



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **October 4, 2023** which reads as follows:*

“G.R. No. 261235 (MICHELLE S. MACHON-PETINES, Petitioner v. JOMEL MALIT PETINES and REPUBLIC OF THE PHILIPPINES, Respondents). — This Petition¹ assails the following dispositions of the Court of Appeals in CA-G.R. CV No. 112062 entitled *“Michelle S. Machon-Petines, Petitioner-Appellee, v. Jomel Malit Petines, Respondent, Republic of the Philippines, Oppositor-Appellant:”*

1. Decision² dated December 14, 2020 which sustained the validity of the marriage between respondent Jomel Malit Petines (Jomel) and petitioner Michelle S. Machon-Petines (Michelle); and
2. Resolution³ dated May 26, 2022 which denied Michelle’s Motion for Reconsideration.

Antecedents

After being married for almost eight years to respondent Jomel, petitioner Michelle filed a Petition for Declaration of Nullity of their marriage with the Regional Trial Court, Branch 261, Pasig City on the ground of Jomel’s alleged psychological incapacity.⁴

Michelle alleged that she met Jomel through her sister. At that time, she was just 22 years old while Jomel was 28 years old. After a four-month courtship, they became a couple and eventually got married.⁵ They resided at

¹ *Rollo*, pp. 9–20.

² *Id.* at 24–39. Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Ramon M. Bato, Jr. and Jhosep Y. Lopez (now a member of this Court), Sixth Division, Court of Appeals, Manila.

³ *Id.* at 40–41. Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Ramon M. Bato, Jr., and Perpetua T. Atal-Paño, Special Former Sixth Division, Court of Appeals, Manila.

⁴ *Id.* at 26.

⁵ *Id.*

Jomel's ancestral house in Nueva Ecija. They lived there for a few months before they moved to an adjacent house located at the back of his ancestral house. His mother then installed a gate between the two houses which gave her (Jomel's mother) access to their dwelling.⁶

The first year of their marriage was harmonious. In fact, she (Michelle) even described Jomel as a "loving" husband. But then, her mother-in-law frequently visited their house and kept on criticizing her housekeeping style. Though she got upset that Jomel never intervened despite the inappropriate acts of his mother, she endured the same in order to preserve their marriage.⁷

Then she got pregnant but had a miscarriage due to an abnormal development of the ovum. Instead of supporting her, her parents-in-law blamed her for the incident, "*Baka ininuman lang 'yan ng pampalaglag, kaya nagkaganyan!*" Noticeably, Jomel kept mum through his parents' litany of unfounded accusations. Although she eventually got pregnant again, she had yet another miscarriage due to a blighted ovum.⁸

Subsequently, she got employed in a construction company in Angeles, Pampanga. Due to her employment, she had less time for household chores. This unfortunately triggered Jomel to become verbally abusive and sexually sadistic towards her. There were even times he would force her to have sex with him and enjoyed inserting foreign objects⁹ into her private part. He would physically hurt her if she did not yield to him.¹⁰

Her sister, Ma. Leona Machon (Ma. Leona) witnessed the violent tendencies of Jomel. Sometime in November 2008, Michelle was on her way to work when he suddenly hit the base of her neck so hard causing her to pass out. When she (Michelle) recovered, Ma. Leona was crying and visibly scared. She said, "*Ate, umalis na tayo dito!*" Unfortunately, they could not escape since Jomel was guarding the door. Out of fear, they locked themselves inside a room until one day they were able to escape while Jomel was drinking alcohol.¹¹

The series of abusive behavior strained their marital relationship and ultimately, also caused her to leave their conjugal dwelling for good.¹² Jomel, however, persistently threatened and bullied her *via* text messages, social media, and even at her workplace.¹³ It cannot be denied that their marriage is beyond salvage on account of Jomel's psychological incapacity to comply with his marital obligations.

⁶ *Id.*

⁷ *Id.* at 27.

⁸ *Id.*

⁹ *Id.* at 56.

¹⁰ *Id.* at 27.

¹¹ *Id.* at 56.

¹² *Id.* at 28.

¹³ *Id.* at 57.

