ROCIELLA G. PASCUAL-REYRATA, PETITIONER-APPELLEE, VS. RONNIE B. REYRATA, RESPONDENT-APPELLEE,

Ponente: VILLON, J.

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VILLON, J.:

This is an ordinary appeal under Rule 41, Section 2 (a) of the 1997 Rules of Civil Procedure, as amended, from the decision[1] dated September 27, 2010 and order[2] dated January 5, 2011 of the Regional Trial Court (RTC), Fourth Judicial Region, Branch 90, Dasmariñas, Cavite in Civil Case No. 3375-10 for Declaration of Nullity of Marriage.

The factual and procedural antecedents of the case are as follows:

Petitioner-appellee Rociella G. Pascual-Reyrata (or “Rociella”) and respondent-appellee Ronnie B. Reyrata (or “Ronnie”) were married on January 28, 1991,[3] allegedly after Rociella discovered that she was pregnant. Later on, however, their relationship turned sour. In her petition for declaration of nullity of marriage which she filed with the RTC on December 14, 2009, Rociella alleged, inter alia, that:

> “xxx xxx xxx
>
> - Petitioner and respondent met through her sister. Her sister's best friend happened to be the girlfriend of the respondent. Prior to their meeting, she came to know that the girl commit (sic) suicide because of respondent.
>
> - Upon their meeting, petitioner noticed respondent's very good looking and he is gifted with glibness. He appeared to be very nice with her.
>
> - Their friendship bloomed into a romantic relationship. They became sweethearts and became intimately related to each other. Having frequent pre-marital sexual reaction, they decided to live together as husband and wife without the benefit of marriage.
>
> - While being together, she caught him holding hands with another girl. She confronted him and she tried to commit suicide because of depression. There, she came to know that she was pregnant.
>
> - When she informed respondent about her pregnancy, they agreed to be married on January 28, 1991 [Annex 'A'].
>
> - The couple lived together with the respondent's family. She found his family to be very nice to her. She thought that her parents-in-law and her brother-in-law were very cordial with her though she noticed that her brother-in-law has vices.
>
> - As time passed by, respondent's true color became manifest. Respondent would drink with his peers though she tolerated it at first thinking that nothing was wrong with his drinking. Her husband lived a life like that of a bachelor and began to take prohibited drugs and bringing every now and them women. Respondent would not come home for days then weeks.
>
> - Her husband's total neglect aggravated and eventually imposed harsh treatment towards her. Worse, their verbal bouts would end up into her getting physically beaten up. Their daughter [Annex 'B'] was not spared

from respondent's violence to the extent of ordering her to choose between him and mother.

- Petitioner knew that she would not accept thing from her gravely irresponsible and callous husband if she was really a husband as she could not feel him to be that because of his uncaring ways to her, they were only husband and wife in paper.

- On seeking legal consultation, she was advised to consult first a psychologist for determination as to the cause of the failure of her marriage with the respondent.

- According to the Psychological Report xxx The respondent is suffering from a personality deficit known as HISTRIONIC PERSONALITY DISORDER, a condition deemed to be grave, severe, long lasting and incurable by any psychopharmacological treatment. Respondent's personality disorder incapacitated him from appropriately living up to his marital vows to properly assume and comply with the essential roles and obligations of a married man.

- The said disorder of the respondent started to develop even during the early years of his life during which he seemed to have longed for his family's love, care and attention, especially from his father who physically, verbally, emotionally and psychologically abused him including the dysfunctional relationships among his family members, must have reinforced this attention-seeking behavior within him.

- The respondent's personality flaws became an embedded part of his structure, thus, making him a hopeless case for transformation since he thinks that his ways are normal and acceptable, and therefore, no change should be made.

- The report further states that the psychological incapacity of the respondent is characterized by juridical antecedence as it already existed long before he entered marriage with the petitioner.

xxx xxx xxx"[4]

Accordingly, writ of summons was served[5] upon Ronnie who failed to file his answer to the petition. Upon Rociella's motion,[6] the court a quo ordered[7] the Office of the Provincial Prosecutor of Cavite to conduct an investigation to determine whether there was a collusion between the parties, which report[8] was submitted to the RTC on May 24, 2010. Pre-trial then ensued, followed by trial on the merits.

In addition to the submission of the psychological report[9] of Professor Antero V. Arias, Jr. (or "Prof. Arias"), Rociella and Prof. Arias executed their respective judicial affidavits[10] and thereafter testified before the court a quo.

