



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 26, 2023** which reads as follows:*

“G.R. No. 259294 (ELMER I. MANALO, Petitioner v. MARIA OLIVE C. MANALO and REPUBLIC OF THE PHILIPPINES, Respondents). – This Petition for Review on *Certiorari*¹ seeks to reverse the following dispositions of the Court of Appeals in CA-G.R. CV No. 111551 entitled “*Elmer I. Manalo v. Maria Olive C. Manalo and Republic of the Philippines:*”

- 1) Decision² dated February 15, 2021, which affirmed the denial of the Petition for Declaration of Nullity of Marriage of petitioner Elmer Manalo (Elmer) with respondent Maria Olive Manalo (Olive); and
- 2) Resolution³ dated November 8, 2021, which denied petitioner’s Motion for Reconsideration.

Antecedents

On August 4, 2014, Elmer filed a Petition for Declaration of Nullity of his Marriage⁴ with Olive based on Article 36⁵ of the Family Code. The case was docketed as Civil Case No. 2014-183 and raffled to the Regional Trial Court, Branch 87, Rosario, Batangas.⁶ Elmer essentially averred:

¹ *Rollo*, pp. 11–19.

² *Id.* at 63–73. Penned by Associate Justice Gabriel T. Robeniol and concurred in by Associate Justices Edwin D. Sorongon and Bonifacio S. Pascua of Thirteenth Division, Court of Appeals, Manila.

³ *Id.* at 74–75. Penned by Associate Justice Gabriel T. Robeniol and concurred in by Associate Justices Edwin D. Sorongon and Bonifacio S. Pascua, Former Thirteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 20–22.

⁵ Article 36, Family Code as amended, provides:

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.

⁶ *Rollo*, p. 20.

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He and Olive grew up in the same barangay at Soloc, Lobo, Batangas.⁷ He courted Olive and they eventually became lovers. After two months of being together, they decided to get married on October 10, 2002 in church rites at the Holy Sacrament International Church, San Juan, Metro Manila.⁸

On October 15, 2002, or after five days as a couple, Olive went to Dubai, United Arab Emirates for work. The long-distance relationship initially went smoothly as they had constant communication.⁹

In 2008, he decided to also work in Dubai to be with Olive although they did not live together in one house. They seldom saw each other. But during the times they were together, they frequently quarreled even on the most trivial matters. Olive would be in her usual "irritable mood,"¹⁰ even uttering expletives against him. One of the reasons they fought was Olive's alleged refusal to bear a child.¹¹ Her main reason was that she would not be able to work in Dubai if she had a child.¹²

In May 2010, Olive returned to the Philippines and stayed in the country for 12 days. He convinced her to no longer work abroad so they could build a family, but she did not agree.¹³ She instead left for another two-year contract abroad.¹⁴

Then Elmer got informed by his friends that Olive was having an affair and living with another man.¹⁵ He confronted her about her infidelity, but she denied it.¹⁶ In 2011, Olive expressed that she no longer wanted to be with him.¹⁷ Eventually, they separated and lost communication with each other. From then on, he stopped all efforts to win her back.¹⁸

They did not have a child nor conjugal property.¹⁹

At the onset, their marriage was doomed to fail because Olive was not fully prepared to enter married life. Instead of building a strong family bond, she chose her career abroad.²⁰ His efforts to save the marriage failed.²¹

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 26.

¹¹ *Id.* at 21.

¹² *Id.*

¹³ *Id.* at 64.

¹⁴ *Id.*

¹⁵ *Id.* at 21.

¹⁶ *Id.* at 49.

¹⁷ *Id.* at 27.

¹⁸ *Id.*

¹⁹ *Id.* at 21.

²⁰ *Id.*

²¹ *Id.* at 27.