Despite receipt of Summons,¹⁴ Jomel failed to file his answer. In compliance with the Order¹⁵ dated November 4, 2015, the public prosecutor submitted his Report¹⁶ dated December 8, 2015 informing the court that per his investigation, he did not find any collusion between the parties.¹⁷

During the hearing, Michelle testified on and affirmed the factual allegations in her petition.¹⁸ She also presented Dr. Cristina R. Gates (Dr. Gates), a Clinical Psychologist,¹⁹ who testified that she did an interview with and administered a battery of tests on Michelle. Although she (Dr. Gates) sent an invitation to Jomel, she did not get the chance to interview him face-to-face because he was in Rome, Italy. He nonetheless obliged to grant her a 30-minute phone call interview.²⁰

Based on her findings, Jomel was afflicted with an *Antisocial Personality Disorder with Sexual Sadism*. His psychological incapacity is characterized by a pervasive pattern of disregard for and violation of the rights of others as well as his abnormal sexual excitement he derived from watching his wife suffer while he inserted different foreign objects in her vagina.²¹

Too, Jomel's psychological disorder stemmed both from the pampering and castrating impact of a domineering mother and an indifferent father. This was further aggravated by a heartbreak he suffered prior to meeting Michelle. Worse, he continuously sent her threatening texts even when she was at work and even after they already got separated from bed and board. His disorder is grave and incurable, hence, rendering him incapable to comply with his essential marital obligations. Ultimately, she recommended that the marriage between the parties be declared void due to Jomel's psychological incapacity.²²

The Ruling of the Trial Court

Under Decision²³ dated June 18, 2018, the trial court granted the petition on the ground of Jomel's psychological incapacity. Thus:

¹⁴ Records, p. 16.

¹⁵ *Id.* at 40.

¹⁶ *Id.* at 41-42.

¹⁷ *Rollo*, p. 26.

¹⁸ *id.*

¹⁹ *Id.* at 28.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 29.

²³ *Id.* at 42-63. Penned by Judge Florian Gregory D. Abalajon.

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RECOMMENDATION. From the psychological vantage point, there is evidence that [the] parties' marriage was null and void ab initio on grounds of Respondent's psychological disorders which psychologically incapacitated him from carrying out his essential marital duties and responsibilities under Article 36 of the Family Code.

The Court, guided by that decision of the Honorable Supreme Court in the case of *Mendoza vs. Republic*, 685 SCRA 15 x x x and in the case of *Kalaw vs. Fernandez*, 745 SCRA 512 x x x hereby takes into consideration and adopts the expert opinion of Clinical Psychologist Cristina R. Gates in making a finding that the totality of the evidence adduced by the petitioner have established the psychological incapacity of respondent alone.

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She identified several behaviors of respondent that are symptoms of his personality disorder like his being impulsive, quarrelsome, disrespectful, abusive (verbally, physically and psychologically), his lack of remorse or empathy for the petitioner, his being self-absorbed, conceited, manipulative and [exploitative].

Ms. Gates has also explained the gravity, incurability and juridical antecedent of respondent's personality disorder xxx.

Hence, the Court grants the instant petition.

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The trial court found that the root cause of Jomel's *Antisocial Personality Disorder with Sexual Sadism* started in his developmental stage, which was aggravated further by a heartbreak caused by a woman he loved before Michelle but turned out to be unfaithful to him.²⁴ It also adopted the findings of Dr. Gates that the psychological incapacity of Jomel is incurable and grave in nature. Specifically, his concrete behavior before and during marriage, and his persistent threats to Michelle even after their separation confirms the perseverating nature of his disorder.²⁵

On behalf of the State, the Office of the Solicitor General (OSG) moved for reconsideration which got denied by Order²⁶ dated September 18, 2018.

Proceedings before the Court of Appeals

On appeal, the OSG²⁷ averred that the totality of evidence on record, was insufficient to establish Jomel's psychological incapacity for the purpose of nullifying his marriage with Michelle. In fact, the findings of Dr. Gates

²⁴ *Id.* at 61.

²⁵ *Id.* at 62.

²⁶ *Id.* at 30.

