

MARIA CALIXTA C. DAET, PETITIONER-APPELLEE, VS. ROGER A. DAET, RESPONDENT. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: BUESER, J.

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BUESER, J.:

Before this Court on appeal is the Decision dated 27 March 2013[1] rendered by the Regional Trial Court of Quezon City, Branch 102 (RTC), which granted the present petition for declaration of nullity of marriage of spouses petitioner-appellee Maria Calixta C. Daet (“Petitioner”) and respondent Roger A. Daet (“Respondent”), the dispositive portion of which reads in this wise:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered declaring the marriage between petitioner, MARIA CALIXTA C. DAET, and respondent ROGER A. DAET, solemnized on November 8, 1989 in Manila, as well as the parties’ marriage on September 14, 1991 at Sto. Domingo Church in Quezon City, NULL and VOID on the ground of the psychological incapacity of the respondent to comply with the essential marital obligations under Article 36 of the Family Code.

Petitioner is allowed to use her maiden name, Maria Calixta C. Cayabyab.

Considering that Ma. Fatima C. Daet is still a minor and is presently living with the petitioner, her custody shall be awarded to petitioner being the mother, without prejudice to the exercise of respondent’s right as the father, subject to the condition that the best interest and welfare of the child shall be of paramount consideration. Since Lars Kevin C. Daet has reached the age of majority, he has the right to choose whom he wish to stay.

Petitioner and respondent are obliged to support jointly their children in accordance with Article 70 and 194 of the Family Code. There being no evidence presented on the parties’ ability to give support and the child support requirements, no pronouncement is hereby made thereon in the meantime.

The property relations of the parties shall be dissolved in accordance with law, as defined in Article 148 of the Family Code and to comply with the provisions of Article 50, 51, and 52 of this Code.

The Court shall issue a Decree of Absolute Nullity when the finality of this Decision shall expire after fifteen (15) days from notice thereof was sent to the parties and after complying with the rules on liquidation as stated in the above-mentioned Articles of the Family Code.

Let copies of this Decision be served to the parties, and furnish the same to the Office of the Solicitor General and the Public Prosecutor, to the Local Civil Registrars of Manila and Quezon City, where the marriage was celebrated and where this Court is located, and to the National Statistics Office for recording in their Registry of Marriages.

SO ORDERED.”

Likewise on review is the RTC Order dated 25 June 2013[2] denying the motion for reconsideration of the Decision filed by oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General

(“Oppositor”).

The Facts

The pertinent facts and antecedents of this case, as borne by the records, are undisputed.

Sometime in 1982, petitioner and respondent met while they were still studying at the Polytechnic University of the Philippines. They were classmates in their freshmen year but since they had taken different courses, they did not have any romantic involvement at that time. They only reconnected with each other in 1989 when both of them were already working. Petitioner was then with the MWSS while respondent was employed by PLDT.

Consequently, petitioner and respondent got married in civil rites at the Manila City Hall on 8 November 1989.[3] On 14 September 1991, they reaffirmed their marriage vows in a church wedding held at Sto. Domingo Church in Quezon City.[4] From their union, they were blessed with two (2) children, Lars Kevin who was born on 2 May 1993,[5] and Ma. Fatima, who was born on 25 February 1995.[6]

Initially, the spouses had a harmonious relationship and they got along with each other. However, after several months, respondent started exhibiting his real character. More often than not, respondent would get drunk with his friends. Even after the birth of their first child, respondent exhibited lack of responsibility and dedication as a husband and a father. Despite the birth of their second child, respondent continued with his disinterest in performing his role and duties to his wife and children. Respondent also did not give enough financial support to his family and they had to live with petitioner’s siblings in a house that their parents had given to them. Respondent even had several spats with petitioner’s parents and siblings over his drinking sprees with friends in their house.

On 16 July 2000, after having an argument with petitioner’s siblings, respondent packed all his things and left the house. There were no efforts of reconciliation and respondent did not extend any financial support to his children.

After ten (10) years of separation, petitioner filed before the trial court a petition for declaration of absolute nullity of marriage pursuant to Article 36 of the Family Code of the Philippines.[7] The petition is anchored on respondent’s supposed psychological incapacity to comply with the essential marital obligations. Petitioner claimed that during the period of their marriage, they acquired two (2) lots in Quezon City and Bacoor, Cavite.

