



Republic of the Philippines
Supreme Court
Manila

SPECIAL FIRST DIVISION

REPUBLIC OF THE
PHILIPPINES,

G.R. No. 212717

PRESENT:

Petitioner,

GESMUNDO, CJ,
CAGUIOA, Acting Chairperson
LAZARO-JAVIER,
ROSARIO, and
DIMAAMPAO, JJ.

versus

Promulgated:

NOV 23 2022

mth/bk

ARIEL S. CALINGO AND
CYNTHIA MARCELLANA-
CALINGO,

Respondents.

X-----X

RESOLUTION

LAZARO-JAVIER, J.:

The Case

In his motion for reconsideration,¹ respondent **Ariel S. Calingo** (Ariel) implores the Court to revisit its *Decision*² dated March 11, 2020 which

¹ *Rollo*, pp. 338-340.

² Penned by Associate Justice Jose C. Reyes, Jr. (now retired), with then Chief Justice Diosdado M. Peralta (now retired), now Chief Justice Alexander G. Gesmundo (additional member *vice* J. Mario V. Lopez)

[Handwritten mark]

granted the petition for review on certiorari of the Republic of the Philippines through the Office of the Solicitor General (OSG),³ dismissing the **petition for declaration of nullity of marriage** which Ariel filed against his wife, respondent Cynthia Marcellana-Calingo.

Antecedents

The *ponencia* summarized the facts, as follows:

In 1978, Ariel and Cynthia met when the latter was still the girlfriend of the former's friend. After a while, Cynthia and his then boyfriend broke up. From the conclusion of such relationship, there sprung a new one. After developing a strong sense of sexual desire and physical attraction towards each other, Ariel and Cynthia became a couple.

On February 5, 1980, Ariel and Cynthia decided to get married civilly. The couple initially lived in Paco, Manila; and later on transferred to several places because of the alleged aggressive behavior of Cynthia.

As they lived together, Ariel narrated that Cynthia kept herself occupied by gossiping and reading comic books. Once, he asked Cynthia to limit her visitation to their neighbors to gossip, but Cynthia got mad and told him there was nothing much to do in their house.

Despite their marital problems, Ariel and Cynthia had their church wedding on February 22, 1998. At the time of their church celebration, Cynthia was five months pregnant. Ariel claimed that Cynthia's behavior was no different even after their second rites. She continued to gossip and pick fights with their neighbors.

According to Ariel, not only did Cynthia showed aggressive behavior during their union, but she likewise exhibited unfaithfulness. Ariel recalled that Cynthia's first instance of marital infidelity was with Noli, their neighbor, who became close to them. When Ariel found out about the affair, he forgave Cynthia, who allegedly showed no remorse.

Noli later on revealed to him that their twin children were not really Ariel's children, but his own. Ariel then remembered one incident between him and Cynthia wherein the latter told him "hindi mo anak ['yan,]" as she got mad because Ariel spanked one of their children.

Cynthia's second affair involved Louie, who was also their neighbor. Ariel testified that he discovered Louie hiding under their marital bed and wearing his pants only.

Not long after, Ariel reached his peak and left their conjugal abode after Cynthia threw a knife at him, which fortunately hit the wall. Premised on Cynthia's irritable and irascible attitude, Ariel narrated that the same took place after he asked Cynthia to check the pressure cooker; and in the course thereof, the pressure cooker exploded. Surprised, Cynthia got so angry and started throwing curses at Ariel. Allegedly, Cynthia threw a knife against him which hit the wall.

and Associate Justice Alfredo Benjamin S. Caguioa (with separate concurring opinion), concurring; and Associate Justice Amy C. Lazaro-Javier, dissenting.

³ *Rollo*, pp. 14-48.

Ariel filed a petition for declaration of nullity of marriage.

To support his petition, Ariel secured the psychological evaluation of Dr. Arnulfo Lopez (Dr. Lopez). The result thereof shows that Ariel possesses an emotionally disturbed personality, but not severe enough to constitute psychological incapacity. Dr. Lopez likewise conducted an assessment on Cynthia; and the same revealed that Cynthia is suffering from Borderline Personality Disorder with Histrionic Personality Disorder Features.

