

RIO A. REYES, PETITIONER-APPELLEE, VS. KARLA GARELLO REYES, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Subject of this appeal[1] are the (i) Decision dated January 4, 2012[2] in Civil Case No. 4801-11 of Branch 20, Regional Trial Court, Imus, Cavite granting the petition for declaration of nullity of marriage filed by petitioner-appellee Rio A. Reyes against respondent Karla Garello Reyes, and (ii) Order dated March 9, 2012[3] of the trial court denying oppositor-appellant Republic of the Philippines' motion for reconsideration of said Decision.

THE ANTECEDENTS

Petitioner-appellee Rio A. Reyes and respondent Karla Garello Reyes first met when they were introduced by a common friend during a basketball league in Kasibulan, Cainta, Rizal in 1999. They got married on September 15, 2001 at the Our Lady of Light Parish in Cainta, Rizal. They had a child, Kenneth G. Reyes, who was born on December 9, 2001. In 2007, petitioner-appellee worked in Saudi Arabia because of the increasing needs of the family, including the medical expenses of their son who was diagnosed to be suffering from leukemia. While in Saudi Arabia, petitioner-appellee learned that while they were apart, respondent Karla was having an illicit relationship with and was impregnated by another man. When petitioner-appellee arrived from Saudi Arabia, he no longer lived with respondent Karla.[4]

The factual details based on petitioner-appellee's evidence are synthesized by the trial court in its Decision dated January 4, 2012 as follows:

Sometime in the year 1999, petitioner was introduced to the respondent by a common friend at the place of the respondent during a basketball league in Kasibulan, Caintan, Rizal. Two weeks thereafter or sometime in May 1999, a whirlwind romance blossomed between the petitioner and the respondent.

Petitioner claimed that it was a blissful start. They did what ordinary lovers do. They were always together. Each was the source of inspiration in their respective endeavors. Their intimacy went deeper until a sexual relationship ensued which resulted to the untimely pregnancy of the respondent in the year 2001. Though they were just merely starting on their career, they decided to face their responsibilities as upcoming parents and they wanted to give their unborn child a normal family relationship. As such, they were married xxx on September 15, 2001 at the Our Lady of Light Parish in Cainta, Rizal.

Respondent gave birth xxx on December 9, 2001 to a baby boy whom they named Kenneth G. Reyes. After the marriage, petitioner and the respondent lived at the former's parents residence at Mercedes Village, Pasig City. Their married life was filled with so much excitement especially after respondent gave birth. However, as the days passed by, the true color of the respondent unfolded. She started planning and doing things on her own without regard if the petitioner would agree on her plans. Once confronted, she would be very infuriated if not evasive of the petitioner. Also, respondent was often irritated in the house of her in-laws until petitioner was surprised that his wife applied and accepted a job in Laguna.

To avoid further disagreement, petitioner endured his wife's self-centeredness and agreed that she live in (sic) Laguna with their son while he will stay in Pasig during work days. With this, their marriage seemed to be joyful because petitioner would often give in to his wife's desire, plans, and goals. However, sometime in 2005, their son was diagnosed with leukemia. A very upset father, petitioner could not concentrate in his work and wanted to take care and spend more time with his son. As such, he decided to stay and live with the respondent in Laguna.

With the increasing needs of their family and the medical expenses of their son, petitioner decided to work in Riyadh Saudi Arabia in the year 2007. Initially, while apart, they were communicating regularly until a shocking message reached him that the respondent has already a boyfriend named, "Gerry", and were already living together. In fact, respondent admitted that even before petitioner knew, she was already pregnant by his paramour. He also found out that respondent's illicit relationship with the other man started since March 2008. Disheartened and very devastated, but with the love and support petitioner received from his family and friends, he was able to cope up with such distressing and traumatic incident in his life.