Despite service of summons,[8] respondent failed to file his responsive pleading.[9] The Office of the City Prosecutor of Quezon City (“The City Prosecutor”) was deputized by the Office of the Solicitor General (“The OSG”) to prosecute the case.[10] After having been archived for failure of the City Prosecutor to submit a report determining the existence of collusion between the parties, a Manifestation dated 5 July 2010[11] was submitted to the trial court stating that there is no collusion between the spouses. Upon motion of the petitioner, the case was reinstated and was set for pre-trial.

After the termination of the pre-trial of the case, trial on the merits ensued. Aside from her documentary exhibits and testimony, petitioner presented in evidence the testimony of her brother, Carmelo Cayabyab (“Cayabyab”) and that of Clinical Psychologist Nedy L. Tayag (“Tayag”).

Petitioner’s testimony and judicial affidavit[12] centered on respondent’s alleged psychological incapacity focusing on instances when the latter exhibited irresponsibility, lack of concern for the health and welfare of their children, inability to support them financially, indifference to his spousal obligations and disrespect and ingratitude to petitioner’s parents and siblings. She highlighted respondent’s drinking problem and propensity to disregard his familial obligations in favor of his drinking sessions with his friends. On these matters, witness Cayabyab corroborated her testimony.

On the other hand, witness Tayag testified that after a battery of psychological tests and interviews with petitioner and respondent's sister-in-law, Nenita Daet, she came into a conclusion that the downfall of the spouses' marriage had been brought about by respondent's psychological incapacity. She declared that respondent is suffering from personality disorders identified as Anti-Social and Avoidant Personality Disorders. She opined that such personality disorder is severe, grave and incurable.

Respondent did not present any evidence to refute petitioner's allegations and pieces of evidence.

In the now assailed Decision dated 27 March 2013, the trial court, in the manner as aforequoted, found merit in the petition and declared the marriage between petitioner and respondent null and void ab initio. Said decision is anchored on the testimony and clinical findings of witness Tayag declaring respondent psychologically incapacitated to perform the obligations essential to a marriage. The trial court opined that there is a deep and irreparable difference between the parties and thus, dissolving the parties' bond is a better alternative than to keep them together amidst disharmony, disrespect and hostility.

Dissatisfied with said pronouncement, the oppositor moved for its reconsideration, which was denied by the trial court in its Order dated 25 June 2013.

Hence, the oppositor filed the present appeal.

The Issue

The main issue to be resolved in this case is whether the respondent is psychologically incapacitated to fulfill his essential marital obligations thus warranting the declaration of nullity of his marriage to petitioner under Article 36 of the Family Code of the Philippines.

The Court's Ruling

We find the present appeal meritorious.

Finding fault in the factual and legal findings of the trial court, the OSG contends that the totality of the evidence presented by petitioner failed to satisfactorily prove that respondent is psychologically incapacitated to comply with his essential marital obligations. The OSG emphasizes that the testimony of the psychologist presented by the petitioner as an expert witness is too broad and sweeping to establish respondent's psychological condition. Said witness failed to explain its characteristics by its gravity, juridical antecedence and incurability to establish respondent's incapacity as to warrant the declaration of nullity of his marriage to petitioner. It likewise underscores that there is nothing on record to prove that such incapacity had been existing at the time of the celebration of the marriage, that the same is medically or clinically permanent or incurable and that such illness is grave enough to bring about a disability to assume the essential marital obligations.

The OSG points out that witness Tayag's clinical findings were merely sourced from the biased declarations of petitioner and the vague and uncorroborated statements of respondent's sister-in-law. It adds that Tayag did not interview respondent despite the fact that the latter was merely upstairs at the time of the interview with Daet. It further asserts that what the evidence has proven is not a psychological incapacity on the part of respondent but the latter's refusal or unwillingness to assume the essential obligations of marriage.

We agree.

Psychological incapacity, in order to be a ground for the nullity of 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 that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. As all people may have certain quirks and idiosyncrasies, or isolated traits associated

with certain personality disorders, there is hardly any doubt that the intention 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.[13]

Emphatically, said ground contemplates an incapacity or inability to take cognizance of and to assume basic marital obligations, and is not merely the difficulty, refusal, or neglect in the performance of marital obligations or ill will. It consists of: (a) a true inability to commit oneself to the essentials of marriage; (b) the inability must refer to the essential obligations of marriage, that is, the conjugal act, the community of life and love, the rendering of mutual help, and the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. Proving that a spouse failed to meet his or her responsibility and duty as a married person is not enough; it is essential that he or she must be shown to be incapable of doing so due to some psychological illness.[14]

Thus, in the case of *Pesca vs. Pesca*,[15] citing the case of *Santos vs. Court of Appeals*,[16] the Supreme Court expounded on the meaning and characterization of psychological incapacity as a ground for the declaration of nullity of marriage. Said the Court:

"Psychological incapacity" should refer to no less than a mental (not 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 by Article 68 of the Family Code, 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. This psychological condition must exist at the time the marriage is celebrated.