Joselee²² Manalo, Elmer's cousin and also the cousin of Olive's mother,²³ corroborated Elmer's testimony that the couple never stayed together. Olive did not want to have a child with Elmer. The conflict between them persisted until they eventually separated.²⁴

Meantime, Elmer consulted clinical psychologist Dr. Romeo Z. Roque, Jr. (Dr. Roque) who opined that their marriage should be nullified on the ground that Olive is psychologically incapacitated. Dr. Roque interviewed Elmer and Joselee. He also invited Olive for an interview, but the latter ignored the invitation.²⁵

Based on his assessment, Dr. Roque diagnosed Olive with "*Emotionally Unstable Personality Disorder of the Impulsive Type*" characterized by the following:

- 1) Unstable and capricious mood often manifested by Olive's antagonistic actions towards Elmer;
- 2) Marked tendency for quarrelsome behavior and conflict with others, as manifested by Olive's temperamental nature and tendency to get into fights with Elmer even on trivial matters;
- 3) Outburst of anger or violence with inability to control the behavioral explosion, as manifested by Olive's verbally abusive nature during conflicts with Elmer; and
- 4) Marked tendency to act unexpectedly and without consideration of the consequences, as manifested by Olive's poor decision making, hastily deciding to give up her marriage with Elmer despite all efforts done by the latter to save their relationship.²⁶

Further, her behavioral pattern, consisting of "aggressive behavior," "constant feeling of anxiety," and "unstable and capricious mood,"²⁷ was not episodic in nature but deeply rooted in her personality even prior to the marriage. Her disorder developed while growing up ever since she took the role of being a second parent to her siblings after her father, who was the supposed breadwinner of the family, passed away while she was young.²⁸ She only finished third year college, and decided to work overseas.²⁹ She was then exposed to constant anxieties and pressure.³⁰ Even as an adult, she had been

²² Sometimes referred to as "Josely" in some parts of the rollo.

²³ *Id.* at 37.

²⁴ *Id.* at 37-38.

²⁵ *Id.* at 64.

²⁶ *Id.* at 45-46.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 27.

³⁰ *Id.* at 45.

unable to change her behavior according to the demands of her social environment. Her decision to hastily end the marriage was a manifestation of her impulsive nature.³¹ Her disorder, too, was incurable since individuals who suffer from it would see nothing wrong with their choices and are unlikely to seek psychiatric intervention, treatment, or therapy.³² Ultimately, her condition was so severe that it resulted in her inability to comprehend and perform the basic obligations of marriage such as rendering respect and love towards Elmer.³³

Despite notice and summons, Olive failed to respond to the petition.³⁴ The public prosecutor delegated by the Office of the Solicitor General (OSG) attested that no collusion existed between the parties.³⁵

The Ruling of the Regional Trial Court

By Decision³⁶ dated February 15, 2018, the trial court denied the petition.³⁷

The trial court held that based on the evidence on record, Elmer failed to prove Olive's alleged psychological incapacity which must be more than just "difficulty," "refusal," or "neglect" in the performance of marital obligations.³⁸ Further, Dr. Roque's assessment that Olive was suffering from "*Emotionally Unstable Personality Disorder*" allegedly rendering her psychologically incapacitated lacked basis.³⁹ He offered no explanation on how such personality disorder made Olive psychologically incapacitated in performing her obligations as a wife.⁴⁰ Essentially, he failed to establish the link between Olive's acts to her alleged psychological incapacity.⁴¹

The Ruling of the Court of Appeals

On appeal, Elmer faulted the trial court for denying his Petition for Declaration of Nullity of his marriage with Olive. He anchored his appeal on Dr. Roque's findings which characterized Olive's psychological incapacity as existing since childhood, one that was grave, and incurable.⁴² He insisted that Dr. Roque's report should be appreciated. He should not suffer the

³¹ *Id.*

³² *Id.* at 65.

³³ *Id.* at 29.

³⁴ *Id.* at 12.

³⁵ *Id.* at 48.

³⁶ *Id.* at 47–62. Penned by Executive/Presiding Judge Rose Marie J. Manalang-Austria.

³⁷ *Id.* at 62.

³⁸ *Id.* at 61.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 67.

consequences of his estranged wife's refusal to participate in the proceedings.⁴³

On the other hand, the Republic, through the OSG, argued that Dr. Roque's report was unsupported since the conclusions he stated were merely drawn from Elmer's and Joselee's interviews. More, Olive's alleged infidelity, though unfounded, and her refusal to have children were not symptoms of a grave psychological disorder.⁴⁴

In its assailed Decision⁴⁵ dated February 15, 2021, the Court of Appeals affirmed. It did not give credence to the findings of Dr. Roque who failed to describe with specificity the factual bases of his diagnosis.⁴⁶ Too, the nexus between Olive's personality disorder and her inability to fulfill her marital obligations remained unestablished.⁴⁷ Even Olive's alleged refusal to bear a child and infidelity are not sufficient to engender psychological incapacity.⁴⁸

By Resolution⁴⁹ dated November 8, 2021, Elmer's Motion for Reconsideration was denied.

