

**MA. CHRISTINA CHANCO-ALCANTARA, PLAINTIFF-APPELLEE, VS.
LEO MARK B. ALCANTARA, DEFENDANT.**

Ponente: VILLON, J.

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VILLON, J.:

Before Us is an appeal[1] filed by the Intervenor-Appellant, through the Office of the Solicitor General (OSG) praying for the reversal and setting aside of the decision[2] of the Regional Trial Court, Branch 106,[3] Quezon City, granting the petition for declaration of nullity of marriage filed in Civil Case No. Q-99-37990.

The pertinent facts as summarized in the appellant's brief are not in dispute.[4]

Sometime in 1984, appellee and defendant met each other at the art gallery of the latter's father. Appellee was then a second year college student while defendant was a fourth year high school student. Due to appellee's interest in art, she became a good friend of defendant's family members. After a whirlwind courtship, they became lovers within the same year. Shortly thereafter, appellant missed her monthly menstrual period and thought that she was pregnant. Appellee informed defendant of her situation and out of impulse, they decided to elope thinking that it was the best thing to do. Their parents were alarmed when they revealed that appellee was pregnant but they did not force the young lovers to get married. However, appellee's grandmother insisted that they should be married.[5] Thus, they were eventually married on March 16, 1985 in a church wedding solemnized by Father Juan Cruz Gaston at the Sta. Teresita del Niño Jesus Parish at Kanlaon St., Quezon City.[6] Three children were subsequently born out of the marriage.

After the wedding, the couple stayed at the house of defendant's mother but sometime in 1985, they transferred to the house of appellee's grandmother. The couple's marriage seemed fine in the beginning. They divided their time between their studies and work at the art gallery of defendant's father. Defendant decided to work full-time in the art trade and also engaged in car sales. As defendant was busy attending to his business, he decided to quit his schooling.

In 1989, the couple returned to the house of defendant's mother but their stay there was short-lived because defendant had a quarrel with his brothers regarding family business. The family business became more complicated when the art gallery of defendant's father was burned down. To avoid the situation from getting worse, they transferred to the house of appellee's mother.[7]

After transferring to their new residence, the couple put up their own art gallery. Initially, it did not do well but after sometime, they were able to compete with other dealers. Defendant obliged appellee to work hard despite the fact that she was pregnant with their third child. Appellee claimed that defendant was emotionally immature and could not converse with her without shouting and hurling invectives.[8]

Appellee underwent a medical examination after giving birth to their third child. It was discovered that she was infected with a sexually transmitted disease. Appellee asked defendant if he had an extra-marital affair but defendant denied the same and instead hurled an accusation that she was the one having an affair with another man. Angered by the response, appellee insisted that defendant should not come home until he got himself treated

but defendant refused and did not offer any moral support nor bother to accompany her to the doctor.[9]

After said confrontation, defendant stayed in his office at the art gallery for several weeks. A few more weeks later, defendant convinced appellee to move out of her mother's house for them to start a new life. Appellee acceded and they transferred to their new residence.[10] At their new home, defendant's attitude became worse. Defendant treated appellee as if she did not exist and he was cold, insensitive and inconsiderate. On the other hand, appellee avoided having carnal knowledge with defendant as she was advised by her doctor not to engage in such activity for a period of 3 to 4 months. She however, remained sweet with defendant despite the latter's indifference.

Appellee heard rumors that defendant was having a relationship with another woman but she did not confront him right away. However, at one time, appellee asked him about her other woman but defendant evaded the issue. Appellee asked defendant what he really wanted about their marriage. Defendant answered by saying "gusto mo hiwalay". Appellee claimed that defendant wanted a separation and admitted that he was having a relationship with another woman.[11] After this, appellee left their dwelling with her three kids and returned to her mother's house.

