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POSITION PAPER: THE CASE OF THE PROBLEMATIC SPOUSES

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I. Statement of Relevant Facts

On February 14, 2010, Gran “Daddy” Verylayo (Gran), for the first time, got a glimpse of the angelic face of Lean “Tinkerbell” Belarmo-Verylayo (Lean) in a gathering organized by a group of mountain climbers from their high school alma mater called “Social Climbers”. Gran was initially attracted to Lean's close friend Khentricia. However, as the latter already had a boyfriend, the young Gran decided to court Lean. The courting started when Gran was already a sophomore student and Lean was still a freshman. Sharing similar dread towards their families, the two developed a certain degree of closeness towards each other. Sometime in May 2010, Lean, being the outrageous vixen that she was, asked Gran that they elope. At first, Gran, being a product of a conservative and religious family, refused, saying that he was young and jobless. Lean's persistence, however, made him relent. Thus, they left Cebu and sailed to Dumaguete that month, with Gran providing their travel money and Lean purchasing the boat tickets. However, Gran's budget of twenty thousand pesos (Php 20,000.00) lasted for only a month. Their pension house accommodation and daily sustenance fast depleted it, and they could not find a job. In August 2010, the pair decided to go back to Cebu. Lean proceeded to her aunt's house and Gran to his parents' home. As Gran's family was abroad, and Lean kept on telephoning him, threatening him that she would commit suicide, Gran agreed to stay with Lean at her aunt's place.

On October 15, 2010, Lean's aunt brought the pair before the court of Judge Mindo Papa to get married. Gran was then twenty-seven (27) years old, and Lean, twenty-two (22). The two then continued to stay at her aunt's place where Gran was treated like a prisoner as he was not allowed to go out unaccompanied. Lean's aunt also showed Gran her rifles and samurai swords and warned him never to hurt or leave Lean. At one point, Gran was able to call home and talk to his sister who suggested that they should stay at their parents' home and live with them. Gran relayed this to Lean who, however, suggested that he should get his inheritance so that they could live on their own. Gran talked to his father about this, but the latter got angry, told Gran that he would be disinherited, and insisted that Gran must go home. After a month, Gran escaped from the house of Lean's aunt, and stayed with his parents. His family then hid him from Lean and her family whenever they telephoned to ask for him. Sometime in January of 2011, Gran was able to talk to Lean. Unmoved by his persistence that they should live with his parents, she said that it was better for them to live separate lives. They then parted ways. On January 14, 2015, or after roughly four years, Lean filed a petition before the Regional Trial Court of Cebu City, Branch

69 (RTC 69), for the nullification of his marriage to Gran on the basis of the latter's psychological incapacity. As Gran did not respond, the RTC 69, on July 14, 2015, ordered the Office of the City Prosecutor of Cebu City (OCP – Cebu) to investigate whether there was collusion between the parties.

On August 26, 2015, the OCP - Cebu submitted an investigation report stating that it could not determine if there was collusion between the parties. Hence, it recommended that trial on the merits be conducted. The clinical psychologist, Mama Minda, who examined Gran found both parties psychologically incapacitated, and made in her report the following findings and conclusions:

“START OF REPORT

MARITAL BACKGROUND AND HISTORY:

Gran “Daddy” Verylayo is a 27-year-old Filipino male adult born and baptized Born Again Christian in Cebu. He finished one year in college at the University of San Carlos – Talamban Campus last 2008 and is currently unemployed. He is married to and separated from Lean “Tinkerbell” Belarmo-Verylayo. Lean presented herself at my office for a psychological evaluation in relation to a Petition for Nullification of Marriage filed against Gran on the ground of psychological incapacity. He is now residing at Sitio Caymito, Brgy. Uwagan, Cebu City. Gran has three siblings who are now in business and one deceased brother. Both his parents are also in the business sphere whom he considers generous, hospitable, and patient. These virtues are said to be handed to each of the family member. He generally considers himself to be quiet and simple. He clearly remembers himself to be afraid of meeting people. After 2008, he tried his luck in being a Marketing Representative of Cherry Pie Mobile Incorporated, and because of job incompetence, as well as being quiet and a loner, he did not stay long in the job and in fact remained only until 2009. His interest lies on becoming a full servant of God by being a priest or a pastor. He is said to isolate himself from his friends even during his childhood days as he only loves to read the Bible and hear its message.

