

GERALD I. BIRUNG, PLAINTIFF-APPELLEE, VS. GENALYN B. BAUTISTA-BIRUNG, DEFENDANT,

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

This Appeal inveighs against the Decision[1] dated 13 June 2012 and the Order[2] dated 17 July 2012 of the Regional Trial Court of Balaoan, Second Judicial Region, La Union, Branch 34, granting the Petition for Declaration of Nullity of Marriage, and denying the Motion for Reconsideration thereof, respectively, in Civil Case No. 944.

The love story of Gerald and Genalyn is a tale of a marriage that has gone astray. Their life journey unfolds as follows:

Plaintiff-appellee Gerald and defendant Genalyn, both surnamed Birung, met in church sometime in April 2003 as they were introduced by a common friend. They learned that they were both enrolled at Saint Louis University, Baguio City so they continued seeing each other in school. Although they were both involved with someone else, their friendship blossomed and they both decided to cut ties with their respective partners to be together.

Through the years, Gerald realized that Genalyn was a fault-finder and a nagger. They quarreled often because she was always jealous and in doubt of his fidelity. Their unending arguments continued even after Genalyn graduated and obtained a job in Manila.

In 2005, the couple lived together without the benefit of marriage which led to Genalyn's untimely pregnancy. They discussed plans of marriage with their parents who agreed to support them. Gerald and Genalyn were married in 2006[3] and they were blessed with a baby boy who was born on the same year.[4]

Gerald continued his studies in Baguio while Genalyn lived with her parents in Nueva Ecija. Gerald noticed that Genalyn was too dependent on her mother who often interfered in their marital conflicts. There were times when Genalyn failed to visit Gerald in Baguio when the former's mother refused to allow her to do so. The couple's marriage was marred by bitter altercations about money, jealousy, and family interference. The last straw came when a heated squabble between the couple led to physical violence. Genalyn went to her parents' home and brought to naught Gerald's efforts at reconciliation.

Subsequently, Gerald sought to have their marriage nullified. He consulted Dr. Lucita Jose (Dr. Jose) whose Psychological Evaluation Report[5] revealed that Gerald suffered from Anti-Social Personality Disorder which was characterized by a "pervasive pattern of disregarding and violating the rights of others." [6] Genalyn, on one hand, was diagnosed with Narcissistic Personality Disorder and Dependent Personality Disorder, characterized by grandiose sense of self-importance, feelings of great success, lack of empathy, manipulateness, inability to make decisions without advice from others, pessimism, lack of self-confidence, and avoidance of personal responsibility.[7]

Weighing the evidence on hand, the court a quo rendered the assailed Decision, thusly—

"WHEREFORE, in the light of the foregoing, this Court hereby declares the marriage contract between Petitioner and Respondent as NULL and VOID ab initio due to the psychological incapacity of both parties, hence, their inability to comply with their essential obligations of marriage as provided for in Article 36 of the Family Code of the Philippines. Further, their absolute community of property is hereby dissolved and the custody of the minor child remains with the defendant with plaintiff's right to visitation.

Let copies of this Judgment be furnished the Office of the Civil Registrar of Talugtog, Nueva Ecija and the National Statistics Office, (NSO), Quezon City and to other appropriate government agencies, for their information/ record, and for the execution/implementation of this Judgment.

SO ORDERED."[8]

The State, through the Office of the Solicitor General (OSG), moved for reconsideration asserting that it was denied the opportunity to participate in the proceedings and scrutinize the evidence of the parties as it was only furnished with copies of the Petition for Nullity of Marriage, as well as the assailed Decision.

The court a quo, however, denied the Motion for Reconsideration through the impugned Order.

The OSG (now, appellant) turns to Us for relief through this Appeal propounding the following queries:

1. WAS THE STATE DEPRIVED OF ITS FULLEST DAY IN COURT?

2. WAS THE MARRIAGE BETWEEN APPELLEE AND GENALYN VOID AB INITIO ON THE GROUND OF PSYCHOLOGICAL INCAPACITY?

The Appeal carries weight and conviction.

At the crux of this controversy is this conundrum— whether or not the marriage of the parties must be nullified on the ground of psychological incapacity.

Psychological incapacity, as a ground to nullify a marriage under Article 36 of the Family Code, should refer to no less than a mental — not merely physical — incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed in Article 68 of the Family Code, among others, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. 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.[9] It must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability, to be sufficient basis to annul a marriage.[10]

The marriage of the parties was lamentably beset by difficulties. Genalyn may have been a nagger and a jealous wife. She may be immature, pessimistic, manipulative, insensitive and immature. So, too, Gerald may have been aggressive, irritable, unfaithful and insensitive. But these, by themselves, cannot be equated with psychological incapacity within the purview of the law. They do not constitute valid reasons to justify nullity of the marriage.

Invariably, Gerald (now, appellee) failed to substantiate his assertion that the alleged psychological incapacities that he and his wife suffered from existed prior to the celebration of the marriage. The root cause of their malady remains obscure and shrouded. He has nary a proof that their personality disorders are so deeply ingrained as to incapacitate them in performing their marital obligations.

We cannot accord weight and credence to the Psychological Evaluation Report of Dr. Jose, clinical psychologist, who did not personally interview and examine Genalyn. Ineluctably, Dr. Jose had no personal knowledge of the facts she testified to as she was working on pure speculations and secondhand information fed to her by appellee,

the spouse who wanted their marriage nullified. The presentation of expert proof in cases for declaration of nullity of marriage based on psychological incapacity presupposes a thorough and an in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a grave, severe and incurable presence of psychological incapacity.[11] This does not obtain in the case at bench.

We commiserate with the parties' predicament as they find themselves ensnared in a marriage devoid of love. Still and all, the factual antecedents of this case hardly come close to a definite and conclusive finding of the parties' psychological incapacity.

WHEREFORE, the Appeal is hereby GRANTED. The Decision dated 13 June 2012 and the Order dated 17 July 2012 of the Regional Trial Court of Balaoan, Second Judicial Region, La Union, Branch 34, are REVERSED and SET ASIDE, and a new one entered DISMISSING the Petition for Declaration of Nullity of Marriage, in Civil Case No. 944.

SO ORDERED.

Ybañez, and Manahan, JJ., concur.

[1] Original Records, pp. 63--67.

[2] *Id.*, p. 77.

[3] Original Records., p. 34.

[4] *Id.*, p. 35.

[5] *Id.*, pp. 39-47.

[6] *Id.*, p. 44.

[7] Original Records, pp. 45-46.

[8] *Id.*, p. 67.

[9] *Republic v. De Gracia*, 716 SCRA 8, 15-16 (12 February 2014).

[10] See *Toring v. Toring*, 626 SCRA 389, 398 (3 August 2010).

[11] See *Marable v. Marable*, 639 SCRA 557, 567 (17 January 2011).

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