



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

IRENE CONSTANTINO DATU,  
Petitioner,

G.R. No. 209278

Present:

-versus-

LEONEN, J., *Chairperson*,  
CARANDANG,  
ZALAMEDA,  
ROSARIO, and  
LOPEZ, J.Y.\*, *JJ.*

ALFREDO FABIAN DATU,  
Respondent.

Promulgated:  
September 15, 2021

Mis-DCBatt

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DECISION

LEONEN, J.:

Psychological incapacity, a ground to void marriage under Article 36 of the Family Code, is a legal, not a medical, concept. As such, it is enough that parties prove that an enduring part of their personality renders them incapable of performing their essential marital obligations. That the psychological incapacity be rooted in a particular psychological illness is no longer necessary.

This Court resolves a Petition for Review on Certiorari<sup>1</sup> assailing the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals, which affirmed the

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\* Designated additional Member per Special Order No. 2836.

<sup>1</sup> *Rolls*, pp. 3-33.

<sup>2</sup> *Id.* at 35-49. The September 28, 2012 Decision in CA-G.R. CV No. 93166 was penned by Associate Justice Michael P. Elbinias and was concurred in by Associate Justices Isaias P. Dicedican and Nina G. Antonio-Valenzuela of the Thirteenth Division, Court of Appeals, Manila.

Regional Trial Court Decision<sup>4</sup> that voided the marriage between Irene Constantino Datu (Irene) and Alfredo Fabian Datu (Alfredo) due to the latter's psychological incapacity.

Irene and Alfredo were married on December 15, 1980 in Subic, Zambales.<sup>5</sup> Together, they had two children.<sup>6</sup>

On January 3, 2005, Alfredo filed before the Regional Trial Court of Olongapo City a Complaint<sup>7</sup> for declaration of nullity of marriage due to psychological incapacity. On September 6, 2005, the City Prosecutor of Olongapo City, after having been deputized to appear on behalf of the Republic, manifested that "no evidence of collusion exists between the parties."<sup>8</sup> Irene filed her Answer on April 25, 2006, which was later amended on July 5, 2006.<sup>9</sup>

During trial, Alfredo testified that he was formerly employed by the United States Navy in 1978. However, after only 14 months in service, he was discharged for medical and psychiatric reasons. Specifically, after undergoing psychiatric and medical evaluations, he was found to have been suffering from schizophrenia.<sup>10</sup>

Alfredo had already been discharged when he was introduced to Irene by some of her friends at church, the Assembly of God.<sup>11</sup> They had already been acquainted when Alfredo fetched Irene at Shakey's Pizza, Olongapo City where Irene worked. They then went to Irene's boarding house and ended up sleeping together.<sup>12</sup>

The next morning, Irene was washing some clothes when her older sister dropped by and saw that Alfredo was sleeping on her bed. Irene's sister then demanded that the two get married, which led to their civil marriage. They then lived together at the boarding house and eventually had a church wedding.<sup>13</sup>

Alfredo also recalled an incident that happened before their church wedding, where Irene suddenly got angry at him for mixing what she was

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<sup>3</sup> Id. at 69–70. The September 18, 2013 Resolution in CA-G.R. CV No. 93166 was penned by Associate Justice Michael P. Elbinias and was concurred in by Associate Justices Isaias P. Dicedican and Nina G. Antonio-Valenzuela of the Thirteenth Division, Court of Appeals, Manila.

<sup>4</sup> Id. at 71-79. The September 25, 2007 Decision in Civil Case No. 02-0-2005 was penned by Assisting Presiding Judge Consuelo Amog Bocar of the Regional Trial Court of Olongapo City, Branch 73.

<sup>5</sup> Id. at 35, Court of Appeals Decision.

<sup>6</sup> Id.

<sup>7</sup> Id. at 37.

<sup>8</sup> Id. at 38.

<sup>9</sup> Id. at 73, Regional Trial Court Decision.

<sup>10</sup> Id. at 72–73.

<sup>11</sup> Id. at 72.

<sup>12</sup> Id.