The *Psychological Evaluation Report*⁴ of Dr. Lopez contained his findings, thus:

x x x [Cynthia] is a product of a broken family. It could be recounted that her father always subjected her mother to physical abuse which was the main cause of their separation. Both parents are living with their respective partners. Being the youngest, it seemed that she was left behind because of her parents['] separation. Her auntie took care of her and became responsible for sending her to school. After some time, Cynthia lived with her mother, however, her mother would give her away to males for sex in exchange for money.

x x x x

E. Psychological Assessment of Cynthia's Personality based on the different sources of data presented

1. Cynthia was **severely immature**. She could not maintain a stable and healthy relationship with her husband and with other people. This was very much evident as she had a series of relationships with other men despite being very much married to Ariel. Furthermore, she acts out her feelings without considering her husband's feelings.
2. Cynthia manifested **inappropriate and intense anger**. Whenever Cynthia became hot tempered or when she and her husband had an argument, she always threw things to her husband. There were many instances when she would throw kitchen utensils; such as spoon, knife, plates, or any thing[sic] her hand would get hold of. When there was nothing to throw, she became content on subjecting her husband to verbal abuse and her constant nagging.
3. Cynthia **committed acts of infidelity**. Cynthia has had two illicit affairs with their neighbors. The first affair happened when they lived at San Antonio, Makati. They (Cynthia and Ariel) became close with a couple Noli and Rorie Rosacia to the point that Ariel has trusted Noli and treated him like his own brother. After some time, Noli and his wife had an affair and even begot twins without Ariel's knowledge. It was only after Ariel learned about his wife's second illicit affair with Louie that Noli confessed to Ariel that he and his wife had an affair and that the twins were not his. Louie was their neighbor at Carmona, Sta. Ana. Ariel discovered their affair when he went home early one time and found a pair of [men's] shoes in their bedroom. Ariel looked for this man and

⁴ Id. at 117-126.

found out that it was Louie. He was hiding under their bed with only his pants on which was in a total disarray.


4. Cynthia was **severely impulsive**. Cynthia always gets into fights with their neighbors and their land lords which made them transfer from one place to another. She could not control her temper as she often acted out her feelings. She nagged, shouted, and threw things, such as, utensils and other things she would get hold of to her husband whenever she argued with him or whenever she got angry with him.
5. Cynthia was **severely stubborn and rigid and is resistant to change**. She refused to listen to advices being given by her husband. As a matter of fact, Cynthia would even get angry at her husband whenever she was reminded to refrain from gossiping with their neighbors and do something productive. Cynthia's stubbornness became more evident as she kept on picking fights with their neighbors.
6. Cynthia was a **very irresponsible wife**. Her priorities in life never included her husband. She gave more importance gossiping with their neighbors, creating fights with them and with their landlords, and flirting with the opposite sex. The worst thing that she did was to engage in an illicit affair with two of their neighbors and begot twins from her first paramour.
7. Cynthia manifested **Histrionic behaviors**.
 - a. Cynthia **always wanted to be the center of attraction**. She does this by creating fights in their neighborhood and being a gossip monger. There were also instances when she would hurt herself by committing suicide when her husband failed to give her the attention she craved for.
 - b. Cynthia is **very unremorseful**. She is unmindful of her husband's feelings as she continued engaging in illicit affairs with different men and even got herself pregnant with her first paramour. When this happened, Cynthia never felt any guilt and never told her husband about it, she even made him believe that the twins were his. When her husband discovered her affairs, she never apologized and made him feel that she never committed any sin. Her being unremorseful became more evident when she even told her husband "di mo anak yan" when he scolded and spanked one of the children.

X X X X

IV. Overall Recommendation

X X X X

The **personality disorder of Ms. Cynthia Marcellana-Calingo, suggests a psychological incapacity on her part to perform the essential marital obligations** due to her severe immaturity, severe impulsivity, having borderline and histrionic personality behaviors, and "unpreparedness" to enter into marriage. Such pathological behavior caused a loss of trust and confidence, loss of intimacy, communication



breakdown, inability to perform her role as wife, and caused a failure to render mutual help and support to petitioner, Mr. Ariel Calingo.

The psychological incapacity of Ms. Cynthia Marcellana-Calingo is **permanent and incurable** due to the fact that the personality disorder she is suffering from is already an integral part of her personality; has already been existing prior to marriage but made manifest thereafter, the root cause of which can be traced to her dysfunctional familial pattern and psychological development.

