

ROY N. MENDOZA, PETITIONER-APPELLEE, VS. MA. CRISTINA SP. DACAYO-MENDOZA, RESPONDENT,

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GALAPATE-LAGUILLES, J:

In this love story that went sour, the embittered husband Roy N. Mendoza invoked the power of the court to nullify his marriage to Ma. Cristina SP. Dacayo-Mendoza via Article 36 of the Family Code. The Regional Trial Court, Branch 77, of Malolos, Bulacan granted Roy's Petition for Declaration of Nullity of Marriage,[1] docketed as Civil Case No. 21-M-2009, in a Decision[2] dated May 25, 2010, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring as NULL and VOID the marriage between petitioner ROY MENDOZA and respondent MA. CRISTINA SP. DACAYO-MENDOZA solemnized on March 27, 1993 at the Malolos Cathedral, Malolos, Bulacan, on the ground of respondent's psychological incapacity, pursuant to Article 36 of the Family Code.

The City Civil Registrar of Malolos, Bulacan and the National Statistics Office are ordered to cancel the marriage contract between the petitioner and the respondent registered and on file in the said offices.

Attention is hereby invited that the parties herein have not acquired any property during their marriage, thus, there is no need for liquidation and/or partition thereof.

Let copies of this decision be furnished the petitioner and his counsel, the respondent, the City Civil Registrar of Malolos, Bulacan, the National Statistics Office, the Offices of the Solicitor General and the Provincial Prosecutor of Bulacan.

SO ORDERED.

The facts are culled from the records.

Roy and Ma. Cristina started out as high school sweethearts and their relationship culminated at the altar of marriage where they exchanged their vows on March 27, 1993 when both were only twenty-one (21) years old.[3] Being young and financially challenged, the couple lived with Roy's parents in Malolos, Bulacan. To provide the needs of his then pregnant wife, Roy worked as a jeepney driver while Ma. Cristina stayed at home. However, one month after their wedding, Ma. Cristina had a miscarriage and, subsequently, she voluntarily aborted her second pregnancy sometime in July 1994. Thereafter, Ma. Cristina took contraceptive pills to avoid pregnancy.

In 1995, Roy went to Malaysia for a two-year work contract and he sent Ma. Cristina P10,000.00 as monthly support. When his contract expired, Roy went back to the Philippines, rented an apartment with his wife and bought a jeepney which he drove as a means of livelihood. Realizing that such job would not be enough to sustain their burgeoning needs, Roy went to work in Dubai in 2005. While still abroad, he received a report from his brother that his wife left the conjugal dwelling and went away with another man. When Roy came back to the Philippines in 2007, Ma. Cristina asked for Roy's forgiveness for her indiscretion and infidelity and hoped that they could part ways as friends.

Thus, on December 5, 2008, Roy filed the present Petition under Article 36 of the Family Code on the ground of

Ma. Cristina's alleged psychological incapacity to understand and perform her basic marital obligations as shown by the following manifestations:

1. During their engagement but before the marriage of the petitioner and respondent, the latter exhibited extreme laziness and too much dependency upon her relatives and to petitioner;
2. Respondent did not want to bear and to have children. In fact, when petitioner impregnated [respondent], the [latter] took drugs with pregnancy abortive effects which resulted in a miscarriage of the fetus in her womb;
3. Despite the readiness of the petitioner to have children, financially or otherwise, respondent still took contraceptive pills to avoid getting pregnant. Respondent did not listen to the pleas of the petitioner for them to have children;
4. Because of the fear of the respondent to get pregnant, she fell short of her obligation of providing sexual comfort to the petitioner;
5. Apart from the foregoing acts of the respondent which proved that she has no understanding of the true meaning and effects of marriage, was her gross irresponsibility. She squandered the money given to her by the petitioner to satisfy her desire for expensive clothings, perfumes and jewelries;
6. Another act of the respondent which show that she has no understanding of the true meaning of marriage and her obligations as a married person was when she abandoned the petitioner and engaged herself in an illicit affair with another man.[4]

Ma. Cristina did not file her Answer or any responsive pleading to the Petition.

