



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **February 15, 2023** which reads as follows:*

“G.R. No. 255702 (Elmer A. Temblor, Petitioner v. Jennelyn S. Velez-Temblor and Republic of the Philippines, Respondents). — This Court resolves the Petition for Review on *Certiorari*¹ filed by petitioner Elmer A. Temblor (*Elmer*), seeking to reverse and set aside the Decision² and the Resolution³ of the Court of Appeals (*CA*).

Briefly, the assailed Decision denied Elmer’s appeal and affirmed the Decision⁴ of the Regional Trial Court (*RTC*) denying Elmer’s Petition for Declaration of Absolute Nullity of Marriage. On the other hand, the impugned Resolution denied Elmer’s Motion for Reconsideration.

On September 29, 2016, Elmer filed a Petition for Declaration of Absolute Nullity of Marriage⁵ against his wife, respondent Jennelyn S. Velez-Temblor (*Jennelyn*). Elmer raised as a ground for his Petition his psychological incapacity.

Elmer alleged that he and Jennelyn started as textmates in 2003. After nine months of being textmates, they became sweethearts. Nonetheless, they saw each other only twice because he was working as a seafarer.⁶

At the beginning of their relationship, trivial things became big issues for Elmer. He would get annoyed and irritated whenever Jennelyn failed to reply to his text messages or answer his phone calls. Elmer demanded that

¹ *Rollo*, pp. 3–24.

² *Id.* at 26–33. The July 17, 2020 Decision in CA-G.R. CV No. 111321 was penned by Associate Justice Germano Francisco D. Legaspi, and concurred in by Associate Justices Franchito N. Diamante and Bonifacio Pascua of the Fourteenth Division, Court of Appeals, Manila.

³ *Id.* at 35–37. The February 16, 2021 Resolution in CA-G.R. CV No. 111321 was penned by Associate Justice Germano Francisco D. Legaspi, and concurred in by Associate Justices Franchito N. Diamante and Bonifacio Pascua of the Fourteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 108–111. The March 31, 2018 Decision in JDRC Case No. 16-028 was penned by Presiding Judge Dennis Patrick Z. Perez of Branch 67, Regional Trial Court, Binangonan, Rizal.

⁵ *Id.* at 90–94.

⁶ *Id.* at 91.

Jennelyn reply to his text messages and answer his phone calls immediately regardless of the time and whatever she was doing.⁷

In July 2004, Elmer and Jennelyn decided to live together and resided in Angono, Rizal where Jennelyn got a job as a grade school teacher. A few months after, or on October 18, 2004, they decided to get married. In their mind, all their misunderstandings would dissipate as their relationship became more stable.⁸

After getting married, Elmer was deployed on a ship, leaving Jennelyn at home. Contrary to what they were hoping, Elmer returned to his old ways, resulting in their frequent quarrels and misunderstandings. Elmer constantly berated Jennelyn about her failure to immediately respond to his text messages. He also became unreasonably demanding and more possessive of Jennelyn. He would not accept Jennelyn's explanation that she was not allowed to use her cellphone during working hours. Elmer also became unreasonably suspicious that Jennelyn had a paramour. On one occasion, Elmer returned to the Philippines unannounced in the hope of catching Jennelyn with her paramour, but he did not find her at home. When he called her up, Elmer lost control and insulted her only to find out that Jennelyn was with her friend in Cavite. These unannounced vacations and accusations of infidelity caused extreme stress and depression to Jennelyn.⁹

When Jennelyn got pregnant, they hoped that their relationship would improve, but Elmer remained the same.¹⁰

On May 31, 2007, Jennelyn gave birth to their daughter, but Elmer was not able to come home as he was still at sea. On January 5, 2008, Elmer came home. But despite not seeing each other for more than a year, he and Jennelyn had a huge fight again. Aside from his unfounded jealousy, Elmer suspected Jennelyn of mishandling their finances, as he expected that Jennelyn had already completed the purchase of a lot from the money that he sent. However, Jennelyn told him that it was not enough. The constant fighting and verbal tirades of Elmer caused Jennelyn to leave him. They never reconciled. Jennelyn raised their daughter in Iloilo, but Elmer had been financially supporting their daughter since 2008.¹¹

According to Elmer, he failed in his obligation to live together and to give love and respect to his wife. He believed that his repetitive verbal abuse and overly possessive behavior caused the breakdown of their marriage.¹²

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 91-92.

