

ROBERSLY C. CANZANA, PETITIONER-APPELLANT, VS. VIRMAN S. CANZANA, RESPONDENT-APPELLEE.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Before the Court is an appeal by petitioner-appellant from the Decision dated September 20, 2013[1] in Civil Case No. 11-0745-M of Branch 64, Regional Trial Court, Mauban, Quezon dismissing petitioner-appellant's petition for "Judicial Declaration of Nullity of a Void Marriage under Article 36[2] of the Family Code" for insufficiency of evidence.

THE ANTECEDENTS

In 2003, petitioner-appellant Rober Sly C. Canzana and respondent-appellee Virman S. Canzana were introduced to each other by a common friend.[3] After a courtship which lasted three (3) weeks, petitioner-appellant and respondent-appellee became sweethearts. Petitioner-appellant informed respondent-appellee that she already had a son by a former boyfriend named Noli Engreso who did not want to marry her. Respondent-appellee reassured petitioner-appellant that he would love and care for the latter's son as his own.[4] After months of being together, petitioner-appellant and respondent-appellee were married on December 19, 2003.[5] Petitioner-appellant and respondent-appellee stayed with respondent-appellee's parents before moving to the house of petitioner-appellant's parents.[6] Respondent-appellee first made his living by plying a tricycle bought by petitioner-appellant's parents. He also worked as a security guard. Petitioner-appellant and respondent-appellee had a son, Virman C. Canzano, Jr.[7]

In 2008, petitioner-appellant left the Philippines to work in Norway.[8] When she came back, she filed a petition[9] against respondent-appellee for "Judicial Declaration of Nullity of a Void Marriage under Article 36 of the Family Code," alleging that (i) respondent-appellee demonstrated extreme jealousy and his demand for petitioner-appellant to ride the back seat of the tricycle whenever he plied his route resulted in the miscarriage of their first child; (ii) respondent-appellee was always angry with petitioner-appellant's son by Noli Engreso and would always inflict physical violence on the child; (iii) respondent-appellee was a hot-headed person and would always engage in quarrels that became subject of complaints in their barangay; (iv) petitioner-appellant was forced to work as a saleslady to sustain the needs of their family and was compelled to resign from her job because respondent-appellee was jealous of her workmates; (v) when petitioner-appellant's son by Noli Engreso visited them at home, Noli Engreso himself happened to pass by and respondent-appellee threatened to kill him with the gun he was then cleaning for use in his job as a security guard; (vi) respondent-appellee cannot get along with their landlords and neighbors; (vii) when petitioner-appellant worked in Norway, respondent-appellee squandered her earnings and dated another woman; (viii) upon petitioner-appellant's arrival from Norway, she saw burn marks on Virman C. Canzana, Jr. which the latter told her was sustained while backriding on respondent-appellee's tricycle; (ix) respondent-appellee hated petitioner-appellant's mother and made threats to kill her; (x) respondent-appellee was a drunkard who lost control of himself whenever he was drunk; (xi) respondent-appellee suffered from psychological incapacity that existed at the time of the celebration of marriage, but became manifest only after its solemnization and said psychological incapacity, which was diagnosed as

“Atypical Personality Disorder” by Dr. Carmelita I. Custodio, rendered him incapable of performing the essential marital obligations. Petitioner-appellant prayed that her marriage with respondent-appellee be declared null and void on the ground of psychological incapacity of respondent-appellee. Petitioner-appellant further prayed that she and in her absence, her parents, be awarded custody of Virman C. Canzana, Jr.