With the admission by the respondent, their respective families advised them to separate ways. Therefore, when the petitioner arrived from Saudi Arabia, he no longer stayed and lived with the respondent. On the other hand, the respondent never exerted even a single effort to reconcile with the petitioner as she obviously chose to live with her paramour since they already have a child.[5]

On June 6, 2011, petitioner-appellee filed with the trial court a petition for declaration of nullity of marriage on the ground of respondent Karla's psychological incapacity.[6]

The Office of the Solicitor General (OSG) entered its appearance as counsel for the State and deputized the Office of the Provincial Prosecutor of Imus, Cavite to appear on its behalf.[7] For her part, respondent Karla did not file any responsive pleading.[8] The Assistant Provincial Prosecutor reported that she was not in a position to tell whether there existed a collusion between the parties considering that none of them appeared during the scheduled investigation.[9]

During the pre-trial, respondent Karla failed to appear. The trial court issued a pre-trial Order dated August 22, 2011[10] containing petitioner-appellee's marking of certain exhibits such as the marriage contract, birth certificate of Kenneth G. Reyes, judicial affidavit of petitioner-appellee, judicial affidavit of clinical psychologist Sheila Marie Montefalcon and Psychological Report of clinical psychologist Sheila Marie Montefalcon.

On September 15, 2011, petitioner-appellee[11] and clinical psychologist Sheila Marie Montefalcon[12] were presented as witnesses. Petitioner-appellee also presented documentary evidence consisting of the marriage contract of petitioner-appellee and respondent Karla and the birth certificate of Kenneth G. Reyes.[13]

In a Decision dated January 4, 2012, the trial court declared void ab initio the marriage between

petitioner-appellee and respondent Karla due to the latter's psychological incapacity. Thus:

WHEREFORE, judgment is hereby rendered declaring the marriage of Rio A. Reyes and Karla Garelo Reyes as void ab initio. As a necessary consequence of this pronouncement, respondent shall cease using the surname of her husband having no right over the same and so as to avoid a misimpression that she is still the legal wife of petitioner.

Furnish a copy of this decision the Office of the Solicitor General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn, shall endorse a copy to the Local Civil Registrar of Cainta Rizal so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and counsel.

SO ORDERED.[14]

Oppositor-appellant filed a motion for reconsideration,[15] stating that respondent Karla's immaturity and infidelity did not warrant a finding of psychological incapacity as contemplated under Article 36 of the Family Code. In an Order dated March 9, 2012,[16] the trial court denied the motion for reconsideration.

Hence, oppositor-appellant filed the present appeal which is premised on this assignment of error:

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR DECLARATION OF NULLITY OF MARRIAGE DESPITE PETITIONER-APPELLEE'S FAILURE TO SHOW BY COMPETENT EVIDENCE THE RESPONDENT'S DISORDER WHICH ALLEGEDLY PREVENTED HER FROM FULFILLING THE ESSENTIAL MARITAL OBLIGATIONS WITHIN THE CONTEXT OF ARTICLE 36 OF THE FAMILY CODE.[17]

Petitioner-appellee filed appellee's brief. Respondent Karla, who did not participate at all at any stage of the proceedings in the case below, did not also file any brief in the present appeal.

THE ISSUE

Whether the trial court erred in granting the petition for declaration of nullity of marriage of petitioner-appellee and respondent Karla on the ground of the latter's psychological incapacity.

THE COURT'S RULING

In granting the petition for declaration of nullity of marriage, the trial court ratiocinated "that the State should no longer sustain the marriage, and should allow petitioner to move on with his life" because the findings of clinical psychologist Sheila Marie Montefalcon pointed to respondent Karla's personality disorder which could be traced back to lack of parental guidance and unreliable parenting resulting in respondent Karla's grave psychological incapacity to perform her marital obligations.[18] Said the trial court:

From the evidence, there is no question that from the marital history of the petitioner and the respondent,

guided by the accurate findings of the psychologist, the Court finds that the root cause of the psychological incapacity (Exhibit "E") of both petitioner and respondent was sufficiently established. There is much to believe on the findings of Mme. Sheila Marie Montefalcon that the personality disorder of respondent is rooted to her poor parental and family molding (particularly lack of parental guidance and unreliable parenting) which resulted into a grave psychological incapacity of respondent to perform her marital obligations. Consequently, it led to the breakdown of her marriage. The Court feels that the State should no longer sustain the marriage, and should allow petitioner to move on with his life. It is rather good that the couple never acquired any assets, except for the children that are now deprived of a mother's love (sic) as a result of respondent's psychological incapacity. The Court is convinced that the totality of the evidence for the petitioner supports the declaration of the nullity of his marriage to the respondent. Thus, the Court holds to GRANT this petition.[19]

