



SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE  
**RECEIVED**  
APR 21 2022  
BY: YSA  
TIME: 8:41

**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**FIRST DIVISION**

**BEVERLY A. QUILPAN,**  
Petitioner,

**G.R. No. 248254**

Present:

**GESMUNDO, C.J.,**  
*Chairperson,*  
**CAGUIOA,**  
**CARANDANG,**  
**GAERLAN,** and  
**LOPEZ, J.,\* JJ.**

-versus-

**JOHNNY R. QUILPAN and THE**  
**REPUBLIC OF THE**  
**PHILIPPINES**

Promulgated:

Respondent.

**JUL 14 2021**

x

x

**DECISION**

**CARANDANG, J.:**

This is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court assailing the Decision<sup>2</sup> dated February 28, 2019 and the Resolution<sup>3</sup> dated July 2, 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 111001. The said Decision and Resolution denied the appeal of petitioner Beverly A. Quilpan (Beverly), thereby affirming the Decision<sup>4</sup> dated February 21, 2018 of the Regional Trial Court (RTC), which denied Beverly's petition to have her marriage to respondent Johnny R. Quilpan nullified under Article 36 of the Family Code.

\* Designated as additional Member.

<sup>1</sup> *Rollo*, pp. 8-27.

<sup>2</sup> Penned by Associate Justice Fernanda Lampas Peralta, with the concurrence of Associate Justices Rodil V. Zalameda (now a Member of this Court) and Herni Jean Paul B. Inting (now a Member of this Court); *id.* at 33-52.

<sup>3</sup> Penned by Associate Justice Fernanda Lampas Peralta, with the concurrence of Associate Justices Japar B. Dimaampao (now a Member of this Court) and Rodil V. Zalameda (now a Member of this Court); *id.* at 54-55.

<sup>4</sup> Penned by Presiding Justice Cleto R. Villacorta III; *id.* at 109-143.

### Facts of the Case

Beverly alleged that she met Johnny, a neighbor in Claveria, Cagayan, in 1985. Then, Johnny seemed like a gentle and sweet fisherman. He courted her for almost a year. Thinking that Johnny was the man who could provide for her and her son (from a previous relationship), she accepted his proposal to be his girlfriend in 1986. That year, they lived together in the house of Beverly's parents. On December 26, 1987, they got married. They were blessed with two children – Stephen (born on January 29, 1987) and Sheena (born on September 5, 1988).<sup>5</sup>

Not long after their marriage did Beverly discover that “Johnny was a gambler, a jealous husband, and a womanizer.”<sup>6</sup> She also belatedly discovered that Johnny fathered a child with another woman in 1980.<sup>7</sup> Despite this, Beverly stayed in the marriage and worked to make ends meet. She loaned money to buy Johnny a motor banca, which would help augment his income as a fisherman.<sup>8</sup>

In 1993, Beverly left for Hong Kong to work as a domestic helper. In Hong Kong, Beverly remitted her salary to support Johnny and her children. During her stint as a domestic help, Beverly and Johnny agreed that Beverly's remittances would cover the daily needs of their family while Johnny's earnings would be their family's savings. However, Johnny did not take his responsibility seriously and merely delegated his work to his friends. After only six months, they had to sell the motor banca. When Johnny became jobless, he merely depended on others and engaged in extramarital relations with different women. At one time, his children witnessed Johnny bringing another woman to the house of Beverly's mother (where the children also stayed) and had that woman stay overnight while Beverly's mother was in Manila to collect Beverly's remittance.<sup>9</sup> Johnny even sold his wedding ring to maintain his drinking and smoking vices.<sup>10</sup>

Johnny, Stephen, and Sheena moved to Quezon City and lived with Beverly's mother and siblings. There, Johnny worked as a security guard in Divisoria where he spent more time drinking than at home with their two children. In one instance, Johnny brought Stephen to Divisoria and spent the night there. Upon returning, Stephen told Beverly's family that Johnny simply brought him to an abandoned building where Johnny had a drinking session with his friends.<sup>11</sup>

In 1994, Johnny suddenly disappeared. Beverly's attempts to find Johnny, including the ₱15,000-reward she posted when she returned home in Claveria, proved futile. Even Johnny's parents and siblings had no idea as to

---

<sup>5</sup> Id. at 56-57.

<sup>6</sup> Id. at 57.

<sup>7</sup> Id. at 58, 83.