¹⁰ *Id.* at 92.

¹¹ *Id.*

¹² *Id.*

Elmer sought the opinion of Rolando Gerald A. De Dios, Jr. (*De Dios*), a clinical psychologist. De Dios claimed that he conducted a psychological evaluation on Elmer through a personal interview and a battery of written psychological tests. Based on his findings, Elmer suffered from a psychological disorder clinically known as borderline personality disorder, which is a serious mental illness that centers on the inability to manage emotions effectively. According to De Dios, Elmer's uncontrollable temper and fear of being abandoned or rejected are manifestations of borderline personality disorder, while his trait of getting annoyed easily is due to his low frustration tolerance.¹³ De Dios explained that Elmer's personality disorder began during his childhood, having experienced poverty and physical abuse from his mother. De Dios also opined that Elmer's personality disorder was grave, having manifested the same during marriage through his repetitive behavior of being a verbal abuser and overly possessive of his wife to the extent of being violent. De Dios likewise declared that Elmer's personality disorder was incurable, permanent, and deep-seated as it was ingrained in no less than his core personality.¹⁴

De Dios claimed that he was not able to interview Jennelyn, as the latter failed to respond to his invitations.¹⁵

Finally, De Dios recommended that the marriage of Elmer and Jennelyn be annulled on the ground of Elmer's psychological incapacity. He reduced his findings in a psychological evaluation report.¹⁶

To further amplify the Petition, Elmer presented Marilyn C. Colina (*Colina*), their former neighbor. Colina claimed that she knew Elmer as the latter lived in the same house where she was working as a house helper. Later on, she met Jennelyn when the couple got married and they lived in the same compound. It was then that she witnessed the frequent marital arguments of the parties. She observed that Elmer was always grumpy and ill-tempered. He would always shout at Jennelyn because of jealousy and financial matters. Elmer would call Jennelyn a spendthrift and wasteful of his hard-earned money. Elmer was also overly paranoid and had unpredictable mood swings. Even if Elmer was abroad, he would text her to ask about the whereabouts of Jennelyn.¹⁷

Meanwhile, Jennelyn did not participate in the proceedings of the case despite due notice.

¹³ *Id.* at 145.

¹⁴ *Id.* at 146-148.

¹⁵ *Id.* at 148-149.

¹⁶ *Id.* at 98-107.

¹⁷ *Id.* at 153-160.

On March 31, 2018, the RTC rendered a Decision¹⁸ dismissing the Petition on the ground that the totality of the evidence presented failed to prove Elmer's psychological incapacity. Further, the RTC observed that there was collusion between the parties which is a ground for the dismissal of the Petition.

Aggrieved, Elmer moved for reconsideration but failed to obtain a favorable relief as the RTC denied the same in its Order dated May 23, 2018.¹⁹

Dismayed by the unfavorable ruling, Elmer interposed an appeal before the CA.

The CA rendered the assailed Decision,²⁰ which denied the appeal and affirmed the findings of the RTC. According to the CA, the totality of the evidence presented failed to establish the gravity, incurability, and juridical antecedence of Elmer's alleged psychological incapacity. There was no showing that his immaturity and verbally abusive character amounted to psychological incapacity that would justify the nullification of his marriage to Jennelyn.

The CA no longer delved on the issue of collusion between the parties.²¹

Elmer's Motion for Reconsideration was similarly denied by the CA in its impugned Resolution.²²

Seeking further recourse, Elmer resorted to this present Petition.

