



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 9, 2023, which reads as follows:

“G.R. No. 254546 (RUEL ANTHONY M. BANDILLA, Petitioner v. MARY JANE A. OBOR-BANDILLA and REPUBLIC OF THE PHILIPPINES, Respondents). — This Court resolves the instant Petition for Review on *Certiorari*¹ assailing the Decision² and the Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 06305. In the impugned Decision, the CA reversed the judgment⁴ rendered by and the subsequent order⁵ of Branch 24 of the Regional Trial Court (RTC) of Cebu City, declaring void the marriage of Ruel Anthony Bandilla (petitioner) and Mary Jane A. Obor-Bandilla (respondent) on the ground of psychological incapacity, pursuant to Article 36 of the Family Code of the Philippines (Family Code), as amended,⁶ and denying the motion for reconsideration⁷ thereof, respectively. The challenged Resolution, on the other hand, denied petitioner’s bid for a reconsideration of said Decision.

At the outset, the Court commiserates with petitioner’s narrative as chronicled in his Petition—

“[He] has been separated from his spouse for more than 13 years. Based on the Facebook account of his estranged wife, the latter now has a child with a new partner, thus the possibility of a reconciliation is next to impossible. The dismissal of his petition will certainly not make him rush back into the callous arms of his murderous wife. On the contrary, the denial of his

¹ Rollo pp. 12-25.

² Id. at 29-46. The Decision dated October 26, 2018 was penned by Associate Justice Edgardo L. Delos Santos (now a retired Member of this Court), with the concurrence of Associate Justices Marilyn B. Lagura-Yap and Emily R. Aliño-Geluz.

³ Id. at 58-61. The Resolution dated September 16, 2020 was penned by Associate Justice Emily R. Aliño-Geluz, with the concurrence of Associate Justices Pamela Ann Abella Maxino and Marilyn B. Lagura-Yap.

⁴ Id. at 65-71. The Decision dated September 13, 2016 in Civil Case No. CEB-37317 was penned by Presiding Judge Jose Nathaniel S. Andal.

⁵ Id. at 35.

⁶ Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

⁷ Rollo, pp. 72-77.

petition will further inflame the already deep animosity between the parties for they can no longer be freed from the pain and despair arising but of their failed marital union.”⁸

Be that as it may, the Court is constrained to deny the instant Petition.

In the main, petitioner avows that the CA erred in ruling that the totality of evidence is insufficient to declare his marriage void on the ground of psychological incapacity. He likewise asserts that respondent’s non-examination does not invalidate the findings of the clinical psychologist.

Evidently, the bone of contention in the case at bench redounds to—

Does the totality of petitioner’s evidence establish respondent’s psychological incapacity to perform the essential obligations of marriage?

The Court holds that it does not.

The 2021 seminal case of *Tan-Andal v. Andal*⁹ (*Tan-Andal*) gave the Court the opportunity to revisit the concept of psychological incapacity under Article 36 of the Family Code, and how through the years, it was invariably interpreted and applied as a medical condition which hinged on mental incapacity or personality disorder. The Court ultimately decreed a reconfigured concept of psychological incapacity, thus:

Psychological incapacity is *neither* a mental incapacity *nor* a personality disorder that must be proven through expert opinion. There must be proof, however, of the durable or enduring aspects of a person’s personality, called “personality structure,” which manifests itself through clear acts of dysfunctionality that undermines the family. **The spouse’s personality structure must make it impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.**

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

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

Difficult to prove as it may be, **a party to a nullity case is still required to prove juridical antecedence** because it is an explicit requirement of the law. Article 36 is clear that the psychological incapacity

⁸ Id. at 18, Petition.

⁹ G.R. No. 196359, May 11, 2021.

must be existing “at the time of the celebration” of the marriage, “even if such incapacity becomes manifest only after its solemnization.” This distinguishes psychological incapacity from divorce. Divorce severs a marital tie for causes, psychological or otherwise, that may have developed after the marriage celebration.

