

DAVID B. DEDEL, PETITIONER, VS. COURT OF APPEALS AND SHARON L. CORPUZ-DEDEL A.K.A. JANE IBRAHIM, RESPONDENTS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-RESPONDENT.

G.R. No. 151867. January 29, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

Petitioner David B. Dedel met respondent Sharon L. Corpuz Dedel while he was working in the advertising business of his father. The acquaintance led to courtship and romantic relations, culminating in the exchange of marital vows before the City Court of Pasay on September 28, 1966.[1] The civil marriage was ratified in a church wedding on May 20, 1967.[2]

The union produced four children, namely: Beverly Jane, born on September 18, 1968;[3] Stephanie Janice born on September 9, 1969;[4] Kenneth David born on April 24, 1971;[5] and Ingrid born on October 20, 1976.[6] The conjugal partnership, nonetheless, acquired neither property nor debt.

Petitioner avers that during the marriage, Sharon turned out to be an irresponsible and immature wife and mother. She had extra-marital affairs with several men: a dentist in the Armed Forces of the Philippines; a Lieutenant in the Presidential Security Command and later a Jordanian national.

Sharon was once confirmed in the Manila Medical City for treatment by Dr. Lourdes Lapuz, a clinical psychiatrist. Petitioner alleged that despite the treatment, Sharon did not stop her illicit relationship with the Jordanian national named Mustafa Ibrahim, whom she married and with whom she had two children. However, when Mustafa Ibrahim left the country, Sharon returned to petitioner bringing along her two children by Ibrahim. Petitioner accepted her back and even considered the two illegitimate children as his own. Thereafter, on December 9, 1995, Sharon abandoned petitioner to join Ibrahim in Jordan with their two children. Since then, Sharon would only return to the country on special occasions.

Finally, giving up all hope of a reconciliation with Sharon, petitioner filed on April 1, 1997 a petition seeking the declaration of nullity of his marriage on the ground of psychological incapacity, as defined in Article 36 of the Family Code, before the Regional Trial Court of Makati City, Branch 149. Summons was effected by publication in the Pilipino Star Ngayon, a newspaper of general circulation in the country considering that Sharon did not reside and could not be found in the Philippines.[7]

Petitioner presented Dr. Natividad A. Dayan, who testified that she conducted a psychological evaluation of petitioner and found him to be conscientious, hardworking, diligent, a perfectionist who wants all tasks and projects completed up to the final detail and who exerts his best in whatever he does.

On the other hand, Dr. Dayan declared that Sharon was suffering from Anti-Social Personality Disorder exhibited by her blatant display of infidelity; that she committed several indiscretions and had no capacity for remorse, even bringing with her the two children of Mustafa Ibrahim to live with petitioner. Such immaturity and irresponsibility

in handling the marriage like her repeated acts of infidelity and abandonment of her family are indications of Anti-Social Personality Disorder amounting to psychological incapacity to perform the essential obligations of marriage.[8]

After trial, judgment was rendered, the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing, the civil and church marriages between DAVID B. DEDEL and SHARON L. CORPUZ celebrated on September 28, 1966 and May 20, 1967 are hereby declared null and void on the ground of psychological incapacity on the part of the respondent to perform the essential obligations of marriage under Article 36 of the Family Code.

Accordingly, the conjugal partnership of gains existing between the parties is dissolved and in lieu thereof a regime of complete separation of property between the said spouses is established in accordance with the pertinent provisions of the Family Code, without prejudice to rights previously acquired by creditors.

Let a copy of this Decision be duly recorded in the proper civil and property registries in accordance with Article 52 of the Family Code.

SO ORDERED.[9]

Respondent Republic of the Philippines, through the Solicitor General, appealed alleging that –

I

THE LOWER COURT ERRED IN GRANTING THE PETITION DESPITE THE ABSENCE OF A VALID GROUND FOR DECLARATION OF NULLITY OF MARRIAGE.

II

THE LOWER COURT ERRED IN DECLARING THAT THE CHURCH MARRIAGE BETWEEN PETITIONER IS NULL AND VOID.

III

THE LOWER COURT ERRED IN RENDERING A DECISION WITHOUT A CERTIFICATION HAVING BEEN ISSUED BY THE SOLICITOR GENERAL AS REQUIRED IN THE MOLINA CASE.

The Court of Appeals recalled and set aside the judgment of the trial court and ordered dismissal of the petition for declaration of nullity of marriage.[10]

Petitioner's motion for reconsideration was denied in a Resolution dated January 8, 2002.[11] Hence, the instant petition.

Petitioner contends that the appellate court gravely abused its discretion and manifestly erred in its conclusion that the: (1) respondent was not suffering from psychological incapacity to perform her marital obligations; (2) psychological incapacity of respondent is not attended by gravity, juridical antecedence and permanence or incurability; and (3) totality of evidence submitted by the petitioner falls short to prove psychological incapacity suffered by respondent.

The main question for resolution is whether or not the totality of the evidence presented is enough to sustain a finding that respondent is psychologically incapacitated. More specifically, does the aberrant sexual behavior of respondent adverted to by petitioner fall within the term "psychological incapacity?"

In Santos v. Court of Appeals,[12] it was ruled:

x x x "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 in 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 of inability to give meaning and significance to the marriage. This psychological condition must exist at the time the marriage is celebrated. The law does not evidently envision, upon the other hand, an inability of the spouse to have sexual relations with the other. This conclusion is implicit under Article 54 of the Family Code which considers children conceived prior to the judicial declaration of nullity of the void marriage to be “legitimate.”