Since the above personality disorder incapacitates the respondent to perform the essential marital obligations, reconciliation is impossible and totally not healthy as this will only cause continuous pain and suffering to petitioner and respondent. **It is, therefore, recommended that the marriage be annulled.** (Emphases in the original)

Ruling of the Regional Trial Court (RTC)

Under Decision⁵ dated August 3, 2009, the RTC-Br. 107, Quezon City, denied the petition on the ground that the totality of evidence presented did not prove psychological incapacity. It opined that *there [was] absolutely no showing that [Cynthia's] "defects" were already present at the inception of the marriage or that they are incurable.*

It subsequently denied petitioner's motion for reconsideration per Resolution⁶ dated October 19, 2009.

Ruling of the Court of Appeals

By Decision⁷ dated September 9, 2013, the Court of Appeals reversed the foregoing dispositions and granted the petition for declaration of nullity of marriage in this wise:

Sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make petitioner completely unable to discharge the essential obligations of marriage. In this case, it is evident that Cynthia cannot be contented with just one man, hence, her sexual infidelities with two other men and constant flirting with the opposite sex.

Cynthia's quarrelsome attitude, and the incessant bickerings with neighbors and the spouses' landlords, which force[d] the spouses to transfer from one place to another can be traced back to her HPD. In addition, her being "mabunganga" is clearly an indication that she would not listen to reason in discussion and would be enraged for no apparent reason at all.

⁵ Penned by Presiding Judge Jose L. Bautista, Jr.; id. at 167-171.

⁶ Id. at 185-187.

⁷ CA-G.R. CV No. 94407, Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla, concurring; id. at 51-64.

The totality of evidence all boils down to the fact that the marriage is doomed from the start x x x

We entertain no doubt, however. As the Supreme Court itself observed in *People v. Takbobo*: “The nuptial vows which solemnly intone the matrimonial promise of love for better or for worse, for richer or for poorer, in sickness and in health, till death do us part, are sometimes easier said than done, for many a marital union figuratively ends on the reefs of matrimonial shoals.” If We are to divine the continuation of this marriage it may end up in a tragedy like in Takbobo case.

In the instant case, respondent's overall behaviour are clearly demonstrative of her utter insensitivity/inability to give meaning and significance to her marriage to petitioner. (Citations omitted)

It further denied the Republic's motion for reconsideration⁸ on May 29, 2014.

Ruling of the Court in the Main *Ponencia*

By *Decision*⁹ dated March 11, 2020, the *ponencia* reversed the foregoing dispositions of the appellate court,¹⁰ thus:

However, this Court refuses to accept as credible the assessment of Dr. Lopez as there was no other evidence which established the juridical antecedence, gravity, and incurability of Cynthia's alleged incapacity. While jurisprudence recognizes the dispensability of personal examination of the party alleged to be suffering from psychological incapacity, it is but necessary to provide corroborative evidence to exhibit the required legal parameters.

To recall, the report itself cited the testimonies of Ariel and their friends, Bilason and Kalaw as bases for the findings. However, in the same report, it displayed that Bilason and Kalaw are friends with the couple for more or less thirty years, and the same does not show that they have known Cynthia longer than such period of time so as to have personal knowledge of her circumstances. Neither was it shown that Ariel likewise had personal knowledge of Cynthia's family background. Thus, they could not have known Cynthia's childhood nor the manner as to how she was raised.

Likewise, Cynthia's sexual infidelity is not a satisfactory proof of psychological incapacity. To be a ground to nullify a marriage based on Article 36 of the Family Code, it must be shown that the acts of unfaithfulness are manifestations of a disordered personality which makes him/her completely unable to discharge the essential obligations of marriage.

⁸ Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Priscilla J. Baltazar-Padilla and Samuel H. Gaerlan (now a member of the Supreme Court), concurring; id. at 10-11.

⁹ Penned by Associate Justice Jose C. Reyes, Jr. (now retired), with then Chief Justice Diosdado M. Peralta (now retired), now Chief Justice Alexander G. Gesmundo and Associate Justice Alfredo Benjamin S. Caguioa (with separate concurring opinion), concurring; and Associate Justice Amy C. Lazaro-Javier, dissenting.

¹⁰ CA-G.R. CV No. 94407.