In his answer,[10] which was written in the vernacular without the assistance of counsel, respondent-appellee alleged, among others, that (i) he wholeheartedly accepted petitioner-appellant's son by another man and even provided for the child; (ii) respondent-appellee worked as a security guard and also engaged in other jobs to augment his income; (iii) he was a quiet man who did not want trouble and even if petitioner-appellant had an amorous relationship with another man, respondent-appellee never cheated on petitioner-appellant nor laid a hand on her; (iv) he passed the “Nevro test” for becoming a security guard which proved that he had a stable mind and he was not suicidal; (v) it was his mother-in-law who was determined to break up his marriage with petitioner-appellant because his mother-in-law never liked him and could not manipulate his life; (vi) while they were still boyfriend and girlfriend, petitioner-appellant worked as a prostitute in a bar in Cavite and even engaged in sexual intercourse with some of respondent-appellee's friends, but respondent-appellee still married her thinking that he could change her; (vii) when petitioner-appellant worked in Norway, she never sent money to respondent-appellee who undertook all the responsibilities of caring for their child; (viii) their child sustained head injuries while in the care of petitioner-appellant's parents; and, (ix) even after everything that had happened, respondent-appellee still loves petitioner-appellant and would still accept her. Respondent-appellee prayed for the dismissal of the petition.

During the pre-trial,[11] the parties made the following stipulation of facts:

“1. The fact of marriage between the petitioner and the respondent on December 19, 2003 before Hon. Judge Virgilio C. Alpajora of RTC, Br. 64, Mauban, Quezon;

2. The fact of registration of said marriage before the Office of the Local Civil Registrar of Mauban, Quezon under Registry No. 2003-310 as well as in the National Statistics Office (NSO), Manila;

3. The fact of birth of the petitioner and respondent's son Virman Calucin Canzana, Jr., born on June 15, 2007 and is now four (4) years old.”

Trial ensued. The public prosecutor, as deputized by the Solicitor General, entered his appearance in behalf of the State.[12] Petitioner-appellant[13] and Dr. Carmelita I. Custodio[14] were presented as witnesses. Respondent-appellee was the sole witness for himself.[15]

After the parties had presented their respective evidence, the trial court rendered a Decision dated September 20, 2013[16] dismissing petitioner-appellant's petition for declaration of nullity of marriage for insufficiency of evidence. Thus:

“WHEREFORE, of the foregoing, the Court orders the dismissal of this case as it is hereby dismissed for insufficiency of petitioner's evidence that respondent is psychologically incapacitated to comply with his essential obligation to the marriage.

The custody of the couple's minor child Virman Canzana, Jr. born on June 15, 2007 being only six (6) years old as of this writing is awarded to the petitioner pursuant under Art. 213 of the Family Code subject to the visitation rights of the respondent.

SO ORDERED.”

Thus, petitioner-appellant filed the present appeal which is premised on the following assignment of errors:

"IV.A

THE TRIAL COURT COMMITTED A REVERSIBLE ERROR WHEN IT RULED THAT THE EVIDENCE OF THE APPELLANT IS INSUFFICIENT TO PROVE THAT THE APPELLEE IS PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH HIS ESSENTIAL OBLIGATION TO THE MARRIAGE

IV.B

THE TRIAL COURT COMMITTED A REVERSIBLE ERROR WHEN IT RULED THAT THE FINDINGS OF THE PSYCHIATRIST THAT THE APPELLEE WAS SUFFERING FROM ATYPICAL PERSONALITY DISORDER FAILED TO ESTABLISH HOW THE SAID INCAPACITY PREVENTED HIM FROM VALIDLY ASSUMING HIS ESSENTIAL OBLIGATIONS TO THE MARRIAGE; AND

IV.C

THE TRIAL COURT COMMITTED A REVERSIBLE ERROR WHEN IT DISMISSED THE INSTANT PETITION DESPITE SUFFICIENT PROOF AND EVIDENCE THAT INDEED APPELLEE IS PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH HIS ESSENTIAL MARITAL OBLIGATIONS.”[17]

THE ISSUE

Whether the trial court erred in finding that petitioner-appellant's evidence was insufficient to establish the alleged psychological incapacity of respondent-appellee to perform his marital obligations.

