

PETITIONER, VS. EDMUND A. PEÑA, RESPONDENTS.

Ponente: CRUZ, R.A. J.

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CRUZ, R.A. J.:

THE CASE

This is an appeal which seeks to reverse and set aside the (i) Decision dated June 29, 2011[1] of the Regional Trial Court (RTC) of Dagupan City, Pangasinan, Branch 43 in Civil Case No. 2006-0361-D and the subsequent (ii) Resolution dated September 22, 2011,[2] which denied plaintiff-appellant's motion for reconsideration. The dispositive portion of the Decision dated June 29, 2011 reads:

" xxx xxx xx

WHEREFORE, in the light of all the foregoing, the prayer of the plaintiff as incorporated in her Complaint seeking for the declaration of her marriage to defendant as null and void is DENIED for failure to prove the psychological incapacity of the defendant.

SO ORDERED.

xxx xxx xxx "

THE ANTECEDENTS

On November 20, 2006, Marjorie Peña, as plaintiff, filed a Complaint for Declaration of Nullity of Marriage under Article 36 of the Family Code against Edmund Peña, as defendant, before the Regional Trial Court (RTC) of the Dagupan City, Branch 43, docketed as Civil Case No. 2006-0361-D.

She claimed that defendant was psychologically incapacitated to comply with the essential obligations of marriage. She alleged, that:

“ xxx xxx xxx

- xxx she married defendant on December 8, 2004 at Mangaldan, Pangasinan xxx;

- xxx plaintiff, a college graduate, was 23 years old and defendant, a licensed doctor, was 47 years old when they entered into marriage after a six-month courtship and friendship;

- xxx defendant was already a professional alcoholic when he courted plaintiff but because of persistent courtship of defendant, he won the heart of the plaintiff and she acceded to the marriage in the hope that defendant will change his ways by drinking only moderately but he never changed as his condition became worst because he came to the point that he vomited blood and confined in a hospital and psychiatric clinic;

- xxx during their honeymoon in Boracay island xxx, plaintiff observed that defendant's penis did not erect while attempting to have sexual congress;
- xxx during their subsequent love making, defendant's male organ failed to respond to the sexual desire of the plaintiff because the latter wanted to have a baby from defendant as they are a married couple;
- xxx plaintiff and defendant stayed in (sic) the latter's parents but plaintiff confided to defendant that as much as possible she wanted to live in a different house with the defendant because her sister-in-law looks down at her but the defendant refused;
- xxx plaintiff complained of the defendant's addiction to alcohol because almost every hour of the day he drinks liquor and if he stops, he felt bad and uneasy;
- xxx because of defendant's successive drinking, his medical profession as a means of livelihood is badly affected because he has lost long time and new patients;
- xxx that plaintiff learned that defendant was removed from two (2) prominent hospitals in La Union where he used to work because of his unabated drinking habit;
- xxx plaintiff tried to keep their marriage intact but defendant did not care about it such that plaintiff decided to leave the defendant by going back to her parents in Mangaldan, Pangasinan;
- xxx plaintiff's parents accompanied her twice to go back to defendant's residence but they were not allowed entrance by the defendant and his relatives;
- xxx the parties have neither children nor properties during the marriage;
- xxx defendant has lost hope that their marriage would still succeed because of defendant's deep-rooted psychological incapacity to fulfill his marital obligation compounded by his professional and successive drinking of liquor that has drastically affected his health, profession and marital relationship with the plaintiff;
- xxx in marrying defendant, plaintiff thought to have a good family where mutual love, respect and support would reign but these things did not exist during their short-lived marital relationship because of defendant's incurable psychological incapacity, hence this complaint to declare their marriage void from the very beginning.[3]

xxx xxx xxx “

Defendant failed to file his answer, thus, the RTC issued an Order dated January 31, 2008[4] directing the city prosecutor to conduct an investigation to determine the presence of collusion between the parties. In compliance therewith, the city prosecutor submitted his report finding that there is no collusion between the parties. [5]

Trial ensued. The evidence for plaintiff consisted of her own testimony and that of Melissa De Guia, a guidance counselor of Mangaldan National High School. She submitted the following documentary evidence, namely, their Marriage Certificate, Psychological Evaluation Report and Medical Certificate.

