



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Baguio City

SECOND DIVISION

**HANNAMER C. PUGOY-SOLIDUM,**

*Petitioner,*

**G.R. No. 213954**

Present:

PERLAS-BERNABE, S.A.J.,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, JJ.

- versus -

**REPUBLIC OF THE PHILIPPINES,\***

*Respondent.*

Promulgated:

APR 20 2022

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**DECISION**

**HERNANDO, J.:**

This petition for review on *certiorari*<sup>1</sup> under Rule 45 assails the March 31, 2014 Decision<sup>2</sup> and August 18, 2014 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 97935, which reversed the June 29, 2011 Decision<sup>4</sup> and August 26, 2011 Order<sup>5</sup> of the Regional Trial Court (RTC) of Tagaytay City, Branch 18, granting the petition for nullity of marriage<sup>6</sup> filed by petitioner Hannamer C. Pugoy-Solidum (Hannamer) against her husband, Grant C. Solidum (Grant).

\* The Court of Appeals is dropped as party-respondent pursuant to Section 4, Rule 45 of the Rules of Court.  
<sup>1</sup> *Rollo*, pp. 3-18.  
<sup>2</sup> *Id.* at 20-28. Penned by Associate Justice Samuel H. Gaerlan (now a Member of the Court) and concurred in by Associate Justices Remedios A. Salazar-Fernando and Apolinario D. Bruselas Jr.  
<sup>3</sup> *CA rollo*, p. 97.  
<sup>4</sup> *Id.* at 36-48. Penned by Acting Presiding Judge Emma S. Young.  
<sup>5</sup> *Id.* at 49-50.  
<sup>6</sup> *Records*, pp. 2-6.

**Factual Antecedents:**

Hannamer and Grant were classmates during their fourth year in high school and eventually became sweethearts. After graduation, Hannamer found work and started living with Grant. At that time, Grant's parents were fond of Hannamer for being hardworking and the breadwinner of Grant's family. However, things changed when she got pregnant and had to stop working.<sup>7</sup>

After Hannamer gave birth, her mother convinced her and Grant to get married. On March 12, 2003, Judge Albert S. Abragan of the RTC of Iligan City, solemnized the marriage of Hannamer and Grant. Hannamer spent for their wedding, as well as their child's baptismal expenses. Unemployed, Grant could not contribute a single centavo for their living expenses, which were all shouldered by Hannamer's mother.<sup>8</sup>

When Hannamer's mother decided to move in with the couple after quitting her job in Manila, the couple's relationship turned sour culminating to Hannamer leaving their house and staying with Grant's relatives instead. From that time on, Grant never visited nor sent financial support for Hannamer and their child. Eventually, Hannamer lost contact with Grant when she moved to another town with her mother and child.<sup>9</sup>

On January 3, 2010, Hannamer filed a petition for declaration of nullity of marriage<sup>10</sup> under Article 36 of the Family Code before the RTC of Tagaytay City. Hannamer alleged that Grant was psychologically incapacitated to comply with all the essential marital obligations. She averred that Grant showed complete lack of understanding of his duties and responsibilities as a husband and father during their marriage. He never worked, and only depended on his older sibling for financial support. Despite not earning, Grant spent most of his time and money on gambling and going to cockfights, instead of taking care of his family.<sup>11</sup>

On February 2, 2011, copies of the summons and petition were served on Grant through his uncle, Sonny R. Montano, at their residence.<sup>12</sup> However, on the scheduled date of the hearing, only Hannamer appeared. The Assistant Provincial Prosecutor filed a report<sup>13</sup> dated March 16, 2011, manifesting that she was not in a position to conclude whether or not collusion existed between the parties, due to Grant's absence. Nevertheless, she undertook to actively participate in the proceedings to ensure that evidence is not fabricated.<sup>14</sup>

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<sup>7</sup> Records, p. 31.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 2-6.

<sup>11</sup> Records, pp. 3-6.

<sup>12</sup> Id. at 11-12.

<sup>13</sup> Id. at 23.

<sup>14</sup> Id.