Setting forth the yardstick in the determination of what psychological incapacity entails as a ground for the declaration of nullity of marriage, the Supreme Court laid down the guidelines in the interpretation of Article 36 of the Family Code in the case of *Marcos vs. Marcos*,[17] which alluded to the leading case of *Republic of the Philippines vs. Court of Appeals*,[18] to wit:

"(2) The root cause of the psychological incapacity must be: (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. Article 36 of the Family Code requires that the incapacity must be psychological — not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or psychically ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of *eiusdem generis*, nevertheless such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.

'(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 perceivable at such time, but the illness itself must have attached at such moment, or prior thereto.

'(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. Such 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. xxx

‘(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, ‘mild characterological peculiarities, mood changes, occasional emotional outbursts’ cannot be accepted as root causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

‘(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.’[19]

Needless to state, these guidelines incorporate the basic requirements established in the case of Santos. Psychological incapacity must be characterized by: (a) gravity; (b) juridical antecedence; and (c) incurability.[20] These requisites must be strictly complied with considering that as stated, the grant of a petition for nullity of marriage based on psychological incapacity must be confined only to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.[21]

After a review of the records, this Court finds error in the disquisition of the court a quo in its application of Article 36 of the Family Code of the Philippines to the case at bar. Certainly, a finding of psychological incapacity must be supported by well-established facts and it is the petitioner’s burden to convince the court of the existence of these facts.[22] Contrary to the trial court’s findings, the petitioner failed to overcome this burden.

By and large, it is evident that petitioner failed to comply with the abovementioned evidentiary requirements for Article 36 to apply since the totality of evidence in this case as presented by her is not enough to sustain a finding that respondent is indeed psychologically incapacitated. The evidence on record falls short as it merely proves respondent’s alcohol abuse, his irresponsibility as a husband and as a father and his indifference to the needs of his family.

This notwithstanding, the trial court, with unjustified liberality, disregarded the paucity of evidence and blindly embraced the unfounded findings of witness Tayag. The trial court heavily relied on the aforesaid Psychological Report and the testimony of witness Tayag to substantiate its disposition to grant the petition.

While witness Tayag declared that petitioner is suffering from Anti-Social and Avoidant Personality Disorders, such declaration lacks factual foundation. Instead of establishing the root cause, gravity and incurability of respondent’s supposed psychological incapacity, witness Tayag simply indulged on vague generalizations and rendered baseless conclusions.

As it is, witness Tayag’s evaluation and declaration that respondent is suffering from Anti-Social and Avoidant Personality Disorders were based on her observations that: (1) respondent has shown consistent irresponsibility, as shown by repeated failure to honor financial obligations particularly to his family, (2) he has shown impulsivity and failure to plan ahead giving more time and money to drinking sprees, (3) he lacks remorse as indicated by being indifferent to or rationalizing having hurt, mistreated another as shown by his failure to apologize to his offended spouse and in-laws, (4) he has shown restraint within intimate relationships for fear of being ridiculed or shamed as evinced by his refusal to sleep in the bedroom after the birth of his first child, and (5) he is unwilling to get involved with people unless certain of being liked as shown by his strained relationship with his in-laws.

Clearly, witness Tayag was grasping at straws in anchoring her findings on said feeble observations. These

observations are simply insufficient to meet the guidelines set forth by jurisprudence in the applying Article 36 of the Family Code. Vague, subjective and uncorroborated as they are, said evaluation and declaration lack probative value to establish that respondent is in fact suffering from a grave, severe, incurable and permanent psychological incapacity rendering him incapable of complying with his marital obligations.

Indeed, contrary to the findings of witness Tayag, there is nothing on record that shows respondent's supposed pervasive pattern of disregard for, and violation of, the rights of others or his purported pattern of social inhibition, feelings of inadequacy and hypersensitivity to negative evaluation. At best, respondent can be held guilty of being an unworthy husband and father but this fact alone does not render him psychologically incapacitated.

Emphasis should also be made that given the absence of verifiable data, there are but qualms and misgivings as to how witness Tayag had rendered her findings as to the gravity, incurability and permanence of respondent's personality disorder. Admittedly, witness Tayag was not able to personally examine respondent as the latter did not appear for examination despite invitation. Still, it bears to note that witness Tayag could have interviewed respondent who was upstairs at the time of Daet's interview and yet, she did not.