On September 27, 2010, the RTC rendered the assailed decision granting Rociella's petition, disposing as follows:

"The Court finds that the totality of the evidence of the petitioner verily shows that the respondent is psychologically incapacitated to comply with his marital obligations, and the findings of Prof. Antero V. Arias, Jr. likewise proves that the personality disorder of the respondent that is rooted in his childhood, has resulted into a grave psychological incapacity of the respondent to perform his marital obligations. Consequently, it led to the breakdown of the marriage. The Court feels that the State, that is the protector of this social institution called marriage, should no longer sustain this marriage, which was torn down not by mere incompatibility or immaturity, but by the vivid psychological incapacity of the respondent, consistent with current jurisprudence on the matter. Thus, the Court holds to GRANT this petition.

WHEREFORE, premises considered, Court hereby declares the marriage contracted by the petitioner ROCIELLA G. PASCUAL-REYRATA to the respondent RONNIE B. REYRATA on January 28, 1991 in Manila, to be NULL AND VOID AB INITIO.

ACCORDINGLY, pursuant to the provisions of A.M. No. 02-11-10-SC, the Clerk of Court is directed to enter

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> this judgment upon its finality in the Book of Entry of Judgment and to issue the corresponding Entry of Judgment. Thereupon, the Local Civil Registrars of Manila and Imus, Cavite, are also mandated to cause the registration of the said ENTRY OF JUDGMENT in their respective Book of Marriages.
>
> Likewise, furnish the petitioner and the counsel for the petitioner, the respondent, the Solicitor General, 3rd Assistant Provincial Prosecutor Oscar R. Jarlos and the Civil Registrar General with copies hereof.
>
> Upon compliance, this Court shall forthwith issue the DECREE OF NULLITY OF MARRIAGE.
>
> SO ORDERED."[11]

The motion for reconsideration[12] of the above decision, filed by the Office of the Solicitor General (OSG) in behalf of oppositor-appellant Republic of the Philippines, was denied in the assailed January 5, 2011 resolution.

Hence the present recourse, appellant ascribing to the court a quo a lone error, to wit:

> THE HONORABLE REGIONAL TRIAL COURT ERRED IN DECLARING THAT THE MARRIAGE BETWEEN PETITIONER-APPELLEE ROCIELLA G. PASCUAL-REYRATA ['ROCIELLA'] AND RESPONDENT-APPELLEE RONNIE B. REYRATA ['RONNIE'] IS NULL AND VOID AB INITIO. PETITIONER-APPELLEE FAILED TO ESTABLISH ALL THE ESSENTIAL REQUISITES OF RESPONDENT-APPELLEE'S PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE OF THE PHILIPPINES.[13]

Article 36 of the Family Code provides as ground for the declaration of nullity of marriage the psychological incapacity of any of the spouses. Thus:

> "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."

Article 36 contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations.[14] It refers to a serious psychological illness afflicting a party even before the celebration of the marriage.[15] Mere "difficulty," "refusal" or "neglect" in the performance of marital obligations or "ill will" on the part of the spouse is different from "incapacity" rooted on some debilitating psychological condition or illness.[16] It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.[17] Each case for declaration of nullity under the foregoing provision must be judged, not on the basis of a priori assumptions, predilections, or generalizations, but according to its own facts.[18]

Psychological incapacity must 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] which, as expressed by Article 68[20] of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity; and render help and support. The intendment of the law has been to confine it to the most serious of cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.[21]

In Leouel Santos v. Court of Appeals,[22] the Supreme Court first declared that psychological incapacity must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability.[23] It explained:

> (a)
>
> Gravity – It must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage;

(b)

Judicial 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.[24]

The plaintiff bears the burden of proving the juridical antecedence (i.e., the existence at the time of the celebration of marriage), gravity and incurability of the condition of the errant spouse.[25] The plaintiff must prove that the incapacitated party, based on his or her actions or behavior, suffers a serious psychological disorder that completely disables him or her from understanding and discharging the essential obligations of the marital state. The psychological problem must be grave, must have existed at the time of marriage, and must be incurable.[26]

In the landmark case of Republic of the Philippines v. Court of Appeals and Roridel Molina,[27] the Supreme Court created the guidelines to aid the courts in the disposition of cases involving psychological incapacity,[28] to wit:

- 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 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 physically 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 explained. Expert evidence may be given qualified psychiatrist and clinical psychologists.

- 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.

- 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 may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

- Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, "mild characteriological peculiarities, mood changes, occasional emotional outbursts" cannot be accepted as root causes. The illness must be shown as downright incapacity or inability,

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> 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.
>
> - 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.
>
> - 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. It is clear that Article 36 was taken by the Family Code Revision Committee from Canon 1095 of the New Code of Canon Law, which became effective in 1983 and which provides:
>
> The following are incapable of contracting marriage: Those who are unable to assume the essential obligations of marriage due to causes of psychological nature.