<sup>8</sup> Id. at 58.

<sup>9</sup> Id. at 86, 90, 93-94.

<sup>10</sup> Id. at 91.

<sup>11</sup> Id. at 58.

his whereabouts. Assuming he was summarily executed, Beverly single-handedly raised their two children. In 2003, Beverly purchased a parcel of land in Barangay Bo. Bagbag, Quezon City using the money she saved.<sup>12</sup>

In 2007, Johnny reappeared in Claveria, Cagayan. He disappeared in 1994 because he went to Iloilo, fathered five children with a certain Prem Rose Cacho Dilao (Prem Rose) and married Prem Rose in 2004. He returned to Claveria with Prem Rose and their children to escape an impoverished life in Iloilo. Convinced that Johnny psychologically incapacitated to fulfill his marital obligations to Beverly, The latter initially filed a petition to have her marriage to Johnny nullified in 2008 before the RTC of Sanchez Mira, Cagayan.<sup>13</sup> However, she failed to pursue the case because she could not locate the first psychiatrist who conducted a psychiatric evaluation on Johnny and found him to be suffering from dissocial personality disorder.

On October 17, 2016, Beverly filed another petition to have her marriage to Johnny nullified and to have the two parcels of land she purchased declared her exclusive property.<sup>14</sup> Attached to her petition were her Judicial Affidavit,<sup>15</sup> a Psychiatric Evaluation of the Spouses<sup>16</sup> conducted by Dr. Valentina del Fonso Garcia (Dr. Garcia), and Dr. Garcia's Judicial Affidavit.<sup>17</sup>

Dr. Garcia conducted Clinical psychiatric interviews on Beverly, Stephen, Sheena, and Beverly's sister (Sylvia). She also conducted a mental status examination of Beverly. While her office invited Johnny and Johnny's family for psychiatric evaluation, none of the said persons appeared for assessment. Based on the interviews and examination conducted, Dr. Garcia concluded that Beverly is psychological capable of complying with her essential marital obligations despite her avoidant personality trait whereas Johnny is psychologically incapacitated to comply with his marital obligations to Beverly because of his anti-social, narcissistic personality disorder with paranoid features.<sup>18</sup>

### **Ruling of the Regional Trial Court**

In a Decision<sup>19</sup> dated February 21, 2018, the RTC dismissed Beverly's petition for the declaration of their marriage's nullity but granted Beverly's prayer to have the land she purchased declared as her exclusive property, the dispositive portion of which reads:

---

<sup>12</sup> Id. at 58-59.

<sup>13</sup> Id. at 59-61.

<sup>14</sup> Id. at 109.

<sup>15</sup> Id. at 64-76.

<sup>16</sup> Id. at 79-97.

<sup>17</sup> Id. at 98-107.

<sup>18</sup> Id. at 101-107.

<sup>19</sup> Supra note 4.

**WHEREFORE**, with sincerest regret, the instant Petition is **dismissed** for the reasons stated above.

However, Petitioner Beverly A. Quilpan is **declared exclusive owner** of the two parcels of land covered by TCT No. 249000 and TCT No. N-180764, both located at No. 22 Dainty Road, Greenview Executive Village, West Fairview, Brgy. Sauyo, Novaliches, Quezon City. Further, Respondent Johnny R. Quilpan is **declared not entitled to get any share** in the conjugal partnership of gains, the Petitioner is **declared the exclusive owner of all her salaries and benefits and all other properties that have been acquired if any during their marriage**, and *henceforth*, the **property regime** of the Petitioner and the Respondent of **conjugal partnership of gains** is **decreed dissolved** and their **property regime** is *now and will already be complete separation of properties*.

SO ORDERED.<sup>20</sup> (Emphasis and italics in the original)

Since only petitioner and Dr. Garcia testified, the Court assessed the inherent probability of Beverly's version of events and concluded that Beverly has proven, by preponderance of evidence, that Johnny failed to perform his essential marital and parental obligations to Beverly and their children. However, Johnny's eccentric and atypical behavior (*i.e.*, excessive drinking, gambling, and womanizing) was based solely on Beverly's testimony. No standardized tests were administered by Dr. Garcia to establish the reliability of Beverly's story. Neither did the Court consider the narratives of Stephen, Sheena, and Sylvia as these were mere hearsay – having only relayed these pieces of information to Dr. Garcia and not to the RTC *via* direct testimony. The trial court held that Beverly was only able to prove Johnny's sexual infidelity and irresponsibility arising from Johnny's extramarital relations with Prem Rose, which *per se* do not prove the existence of personality disorders as it can be a result of "mere difficult, neglect, refusal or ill will to discharge [Johnny's] marital or parental obligations."<sup>21</sup> Therefore, Beverly failed to prove that Johnny is suffering from a disorder that is medically or clinically identified.<sup>22</sup> The RTC also pointed out that Dr. Garcia failed to explain why Johnny's alleged personality disorder is incurable.<sup>23</sup>