Lean is said to come from a fine family despite having a lazy father. She is said to have not finished her collegiate degree and shared intimate sexual moments with her former boyfriends prior to that with Gran. In February of 2010, Lean showed her kindness to Gran and this became the foundation of their intimate relationship. After a few months of dating, Gran mentioned to Lean that he is having problems with his family. Lean surprisingly retorted that she also hates her family and that she actually wanted to get out of their lives. From that time on, Lean had insisted to petitioner that they should elope and live together. Gran hesitated because he is not

prepared as they are both young and inexperienced, but she insisted that they would somehow manage because Gran is rich. In the last week of May 2010, Lean seriously brought the idea of eloping and she already bought tickets for the boat going to Dumaguete. Gran reluctantly agreed to the idea and so they eloped to Dumaguete. The pair are supposed to stay at the house of a friend of Lean, but they were not able to locate her, so Gran was compelled to rent an apartment. The pair tried to look for a job but could not find any so it was suggested by Lean that they should go back and seek help from Gran's parents. When the pair arrived at the house of Gran, his entire family was out of the country so Lean decided to go back to her home for the meantime while Gran stayed behind at their home. After a few days of separation, Lean called Gran by phone and said she wanted to talk to him. Gran responded immediately and when he arrived at their house, Lean confronted Gran as to why he appeared to be cold. Lean acted irrationally and even threatened to commit suicide. Gran got scared so he went home again. Lean would call by phone every now and then and became angry as Gran does not know what to do. Lean went to the extent of threatening to file a case against Gran and scandalize his family in the newspaper. Gran asked her how he would be able to make amends and at this point in time, Lean brought the idea of marriage. Gran, out of frustration in life, agreed with Lean to pacify her, and so on October 15, 2010, Lean's aunt brought the pair to Cebu City, and on that very same day, Gran and Lean was made to sign the Marriage Contract before the judge. As it turns out and for some reason, the marriage license procured by the parties was issued by another judge, Judge Tee Tiko, from the Regional Trial Court of Danao City.

Lean decided that they should stay first at their house until after arrival of the parents of Gran. But when Gran's parents arrived, Lean refused to allow Gran to go home. Gran was threatened in so many ways with Lean's aunt showing him many guns and swords. Lean even threatened that if Gran should persist in going home, Lean's family will commission their military friends to harm his family. Lean even made Gran sign a declaration that if he should perish, the authorities should look for him at his parents and relatives' houses. Sometime in November 2010, Gran was able to escape and went home. He told his parents about his predicament and they forgave him and supported him by giving him police escort. Gran, however, did not inform them that he signed a marriage contract with Lean. When they knew about it, Gran was referred for counseling. Gran, after the counseling, tried to contact Lean. Gran offered her to live instead in the home of his parents while they are still studying. Lean refused the idea and claimed that she would only live with him if they will have a separate home of their own and be away from his parents. Lean also intimated to Gran that he should already get his share of whatever he would inherit from his parents so they can start a new

life. Lean demanded these not knowing that Gran already settled his differences with his own family. When Lean refused to live with Gran where he chose for them to stay, Gran decided to tell her to stop harassing the home of his parents. He told her already that he was disinherited and since he also does not have a job, he would not be able to support her. After knowing that Gran does not have any money anymore, Lean stopped tormenting petitioner and informed petitioner that they should live separate lives.

The said relationship between Gran and Lean is said to be undoubtedly in the wreck and weakly-founded. The break-up was caused by both parties' unreadiness to commitment and their young age. He was still in the state of finding his fate and fighting boredom, while she was still egocentrically involved with herself.