In the main, Elmer lamented that the CA erred in not finding that the essential elements of psychological incapacity were present in this case. Elmer insisted that his factual allegations in the Petition, coupled with the psychological evaluation of De Dios and uncontested testimony of Colina, show that he suffered from psychological incapacity, warranting the nullification of his marriage with Jennelyn.²³ Elmer further broached the view that the strict application of the requirements of psychological incapacity eroded the family unit instead of promoting the constitutional mandate that the family should be recognized as the foundation of the nation. The strict implementation of the guidelines of psychological incapacity also resulted in a "robotic" approach in the arguments of the State

¹⁸ *Id.* at 108-111.

¹⁹ *Id.* at 28.

²⁰ *Id.* at 26-33.

²¹ *Id.* at 32.

²² *Id.* at 35-37.

²³ *Id.* at 16-18.

and the resolution of these cases. Invoking the developments introduced in *Tan-Andal v. Andal*,²⁴ Elmer submitted that his psychological incapacity had met all the criteria to declare his marriage null and void.²⁵ Finally, Elmer lamented that the RTC erred in finding collusion between the parties based solely on the statement that he made during his cross-examination.²⁶

The Office of the Solicitor General (*OSG*) chiefly asserted that the CA did not err in denying the appeal because the totality of the evidence presented failed to prove Elmer's alleged psychological disorder. Elmer heavily relied on the testimony of the clinical psychologist and the latter's psychological evaluation report, but these pieces of evidence did not conclusively show the root cause, gravity, and incurability of his alleged psychological condition.²⁷ The findings of the psychologist only consisted of generalities that provided a general characterization of Elmer's purported borderline personality disorder without explaining its incapacitating nature and the link between his psychological condition and its debilitating effect on the performance of essential marital obligations.²⁸ From the evidence presented, the breakdown of the parties' marriage was not due to Elmer's psychological disorder but their frequent quarrels caused by Elmer's jealousy and Jennelyn's alleged mishandling of finances. These reasons, however, are not manifestations of a psychological disorder that may serve as a ground for declaring their marriage void. Irreconcilable differences and conflicting personalities in no wise constitute psychological incapacity.²⁹

From the parties' arguments, the issues for this Court's resolution are as follows:

I.

Whether collusion exists between the parties; and

II.

Whether Elmer A. Temblor's marriage to Jennelyn S. Velez-Temblor should be declared null and void on the ground of psychological incapacity.

Prefatorily, this Court is mindful of the constitutional policy to protect and strengthen the family as the basic autonomous social institution, and marriage as the foundation of the family.³⁰ Thus, marriage in our jurisdiction is regarded not as a mere contract, but as a social institution in which the

²⁴ G.R. No. 196359, May 11, 2021 [Per J. Leonen, *En Banc*].

²⁵ *Id.*, p. 86.

²⁶ *Id.* at 19.

²⁷ *Id.* at 65.

²⁸ *Id.*

²⁹ *Id.* at 69-70.

³⁰ *Del Rosario v. Del Rosario*, 805 Phil. 978, 987 (2017) [Per J. Perlas-Bernabe, First Division].

State is vitally interested.³¹ In recognizing that “the State can find no stronger anchor than good, solid and happy families,”³² it has surrounded marriage with numerous safeguards to maintain its purity, continuity, and permanence.³³ One of these safeguards is Article 48 of the Family Code which states:

Article 48. In all cases of annulment or declaration of absolute nullity of marriage, the Court shall order the prosecuting attorney or fiscal assigned to it to appear on behalf of the State to take steps to prevent collusion between the parties and to take care that evidence is not fabricated or suppressed.

In the cases referred to in the preceding paragraph, no judgment shall be based upon a stipulation of facts or confession of judgment.

