



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 17, 2022, which reads as follows:

“G.R. No. 253644 (*Lani Elena Abaño-Bate v. Republic of the Philippines and Mario T. Bate, Jr.*). – The Court NOTES petitioner’s reply to the Office of the Solicitor General’s comment on the petition for review on *certiorari*.

This resolves the Petition for Review on *Certiorari*¹ filed by petitioner Lani Elena Abaño-Bate (Lani), praying for the reversal of the January 10, 2020 Decision² and the August 27, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 112670. The CA affirmed the August 7, 2018 Decision⁴ of the Regional Trial Court (RTC) of Malolos, Bulacan Branch 18, denying her petition for declaration of nullity of marriage.

Antecedents

On December 9, 2004, Lani and respondent Mario T. Bate, Jr. (Mario) were married at the Manila City Hall. On December 24, 2004, Lani gave birth to their twin sons, Mario Oliver A. Bate and Mario Odes A. Bate.⁵

A few months after their wedding, Lani noticed changes in Mario’s behavior. He became more secretive, and started avoiding emotional interactions. As a father, he was uncaring towards their children, and was even harsh to them. Then, when the children grew older, Mario became physically aggressive towards them. In one instance, Lani saw Mario slap one of their children. She tried to convince Mario to be a more loving father, yet her efforts proved futile.⁶

¹ *Rollo*, pp. 3-16.

² *Id.* at 22-37; penned by Associate Justice Marlene B. Gonzales-Sison, with Associate Justices Maria Elisa Sempio-Diy and Walter S. Ong, concurring.

³ *Id.* at 61-62.

⁴ *Id.* at 38-51; penned by Presiding Judge Victoria C. Fernandez-Bernardo.

⁵ *Id.* at 23.

⁶ *Id.*

Despite Mario's indifferent attitude, on August 16, 2008, the couple celebrated their church wedding at the Good Shepherd Church.⁷

In January 2009, Mario opened his own brokerage firm in Dasmariñas, Cavite. He spent most of his time at the brokerage.⁸

In May 2009, Lani received text messages from unknown sources about Mario's affairs with a sales agent and a client at the brokerage.⁹ Lani confronted Mario about the messages, yet the latter merely kept mum.¹⁰ He simply promised to fire his staff, and to stop communicating with the client.¹¹

Then, on January 2010 to March 2010, Lani again received text messages from unknown sources saying that Mario was in a new relationship with another client of the brokerage. Mario did not deny or confirm the illicit affair, and simply kept silent.¹²

From April to December 2010, Mario frequently went out of town and out of the country with his new girlfriend. He would conceal his gallivanting by concocting different lies. He would also use Lani's money for his womanizing.¹³

Fed up with Mario's philandering, Lani ordered him to move out of their conjugal dwelling. However, he pleaded to be allowed to stay until December 2010 in order to find his own place. Meanwhile, Lani left the conjugal home, and had it renovated.¹⁴ Despite the ongoing construction, Mario continued staying in one of the bedrooms. His refusal to leave caused delays in the construction. Likewise, Mario was constantly irked by the construction noises, and was aggressive towards the workers.¹⁵

At around the third week of March 2011, the renovations at the conjugal dwelling were almost completed. Thus, Lani texted Mario to leave the house, yet he refused.¹⁶

7 Id.
8 Id. at 24.
9 Id.
10 Id.
11 Id.
12 Id.
13 Id.
14 Id.
15 Id. at 25.
16 Id.

On March 26, 2011, Lani was on her way out of the subdivision when Mario suddenly blocked her car. This prompted her driver to swerve the car to the side of the road to avoid colliding with Mario's vehicle.¹⁷

Then, from April 2011 to May 2011, Mario caused damage to the conjugal home, and kicked and shouted at the construction workers, which caused further delays in the renovation.¹⁸

Lani and Mario have not been in communication since 2011.¹⁹

On May 21, 2013, Lani consulted clinical psychologist Dr. Nedy L. Tayag (Dr. Tayag) about her marital problems. Dr. Tayag interviewed Lani and her friend Elizabeth Elmidor (Elizabeth). She also invited Mario for a psychiatric interview and examination, but the latter refused.²⁰ Using information gathered from Lani and Elizabeth, Dr. Tayag diagnosed Mario to be suffering from Antisocial Personality Disorder.²¹ She noted that Mario has a pervasive pattern of being aggressive, lacks empathy, and is easily provoked by the situation, and behaves in impulsive ways to express his anger towards others. She also observed that he does not respect his marital commitment, and is a deceitful person who can create lies and distort the truth to suit his desires. She further characterized Mario's personality disorder as marked by juridical antecedence, grave, serious, chronic, severe, and incurable by any form of treatment.²² She explained that said disorder is deeply rooted as it is already in his character, and was developed from his childhood experiences.²³

