

DENNIS M. TIZON, PETITIONER-APPELLEE, VS. GENALIN ARANDA DELA CRUZ, RESPONDENT,

Ponente: LIBREA-LEAGOGO, J.

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LIBREA-LEAGOGO, J.:

Before this Court is an appeal from the Decision[1] dated 02 May 2012 and Order[2] dated 05 August 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 169, Malabon City in the case entitled "Dennis M. Tizon v. Genalin Aranda Dela Cruz," docketed as Civil Case No. CV-236-MN. The dispositive portion of the assailed Decision reads:

"WHEREFORE, premises considered, judgment is hereby rendered:

- Declaring the marriage between DENNIS M. TIZON and GENALIN ARANDA DELA CRUZ as void ab initio;
- Terminating their property regime.

Let copies of this Decision be furnished the respondent, the Office of the Solicitor General, the Public Prosecutor, and the Local Civil Registrar of Malabon City and San Pedro, Laguna. Upon the finality of the Decision and after the registration of the Entry of Judgment granting the petition in the Local Civil Registry of Malabon City and San Pedro, Laguna, the Court shall forthwith issue the corresponding Decree of Nullity of Marriage. Petitioner is required to cause the registration of said Decree in the National Census and Statistics Office and the aforementioned local civil registry. He shall report his compliance with this requirement within thirty (30) days from receipt of the Decree.

SO ORDERED"[3]

The assailed Order denied the Motion for Reconsideration.

Petitioner-appellee filed a Manifestation[4] dated 03 February 2014, stating that the OSG is correct in saying that the trial court was mistaken in granting the Petition, thus, praying that the case be remanded to the trial court for further reception of evidence to prove the psychological incapacity of respondent to comply with the essential obligations. The OSG filed its Comment[5] dated 28 March 2014 averring, inter alia, that the appeal had already been perfected as to petitioner-appellee; as it was oppositor-appellant who appealed the Decision, the case cannot be remanded to the trial court for further reception of evidence, by a mere manifestation of petitioner-appellee; the latter himself admitted that the evidence on record failed to establish the alleged psychological incapacity of respondent; thus, it is with more reason that the appeal should be resolved.

In the Resolution[6] dated 23 April 2014, petitioner-appellee's Manifestation was denied.

Oppositor-appellant filed its Brief[7] dated 25 June 2014. Per JRD verification,[8] no appellee's brief was filed as per docket book entry. Thus, the appeal is submitted for decision.

FACTUAL ANTECEDENTS

A Petition[9] dated 10 November 2010 for Declaration of Nullity of Marriage was filed by petitioner Dennis M. Tizon against respondent Genalin Aranda Dela Cruz before the Regional Trial Court of Malabon City, docketed as Civil Case No. CV-236-MN.

It was alleged, inter alia, that: he is the husband of respondent, their marriage having been celebrated on 02 May 2001 at the Estrella Christian Fellowship, San Pedro, Laguna; sometime in 2000, he went to a disco bar with his officemates in China and met respondent who is a band member; they got acquainted with each other and learned that she has just broken up with her boyfriend, a married man with two children; it led to several meetings and ultimately, he went to see her at her place; he courted her and during that time, he learned that she was financially supporting her former boyfriend; after a few months, they became lovers, which lasted for a few months as he was deployed in another part of China which is quite far from her; she was befriended by a man who wanted to take advantage of her; he warned her about it, but she ignored the same, thus, he decided to end their relationship, although they still met from time to time; this gave way to their reconciliation and ended up in a wedding at San Pedro, Laguna; immediately after the wedding, they had an altercation with respect to the division of their properties in the event that they acquire some; it made him very angry; he threw his wedding ring on the bed and stepped out of the house to calm down; after a few days, he continued to work abroad while she got busy with her small business; they often communicated with each other through telephone; oftentimes, when they talked to each other, he requested for some items to be sent to him from the Philippines, but she never sent them; they almost always argued, most especially in connection with his parents who are in the United States with his youngest brother; his parents own the house where they lived, considering that his parents are in the US with his youngest brother and his married sister is living with her husband and their child in another place; when his parents were in the Philippines, naturally, they would reside at their place, which is not agreeable to respondent; she complains about his parents and does not want to live with them under the same roof; all the years that they have been married, she was not able to save anything and his hard-earned money was spent in the maintenance of four (4) dogs and six (6) puppies; there was even a time when his wife wanted him to sleep on their bed with the dogs; she even ventured into different small businesses, which all failed, and from time to time worked as a singer to which he did not agree; she tried her best to convince him to get angry at his parents and siblings but he could not find any reason, so they ended up arguing again; she would even send him text messages cursing him; one time, she followed him to China; one day, he could not find her, although he looked for her all over the place; it made him anxious and afraid because he did not know what happened to her, only to find out that she hid from him and was even laughing when she told him what she did; when she went back to the Philippines, she left his parents' house and brought with her everything he had bought and sent; he tried his best to convince her to come back and make their marriage work but his pleas fell on deaf ears and she never came back; no amount of persuasion and wooing made her come back; after about two (2) years of relentless and unfruitful requests, he decided that he has to move on and consulted a psychologist with the intention of filing this Petition; the psychologist found out that his wife is suffering from a psychological incapacity known as Narcissistic Personality Disorder, which is grave, incurable and pathological, and deeply ingrained in her system; she is therefore not an ideal partner in marriage; and he prayed that the tie that binds them be severed so that they can both move on.