The Present Petition

Petitioner now seeks affirmative relief from the Court *via* Rule 45. He faults the Court of Appeals for allegedly disregarding the expert findings of Dr. Roque concerning Olive's psychological incapacity.⁵⁰

For its part, the OSG maintains that Elmer failed to discharge the burden of proof to establish respondent's psychological incapacity.⁵¹

Ruling

The petition is meritorious.

Article 36 of the Family Code as amended recognizes psychological incapacity as a ground to declare the nullity of marriage, *viz.*:

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

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 63–73.

⁴⁶ *Id.* at 70.

⁴⁷ *Id.* at 71.

⁴⁸ *Id.* at 72.

⁴⁹ *Id.* at 74–75.

⁵⁰ *Id.* at 15.

⁵¹ *Id.* at 93.

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

As expressed in Article 68⁵² of the Family Code, the marital covenants include the mutual obligations of husband and wife to live together, observe mutual love, respect, and fidelity and to help and support each other.

In *Tan-Andal v. Andal (Tan-Andal)*,⁵³ the Court *En Banc* revisited the concept of psychological incapacity and how, through the years, it was invariably interpreted and applied as a mere medical condition. The Court, voting as one, ultimately agreed on a reconfigured concept of psychological incapacity:

Psychological incapacity is not only a mental incapacity nor only a personality disorder that must be proven through expert opinion. **There may now be proof of the durable 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 importantly, 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. xxx

Difficult to prove as it may be, **a party to a nullity to case is still required to prove juridical antecedence because it is an explicit requirement of the law.**

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

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Therefore, 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

⁵² Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.
⁵³ G.R. No. 196359, May 10, 2021 [Per J. Leonen, *En Banc*].

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**. "An 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. xxx

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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 in existence 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. To prove psychological incapacity, a party must present clear and convincing evidence of its existence.**⁵⁴ (Emphases supplied; citations omitted)

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Tan-Andal went on to declare that the threshold of evidence in psychological incapacity cases is clear and convincing evidence. Clear and convincing evidence is the quantum of proof that requires more than preponderance of evidence but less than proof beyond reasonable doubt.⁵⁵ In this standard, the evidence must be substantially greater than a 50% likelihood of being true.

In the case of marriage, the presumption strongly upholds its validity.⁵⁶ *Semper praesumitur pro matrimonio*.⁵⁷ A petitioner, thus, bears the burden of proving by clear and convincing evidence the legal requisites of psychological incapacity in order to rebut the presumptive validity of marriage and obtain the relief that he or she seeks, even if neither the State nor the respondent presents any evidence in chief and depends only on the cross-examination of petitioner's witnesses and objections to the latter's other evidence.

Further, *Tan-Andal* elucidated that psychological incapacity is not only a mental incapacity nor only a personality disorder that must be proven

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Maristela-Cuan v. Cuan, Jr.*, G.R. No. 248518, December 7, 2021 [Per *J. Lazaro-Javier*, First Division].

⁵⁷ *Carullo-Padua v. Padua*, G.R. No. 208258, April 27, 2022 [Per *J. Hernando*, Second Division].

through an expert opinion. “There may now be proof of the durable 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 this spouse to **understand** and, more importantly, to **comply** with his or her essential marital obligations.”

Though the Court in *Tan-Andal* maintained that expert opinion is no longer required, it still gave credence to the findings of Dr. Valentina Del Fonso Garcia (Dr. Garcia) who declared therein petitioner’s husband as psychologically incapacitated. The Court pronounced that the Court of Appeals erred in discrediting Dr. Garcia’s expert opinion just because no prior personal examination and interview of therein respondent was done, viz.:

Dr. Garcia recounted how Mario developed traits exhibiting chronic irresponsibility, impulsivity and lack of genuine remorse, lack of empathy and sense of entitlement, behaviors manifesting his inherent psychological incapacity to comply with his essential marital obligations.

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It is true that Dr. Garcia gave the expert opinion —which, we reiterate, is no longer required but is considered here xxx the Court of Appeals erred in discounting wholesale Dr. Garcia’s expert opinion because her methodology was allegedly “unscientific and unreliable.”