<sup>13</sup> Id.

cooking. Her “disgusting attitude”<sup>14</sup> made Alfredo leave, but when Irene apologized, he accepted her apology “for the sake of religion.”<sup>15</sup>

Alfredo said that he likewise thought that Irene violated her marital covenant because she did not submit to him as was written in the Book of Ephesians. Irene allegedly became materialistic, forcing him to loan money to build their conjugal home. Irene was allegedly a nagger, because of which, he did not find peace and contentment in his marital life.<sup>16</sup>

Alfredo believed that his utterances come from God. According to him, he had himself discharged from the United States Navy because of a premonition that he would suffer a severe tragedy. He also refused to work or to engage in business to fulfill God’s prophecy. To answer to this higher calling, he left Irene. Alfredo said that he has been living with his maid and has no plans of marrying again.<sup>17</sup>

Alfredo’s aunt, Policornia Dela Cruz Fabian (Policornia), likewise testified for Alfredo. She corroborated his testimony that he was discharged from the United States Navy for medical and psychiatric reasons.<sup>18</sup> She described her niece-in-law Irene as “*inggitera*,”<sup>19</sup> “*mukhang pera*,”<sup>20</sup> and “*tsismosa*.”<sup>21</sup> She recounted incidents when Irene would allegedly ask Alfredo to borrow money from her. She added that Irene allegedly spread rumors about her husband’s laziness. There were times when Policornia advised Irene to be more patient with Alfredo. Policornia also testified that Alfredo recited spiritual messages that God allegedly directs his actions.<sup>22</sup>

Alfredo also offered in evidence, among others, the expert opinion of clinical psychologist Martha Johanna D. Dela Cruz (Dela Cruz). The psychologist testified that Alfredo had gone to her office in Olongapo City for a psychological evaluation. She also contacted Irene for an evaluation, but Irene, in writing, declined her invitation.<sup>23</sup>

Dela Cruz’s assessment of Alfredo’s mental status revealed that he “[did] not have any psychomotor agitation but his judgment [was] impaired.”<sup>24</sup> She found that Alfredo’s psychosis was due to schizophrenia, paranoid type. She likewise said that there was no cure for Alfredo’s psychosis, although Alfredo was already under medication for his

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<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id. at 73.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> Id.

schizophrenia. She maintained that at the time she testified in court, Alfredo was still suffering from schizophrenia.<sup>25</sup>

Dela Cruz likewise analyzed the letter Irene sent declining her invitation for psychological evaluation. Based on the letter, she determined that Irene was suffering from shared psychotic disorder, concluding that the spouses cannot live together or both will become suicidal.<sup>26</sup>

For her part, Irene testified that she was a junior supervisor at Shakey's Pizza in Olongapo City before marrying Alfredo, but she resigned to become a full-time wife and mother. When she testified in court, Irene admitted that she separated herself from Alfredo because he has already found another woman in his life.<sup>27</sup>

According to Irene, she and Alfredo executed an agreement where Alfredo would give her 60% of his salary as monthly support. However, Alfredo eventually failed to comply with the agreement, refusing to give support despite Irene's requests. This led Irene to do her best to support herself and her children, including securing scholarships for their children when they were in college. Also, with the help of an investigator from the United States Veterans Affairs Office, she was able to claim \$400.00 as a benefit for being Alfredo's legal wife. Irene said that she used the money for daily expenses, no longer insisting on asking for support from Alfredo, who had allegedly insulted her.<sup>28</sup>

Irene admitted that she and Alfredo have different religious beliefs, and that Alfredo believed himself to be the son of God who can have as many wives as he pleases. Irene also said that Alfredo indeed believed that wives should be submissive to their husbands. As for their children, Irene admitted that her children are on speaking terms with their father and that he gives them money personally.<sup>29</sup>

On re-direct examination, Irene admitted that she did not want her marriage voided because the financial support she has been receiving might be cut off. Finally, on re-cross examination, Irene admitted that the benefit she receives from the United States Veterans Affairs Office was due to her husband's schizophrenia.<sup>30</sup>

The Regional Trial Court ruled in favor Alfredo, finding that he was psychologically incapacitated to comply with his essential marital

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<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id. at 74.

<sup>28</sup> Id.

<sup>29</sup> Id.