Summons[10] dated 01 December 2010 was issued. Per Officer's Return[11] dated 09 December 2010, Sheriff Joseph R. Sheng certified that: on the 2[nd] and 6[th] day of December 2010, efforts were made by him to serve copy of Summons, together with the Petition and its annexes, issued by the court at the given address of respondent, but the same proved futile; thus, on the 8[th] of December 2010, substituted service was resorted to and summons was received by Ofelia Panlilio ("Panlilio," for brevity), a relative of petitioner.

The Office of the Solicitor General ("OSG," for brevity) filed its Notice of Appearance[12] dated 13 December 2010, authorizing the Office of the City Prosecutor of Malabon City to appear in the instant case.

Petitioner filed a Motion to Set Case for Pre-trial and to Direct the Public Prosecutor to Conduct an Investigation if Collusion Exist(s)[13] dated 03 January 20(11). The trial court issued an Order[14] dated 10 January 2011 which directed the public prosecutor assigned to the court to conduct investigation to determine whether collusion exists between the parties in the filing of the case and to submit his report thereon within thirty (30) days from receipt of the Order; and set the pre-trial on 10 February 2011.

Petitioner filed its Pre-trial Brief[15] dated 03 January 2011. The trial court issued a Pre-Trial Order[16] dated 04 August 2011.

Public Prosecutor Magno T. Delos Santos submitted a Report[17] dated 09 February 2011 stating that no collusion exists between the parties in the instant case and recommends that the matter be addressed in a full-blown trial on the merits.

Trial ensued.

Petitioner presented three witnesses: Clinical Psychologist Maricris Reyes-Marucut ("Dr. Marucut," for brevity), petitioner himself, and Panlilio.

Dr. Marucut affirmed the contents of her judicial affidavit.[18] She testified, inter alia, that: on the second week of January 2010, petitioner consulted her and requested for psychological evaluation regarding the petition for nullity of marriage that he contemplates on filing against respondent; he conducted psychological evaluation on petitioner using the following tools: clinical interview, battery of psychological tests, and collateral data; she likewise administered the following psychological tests, to wit: Projective Drawings, Sentence Completion Test, Bender Visual Motor Gestalt Test, Basic Personality Inventory, 16 Personality Factors, Revised Beta Examinations, Emotions Profile Index, and Neuroticism Scale Questionnaire; interviews were conducted regarding both subjects' family and personal histories, as well as the circumstances surrounding their marriage and separation; she was able to talk with Carmencita M. Tizon, the mother of petitioner, who confirmed the allegations of petitioner regarding the actuation and behavior of respondent;[19] and she talked to respondent on several occasion but was not able to give her any psychological testing.[20]

Petitioner affirmed the contents of his judicial affidavit.[21] He testified, inter alia, that: he and respondent have been married since 2001; he stated that she is suffering from psychological disorder which incapacitated her to perform her essential obligations because of many reasons; she was not able to save from his hard-earned money abroad and instead spent it in the maintenance of her dogs; there was animosity between his relatives and respondent; she would convince him to get mad at his parents and siblings; she wanted all his attention focused on her and her relatives; and she would do things or whatever pleased her, unmindful of what he would feel in return.[22]