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On the principles and methodology utilized by Dr. Garcia in evaluating Rosanna and Mario, Dr. Garcia conducted a psychiatric clinical interview and mental status examination of Rosanna. She likewise interviewed Ma. Samantha and Jocelyn Genevieve, Rosanna’s sister. The psychiatric clinical interview and mental status examination remain to be the principal techniques in diagnosing psychiatric disorders.

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At any rate, this Court said in *Marcos v. Marcos* that personal examination of the allegedly psychologically incapacitated spouse is “not [required] for a declaration of [nullity of marriage due to] psychological incapacity.” So long as the totality of evidence, as in this case, sufficiently proves the psychological incapacity of one or both of the spouses, a decree of nullity of marriage may be issued.

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Therefore, the Court of Appeals erred in not giving credence to Dr. Garcia’s expert on opinion just because Mario did not appear for psychiatric evaluation.⁵⁸ (Emphasis supplied)

⁵⁸ *Supra* note 52.

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Meanwhile, *Espiritu v. Boac-Espiritu*⁵⁹ (*Espiritu*) discussed that insofar as dysfunctional acts that undermine the family are concerned, lay persons can testify about a) the character of the incapacitated spouse relevant to or indicative of such incapacity; b) the everyday behavior, acts, or conduct of the incapacitated spouse; and c) the offended spouse's own experience of neglect, abandonment, and unrequited love, among others. *Espiritu* further illustrates that the acts, behavior, conduct, events, reputation, character, or circumstances of dysfunctions would often revolve around or be classified as one of: *general differences of interests and antagonistic feelings; loss of love; hostility and resentment, distrust, the inability to live harmoniously together; lack of concern or indifference; lack of common interests and goals; instances of violence against women and their children as defined in Republic Act 9262 and other laws; zero probability of reconciliation between the spouses; and failure of the spouse or the spouses to perform his, her, or their marital duties and obligations clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.*⁶⁰

Applying relevant jurisprudence here, we find that Elmer was able to prove by clear and convincing evidence that, indeed, Olive is afflicted with psychological incapacity which hinders her from performing her marital duties to him. Consider:

First. Elmer testified on the specific indicators of Olive's dysfunctional personality traits and behavioral aberration, which he experienced up close and personal. The obligation to "live together, render love, help, and support" was wanting since the beginning of their marriage. He recounted that Olive preferred her career more than anything, or anyone else. After just five days of getting married on October 10, 2002, Olive already went in Dubai to work. On many occasions, he repeatedly pleaded her to return in the Philippines so they can live together as husband and wife. Olive, however, would reject his plea many times over as well. She never compromised and had the habit of bursting into anger whenever they argue. She countlessly ignored and rejected his need for love and affection. Despite not being Olive's priority and her lack of care in their marriage, Elmer decided to also work in Dubai to be with her albeit they never got the chance to be together in one house. In fact, they never had a fixed domicile. They, too, rarely saw each other. When together, though, their time was spent in constant fights as Olive would be in her usual antagonistic mood, and at times, uttering curses at him. Olive, too, was resolved in not wanting to have a child. For her, the thought of bearing a child and being a mother would prevent her from working abroad. As regards Olive's alleged infidelity, we note that this was not a first-hand knowledge of Elmer. Nevertheless, this suspicion was a fruit of Olive's firm decision of not ever wanting to live with her husband; of not giving him the time, affection, and love that he deserves as her supposed better half. She abjectly vetoed the

⁵⁹ G.R. No. 247583, October 6, 2021 [Per J. Lazaro-Javier, First Division].

⁶⁰ See *Estella v. Perez*, G.R. No. 249250, September 29, 2021 [Per J. Lazaro-Javier, First Division].

creation of even just a family of two and ultimately expressed that she no longer wanted to be with Elmer. In 2011, she shut down all communications with Elmer, abandoned him and their marriage.

The totality of these indicators clearly and convincingly established not merely Olive's indifference or unwillingness to assume her essential marital obligations but a total disregard of marital duties. To be sure, no evidence can be more convincing, *nay*, credible, than the detailed account of Elmer himself who experienced, on numerous occasions, his wife's psychological incapacity up close and personal.