During trial, Hannamer testified on her own behalf.<sup>15</sup> Dr. Visitacion Revita (Dr. Revita) also testified<sup>16</sup> and affirmed the contents of her Judicial Affidavit,<sup>17</sup> as well as her psychological report.<sup>18</sup> Based on the narrations of Hannamer, Dr. Revita diagnosed Grant with narcissistic personality disorder with anti-social and dependent traits that is characterized by an overwhelming and grandiose sense of self-importance. As a result, he expects Hannamer to meet all his demands and expectations. His disorder was considered grave and incurable, rendering him incapacitated to perform the essential marital obligations. Dr. Revita traced back the root of Grant's disorder to "his childhood; the kind of upbringing, family atmosphere and environmental influences to which he was exposed during his early formative years. His exposure to a tolerant, dysfunctional and permissive family setup has largely contributed to the development of a faulty value system characterized by absence of discipline and respect for others."<sup>19</sup>

Dr. Revita also testified that she was not able to personally examine Grant because the latter failed to respond to her request for a psychological evaluation.<sup>20</sup> Nevertheless, she deemed the marital history narrated by Hannamer reliable and truthful. She also stated that as a corroborating witness, Hannamer's mother fully substantiated Hannamer's narration of her history with Grant.<sup>21</sup>

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

In its Decision<sup>22</sup> dated June 29, 2011, the RTC granted the petition and declared the marriage between Hannamer and Grant as void *ab initio*, the dispositive portion of which reads:

WHEREFORE, in light of the foregoing, judgment is hereby rendered:

- (1) The marriage between HANNAMER C. PUGOY and GRANT C. SOLIDUM celebrated on March 12, 2003 at the Regional Trial Court, Branch 03, Hall of Justice, Iligan City and officiated by Hon. Judge Albert S. Abragan with Registry No. 2003-666 is hereby declared null and void on the ground of psychological incapacity of the respondent to perform his essential obligations of marriage under Article 36 of the Family Code;
- (2) The Local Civil Registrar of the Iligan City and the National Statistics Office (N.S.O) are ordered to cancel the Marriage Contract with Registry No. 2003-666 from their respective Books of Marriages upon finality of this Decision; and

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<sup>15</sup> Id. at 49-62.

<sup>16</sup> Id. at 63-80.

<sup>17</sup> Id. at 43-49.

<sup>18</sup> Id. at 37-42.

<sup>19</sup> Id. at 40-42.

<sup>20</sup> Id. at 71.

<sup>21</sup> Id. at 72-73.

<sup>22</sup> Id. at 36-48.

(3) In the interest of the best welfare of the child x x x, his custody is hereby designated to herein petitioner, Hannamer C. Pugoy.

Let copies of this Decision be furnished to the parties, the Local Civil Registrar of Iligan City, National Statistics Office (N.S.O) and the Office of Solicitor General for their information and guidance.

SO ORDERED.<sup>23</sup>

The Republic, through the Office of the Solicitor General (OSG), moved for reconsideration,<sup>24</sup> but the same was denied in an Order<sup>25</sup> dated August 26, 2011.

Discontented, the OSG filed an appeal<sup>26</sup> with the CA.

In its Appellant's Brief,<sup>27</sup> the OSG argued that Hannamer failed to prove Grant's psychological incapacity. It averred that Grant's alleged irresponsible ways and addiction to gambling and cockfighting were not established as manifestations of his personality disorder that rendered him incapable of fulfilling his marital obligations. It posited that Grant's shortcomings as a father and husband do not amount to a complete inability and utter insensitivity on his part to fulfill his essential marital obligations. Moreover, Hannamer failed to identify and duly prove the root cause of Grant's psychological incapacity, or that such incapacity existed prior to their marriage. Finally, the OSG pointed out that Dra. Revita did not personally examine Grant, and only relied on the partial and biased narrations of Hannamer.<sup>28</sup>

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

In its Decision<sup>29</sup> dated March 31, 2014, the CA granted the OSG's appeal. The dispositive portion of the appellate court's Decision reads:

**WHEREFORE**, premises considered, the appeal is hereby **GRANTED**. The assailed Decision dated June 29, 2011 and Order dated 26 August 2011 of the Regional Trial Court-Branch 18 (Tagaytay City, Cavite) are **REVERSED AND SET ASIDE** and a new judgment [is] entered **DISMISSING** the petition for lack of merit. The marriage between Hannamer C. Pugoy-Solidum and Grant C. Solidum **remains valid and subsisting**.

**SO ORDERED.**<sup>30</sup> (Emphasis in the original)

The CA held that Hannamer failed to prove that Grant's failure to fulfill his marital obligations was rooted on an incurable psychological illness existing

<sup>23</sup> Id. at 96-97.

<sup>24</sup> Id. at 98-108.

<sup>25</sup> Id. at 115-116.

