

Question What are the things to be considered in invoking and proving psychological incapacity? Please cite sources.

In invoking and proving psychological incapacity, several critical factors must be meticulously considered to meet the legal standards established by jurisprudence. Below are the key considerations, supported by relevant sources:

**1. Durable Aspect of Personality Structure:**

- **Pre-existing Condition:** Psychological incapacity must stem from a durable aspect of an individual's personality that was formed before the marriage. This ensures that the incapacity is not a result of marital discord but a pre-existing condition.
- *Source:* **G.R. No. 247583, October 2021**

**2. Clear and Convincing Evidence:**

- **Burden of Proof:** The party alleging psychological incapacity is required to present clear and convincing evidence to substantiate its existence. Mere assertions without substantial proof are insufficient.
- *Source:* **G.R. No. 247583, October 2021**

**3. Severity and Nature of Incapacity:**

- **Exclusion of Minor Issues:** Occasional emotional outbursts, refusal, neglect, difficulty, or ill will do not qualify as psychological incapacity. The incapacity must arise from a genuinely serious psychological condition.
- **Gravity, Antecedence, and Incurability:** The incapacity must be characterized by gravity (seriousness), juridical antecedence (pre-existing before marriage), and incurability.
- *Source:* **G.R. No. 196359, May 2021**

**4. Totality of Evidence:**

- **Comprehensive Evaluation:** Courts assess the totality of evidence presented to determine if the psychological incapacity meets the required criteria. No single piece of evidence is solely determinative.
- **Flexible Guidelines:** While the Molina guidelines offer factors to consider, they should not be treated as a rigid checklist. The absence of certain factors does not automatically negate the claim, provided the overall evidence supports the incapacity.
- *Sources:* **G.R. No. 212717, March 2020; G.R. No. 196359, May 2021; G.R. No. 247798, January 2023**

**5. Expert Testimony:**

- **Professional Evaluation:** Opinions from psychiatrists, psychologists, or other mental health experts are highly beneficial in establishing the nature and extent of the psychological incapacity. Expert evidence can elucidate the medical or clinical basis of the incapacity.
- *Sources:* **G.R. No. 126010, December 1999; G.R. No. 151867, January 2004; G.R. No. 226907, July 2019**

**6. Legal vs. Medical Concept:**

- **Legal Interpretation:** Psychological incapacity is treated as a legal concept rather than a purely medical one. This distinction emphasizes the need for legal standards to be met, irrespective of medical diagnoses alone.

- *Source:* **G.R. No. 196359, May 2021**

#### **7. Avoidance of Precipitate Nullity:**

- **Careful Evaluation:** Courts must avoid hastily declaring a marriage null and instead conduct a thorough examination of all relevant circumstances surrounding the incapacity.
- *Source:* **G.R. No. 126010, December 1999; G.R. No. 151867, January 2004**

#### **8. Non-reliance on Medical Examination Alone:**

- **Evidence Sufficiency:** While expert testimony is valuable, the actual medical examination of the individual is not mandatory if the presented evidence sufficiently establishes the psychological incapacity.
- *Source:* **G.R. No. 136490, October 2000**

#### **Summary of Requirements to Invoke and Prove Psychological Incapacity:**

- **Durable Pre-existing Psychological Condition:** Must exist before marriage and persist as a stable aspect of personality.
- **Clear and Convincing Evidence:** Substantial proof is necessary to demonstrate the incapacity.
- **Seriousness and Irrecoverability:** The incapacity must be grave, incurable, and not recoverable.
- **Totality of Evidence:** A comprehensive assessment of all evidence must support the incapacity claim.
- **Expert Testimony:** Professional opinions from mental health experts bolster the claim.
- **Legal Criteria Supremacy:** Legal standards prevail over purely medical diagnoses in determining incapacity.

By meticulously addressing these factors, parties can effectively invoke and prove psychological incapacity in accordance with established legal precedents.