



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NELLIE Y. CHAN TEE TEN, Petitioner. **G.R. No. 259322**

Present:

- versus -

CAGUIOA, *J.*, *Chairperson*,
INTING,
GAERLAN,
DIMAAPAO, and
SINGH, ^{*}*JJ.*

**WILLY Q. TEE TEN AND THE
REPUBLIC OF THE
PHILIPPINES,** Respondents.

Promulgated:
AUG 06 2025
Michael Batt

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DECISION

INTING, J.:

The Court resolves the Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court that Nellie Y. Chan Tee Ten (Nellie) filed to assail the Decision² dated May 4, 2021, and the Resolution³ dated December 13, 2021, of the Court of Appeals (CA) in CA-G.R. CV No. 109458.

* On leave.

¹ *Rollo*, pp. 14-99.

² *Id.* at 101–121. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua of the Special Fourteenth Division, Court of Appeals, Manila.

³ *Id.* at 126–129. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua of the Former Special Fourteenth Division, Court of Appeals, Manila.

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The CA affirmed *in toto* the Decision⁴ dated November 3, 2016, and the Order dated May 4, 2017, of Branch 261, Regional Trial Court (RTC), Pasig City which declared Nellie's marriage with Willy Q. Tee Ten (Willy) void on the ground of psychological incapacity under Article 36 of the Family Code.

The Antecedents

On October 28, 2003, Willy instituted a petition with the RTC against Nellie for the declaration of nullity of their marriage and the dissolution of their property regime. Thereafter, he filed an Amended Petition on December 30, 2003, in which he alleged as follows:⁵

Willy and Nellie were married on January 22, 1995. They had no ante nuptial agreement and their property relations are governed by the regime of absolute community of property.⁶

According to Willy, even prior to the wedding, the psychological incapacity of Nellie, whose childhood was marked with overindulgence at a time when her pathogenic family was still wealthy, was demonstrated by her domineering attitude coupled with her lazy and poor study habits.⁷

After the wedding, Nellie's incapacity to perform her marital obligations supposedly became more apparent given that she: (a) continued to be domineering and controlling, demanding Willy to always update her of his whereabouts; (b) displayed an arrogant and haughty attitude, especially towards Willy's mother, as well as an excessive sense of entitlement; (c) irrationally insisted that Willy was having an incestuous relationship with his mother; (d) verbally abused Willy whenever the latter brought their children to visit his side of the family; (e) physically abused Willy when he tried to take their daughter out of the house to buy a bike; and (f) tried to deliberately alienate their son from their paternal grandmother.⁸

⁴ Not appended in the *rollo*.

⁵ *Rollo*, pp. 101–102, CA Decision.

⁶ *Id.* at 103.

⁷ *Id.* at 102–103.

⁸ *Id.* at 103–104.



Willy narrated that he started sleeping in his office because of Nellie's actions. With the tensions running high in their family home, Nellie and their children moved to a condominium unit in Pioneer Highlands beginning October 2002. In an effort to save the marriage, Willy followed his family to Pioneer Highlands with the hope of fixing his marital problems with Nellie, but to no avail.⁹

More than these, Willy alleged that Nellie psychologically abused their children when she: (a) physically attacked Willy in the presence of their kids, while he was holding their daughter; (b) did not invite any of Willy's relatives, except for one cousin, to their son's seventh birthday; (c) taught the kids to say bad things about Willy's mother; (d) always gave Willy a hard time whenever he tried to take the kids to visit his family; and (e) sneaked in the house of Willy's mother to take the kids home without telling anyone.¹⁰

Finally, Willy averred that Nellie, without his consent and through intimidation, entered his place of employment and forcibly took documents, records, and other articles of value.¹¹

Per the Psychological Assessment Report (psychological report) of Dr. Natividad A. Dayan (Dr. Dayan), a clinical psychologist, Nellie suffered from Narcissistic Personality Disorder with paranoid features. Dr. Dayan concluded that Nellie's psychological incapacity was grave, incurable, and had antecedents, thus, she recommended the termination of the parties' marriage.¹²

In her defense, Nellie countered that it was Willy who abused their children, not only psychologically but also sexually. She averred that in times of disagreement, Willy also physically and verbally abused her. Moreover, Nellie questioned the reliability of Dr. Dayan's psychological report as it was only based on Willy's clinical interview and psychological tests, coupled with collateral interviews of witnesses who were all biased against her.¹³

⁹ *Id.* at 105.