On his part, defendant did not appear during trial and presented no evidence. But his mother, Cresencia Peña, and sister, Mercedes Peña-Contero, submitted a Manifestation and Motion[6] stating that plaintiff abandoned the defendant due to his sickness and the latter is incompetent and incapacitated to file any responsive pleading due to his condition as shown in the Medical Certificates dated April 6[7] and April 14, 2009.[8]

On June 29, 2011, the RTC issued a Decision[9] dismissing the complaint. It reasoned, that:

“ xxx xxx xxx

In her testimony and in her complaint, plaintiff declared that her husband is a professional alcoholic and impotent. But no other evidence was presented to show that Edmund was indeed such an alcoholic and impotent. It was not sufficiently proved that Edmund was really incapable of fulfilling his duties due to some incapacity of a psychological nature, and not merely physical. The Court cannot presume psychological defect from the mere fact of Edmund's habitual alcoholism nor of his jealousy or maltreatment as alleged by psychologist which was not even stated in the Complaint. These circumstances alone cannot be equated with psychological incapacity within the contemplation of the Family Code. It must be shown that his alcoholism and other self-centeredness are manifestations of a disordered personality which make Edmund completely unable to discharge the essential obligations of the marital state. In this case, the plaintiff is not only remiss in her duty to convince the Court that hers is a sham marriage, but failed to substantiate her allegations. Burden of proof to show the nullity of marriage rests upon the plaintiff; any doubt should be resolved in favor of the validity of marriage.

The circumstances related by plaintiff are insufficient to establish the existence of defendant's psychological incapacity. The psychologist did not fully explain the root cause of the disorder nor did she give a concrete explanation as to how she arrived at a conclusion as to its gravity or permanence. The root cause of defendant's psychological incapacity must be medically or clinically identified, sufficiently proven by expert. In addition, the incapacity must be proven to be existing at the time of the celebration of the marriage and shown to be medically or clinically permanent and incurable. It must also be grave enough to bring about the disability of the defendant to assume the essential obligations of marriage. It is to be noted that the psychologist merely relied on the self-serving allegations of the plaintiff who lived with the defendant for a period of one (1) month only as alleged by her. She was not able to interview the defendant or any of his close relatives.

xxx xxx xxx “

Hence, the RTC decreed:

" xxx xxx xx

WHEREFORE, in the light of all the foregoing, the prayer of the plaintiff as incorporated in her Complaint seeking for the declaration of her marriage to defendant as null and void is DENIED for failure to prove the psychological incapacity of the defendant.

SO ORDERED.

xxx xxx xxx "

Plaintiff filed a motion for reconsideration[10] but the same was denied for lack of merit in the Resolution dated September 22, 2011.[11]

Aggrieved, plaintiff filed a Notice of Appeal[12] which the RTC gave due course in the Order dated October 18, 2011.[13]

THE ASSIGNED ERRORS

Plaintiff, as appellant before Us, ascribes the following errors , that:

I. THE RTC GRAVELY ERRED IN RULING THAT PLAINTIFF-APPELLANT FAILED TO PROVE THE PSYCHOLOGICAL INCAPACITY OF THE DEFENDANT-APPELLEE BECAUSE (A) SHE WAS NOT ABLE TO PROVE ALCOHOLISM AND IMPOTENCE WITH CONVINCING EVIDENCE; (B) THE PSYCHOLOGIST FAILED TO STATE THE ROOT CAUSE OF THE LATTER'S PSYCHOLOGICAL INCAPACITY AND (C) SHE FAILED TO ESTABLISH HER CAUSE OF ACTION AS SET BY THE STANDARDS IN THE CASES OF SANTOS VS. COURT OF APPEALS (SANTOS CASE) AND REPUBLIC VS. COURT OF APPEALS AND MOLINA (MOLINA CASE);

