

**\*\*Title:\*\*** Lorna Guillen Pesca v. Zosimo A. Pesca

**\*\*Facts:\*\***

Lorna G. Pesca and Zosimo A. Pesca met in 1975 while aboard an inter-island vessel, promptly falling in love and marrying on March 3, 1975. Initially, Lorna continued her college education while Zosimo, a seaman, left the country shortly after their marriage. After six months, they established their residence in Quezon City, later moving to Caloocan City. Their marriage appeared happy, despite Zosimo only being home for two months each year during vacations, and they had four children.

In 1988, Lorna began noticing changes in Zosimo, labeling them as signs of psychological incapacity. Zosimo started displaying violent behavior, heavy drinking, and neglecting his marital responsibilities. Instances of physical abuse became more frequent, climaxing in a particular incident where Zosimo threatened Lorna with a loaded shotgun.

Fleeing from the violence, Lorna and her children moved in with her sister on November 19, 1992. However, they returned home after two months in hopes of reconciliation, only for conditions to worsen. On March 22, 1994, Zosimo assaulted Lorna severely in front of their children, prompting her to seek medical help and bring charges against him. A conviction of 11 days' imprisonment was handed down for slight physical injuries by the Metropolitan Trial Court of Caloocan City.

Lorna lodged a case with the Regional Trial Court (RTC) for the nullity of their marriage based on psychological incapacity. After procedural considerations, including a belated response by Zosimo, the RTC ruled the marriage null and void ab initio due to Zosimo's psychological incapacity, liquidating the conjugal partnership.

Zosimo appealed to the Court of Appeals, challenging the RTC's ability to declare their marriage void. The appellate court reversed the trial court's decision, citing insufficient evidence of psychological incapacity and emphasizing the permanence and incurability required for such a declaration.

**\*\*Issues:\*\***

1. Whether the Court of Appeals erred in reversing the RTC's decision to declare the marriage null and void on the basis of psychological incapacity.
2. Whether the guidelines from Santos v. Court of Appeals and Republic v. Court of Appeals and Molina should be applied retroactively.
3. Whether the evidentiary standard and procedural guidelines established in Santos and

Molina were adequately met to warrant the declaration of psychological incapacity.

**Court's Decision:**

- Issue 1:** The Supreme Court found no merit in Lorna's petition, supporting the Appellate Court's decision that she failed to establish Zosimo's psychological incapacity according to the standards set by Santos. The decision highlighted that emotional immaturity and irresponsibility did not equate to psychological incapacity.
- Issue 2:** The Court determined that the doctrines established in Santos and Molina are not retroactively applied in cases that predate them. These rulings contribute to the established contemporaneous legislative intent of the law.
- Issue 3:** The Supreme Court reinforced that in Santos and Molina, the incapacity must:
  - Exhibit mental incapacity.
  - Exist at the time of the marriage ceremony.
  - Demonstrate an utter insensitivity or inability to assume marital obligations.

The Court concluded that Lorna's evidence did not meet these criteria, exemplifying that the incapacity must be permanent and rooted in psychological, not merely emotional immaturity or physical causes.

**Doctrine:**

- "Psychological incapacity"** under Article 36 of the Family Code refers to a severe mental incapacity, occurring at the time of marriage, that prevents assuming and fulfilling basic marital duties as defined in Article 68 of the Family Code.
- Stare Decisis:** Existing judicial decisions form part of the legal system and are binding unless overturned prospectively in favor of parties who relied on the previous doctrine.
- Lex Prospicit, Non Respicit:** New legal doctrines apply prospectively.

**Class Notes:**

- Article 36, Family Code:** Psychological incapacity as a ground for annulment must exist at the time of marriage, be grave, incurable, and involve a severe mental incapacity precluding fulfillment of marital duties.
- Article 68, Family Code:** Marital obligations include living together, love, respect, and mutual support.
- Stare Decisis:** Judicial decisions are binding and form part of the legal framework.
- Santos v. Court of Appeals, Republic v. Court of Appeals and Molina:** Establish

stringent guidelines for proving psychological incapacity.

**\*\*Historical Background:\*\***

The late 20th Century in the Philippines saw significant developments in family law, particularly with the promulgation of the Family Code in 1987 to replace the outdated Civil Code provisions on family relations. Article 36 was a novel provision modeled after Canon Law to address extreme cases of psychological incapacity to protect the sanctity and responsibilities of marriage, marking a shift towards recognizing mental health aspects in legal definitions of marital capacity.