Panlilio affirmed the contents of her judicial affidavit.[23] She testified, inter alia, that: she is the aunt of petitioner; petitioner and respondent never had a perfect life as husband and wife because of the behavioral problems, immaturity and insensitivity of respondent which she observed during the time that they were still living together; she was able to observe how petitioner was deeply anguished, emotionally and psychologically, because whenever they would have a problem or a fight, petitioner would call her and tell her how respondent would treat him; respondent often neglected her duties and responsibilities as wife; respondent is a happy-go-lucky person, insensitive and domineering; all these things were confided to her by petitioner; she often visited them and she could attest to the fact that they had a rocky and unstable married life; respondent tried her best to convince petitioner to get mad at his parents and siblings, but because petitioner could not find any reason to hate them, they always ended up fighting; respondent would throw invectives to his nephew; respondent consistently ignored petitioner's efforts to save their relationship; respondent gave in to her habits for her personal

gain or pleasure, by allowing her dogs to stay on their bed; respondent took advantage of petitioner's kindness and love in order to achieve her selfish purpose, to the point of deceiving him without so much regret on her part; she deliberately neglected her essential duties and responsibilities related to her status as a married woman; she lacks the heart and will to sustain the sacredness of their marriage; and respondent is responsible for the breakdown of their marriage.[24]

During the hearing on 19 January 2012, petitioner offered his exhibits. The prosecutor did not object to the existence of Exhibit "D" but objected to the rest of the exhibits for being self-serving. The trial court admitted all the exhibits of petitioner and the latter rested his case.[25]

In the Order[26] dated 08 March 2012, it was stated that the public prosecutor waived the presentation of evidence; the public prosecutor and petitioner's counsel were given a period of thirty (30) days within which to submit their respective memoranda, in lieu of oral arguments; and thereafter, the case would be deemed submitted for resolution.

The trial court rendered the assailed Decision[27] dated 02 May 2012, the dispositive portion of which was earlier quoted.[28] The OSG filed a Motion for Reconsideration[29] dated 21 May 2012, to which petitioner filed his Comment[30] dated 16 July 2012. The OSG then filed its Reply[31] dated 12 October 2012. The trial court denied the Motion for Reconsideration in its assailed Order[32] dated 05 August 2013.

The Republic of the Philippines filed a Notice of Appeal[33] dated 16 September 2013 which was given due course in the Order[34] dated 25 September 2013.

Hence, this appeal.

RULING

Oppositor-appellant assigns a lone error, viz:

THE TRIAL COURT ERRED IN DECLARING THE MARRIAGE OF PLAINTIFF (sic)-APPELLEE AND DEFENDANT (sic) NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY OF DEFENDANT (sic).[35]

Oppositor-appellant contends, inter alia, that: the totality of evidence failed to prove the alleged psychological incapacity of respondent to comply with her essential marital obligations; petitioner-appellee's petition for declaration of nullity of marriage is anchored on Article 36 of the Family Code; petitioner-appellee failed to prove respondent's alleged psychological incapacity in accordance with the standards laid down by the Supreme Court; petitioner-appellee failed to prove the gravity of defendant's alleged psychological incapacity; respondent's insensitiveness, misuse of family funds, and hate of petitioner-appellee's parents and siblings, however, are not grave enough to constitute psychological incapacity that the law requires; no proof was presented showing that the behavior of defendant arose out of a psychological defect affecting her capacity to comply with the responsibilities of marriage; the alleged psychological defect was more of a difficulty, if not an outright refusal or neglect in the performance of some marital obligations; the alleged psychological defect merely shows irreconcilable differences, emotional immaturity, irresponsibility and conflicting personalities, which, by themselves, do not constitute psychological incapacity; petitioner-appellee failed to prove the natal or supervening disabling factor that effectively incapacitated respondent to comply with her essential marital obligations; petitioner-appellee failed to show that respondent's alleged psychological incapacity existed on or before the celebration of marriage; the root cause of the alleged psychological incapacity must be identified as a psychological illness, its incapacitating nature fully explained and established by the totality of the evidence presented during trial; mere general claims of juridical antecedence are insufficient, absent any concrete evidence, details or explanations of such circumstances as would demonstrate the inability of the respondent to perform her