<sup>30</sup> Id.



obligations to Irene. In so ruling, the trial court emphasized that the multiple expert opinions Alfredo offered in evidence sufficiently proved that he had schizophrenia even before he married Irene, and that the mental disorder was a manifestation of his psychological incapacity.<sup>31</sup>

These pieces of evidence included a medical certificate from Dr. Jose Rommel T. Soriano (Dr. Soriano), a psychiatrist who stated that Alfredo was suffering from schizophrenia; written findings by the United States Veteran Affairs Office confirming the psychosis; and the report from Dela Cruz, the psychologist who testified that Alfredo has exhibited symptoms of schizophrenia.<sup>32</sup> The trial court held:

Plaintiff has sufficiently proven that he is suffering from schizophrenia (paranoid type) even before they got married. No less than three expert opinions were offered in evidence to prove the same.

Convincing documentary and testimonial pieces of evidence were presented to show that the plaintiff was discharged from the U.S. Navy because of such mental disorder. There is admission on re-cross examination from the defendant (wife) that they are receiving monthly apportionment from the U.S. Veterans Affairs due to her husband's mental illness of schizophrenia.

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The question now is whether or not the plaintiff's mental disorder can be considered as a psychological incapacity within the context of Article 36 of the Family Code.

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It was unanimously proven by different expert opinions that the plaintiff's schizophrenic behavior includes his delusion of being an emissary of God, who may have several wives and when he decided to leave the defendant, he believes that it was God's order. . . .

....

The pieces of evidence presented by both parties indicate that the plaintiff indeed failed to comply with his essential marital obligations, such as, his failure to live with his wife due to his belief that God ordered him to leave his wife and that he can have many women to live with him, like King Solomon. He also failed to observe mutual love, respect and fidelity to his wife because of his hallucinations that God has been speaking to him. He also failed to support his children because he believes that God ordered him not to work. These facts are bolstered by the testimony of his wife and the evaluations of the expert witnesses.

. . . The fact that his condition has never improved for almost thirty years, which includes the period of the subsistence of his marriage to the defendant bespeaks of the gravity of his illness.

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<sup>31</sup> Id. at 75-76.

<sup>32</sup> Id.

. . . Staying together as a couple no longer served the core purpose of their union. Having each other proved to be of no help anymore to the condition of the plaintiff. In fact, the defendant admitted on re-direct examination that she only wanted the marriage to subsist because of the monthly apportionment that she gets from the plaintiff's disability benefits. Both of them admitted that life was better off without each other because of the mental disposition of both parties. These things indicate that the plaintiff's incapacity is beyond medical help if he would be with the defendant.

In view of all these, the Court finds that the plaintiff is indeed psychologically incapacitated to assume his essential marital obligations to the defendant.<sup>33</sup>

The trial court, however, found no evidence of juridical antecedence and incurability of Irene's psychological incapacity. Since the psychologist, Dela Cruz, found that Irene acquired shared psychotic disorder after she had married Alfredo, it held that the mental disorder had no juridical antecedence and only existed after Irene had married Alfredo.<sup>34</sup>

Finally, the trial court held that despite the marriage being void, Alfredo's obligation to support his two children subsists and must still be fulfilled.<sup>35</sup>

The dispositive portion of the Regional Trial Court's September 25, 2007 Decision reads:

**WHEREFORE**, judgment is hereby rendered declaring the marriage of herein parties null and void due to the psychological incapacity of the plaintiff to assume his essential marital obligations to the defendant.

The plaintiff is, however, obliged to continuously provide support to his two (2) children with the defendant and the latter is entitled to his visitation rights.

Upon finality of this Decision, let copies thereof be furnished [to] the Municipal Civil Registrar of Subic, Zambales, and the National Statistic Office, Quezon City, for proper annotation in its Book of Marriages, after payment of the necessary legal fees.

**SO ORDERED.**<sup>36</sup> (Emphasis in the original)

On October 23, 2007, Irene filed a Motion for New Trial on the ground of collusion, conflict of interest on the part of Alfredo's counsel, and fraud which allegedly caused the grant of Alfredo's Complaint.<sup>37</sup>

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<sup>33</sup> Id. at 75-78.

<sup>34</sup> Id. at 78.

<sup>35</sup> Id. at 79.

<sup>36</sup> Id.