II. THE RTC GRAVELY ERRED WHEN IT DENIED THE MOTION FOR RECONSIDERATION.

Plaintiff-appellant points out that other than her testimony, she presented a psychologist, Melissa De Guia, who testified and identified the Psychological Evaluation Report declaring the defendant-appellee psychologically incapacitated. Moreover, the medical certificates submitted by the defendant-appellee's relatives, namely, Cresencia Peña and Mercedes Peña-Contero indicate his mental condition. Clearly, there is overwhelming evidence to prove that defendant-appellee is psychologically incapacitated to perform his marital obligations.

She adds that it was erroneous for the RTC to strictly follow and apply the standards set in Santos vs. Court of Appeals[14] and Republic vs. Court of Appeals and Molina.[15] She argues that there is no requirement that the respondent should be examined by a physician or a psychologist as a condition sine qua non for such declaration and suggested relaxation of the stringent requirements. Relying on the case of Te vs. Te,[16]she asserts that each case should be treated differently, as "courts should interpret the provision on a case-to-case basis; guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.

OUR RULING

We are essentially tasked to resolve whether the marriage between the parties is void ab initio on the ground of psychological incapacity under Article 36 of the Family Code.

Article 36 of the Family Code provides:

“ xxx xxx xxx

ART. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

xxx xxx xxx “

Article 36 contemplates incapacity or inability to take cognizance of and to assume basic marital obligations and not merely difficulty, refusal, or neglect in the performance of marital obligations or ill will. This incapacity

consists of the following: (a) a true inability to commit oneself to the essentials of marriage; (b) this inability to commit oneself must refer to the essential obligations of marriage: the conjugal act, the community of life and love, the rendering of mutual help, the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. It is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he must be shown to be incapable of doing so due to some psychological illness.[17]

Jurisprudence[18] teaches that for psychological incapacity to render a marriage void ab initio, it must be characterized by (a) gravity – It must be grave and 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 (3) incurability – It must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved. And, this psychologic condition must exist at the time the marriage is celebrated.

Then as now, the rule is that, in petitions for declaration of nullity of marriage, the burden of proof to show the nullity of marriage lies on the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. It is therefore essential for the plaintiff-appellant to allege and prove the psychological condition of the defendant-appellee's inability to assume and perform the marital duties and responsibilities.[19] After wading the records, We find that,

Plaintiff-appellant failed to
prove defendant-appellee's
psychological incapacity

Plaintiff-appellant, in her complaint, alleged that defendant-appellee's alcoholism, impotence and failure to provide her with sexual intimacy or comfort constitute psychological incapacity.

We perused plaintiff-appellant's testimony and found that her allegations utterly lacked sufficient corroboration. For clarity, pertinent portion of her testimony on direct examination,[20] reads:

“ xxx xxx xxx

Q Where did you go for your honeymoon?

A We went to Boracay, sir.

" xxx xxx xxx

Q

What happened on your first night as a couple during your honeymoon in Boracay?

A

Nothing happened between us. I discovered that he is an impotent, sir.

Q

When you said he is an impotent, what do you mean?

A

He attempted to have carnal knowledge with me but nothing happened because there was no erection on his part because he is always drunk, sir.

Q

How about you, did you try to initiate any physical intimacy with him during your honeymoon?

A No, sir.

Q Was there any other time besides that first night that he attempted to have sexual congress with you?

A Yes, Madam.

Q What happened?

A Nothing happened because he was again drunk, sir.

xxx xxx xxx

Q

You mentioned in your petition that your husband is a professional alcoholic, how would you describe him as a professional alcoholic?

A

He drinks everyday and if he would not drink, he trembles and he considers wine as his water.

xxx xxx xxx

Q

Did you have an inkling of his condition before married (sic) him, as to his alcoholism?