The Office of the Solicitor General (OSG), on the other hand, entered its appearance as counsel for the Republic[5] and deputized the Office of the City Prosecutor of Malolos, Bulacan to take steps to prevent collusion between the parties and to ensure that the evidence to be presented in court is not fabricated.[6] On May 27, 2009, the Office of the City Prosecutor issued a Report that there appeared no collusion between the parties but recommended that “the requisite trial and hearing should still be conducted in order to satisfy the quantum of evidence necessary to prove petitioner's allegation.”[7]

During trial, Roy testified, based on his “Sinumpaang Salaysay”[8] which was properly identified in court and subjected to cross-examination, that Ma. Cristina was irresponsible and lazy. He also described her wife as a spend-thrift, who wanted expensive clothes and perfumes. According to Roy, Ma. Cristina did not want to bear children; hence, she took contraceptive pills. Sometimes, she even deprived Roy of sexual intimacy in her fear of getting pregnant. Roy further lamented that sometime in 2005, he found out that Ma. Cristina had an illicit relationship with another man while he was working in Dubai.

Romeo Mendoza, Roy's father, also executed a “Sinumpaang Salaysay”[9] that corroborated Roy's testimony. He narrated that while Ma. Cristina was living with them in Malolos while Roy was working in Malaysia, the former did not help in the household chores.

Editha L. Galura, the practicing clinical psychologist who conducted Roy's psychological evaluation, also testified in court. She found that Roy, despite her human failings and burdens, was shown to be a psychologically capacitated man. Out from the clinical interviews with Roy, Galura concluded that Ma. Cristina was suffering from Narcissistic and Dependent Personality Disorders which caused the psychosocial and environmental problems in the couple's marital union. Gadura's findings were contained in the Psychological Report, which read:

Roy has been forgiving and accepting with the number of times she blundered. They were not the ordinary mistakes that a wife could have done. Hers were intentional; dislike to have a baby and to cohabit, being uncaring of Roy, too expectant and dependent on Roy, no initiative and plan, lazy, infidel and abandonment.

These manifested behavior bespeak of her narcissism and dependent disorders.

Narcissism is characterized by extreme self centeredness. She is like a princess who has to be served and that words of reminders were misinterpreted as naggings. She disliked being taught and thinks that she has a monopoly of people around her. She expects from Roy and required his automatic compliance. She took advantage for he is very trusting and exploited his kindness and understanding. She also lacked empathy.

Her dependent characteristics were reflected in her need of others to assume responsibilities for her. She does not have initiative and had he ways of obtaining nurturance and support from others. She is helpless and unrealistically preoccupied with fears of being alone. So while Roy was abroad, because of her helplessness has sought for another relationship – thus her elopement with another man.

These personality disorders in Cristina are the roots of her psychological incapacity. And it had its toll resulting into a partner relational problem. The personality disorders dysfunctioned her. These could have stemmed from the over protectiveness of her parents, actually neglecting her in the course of teaching the basic conduct, manners and values ought to be learned as a growing child. These were carried over until teen years and onwards her adult life. So these have been integrated in her personality make up and remained permanent in her. As far as these personality disorders are concerned, these have made her psychologically incapacitated. She remains to be such permanently and there is no cure for such problem. Even psychotherapy will no longer be of help and can no longer reverse the condition.[10]

On May 25, 2010, the trial court rendered its assailed Decision, the fallo of which We have quoted at the outset, holding that Ma. Cristina was suffering from a psychological incapacity that rendered her incapable of performing her essential marital obligation. The trial court's ratiocination is herein quoted, as follows:

In the case at bar, after a very careful consideration of the evidence adduced by the petitioner, applying the foregoing provisions of the Family Code and jurisprudence, this Court finds merit in the petition.

The petitioner has clearly established that while respondent had a regular sexual intercourse with the former, the latter refused to bear a child by taking abortive pills which caused her miscarriage in her pregnancies which was contrary to one of her essential marital obligations to procreate children (sic), the basic end of marriage as mandated in the Family Code; she likewise failed to observe mutual love, respect and fidelity towards the petitioner, another basic postulates of marriage as she opted to elope with her lover and lived with the latter which brought dishonor to the family.

xxx[11]

Unsatisfied, the OSG sought for reconsideration[12] of the trial court's Decision arguing that Ma. Cristina's inability to comply with her marital obligations was not due to some deeply rooted psychological problem but was case of her refusal or unwillingness to perform the same.

