



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 31, 2022** which reads as follows:*

“G.R. No. 234852 (DR. MARY ANN ANG-YU, petitioner v. FREDDIE L. YU, respondent.) — Psychological incapacity as a ground to nullify a marriage is a legal concept rather than a medical one.¹ Expert testimonies from clinical psychologists and psychiatrists are not necessary, but may be used as evidence to prove psychological incapacity. Having a psychological disorder does not necessarily mean that a person is psychologically incapacitated. In any case, it may show that they are incapacitated to fulfill their marital obligations to their spouse.

This Court resolves a Petition for Review on Certiorari² filed by Dr. Mary Ann Ang-Yu (Ang-Yu) assailing the Court of Appeals Decision³ and Resolution⁴ denying her appeal and affirming the Regional Trial Court of Makati City’s dismissal of her Petition for Declaration of Nullity of Marriage against Freddie L. Yu (Yu) on the ground of psychological incapacity.

On January 12, 2011,⁵ Ang-Yu filed a Petition for Declaration of Nullity of Marriage before the Regional Trial Court of Makati City.⁶ The trial court rendered a partial judgment while the case was still pending, approving the parties’ agreement on their properties and the custody of their two minor children.⁷ Pre-trial was terminated and trial on the merits then ensued.⁸

¹ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, *En Banc*].

² *Rollo*, pp. 8–30.

³ *Id.* at 33–44. The April 11, 2017 Decision was penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) and concurred in by Associate Justices Sesonando E. Villon and Carmelita Salandanan Manahan of the Special Tenth Division, Court of Appeals, Manila.

⁴ *Id.* at 46–47. The October 18, 2017 Resolution was penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) and concurred in by Associate Justices Sesonando E. Villon and Carmelita Salandanan Manahan of the Former Special Tenth Division, Court of Appeals, Manila.

⁵ *Id.* at 8.

⁶ *Id.* at 33.

⁷ *Id.* at 34.

⁸ *Id.*

As evidence, Ang-Yu presented her testimony, and the testimonies of clinical psychologist Dr. Natividad A. Dayan (Dr. Dayan) and their family driver, July David (David).⁹

Her evidence showed that in 1988, Ang-Yu met Yu who was an electronic parts supplier at her father's shop. They had their civil wedding ceremony in the City of Manila on April 7, 1992 and April 20, 1992.¹⁰ They also celebrated a church wedding on April 10, 1994.¹¹ The couple had two children together.¹²

Ang-Yu explained that during their marriage, Yu started to show signs of instability and being a "mama's boy" as a result of letting his mother control and dictate him.¹³ Consequently, it was Ang-Yu who made crucial and everyday decisions for the family.¹⁴

Moreover, Yu's mother, who lived with the couple, interfered with family matters and convinced Ang-Yu to give up her profession as a dentist. Instead, to win her mother-in-law's approval, Ang-Yu helped in their family cellphone business.¹⁵ Through Ang-Yu's efforts, their family business flourished, but her mother-in-law accused her of stealing and wanted her removed from the business.¹⁶ Out of fear of his mother, Yu never stood up for his wife.¹⁷

Ang-Yu then established and succeeded in her own cellphone accessory business.¹⁸ However, Yu's mother grew envious and directed him to compel Ang-Yu to give up the business, to which Ang-Yu gave in.¹⁹

Ang-Yu found out through David that her husband was having illicit affairs with helpers in their household.²⁰ Yu even directed David to transfer money to May Gumapon, one of their former house helpers, who was in Cebu.²¹ David also attested to Yu's habit of engaging the services of sex workers through massage parlors.²²

Despite Yu's transgressions, Ang-Yu tried to save their marriage and

⁹ Id.
¹⁰ Id.
¹¹ Id.
¹² Id.
¹³ Id.
¹⁴ Id.
¹⁵ Id. 34-35.
¹⁶ Id. at 35.
¹⁷ Id.
¹⁸ Id.
¹⁹ Id.
²⁰ Id.
²¹ Id.
²² Id.

discussed her differences with her husband.²³ However, Yu ignored her concerns and even verbally abused her.²⁴

Ang-Yu then sought the advice of Dr. Dayan, a clinical psychologist, who concluded that Yu had Dependent Personality Disorder, rendering him psychologically incapacitated to perform his marital obligations.²⁵ This condition was seen in his “overdependence on others, initiative deficit, difficulty in making everyday decisions, submissive and clinging behaviors as well as seeking another relationship as a source of support and care when a relationship ends[.]”²⁶

Yu denied the claims, pointing out that rather than his psychological incapacity, it was his wife’s lack of affection that caused the failure of their marriage.²⁷ He argues that his love and fealty for his mother did not make him a “mama’s boy[.]”²⁸ He counters that he stood up for Ang-Yu when, despite demands from his mother, he did not allow a standard company audit of their cellphone business.²⁹ Contrary to Ang-Yu’s narration, they consulted each other and made family decisions together.³⁰

Yu also denied that he failed to make any effort to save his marriage.³¹ He said that he was the first to initiate their reconciliation whenever they had arguments and misunderstandings.³² He admitted that he went to massage parlors, but only upon the invitation of his friends.³³ He likewise admitted that he went to motels during the marriage, but only for his work as a photographer.³⁴ Moreover, Yu pointed out that he had filed an adultery case against Ang-Yu after discovering she had an extra-marital affair.³⁵ However, he executed an affidavit of desistance to save the marriage.³⁶

In its February 25, 2014 Decision,³⁷ the Regional Trial Court dismissed the petition. The dispositive portion reads:

WHEREFORE the Court renders judgment DISMISSING the petition to declare the marriage of the parties void on the ground of psychological incapacity.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id. at 34.

