

MICHAEL C. ARAHAN, PETITIONER-APPELLEE, VS. MA. VANGIE ARCO-ARAHAHAN, RESPONDENT,

Ponente: SORONGON, E.D., J.

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This is an Appeal filed by the Republic of the Philippines (the Republic) through the Office of the Solicitor General (OSG) assailing the Decision[1] dated February 10, 2011 of the Regional Trial Court (RTC), Branch 24 of Biñan, Laguna, in Civil Case No. B-7617, which granted the petition for the declaration of nullity of marriage of Michael C. Arahan (petitioner-appellee) and Ma. Vangie Arco-Arahan (respondent).

Based on the records, the parties met in the early part of 2004 in a night club where she worked as a GRO. Though there was no formal courtship they went out on dates wherein petitioner-appellee found respondent to be caring, thoughtful and sweet. Sometime in May 2004, they agreed to live together until November 29, 2004 when he left for Japan to work. While in Japan, petitioner-appellee regularly sent respondent money for her daily needs and for their future savings as well. In May 2005, he went home to the Philippines and was dismayed to find out that respondent had not saved any money. Despite her being a spendthrift his love for her did not wane and on June 23, 2005 he decided to marry her in Biñan, Laguna. In September 2006, petitioner-appellee returned to Japan along with the respondent. In Japan he supported respondent with all her needs including a credit card accomodation. After several months, petitioner-appellee noticed that respondent was always out of their house until she finally left him to cohabit with a Japanese national. He tried to win her back but proved to be in vain. He saw her in February 28, 2008 in the Philippines but instead of reconciling with him, she stayed in St. Francis VII Subdivision, San Antonio, Biñan, Laguna. Her refusal to live with him shows her indifference and lack of remorse for her past actions, irresponsibility and disregard of her marital obligations. Hence, this petition for the declaration of nullity of their marriage under Article 36 of the Family Code.

Despite service of summons and a copy of the petition, respondent failed to file her answer. On March 18, 2009, the trial court issued an Order[2] directing the assistant provincial prosecutor to investigate whether collusion exists between the parties, that no evidence is fabricated and/or suppressed, and to submit his report thereon. Thereafter, the public prosecutor submitted the report[3] stating that there is no collusion or fabrication of evidence in this case.

During trial petitioner-appellee and Mrs. Visitacion G. Revita, a clinical psychologist, testified.

By Decision[4] dated February 10, 2010 the trial court granted the petition, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered as follows:

- Declaring the marriage between petitioner MICHAEL C. ARAHAN and respondent MA. VANGIE ARCO ARAHAN celebrated on 23 June 2005 in civil rites in Biñan, Laguna, solemnized by Hon. Hermis C. Perez, Municipal Mayor, as NULL AND VOID pursuant to Article 36 of the Family Code of the Philippines;
- The Absolute Community of Property between the parties be dissolved;

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- The petitioner's and respondent's civil status be changed from that of "married" to "single";
- Ordering the City Civil Registrar of Biñan, Laguna, and the National Census and Statistics Office (NCSO), to change, delete and/or expunge from their respective book of marriages the entry of marriage between the petitioner and respondent and such other documents appearing in said offices, but this Order shall only take effect upon finality of this decision.

Upon finality of this Decision, let copies be furnished the Local Civil Registrar of Biñan, Laguna, and the National Census and Statistics Office for these offices to comply with the above-mentioned Orders of this Court.

SO ORDERED. "

On May 9, 2011, the Republic filed a Motion for Reconsideration[5] which the trial court denied by Order[6] dated May 16, 2011. The Notice of Appeal[7] it consequently filed was approved by Order[8] of the trial court dated June 22, 2011.

In this appeal, the Republic seeks to reverse and set aside the decision of the trial court because: THE COURT A QUO ERRED IN DECLARING THE SUBJECT MARRIAGE NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE. The appeal is meritorious.

In the case of Santos v. Court of Appeals[9], the Supreme Court held 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." 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 foregoing ruling was reinforced in the case of Republic vs. Court of Appeals[10] (the Molina case) where the Supreme Court laid down the following guidelines for Article 36 of the Family Code to apply as ground for declaration of nullity of marriage, to wit:

- (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. xxx.
- (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. xxx.
- (3) The incapacity must be proven to be existing at the "time of the celebration" of the marriage. xxx.
- (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. xxx.
- (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 689 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 of the Philippines, while not controlling or decisive, should be given great respect by our courts.