On August 18, 2010, the trial court rendered an Order[13] denying the OSG's Motion for Reconsideration for lack of merit. Hence, the instant appeal ascribing the lone error to the trial court, viz:

THE COURT A QUO ERRED IN FINDING DEFENDANT PSYCHOLOGICALLY INCAPACITATED TO PERFORM HER MARITAL OBLIGATIONS.[14]

In the main, the OSG maintains that the totality of evidence does not establish Ma. Cristina's psychological incapacity as contemplated under Article 36 of the Family Code. It contends that the psychological report of Galura is unreliable and contained unscientific sweeping statements which failed to specify the root cause of the alleged psychological incapacity, or its gravity and permanence. It further argues that the psychological evaluation is hearsay because it was based solely from the information she gathered from Roy who is necessarily biased.

The appeal is meritorious.

Article 36 of the Family Code exemplifies a species of void marriages, one based on the parties' psychological incapacity to comply with the essential obligations of marriage, viz:

Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (Emphasis Ours)

The legal conceptualization of psychological incapacity had undergone metamorphosis in Our jurisprudence. Although it was never defined nor restricted to a particular circumstance, the case of Santos v. Court of Appeals[15] laid the parameters that must be considered in the appreciation of the existence of “psychological incapacity”, as follows: (a) gravity, (b) juridical antecedence, and (c) incurability.[16] To standardize the proper treatment of Article 36 of the Family Code, however, the Supreme Court set forth the guidelines in Republic v. Court of Appeals and Molina[17] (Molina), to wit:

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: (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision.
3. The incapacity must be proven to be existing at “the time of the celebration” of the marriage.
4. It must also be shown to be medically or clinically permanent or incurable.
5. Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage.
6. The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

xxx

8. The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state.(Emphasis Ours.)

In the case of Te v. Te,[18] the Supreme Court encouraged the reexamination of the jurisprudential trends on the interpretation of psychological incapacity although there has been no major deviation or paradigm shift from the Molina doctrine. While it does not suggest the abandonment of the guidelines set in Molina, the Supreme Court emphasized that each case must be judged, not on the basis of a priori assumptions, predilections or generalizations but according to its own facts and the totality of evidence presented, because with regard to psychological incapacity, it is trite to say that no case is on "all fours" with another case.[19]

We, thus, take the particular issue of whether the totality of evidence here is sufficient to establish Ma. Cristina's alleged psychological incapacity. Otherwise stated, whether the evidence of the petitioner consisting of his testimony and that of his clinical psychologist is sufficient.

Here, guided by the standards set forth by Our jurisprudence, We answer in the negative.

In his attempt to depict his wife as a person unable to comply with the essential marital obligations as provided under Articles 68 to 71 of the Family Code and other provisions of the Civil Code, Roy testified that Ma. Cristina was irresponsible, engaged in sexual infidelity, abandoned their conjugal dwelling, and was neglectful of her

domestic responsibilities. Likewise, he resorted to a clinical study of Ma. Cristina's alleged psychological incapacity and employed the services of Galura, a clinical psychology practitioner, to determine Ma. Cristina's kind of psychological illness that allegedly deter her from performing her marital obligations. Through Galura's clinical interview and observation of Roy, the former concluded that Ma. Cristina is suffering from Narcissistic and Dependent Personality Disorders that render her incapable to recognize and empathize with her role as a married woman, viz:

Narcissism is characterized by extreme self centeredness. She is like a princess who has to be served and that words of reminders were misinterpreted as naggings. She disliked being taught and thinks that she has a monopoly of people around her. She expects from Roy and required his automatic compliance. She took advantage for he is very trusting and exploited his kindness and understanding. She also lacked empathy.

Her dependent characteristics were reflected in her need of others to assume responsibilities for her. She does not have initiative and had he ways of obtaining nurturance and support from others. She is helpless and unrealistically preoccupied with fears of being alone. So while Roy was abroad, because of her helplessness has sought for another relationship – thus her elopement with another man.

These personality disorders in Cristina are the roots of her psychological incapacity. And it had its toll resulting into a partner relational problem. The personality disorders dysfunctioned (sic) her. These could have stemmed from the over protectiveness of her parents, actually neglecting her in the course of teaching the basic conduct, manners and values ought to be learned as a growing child. These were carried over until teen years and onwards her adult life. So these have been integrated in her personality make up and remained permanent in her. As far as these personality disorders are concerned, these have made her psychologically incapacitated. She remains to be such permanently and there is no cure for such problem. Even psychotherapy will no longer be of help and can no longer reverse the condition.