THE COURT'S RULING

In denying petitioner-appellant's complaint for "Judicial Declaration of Nullity of a Void Marriage under Article 36 of the Family Code," the trial court ratiocinated that the report of Dr. Carmelita I. Custodio that respondent-appellee suffered from Atypical Personality Disorder “did not establish how the said incapacity prevented respondent from validly assuming his essential obligation to the marriage.”[18] The trial court further held that it “doubts the evidence adduced by the petitioner that respondent is psychologically incapacitated to perform his conjugal obligation to the marriage which doubt should be resolved in favor of the continuity of the contending parties' marriage x x x.”[19]

Petitioner-appellant faults the trial court in so ruling. Allegedly, credence should have been given by the trial court to the conclusions of Dr. Carmelita I. Custodio that (i) “the atypical personality disorder of the appellee already existed before his marriage to” petitioner-appellant; (ii) “said personality disorder has been part of the personality make up of the appellee” and is “innate and personal in him;” and, (iii) respondent-appellee's personality disorder “is serious and grave because he continues to threaten his wife.”[20] Furthermore, Dr. Carmelita I. Custodio clearly established “that it was the atypical personality disorder of the appellee that prevented him from validly assuming his essential obligations to the marriage.”[21]

The argument is unfounded, as the totality of evidence presented by petitioner-appellant fell short of the essential requirements of psychological incapacity for reasons stated hereunder. It is settled that in granting or denying petitions for declaration of nullity of marriage, courts must always base decisions not solely on the expert opinions furnished by the parties but also on the totality of evidence adduced in the course of the proceedings.[22]

Article 36 of the Family Code provides:

“Art. 36. Any 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.”

As to the requirements of psychological incapacity, worth stressing is Republic vs. Molina,[23] wherein the Supreme Court laid down stringent guidelines, 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. x x x

(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. x x x

(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 characteriological 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. x x x

(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"

In Santos vs. Court of Appeals,[24] the term psychological incapacity was further clarified as:

"[N]o 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."

Thus, psychological incapacity must be characterized by: (i) Gravity - It must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in a marriage; (ii) 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, (iii) Incurability - It must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.[25]

Pertinent portions of the Psychiatric Evaluation Report of Dr. Carmelita I. Custodio read:

"D.Pathologic Behavioral Manifestations:

- Failure to conform to social norms with respect to lawful behaviors. He has been complained several times in the barangay for grave misconduct.
- Irritability and Aggressiveness. He is always involved in fights.
- Impulsivity. He would indulge in heavy drinking and smoking.
- Consistent Irresponsibility.
- Reckless Disregard for Safety. He would ride in motorcycle with his son under the influence of alcohol.
- Lack of Remorse. He would commit the same wrongdoings repeatedly without guilt.
- Extreme Suspiciousness/Jealousy. He would always suspect and get jealous of men who would just stare or look at him or his wife.
- Suicidal gestures are made.

D. REMARKS AND RECOMMENDATIONS:

In my clinical assessment based on history, observations and examinations done, the petitioner, Mrs. Robesly Canzana, is not suffering from any major psychiatric disorder. Although she manifest traits of an Obsessive-Compulsive, is not severe to consider it as disorder. Somehow it makes her a better person and cope with problems in a mature and healthy ways (sic). Her thyroid problem could have contributed to her anxiety and manifest more because of her fear of her husband. She has a good interpersonal relationship with family and friends. She has a good family support which gives her moral and emotional support. Her performance as wife is adequate enough. Thus she is considered psychologically capacitated in the performance of her marital obligations.