Oppositor-appellant faults the trial court in so ruling. Allegedly, petitioner-appellee failed to prove by totality of evidence that respondent Karla is psychologically incapacitated to comply with the essential marital obligations as contemplated under Article 36 of the Family Code. The trial court "relied solely on the testimonies of petitioner-appellee and clinical psychologist Sheila Marie Montefalcon", but the clinical psychologist's findings on respondent Karla's psychological incapacity could not be considered credible conclusions because the clinical psychologist solely relied on the self-serving statements of petitioner-appellee. Oppositor-appellant also points out that respondent Karla's unfaithfulness and immaturity were not shown to be a malady or disorder rooted on some incapacitating or debilitating psychological condition but only resulted in nothing more than her difficulty, refusal or neglect to perform her marital obligations.[20]

The appeal has merit.

Article 36 of the Family Code, as amended, provides:

Art. 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.

Jurisprudence teaches that psychological incapacity 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 must concomitantly be assumed and discharged by the parties to the marriage. The intendment of the law has been to confine the meaning of psychological incapacity to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. To qualify as psychological incapacity as a ground for nullification of marriage, a person's psychological affliction must be grave and serious as to indicate an utter incapacity to comprehend and comply with the essential objects of marriage, including the rights and obligations between husband and wife. The affliction must be shown to exist at the time of marriage, and must be incurable.[21] As enunciated:

We have time and again held that psychological incapacity 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 must concomitantly be assumed and discharged by the parties to the marriage that, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, to observe love, respect and fidelity, and to render help and support. We have also held that the intendment of the law has been to confine the meaning of psychological incapacity to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. To qualify as psychological incapacity as a ground for nullification of marriage, a person's psychological affliction must be grave and serious as to indicate an

utter incapacity to comprehend and comply with the essential objects of marriage, including the rights and obligations between husband and wife. The affliction must be shown to exist at the time of marriage, and must be incurable.

The following testimony of petitioner-appellee fails to show the presence of the essential characteristics of gravity, juridical antecedence and incurability of the alleged psychological incapacity of respondent Karla:

Petitioner-appellee on direct-examination:

ATTY. BAYAUA:

Your honor, we are offering the testimony of Rio A. Reyes to prove the material allegations in the Petition for Declaration of Nullity of Marriage against respondent Karla Garelo Reues to prove that petitioner and respondent are psychologically incapacitated to comply with their marital obligations as husband and wife; to identify several documents and such other matter pertinent thereto.

COURT:

Proceed.

ATTY. BAYAUA:

Q: Mr. Witness, are you the same Rio A, Reyes, the petitioner in the instant case?

A: Yes, Sir.

Q: Do you know the respondent Karla Garelo Reyes?

A: Yes, sir, She is my wife

Q: When and where did you get married?

A: We were married at the Our Lady of Light Parish, Cainta, Rizal on September 15, 2001.

Q: Do you have a copy of your marriage contract?

A: Yes, sir.

Q: Showing to you a Certificate of Marriage of a certain Rio Reyes and Karla Garelo, how is this related to the marriage contract that you mentioned?

A: This is our marriage contract, Sir.

Your Honor, the marriage contract was marked during the pre-trial as Exh. "A".

Q: Did you beget children during the existence of your marriage with the respondent?

A: Yes, sir. We have one child by the name of Kenneth Garelo Reyes.

Q: Do you have a copy of his birth certificate?

A: Yes, Sir.

Q: If that birth certificate will be shown to you, will you be able to identify the same?

A: Yes, Sir.

Q: Showing to you this Certificate of Live Birth of Kenneth Garelo Reyes, is this the birth certificate of your child Kenneth Garelo Reyes?

