

NENA ANN RODRIGUEZ GARCIA, PLAINTIFF-APPELLEE, VS. RENATO T. GARCIA, JR., RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

C.V. No. 75205, March 09, 2007

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This is an appeal from the Decision[1] dated May 28, 2002 of the Regional Trial Court of Pasay City, Branch 113 in Civil Case No. 01-0065, which declared void the marriage of herein appellee Nena Ann Rodriguez Garcia (Nena) to herein respondent Renato T. Garcia, Jr. (Renato).

The facts of the case are as follows:

On February 26, 2001, Nena filed a Complaint[2] to declare her marriage to Renato void on the ground of her husband's psychological incapacity under Article 36 of the Family Code and to gain custody of their daughter Kezia Gianna R. Garcia (Kezia). Summons and copy of the complaint were served to Renato on March 12, 2001 and to the Office of the Solicitor General on March 20, 2001.[3] On April 24, 2001, Nena filed an Ex-Parte Motion to Set the Case for Preliminary Investigation[4] by the city prosecutor. Subsequently, the court a quo issued an Order[5] dated May 24, 2001 addressed to the assigned Assistant City Prosecutor to investigate any collusion between the parties and to intervene for the state during trial. In his Report[6] dated October 18, 2001, Assistant City Prosecutor Manuel A. Ortega ruled out the possibility of collusion, thus, trial on the merits ensued.

Nena testified that she met Renato in 1984 in a blind date set up by her friend. They continued dating for eight (8) months within which Nena observed that Renato was very dependent on his father and was very irresponsible with his academic life. When Nena got pregnant in August 1985, they planned to have an abortion but decided not to push through with it. Pressured by their parents, they got married on October 14, 1985 at the office of the Municipal Mayor of Las Pinas and begot a daughter who they named Kezia. Being students then, they stayed at the house of Nena's parents where her mother and sister provided them financial support because Renato was jobless most of the time. He would work for only a couple of months-and quit, complaining about commuting and low salary. Within their ten (10) years of marriage, the longest time Renato had work was only for six (6) months. Thereafter, Renato would just stay home and be contented on bringing her to work and their daughter to school, after which he would hang around with his friends. Since their wedding, Renato never provided her financial support.[7]

Nena also stated that most of the time, Renato was insecure of her career. He was also jealous of their childhood friends and would often check her personal belongings. Whenever he got frustrated, Renato would start a fight with her and slam her head against the wall, doing this repeatedly every time she answered back. There were times he allowed Kezia to watch him slam her head against the wall for Kezia to see that it was her fault. Scared he might hurt her again, she avoided any fight with him.[8]

Nena even opened a store for him to manage, however Renato only used the money for vices like drinking with friends and having a girlfriend. She confronted him about his vices but it was futile. Unable to bear with Renato's behavior, she asked him to leave. During their separation, she did not receive financial support from him because

he had no stable job.[9]

During her cross-examination, Nena stated that on their first year of marriage, she discovered that Renato had an affair with another woman at his family's beerhouse where he worked. On several occasions, he would not come home and spend the night with other women. Despite his irresponsible behavior, she tried winning him back by begging him. She also spoke with her older cousin to mediate in saving the marriage. She decided to finally end the marriage when he squandered the loan money intended for their business.[10]

A clinical psychologist, Maria Victoria C. Santillano-Racasag (Racasag), testified that she examined Renato and found him suffering from a grave personality flaw classified as Dependent Personality Disorder, which made him psychologically incapacitated to comply with his essential marital obligations.[11] She also identified the psychological report[12] she prepared containing the following test results and evaluation, to wit:

"Test result and evaluation

Respondent's Profile

Respondent Renato's protocol shows that he is endowed with an intellectual ability that borders along the Borderline to Dull Normal Range. He is capable of good planning skills and sound analytical functioning but these tend to falter when situational difficulties threaten to outdo his disposition. He is given to rash decision-making mainly because he is the sort of person who is governed by his emotions rather than his intellect.