Several weeks thereafter, the spouses met and went to a pastor for counseling but their relationship did not improve. In 1993, the spouses lived separately from each other[12] but sometime in 1994, the spouses made another attempt at reconciliation by meeting at a restaurant in Quezon City with defendant's mother and the spouses' godfather acting as mediators. Said attempt to reconcile failed because defendant walked out of the meeting after he was confronted by appellee regarding his philandering activity.[13]

On June 21, 1999, appellee filed a petition for declaration of nullity of her marriage to defendant on the ground of psychological incapacity. Defendant did not file any responsive pleading despite service of summons. Hence, the public prosecutor was tasked to conduct an examination to determine if collusion exists.

The OSG in a certification[14] filed before the court a quo opined that the circumstances alleged by the plaintiff do not constitute psychological incapacity. It argued among others, that the opinion of Dr. Natividad A. Dayan, Ph. D.[15] is contradicted by her findings that respondent appears to be a self-reliant person and a responsible husband and father who works hard on the family business.[16]; that there is no allegation that respondent is suffering from a mental or psychological personality disorder of the most serious kind which renders him incapable of complying with his marital obligation; and that such hurried marriage cannot be magnified and colored as psychological incapacity in order to void a marriage which will greatly diminish the inviolability of marriage as a social institution.[17]

Disregarding OSG's recommendation, in a decision dated September 28, 2001, the court a quo ruled:

"WHEREFORE, in view of the foregoing, the Court renders judgment declaring the marriage between plaintiff MA. CHRISTINA CHANCO-ALCANTARA and defendant LEO MARK B. ALCANTARA, solemnized on March 16, 1985 by Fr. Juan Cruz Gaston, OFM Cap. at the Sta. Teresita del Nino Jesus Parish, at Kanlaon St., Quezon City, NULL AND VOID, on the ground of defendant's psychological incapacity to comply with the essential marital obligations of marriage under Article 36 of the Family Code; and, dissolving the parties' property relations in accordance with law, if there is any.

Let copy of this Decision be furnished the City Civil Registry of Quezon City for proper recording.

SO ORDERED."[18]

Arguing that the trial court erred, the State, through the OSG, appealed. In its brief[19], the OSG assigned a lone error, to wit:

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR DECLARATION OF NULLITY OF MARRIAGE DESPITE THE INSUFFICIENCY OF THE EVIDENCE PRESENTED BY APPELLEE.

Time and again, the courts are clogged by dockets of failed relationships praying for its nullification on the basis of the most abused, if not the most convenient and conventional ground to remarry and relieve one's self from a hurried marriage – psychological incapacity.

It is an established doctrine in family law, as held in the case of *Republic vs. Court of Appeals and Molina*[20], where the Supreme Court issued guidelines in resolving cases involving psychological incapacity, that the root cause of the psychological incapacity must be medically or clinically identified, alleged in the complaint, sufficiently proven by experts, and clearly explained in the decision. Article 36 of the Family Code[21] requires that the incapacity must be psychological, not physical, although its manifestations and/or symptoms may be physical. The incapacity must also be shown to be medically or clinically permanent or incurable. The 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.

In the case at bench, appellee narrated with a heavy heart her predicaments in the hands of her husband. On cross-examination, she swore among others, that defendant maintained illicit relationships with several women; that her husband was verbally abusive, inconsiderate and insensitive of her feelings and resorted to irrational behavior whenever things did not turn out the way he expected them.[22] Thus, she concluded that her husband was psychologically incapacitated to perform the essential obligations of marriage. We are not convinced. What was alleged by appellee in her complaint and testimony are mere manifestations of irreconcilable differences typical in many marriages. As held in the case of *Carating-Siayngco vs. Siayngo*, an unsatisfactory marriage is not a null and void marriage. Mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity.[23] Worthy to mention is the interpretation of psychological data conducted by Dr. Dayan on appellee, to wit:

“Regarding her marital relationship, Christina reports significant dissatisfaction...She sees her husband as incapable of meeting her needs for affection, understanding, and sympathy. Their communication is impaired, such as that they are unable to resolve their differences and conflicts...They also had emotional disagreements about money and finances and had conflicts over issues of child rearing...”[24]