¹⁰ *Id.* at 105-106.

¹¹ *Id.* at 106.

¹² *Id.*

¹³ *Id.* at 20-21, Petition.



The Ruling of the RTC

In the Decision dated November 3, 2016, the RTC granted Willy's petition and declared the marriage between the parties void on the ground of Nellie's psychological incapacity under Article 36 of the Family Code.¹⁴

Nellie filed a motion for reconsideration, which the RTC denied in the Order dated May 4, 2017 for lack of merit.¹⁵ Aggrieved, she elevated the case *via* an ordinary appeal with the CA.¹⁶

The Ruling of the CA

In the assailed Decision, the CA affirmed the RTC ruling *in toto*. It held that:

One, the testimony of Dr. Dayan, coupled with the personal accounts of Willy and his witnesses Jocelyn P. Arches¹⁷ (Jocelyn), a common friend, Therese Tee¹⁸ (Therese), his cousin-in-law, and Julieta Tobias,¹⁹ a social worker, sufficiently proved that Nellie was psychologically incapacitated to comply with her essential marital obligations.²⁰

Two, the psychological report did not lose its probative value even though Nellie was not personally examined by Dr. Dayan. It must be noted that it was Nellie who refused to undergo a personal examination in the first place.²¹

And three, Willy was able to sufficiently establish the juridical antecedence, incurability, and severity of Nellie's psychological incapacity, which was present before the celebration of their marriage and continues to exist until now.²²

¹⁴ *Id.* at 106–107, CA Decision.

¹⁵ *Id.* at 107.

¹⁶ *Id.*

¹⁷ Referred to as Jocelyn Arches in some parts of the *rollo*.

¹⁸ Referred to as Theresa Tee in some parts of the *rollo*.

¹⁹ Referred to as Juliet Tobias in some parts of the *rollo*.

²⁰ *Rollo*, p. 113, CA Decision.

²¹ *Id.* at 115–116.

²² *Id.* at 120.



Nellie moved for reconsideration, but the CA denied the motion in the assailed Resolution for lack of merit.²³ Hence, the Petition.

The Petition

In the Petition, Nellie argues as follows:

- (1) The CA committed an error when it upheld the declaration of nullity of Nellie's marriage with Willy on the basis of the psychological report of Dr. Dayan even though the psychologist never personally examined her.²⁴
- (2) The CA completely disregarded Nellie's narration of facts in relation to the physical, sexual, emotional, financial, and psychological abuse that she suffered in the hands of Willy. It also erred in not ruling that Willy's acts against Nellie was tantamount to contracting marriage in bad faith.²⁵
- (3) Assuming *arguendo* that the marriage is void, the CA erroneously ruled that Willy is not psychologically incapacitated to perform his marital obligations to Nellie.²⁶
- (4) The amount of support *pendente lite* should be increased from PHP 70,000.00 to PHP 300,000.00, effective until such time that the property regime of the parties is dissolved, considering that Willy has grown in financial stature since the RTC ordered the payment of support in the Order dated June 17, 2013.²⁷

Thus, Nellie prays for: *One*, the increase of the amount of support *pendente lite* to PHP 300,000.00. And *two*, the dismissal of Willy's petition for declaration of nullity of their marriage. *In the alternative*, if the marriage is declared void under Article 36 of the Family Code, Nellie prays that Willy be declared as the psychologically incapacitated spouse, who contracted the marriage in bad faith, thereby forfeiting his share in

²³ *Id.* at 129.

²⁴ *Id.* at 25.

²⁵ *Id.* at 25–26.

²⁶ *Id.* at 26.