Nevertheless, the undeniable fact that Johnny abandoned Beverly and their children shows that Johnny (as the guilty spouse) is not entitled to receive any share from the conjugal partnership. As Beverly's partial motion for reconsideration was granted only insofar as the RTC clarified the list of Beverly's exclusive properties, Beverly appealed the RTC's denial to nullify her marriage to Johnny with the CA. Beverly averred that her Judicial Affidavit clearly demonstrated a causal connection between Johnny's

<sup>20</sup> *Rollo*, p. 143.

<sup>21</sup> *Id.* at 136.

<sup>22</sup> A requirement to determine the applicability of Article 36 of the Family Code, as stated in *Republic v. Court of Appeals*, 335 Phil. 664 (1997).

<sup>23</sup> *Rollo*, p. 133.

behavior and his anti-social, narcissistic personality disorder with paranoid features. She likewise alleged that in *Marcos v. Marcos*,<sup>24</sup> this Court clarified that it is not required that an individual be personally examined by a physician to sustain a finding of psychological incapacity if the totality of evidence presented is enough to uphold said findings. According to Beverly, she has satisfied this requirement given the evidence she presented before the trial court.<sup>25</sup>

### **Ruling of the Court of Appeals**

In its Decision<sup>26</sup> dated February 28, 2019, the CA dismissed Beverly's appeal because the totality of evidence presented fell short of the essential requirements stated in *Republic v. Court of Appeals*<sup>27</sup> to establish Johnny's psychological incapacity. Albeit the appellate court concluded that Dr. Garcia's findings showed the gravity, juridical antecedence, and incurability of Johnny's alleged psychological incapacity, her expert findings were merely based on Beverly's personal accounts and the testimonies of Stephen, Sheena, and Sylvia. These were not the type of independent evidence required for a psychiatrist to form an unbiased evaluation of Johnny's psychological condition. Therefore, Beverly failed to overcome the presumption in favor of the validity of marriage.<sup>28</sup>

### **Proceedings Before This Court**

#### ***Petitioner's Arguments***

Undeterred, Beverly filed the instant petition for review. She insisted that her narration of events to Dr. Garcia, coupled with the corroborative interviews conducted by Dr. Garcia on Stephen, Sheena, and Sylvia, show the gravity, antecedence, and incurability of Johnny's psychological disorder.<sup>29</sup>

#### ***Respondent's Comment***

In its Comment<sup>30</sup> dated September 2, 2020, the Office of the Solicitor General reiterated this Court's pronouncement in *Molina*<sup>31</sup> requiring identification of the psychological illness and its corresponding behavioral manifestations. Dr. Garcia's conclusion that Johnny's incapacity is incurable is vague, thus, does not comply with the standards set in *Molina*. Neither was there any explanation on Johnny's environment and upbringing that led Dr. Garcia to conclude that his alleged incapacity has juridical antecedence. It was for these reasons, and not the failure to personally examine Johnny, that led the RTC and CA to properly dismiss Beverly's petition.<sup>32</sup>

<sup>24</sup> 397 Phil. 840 (2000).

<sup>25</sup> *Rollo*, pp. 164-182.

<sup>26</sup> *Supra* note 2.

<sup>27</sup> 335 Phil. 664 (1997).

<sup>28</sup> *Rollo*, pp. 39-52.

<sup>29</sup> *Id.* at 15-27.

<sup>30</sup> *Id.* at 214-229.

<sup>31</sup> *Supra* note 27.

<sup>32</sup> *Id.* at 218-229.

