

JOHN ARNEL H. AMATA, PLAINTIFF-APPELLEE, VS. HAYDEE N. AMATA, OPPOSITOR-APPELLANT.

Ponente: INTING, S.B., J.

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INTING, S.B., J.:

On appeal is the Decision[1] dated July 20, 2011 of the Regional Trial Court of Imus, Cavite, Branch 20 thereof, in Civil Case No. 2346-08. The trial court has granted petitioner's prayer that his marriage to respondent be declared null and void on the ground that he is psychologically incapacitated to perform the essential obligations of marriage.

THE FACTS

First, the all too familiar antecedents of man-meets-woman, they get married after a whirlwind relationship, and, not surprisingly, the marriage goes on the rocks.

The facts, as found by the trial court, are as follows:

"Petitioner John Arnel H. Amata and respondent Haydee N. Amata were married on 28 Dec. 1995 in Paranaque City. They were blessed with three children, namely Christine Joy, jubilee Anne, and John Arnel. Prior to their marriage, the parties first met when they were still freshmen at Pamantasan ng Lungsod ng Maynila. Petitioner decided to court respondent and they ended up becoming sweethearts. Then, they started to engage in pre-marital sex leading to the unplanned pregnancy of the respondent. Thus, they eloped and decided to get married. He alleged that the initial stage of their marriage was blissful but it turned sour as the years passed. Petitioner complained that respondent was outspoken and dominant as she alone was making decisions for her family. He was also unsatisfied with how respondent reacted during their sexual relations as he claimed that respondent always wanted it to be quick and she acted as though she was devoid of feelings. They talked things over and respondent allegedly promised to change her ways. However, after two (2) months she (sic) respondent reverted to her negative attitude. Thus, petitioner retaliated stating that: "I also chose not to make love with her anymore because I was bitter inside and was also suspicious of what was happening between us." In 2003, petitioner went to Iloilo City for a workshop and met a lady friend who lived there. He developed a liking to his lady friend and told her that he was attracted to her. She turned him down but they still remained as friends. When respondent discovered petitioner's apparent infidelity, she called up petitioner's lady friend and cursed her. Respondent became suspicious of petitioner as she started to secretly check his cellular phone. Feeling betrayed and angry about respondent's action, petitioner packed his things and stayed in a hotel in Quezon City. Thus, respondent accused him of cohabiting with his mistress. Later, respondent requested petitioner to come home as her grandmother got sick but petitioner refused and told her that he did not love her anymore. As such, respondent angrily called up petitioner's lady friend. Petitioner then pleaded for respondent to stop involving other people in their marital problems and he decided to come back home. However, petitioner became cold to respondent and would only talk to her when necessary. He also preferred to work and sleep whenever he was at home. He chose to ignore respondent who was always crying and was most of the time mad at him. Unable to withstand respondent, petitioner again left their house in order to spare their children from witnessing their quarrels. He alleged that whenever he visits their children, respondent would curse at him and would often tell bad things about him in front of their children. Convinced that his marriage is

an utter failure, petitioner consulted a psychologist and filed the instant petition.”

For his cause, petitioner presented evidence, which consisted of his Judicial Affidavit as well as that of his clinical psychologist, Dr. Elena A. Del Rosario (which were formally offered in the trial court as evidence and adopted as their direct testimony), Dr. Del Rosario's Psychological Report, and their testimonies before the trial court.

As for the respondent, despite considerable time given to her as well as notifications issued regarding scheduled hearings, she and her counsel still failed to appear in court and present evidence, hence, she was considered to have waived her right to present evidence.

Based on the foregoing, the petition was submitted for decision.

Primarily basing its judgment on the Psychological Report, the trial court declared the marriage between petitioner and respondent void ab initio. It ruled that petitioner's personality disorder renders him psychologically incapacitated to comply with the essential marital obligations. Thus, the trial court disposed of the case as follows:

“WHEREFORE, judgment is hereby rendered declaring the marriage of John Arnel H. Amata and Haydee N. Amata as void ab initio. As a necessary consequence of his pronouncement, respondent shall cease using the surname of her husband having lost the right over the same and so as to avoid the misconception that she is still the legal wife of petitioner.

Furnish a copy of this decision the Office of the Solicitor-General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn, shall endorse a copy of the same to the Local Civil Registrar of Parañaque City so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and their respective counsels.

SO ORDERED.”

Petitioner filed a motion for reconsideration but the same was denied in the trial court's Order dated November 28, 2011.

Disagreeing with the trial court's disposition, the Office of the Solicitor General (OSG) filed the instant appeal[2] questioning the trial court's finding that petitioner is psychologically incapacitated to comply with the essential marital obligations. The OSG raises the singular issue of:

WHETHER THERE CAN BE A DECLARATION OF NULLITY OF THE MARRIAGE BETWEEN PETITIONER-APPELLEE AND PRIVATE RESPONDENT ON THE GROUND OF PSYCHOLOGICAL INCAPACITY.

The OSG claims that the totality of evidence on record failed to convincingly establish that appellee was psychologically incapacitated to perform his essential marital obligations, yet the trial court granted the petition for declaration of nullity of marriage.

On the other hand, petitioner maintains that the trial court was correct in declaring his marriage to respondent null and void. He asserts that his psychological incapacity to perform his essential marital obligations was clearly proven and correctly appreciated by the trial court.[3]

THIS COURT'S RULING

In this appeal, the OSG essentially submits the sole issue of whether the trial court was correct in granting the petition for declaration of nullity of marriage filed by petitioner.

We deny the appeal.