PSYCHOLOGICAL TESTS ADMINISTERED ON LEAN:

- Draw-A-Person Test
- Minnesota Multiphasic Personality Inventory (MMPI)
- Bender Visual Motor Gestalt Test
- Revised Beta Examination
- Rorschach Psychodiagnostic Test
- Sach's Sentence Completion Test

TEST RESULTS & EVALUATION:

Both Gran and Lean are dubbed to be emotionally immature and recklessly impulsive upon swearing to their marital vows as each of them was motivated by different notions on marriage.

GRAN is said to be still unsure and unready so as to commit himself to marriage. He is still founded to be on the search of what he wants in life. He is absconded as an introvert as he is not really sociable and displays a lack of interest in social interactions and mingling with other individuals. He is seen too akin to this kind of lifestyle that he finds it boring and uninteresting to commit himself to a relationship especially to that of Lean, as aggravated by her dangerously aggressive moves. As he is more of the reserved and timid type of person, as he prefer to be religiously attached and spend a solemn time alone.

LEAN is said to be of the aggressive-rebellious type of woman. She is seen to be somewhat exploitative in her plight for a life of wealth and glamour. She is seen to take move on marriage as she thought that her marriage with Gran will bring her good fortune because he is part of a rich family. In order to have her dreams realized, she used force and threats knowing that her husband is

somehow weak-willed. Upon the realization that there is really no chance for wealth, she gladly finds her way out of the relationship.

FINAL REMARKS:

Before going to marriage, one should really get to know himself/herself and marry himself/herself before submitting to marital vows. Marriage should not be taken out of intuition as it is profoundly a serious institution solemnized by religion and law. In the case presented by Gran and Lean, it is evidently clear that both parties have impulsively taken marriage for granted as they are still unaware of their own selves. Gran is extremely introverted to the point of weakening their relationship by his weak behavioral disposition. Lean, on the other hand, is extremely exploitative and aggressive so as to be unlawful, insincere and undoubtedly uncaring in her strides toward convenience. It is apparent that she is suffering the grave, severe, and incurable presence of Narcissistic and Antisocial Personality Disorder that started since childhood and only manifested during marriage. Both parties display psychological incapacities that made marriage a big mistake for them to take.

END OF REPORT”

The RTC 69 rendered a decision declaring the marriage of the parties null and void on the ground that both parties were psychologically incapacitated to comply with the essential marital obligations. On review, however, the Court of Appeals (CA) reversed and set aside RTC 69’s ruling. It ruled that Lean failed to prove the psychological incapacity of Gran. The clinical psychologist, Mama Minda, did not personally examine Gran, and relied only on the information provided by Lean. Further, the psychological incapacity was not shown to be attended by gravity, juridical antecedence and incurability. In sum, the evidence adduced fell short of the requirements needed for the declaration of nullity of the marriage under Article 36 of the Family Code. The CA faulted the lower court for rendering the decision without the required certification of the Office of the Solicitor General (OSG) briefly stating therein the OSG’s reasons for its agreement with or opposition to, as the case may be, the petition for declaration of nullity of marriage. Dissatisfied, Lean filed before the Supreme Court of Christy this instant case to review the decision of the CA.

II. Issues

Consequently, these pertinent matters were brought up to assess the suitability of this case.

1. Can the marriage license issued by a different judge be void under Article 35 paragraph 2 of the family Code?
2. Did Gran "Daddy" Verylayo freely consent to the marriage? Or was he forced to marry Lean?
3. Whether the marriage between parties is null and void under Article 36 of the Family Code.
4. Does a person need to be personally examined by a physician to be declared psychologically incapacitated?
5. Is it necessary to annul the marriage between Gran and Lean?
6. How would it be beneficial for society from the annulment between the two parties?
7. Is it practicable under the circumstances and facts under this case that the marriage be annulled?
8. Do the parties have the capacity to assume or carry out their responsibilities and obligations as a married couple?

III. Summary of Arguments

For us to reach a decision to annul the marriage between Gran “Daddy” Verylayo and Lean “Tinkerbell” Belarmo-Verylayo, we need to address the issues presented.