essential marital obligations; petitioner-appellee failed to prove that respondent's alleged psychological incapacity was incurable or the medication required is beyond their means; petitioner-appellee and respondent lived harmoniously sometime in their married life as shown by their constant communication when the former was in China; it is an indication that respondent's alleged psychological defect is not permanent and incurable; petitioner-appellee's claim of abandonment on the part of respondent does not indicate a disorder that satisfies the requisites of gravity, incurability and juridical antecedence; Dr. Marucut's evaluation was based only on information given to her by petitioner-appellee, whose bias in his favor cannot be doubted; Dr. Marucut merely concluded in her Psychological Evaluation Report that respondent was suffering from Narcissistic Personality Disorder which can be traced from the latter's experiences during her childhood; yet, a perusal of the Psychological Evaluation Report shows that it is totally bereft of any basis; Dr. Marucut did not particularly describe the "pattern of behavior" showing that respondent indeed has a Narcissistic Personality Disorder; Dr. Marucut's testimony is hearsay because she merely based her findings on the information provided by petitioner-appellee who did not know respondent's family as well; Dr. Marucut did not interview any relatives or friends of respondent; respondent's condition does not also fall under the category of most serious cases of personality disorders; at best, the circumstances relied upon by petitioner-appellee are grounds for legal separation under Article 55 of the Family Code; and having failed to prove the alleged psychological incapacity of respondent, the marriage between them should be declared valid.

The appeal is impressed with merit. The trial court erred in declaring the marriage of petitioner-appellee and respondent as null and void under Article 36 of the Family Code on the ground of psychological incapacity of the latter.

Article 36 of the Family Code governs psychological incapacity as a ground for declaration of nullity of marriage.[36] It provides, viz:

"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."

In interpreting this provision, (it has been) repeatedly stressed that psychological incapacity contemplates "downright incapacity or inability to take cognizance of and to assume the basic marital obligations"; not merely the refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.[37] It consists of: (a) a true inability to commit oneself to the essentials of marriage; (b) the inability must refer to the essential obligations of marriage, that is, the conjugal act, the community of life and love, the rendering of mutual help, and the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality.[38]

"Psychological incapacity," as a ground to nullify a marriage under Article 36 of the Family Code, should refer to no less than a mental – not merely 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 in Article 68 of the Family Code, among others, include their mutual obligations to live together, observe love, respect and fidelity and render help and support.[39]

(T)he existence or absence of the psychological incapacity (must be) based strictly on the facts of each case and not on a priori assumptions, predilections or generalizations. Indeed, the incapacity should be established by the totality of evidence presented during trial, making it incumbent upon the petitioner to sufficiently prove the existence of the psychological incapacity.[40]

(T)he (Supreme) Court first declared that psychological incapacity must be characterized by: (a) gravity (i.e., it

must be grave and serious such that the party would be incapable of carrying out ordinary duties required in a marriage); (b) juridical antecedence (i.e., 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 (i.e., it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved).[41] The (petitioner) bears the burden of proving the juridical antecedence xxx, gravity and incurability of the condition of the errant spouse.[42] This, petitioner-appellee failed to do.

Per their Certificate of Marriage (Exhibit "D"),[43] petitioner-appellee and respondent were married on 02 May 2001 at the Estrella Christian Fellowship, San Pedro, Laguna solemnized by Minister Roberto P. Pando. They do not have any children.[44] On 22 November 2010, or after more than ten (10) years of marriage, petitioner-appellee filed a Petition for Declaration of Nullity of Marriage,[45] which was granted by the court a quo. However, after a careful examination of the records, We find that based on the totality of evidence in the instant case, petitioner-appellee failed to prove that respondent was psychologically incapacitated to comply with her essential marital obligations, at the time of the celebration of their marriage.

Petitioner-appellee anchored his evidence on the Psychological Evaluation Report submitted by Clinical Psychologist Dr. Marucut, which states:

" x x x x

It is therefore the conclusion of the undersigned that based from their marital history and collateral information gathered, respondent's behavior particularly in terms of marital obligations connotes an individual who is not capable of performing her duties and responsibilities as a good wife as she is unable to observe mutual love, respect and fidelity and render mutual help and support to Petitioner. Respondent's disposition is clearly inadequate and below par with society's moral norms for wives who should be the light in their families. She is undoubtedly unaware of her faults and omissions that admonishing her or even condemning her for her behavior would be ridiculous. One has to accept that her behavior follow a set of pattern exclusively for her personal disordered condition, hence she does not believe she is wrong or offensive. With this, continuance of their relationship is best termed as hopeless and even already preposterous. Such behavioral disposition is considered to indicate the presence of Narcissistic Personality Disorder [DSM-IV-R {Axis II cluster B 301.81}], a condition that is grave, incurable and pathological such that it debilitates her from becoming an ideal marital partner.

x x x x

The personality disorder of the Respondent existed prior to the marriage but only manifested during the existence of their marriage. This kind of disorder is grave in character and thus incurable being deeply ingrained in her system that resulted on the part of the Respondent not to be able to comply with her marital obligations to the Petitioner under the provisions of the Family Code.

x x x x"[46]

In granting the Petition for Declaration of Nullity of Marriage, the trial court erroneously relied on the said Report of Dr. Marucut.