²⁷ *Id.* at 93–95.



their common properties in favor of their children pursuant to Article 147 of the Family Code.²⁸

In the Resolution²⁹ dated July 27, 2022, the Court resolved to implead the Republic of the Philippines, through the Office of the Solicitor General (OSG), as a respondent in the case considering that it involved the declaration of nullity of the parties' marriage. It also required Willy and the OSG to comment on the Petition.

Respondents' Comments

In its Comment,³⁰ the OSG avers that the arguments raised in the Petition are factual matters that the Court cannot review,³¹ especially since the RTC and the CA are consistent in their findings regarding Nellie's psychological incapacity.³²

Moreover, the OSG opines that the CA correctly upheld the RTC ruling that the marriage between the parties is void under Article 36 of the Family Code.³³ It points out that the psychological report should still be given credence even though Dr. Dayan did not personally interview Nellie.³⁴

As for Willy, he asserts in his Comment/Opposition³⁵ that: *first*, the Petition should be denied outright for raising factual issues and rehashing the same arguments already passed upon by the lower courts;³⁶ *second*, as the RTC and the CA aptly ruled, the fact of Nellie's psychological incapacity was sufficiently established by the findings of Dr. Dayan in the psychological report as well as the testimony of Willy and other witnesses;³⁷ and *third*, there is no reason to increase the amount of *support pendente lite* in the case considering that: (i) Willy has continued to provide for his children on top of the PHP 70,000.00 judicially-mandated support that he gives respondent monthly; and (ii) the parties' children are

²⁸ *Id.* at 97-98.

²⁹ *Id.* at 149-150.

³⁰ *Id.* at 151-167.

³¹ *Id.* at 158.

³² *Id.* at 159.

³³ *Id.*

³⁴ *Id.* at 164.

³⁵ *Id.* at 174-193.

³⁶ *Id.* at 176.

³⁷ *Id.* at 189.



all of majority age and they have a direct access to Willy for any of their needs sans the participation of Nellie.³⁸

On August 18, 2023, Nellie filed her Consolidated Reply³⁹ in which she reiterated the arguments in her Petition.

The Issue

The main issue for the Court's resolution is whether the lower courts correctly declared the marriage of the parties void on the ground of Nellie's psychological incapacity under Article 36 of the Family Code.

The Court's Ruling

The Petition is without merit.

To begin with, the issues raised in the Petition as to *the finding of Nellie's psychological incapacity, Willy's alleged psychological incapacity and bad faith in contracting the marriage, the proper amount of support pendente lite, and the liquidation, partition, and distribution of the parties' properties* are clearly factual in nature. The Court cannot entertain these issues in a Rule 45 proceeding where its jurisdiction is limited to reviewing and revising *errors of law* that might have been committed by the lower courts.⁴⁰ While this rule is *not* absolute, none of the exceptions⁴¹ thereto are present in the case.

At any rate, the Court finds no cogent reason to overturn the consistent findings and conclusions of the RTC and the CA which are supported by the evidence on record.⁴²

In the landmark case of *Tan-Andal v. Andal*,⁴³ the Court explained the characteristics of psychological incapacity under Article 36 of the

³⁸ *Id.* at 190–191.

³⁹ *Id.* at 207–221.

⁴⁰ See *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 770 (2013), citing *Remalante v. Tibe*, 241 Phil. 930 (1988).

⁴¹ See *Pascual v. Burgos*, 776 Phil. 167, 182–183 (2016), citing *Medina v. Mayor Asistio, Jr.*, 269 Phil. 225 (1990).

⁴² See *Gaten v. Virarao*, 820 Phil. 257, 273–274 (2017), citing *Bank of the Philippine Islands v. Leobrera*, 461 Phil. 461, 469 (2003).

⁴³ 902 Phil. 558 (2021).