Although not supportive to the nullity of marriage, it is important however to address the issue regarding the authority of the judge authorizing outside their jurisdiction. In *Navarro v. Domagtoy* (A.M. No. MTJ-96-1088, July 19, 1996) the Supreme Court held that it is a mere irregularity in the formal requisites which does not render the marriage void, however the officiating official may be held administratively liable¹. The facts of the case presented that Gran and Lean made to sign the marriage contract before the judge in Cebu City, but the marriage license was issued by another judge from Danao City, Judge Tee Tiko

The issue now is related to the fact that Gran, out of frustration in life, agreed to the marriage in order to pacify Lean. Lean, at that time, made threats to Gran stating that she would file a case against Gran and scandalize his family in the newspaper. To support our case to a nullable marriage, under void and voidable marriage, Article 45 (4) of the Family Code states that a marriage may be annulled when “consent of either party was obtained by force, intimidation or undue influence x x x.”² Justice Nachura stated in *Mangahas v. Brobio* (G.R. No. 183852, October 20, 2010), for undue influence to be present, the influence exerted must have so overpowered or subjugated the mind of a contracting party as to destroy his free agency, making him express the will of another rather than his own³. We argue that by threatening Gran, she is making him express the will of another rather than his own. Without the threat, Gran would not have married Lean.

Let us ponder on the nullity of marriage between Gran “Daddy” Verylayo and Lean “Tinkerbell” Belarmo-Verylayo on grounds of psychological incapacity under Article 36 of the Family Code. On the case at hand, the Court of Appeals (CA) reversed and set aside the Regional Trial Court 69’s decision. It ruled that Lean failed to prove the psychological incapacity of Gran. We argue, however, that in the guidelines presented in *Republic v. Court of Appeals and Molina* (G.R. No. 108763, February 13, 1997) for the interpretation and application of Art. 36 of the Family Code, it is our burden of proof to show the nullity of marriage⁴. According to the facts of the case, as presented by the expert witness Mama Minda, a clinical psychologist, found both parties to be psychologically incapacitated. The

¹ *Navarro v. Domagtoy*, A.M. No. MTJ-96-1088, July 19, 1996

² Article 45 of the Family Code, Exec. Ord. 209, as amended (Phil.).

³ *Mangahas v. Brobio*, G.R. No. 183852, October 20, 2010.

⁴ *Republic v. Court of Appeals and Molina*, G.R. No. 108763, February 13, 1997.

respondent found having Dependent Personality Disorder and the plaintiff having Narcissistic and Antisocial Personality Disorder.

The introduction of professional evidence assumes that the psychologist or expert has conducted a comprehensive and detailed evaluation of the individuals involved, in order to arrive at a definite diagnosis of a grave, severe and incurable presence of psychological incapacity. It is also, to mention, that with these psychological incapacities, the parties cannot assume the essential marital obligations presented in Articles 68 - 71 of the Family Code, especially in living together, observing mutual love, respect and fidelity, and rendering mutual help and support⁵.

The CA also ruled that the clinical psychologist, Mama Minda, did not personally examine Gran, and relied only on the information provided by Lean. We argue, however, that in *Marcos v. Marcos* (G.R. No. 136490 October 19, 2000), personal medical or psychological examination is not a requirement for a declaration of psychological incapacity, only the totality of the evidence presented shows such incapacity⁶. Even if the evidence presented does not sufficiently prove Gran's incapacity, Lean's incapacity by herself, who was personally examined, is sufficient enough for the nullity of marriage under Article 36 of the Family Code as mentioned in the Molina Guidelines paragraph 4: "Such incurability may be absolute or even relative only in regard to the other spouse..."⁷

With the argument presented, we plead to this Honorable Court that the marriage between Gran "Daddy" Verylayo and Lean "Tinkerbell" Belarmo-Verylayo be null and void.

⁵ Article 68 of the Family Code, Exec. Ord. 209, as amended (Phil.).

⁶ *Marcos v. Marcos*, G.R. No. 136490, October 19, 2000.

⁷ *Republic v. Court of Appeals and Molina*, G.R. No. 108763, February 13, 1997.