Thus, whenever the inviolability of marriage is challenged, the foregoing provision expressly directs the court to order the prosecuting attorney to intervene for the State. The purpose of that is to curtail the possibility of collusion between the parties and prevent the suppression or fabrication of evidence. The same provision also explicitly prohibited the annulment of marriage based on stipulation of facts or by confession of judgment, which highlights the paramount principle in family law that marriage is more than a mere contract between the parties, but an inviolable social institution demanding utmost protection and preservation by the State.

In the present case, the RTC held that there was collusion between the parties based on the statements made by Elmer during his cross-examination. Pertinent portions of which read:

PROS. CO:

Q – Did she ask you for her freedom?

A – Yes sir.

Q – So she is the one who requested this case?

A – Yes sir.

COURT:

Siya nagsabi na hiwalayan mo na ako?

WITNESS:

Sabi po nya, “bahala ka kung magfile ka”.

³¹ See *Ancheta v. Ancheta*, 468 Phil. 900, 917 (2004) [Per J. Callejo, Sr., Second Division].

³² *Sevilla v. Cardenas*, 529 Phil. 419, 435 (2006) [Per J. Chico-Nazario, First Division].

³³ *Tilar v. Tilar*, 813 Phil. 734, 740 (2017) [Per J. Peralta, Second Division].

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COURT:

Okay lang sa akin yun ang sabi nya?

WITNESS:

Opo.³⁴

According to the RTC, “*all the foregoing smacks of collusion between the parties and is a ground for dismissal of the petition.*”³⁵

We do not agree.

The foregoing statements, standing alone, do not conclusively prove that the parties were in collusion to have their marriage annulled. If taken into proper context, the statements made by Elmer simply show the utter indifference and apathy of Jennelyn towards him to the extent that she is no longer concerned or interested if the former files a petition for declaration of nullity of their marriage. While it is true that the parties may have a shared opinion to sever their marital bond, the statements made by Elmer, without more could not by themselves be considered as a clear and deliberate act of collusion between them, which the State under Article 48 of the Family Code seeks to guard against. Besides, due weight and credit should be given to the findings of the public prosecutor assigned to the case who, after investigating, issued a Report³⁶ dated July 3, 2017, stating that “*collusion between the parties does not exist.*” This further lends support to the conclusion that no such collusion exists between the parties.

What is more, the CA no longer touched on the issue of collusion in its assailed Decision, and the OSG did not raise any comment or argument on the existence of collusion.

Based on the foregoing, this Court is convinced that there was no clear and convincing proof of collusion between the parties to warrant the dismissal of the Petition on this ground.

As to the substantive merits of the case, psychological incapacity, as a ground for declaration of nullity of marriage, is governed by Article 36 of the Family Code, which states:

Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the

³⁴ *Rollo*, pp. 110–111.

³⁵ *Id.* at 111.

³⁶ *Id.* at 161.

essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

The term “psychological incapacity” was first defined in *Santos v. Court of Appeals*³⁷ as a “mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants[.]” The intendment of the law, as interpreted then was to confine the meaning of psychological incapacity “to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.”³⁸ This characterization became the basis of the second *Molina* guideline in *Republic v. Court of Appeals*,³⁹ where the root cause of the psychological incapacity must be medically or clinically identified and sufficiently established by experts.

However, with the recent case of *Tan-Andal*, the second *Molina* guideline has been abandoned in the sense that psychological incapacity has been redefined as “neither a mental incapacity nor a personality disorder that must be proven by experts.” Instead of being a medical illness, psychological incapacity is understood as “[a] durable or enduring [aspect] of a person’s personality, called ‘personality structure,’ which manifests itself through clear acts of dysfunctionality that undermine the family.”⁴⁰ To prove psychological incapacity, it must be shown that the spouse’s personality structure must make it impossible for him or her to understand and, more importantly, to comply with the essential marital obligations.⁴¹