Family Code as follows: *First*, it must be *grave* enough to cause the party's inability, not mere refusal, neglect, or difficulty, to perform the essential marital obligations.⁴⁴ *Second*, for *juridical antecedence*, it must be shown that the psychological incapacity existed prior to or at the time of the celebration of the marriage, even if it only manifested later on.⁴⁵ And *third*, as to the legal concept of *incurability*, it must be established that the party, by reason of his or her psychological incapacity, persistently fails to comply with the essential marital obligations with respect to a specific partner.⁴⁶

Per *Tan-Andal*, the quantum of proof necessary to establish psychological incapacity is now *clear and convincing evidence*, which "requires more than preponderant evidence but less than proof beyond reasonable doubt."⁴⁷ In connection thereto, psychological incapacity need *not* be proven through expert opinion as it is not an illness that has to be medically or clinically identified.⁴⁸ As such, the psychological evaluation of either or both allegedly incapacitated spouses is not indispensable, even in cases where expert opinion is offered in evidence.⁴⁹ "It is enough that the totality of evidence establishes the psychological incapacity of one or both spouses."⁵⁰

It is, therefore, of no legal consequence that Dr. Dayan's psychological report was based only on the clinical interview and the battery of standardized tests that she administered on Willy as well as her collateral interviews with witnesses Therese and Jocelyn. *For one*, while Dr. Dayan was unable to interview Nellie, it does not automatically invalidate the psychological report for being biased considering that it was Nellie who refused to undergo such psychological evaluation despite being invited. *For another*, it would have been ideal for Nellie to be personally examined by Dr. Dayan, but in cases where the person *refuses* to participate, as in the case, "it is an accepted practice in psychiatry to base a person's psychiatric history on *collateral information*, or *information from sources aside from the person evaluated*."⁵¹

⁴⁴ *Id.* at 595-598, citing *Republic v. Court of Appeals and Molina*, 335 Phil. 664, 678 (1997).

⁴⁵ *Id.* at 599-600. See also FAMILY CODE, Article 36.

⁴⁶ *Id.*

⁴⁷ *Id.* at 591, citing *Spouses Mancio v. Bolden-Contexor*, 290 Phil. 311 (1992).

⁴⁸ *Id.* at 597.

⁴⁹ *George v. Republic of the Philippines*, 937 Phil. 518, 535 (2013).

⁵⁰ *Id.*

⁵¹ *Id.*, citing *Tan-Andal v. Andal*, 902 Phil. 558 (2001). Emphasis supplied.



Besides, as the CA aptly noted, although Nellie's psychologist Dr. Elias Adamos (Dr. Adamos), in his Psychological Evaluation Report, opined that Nellie was "not incapacitated" to comply with her marital obligations, he *admitted* that the latter had withheld pertinent information which, if timely disclosed, could have affected his findings.⁵² Certainly, such admission did not only compromise the findings and conclusions of Dr. Adamos, but Nellie's own credibility as well.

After a careful consideration, the Court finds that the totality of the evidence shows that Nellie is psychologically incapacitated to comply with her essential marital obligations to Willy.

As reiterated in *Tan-Andal*, the essential marital obligations include those between husband and wife under Articles 68 to 71 of the Family Code as well as those in Articles 220, 221, and 225 of the same Code on the effects of parental authority upon the persons and properties of the children.⁵³ The most basic of these obligations is, of course, the duty of the husband and wife "to live together, observe mutual love, respect and fidelity, and render mutual help and support."⁵⁴

Indeed, it was sufficiently established that Nellie suffered from a Narcissistic Personality Disorder with paranoid features through the accounts of Willy and other witnesses, which were, in turn, braced by the psychological report and testimony of Dr. Dayan. For clarity, the pertinent portion of the RTC Decision is quoted below:

It must be pointed out that the testimony of [Willy] relative to the behavioral manifestations that he observed from [Nellie] before and during their marriage were not only undisputed, the same were also corroborated by the testimony of his witness in the person of Jocelyn Arches and supported by the Psychological Evaluation Report and subsequent testimony of Dr. Natividad Dayan.

Moreover, [Willy's] testimony was supported by the respective testimonies of Jocelyn [Arches], Juliet Tobias and Winona Nadine Tee Ten, [Nellie's] own witness.

