

ORLANDO G. TONGOL, PETITIONER, VS. FILIPINAS M. TONGOL, RESPONDENT.

G.R. NO. 157610. October 19, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Assailed in the present Petition for Review on Certiorari under Rule 45 of the Rules of Court is the Decision[1] of the Court of Appeals (CA) dated September 25, 2002 in CA-G.R. CV No. 66245, and its Resolution of March 19, 2003, denying petitioner's motion for reconsideration. The CA Decision affirmed, in toto, the Decision of the Regional Trial Court (RTC) of Makati City, Branch 149, which dismissed the petition for declaration of nullity of marriage filed by herein petitioner Orlando Tongol.

The facts of the case are as follows:

Orlando G. Tongol (Orlando) and Filipinas M. Tongol (Filipinas) were married on August 27, 1967. Out of their union, they begot four children, namely: Crisanto, born in 1968; Olivia, born in 1969; Frederick, born in 1971, and; Ma. Cecilia, born in 1972.

On May 13, 1994, Orlando and Filipinas filed a petition for dissolution of their conjugal partnership of gains, which was granted in a Judgment issued by the RTC of Makati City, Branch 143 on April 24, 1995.

On August 19, 1996, Orlando filed before the RTC of Makati City a verified petition for the declaration of nullity of his marriage with Filipinas on the ground that the latter is psychologically incapacitated to comply with her essential marital obligations.

In his Petition, Orlando contended that he and Filipinas got married over the objection of the latter's family; their marriage was not a happy one because of her parents' continued interference and attempt to break up their union; greatly influenced by her parents, Filipinas, even at the early stages of their marriage, already treated Orlando with contempt and without the love and respect due him as her husband; when Orlando started a junk shop business, Filipinas ridiculed him instead of giving him encouragement; later on, his business became successful and he was able to embark upon another business venture; he put up a pharmaceutical company which also became profitable; Filipinas then became interested and began to interfere in the operation of the business; however, because of her bad attitude, the employees were aloof; she also resented the fact that her husband got along well with the employees; as a result, she quarreled with her husband causing the latter embarrassment; she even suspected that the income of the business was being given to her husband's relatives; their continued fighting persisted and affected their children; efforts at reconciliation proved futile because their differences had become irreconcilable and their marriage impossible; in 1990, Orlando decided to live separately from Filipinas; in 1994, the spouses filed a petition for dissolution of their property relationship; and the petition was granted in 1995.

In her Answer with Counter-Petition, Filipinas admitted that efforts at reconciliation have been fruitless and that their marriage is a failure. However, she claims that their marriage failed because it is Orlando who is

psychologically incapacitated to fulfill his obligations as a married man.

Evidence for Orlando consisted of his own testimony, that of his sister, Angelina Tongol, and of Annaliza Guevara, an employee in the pharmaceutical company owned by the spouses Tongol. Orlando also presented Dr. Cecilia Villegas, a psychiatrist who conducted a psychological examination of both parties. Orlando submitted documents evidencing their marriage, the birth of their four children, the RTC decision granting the petition for dissolution of their conjugal partnership of gains, and the written evaluation of Dr. Villegas regarding the spouses' psychological examination. On the other hand, record shows that evidence for Filipinas only consisted of her own testimony.

On June 30, 1999, the RTC of Makati City, Branch 149, rendered a Decision dismissing the petition.

On appeal, the CA affirmed, in toto, the Decision of the RTC.

Hence, herein petition raising the following issues:

- "WHETHER OR NOT THE EVIDENCE SUPPORTS THE FINDINGS OF THE TRIAL COURT AND THE HONORABLE COURT OF APPEALS THAT DRA. CECILIA VILLEGAS FAILED TO STATE WHETHER OR NOT RESPONDENT'S INADEQUATE PERSONALITY DISORDER WAS GRAVE, PERMANENT AND INCURABLE" (par. 12, p. 3, Annex "A", hereof).
- "WITH ALL DUE RESPECT, THE COURT OF APPEALS ERRED IN DISMISSING THE APPEAL" (p. 7, *ibid.*).
- "WITH ALL DUE RESPECT, THE COURT OF APPEALS ERRED IN DENYING THE MOTION FOR RECONSIDERATION" (Annex "B", hereof).[2]

The basic issue to be resolved in the instant case is whether or not the totality of the evidence presented in the present case is enough to sustain a finding that herein respondent is psychologically incapacitated to comply with her essential marital obligations.