On the other hand, the respondent, Mr. Virman Canzana, manifested severe immature and irresponsible behavior. The above attitude and behavioral manifestations of the respondent (anti-social, borderline) showed a pattern of having Personality Disorder specifically Atypical Personality Disorder. The disorder could have been rooted from his childhood in which he was over gratified and contributed to the development of his personality. It started to manifest even in his early adolescence and manifest more during adulthood which adversely affected his marital life. The disorder is serious and grave enough considering he continued threatening his wife and family. It also incurable and permanent as it has been part of his personality make-up. His personality disorder incapacitated him from doing his duties and responsibilities as husband by not rendering mutual love, respect and fidelity. He also did not render mutual help and support to make a harmonious marital relationship. He caused anguish and unhappiness to his wife. Hence, he can be considered psychologically incapacitated in the performance of the obligations a marriage entail."[26]

The Psychiatric Evaluation Report of Dr. Carmelita I. Custodio is replete with generalities, but lacking in

particulars. It failed to establish if respondent-appellee's condition was a manifestation of a disordered personality rooted on some incapacitating or debilitating psychological condition that made him completely unable to discharge the essential marital obligations. It also failed to give an in-depth account of respondent-appellee's alleged "Atypical Personality Disorder" or to specify the root cause thereof.

Also, the declaration contained in the Psychiatric Evaluation Report that respondent-appellee's "disorder could have been rooted from his childhood in which he was over gratified" has no basis and is speculative. The other declarations that the alleged "disorder is serious and grave enough considering he continued threatening his wife and family," was "incurable and permanent as it has been a part of his personality make-up," "incapacitated him from doing his duties and responsibilities as husband," and that he "did not render mutual help and support to make a harmonious relationship,"[27] are insufficient to establish a psychological or mental defect that is serious, grave, or incurable as contemplated by Article 36 of the Family Code. Notably, Dr. Carmelita I. Custodio arrived at the aforestated conclusions based only on what was relayed to her by petitioner-appellant and the latter's friends and relatives.

Apropos is Rowena Padilla-Rumbaua vs. Edward Rumbaua[28] wherein the Supreme Court declared that the report and testimony of the expert witness therein were flawed for failure to give particulars of the alleged personality disorder because only general characteristics of the disorder were described. Thus:

"This testimony shows that while Dr. Tayag initially described the general characteristics of a person suffering from a narcissistic personality disorder, she did not really show how and to what extent the respondent exhibited these traits. She mentioned the buzz words that jurisprudence requires for the nullity of a marriage — namely, gravity, incurability, existence at the time of the marriage, psychological incapacity relating to marriage — and in her own limited way, related these to the medical condition she generally described. The testimony, together with her report, however, suffers from very basic flaws.

First, what she medically described was not related or linked to the respondent's exact condition except in a very general way. In short, her testimony and report were rich in generalities but disastrously short on particulars, most notably on how the respondent can be said to be suffering from narcissistic personality disorder; why and to what extent the disorder is grave and incurable; how and why it was already present at the time of the marriage; and the effects of the disorder on the respondent's awareness of and his capability to undertake the duties and responsibilities of marriage. All these are critical to the success of the petitioner's case."

Moreover, there is no denying that the Psychiatric Evaluation Report was based exclusively on the interviews by Dr. Carmelita I. Custodio with petitioner-appellant, two (2) residents of Mauban, Quezon, Myrna Daleon and Diosa Obien, cousin and best friend of petitioner-appellant, Jennylen Calusin, and mother of petitioner-appellant, Rosita Ibanes-Calusin.[29] Although respondent-appellee allegedly failed to respond to Dr. Carmelita I. Custodio's invitation for him to be interviewed, there is no showing that she interviewed anyone from respondent-appellee's side, including his relatives and friends. Thus, Dr. Carmelita I. Custodio's assessment of respondent-appellee's alleged psychological incapacity was derived from petitioner-appellant's sole account of her experiences with respondent-appellee.[30] Notably, respondent-appellee testified that he did not receive any invitation for interview from Dr. Carmelita I. Custodio.[31]

In Paz vs. Paz,[32] the Supreme Court held that the report and testimony of the expert witness therein were hearsay evidence since she had no personal knowledge of the alleged facts she was testifying on. Thus:

"In this case, the Court notes that the report and testimony of Gates on Jordan's psychological incapacity were based exclusively on her interviews with Jeanice and the transcript of stenographic notes of Jeanice's testimony before the trial court. Gates only diagnosed Jordan from the statements of Jeanice, whose bias in favor of her

cause cannot be doubted. Gates did not actually hear, see and evaluate Jordan.