(T)he expert evidence presented in cases of declaration of nullity of marriage based on psychological incapacity presupposes a thorough and in-depth assessment of the parties by the psychologist or expert to make a conclusive diagnosis of a grave, severe and incurable presence of psychological incapacity.[47] In the instant case, however, there was no such in-depth assessment conducted by clinical psychologist Dr. Marucut.

A perusal of the report would show that the psychological evaluation with the use of assessment tools was conducted by Dr. Marucut solely on petitioner-appellee[48] and not on respondent. It was further stated in her

Affidavit that interviews regarding both subject's family and personal histories were conducted and that she was able to talk to Mrs. Carmencita M. Tizon, petitioner-appellee's mother, who confirmed the allegations of petitioner-appellee regarding the actuation of respondent.[49]

As such, Dr. Marucut's evaluation of the psychological condition of respondent was based solely on the information supplied to her by petitioner-appellee and his mother. Dr. Marucut did not examine the respondent nor interviewed the latter's relatives. While, Dr. Marucut claimed that she was able to talk to respondent, she also stated that she was not able to give her any psychological evaluation.[50] (T)he 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 (respondent's) psychological condition.[51] (Thus,) (t)he methodology employed simply cannot satisfy the required depth and comprehensiveness of the examination required to evaluate a party alleged to be suffering from a psychological disorder.[52]

(It has been) ruled in past decisions 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.[53] Verily, although expert opinions furnished by psychologists regarding the psychological temperament of parties are usually given considerable weight by the courts, the existence of psychological incapacity must still be proven by independent evidence.[54] In the instant case, petitioner-appellee failed to prove, by independent evidence, the gravity, incurability and juridical antecedence of respondent's alleged psychological incapacity.

Here, petitioner-appellee failed to prove the gravity of respondent's purported psychological incapacity. In his Judicial Affidavit, petitioner-appellee enumerated the following acts of respondent showing her alleged psychological incapacity, to wit: (a) respondent failed to send to petitioner-appellee the items that he requested; (b) she is not agreeable living with petitioner-appellee's parents; (c) she was not able to save anything; (d) she spent petitioner-appellee's hard-earned money in the maintenance of her four (4) dogs and six (6) puppies; (e) all her different small business ventures failed; (f) she convinced petitioner-appellee to get angry with his parents; and (g) she never came back to live with him despite his persuasion.[55]

These acts, in (O)ur view, do not rise to the level of the "psychological incapacity" that the law requires, and should be distinguished from the "difficulty," if not outright "refusal" or "neglect" in the performance of some marital obligations that characterize some marriages.[56] Respondent's acts are not tantamount to psychological incapacity that deprives her of the awareness of her essential marital duties and responsibilities. As they have no children, it is not surprising that respondent, who appears to love animals, would be drawn to the caring and nurturing of dogs and puppies, especially in light of the fact that petitioner-appellee left her in the Philippines, while he continued his work abroad, more particularly in China, and did not agree to respondent's career as a singer.[57] Further, respondent's supposed failure to send to petitioner-appellee items from the Philippines, and her handling of their finances can hardly be considered as manifestations of psychological incapacity as contemplated under Article 36 of the Family Code. In fact, judicial notice has been taken of the fact that disagreements regarding money matters is a common, and even normal, occurrence between husbands and wives.[58] When she left the house of her parents-in-law and chose to live on her own, petitioner-appellee cannot blame his wife in arriving at such decision, as she already told him that she did not want to live with petitioner-appellee's parents,[59] and said decision on her part cannot be considered as psychological incapacity. It cannot be said that she abandoned their family home, as it was petitioner-appellee, despite his work overseas, who failed to provide a conjugal dwelling that they can call their own, even after ten (10) years of marriage. In

any event, the abandonment of the conjugal dwelling, even if true, does not necessarily constitute psychological incapacity, as it is simply a ground for legal separation.[60] Further, their communication with each other by telephone[61] was not sufficient to nurture their marriage, which eventually led to its breakdown.

