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Position Paper (Negative Side)
on
THE CASE OF THE PROBLEMATIC SPOUSES: A CASE STUDY

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Let it be resolved that: The marriage between Lean and Gran should be declared void *ab initio* under Article 36 of the Family Code.

I. Questions Presented (General and Specific Issues)

The Case of the Problematic Spouses brings about rather unique circumstances regarding two former lovers of Lean and Gran. The opposition side is fighting for the validity of the marriage on behalf of the team husband. Marriage is a sacred, inviolable, and social institution recognized, upheld, and protected by the State. The relevant issues below determine why the team husband believes that marriage is not declared void under Article 36.

The following issues are raised to guide the opposition or team husband to a better understanding and insight of the unique situation and ultimately to produce the resolution and verdict of the said case.

- Whether or not the marriage between Lean and Gran is valid and legitimate under the essential and formal requisites of the Family Code?
- Whether or not the marriage between Lean and Gran is valid and legitimate under international laws?
- Whether or not the marriage between Lean and Gran should be declared void *ab initio* under Article 36 of the Family Code?
- Whether or not the marriage is valid under Canon Laws?
- Whether or not Gran can contract a marriage under Canon Laws?
- Whether or not Gran is really psychologically incapacitated to assume his marital obligations?
- Whether or not the actions of Gran are freely and voluntarily done to contract and consummate their marriage?
- Whether or not Gran is mentally and emotionally mature in his decisions toward and within his marriage with Lean?
- Whether or not Gran has displayed all the legal requisites of psychological incapacity: incurability, gravity, and judicial antecedence?
- Whether or not there is “clear and convincing” evidence provided by the plaintiff to prove the psychological incapacity of Gran?
- Whether or not the report of Mama Minda is considered reliable evidence to show Gran as psychologically incapacitated?
- Whether or not the best course of action to resolve the conflict was the declaration of nullity of the marriage under Article 36 of the Family Code, on the ground of Gran's psychological incapacity?

II. Statement of Facts

The Case of the Problematic Spouses involves a husband and wife, namely Gran and Lean, who began their relationship founded upon a similar dread towards their families. Gran “Daddy” Verylayo (Gran) is a twenty-seven (27) year-old Filipino male as of October 15, 2010. He is a Born Again Christian and an unemployed adult who finished only one (1) year in college. Lean “Tinkerbell” Belarmo-Verylayo (Lean) is a twenty-two (22) year-old Filipina as of October 15, 2010. Her religious background, employment status, and college completion status are all unknown or unspecified.

It all began when Gran, who was a sophomore, caught a glimpse of Lean, a freshman, for the first time in a gathering by an organization called “Social Climbers” from their high school alma mater. Gran began courting Lean despite her not being his initial choice of attraction. Gran was attracted to her friend Khentricia but upon finding out that she already had a boyfriend, he decided to go with Lean. Their mutual understanding was founded upon having similar dread toward their families. Sometime in May 2010, Lean suggested that they elope, to run away secretly in order to get married (especially without parental consent). Gran initially refused on the basis of being young and jobless but Lean eventually made him relent. This led to both leaving Cebu to sail to Dumaguete with Lean purchasing the tickets while Gran provided their travel money of twenty thousand pesos (Php 20,000.00). During their runaway period, neither of the two found a job to sustain their living and Gran’s budget only lasted them a month.

Upon such a problem, in August 2010, the pair decided to return to Cebu with Lean going back to her aunt’s house while Gran went to his parents’ home. Knowing that Gran’s family is abroad, Lean threatened to commit suicide if he did not agree to stay with her at her aunt’s place. With the constant communication via telephone, Gran decided to stay with Lean.

On October 15, 2010, Lean’s aunt brought Gran and Lean before the court of Judge Mindo Papa to get married. After marriage, the couple continued to live at her aunt’s place where Gran is treated like a prisoner. Gran is not allowed to go outside without company and was threatened by Lean’s aunt never to hurt or leave Lean by showing him her rifle and sword collection. In light of these events, Gran called his sister who suggested that the couple should stay at their parents’ home to which Lean rebutted that Gran should get his inheritance so that they could live on their own. Gran, being the good son that he is and an understanding husband, talked to his father regarding the inheritance to which his father became displeased and angry.

Gran found the opportunity to escape from the house of Lean’s aunt a month later (November) and stayed with his parents who hid him from Lean

and her family whenever they telephones to ask for him. In January 2011, Gran managed to talk to Lean which proved unfruitful as she decided that both should live separate lives despite his persistence that they live with his parents.

Fast forward to roughly four (4) years later, Lean filed a petition before the Regional Trial Court of Cebu City, Branch 69 (RTC 69), for the nullification of her marriage to Gran based on his psychological incapacity on January 14, 2015. On July 14, 2015, an investigation was ordered by RTC 69 to the Office of the City Prosecutor of Cebu City (OCP - Cebu) for the probable collusion between both parties as Gran did not respond to such a petition.

On August 26, 2015, OCP - Cebu could not determine if there was collusion between the parties which led to the recommendation that a trial on the merits be conducted. Mama Minda, the clinical psychologist who examined Gran, found both parties psychologically incapacitated based on the following findings:

Findings from the Psychological Test of Gran and Lean

From the testimony of Lean, Mama Minda has been able to produce a psychological report on Gran and Lean. She administered several psychological tests 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

Both Gran and Lean have contrasting personalities. Gran is generally reserved, shy, and quiet while Lean is aggressive and ambitious. He is an introvert who prefers spending time alone and finds it uninteresting to commit to a relationship, especially with Lean. Lean is a rebellious and ambitious woman who seeks a life of wealth and glamor. She wanted to marry Gran because he is from a wealthy family, and she used force and threats to achieve her goals. However, she eventually realizes that there is no more chance for wealth and wants to leave the relationship.

Marriage must be treated as a serious contract or ceremony where both parties must take time to understand themselves, their partner, and their duties to one another. In this case, it was clear that both Gran and Lean failed to do so. Gran due to his introverted nature allows Lean to be exploitative and aggressive so as to be insincere and uncaring towards Gran and the relationship in her strive for wealth. 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.

Decisions from the Court

The RTC 69 declared the marriage null and void based on psychological incapacity, but the Court of Appeals (CA) reversed this decision, citing a lack of sufficient evidence and failure to meet the requirements of Article 36 of the Family Code. The CA also criticized the RTC for not obtaining the required certification from the OSG. Lean has now appealed to the Supreme Court of Chrissy for review.

III. Summary of Arguments

Marriage is a sacred institution that should be protected and upheld and should not be dissolved based on mere incompatibility or lack of love. The marriage of Gran and Lean should not be dissolved based on incompatibility or lack of love, but only on the basis of psychological incapacity, which has three categories: incurability, gravity, and juridical antecedence. While Gran and Lean have compatibility issues due to their dominant and submissive personalities, concluding that their union is irreparably broken is premature. Lean has not provided evidence of Gran's incapacity to perform marital obligations, and expert opinions were based solely on her own narratives, raising concerns about objectivity. Gran's behavior showed no manifestation of psychological incapacity, and Lean's behavior towards him may be attributed to her own emotional instability.

