

DOMINICA DAISY F. TRAJICO, PETITIONER-APPELLEE, VS. ARSENIO TRAJICO, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: LAMPAS PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9e50306f4585/>

LAMPAS PERALTA, J.:

Oppositor-appellant Republic of the Philippines assails the Decision dated March 15, 1999 in Civil Case No. C-319 of Branch 43, Regional Trial Court, Oriental Mindoro which declared null and void the marriage of petitioner-appellee Dominica Daisy F. Trajico and respondent Arsenio Trajico on the ground of the latter's psychological incapacity to perform his marital obligations.

THE ANTECEDENTS

Petitioner-appellee and respondent were officemates for several years. After about seven months of courtship, they got married. However, they lived together as husband and wife for less than a year only, or before she gave birth to their child, because respondent allegedly turned out to be a drunkard, came home late at night, was often seen with different women and although he was then gainfully employed, he failed to financially support his family. He was also allegedly using prohibited drugs. He would physically abuse petitioner-appellee even during the seventh month of her pregnancy, which prompted her to leave respondent and go back to her parents' residence.

The facts, based on petitioner-appellee's evidence, are recapitulated in the trial court's Decision as follows:

"Petitioner Dominica Daisy F. Trajico and respondent Arsenio Trajico were officemates at the Commission on Population for several years. Then, Arsenio started to court her. They became steady friends after seven (7) months of courtship. In due time, they decided to get married. Thus, in the civil wedding ceremony officiated by Judge Pedro Yuzon on January 31, 1983, they tied the matrimonial knot.

They moved out of their respective residence and rented a house here in Roxas where they lived together as husband and wife for a very brief span of time. Their life together lasted for only seven (7) months because of her miserable and harrowing experience with respondent. According to petitioner, while they were living together, respondent would come home late in the night and drunk. It happened almost every night for seven (7) months, and worse, she was not even notified by her husband of the latter's whereabouts. She tried to persuade him to mend his ways or at least, minimize his nocturnal activities but nothing good came out of their discussions.

During the period that they were living together, respondent was gainfully employed. But, in spite of his income, respondent has failed to provide any support to his family nor did he bother to share or contribute to the daily expenses of his family. And whenever petitioner would inquire about his earnings, her husband would go into tantrums. Also, during these few months that they were together, respondent was often seen with different women riding in tandem with him on his motorcycle.

Likewise, during the brief span of time that they were together, respondent had physically abused her and that

at the slightest disagreement or misunderstanding, her husband would slap and kick her and subject her to personal insults and indignities. When her parents and brothers came to know of these incidents, they talked with her husband and warned him not to repeat the abuses and that if he would do so, they would take her away from him. He agreed but nonetheless, in case of disagreement between them, he would again physically abuse her.

While mulling over the aforementioned weird behavior and volatile temper of her husband, Daisy was informed by her officemates who were also co-workers of her husband, her friends and members of her family that it could be due to the fact that he has been using and/or addicted to prohibited drugs which circumstance was concealed from her by herein respondent before and after their marriage.

But what finally broke the camel's back so to speak and made her decide to separate from her husband was when he beat her black and blue even when she was seven (7) months pregnant. She left her husband and returned to her parent's house. On August 20, 1983, she gave birth to their child, Arnaldo Michael Trajico. By this time, she was already living separately from her husband. At present, Arnaldo Michael is now fifteen (15) years old and to her recollection, she has been separated de facto from respondent for almost the same period.”[1]

Thus, petitioner-appellee filed with the trial court a petition for declaration of nullity of marriage on the basis of respondent's psychological incapacity. Respondent did not file his answer. During the trial, only petitioner-appellee presented her evidence.

In a Decision dated March 15, 1999, the trial court granted the petition as follows:

“WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered as follows:

- (a) The marriage entered into by petitioner and respondent is declared NULL AND VOID;
- (b) Corollary to the foregoing, the Local Civil Registrar of Roxas, Oriental Mindoro and the Civil Registrar General of the National Census and Statistics Office are directed to cancel from their respective books and records of marriage, the aforementioned marriage contract of the herein parties; and
- (c) For the respondent to provide monthly support of P5,000.00 to his minor child with petitioner, Arnaldo Michael F. Trajico until such minor completes his college education.
- (d) For the respondent to pay the costs of suit.