IV. Arguments

NECESSITY

(A) The Use of Intimidation to Coerce Compliance and Achieve Desired Outcome

It appears that there are indications of psychological incapacity on the part of Gran. In particular, it can be observed that he was easily manipulated and coerced into marrying Lean. Gran's decision to marry Lean have been influenced by coercion, as he was allegedly threatened by Lean to commit suicide if he did not marry her. This indicates that Gran may not have entered the marriage of his own free will and that his consent was obtained through force or intimidation, which affects his capacity to enter into a marital union. It was also stated that Gran's family had to hide him from Lean and her family after he escaped from her aunt's house. This suggests that he may have been experiencing emotional distress and anxiety in his relation with Lean during and at the time of their marriage, which could be indicative of a psychological incapacity which unable him to comply with the essential marital obligations of marriage.

Moreover, Grans' actions also fall under Canon Law no. 1095, particularly the first provision which states that "those who lack the sufficient use of reason" are incapable of contracting marriage.⁸ In this case, Gran was coerced, manipulated, and threatened into marrying Lean which made him lack the sufficient use of reason to make a free and informed decision to enter into marriage. Hence, Lean's petition for the nullification of her marriage to Gran on the basis of the latter's psychological incapacity should be approved.

(B) Presence of a grave, severe, and incurable psychological incapacity

According to article 36 of the family code: 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.

The characteristics of psychological incapacity are gravity, incurability and juridical antecedent.

⁸ *The Code of Canon Law (BOOK IV. TITLE VII. CHAPTER IV MATRIMONIAL CONSENT)*, Ca. 1095
Article 36 of the Family Code, Exec. Ord. 209, as amended (Phil.).

In the final remarks of the psychological evaluation report it is stated that “Gran is extremely introverted to the point of weakening their relationship by his weak behavioral disposition.” This constitutes the gravity of Gran’s psychological incapacity as it negatively affects the relationship.

As to the incurability of Gran’s psychological incapacity, there is no evidence that Gran’s extreme introversion may cease to exist at any point in the future. The psychological evaluation report also states that “GRAN is said to be still unsure and unready so as to commit himself to marriage. He is still founded to be on the search of what he wants in life.”

Below is an entry from the case of Ngo Te vs Yu-Te (G.R. No. 161793, February 13, 2009):

“According to the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, personality disorders are categorized into three major clusters:

Cluster C: Avoidant, dependent, obsessive-compulsive and passive-aggressive personality disorders. Individuals who have these disorders often appear anxious or fearful.

Dependent personality disorder is characterized in the following manner—

A personality disorder characterized by a pattern of dependent and submissive behavior. Such individuals usually lack self-esteem and frequently belittle their capabilities; they fear criticism and are easily hurt by others’ comments. At times they actually bring about dominance by others through a quest for overprotection.

Dependent personality disorder usually begins in early adulthood. Individuals who have this disorder may be unable to make everyday decisions without advice or reassurance from others, may allow others to make most of their important decisions (such as where to live), tend to agree with people even when they believe they are wrong, have difficulty starting projects or doing things on their own, volunteer to do things that are demeaning in order to get approval from other people, feel uncomfortable or helpless when alone and are often preoccupied with fears of being abandoned.”⁹

This is evident in Gran’s weak behavioral disposition in the relationship. He allows others to make important decisions for himself such as where to live, not once has it been in their relationship that it was Gran’s choice, except for his decision to escape the relationship.

⁹ Ngo Te vs Yu-Te, G.R. No. 161793, February 13, 2009.

He also tends to agree with others when, in fact, these persons are in the wrong and possess views that are contradictory to his own.

Since dependent personality disorder usually begins in early adulthood, and also that he was 27 years old when they got married, it is quite clear that he has had dependent personality disorder before they got married. This satisfies the juridical antecedent characteristic of psychological incapacity, in that the psychological incapacity was present before the celebration of the marriage even if it only manifested after the marriage was solemnized.

