

## Title: Alain M. Diño vs. Ma. Caridad L. Diño, G.R. No. 176061

### Facts:

Alain M. Diño (petitioner) and Ma. Caridad L. Diño (respondent) were childhood friends and sweethearts who began living together in 1984. They separated in 1994 but reconciled and resumed cohabitation in 1996. They married on 14 January 1998, officiated by the Mayor of Las Piñas City. On 30 May 2001, Alain filed a petition to declare their marriage null and void on grounds of psychological incapacity under Article 36 of the Family Code. Alain alleged that Ma. Caridad failed in her marital duties, instead indulging in extramarital affairs, shopping sprees, and violent behavior that destabilized their family.

Summons were served to Ma. Caridad, who was then residing in the USA and who had also filed for divorce in California, granted on 25 May 2001. She remarried in October 2001.

The Las Piñas prosecutor found no collusion, allowing the case to proceed to trial. Clinical psychologist Dr. Nedy Tayag diagnosed Ma. Caridad with Narcissistic Personality Disorder, supporting Alain's claim of psychological incapacity. On 18 October 2006, the Regional Trial Court ruled in favor of Alain, declaring the marriage null and void, dissolving their community property regime, and citing non-compliance with Articles 50 and 51 of the Family Code.

Alain filed a motion for partial reconsideration concerning the need for liquidation before issuing the nullity decree. On 12 March 2007, the trial court partially granted the motion but required liquidation, partition, and distribution of properties before issuing the decree of nullity.

### Issues:

1. Did the trial court err in deciding that a decree of absolute nullity of marriage could only be issued after the liquidation, partition, and distribution of the parties' properties under Article 147 of the Family Code?

### Court's Decision:

The Supreme Court ruled in favor of Alain, emphasizing that the trial court misapplied the relevant rules by requiring property liquidation prior to issuing the decree of nullity.

#### Issue Resolution:

1. **\*\*Applicability of Article 147 of the Family Code\*\***: The Supreme Court clarified that for marriages declared void under Article 36 (psychological incapacity), Article 147 on co-

ownership applies. The court noted that the rules regarding liquidation, partition, and distribution within Articles 50 and 51, as referenced in Section 19(1) of the Rule on Declaration of Absolute Nullity of Null Marriages and Annulment of Voidable Marriages, apply only to declarative void ab initio marriages under Articles 40 and 45 of the Family Code.

The property regime of a void marriage under Article 36 is treated differently; parties are considered joint co-owners as described in Article 147. Therefore, the liquidation of properties under Article 147 could proceed separately and was not a precondition for declaring the marriage void.

### ### Doctrine:

The ruling reiterates that for marriages void under Article 36 due to psychological incapacity, the properties acquired should be subject to co-ownership rules rather than those requiring prior liquidation stipulated under Articles 50 and 51.

### \*\*Key Legal Principles:\*\*

- \*\*Article 36\*\*: Psychological incapacity as a ground for a void marriage.
- \*\*Article 147\*\*: Co-ownership of properties acquired within the duration of void marriage or de facto union of legally capacitated individuals.
- \*\*Article 50 & Article 51 of the Family Code\*\*: Applicable to void ab initio and annulled marriages under Articles 40 and 45, requiring liquidation of properties part of the community property regime before decree issuance.

### ### Class Notes:

1. \*\*Psychological Incapacity (Article 36)\*\*: Grounds for declaring a marriage void.
2. \*\*Co-ownership (Article 147)\*\*: Governs property relations in void marriages.
3. \*\*Void Ab initio Marriages (Articles 40, 45)\*\*: Require property liquidation before decree issuance.
4. \*\*Special Rule on Nullity\*\*: Section 19(1) of the Rule on Declaration of Absolute Nullity of Null Marriages and Annulment of Voidable Marriages pertains to void marriages under Articles 40 and 45, not 36.

### ### Historical Background:

The case exemplifies ongoing issues in the interpretation and application of the Family Code, highlighting distinctions in property relations across different types of void marriages. The ruling advances jurisprudence on psychological incapacity as a nullity ground by

delineating the procedural requisites distinct from other void or voidable marriages, reflecting the development of family law in preserving fair economic entitlements post-voidance without delaying nullity decrees.