Personality profile bespeaks of a self-oriented and somewhat demanding person who is indifferent to change and its concomitant complexities primarily because he dislikes challenges and the thought of hardship. Id-oriented that he is, respondent concerns himself with less taxing activities, and evading responsibilities is a normal habit for him. More often than not, his inner urgencies reign supreme over all concerns he may have hence, getting along with him is quite an unpleasant task. He is not altogether disagreeable, in fact, his main occupation is to ingratiate himself to other people and given his extraordinary charm, he usually gets away with his deeds, however unpleasant it may seem to be for others. Respondent usually adopts this behavior in order to gain the approval of the people around him, sometimes without proper regard for the means he employ to pursue his end. This seemingly self-serving attitude has its roots on the calculating and shrewd manner by which his significant others had reared him, particularly his father, who used his charm and wit to advance his motives even if his actions had paved the way for the disintegration of his marriage and family. Dependence is something which is very familiar to him, having been exposed to a happy-go-lucky lifestyle where one's success is determined by the material things he has accumulated in life. He is inclined to take the backseat in situations where the strength of character is warranted, mainly because he knows that he will be taken care of. In spite of this attitude, he resents being called a dependent, especially when it is his wife who is the object of praises and he feels as though he is made to look like the villain. Apparently, he dislikes the thought of being rated only second best to his wife, even as he cannot seem to find a way to resolve the situation. It is obvious that he lacks the introspective ability to recognize his flaws and instead, projects the blame to Petitioner, making it appear that his wife is deliberately trying to underline his weaknesses by being a good career woman, wife and mother.

Psychosexual adjustment is marred by his seeming dependence on his opposite-sexed caregivers specifically, his wife and at present, his sister. His adaptive behavior is incongruent to the expectations of society from men in general, as he cannot assume his marital and paternal duties and obligations with a certain degree of maturity and self-sufficiency. He has deprived himself of the chance to be a good husband and father by opting to just stay behind the shadow of his reliable and sacrificing wife, to the detriment of their relationship as marriage partners.

From the foregoing, the undersigned Psychologist is of the opinion that the Respondent is suffering from a

grave personality flaw, which is classified as Dependent Personality Disorder. Such is evidenced by his apparent lack of self-confidence, his avoidance of positions of responsibility and lastly, his continuous pattern of relying excessively on others for support, in his failure to assert or effect a dominant and aggressive disposition. With this condition, it is clear that he cannot sustain lasting relationship, more so if it entails the obligations called for by marriage. He is without a doubt, psychologically incapacitated to fulfill his roles as a husband and father thus. He is, in essence, a married man lacking in the heart, will and mind for the duties and obligations warranted from him by his roles, that of being a husband to the Petitioner and father to their only daughter, Kezia Gianna." [13]

On May 3, 2002, the Office of the Solicitor General filed its opposition¹⁴ to Nena's complaint on the ground of her failure to comply with the dictum laid down in the case of *Republic vs. Court of Appeals and Molina*. [15]

On May 28, 2002, the court a quo rendered the assailed decision declaring void Nena's marriage to Renato on the ground of the latter's psychological incapacity.

Hence this present appeal. The Office of the Solicitor General (appellant), in its Appellant's Brief, assigns the following errors, to wit:

"I.

THE COURT A QUO ERRED IN DECLARING THE MARRIAGE OF NENA ANN RODRIGUEZ-GARCIA TO RENATO T. GARCIA AS NULL AND VOID DESPITE FAILURE ON THE PART OF PLAINTIFF-APPELLEE TO PROVE THAT HER HUSBAND IS PSYCHOLOGICALLY INCAPACITATED TO PERFORM THE ESSENTIAL MARITAL OBLIGATIONS.

"II.

THE COURT A QUO ERRED IN GRANTING THE COMPLAINT DESPITE PLAINTIFF-APPELLEE'S KNOWLEDGE OF DEFENDANT'S NEGATIVE ATTITUDES." [16]

The appeal lacks merit.