In *Santos v. Court of Appeals*,^[3] the term psychological incapacity was defined as:

[N]o 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 psychologic condition must exist at the time the marriage is celebrated. x x x^[4]

Psychological incapacity must be characterized by:

- (a) Gravity – It must be grave or 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
- (c) Incurability – It must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.^[5]

While the CA has already extensively quoted the ruling in *Republic of the Philippines v. Court of Appeals and Molina*,^[6] wherein the guidelines in the interpretation and application of Article 36^[7] of the Family Code was

laid down, this Court finds it significant to reproduce the same quoted portion, to wit:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it “as the foundation of the nation.” It decrees marriage as legally “inviolable,” thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be “protected” by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their permanence, inviolability and solidarity.

(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 ejusdem 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. x x x

(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.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition. The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall discharge the equivalent function of the defensor vinculi contemplated under Canon

1095.[8]

Under the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages,[9] which took effect on March 15, 2003, the foregoing guidelines have been modified. Section 2(d) of the said Rule provides:

SEC. 2. Petition for declaration of absolute nullity of void marriages.-

x x x x

(d) What to allege.- A petition under Article 36 of the Family Code shall specifically allege the complete facts showing that either or both parties were psychologically incapacitated from complying with the essential marital obligations of marriage at the time of the celebration of marriage even if such incapacity becomes manifest only after its celebration.

The complete facts should allege the physical manifestations, if any, as are indicative of psychological incapacity at the time of the celebration of the marriage but expert opinion need not be alleged.

The new Rule dispensed with the certification from the Solicitor General, stating therein his reasons for his agreement or opposition to the petition. Attachment of expert opinions to the petition is also dispensed with.

In the instant case, the RTC and the CA gave credence to the conclusion of the examining psychiatrist, Dr. Villegas, that respondent is suffering from Inadequate Personality Disorder. However, both courts ruled that the behavior exhibited by respondent does not amount to psychological incapacity as contemplated under Article 36 of the Family Code.

This Court finds no cogent reason to depart from the assessment of the RTC and the CA for the following reasons:

First, petitioner relies heavily on the findings of Dr. Villegas who made the following written evaluation regarding respondent's psychological makeup:

x x x x

On the other hand, Mrs. Filipinas Mendoza-Tongol belonged to a matriarchal family where the mother assumed a more active and dominant role. She was left to the care of her aunt and developed a basic feeling a (sic) rejection.

The only college graduate among 7 children her operating intellectual ability is low-average. Sudden change overwhelmed her. When seized by an impulse, she is likely to give way, even minor pressures upset her and when this happens, emotional control could not be relied upon.

In marriage when her husband shows good relationship with their employees, especially with females, she became (sic) suspicious, jealous, and threatened, and this is related to her basic feelings of rejection in early life. She coped (sic) up with her uncomfortable feelings by exhibiting temper tantrums, irritability and dominance, a replica of her mother's attitude, but to the distaste of her husband.

At present she is depressed, though hostile, and now living in the expectation of further rejection. Additionally, she is threatened by a neurological illness (tremor of the hands) for which she is consulting a neurologist.

Based on the above findings, it is the opinion of the undersigned that Mr. Orlando Tongol is suffering from some depressive features, which seems to be a recent development as a result of marital problems. On the other hand, Mrs. Tongol is suffering from an Inadequate Personality Disorder, with hysterical coloring, which renders her psychologically incapacitated to perform the duties and responsibilities of marriage. She is unable to cope with the sudden work and environmental shifts, that overwhelmed her, due to insufficient psychological inner resources.[10]

In her testimony, Dr. Villegas explained respondent's personality disorder in this wise:

ATTY. VILLAREAL -

x x x x

Q-

What exactly do you mean [by] inadequate personality disorder?

A-

Inadequate personality disorder means, there are not times that in all aspects of her life, she could not function in the way that she feels or she is confident. She has always been very much in doubt of her own capabilities, Sir.

Q-

What about hysterical coloring?

A-

Hysterical coloring means, there is always an exaggeration of her psychological reactions to any stresses, Sir.

Q-

Exaggeration in what aspect?

A-

Exaggeration in any emotional reactions or situations like if she would be seeing the husband talking to some employees then, she is suddenly irritable and would present some tantrums. In short, she cannot control her emotion at the moment of stresses circulations, Sir.[11]

When asked how such personality disorder affects respondent's capacity to assume the essential obligations of marriage, Dr. Villegas expounded as follows:

ATTY. RENDOR -

x x x x

Q-

How about Mrs. Tongol, what are your findings?

