

JUANITA CARATING-SIAYNGCO, PETITIONER VS. MANUEL SIAYNGCO, RESPONDENT.

G.R. No. 158896. October 27, 2004

Ponente: CARPIO, J.

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CARPIO, J.:

This is a petition for review on certiorari of the decision[1] of the Court of Appeals promulgated on 01 July 2003, reversing the decision[2] of the Regional Trial Court (RTC), Branch 102, Quezon City, dated 31 January 2001, which dismissed the petition for declaration of nullity of marriage filed by respondent herein Judge Manuel Siayngco (“respondent Manuel”).

Petitioner Juanita Carating-Siayngco (“Petitioner Juanita”) and respondent Manuel were married at civil rites on 27 June 1973 and before the Catholic Church on 11 August 1973. After discovering that they could not have a child of their own, the couple decided to adopt a baby boy in 1977, who they named Jeremy.

On 25 September 1997, or after twenty-four (24) years of married life together, respondent Manuel filed for the declaration of its nullity on the ground of psychological incapacity of petitioner Juanita. He alleged that all throughout their marriage, his wife exhibited an over domineering and selfish attitude towards him which was exacerbated by her extremely volatile and bellicose nature; that she incessantly complained about almost everything and anyone connected with him like his elderly parents, the staff in his office and anything not of her liking like the physical arrangement, tables, chairs, wastebaskets in his office and with other trivial matters; that she showed no respect or regard at all for the prestige and high position of his office as judge of the Municipal Trial Court; that she would yell and scream at him and throw objects around the house within the hearing of their neighbors; that she cared even less about his professional advancement as she did not even give him moral support and encouragement; that her psychological incapacity arose before marriage, rooted in her deep-seated resentment and vindictiveness for what she perceived as lack of love and appreciation from her own parents since childhood and that such incapacity is permanent and incurable and, even if treatment could be attempted, it will involve time and expense beyond the emotional and physical capacity of the parties; and that he endured and suffered through his turbulent and loveless marriage to her for twenty-two (22) years.

In her Answer, petitioner Juanita alleged that respondent Manuel is still living with her at their conjugal home in Malolos, Bulacan; that he invented malicious stories against her so that he could be free to marry his paramour; that she is a loving wife and mother; that it was respondent Manuel who was remiss in his marital and family obligations; that she supported respondent Manuel in all his endeavors despite his philandering; that she was raised in a real happy family and had a happy childhood contrary to what was stated in the complaint.

In the pre-trial order,[3] the parties only stipulated on the following:

- That they were married on 27 June 1973;
- That they have one son who is already 20 years old.

Trial on the merits ensued thereafter. Respondent Manuel first took the witness stand and elaborated on the allegations in his petition. He testified that his parents never approved of his marriage as they still harbored hope that he would return to the seminary.[4] The early years of their marriage were difficult years as they had a hard time being accepted as husband and wife by his parents and it was at this period that his wife started exhibiting signs of being irritable and temperamental[5] to him and his parents.[6] She was also obsessive about cleanliness which became the common source of their quarrels.[7] He, however, characterized their union as happy during that period of time in 1979 when they moved to Malolos as they were engrossed in furnishing their new house.[8] In 1981, when he became busy with law school and with various community organizations, it was then that he felt that he and his wife started to drift apart.[9] He then narrated incidents during their marriage that were greatly embarrassing and/or distressing to him, e.g., when his wife quarreled with an elderly neighbor;[10] when she would visit him in his office and remark that the curtains were already dirty or when she kicked a trash can across the room or when she threw a ballpen from his table;[11] when she caused his office drawer to be forcibly opened while he was away;[12] when she confronted a female tenant of theirs and accused the tenant of having an affair with him;[13] and other incidents reported to him which would show her jealous nature. Money matters continued to be a source of bitter quarrels.[14] Respondent Manuel could not forget that he was not able to celebrate his appointment as judge in 1995 as his wife did not approve it, ostensibly for lack of money, but she was very generous when it came to celebrations of their parish priest.[15] Respondent Manuel then denied that he was a womanizer[16] or that he had a mistress.[17] Lastly, respondent Manuel testified as to their conjugal properties and obligations.[18]

Next, LUCENA TAN, respondent Manuel's Clerk of Court, testified that petitioner Juanita seldom went to respondent Manuel's office.[19] But when she was there, she would call witness to complain about the curtains and the cleanliness of the office.[20] One time, witness remembered petitioner Juanita rummaging through respondent Manuel's drawer looking for his address book while the latter was in Subic attending a conference.[21] When petitioner Juanita could not open a locked drawer she called witness, telling the latter that she was looking for the telephone number of respondent's hotel room in Subic. A process server was requested by petitioner Juanita to call for a locksmith in the town proper. When the locksmith arrived, petitioner Juanita ordered him to open the locked drawer. On another occasion, particularly in August of 1998, witness testified that she heard petitioner Juanita remark to respondent Manuel "sino bang batang bibinyagan na yan? Baka anak mo yan sa labas?"[22]