²⁸ Id. at 36.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 116–119. The Decision was penned by Presiding Judge Rico Sebastian D. Liwanag of Branch 136, Regional Trial Court, Makati City.

IT IS SO ORDERED.³⁸

In the assailed Decision, the Court of Appeals affirmed the Regional Trial Court's findings and upheld the validity of the marriage. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the instant Appeal is DENIED. Accordingly, the assailed Decision dated 25 February 2014 and Order dated 14 April 2014, issued by Branch 136 of the Regional Trial Court of Makati City, are hereby AFFIRMED *in toto*.

SO ORDERED.³⁹

The Court of Appeals emphasized that dissatisfaction in a marriage does not make it null and void.⁴⁰ While Yu may have struggled to perform his marital obligations, this does not necessarily mean that he is psychologically incapacitated under Article 36 of the Family Code.⁴¹ To declare the nullity of a marriage on the ground of psychological incapacity, it must be shown that the psychological illness made the party completely unable to fulfill the essential obligations of marriage.⁴²

The Court of Appeals also agreed with the Regional Trial Court's finding that Dr. Dayan's expert analysis was "clearly based solely on the facts supplied to her by [Ang-Yu] and the latter's witnesses, without any disinterested party, preferably from [Yu's] side, who could have corroborated or verified the pieces of information given by them to Dr. Dayan."⁴³

Afterwards, Ang-Yu moved for reconsideration. In its October 18, 2017 Resolution,⁴⁴ the Court of Appeals denied the motion upon finding that the arguments raised were already resolved in its prior Decision.

Hence, this Petition for Review on Certiorari.

Petitioner Dr. Mary Ann Ang-Yu argues that Dr. Dayan's failure to personally examine respondent Freddie L. Yu does not render the psychological assessment inadmissible. Verily, Dr. Dayan tried to personally examine respondent, but it was respondent who refused to participate.⁴⁵

³⁸ Id. at 119.

³⁹ Id. at 43.

⁴⁰ Id. at 40.

⁴¹ Id. at 41.

⁴² Id.

⁴³ Id. at pp. 41-42.

⁴⁴ Id. at 46-47.

⁴⁵ Id. at 11-12.

Petitioner further maintains that respondent's inability to independently make decisions shows that he is psychologically incapacitated to fulfill the obligations of marriage. This was established by the totality of evidence presented during trial.⁴⁶ Petitioner argues that Dr. Dayan's testimony established that "respondent is psychologically incapacitated to perform his marital obligations."⁴⁷ Further:

There is no question that respondent is suffering from over dependent personality disorder as shown by his being a 'mama's boy' and allowing himself to be dominated by his mother. Said condition is a serious, grave, incurable and such personality disorder is existing prior to the marriage. Dr. Dayan sufficiently explained the root cause of respondent's psychological incapacity.⁴⁸

Respondent counters that Dr. Dayan's testimony was mainly based on information given by petitioner.⁴⁹ The other persons she examined "merely claimed that respondent is a 'happy go lucky' person and verbally abusive towards petitioner," and these did not establish his psychological incapacity. These other persons were not even presented as witnesses during trial to confirm the information they gave to Dr. Dayan.⁵⁰

Finally, respondent argues that the totality of petitioner's evidence only showed grounds for legal separation, and not for the declaration of the marriage's nullity. He maintains that an unsatisfactory marriage is not null and void.⁵¹

The issue for this Court's resolution is whether or not the Court of Appeals erred in affirming the Regional Trial Court's dismissal of the Petition for Declaration of Nullity of Marriage.

The Petition is granted.

Psychological incapacity is a ground to declare the nullity of a marriage. Article 36 of the Family Code provides:

ARTICLE 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

⁴⁶ Id. at 21-28.

⁴⁷ Id. at 14.

⁴⁸ Id.

⁴⁹ Id. at 217.

⁵⁰ Id. at 218.

⁵¹ Id. at 221-222.

Under this ground, a party must prove three things: (1) juridical antecedence; (2) incurability; and (3) gravity of the psychological incapacity.⁵²

These essential requirements have developed under jurisprudence throughout the years. More notably, *Republic v. Molina*⁵³ laid down guidelines on how courts should interpret and apply the provision. These guidelines, however, proved to be too stringent, contrary to the nature of psychological incapacity as a ground for declaring a marriage's nullity.