A I know that he is an alcoholic but I gave him chance thinking that if we get married there is a possibility that he will change, sir.

xxx xxx xxx “

Her testimony merely establishes that defendant-appellee is a drunkard. Habitual alcoholism, if existing at the time of the inception of marriage, merely renders the marriage contract voidable pursuant to Article 46 (4) of the Family Code. And, if habitual alcoholism should occur during the marriage, it is a ground for legal separation under Article 55 (5) of the Family Code.

We are also not convinced that defendant-appellee is impotent as she wants Us to believe. Apart from her testimony, there is no evidence of defendant-appellee's impotence. In fact, plaintiff-appellant admitted on cross-examination[21] that she has no documentary evidence showing her husband's impotence. She likewise stated that she never initiated physical intimacy with her husband[22] and when her husband hugs her or they attempt to perform sexual acts, she does not feel anything because the husband is drunk.[23] In the report, it was mentioned that during their honeymoon, she was too scared of the sexual act because she was not in love with the defendant-appellee at that time.[24] Except for plaintiff-appellant's general claim that her husband was a drunkard, no details or explanations were given of such circumstances that would demonstrate defendant's impotence either before or at the time of the celebration of their marriage. It appears that plaintiff-appellant, after knowing that defendant-appellee refused to change his habit of drinking, has simply lost her love for him and consequently refused to stay married to him. It must be stressed that psychological incapacity must be more than just a "difficulty," a "refusal," or a "neglect" in the performance of some marital obligations.[25] An unsatisfactory marriage is not a null and void marriage.[26]

Even assuming that defendant-appellee was an alcoholic and/or impotent, these do not by themselves necessarily constitute psychological incapacity. It must be shown that these acts are manifestations of a disordered personality which make defendant-appellee completely unable to discharge the essential obligations of the marital state. Otherwise stated, there must be proof of a natal or supervening disabling factor that effectively incapacitated defendant-appellee from complying with the his marital obligations or was unwilling to perform these obligations.[27] The records are bereft of proof that such acts are symptomatic of psychological incapacity under Article 36 of the Family Code.

The Psychological Evaluation
Report and the testimony of
Melissa De Guia, the psychologist,
fell short in proving that
psychological incapacity on

the part of defendant-appellee

We also find that the Psychological Evaluation Report and the testimony of Melissa De Guia hardly support plaintiff-appellant's cause. It is noted that the informant is plaintiff-appellant herself and only she underwent several diagnostic assessment procedure. The Psychological Evaluation Report[28] reads:

“ XXX XXX XXX

The Defendant

Since the defendant Dr. Edmund Peña is said to be abroad on an international conference for doctors, as the Psychologist could not get his side of the story and was not able to talk to him, observe his habits and characteristics, nor give him the same Psychological Tests that were administered to the plaintiff to determine if he is psychologically incapacitated.

XX XXX XXX

TEST RESULTS & INTERPRETATIONS

XXX XXX XXX

Herein subject-plaintiff scored 55 out of 60 test items on the RSPM Intelligence Test. Her raw score of 55 is equivalent to 92% in the tabulated rating. It is therefore interpreted that among the 27-30 year old respondents, plaintiff's intellectual or mental capacity is above average implying that she can differentiate similarities as well as concepts and logical information more clearly and quickly and less than 10% or only 8% of the population rated higher than her.

It is quite unfortunate that the defendant was not available for interview and testing although this psychologist can send out the same test through internet, plaintiff was not sure if he has an e-mail address. (Underscoring ours)

XXX XXX XXX

IMPRESSION/EVALUATION & RECOMMENDATIONS:

Results of diagnostic study, which includes biological background information, social, behavioral analysis, assessment of plaintiff's intellectual, emotional and her personality profiles together with that of the defendant's proved PSYCHOLOGICAL INCAPACITY on the part of the defendant and not on the part of the plaintiff.