(C) The Value of Upholding Marital Obligations in the Context of Psychological Incapacity

It might be claimed that in the case of Gran and Lean, Gran's psychological incapacity prohibited him from carrying out his fundamental marital duties, which contributed to the failure of their marriage. The fundamental responsibilities of spouses in a marriage are laid forth in Article 68 of the Philippine Family Code. These responsibilities include living together, upholding mutual love and respect, and providing one another with help and support.

Gran was evidently psychologically incapable of carrying out these duties since he was easily coerced and manipulated into marrying Lean and was unable to sustain a strong emotional bond with her. This incapacity was further evidenced by Gran's attempt to escape from Lean and her family after the marriage.

Considering Lean's petition for the nullity of their marriage in this situation, it is important to take into account the idea of marital obligations and psychological incapacity. It is unclear if their marriage was ever legally binding since Gran was psychologically incapable of carrying out his fundamental marital responsibilities. Therefore, it is necessary to uphold the family code, specifically article 1 and Article 68 wherein for a marriage to have its nature as a social institution, the obligations of a married couple should be followed. Thus the negligence towards the adhering to these obligations would be against the definition of what a marriage should be.

BENEFICIALITY

(A) Nullity of marital bonds on grounds of psychological incapacity protects the sanctity of marriage

Marriage in our laws is a sacred bond. Nullity of marriage on grounds of psychological incapacity does not destroy that sanctity, it, however, protects it by not allowing persons with psychological incapacity from staying in that relationship as those persons cannot assume the essential marital obligations, mentioned in Title III of the Family Code, in the first place.¹⁰ The intention of the law in having these articles makes it so that marriages are in line with the definition under the law as stated in Article 1 of the Family Code which reads: “The special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life x x x.”¹¹ The presence of psychological incapacity, grave, severe, and incurable as they are, can never facilitate the essential obligations between spouses, which is mentioned in Article 68.¹²

As presented, they are exhibiting signs of a dysfunctional couple, wherein Lean who is exploitative, impulsive and domineering in this relationship, manipulated Gran, who is weak willed and easily allows others to make important decisions for him. It can also be argued that Gran being coerced into marriage is consequential to his Dependent Personality Disorder. It is beneficial to the definition of a valid marriage under our laws that these kinds of marriages, if it was even a valid marriage in the first place, should not be treated as such as it would defile the very definition of marriage as stated in Article 1 of the Family Code.

It should be acknowledged, that the nullity of marriage is never meant to sever a valid marriage but is instead the assertion that the marriage was never really valid. There was never a sacred bond to be destroyed in the first place.

(B) Protects the parties involved

The nullification of a marriage due to psychological incapacity protects the parties involved from the harmful effects of a dysfunctional and emotionally draining relationship. It allows them to end the relationship legally and move on with their lives without any legal entanglements or obligations arising from the relationship.

¹⁰ Title III of the Family Code, Exec. Ord. 209, as amended (Phil.).

¹¹ Article 1 of the Family Code, Exec. Ord. 209, as amended (Phil.).

¹² Article 68 of the Family Code, Exec. Ord. 209, as amended (Phil.).

It should be noted that between the time when the pair parted ways in January of 2011 and the when Lean initially filed before the RTC of Cebu on the 14th of January 2015 was 4 years. In those 4 years, there were no facts presented of any squabble or interaction between the parties. Far from the numerous problematic situations they had at the time that they had met on February 14, 2010 to the time they got married on October 15 of the same year and until they decided to part ways in January of the next year. In merely under a year it can be seen that these two entered an emotionally draining relationship and acted impulsively upon swearing to their marital vows.

It is beneficial for both parties to never see each other, not to the point of a restraining order, but to be free from each other of any legal entanglements or obligations and move on with their lives. To do the opposite would set the stage for another disaster to happen, aggravate their psychological disorders, and entrap them with a relationship that not only would be harmful for both, but to the people surrounding them.

Them being unable to adhere to the essential obligations of marriage would also mean that they would not have a good foundation for a family. Knowing that a family is a very important and essential part of a community, them being unable to do their obligations would have a ripple effect. Not being able to observe mutual love and respect would be detrimental towards their journey in being a family. A dysfunctional family would likely create children who don't feel loved, which should always come first from their family.