<sup>26</sup> Id. at 117-119.

<sup>27</sup> CA *rollo*, pp. 16-35.

<sup>28</sup> Id. at 25-32.

<sup>29</sup> *Rollo*, pp. 65-74.

<sup>30</sup> Id. at 73.

at the time of marriage. It ruled that Dr. Revita's psychological report and testimony failed to sufficiently trace the history of Grant's alleged personality disorder, how it developed into a psychological illness prior to their marriage, and how it ultimately rendered Grant incapable of fulfilling his essential marital obligations. Since Dr. Revita was not able to personally examine Grant and anchored her findings only on Hannamer and her mother's narrations, the CA viewed it no different from hearsay evidence. Lacking any corroborative and factual data, the diagnosis was unscientific and unreliable for the purpose of declaring the nullity of the parties' marriage based on psychological incapacity.<sup>31</sup>

Hence, the present petition.<sup>32</sup>

Hannamer maintains that the RTC correctly granted her petition for nullity. She insists that the RTC properly applied the *Molina*<sup>33</sup> guidelines in concluding Grant's psychological incapacity, emphasizing that Dr. Revita elaborately described Grant's disorder and its manifestations. Moreover, she claims that a personal psychological examination of the incapacitated spouse is not required to declare him psychologically incapacitated.<sup>34</sup>

On the other hand, the OSG maintains that Hannamer failed to prove the juridical antecedence, gravity, and permanence or incurability of Grant's psychological incapacity, considering that the psychological report was based solely on information coming from a directly interested party. It posits that the totality of evidence only shows an apparent marital discord rather than psychological incapacity.<sup>35</sup>

### Our Ruling

The petition lacks merit.

To render a marriage void *ab initio* under Article 36 of the Family Code, jurisprudence dictates that psychological incapacity must be characterized by: (1) 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; (2) 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 (3) incurability, *i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.<sup>36</sup> Although expert testimony is important in establishing the precise cause of a party's psychological incapacity, personal examination of the alleged incapacitated spouse is not always mandatory as long as the totality of evidence

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<sup>31</sup> *Id.* at 70-72.

<sup>32</sup> *Id.* at 3-18.

<sup>33</sup> 335 Phil. 664 (1997).

<sup>34</sup> *Rollo*, pp. 11-15.

<sup>35</sup> *Id.* at 57-61.

<sup>36</sup> *Republic v. Cabantug-Baguio*, 579 Phil. 187, 200 (2008).

is sufficient to sustain a finding of psychological incapacity.<sup>37</sup> However, the petitioner bears a greater burden in showing gravity, juridical antecedence, and incurability.<sup>38</sup> Nevertheless, each petition for nullity of marriage must be dealt with on a case-to-case basis.<sup>39</sup>

With the recent promulgation of *Tan-Andal v. Andal*<sup>40</sup> (*Tan-Andal*), We recognized and addressed the stringent application of the *Molina* guidelines which turned out to be antithetical to the way the concept of psychological incapacity was created. In order to veer away from its misapplication, *Tan-Andal* presents a nuanced interpretation of what constitutes psychological incapacity.

In *Tan-Andal*, the husband, Mario, was diagnosed with narcissistic antisocial personality disorder and substance abuse disorder with psychotic features. As narrated by Rosanna, the wife, Mario was already financially irresponsible and would often drink in bars even before their marriage. There were also times when Mario would be extremely irritable and moody which made Rosanna second-guess their marriage. After their marriage, Mario remained unemployed. Even worse, his addiction to marijuana was so severe that he went in and out of rehabilitation center. In one instance, Mario even smoked marijuana in the same room where their daughter was. He also drove Rosanna's company to bankruptcy after using the company's money to fund his addiction.

Notably, Mario was not personally examined by the psychologist when the latter diagnosed him. Nevertheless, the psychologist based the diagnosis on the interviews of the wife, daughter, and sister-in-law of Mario, as well as Mario's personal handwritten history from the rehabilitation center. In determining that Mario is psychologically incapacitated, We used the following parameters (*Tan-Andal* guidelines):

- (1) The psychological incapacity must be shown to have been existing at the time of the celebration of marriage;
- (2) Caused by a durable aspect of one's personality structure, one that was formed prior to their marriage;
- (3) Caused by a genuinely serious psychic cause; and
- (4) Proven by clear and convincing evidence.<sup>41</sup>

*Tan-Andal* further enunciates that psychological incapacity is not a mental incapacity nor a personality disorder that must be proven through an expert witness. Ordinary witnesses who have been present in the life of the spouses before their marriage may testify on the behaviors they have observed from the allegedly incapacitated spouse. Likewise, juridical antecedence of

<sup>37</sup> *Marcos v. Marcos*, 397 Phil. 840, 850 (2000).