²⁷ *Id.* at 31.

were allegedly based solely on Michelle's narrative which was not corroborated by any documentary evidence.²⁸

Too, the clinical findings of Dr. Gates were supposedly belied by the evidence on record, showing that the reason Jomel failed to fulfill his marital obligations to Michelle is not psychological incapacity but his own choice and refusal to do so due to his anger and resentment towards his wife. Clearly, this is not the psychological incapacity as contemplated by the law. Hence, the marriage of Michelle and Jomel cannot be declared a nullity under Article 36 of the Family Code.²⁹

The Ruling of the Court of Appeals

Through its assailed Decision³⁰ dated December 14, 2020, the Court of Appeals reversed. It held that the totality of evidence presented by Michelle failed to conclusively establish the root cause, gravity, and incurability of Jomel's alleged psychological incapacity.³¹

First. The evidence failed to medically or clinically identify the root cause of Jomel's alleged psychological incapacity. In fact, in the Psychological Report, Dr. Gates averred that Jomel's psychological incapacity characterized by *Antisocial Personality Disorder with Sexual Sadism* can be traced back to his childhood. Nonetheless, these are mere generalizations drawn from the information supplied by Michelle herself, Michelle's sister, Ma. Leona, and Michelle's confidante, Myra Hernandez. As such, these are merely speculative, inconclusive and self-serving statements.³²

Second. There is no sufficient evidence to prove that Jomel's alleged psychological disorder is grave enough to warrant the nullification of his marriage with Michelle. The records failed to show any evidence, testimonial and/or documentary, to prove such fact except the gratuitous statements of Michelle.³³

Third. The evidence on record failed to establish the incurability of Jomel's alleged psychological incapacity. The bare assertion of Dr. Gates that his psychological condition is permanent and incurable was a mere general claim without any supporting evidence and details to explain why behavioral therapy is beyond his means.³⁴

²⁸ *Id.*

²⁹ *Id.* at 32.

³⁰ *Id.* at 24–39.

³¹ *Id.* at 34.

³² *Id.* at 35.

³³ *Id.* at 36.

³⁴ *Id.*

The Court of Appeals subsequently denied Michelle's motion for reconsideration.³⁵

The Present Petition

Michelle now seeks the Court's discretionary appellate jurisdiction to reverse the assailed rulings of the Court of Appeals. She essentially avers that there is sufficient ground to declare the nullity of her marriage with Jomel, as appropriately ordained by the trial court.³⁶ Her failed relationship with her husband further worsened when he abandoned her and went away for good to live in Rome, Italy.³⁷ Ultimately, the clinical findings of Dr. Gates sufficiently supported the psychological incapacity of Jomel.³⁸

In its Comment,³⁹ the OSG, ripostes that mere difficulty or refusal to perform marital obligations cannot be considered as psychological incapacity sans proof of manifestations of an incapacity rooted in some debilitating psychological condition. After all, an unsatisfactory marriage is not *ipso facto* a void marriage.⁴⁰ To be sure, the issues here only came about when Michelle's mother-in-law started to meddle with their household affairs. Jurisprudence is nevertheless consistent that misunderstandings and troubles between husband and wife mainly caused by a dominant mother-in-law is not a ground for declaring a marriage void, as here.⁴¹

Issue

Does the evidence on record sufficiently support the petition of Michelle for Declaration of Nullity of her marriage with Jomel on the ground of the latter's psychological incapacity?

Ruling

We grant the Petition.

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

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

³⁵ *Id.* at 40.

³⁶ *Id.* at 16.

³⁷ *Id.* at 17.

³⁸ *Id.*

³⁹ *Id.* at 75-86.

⁴⁰ *Id.* at 82.

⁴¹ *Id.*

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

In *Tan-Andal v. Andal*,⁴² 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 which hinged on mental incapacity or personality disorder. The Court, voting as one, ultimately agreed on a reconfigured concept of psychological incapacity, thus:

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.

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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 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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⁴² G.R. No. 196359, May 10, 2021 [Per J. Leonen, *En Banc*].