As his third witness, respondent Manuel presented DR. VALENTINA GARCIA whose professional qualifications as a psychiatrist were admitted by petitioner Juanita.[23] From her psychiatric evaluation,[24] Dr. Garcia concluded:

To sum up, Manuel de Jesus Siayngco and Juanita Victoria Carating-Siayngco contributed to the marital collapse. There is a partner relational problem which affected their capacity to sustain the marital bond with love, support and understanding.

The partner relational problem (coded V61/10 in the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders or DSM IV) is secondary to the psychopathology of both spouses. Manuel and Juanita had engaged themselves in a defective communication pattern which is characteristically negative and deformed. This affected their competence to maintain the love and respect that they should give to each other.

Marriage requires a sustained level of adaptation from both partners who are expected to use healthy strategies to solve their disputes and differences. Whereas Juanita would be derogatory, critical, argumentative, depressive and obsessive-compulsive, Manuel makes use of avoidance and suppression. In his effort to satisfy the self and to boost his masculine ego to cover up for his felt or imagined inadequacies, he became callused to the detrimental effects of his unfaithfulness and his failure to prioritize the marriage. Both spouses, who

display narcissistic psychological repertoire (along with their other maladaptive traits), failed to adequately empathize (or to be responsive and sensitive) to each other's needs and feelings. The matrimonial plot is not conducive to a healthy and a progressive marriage. Manuel and Juanita have shown their psychologically [sic] incapacity to satisfactorily comply with the fundamental duties of marriage. The clashing of their patterns of maladaptive traits, which warrant the diagnosis of personality disorder not otherwise specified (PDNOS, with code 301.9 as per DSM IV criteria) will bring about more emotional mishaps and psychopathology. These rigid sets of traits which were in existence before the marriage will tend to be pervasive and impervious to recovery.[25]

In her defense, petitioner Juanita denied respondent Manuel's allegations. She insisted that they were a normal couple who had their own share of fights; that they were happily married until respondent Manuel started having extra-marital affairs[26] which he had admitted to her.[27] Petitioner Juanita professed that she would wish to preserve her marriage and that she truly loved her husband.[28] She stated further that she has continuously supported respondent Manuel, waiting up for him while he was in law school to serve him food and drinks. Even when he already filed the present case, she would still attend to his needs.[29] She remembered that after the pre-trial, while they were in the hallway, respondent Manuel implored her to give him a chance to have a new family.[30]

DR. EDUARDO MAABA, whose expertise as a psychiatrist was admitted by respondent Manuel,[31] testified that he conducted a psychiatric evaluation on petitioner Juanita, the results of which were embodied in his report. Said report stated in part:

Based on the clinical interviews and the results of the psychological tests, respondent Juanita Victoria Carating-Siayngco, was found to be a mature, conservative, religious and highly intelligent woman who possess [sic] more than enough psychological potentials for a mutually satisfying long term heterosexual relationship. Superego is strong and she is respectful of traditional institutions of society like the institution of marriage. She was also found to be a loving, nurturing and self-sacrificing woman who is capable of enduring severe environmental stress in her social milieu. Finally, she is reality-oriented and therefore capable of rendering fair and sound decision.

In summary, the psychiatric evaluation found the respondent to be psychologically capacitated to comply with the basic and essential obligations of marriage.[32]

CRISPINA SEVILLA, a friend of the spouses Siayngco since 1992 described the Siayngcos as the ideal couple, sweet to each other.[33] The couple would religiously attend prayer meetings in the community.[34] Both were likewise leaders in their community.[35] Witness then stated that she would often go to the house of the couple and, as late as March 2000, she still saw respondent Manuel there.[36]

On 31 January 2001, the trial court denied respondent Manuel's petition for declaration of nullity of his marriage to petitioner Juanita holding in part that:

The asserted psychological incapacity of the defendant is not preponderantly supported in evidence. The couple [was] happily married and after four years of marital bliss [was] blest with a son. Their life together continued years thereafter in peace and prosperity.

The psychiatric finding that defendant has been critical, depressed and obsessive doubtless arose later in the parties' relationship sometime in the early 90's when the defendant-wife started receiving letters that the plaintiff is playing footsy.