SO ORDERED.”[2]

Oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General (OSG), filed a motion for reconsideration[3] of said Decision but the trial court denied the same in an Order dated May 18, 1999.[4]

Hence, oppositor-appellant filed this appeal with this assignment of error:

“The lower court erred in declaring the marriage between petitioner-appellee Dominica Daisy F. Trajico and respondent Arsenio Trajico null and void on the ground of psychological incapacity.”[5]

ISSUE

Whether the totality of the evidence presented proved respondent's psychological incapacity to perform his marital obligations.

THE COURT'S RULING

Based on the testimonies of petitioner-appellee, her office supervisor Adela Jamilla and Clinical Psychologist Rosalier San Juan, the trial court found that respondent was suffering from psychological incapacity because of manifestations of his irresponsibility, immaturity and unfaithfulness. Said the trial court:

“xxx Petitioner has shown that her husband not only has no time to share with her but during those brief moments that they were together, he would physically abuse her by slapping and kicking her and subject her to indignities at their slight misunderstanding. And, he had employed physical violence on the person of his spouse even when the latter was pregnant with their child. These misbehaviors could not be done by a normal person. They could only come from a person who is sick in the mind.

Rosalier San Juan, the Clinical Psychologist who prepared a psychological profile of the respondent has this to say regarding respondent's rather weird and unusual behavior:

xxx xxx xxx

Additionally, petitioner has proven by clear and convincing evidence that her husband is self-centered and selfish. In spite of the fact that he is gainfully employed, he has not shared even a portion of his income for the support of his family. This is the height of irresponsibility and immaturity! Not only that, it has been shown that he is not capable of being faithful to his wife.

According to psychologist Rosalier San Juan who evaluated the psychological data on respondent, the latter is a happy-go-lucky type, insecure, immature, irresponsible, volatile, violent tempered and a jealous type of person. To overcome his feeling of inferiority, he has to resort to drinking and using prohibited drugs, thus, becoming in the process a drunkard and a drug user. These serious personality disorders are psychological in nature and deeply rooted in his unhappy childhood. And since he has gone past the formative years, these serious personality disorders are clinically permanent and they, undoubtedly have rendered him psychologically incapable of performing even the most basic marital obligations of extending love and respect to petitioner. xxx”[6]

(Underlining supplied)

Oppositor-appellant faults the trial court in not finding that there was non-compliance with the requisites of psychological incapacity as laid down in *Republic of the Philippines vs. Roridel Molina*, 268 SCRA 198 [1997]. Oppositor-appellant maintains that Clinical Psychologist Rosalier San Juan “failed to personally examine and interview respondent upon whose mental condition or psychological make-up the grant of an annulment decree is solely dependent.”[7] Allegedly, her findings on respondent's behavior were merely based on what she gathered from petitioner-appellee, her officemate and relatives, and not on the actual and medical examination of respondent.[8]

Jurisprudence on the dispensability of personal examination of the errant spouse by a physician or a psychologist, is now settled. Such personal examination is no longer required for a declaration of psychological incapacity, so long as the same can be established by the totality of the evidence presented during the trial. Thus:

Re: *Brenda Marcos vs. Wilson Marcos* (2000)

“The guidelines incorporate the three basic requirements earlier mandated by the Court in *Santos v. Court of Appeals*: ‘psychological incapacity must be characterized by (a) gravity (b) juridical antecedence, and (c) incurability.’ The foregoing guidelines do not require that a physician examine the person to be declared psychologically incapacitated. In fact, the root cause may be ‘medically or clinically identified.’ What is important is the presence of evidence that can adequately establish the party's psychological condition. For indeed, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then

actual medical examination of the person concerned need not be resorted to.”(Underlining supplied.)[9]

But although the personal psychological examination of respondent is not a requirement for a declaration of his psychological incapacity, jurisprudence is also settled that the totality of the evidence must still prove the gravity, juridical antecedence and incurability of the alleged psychological incapacity. Said the Supreme Court in *Republic of the Philippines vs. Crasus Iyoy*, 470 SCRA 508 [2005]:

“The psychological incapacity must be characterized by -(a) Gravity – It must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in a marriage;

(b) 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

(c) Incurability – It must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.

xxx xxx xxx

A later case, *Marcos vs. Marcos*, further clarified that there is no requirement that the defendant/respondent spouse should be personally examined by a physician or psychologist as a condition sine qua non for the declaration of nullity of marriage based on psychological incapacity. Accordingly, it is no longer necessary to allege expert opinion in a petition under Article 36 of the Family Code of the Philippines. Such psychological incapacity, however, must be established by the totality of the evidence presented during the trial.”