Recall that Jocelyn [Arches], a third-party and disinterested witness, corroborated the testimony of [Willy] relative to the abnormal

⁵² *Rollo*, p. 119, CA Decision.

⁵³ *Tan-Andal v. Andal*, 902 Phil. 558, 600-604 (2001), citing *Rephile v. Court of Appeals and Molina*, 335 Phil. 664, 678 (1997).

⁵⁴ FAMILY CODE, Article 68.



behavioral manifestations of [Nellie], more specifically the revelation that [Nellie] harbors the fantasy that her husband, the herein petitioner, was having an incestuous relationship with his mother.

On the other hand, Juliet Tobias, Court Social Worker and another disinterested witness[,] also corroborated the testimony of [Willy] that [Nellie] had a domineering and controlling character. Even Winona Nadine Chan Tee Ten, the herein parties (sic) daughter and [Nellie's] own witness[,] testified to the effect that [Nellie] actually ignored and disregarded the Hold-departure order issued by this Court by leaving the country without securing permission from this Court despite the prohibition.

....

On another note, the Court found clear indications that the children of the herein parties had been brainwashed by [Nellie] to make them hate [Willy]. It is apparent from the reported sudden changes in the children's behavior at the time that [Willy] was exercising his visitation rights under the supervision of Court Social Worker Juliet Tobias. The brainwashing of the children shows that [Nellie] had the propensity of being interpersonally manipulative or exploitative, another behavioral manifestation which is being attributed to a narcissist.⁵⁵

In addition, as Dr. Dayan noted, Nellie's narcissistic personality was clearly manifested by the following:

- (1) She had a grandiose sense of self. She continued to be domineering and controlling. She always insisted on doing things her way and expected Willy to give in to her demands. She also demanded Willy to always tell her his whereabouts;
- (2) She had an arrogant and haughty attitude, especially toward (sic) Willy's mother, whom she resented. She had a strained relationship with her mother-in-law; and
- (3) She displayed an excessive sense of entitlement. She expected to be treated [well] at all times and would readily complain if things were not to her liking.⁵⁶

Dr. Dayan also opined that the root cause of Nellie's psychological incapacity "can be traced to the experiences of overindulgence and over pampering by her siblings and parents" during her childhood,⁵⁷ or well

⁵⁵ As culled from the CA Decision, *supra*, pp. 118-119.

⁵⁶ *Id.* at 113.

⁵⁷ *Id.* at 114.



before the celebration of the parties' marriage. Moreover, Dr. Dayan concluded that the nature of such psychological incapacity is severe and pervasive as it affects all areas of her life, to the point that she is unable to perform her essential marital obligations to Willy.⁵⁸

It is quite apparent that Nellie's psychological incapacity, as shown by the behavioral manifestations of her personality disorder that is *rooted in her childhood* and carried over into her adulthood and married life, is *grave* and *legally incurable*. The actions of Nellie demonstrate an undeniable pattern of failure on her part to comply with her essential marital obligations to Willy. Thus, the CA correctly upheld the RTC Decision which declared the parties' marriage void on the ground of Nellie's psychological incapacity.

Even assuming *arguendo* that Nellie's allegations, i.e., that Willy had physically, sexually, emotionally, financially, and psychologically abused her and their children, are true, the finding of her psychological incapacity in the case *stands*. This is because such alleged abuse neither negates the evidence of Nellie's own psychological incapacity nor sufficiently proves, on its own, that Willy is psychologically incapacitated to perform his essential marital obligations. In the same vein, even if the Court declares Willy as the psychologically incapacitated spouse instead of Nellie as she contends, the result remains the same, that is, the marriage is still void under Article 36 of the Family Code.

That being said, the Court is constrained to *remand* the case to the trial court for the conduct of further proceedings in relation to: (i) the determination of the proper amount of support *pendente lite*, if still warranted under the circumstances; and (ii) the settlement of the parties' properties.