Gran, before the marriage, was described as quiet and simple, preferring isolation from people to read the Bible. He had a job but left due to job incompetence and his introverted nature. However, Gran was capable of making decisions regarding Lean's proposal for marriage. Gran's conservative personality and religious beliefs would have made him highly unlikely to easily change his thoughts. His acceptance of the marriage shows that he is committed to his marital obligations. Therefore, Gran's behavior showed no manifestation of psychological incapacity. Lean's behavior towards him may be attributed to her own emotional instability. Thus, no meritorious grounds for nullity of marriage have been provided based on the requisite of juridical antecedence.

The Family Code favors the maintenance of the marriage between Lean and Gran. There is insufficient evidence to prove the psychological incapacity of both spouses as their lack of discernment at the time of the solemnization of their marriage does not support their inability to carry out their essential marital obligations. They are still able to reconcile and strengthen their marital bond. Their marriage should not be waived as *void ab initio* as this is inconsistent with how the Philippine law upholds the nature and importance of marriage.

Furthermore, Canon Law also provides guidance, stating that those who lack sufficient use of reason or have a psychic cause preventing them from assuming essential obligations are incapable of contracting marriage. However, in the case of Lean and Gran, there is no evidence of such incapacity, and their marriage remains valid. Instead, they may benefit from seeking counseling or other forms of support to work through their issues and strengthen their bond.

Moreover, the court should ensure that any declaration of nullity of marriage is based on valid grounds and evidence to avoid negative consequences such as the following:

1. If a marriage is declared null, the property division and spousal support may need to be determined which can be strenuous to both parties.
2. In the Philippines, the process and cost of obtaining a declaration of nullity of marriage can be extensive and costly.
3. Social implications may include stigmatization and a loss of trust in the legal system.
4. Emotional implications include feelings of shame, embarrassment, or social stigma.

Additionally, the principle of benefit and burden provides an ethical framework that should be considered. It requires a careful evaluation of both the potential benefits and burdens of a decision, the distribution of those benefits and burdens, and the potential long-term consequences of a verdict. Moreover, a verdict based on weak arguments or personal grievances could compromise the legal system's integrity, eroding public trust in the legal profession and impairing the court's perceived legitimacy.

The burden of proof lies with the plaintiff, who failed to show that the respondent had a severe psychological condition that rendered him unaware of his obligations to his wife and family. Additionally, Article 36 of the Family Code and Canon Law provide grounds for the invalidity of marriage, specifically relating to lack of due discretion and competence. In the case discussed the respondent showed sufficient awareness and competence in carrying out his marital obligations, as demonstrated by his attempts at reconciliation and efforts to live together with his wife in observance of Family Code articles 68-71.

Psychological Incapacity, articulated under Article 36 of the Family Code and modeled after Canon No. 1095 Paragraph 3, provides a ground for the declaration of a marriage *void ab initio* due to the existence of a psychological cause that inhibits a spouse from fulfilling the obligations stated under the Family Code.

Furthermore, emotional immaturity, personality defects, and differences in personality are not grounds for psychological incapacity in annulment cases under Philippine law. These conditions are not considered serious, grave, and permanent psychological conditions that incapacitate an individual to perform their marital obligations. While conflicts and misunderstandings resulting from differences in personality may affect a relationship, it may not be sufficient to establish psychological incapacity.

Couples experiencing such issues may be required to undergo counseling or mediation before pursuing an annulment or divorce.

The validity of a marriage is upheld in Canon Law as a sacred and lasting union between a man and a woman. The Ecclesiastical Tribunal only recognizes two types of marriages, namely valid and void, while Civil Law also recognizes voidable or annulable marriages. The issuance of a marriage license by a judge outside the city where the contracting party habitually resides is an irregularity that does not render the marriage invalid. The absence of a valid marriage license only makes the responsible party criminally, administratively, and civilly liable in accordance with Article 9 of the Family Code. Therefore, the marriage is considered valid and has no legal impediments.

IV. Arguments

NECESSITY

Introduction of Terms and Concepts

Article 36 of the Family Code states that a marriage is considered void *ab initio* when either party of the marriage was psychologically incapacitated to perform essential marital obligations at the time of the celebration of the marriage or such incapacity manifests itself only after the solemnization of the marriage.¹

The essential marital obligations are the duties and responsibilities that the husband and wife must observe and act upon to fulfill their sacramental vow to one another and are found in the Family Code. These include that the couples (1) must live together; (2) observe mutual love, respect, and fidelity; and (3) render mutual help and support as laid down in Article 68. Article 69 states that the husband and wife shall fix the family domicile or choose the residence on which they will settle indefinitely. If there is disagreement, the court shall decide. The essential marital obligations will only be limited to the responsibilities and duties between the two spouses. So, obligations to their children will not be covered in this case since they have no children.²

There are three characteristics of psychological incapacity: incurability, gravity, and juridical antecedence. Incurability is where 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.² Gravity focuses on the incapacity being caused by a genuinely serious psychic cause rather than it being shown to be a serious or dangerous illness in marriage.² Lastly, juridical antecedence must be existing at the time of the celebration of the marriage, even if such incapacity becomes manifest only after its solemnization.²

Validity of the Marriage

Under Article 16 of the Universal Declaration of Human Rights (UDHR), men and women of legal age have the right to marry without any limitations to race, nationality, or religion. And, consent must be freely and fully given by the contracting parties.³ Similar to UDHR, Article 23 of the

¹ Executive Order No. 209, s. 1987 | GOVPH. (1987, July 6). Official Gazette of the Republic of the Philippines. <https://www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987/>

² Tan-Andal v. Tan-Andal, G.R. No. 196359 (May 11, 2021) (Phil.)

³ United Nations. (n.d.). Universal Declaration of Human Rights | United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

treaty International Covenant on Civil and Political Rights (ICCPR) adopted in 1966 also supports the right of men and women of marriageable age to marry as long as consent is freely and fully given.⁴ Both international treaties support the right of both men and women of legal or marriageable age to enter into marriage with another given that consent was freely and fully declared by both contracting parties. Philippines is a signatory of both international treaties UDHR on 12/10/1948⁵ and ICCPR on 12/19/1966.⁶ So, it must uphold Articles 16 and 23 of UDHR and ICCPR, respectively, for its citizens.