A: Yes, Sir.

This Certificate of Live Birth of Kenneth Garelo Reyes was marked during the pre-trial as Exh. "B".

Q: On what grounds are you filing this petition for declaration for nullity of marriage?

A: Psychological incapacity, Sir.

Q: Of whom?

A: My wife, Sir.

Q: What kind of personality disorder was your wife diagnosed of?

A: The clinical psychologist said that my wife is diagnosed of Narcissistic Personality Disorder.

Q: Why? Did you go to a clinical psychologist?

A: Yes, Sir. I went to Clinical Psychologist Sheila Marie Montefalcon before I filed my petition.

Q: Did she make any report of findings?

A: Yes, Sir. She prepared a Psychological Report.

Q: Do you remember having executed a Judicial Affidavit?

A: Yes, Sir.

Q: Showing to you this Judicial Affidavit executed by a certain Rio Reyes, how is it related to the judicial affidavit which you said you executed?

A: This is my judicial affidavit, Sir.

Your Honor, the Judicial Affidavit of the Petitioner was earlier marked during the pre-trial as Exh. “C”.

COURT:

Noted.

ATTY. BAYAUUA:

May I request that this Judicial Affidavit be adopted as part of the direct testimony of petitioner, your Honor?

COURT:

Alright. Adopted as part of the direct testimony of the witness.[22]

Petitioner-appellee on cross-examination:

Q Is this petition discussed between you and your respondent before you filed the same?

A No, Mam.

Q How did you treat your wife when you were still living with each other?

A I treated her with so much love, care, and attention, Mam.

Q Do you believe your wife is psychologically incapacitated to perform marital obligations?

A Yes, Mam.

Q Why?

A She failed to fulfill her obligations as a wife to me.[23]

It may be noted that although petitioner-appellee was asked to identify the judicial affidavit he executed to form part of his direct testimony, said judicial affidavit is not attached to the records. The Psychological Report mentioned in the Decision dated January 4, 2012 as Exhibit “E” is not also attached to the records.

The following testimony of clinical psychologist Sheila Marie Montefalcon can hardly be considered as conclusive diagnosis and an in-depth assessment of the gravity, severity and incurability of respondent Karla's psychological incapacity, because she failed to specifically discuss in detail the connection between respondent Karla's alleged personality disorder and her psychological incapacity to perform her marital obligations. Thus:

Q: Madam Witness, per your report, what is your diagnosis of the respondent?

A: I diagnosed the respondent to be suffering from Narcissistic Personality Disorder.

xxx xxx xxx

Q: What is this Narcissistic Personality Disorder?

A: Narcissistic Personality Disorder is a condition deemed to be grave, severe and already engrained deeply within her adaptive system. People suffering from this kind of personality disorder are known to have a pervasive pattern of grandiosity in fantasy or behavior, need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of context.

Q: Is it grave?

A: Yes, it is grave as this type of personality disorder is permanent and incurable integrated within the respondent's psyche, eventually lasting throughout the course of life. This is not permanently curable with medications, psychotherapy, psychoanalysis, hypnosis or shock therapy. Persons, with this type of personality disorder do not think they are psychologically sick. They refuse treatment and have no motivation to change.

Q: When do you think this personality disorder started?

A: The onset of personality disorder was in early adulthood. It was present but repressed at the time of the celebration of marriage.

Q: What do you recommend to the court?

A: That the petition for declaration of nullity be approved.

On cross-examination:

Q Do you believe annulling the marriage of the parties will benefit them?

A: Yes, Mam.

Q Why?

A: Because respondent failed to comply with her marital obligations.

Q Since respondent is psychologically incapacitated to perform marital obligations, it is not advisable for her to contract another marriage?

A: Yes, Mam.[24]

Notably, clinical psychologist Sheila Marie Montefalcon testified[25] that the source of her data on which she based her observations and analysis, was petitioner-appellee who underwent a series of psychological tests and clinical interview. But respondent Karla did not undergo the same tests because she did not show up despite the

invitation by clinical psychologist Sheila Marie Montefalcon. Thus:

Q Madam Witness, do you know the petitioner Rio A. Reyes?

