

DIANA SAMEON BALUNGCAS, PETITIONER-APPELLANT, VS. RYAN SUANA MICUBO, RESPONDENT-APPELLEE.

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HERNANDO, J:

This is an appeal from the April 19, 2011 Decision[1] of the Regional Trial Court (RTC), Branch 27 of Lapu-Lapu City in Civil Case No. 6924-L, a Petition for Declaration of Nullity of Marriage on the ground of the psychological incapacity of respondent-appellee Ryan Suana Micubo. The dispositive portion of the judgment states:

"WHEREFORE, premises considered, the instant petition is hereby ordered DISMISSED for insufficiency of evidence.

SO ORDERED."

ANTECEDENT FACTS

Petitioner-appellant Diana Sameon Balungcas and respondent-appellee Ryan Suana Micubo were married on May 4, 2005[2] in Cebu City. The couple bore no children.[3]

Less than three (3) years later or on January 24, 2008, petitioner filed before the RTC a Petition[4] for declaration of nullity of their marriage on the ground of her husband's psychological incapacity to comply with the essential marital obligations of marriage. She alleged that her husband's psychological incapacity existed at the time of the celebration of their marriage until the filing of the petition.

Despite service[5] of summons, respondent never filed any responsive pleading to the Petition. No collusion was established between the parties.[6]

As manifestations of her husband's psychological incapacity, petitioner alleged his irresponsibility, immaturity and infidelity, to wit:

(a) After the marriage, he became jobless and chose to go back to his hometown, Siocon, Zamboanga del Norte, instead of living with petitioner.[7]

(b) While in Zamboanga, he merely drank and did not bother applying for jobs. He inadvertently sent a text message containing words of endearment to petitioner that was addressed to another woman.[8]

(c) When he left to work in Dubai in March 2006, he rarely communicated with petitioner and only made two (2) remittances to her, amounting to Fifteen Thousand Pesos (PhP 15,000.00).[9] Respondent refused to communicate with petitioner regarding his work, his employer, and his salary.[10]

(d) Until the filing of the petition, respondent refuses to communicate with petitioner.[11]

After the solemnization of the marriage, petitioner and her husband never lived together as husband and wife.[12] After his return from Zamboanga, respondent did not live with his wife and opted to live at a boarding house in Lapu-Lapu.[13]

In support of her Petition, petitioner presented Tina Espiritu-Velez, a psychologist, who stated that, based on her interview with petitioner and the latter's friend, Joan Arante, she found the respondent to be suffering from Narcissistic Personality Disorder.[14]

Ms. Espiritu-Velez' testimony is supplemented by her Psychological Case Study Report[15] which showed that petitioner and respondent first met in 2000 when respondent stayed at petitioner's house while searching for work in Cebu. In November 2001, the two became a couple.[16]

During the relationship, the couple had a number of conflicts due to respondent's involvement with other women. Petitioner found out that respondent had been seeing another girl for a year.[17] Respondent was also fond of flirting with other women while he was out in bars with his friends.[18]

Even after the couple had married, respondent's involvement with other women continued. While waiting in Manila for his schedule to fly to Dubai for work, respondent had a relationship with a girl named Jane. Petitioner found out about this relationship through text messages that were meant for Jane but which respondent had inadvertently sent to her.[19] Once he arrived in Dubai, respondent rarely communicated with petitioner. At present, petitioner has no contact with her husband.[20]

Ms. Espiritu-Velez concluded that respondent is psychologically incapacitated to perform his marital obligations. She noted that he exhibited the following criteria of Narcissistic Personality Disorder, namely:

- (a) has a grandiose sense of self-importance;
- (b) is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love;
- (c) has unreasonable expectations of specially favorable treatment or automatic compliance with his or her expectations;
- (d) is interpersonally exploitative or takes advantage of others to achieve his or her own ends;
- (e) lacks empathy; and
- (f) shows arrogant or haughty behaviors or attitudes.[21]