On the first assigned error, appellant contends that the court a quo erred in declaring void the marriage of the parties because the evidence on record failed to prove Renato's psychological incapacity. Appellant also contends that the court a quo erred in relying on the psychological evaluation made by Racasag, claiming that she is not an expert in the field of Psychology because she did not finish her master's degree. And even assuming that she is an expert, her report is a mere generalization of what the parties told her, without specifying the causes and instances of Renato's psychological incapacity to perform his marital duties to his alleged Dependent Personality Disorder.

This court is not persuaded.

Psychological incapacity to be a ground to nullify a marriage under Article 36 of the Family Code 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 expected to assume. [17] Psychological incapacity is characterized by gravity, juridical antecedence and incurability. [18] The evidentiary facts must sufficiently establish the existence of alleged psychological incapacity and the burden of proof belongs to the plaintiff. [19]

In finding for the psychological incapacity of Renato's, the court a quo ratiocinated as follows, to wit:

"Based on the findings and the testimony of the Clinical Psychologist in this case, the respondent is suffering from a personality flaw, classified as Dependent Personality Disorder. Such incapacity was existing before and during the marriage. It is grave and incurable. (TSN 2/12/02, pp. 16 and 17)

As such, the respondent's psychological incapacity is engrained deeply within his adaptive system which definitely hampered his normal functioning as a married person.

Aptly, the Clinical Psychologist remarked, that the psychologically incapacitated condition of the respondent had greatly contributed to the detriment of his relationship with the petitioner, due to its gravity and change is improbable.

This court is foursquare behind the Clinical Psychologist when she said that the marital relationship of both parties in this case is improbable due to the absence of the necessary ingredients to make a relationship work. To her, the respondent does not seem to have any heart, the will, and the mind for the petitioner to assume his duties and obligations as a husband to the petitioner and as a father to their only daughter.

Contrary to the postulations of the Office of the Solicitor General in the Certification, this court believes that in this case, the guidelines laid down by the Supreme Court in the Molina case were met in the light of the facts, the evidence and the findings of the Clinical Psychologist who is an expert in this particular field of psychology.

Undoubtedly, this court holds that the respondent Renato T. Garcia, Jr., is psychologically incapacitated he having found to be suffering from a Dependent Personality Disorder, which was existing before and during the marriage. It was found to be grave and is incurable. Thus, it renders the respondent incapable of performing the essential marital obligations, such as love, respect, trust, fidelity, and support, pursuant to the provision of Article 68 of the Family Code which provides:

'Article 68. The husband and wife are obliged to live together, observe mutual love and respect and fidelity, and render mutual help and support.'[20]

As aptly found by the court a quo evidence on record sufficiently established Renato's psychological incapacity. Nena's testimony is undisputed when she testified that he exhibited irresponsible behaviors such as his unreasonable refusal to provide financial support for the family, uncaring attitude towards his family, indulgence to vices and excessive dependence on Nena for support. Renato's irresponsible behaviors are proven manifestations of a deep-seated, grave, permanent and incurable psychological malady existing even before the celebration of marriage and not just due to his immaturity, difficulty, refusal or neglect to perform the essential marital obligations. Based on the psychological evaluation and expert testimony of Racasag, Renato's irresponsible behaviors are manifestations of his grave personality flaw classified as Dependent Type Personality Disorder, which renders him psychologically incapacitated to comply with the essential marital obligations. His psychological disorder is grave because with this condition, he avoids positions that entail responsibility and exhibits extreme dependency on others for support. Nena confirmed this in her testimony that during their marriage, Renato failed to provide support for the family and was contended to rely on her for support.[21] His psychological disorder already existed even before the time of the celebration of their marriage because he developed it during his formative years as a child, particularly in the way his parents raised him. He grew up a typical spoiled brat because his father pampered him. His father is also dependent on his wife for support and did not exert any effort to find work. Renato was exposed to his father thus imbibed these behaviors from him.[22] Nena corroborated this in her testimony that she had observed his irresponsible behaviors even before they were married, which continued during the course of their marriage.[23] His disorder is incurable and permanent because it is actually rooted within him and embedded in his adaptive system. He is not aware of his irresponsible behaviors or how they affected his interaction with other people and, therefore, he will ne'ver accept his flaws.[24]