As discussed, there was no evidence which proved that such raised to the level of psychological incapacity within the meaning of Article 36 of the Family Code, warranting the severance of Cynthia and Ariel's marital bonds.

Unequivocally, psychological incapacity must be more than just a "difficulty," "refusal"[,] or "neglect" in the performance of the marital obligations; it is not enough that a party prove that the other failed to meet the responsibility and duty of a married person.

Hence, contrary to CA's decision, the fact that Cynthia is "mabunganga" and had extra-marital affairs are not sufficient indicators of a psychological disorder.

The Present Motion for Reconsideration

Through the present motion for reconsideration,¹¹ Ariel insists that he *was able to present substantial facts and circumstances which would warrant the grant of his Petition for Annulment*; reiterates the assessments of Dr. Lopez regarding Cynthia's personality disorders; and cites the *Dissent* to the main *ponencia* to support his motion for reconsideration.

In its Comment,¹² the OSG maintains that Ariel's motion is without merit and should be denied. For there is no compelling reason for the modification, much less, the reversal of the Court's ruling.

Our Ruling

We grant the motion for reconsideration.

Article 36 of the Family Code decrees:

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.

This provision was interpreted through the guidelines laid down in *Republic v. Molina*¹³ up until its modification was recently decreed in *Tan-Andal v. Andal* penned by the erudite Associate Justice, now Senior Associate Justice Marvic Mario Victor F. Leonen.¹⁴ As ordained therein, the guidelines in *Molina* are not meant to straightjacket all petitions for declaration of nullity of marriage; and some adjustments have to be written to the prototypical and then-prevailing doctrine of *Molina* to make the remedy responsive and

¹¹ *Rollo*, pp. 338-340.

¹² *Id.* at 367-370.

¹³ 335 Phil. 664 (1997).

¹⁴ G.R. No. 196359. May 11, 2021.

relevant. The Court has since recalibrated the application of the guidelines in the now-prevailing case of *Tan-Andal*.

Therefore, we resolve the present motion reconsideration on the basis of the recent doctrines enunciated in *Tan-Andal*. As it was, *Tan-Andal* restated the current doctrine in light of the evolution of science, subsequent cases, and other contemporary circumstances after noting that the interpretation of Article 36 of the Family Code in *Molina* had proven to be restrictive, rigid, and intrusive on our rights to liberty, autonomy, and human dignity.

To recall, the Court in *Molina* decreed:

- (1) The burden of proof to show the nullity of the marriage belongs to the plaintiff.
- (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.
- (3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage.
- (4) Such incapacity must also be shown to be medically or clinically permanent or incurable.
- (5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage.
- (6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife, as well as Articles 220, 221[,] and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.
- (7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts.
- (8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition.


Tan-Andal modified these guidelines, viz.:

- (1) In psychological incapacity cases, it is still the plaintiff-spouse who proves the existence of psychological incapacity with clear and convincing evidence;

- (2) abandoning the second Molina guideline, the Court ruled that psychological incapacity is **neither a mental incapacity nor a personality disorder that must be proven through expert opinion.** There must be proof, however, of the **durable or enduring aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family.** The spouse's personality structure must make it **impossible for him or her to understand and, more important, to comply with his or her essential marital obligations.** Proof of these aspects of personality need not be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse. From there, the judge will decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations;
- (3) the psychological incapacity contemplated in Article 36 of the Family Code is **incurable, not in the medical, but in the legal sense;** hence, the third Molina guideline is amended accordingly. This means that the **incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage;**
- (4) with respect to **gravity**, the requirement is retained, not in the sense that the psychological incapacity must be shown to be a serious or dangerous illness, but that "mild characterological peculiarities, mood changes, occasional emotional outbursts" are excluded. The psychological incapacity cannot be mere "refusal, neglect[,] or difficulty, much less ill will." In other words, it must be shown that **the incapacity is caused by a genuinely serious psychic cause;**
- (5) a party to a nullity case is **still required to prove juridical antecedence** because it is an explicit requirement of the law. Article 36 is clear that the psychological incapacity must be existing "at the time of the celebration" of the marriage, "even if such incapacity becomes manifest only after its solemnization;"
- (6) the essential marital obligations are not limited to those between spouses as embraced by Articles 68 up to 71; as well as 220, 221, and 225 of the Family Code. Once the parties decide and do have children, their obligations to their children become part of their obligations to each other as spouses. But not all kinds of failure to meet their obligations to their children will nullify the vinculum between the spouses. In each case, it must be clearly shown that it is of such grievous nature that it reflects on the capacity of one of the spouses for marriage;
- (7) the persuasive effect of the decisions of the National Appellate Matrimonial Tribunal of the Catholic Church of the Philippines on nullity cases pending before secular courts is retained.