The circumstances or manifestations described by Roy and his psychologist, i.e. irresponsibility, sexual infidelity, lack of empathy, self-centeredness, dependence, do not, however, amount to psychological incapacity contemplated under Article 36 of the Family Code. First, it was not established that Ma. Cristina's behavioral pattern is deeply rooted from a psychological illness that was present before or at the time of the celebration of marriage.[20] There is no evidence that she encountered experiences in childhood and early adulthood that irreversibly altered her otherwise healthy personality. In fact, there is no mention at all that Ma. Cristina manifested maladaptive behavior during their courtship and early married life. Ostensibly, Ma. Cristina was unhappy and discontented with her married life when Roy decided that they live in his parents' house. Thus, without a causal link to some psychological disorder that was already present before their marriage, Ma. Cristina's alleged neglect of her spousal duty, irresponsibility, and sexual infidelity do not suffice to nullify the marriage. In *Dedel v. Court of Appeals*[21] the Supreme Court ruled that the acts of sexual infidelity and abandonment do not constitute psychological incapacity absent a showing of such promiscuity at the inception of the marriage, thus:

xxx In this case, respondent's sexual infidelity can hardly qualify as being mentally or physically ill to such an extent that she could not have known the obligations she was assuming, or knowing them, could not have given a valid assumption thereof. It appears that respondent's promiscuity did not exist prior to or at the inception of the marriage. What is, in fact, disclosed by the records is a blissful marital union at its celebration, later affirmed in church rites, and which produced four children.

Respondent's sexual infidelity or perversion and abandonment do not by themselves constitute psychological incapacity within the contemplation of the Family Code. Neither could her emotional immaturity and irresponsibility be equated with psychological incapacity. It must be shown that these acts are manifestations of a disordered personality which make respondent completely unable to discharge the essential obligations of the marital state, not merely due to her youth, immaturity, or sexual promiscuity.[22] (Emphasis Ours)

Second, the records fail to indicate that Ma. Cristina's "symptoms" are grave and incurable. The manifestations of Ma. Cristina's alleged psychological incapacity appear more of a difficulty, if not outright refusal or neglect in the performance of some marital obligations. While it is true that Ma. Cristina is guilty of sexual infidelity, irresponsibility and domestic neglect, there is no proof that she is totally incapable of complying with her marital duties. In *Republic v. Iyoy*,^[23] the Supreme Court instructs that emotional immaturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment per se do not warrant a finding of psychological incapacity. The same may only be due to a person's refusal, unwillingness or difficulty to assume the essential obligations of marriage and not due to some incapacity deeply rooted in some debilitating psychological condition or psychological illness.^[24] Also, apart from stating that there is no cure to Ma. Cristina's alleged psychological condition, Galura failed to explain why it is medically permanent or incurable.

Third, the conclusion of the trial court relied much on Roy's testimony and Galura's psychological profile of Ma. Cristina. An examination of Galura's report, however, shows that she was too hasty to conclude that respondent is suffering from Narcissistic and Dependent Personality Disorders which allegedly are characterized by permanence and incurability. Apparently, Galura's findings were derived solely from her interviews with Roy, who is necessarily biased. There was no effort to subject Ma. Cristina for a separate psychological evaluation to validate that she is suffering from a personality disorder. Worse, Galura did not interview members of Ma. Cristina's family to provide information about her history, family background and personality. She was contented with the information she derived from Roy to create Ma. Cristina's psychological profile and concluded that the latter is suffering from the said personality disorders. Indeed, these findings are not sufficient to warrant the conclusion that Ma. Cristina is psychologically incapacitated.

While We are cognizant of cases where the Supreme Court ruled that lack of personal examination and interview of the respondent, or any other person diagnosed with personality disorder, does not per se invalidate the testimonies of the doctors,^[25] these do not give the trial courts the license to disregard the quantum of proof required in granting a petition for nullity of marriage under Article 36 of the Civil Code. We find apropos the decisive disquisition of the Supreme Court in *Ochosa v. Alano*,^[26] thus:

Verily, Dr. Rondain evaluated Bona's psychological condition indirectly from the information gathered solely from Jose and his witnesses. This factual circumstance evokes the possibility that the information fed to the psychiatrist is tainted with bias for Jose's cause, in the absence of sufficient corroboration.