A: Yes, Sir. He came to my clinic for consultation and psychological examination/evaluation in connection with his intention to file a petition for nullity of his marriage with his wife Karla Garelo Reyes.

Q: How many times did he visit your clinic?

A: I had seen him for three times, Sir.

Q: What did you do?

A: I administered upon a series of psychological tests and conducted clinical interview.

Q: Do you have a copy of your report?

A: Yes, Sir.

Q: I am showing to you this Psychological Report, tell us what relation it has to the psychological report that you prepared?

A: This is the Psychological Report that I prepared, Sir.

xxx xxx xxx

Q: Were you able to see the respondent?

A: No, Sir. I sent her an invitation but despite receipt, she did not visit my clinic to undergo the same tests.[26]

In its Order dated March 9, 2012 denying oppositor-appellant's motion for reconsideration, the trial court stated that clinical psychologist Sheila Marie Montefalcon did not merely base her report on the information given by petitioner-appellee but she also interviewed a mutual friend of the parties. However, this mutual friend was not mentioned at all by clinical psychologist Sheila Marie Montefalcon when she testified on September 15, 2011.[27] Moreover, as correctly pointed out by oppositor-appellant, there was insufficient evidence to show that said mutual friend of petitioner-appellee and respondent Karla was able to provide the essential information to clinical psychologist Sheila Marie Montefalcon to aid the latter in making an objective diagnosis of the psychological condition of respondent Karla.[28]

Apropos is *Suazo vs. Suazo*,[29] wherein the Supreme Court held that a medical expert's meager information coming from a directly interested party, could not have secured a complete personality profile and could not have conclusively formed an objective opinion or diagnosis of one's psychological condition. Thus:

Both the psychologist's testimony and the psychological report did not conclusively show the root cause, gravity and incurability of Angelito's alleged psychological condition.

We first note a critical factor in appreciating or evaluating the expert opinion evidence – the psychologist’s testimony and the psychological evaluation report – that Jocelyn presented. Based on her declarations in open court, the psychologist evaluated Angelito’s psychological condition only in an indirect manner – she derived all her conclusions from information coming from Jocelyn whose bias for her cause cannot of course be doubted. Given the source of the information upon which the psychologist heavily relied upon, the court must evaluate the evidentiary worth of the opinion with due care and with the application of the more rigid and stringent set of standards outlined above, i.e., that there must be a thorough and in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a psychological incapacity that is grave, severe and incurable.

In saying 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 intimately related to him (such as the party’s close relatives and friends) 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.

From these perspectives, we conclude that the psychologist, using meager information coming from a directly interested party, could not have secured a complete personality profile and could not have conclusively formed an objective opinion or diagnosis of Angelito’s psychological condition. While the report or evaluation may be conclusive with respect to Jocelyn’s psychological condition, this is not true for Angelito’s. The methodology employed simply cannot satisfy the required depth and comprehensiveness of examination required to evaluate a party alleged to be suffering from a psychological disorder. In short, this is not the psychological report that the Court can rely on as basis for the conclusion that psychological incapacity exists.

Other than this credibility or reliability gap, both the psychologist’s report and testimony simply provided a general description of Angelito’s purported anti-social personality disorder, supported by the characterization of this disorder as chronic, grave and incurable. The psychologist was conspicuously silent, however, on the bases for her conclusion or the particulars that gave rise to the characterization she gave. These particulars are simply not in the Report, and neither can they be found in her testimony.