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.** (Emphasis supplied; citations omitted)

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To stress, psychological incapacity consists of clear acts of dysfunctionality which show lack of understanding and concomitant compliance with one's essential marital obligations.⁴³ But every case involving the alleged psychological incapacity of a spouse should be resolved based on its particular set of facts and Article 36 of the Family Code, applied on a case-to-case basis.

Tan-Andal correctly stated the threshold of evidence in psychological incapacity cases, *i.e.*, the spouse alleging psychological incapacity is required to prove his or her case with **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.⁴⁴

In the case of marriage, the **presumption strongly upholds its validity**. Trial courts hearing psychological incapacity cases that are uncontested must bear in mind this legal requirement – a petitioner carries the heavy burden of proving by clear and convincing evidence the legal requisites of psychological incapacity (**juridical antecedence, gravity, and incurability**) 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.⁴⁵

Notably, in *Marcos v. Marcos*,⁴⁶ the Court had already decreed that there is no requirement for the person to be declared psychologically incapacitated to have been personally examined by an expert, be it a psychiatrist or a clinical psychologist. What is important is the presence of a totality of evidence that adequately establishes the party's psychological incapacity. *Tan-Andal*, too, cited *Marcos*, albeit it clarified that *Marcos* failed to categorically mention that expert opinion is no longer required in proving psychological incapacity, *viz.*:

It took time before this Court, in *Marcos v. Marcos*, declared that “a medical examination of the person concerned need not be resorted to,” requiring instead that “the totality of evidence presented be enough to sustain a finding of psychological incapacity.” **This seemed to do away**

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Alcantara v. Alcantara*, 558 Phil. 192 (2007) [Per *J. Chico-Nazario*, Third Division].

⁴⁶ 397 Phil. 840 (2000) [Per *J. Panganiban*, Third Division], as cited in *Republic v. Galang*, 665 Phil. 658, 676 (2011) [Per *J. Brion*, Third Division].

with the requirement of expert opinion on the root cause of the psychological incapacity, but the Court was not categorical with this. It even said in *Marcos* that the “root cause may be ‘medically or clinically identified,” implying that though medical opinion may be done away with, a clinical identification, which is still expert opinion, must nevertheless be presented. (Emphasis supplied)

Verily, *Tan-Andal* democratized the forms of evidence proving psychological incapacity. The Court **allowed lay persons to prove psychological incapacity** through evidence of a *personality structure* or *psychic causes* that *manifest itself through clear acts of dysfunctionality that undermine the family*.⁴⁷ The types of evidence that a lay person may adduce for this purpose are: **(i)** the reputation of the incapacitated spouse being psychologically incapacitated – that is, the viewpoint of reasonable members of the spouses’ relevant communities; **(ii)** the character of the incapacitated spouse relevant to or indicative of such incapacity; **(iii)** the everyday behavior, acts or conduct of the incapacitated spouse; and **(iv)** the offended spouse’s own experience of neglect, abandonment, unrequited love, and infliction of mental distress, among others.⁴⁸

These types of evidence may establish circumstances probative of the dysfunctional acts inimical to the family. The relevant circumstances to be proven may include: **(i)** instances of violence against women and their children as defined in Republic Act No. 9262;⁴⁹ **(ii)** zero probability of reconciliation between the spouses; and **(iii)** failure of the spouse or the spouses to perform his, her, or their marital duties and obligations in a manner clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.⁵⁰ The third category of circumstances refers to the characterization, *i.e.*, *clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage*, that was once used to describe the *personality disorder* that gave rise to psychological incapacity.⁵¹

Since *Tan-Andal* has abandoned the focus on personality disorders and expert opinions, this characterization may now be appropriated to capture the essence of the problematic personality structure or psychic causes that spawn psychological incapacity. Embraced in this inclusive circumstance are such facts as: **(i)** forms of addiction demonstrative of such insensitivity or inability; **(ii)** abandonment by one spouse of the other; or **(iii)** instances of actual loss of trust, love, and respect for each other. This notwithstanding the reality of meaningless marriages which force either or both spouses into chronically unproductive and detached lives, thus, physically and psychologically endangering themselves in the process.⁵²

⁴⁷ *Espiritu v. Boac-Espiritu*, G.R. No. 247583, October 6, 2021 [Per J. Lazaro-Javier, First Division].

