

**Silvino A. Ligeralde vs. May Ascension A. Patalinghug and the Republic of the Philippines  
G.R. No. 168796; 15 April 2010**

**Facts:** Silvino A. Ligeralde (Silvino) filed a petition to declare his marriage to May Ascension A. Patalinghug (May) void on the ground of May's psychological incapacity. Silvino claimed that May was immature, irresponsible and unfaithful. Silvino alleged that at one time in their marriage, May came home at 4:00 in the morning; she claimed to have watched a video program in a neighboring town, but later admitted that she slept with her Palestinian boyfriend in a hotel. Silvino persuaded her to be conscientious of her duties as wife and mother but his pleas were ignored and would often lead to altercations or physical violence. May's commitment to reform dissuaded him from separating from her, and they started a new life. However, after a few months, May was back to her old ways. One day, Silvino came home and could not find her; he searched for her and later found her in a nearby apartment, drinking beer with a male lover. May subsequently confessed that she had no more love for him, and they lived separately. The psychologist, to whom Silvino referred the matter for psychological evaluation, certified that May was psychologically incapacitated to perform her essential marital obligations; that the incapacity started when she was still young and became manifest after marriage; and that the same was serious and incurable.

The Regional Trial Court (RTC) declared the marriage of Silvino and May void. The Court of Appeals (CA), however, reversed the RTC's decision, holding that May's alleged sexual infidelity, emotional immaturity and irresponsibility did not constitute psychological incapacity within the contemplation of the Family Code, and that the psychologist failed to identify and prove the root cause of the incapacity or that the incapacity was medically or clinically permanent or incurable. Silvino brought the case to the Supreme Court via a petition for certiorari. The Supreme Court required May to comment but she could not be found.

**Issue:** Whether or not the marriage of Silvino and May should be declared void on the ground of May's psychological incapacity.

**Held:** On procedural grounds, the petition before the Supreme Court deserved outright dismissal. Silvino should have filed a petition for review on certiorari under Rule 45 of the Rules of Court rather a petition for certiorari under Rule 65 of the same Rules.

Substantially, the petition has no merit. The CA committed no grave abuse of discretion in rendering its decision.

Psychological incapacity required by Article 36 of the Family Code must be characterized by (a) gravity, (b) juridical antecedence and (c) incurability. The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage. It must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage. It must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.

The Supreme Court had laid down the following guidelines in resolving petitions for declaration of nullity of marriage based on Article 36 of the Family Code: (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 medically or clinically identified, alleged in the complaint, sufficiently proven by experts and 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; and (5) such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage.

Silvano’s evidence failed to establish May’s psychological incapacity. His testimony did not prove the root cause, gravity and incurability of May’s condition. Even the psychologist failed to show the root cause of May’s psychological incapacity. The root cause of the psychological incapacity must be identified as a psychological illness, its incapacitating nature fully explained and established by the totality of the evidence presented during trial.

More importantly, May’s actions did not rise to the level of the “psychological incapacity” that the law requires. May’s act of living an adulterous life cannot automatically be equated with a psychological disorder, especially when no specific evidence was shown that promiscuity was a trait already existing at the inception of marriage. Silvano must be able to establish that May’s unfaithfulness was a manifestation of a disordered personality, which made her completely unable to discharge the essential obligations of the marital state. May was far from being a perfect wife and a good mother. She certainly had some character flaws. But these imperfections did not warrant a conclusion that she had a psychological malady at the time of the marriage that rendered her incapable of fulfilling her marital and family duties and obligations.

**Ponente:** J. Jose Catral Mendoza