

LANI P. ROSIT, PETITIONER-APPELLEE, VS. EDGARDO C. ROSIT, RESPONDENT-APPELLEE.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

Before Us is an Appeal[1] from the Decision[2] dated January 13, 2010 of the Regional Trial Court, Seventh (7th) Judicial Region, Branch 61 of Dakit, Bogo City, Cebu in Civil Case No. BOGO-01483 for Declaration of Nullity of Marriage, as well as the Order[3] dated July 22, 2010 of the same RTC which denied herein oppositor-appellant's Motion for Reconsideration.[4]

The Antecedents

In gist, the petitioner-appellee Lani P. Rosit filed a Petition[5] on December 16, 2005 before the lower court to declare her marriage with respondent-appellee Edgardo C. Rosit null and void due to the latter's psychological incapacity.

Petitioner-appellant alleged that their courtship started in 1991[6] and it was on March 6, 1993 that she married[7] respondent-appellee Edgardo C. Rosit at the St. Therese of the Child Jesus Parish in Cebu City. Their union blessed them with three (3) children; namely: Gabriel Marco Rosit, Vince Miguel Eduard Rosit and Mikaela Danielle Rosit.

Petitioner-appellee further alleged that her husband was alcoholic and preferred to be with his friends than his family. He constantly goes out with friends during nighttime and simply refused to find a stable means of income. Respondent-appellee was also financially dependent upon the petitioner-appellee during their marriage. In fact, it was only petitioner-appellee who was gainfully employed and provided the basic necessities of their family.[8]

On the other hand, in his Answer,[9] respondent-appellee countered that it was the petitioner-appellee who was psychologically incapacitated as the latter refused to cohabit with him and it was only after relatives intervened that she agreed. There was also a time when petitioner-appellee abandoned their home and went abroad. Petitioner-appellee was also remiss of her duties at home, as she refused to do household chores like cooking and doing the laundry. Moreover, petitioner-appellee also failed to give her family support and was incompetent in handling the finances.

After the presentation of petitioner-appellee's evidence the latter submitted her Formal Offer[10] dated July 17, 2009. Subsequently, respondent-appellee also filed his Comment with Manifestation[11] dated July 20, 2009. In his Comment, respondent-appellee manifested that the totality of the testimonial and documentary evidence of the petitioner-appellee failed to prove psychological incapacity. What it merely established was spousal misunderstanding; hence, respondent-appellee found no need for him to present evidence.

On October 5, 2009, the trial court issued an Order[12] which admitted the Formal Offer of the petitioner-appellee and took notice of the Comment with Manifestation filed by the respondent-appellee.

The Ruling of the Regional Trial Court

In a Decision[13] dated January 13, 2010, the Regional Trial Court, Seventh (7[th]) Judicial Region, Branch 61 of Dakit, Bogo City, Cebu granted the petition. The lower court was strongly convinced by the evidence presented by herein petitioner-appellee. Thus, it found respondent-appellee psychologically incapacitated to perform his marital functions and consequently declared the absolute nullity of the marriage between the two parties. The decretal portion of the decision reads:

“WHEREFORE, premises considered, the instant Petition dated December 14, 2005 is hereby GRANTED.

Judgment is hereby rendered declaring the absolute nullity of the marriage by and between the petitioner and respondent.

Permanent custody of the children of the parties is awarded to the petitioner.

Since the parties have no estate or substantial property during the marriage, with the proprietary regime of absolute community of property, this Court does not have to make any declaration of their respective rights in respect thereto.

Furnish the parties and counsels with copies of this decision.

Furnish likewise the City Civil Registrar of Cebu City and the St. Therese of Child Jesus Parish, Lahug, Cebu City, with copies of this decision for proper recording in the record of marriage.

SO ORDERED.”[14]

Unsatisfied, oppositor-appellant filed a Motion for Reconsideration.[15] However, such motion was denied by the trial court in an Order[16] dated July 22, 2010.

Aggrieved with the decision, the oppositor-appellant, Republic of the Philippines through the Office of the Solicitor General (OSG) interposed this appeal raising the sole issue, to wit:

PETITIONER-APPELLEE FAILED TO PROVE THE PSYCHOLOGICAL INCAPACITY OF RESPONDENT.

The Ruling of this Court

We grant the appeal.