Prefatorily, it bears stressing that it is the policy of our Constitution to protect and strengthen the family as the basic autonomous social institution and marriage as the foundation of the family.[4] 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 families weakens our social and moral fabric and, hence, their preservation is not the concern alone of the family members.[5]

Inevitably however, marriages do break for so many reasons, one of which is psychological incapacity of one or both parties to the marriage in the context of Article 36 of the Family Code.

In the landmark case of *Santos v. Court of Appeals*,[6] the Supreme Court declared that the phrase “psychological incapacity” is not meant to comprehend all possible cases of psychoses. Rather, it should refer to no less than a mental (not physical) incapacity that causes a party to be truly noncognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as 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. The intendment of the law has been to confine it to the most serious of cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. Accordingly, psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability.

Subsequently, in *Republic of the Philippines v. Court of Appeals and Molina*,[7] the Supreme Court outlined stringent guidelines in the interpretation and application of Article 36 of the Family Code. In more recent jurisprudence however, the Supreme Court has observed that notwithstanding the guidelines laid down in the *Molina* case, there is still a need to emphasize other perspectives as well which should govern the disposition of petitions for declaration of nullity under Article 36. [W]hether or not psychological incapacity exists in a given case calling for annulment of a marriage, depends crucially, more than in any field of the law, on the facts of the case.[8] [E]ach case must be judged, not on the basis of a priori assumptions, predilections or generalizations but according to its own facts. In regard to psychological incapacity as a ground for annulment of marriage, it is trite to say that no case is on “all fours” with another case.[9]

With respect to the present case, We find that there was sufficient evidence establishing petitioner's psychological incapacity. Such being the case, the annulment of petitioner's marriage to respondent was properly granted by the trial court.

Here, the psychological assessment, which We consider as adequate, produced the findings that petitioner is afflicted with personality disorder — Passive-Aggressive Personality Disorder. In particular, Dr. Del Rosario based her conclusion from the behavior which petitioner manifested, namely: 1) Covert obstructionism and stubborn behavior as he is predisposed to go ahead on with his plans and desires to be conventional with ways so that he is also highly impulsive when it comes to decision-making; 2) Complaints of being misunderstood or misappreciated as he is always dissatisfied and disappointed with his wife's lack of concern for him as well as her domineering ways and empty promises that she is going to change for the better; 3) Complaints of personal misfortunes as he has a lot of misgivings and sentiments about the unsuccessful outcome of his marriage mainly because of his abusive and domineering wife; and 4) Needs another source of care and support as he courted another woman when he was already too frustrated with his wife although said woman rejected him. Apart from these, Dr. Del Rosario further asserted that petitioner's passive-aggressive personality disorder is serious, permanent and incurable and interfere with the parties' ability to comply with their marital obligations. Dr. Del Rosario likewise testified in court to elaborate on her psychological assessment report and fully explained the relationship or association between the manifestations of petitioner's psychological incapacity and the psychological disorder itself.

Of particular notice is the fact that respondent failed to present controverting evidence to counter petitioner's narration of facts as well as Dr. Del Rosario's psychological assessment. Thus, on the basis of the judicial affidavits of petitioner and Dr. Del Rosario, the Psychological Report and their testimonies, the trial court rendered its decision declaring petitioner's marriage to respondent null and void.

It is true that a clinical psychologist's or psychiatrist's diagnosis that a person has personality disorder is not automatically believed by the courts in cases of declaration of nullity of marriages. Indeed, a clinical psychologist's or psychiatrist's finding of a personality disorder does not exclude a finding that a marriage is valid and subsisting, and not beset by one of the parties' or both parties' psychological incapacity.[10] In the instant case, however, even without the experts' conclusions, the factual antecedents alleged in the petition and established during trial, point to the inevitable conclusion that petitioner is psychologically incapacitated to perform the essential marital obligations.

It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof.[11] Since the trial court itself accepted the veracity of petitioner's factual premises and the clinical psychologist's assessment report, there is thus no cause to dispute the conclusion of psychological incapacity drawn therefrom.

Indeed, petitioner, who is afflicted with passive-aggressive personality disorder cannot assume the essential marital obligations expressed in Article 68 of the Family Code – that of living together, observing mutual love, respect and fidelity and rendering help and support. The seriousness of the diagnosis and the gravity of the personality disorder make the psychological assessment prepared by Dr. Del Rosario decisive of petitioner's psychological incapacity.

In fine, given the factual milieu of the present case and in light of the foregoing disquisition, We find no cogent reason to reverse the trial court. Like the trial court, We conclude that petitioner has established his cause of action for declaration of nullity under Article 36 of the Family Code.

WHEREFORE, the appeal is DENIED. Accordingly, the Decision dated July 20, 2011 of the Regional Trial Court of Imus, Cavite (Branch 20) STANDS AFFIRMED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Lopez, JJ., concur.

[1] Rollo, pp. 44-47

[2] Rollo, Brief for the Oppositor-Appellant, pp. 17-43, filed December 6, 2012.

[3] Rollo, Brief for the Petitioner-Appellee, pp. 96-106, filed March 20, 2013.

[4] Section 12 of Article II of the 1987 Constitution. – The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. x x x

Sections 1 of Article XV of the 1987 Constitution. – The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Sections 1 of Article XV of the 1987 Constitution. – Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

[5] *Bolos v. Bolos*, G. R. No. 186400, October 20, 2010, citing *Azcuenta v. Republic*, G.R. No. 180668, May 26,

2009, further citing *Ancheta v. Ancheta*, G.R. No. 145370, March 4, 2004 .

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

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

[8] *Republic v. Dagdag*, G.R. No. 109975, February 9, 2001.

[9] *Reyes v. Reyes*, G.R.No. 185286, August 18, 2010.

[10] *Ibid*.

[11] *Antonio v. Reyes*, G.R. No. 155800, March 10, 2006

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