Since the purpose of including such provision in our Family Code is to harmonize our civil laws with the religious faith of our people, it stands to reason that to achieve such harmonization, great persuasive weight should be given to decision of such appellate tribunal. Ideally — subject to our law on evidence — what is decreed as canonically invalid should also be decreed civilly void.

This is one instance where, in view of the evident source and purpose of the Family Code provision, contemporaneous religious interpretation is to be given persuasive effect. Here, the State and the Church — while remaining independent, separate and apart from each other — shall walk together in synodal cadence towards the same goal of protecting and cherishing marriage and the family as the inviolable base of the nation.

- The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall he handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly staring 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.

By the very nature of cases involving the application of Article 36, it is logical and understandable to give weight to the expert opinions furnished by psychologists regarding the psychological temperament of parties in order to determine the root cause, juridical antecedence, gravity and incurability of the psychological incapacity. However, such opinions, while highly advisable, are not conditions sine qua non in granting petitions for declaration of nullity of marriage. At best, courts must treat such opinions as decisive but not indispensable evidence in determining the merits of a given case.[29] It bears repeating that the trial courts, as in all the other cases they try, must always base their judgments not solely on the expert opinions presented by the parties but on the totality of evidence adduced in the course of their proceedings.[30] What is important is the presence of evidence that can adequately establish the party's psychological condition. For indeed, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.[31]

The appeal is impressed with merit.

The well-settled rule that factual findings of trial courts deserve respect, sometimes even finality, is based on the postulate that they had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of witnesses and to observe their conduct and demeanor on the stand. But where the factual assessments refer to

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documents that are available to the scrutiny of appellate courts in the same manner that they were to the lower courts, this reliance does not apply.[32]

In rendering the assailed decision, the RTC heavily relied on the psychological report of Prof. Arias finding Ronnie afflicted with Histrionic Personality Disorder. It bears stressing, however, that all the information on Ronnie's personal history was provided solely by Rociella and, to a certain extent, the spouses' daughter. Although there is no requirement that a party to be declared psychologically incapacitated should be personally examined by a physician or a psychologist, there is nevertheless a need to prove the psychological incapacity through independent evidence adduced by the person alleging said disorder.[33] Thus, the Supreme Court had occasion to rule in several cases that "that to make conclusions and generalizations on a spouse's psychological condition based on the information fed by only one side, similar to what we have pointed out in the case at bar, is, to the Court's mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence."[34] Such is obtaining in this case. Consequently, insofar as proving the mental condition of Ronnie, the psychological report of Prof. Arias is bereft of evidentiary value.

More importantly, there is no showing that Ronnie's alleged vices and traits – alcoholism, drug addiction, indifference, violent behavior, and sexual infidelity – reflect "a serious psychological illness afflicting a party even before the celebration of the marriage."[35] It is settled that irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity, as the same may only be due to a person's difficulty, refusal or neglect to undertake the obligations of marriage that is not rooted in some psychological illness that Article 36 addresses.[36] It must be a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.[37]

As all people may have certain quirks and idiosyncrasies, or isolated traits associated with certain personality disorders, there is hardly any doubt that the intention 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.[38] It is not enough that the appellee, alleged to be psychologically incapacitated, had difficulty in complying with his marital obligations, or was unwilling to perform these obligations. Proof of a natal or supervening disabling factor – an adverse integral element in the appellee's personality structure that effectively incapacitated him from complying with his essential marital obligations – must be shown.[39] The root cause must be identified as a psychological illness and its incapacitating nature must be fully explained,[40] which Rociella failed to convincingly demonstrate.

All told, We find that the RTC committed reversible error when it declared the nullity of the marriage between Rociella and Ronnie on the ground of the latter's psychological incapacity. While We sympathize with Rociella's frustration and misery in finding herself shackled, so to speak, to a marriage that is no longer working, regrettably, there are situations like this one, where neither law nor society can provide the specific answers to every individual problem.[41] Ours is still a limited remedy that addresses only a very specific situation – a relationship where no marriage could have validly been concluded because the parties, or one of them, by reason of a grave and incurable psychological illness existing when the marriage was celebrated, did not appreciate the obligations of marital life and, thus, could not have validly entered into a marriage. Outside of this situation, this Court is powerless to provide any permanent remedy.[42]

It remains settled that the State has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life and its mission to protect and strengthen the family as a basic autonomous social institution. Hence, any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.[43] Semper praesumitur pro matrimonio. The presumption is always in favor of

the validity of the marriage.[44] Unless the evidence presented clearly reveals a situation where the parties, or one of them, could not have validly entered into a marriage by reason of a grave and serious psychological illness existing at the time it was celebrated, We are compelled, as in this case, to uphold the indissolubility of the marital tie.[45]

WHEREFORE, in light of all the foregoing, the decision dated September 27, 2010 and order dated January 5, 2011 of Branch 90, Regional Trial Court of Dasmariñas, Cavite in Civil Case No. 3375-10 are hereby REVERSED and SET ASIDE. The petition for declaration of nullity of marriage filed by herein petitioner-appellee Rociella G. Pascual-Reyrata is hereby DISMISSED.

