

HELEN A. LINTAG, PETITIONER-APPELLEE, VS. EDSON LINTAG, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: DIMARANAN-VIDAL, J.

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DIMARANAN-VIDAL, J.:

This is an Appeal assailing the Decision[1] dated 13 August 2002 of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 2, Balanga City in Civil Case No. 7268, filed by Petitioner Appellee HELEN LINTAG for Declaration of Nullity of Marriage on ground of psychological incapacity of her spouse, EDSON LINTAG.

THE FACTS

Petitioner Appellee HELEN LINTAG (hereinafter Appellee) and EDSON LINTAG (hereinafter EDSON) got married on 22 June 1992 in Mariveles, Bataan.[2] Out of this union, two children namely, JOHN HEIDELBERG and HONEYLYN, both surnamed LINTAG, were born.[3]

On 8 March 2001, the Appellee filed a Petition for Declaration of Nullity of Marriage docketed as Civil Case No. 7268.[4] This petition was anchored on the ground of psychological incapacity of her spouse EDSON under Article 36 of the Family Code, which provides:

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.

The Office of the Solicitor General (OSG) filed its opposition[5] to the petition for the Appellee's failure to indubitably show that EDSON suffers from psychological incapacity as contemplated under Article 36, *supra*.

On 13 August 2002, the court *a quo* rendered a Decision declaring the marriage between the Appellee and EDSON, null and void. The dispositive part thereof reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring the marriage between the petitioner and respondent as null and void, on the ground of psychological incapacity on the part of the respondent. Further awarding the custody of the children John Heidelberg and Honeylyn Lintag to herein petitioner.

SO ORDERED.[6]

The OSG now interposes instant appeal premised on the following issues,[7]:

WHETHER OR NOT THE TRIAL COURT GRAVELY ERRED IN DECLARING THE MARRIAGE BETWEEN PETITIONER-APPELLEE AND THE RESPONDENT NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY.

WHETHER OR NOT THE TRIAL COURT GRAVELY ERRED IN EQUATING EMOTIONAL IMMATURITY, IRRESPONSIBILITY, AND EGOCENTRISM WITH PSYCHOLOGICAL INCAPACITY.

The OSG contends that the evidence on record fails to establish and prove the psychological incapacity of EDSON, firstly, the root cause of the alleged psychological incapacity has not been medically or clinically identified and the juridical antecedence and the requirement of gravity have not been established and secondly, the court a quo gave credence to the uncorroborated and self-serving testimony of the Appellee and the findings of Psychologist ESTRELLA B. DE SESTO.

Briefly, the issue before Us hinges on whether or not the evidence adduced by the Appellee warrants the declaration of nullity of marriage on the ground of psychological incapacity.

Our Ruling

The appeal is impressed with merit.

Verily, in an abundance of cases the Supreme Court laid down guidelines in determining the existence of psychological incapacity.

In *Santos v. Court of Appeals*,^[8] the Supreme Court, speaking through Mr. Justice Jose C. Vitug, elucidated:

xxx “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 concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt 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. This psychologic condition must exist at the time the marriage is celebrated. Xxx (underscoring supplied)

In *Santos* case, *supra*, psychological incapacity must be characterized by:

- (a) gravity – it must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in a marriage;
- (b) juridical antecedence – it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and
- (c) incurability – it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.

In the latter case of *Republic v. Court of Appeals and Molina*,^[9] the Supreme Court underscored, thus:

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.

Ms. DE SESTO in her testimony admitted that she did not personally examine EDSON.^[10] Thus, the very credibility of Ms. DE SESTO’s findings in this case is definitely questionable. We are cognizant of recent jurisprudence which doctrinally provides that a personal medical or psychological examination of the incapacitated spouse is not a condition sine qua non for the declaration of nullity based on Article 36 of the Family Code, however, this is on the assumption that the totality of the evidence presented supports it, which sadly, herein Appellee failed to satisfy.^[11] In the fairly recent case of *Republic of the Phil. v. Crasus L. Iyoy*,^[12] the Supreme Court emphasized that psychological incapacity must be established by the totality of the evidence

presented during the trial.