On December 5, 2013, Lani filed a Petition for Declaration of Nullity of Marriage with the RTC.²⁴

Ruling of the RTC

On August 7, 2018, the RTC²⁵ denied the petition for nullity of marriage. The RTC held that the totality of evidence does not support a finding that Mario is psychologically incapacitated to fulfill his marital obligations. The RTC dismissed Dr. Tayag's report as unscientific and

¹⁷ Id.
¹⁸ Id. at 25-26.
¹⁹ Id. at 26.
²⁰ Id. at 26.
²¹ Id.
²² Id. at 26-28.
²³ Id. at 28.
²⁴ Id. at 23.
²⁵ Id. at 38-51.

unreliable in view of the fact that her findings were merely based on interviews with Lani and Elizabeth. The RTC decreed as follows:

WHEREFORE, there being no clear showing that [Mario] is psychologically incapacitated to comply with the essential marital obligations of marriage, let this case be **DISMISSED** as it is hereby dismissed

The marriage of petitioner Lani Elena M. Abaño to respondent Mario T. Bate, Jr. remains valid and subsisting.

SO ORDERED.²⁶ (Emphasis in the original)

Aggrieved, Lani filed an appeal.

Ruling of the CA

In a Decision²⁷ dated January 10, 2020, the CA agreed with the RTC's finding that Lani failed to prove Mario's psychological incapacity to perform his essential marital obligations. It observed that Dr. Tayag's medical report on Mario's personality disorder was based on Lani's and Elizabeth's narrations, which are subjective and self-serving. Likewise, it ratiocinated that Lani's testimony merely contained general statements on the supposed manifestations of Mario's incapacity. Also, it remarked that Mario's infidelity does not appear to be symptomatic of a grave psychological disorder which renders him incapable of performing his spousal obligations.

The dispositive portion of the CA ruling reads:

WHEREFORE, premises considered, the instant appeal is **DISMISSED** for lack of merit. The Decision dated August 7, 2018 of the Regional Trial Court, Branch 18, Malolos City, Bulacan, in Civil Case No. 697-M-2013 is hereby **AFFIRMED**.

SO ORDERED.²⁸ (Emphases in the original)

Dissatisfied with the ruling, Lani sought reconsideration, which was denied in the CA's August 27, 2020 Resolution.²⁹

²⁶ Id. at 51.

²⁷ Id. at 22-37.

²⁸ Id. at 36.

²⁹ Id. at 61-62.

Undeterred, Lani filed the instant Petition for Review on *Certiorari*.³⁰

Issue

The crux of the case is whether or not Mario is psychologically incapacitated to perform his marital obligations under Article 36 of the Family Code.

Praying for the dissolution of her marriage, Lani asserts that she established Mario's psychological incapacity by a preponderance of evidence.³¹ She laments that the RTC and the CA erred in refusing to give credence to Dr. Tayag's Medical Report. She insists that the law and jurisprudence do not require the psychologically incapacitated spouse to be personally examined by the psychiatrist.³² She maintains that Mario was found to be suffering from Antisocial Personality Disorder,³³ which was characterized by juridical antecedence, and found to have existed prior to their marriage.³⁴ She urges that Mario's personality disorder is connected to the assumption of his marital obligations.³⁵

On the other hand, the Republic of the Philippines, through the Office of the Solicitor General, counters that Lani failed to prove Mario's psychological incapacity, to warrant the declaration of nullity of their marriage.³⁶ It retorts that Dr. Tayag's report is entirely bereft of sufficient proof to substantiate her bare conclusion that Mario is afflicted with Antisocial Personality Disorder. Similarly, it avers that Dr. Tayag's report is based on the incomplete and biased testimonies of Lani and Elizabeth, who are not impartial sources.³⁷ Moreover, it avows that that the findings of the RTC regarding the existence or non-existence of a party's psychological incapacity should be final and binding, sans proof that the evidence and evaluation of the witness' testimonies are manifestly erroneous.³⁸ Finally, it ripostes that conflicts between spouses, violence, emotional immaturity, and sexual infidelity do not prove psychological incapacity.³⁹

³⁰ Id. at 3-16.
³¹ Id. at 15-16.
³² Id. at 10.
³³ Id. at 12.
³⁴ Id.
³⁵ Id.
³⁶ Id. at 84.
³⁷ Id. at 77.
³⁸ Id. at 74.
³⁹ Id. at 78.