Defendant's incapacities started as a child with a child's judgment on his relationships with both his parents as a caring and doting mother always agreeing to his decisions or worse yet, making decisions for him was detrimental to his psychological well-being. That father was not able to support his family well when he died without any provisions for his family, like insurance, fat bank account, etc.

A person with a traumatic experience in this very unpredictable stage could only react in two ways, the positive way where he will resolve not to do the negative things he experienced as a child xxx xxx. The other way is the negative way where the child due to what he experienced in childhood would not be able to accept what happened, harbor resentments, keep grudges until finally in the latter part of his development, he develops irrational and anti-social behaviors that would greatly endanger those who encounter him or develop relationship/s with him, and this is what happened.

The act of inflicting physical harm to his wife implies disrespect for the plaintiff's being as an individual person or a human being that should be given equal respect as oneself. We are all (sic) after all sons and

daughters of God equal in the eyes of men and God. Even when one is at the height of his frustrations or anger as was the case when he lost his temper as his ego was bruised by his wife finding a fulfilling work to develop herself, it is not a license to inflict physical, verbal and emotional violence. These are self-serving actions, acts of selfishness, self-centeredness as well as hedonism and utter disrespect for a woman he vowed to cherish and protect and another manifestation of psychological incapacity.

Based on the aforementioned information and findings therefore, the defendant EDMUND A. PEÑA is evaluated as PSYCHOLOGICALLY INCAPACITATED. His incapacities are permanent, grave and incurable leading to the conclusion that defendant is totally incapable to perform his vital marital obligations such as: to live together with respect and fidelity, to observe mutual love, render mutual help and support specially in the upbringing of their future children and to sustain a fruitful marriage with herein plaintiff.

xxx xxx xxx “

In fact, Melissa De Guia disclosed on direct examination[29] that the psychological examination was conducted only upon plaintiff-appellant, viz:

“ xxx xxx xxx

Q

Upon conducting psychological examination on Marjorie Peña and Edmund Peña, what are your findings?

A

After administering series of psychological test on the plaintiff, the findings prove that she is not the one who is psychologically incapacitated but rather, it is the husband Dr. Edmund Peña who is suffering from psychological incapacity, sir.

Q

Could you be more specific why you consider that Edmund Peña is the one who is psychologically incapacitated?

A Based on the interview done on the plaintiff, it was found that the respondent Edmund Peña was not able to comply with his marital obligation to the plaintiff, sir.

xxx xxx xxx “

On cross-examination,[30] she admitted that she was not able to interview defendant-appellee, viz:

“ xxx xxx xxx

Q

How did you arrive with your finding of this personality disorder of the defendant, Edmund Peña?

A

Based on the interview with the plaintiff, even before their marriage, he already exhibited selfishness, Madam.

Q

You were able to talk with the plaintiff?

A

Yes, Madam.

Q

You were able to talk also to the person who has personal knowledge of the defendant?

A

At the time of conducting this evaluation, he was said to be abroad on medical matters. Usually, I interview the plaintiff and the respondent, but in this case since the respondent is not here and the plaintiff is reliable then I conducted my evaluation, Madam.

xxx xxx xxx “

It appears that Melissa De Guia did not personally evaluate and examine defendant-appellee. The psychological report is one-sided and was based mainly on plaintiff-appellant's statements. This circumstance evokes the possibility that the information gathered from the plaintiff-appellant is slanted and/or tainted with bias. For Us, the methodology employed simply cannot satisfy the required depth and comprehensiveness of the examination required to evaluate a party alleged to be suffering from a psychological disorder. A complete personality profile of the spouse, alleged to be psychologically incapacitated, could not be determined from meager information coming from a biased source.[31] Being so, We find the report unreliable and incredible.

Furthermore, when interrogated about the root cause, gravity and incurability of defendant-appellee's alleged psychological incapacity, Melissa De Guia, on direct examination,[32] answered in a cryptic manner, viz:

“ xxx xxx xxx

Q

Could you be more specific why you consider that Edmund Peña is the one who is psychologically incapacitated?