As psychological incapacity is now treated as legal rather than a medical concept, expert testimony or opinion is no longer required to establish the psychological disorder. 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 the behaviors are indicative of a true and serious incapacity to assume the essential marital obligations. Viewed from this perspective, the intent to limit the incapacity to “psychic causes” is fulfilled and there will be no need to label a person as having a mental disorder just to obtain a decree of nullity.⁴²

Apart from redefining the concept of psychological incapacity, *Tan-Andal* has also set new parameters in appreciating the three main criteria for establishing psychological incapacity. *First*, gravity still has to be established. *if only* to preclude spouses from invoking mild

³⁷ 310 Phil. 21, 40 (1995) [Per J. Vitug, *En Banc*]

³⁸ *Id.*

³⁹ 335 Phil. 664 (1997) [Per J. Panganiban, *En Banc*]

⁴⁰ *Tan-Andal v. Andal*, *supra* note 24, at 31. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁴¹ *Id.*

⁴² *Id.*

characterological peculiarities, mood changes, and occasional emotional outbursts as grounds for nullity. *Second*, incurability should also be understood in the legal sense. So long as the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable breakdown of the marriage, the psychological incapacity of a spouse or both spouses is deemed "incurable." *Third*, juridical antecedence, or the existence of the condition prior to the celebration of marriage, is a statutory requirement that must be proven by the spouse alleging psychological incapacity.⁴³

Tan-Andal has likewise decreed that the plaintiff-spouse must prove his or her case by clear and convincing evidence, which is more than "preponderant" but less than "proof beyond reasonable doubt," following the presumption of validity of marriages.⁴⁴

Nevertheless, this Court has clarified in *Estella v. Perez*⁴⁵ that the ruling in *Tan-Andal* was not meant to strait-jacket lower courts, forcing them to apply the guidelines in nullity cases of all shapes and sizes. Each case must still be resolved based on its particular set of facts, and Article 36 of the Family Code should be applied on a case-to-case basis.

In this case, a cursory reading of the assailed rulings of the RTC and the CA showed that they based their findings on previous jurisprudence applying the rigid guidelines laid down in *Santos* and *Molina*, in which psychological incapacity is equated as being a medical illness. In view, however, of the latest pronouncements in *Tan-Andal*, this Court must now reevaluate if Elmer has sufficiently proven by clear and convincing evidence his alleged psychological incapacity in the legal sense.

Foremost, this Court notes that apart from Elmer's testimony and the testimony of their neighbor, Colina, the primary evidence of his alleged psychological incapacity is the psychological evaluation report and testimony of De Dios, a licensed psychologist.

Although this Court in *Tan-Andal* stressed that expert opinion is no longer required, it still gave credence to the testimony and findings of Dr. Valentina Del Fonso Garcia, a physician-psychiatrist, who found therein petitioner's husband is psychologically incapacitated. In appreciating the medical opinion of an expert witness in nullity cases, this Court held thus:

Unlike ordinary witnesses who must have personal knowledge of the matters they testify on, expert witnesses do not testify in court because they have personal knowledge of the facts of the case. The credibility of

⁴³ *Id.* at 32-34.

⁴⁴ *Id.* at 27.

⁴⁵ G.R. No. 249250, September 29, 2021 [Per J. Lazaro-Javier, First Division]

expert witnesses does not inhere in their person; rather, their testimony is sought because of their special knowledge, skill, experience, or training that ordinary persons and judges do not have.⁴⁶ (Citations omitted)

A ruling of similar import is the case of *Alberto v. Alberto*,⁴⁷ where this Court acknowledged that while medical opinion is not indispensable in nullity cases, the same may nevertheless be considered as compelling evidence of psychological incapacity:

When they are present and made available, however, courts must give due regard to expert opinion, particularly on the parties' psychological and mental disposition. The presentation of expert testimony to prove that a person is suffering from an incurable mental illness, while dispensable, may be deemed as compelling evidence in resolving the issue of psychological incapacity.⁴⁸ (Citations omitted)

Indeed, whenever available, keen attention to expert opinion would not be harmful if only to enable this Court to reach an "intelligent and judicious" ruling in nullity cases.