In the case at bar, the Appellee miserably failed to show with adequate proof that her spouse was psychologically incapacitated to fulfill his marital obligations. The evidence adduced by the Appellee consist merely of her testimony, the testimony of psychologist/consultant ESTRELLA B. DE SESTO, Case Analysis of the Appellee and Analysis of EDSON's Behavior based on the in-depth interview with the Appellee, both prepared by DE SESTO, and a certification from the Office of the Civil Registrar of Mariveles, Bataan of the facts of their marriage appearing in the Register of Marriages.

According to the Appellee, EDSON was irresponsible, disrespectful of her feelings, failed to look for a gainful employment, fond of his barkada, indulged in gambling such as cockfighting and had time and again abandoned his family for two or three months. However, the Appellee miserably failed to corroborate her asseverations with reliable and competent evidence.

Besides, the above-mentioned behavior of EDSON does not qualify within the essence of psychological incapacity, *supra*, contemplated under Article 36 of the Family Code. If at all, they are but manifestations of emotional immaturity and irresponsibility. Such were noted by psychologist/consultant DE SESTO who in her Analysis of Respondent's Behavior,[13] concluded:

Diagnostic Impression:

From the in-depth interview with [P], my impression is that (R) is suffering from personality disorder aggravated by his being irresponsible, emotionally immature and egocentric.

Undoubtedly, the foregoing only tends to show a mere refusal rather than utter insensitivity or inability to give meaning and significance to his marital vows. In *Crasus L. Iyoy* case, *supra*, [14] the Supreme Court emphatically held:

It is worthy to emphasize that Article 36 of the Family Code of the Philippines contemplates downright incapacity or inability to take cognizance of and to assume the basic marital obligations; not a mere refusal, neglect or difficulty, much less, ill will, on the part of the errant spouse. Irreconcilable differences, conflicting personalities, emotional immaturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment, by themselves, also do not warrant a finding of psychological incapacity under the said Article. (underscoring supplied)

Viewed in the light of the aforecited jurisprudential parameters, this Court finds that the totality of evidence presented by the Appellee failed to establish the alleged psychological incapacity of her husband EDSON.

EDSON's irresponsibility, immaturity and egocentrism may have caused the Appellee desperation, frustration, and grief, nonetheless, the afore-described characteristics, behavior and acts of her husband do not satisfactorily establish a psychological or mental defect that is serious, grave, or incurable and in existence at the time of the celebration of the marriage. Even when the rules have been relaxed and the personal examination by a psychiatrist or psychologist is no longer mandatory for the declaration of nullity of their marriage under Article 36 of the Family Code,[15] the totality of evidence presented during trial by the Appellee, as spouse seeking the declaration of nullity of marriage, must still prove the gravity, juridical antecedence and incurability of the alleged psychological incapacity.[16]

Moreover, in consonance with the policy, enshrined in the 1987 Philippine Constitution, to protect and strengthen the family as the basic social institution and marriage as the foundation of the family,[17] this Court believes that any doubt shall be resolved in favor of the validity of the marriage.[18]

Given the foregoing factual and legal backdrop, this Court sustains the validity and existence of the marriage

between the Appellee and EDSON. While this Court shows sympathy and compassion to the Appellee's difficult situation, sadly though, the lifetime commitment the Appellee and EDSON vowed to share shall remain intact and inviolable.

WHEREFORE, instant Appeal is GRANTED and the assailed Decision of the court a quo is REVERSED and SET ASIDE.

SO ORDERED.

Reyes, (Chairman) and Lampas Peralta, JJ., concur.

[1] Rollo, pp. 5-7

[2] Records, p.5

[3] Rollo, p.5

[4] Records, pp. 2-4

[5] id., pp. 19-22

[6] Rollo, p.7

[7] Rollo, p 36

[8] G. R. No. 112019, 4 January 1995, 240 SCRA 20.

[9] G. R. No. 108763, 13 February 1997, 268 SCRA 198.

[10] TSN dated 11 April 2002, p. 4

[11] Marcos v. Marcos, G. R. No. 136490, 19 October 2000, 343 SCRA 755

[12] G. R. No. 152577, 21 September 2005

[13] Records, pp. 48-49

[14] G. R. No. 152577, 21 September 2005.

[15] supra at note 10

[16] Santos v. CA, supra, note 7

[17] Sections 1 and 2, Article XV of the 1987 Philippine Constitution

[18] Republic v. Dagdag, G. R. No. 109975, 9 February 2001, 351 SCRA 425; Marcos v. Marcos, supra, note 10, Hernandez v. CA, G. R. No. 126010, 8 December 1999, 320 SCRA 76.

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