



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 26, 2023, which reads as follows:

“G.R. Nos. 240978 (*Marilyn Talingdan – Te v. Camilo G. Te, Jr.*) and 241447 (*Republic of the Philippines v. Camilo G. Te, Jr.*). — Before the Court are consolidated *Petitions for Review on Certiorari*¹ assailing the *Decision*² and the *Resolution*³ of the Court of Appeals in CA-G.R. CV No.106673, which reversed the *Decision*⁴ and the *Order*⁵ of the Regional Trial Court of Pasig City, Branch 162, in JDRC No. 9590-SJ and declared the marriage of Camilo G. Te, Jr. (Camilo) and Marilyn Talingdan-Te (Marilyn) null and void *ab initio* on the ground of psychological incapacity pursuant to Article 36 of the Family Code of the Philippines (Family Code), as amended.⁶

The salient precursor facts are as follows:

Camilo and Marilyn first met when they were working as resident doctors at the Philippine General Hospital in 2004. Ensuingly, they were married⁷ on June 10, 2006 at St. Vincent De Paul Parish Church in Ermita, Manila and were blessed with one daughter, Caitlin Denise Te, on October 16, 2006.⁸

Immediately after finishing their residency at the Philippine General Hospital, Marilyn took up her fellowship in Gastroenterology. Camilo, on the other hand, opted to postpone his fellowship in Cardiology for a year and worked as a physician at the Wellness Center of The Medical City to earn for

¹ *Rollo* (G.R. No. 240978), pp. 10-29; *rollo* (G.R. No. 241447), pp. 12-28.

² *Rollo* (G.R. No. 241447), pp. 30-43. This Decision dated January 17, 2018 was penned by Associate Justice Socorro B. Inting, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Rafael Antonio M. Santos.

³ *Id.* at 46-47a. This Resolution dated July 12, 2018 was penned by Associate Justice Apolinario D. Bruselas, Jr., with the concurrence of Associate Justices Amy C. Lazaro-Javier (now a Member of this Court) and Rafael Antonio M. Santos.

⁴ *Id.* at 48-54. The Decision dated January 6, 2016 was penned by Judge Cesar Pabel D. Sulit.

⁵ *Id.* at 67-68.

⁶ 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.

⁷ *Rollo*, (G.R. No. 241447), p. 65. See Certificate of Marriage.

⁸ *Id.* at 66. See Certificate of Live Birth.

his family. During this period, however, the couple's relationship turned sour. According to Camilo, they often argued about his work schedule as Marilyn did not want him to work longer hours in the hospital. Moreover, Marilyn would not allow him to hang out and play basketball with his friends.⁹

Upon the completion of Marilyn's fellowship, Camilo purportedly thought that Marilyn would put more effort in pampering and serving him, most especially when he comes home tired from his training. But to his dismay, Marilyn hardly took care of his needs such that, whenever he came home from work, Marilyn "would just ignore his knocks on the door, left him with the things he needed to do at home and would not even join him for dinner or even breakfast. Worse, sometimes there was no food on the table at all."¹⁰

Feeling neglected by his wife, Camilo began seeing other women from work. In 2009, Marilyn discovered Camilo's extra-marital affairs and demanded that the latter leave their house. Camilo spent the next two nights in the hospital but eventually returned home and pleaded with Marilyn for another chance. Marilyn accepted Camilo back, however, their reconciliation was short-lived. The couple experienced more frequent and bitter fights, some in the presence of their minor daughter. In December 2009, Marilyn asked Camilo to leave, and they have been separated ever since.¹¹

On July 12, 2012, Camilo filed a petition for declaration of nullity of marriage¹² before the Regional Trial Court of Pasig City on the ground of his and Marilyn's psychological incapacity to assume and comply with the essential obligations of marriage.

During trial, Camilo¹³ testified on his own behalf, which testimony was corroborated by his mother, Maria Rosario Te.¹⁴ Dr. Natividad A. Dayan (Dr. Dayan) also testified and affirmed the contents of her Judicial Affidavit,¹⁵ the pertinent portion thereof is quoted hereunder:

Q37: In respect **Dr. Camilo Te, Jr.** (*sic*) what is the root cause of his psychological incapacity?