The trial court, however, denied the Motion for New Trial in its December 27, 2007 Order,<sup>38</sup> finding that none of the grounds under Rule 37 of the Rules of Court were present in this case. The trial court noted how Irene actively participated in the proceedings, with the trial court even admitting her late amended Answer. As such, “[t]o raise howl about the proceedings only after the case was decided against her interest makes her claim look like an afterthought.”<sup>39</sup>

Furthermore, the trial court refused to believe that Alfredo’s psychological incapacity was merely “feigned” given the “tightly corroborated testimonies of the psychologist and [Alfredo], as well as [Irene], convincingly proving [Alfredo’s] personality aberration.”<sup>40</sup>

This caused Irene to file an appeal, which was nevertheless denied by the Court of Appeals in its September 28, 2012 Decision.<sup>41</sup>

The Court of Appeals echoed the trial court’s findings, upholding that Alfredo suffered from schizophrenia. It highlighted that even Irene herself admitted that the pension she receives from the United States Veterans Affairs Office was due to Alfredo’s schizophrenia.<sup>42</sup> It also gave credence to the evidence offered by Alfredo to confirm his schizophrenia.<sup>43</sup> The Court of Appeals then held that Alfredo’s schizophrenia, from which he had been suffering even before his marriage to Irene, justified the marriage’s dissolution.<sup>44</sup>

On Irene’s claims that the trial proceedings were tainted by fraud, collusion between the parties, and conflict of interest on the part of Alfredo’s counsel, the Court of Appeals said that these were baseless and self-serving.<sup>45</sup> As to the prosecutor’s perceived lackadaisical performance of duty, the Court of Appeals found this observation subjective and could not be considered an error so as to grant the appeal.<sup>46</sup>

The dispositive portion of the September 28, 2012 Decision reads:

**WHEREFORE**, the Appeal is **DENIED**. The Decision of the lower court is **AFFIRMED**.

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<sup>37</sup> Id. at 40, Court of Appeals Decision.

<sup>38</sup> Id. at 80–81.

<sup>39</sup> Id. at 80.

<sup>40</sup> Id. at 81.

<sup>41</sup> Id. at 35–39.

<sup>42</sup> Id. at 43.

<sup>43</sup> Id. at 44.

<sup>44</sup> Id. at 46.

<sup>45</sup> Id. at 47.

<sup>46</sup> Id. at 47–48.

**SO ORDERED.**<sup>47</sup> (Emphasis in the original)

Irene moved for reconsideration,<sup>48</sup> but the Court of Appeals denied it in the September 18, 2013 Resolution.<sup>49</sup>

Irene filed her Petition for Review on Certiorari on October 16, 2013.<sup>50</sup> Upon the directive of this Court,<sup>51</sup> Alfredo filed his Comment,<sup>52</sup> to which Irene filed a Reply.<sup>53</sup>

Irene takes exception from the Court of Appeals' declaration that it had made independent findings of fact, stating that it "contented itself in merely lifting portions of the trial court's decision as well as those stated in Alfredo's Petition without duly considering the basis and veracity thereof."<sup>54</sup> She also disputes the competence of Alfredo's documentary evidence, specifically, the written findings of the United States Veterans Affairs Office and the medical certificate issued by Dr. Soriano. According to Irene, nothing in the written findings of the United States Veterans Affairs Office provided that Alfredo was discharged due to schizophrenia, and worse, these written findings were not even authenticated in court, just like Dr. Soriano's medical certificate. Thus, Irene insists that the trial court and the Court of Appeals should not have relied on these pieces of evidence.<sup>55</sup>

Irene likewise impugns Dela Cruz's evaluation of Alfredo, saying that the psychologist allegedly only paraphrased the descriptions stated in Dr. Soriano's medical certificate.<sup>56</sup> Irene says her findings, along with those of the United States Veterans Affairs office and Dr. Soriano, did not even conform with the symptoms of schizophrenia as described in *People v. Madarang*.<sup>57</sup> As such, she insists that the lower courts had no basis to rule that Alfredo suffered from schizophrenia.<sup>58</sup>

Because Alfredo allegedly did not have schizophrenia, Irene argues that the characteristics of psychological incapacity—gravity, juridical antecedence, and incurability<sup>59</sup>—are not present. With no competent evidence of Alfredo's schizophrenia, she contends that gravity and incurability were not proven. Furthermore, with no evidence that, prior to

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<sup>47</sup> Id. at 48.