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

The Republic correctly observed that the allegations in the petition, petitioner-appellee's testimony and the clinical findings of clinical psychologist Mrs. Visitacion G. Revita fell short of the standards set forth in the Santos and Molina cases to prove that respondent is suffering from psychological incapacity as contemplated by Article 36 of the Family Code.

The allegations concerning respondent's behavioral disequilibrium were not sufficiently proven by sufficient evidence. Contrary to the trial court's decision, petitioner-appellee failed to adequately establish the root cause, gravity, and incurability of respondent's alleged psychological incapacity pursuant to the Supreme Court's ruling in Santos[11]. Under the prevailing jurisprudence, even if petitioner-appellee's claims were true, respondent's alleged profligacy[12] and irresponsibility[13], sexual infidelity[14] and abandonment[15] cannot be automatically equated to psychological incapacity.

Mrs. Visitacion G. Revita, a clinical psychologist, testified and stated in her psychological report that respondent is suffering from "Narcissistic Type" personality disorder that is serious, grave, incurable and permanent. However, she failed to sufficiently explain the underlying reasons that led her to conclude the seriousness, gravity, and incurability of respondent's psychological disorder as well as the causal connection between respondent's alleged personality disorder and her alleged failure to fulfill her essential marital obligations. Such broad generalizations without any factual or scientific basis are clearly insufficient to establish the existence of respondent's alleged psychological incapacity. Furthermore, her failure to personally examine the respondent raises serious doubts on the credibility and probative value of the psychological report. The Supreme Court in the case of Padilla-Rumbauana vs. Rumbauana[16] held that while the various tests administered on the petitioner could have been used as a fair gauge to assess his or her own psychological condition, the same conclusions could not be made with respect to respondent's psychological condition. Hence, the generalizations about respondent's psychological condition, contained in her report, based solely on the information fed by petitioner-appellee, are similar to admitting hearsay evidence as proof of the truthfulness of the content of such evidence.[17] In sum, her report as well as her testimony are clearly insufficient to support the conclusion that petitioner-appellee's marriage to respondent should be nullified on the ground of the latter's psychological incapacity.

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[18], strict standards are adopted in assessing the sufficiency of petitioner-appellee's evidence in this case. Since the evidence he presented before the trial court failed to hurdle the stringent standards established by law and jurisprudence, then his marriage could not be nullified under Article 36 of the Family Code despite the seemingly disastrous condition that petitioner-appellee found himself in.

WHEREFORE, the appeal is GRANTED and the assailed Decision dated February 10, 2011 of the Regional Trial Court (RTC), Branch 24, Biñan, Laguna is hereby REVERSED AND SET ASIDE. A new judgment is entered DISMISSING the petition for declaration of the subject marriage and UPHOLDING its validity and existence.

SO ORDERED.

Reyes Jr., A.B. Chairperson, and Rosario, R.R. JJ., concur.

- [1] Record, pp. 82-91.
- [2] Id., p. 16.
- [3] Id., p. 17.
- [4] Supra note 1.
- [5] Records, pp. 92-104.
- [6] Id., pp.107-108.
- [7] Id., pp.111-112.
- [8] Id., p. 109.
- [9] G.R. No. 112019, January 4, 1995, 240 SCRA 20.
- [10] 335 Phil 664 (1997)
- [11] Supra note 10.
- [12] Being wasteful, extravagant or spendthrift. See the Court's ruling in *Aspillaga v. Aspillaga*, G.R. No. 170925, October 26, 2009.
- [13] *Pesca v. Pesca*, G.R. No. 136921, April 17, 2001
- [14] *Toring v. Toring*, G.R. No. 165321, August 3, 2010.
- [15] *Perez-Ferraris v. Ferraris*, G.R. No. 162368, July 17, 2006.
- [16] G.R. No. 166738, August 14, 2009.
- [17] Id.
- [18] *Navales v. Navales*, supra note 11.

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