A37: Ma'am, I found him suffering from a **Personality Disorder Not Otherwise Specified- Narcissistic and Passive-Aggressive Personality Disorders** which are the root causes of his psychological incapacity.

Q38: In layman's terms, can you please explain to us these disorders?

A38: Narcissistic Personality Disorder is a pervasive pattern of grandiosity and self-centeredness. Passive-Aggressive Personality

⁹ Id. at 57-58.

¹⁰ Id. at 58.

¹¹ Id. at 58-59.

¹² Id. at 55-64.

¹³ *Rollo* (G.R. No. 240978), pp. 103-111; see Judicial Affidavit dated May 17, 2013.

¹⁴ Id. at 112-115; see Judicial Affidavit dated June 14, 2013.

¹⁵ Id. at 123-130; see Judicial Affidavit dated October 9, 2013.

Disorder is a pervasive pattern of negativistic attitudes and passive resistance to demands for adequate performance.

Q39: What are the manifestations of these disorders?

A39: Ma'am, the manifestations I found on Dr. Camilo Te, Jr. are his sense of entitlement, lack of empathy, affectivity deficit, behavioural apathy, interpersonal ambivalence, his complaints of being misunderstood and unappreciated by others, his negativism alternating between being defiantly hostile and remorsefully apologetic, his lack for (*sic*) desire for close relationships, his choice of solitary activities, his excessive devotion to work and productivity to the exclusion of family activities, his rigidity and stubbornness, and reluctance to delegate tasks or work with others unless they submit exactly to his way of doing things.¹⁶

x x x x

Q52: Ms. Witness, you earlier mentioned that the disorders of Dr. Camilo Te, Jr. make him psychologically incapacitated to understand, assume and discharge essential marital obligations. Can you please explain the juridical antecedence of these disorders?

A52: Ma'am, the juridical antecedents of Dr. Camilo Te, Jr.'s psychological incapacity had been established and is rooted on a pre-existing personality disorder and had existed at the time of, and even prior to, the celebration of the marriage.

Q53: Why do you say that?

A53: Ma'am, growing up with high-achieving parents, Dr. Camilo Te, Jr. and his siblings were expected to achieve and excel in their fields. Though seen by his parents as a compliant son, Dr. Camilo Te, Jr. had his own rebellion. He was also indecisive and could not make-up his mind as shown by him having second thoughts a few weeks before the wedding whether to push through with it or not.¹⁷

x x x x

Q56: In terms of gravity and pervasiveness, how do classify (*sic*) the psychological incapacity of Dr. Camilo Te, Jr.?

A56: Ma'am, the gravity and pervasiveness of the psychological incapacity of Dr. Camilo Te, Jr. is unquestionable, as it has effectively rendered him incapacitated to assume his marital obligations, such as to observe love, respect, and render mutual support and for this, he has caused tremendous pain and emotional distress on his wife.

Q57: Now in respect incurability (*sic*), how do you classify the psychological incapacity of Dr. Camilo Te, Jr.?

A57: Ma'am, Dr. Camilo Te, Jr.'s psychological incapacity which is rooted on his pre-existing personality disorders, is incurable. Such personality disorder, which started to develop in his early childhood and steadily progressed in his adult life as shown in his attitude and behavior, has no known medical cure. The long history of his behavioral pattern likewise negates a likelihood of reversal.

¹⁶ Id. at 123.

¹⁷ Id. at 125.

Q58: And in respect **Dr. Marilyn Talingdan-Te**, what is the root cause of her psychological incapacity?

A58: Ma'am, I found her suffering from a **Narcissistic Personality Disorder with Histrionic features** which is the root cause of her psychological incapacity.

Q59: In layman's terms, can you please explain to us this disorder?

A59: Narcissistic Disorder is a pervasive pattern of grandiosity and self-centeredness coupled with excessive emotionality and attention-seeking behaviors.

Q60: What are the manifestations of this disorder?

A60: Ma'am, the manifestations I found on Dr. Marilyn Talingdan-Te are her sense of entitlement; lack of empathy, pathological self-centeredness, arrogance and haughty behaviors or attitudes, her preoccupation with fantasies of unlimited success, power and ideal love, her showing of self-dramatization and exaggerated expression of emotion and her attention-seeking behavior.¹⁸

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Q69: Ms. Witness, you earlier mentioned that the psychological disorder of Dr. Marilyn Talingdan-Te made her psychologically incapacitated to understand, assume and discharge essential marital obligations. Can you please explain the juridical antecedence of this psychological incapacity?