<sup>48</sup> Id. at 50-67.

<sup>49</sup> Id. at 69-70.

<sup>50</sup> Id. at 3.

<sup>51</sup> Id. at 82, Resolution dated December 9, 2013.

<sup>52</sup> Id. at 89-93.

<sup>53</sup> Id. at 96-100.

<sup>54</sup> Id. at 16, Petition for Review on Certiorari.

<sup>55</sup> Id. at 18-19.

<sup>56</sup> Id. at 19-20.

<sup>57</sup> 387 Phil. 846 (2000) [Per J. Puno, First Division].

<sup>58</sup> Id. at 22.

<sup>59</sup> See *Santos v. Court of Appeals*, 310 Phil. 21 (1995) [Per J. Vitug, En Banc].



his marriage, Alfredo was discharged from the United States Navy due to schizophrenia, Irene says juridical antecedence was likewise absent.<sup>60</sup>

Lastly, Irene insists that the trial proceedings were tainted by fraud, collusion, and conflict of interest on the part of Alfredo's counsel. According to her, the prosecutor halfheartedly performed his duty when he submitted a one-page manifestation on the lack of collusion between the parties. She also emphasizes that she had to write the court for the prosecutor to file an Answer on her behalf. As for respondent's counsel, she alleges that she was the first to engage the services of Atty. Alreuela M. Bundang-Ortiz (Atty. Bundang-Ortiz), consulting the latter about her marital problems. It was even Atty. Bundang-Ortiz who allegedly drafted the agreement of support that the spouses executed. Thus, the lawyer allegedly had a conflict of interest when she acted as counsel for Alfredo.<sup>61</sup>

Countering Irene, Alfredo mainly argues that the issues raised in the Petition were substantially factual, which are not cognizable by this Court. As such, he says the findings that he was discharged from the United States Navy due to schizophrenia and that he has been suffering from the disorder even before he married Irene may no longer be disturbed.<sup>62</sup>

Alfredo maintains that his psychological condition rendered him psychologically incapacitated to comply with his essential marital obligations. He argues that he has clearly shown that his inability was attended by gravity, juridical antecedence, and incurability.<sup>63</sup>

Lastly, Alfredo argues that the trial proceedings were not tainted by fraud and collusion. For one, Irene failed to substantiate her claims. As for the alleged conflict of interest, he says all that Atty. Bundang-Ortiz did was notarize the agreement of support between the parties, which did not make her a counsel for either party at that time.<sup>64</sup>

The issues for this Court's resolution are:

First, whether or not respondent Alfredo Fabian Datu indeed suffered from schizophrenia;

Second, whether or not all the elements of psychological incapacity have been proven by respondent Alfredo Fabian Datu; and

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<sup>60</sup> *Rollo*, pp. 24–26, Petition for Review on Certiorari.

<sup>61</sup> *Id.* at 26–30.

<sup>62</sup> *Id.* at 89–91.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 91.

Finally, whether or not the proceedings before the trial court were tainted by fraud, warranting a reversal of the assailed Decision.

The Petition for Review on Certiorari is denied.

## I

Rule 45, Section 1<sup>65</sup> of the Rules of Court is clear that only questions of law, or those pertaining to the law applicable to a given set of facts, may be raised in a petition for review on certiorari. This Court is not a trier of facts and, therefore, is generally bound by the findings of fact of the Court of Appeals.<sup>66</sup>

Of course, there are exceptions to this rule. In some instances, this Court may take cognizance of questions of fact, or those requiring a “review [of] the truthfulness or falsity of the allegations of the parties”<sup>67</sup> or an “assessment of the ‘probative value of the evidence presented.’”<sup>68</sup> A question of fact is also involved when this Court is asked to determine “the correctness of the lower courts’ appreciation of the evidence presented by the parties.”<sup>69</sup> These exceptions are:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner’s main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.<sup>70</sup> (Citation omitted)

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<sup>65</sup> RULES OF COURT, Rule 45, sec. 1 provides:

Section 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency.

<sup>66</sup> Id. at 182.

<sup>67</sup> Id. at 183.

<sup>68</sup> Id.

<sup>69</sup> Id.