At best, (petitioner-appellee's) allegations showed that (respondent) was irresponsible, insensitive, or emotionally immature.[62] (R)espondent's emotional immaturity and irresponsibility could not be equated with psychological incapacity as it was not shown that these acts are manifestations of a disordered personality which make her completely unable to discharge the essential marital obligations of the marital state xxx.[63] Here, petitioner-appellee failed to establish that respondent's immaturity and irresponsibility amount to the alleged psychological incapacity of Narcissistic Personality Disorder.

We also find that Dr. Marucut's conclusion that the alleged behavioral disposition of respondent indicates the presence of Narcissistic Personality Disorder[64] is a sweeping generality. The same is baseless as the records are bereft of any evidence showing that such condition caused her incapacity to perform her marital obligations. There was no thorough discussion on the essential link between the acts of respondents to her alleged psychological disorder. It is indispensable that the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself.[65] There is hardly any doubt that the intentment 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.[66]

Petitioner-appellee likewise failed to prove that the alleged psychological condition of respondent was already existing prior to their marriage and that the same is incurable.

While the psychological evaluation report of Dr. Marucut stated that respondent's disorder has been present since adolescence and the same "is developmental in origin and has its roots in the faulty rearing practices and ambivalent parental relationship as well as its effects on the evolving personality of respondent,"[67] the same failed to adequately explain how Dr. Marucut arrived at such conclusion as there was no other independent evidence adduced to corroborate the same. It bears to stress that none of respondent's relatives provided any evidence to enable Dr. Marucut to reach a conclusion regarding the alleged faulty rearing practice and ambivalent parental relationship of respondent's parents. Instead, Dr. Marucut's sole bases for stating the same were merely the statements of petitioner-appellee and his mother, who have no thorough knowledge of respondent's family life and background, her childhood and adolescent years. (Such) bare allegations, unsubstantiated by evidence, are not equivalent to proof xxx.[68]

Moreover, even if the report of Dr. Marucut states that respondent's alleged psychological condition is incurable,[69] she failed to provide any support for the same. It is worth noting that the report merely states that treatment and prognosis are deemed to be poor.[70] However, Dr. Marucut failed to explain as to why respondent's condition is incurable or that the cure is beyond the means of respondent.

Thus, We find that the evidence adduced by petitioner-appellee failed to show the psychological incapacity of respondent, within the purview of Article 36 of the Family Code. Proving that a spouse failed to meet his or her responsibility and duty as a married person is not enough; it is essential that he or she must be shown to be incapable of doing so due to some psychological illness.[71] Petitioner-appellee failed to discharge his burden of establishing in evidence the gravity, juridical antecedence and incurability of the alleged psychological condition of respondent and the same caused her failure to meet her essential marital obligations.

It bears emphasis that no less than petitioner-appellee himself admitted, in his Manifestation[72] dated 03 February 2014, that "(a)fter a careful examination of the records, the (O)ffice of the Honorable Solicitor General

is correct in saying that the Regional Trial Court was mistaken in granting the Petition, although the evidence on the psychological incapacity of the respondent was not established which psychological incapacity rendered respondent incapable to comply with her essential marital obligations." [73] (Emphasis supplied)

Once again, (W)e stress that 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 nor by transgressions made by one party to the other during the marriage. [74] (G)iven the insufficiency of the evidence proving the psychological incapacity of (respondent), (W)e cannot but resolve in favor of the existence and continuation of the marriage and against its dissolution and nullity. [75]

WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated 02 May 2012 and Order dated 05 August 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 169, Malabon City in Civil Case No. CV-236-MN are REVERSED and SET ASIDE. Petitioner-appellee's Petition for Declaration of Nullity of Marriage is DISMISSED. The marriage between the petitioner-appellee Dennis M. Tizon and respondent Genalin Aranda Dela Cruz solemnized on 02 May 2001 remains valid and subsisting.

Let a copy of this Decision be furnished the Local Civil Registrars of Malabon City and San Pedro, Laguna, and the Philippine Statistics Authority. [76] No costs.

SO ORDERED.

Diamante, and Sadang, JJ., concur.