A69: Ma'am, the juridical antecedence of Dr. Marilyn Talingdan-Te's psychological incapacity had been established thereby supporting my opinion that her psychological incapacity existed at the time of, and even prior to, the celebration of the marriage.

Q70: Why do you say that?

A70: Ma'am, Dr. Marilyn's pathogenic family background had predisposed her to her personality disorder. From her family of origin, Dr. Marilyn Talingdan-Te was indulged by her parents, particularly her father. She was her father's favorite child. With her mother, she tended to be stubborn and defiant. Even when she was already an adult, there were times when she treated her mother in a disrespectful manner. She would scream at her over misplaced things or over petty things. Before she became the girlfriend of Dr. Camilo Te, Jr., Dr. Marilyn Talingdan-Te had the reputation of being a feisty intern and had disagreements with her co-residents.¹⁹

X X X X

Q75: In terms of gravity and pervasiveness, how do classify (*sic*) the psychological incapacity of Dr. Marilyn Talingdan-Te.?

A75: Ma'am, the gravity and pervasiveness of the psychological incapacity of Dr. Marilyn Talingdan-Te is also unquestionable, as it has effectively rendered him (*sic*) incapacitated to assume her marital obligations, such as to observe love, respect, and render mutual support and for this, she has also caused tremendous pain and emotional distress on her husband.

¹⁸ Id. at 125-126.

¹⁹ Id. at 127-128.

- Q76: Now, in respect incurability (*sic*), how do you classify the psychological incapacity of Dr. Marilyn Talingdan-Te?
- A76: Ma'am, Dr. Marilyn Talingdan-Te's psychological incapacity which is rooted on her pre-existing personality disorder, is incurable. Just like in the case of her husband, her personality disorder which also started to develop in her early childhood and steadily progressed in her adult life as shown in her attitude and behavior, has also no known medical cure. The long history of her behavioral pattern likewise negates a likelihood of reversal.
- Q77: Given everything that you have said about the couple, what then is your prognosis with regard to their marriage?
- A77: Prognosis is poor, given the gravity and incurability of the couple's personality disorders which constitute the very root cause of their psychological incapacity for marital obligations.²⁰

Marilyn, on the other hand, countered that she had been a devoted wife and would always look out for her husband. She claimed that their marriage began to fall apart when she discovered Camilo's extra-marital affairs. Nonetheless, they reconciled until Camilo finally decided to end their relationship.²¹

The Regional Trial Court, in its Decision,²² denied the petition. It held that Camilo failed to prove that he and Marilyn were suffering from psychological incapacity within the contemplation of Article 36 of the Family Code. Camilo's portrayal of Marilyn as "*masungit*" and a wife who hardly took care of the needs of her husband, if at all true, were too shallow and superficial. The trial court opined that Camilo wanted to nullify his marriage with Marilyn simply because he was no longer happy with her.²³

Camilo moved for reconsideration,²⁴ but the same was denied.²⁵ Disgruntled, Camilo elevated the case to the Court of Appeals.²⁶

In the assailed *Decision*,²⁷ the Court of Appeals granted Camilo's appeal and reversed the Decision of the Regional Trial Court. Hinged on the expert opinion of Dr. Dayan, the appellate court was convinced that both Camilo and Marilyn were psychologically unfit to discharge the duties expected of them as husband and wife, and that the same already existed at the inception of their marriage.²⁸ The dispositive portion reads:

WHEREFORE, the appeal is **GRANTED**. The Decision dated January 6, 2016 and the Order dated February 24, 2016 of the Regional Trial

²⁰ Id. at 129.

²¹ Id. at 337-342; see Judicial Affidavit dated August 14, 2014.

²² *Rollo* (G.R. No. 241447), pp. 48-54.

²³ Id. at 51-52.

²⁴ *Rollo* (G.R. No. 240978), pp. 416-430.

²⁵ Id. at 435-437.

²⁶ Id. at 439-461.

²⁷ *Rollo* (G.R. No. 241447), pp. 30-43.

²⁸ Id. at 40.