Ms. Espiritu-Velez noted that the condition of Narcissistic Personality Disorder is grave to the marriage because, "it is identified as 'extreme love for self' by many clinical psychologist [sic]." She noted that the disorder "makes the person unable to recognize the existence and situations of others and is only able to recognize his/her own desires, needs, and wants." [22]

Ms. Espiritu-Velez also observed that the disorder has juridical antecedence since respondent grew up in an environment that did not nurture discipline and self-control.[23] Respondent was spoiled by his parents and grandmother. He was not reprimanded for not going to school regularly nor for going out drinking in bars and nightclubs.[24] Ms. Espiritu-Velez explained that there is no known cure or treatment for Narcissistic Personality Disorder.[25]

Petitioner presented herself and Leah Reyes, her first degree cousin and respondent's childhood friend, to show that prior to and during the marriage, her husband was heavily engrossed in womanizing[26], drinking[27] and gambling[28].

In its April 19, 2011 Decision, the RTC dismissed the Petition for insufficiency of evidence. Hence, this appeal.

In her March 4, 2013 Appeal Brief for the Petitioner[29] petitioner-appellant assigns the following errors[30]:

ISSUES

I. THE LOWER COURT HAS [SIC] INCORRECTLY RULED THAT THERE IS ABSENCE OF PSYCHOLOGICAL INCAPACITY ON THE PART OF THE HUSBAND RESPONDENT.

II. THE LOWER COURT DID NOT CORRECTLY RULE WHEN IT SAID THAT THE REPORT OF THE PSYCHOLOGIST DESERVE [SIC] SCANT CONSIDERATION BECAUSE SHE FAILED TO HAVE A PERSONAL OBSERVATION ON [SIC] THE PERSON OF THE RESPONDENT.

THE COURT'S RULING

The appeal is bereft of merit.

I. The instant appeal should be dismissed at the outset for failure to comply with a condition precedent.

A.M. No. 02-11-10-SC, otherwise known as the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, requires the filing of a motion for reconsideration or new trial as a pre-condition to appealing a decision, to wit:

"Section 20. Appeal. –

(1) Pre-condition. - No appeal from the decision shall be allowed unless the appellant has filed a motion for reconsideration or new trial within fifteen days from notice of judgment. xxx" (underscoring supplied)

The record of this case indubitably shows appellant's failure to move for the reconsideration of the RTC Decision before resorting to the remedy of an appeal to this Court. Consequently, her appeal should be dismissed on this ground alone for failure to comply with a pre-condition.

II. Appellee's behavior does not warrant the declaration of his psychological incapacity.

In any event, We find that the totality of the evidence presented by appellant is not sufficient to sustain a finding that her husband is psychologically incapacitated to comply with the essential marital obligations, and thus, there is no basis to declare their marriage a nullity.

Appellant primarily argues that her husband failed to comply with his marital obligations of cohabitation, love, respect and fidelity. She asserts that her husband's infidelity and refusal to live and communicate with her amounted to a psychological incapacity to comply with the essential marital obligations. She asserts that her husband's actions are manifestations of a Narcissistic Personality Disorder (NPD), which psychologist Tina Espiritu-Velez diagnosed appellee to be afflicted with.

Article 36 of the Family Code states that a marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of the marriage, shall be void even if such incapacity becomes manifest only after its solemnization.

The "psychological incapacity" referred to under Art. 36 is not meant to comprehend all possible cases of psychoses. It is meant to cover no less than a mental and not a mere physical incapacity that causes a party to be truly incognitive of the basic marital obligations that must be assumed and complied with by the parties to the marriage which include their mutual obligation^[31] to live together, observe love, respect and fidelity, and render help and support.^[32] The psychological incapacity must be characterized by gravity, juridical antecedence, and incurability.^[33]

The mere showing of "irreconcilable differences" and "conflicting personalities" does not constitute psychological incapacity. Neither does the mere failure of the parties to meet their marital responsibilities and duties, by itself, constitute psychological incapacity.^[34]

The following guidelines are established in order to decide cases involving the nullity of a marriage on the ground of psychological incapacity:

"1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it 'as the foundation of the nation.' It decrees marriage as legally 'inviolable,' thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be 'protected' by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their permanence, inviolability and solidarity.