### *Petitioner's Reply*

In her Reply<sup>33</sup> dated October 12, 2020, Beverly heavily relied on Our ruling in *Kalaw v. Fernandez*<sup>34</sup> where the opinions of experts were given greater significance since it sufficiently and competently described the psychological incapacity of the spouse within the standards set by Article 36 of the Family Code. Similar to Dr. Garcia's evaluation, the expert's conclusion in *Kalaw* were also based on the interview of the spouse who is not psychologically incapacitated, the latter's sister, and the couple's son. Despite the information gathered by the expert in *Kalaw* unilaterally coming from the other spouse's witnesses, the Court considered the expert's findings, coupled with the totality of evidence sustaining a finding of psychological incapacity. Johnny's infidelity, irresponsibility, sudden abandonment of Beverly and their children, and his bigamous marriage to Prem Rose show his mental incapacity to comprehend his basic essential marital obligations.<sup>35</sup>

### **Ruling of the Court**

The petition is meritorious.

With this Court's recent pronouncement in *Tan-Andal v. Andal*,<sup>36</sup> a review of the instant case is in order.

The trial court concluded that Johnny failed to discharge his marital and parental obligations to Beverly and their children, respectively. Although the RTC made such finding, it denied Beverly's petition because Beverly failed to prove Johnny's anti-social and narcissistic personality disorder. According to the RTC, the only behavioral manifestations that Beverly was able to prove were Johnny's infidelity, irresponsibility, and his act of abandoning Beverly and their children. Despite Dr. Garcia's psychiatric examination and direct testimony finding Johnny psychologically incapacitated, she failed to explain *why* Johnny's alleged personality disorders were incurable. Dr. Garcia also hastily concluded that Johnny's behavioral manifestations were a result of his family and peers. In other words, there was no evidence support Dr. Garcia's conclusion that there was juridical antecedence.

On the other hand, the appellate court junked Dr. Garcia's psychiatric evaluation because there was no independent evidence to support the findings therein. The interviews with Beverly, Stephen, Sheena, and Sylvia were not independent evidence that would enable Dr. Garcia to arrive at an unbiased and unassumed evaluation of Johnny's psychological condition.

---

<sup>33</sup> Id at 264-280.

<sup>34</sup> 750 Phil. 482 (2015).

<sup>35</sup> *Rollo*, pp. 264-280.

<sup>36</sup> G.R. No. 196359, May 11, 2021.



In *Tan-Andal*, We held that spouse may be declared psychologically incapacitated under Article 36 of the Family Code if it is proven through a *totality of clear and convincing evidence* that, at the time of the celebration of the marriage, the said spouse genuinely possesses a true lack of understanding of the essential obligations of marriage towards the other spouse and/or their children that undermines their family. This psychological incapacity does not require a spouse to suffer from a personality disorder because such does not contemplate a mental disorder but envisages a psychic cause that makes an individual's personality structure incompatible or antagonistic with his/her spouse's. As such, expert testimony is not required. The courts are tasked with making its own evaluation of the spouse's psychological incapacity using the evidence presented before it.

The evidence presented by Beverly to prove Johnny's psychological incapacity were: (1) Johnny's marriage certificate with Prem Rose; (2) the birth certificates of two of Johnny's five children with Prem Rose; (3) Beverly's judicial affidavit and testimony; and (4) Dr. Garcia's psychiatric evaluation and testimony.

We find that the totality of evidence presented clearly and convincingly showed Johnny's psychological incapacity to fulfil his marital obligations to Beverly and his parental obligations to their children. From the beginning of the marriage, Johnny has not contributed – emotionally or financially – to their marriage. It is undisputed that “Johnny was a gambler, a jealous husband, and a womanizer.”<sup>37</sup> Although Beverly sought for a loan to help Johnny with his income as a fisherman, Johnny merely delegated his fishing business to friends. This resulted in further debt to the family and the inevitable sale of the boat within six months from its purchase. While Beverly was in Hong Kong, working tirelessly and remitting her earnings to sustain their family, Johnny would continue gallivanting and even brought home another woman to sleep at the house of Beverly's mother – in the presence of their children. When Johnny, Stephen, and Sheena were forced to move to Quezon City, his income as a security guard in Divisoria were spent on his vices. He even had the audacity to bring his son with him, only to have his son sleep under the staircase of an abandoned building while Johnny continued drinking with his friends. As if his incorrigible personality were not enough, he suddenly disappeared in 1994 without word to Beverly, his children, or even his parents and siblings. He simply reappeared in 2007 with a second wife, Prem Rose (through a bigamous marriage) and his four children with Prem Rose. To date, Johnny continues to live with Prem Rose and their children and has never showed up for Stephen and Sheena all these years.