[1] Rollo, pp. 55-62; penned by Hon. Emmanuel D. Laurea

[2] Id. at 63

[3] Id. at 61-62

[4] Id. at 10-13

[5] Id. at 25-29

[6] Id. at 32-34

[7] Id. at 43-54

[8] Id. at 77 (dorsal side)

[9] Record, pp. 3-5

[10] Id. at 8

[11] Id. at 7

[12] Id. at 18

[13] Id. at 15-16

[14] Id. at 17

[15] Id. at 25-26

[16] Id. at 28

[17] Id. at 40

[18] TSN, 06 October 2011, pp. 3-4

[19] Record, pp. 37-38

[20] TSN, 06 October 2011, p. 5

[21] TSN, 17 November 2011, pp. 2-3

[22] Id. at 4-5

[23] TSN, 19 January 2012, pp. 2-3

[24] Record, pp. 48-49

[25] Id. at 50

[26] Id. at 52

[27] Id. at 53-60

[28] Supra note 3

[29] Record, pp. 61-69

[30] Id. at 72-75

[31] Id. at 77-84

[32] Id. at 86

[33] Id. at 87-89

[34] Id. at 90

[35] Rollo, p. 43

[36] Republic of the Philippines v. Cesar Encelan, G.R. No. 170022, 09 January 2013

[37] Id.

[38] Republic of the Philippines v. The Hon. Court of Appeals (Ninth Division), et al., G.R. No. 159594, 12 November 2012

[39] Republic of the Philippines v. Rodolfo O. De Gracia, G.R. No. 171557, 12 February 2014

[40] Republic of the Philippines v. Court of Appeals (Ninth Division), et al., supra

[41] Republic of the Philippines v. Rodolfo O. De Gracia, supra citing Santos v. Court of Appeals, G.R. No. 112019, 04 January 1995, 240 SCRA 20, 39 (1995)

[42] Republic of the Philippines v. Cesar Encelan, supra

[43] Record, p. 12

[44] Id. at 33

[45] Id. at 3-5

- [46] Id. at 34, 36
- [47] Republic of the Philippines v. Court of Appeals (Ninth Division), et al., supra
- [48] Record, p. 37
- [49] Id. at 38
- [50] TSN, 06 October 2011, p. 5
- [51] Jocelyn M. Suazo v. Angelito Suazo, et al., G.R. No. 164493, 10 March 2010
- [52] Enrique Agraviador y Alunan v. Erlinda Amparo-Agraviador, et al., G.R. No. 170729, 08 December 2010
- [53] Jose Reynaldo B. Ochoa v. Bona J. Alano, et al., G.R. No. 167459, 26 January 2011
- [54] Republic of the Philippines v. Rodolfo O. De Gracia, supra
- [55] Record, p. 44
- [56] Enrique Agraviador y Alunan v. Erlinda Amparo-Agraviador, et al., supra
- [57] Record, p. 44
- [58] Rodolfo A. Aspillaga v. Aurora A. Aspillaga, G.R. No. 170925, 26 October 2009
- [59] Record, p. 44
- [60] Republic of the Philippines v. Cesar Encelan, supra
- [61] Record, p. 44
- [62] Jordan Chan Paz v. Jeanice Pavon Paz, G.R. No. 166579, 18 February 2010
- [63] Republic of the Philippines v. Rodolfo O. De Gracia, supra citing Dedel v. Court of Appeals, 466 Phil. 226 (2004)
- [64] Record, p. 34
- [65] Rosalino L. Marable v. Myrna F. Marable, G.R. No. 178741, 17 January 2011
- [66] Republic of the Philippines v. Rodolfo O. De Gracia, supra
- [67] Record, p. 35
- [68] Eufrocina Nieves, etc. v. Ernesto Duldulao, et al, G.R. No. 190276, 02 April 2014
- [69] Record, p. 34
- [70] Id. at 35
- [71] Republic of the Philippines v. Court of Appeals (Ninth Division), et al., supra
- [72] Rollo, pp. 10-13
- [73] Id. at 11
- [74] Republic of the Philippines v. Cesar Encelan, supra
- [75] Republic of the Philippines v. Court of Appeals (Ninth Division), et al., supra

[76] The National Statistics Office (NSO), along with three other agencies, namely, the National Statistical Coordination Board (NSCB), the Bureau of Labor and Employment Statistics (BLES), and the Bureau of Agricultural Statistics (BAS) shall be known as the "Philippine Statistics Authority" (PSA) starting 29 December 2013, as per Republic Act No. 10625, otherwise known as the "Philippine Statistical Act of 2013"

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