Court of Pasig City, Branch 162, in JDRC No. 9590-SJ are hereby **REVERSED and SET ASIDE**. In lieu thereof, a new one is entered declaring the marriage between the appellant and appellee as NULL and VOID on ground of psychological incapacity of both parties pursuant to Article 36 of the Family Code, as amended, with all the effects and consequences provided for by all applicable provisions of existing pertinent laws.

Let a copy of this Decision be sent to the Local Civil Registrar of Manila who is directed to CANCEL the marriage of CAMILO G. TE, JR. and MARILYN TALINGDAN-TE.

IT IS SO ORDERED.²⁹

Marilyn and the Republic of the Philippines, through the Office of the Solicitor General, sought reconsideration but both motions were struck down by the Court of Appeals.³⁰

Resolutely defending the sanctity of marriage, Marilyn³¹ and the Republic³² filed their respective petitions. In essence, they maintain that Camilo utterly failed to prove that he and Marilyn are psychologically incapacitated under Article 36 of the Family Code. Furthermore, they argue that the Court of Appeals erred in relying heavily on Dr. Dayan's testimony and psychological report, considering that they were based solely on information coming from a directly interested party.

In opposition,³³ Camilo maintains that his psychological incapacity and that of Marilyn's were clinically identified and sufficiently proven in the proceedings below.

THE COURT'S RULING

The Court shall now resolve the issues raised in the foregoing pleadings in one fell swoop.

Unsatisfactory marriage is not a void marriage. Mere refusal to assume essential marital duties does not constitute psychological incapacity.

The Court *En Banc*, in the 2021 seminal case of *Tan-Andal v. Andal*,³⁴ revisited the concept of psychological incapacity under Article 36 of the Family Code and how through the years, it was invariably interpreted and applied as a medical condition which hinged on mental incapacity or personality disorder. The Court ultimately decreed a reconfigured concept of psychological incapacity, thus:

²⁹ Id. at 42.

³⁰ Id. at 46-47A.

³¹ *Rollo* (G.R. No. 240978), pp. 10-29.

³² *Rollo* (G.R. No. 241447), pp. 12-28.

³³ Id. at 132-142.

³⁴ G.R. No. 196359, May 11, 2021.

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 only 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.

In this way, the intent of the Joint Committee to limit the incapacity to "psychic causes" is fulfilled. Furthermore, there will be no need to label a person as mentally disordered just to obtain a decree of nullity. x x x

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.³⁵

x x x x

Furthermore, not being an illness in a medical sense, psychological incapacity is not something to be cured. And even if it were a mental disorder, it cannot be described in terms of being curable or incurable. x x x

Reading together the deliberations of the Joint Committee and our rulings in *Santos* and *Molina*, we hold that the psychological incapacity contemplated in Article 36 of the Family Code is incurable, not in the medical, but in the legal sense; hence, the third *Molina* guideline is amended accordingly. This means that **the 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 the marriage.** "[A]n undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other."

With respect to gravity, the requirement is retained, not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness, but that **"mild characterological peculiarities, mood changes, occasional emotional outbursts" are excluded.** The

³⁵ Id. at 31-32.

psychological incapacity cannot be mere “refusal, neglect[,] or difficulty, much less ill will.” In other words, it must be shown that the incapacity is caused by a genuinely serious psychic cause.³⁶

X X X X

To summarize, psychological incapacity consists of **clear acts of dysfunctionality** that show a lack of understanding and concomitant compliance with one’s essential marital obligations due to psychic causes. It is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.

As an explicit requirement of the law, the psychological incapacity must be shown to have been existing **at the time of the celebration of the marriage**, and is **caused by a durable aspect of one’s personality structure**, one that was formed before the parties married. Furthermore, it must be shown caused (sic) by a genuinely serious psychic cause. **To prove psychological incapacity, a party must present clear and convincing evidence of its existence.**³⁷ [Emphases supplied; citations omitted]

Putting things in perspective, *Tan Andal* now decisively defines the quantum of evidence required—*clear and convincing evidence*, which is less than proof beyond reasonable doubt (for criminal cases) but greater than preponderance of evidence (for civil cases). The degree of believability is higher than that of an ordinary civil case. Civil cases only require a preponderance of evidence to meet the required burden of proof. This quantum of proof proceeds from the presumption of validity accorded to marriages, which, like all legal presumptions, may be rebutted only by clear and convincing evidence.³⁸

Verily, applying *Tan-Andal*, this Court finds that Camilo was **not** able to prove by clear and convincing evidence that his marriage to Marilyn is void on the ground of psychological incapacity.