The marriage had no legal impediments and passed all the essential requisites with a deficiency or irregularity in the issue of the marriage license. Both were not related to one another by blood or by public policy under Articles 36 and 37 of the Family Code.¹ Both Lean and Gran are of the opposite sex and were of legal age when they married each other. At the time of the marriage on Oct. 15, 2010, Lean was 22 years old and Gran was 27 years old. The marriage license can only be issued by the local civil registrar of the city or municipality where either contracting party habitually resides except for marriages where they are exempted from having a marriage license in accordance with Chapter 2 of Title 1 of the Family Code. But in this case, the marriage license was actually issued by a judge from the Regional Trial Court of Danao City named Judge Tee Tiko and not the local civil registrar of Cebu City. This scenario is merely an irregularity in the formal requirements and does not make the marriage void *ab initio*. So, Judge Tee Tiko will be held liable for causing such irregularity as mentioned in Article 4 of the Family Code.

Therefore, the marriage between Gran and Lean is valid since it has been executed properly in accordance with the Family Code and does not violate the 2 international treaties UDHR and ICCPR, of which the Philippines is a signatory, on contracting marriages.

Sanctity of Marriage

Article 1 of the Family Code states that marriage is a special contract and a permanent union between husband and wife. It is considered as an inviolable social institution or something that will never be broken. This article sets a very high level of difficulty for dissolving a valid marriage such as that of Gran and Lean.

⁴ OHCHR. (n.d.). International Covenant on Civil and Political Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁵ UNBISnet. (n.d.). <https://web.archive.org/web/20190121232151/http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=14O243550E15G.60956&profile=voting&uri=full=3100023~!909326~!676&ri=1&aspect=power&menu=search&source=~!horizon>

⁶ Office of the United Nations High Commissioner for Human Rights. (n.d.). UN Treaty Body Database. OHCHR. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN

The sanctity of marriage is also backup by the principles of Canon Law⁷ which the Family Code has a basis on. The following laws dictate the essential characteristics of a valid marriage under the Canon Law: Can. 1056 The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament; Can. 1057 (1) the consent of the parties, legitimately manifested between persons qualified by law, makes marriage; no human power is able to supply this consent; (2) matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage; Can. 1058 All persons who are not prohibited by law can contract marriage; Can. 1095 The following are incapable of contracting marriage: (1) those who lack the sufficient use of reason; (2) those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted; (3) those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

There was no violation of any law during the contract of their marriage, and the parties have voluntary and mutually consented to it. In line with Canon 1095, both parties did not lack any sufficient use of reason as demonstrated by their voluntary actions and decisions throughout the given scenario, nor do they have any mental impediment affecting their quality of judgment, nor possess any condition that specifically hinders their ability to assume the essential obligations of marriage. Therefore, as Gran and Lean contracted their marriage, it symbolized a permanent union between the two parties as a result in the eyes of both the Family Code and the Canon Law.

Therefore, the plaintiffs or the proposition side must provide clear and convincing evidence that either contracting party has a form of psychological incapacity that can make the marriage void *ab initio*.

Absence of Psychological Incapacity

Overview and Evolution of Rulings

Marriage is a sacred institution that should be protected and upheld, especially when it is valid and solemnized legally according to law. It is not enough to dissolve a marriage based on mere incompatibility, lack of love, or for selfish interests. The only applicable ground to nullify such a marriage as the one between Gran and Lean will be based on proving the psychological incapacity of the respondent Gran by the plaintiff Lean.

In the Philippine jurisprudence, there is no specific definition of psychological incapacity provided in Article 36 of the Family Code, but rather the severity and merit of the claims of psychological incapacity are evaluated on a case-to-case basis, as stressed by the judges of the case of Te

⁷ Code of Canon Law, TITLE VIII - MARRIAGE (Cann. 1055 - 1165)
https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann998-1165_en.html

v. Te, supra.⁸ The Guidelines incorporate the basic requirements established in Santos v. Court of Appeals⁹ that psychological incapacity must be characterized by: (a) gravity; (b) juridical antecedence; and (c) incurability. Furthermore, in the case of Republic v. Molina¹⁰, the following conditions were discussed in relation to psychological incapacity: First, psychological incapacity must exist at the time the marriage is celebrated. Second, the problem must seem to be more of a “difficulty” than outright “refusal” or “neglect” in the performance of some marital obligations to make it a valid ground for psychological incapacity. Third, proof of the parties voluntarily neglecting to meet their responsibilities and duties as married persons is not enough especially when the psychological disorder does not directly affect a spouse in doing so, but a defect in their psychological nature which renders them incapable of performing such marital responsibilities and duties would be a better evidence. Lastly, mere showing of “irreconcilable differences” and “conflicting personalities” does not constitute such incapacity.

These requisites must be strictly complied with, as the grant of a petition for nullity of marriage based on psychological incapacity must be confined only to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. The burden of proving psychological incapacity is on the plaintiff.

Most recently, in the case of Tan-Andal v. Andal¹¹ the Supreme Court has unanimously modified the interpretation of the requirements of psychological incapacity, thus:

"The Court pronounced that psychological incapacity is not a medical but a legal concept. It refers to a personal condition that prevents a spouse to comply with fundamental marital obligations only in relation to a specific partner that may exist at the time of the marriage but may have been revealed through behavior subsequent to the ceremonies. It need not be a mental or personality disorder. It need not be a permanent and incurable condition. Therefore, the testimony of a psychologist or psychiatrist is not mandatory in all cases. The totality of the evidence must show clear and convincing evidence to cause the declaration of nullity of marriage."

In short, there is not yet a guarantee that the ruling will be in favor of the spouses even when there are supporting testimonies by the medical and psychological experts, but as mentioned above, the main concern is on the totality of the evidence. This is because there are certain times that there can still be points of argument that signify that the marriage is not entirely incurable nor entirely grave to be granted that it may be declared void *ab*

⁸ Ngo-Te v. Yu-Te, G.R. No. 161793 (February 13, 2009) (Phil.)

⁹ Santos v. Court of Appeals and Bedia-Santos, G.R. No. 112019 (Jan. 4, 1995) (Phil.)

¹⁰ Republic v. Court of Appeals and Molina, G.R. No. 108763 (Feb. 13, 1997) (Phil.)

¹¹ Tan-Andal v. Tan-Andal, G.R. No. 196359 (May 11, 2021) (Phil.)

initio. Such arguments are elaborated in the following paragraphs of this subsection.

Requisite 1: Incurability

Based on the case study and report of Mama Minda, the personalities of Gran and Lean seem to be, in a general sense, polar opposites to each other where Gran seems to be more submissive while Lean seems to be more vocal and dominant in the relationship. On the surface, one might think that Lean is crazy for her threats. But, her style of persuasion to make Gran do her bidding might be reasonable considering that (a) she has an aggressive type of personality, (b) Gran is weak-willed and timid, and (c) she displays a strong affection for a lavish lifestyle and is ambitious. Since Gran is weak-willed and timid, the threats made against him are effective since he cannot stand his ground and call her bluffs.