Ruling of the Court

The petition is bereft of merit.

The Constitution exhorts that “[m]arriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.”⁴⁰ To protect the sanctity of marriage, the State allows its dissolution only for the most stringent cases warranted under the law. One of which, is the psychological incapacity of one of the spouses, as provided in Article 36 of the Family Code, *viz.*:

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

A party’s psychological incapacity to fulfill his or her essential marital obligations renders the marriage void *ab initio*. In 2021, the Court recognized a pressing need to restate the current doctrines on psychological incapacity, in view of the changing times. Thus, as clarified in *Rosanna Tan-Andal v. Mario Victor Andal*,⁴¹ (*Tan-Andal*) psychological incapacity is neither a mental incapacity nor a personality disorder, but pertains to “durable or enduring aspects of a person’s personality, called ‘personality structure,’ which manifests itself through clear acts of dysfunctionality that undermines the family.”⁴² In turn, “the spouses’ personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.”⁴³ *Tan-Andal*⁴⁴ further laid the following guidelines in resolving cases for declaration of nullity of marriage:

- (i) The standard of proof is clear and convincing evidence;
- (ii) Psychological incapacity pertains to durable or enduring aspects of the spouses’ personality structure that presents itself through clear acts of dysfunctionality that undermines the family. The spouse’s personality structure must render it impossible for him or her to understand and comply with his or her essential marital obligations;

⁴⁰ CONSTITUTION, Article XV, Section 2.

⁴¹ G.R. No. 196359, May 11, 2021.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

- (iii) Juridical Antecedence must still be proven;
- (iv) Incurability shall be understood with reference to a particular partner. It contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic, and will result in the certain breakdown of their marriage;
- (v) Gravity does not necessarily pertain to a serious or dangerous illness. However, it cannot simply refer to "mild characterological peculiarities, mood changes, occasional emotional outbursts, x x x or a mere 'refusal, neglect, or difficulty, much less ill will.'" The incapacity must be caused by a genuinely serious psychic cause;
- (vi) Psychological incapacity generally pertains to the inability to fulfill the spouses' essential marital obligations. It includes the inability to perform the spouses' familial obligations, only if such failure is of a grievous nature that it reflects on the capacity of one of the spouses for marriage; and
- (vii) The decisions of the National Appellate Matrimonial Tribunal of the Catholic Church of the Philippines remain persuasive, but are not completely binding on secular courts.⁴⁵

Based on the foregoing guidelines, Lani failed to prove Mario's purported psychological incapacity through clear and convincing evidence.

Lani's evidence regarding Mario's alleged psychological incapacity consists of her testimony, Elizabeth's, and Dr. Tayag's Medical Report.

Dr. Tayag's Medical Report, coupled with Lani's and Elizabeth's testimonies, all failed to prove the juridical antecedence, gravity, and incurability of Mario's psychological incapacity. It is important to stress that proof of the spouse's psychological incapacity need not be given by an expert, but may be elicited through testimonies of ordinary witnesses who have been present in the life of the spouses before their marriage.

⁴⁵ Id.

As illumined in *Tan-Andal*:⁴⁶

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.

Proof of these aspects of personality need not be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.⁴⁷ (Emphasis and underscoring supplied)

Elucidating the rule further, *Puyat v. Puyat*,⁴⁸ laid the caveat that although a confirmatory psychological or psychiatric examination to determine an individual's psychological incapacity is not required to establish psychological incapacity, still, the evidence presented by the plaintiff-spouse must meet the standard of clear and convincing evidence. In *Puyat*,⁴⁹ the Court refused to give credence to the medical report of the psychiatrist regarding the spouse who was not personally examined. It noted that the medical report which was based on the information supplanted by the plaintiff-spouse and his two sons, hardly satisfies the clear and convincing evidence standard.⁵⁰

In this case, Dr. Tayag assessed Mario to be suffering from Antisocial Personality Disorder. She even concluded that Mario's inability to fulfill his essential marital obligations stems from his childhood experiences, and that his personality condition could be traced back from his formative years.⁵¹ However, these statements, which are aimed at proving juridical antecedence, were not based on testimonies given by persons who had known Mario during his formative years, or who could have provided a more complete and accurate picture of Mario's behavior and development. There was no credible evidence regarding Mario's genetic predispositions and his environment, working in iterative loops of influence that formed his personality.