After all, the trial court, which has the jurisdiction to declare the marriage a nullity, likewise has the authority to resolve *incidental and consequential matters* thereto, including support and the settlement of the co-owned properties of the parties.⁵⁹ Besides, "the Court is not a trier of facts."⁶⁰ Verily, the resolution of these matters necessarily requires the

⁵⁸ *Id.*

⁵⁹ See *Tanyag v. Tanyag*, 914 Phil. 150, 157 (2021), citing *Valdes v. RTC, Br. 102, Quezon City*, 328 Phil. 1289 (1996).

⁶⁰ *Aluzan v. Fortunado*, 946 Phil. 651, 658 (2023)



presentation of evidence that is outside the purview of this Rule 45 proceeding.

Pertinently, the *rules on co-ownership*, in relation to Article 147⁶¹ of the Family Code, govern the liquidation, partition, and distribution of the common properties of spouses, whose marriage is declared void under Article 36 of the same Code,⁶² as in the case. It is also settled that it is *not* necessary to liquidate the common properties of the spouses in the same proceeding for declaration of nullity of marriage under Article 36.⁶³

In the case, the settlement of the co-owned properties of Willy and Nellie need not be done through a judicial proceeding.⁶⁴ Nevertheless, the Court deems it proper to refer the matter back to the trial court as it appears that both parties have raised issues regarding their property relations in their respective pleadings.

ACCORDINGLY, the Petition is **DENIED** for lack of merit. The Decision dated May 4, 2021, and the Resolution dated December 13, 2021, of the Court of Appeals in CA-G.R. CV No. 109458 are **AFFIRMED**.

The case is hereby **REMANDED** to Branch 261, Regional Trial Court, Pasig City, for the conduct of further proceedings in relation to: (1) the determination of the proper amount of support *pendente lite*, if still warranted under the circumstances; and (2) the liquidation, partition, and

⁶¹ ARTICLE 147. When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership.

In the absence of proof to the contrary, properties acquired while they lived together shall be presumed to have been obtained by their joint efforts, work or industry, and shall be owned by them in equal shares. For purposes of this Article, a party who did not participate in the acquisition by the other party of any property shall be deemed to have contributed jointly in the acquisition thereof if the former's efforts consisted in the care and maintenance of the family and of the household.

Neither party can encumber or dispose by acts *inter vivos* of his or her share in the property acquired during cohabitation and owned in common, without the consent of the other, until after the termination of their cohabitation.

When only one of the parties to a void marriage is in good faith, the share of the party in bad faith in the co-ownership shall be forfeited in favor of their common children. In case of default or waiver by any or all of the common children or their descendants, each vacant share shall belong to the respective surviving descendants. In the absence of descendants, such share shall belong to the innocent party. In all cases, the forfeiture shall take place upon termination of the cohabitation.

⁶² *Diño v. Diño*, 655 Phil. 175, 185 (2011).

⁶³ *Id.* at 185.

⁶⁴ See CIVIL CODE, Article 496.



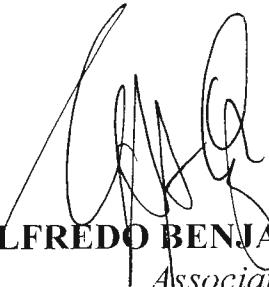
distribution of the co-owned properties of Willy Q. Tee Ten and Nellie Y. Chan Tee Ten in accordance with Article 147 of the Family Code.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

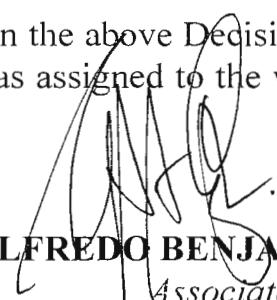


JAPAR B. DIMAAMPAO
Associate Justice

On leave
MARIA FILOMENA D. SINGH
Associate Justice

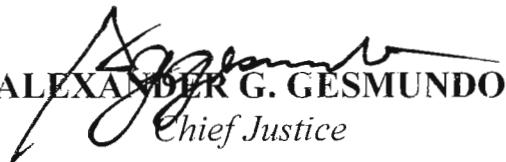
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice

