

Medico-Legal Evidence of Impotence & Sterility

Practice Essentials



Dr. James Dennis C. Gumpal, M.D., J.D.
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Legal Grounds

Family Code, Art. 45(5): Impotence existing at the time of marriage and incurable is a ground for annulment.

Distinction:

Impotence = inability to consummate sexual intercourse.

Sterility/Infertility = inability to procreate.

Burden of Proof: On the party alleging impotence or sterility (*Jimenez v. Cañizares*, G.R. No. L-12790, 109 Phil. 273, 1960). Presumption is in favor of potency.

Coordination Between Lawyer and Medical Practitioners

Counsel's Role: Identify what element needs to be proven (e.g., incapacity, incurability, existence at marriage).

Physician's Role: Provide objective, scientifically validated evidence that is admissible in court.

Joint Preparation: Review whether condition is permanent and existing at time of marriage (for annulment), or relevant in inheritance, criminal, or medico-legal issues.

Medical Practitioners: Steps Before Testifying

Comprehensive Examination

- **Males:** physical/genital exam, semen analysis (WHO standards), penile Doppler, nocturnal penile tumescence, endocrine work-up.
- **Females:** gynecologic exam, hormonal assays, ovarian reserve tests, HSG, ultrasound, endometrial evaluation

Medical Practitioners: Steps Before Testifying

Maintain Documentation

- Prepare formal medical certificates, laboratory reports, and diagnostic results.
- Ensure chain of custody for specimens (esp. semen, biopsy tissues).

Medical Practitioners: Steps Before Testifying

Write Clear Findings

- Avoid speculation; state if condition is organic, permanent, and pre-existing.
- Use standard references (WHO semen analysis, ACOG/ESHRE guidelines, etc.).

Medical Practitioners: Steps Before Testifying

Prepare for Testimony

- Review Rules of Court, Rule 130, Sec. 49: expert testimony admissible only if expert is qualified by special knowledge, skill, training, or education.
- Be ready to explain methodology in layman's terms.
- Anticipate cross-examination: Was the test reliable? Was the condition temporary? Could treatment restore potency/fertility?

Lawyers: Trial Preparation

Prepare for Testimony

- Subpoena Duces Tecum / Ad Testificandum for medical records and expert attendance.
- Qualify the Expert Witness by establishing credentials (PRC license, specialization in urology/gynecology, published work).

Lawyers: Trial Preparation

Prepare for Testimony

- **Foundation Questions:** Establish how tests were conducted, accuracy, and interpretation.
- **Link Findings to Legal Elements:** Highlight that the condition is incurable and existed at time of marriage (for annulment) or permanent sterility in inheritance/filiation disputes.

Practical Do's and Don'ts

DO

- Corroborate medical evidence with spouse's testimony of non-consummation.
- Present multiple converging tests (not just one abnormal result).
- File annexes with verified petition (medical certificates, lab results).

Practical Do's and Don'ts

DON'T

- Rely on self-serving testimony without medical corroboration (rejected in *Jimenez v. Cañizares*).
- Present inconclusive findings (e.g., temporary impotence due to stress).
- Overstate expert opinion beyond actual medical evidence.

References

- Family Code of the Philippines, Art. 45(5)
- Rules of Court, Rule 130, Sec. 49 (Expert Opinion)
- Jimenez v. Cañizares, G.R. No. L-12790, 109 Phil. 273 (1960) – presumption of potency, need for medical proof
- G.R. No. L-1967 (1951) – distinction between impotence and sterility