The requirement of gravity, thus, has been established here. There is no doubt that Olive's psychological incapacity is serious as it is fully engraved in her personality structure clearly reflecting her insensitivity and inability to give meaning and significance to the marriage.⁶¹ If she does not want to live with Elmer in the first place, how can she ever assume the essential obligations of marriage such as rendering love, respect, fidelity, and support? On one hand, she invested all her time and efforts in her career while on the other, she had no concern about sharing her life with him. For she never found life, meaning, and importance in her married life with Elmer. Elmer is her husband on paper, but he was never part of her life. Surely, we cannot, by any means, consider Olive's condition a mild characterological peculiarity.

Second. Joselee (the couple's common relative) testified that he had personal knowledge of the fact that the couple never lived together and it was because of Olive who invariably refused to live with her husband, for no apparent reason at all. She expressed her unwillingness to bear a child with her husband. He witnessed their constant fights where each time Olive exhibited intense anger which she was unable to control. He also observed from his interaction with Olive herself that she was constantly anxious, moody, and temperamental even over small matters.

Third. It is settled that the presentation of expert findings to prove that a person is psychologically incapacitated to fulfill marital obligations, while dispensable, may be deemed as compelling evidence in resolving the issue of psychological incapacity.⁶²

Here, Dr. Roque found Olive to be suffering from dysfunctional personality traits and behavioral aberration classified as "*Emotionally Unstable Personality Disorder of the Impulsive Type*." It should be stressed though that the fact that Olive was not interviewed by Dr. Roque does not lessen the weight of the latter's report.⁶³ For while it is ideal that the person to be diagnosed be personally interviewed, it is an accepted practice in psychiatry to derive a person's psychiatric history from collateral information

⁶¹ *Tan-Andal v. Andal*, *supra* note 52.

⁶² *Alberto v. Alberto*, G.R. No. 236827, April 19, 2022 [Per J. Inting, First Division].

⁶³ *Id.*

or information from sources aside from the person evaluated. This is usually done “if the patient is *not available*, incapable, or otherwise refuses to cooperate,” as in this case.⁶⁴

Based on Dr. Roque’s interview with Elmer and Joselee, Elmer and Olive have known each other since childhood as they grew up in the same community in Soloc, Lobo, Batangas.⁶⁵ Elmer graduated from college while Olive finished third year college and proceeded to work overseas thereafter. She became the breadwinner of her family when her father, who was a businessman, passed away while she was still young.⁶⁶ Elmer courted her when she came back to the Philippines for a two-week vacation. Eventually, they became lovers and decided to get married.⁶⁷ Five days after being married, Olive left Elmer to work abroad. Elmer clung to Olive’s promise to come home, but she never made good on her promise.⁶⁸ Olive would exhibit hostile behavior on trivial matters but most especially when the conversation zeroed in on settling in the Philippines so she and Elmer could build a family together. Their marriage was consumed by frequent fights and during those fights, Olive would shout at Elmer and utter expletives.⁶⁹ Even after Elmer followed Olive abroad, she refused to see him, spend time with him, and emphasized that she did not want to bear a child. *Sans* explanation, Olive expressed her desire to separate with Elmer and never contacted him since 2011.⁷⁰

Based on the interview, psychological evaluation, and collateral information gathered, Dr. Roque concluded that Olive’s personality structure under the nomenclature “*Emotionally Unstable Personality Disorder of the Impulsive Type*”⁷¹ was characterized by constant anxieties, affective instability due to unstable and capricious mood, aggressive behavior, intense anger and inability to control it, and tendency to act hastily without considering the consequences of her actions, among others. Dr. Roque opined that Olive’s emotional instability of the impulsive type was serious, rendering her unaware and incognitive of the dysfunctional nature of her actions which crippled her in performing her marital duties. With such personality disorder, she entered the marriage without a clear understanding of the basic responsibilities that she would assume as a wife to Elmer, and in turn, hastily exited the relationship without due regard to the aftermath of her actions, thereby undermining her marital relations. Olive saw nothing wrong with not being with her husband in a fixed home, or the perversity of completely abandoning him and their marriage. She felt no need of adjusting to a married life, and gave no value on compromises, empathy, and understanding to make

⁶⁴ *Egmalis-Ke-eg v. Republic of the Philippines*, G.R. No. 249178, July 13, 2022 [Per J. Inting, Third Division].

⁶⁵ *Rollo*, p. 26.

⁶⁶ *Id.* at 27.

⁶⁷ *Id.* at 26.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.* at 26–27.