In this regard, this Court has carefully scrutinized the psychological evaluation report and expert opinion of De Dios, in conjunction with the testimonies of Elmer and Colina, and found that the totality of these pieces of evidence has proven by clear and convincing evidence the psychological incapacity of Elmer, as contemplated under Article 36 of the Family Code and recent jurisprudence.

First, Elmer's psychological incapacity has juridical antecedence since the same already manifested antedating his marriage to Jennelyn.

Records disclose that Elmer and Jennelyn started as textmates. After nine months, they became sweethearts, although they only saw each other twice because he was a seafarer. However, as early as these times, Elmer already exhibited his behavior of being overly possessive, paranoid, and verbally abusive towards Jennelyn. He would often get annoyed and irritated whenever Jennelyn failed to reply to his text messages or answer his phone calls. Elmer unreasonably demanded that Jennelyn reply to his text messages and answer his phone calls immediately regardless of the time and whatever she was doing; otherwise, his temper would burst and berate Jennelyn.⁴⁹

⁴⁶ *Tan-Andal v. Andal*, *supra* note 24, at 42. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁴⁷ G.R. No. 236827, April 19, 2022 [Per J. Inting, First Division].

⁴⁸ *Id.* at 9. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁴⁹ *Rollo*, p. 100.

Based on the clinical interview and result of the psychological tests conducted on Elmer, De Dios found that the latter is suffering from borderline personality disorder, which is a serious mental illness that centers on the inability of a person to manage emotions effectively.⁵⁰ Elucidating further, De Dios characterized borderline personality disorder in the following manner:

Q: You mentioned that Mr. Temblor's condition is best described as Borderline Personality Disorder, can you please tell us what are the characteristics of persons with this condition?

A: People with Borderline Personality Disorder suffer from instability in interpersonal relationship and self-image. They are high functioning in certain things but not in their private lives. Most people with Borderline Personality Disorder suffer from problems regulating their emotions and thoughts, they are impulsive, behave recklessly, and with unstable relationships. They are very sensitive to environmental circumstances. The thought of impending separation or rejection, or the loss of external structure can lead to changes in self-image, affection, cognition[,] and behavior so they make agitated efforts to avoid real or imagined abandonment. People with Borderline Personality Disorder experience strong abandonment fears and inappropriate anger even when faced with unavoidable changes in plans. They are intolerant of being alone.⁵¹

In Elmer's case, De Dios opined that he manifested borderline personality through his repetitive behavior of being verbally abusive and overly possessive of Jennelyn whenever the latter is at work or elsewhere. He failed to comprehend that Jennelyn had other things to do and insisted that Jennelyn must always find time to talk to him even until dawn since he wanted to be updated from time to time. Because of fear of abandonment, Elmer was also overly paranoid and very skeptical about the fidelity of Jennelyn, such that he would make clandestine visits because he suspected her of betraying him. He was also unreasonably demanding and overly possessive to the point of getting violent. His being distrustful always often led to his uncontrollable temper and eventually to a serious fight.⁵²

According to De Dios, Elmer's psychological incapacity can be attributed to his unhealthy childhood. Elmer grew up in poverty and was being physically abused by his authoritative mother who always hit him. He never experienced the nurturing and caring kind of love from a mother.⁵³ At a young age, Elmer would often leave their house for three days due to the harsh treatment and pain he experienced from his mother. Also, being in a family where he was the least favorite child, he was disgusted by the thought

⁵⁰ *Id.* at 103.

⁵¹ *Id.* at 145-146.

⁵² *Id.* at 146-147.