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Consequently, Gates' report and testimony were hearsay evidence since she had no personal knowledge of the alleged facts she was testifying on. Gates' testimony should have thus been dismissed for being unscientific and unreliable."

Indeed, psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations. The intention of the law is 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.[33]

If at all, the Psychiatric Evaluation Report issued by Dr. Carmelita I. Custodio merely showed that respondent-appellee had some personality defects which manifested during the marriage. It bears stressing that the alleged psychological incapacity of respondent-appellee was not shown to be so grave and so permanent as to deprive him of the awareness of the duties and responsibilities of the matrimonial bond. The incidents cited by petitioner-appellant do not show that respondent-appellee suffered from grave psychological maladies that prevented him from performing the essential obligations of marriage.

On the other hand, it is noteworthy that respondent-appellee presented an Evaluation Report dated March 5, 2004 signed by Col. Reynaldo P. Mejia, M.D. from Byzantine Psychological Assessment Center which assessed respondent-appellee for his work as security guard. Said Evaluation Report contained the following assessment:

"Psychological

Intelligence falls within Average level, sufficiently enough to comprehend complex instructions given to him. A person who is an open-minded especially to his needs. He seems to be responsible in performing his duties even when exposed to trouble-related matters. May be sensitive to some instances though he manage to deal with it properly. Control of aggression noted.

Nuero-Psychiatric (sic)

- NO PSYCHOPATHOLOGICAL FINDINGS REVEALED AT PRESENT."[34]

Respondent-appellee also presented a Barangay Clearance dated October 12, 2011[35] signed by Barangay Chairman Reynaldo M. Urgelles of "Barangay Lual Pob." stating that respondent-appellee was "personally known" to him "to be a person of good moral character and a law abiding citizen" of the community, and a Barangay Clearance dated October 12, 2011[36] signed by Punong Barangay Bartolome C. Corona of "Barangay Bagong Bayan" stating that respondent-appellee has "no derogatory record filed x x x against him since 2003 to March 10, 2010."

In his Judicial Affidavit, respondent-appellee declared that he fulfilled his obligation of providing for his family by working as tricycle driver and security guard, and that he was the one who took care of their son even when petitioner-appellant left to work in Norway. Thus:

"5. Q: Before marrying Robersly Canzana, what is your occupation?

6. A: In 2002, I am studying in Manila taking up A.B. Mass Com at FEU and at the same time working part-time as a security guard.

7. Q: After your marriage with Rober Sly in 2003, what happened?

8. A: I decided to stop studying. I also gave up my part-time job and stayed here in Mauban to be with my wife.

9. Q: If you left your job in Manila, how did you support your family's daily needs?

10. A: Right after our marriage, we stayed at the house of my parents in Brgy. Lual (Pob.) where I worked as a tricycle driver. I also did part-time jobs like assisting my biological father in his jewelry-making business, helping out my father-in-law in slaughtering hogs for his meat shop, and many others inasmuch as I will earn no matter how meager it may be as long as it will add up to my income for the subsistence of my family.

11. Q: What do you do with your earnings?

12. A: I remit every single centavo to my wife, sir.

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43. Q: How do you describe yourself as a husband and as a father?

44. A: I can say that I am a responsible person because I worked hard for my family. There was never a time in my marriage life that I stopped working and depended on anybody. With regard to my fatherhood, I took care of our son alone by the time my wife left for Norway who was only one (1) year old at that time. I spent almost all of my free time taking care of him and as a matter of fact, I never allow mosquitoes to get a bite on him."[37]

Respondent-appellee also testified on cross-examination that he still loved petitioner-appellant and wanted to reconcile with her. Thus:

"COURT:

Being a husband you loved your family, correct?