⁷¹ *Id.* at 27–28.

their relationship work.⁷² In the end, her dysfunctional personality trait rendered her truly incapable of observing the marital virtues of love, respect, care, and support for each other as husband and wife.⁷³

As for the requirement of juridical antecedence, Dr. Roque found that Olive's incapacity was traceable and deeply rooted in the constant anxieties and pressures she experienced while growing up. Following her father's early demise, she carried the heavy burden of being her younger siblings' second parent. Since she had been exposed to anxieties, pressures, and tensions of being the bread winner of the family at an early age, she developed: [i] low tolerance for anxiety-provoking situations; [ii] resistance to change; [iii] no room for compromise and seeing nothing wrong with her actions; and [iv] an inclination to make hasty decisions without realizing the consequences of her actions. Sadly, she carried these over to her married life with Elmer. Since Olive's work seemed to be her oasis, she chose it over her marriage, having a child, and building a family with Elmer. And while Elmer was relentless in rallying Olive's support to prioritize their relationship, leave Dubai, and settle with him in the Philippines, she instead sought immediate release from any buildup of tension that would get in the way of her career and without qualms chose refuge by ending their marriage.

Olive's condition is also "incurable" in the legal sense since she consistently failed to commit to her relationship with Elmer. She never reciprocated Elmer's efforts to salvage their marriage and abandoned him even at the inception of their marriage as she left him after just five days of tying the knot. Nor did she send word indicating interest to reconcile with him. She, too, did not show any remorse for her lack of care and apathy for their marriage. In sum, Olive had persistently failed to be present and live with her husband, to love, and to support him. She was therefore nothing but consistent in her treatment of Elmer. Hence, her psychological incapacity in performing her marital obligations is enduring and persistent relative to Elmer.⁷⁴ The only result of their union was the inevitable breakdown of their marriage.

Thus, clear and convincing evidence has sufficiently established here that Olive was already psychologically incapacitated at the time she got married to Elmer and has continued to be so, thereafter and during their marriage. She is truly non-cognitive of the basic marital covenants such as the mutual obligation to live together, observe love, respect, and render help and support to each other.

In dissolving marital bonds on ground of psychological incapacity of either spouse, the Court is not demolishing the foundation of families.⁷⁵ By preventing a person incapable of complying with the essential marital

⁷² *Id.* at 28.

⁷³ *Id.* at 29.

⁷⁴ *Tan-Andal v. Andal*, *supra* note 52.

⁷⁵ *Santos-Gantan v. Gantan*, G.R. No. 225193, October 14, 2020 [Per J. Lazaro-Javier, First Division].

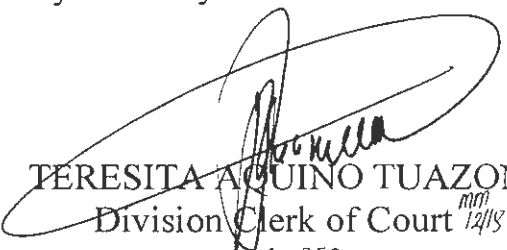
obligations from remaining in that sacred bond, the Court is actually protecting the sanctity of marriage. In the first place, there is no marriage to speak of since it is void from the very beginning. More, “that marriage is an inviolable social institution does not mean that a spouse who unwittingly marries an individual with a certain level of ‘dysfunctionality that show[s] a lack of understanding and concomitant compliance with one’s essential marital obligations due to psychic causes’ is condemned to a life sentence of misery.”⁷⁶

Here, the parties had long parted ways 12 years ago since 2011. The marriage has been so strained that the lifeline in the pursuit of understanding, empathy, and reconciliation is already thrown into the abyss. The classic vow “*‘til death do us part*” is no longer a fascinating song to Elmer’s or Olive’s ears. In fine, there is no showing that things have changed between them for the better. Surely, no court of law can compel them to remain in a marriage that never existed in the first place.

FOR THESE REASONS, the Petition is **GRANTED**. The Decision dated February 15, 2021 and Resolution dated November 8, 2021 of the Court of Appeals in CA-G.R. CV No. 111551 are **REVERSED**. The marriage of Elmer I. Manalo and Maria Olive C. Manalo is declared ***VOID AB INITIO***.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 12/18
19 DEC 2023

⁷⁶ *Egmalis-Ke-eg v. Republic*, *supra* note 61.

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