(C) Burden of proof belongs to the plaintiff

It is of utmost importance and beneficial to all to address the guidelines presented in the case of Republic v. Court of Appeals and Molina, for the interpretation and application of Art. 36 that the first paragraph makes it so that it is the responsibility of the plaintiff to prove the nullity of marriage and not the respondent.¹³ Thus, if the CA ruling was to be held that the side of the petitioner must personally examine the respondent would result in an absurd situation where the plaintiff must ask the respondent to subject themselves in a way that would be detrimental to the latter's defense, in which the respondent has no obligation to comply. To do so could also be seen as an act of collusion between the parties.

This is apparent, as mentioned, in the case of Marcos v. Marcos where the respondent refused to subject himself to such tests¹⁴. The

¹³ Republic v. Court of Appeals and Molina, G.R. No. 108763, February 13, 1997

¹⁴ Marcos v. Marcos, G.R. No. 136490, October 19, 2000

court ruled that the respondent should be examined by an expert. The difference between the case mentioned and the case at hand is that, from the latter, the testimonies were from the petitioner, the common children, petitioner's sister and the social worker which was not sufficient enough evidence to prove the respondents incapacity. On the other hand, this case was testified by the petitioner, and determined by an expert witness and explained clearly in a report in which we believe follows the guidelines laid out in the Molina case.

(D) Freedom to remarry

According to Article 40 of the Family Code, affirming to the nullity of marriage between Gran and Lean can be beneficial to both individuals as they can move on from a marriage that was never legally valid without any legal complications and potential emotional distress that may arise.

PRACTICALITY

(A) Rectification of the Impulsivity of their Past

During their years at University, it is perspicuous that both parties lacked the cognizance in thinking through about their own decisions. Like during the time when they both eloped to Dumaguete, it is clear that although reluctantly and with detriment to their academics, both parties still agreed to run away together for one month. Exercising the thought found in stories about love which no adults with a proper train of mind would pursue. After a month of independence and with their failure in procuring jobs and their resources dwindling, both parties agreed their choice was a mistake and they returned back to their homes.

A few months later, the two tied the knot together with the help of Lean's Aunt. Their impulsivity is clearly shown, jumping on the opportunity to get married with little to no thought about the repercussions this action will inflict on their future.

According to the Canon Law no. 1095, both parties are incapable of contracting marriage if they lack sufficient reason to get married.¹⁵ Lean only jumped on the opportunity to get married to Gran, knowing that she stood to gain half of Gran's inheritance due to the conjugal nature of marriage. Gran only agreed to tie the knot with Lean as a means to pacify her. With these details, it is apparent that

¹⁵ *The Code of Canon Law (BOOK IV. TITLE VII. CHAPTER IV MATRIMONIAL CONSENT)*, Ca. 1095.1

these are not sufficient reasons to get married. Not driven by love or companionship but by a selfish motivation and a means to an end.

Deciding to uphold the lower court's initial decision rectifies the impulsive decision of the plaintiff and defendant as they clearly lacked the cognizance in seeing the bigger picture and what their actions will result in.

(B) Clear Invalidity due to Wife's Selfish Motivations for the Conjugal Marriage.

The reason why Lean married Gran is ill-motivated. It is implied that Lean manipulated Gran into marrying her by threatening to destroy his family's reputation and forcing him to live with her in her Aunt's House. Lean knew that Gran came from a reasonably wealthy family and was expecting a substantial amount of inheritance. Because of this Lean, with the help of her Aunt, imposed marriage upon Gran, impeded his liberty by forcing him to stay at her Aunt's House, treating him as prisoner, and not allowing him to leave the home unaccompanied and she even threatened the safety of his family.