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The present state of our laws on marriage does not favor knee-jerk responses to slight stabs of the Pavlovian

hammer on marital relations. A wife, as in the instant case, may have succumbed, due to her jealousy, to the constant delivery of irritating curtain lectures to her husband. But, as our laws now stand, the dissolution of the marriage is not the remedy in such cases. In contrast to some countries, our laws do not look at a marital partner as a mere refrigerator in the Kitchen even if he or she sometimes may sound like a firetruck. [37]

A motion for reconsideration was filed but was denied in an order dated 04 May 2001.[38]

On 01 July 2003, the Court of Appeals reversed the RTC decision, relying mainly on the psychiatric evaluation of Dr. Garcia finding both Manuel and Juanita psychologically incapacitated and on the case of *Chi Ming Tsoi v. Court of Appeals*.[39] Thus:

The report clearly explained the root cause of the alleged psychological incapacity of plaintiff Manuel and defendant Juanita. It appears that there is empathy between plaintiff and defendant. That is – a shared feeling which between husband and wife must be experienced not only by having spontaneous sexual intimacy but a deep sense of spiritual communion. Marital union is a two-way process. An expressive interest in each other's feelings at a time it is needed by the other can go a long way in deepening the marital relationship. Marriage is definitely not for children but for two consenting adults who view the relationship with love “*amore gignit amorem*”, sacrifice and a continuing commitment to compromise conscious of its value as a sublime social institution (*Chi Ming Tsoi vs. Court of Appeals*, 266 SCRA 324).

This court, finding the gravity of the failed relationship in which the parties found themselves trapped in its mire of unfulfilled vows and unconsummated marital obligations, can do no less, but reverse and set aside the decision of the lower court. Plaintiff Manuel is entitled to have his marriage declared a nullity on the ground of psychological incapacity, not only of defendant but also of himself.[40]

Petitioner contends that the Court of Appeals erred –

- IN ITS FINDINGS THAT PETITIONER JUANITA IS PSYCHOLOGICALLY INCAPACITATED
- IN ITS FINDINGS OF FACT THAT PETITIONER AND RESPONDENT SEPARATED ON MARCH 1997, THE TRUTH IS THAT THEY ARE STILL LIVING TOGETHER AS HUSBAND AND WIFE AT THE TIME OF THE FILING OF THE PETITION UP TO THE PRESENT
- WHEN IT DID NOT FOLLOW THE GUIDELINES LAID DOWN BY THE SUPREME COURT IN THE CASE OF *REPUBLIC V. MOLINA*
- IN DECLARING THE MARRIAGE OF HEREIN PETITIONER AND RESPONDENT NULL AND VOID ON GROUND OF PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE

The Court's Ruling

Our pronouncement in *Republic v. Dagdag*[41] is apropos. There, we held that whether or not psychological incapacity exists in a given case calling for the declaration of the nullity of the marriage depends crucially on the facts of the case. Each case must be closely scrutinized and judged according to its own facts as there can be no case that is on “all fours” with another. This, the Court of Appeals did not heed.

The Court of Appeals perfunctorily applied our ruling in *Chi Ming Tsoi* despite a clear divergence in its factual milieu with the case at bar. In *Chi Ming Tsoi*, the couple involved therein, despite sharing the same bed from the time of their wedding night on 22 May 1988 until their separation on 15 March 1989, never had coitus. The perplexed wife filed the petition for the declaration of the nullity of her marriage on the ground of psychological incapacity of her husband. We sustained the wife for the reason that an essential marital obligation under the Family Code is procreation such that “the senseless and protracted refusal of one of the parties to fulfill the above marital obligation is equivalent to psychological incapacity.”

On the other hand, sexual intimacy for procreation is a non-issue herein. Rather, we have here a case of a husband who is constantly embarrassed by his wife's outbursts and overbearing ways, who finds his wife's obsession with cleanliness and the tight reign on his wallet "irritants" and who is wounded by her lack of support and respect for his person and his position as a Judge. In our book, however, these inadequacies of petitioner Juanita which led respondent Manuel to file a case against her do not amount to psychological incapacity to comply with the essential marital obligations.

It was in *Santos v. Court of Appeals*[42] where we declared that "psychological incapacity" under Article 36 of the Family Code is not meant to comprehend all possible cases of psychoses. It should refer, rather, 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. Psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability.[43] In *Republic v. Court of Appeals*[44] we expounded:

(1) The burden of proof to show the nullity of 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 physically 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. Hence, a pediatrician may be effective in diagnosing illnesses of children and prescribing medicine to cure them but may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

(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.[45]

With the foregoing pronouncements as compass, we now resolve the issue of whether or not the totality of evidence presented is enough to sustain a finding of psychological incapacity against petitioner Juanita and/or respondent Manuel.