⁴⁸ *Id.*

⁴⁹ Anti-Violence Against Women and Their Children Act of 2004 dated March 8, 2004.

⁵⁰ *Espiritu v. Boac-Espiritu*, *supra*.

⁵¹ See e.g. *Republic v. Deang*, 850 Phil. 483, 490 (2019) [Per J. Perlas-Bernabe, Second Division].

⁵² *Espiritu v. Boac-Espiritu*, *supra*.

Applying *Tan-Andal* here, we find that Michelle was able to prove by clear and convincing evidence that her marriage to Jomel should be declared void on the ground of psychological incapacity.

Juridical antecedence, gravity, and incurability to prove the existence of psychological incapacity

Despite the Court's fundamental paradigm shift in viewing psychological incapacity as a purely legal, rather than a medical, concept, the requirement of juridical antecedence, incurability, and gravity in determining psychological incapacity, remain.

Foremost, psychological incapacity must have **juridical antecedence** as required in *Republic v. Molina*.⁵³ Article 36 of the Family Code explicitly requires it to be existing at the time of the celebration of the marriage, even if such incapacity becomes manifest only after its solemnization. More, *Tan-Andal* clarified that such requirement does not require proof that the psychological incapacity roots from a medically-identified mental incapacity or psychological incapacity as previously required in *Molina*. Again, psychological incapacity has always been a legal concept — it is neither a mental incapacity nor a personality disorder in a strict medical sense, although one's clinical mental or personality disorder can be its root cause.⁵⁴

The psychological incapacity must also be **grave** such that the party would be incapable of carrying out the ordinary duties required in a marriage.⁵⁵ It must be distinguished from “mild characterological peculiarities, mood changes, occasional emotional outbursts” generally brought about by human nature and the natural dynamics of every personal relationship.”⁵⁶

Finally, the psychological incapacity must be **incurable**, but unlike in *Molina*, such incurability should not be confused with medical or clinical permanence. Instead, it must now be recognized that psychological incapacity is incurable only in the legal sense in 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.” In order for the said requisite to obtain, there must be “[a]n undeniable pattern of a persisting failure to be a present, loving, faithful, respectful, and supportive spouse that must be

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

⁵⁴ *Dedicatoria v. Dedicatoria*, G.R. No. 250618, July 20, 2022 [Per *J. M. Lopez*, Second Division].

⁵⁵ *Baldovino-Torres v. Torres*, G.R. No. 248675, July 20, 2022 [Per *J. Inting*, Third Division].

⁵⁶ *Dedicatoria v. Dedicatoria, supra*.

established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other.”⁵⁷

Michelle established through clear and convincing evidence that her marriage with Jomel should be nullified on ground of the latter’s psychological incapacity

Michelle testified that Jomel started to change when she got employed in a construction company in Angeles, Pampanga. This triggered Jomel to become verbally abusive and sexually sadistic towards her since she had less time for him. There were even instances when he would force her to have sex with him and would physically hurt her if she would not submit. Worse, he enjoyed inserting different foreign objects in her vagina. This physically abusive behavior ultimately led her to leave their conjugal dwelling.

Dr. Gates confirmed Michelle’s averments. Based on her Psychological Report, Jomel was impaired with an *Antisocial Personality Disorder with Sexual Sadism*. Essentially, his psychological incapacity is characterized by a pervasive pattern of disregard for and violation of the rights of others as well as his abnormal sexual excitement from the psychological or physical suffering of his wife. He derived sexual excitement from watching his wife suffer while he inserted different foreign objects in her vagina, despite knowing fully well the injury it may cause her.⁵⁸

As it was, the testimonies of Michelle, as corroborated by the expert opinion of Dr. Gates, sufficiently established the psychological incapacity of Jomel as a ground to declare the marriage void *ab initio*.