This Court also finds no merit on the appellant's contention that Racasag is not an expert witness in the field of Psychology just because she did not finish her master's degree. The rule on admissibility of the testimony of expert witness is governed by Section 49, Rule 130 of the revised Rules of Court, as amended, which reads:

"Sec. 49. Opinion of expert witness.— The opinion of a witness on a matter requiring special knowledge, skill, experience or training which he is shown to possess, may be received in evidence."

In the case of *People vs. Abriol*,^[25] the Supreme Court declared that:

"An expert witness is one who belongs to the profession or calling to which the subject matter of the inquiry relates and who possesses special knowledge on questions on which he proposes to express an opinion. There is no definite standard of determining the degree of skill or knowledge that a witness must possess to testify as an expert. It is sufficient that the following factors be present : (1) training and education; (2) particular, first-hand familiarity with the facts of the case; and (3) presentation of authorities or standards upon which his opinion is based."^[26]

It is undisputed that Racasag was qualified when she gave her expert testimony during trial. It is also clearly established that she possessed the necessary education, training and experience to qualify as an expert witness on the subject matter of inquiry. In her testimony, she declared that after finishing her Bachelor of Science in Psychology degree at Collegio de San Juan de Letran, she became a psychometrician in the industrial section of a private company. She transferred to the National Center for Mental Health in 1995 as a clinical psychologist. She also worked in clinic facilities for psychotic patients such as San Lorenzo Ruiz Home Care in Bocaue, Bulacan and Metropsyche in Pasig City. She also attended relevant trainings and seminars purposely to enrich her knowledge in psycho-diagnostic and treated approximately a thousand patients.^[27] It is also undisputed that she had a first-hand familiarity with the facts of the case having personally interviewed both Nena and Renato and conducted a series of psychological examinations on them.^[28]

In addition, the prosecution admitted Racasag as an expert witness. The prosecutor even cross-examined her without objecting to her competence. Prosecution's failure to object to her competency as an expert witness operates as a waiver. Once admitted, her testimony is now in the record of the case for what it is worth and the court a quo can neither disregard it for the reason that it can be excluded if it had been objected to nor strike it out on its own motion.^[29] Although the court a quo is not bound by her expert testimony, it may place whatever weight it chooses upon her testimony, based on the facts of the case. For settled is the rule that the relative weight and sufficiency of expert testimony is within the province of the trial court to decide. The problem of the evaluation of expert testimony is left to the discretion of the trial court whose ruling thereupon is not reviewable in the absence of an abuse of that discretion.^[30] Since the issue at hand requires scientific explanation, the court a quo may rely on the psychological evaluation made by her in resolving the case.

On the contention that the psychological report of Racasag was a mere generalization of the parties' testimonies, this Court believes otherwise. The psychological report she prepared specifically identified the cause of Renato's psychological incapacity and how it made him incapable to perform his marital duties. The report stated that his psychological incapacity was due to his grave personality flaw classified as Dependent Type Personality Disorder. With this disorder, Renato avoids positions that entail responsibilities and relies excessively on others for support, which explains why he exhibited these irresponsible behaviors that made him unable to assume the essential marital obligations.

Anent the second assigned error, this Court finds no merit in appellant's contention that Nena cannot file for declaration of nullity of her marriage with Renato because she was aware of his negative behaviors even before the celebration of their marriage.