A. RE: PSYCHOLOGICAL INCAPACITY OF RESPONDENT MANUEL

We reiterate 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.[46] With this cardinal state policy in mind, we held in *Republic v. Court of Appeals*[47] that the burden of proof to show the nullity of marriage belongs to the plaintiff (respondent Manuel herein). Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity.

In herein case, the Court of Appeals committed reversible error in holding that respondent Manuel is psychologically incapacitated. The psychological report of Dr. Garcia, which is respondent Manuel's own evidence, contains candid admissions of petitioner Juanita, the person in the best position to gauge whether or not her husband fulfilled the essential marital obligations of marriage:

She talked about her spouse, "My husband is kind, a good provider, cool, intelligent but a liar, masamang magalit at gastador In spite of what he has done to me, I take care of him whenever he is sick. He is having extra marital affairs because he wants to have a child. I believe that our biggest problem is not having a child. It is his obsession to have a child with his girl now. He started his relationship with this girl in 1994. I even saw them together in the car. I think that it was the girl who encouraged him to file the petition." She feels that the problems in the relationship is [sic] "paulit-ulit," but, that she still is willing to pursue it.

x x x. Overall, she feels that he is a good spouse and that he is not really psychologically incapacitated. He apparently told her, "You and Jeremy should give me a chance to have a new family." She answered and said, "Ikaw tinuruan mo akong to fight for my right. Ipaglalaban ko ang marriage natin." [48]

What emerges from the psychological report of Dr. Garcia as well as from the testimonies of the parties and their witnesses is that the only essential marital obligation which respondent Manuel was not able to fulfill, if any, is the obligation of fidelity.[49] Sexual infidelity, per se, however, does not constitute psychological incapacity within the contemplation of the Family Code.[50] It must be shown that respondent Manuel's unfaithfulness is a manifestation of a disordered personality which makes him completely unable to discharge the essential obligations of the marital state[51] and not merely due to his ardent wish to have a child of his own flesh and blood. In herein case, respondent Manuel has admitted that: "I had [extra-marital] affairs because I wanted to have a child at that particular point." [52]

B. RE: PSYCHOLOGICAL INCAPACITY OF PETITIONER JUANITA

As aforementioned, the presumption is always in favor of the validity of marriage. *Semper praesumitur pro matrimonio*. In the case at bar, respondent Manuel failed to prove that his wife's lack of respect for him, her jealousies and obsession with cleanliness, her outbursts and her controlling nature (especially with respect to his salary), and her inability to endear herself to his parents are grave psychological maladies that paralyze her from

complying with the essential obligations of marriage. Neither is there any showing that these “defects” were already present at the inception of the marriage or that they are incurable.[53] In fact, Dr. Maaba, whose expertise as a psychiatrist was admitted by respondent Manuel, reported that petitioner was psychologically capacitated to comply with the basic and essential obligations of marriage.[54]

The psychological report of respondent Manuel’s witness, Dr. Garcia, on the other hand, does not help his case any. Nothing in there supports the doctor’s conclusion that petitioner Juanita is psychologically incapacitated. On the contrary, the report clearly shows that the root cause of petitioner Juanita’s behavior is traceable – not from the inception of their marriage as required by law – but from her experiences during the marriage, e.g., her in-laws’ disapproval of her as they wanted their son to enter the priesthood,[55] her husband’s philandering, admitted no less by him,[56] and her inability to conceive.[57] Dr. Garcia’s report paints a story of a husband and wife who grew professionally during the marriage, who pursued their individual dreams to the hilt, becoming busier and busier, ultimately sacrificing intimacy and togetherness as a couple. This was confirmed by respondent Manuel himself during his direct examination.[58]

Thus, from the totality of the evidence adduced by both parties, we have been allowed a window into the Siayngcos’s life and have perceived therefrom a simple case of a married couple drifting apart, becoming strangers to each other, with the husband consequently falling out of love and wanting a way out.

An unsatisfactory marriage, however, is not a null and void marriage. Mere showing of “irreconcilable differences” and “conflicting personalities” in no wise constitutes psychological incapacity.[59] As we stated in *Marcos v. Marcos*: [60]

Article 36 of the Family Code, we stress, is not to be confused with a divorce law that cuts the marital bond at the time the causes therefore manifests themselves. It refers to a serious psychological illness afflicting a party even before the celebration of the marriage. 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.

