

Question: What are the things to be considered in invoking and proving psychological incapacity?

In invoking and proving psychological incapacity under Article 36 of the Family Code, several critical factors must be meticulously considered to meet the legal standards set by jurisprudence. Below are the key elements based on the provided contexts:

1. Psychological Nature:

- **Definition:** Psychological incapacity must pertain to a mental or psychical condition, not a physical one, although physical manifestations may be present.
- **Legal Distinction:** It is a legal concept distinct from medical diagnoses.
- **Source:** *G.R. No. 196359 May 2021.*

2. Durable Aspect of Personality:

- **Pre-Marital Condition:** The incapacity must be a permanent aspect of an individual's personality structure that existed before the marriage commenced.
- **Source:** *G.R. No. 247583 Oct 2021.*

3. Clear and Convincing Evidence:

- **Burden of Proof:** The party alleging psychological incapacity must present clear and convincing evidence to substantiate the claim.
- **Source:** *G.R. No. 247583 Oct 2021; G.R. No. 212717 Mar 2020.*

4. Exclusion of Temporary or Minor Issues:

- **What's Not Included:** Occasional emotional outbursts, mere refusals, neglect, difficulties, or ill will do not constitute psychological incapacity.
- **Requirement:** The incapacity must stem from a genuinely serious psychological cause.
- **Source:** *G.R. No. 196359 May 2021.*

5. Medical or Clinical Identification:

- **Expert Identification:** The incapacity should ideally be identified and explained by qualified psychiatrists or clinical psychologists.
- **Court's Stance:** While traditionally required, some jurisprudence (*G.R. No. 212971 Nov 2022*) indicates that courts may abandon the strict need for medical identification, focusing instead on the legal definition.
- **Source:** *G.R. No. 226907 Jul 2019; G.R. No. 212971 Nov 2022.*

6. Allegation in Complaint:

- **Formal Requirement:** The psychological incapacity must be explicitly alleged in the legal complaint initiating the annulment or legal separation.
- **Source:** *G.R. No. 155800 Mar 2006; G.R. No. 196359 May 2021.*

7. Expert Testimony:

- **Role of Experts:** Expert opinions from psychiatrists, psychologists, or other psychological experts are crucial in proving the existence and extent of the incapacity.
- **Source:** *G.R. No. 126010 Dec 1999; G.R. No. 226907 Jul 2019.*

8. Gravity and Incurability:

- **Severity:** The incapacity must be severe and incurable, significantly impairing the individual's ability to fulfill marital obligations.
- **Juridical Antecedence:** It should have existed at the time of marriage and not develop subsequently.

- **Source:** *G.R. No. 212717 Mar 2020.*

9. **Comprehensive Evaluation of Evidence:**

- **Totality of Evidence:** Courts assess the complete body of evidence to determine if psychological incapacity meets the legal thresholds.
- **Avoidance of Precipitate Decisions:** Each circumstance affecting the incapacity must be carefully examined to prevent hasty judgments.
- **Source:** *G.R. No. 151867 Jan 2004; G.R. No. 212717 Mar 2020.*

10. **Clear Explanation in Decision:**

- **Judicial Clarity:** The court's decision must clearly explain how the psychological incapacity meets the legal requirements.
- **Source:** *G.R. No. 155800 Mar 2006.*

Summary:

To successfully invoke and prove psychological incapacity, the petitioner must demonstrate that the incapacity is a longstanding psychological condition existing before marriage, supported by clear and convincing evidence, preferably through expert testimony. The incapacity must be severe, incurable, and significantly impair the individual's ability to fulfill marital obligations. Additionally, the court requires a comprehensive evaluation of all evidence to ensure that the declaration of psychological incapacity is just and not based on transient or minor issues.

Cited Sources:

- *G.R. No. 247583 Oct 2021*
- *G.R. No. 196359 May 2021*
- *G.R. No. 226907 Jul 2019*
- *G.R. No. 212971 Nov 2022*
- *G.R. No. 126010 Dec 1999*
- *G.R. No. 151867 Jan 2004*
- *G.R. No. 212717 Mar 2020*
- *G.R. No. 155800 Mar 2006*