<sup>38</sup> *Republic v. Javier*, 830 Phil. 213, 222 (2018).

<sup>39</sup> *Ngo-Te v. Yu-Te*, 598 Phil. 666, 699 (2009).

<sup>40</sup> G.R. No. 196359, May 11, 2021.

<sup>41</sup> *Id.*

psychological incapacity may also be proven by ordinary witnesses who can describe the incapacitated spouse's past experiences or environment growing up, which may have triggered one's particular behavior.<sup>42</sup> In any case, the gravity of psychological incapacity must be shown to have been caused by a genuinely serious psychic cause. Thus, "mild characterological peculiarities, mood changes, occasional emotional outbursts" are still not accepted grounds that would warrant a finding of psychological incapacity under Article 36 of the Family Code.<sup>43</sup>

*Tan-Andal* also modified the requirement on incurability — that psychological incapacity under Article 36 of the Family Code must now be incurable, not in the medical, but in the legal sense.<sup>44</sup> Thus, it must be so enduring and persistent with respect to a specific partner, that the only result of the union would be the inevitable and irreparable breakdown of the marriage.<sup>45</sup> Ultimately, the totality of evidence must support a finding of psychological incapacity.

Guided by the foregoing measures, this Court finds that Hannamer failed to sufficiently prove that Grant is psychologically incapacitated to comply with one's essential marital obligations.

Hannamer's testimony that: (1) she was the breadwinner of Grant's family, while Grant never worked and only spent his time in gambling and cockfighting; (2) their relationship turned sour after she got pregnant; (3) Grant's parents were no longer fond of her for being an additional mouth to feed; (4) that Grant asked her to leave with her mother and child after being instructed by his parents; and (5) even after their forced departure, Grant did not bother to go after her and their child,<sup>46</sup> failed to prove Grant's alleged psychological incapacity. These allegations do not necessarily constitute psychological incapacity. Irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility and the like, do not by themselves prove the existence of psychological incapacity under Article 36 of the Family Code.<sup>47</sup>

In the case at bar, We agree with the CA in holding that the psychological report is bereft of any factual basis proving Grant's psychological incapacity. It fails to prove the enduring aspects of Grant's personality called "personality structure" that manifest itself through clear acts of dysfunctionality that render him unable to discharge the essential marital obligations.<sup>48</sup> Notably, there is no evidence on record proving that Grant's alleged psychological incapacity existed prior to their marriage. Verily, Hannamer also failed to provide any

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<sup>42</sup> Id.

<sup>43</sup> Id., citing *Republic v. Molina*, supra note 33 at 678.

<sup>44</sup> Id.

<sup>45</sup> Id., citing Senior Associate Justice Estela M. Perlas-Bernabe's Concurring Opinion.

<sup>46</sup> Id.

<sup>47</sup> *Republic v. Molina*, supra note 33 at 674.

<sup>48</sup> *Tan-Andal v. Andal*, supra note 40.

background on Grant's past experiences or environment growing up that could have triggered his behavior. Dr. Revita's findings were not related or linked to Grant's alleged psychological incapacity except in a general way. Her factual findings on Grant are as follows:

On the other hand, though, based on the marital history narrated by the Petitioner which is deemed to be reliable and truthful as shown by the result of her psychological exam and the collateral interview with Mrs. Myrna Pugoy, it is Respondent who is found to be remiss of his performance as a husband and father to his family. He had displayed maladaptive traits and behavior that caused their marriage to deteriorate and disintegrate.