⁵³ *Id.* at 146.

of being abandoned, which led him to become overprotective to the extent of being unreasonable and overly possessive.⁵⁴

Even at school, Elmer encountered several fistfights with his classmates and never felt worried or disturbed about his unruly behavior and misconduct. He considered the school and the classroom as an arena for his fist fights with those he had arguments with and those who wanted to challenge his toughness.⁵⁵

Notably, there is no reason to doubt the findings and conclusions of De Dios on Elmer's psychological incapacity, as well as the latter's juridical antecedence. There is no dispute on the expertise and credentials of De Dios as a licensed psychologist, who has been presented in court as an expert witness in other various nullity cases. The findings of De Dios were not merely based on collateral information or from sources apart from the person evaluated. It came directly from Elmer, the person found to be psychologically incapacitated. Records disclosed that De Dios personally interviewed Elmer and conducted a battery of written psychological tests on the latter on three separate occasions.⁵⁶ These methodologies and procedures have provided De Dios with a more holistic and detailed view of Elmer's personal and marital history, which correlatively, became the basis of his finding of Elmer's psychological incapacity. While it is true that the personal examination of the allegedly psychologically incapacitated spouse is not required for a declaration of nullity of marriage,⁵⁷ still, in *Tan-Andal*, this Court enunciated that the psychiatric clinical interview and mental status examination of the incapacitated spouse remains to be the principal techniques in diagnosing psychiatric disorders. Given all these, there is indeed a sufficient justification to rely on the findings and conclusions of De Dios on Elmer's psychological incapacity and its juridical antecedence.

Second, the gravity of Elmer's condition cannot be categorized as mild characterological peculiarities, mood changes, and mere occasional emotional outbursts. Before and during his marriage, Elmer had been consistent in his being overly possessive, irrationally demanding, and verbally abusive of his wife, which led to their frequent quarrels and worst, physical violence. Whether he is abroad or in the Philippines, Elmer would always exhibit his bad temper and berate Jennelyn because of his unreasonable suspicion that Jennelyn has another man.⁵⁸

After getting married, Elmer's extreme jealousy and paranoia even got worse. He made a surprise and random visit in the hope of catching Jennelyn

⁵⁴ *Id.* at 148.

⁵⁵ *Id.* at 99.

⁵⁶ *Id.* at 98 & 145.

⁵⁷ See *Marcos v. Marcos*, 397 Phil. 840, 847 (2000) [Per J. Panganiban, Third Division].

⁵⁸ *Rollo*, pp. 91-92; pp. 100-101; p. 147.

in the act with her paramour, even if there was none.⁵⁹ When he arrived home and Jennelyn was not around, he immediately called her up and uttered unpleasant, demoralizing, and heartbreaking words only to find out that Jennelyn visited a female friend in Cavite.⁶⁰

Marilyn, their neighbor, also testified that she witnessed the frequent marital squabbles between Elmer and Jennelyn because the former was always grumpy and ill-tempered. Elmer would always shout at Jennelyn because of his nonsense jealousy. She also observed that Elmer was overly paranoid and had unpredictable mood swings. In fact, even if Elmer was abroad, the latter would text her just to ask about the whereabouts of his wife.⁶¹

Irrefragably, Elmer's incongruity depicted a pattern of persistent failure to be a loving, respectful, and supportive spouse. As per assessment of De Dios, Elmer's uncontrollable temper and fear of abandonment and rejection, which are manifestations of his borderline personality disorder, have undermined his growth as an individual, which eventually affected his marital relationship. Elmer would always disregard the feelings of his wife by uttering foul words and even cursing at her for no reason. His lack of insight into his behavior has dragged him and his wife to a life of misery.⁶² Surely, Elmer's behavior cannot be considered as mere refusal, neglect, or difficulty, much less ill will to comply with the essential marital obligations. From the totality of the evidence presented, his failure to fulfill his marital obligations was caused by a genuinely serious psychic cause.