A: Yes, your honor.

COURT:

You loved your children, correct?

A: Yes, your honor.

COURT:

And you also loved your wife, correct?

A: Of course, your honor.

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Q: Mr. Witness, you stated that you want to reconcile with your wife?

A: Yes, sir.

Q: You want to reconcile with your wife because you loved your wife?

A: Yes, sir.”[38]

Thus, the trial court cannot be faulted in holding that:

"The report of Dr. Carmelita Custodio who concluded that respondent was suffering from Atypical Personality Disorder did not establish how the said incapacity prevented respondent from validly assuming his essential obligation to the marriage.

What the Court sees in the respondent is a picture of a husband who in his struggle for survival would like his life uplifted together with the petitioner and their children to have a better future but was instead, despite his effort, sued in Court on alleged ground that he is psychologically incapacitated to comply with the essential obligation of marriage.”[39]

Verily, marriage is an inviolable institution protected by the State which cannot be dissolved at the whim of the parties, especially where the pieces 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.[40]

In sum, the trial court did not err when it dismissed petitioner-appellant's petition for “Judicial Declaration of Nullity of a Void Marriage under Article 36 of the Family Code.” The totality of evidence presented by petitioner-appellant failed to establish that respondent-appellee was suffering from psychological incapacity which renders him incapable of performing his marital obligations towards petitioner-appellant. It should be remembered that the presumption is always in favor of the validity of marriage.[41]

WHEREFORE, the Decision dated September 20, 2013 of the trial court is affirmed in toto.

SO ORDERED.

Cruz, S. C. and Hernando, R. P. L., JJ., concur.

[1] pp. 195-202, Original Records

[2] Art. 36. Any 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.

[3] p. 2, Original Records

[4] p. 5, TSN dated May 4, 2012

[5] p. 8, Index of Exhibits

[6] p. 9, TSN dated March 8, 2013

[7] p. 14, Index of Exhibits

[8] p. 5, TSN dated May 4, 2012

[9] pp. 1-13, Original Records

[10] pp. 42-47, Ibid.

[11] pp. 89-91, Ibid.

[12] p. 2, TSN dated May 3, 2012

[13] TSN dated May 3, 2012 and May 4, 2012

[14] TSN dated August 10, 2012

[15] TSN dated March 8, 2013

[16] pp. 195-202, Original Records

[17] p. 37, Rollo

[18] p. 201, Original Records

[19] p. 202, Ibid.

[20] p. 40, Rollo

[21] p. 42, Ibid.

[22] Benjamin G. Ting vs. Carmen M. Velez-Ting, 582 SCRA 694, March 31, 2009

[23] 268 SCRA 198, February 13, 1997

[24] 240 SCRA 20, January 4, 1995

[25] Orlando G. Tongol vs. Filipinas M. Tongol, 537 SCRA 135, October 19, 2007

[26] pp. 24-25, Index of Exhibits

[27] p. 25, Ibid.

[28] 596 SCRA 157, August 14, 2009

[29] p. 23, Index of Exhibits

[30] pp. 20-21, Ibid.

[31] p. 22, TSN dated March 8, 2013

[32] 613 SCRA 195, February 18, 2010

[33] Rodolfo A. Aspillaga vs. Aurora A. Aspillaga, 604 SCRA 444, October 26, 2009

[34] p. 47, Index of Exhibits

[35] p. 45, Ibid.

[36] p. 46, Ibid.

[37] pp. 159-160, 163-164, Original Records

[38] pp. 14, 25, TSN dated March 8, 2013

[39] pp. 201-202, Original Records

[40] Enrique Agraviador vs. Erlinda Amparo-Agraviador, 637 SCRA 519, December 8, 2010

[41] Carating-Sia yngco vs. Sia yngco, 441 SCRA 422, October 27, 2004

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