In fine, witness Tayag, in evaluating respondent's psychological state, had to rely on the information provided by petitioner and the collateral statements of witnesses Cayabyab and Daet. Petitioner's testimony are evidently self-serving while the report of the other witnesses are insignificant to this case for being hearsay, as they had no personal knowledge of matters relating to the marriage and relationship of the parties.

What is more, although the Psychological Report gave a general description of the symptoms of respondent's Anti-Social and Avoidant Personality Disorders and a vague account of their manifestations, the report stands insufficient to prove that such personality disorders are grave, severe, incurable and permanent and already present at the inception of the marriage, therefore rendering him incapable of complying with his marital obligations.

Needless to state, the burden falls upon petitioner to prove that respondent's psychological disorder renders the latter "truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage". Psychological incapacity must be more than just a "difficulty", a "refusal," or a "neglect" in the performance of some marital obligations.[23]

As stated, what the evidence on record merely establishes is the immaturity and irresponsible nature of respondent, whose habitual alcoholism and abandonment do not by themselves constitute grounds for decreeing that he is suffering from a psychological incapacity within the contemplation of the Family Code. It must be shown that these acts are manifestations of a disordered personality which make him completely unable to discharge the essential obligations of the marital state.[24]

Sans clear and competent evidence, these traits hardly constitute psychological incapacity, as defined and enunciated by the Supreme Court in a litany of cases. Article 36 of the Family Code contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations.[25] Respondent's indifference, alcoholism and irresponsibility are not what the law requires as ground for nullity of marriage.

Mere "difficulty", "refusal" or "neglect" in the performance of marital obligations or "ill will" on the part of the spouse is different from "incapacity" rooted on some debilitating psychological condition or illness.[26] Irreconcilable differences, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity under said Article, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage and not due to some psychological illness that is

contemplated by said rule.[27]

True, it can be said that the marriage of the petitioner and respondent is beyond repair. However, the manifestations of their marital woes do not distinctly justify the nullification of their marriage. The totality of respondent's acts does not lead to a conclusion of his psychological incapacity.

Lastly, it remains settled that the State has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life and its mission to protect and strengthen the family as a basic autonomous social institution. Hence, any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.[28] Presumption is always in favor of the validity of marriage. *Semper praesumitur pro matrimonio*. [29]

WHEREFORE, the foregoing considered, the appeal is hereby GRANTED and the assailed Decision dated 27 March 2013 and Order dated 25 June 2013 nullifying the marriage of petitioner and respondent REVERSED and SET ASIDE. Accordingly, the instant petition for declaration of nullity of marriage is hereby DISMISSED. No costs.

SO ORDERED.

De Guia-Salvador (Chairman) and Garcia, JJ., concur.

[1] Original Records, pp. 137-144.

[[2]] Id. at p.183.

[3] Id. at p. 94.

[4] Id. at p. 93.

[5] Id. at p. 95.

[6] Id. at p. 96.

[7] Id. at pp. 2-9, sans annexes.

[8] Id. at p. 42.

[9] Id. at p. 48.

[10] Id. at pp. 49-50.

[11] Id. at p. 55.

[12] Id. at pp. 119-122.

[13] Perez-Ferraris vs. Ferraris, G.R. No. 162368, 17 July 2006.

[14] Yambao vs. Republic, G.R. No. 184063, 24 January 2011.

[15] G.R. No. 136921, 17 April 2001.

[16] G.R. No. 112019, 4 January 1995.

[17] G.R. No. 136490, 19 October 2000.

[18] G.R. No. 108763, 13 February 1997.

- [19] Emphasis supplied.
- [20] Paras vs. Paras, G. R. No. 147824, 2 August 2007.
- [21] Bier vs. Bier, G.R. No. 173294, 27 February 2008.
- [22] Kalaw vs. Fernandez, G.R. No. 166357, 19 September 2011.
- [23] Alcazar vs. Alcazar, G.R. No. 174451, 13 October 2009.
- [24] Republic of the Philippines vs. De Gracia, G.R. No. 171557, 12 February 2014.
- [25] Republic of the Philippines vs. Iyoy, G.R. No. 152577, 21 September 2005.
- [26] Navarro, Jr. vs. Cecilio-Navarro, G.R. No. 162049, 13 April 2007.
- [27] Republic of the Philippines vs. Iyoy, *supra*.
- [28] Carating-Siayngco vs Siayngco, G.R. No. 158896, 27 October 2004.
- [29] Dedel vs. Court of Appeals, G.R. No. 151867, 29 January 2004.

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