We refer back to the following clarification in *Tan-Andal*, thus:

[P]sychological incapacity consists of clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with one's



essential marital obligations due to psychic causes. It is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.

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

As it was, the *ponencia* refused to accept as credible the assessment of Dr. Lopez and ruled that there was *no other evidence which established antecedence, gravity, and incurability of Cynthia's alleged incapacity*.

But applying the recently modified guidelines in *Tan-Andal*, we grant petitioner's motion for reconsideration. Consider:

I. Ariel was able to provide clear and convincing evidence to establish Cynthia's psychological incapacity

Clear and convincing evidence is less than proof beyond reasonable doubt but greater than preponderance of evidence.¹⁵ Here, Ariel presented not only his own testimony, but also offered the comprehensive psychological evaluation expertly prepared by Dr. Lopez; judicial affidavit¹⁶ and testimony of Ruben D. Kalaw; testimony of Elmer Sales, uncle-in-law of Cynthia who has known her long before she met Ariel and with whom she lived for six (6) years during her childhood.

Taken together, all the testimonies on record are consistent on material points – they all establish Cynthia's *personality structure* causing her psychologically incapable to fulfill her marital obligations, as will be further discussed below.

II. There are durable aspects of Cynthia's personality structure that make it impossible for her to understand and comply with her marital obligations

Noticeably absent from the trial court's discussion is the testimony of Elmer Sales on Cynthia's background and personality, having known her since childhood – long before she met Ariel. Sales is Cynthia's uncle-in-law, being the husband of her mother Juanita Pronto-Marcellana's sister, Purita Pronto. He testified:

x x x x

¹⁵ *Ganancial v. Cabuago*, G.R. No. 203348, July 06, 2020.

¹⁶ *Rollo*, pp. 165-166.

- Q And the support at that time when she was staying with you for 6 years you were solely providing for her financial needs?
- A **Yes, [M]a'am, because her parents were separated and [with] nowhere to go, and (sic) my mother-in-law[,] her lola, she [asked that] she stay with us.**
- Q You said that **even when she was still single she already exhibited negative behaviours?**
- A **Yes, [M]a'am.**
- Q Like you said she envied your only daughter, Evans?
- A Yes, [M]a'am.
- Q And you also said that she wouldn't want to be given any task at all?
- A Yes, [M]a'am, because in the house we [did] not have any maids at that time so I told her at one point to 'ligpitin mo na, maghain ka na, mamaya na yan, saka na 'yan siya ay magdadabog'.

X X X X

FISCAL LEE

- Q Mr. witness, you stated in page 2 of your affidavit, that **during the time that Cynthia was staying with you [you] observed that she was rebellious.** In what way was she a rebellious child per your observation?
- A In my observation because I [was] not always in the house most of the time because I [went] to work but when I would tell her to do something in the house she was always answering in negative like when you gave her something to do in the household as if she is reluctant to do it.

X X X X

- Q **So in other words, [S]ir, you are giving us a picture that even when she was still a young girl, because she was only 11 when there was a separation between the parents and she was somewhat lost in your custody for at least 6 years she already had exhibited certain negative traits at that time?**
- A **Yes, [M]a'am.**
- Q What could have been the reason, Mr. witness?
- A **Because of the separation of the parents and I think the father was not treating her very well and same thing with the mother.**
- Q So, in other words, while she was still there at your custody either the parents, even they are separated, the mother not the father ever visited or ever called the child or ask for her whereabouts or how she was doing, so nothing of that sort happened?
- A Maybe at one time being the daughter of my mother-in-law she would go to the house and visit my wife, her sister and ask some help.
- Q But there is no real bonding moment between Cynthia and the mother nor the father perhaps she was really looking for her identity considering that her parents [were] not there during those times she [was] in the critical period of her life?

A Yes, [M]a'am.¹⁷ (Emphases supplied)

As shown, the testimony of Sales accounts for Cynthia's personality even before she met Ariel. In fact, he gave a clear picture on what we now call *durable aspects* of Cynthia's *personality structure* which make it impossible for her to understand and comply with her marital obligations.