Jomel is psychologically incapacitated in the legal sense

We now determine whether Jomel’s manifestations of psychological incapacity may be construed in the legal sense so as to warrant a declaration of nullity of his marriage to Michelle. Following *Tan-Andal*, we ascertain the presence of the three criteria for psychological incapacity – juridical antecedence, gravity, and incurability, *viz.*:

First - *Juridical Antecedence* (i.e., the condition existed prior to the celebration of marriage):

⁵⁷ *Cayabyab-Navarro v. Navarro*, G.R. No. 216655, April 20, 2022 [Per J. Perlas-Bernabe, Second Division].

⁵⁸ *Rollo*, p. 28.

Jomel's incapacity can be traced back even before the celebration of his marriage with Michelle. To recall, Michelle was just 22 years old while Jomel was 28 years old when they became a couple and eventually got married. The courtship lasted for only four months, and the emotional gush blinded her, and accept him for what he appeared to be (*i.e.*, loving husband). Her young age, and to a certain extent her immaturity, did not help, especially considering that this was her first romantic relationship.

Unknown to Michelle, Jomel came from a significant heartbreak from another woman which affected him even during the subsistence of their marriage. Such heartbreak was so significant that based on the investigation of Dr. Gates, one of his extended family members informed her (Dr. Gates) that he killed his ex-lover's paramour. If not for his mother who cleaned up his mess by paying off the aggrieved parties, his violent tendencies would not have been concealed.⁵⁹

The first year of their marriage was nevertheless harmonious. But even during their so-called *honeymoon stage*, manifestations of his dependence on his mother already came to the fore. As it was, they opted to reside in their ancestral house in Nueva Ecija shortly after their marriage. They lived there for a few months before they decided to live on their own. Nonetheless, they merely moved to an adjacent house located at the back of their ancestral house. His mother then installed a gate between the two houses which gave her (Jomel's mother) access to their dwelling. Such access also made Michelle vulnerable to wrongful treatment and unnecessary criticisms from her mother-in-law. Essentially, they did not live independently at all.

Despite his mother's antagonistic treatment of his wife Michelle, Jomel never intervened to protect her. The situation got worse when she suffered two miscarriages, and thereafter, secured a job in a construction company in Angeles, Pampanga. Due to her employment, her time to be with him got diminished. This unmasked his true identity. He started to become verbally abusive and sexually sadistic towards her. There were times he inserted different foreign objects into her vagina, causing her extreme pain but giving immeasurable pleasure to Jomel.

This brings back into the fore how the root cause of his psychological incapacity which, according to Dr. Gates stemmed both from the pampering and castrating impact of a domineering mother and an indifferent father. This was further aggravated by a heartbreak he suffered even before he met Michelle.

⁵⁹ *Id.* at 52.

Second – Gravity (*i.e., the condition cannot be categorized as mild characterological peculiarities, mood changes, and occasional emotional outbursts*):

The psychological incapacity of Jomel is not merely mild characterological peculiarities, mood changes, or occasional emotional outbursts. To be sure, Michelle suffered various physical, verbal, and sexual abuse from him. Worse, he did not only fail to perform his spousal obligations, but he also became sexually sadistic towards her. He found satisfaction in inserting different foreign objects into her vagina, a clear act not only of sadism, but blatant disrespect to her as his marital partner. He invariably allowed and tolerated his mother to constantly insult his wife and meddle with their domestic affairs as husband and wife.

Too, Michelle continuously suffered emotional abuse from Jomel through threats and insults sent *via* text messages despite the years that had passed since their separation-in-fact.⁶⁰

The Court cannot, by any means, consider Jomel's condition as a mild characterological peculiarity. If he cannot accord respect to Michelle as a person, he can never offer the same to her as a spouse.

Finally – Incurability (*i.e., 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*):

Jomel's psychological incapacity is incurable in the legal sense. Clearly, he married Michelle as a mere rebound, a convenient scapegoat, and a phase to move on from his previous lover. He tried to conceal it, but he eventually unleashed his subconscious desires. These facts can be confirmed from his consequent physical, verbal, and sexual abuse towards his supposed partner in life. As it was, his sexual sadism and violent tendencies were the very same reasons why he never got to, and will never be able to, fulfill his spousal obligations towards Michelle. Indubitably, his psychological incapacity contemplates a situation where his personality structure and that of his wife are so incompatible and antagonistic that the only result of the union would be the inevitable collapse of the marriage.