This is characterized by his overwhelming and grandiose sense of self-importance so that he expects other people especially his wife to meet all his demands and expectations. As such, he developed a self-centered and immature disposition so that he never showed empathy to his wife and child but rather, he has become highly abusive to them. He did not support them financially and much less of his moral, emotional and psychological support for his family. He is extremely preoccupied with his hedonistic pursuits as though he is still single.<sup>49</sup>

Dr. Revita concluded Grant to be suffering from a personality disorder narcissistic type, with underlying anti-social and dependent traits in this wise:

In decision-making, he finds it difficult to render judgments because he needs the support of other people, more specifically his mother. He has difficulty to perform assigned tasks because he has low self-confidence. He needs a booster (he had to drink alcohol) to appear that he is strong-willed and decisive. However, all his focus is trained on the gratification of his desires and needs so that instead of assuming his role to his family, he continued with his preferred lifestyle and activities thus, bringing so much pain and suffering to his wife and child.<sup>50</sup>

x x x x

The Respondent has exhibited clear evidences (sic) that he is psychologically incapacitated and suffering from a PERSONALITY DISORDER, NARCISSISTIC TYPE, with underlying Anti-Social and Dependent traits. These traits are deeply ingrained in his system such that he has adopted it as his way of life.

Root cause of this disorder can be traced back to his childhood; the kind of upbringing, family atmosphere and environmental influences to which he was exposed during his early formative years. His exposure to a tolerant, dysfunctional and permissive family set up has largely contributed to the development of a faulty value system characterized by absence of discipline and respect for others.

These traits had become SERIOUS and GRAVE that no amount of therapeutic intervention and medical treatment could prevent the untoward outcome of his relationships. Hence, it is INCURABLE and PERMANENT.

Right from the start, he married his wife even though he is not prepared to tackle the responsibilities of being a family man. He only complied because of his elders' instigation. As such, he never tried to save their marriage and he continuously maintains his pleasure-driven lifestyle until such time that his wife could no longer take their dissatisfying relationship.

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<sup>49</sup> Records, p. 41.

<sup>50</sup> Id.



Reconciliatory moves would only be futile and useless as the damage, trauma and pain he had dealt with his wife are already irreparable.<sup>51</sup>

A reading of the above findings reveals that Dr. Revita's findings are lacking in data as to Grant's personality structure and how it incapacitates him to perform the essential marital obligations. Neither does it prove that Grant's psychological incapacity is due to a genuine psychic cause. To be sure, the report must clearly specify Grant's actions which are indicative of his alleged psychological incapacity.<sup>52</sup> In view of the absence of evidence on Grant's personality structure, it is clear that Dr. Revita was not furnished with adequate information on which to base the conclusion that Grant is psychologically incapacitated.

In any case, We emphasize that *Tan-Andal* dispensed with the need of a psychological report by an expert witness to prove psychological incapacity, viz:

There will be no need to label a person as having a mental disorder just to obtain a decree of nullity. A psychologically incapacitated person need not be shamed and pathologized for what could have been a simple mistake in one's choice of intimate partner, a mistake too easy to make as when one sees through rose-colored glasses. A person's psychological incapacity to fulfill his or her marital obligations should not be at the expense of one's dignity, because it could very well be that he or she did not know that the incapacity existed in the first place.<sup>53</sup>

To stress, what is important is that the totality of evidence must support a finding of psychological incapacity. In other words, the totality of evidence must still be sufficient to prove that the incapacity was grave, incurable, and existing prior to the time of the marriage.<sup>54</sup> However, We find the same wanting in this case. Apart from the testimonies of Hannamer and Dr. Revita, and the latter's psychological report, there is no other evidence presented to support the allegation of Grant's psychological incapacity.

In sum, there is no cogent reason to reverse the ruling of the CA against the nullity of Hannamer and Grant's marriage. While this Court commiserates with Hannamer's plight, the totality of evidence failed to prove psychological incapacity under Article 36 of the Family Code.

**WHEREFORE**, the instant petition is hereby **DENIED**. The March 31, 2014 Decision and August 18, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 97935 sustaining the validity of the marriage of Hannamer C. Pugoy-Solidum with her husband Grant C. Solidum, are **AFFIRMED**.

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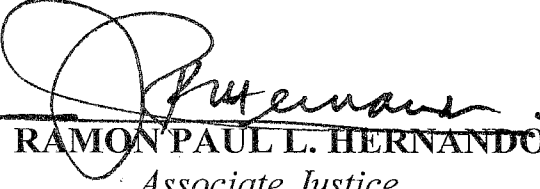
<sup>51</sup> Id. at 41-42.

<sup>52</sup> *Marable v. Marable*, 654 Phil. 528, 539 (2011).

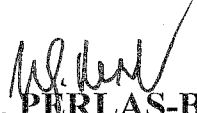
<sup>53</sup> Supra note 40.


<sup>54</sup> Id.


**SO ORDERED.**


  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

  
**JOSE MIDAS MARQUEZ**  
*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.

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

**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.

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