Third, and lastly, Elmer's psychological incapacity is incurable in the legal sense. His behavioral patterns and personal structure are so incompatible and antagonistic with that of Jennelyn that the only result of their union is its inevitable and irreparable breakdown. As shown in the narration of facts in the Petition, their marital history as described in the psychological evaluation report, coupled with the testimonies of Elmer and Colina, there was clear and convincing evidence that there was no point in their lives that they were consistently living happily and peacefully as a married couple. As further explained by De Dios, Elmer's condition is deeply embedded in his personal structure, thereby making it permanent and incurable. He could change his attitude for a while after serious contemplation and realization, but the said change could only last for three months, and after that, he would relapse again and would go back to his old ways.⁶³

⁵⁹ *Id.* at 9-10.

⁶⁰ *Id.* at 101.

⁶¹ *Id.* at 153-160.

⁶² *Id.* at 147.

⁶³ *Id.* at 106.

Notably, records further show that even after not seeing each other for more than a year, Elmer picked a fight and kept on accusing Jennelyn of infidelity and other unjust indictments, which were only imaginary. These frequent quarrels, verbal tirades, and endless accusations eventually led Jennelyn to leave Elmer and bring with her their daughter to Iloilo. Since 2008 or at least 14 years, the parties have not reunited and have been living separately,⁶⁴ which manifestly shows an already impaired relationship that is beyond repair. While evidence established that Elmer had been financially supporting their daughter, still, the facts did not demonstrate the capacity of either Elmer or Jennelyn to accept the other, which is indispensable to the success of their marriage.

Taken collectively, all the foregoing lead to a reasonable conclusion that Elmer is psychologically incapacitated in the legal sense—as contemplated in *Tan-Andal*—to fulfill his marital obligations, more specifically, to render mutual love and respect, and live together with his wife. Consequently, the marital union between Elmer and Jennelyn is declared *void ab initio*.

As this Court decreed in *Santos-Gantan v. Gantan*,⁶⁵ in dissolving marital bonds on the ground of psychological incapacity of either spouse, this Court is not demolishing the foundation of families; rather it is actually protecting the sanctity of marriage because there is no marriage to speak of since it is void from the beginning. Inasmuch as the Constitution regards marriage as an inviolable social institution and the foundation of the family, courts must not hesitate to void marriages that are patently ill-equipped by reason of psychic causes inherent in the person of the spouses.⁶⁶

FOR THESE REASONS, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated July 17, 2020 and the Resolution dated February 16, 2021 of the Court of Appeals in CA-G.R. CV No. 111321 are **REVERSED** and **SET ASIDE**.

The marriage between Elmer A. Tembor and Jennelyn S. Velez-Temblor is declared **VOID** on the ground of Elmer A. Temblor's psychological incapacity.

SO ORDERED."

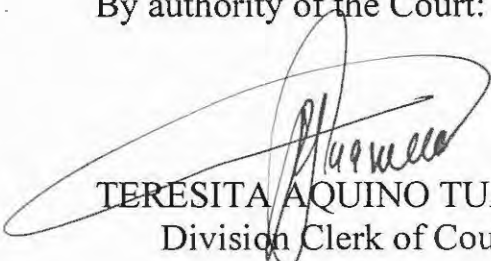
⁶⁴ *Id.* at 101.

⁶⁵ G.R. No. 225193, October 14, 2020 [Per J. Lazaro-Javier, First Division].

⁶⁶ *Estella v. Perez*, *supra* note 45, at 14. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

11/1/21

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *12/20*
20 DEC 2023

PULIDO & TIAMSON LAW OFFICES (reg)
(Atty. Erwin Tiamson)
Counsel for Petitioner
Unit 29-D, 29th Floor, Chatham House
116 Valero cor. Rufino Sts.
Salcedo Village, Makati City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

JENNELYN S. VELEZ-TEMBLOR (reg)
Private Respondent
Brgy. Bayuyan, Estancia, Iloilo

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 67
Binangonan, Rizal
(JDRC Case No. 16-028)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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OFFICE OF THE CHIEF ATTORNEY (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CV No. 111321

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