The other forms of psychoses, if existing at the inception of marriage, like the state of a party being of unsound mind or concealment of drug addiction, habitual alcoholism, homosexuality or lesbianism, merely renders the marriage contract voidable pursuant to Article 46, Family Code. If drug addiction, habitual alcoholism, lesbianism or homosexuality should occur only during the marriage, they become mere grounds for legal separation under Article 55 of the Family Code. These provisions, however, do not necessarily preclude the possibility of these various circumstances being themselves, depending on the degree and severity of the disorder, indicia of psychological incapacity.

Until further statutory and jurisprudential parameters are established, every circumstance that may have some bearing on the degree, extent and other conditions of that incapacity must, in every case, be carefully examined and evaluated so that no precipitate and indiscriminate nullity is peremptorily decreed. The well-considered opinion of psychiatrists, psychologists and persons with expertise in psychological disciplines might be helpful or even desirable.[13]

The difficulty in resolving the problem lies in the fact that a personality disorder is a very complex and elusive phenomenon which defies easy analysis and definition. In this case, respondent’s sexual infidelity can hardly qualify as being mentally or psychically ill to such an extent that she could not have known the obligations she was assuming, or knowing them, could not have given a valid assumption thereof.[14] It appears that respondent’s promiscuity did not exist prior to or at the inception of the marriage. What is, in fact, disclosed by the records is a blissful marital union at its celebration, later affirmed in church rites, and which produced four children.

Respondent’s sexual infidelity or perversion and abandonment do not by themselves constitute psychological incapacity within the contemplation of the Family Code. Neither could her emotional immaturity and irresponsibility be equated with psychological incapacity.[15] It must be shown that these acts are manifestations of a disordered personality which make respondent completely unable to discharge the essential obligations of the marital state, not merely due to her youth, immaturity[16] or sexual promiscuity.

At best, the circumstances relied upon by petitioner are grounds for legal separation under Article 55[17] of the Family Code. However, we pointed out in *Marcos v. Marcos*[18] that Article 36 is not to be equated with legal separation in which the grounds need not be rooted in psychological incapacity but on physical violence, moral pressure, civil interdiction, drug addiction, habitual alcoholism, sexual infidelity, abandonment and the like. In short, the evidence presented by petitioner refers only to grounds for legal separation, not for declaring a marriage void.

We likewise agree with the Court of Appeals that the trial court has no jurisdiction to dissolve the church marriage of petitioner and respondent. The authority to do so is exclusively lodged with the Ecclesiastical Court of the Roman Catholic Church.

All told, we find no cogent reason to disturb the ruling of the appellate court. We cannot deny the grief, frustration and even desperation of petitioner in his present situation. Regrettably, there are circumstances, like in this case,

where neither law nor society can provide the specific answers to every individual problem.[19] While we sympathize with petitioner's marital predicament, our first and foremost duty is to apply the law no matter how harsh it may be.[20]

WHEREFORE, in view of the foregoing, the petition is DENIED. The decision of the Court of Appeals in CA-G.R. CV No. 60406, which ordered the dismissal of Civil Case No. 97-467 before the Regional Trial Court of Makati, Branch 149, is AFFIRMED. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Panganiban, and Carpio, JJ., concur.
Azcuna, J., on official leave.

[1] Exhibits F and F-3.

[2] Exhibit F.

[3] Exhibit H.

[4] Exhibit I.

[5] Exhibit J.

[6] Exhibit K.

[7] Exhibits D to D-3.

[8] Exhibit L; Records pp. 57-78.

[9] Rollo, p. 49; penned by Presiding Judge Josefina Guevarra-Salonga (now an Associate Justice of the Court of Appeals).

[10] Rollo, pp. 33-44; per Associate Justice Conrado M. Vasquez, Jr., with Associate Justices Martin S. Villarama, Jr. and Eliezer R. Delos Santos, concurring.

[11] Rollo, p. 45.

[12] 310 Phil. 21 (1995).

[13] *Id.*, at 40-41.

[14] *Republic v. Dagdag*, G.R. No. 109975, 9 February 2001, 351 SCRA 425.

[15] *Pesca v. Pesca*, G.R. No. 136921, 17 April 2001, 356 SCRA 588, 594.

[16] *Hernandez v. Court of Appeals*, *supra*, pp. 87-88.

[17] ART. 55. – A petition for legal separation may be filed on any of the following grounds:

- (1) Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child or a child of the petitioner;
- (2) Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;
- (3) Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;
- (4) Final judgment sentencing the respondent to imprisonment of more than six years even if pardoned;

- (5) Drug addiction or habitual alcoholism of the respondent;
- (6) Lesbianism or homosexuality of the respondent;
- (7) Contracting by the respondent of a subsequent bigamous marriage in the Philippines, whether in the Philippines or abroad;
- (8) Sexual infidelity or perversion.
- (9) Attempt by the respondent against the life of the petitioner; or
- (10) Abandonment of petitioner by respondent without justifiable cause for more than one year.

For purposes of this Article, the term ‘child’ shall include a child by nature or by adoption.

[18] G.R. No. 136490, 19 October 2000, 343 SCRA 755, 765.

[19] Santos v. Court of Appeals, *supra*, p. 36.

[20] Pesca v. Pesca, *supra*.

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