To recall, Camilo’s complaints against his wife consist of the following: 1) Marilyn would not want him to work longer hours in the hospital; 2) she would not allow him to hang out and play basketball with his friends; and 3) she would not cater to his needs. While these circumstances evince a troubled marriage, still, they are not ample indicators of psychological incapacity.

Likewise, Camilo’s infidelity avowedly because he felt neglected by his wife, is not a satisfactory proof of psychological incapacity. This Court has already settled that infidelity, by itself, is not sufficient proof that one is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which makes

³⁶ Id. at 33-34

³⁷ Id. at 40.

³⁸ *Fopalan v. Fopalan*, G.R. No. 250287, July 20, 2022.

him/her completely unable to discharge the essential obligations of marriage.³⁹

Furthermore, Dr. Dayan's findings do not relate to Camilo and Marilyn's supposed psychological incapacity prior to the marriage. These findings are as follows:

A53: Ma'am, growing up with high-achieving parents, Dr. Camilo Te, Jr. and his siblings were expected to achieve and excel in their fields. Though seen by his parents as a compliant son, Dr. Camilo Te, Jr. had his own rebellion. He was also indecisive and could not make-up his mind as shown by him having second thoughts a few weeks before the wedding whether to push through with it or not.⁴⁰

A70: Ma'am, Dr. Marilyn's pathogenic family background had predisposed her to her personality disorder. From her family of origin, Dr. Marilyn Talingdan-Te was indulged by her parents, particularly her father. She was her father's favorite child. With her mother, she tended to be stubborn and defiant. Even when she was already an adult, there were times when she treated her mother in a disrespectful manner. She would scream at her over misplaced things or over petty things. Before she became the girlfriend of Dr. Camilo Te, Jr., Dr. Marilyn Talingdan-Te had the reputation of being a feisty intern and had disagreements with her co-residents.⁴¹

In any case, We emphasize that *Tan-Andal* dispensed with the need of a psychological report by an expert witness to prove psychological incapacity. What is important is that the totality of evidence must support a finding of psychological incapacity.

In précis, the marriage of Camilo and Marilyn, *albeit* confronted with shortcomings, is not a null and void marriage. Absent sufficient evidence establishing psychological incapacity within the context of Article 36 of the Family Code, the Court is compelled to uphold the indissolubility of their marital tie.

WHEREFORE, the consolidated petitions are hereby **GRANTED**. The *Decision* dated January 17, 2018 and the *Resolution* dated July 12, 2018 of the Court of Appeals in CA-G.R. CV No.106673 granting the petition for declaration of nullity of marriage of Camilo G. Te, Jr. and Marilyn Talingdan-Te are **REVERSED and SET ASIDE**.

The petition for declaration of nullity of marriage is **DISMISSED** for lack of merit.

³⁹ *Republic v. Tecag*, 843 Phil. 447, 458 (2018).

⁴⁰ *Rollo* (G.R. No. 240978), p. 125; see Judicial Affidavit dated October 9, 2013.

⁴¹ *Id.* at 128.

April 26, 2023

SO ORDERED.” (Inting, J., no part, due to his sister’s (then Court of Appeals [CA] Justice Socorro B. Inting) prior participation in the CA; Lopez, M., J., designated additional Member per Raffle dated December 17, 2019)

By authority of the Court:

^{MisDCC-B-H}
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
_{idbb3}

Atty. Ma. Corazon L. Leynes-Xavier
Counsel for Camilo G. Te, Jr.
Unit 1219, Palace of Makati Condominium
P. Burgos St., 1200 Makati City

COURT OF APPEALS
CA-G.R. CV No. 106673
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

Atty. Charo V. Rejuso-Munsayac
Counsel for Dr. Marilyn Talingdan-Te
Unit UG 22, City and Land Megaplaza
ADB Ave., corner Garnet
Ortigas Center, 1605 Pasig City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 162,
1600 Pasig City
(JDRC Case No. 9590-SJ)

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