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. Article 36 of the Family Code requires that the incapacity must be psychological—not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or psychically ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of ejusdem generis, nevertheless such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.

3) The incapacity must be proven to be existing at 'the time of the celebration' of the marriage. The evidence must show that the illness was existing when the parties exchanged their 'I do's.' The manifestation of the illness need not be perceivable at such time, but the illness itself must have attached at such moment, or prior thereto.

4) Such incapacity must also be shown to be medically or clinically permanent or incurable. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job. Hence, a pediatrician may be effective in diagnosing illnesses of children and prescribing medicine to cure them but not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, 'mild characterological peculiarities, mood changes, occasional emotional outbursts' cannot be accepted as root causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to 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.

7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts." [35] (underscoring supplied)

We hold that appellant failed to establish the crucial connection of her spouse's psychological condition and the purported non-fulfilled essential marital obligations. Alternatively, the evidence failed to show that the root cause of the unfulfilled essential marital obligation was due to a psychological condition. We do not find appellee's refusal to cohabit and communicate with his wife to be due to NPD. The evidence fails to rule out the possibility

that such refusal may be due to causes unrelated to appellee's NPD.

Appellant herself admitted that she paid the rent on her husband's room.[36] She did not bother asking him to move in with her nor did she spend time with him when he got back to Lapu-Lapu City.[37] It thus becomes apparent to Us that the decision to live apart was a mutual decision of both parties.

Moreover, appellee's refusal to communicate with his wife was not shown to have been caused by NPD. The refusal to communicate may have been caused by the stresses brought on by married life and work abroad rather than his alleged NPD. When the couple did talk to each other, such communication was marred by quarrels.[38]

While We consider appellee's womanizing to be a grave character flaw, We do not believe that NPD causes such womanizing behavior. Other than giving generic statements on the behavior of persons with NPD, Ms. Espiritu-Velez' testimony[39] and the Case Study[40] Report provide us with insufficient details with respect to appellee's profile and pattern of behavior. Thus, we have no basis to conclude that NPD caused him to be a womanizer.

III. Even assuming arguendo that appellee's infidelity and refusal to cohabit and communicate with appellant may be indicative of, or connected with symptoms of NPD, We have difficulty finding credible the diagnosis made by the psychologist.

Appellant contends that the RTC erred in not giving credence to Ms. Espiritu-Velez' Case Study Report on the sole ground that it was made without the personal examination of appellee.[41]

There is no mandatory requirement for a personal examination by the psychologist of the spouse alleged to be psychologically incapacitated.[42] It is recognized that such examination may not be practical considering the often estranged relations between the parties.[43] However, in order to arrive at a determination of a spouse's complete personality profile, information from persons intimately related to such spouse i.e. close relatives and friends may be obtained.[44] Information obtained from such sources mitigates the credibility gaps resulting from supposedly expert opinion based entirely on doubtful sources of information.[45]

To recall, appellee never participated in the proceedings before the RTC. Ms. Espiritu-Velez' evaluation was derived from the two (2) interviews that she conducted with appellant and the latter's friend, Joan Arte.[46] Thus, We find the sources of Ms. Espiritu-Velez' evaluation to be highly biased and consequently, such psychological evaluation based on such one-sided narrative cannot be given great weight.

Furthermore, Ms. Espiritu-Velez' statement of the exhibited tendencies[47] of respondent-appellee's NPD and the gravity[48] thereof is rife with general descriptions of persons with NPD. Her evaluation failed to cite specific character traits and pattern of behavior that indicate that appellee is suffering from NPD.[49] Most importantly, her evaluation and testimony failed to give any details on how appellee's NPD caused the non-fulfillment of his marital obligations.