A

Based on the interview done on the plaintiff, it was found that the respondent Edmund Peña was not able to comply with his marital obligation to the plaintiff, sir.

Q

With regards to the psychological incapacity, is that something that was present even before the marriage?

A

Yes, sir.

Q Is it incurable?

A It is incurable even with therapy because it is habitual, sir.

xxx xxx xxx

Even on cross-examination,[33] she failed to shed light regarding defendant-appellee's alleged disability, viz:

“ xxx xxx xxx

COURT

Q

Is it not that the defendant in this case is suffering from mental disorder?

A

I was told, but I was not able to conduct the test on the defendant, Madam.

Q

In other words, if he is not suffering from mental disorder, your recommendation might change.

A

If he is suffering from mental disorder, the more that he is psychologically incapacitated, madam.

Q

What if he is not suffering from mental disorder?

A

It is also recommended because defendant is an impotent, madam.

Q

Is there any proof that he is impotent?

A

Only to the allegation of the plaintiff that she is still a virgin, madam.

Q

You did not require the plaintiff to present a medical certificate that he is impotent?

A

No, madam.

Q

But you based your conclusion on the information of the plaintiff?

A

She is known to me as a student who is reliable, madam.

xxx xxx xxx

PROS. NUDO:

Q

It is the plaintiff who is desirous of having this marriage annulled based on the psychological incapacity of the defendant?

A

Yes, madam.

xxx xxxx xxx “

We are at a loss at how Melissa De Guia arrived at such conclusion. As discussed earlier, Melissa De Guia’s evaluation was gathered solely from plaintiff-appellant, the latter’s description of defendant-appellee is therefore biased. She also failed to trace the history of defendant-appellee’s psychological condition and to relate it to an existing incapacity at the time of the celebration of the marriage. Significantly, the report did not even categorically state the particular type of personality disorder found. In Our view, both the report and testimony are flawed on particulars such as the extent of gravity, incurability of the disorder and effects of the disorder to defendant-appellee’s capacity to perform and assume marital duties and responsibilities, hence, bereft of probative weight.

While the examination by a physician of a person in order to declare him/her psychological incapacitated is not required, the root cause thereof must be "medically or clinically identified." [34] If a psychological disorder can be proven by independent means, no reason exists why such independent proof cannot be admitted and given credit. [35] In this case, there is no such independent evidence which We could objectively evaluate. Admittedly, the standards in assessing the sufficiency of psychological evaluation reports may be deemed very strict, but these are proper, in view of the principle that any doubt should be resolved in favor of the validity of the marriage and the indissolubility of the marital vinculum. [36] Plainly, Melissa De Guia’s testimony and report, short of factual bases, failed to prove the existence of defendant-appellee’s psychological incapacity. The marriage cannot therefore be annulled.

The case of Padilla-Rumabaua vs. Rumbaua [37] is instructive. There, the psychologist’s evaluation on the basis of the information given by the petitioner was considered hearsay, thus:

“ xxx xxx xxx

We cannot help but note that Dr. Tayag’s conclusions about the respondent’s psychological incapacity were based on the information fed to her by only one side — the petitioner — whose bias in favor of her cause cannot be doubted. While this circumstance alone does not disqualify the psychologist for reasons of bias, her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards in the manner

we discussed above. For, effectively, Dr. Tayag only diagnosed the respondent from the prism of a third party account; she did not actually hear, see and evaluate the respondent and how he would have reacted and responded to the doctor's probes.

Dr. Tayag, in her report, merely summarized the petitioner's narrations, and on this basis characterized the respondent to be a self-centered, egocentric, and unremorseful person who "believes that the world revolves around him"; and who "used love as a . . . deceptive tactic for exploiting the confidence [petitioner] extended towards him". Dr. Tayag then incorporated her own idea of "love"; made a generalization that respondent was a person who "lacked commitment, faithfulness, and remorse", and who engaged "in promiscuous acts that made the petitioner look like a fool"; and finally concluded that the respondent's character traits reveal "him to suffer Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable".

