse of discretion when it denied herein respondent's motion to dismiss on demurrer to evidence. Stated differently, this Court has to rule whether herein petitioner was able to produce sufficient evidence before the trial court to make out her case or to sustain a verdict.

In her petition filed with the RTC, petitioner contends that her marriage to respondent is null and void from the beginning by reason of her

²³

Id. at 554-555; italics in the original.



psychological incapacity. However, the Court agrees with the CA that the RTC committed grave abuse of discretion in denying respondent's Demurrer to Evidence because petitioner was unable to present sufficient evidence to show that she has the right to the relief she seeks.

In this regard, this Court's disquisition and reiteration of settled jurisprudence in *Castillo v. Rep. of the Phils., et al.*,²⁴ on what constitutes psychological incapacity as construed under the law, is instructive, to wit:

Time and again, it was 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 incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.

In the case of *Republic v. Court of Appeals and Molina*, this Court laid down the more definitive guidelines in the disposition of psychological incapacity cases, *viz.*:

x x x x

(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. x x x

(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. x x x

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

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. x x x

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. x x x In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as

Articles 220, 221 and 225 of the same Code in regard to parents and their children. x x x

(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. x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x

x x x x

The existence or absence of the psychological incapacity shall be based strictly on the facts of each case and not on a *priori* assumptions, predilections or generalizations.

As held in *Ting v. Velez-Ting*:

By the very nature of cases involving the application of Article 36, it is logical and understandable to **give weight to the expert opinions furnished by psychologists regarding the psychological temperament of parties in order to determine the root cause, juridical antecedence, gravity and incurability of the psychological incapacity.** However, such opinions, while highly advisable, are not conditions *sine qua non* in granting petitions for declaration of nullity of marriage. **At best, courts must treat such opinions as decisive but not indispensable evidence in determining the merits of a given case.** In fact, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical or psychological examination of the person concerned need not be resorted to. **The trial court, as in any other given case presented before it, must always base its decision not solely on the expert opinions furnished by the parties but also on the totality of evidence adduced in the course of the proceedings.**

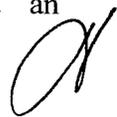
The presentation of any form of medical or psychological evidence to show the psychological incapacity, however, did not mean that the same would have automatically ensured the granting of the petition for declaration of nullity of marriage. It bears repeating that the trial courts, as in all the other cases they try, must always base their judgments not solely on the expert opinions presented by the parties but on the totality of evidence adduced in the course of their proceedings.²⁵

In the instant case, this Court quotes with approval the discussion made by the CA with respect to the merits of the psychiatric evaluation made by petitioner's expert witness, Dr. Agnes S. Borre-Padilla, pertinent portions of which read as follows:

x x x A close scrutiny of Dr. Padilla's seventeen (17) page psychological report (Annex "F") would show that she devoted a mere one (1) page discussion, if it could be called that, of the purported Narcissistic Personality Disorder of [herein petitioner] Go-Yu. The supposed discussion part of the report was in actuality nothing but an

²⁵

Id. at 219-221; citations omitted, emphasis and italics in the original.



incomprehensible enumeration of the manifestations of an alleged disordered behavior with nary an explanation or detailed factual narration of events in the life of [petitioner] Go-Yu to support the good doctor's questionable observations.

Also, it would appear that the good psychiatrist mainly relied on the accounts as relayed to her by [herein petitioner] Go-Yu herself even if she had the good sense to state through a belated one (1) sentence footnote at the very end of her report that she ostensibly interviewed a variety of sources. However, it could never be deduced from the report from who did the psychiatrist actually obtain any particular information as the report is full of generalizations detailing only the life story of the estranged couple.

The Supreme Court has on several occasions spoke of credibility or reliability gaps when it comes to expert opinion evidence in petitions for nullity of marriage cases. In the case of *Suazo v. Suazo*, the High Court ruled that "other than this credibility or reliability gap, both the psychologist's report and the testimony simply provided a general description of Angelito's purported anti-social personality disorder, supported by the characterization of this disorder as chronic, grave, and incurable. The psychologist was conspicuously silent, however, on the bases for her conclusion or the particulars that gave rise to the characterization she gave. These particulars are simply not in the Report, and neither can they be found in her testimony."

As previously stated, the psychological report in this case is wanting in material facts, acceptable discussion and analysis, to support the supposed expert opinion of the psychiatrist that one of the parties is suffering from a narcissistic personality disorder. As ruled in the *Suazo v. Suazo* case, 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 a basis for the conclusion that psychological incapacity exists.