X X X X

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

X X X X

Reading together the deliberations of the Joint Committee and our rulings in *Santos* and *Molina*, we hold that the psychological incapacity contemplated in Article 36 of the Family Code is incurable, not in the medical, but in the legal sense; hence, the third *Molina* guideline is amended accordingly. This means that **the incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple’s respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage.** “[A]n undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other.”

With respect to gravity, the requirement is retained, not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness, but that **“mild characterological peculiarities, mood changes, occasional emotional outbursts” are excluded.** The **psychological incapacity cannot be mere “refusal, neglect[,] or difficulty, much less ill will.”** In other words, it must be shown that the incapacity is caused by a genuinely serious psychic cause.

X X X X

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

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

Putting things in perspective, *Tan-Andal* now decisively defines the quantum of evidence required—*clear and convincing evidence*, which is less

than proof beyond reasonable doubt (for criminal cases) but greater than preponderance of evidence (for civil cases). The degree of believability is higher than that of an ordinary civil case. Civil cases only require a preponderance of evidence to meet the required burden of proof. This quantum of proof proceeds from the presumption of validity accorded to marriages, which, like all legal presumptions, may be rebutted only by clear and convincing evidence.¹⁰

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

To recall, petitioner complained against his wife that: 1) prior to their marriage, she showed signs of immaturity, insecurity and incapacity; 2) she had always been insecure of herself and was extremely jealous of all his female friends; 3) she threatened him with a knife, compelling him to leave the conjugal home for good; 4) she was a spendthrift and squandered his hard-earned money from working as an overseas Filipino worker; and, 5) she barely spent for improvements in their house and it had the same old furniture and obsolete appliances, and yet he would always encounter unpaid bills. While these circumstances evince a troubled marriage and may be indicators of respondent's psychological incapacity, still, **petitioner's bare assertions, by themselves, cannot pass the required burden of proof.**

To support petitioner's testimony, Mary Jun Delgado (Delgado), a licensed clinical psychologist, was presented as an expert witness. She also submitted a Psychological Assessment Report showing that the behavior pattern manifested by respondent before and during the marriage is identifiable with comorbid symptoms of Borderline Personality Disorder and Narcissistic Personality Disorder (DSM-5: Axis 2, Cluster B). The Report stated:

"IV. Discussion and Recommendation

[Respondent's] borderline-narcissistic personality disorder originated and developed out from the formative years of [her] life where she was exposed to the pampering family system and of the permissiveness of her family. Thus, it grew out and evolved inside of her as a person and eventually permanently resided in her whole adult personality, stable and inflexible. So as a malady of the personality, comorbid borderline-narcissistic personality disorder is already permanent, inflexible and natural aspect of [respondent's] personality structure. It is INCURABLE disorder for it is already a true emblem of her whole but dysfunctional personality. It is fully imbedded (sic) there and deeply rooted. It is pervasive, permanent and inflexible (DSM-5).

Such personality disorder of [respondent] is SERIOUS and GRAVE for it is an unchanging dynamism of who she is, that will continue to create

¹⁰ See *Fopalan v. Fopalan*, G.R. No. 250287, July 20, 2022.

distress in her own life and in the lives of people with whom she would be related with, like what she had done to [petitioner]. [Respondent] caused [petitioner] grave distress and eventually destroyed their marriage. It is so distressing for her even, and there are no rooms for realizations because [respondent] is at ease and enjoys the way that she is. She does not have any recognition for the adverse consequences of her acts and thus she is always constrained to share herself harmoniously to people especially in close relationships.

[Respondent] caused [petitioner] grave distress and anxiety. She ca[n] never share with him mutual respect, trust, loyalty, care and love in marriage[.] [Respondent's] Borderline-Narcissistic personality disorder is always there to cause her to act away and deviant from the expected roles she must have as a spouse. Her total functioning as a person is totally distorted that her personality disorder is clinically significant to cause everyone including herself grave distress and danger. It has been present and standing firm in her persons long before she married [petitioner], and it's the same reason behind the destruction of their marriage.