<sup>70</sup> Id. at 182–183.

Here, Irene asks this Court to review the truthfulness of Alfredo's allegation that he was discharged from the United States Navy because of schizophrenia, and that he already had the disorder even before he married her. Irene also assails the assessment, both of the trial court and the Court of Appeals, of the evidence presented by Alfredo, specifically, the written findings of the United States Veterans Affairs Office, the medical certificate issued by Dr. Soriano, and the psychiatric evaluation and testimony of Dela Cruz. Obviously, Irene raises factual issues, which this Court finds no reason to review.

For one, the lower courts' factual findings are the same. It is true that the Court of Appeals heavily lifted portions of the Regional Trial Court Decision in making its findings, but this only means that it agreed with the trial court's findings.

Also, the finding that Alfredo suffered from schizophrenia is sufficiently supported by evidence. Even if we disregard the purportedly unauthenticated documents issued by the United States Veteran Affairs Office and Dr. Soriano, we find that Dela Cruz's expert testimony sufficiently proved that Alfredo suffered from schizophrenia. Irene herself, on re-cross examination during trial, admitted that she receives pension from the Veterans Affairs Office because of Alfredo's schizophrenia.

Given that Alfredo's disorder was sufficiently established, this Court has no reason to review, much less overturn, this factual finding.

## II

Irene nevertheless claims that Alfredo's schizophrenia does not make him automatically psychologically incapacitated under Article 36 of the Family Code, which provides:

ARTICLE 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.

Irene is correct in the sense that psychological incapacity is not a medical illness. That a person is suffering from a certain psychosis, such as schizophrenia, will not make them automatically psychologically incapacitated to comply with the essential marital obligations under Articles 68 to 71 of the Family Code.<sup>71</sup> This was clear in *Tan-Andal v. Andal*,<sup>72</sup>

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<sup>71</sup> See *Republic v. Court of Appeals and Molina*, 335 Phil. 664, 678 (1997) [Per J. Pangban, En Banc], where this Court held that "[t]he essential marital obligations must be those embraced by Articles 68

where this Court emphatically declared that psychological incapacity is a legal concept, not a medical one.

The erroneous medical orientation toward defining psychological incapacity originated from *Republic v. Court of Appeals and Molina*,<sup>73</sup> which explicitly required in its second guideline that the root cause of the psychological incapacity “be identified as a psychological illness[.]”<sup>74</sup>

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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.” These provisions are as follows:

ARTICLE 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

ARTICLE 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family.

ARTICLE 70. The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be paid from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case of insufficiency or absence of said income or fruits, such obligations shall be satisfied from the separate properties.

ARTICLE 71. The management of the household shall be the right and the duty of both spouses. The expenses for such management shall be paid in accordance with the provisions of Article 70.

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ARTICLE 220. The parents and those exercising parental authority shall have with the respect to their unemancipated children or wards the following rights and duties:

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
- (2) To give them love and affection, advice and counsel, companionship and understanding;
- (3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- (4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
- (5) To represent them in all matters affecting their interests;
- (6) To demand from them respect and obedience;
- (7) To impose discipline on them as may be required under the circumstances; and
- (8) To perform such other duties as are imposed by law upon parents and guardians.

ARTICLE 221. Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law.

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ARTICLE 225. The father and the mother shall jointly exercise legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. In case of disagreement, the father’s decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property or the annual income of the child exceeds P50,000, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child resides, or, if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all incidents and issues regarding the performance of the obligations referred to in the second paragraph of this Article shall be heard and resolved.

The ordinary rules on guardianship shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply.

<sup>72</sup> G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, En Banc].

<sup>73</sup> 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

<sup>74</sup> Id. at 677.

*Tan-Andal*, however, clarified that psychological incapacity, as envisioned by the Family Code Revision Committee, is, again, a legal concept.<sup>75</sup> Instead of being a medical illness, psychological incapacity is “[a] durable or enduring [aspect] 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.”<sup>76</sup>

As a legal concept, psychological incapacity cannot be characterized as incurable.<sup>77</sup> Instead, it is permanent relative to a specific partner. However, psychological incapacity can be grave, not in the sense that it is a serious or dangerous mental illness, but that it excludes “mild characterological peculiarities, mood changes, occasional emotional outbursts[.]”<sup>78</sup> The incapacity must be shown to be due to a genuinely serious psychic cause.<sup>79</sup> And, as explicitly required by the law, the incapacity must have existed before or during the celebration of the marriage.