There were 2 instances that prove that Gran is unable to stand his ground and say no. First is when Lean was able to convince Gran to elope to Dumaguete and squander a lot of money, Php 20,000.00 to be specific, to cover expenses such as pension house accommodation and daily sustenance. During that time, Gran was still a student and unemployed, so spending that much money for something that was suggested by a person whom he just met within 3 months and fell in love shows that Gran is an agreeable person. Second is when Lean successfully threatened Gran with suicide, filing a case against Gran, and scandalizing his family in the newspaper into marrying her. Even the fact that these threats seem to be very serious on the surface, they are just empty threats or hold no weight whatsoever. The severity of her threats comes from the fact that Gran is weak-willed enough to do whatever she bids.

First, Lean's threat of suicide is definitely a bluff considering she is one who wants to enjoy a life of wealth and abundance. Her outrageous choice of a suicide threat matches her aggressive personality. And, the threat also pushes a weak-willed person like Gran to act fast immediately without critically analyzing the situation at hand. Second, filing a case against Gran or scandalizing his family in the newspaper without any merits or significant reasons does not put Gran in any unfavorable position whatsoever. If Gran has done no acts in violation of criminal laws, he should have no fear of her threat. And if she ever scandalizes his family in the newspaper, Lean can be held liable for violating Article 26 of the Civil Code where meddling with or disturbing the private life or family relations of another may constitute a criminal offense or shall produce a cause of action for damages, prevention, and other relief.¹² Had Gran been able to stand his ground, he would have not surrendered so easily and accepted the marriage proposal. The nature, specifics, or description of her threats is not a reflection of her personality or mindset, but it is merely a means of trying to get what she wants from Gran.

¹² R.A. 386. (n.d.). https://lawphil.net/statutes/repacts/ra1949/ra_386_1949.html

The personality structures of both are compatible with one another since Lean is more dominant than Gran who is more submissive. However, this combination of personality structures is not always compatible especially when there is no clear communication or boundaries between the couple which can lead to an unhealthy power imbalance where the submissive partner may feel powerless and mistreated. Going back to the case analysis of *Republic v. Molina*¹³, mere showing of “irreconcilable differences” and “conflicting personalities” does not constitute such incapacity.

In the current situation of Gran and Lean, it seems that there is already a presence of unhealthy power imbalance. But, the couple are still young and learning the ropes of a married couple. Gran is still very socially inexperienced in dealing with these kinds of situations which can be understood since he is said to be quiet, a loner, and afraid of meeting people. But, to say that the only result of the union would be the inevitable and irreparable breakdown of the marriage is too hasty and pessimistic. Gran’s loving family can aid him in dealing with Lean. His personality can be developed over time to become a better fit for handling her. Every option that can help prevent the breakdown of the marriage must be exhausted before coming to the conclusion that the only result of the union is its destruction.

Requisite 2: Gravity

Gran does not exhibit any behaviors that are gravely or seriously ill enough that incapacitate him to assume his essential marital obligations. There is no medical declaration, certificate, or examination that states Gran as being an imbecile or having insufficient use of reason as required in the Canon Law. If there is such an incapacity, it needs to be proved that it is caused by a genuinely serious cause.

There are several instances where the petitioner Lean herself has aggravated the circumstances and weakness of the relationship between her and Gran, in almost all circumstances caused by her dominant personality.

First and foremost, it was Lean herself who gave the idea of eloping, and this was done multiple times, showing her confidence back then in both herself and Gran for their capability to live together. Both spouses at that time had free will over their decisions as there was no other external interference and circumstance that reasonably hindered their judgment, as they were able to maintain their personalities for the first few months of their marriage.

Second, knowing of Gran's introverted and submissive personality, Lean should have understood Gran's situation and discussed things to calm

¹³ *Republic v. Court of Appeals and Molina*, G.R. No. 108763 (Feb. 13, 1997) (Phil.)

the issue down and perhaps seek more options, which were not discovered as her personality has impaired her judgment due to her impulsiveness. At the end of Gran, he has been doing his part to support Lean and himself by assuring the pair to be alright and amenable to the hindrances. This is true even despite being in the inferior position of being disinherited and threatened by Lean's aunt. Instead, it was Lean who was impatient in dealing with the influx of problems while not contributing anything to resolve the issue. For instance, she could have assisted Gran in looking for a job and worked together with the objective of being financially stable as a couple instead of just merely sitting and being dependent on the other, and even aggravating the weakness of the marriage through excessive and unreasonable force.

Overall, the situation may already seem grave, but Lean not being aware of her actions and the damage she had caused to Gran made it justifiable that she has been the reason for such a weakened relationship and not the other way around.

It can be also observed in the case that the expert opinion of Mama Minda was purely based on the narratives and observations on Lean. This raises the concerns about reliability and objectivity of the expert opinion, as a psychologist's assessment may be skewed or incomplete due to the lack of a direct examination of the husband. With the additional evidence and narratives coming from the husband or his witnesses, then there would be valid objectivity, and with that, the gravity of the case can be fairly determined to rule such a marriage void *ab initio*.

Requisite 3: Juridical Antecedence

Before the marriage, Gran is said to be quiet and simple. Even from his childhood, he prefers being isolated from his friends to read the Bible and hear its message which he loved doing. During 2008 - 2009, he was employed as Marketing Representative at Cherry Pie Mobile Incorporated. But, he was unable to stay at the job for long due to job incompetence and his attitude of being quiet and a loner.

Though it was mentioned that he stayed calm and quiet, he was capable of making decisions, especially during the time he accepted Lean's call to marriage. During the time of acceptance, he took into account the statements uttered by Lean where she claimed that they will be able to live reliably for a long period of time with Gran's financial status and support. Gran, being past the minimum legal age, should be already able to think and foresee ahead the consequences and possible circumstances that he needs to consider. With his conservative personality, he should have been able to be consistent with his thoughts. This can be further backed up by the fact that according to clinical psychologist Mama Minda's analysis, Gran is also a religious type of person and would thereby closely conform to the norms and standards set by his religion. It is highly unlikely for a person as

conservative as Gran to be able to change his thoughts and be convinced by the force Lean exhibited. Then and there, he could have already spotted the signs of impulsiveness by Lean and could have used the opportunity to deny or flee from that potentially toxic relationship. As he accepts the marriage, it indicates their joint commitment to the essential marital obligations. Marriage, as defined in the Family Code of the Philippines, is a special contract and permanent union between a man and a woman, which is different from regular contracts such as job contracts where a person can just terminate as agreed between the parties.

With the arguments above, it can be said that Gran showed no manifestations of psychological incapacity since the beginning of his married life with Lean, therefore not providing meritorious grounds for the nullity of marriage in the requisite of juridical antecedence. Gran's quiet and simple personality does not necessarily mean psychological incapacity, and Lean's behavior towards him may be attributed to her own emotional instability.

Analysis of Existing Supreme Court Cases

There are numerous notable Supreme Court cases that present similar scenarios and events that occurred compared to that of the present case between plaintiff Lean and respondent Gran.