The core of the present controversy hinges upon the determination of whether or not there was sufficient evidence to prove that the respondent-appellee was psychologically incapacitated to perform his basic marital obligations.

At the outset, deeply entrenched in our laws and jurisprudence is the doctrine which states that (p)sychological incapacity under Article 36 of the Family Code contemplates an incapacity or inability to take cognizance of and to assume basic marital obligations, and is not merely the difficulty, refusal, or neglect in the performance of marital obligations or ill will. It consists of: (a) a true inability to commit oneself to the essentials of marriage; (b) the inability must refer to the essential obligations of marriage, that is, the conjugal act, the community of life and love, the rendering of mutual help, and the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. Proving that a spouse failed to meet his or her responsibility and duty as a married person is not enough; it is essential that he or she must be shown to be incapable of doing so due to some psychological illness.[17]

In *Santos v. Court of Appeals*,[18] the (Supreme) Court first declared that psychological incapacity must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability. It should refer to "no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage." [19] It must be confined to the

most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.

(The Supreme Court) laid down more definitive guidelines in the interpretation and application of Article 36 of the Family Code in *Republic v. Court of Appeals*[20] (the Molina case) where we said:

(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. x x x

(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. x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will

be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition. The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall discharge the equivalent function of the defensor vinculi contemplated under Canon 1095.[21]

The foregoing pronouncements in Santos and Molina have remained as the precedential guides in deciding cases grounded on the psychological incapacity of a spouse. But the (Supreme) Court has declared the existence or absence of the psychological incapacity based strictly on the facts of each case and not on a priori assumptions, predilections or generalizations.[22] Indeed, the incapacity should be established by the totality of evidence presented during trial,[23] making it incumbent upon the petitioner to sufficiently prove the existence of the psychological incapacity.[24]

In the case at bench, We find that there is evident paucity of proof to establish respondent-appellee's psychological incapacity. Without a doubt, the totality of the evidence presented by the petitioner-appellee miserably failed to comply with the standard requirements set forth by jurisprudence. Aside from the seemingly inadequate evidence, manifest also is the failure to sufficiently explain the gravity, root cause and incurability of the alleged psychological incapacity suffered by the respondent-appellee.

To further stress on this matter, We deemed it best to reproduce salient portions of the Psychologist's Report,[25] and the testimony of the psychologist himself as follows:

Psychologist's Report

Marital Violations

1. Failed to support the wife and their children (Art. 68);
2. Has caused emotional abuses on the petitioner by expressed inability to give his time with his wife and children and be rather with his peers, friends, drinking and had easy life style on a protracted basis or a chronic phenomenon in the family; (Violation of Art. 68 of the FCP)
3. Respondent has failed to get a gainful employment to be able to give ample financial comforts for his family rather than depended on his wife; (Violation of Art. 68)
4. Because of these actions by the respondent, the petitioner suffered emotional abuse by her husband being distant, indifferent, detached as to his primordial duty as husband and father. There is a deliberate refusal on the part of the respondent to form emotional attachment with his family. (Art. 68)

Thus, obviously, the defendant husband is psychologically incapacitated to comply with the essential obligations in marriage. PSYCHOLOGICAL INCAPACITY is defined, as the condition of a person who does not have the mind, heart and will to perform the essential obligations in marriage(.

This PSYCHOLOGICAL INCAPACITY is rather a mental, and psychical which can be traced back in early childhood development. There is a presence of personality and character disorder which render the respondent husband unable to perform on a day to day basis, the obligations in marriage as contemplated in the provisions of the Family Code.

PERSONALITY DISORDER IDENTIFIED

The identified PERSONALITY DISORDER is narcissistic personality disorder comorbid with dependent personality disorder. The respondent showed dependency disorder by chronic and consistent inability of [sic] stand on his two feet and support his family financially, emotionally, and spiritually. Respondent consistently depended on his wife who is a career woman and possessing jobs which could support the tree [sic] children

and even a jobless husband. The petitioner is a Certified Public Accountant. The petitioner is a capable partner in the relationship but the respondent failed to complement this with behavior unhostile to marriage. Respondent has no career to speak of despite his degree in Nautical Science. The respondent is narcissistic because he satisfied his vices with his barkada, in drinking, and very comfortable pressure-free life style while there are three children to support and his wife. He would consider himself as being "excused" not to work because his wife is earning well. While the wife would have considered her husband jobless, she would expect her husband as a partner in the home rather than a liability by fixation with his barkada, drinking and vices.

