

EVANGELINA F. MANUBAY, PETITIONER-APPELLEE, VS. REYNALDO A. FAJARDO, JR., RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: GUARIÑA III, J.

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GUARIÑA III, J.:

After eight years of married life with Reynaldo Fajardo Jr., the petitioner Evangelina Manubay[1] filed a case for declaration of nullity of marriage with the Regional Trial Court of Cabanatuan City[2] citing the psychological incapacity of her husband Reynaldo to comply with his essential marital obligations to her. According to her petition, procreation as the basic uncompromising object of marriage was not accomplished in her marriage to Reynaldo. She was a career woman in her mid-thirties who decided to settle down with the respondent and have a family only to be disillusioned by his senseless refusal to have sex with her. Until she left him for good, they had not acquired any common property nor begot any child.

The respondent has waived the white flag in this case. He did not oppose the petition and refrained from attending hearings. The case was thus submitted on the strength alone of the evidence of the petitioner. Two witnesses took the witness stand - the petitioner herself testifying on her experiences and the psychiatrist who profiled the spouses based on her interviews of the petitioner and the sister of the respondent.

From the case study presented by Dr. Adelita Medrano-Medina,[3] whose qualifications as a psychiatrist is admitted by the State, Evangelina Manubay, the petitioner, first met her husband Reynaldo Fajardo in 1977 at the Nueva Ecija Doctors College and School of Nursing at Cabanatuan City where they were nursing students. After becoming licensed nurses, they both went abroad to work. Although stationed in different places, they did not lose touch with each other. They returned to the Philippines together and contracted marriage in 1990. They first entered into a civil wedding in January, did not immediately live under one roof, and had a church wedding two months later in March. In September, the respondent left for Canada as an immigrant, leaving the petitioner behind to pursue her masteral studies.

The communication between the two was soon cut to the bone. A year later, she left for Saudi Arabia to work. In 1993, the husband sent word to her that he was in Brunei. She returned occasionally to the Philippines, but did not bother to look for him, saying nonchalantly that he knew where to find her. The couple were inevitably drifting apart. The psychiatrist discerned that they both became uncaring of each other. In 1997, while on vacation again in the Philippines, the wife decided to file the annulment case.

The testimony of the petitioner filled the gaps in the case study. Coming in two parts, it bore a marked inconsistency.

She was 33 years old when she got married. The man Reynaldo was some two years older. They first married civilly in January 1990, but did not live together immediately because her father wanted them to get married in church. They exchanged vows in church in March, but were still not able to consummate the marriage because she was having her monthly period. There was by then an incident that seared the memory of the petitioner for years.

The respondent told her that he was fooled by her into believing that she was a rich woman. She was turned off ever since by this remark.[4]

They went their separate ways in 1991 due to the demands of their careers.[5] They wrote to each other infrequently until 1993. She seemed to suggest that she met him again in 1993, because she revealed that he did not visit her since 1993 until she filed the petition in 1998.[6] She was asked frankly : Since the time of your marriage (until) you parted ways (did) you have carnal knowledge (of) the respondent ? She answered : None. We (did) not have any.[7]

Towards the end of the first hearing, the petitioner made an unwitting admission that spoke volumes of her final split with the respondent. She was narrating that in 1996 or 1997 she called him up to tell him that she wanted an annulment. Then she added that he was asking for another chance. She said this to him : I do not know you anymore.[8]

The allegation that she never had sex with her husband turned out to be untrue. Twice at the next hearing, she indicated that she actually had sex with him. When she was asked to reaffirm the absence of coitus, she said : Initially there was none, but then because we were married, we had to have a family. I want to have children.[9] Several responses later, the following colloquy transpired between the court and her :

“Q: Do you have children with Reynaldo Fajardo, Jr.?

A : None, Your Honor.

Q: Would that mean that nothing happened between you and Reynaldo Fajardo, Jr. from the celebration of your marriage up to now?

A: Nothing happened? What do you mean, Your Honor.

Q: Nothing happened between you and Reynaldo Fajardo, Jr., you (had) no sexual intercourse?

A: There was, Your Honor, but what can I do, I did not become pregnant, so, we have no child.

Q: Now after, if this is given due course, I am referring to your petition, do you intend to marry again?

A: To marry again, at present, what happened is still traumatic but I don't know what is the score for me tomorrow, I cannot tell, but at present none, Your Honor.”[10]

It would appear that the spouses had, indeed, consummated their marriage. The disappointment of the petitioner was actually the result of her perception that the husband was not cooperating enough with her to make her pregnant rather than that he was shying away completely from sex. She wanted to have a family, but did not have it with the respondent. The evidence suggests, however, that her de facto separation from her husband due to career demands was as much a factor for her lack of children as the allegedly poor sexual performance of the husband.