Based on the foregoing, it is obvious that appellee exhibited a general dissatisfaction with her marriage. However, the facts as stated in the complaint and reiterated in appellee's testimony, from which the result of a general dissatisfaction arose, do not in any way constitute psychological incapacity. It is worthy to emphasize that Article 36 of the Family Code of the Philippines contemplates downright incapacity or inability to take cognizance of and to assume the basic marital obligations; not a mere refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.[25] Irreconcilable differences, conflicting personalities, emotional maturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment, by themselves, also do not warrant a finding of psychological incapacity under the said Article.[26] The totality of the evidence presented in this case does not support a finding of defendant's psychological incapacity in the assumption of his marital obligations. On the contrary, what is evident as can be gleaned from the psychological evaluation report[27], is the fact that defendant during their marriage, was self-reliant and a responsible family man who devoted his energy to the family business. Then, too, 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.[28]

Appellee likewise contends that her petition for nullity of marriage is justified on the ground that the latter

maintained illicit relationships with several women and even sired a child with her second woman. On the other hand, defendant averred that he hired prostitutes to release his sexual energies as appellee refused to indulge in it and that he never kept this from his wife. We disagree with appellee's contention. The High Court held in the case of Jaime F. Villalon vs. Ma. Corazon N. Villalon[29], that sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make petitioner completely unable to discharge the essential obligations of marriage. The ruling in the case of Dedel vs. Dedel is also relevant in this point. The Supreme Court ratiocinated:

"The difficulty in resolving the problem lies in the fact that a personality disorder is a very complex and elusive phenomenon which defies easy analysis and definition. In this case, respondent's sexual infidelity can hardly qualify as being mentally or physically ill to such an extent that she could not have known the obligations she was assuming, or knowing them, could not have given a valid assumption thereof...

Respondent's sexual infidelity or perversion and abandonment do not by themselves constitute psychological incapacity within the contemplation of the Family Code. Neither could her emotional immaturity and irresponsibility be equated with psychological incapacity. It must be shown that these acts are manifestations of a disordered personality which make respondent completely unable to discharge the essential obligations of the marital state, not merely due to her youth, immaturity or sexual promiscuity..."

As a rule, the burden of proof to show the nullity of the marriage belongs to the plaintiff and appellee miserably failed to discharge the same. Thus, as Republic vs. Court of Appeals and Molina[30] preaches: "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 the marriage are to be "protected" by the state.[31] "Marriage, as Justice Vitug wrote in Santos vs. The Honorable Court of Appeals, is not just an adventure but a lifetime commitment. We should continue to be reminded that innate in our society, then enshrined in our Civil Code, and even now still indelible in Article I of the Family Code, is that--

"Article I. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code." ;

Our Constitution is no less emphatic:

"Section I. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development."; and

"Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State."

The above provisions express so well and distinctly the basic nucleus of our laws on marriage and the family, and they are no doubt the tenets we still hold on to.

The Supreme Court also in the case of Santos acknowledged that Leouel Santos was undeniably and understandably aggrieved, even desperate in his present situation. Regrettably, neither law nor society itself can always provide all the specific answers to every individual problem. We apply the same to the case at bench.

Though each petition for declaration of nullity based on Article 36 of the Family Code must be resolved on a case-to-case basis, stringent position in favor of the validity of marriage has been the trend in this jurisdiction. We quote with adherence the comment by one legal scholar, to wit:

“As shown in the Philippine Supreme court decisions, the declaration of the nullity of marriage on the ground of psychological incapacity as now produced in the Family Code strengthens the institution of marriage. Philippine court decisions follow the jurisprudence set by the church tribunals that once a valid marriage is celebrated, not even the State can dissolve it as there is no absolute divorce in the Philippines. Marriage is not an ordinary contract where the conditions are subject to the will of the parties. The decisions have applied strictly the meaning of psychological incapacity as a ground for the declaration of nullity of marriage. The position of the Supreme Court is to preserve the institution of marriage as a social institution.”[32]