NB: For more discussion on the nature of personality disorder, please see Appendix "A", Appendix "B" and Appendix "C"

Sources of information

1. Randy Perez – the brother of petitioner;
2. Monete Perez – a sister living with the petitioner;
3. Clavel Tongco – a family friend and best friend [sic]

EXPERT OPINION

The respondent is psychologically incapacitated to comply with the essential obligations in marriage and family as stipulated by law.

RECOMMENDATION

It is recommended before the HONORABLE COURT, that the petition for the declaration of nullity of marriage be GRANTED.

Testimony of Dr. Andres Gerong

Q: Did you conduct a clinical [sic] investigation or evaluation of their marriage?

A: Yes, I conducted an evaluation of their marriage.

Q: What are your findings?

A: My findings in terms of presenting problems of the spouse of the petitioner in terms of marital violation specifically in Art. 68 of the Family Code as regards [sic] children and as regards to the support of children and his wife.

Q: With regards to the psychological capacity? or incapacity of the respondent?

A: Because of the violation specifically in finding of employment to supplement the employment of the plaintiff which is (a) Certified Public Accountant, the defendant failed to compliment this income to give remedies because he said "I think, I am excuse not to find a job because my (wife) is earning very well" being a certified (public) accountant.[26]

x x x

Q: What procedures and steps did you do?

A: My most potent procedure was to have a clinical interview or psychological interview with plaintiff and 3 corroborative witnesses in order to cement the allegation.

Q: And so what is your expert opinion with respect to their marriage?

A: My expert opinion because of personal disorder present, before, and [sic] during (and) after the marriage. [sic] Therefore , the respondent is psychologically incapacitated to comply with the issential [sic] marital obligation of marriage.

Q: So what is your recommendation to this Honorable Court?

A: My recommendation before this Honorable Court is for the declaration of nullity of marriage be granted.

Q: You mentioned of psychological incapacity on the part of the respondent, what was the root cause of this psychological incapacity?

A: The root cause of psychological incapacity of the defendant is the presence of serious disorder in personality known as narcissism or narcissistic personality disorder and dependent personality disorder.[27] (emphasis supplied)

X X X

Certainly, a scrutiny of the above-mentioned Psychologist's Report would indubitably show that it was merely a listing of the undesirable traits or characteristics of the respondent-appellee. At the very least it only depicted how respondent-appellee was irresponsible, neglectful, immature and unwilling to perform his marital obligations which do not necessarily equate to psychological incapacity. These manifestations do not completely and concretely prove that respondent-appellee was totally incapacitated or incompetent to discharge his essential marital duties. It bears stressing that to fall within the purview of the term "psychological incapacity", the personality disorder must refer to the most severe of its kind, which must be present at the inception of the marriage and proven to be permanent and incurable.

The intent of the law has been to confine the meaning of psychological incapacity to the most serious cases of personality disorders – existing at the time of the marriage – clearly demonstrating an utter insensitivity or inability to give meaning and significance to the marriage.[28] The psychological illness that must have afflicted a party at the inception of the marriage should be a malady so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond he or she is about to assume.[29] Clearly, these factors were not adequately proven in the present case.

Moreover, it is the considered view of this Court that both the report and the testimony of Dr. Andres Gerong failed to meet the "totality of the evidence rule", considering that it lacked the particulars and objectivity needed to support his recommendations. Verily, both failed to mention the specific tests or procedures which was conducted to arrive at such a conclusion or finding. Neither was the root cause of the disorder fully established and proven to be existing at the beginning of the marriage. In addition, the gravity or severity of respondent-appellee's condition in relation to his marital obligations was not fully illustrated or expounded. There was also inadequate discussion as to its alleged incurability.