In Dr. Medina's analysis of her data, both spouses were equally responsible for their failed marriage. While the petitioner exhibits narcissistic traits in her overly concern for her own self, the respondent tends to be meticulous and preoccupied with work and accepts responsibility at a very low level. The petitioner is said to have a narcissistic personality disorder, while the respondent is at risk for a dysthymic disorder. The bottom line is that with their respective disorders the spouses are unable to sustain a smooth and deep marital relationship. Dr. Medina concludes that they appear to be psychologically incapacitated that greatly affected the performance of their marital duties and obligations.[11] Significantly, she attributes the failure of the marriage to environmental factors. Asked if the respondent did not have any intention of a permanent relationship with the petitioner, the psychiatrist drew attention to the unwillingness of either of them to live with his or her parents-in law. She considered this a causative reason for the failed marriage. She declared : That's the reason why they have not come up (with) an agreement. Both of them really contributed to the failure of their marriage.[12]

In its decision on July 30, 2001,[13] the trial court adopted the findings of the psychiatrist that both parties were

psychologically incapacitated and declared the marriage void. The respondent, in particular, had stubbornly refused to engage in coitus with his wife and hence, was wanting in his basic marital obligation to her. Reference was made to ecclesiastical interpretation of canon law from which the concept of psychological incapacity originated - that senseless and protracted refusal to engage in sexual intercourse with the spouse is a sign of psychological incapacity.[14] The court said that where both parties cannot relate to each other as husband and wife, the only remedy is to sever their relationship.

The Office of the Solicitor General appealed on the ground that there is no sufficient evidence in the case to show psychological incapacity.

We agree.

The lower court's finding of complete sexual abstinence of the respondent from the sex act is not grounded in the evidence. We have scrupulously singled out portions of the wife's testimony which contain the admission that she had consummated her marriage with the respondent.[15] The question of sexual intimacy is a non-issue. It is more relevant to ask whether the fact that the respondent did not indulge the sexual desires of the wife to the degree she found satisfying is psychological incapacity. It is not. As laid down by the now sacramental Molina doctrine,[16] the mental or emotional illness of the respondent must be grave enough to bring about his disability to perform the essential obligations of marriage. A mere refusal, neglect or difficulty, in contrast to downright refusal, incapacity or inability, will not be enough to prove the essential defect that comes within the contemplation of the concept. Sexual inadequacies that do not amount to persistent or senseless refusal to perform the sex act cannot be characterized as psychological incapacity.

As we see it, the petitioner ultimately wants out of the marriage because the respondent has failed to give her children. A number of circumstances that had nothing to do with sexual incapacity conspired to make this impossible. In the first year of their marriage, as noted by the psychiatrist,[17] they were bedeviled by problems with in-laws. They were already cohabiting with each other, but as the events unfolded, they did not stay long together because they left for different places abroad. The totality of the evidence allows us a window into the lives of the parties which emerge as a sad case of two married people being driven slowly but irrevocably apart by physical and emotional distance. It may be significant to note that the respondent was still willing to give their marriage another chance. It was the petitioner who decided to call it quits.[18]

The psychiatric report fails in its objective to prove psychological incapacity. It is only a little more than an ex post facto explanation of why the marriage of the parties did not last. All unsuccessful marriages are in some way traceable to the failing of one or both parties. We leave it to the science of psychology to unearth the psychological roots of human folly. What the law requires in this specific case is the identification of the psychological disorder or illness as causing, in the words of Santos vs Court of Appeals 240 SCRA 20,[19] an utter insensitivity or inability of the party to give meaning and significance to the marriage, or as phrased in Molina, the inability to know the obligations he was assuming or knowing them, to make a valid assumption. The report does not in the least tell us whether the so-called narcissistic personality disorder or dysthymic disorder is characterized by the inability of the patient to know his or her obligations in marriage.

As emphasized in Molina, the party seeking the nullity of the marriage goes to court with a heavy burden. All doubts are still to be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. The indestructibility of the marriage bond remains the basic policy of the law.

IN VIEW OF THE FOREGOING, the decision appealed from is REVERSED, and the case filed with the trial court DISMISSED.

SO ORDERED.

Barrios, (Chairman) and Tagle, JJ., concur.

[1] The petition was originally filed in the name of Evangeline F. Manubay . The name Evangeline was ordered changed to Evangelina in the hearing on April 14, 1999. See tsn April 14, 1999, at 3.

[2] The case was docketed as case 2995-AF. It came before Branch 23.

[3] Exh. E.

[4] Tsn April 14, 1999, at 9.

[5] Ibid., at 10.

[6] Ibid., at 9.

[7] Ibid., at 11.

[8] Ibid., at 10.

[9] Tsn February 22, 2001, at 4.

[10] Ibid., at 10.

[11] Exh. E.

[12] Tsn March 21, 2001, at 10.

[13] Records, at 82-90.

[14] The cases of Chi Ming Toi vs Court of Appeals 266 SCRA 324 and Republic of the Philippines vs Court of Appeals 268 SCRA 198 are invoked.

[15] See discussion accompanying notes 9-10.

[16] Republic vs Court of Appeals, supra.

[17] See note 12.

[18] See note 8.

[19] Cited in Republic vs Court of Appeals, supra, at 207.

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