Here, this Court finds that Alfredo is psychologically incapacitated to comply with his essential marital obligations, *not* because he suffers from schizophrenia per se, but because his psychosis has been found to be an enduring part of his personality structure. This psychosis, in turn, led him to do clear acts of dysfunctionality that undermined Irene and their family. As the lower courts found, Alfredo believes himself to be the son of God. In his mind, his refusal to live with Irene and to provide for the family was God’s will. He also believes that he can have as many wives as he wants, which is not only illegal but is in utter disrespect and disregard of his marital vow to Irene. His incapacity is grave, not a “mild characterological peculiarity,” a “mood change,” or an “occasional emotional outburst”; his psychosis was grave enough for him to be discharged from military service.

Irene insinuates that Alfredo might just be faking his illness and, relatedly, his psychological incapacity, saying that “it is easy to feign and manipulate insanity on the basis of what one says his beliefs and ideals are.”<sup>80</sup> She also argues that the documentary and testimonial evidence Alfredo offered did not show that he exhibited the symptoms of schizophrenia as this Court described in *People v. Madarang*.<sup>81</sup> In *Madarang*:

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<sup>75</sup> *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> [Per J. Leonen, En Banc].

<sup>76</sup> *Id.* at 31.

<sup>77</sup> *Id.* at 33.

<sup>78</sup> *Id.* at 34 citing *Republic v. Court of Appeals and Molina*, 335 Phil. 664 (1997) [Per J. Panganiban, En Banc].

<sup>79</sup> *Id.*

<sup>80</sup> *Rollo*, p. 26, Petition for Review on Certiorari.

<sup>81</sup> 387 Phil. 846 (2000) [Per J. Puno, First Division].

Medical books describe schizophrenia as a chronic mental disorder characterized by inability to distinguish between fantasy and reality and often accompanied by hallucinations and delusions. Formerly called *dementia praecox*, it is the most common form of psychosis. *Symptomatically, schizophrenic reactions are recognizable through odd and bizarre behavior* apparent in aloofness or periods of impulsive destructiveness and immature and exaggerated emotionality, often ambivalently directed. The interpersonal perceptions are distorted in the more serious states by delusions and hallucinations. In the most disorganized form of schizophrenic living, withdrawal into a fantasy life takes place and is associated with serious thought disorder and profound habit deterioration in which the usual social customs are disregarded. During the initial stage, the common early symptom is aloofness, a withdrawal behind barriers of loneliness, hopelessness, hatred and fear. Frequently, the patient would seem preoccupied and dreamy and may appear “faraway.” He does not empathize with the feelings of others and manifests little concern about the realities of life situations. The schizophrenic suffers from a feeling of rejection and an intolerable lack of self-respect. He withdraws from emotional involvement with other people to protect himself from painful relationships. There is shallowness of affect, a paucity of emotional responsiveness and a loss of spontaneity. Frequently, he becomes neglectful of personal care and cleanliness. A variety of subjective experiences, associated with or influenced by mounting anxiety and fears precede the earliest behavioral changes and oddities. He becomes aware of increasing tension and confusion and becomes distracted in conversation manifested by his inability to maintain a train of thought in his conversations. Outwardly, this will be noticed as blocks or breaks in conversations. The schizophrenic may not speak or respond appropriately to his companions. He may look fixedly away, or he may appear to stare, as he does not regularly blink his eyes in his attempt to hold his attention.<sup>82</sup> (Emphasis in the original, citations omitted)

*Madarang*, however, is a criminal case where the accused had to prove beyond reasonable doubt that he indeed suffered from schizophrenia to justify his exoneration of parricide. Such strict level of scrutiny is not required here, where only clear and convincing evidence is the required quantum of proof.<sup>83</sup> We need not even focus on whether the evidence presented proved that Alfredo indeed suffered from schizophrenia because, to reiterate, psychological incapacity need not be identified as a psychological illness. What is clear, however, is that Alfredo, due to a genuine psychic cause, failed to comply with his essential marital obligations. As the trial court said:

The pieces of evidence presented by both parties indicate that the plaintiff indeed failed to comply with his essential marital obligations, such as, his failure to live with his wife due to his belief that God ordered him to leave his wife and that he can have many women to live with him, like King Solomon. He also failed to observe mutual love, respect, and fidelity to his wife because of his hallucinations that God has been

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<sup>82</sup> Id. at 859–860.