First, we look into the profile and objectivity of the evidence presented. It was mentioned in this case that there was no direct examination or other forms of evidence done to Lean's husband Gran which resulted in the skewness and unreliability of the evidence presented. With that one-sided evidence present, there can be clear signs of bias especially in this scenario strongly hinting that Lean is filing an appeal for the ultimate purpose of abandoning the marriage she has impulsively committed. The opposite can hardly be validated even if the report consists of the behaviors of both subjects, making the evidence ineffective.

In the ruling of *Jocelyn Suazo v. Angelito Suazo, et al.*¹⁴, Angelito, the respondent who was said to be not performing his marital duties due to excessive drinking, indolence, and physical and mental abuse as claimed by the plaintiff Jocelyn, failed to answer the petition not submit himself a psychological examination with psychologist Nedy Tayag (who was presumably hired by Jocelyn). It was only Jocelyn, her aunt Maryjane Serrano, and the psychologist who testified at the trial, where Jocelyn repeated the allegations in her petition including the alleged incidents of physical beating she received from Angelito. On cross-examination, she remained firm on these declarations but significantly declared that Angelito had not treated her violently before they were married. The psychologist

¹⁴ *Suazo v. Suazo and Republic*, G.R. No. 164493, (March 10, 2010) (Phil.)

mentioned as well that he had examined respondent Angelito who was said to be "immature, irresponsible and callous emotionality practically harbors (sic) the possibility of having a blissful relationship". Thus, his general behavior fulfills the diagnostic criteria for a person suffering from Antisocial Personality Disorder".

The Regional Trial Court of Pasay City initially granted the nullity of the marriage but was reversed by the Court of Appeals on their decision last July 14, 2004, in which the justice claimed that "only the wife gave first-hand testimony on the behavior of the husband, and it is inconclusive. As observed by the Court in Marcos, the respondent may have failed to provide material support to the family and has resorted to physical abuse, but it is still necessary to show that they were manifestations of a deeper psychological malaise that was clinically or medically identified".

The case was then further appealed to the Supreme Court by Jocelyn to seek the reversal of the CA ruling based on the claim that the CA disregarded the legal basis of the RTC in declaring the marriage void, as well as the open-mindedness of the interpretation of the term "psychological incapacity" in Article 36 of the Family Code. But in their ruling, it was mentioned that the court had to evaluate the evidentiary worth of the opinion with due care and with the application of the more rigid and stringent set of standards outlined, that there must be a thorough and in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a psychological incapacity that is grave, severe and incurable. This could unfortunately not be applied in the case of Jocelyn Suazo v. Angelito Suazo due to the fact that the psychologist derived all her conclusions from information coming from Jocelyn whose bias for her cause cannot, of course, be doubted, thus there could not be an objective conclusion formed. The case was subsequently dismissed with no further reversals granted to the petitioner, leaving the marriage status not void.

In the ruling of Nicolas Matudan vs. Republic and Marilyn Matudan¹⁵, petitioner Nicolas filed a case against respondent Marilyn for allegedly abandoning their family including four of their children as the latter never came back from work as the parties had lost contact with each other since then and have not been seen nor heard from again. On cross-examination, the petitioner testified that he and the respondent had a happy married life and they never had a fight. The only reason why he filed this case was because the respondent abandoned him and their children.

Similar to the case presented in the preceding paragraphs and this case, an evaluation report by a licensed psychologist (Dr. Tayag) has been submitted as evidence in court and was reviewed during the hearing. This report was only submitted by the side of petitioner Nicolas as there was none of the said document presented by the other party, respondent Marilyn.

¹⁵ Matudan v. Republic and Matudan, G.R. No. 203284 (Nov. 14, 2016) (Phil.)

Though the report also discussed the psychological incapacity of the respondent, it has only been said based on the perspective of the petitioner and his observations. The mere fact that the respondent could no longer be contacted meant that it was impossible to gather facts directly from the respondent for examination purposes and further evaluation in court.

Furthermore, the court mentioned the following statement that describes the nature of the report being admitted and the reason for its invalidity:

"While the various tests administered on the petitioner could have been used as a fair gauge to assess her own. psychological condition, this same statement cannot be made with respect to the respondent's condition. To make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence."

It was also subsequently identified via cross-examination that one of the primary motives of the petitioner filing the case was merely for separation, which contradicted the claims of their happy and trustworthy marriage at the beginning of their lives as husband and wife. Though it was also identified by the psychologist that the respondent has suffered from Narcissistic Personality Disorder with antisocial traits as evidenced by his selfishness and lack of empathy, In other words, there was a lack of totality of evidence that could convince the court of the total disability of the spouses to perform the essential marital obligations, thus leading to the dismissal of the case without granting the nullity of the marriage.

Going back to the current case between Gran and Lean, and comparing the rulings in the said existing cases and the arguments that were stated prior to this section, it can be concluded that the nature of the psychological reports and assessments present were consistent with one another. Prescinding from the foregoing, the Court finds that the totality of the evidence adduced by the petitioner has not established the requisites of gravity, juridical antecedence, and incurability, regardless of whether or not there is a proven psychological or personality disorder that existed in all the mentioned example cases.

Again, it must be emphasized that this petition was filed on the ground of the psychological incapacity of the respondent and not the petitioner.

BENEFICIALITY

Nature and Importance of Marriage

The law favors the maintenance of the marital bond and requires strict proof to declare a marriage void *ab initio*. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and the unity of the family. Thus, our Constitution devotes the Family Code, recognizing it as 'the foundation of the nation'¹⁶. It decrees marriage as legally 'inviolable,' thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be 'protected' by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their permanence, inviolability, and solidarity¹⁷ as stated in the Supreme Court case of Rachel A. Del Rosario, Petitioner, VS. Jose O. Del Rosario and Court of Appeals, Respondents - G.R. No. 22254, February 15, 2017.

(2) The root cause of the psychological incapacity must be: (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts, and (d) clearly explained in the decision. Article 36 of the Family Code requires that the incapacity must be psychological - not physical, although its manifestations and/or symptoms may be physical.

Article 36 of the Family Code only applies to marriages that are characterized by psychological incapacity. The Supreme Court has emphasized that psychological incapacity must be "more than just a difficulty, a refusal, or a neglect in the performance of some marital obligations" and must be "grave and serious" enough to demonstrate the party's "utter insensitivity or inability to give meaning and significance to the marriage."¹⁸ as stated in Rosanna L. Tan-Andal, Petitioner, v. Mario Victor M: Tan-Andal, Respondent - G.R. No. 196359, May 11, 2021. Thus, the petitioner must prove that the respondent is psychologically incapacitated to perform the essential obligations of marriage, and not merely that the latter is unwilling or unable to fulfill these obligations.