To support this Court's ratiocination and observation, We find guidance in the ruling of Republic v. De Gracia,[30] thus:

The RTC, as affirmed by the CA, heavily relied on the psychiatric evaluation report of Dr. Zalsos which does not, however, explain in reasonable detail how Natividad's condition could be characterized as grave, deeply-rooted, and incurable within the parameters of psychological incapacity jurisprudence. Aside from failing to disclose the types of psychological tests which she administered on Natividad, Dr. Zalsos failed to identify in her report the root cause of Natividad's condition and to show that it existed at the time of the parties' marriage. Neither was the gravity or seriousness of Natividad's behavior in relation to her failure to perform the essential marital obligations sufficiently described in Dr. Zalsos's report. Further, the finding contained therein on the incurability of Natividad's condition remains unsupported by any factual or scientific basis and, hence, appears to be drawn out as a bare conclusion and even self-serving. In the same vein, Dr. Zalsos's testimony during trial, which is essentially a reiteration of her report, also fails to convince the Court of her conclusion that Natividad was psychologically incapacitated. Verily, although expert opinions furnished by psychologists regarding the psychological temperament of parties are usually given considerable weight by the courts, the existence of psychological incapacity must still be proven by independent evidence.[31] After poring over the records, the Court, however, does not find any such evidence sufficient enough to uphold the court a quo's nullity declaration. To the Court's mind, Natividad's refusal to live with Rodolfo and to assume

her duties as wife and mother as well as her emotional immaturity, irresponsibility and infidelity do not rise to the level of psychological incapacity that would justify the nullification of the parties' marriage. Indeed, to be declared clinically or medically incurable is one thing; to refuse or be reluctant to perform one's duties is another. (emphasis supplied)

Furthermore, We also note that Dr. Andres Gerong failed to personally examine the respondent-appellee and instead, heavily relied upon the testimony of the petitioner-appellee and the latter's witnesses. Likewise, quite apparent also in the findings of the psychologist is the lack of details pertaining to the historical background of the respondent-appellee prior to his marriage with petitioner-appellee, which would somehow explain why respondent-appellee acted or behaved in such a manner. Instructive on these issues is the ruling in *Agraviador v. Amparo-Agraviador*,^[32] viz:

The Court finds that Dr. Patac's Psychiatric Evaluation Report fell short in proving that the respondent was psychologically incapacitated to perform the essential marital duties. We emphasize that Dr. Patac did not personally evaluate and examine the respondent; he, in fact, recommended at the end of his Report for the respondent to "undergo the same examination [that the petitioner] underwent."^[33] Dr. Patac relied only on the information fed by the petitioner, the parties' second child, Emmanuel, and household helper Sarah. Largely, the doctor relied on the information provided by the petitioner. Thus, while his Report can be used as a fair gauge to assess the petitioner's own psychological condition (as he was, in fact, declared by Dr. Patac to be psychologically capable to fulfill the essential obligations of marriage), the same statement cannot be made with respect to the respondent's condition. The methodology employed simply cannot satisfy the required depth and comprehensiveness of the examination required to evaluate a party alleged to be suffering from a psychological disorder.^[34]

We do not suggest that a personal examination of the party alleged to be psychologically incapacitated is mandatory. We have confirmed in *Marcos v. Marcos* that the person sought to be declared psychologically incapacitated must be personally examined by a psychologist as a condition sine qua non to arrive at such declaration.^[35] If a psychological disorder can be proven by independent means, no reason exists why such independent proof cannot be admitted and given credit.³⁶ No such independent evidence appears on record, however, to have been gathered in this case.

In his Report, Dr. Patac attempted to establish the juridical antecedence of the respondent's condition by stating that the respondent manifested "inflexible maladaptive behavior" before marriage, pointing out how the respondent behaved before the marriage – the respondent defied her parents and lived alone; rented a room for herself; and allowed the petitioner to sleep with her. These perceived behavioral flaws, to our mind, are insufficient to establish that the incapacity was rooted in the history of the respondent antedating the marriage. Dr. Patac failed to elucidate on the circumstances that led the respondent to act the way she did, for example, why she "defied her parents" and decided to live alone; why she "neglected her obligations as a daughter;" and why she often slept with the petitioner. This is an area where independent evidence, such as information from a person intimately related to the respondent, could prove useful. As earlier stated, no such independent evidence was gathered in this case. In the absence of such evidence, it is not surprising why the Psychiatric Report Evaluation failed to explain how and why the respondent's so-called inflexible maladaptive behavior was already present at the time of the marriage. (emphasis supplied)

Lastly, in the same vein, the petitioner-appellee's testimony^[37] also failed to sufficiently establish the alleged psychological incapacity of her husband (respondent-appellee). These negative traits or acts attributed to the respondent-appellee simply connotes neglect or refusal on his part to perform his marital responsibilities, which in Our view do not automatically and squarely fall within the ambit of psychological incapacity, as contemplated by jurisprudence.