The medical findings of Dr. Gates corroborated these averments. We go back to her undisputed finding that the root cause of Jomel's psychological incapacity, characterized by *Antisocial Personality Disorder with Sexual Sadism*, can be traced back to his childhood. It stemmed both from the pampering and castrating impact of a domineering mother and an indifferent father. These were aggravated further by a heartbreak he suffered from a

⁶⁰ *Id.* at 15.

former sweetheart prior to his marriage with Michelle. She also identified several symptoms of his personality disorder like being impulsive, quarrelsome, disrespectful, abusive (verbally, physically, psychologically, sexually), his lack of remorse or empathy for Michelle, his being self-absorbed, conceited, manipulative, and exploitive, as significant impediments for him to perform his essential spousal obligations.⁶¹ His psychological incapacity is likewise incurable and grave, for his concrete behavior before and during marriage, and his persistent threats to Michelle even after their separation, confirms its recurring nature.

Based on the foregoing, we find that Jomel failed to give mutual love, respect, and support to Michelle. His personality disorder barred him from performing even the most basic of marital obligations: to love, to respect and to live together with his wife.⁶²

As decreed in *Santos-Gantan v. Gantan*,⁶³ in dissolving marital bonds on the ground of psychological incapacity of either spouse, the Court is not demolishing the foundation of families. By preventing a person who is afflicted with a psychological disorder and incapable of complying with the essential marital 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.

All told, applying Article 36 of the Family Code, and as clarified in the recent landmark case of *Tan-Andal*, we find that there is clear and convincing evidence here to support the conclusion that Jomel is psychologically incapacitated, in the legal sense, from complying his marital obligations. Consequently, the marital union between Michelle and Jomel is declared void *ab initio*.

The Court resolves to:

1. **NOTE** the Comment⁶⁴ dated August 3, 2023 of the OSG on the Petition for Review on *Certiorari*⁶⁵ in compliance with the Resolution dated April 17, 2023;⁶⁶ and

2. **DEEM AS SERVED** by substituted service pursuant to Section 8, Rule 13 of the 2019 Amended Rules of Court, the returned and unserved copy

⁶¹ *Id.* at 62.

⁶² NCC, Art. 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family.

⁶³ G.R. No. 225193, October 14, 2020 [Per J. Lazaro-Javier, First Division].

⁶⁴ *Rollo*, pp. 75–86.

⁶⁵ *Id.* at 9–20.

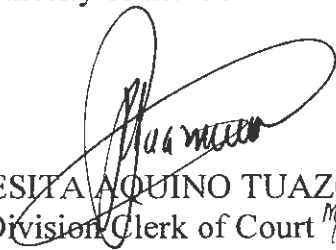
⁶⁶ *Id.* at 89–90.

of the Resolution dated April 17, 2023 sent to respondent Jomel at Via del Porto, Fluviale 1C, Scala A, Int. 16, Roma, Italia 00154 with notation, "Rinvio Retour, Sconosciuto Inconnu (unknown person).

FOR THESE REASONS, the Petition is **GRANTED**. The Decision dated December 14, 2020 and Resolution dated May 26, 2022 of the Court of Appeals in CA-G.R. CV No. 112062 are **REVERSED**. The marriage between Jomel M. Petines and Michelle S. Machon-Petines is declared **VOID** on ground of **Jomel's** psychological incapacity. Consequently, their property relation as husband and wife is likewise declared **DISSOLVED**.

SO ORDERED." (Lopez, J.Y., J., no part due to prior action in the Court of Appeals; Gaerlan, J., designated additional member per Raffle dated August 30, 2022; Leonen, S.A.J., on leave, but left a vote pursuant to Section 4, Rule 12 of the SC Internal Rules)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court ^{MM} 10/19
 19 OCT 2023

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JOMEL MALIT PETINES (reg)
 Respondent
 Via del Porto,
 Fluviale 1C, Scala A,
 Int. 16, Roma Italia 00154

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 261
 Pasig City
 (Civil Case No. JDRC No. 11016)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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Please notify the Court of any change in your address.
 GR261235. 10/04/2023A(111,121&607)URES