<sup>83</sup> *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021, <<https://sc.judiciary.gov.ph/20821/>> 27 [Per J. Leonen, En Banc].

speaking to him. He also failed to support his children because he believes that God ordered him not to work. These facts are bolstered by the testimony of his wife and the evaluations of the expert witnesses.<sup>84</sup>

Consequently, Alfredo and Irene's marriage is void due to Alfredo's psychological incapacity.

### III

Finally, we find no evidence of extrinsic fraud to warrant Irene a new trial<sup>85</sup> of the case. Fraud, as a ground for filing a motion for new trial:

. . . refers to a fraud committed to the unsuccessful party by [their] opponent preventing [their] from fully exhibiting [their] case by keeping him away from court, a false promise of a compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff; or when an attorney fraudulently or without authority connives at his defeat.<sup>86</sup> (Citation omitted)

Here, there is no evidence that Alfredo committed fraud to prevent Irene from fully exhibiting her case in court. Neither was there any evidence of a false promise or compromise. On the contrary, Irene was fully informed of the trial proceedings, including the filing of the Complaint for declaration of nullity of marriage. When Irene initially had no means to avail herself of legal services, the trial court allowed her to file a belated Answer with the assistance of the Public Attorney's Office.

As to the claim that Atty. Bundang-Ortiz had a conflict of interest when she represented Alfredo in court, we find that Irene failed to substantiate this. Conflict of interest "exists when a lawyer represents inconsistent interests of two or more opposing parties. The test is whether or not in behalf of one client, it is the lawyer's duty to fight for an issue or claim, but it is his duty to oppose it for the other client."<sup>87</sup>

Here, there is no evidence that Atty. Bundang-Ortiz had ever represented Irene before she represented Alfredo. As to the lawyer's admission that she notarized the agreement of support between the parties,

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<sup>84</sup> *Rollo*, p. 77, Regional Trial Court Decision.

<sup>85</sup> RULES OF COURT, Rule 37, sec. 1 partly provides:

Section 1. *Grounds of and period for filing motion for new trial or reconsideration.* — Within the period for taking an appeal, the aggrieved party may move the trial court to set aside the judgment or final order and grant a new trial for one or more of the following causes materially affecting the substantial rights of said party:

(a) Fraud, accident, mistake or excusable negligence which ordinary prudence could not have guarded against and by reason of which such aggrieved party has probably been impaired in his rights; or  
(b) Newly discovered evidence, which he could not, with reasonable diligence, have discovered and produced at the trial, and which if presented would probably alter the result.

<sup>86</sup> *Baclaran Marketing Corp. v. Nieva*, 809 Phil. 92, 103 (2017) [Per J. Jardeleza, Third Division].


<sup>87</sup> *Paces Industrial Corp. v. Atty. Salandanan*, 814 Phil. 93, 98 (2017) [Per J. Peralta, En Banc].

we see no conflict of interest, for she did not represent either of the parties in her capacity as a notary public.

With no evidence of the fraud she alleges, Irene's Motion for New Trial was correctly denied.

**WHEREFORE**, the Petition for Review on Certiorari is **DENIED**. The September 28, 2012 Decision and September 18, 2013 Resolution of the Court of Appeals in CA-G.R. CV No. 93166 are **AFFIRMED**.

**SO ORDERED.**



**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:



**ROSMARI D. CARANDANG**  
Associate Justice



**RODIL V. ZALAMEDA**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice



**JHOSEP N. LOPEZ**  
Associate Justice



**ATTESTATION**

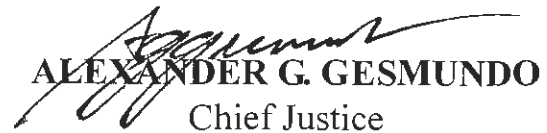
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARVIC M.V.F. LEONEN**

Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision 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