SO ORDERED.

Sadang, M.Q.C.,[*] and Corales, P.B., JJ., concur.

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[*] Vice Justice Florito S. Macalino per Office Order No. 469-14-ABR dated November 14, 2014.

[1] Rollo, pp. 38-40; penned by Judge Perla V. Cabrera-Faller.

[2] Rollo, p. 41.

[3] Records, p. 5.

[4] Records, pp. 1-3.

[5] Records, p. 41.

[6] Records, p. 43.

[7] Records, p. 46.

[8] Records, p. 48.

[9] Records, pp. 7-18.

[10] Records, pp. 53-56, 59-62.

[11] Rollo, pp. 39-40.

[12] Records, pp. 68-77.

[13] Rollo, p. 23.

[14] Nilda V. Navales v. Reynaldo Navales, G.R. No. 167523, June 27, 2008.

[15] Rodolfo A. Aspillaga v. Aurora A. Aspillaga, G.R. No. 170925, October 26, 2009.

[16] Rowena Padilla-Rumbaua v. Edward Rumbaua, G.R. No. 166738, August 14, 2009.

[17] Jose Reynaldo B. Ochosa v. Bona J. Alano, G.R. No. 167459, January 26, 2011.

[18] Cynthia E. Yambao v. Republic of the Philippines, G.R. No. 184063, January 24, 2011.

[19] Rosalino L. Marable v. Myrna F. Marable, G.R. No. 178741, January 17, 2011.

[20] Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

[21] Edward Kenneth Ngo Te v. Rowena Ong Gutierrez Yu-Te, G.R. No. 161793, February 13, 2009.

[22] G.R. No. 112019, January 4, 1995.

[23] Enrique Agraviador v. Erlinda Amparo-Agraviador, G.R. No. 170729, December 8, 2010.

[24] Ma. Darlene Dimayuga-Laurena v. Court of Appeals, G.R. No. 159220, September 22, 2008.

[25] Republic of the Philippines v. Cesar Encelan, G.R. No. 170022, January 9, 2013.

[26] Valerio E. Kalaw v. Ma. Elena Fernandez, G.R. No. 166357, September 19, 2011.

[27] G.R. No. 108763, February 13, 1997.

[28] Danilo A. Aurelio v. Vida Ma. Corazon P. Aurelio, G.R. No. 175367, June 6, 2011.

[29] Benjamin G. Ting v. Carmen M. Velez-Ting, G.R. No. 166562, March 31, 2009.

[30] Arabelle J. Mendoza v. Republic of the Philippines, G.R. No. 157649, November 12, 2012.

[31] Digna A. Najera v. Eduardo J. Najera, G.R. No. 164817, July 3, 2009.

[32] Nora T. Jimenez v. Commission on Ecumenical Mission and Relations of the United Presbyterian Church in the United States of America, G.R. No. 140472, June 10, 2002.

[33] Jordan Chan Paz v. Jeanice Pavon Paz, G.R. No. 166579, February 18, 2010.

[34] Jose Reynaldo B. Ochosa v. Bona J. Alano, G.R. No. 167459, January 26, 2011.

[35] Aspillaga v. Aspillaga, supra.

[36] Ricardo P. Toring v. Teresita M. Toring, G.R. No. 165321, August 3, 2010.

[37] Noel B. Baccay v. Maribel C. Baccay, G.R. No. 173138, December 1, 2010.

[38] Nilda V. Navales v. Reynaldo Navales, G.R. No. 167523, June 27, 2008.

[39] Jocelyn M. Suazo v. Angelito Suazo, G.R. No. 164493, March 10, 2010.

[40] Ma. Armida Perez-Ferraris v. Brix Ferraris, G.R. No. 162368, July 17, 2006.

[41] Veronica Cabacungan Alcazar v. Rey C. Alcazar, G.R. No. 174451, October 13, 2009.

[42] Renato Reyes So v. Lorna Valera, G.R. No. 150677, June 5, 2009.

[43] Ma. Socorro Camacho-Reyes v. Ramon Reyes, G.R. No. 185286, August 18, 2010.

[44] Restituto M. Alcantara v. Rosita A. Alcantara, G.R. No. 167746, August 28, 2007.

[45] Republic of the Philippines v. Nestor Galang, G.R. No. 168335, June 6, 2011.

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