Johnny's psychological incapacity was clearly established to have existed at the time of the celebration of the marriage, although such incapacity may have manifested only after the marriage's solemnization. Based on Dr. Garcia's findings:

---

<sup>37</sup> *Rollo*, p. 57.



A. Johnny's psychological incapacity to comply with the essential marital obligations is a product of a dysfunctional interface between his genetically determined or innate vulnerability and temperament, on the one polarity; and his familial and psychosocial environment, on the other polarity.

B. There were psychofamilial substrates [that] shaped his susceptibility to developing adult psychopathology: his childhood and adolescent experiences, adversities, material and emotional deprivation and losses, his unhealthy interaction with significant others and his learned coping skills and immature defenses to deal with stress.

1. Johnny is the third in the brood of twelve. His family lived in a wooden and a congested house near a river in Cagayan. His parents, **Hermogenes**, a driver, and **Gertrudes**, a housekeeper lived a difficult life given a huge family to feed. His father died without instilling the proper discipline and guidance. Johnny grew up detached and evasive from both his and siblings.

2. Even when Johnny got 'lost' for 13 years, his family members had no knowledge as to where he went. Neither did they took (*sic*) the necessary effort to locate him. The family is strongly positive for vices such as gambling and drinking alcohol. Johnny and his siblings, by and large, are complacent and lacking in the sense of industry and ambition.

3. Johnny reached Grace V at the East Central School in Cagayan. His parents had no means to send him to high school. One of his siblings graduated from high school, while the rest are elementary graduates. Johnny became a fisherman. He was slack in his manner of generating income for himself and his family.<sup>38</sup>

The CA was correct in finding Dr. Garcia's psychiatric evaluation and testimony sufficiently explaining the gravity, juridical antecedence, and incurability.<sup>39</sup> However, the appellate court improperly disregarded Dr. Garcia's psychiatric evaluation for lack of independent evidence.

This case is similar to *Tan-Andal*, where We admitted the psychiatrist's evaluation despite the absence of an interview with the psychologically incapacitated spouse since "it is accepted practice in psychiatry to base a person's psychiatric history on collateral information, or information from sources aside from the person evaluated."<sup>40</sup> Beverly should not be penalized for Johnny's failure to appear before Dr. Garcia for psychiatric evaluation despite Dr. Garcia's invitation to Johnny and his family. It comes as no surprise that he did travel to Manila for a psychiatric evaluation given that Johnny's

---

<sup>38</sup> Id. at 94.

<sup>39</sup> In *Tan-Andal*, this Court has clarified that the incurability contemplated in cases falling under Article 36 of the Family Code is *legal* incurability.

<sup>40</sup> *Supra* note 36, citing B.J. Sadock, M.D. and V.A. Sack, M.D. Kaplan & Sadock's Synopsis of Psychiatry Behavioral Science/Clinical Psychiatry, 229 (9<sup>th</sup> ed., 2003).

9



return to Cagayan was because of his and Prem Rose's financially difficult life in Iloilo.

It is cases like these that the law contemplates a situation where a spouse's psychic causes destroy a marriage. Corollary to this Court's Constitutional duty to value the sanctity of marriage is Our duty to ensure that only marriages that establish conjugal and family life are maintained. That marriage is an inviolable social institution does not mean that a spouse who unwittingly marries an individual with a certain level of “dysfunctionality that show[s] a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes”<sup>41</sup> is condemned to a life sentence of misery. There are more than enough jokes about the pitfalls of marriage. In the most serious of cases such as this, the Court steps in to ensure that the sanctity of marriage is maintained – not derided.

**WHEREFORE**, the instant Petition for Review on *Certiorari* is **GRANTED**. The Decision dated February 28, 2019 and the Resolution dated July 2, 2019 of the Court of Appeals in CA-G.R. CV No. 111001 are hereby **REVERSED** and **SET ASIDE**. The marriage between petitioner Beverly A. Quilpan and respondent Johnny R. Quilpan is declared null and void.

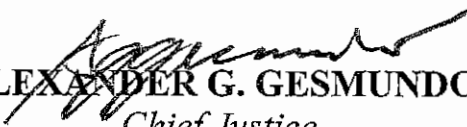
**SO ORDERED.**


  
ROSLARI B. CARANDANG  
Associate Justice


---

<sup>41</sup> Supra note 36.

**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*


  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**JHOSEP Y. LOPEZ**  
*Associate Justice*

**CERTIFICATION**

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

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*