A final point. We take judicial notice of the fact that the trial courts usually place strong reliance on the findings and testimonies of expert witnesses. The court a quo in deciding this case remarkably adopted the findings of the expert witness presented by the appellee. As a rule, expert witnesses’ testimonies, though persuasive, are not conclusive upon the civil courts.[33] As aptly discussed by the OSG in its Brief[34], there is a seeming contradiction between the psychological evaluation report where defendant is said to be suffering from a personality disorder classified as “Dependent Personality Disorder” which is characterized as “a pervasive and excessive need to be taken care of that leads to submissive and clinging behavior and fears of separation”[35] on one hand, and the finding in the same report that defendant was a self-reliant person, responsible husband and father who worked hard on the family business, on the other hand. Thus, this Court cannot lend credence or legitimacy to the recommendations given by the expert witness in this case. Using the guidelines set by all the aforementioned jurisprudence and the significant law on the matter, We are left with no other option but to deny the petition and declare that the marriage between the appellee and defendant subsists.

WHEREFORE, in view of the foregoing, the appeal is granted. The decision of the Regional Trial Court of Quezon City, Branch 106, in Civil Case No. Q-99-37990 entitled Ma. Christina Chanco Alcantara vs. Leo Mark B. Alcantara dated September 28, 2001 is REVERSED and SET ASIDE. Resultantly, the petition is hereby DISMISSED.

SO ORDERED.

Asuncion and Mendoza, JJ., concur.

[1] Records, pp. 125-126

[2] Records, pp. 118-124

[3] Hon. Natividad Giron Dizon, Presiding Judge

[4] Rollo, p.46, Appellee accepted the statements of facts contained in appellant's brief

[5] Records, p. 47

[6] Annex “A”, Records, p. 5

[7] Exhibit “F”; pp. 10-17, TSN dated January 11, 2000

[8] Exh. “F”; pp. 12-17, TSN dated January 11, 2000

[9] Exh. “F”; p. 1, TSN dated February 22, 2000

- [10] TSN dated February 22, 2000, p. 1
- [11] Ibid
- [12] TSN dated February 11, 2000, pp. 2-4
- [13] TSN dated February 11, 2000, pp. 2-3
- [14] Records, p. 97-101
- [15] Clinical Psychologist, Dayan's Psychological Clinic, Adult and Adolescent Services
- [16] Records, p. 98
- [17] Records, p. 98-99
- [18] Records, p. 124
- [19] Brief for the Appellant, Rollo, pp. 20-31
- [20] G.R. No. 108763, February 13, 1997, 268 SCRA 198; per J. Panganiban
- [21] Art. 36 of the Family Code—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.
- [22] RTC Decision, p. 2; Rollo, p. 33
- [23] G.R. No. 158896, October 27, 2004, 441 SCRA 422; per J. Chico-Nazario
- [24] Psychological Evaluation Report, p.14, Records, p. 51
- [25] Republic vs. Court of Appeals and Molina, note 22, p. 211
- [26] Republic of the Philippines vs. Crasus L. Iyoy, G.R. No. 152577, September 21, 2005.
- [27] Records, p. 55
- [28] Leouel Santos vs. The Honorable Court of Appeals and Julia Rosario Bedia-Santos, G.R. No. 112019, January 4, 1995
- [29] G.R. No. 167206, November 18, 2005
- [30] G.R. No. 108763, February 13, 1997, 268 Scra 198; per J. Panganiban
- [31] Republic of the Philippines vs. Crasus L. Iyoy, G.R. No. 152577, September 21, 2005.
- [32] Coquia, "Distinctions Between Psychological Incapacity as a Ground for declaration of Marriage and Divorce," 320 SCRA 90
- [33] Pineda, The Family Code of the Philippines, 1999 Edition, p. 64
- [34] Brief for the Appellant
- [35] Exhibit "F", p. 6

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