Thus, (a)dmittedly, the standards used by the Court in assessing the sufficiency of psychological evaluation

reports may be deemed very strict, but these are proper, in view of the principle that any doubt should be resolved in favor of the validity of the marriage and the indissolubility of the marital vinculum.[38] Marriage, an inviolable institution protected by the State, cannot be dissolved at the whim of the parties, especially where the prices of evidence presented are grossly deficient to show the juridical antecedence, gravity and incurability of the condition of the party alleged to be psychologically incapacitated to assume and perform the essential marital duties.[39]

WHEREFORE, in view of the foregoing, the appeal is GRANTED. The Decision and Order dated January 13, 2010 and July 22, 2010, respectively of the Regional Trial Court, Seventh (7th) Judicial Region, Branch 61 of Dakit, Bogo City, Cebu, in Civil Case No. BOGO-01483 for Declaration of Nullity of Marriage are hereby REVERSED and SET ASIDE. Accordingly, the Petition for declaration of nullity of marriage is hereby DISMISSED.

SO ORDERED.

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Rollo, pp. 32-59.

[2] Rollo, pp. 48-57; Records, pp. 117-126.

[3] Rollo, p. 58; records, p. 140.

[4] Records, pp. 128-136.

[5] Records, pp. 3-10; 59-66.

[6] TSN dated July 16, 2009, p. 17.

[7] See Marriage Contract, records, p. 7.

[8] TSN dated July 16, 2009, pp. 10-12.

[9] Records, pp. 15-18.

[10] Records, pp. 110-111.

[11] Records, pp. 112-113.

[12] Records, p. 114.

[13] Rollo, pp. 48-57; Records, pp. 117-126.

[14] Rollo, p. 57; Records, p. 126.

[15] Records, pp. 128-136.

[16] Rollo, p. 58; records, p. 140.

[17] Republic v. Court of Appeals, G.R. No. 159594, November 12, 2012.

[18] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing G.R. No. 112019, January 4, 1995, 240 SCRA 20, 33.

[19] Id at 34.

- [20] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing 335 Phil. 664, 676-680.
- [21] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010.
- [22] Republic v. Court of Appeals, G.R. No. 159594, November 12, 2012 citing Republic v. Dagdag, G.R. No. 109975, February 9, 2001, 351 SCRA 425, 431.
- [23] Republic v. Court of Appeals, G.R. No. 159594, November 12, 2012 citing Bier v. Bier, G.R. No. 173294, February 27, 2008, 547 SCRA 123, 132.
- [24] Republic v. Court of Appeals, G.R. No. 159594, November 12, 2012 citing Antonio v. Reyes, G.R. No. 155800, March 10, 2006, 484 SCRA 353, 376.
- [25] See Psychologist's Report (On the Psychological Incapacity of the Respondent in Marriage), records, pp. 59-86.
- [26] TSN dated June 26, 2007, pp. 6-8.
- [27] TSN dated June 26, 2007, pp. 9-11.
- [28] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing Republic v. Cuison-Melgar, G.R. No. 139676, March 31, 2006, 486 SCRA 177.
- [29] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing Ting v. Velez-Ting, G.R. No. 166562, March 31, 2009, 582 SCRA 694.
- [30] G.R. No. 171557, February 12, 2014.
- [31] Republic v. De Gracia, G.R. No. 171557, February 12, 2014, citing Mendoza v. Republic, G.R. No. 157649, November 12, 2012, 685 SCRA 16, 25-32.
- [32] G.R. No. 170729, December 8, 2010.
- [33] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010. (citations omitted)
- [34] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing Suazo v. Suazo, G.R. No. 164493, March 10, 2010.
- [35] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing G.R. No. 136490, October 19, 2000, 343 SCRA 755.
- [36] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing Padilla-Rumbaua v. Rumbaua, G.R. No. 166738, August 14, 2009, 596 SCRA 157, 178.
- [37] TSN dated July 16, 2009, pp. 1-24.
- [38] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010, citing Navales v. Navales, G.R. No. 167523, June 27, 2008, 556 SCRA 272, 292.
- [39] Agraviador v. Amparo-Agraviador, G.R. No. 170729, December 8, 2010.

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