[Respondent,] with her personality disorder that's incurable, permanent and severe, is psychologically incapacitated to comply with her essential marital obligations towards [petitioner]. It is then recommended that their marriage which was celebrated on March 13, 2003 be declared null and void or that their marriage be granted nullity.”¹¹

The CA, however, did not give credence to the Psychological Assessment Report. It found the report inadequate to establish respondent's psychological incapacity since it was merely based on her Facebook account and petitioner's one-sided assertions. According to the CA, “[t]o make conclusions and generalizations on a spouse's psychological condition based on the information fed by only one side, as in the case at bar, is not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.”¹²

Upon this point, *Georfo v. Republic*¹³ (*Georfo*), a very recent case, is quite instructive—

The Court of Appeals rejected Dr. Gerong's report and ruled that it fell short of establishing private respondent's psychological incapacity because it was not based on his personal examination. It concluded that the report is biased because it was based on the interview of petitioner and her sister. Moreover, the Court of Appeals held that Dr. Gerong failed to identify the root cause of private respondent's psychological incapacity and he used an old version of the Diagnostic and Statistical Manual of Mental Disorders.

This line of reasoning has been dismissed in *Tan-Andal*. To reiterate, the psychiatric evaluation of the alleged incapacitated spouse is no

¹¹ *Rollo*, p. 33, CA Decision.

¹² *Id.* at 43, CA Decision.

¹³ G.R. No. 246933, March 6, 2023.

longer required in psychological incapacity cases. The psychiatric evaluation may be based on collateral information or other sources.

In *Camacho-Reyes*, this Court noted that it is only reasonable that a psychological report is based on the testimony of the petitioning spouse since they are the one who had closely observed and interacted with their partner.

The lack of personal examination and interview of the respondent, or any other person diagnosed with personality disorder, does not *per se* invalidate the testimonies of the doctors. Neither do their findings automatically constitute hearsay that would result in their exclusion as evidence.

For one, marriage, by its very definition, necessarily involves only two persons. The totality of the behavior of one spouse during the cohabitation and marriage is generally and genuinely witnessed mainly by the other. In this case, the experts testified on their individual assessment of the present state of the parties' marriage from the perception of one of the parties, herein petitioner. Certainly, petitioner, during their marriage, had occasion to interact with, and experience, respondent's pattern of behavior which she could then validly relay to the clinical psychologists and the psychiatrist. (Citation omitted)

However, this Court clarified that **evidence should not only come from the petitioning spouse but also from other sources:**

Our recognition simply means that the requirements for nullity outlined in *Santos* and *Molina* need not necessarily come from the allegedly incapacitated spouse. In other words, it is still essential — although from sources other than the respondent spouse — to show his or her personality profile, or its approximation, at the time of marriage; the root cause of the inability to appreciate the essential obligations of marriage; and the gravity, permanence and incurability of the condition.

Other than from the spouses, such evidence can come from persons intimately related to them, such as relatives, close friends or even family doctors or lawyers who could testify on the allegedly incapacitated spouse's condition at or about the time of marriage, or to subsequent occurring events that trace their roots to the incapacity already present at the time of marriage. [Emphases supplied]

The Court agrees with the CA that the totality of evidence does not support a finding of respondent's psychological incapacity. Again, evidence should not only come from the petitioning spouse, but also from *other sources*.¹⁴

¹⁴ Id.

However, contrary to the pronouncement of the CA, it bears emphasis that respondent’s personal examination, as the purported incapacitated spouse, is no longer required in psychological incapacity cases. The psychiatric evaluation may be based on collateral information or other sources.¹⁵

In précis, the marriage of petitioner and respondent is not a null and void marriage. Absent sufficient evidence establishing psychological incapacity within the context of Article 36 of the Family Code, the Court is compelled to uphold the indissolubility of their marital tie.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated October 26, 2018 and the Resolution dated September 16, 2020 of the Court of Appeals in CA-G.R. CV No. 06305 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

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/s/

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¹⁵ Id.