According to the Canon Law no. 1103, If a person is compelled to choose marriage in order to be free from it, a marriage is invalid if entered into by force or grave fear from outside, even if unintentionally inflicted.¹⁶

It is apparent that Lean's motivations were to share in the inheritance of Gran, through their conjugal contract. But it all backfired due to the absence of Gran's presence in their own home, which drove his father to withdraw Gran's inheritance when he asked about it. Gran relayed the unfortunate news to Lean and when she heard about it, knowing that her primary motivation for the marriage was no more and that Gran had no means of supporting the family since he does not have a job, she told Gran that they should go their separate ways. Which clearly shows that her key motivation to tie the knot with Gran, was not love but greed.

According to the Canon Law no. 1098, a person enters into an invalid contract when they are deceived into entering a marriage in order to gain consent regarding a quality of the other partner that, by its very nature, can seriously disrupt the partnership of conjugal life.¹⁷

¹⁶ *The Code of Canon Law (BOOK IV. TITLE VII. CHAPTER IV MATRIMONIAL CONSENT)*, Ca. 1103

¹⁷ *The Code of Canon Law (BOOK IV. TITLE VII. CHAPTER IV MATRIMONIAL CONSENT)*, Ca. 1098

Around 4 years later, knowing full well that she has nothing to gain from remaining married to Gran, she settled her losses and decided to file an annulment for their marriage.

(C) Incapability, Disagreement, and Lack of Concern in the Continuance of their Marriage

Both parties benefit heavily from having a void *ab initio* marriage, in the current situation of their marriage they do not show any signs that continuing their marriage will be practical for both parties. Lean and Gran can no longer fulfill any rights and obligations towards each other. Furthermore, they have chosen to break-up due to the reason that he was still in the state of finding his fate and fighting boredom, while she was still egocentrically involved with herself.

It is clear that Gran has been influenced by coercion to marry Lean which makes their marriage void. According to Canon Law no. 1087, internal and external freedom be present in order for consent to be valid.¹⁸ In the case of Gran and Lean, there is a grave lack of discretion on the part of Gran as he did not have the ability to give valid consent at the time of the wedding making their marriage void.

The psychological incapacity of both of the parties would cause incapability to continue with the marriage, as it would set up for a new disaster to occur, exacerbate their psychological disorders, and do more harm and damage to themselves and the people around them. Having a void marriage would set Gran who is weak willed free from the exploitation and impulsiveness of Lean and safeguards the parties from the negative repercussions of an unhealthy and emotionally taxing relationship.

This is apparent, in the case of *Ngo Te v. Yu-Te* where both parties are being afflicted with grave, severe, and incurable psychological incapacity which declares that the marriage of the parties is null and void.¹⁹ The psychological incapacity of the party makes them unable to fulfill Article 68 of the Family Code where they are obligated to live together, observe mutual love, respect and fidelity, and render mutual help and support to each other. Thus, it would also be practical for both parties to have a void and null marriage rather than to continue with it.

¹⁸ *The Code of Canon Law (BOOK IV. TITLE VII. CHAPTER IV MATRIMONIAL CONSENT)*, Ca. 1087

¹⁹ *Ngo Te v. Yu-Te*, G.R. No. 161793, February 13, 2009

V. Conclusion / Prayer for Relief

In conclusion, I firmly believe that the annulment of the union between myself, Lean Belarmo-Verylayo, and Gran Verylayo is acceptable in light of our psychological incapacities. The concerns brought up in this case, such as the anomalies in the formal requirements, the judge's authority to provide authorization outside of their jurisdiction, and my claimed inappropriate influence over Gran, need to be thoroughly reviewed.

Due to his psychological handicap, which is highlighted in the clinical psychologist's assessment, Gran finds it difficult to carry out his important marital duties. He is not a devoted husband because of his severe dependency, submissiveness, and introversion. Additionally, it was evident that he was threatened and coerced into the marriage, demonstrating that he did not choose to wed me of his own free will.

Because it is consistent with the Family Code's definition of marriage as a social institution founded on shared love, respect, fidelity, and support, I wholeheartedly support the nullity of our marriage. Maintaining the legal requirements for marriage is essential to ensuring that relationships are built on true agreement rather than on outside forces like coercion, undue influence, or psychological incapacity.