Appellant's contention is misplaced because Nena's prior knowledge of Renato's negative behavior is not a proper defense to oppose a petition for declaration of nullity of marriage on the ground of psychological incapacity. On the contrary, the Supreme Court, in the landmark case of *Republic vs. Court of Appeals and Molina*^[31] declared that:

"(3) The incapacity must be proven to be existing at the time of the celebration of the marriage. The evidence must show that the illness was existing when the parties exchanged their 'I do's.' The manifestation of the illness need not be perceived at such time, but the illness itself must have attached at such moment, or prior thereto." [32] (emphasis supplied)

It bears stressing that one of the characteristics of psychological incapacity is juridical antecedent.[33] The manifestation of psychological incapacity need not be perceived but must have existed even before the celebration of marriage. Thus, it is possible for Nena to actually observe the manifestations of Renato's psychological incapacity, which are his negative behaviors, even before their marriage. In addition Nena cannot be faulted for still marrying Renato despite her knowing his negative behaviors because she did not recognize that what she had already observed was a manifestation of his psychological incapacity since she is not an expert on the field of psychology.

In fine, the totality of evidence sufficiently proved Renato's psychological incapacity, thus, this Court agrees with the court a quo that the marriage of Nena to Renato should be declared void on the ground of the latter's psychological incapacity to comply with the essential marital obligations.

WHEREFORE, the instant appeal is DISMISSED and the May 28, 2002 decision of the Regional Trial Court of Pasay City, Branch 113, in Civil Case No. 01-0065 is hereby AFFIRMED.

SO ORDERED.

Salazar-Fernando and Mendoza, Jr., concur.

Appeal dismissed and the judgment affirmed.

[1] Rollo, pp. 14-24

[2] Records, pp. 2-7.

[3] Records, p. 13, Sheriff's Return

[4] Records, pp. 11-12.

[5] Records, p. 15.

[6] Records, pp. 20-21.

[7] Records, pp. 78-95, TSN, October 19, 2001, pp. 6-23.

[8] Records, pp. 96-99, TSN, October 19, 2001, pp. 24-27.

[9] Records, pp. 100-103, TSN, October 19, 2001 pp. 20-31.

[10] Records, pp. 106-112, TSN, December 7, 2001, pp. 1-7.

[11] Records, pp. 126-129, TSN, February 12 2002, pp. 14-17.

[12] Records, pp. 25-31.

[13] Records, pp. 28-30.

[14] Records, pp. 56-60.

[15] Republic vs. Molina, 268 SCRA 198 [February 13, 1997]

- [16] Rollo, p. 36.
- [17] Ferraris vs. Ferraris, G.R. No. 162368 (July 17, 2006) citing Marcos vs. Marcos, 397 Phil. 840, 851 (2000).
- [18] Republic vs. Molina, 268 SCRA 198, 198. [February 13, 1997]
- [19] Ibid.
- [20] Rollo, pp. 23-24.
- [21] Records, pp. 93-95, TSN, October 19, 2001, pp. 21-25.
- [22] Records, pp. 126-128, TSN, February 12, 2002, pp. 14-16.
- [23] Records, pp. 91-92, TSN, October 19, 2001, pp. 19-20.
- [24] Records, pp. 128-129, TSN, February 12, 2002, pp. 16-17.
- [25] 367 SCRA 327 [GR No. 123137 October 17, 2001].
- [26] Ibid, p. 328.
- [27] Records, pp. 115-119, TSN, February 12, 2002, pp. 3-7.
- [28] Records, pp. 119-124, TSN, February 12, 2002, pp. 7-12.
- [29] People vs. Cruz, 208 SCRA 326, p. 327 [G.R. No. 83811 May 5, 1992]
- [30] Ilao-Quianay vs. Mapile, 474 SCRA 246, p. 247. [G.R. No. 154087, October 25, 2005.]
- [31] Republic vs. Molina, 268 SCRA 198 [February 13, 1997]
- [32] Ibid, p. 199.
- [33] Ibid, p. 198.

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