In the present case, the totality of the evidence, at most, showed respondent’s immaturity and irresponsibility as manifested by his refusal to provide for the financial needs of his family, violent temper, infidelity, alcoholism and drug addiction. These cannot be automatically equated with psychological incapacity unless they are rooted in downright incapacity, not mere refusal or neglect, to assume basic marital obligations. If at all, respondent’s immaturity and irresponsibility provide only the grounds for legal separation under Article 55, Family Code. As the Supreme Court further enunciated in *Republic of the Philippines v. Crasus Iyoy*, supra:

“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 assume the basic marital obligations; not a mere refusal, neglect or difficulty, much less, ill will, on the part of the errant spouses. Irreconcilable differences, conflicting personalities, emotional immaturity 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.”

As has already been stressed by this Court in previous cases, Article 36 ‘is not to be confused with a divorce law that cuts the marital bond at the time the causes therefore manifest themselves. It refers to a serious psychological illness afflicting a party even before the celebration of marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.’

Fely's hot-temper, nagging, and extravagance; her abandonment of respondent Crasus; her marriage to an American; and even her flaunting of her American family and her American surname, may have hurt and embarrassed respondent Crasus and the rest of the family. Nonetheless, the afore-described characteristics, behavior, and acts of Fely do not satisfactorily establish a psychological or mental defect that is serious or grave, and which has been in existence at the time of the celebration of the marriage and is incurable. Even when the rules have been relaxed and the personal examination of Fely by a psychiatrist or psychologist is no longer mandatory for the declaration of nullity of their marriage under Article 36 of the Family Code of the Philippines, the totality of evidence presented during trial by respondent Crasus, as the spouse seeking the declaration of nullity of marriage, must still prove the gravity, judicial antecedence, and incurability of the

alleged psychological incapacity, which, it failed to do so herein.

Also in *David Dedel v. Court of Appeals*, 421 SCRA 461 [2004], it was held:

“At best, the circumstances relied upon by petitioner are grounds for legal separation under Article 55 of the Family Code. However, we pointed out in *Marcos v. Marcos* that Article 36 is not to be equated with legal separation in which the grounds need not be rooted in psychological incapacity but on physical violence, moral pressure, civil interdiction, drug addiction, habitual alcoholism, sexual infidelity, abandonment and the like. In short, the evidence presented by petitioner refers only to grounds for legal separation, not for declaring a marriage void.”

In sum, there is no basis for the trial court’s finding of respondent’s psychological incapacity to warrant a declaration of nullity of his marriage with petitioner appellee. Worth reiterating is the following reminder of the Supreme Court on the prevailing policy to protect and preserve the sanctity of marriage as a basic social institution:

“xxx Our family law is based on the policy that marriage is not a mere contract, but a social institution in which the State is vitally interested. The State can find no stronger anchor than on good, solid and happy families. The break-up of family weakens our social and moral fabric; hence, their preservation is not the concern of the family members alone. Whether or not a marriage should continue to exist or a family should stay together must not depend on the whims and caprices of only one party, who claims that the other suffers psychological imbalance, incapacitating such party to fulfill his or her marital duties and obligations.”[10]

WHEREFORE, the appealed Decision dated March 15, 1999 is set aside and the petition for declaration of nullity of marriage in Civil Case No. C-319 is dismissed.

SO ORDERED.

Reyes, (Chairman) and Dimaranan-Vidal, JJ., concur.

[1] Records, pp. 83-84

[2] Records, p. 90

[3] Records, pp. 91-93

[4] Records, pp. 108-109

[5] Rollo, pp. 14-15

[6] Rollo, pp. 26-28

[7] Rollo, p. 16

[8] Rollo, pp. 17-18

[9] *Brenda Marcos vs. Wilson Marcos*, 343 SCRA 755, October 19, 2000

[10] *Marietta Ancheta vs. Rodolfo Ancheta*, 424 SCRA 725, March 4, 2004

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.