⁴⁶ Id.
⁴⁷ Id.
⁴⁸ G.R. No. 181614, June 30, 2021.
⁴⁹ Id.
⁵⁰ Id.
⁵¹ *Rollo*, p. 48.

As underscored in *Tan-Andal*,⁵² proof of juridical antecedence is imperative in all cases for declaration of nullity of marriage:

Difficult to prove as it may be, a party to a nullity case is still required to prove juridical antecedence because it is an explicit requirement of the law. Article 36 is clear that the psychological incapacity must be existing “at the time of the celebration” of the marriage, “even if such incapacity becomes manifest only after its solemnization.” This distinguishes psychological incapacity from divorce. Divorce severs a marital tie for causes, psychological or otherwise, that may have developed after the marriage celebration.

According to Dean Estrada-Claudio, “it is an accepted principle of all major and recognized theoretical schools within psychology that a person’s behavior is determined by the interaction of certain genetic predispositions and by his or her environment, working in iterative loops of influence.” From this, proof of juridically antecedent psychological incapacity may consist of testimonies describing the environment where the supposedly incapacitated spouse lived that may have led to a particular behavior. For instance, violence against one’s spouse and children can be a manifestation of juridically antecedent psychological incapacity when it is shown that the violent spouse grew up with domestic violence or had a history of abusive romantic relationships before the marriage.⁵³ (Citation omitted)

The same observation applies with regard to the gravity and incurability of Mario’s psychological incapacity, which were not proven.

It is further noted that Lani’s claim regarding Mario’s infidelity was unsubstantiated and based on information derived from other sources. Lani related that she discovered Mario’s philandering through text messages sent to her by unidentified sources, and in one instance, from the report of her father-in-law. Likewise, she related that when she confronted Mario about his alleged affairs, the latter neither confirmed nor denied said reports, and remained mum. Hence, Lani had no first-hand knowledge of Mario’s womanizing.

The same holds true with respect to Lani’s allegation that Mario was violent towards her, her children and the carpenters. Actually, Lani never experienced any act of violence from Mario. The only violent episode she harps on is when Mario blocked her vehicle while she was on her way out of the subdivision. Such actuation does not evince a deeply troubled violent personality. Other than this one instance, she did not relate any particular event when she experienced physical aggression from him.

⁵² Supra note 41.

⁵³ Id.

Moreover, Lani's assertion that Mario was physically aggressive towards their children was merely based on the narration of their house-help, aside from the single incident when she allegedly saw him slap one of their children. Furthermore, the statement that Mario was belligerent towards the carpenters was merely based on stories told to her. Thus, Lani had no first-hand information regarding Mario's supposed aggression.

Even assuming that Mario was a philanderer and aggressive, it was not established that these personality traits are durable or enduring aspects of his personality structure, that constitute a dysfunctionality that undermines his family. Neither was it shown that his alleged personality structure made it impossible for him to understand and comply with his essential marital obligations. At best, they seem more like triggered emotional outbursts, and a refusal, neglect, or difficulty to perform his marital obligation to observe mutual love, respect and fidelity towards Lani.

All told, the Court commiserates with Lani's marital woes. However, Mario's acts, although exasperating and difficult as they may be, do not rise to the level of psychological incapacity as defined by law and jurisprudence. Lani failed to prove by clear and convincing evidence that Mario was incapable of performing his essential marital obligations due to a psychological incapacity characterized by gravity, juridical antecedence, and incurability. Failing in this regard, the Court must protect the sanctity of their marriage, as mandated by the Constitution.

WHEREFORE, premises considered, the petition is **DENIED for lack of merit**. Accordingly, the January 10, 2020 Decision and the August 27, 2020 Resolution of the Court of Appeals in CA-G.R. CV No. 112670 are **AFFIRMED**.

SO ORDERED."

By authority of the Court:

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The Presiding Judge
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(Civil Case No. 697-M-2013)

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