We find these observations and conclusions insufficiently in-depth and comprehensive to warrant the conclusion that a psychological incapacity existed that prevented the respondent from complying with the essential obligations of marriage. It failed to identify the root cause of the respondent's narcissistic personality disorder and to prove that it existed at the inception of the marriage. Neither did it explain the incapacitating nature of the alleged disorder, nor show that the respondent was really incapable of fulfilling his duties due to some incapacity of a psychological, not physical, nature. Thus, we cannot avoid but conclude that Dr. Tayag's conclusion in her Report — i.e., that the respondent suffered "Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable" — is an unfounded statement, not a necessary inference from her previous characterization and portrayal of the respondent. While the various tests administered on the petitioner could have been used as a fair gauge to assess her own psychological condition, this same statement cannot be made with respect to the respondent's condition. To make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.

xxx xxx xxx “

Also, in *So vs. Valera*,^[38] the psychological assessment based on conclusions that were all derived from statements by the petitioner were held to be insufficient to support the conclusion that psychological incapacity exists, viz:

“ xxx xxx xxx

Our own examination of the psychologist's testimony and conclusions leads us to conclude that they are not sufficiently in-depth and comprehensive to warrant the conclusion that a psychological incapacity existed that prevented the respondent from complying with the essential marital obligations of marriage. In the first place, the facts on which the psychologist based her conclusions were all derived from statements by the petitioner whose bias in favor of his cause cannot be doubted. It does not appear to us that the psychologist read and interpreted the facts related to her with the awareness that these facts could be slanted. In this sense, we say her reading may not at all be completely fair in its assessment. We say this while fully aware that the psychologist appeared at the petitioner's bidding and the arrangement between them was not pro bono. While this circumstance does not disqualify the psychologist for reasons of bias, her reading of the facts, her testimony, and her conclusions must be read carefully with this circumstance and the source of the facts in mind.

In examining the psychologist's Report, we find the "Particulars" and the "Psychological Conclusions" disproportionate with one another; the conclusions appear to be exaggerated extrapolations, derived as they are from isolated incidents, rather than from continuing patterns. The "particulars" are, as it were, snapshots, rather than a running account of the respondent's life from which her whole life is totally judged. Thus, we do not see her psychological assessment to be comprehensive enough to be reliable. (Emphasis supplied).

xxx xxx xxx “

It must be stressed that marriage is an inviolable social institution protected by the State and cannot be dissolve at the whim of the the parties. In this case, the totality of evidence presented by plaintiff-appellant is completely insufficient to sustain a finding that defendant-appellee is psychologically incapacitated. While plaintiff-appellant’s marriage with defendant-appellee is unhappy and unsatisfactory, the remedy is not to have it declared void ab initio. Any doubt should be resolved in favor of validity of the marriage. Accordingly, the RTC did not err in dismissing the complaint.

WHEREFORE, premises considered, the appeal is DISMISSED. The assailed (i) Decision dated June 29, 2011 of the Regional Trial Court (RTC) of Dagupan City, Pangasinan, Branch 43 in Civil Case No. 2006-0361-D and the subsequent (ii) Resolution dated September 22, 2011 are AFFIRMED.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Abdulwahid, H.S., Chairperson and [**]Inting, S. B., JJ., concur.

[*] Acting Senior Member per Office Order No. 238-14-ABR dated May 23, 2014.

[**] Acting Junior Member per Office Order No. 238-14-ABR dated May 23, 2014.

[1] Penned by Honorable Judge Caridad Villegas-Galvez; Records, pp., 120-129.

[2] Ibid., pp. 146-148.

[3] Complaint; id., pp. 1-4.

[4] Id., p. 22.

[5] Id., p. 24.

[6] Id., pp. 50-52.

[7] Id., p. 53.

[8] Id., p. 54.

[9] Supra, Note 1.