What makes matters worse is the fact that it is the [herein petitioner] Go-Yu herself who claims to be the person psychologically incapacitated to perform her marital obligations. Hence, whatever she had to say was inherently self-serving and should be held to the strictest standard of scrutiny. Towards this end, [herein petitioner] Go-Yu miserably failed.²⁶

The Court likewise notes and agrees with the observations and accompanying discussions of the Office of the Solicitor General (*OSG*) in its Comment to petitioner's petition for *certiorari* filed with the CA, to wit:

What is clearly patent in the Petition for *certiorari* is that [herein petitioner] Go-Yu has made several allegations in her petition for nullity of marriage that she claims to prove her psychological incapacity. The evidence she presented however fails to persuade (sic) the existence of a narcissistic personality disorder that is in fact incurable and which exists even prior to her marriage with [herein respondent] Yu. What is baffling is

²⁶

Rollo, Vol. I, pp. 52-54; citations omitted.



that despite the many positive and admirable traits raised by [herein petitioner] Go-Yu in her petition to describe herself, these same characteristics had been the basis of her witness, Dr. Padilla, to conclude that she is suffering from a psychological disorder.

Apart from the opinion raised by Dr. Padilla, there appears to be no other competent and credible proof that the alleged disorder is in fact grave enough to bring about the disability and that said disorder is permanent or clinically incurable. The testimony of Dr. Padilla, who is supposed to be the expert witness of [herein petitioner] Go-Yu, at large, merely established that the parties are having great marital difficulties, which, however, do not warrant a declaration of nullity of marriage. Worse, the [bases] for Dr. Padilla's conclusion were mere interviews with several individuals, including [herein petitioner] Go-Yu, who was never even referred to any psychological testing for a clearer and more reliable evaluation.²⁷

Indeed, contrary to petitioner's claim that she is psychologically incapacitated to perform the ordinary duties and responsibilities of a married woman, the Court agrees with the observation of the OSG, as well as the respondent, that petitioner's documentary and testimonial pieces of evidence prove otherwise – that she is, in fact, fully aware of and has performed the essential obligations of a married individual. The following instances prove such capacity: *first*, petitioner expressed concern over the decrease in their sexual activity after their wedding, that she also has needs and that, unlike her and respondent, it is normal for married couples to have a healthy sexual relationship;²⁸ *second*, she wanted to have a baby with respondent because she believes and understands that one of the purposes of marriage is procreation²⁹ and she also thought that having a baby could somehow save their marriage;³⁰ *third*, she made adjustments and sacrifices by giving up luxuries she had gotten used to when her husband's financial resources started to dwindle;³¹ and *fourth*, she helped her husband manage their finances and run their household.³² During her cross-examination, she testified thus:

Q So, is it fair to say that when you noticed that there was a decrease in sexual activity, that something was wrong with your marriage with Romeo Yu?

A Yes because it's really not normal.

Q So, in a way you fully understand that as husband and wife there must be a healthy sexual relationship?

A Yes, now, I know that now.

²⁷ CA rollo, Vol. I, p.393.

²⁸ See rollo, Vol. I, p. 95.

²⁹ CA rollo, Vol. III, pp. 1432-1433.

³⁰ *Id.*

³¹ Rollo, Vol. 1, p. 94; see Psychological Report, rollo, Vol. 1, p. 117.

³² *Id.* at 94-95.

Q And you mentioned that you confronted Mr. Yu about that?

A I discussed with him?

Q Yes you discussed it with him?

A Yah.

Q And how did you discuss it with him?

A Oh I would bring it up and say that this is not normal, I also have my needs. That's it.

Q And what is the response of Mr. Yu?

A He would go to sleep.

ATTY. POLINAR:

Q Now, do you agree Ms. Witness that one of the expression of love is the sexual activity?

WITNESS:

A Do I believe that?

Q Yes?

A Yah.

Q In fact during your marriage with Mr. Yu, you also wanted to have a baby?

A No, no, no, I think you got it wrong. I said at the last year or something, I said maybe we should give it a try but I'm not saying that the whole time I wanted to have a baby.

Q So, during that moment when you said that both of you must have at least give it a try, you mean at that point in time you wanted to have a baby from your husband of course?

A Obviously.

Q So, you also fully understand that wanting to have a baby is part of the purpose of marriage which is to procreate, is that correct? Procreation is one of the purposes of marriage?

A Do I understand?

ATTY. POLINAR:

Q Do you [agree] with that?

WITNESS:

A Do I believe in it?

Q Yes, that one of the purposes of marriage is procreation?



- A Yes, I believe it's right.
- Q So when you say right, [w]hat do you mean right?
- A When you read all the books, when you talk to all the priest, yes it's right, but some people get married mot just to have a child.
- Q Apart from the other purposes of marriages you will agree with me that, apart from all purposes of marriage, one of which is somehow to have a child with your husband?
- A No.
- Q So, what was then your intention when you said that you wanted to give it a try to have a baby with your husband?
- A Because I thought it would give him focus because there was no focus. He was having his own life. He was too busy having his own life. I thought that somehow, maybe, just maybe having a child would somehow save what we have, would get us together again and give us focus.
- Q When you say to save what we have, you mean to save your marriage, is that correct?
- A Yes, perhaps.

x x x x

ATTY. POLINAR:

- Q And in fact in paragraph 18 [of your affidavit], you stated that and I quote: "I then found myself having to make a lot of adjustments which entailed a lot of sacrifice on my part," is that correct?