A-

Mrs. Tongol is a college graduate and she finished commerce. Basically, she has a feeling of rejection from the start of her development and this was carried on into her adult life. When the husband started having some good relationship with his employees, then she started to get jealous and she would embarrass him in front of their employees and insulted him and would go into tantrums and this was very much resented by Mr. Tongol, Sir.

ATTY. RENDOR -

Q-

In your expert opinion, Doctor, can you tell us the reason why Mrs. Tongol acted in such a way?

A-

Because of her basic rejection at that time, Sir. She was afraid that Mr. Tongol was already rejecting her as a wife and being attracted to other people, but it is the way of how Mrs. Tongol reacted to her own feelings of rejection, Sir.

x x x x

Q-

What made you say that because of inadequate personality disorder, Mrs. Tongol rendered her psychological (sic) incapacitated to perform the duties and responsibilities of the marriage. What is your basis in saying that?

A-

She belongs to a very matriarchal family. The mother was very dominant. She always gets what she wanted in the house. In short, she was the authority in the house and during her growing up stage, she was given up to the aunt, for the aunt to take care of her. She only came back to the family when she was already a sort of an early teenager. With this, there has always been a feeling of rejection during her personality development. Besides, she feels that she is one of those not favor (sic) by the mother during her growing up stage, Sir.

Q-

Based on your examination of the spouses, what do you recommend as far as the marriage is concerned, considering that this is a petition for the annulment of marriage?

A-

I could recommend that they have their marriage annulled because it will only be sufferings from (sic) both of them because on the part of Mrs. Tongol, it is one that is more or less permanent and Mr. Tongol is also suffering from some depression, Sir.[12]

The Court can only gather from the foregoing explanations of Dr. Villegas that as a child, Filipinas had always felt rejected, especially by her mother; that she never got rid of those feelings of rejection even when she became an adult and got married; that her fits of jealousy and temper tantrums, every time she sees her husband having a good interaction with their employees, are ways of coping up with her feelings of rejection. However, Dr. Villegas failed to link respondent's personality disorder to her conclusion that respondent is psychologically incapacitated to perform her obligations as wife and mother. The Court cannot see how respondent's personality disorder which, according to Dr. Villegas, is inextricably linked to her feelings of rejection, would render her unaware of the essential marital obligations, or to borrow the terms used in Santos, "to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage." What has been established in the instant case is that, by reason of her feelings of inadequacy and rejection, respondent not only encounters a lot of difficulty but even refuses to assume some of her obligations towards her husband,

such as respect, help and support for him. However, this Court has ruled that psychological incapacity must be more than just a “difficulty,” a “refusal” or a “neglect” in the performance of some marital obligations.[13] As held in Santos:

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 psychologic condition must exist at the time the marriage is celebrated.[14]

Second, Dr. Villegas also failed to fully and satisfactorily explain if the personality disorder of respondent is grave enough to bring about her disability to assume the essential obligations of marriage. Petitioner contends that respondent's exaggerated reactions to normal situations, her unreasonable feelings of rejection brought about by her dysfunctional upbringing, are all indications of the gravity of her psychological condition. Even granting that respondent's psychological disorder is serious, the fact remains that there is no evidence to prove that such condition is of such nature as to render respondent incapable of carrying out the ordinary duties required in marriage.

Third, there is no evidence that such incapacity is incurable. Neither in her written evaluation nor in her testimony did Dr. Villegas categorically and conclusively characterize respondent's inadequate personality disorder as permanent or incurable. Dr. Villegas was not sure of the permanence or incurability of respondent's illness as shown by her following statement:

I could recommend that they have their marriage annulled because it will only be sufferings from (sic) both of them because on the part of Mrs. Tongol, it is one that is more or less permanent and Mr. Tongol is also suffering from some depression, Sir.[15] (Emphasis supplied)

Fourth, the psychological incapacity considered under Article 36 of the Family Code is not meant to comprehend all possible cases of psychoses.[16] The fourth guideline in Molina requires that the psychological incapacity as understood under Article 36 of the Family Code 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. In the present case, the testimonies of both petitioner and respondent as well as the other witnesses regarding the spouses' differences and misunderstanding basically revolve around and are limited to their disagreement regarding the management of their business. In fact, respondent herself, in her Memorandum submitted to the trial court, claimed that their quarrels arose solely from their disagreement on how to run their business.[17] This is confirmed by the testimony of petitioner's sister who lived with the spouses for a considerable period of time.[18] However, a mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity.[19]