Learning from these unintended consequences of having strict guidelines, this Court in *Tan-Andal v. Andal*⁵⁴ resolved to modify some aspects of the *Molina* guidelines to make the remedy of psychological incapacity under Article 36 more accessible and true to its purpose. Each case must be evaluated on its own, since no two people's relationships can be considered to be identical. More so, it would be incorrect to use rigid rules like in the case of *Molina* to determine how to evaluate the circumstances surrounding a marriage.

Specifically on the requirement of incurability, *Tan-Andal* deviated from the idea that psychological incapacity is a medical condition and, therefore, medically incurable.⁵⁵ In its legal conception, the condition is not an illness that needs to be cured. It is sufficient, so long as:

[T]he incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of marriage.⁵⁶

Moreover, this Court categorically abandoned the previous requirement of expert testimony to establish psychological incapacity:

In light of the foregoing, this Court now categorically abandons the second *Molina* guideline. Psychological incapacity is *neither* a mental incapacity *nor* a personality disorder that must be proven through expert opinion. There must be proof, however, of the durable or enduring aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.⁵⁷

⁵² *Santos v. Court of Appeals*, 310 Phil. 21 (1995) [Per J. Vitug, En Banc].

⁵³ *Republic v. Molina*, 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

⁵⁴ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, En Banc].

⁵⁵ *Id.*

⁵⁶ *Id.* at 33.

⁵⁷ *Id.* at 31.

Nevertheless, this pronouncement does not preclude the finding of psychological incapacity based on testimonial evidence of a professional. *Tan-Andal* removed expert testimony only as a requirement under the *Molina* guidelines, but it did not remove the probative value of such testimonies. While personality disorders and psychological incapacity are separate medical and legal concepts, they are not mutually exclusive.

Thus, it is possible to determine a person's psychological incapacity through expert testimony or other means, as it can be shown through dysfunctional acts that affect the family, making it impossible for the person to fulfill their essential marital obligations.⁵⁸

The respondent in *Tan-Andal* was likewise not examined by the physician-psychiatrist, Dr. Garcia, who collected data from her interviews with the petitioner, her daughter, and her sister. From these, she concluded that respondent suffered from a personality disorder which also rendered him incapable of performing his essential marital obligations. *Tan-Andal* further held that “[o]rdinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on the behaviors that they have consistently observed from the supposedly incapacitated spouse.”⁵⁹

Indeed, in *Marcos v. Marcos*⁶⁰—a case decided after *Molina*—this Court has already held that the evidence presented by all parties is sufficient to establish psychological incapacity without the need for a party to undergo medical examination.⁶¹ However, this rule was inconsistently applied, and it was only in *Tan-Andal* where this Court categorically declared that expert opinion is not necessary to prove psychological incapacity, finally abandoning the guideline in *Molina*.⁶²

Psychological incapacity “is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.”⁶³ Thus, the Court of Appeals’ characterization that psychological incapacity is 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”⁶⁴ is no longer accurate.⁶⁵

⁵⁸ Id.

⁵⁹ Id. at 32.

⁶⁰ 397 Phil. 840 (2000) [Per J. Panganiban, Third Division].

⁶¹ Id.

⁶² *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, *En Banc*].

⁶³ Id. at 40.

⁶⁴ Id. at 21. Citing *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995) [Per J. Vitug, *En Banc*].

⁶⁵ *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, *En Banc*].

Here, Dr. Dayan found that respondent exhibited “overdependence on others, initiative deficit, difficulty in making everyday decisions, submissive and clinging behaviors, and seeking another relationship as a source of support and care when a relationship ends.”⁶⁶ Respondent is unable to make decisions on his own, especially when it comes to saying no to his mother.⁶⁷ As a result, respondent could not remain loyal to his wife as he remained more loyal to his mother.

According to Dr. Dayan’s testimony, respondent’s overdependence and overattachment to his mother are ingrained traits of his that prevent him from fulfilling his marital obligations.⁶⁸ These behaviors were formed during his early years. “With the death of his father when he was still very young, [respondent’s] mother played a very significant role in his upbringing and he was always at her beck and call.”⁶⁹

Thus, this Court finds that respondent’s psychological incapacity was sufficiently established by clear and convincing evidence. Dr. Dayan’s testimony showed the aspects of respondent’s personality structure that prevent him from fulfilling his essential marital obligations. It is immaterial that he was also diagnosed with Dependent Personality Disorder, because it is the specific acts of dysfunctionality that render him psychologically incapacitated. This condition has juridical antecedence because its causes and manifestations existed even prior to the celebration of marriage. Therefore, the marriage between petitioner and respondent is null and void.

FOR THESE REASONS, the Petition is **GRANTED**. The Court of Appeals April 11, 2017 Decision and October 18, 2017 Resolution in CA-G.R. CV No. 102638 are **REVERSED** and **SET ASIDE**. The marriage between petitioner Dr. Mary Ann Ang-Yu and respondent Freddie Yu is declared **NULL AND VOID**.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
29 NOV 2022

⁶⁶ *Rollo*, p. 5.

⁶⁷ *Id.* at 18.

⁶⁸ *Id.* at 19–20.

⁶⁹ *Id.* at 15.

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 136
1200 Makati City
(Civil Case No. 11-024)

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