In addition, the laws of the Church provide important guidance for deciding cases related to marriage. According to Canon Law, those who lack the sufficient use of reason, suffer from a grave defect of discretion of judgment concerning essential matrimonial rights and duties, or are not able to assume the essential obligations of marriage for causes of a psychic

¹⁶ Executive Order No. 209, s. 1987 | GOVPH. (1987, July 6). Official Gazette of the Republic of the Philippines. <https://www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987/>

¹⁷ Del Rosario v. Del Rosario and Court of Appeals, G.R. No. 222541 (Feb. 15, 2017) (Phil.)

¹⁸ Tan-Andal v. Tan-Andal, G.R. No. 196359 (May 11, 2021) (Phil.)

nature, are incapable of contracting marriage.¹⁹ However, in the case of Lean and Gran, there is no medical declaration, certificate, or examination stating that either party lacks sufficient use of reason or has a psychic cause that prevents them from assuming essential obligations.

While both parties may have lacked proper discernment and sound judgment regarding the essential marital obligations at the time of solemnization, this does not necessarily indicate a grave defect of discretion of judgment concerning essential matrimonial rights and duties. Moreover, neither party has a reasonable psychic cause to not assume the essential obligations of marriage. Therefore, this means that there is still room for improvement in both parties to grow out of their immaturity and carry out their essential marital obligations to maintain and uphold the nature and importance of marriage. Therefore, their marriage can still remain valid as they still have the ability to grow out of their immaturity and do their essential marital obligations to maintain the nature and significance of marriage.

Given the lack of evidence to consider the marriage void *ab initio*, there is no compelling reason to nullify the couple's marriage. While they may be facing challenges in their relationship, these difficulties do not necessarily warrant the nullity of their marriage. Instead, they may benefit from seeking counseling or other forms of support to work through their issues and strengthen their bond. Such as in the case of Ricardo P. Toring, Petitioner, Vs. Teresita M. Toring and the Republic of the Philippines, Respondents. G.R. No. 165321, August 3, 2010, which states that "irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity, as [these] may only be due to a person's difficulty, refusal, or neglect to undertake the obligations of marriage that are not rooted in some psychological illness that Article 36 of the Family Code addresses."²⁰ In Lean and Gran's case, Gran's emotional immaturity prior to and during the marriage cannot be considered a case for psychological incapacity.

In conclusion, the Family Code of the Philippines favors the maintenance of the marital bond, and there must be clear and convincing evidence to declare a marriage void *ab initio*. In the case of Lean and Gran, the proposition failed to provide such evidence, and their marriage should be considered valid.

¹⁹ Code of Canon Law. Can. 1095. (n.d.).

https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann998-1165_en.html

²⁰ Toring v. Toring and Republic, G.R. No. 165321 (Aug. 3, 2010)

Legal, Social, Financial, and Emotional Implications

The declaration of nullity of marriage has significant legal, social, financial, and emotional implications. It affects the status of the parties, their property rights, and the recognition of their marriage in other jurisdictions. Therefore, the court should be cautious in granting the declaration of nullity of marriage and ensure that it is based on valid grounds and evidence.

1. Legal Implications

Property Division. If the marriage between Lean and Gran is declared null, the issue of property division may arise. This is because the property rights and obligations that arise from marriage may not be recognized if the marriage is declared null from the beginning. The court may need to determine how the property acquired during the relationship should be divided.

Spousal Support. If the marriage is declared void *ab initio* due to psychological incapacity, there are generally no spousal support implications because the marriage is considered to have never existed. This means that the parties are not legally considered to be spouses, and therefore do not have the rights and obligations that come with a valid marriage, including spousal support.

However, in some cases, a court may order support payments or property division on equitable grounds, particularly in cases where one party has been economically disadvantaged as a result of the relationship.

Void Marriage Declaration. A declaration of nullity is not necessary for marriages that are considered void *ab initio* under Article 36 of the Family Code due to psychological incapacity. This is because such marriages are already considered null and void from the beginning, and therefore no legal recognition or effects are accorded to them. However, parties may still seek a judicial declaration of nullity for the purpose of obtaining a judicial confirmation of the nullity of the marriage.

2. Social Implications

If the court adopts the resolution, it may set a dangerous precedent that undermines the institution of marriage and the presumption of its validity. It may also lead to a flood of cases seeking the declaration of nullity of marriage based on flimsy grounds or personal grievances.

Granting a nullity or declaring a marriage void in the Philippines can have significant social implications that affect not

only the parties involved but also their families and society as a whole. Here are some scenarios that may occur:

1. *Stigmatization*: In Philippine culture, marriage is considered a sacred institution, and any dissolution of a marriage, whether through divorce or nullity, is often met with negative judgment and social stigma. Parties who are granted a nullity may face discrimination and social isolation, which can be detrimental to their mental and emotional health (another implication).
2. *Judicial Integrity*: Granting a nullity case based on flimsy grounds or personal grievances can lead to a loss of trust and credibility in the Supreme Court itself. The public may view the decision as biased or unfair, and this can lead to a decrease in the court's perceived legitimacy.

Additionally, such a decision can also have a negative impact on the legal profession as a whole. It can undermine the integrity of the legal system and create a perception that lawyers are willing to abuse the law for their own gain. This can lead to a decrease in public confidence in the legal profession and make it more difficult for lawyers to advocate for their clients.

3. Financial Implications

If the nullity of the marriage is granted, it could result in significant financial ramifications for both parties, as the expenses associated with the processing of making the marriage null and void tend to be considerable. Considering the current lack of employment opportunities for Gran and the unknown financial status of Lean, this could be extremely detrimental to their financial stability and overall well-being.

In the Philippines, the process and cost of obtaining a declaration of nullity of marriage can vary depending on the specific circumstances of each case. However, some of the common expenses involved in obtaining a declaration of nullity of marriage are as follows:

Filing fees: The cost of filing a petition for declaration of nullity of marriage in the Philippines varies depending on the jurisdiction, but it generally ranges from Php 4,000 to Php 10,000.

Attorney's fees: The cost of an attorney in the Philippines for handling a nullity case can vary depending on the complexity of

the case and the reputation of the lawyer. Some lawyers may charge an hourly rate, while others may charge a fixed fee for the entire case.

Service of process fees: The cost of serving the petition and other documents to the respondent in a nullity case varies depending on the method of service used.

Court appearance fees: The parties may need to attend court hearings and pay for transportation and other expenses related to appearing in court. Lean has been to the lower court and has filed before the Supreme Court as well.

Psychologist/psychiatrist fees: In some nullity cases, parties may need to undergo psychological or psychiatric evaluations, and the cost of these evaluations can vary. In Gran and Lean's case, a clinical psychologist was requested.

Miscellaneous fees: There may be other expenses related to obtaining documents, such as marriage certificates or other legal documents, that are required as evidence in the nullity case.