WITNESS:

x x x x

- A Ah yah.
- Q You also stated that "I gave up some luxuries I had gotten used to when his financial resources started to dwindle", correct?
- A Yes.
- Q You also stated that "I limited my social life and became withdrawn, maintaining only a small circle of friends, you stated that, correct?
- A Yes.
- Q "I took on the responsibility of single-handedly running the household and making all decisions, you stated that in your affidavit?
- A Yes.



x x x x

Q So, is it fair to say that you shared some responsibilities with your husband with respect to these matters?

A It was not responsibility, it was just work.

x x x x

Q But is it not a fact Ms. Witness that in paragraph 18 of your affidavit you said that "I took on the responsibility of single-handedly running the household and making all decisions", is that correct?

A Yes, the household.

Q And in fact you said and I quote: "I also took over all his financial concerns", is that correct?

A Yes.

x x x x

A When I mean I took over all his financial concerns, there was a period that he didn't have any money. The price of coconut was down. So he would go to my office practically every week he would borrow money from me just to fund his account. He borrowed from my own money.

Q And you also lent him of course?

A I lent him. Yes because he was begging, his brothers wouldn't lend him.

Q Next question. Did you get frustrated with all these sacrifices like taking all the responsibilities, and single-handedly running the household and making all decisions? Did it frustrate you during your marriage?

A Partially.

x x x x

Q You did not think that Mr. Romeo Yu was performing his duties as partner to a marriage?

A As the man in the house.

Q When you say man in the house, what do you mean?

A The man in the house is the one suppose to face the problem first not me. face his problem. The man in the house, you know in the old days, he is supposed to go fishing and the wife is suppose to cook the fish[.] I'm not supposed to do the fishing.

ATTY. POLINAR:

Q Can you tell the court what is the role of the wife in the marriage?



WITNESS:

A She is suppose to cook the fish, and if she happens to be the fisherman herself then well and good. Then there is more fish in the house but I don't believe the guy should stop fishing and stick from the wife's fish that she earn.

Q Now, in paragraph 19, you stated that and I quote: "After our wedding, our sexual activity considerably decreased in frequency."

A Yes.

Q You also stated that respondent and I quote "did not seem to want to be intimate with me anymore", is that correct?

A Gradually.

x x x x

Q Now, you said x x x that you were partially frustrated having to take over some of the responsibilities, household responsibilities. Is it not a fact that because of your frustrations with him that you do not want anymore [to] live with him, with Mr. Romeo Yu?

A Am I driven by frustrations?

Q Yes?

A What's the question?

Q Did your frustrations somehow reached the point that you cannot live with him anymore?

A Live with as [i]n[?]

Q One house with him?

A In the same house?

Q Yes as couple?

A As a couple in a marriage?

Q Yes.

A No, it is not just frustration, it's discovering that you don't have anything in common at all.³³

All the foregoing clearly show that petitioner unquestionably recognizes both spouses' obligations to live together, observe mutual love, respect and fidelity, render mutual help and support, provide for the support of the family, and manage their household. The fact that she gradually became overwhelmed by feelings of disappointment or disillusionment

³³

Id. at 337-365.

toward her husband and their marriage is not a sufficient ground to have such marriage declared null and void.

Petitioner claims to be afflicted with Narcissistic Personality Disorder, which is defined as a mental condition in which people have an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others.³⁴ The psychiatrist who examined petitioner confirmed this definition by stating that in layman's terms, a person who is suffering from Narcissistic Personality Disorder is one "who is self-centered and [who] has prioritized [his/]her needs over the other or significant person."³⁵ Based on the above definitions alone, how can petitioner claim that she is suffering from Narcissistic Personality Disorder when, as previously discussed, through her own statements and admissions in her petition and in her testimony in court, she has displayed full knowledge and understanding of her and her husband's obligations and has, in fact, committed positive acts towards building and sustaining a family?