Even if we give the benefit of the doubt to the testimonies at issue since the trial court judge had found them to be credible enough after personally witnessing Jose and the witnesses testify in court, we cannot lower the evidentiary benchmark with regard to information on Bona's pre-marital history which is crucial to the issue of antecedence in this case because we have only the word of Jose to rely on. In fact, Bona's dysfunctional family portrait which brought about her Histrionic Personality Disorder as painted by Dr. Rondain was based solely on the assumed truthful knowledge of Jose, the spouse who has the most to gain if his wife is found to be indeed psychologically incapacitated. No other witness testified to Bona's family history or her behavior prior to or at the beginning of the marriage. xxx

We have previously held that, in employing a rigid and stringent level of evidentiary scrutiny to cases like this, we do not suggest that a personal examination of the party alleged to be psychologically incapacitated is mandatory; jurisprudence holds that this type of examination is not a mandatory requirement. While such examination is desirable, we recognize that it may not be practical in all instances given the oftentimes estranged relations between the parties. For a determination though of a party's complete personality profile, information coming from persons with personal knowledge of the juridical antecedents may be helpful. This is an approach in the application of Article 36 that allows flexibility, at the same time that it avoids, if not totally obliterate, the credibility gaps spawned by supposedly expert opinion based entirely on doubtful sources of information.

However, we have also ruled in past decisions that to make conclusions and generalizations on a spouse's psychological condition based on the information fed by only one side, similar to what we have pointed out in the case at bar, is, to the Court's mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.

We stress once again that Article 36 contemplates downright incapacity or inability to take cognizance of and assume the basic marital obligations, not a mere refusal, neglect or difficulty, much less, ill will, on the part of the errant spouse.[27] We have a case here of parties who have very human faults and frailties; who have been together for some time; and who are now tired of each other.[28] They wanted to put an end to their failed relationship but We cannot lend a hand to afford them that desired relief to dissolve their marital bond under Article 36 of the Family Code. While We commiserate with the couple's plight, We could not close Our eyes from the equally important and constitutionally mandated duty to protect the sanctity of marriage.

FOR THE STATED REASONS, We GRANT the appeal. The Decision dated May 25, 2010 of the Regional Trial Court, Branch 77 of Malolos, Bulacan in Civil Case No. 21-M-2009 declaring as void the marriage of Roy N. Mendoza and Ma. Cristina SP. Dacayo-Mendoza and its Order dated August 18, 2010, denying the Office of the Solicitor General's Motion for Reconsideration are REVERSED.

SO ORDERED.

Punzalan Castillo, M.P., Chairperson and Macalino, F.S., JJ., concur.

[1] Records, pp. 6-10.

[2] Id., pp. 132. 149. Penned by Judge Rolando L. Bulan.

[3] Marriage Contract. Id., p. 11.

[4] Id., pp. 7-8.

[5] Id., p. 31.

[6] Id., p. 33.

[7] Id., p. 37.

[8] Id., pp. 112-118.

[9] Id., pp. 119-121.

[10] Id., pp. 105-106.

[11] Id., p. 145.

[12] Motion for Reconsideration. Id., pp. 150-156.

[13] Id., pp. 167-168.

[14] Rollo, p. 31.

[15] G.R. No. 112019, January 4, 1995.

[16] Santos v. Court of Appeals, G.R. No. 112019, 04 January 1995, 240 SCRA 20; Marcos v. Marcos, G.R. No. 136490, 19 October 2000, 343 SCRA 755.

- [17] G.R. No. 108763, February 13, 1997.
- [18] G.R. No. 161793, February 13, 2009.
- [19] Azcueta v. Republic, G.R. No. 180668, May 26, 2009.
- [20] Republic v. San Jose, G.R. No. 168328, February 28, 2007.
- [21] G.R. No. 151867, January 29, 2004
- [22] Ibid.
- [23] G.R. No. 152577, September 21, 2005.
- [24] Suazo v. Suazo. G.R. No. 164493, March 10, 2010.
- [25] See Camacho-Reyes v. Reyes, G.R. No. 185286, August 18, 2010.
- [26] G.R. No. 167459, January 26, 2011.
- [27] Republic v. Court of Appeals and Molina, G.R. No. 108763, February 13, 1997.
- [28] So v. Valera, G.R. No. 150677, June 5, 2009.

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