Overall, the cost of obtaining a declaration of nullity of marriage in the Philippines can range from Php 100,000 to Php 500,000, depending on the specific circumstances of the case and the fees charged by the lawyer and other professionals involved in the process. Not only is this a costly procedure but also a rigid and extensive one. Lean filed a petition for the declaration of her marriage with Gran as null and void on the grounds that Gran is psychologically incapacitated.

4. Emotional Implications

There may be feelings of shame, embarrassment, or social stigma if the marriage is declared null. This may be particularly challenging for Gran, who is a devout Born Again Christian, as he may feel that he has failed to uphold the values and teachings of his faith.

There may also be practical implications to consider, such as the division of property and financial assets. These can be difficult and emotionally charged issues to navigate, particularly if there are disagreements or tensions between the parties.

In conclusion, the case of Lean and Gran's marriage poses significant legal, social, financial, and emotional implications. The court must carefully consider the evidence presented to ensure that the decision made is based on valid grounds. The declaration of nullity of marriage could have far-reaching consequences on the status of the parties, their property rights, financial stability, and emotional well-being. It is essential to navigate these issues with sensitivity and understanding, especially when considering the impact on the lives of both parties.

Principle of Benefit and Burden

The book "The Principle of Benefit and Burden" by Christine J. Davis²¹ provides an ethical framework for making decisions based on the principle of benefit and burden. Three key points from the book that can be used in a court of law case are:

1. The principle of benefit and burden requires us to consider both the potential benefits and the potential burdens of our actions. In a court of law, this means weighing the potential benefits and burdens of a decision, such as declaring a marriage void and considering the impact on all parties involved.

In Gran and Lean's case, declaring the marriage null may result in potential burdens, such as the emotional distress and social stigma that may be experienced by both parties, the financial implications of dividing property and assets, and the implications for the recognition of their marriage in other jurisdictions.

2. The principle of benefit and burden requires us to consider the distribution of benefits and burdens. In a court of law, this means considering whether the benefits and burdens of a decision are distributed fairly among all parties and whether there are any unintended consequences that may result in unfair distribution.

If we declare the marriage void *ab initio* based on his psychological incapacity of Gran, it would provide a benefit to Gran by freeing him from a marriage that he feels trapped in. However, it would impose a significant burden on Gran by invalidating a marriage that he believed was valid and legal, and even worse, he is considered psychologically incapacitated to do his marital obligations. This could lead to financial and emotional distress for Gran, as well as the loss of social status and respect that comes with being married. On Lean's side, it would benefit her to be free from a marriage that cannot sustain

²¹ Davis, C. J. (1998). The Principle of Benefit and Burden. The Cambridge Law Journal, 57(3), 522–553. doi:10.1017/s0008197398003043

her ambitious and lavish lifestyle. However, this also imposes a grave burden on Lean by invalidating her marriage, a permanent, inviolable, indissoluble social institution upon which the family and society are founded.

3. The principle of benefit and burden requires us to consider the long-term consequences of our actions. In a court of law, this means considering the potential long-term effects of a decision, such as how declaring a marriage void may affect the lives of the parties involved, their families, and their communities in the future.

Issuing a verdict of nullity based on weak arguments or personal grievances has the potential to diminish the Supreme Court's trustworthiness and standing. This verdict may be viewed by the public as partial or inequitable, ultimately impairing the court's perceived legitimacy.

Furthermore, this decision could have adverse consequences for the legal profession as a whole. It could compromise the legal system's integrity and create an impression that lawyers are willing to manipulate the law for their own benefit. Such a perception may erode public trust in the legal profession, rendering it more challenging for lawyers to represent their clients effectively.

Moreover, in Gran and Lean's case, the emotional and financial implications of the decision could have long-lasting effects that may impact their ability to move on from the relationship and to establish new relationships in the future.

In the case of Gran and Lean, it is crucial to consider the principle of benefit and burden in determining whether the marriage should be declared void *ab initio* under Article 36 of the Family Code. The principle of benefit and burden states that benefits and burdens should be distributed in a just and equitable manner.

In conclusion, the principle of benefit and burden is a vital ethical framework that should be considered in making decisions in the case of Gran and Lean's validity of marriage. It is essential to thoroughly evaluate all the factors involved in a case before making a final verdict to ensure that the distribution of benefits and burdens is equitable and just for all parties involved. By doing so, we can maintain the integrity of the legal system and ensure that justice is served in a fair and equitable manner.

PRACTICALITY

Totality of Evidence is Insufficient

In *Republic v. Galang*, it was stated that the 1987 Constitution set out a policy of protecting and strengthening the family as the basic social institution, and marriage was the foundation of the family. Marriage, as an inviolable institution protected by the State, cannot be dissolved at the whim of the parties. In petitions for declaration of nullity of marriage, the burden of proof to show the nullity of marriage lies with the plaintiff.²²

In this case, the petitioner, Lean, failed to show that the respondent, Gran, was suffering from a psychological condition so severe that he was unaware of his obligations to his wife and family. In fact, Gran attempted to reconcile with his wife which proves the respondent's efforts and genuine awareness of his marital obligations but such attempts were disregarded by Lean. With regard to Mama Minda's clinical evaluation report, it can be deduced that the same was highly suspect and skewed, as the information was mainly obtained from Lean which renders the result of the evaluation inconclusive.

In an article written by Guerra, the court stated that it is not always necessary to have a psychologist or psychiatrist testify, which experts believe could result in a more efficient and cost-effective process for annulment cases.²³ This is supported by the fact that psychological incapacity is not a defect in the mind but in the understanding of the consequences of marriage, and therefore, a psychiatrist or experts in such fields will not be of help.

In the case of *Santos v. Court of Appeals*, the court established that for a finding of psychological incapacity to be valid, it must meet three criteria:

(1) Gravity: The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage.

(2) Juridical antecedence: it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage.

(3) Incurability: it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.

The incapacity in question must be related to a mental, not physical, incapacity that prevents a party from understanding and fulfilling the basic

²² *Paz v. Paz*, G.R. No. 166579 (Feb. 18, 2010) (Phil.)

²³ Philippines: Supreme Court Rules on Psychological Incapacity as a Ground for Nullity of Marriage. (2021, May 28). The Library of Congress.