We are not downplaying the frustration and misery respondent Manuel might be experiencing in being shackled, so to speak, to a marriage that is no longer working. Regrettably, there are situations like this one, where neither law nor society can provide the specific answers to every individual problem.[61]

WHEREFORE, the petition for review is hereby GRANTED. The Decision dated 01 July 2003 of the Court of Appeals is hereby REVERSED and SET ASIDE. The Decision dated 31 January 2001 of the Regional Trial Court of Quezon City, Branch 102 is reinstated and given full force and effect. No costs.

SO ORDERED.

Puno, (Chairman), Austria Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Per Justice Eugenio S. Labitoria (Chairman) and concurred in by Justices Andres B. Reyes, Jr. and Regalado E. Maambong.

[2] Penned by Judge Jaime N. Salazar, Jr.

[3] RTC Record, p. 36.

[4] TSN, 07 October 1998, p. 10.

[5] *Id.* at 13.

- [6] Id. at 13-14.
- [7] Id. at 16-17.
- [8] Id. at 19.
- [9] Id. at 20-22.
- [10] Id. at 23.
- [11] Id. at 28-29.
- [12] Id. at 34.
- [13] Id. at 30.
- [14] Id. at 27-28.
- [15] Id. at 33.
- [16] Id. at 30.
- [17] Id. at 37.
- [18] Id. at 43-44.
- [19] TSN, 27 January 1999, p. 3.
- [20] TSN, 25 November 1998, p. 15.
- [21] Id. at 9-13.
- [22] Id. at 14.
- [23] TSN, 10 May 1999, p. 5.
- [24] Exh. "M" for petitioner Manuel, respondent herein.
- [25] Records, pp. 114-115.
- [26] TSN, 29 March 2000, pp. 5-6.
- [27] Id. at 7.
- [28] Id. at 11.
- [29] Id. at 12.
- [30] Id. at 22.
- [31] TSN, 21 June 2000, p. 5.
- [32] Records, p. 169.
- [33] TSN, 14 July 2000, p. 4.
- [34] Ibid.
- [35] Ibid.
- [36] Id. at 6.

[37] RTC Records, pp. 205-206.

[38] Id. at 209.

[39] G.R. No. 119190, 16 January 1997, 266 SCRA 324.

[40] Rollo, p. 43.

[41] G.R. No. 109975, 09 February 2001, 351 SCRA 425.

[42] G.R. No. 112019, 04 January 1995, 240 SCRA 20.

[43] Id.; *Marcos v. Marcos*, G.R. No. 136490, 19 October 2000, 343 SCRA 755.

[44] G.R. No. 108763, 13 February 1997, 268 SCRA 198.

[45] At pp. 209-212. The above pronouncements have been modified by the provisions of A.M. No. 02-11-10-SC Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages which took effect on 15 March 2003, particularly Section 2(d) thereof which provides:

(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.

Previously, the Committee on Revision of the Rules of Court submitted the “Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of Void Marriages, Legal Separation and Provisional Orders and its Rationale” enunciated among other things, that

- Attachment of expert opinion to petitions for declaration of absolute nullity of marriage under Article 36 is dispensed with. Instead, the court shall determine the advisability of expert testimony during the pre-trial conference.

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- The certification of the Solicitor General required in the *Molina* case is dispensed with to avoid delay.

[46] Sec. 12, Art. II, Constitution.

[47] *Supra*, note 43.

[48] Dr. Garcia’s psychological report, Exh. “M” (RTC Record at 110).

[49] See Art. 68, Family Code.

[50] *Santos v. Court of Appeals*, *supra*, note 42; *Hernandez v. Court of Appeals*, G.R. No. 126010, 08 December 1999, 320 SCRA 76; *Dedel v. Court of Appeals*, G.R. No. 151867, 29 January 2004.

[51] *Ibid*.

[52] *Supra*, note 46 at 111.

[53] *Marcos v. Marcos*, *supra*, note 43 at 764.

[54] RTC Record at 169.

[55] Supra, note 46 at 102-103.

[56] Id. at 111.

[57] Id. at 110.

[58] Q: Did your wife agree to your going to law school?

A: I did not encounter any objection from her.

Q: And what was the marriage like during this time when you were attending law school?

A: I started feeling that we somehow begun (sic) drifting apart because I was developing a new field of interest in the legal profession. I was occupied with leading various community organization (sic) including homeowners association. Maybe that was when we started drifting apart. (TSN, 07 October 1998, at 22)

[59] Republic v. Court of Appeals, supra, note 44 at 207.

[60] Supra, note 43 at 765.

[61] Dedel v. Court of Appeals, supra, note 50, citing Santos v. Court of Appeals, supra, note 42, at 36.

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