As to petitioner's contention that respondent admitted in his original Answer with Special and Affirmative Defenses the allegations in the Petition for Declaration of Nullity of Marriage, suffice it to say that respondent's original Answer has been amended. Settled is the rule that "pleadings superseded or amended disappear from the record, lose their status as pleadings and cease to be judicial admissions."³⁶ "Where an amended answer is complete in itself, it supersedes the original answer, which no longer remains a part of the record."³⁷ Moreover, even granting that respondent admitted that petitioner was indeed suffering from Narcissistic Personality Disorder, such admission may not be used as basis for the court's judgment because under Article 48 of the Family Code, in all cases of annulment or declaration of absolute nullity of marriage, "no judgment shall be based upon a stipulation of facts or confession of judgment." Stated differently, notwithstanding any admission made by respondent, it is still incumbent upon petitioner to prove the nullity of their marriage by evidence other than such admission. Having failed to do so, this Court agrees with the CA in ruling that:

Indeed, it was capricious for [the RTC] to deny the demurrer to evidence and require [herein respondent] to controvert evidence totally wanting and unduly impose unwarranted burden on the part of the [respondent] and his resources and most especially to the docket of the courts.³⁸

³⁴ <<https://www.mayoclinic.org/diseases.../narcissistic-personality-disorder/.../syc-203666>>.

³⁵ CA rollo, Vol. III, p. 1257.

³⁶ *Ching v. Court of Appeals*, 387 Phil. 28, 45 (2000).

³⁷ *Reynes v. Compañia General de Tabacos*, 21 Phil. 416, 420 (1912).

³⁸ *Rollo*, Vol. I, p. 55.



The Court understands and commiserates with petitioner's frustration over her marital woes. However, "[t]o be tired and to give up on one's situation and on one's [spouse] are not necessarily signs of psychological illness; neither can falling out of love be so labeled. When these happen, the remedy for some is to cut the marital knot to allow the parties to go their separate ways. This simple remedy, however, is not available to us under our laws. Ours is x x x a limited remedy that addresses only a very specific situation — a relationship where no marriage could have validly been concluded because the parties, or [where] one of them, by reason of a grave and incurable psychological illness existing when the marriage was celebrated, did not appreciate the obligations of marital life and, thus, could not have validly entered into a marriage. Outside of this situation, this Court is powerless to provide any permanent remedy."³⁹

An unsatisfactory marriage is not a null and void marriage. This Court has repeatedly stressed that Article 36 of the Family Code is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves. It refers to a serious psychological illness afflicting a party even before the celebration of the marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. Resultantly, it has always been held that mere irreconcilable differences and conflicting personalities in no wise constitute psychological incapacity.⁴⁰

Lastly, our Constitution "set out a policy of protecting and strengthening the family as the basic social institution, and the marriage was the foundation of the family. Marriage, as an inviolable institution protected by the State, cannot be dissolved at the whim of the parties. In petitions for declaration of nullity of marriage, the burden of proof to show the nullity of marriage lies with the plaintiff. Unless the evidence presented clearly reveals a situation where the parties, or one of them, could not have validly entered into a marriage by reason of a grave and serious psychological illness existing at the time it was celebrated, the Court is compelled to uphold the indissolubility of the marital tie."⁴¹ This is the case here.

Finally, having ruled that the CA did not err in reversing and setting aside the assailed June 20, 2013 Order of the RTC and in consequently dismissing petitioner's Petition for Declaration of Nullity of Marriage and Dissolution of the Absolute Community of Property, the Court no longer finds any need to discuss the other assigned errors.

WHEREFORE, the instant petition for review on *certiorari* is **DENIED**. The Decision and Resolution of the Court of Appeals,

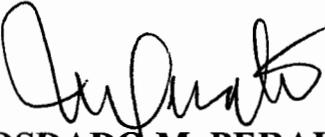
³⁹ *So v. Valera*, 606 Phil. 309, 335-336 (2009).

⁴⁰ *Alcazar v. Alcazar*, 618 Phil. 616, 632 (2009), citing *Marcos v. Marcos*, 397 Phil. 840, 851 (2000).

⁴¹ *Mallilin v. Jamesolamin, et al.*, 754 Phil. 158, 184 (2015).

promulgated on January 13, 2017 and March 6, 2017, respectively, in CA-G.R. SP No. 05780-MIN are **AFFIRMED**.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice

Reyes
ANDRES B. REYES, JR.
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARIE D. CARANDANG
 Associate Justice

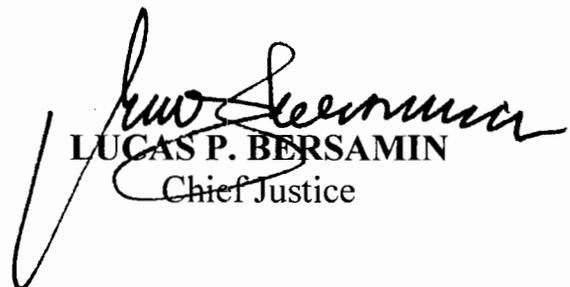
ATTESTATION

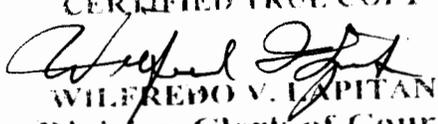
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
 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.


LUCAS P. BERSAMIN
 Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAY 17 2019