III. Cynthia's psychological incapacity is incurable in the legal sense

Based on Ariel's own testimony, he and Cynthia had persistent issues throughout their marriage and the three (3) years they had lived together. Cynthia was abusive verbally and physically – she shouted at him and threw not only curses, but also knives and other heavy objects. Since they got separated after he caught her having extramarital affairs, they have not seen each other for more than 20 years.

Clearly, their respective personality structures with respect to each other as partners are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage – which has already been the case. This, despite their bona fide endeavors to reconcile and save their marriage. Not even time could probably heal their antagonism and incompatibility toward each other.

IV. Cynthia's psychological incapacity is caused by a genuinely seriously psychic cause

Cynthia's violence and infidelity are not *mild characterological peculiarities* or *occasional outbursts*; not *mere refusal, neglect, or ill will*, but are both serious and dangerous. To repeat, she was not merely "*mabunganga*" but also exhibited traits incompatible with the performance of her marital obligations with Ariel. Consequently, such personality can be traced to a genuinely serious psychic cause during her formative years all the way up to her adulthood.

V. Juridical antecedence was established

Based on Ariel's testimony on the persistent manifestations of Cynthia's psychological incapacity before and during their marriage; the respective accounts of Sales and Kalaw on Cynthia's life and experiences before she met Ariel and before their courtship stage, respectively; and the expert assessment of Dr. Lopez, it cannot be denied that her psychological incapacity was already existing at the time of the celebration of marriage and had already manifested itself even before their marriage. This evidence was corroborated by the testimony of Elmer Sales as discussed above.

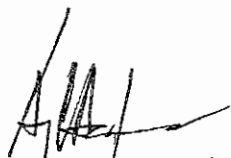
¹⁷ Id. at 255-259.

All told, the Court finds that Ariel proved with clear and convincing evidence that Cynthia was psychologically incapacitated to comply with her essential marital obligations. Their marriage, therefore, is void under Article 36 of the Family Code.


Verily, *Tan-Andal* is a welcome development to help both men and women trapped in a loveless marriage where the marital duties are no longer fulfilled because of deep-rooted psychological incapacities. Where there is no longer love and respect, but violence, disdain, pain, and infidelity, the protection that the law provides on the sanctity of marriage serves no longer as a bond of harmonious union, but a bondage of suffering. Preserving such marriage is antithetical to the kind of partnership and celebration of love we have in our laws, traditions, and beliefs as a society. To be sure, there is no marriage here to protect and save in the first place, as the same is void from the very beginning.

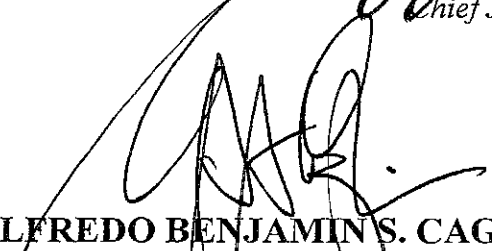
FOR THESE REASONS, the motion for reconsideration is **GRANTED**. The petition for review on *certiorari* is **DENIED**. The Decision dated September 9, 2013 and Resolution dated May 29, 2014 of the Court of Appeals in CA-G.R. CV No. 94407 granting the **petition for declaration of nullity of marriage** are **REINSTATED**.


SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

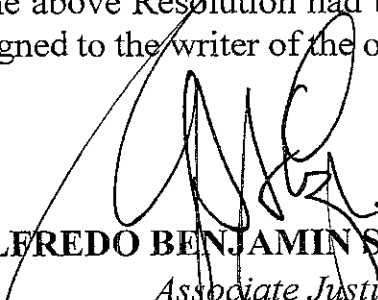

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson


RICARIDO R. ROSARIO
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

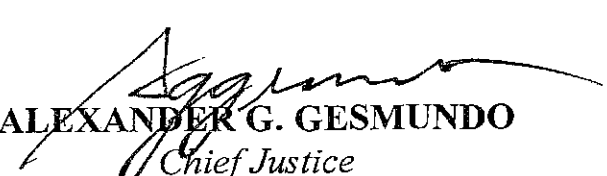
ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the above Acting Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

*See
Concerning
Opinion*