<https://www.loc.gov/item/global-legal-monitor/2021-05-28/philippines-supreme-court-rules-on-psychological-incapacity-as-a-ground-for-nullity-of-marriage/>

obligations of marriage. It must only be applied to the most serious cases of personality disorders that demonstrate an utter inability to comprehend the significance of marriage.²⁴ The court further refined these guidelines in the case of the Republic of the Philippines v. Court of Appeals and Roridel Olaviano Molina, which incorporated the requirements set forth in Santos and provided additional guidelines for the interpretation and application of Article 36 of the Family Code.²⁵

Article 36 of the Family Code was based on the grounds for the invalidity of marriage listed on the Canon Law, specifically, Canon 1095 (3), which states that “(those) who, because of causes of a psychological nature, are unable to assume the essential obligations of marriage” are incapable of contracting marriage. The court, in the case of Te v. Yu-Te, used provisions of the Old Canon Law (1917), specifically Canon Nos. 1081, 1082, and 1087, to infer two grounds for annulment relating to psychological incapacity namely “lack of due discretion” and “lack of due competence.” Lack of due discretion refers to the inability of a contracting party to give valid consent at the celebration of the marriage. Lack of due competence, on the other hand, refers to the inability of a contracting party to fulfill the promise he/she gave during the celebration of the marriage.²⁶

In the span of time Gran and Lean spent living together, Gran showed, on numerous occasions, a sufficient amount of due competence to carry out the obligations set by Articles 68-71 of the Family Code. They are as follows:

- I. Gran’s attempts at reconciliation displayed his awareness of his essential marital obligations. After Gran left the house of Lean’s aunt, he returned to his parent’s home. After months of counseling, he contacted Lean to try to fix their relationship but Lean decided that they are better off living separately.
- II. Gran offered Lean to live together with his parents in observance of his obligations as a husband in accordance with Article 68 of Family the Code which proves that Gran is aware of his marital obligations to Lean. When Lean declined his offer, he decided to stay with her instead, in line with Article 68 obliging the married couple to live together with respect.
- III. Article 69 of the Family Code states that “the husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.”. When Gran returned to his parent’s house, instead of walking away and abandoning his marital obligations due to their physical separation, he reached out back to Lean to convince her to

²⁴ Santos v. Court of Appeals and Bedia-Santos, G.R. No. 112019 (Jan. 4, 1995) (Phil.)

²⁵ Republic v. Court of Appeals and Molina, G.R. No. 108763 (Feb. 13, 1997) (Phil.)

²⁶ Te v. Yu-Te, G.R. No. 161793 (Feb. 13, 2009) (Phil.)

live with him in an attempt to fix their family domicile and perform their marital obligations.

Emotional Immaturity does not Equate to Psychological Incapacity

According to the evaluation and test results, both Gran and Lean were said to be emotionally immature. These are not serious, grave, and permanent psychological conditions that incapacitate him to perform his marital obligations required by Article 36 of the Family Code. It was stated in the case of *Del Rosario vs. Del Rosario and CA*, G.R. No. 222541. February 15, 2017, that emotional immaturity, irresponsibility, and unfaithfulness are at most personality defects that may be considered grounds for legal separation under Article 55 of the same code.²⁷

The Court emphasized that psychological incapacity is not meant to dissolve a marriage due to personal differences, irreconcilable or conflicting personalities, or emotional immaturity as these are merely behavioral manifestations that correlate to the symptoms of the alleged personality disorder, *per se* and without more, are *not determinative* of the existence of psychological incapacity.²⁸ Irreconcilable differences, perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage.²⁹

Lean's aggressive and rebellious personality clashes with Gran's introverted, weak-willed, and timid nature, which puts pressure on their relationship. These differences in their personality cause conflicts and misunderstandings that may affect their relationship. However, it is important to note that differences in personality alone do not constitute psychological incapacity under Philippine law.

In the case of annulment on the grounds of psychological incapacity, the law requires that the incapacity must be serious, incurable, and existing at the time of the marriage. Psychological incapacity should not be based on personal differences, irreconcilable or conflicting personalities, or emotional immaturity. Therefore, while the differences in Lean and Gran's personalities can be a serious factor that jeopardizes their relationship, it may not be sufficient to establish psychological incapacity. Spouses who experience such a predicament may be required to undergo counseling or mediation before pursuing an annulment or divorce.

²⁷ *Del Rosario v. Del Rosario and Court Of Appeals*, G.R. No. 222541 (Feb. 15, 2017) (Phil.)

²⁸ *Tan-Andal v. Tan-Andal*, G.R. No. 196359 (May 11, 2021) (Phil.)

²⁹ *Garlet v. Garlet*, G.R. No. 193544 (Aug. 02, 2017) (Phil.)

Irregularity in the Issuance of a Marriage License

A validly contracted marriage cannot be dissolved by any human authority or power in accordance with the Canon Law to uphold the indissolubility of marriage.³⁰ Canon law emphasizes that marriage is a sacred and lasting union between a man and a woman, and it encourages spouses to make an effort to maintain their union and work through any issues that may develop. It is important to note that Canon Law and Civil Law differ in their recognition of marriage types. Canon Law only acknowledges two types of marriages, namely valid and void, whereas Civil Law also acknowledges an intermediary state known as voidable or annullable marriages. In the case of an annulment by the Ecclesiastical Tribunal, the marriage is deemed null and void, which means that it never truly existed, as a valid sacramental marriage cannot be dissolved.³¹

The fact that the marriage license was issued by a judge outside the city by which the contracting party habitually resides does not render the marriage invalid since the absence of a valid marriage license would not affect the validity of the marriage because it is merely an irregularity by which the party responsible will be held criminally, administratively, and civilly liable in accordance with Article 9 of the Family Code. Therefore, the marriage has no legal impediments and is considered valid.

³⁰ Code of Canon Law. Can. 1141. (n.d.).

³¹ Ngo-Te v. Yu-Te, G.R. No. 161793 (February 13, 2009) (Phil.)

V. Conclusions

After analyzing the facts and arguments, we have determined that the marriage between Lean and Gran should not be declared void *ab initio* under Article 36 of the Family Code. Despite seeking the declaration of nullity of the marriage, the grounds for such a declaration are insufficient. The evidence presented did not support the standard for psychological incapacity as defined by Philippine law and did not demonstrate a clear and manifest indication of an incapacity that was present at the time of the marriage.

Additionally, it was noted that the parties did not make sufficient efforts to preserve their marriage before seeking nullification of marriage. The lack of effort to save the marriage may indicate that there was no genuine desire to work on the relationship and instead sought nullification of marriage as an easy way out. In light of this, it is difficult to conclude that the marriage was genuinely irreparable or that it met the legal standard for psychological incapacity, which are incurability, gravity, and juridical antecedence.

Furthermore, the court notes that the clinical psychologist who provided the expert opinion, in this case, did not personally examine the husband and instead relied solely on the information provided by the wife. This raises the concerns about reliability and objectivity of the expert opinion, as a psychologist's assessment may be skewed or incomplete due to the lack of a direct examination of the husband.

Taking into account all the facts and arguments discussed above, the opposition concludes that the marriage between the parties should not be declared void *ab initio* under Article 36 of the Family Code. The grounds for the nullification of marriage are insufficient, psychological incapacity was not shown to be attended by gravity, juridical antecedence, and incurability. The parties did not make sufficient efforts to preserve their marriage, and the expert opinion provided proves to be unreliable due to the lack of direct examination of the husband. As a result, the marriage remains valid and binding under Philippine law.