Notably, the parties had lived together as husband and wife and it was a blissful union for them for the first few years of their married life. Their marriage started to collapse only in 2007 when petitioner-appellee left for Saudi Arabia to work and subsequently, he learned of the alleged extramarital affair of respondent Karla. This all the more shows that the requirement of juridical antecedence is not present. As held:

The totality of the evidence in this case does not support a finding that petitioner is psychologically incapacitated to fulfill his marital obligations. On the contrary, what is evident is the fact that petitioner was a good husband to respondent for a substantial period of time prior to their separation, a loving father to their children and a good provider of the family. Although he engaged in marital infidelity in at least two occasions, the same does not appear to be symptomatic of a grave psychological disorder which rendered him incapable of performing his spousal obligations. The same appears as the result of a general dissatisfaction with his marriage rather than a psychological disorder rooted in petitioner’s personal history.[30]

Verily, the alleged irresponsibility and sexual infidelity of respondent Karla cannot be equated with psychological incapacity as contemplated under Article 36, Family Code. At most, they would constitute a ground for legal separation. As held:

Accordingly, the RTC's findings that Dominic's psychological incapacity was characterized by gravity, antecedence and incurability could not stand scrutiny. The medical report failed to show that his actions indicated a psychological affliction of such a grave or serious nature that it was medically or clinically rooted. His alleged immaturity, deceitfulness and lack of remorse for his dishonesty and lack of affection did not necessarily constitute psychological incapacity. His inability to share or to take responsibility or to feel remorse over his misbehavior or to share his earnings with family members, albeit indicative of immaturity, was not necessarily a medically rooted psychological affliction that was incurable. Emotional immaturity and irresponsibility did not equate with psychological incapacity. Nor were his supposed sexual infidelity and criminal offenses manifestations of psychological incapacity. If at all, they would constitute a ground only for an action for legal separation under Article 55 of the Family Code.[31]

In fine, the trial court erred in declaring void ab initio the marriage of petitioner-appellee and respondent, as the totality of petitioner-appellee's evidence failed to establish respondent Karla's psychological incapacity.[32] Verily, marriage is an inviolable social institution protected by the State. Any doubt should be resolved in favor of its existence and continuation and against its dissolution and nullity. It cannot be dissolved at the whim of the parties or by transgressions made by one party to the other during the marriage.[33] Unless the evidence presented clearly reveals a situation where the parties or one of them, by reason of a grave and incurable psychological illness existing at the time the marriage was celebrated, was incapacitated to fulfill the obligations of marital life, then the Court is compelled to uphold the indissolubility of the marital tie.[34]

WHEREFORE, the trial court's Decision dated January 4, 2012 and Order dated March 9, 2012 are reversed, and the complaint for declaration of nullity of marriage is hereby dismissed.

SO ORDERED.

Acosta and Garcia-Fernandez, JJ., concur.

[1] pp. 16-38, Rollo

[2] pp. 41-44, Records

[3] pp. 78-79, *ibid.*

[4] pp. 2-7, Records & 40-41, Rollo

[5] pp. 40-41, Rollo

[6] pp. 2-6, Records

[7] p. 25, *ibid.*

[8] p. 27, *ibid.*

[9] p. 80, *ibid.*

[10] p. 39, *ibid.*

[11] TSN, September 15, 2011

[12] *ibid.*

[13] pp. 18-19, Records

[14] pp. 43-44, *ibid.*

[15] pp. 45-53, *ibid.*

[16] pp. 78-79, *ibid.*

[17] pp. 21-22, Rollo

[18] p. 42, *ibid.*

[19] *ibid.*

[20] pp. 22-37, *ibid.*

[21] *Mendoza vs. Republic of the Philippines*, 685 SCRA 16 [2012]

[22] TSN, September 15, 2011, pp. 3-5

[23] *ibid.*, p. 5

[24] *ibid.*, pp. 7-9

[25] *ibid.*, p. 7

[26] *ibid.*, pp. 6-7

[27] *ibid.*, pp. 6-9

[28] p. 31, Rollo

[29] 615 SCRA 154 [2010]

[30] *Villalon vs. Villalon*, 475 SCRA 572 [2005]

[31] *Mendoza vs. Republic of the Philippines*, 685 SCRA 16 [2012]

[32] *Mendoza vs. Republic of the Philippines*, 685 SCRA 16 [2012]

[33] *Republic of the Philippines vs. Cesar Encelan*, 688 SCRA 215 [2013]

[34] *Agraviador vs. Agraviador*, 637 SCRA 519 [2010]

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