In conclusion, We find that the totality of the evidence that appellant had presented failed to show how her husband's NPD caused the non-fulfillment of the essential obligations of marriage. Consequently, We find no basis to declare appellant's marriage a nullity.

Semper praesumitur pro matrimonio. The presumption is always for the validity of marriage. This is so since our Constitution regards marriage as a social institution, the strengthening of which is a basic mandate of the State. A party who thus comes to court to question the validity of marriage has the burden of showing its invalidity. Where the ground is psychological incapacity, jurisprudence has consistently held that the petitioner must establish gravity, juridical antecedence and incurability of such condition. Further, the totality of the evidence adduced by

the petitioner must fully support her allegations of psychological incapacity. The Constitution's high regard for marriage as a social institution behooves the Court to undertake a thorough and in-depth assessment of the findings of the expert witness since it is entirely possible that, given such party's desire to nullify her marriage, she would tailor her testimony before the psychologist. It is for this reason that, to repeat, the psychologist should also have relied on what other reliable witnesses, or more importantly, on what respondent husband had to say about their marriage. As this was not so, it is this Court's fair and objective estimation that the totality of the evidence adduced by petitioner failed to satisfactorily prove her husband's purported psychological incapacity.

WHEREFORE, the appeal is DISMISSED. The April 19, 2011 Decision of the Regional Trial Court of Lapu-Lapu City, Branch 27 in Civil Case No. 6924-L is hereby AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Quijano-Padilla, and Azcarraga-Jacob, JJ., concur.

[1] Penned by Judge Toribio S. Quiwag; Record, pp. 111-114.

[2] Record, page 7.

[3] Id. at 4.

[4] Id. at 1-7.

[5] Id. at 10.

[6] Id. at 22-23.

[7] Id. at 3.

[8] Ibid.

[9] Record, page 4.

[10] Ibid.

[11] Ibid.

[12] Record, page 79.

[13] Id. at 55.

[14] Id. at 97.

[15] "Case Study Report"

[16] Record, page 28.

[17] Ibid.

[18] Record, page 29.

[19] Id. at 30.

[20] Ibid.

[21] Record, page 98.

- [22] Id. at 30.
- [23] Id. at 31.
- [24] Id. at 98.
- [25] Id. at 31.
- [26] Id. at 49-50, 54-55, 57, 65, 67-69.
- [27] Id. at 53-54,
- [28] Id. at 74.
- [29] "Appeal Brief"
- [30] Rollo, pp. 25-26.
- [31] Family Code, Art. 68.
- [32] Santos v. Bedia-Santos, G.R. No. 112019, 240 SCRA 34 (1995).
- [33] Id. at 33.
- [34] Republic of the Philippines v. Cabantug-Baguio, G.R. No. 171042, 556 SCRA 725 (2008).
- [35] Republic of the Philippines v. Court of Appeals and Molina, G.R. No. 108763, 268 SCRA 209-212 (1997).
- [36] Record, page 55.
- [37] Id. at 56.
- [38] Id. at 61.
- [39] Id. at 97.
- [40] Id. at 30.
- [41] Rollo, page 33.
- [42] Suazo v. Suazo and Republic, G.R. No. 164493, 615 SCRA 176 (2010).
- [43] Ibid.
- [44] Ibid.
- [45] Ibid.
- [46] Record, page 97.
- [47] Id. at 30.
- [48] Id. at 97; To wit:
- "Q: To the marriage of the respondent, what this [sic] personality affect?
- A: This [sic] grave to the marriage because it is identified as 'extreme love for self'. The disorder is grave of [sic] marriage because it will, and it has, failed the respondent to perform her obligations in marriage. In short he failed in all his obligation [sic]."
- [49] Id. at 30.

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