[10] Id., pp. 130-142.

[11] Supra, Note 2.

[12] Id., p. 152.

[13] Id., p. 154.

[14] 310 Phil. 21 (1995).

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

[16] G.R. No. 161793, February 13, 2009.

[17] Yambao vs. Republic, G.R. No. 184063, January 24, 2011. citing Padilla-Rumbaua v. Rumbaua, G.R. No. 166738, August 14, 2009, 596 SCRA 157, 179, citing Navales v. Navales, G.R. No. 167523, June 27, 2008, 556 SCRA 272, 288. Santos v. Court of Appeals, G.R. No. 112019, January 4, 1995, 240 SCRA 20.

[18] Camacho-Reyes vs. Reyes, G.R. No. 185286, August 18, 2010. citing Santos vs. Court of Appeals, G.R. No., G.R. No. 112019, January 4, 1995, 240 SCRA 20. See Agraviador vs. Amparo-Agaviador, G.R. No. 170729, December 8, 2010. See also Republic vs. Cabantug-Baguio, G.R. No. 171042, June 30, 2008. citing Republic vs. Iyoy, G.R. NO. 152577, September 21, 2005, 470 SCRA 508, 521.

[19] Republic vs. Galang, G.R. No. 168335, June 6, 2011. Citing Paz v. Paz, G.R. No. 166579, February 18, 2010, 613 SCRA 195. See Ochoa vs. Alano, G.R. No. 167459, January 26, 2011. citing Republic vs. Court of Appeals and Molina, 335 Phil. 664 (1997). See Baccay vs. Baccay, G.R. No. 173138, December 1, 2010. citing Santos v. Court of Appeals, G.R. No. 112019, January 4, 1995, 240 SCRA 20, 34. See also Najera vs. Najera, G.R. No. 164817, July 3, 2009. citing Republic vs. Court of Appeals, 335 Phil. 664, 676-680 (1997).

[20] TSN dated August 22, 2008, pp. 7-9.

[21] TSN dated August 22, 2008, p. 16 reads:

“ xxx xxx xxx

Q You said that your husband is allegedly impotent, do you have a document to show that he is impotent?

A As of now, none, madam.

xxx xxx xxx “

[22] TSN dated August 22, 2008, p. 7, and 11.

[23] Ibid., p. 11.

[24] Psychological Evaluation Report marked as Exhibit “B”; Records, p. 42.

[25] Toring vs. Toring, G.R. No. 165321, August 3, 2010. citing Navales vs. Navales, G.R. No., 167523, June 27, 2008, 556 SCRA 272.

[26] iBaccay vs. Baccay, G.R. No. 173138, December 1, 2010.

[27] Toring vs. Toring, Supra, Note 25.

[28] Psychological Evaluation Report, Supra Note 24. Records, pp. 40-49.

[29] TSN dated May 17, 2008, p. 6.

[30] TSN dated May 17, 2008, p.9.

[31] Toring vs. Toring, Supra, Note 25.

[32] TSN dated May 17, 2008, pp. 6-7.

[33] Ibid., pp. 10-11.

[34] Republic of the Philippines vs. Lynnette Cabantug-Baguio, G.R. No. 171042, June 30, 2008.

[35] Padilla-Rumbaua vs. Rumbaua, G.R. No. 166738, August 14, 2009, citing Republic v. Tanyag-San Jose, G.R.

No. 168328, February 28, 2007, 517 SCRA 123.

[36] Agraviador vs. Amparo-Agaviador, G.R. No. 170729, December 8, 2010. citing Navales v. Navales, G.R. No. 167523, June 27, 2008, 556 SCRA 272, 292.

[37] G.R. No. 166738, August 14, 2009.

[38] G.R. No. 150677, June 5, 2009. citing See Republic v. Tanyag-San Jose, G.R. No. 168328, February 28, 2007, 517 SCRA 123; Choa v. Choa, G.R. No. 143376, November 26, 2002, 392 SCRA 641.

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