In addition, it is true that the marital obligations of a husband and wife enumerated under the Family Code include the mutual responsibility of the spouses to manage the household and provide support for the family, which means that compliance with this obligation necessarily entails the management of the income and expenses of the household. While disagreements on money matters would, no doubt, affect the other aspects of one's marriage as to make the wedlock unsatisfactory, this is not a sufficient ground to declare a marriage null and void. In the present case, respondent's disagreement with her husband's handling of the family's business and finances and her propensity to start a fight with petitioner spouse regarding these matters can hardly be considered as a manifestation of the kind of psychological incapacity contemplated under Article 36 of the Family Code. In fact, the Court takes judicial notice of the fact that disagreements regarding money matters is a common, and even normal, occurrence between husbands and wives.

Fifth, marital obligation includes not only a spouse's obligation to the other spouse but also one's obligation toward their children. In the present case, no evidence was presented to show that respondent had been remiss in performing her obligations toward their children as enumerated in Article 220 of the Family Code.[20]

It is settled that Article 36 of the Family Code is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves.[21] It refers to a serious psychological illness afflicting a party even before the celebration of marriage.[22] It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.[23] In the instant case, the Court finds no error in the findings of the RTC, as affirmed by the CA, that the aversive behavior of petitioner and respondent towards each other is a mere indication of incompatibility brought about by their different family backgrounds as well as their attitudes, which developed after their marriage.

In sum, it is not disputed that respondent is suffering from a psychological disorder. However, the totality of the evidence presented in the present case does not show that her personality disorder is of the kind contemplated by Article 36 of the Family Code as well as jurisprudence as to render her psychologically incapacitated or incapable of complying with the essential obligations of marriage.

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.[24] Hence, any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.[25]

WHEREFORE, the petition is DENIED. The September 25, 2002 Decision and March 19, 2003 Resolution of the Court of Appeals in CA-G.R. CV No. 66245 are AFFIRMED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

[1] Penned by Justice Amelita G. Tolentino and concurred in by Justices Martin S. Villarama, Jr. and Remedios Salazar-Fernando; rollo, pp. 44-56.

[2] Rollo, p. 19.

[3] 310 Phil. 21 (1995).

[4] Id. at 40.

[5] Republic of the Philippines v. Iyoy, G.R. No. 152577, September 21, 2005, 470 SCRA 508, 521.

[6] 335 Phil. 664 (1997).

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

[8] Republic of the Philippines v. Court of Appeals, supra note 6, at 676-680.

[9] A.M. No. 02-11-10-SC.

[10] Exhibits "G-3" and "G-4", records, pp. 141-142.

[11] TSN, April 1, 1998, p. 16; records, p. 369.

[12] TSN, April 1, 1998, pp. 9-10, 14-15 (records, pp. 362-363, 367-368).

[13] Choa v. Choa, 441 Phil. 175, 186-187 (2002), citing Republic of the Philippines v. Court of Appeals, *supra* note 6, at 674.

[14] Santos v. Court of Appeals, *supra* note 3, at 40.

[15] TSN, April 1, 1998, pp. 14-15 (pp. 367-368, records)

[16] Carating-Siayngco v. Siayngco, G.R. No. 158896, October 27, 2004, 441 SCRA 422, 433, citing Santos v. Court of Appeals, *supra* note 3.

[17] Records, p. 226.

[18] TSN, June 26, 1997, pp. 4, 15-16 (records, pp. 316, 327-328).

[19] Choa v. Choa, *supra* note 13, at 187; Republic of the Philippines v. Court of Appeals, *supra* note 6, at 674.

[20] Art. 220. The parents and those exercising parental authority shall have with respect to their unemancipated children or wards the following rights and duties:

(1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;

(2) To give them love and affection, advice and counsel, companionship and understanding;

(3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;

(4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;

(5) To represent them in all matters affecting their interest;

(6) To demand from them respect and obedience;

(7) To impose discipline on them as may be required under the circumstances; and

(8) To perform such other duties as are imposed by law upon parents and guardians.

[21] Republic of the Philippines v. Iyoy, *supra* note 5, at 526.

[22] *Id.*

[23] *Id.*

[24] Carating-Siayngco v. Siayngco, *supra* note 16, at 436.

[25] *Id.*

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