

DIGNA M. PANER-ALBA, PETITIONER-APPELLEE, VS. STEPHEN CORNELIUS B. ALBA, JR, RESPONDENT-APPELLEE, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: CARANDANG, J.

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CARANDANG, J.:

From Our Decision promulgated on January 24, 2014, petitioner filed a Motion for Reconsideration on the sole ground that –

THE HONORABLE COURT OF APPEALS, WITH ALL DUE RESPECT, FAILED TO CONSIDERED THAT RESPONDENT'S PSYCHOLOGICAL INCAPACITY IS GRAVE, ANTECEDENT AND INCURABLE, AND IS A VALID GROUND FOR DECLARATION OF NULLITY OF MARRIAGE UNDER ARTICLE 36 OF THE FAMILY CODE.

Previously, We ruled that respondent-appellee's irresponsibility, his inclination to hang out with his friend to drink alcohol rather than be with his family, and his sexual infidelity and perversion could hardly be equated with psychological incapacity and We cited several cases in support of Our ruling. Petitioner-appellant, however, claims that the cases We cited are not applicable to the case of respondent-appellee and insists that based on the psychological evaluation of Dr. Chona Cuyo-Belmonte, her husband is psychologically incapacitated to comply with the essential marital obligations of marriage. However, We had already ruled that We cannot give credence to Dr. Cuyo-Belmonte's psychological evaluation on respondent-appellee. We quote the pertinent part of Our Decision on the matter, viz:

“We are not unmindful that petitioner presented Dr. Chona Cuyos-Belmonte, a psychologist, who in her Psychiatric Evaluation Report, diagnosed respondent to be suffering from Borderline Personality Disorder and Narcissistic Personality Disorder. We can not, however, give credence to the psychological evaluation and examination undertaken by the psychologist. Indeed, except in rendering a general description of the symptoms of the alleged personality disorders of respondent, both the report and court testimony of Dr. Cuyos-Belmonte tendered no explanation on the root cause that could have brought about such behavior on the part of respondent. While Dr. Cuyos-Belmonte testified that respondent was suffering from two features of personality problems, her testimony was completely lacking of any information or insight as to how the symptoms of respondent's alleged personality disorder developed. Her testimony revealed nothing in defendant's past life, habit, character, and attitude before respondent's marriage to petitioner that could have provided a clue as to how respondent's alleged psychological incapacity evolved. Truth to tell, all acts alleged to have been committed by respondent as enumerated by Dr. Cuyos-Belmonte in her testimony, i.e., his inability to hold a regular job, his not being sure of what he likes about his career, his relationship with other women, his not being insightful and remorseful, his inconsistency and irresponsibility regarding his profession,[1] as manifesting personality disorder, all occurred during the marriage.”

WHEREFORE, in view of the foregoing, the Motion for Reconsideration of petitioner-appellant is DENIED for lack of merit.

SO ORDERED.

Sorongon and Garcia-Fernandez,[*] JJ., concur.

[*] Vice Justice Marlene Gonzales Sison who is on leave per Office Order No. 17-14-RSF dated January 14, 2014.

[1] Transcript of Stenographic Notes (TSN), Series of July 25, 2011, pp. 9-10.

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