

NARCISO S. NAVARRO, JR., PETITIONER, VS. CYNTHIA CECILIO-NAVARRO, RESPONDENT.

G.R. No. 162049. April 13, 2007

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For review is the Decision[1] dated January 8, 2003 of the Court of Appeals in CA-G.R. CV No. 65677, reversing the Regional Trial Court's declaration of nullity of the marriage of petitioner and respondent. Likewise assailed is the Court of Appeals' Resolution dated February 4, 2004 denying reconsideration.

In Civil Case No. 94-70727, filed by petitioner Narciso Navarro, Jr. with the Regional Trial Court of Manila, Branch 37, he sought the declaration of nullity of his marriage to respondent.

As culled from the records, the facts of the case are as follows:

Petitioner and respondent were college sweethearts. At the time they got married, both in civil and church ceremonies, they were awaiting their first child. Since petitioner was still a medical student, while respondent was a student of pharmacy, they lived with petitioner's parents, on whom they were financially dependent. Eventually, their union bore four children.

Petitioner alleged that respondent constantly complained that he didn't have time for her; and that she constantly quarreled with him even before marriage when he could not give her the things she wanted. He added that she was not supportive of his career. Even marriage counseling did not work. Petitioner stated that when they quarreled, she refused to have sex with him and even told him to look for other women. He filed the petition for nullification of their marriage when he found out their eldest daughter had been made pregnant by a man whom respondent hired to follow him.

Abdona T. de Castro, a marriage counselor duly accredited by the Department of Social Welfare and Development, testified that when petitioner saw her on April 6, 1994, he was distraught, harassed, and unhappy. She concluded from meetings with the petitioner that the marriage was dysfunctional, destructive, and reconciliation was out of the question since he claims he would go insane if he were to go back to his wife. Relying on the view of another expert, one Dr. Gerardo Velasco, witness de Castro opined that professionals are per se incapacitated to perform the essential obligations of marriage because they spend a lot of time in the pursuit of their profession and have very little time to spend with their family. She concluded that respondent was also psychologically incapacitated to perform the marital obligations because she knew, from the start, that her husband was going to be a doctor, yet she did not give him the support and understanding that was expected of a doctor's wife.

Lilia Tayco, the housemaid of petitioner's parents also testified that petitioner and respondent were always quarreling because respondent was always jealous of petitioner's classmates.

A psychologist, Dr. Natividad Dayan, who conducted a psychiatric test on petitioner, testified that tests showed

that petitioner was a perfectionist, short-tempered, critical, argumentative and irritable when people do not meet his expectations. He married Cynthia only after he got her pregnant. He had depressions and tended to escapism when beset with problems. He was vocal about his marital problems. He believed that the lack of communication, absence of quality time, inadequacy in problem-solving, and many problems caused the failure of the marriage.

For her part, respondent refused to submit to the psychiatric examination asked by the petitioner, but said she would do so only when her defense requires it. She averred that she had no marital problems, not until petitioner had an illicit affair with a certain Dr. Lucila Posadas. Petitioner denied the affair. Respondent narrated that early 1984, she caught petitioner and Lucila inside the Harana Motel in Sta. Mesa where a confrontation ensued. After the incident, petitioner seldom went home until he permanently left his family sometime in 1986. Respondent claimed petitioner and Lucila continued to see each other and had gone abroad together several times. She explained that she uttered she would not make love with her husband and dared him to look for other women only out of frustration and anger upon discovery of the affair. She admitted hiring someone to spy on petitioner, but added that she still loved her husband.

Cynthia's friend since high school, Miraflor Respicio testified that Cynthia was a good, stable, and mature person; that she was a loving and caring mother who gave up her career to take care of her children; and that petitioner and respondent were happy during the early days of the marriage.

On August 21, 1998, the trial court held that petitioner and respondent were both psychologically incapacitated to perform their marital obligations. The dispositive portion of the court's decision reads:

WHEREFORE, the marriage between the parties is (sic) dated June 2, 1973 is hereby declared null and void with the following effects:

- The Plaintiff is hereby directed to support his children with the Defendant in the amount of forty thousand pesos (P40,000.00) a month, which sum shall be payable on or before the 5th day of each month, effective September, 1998;
- The parties are hereby disqualified from inheriting from each other by way of testate or intestate succession;
- Either of the parties may revoke the designation of the other as beneficiary in a life insurance policy;
- The parties' children are hereby declared legitimate, and the custody of the parties' minor children is hereby awarded to the Defendant with the Plaintiff exercising his right to visit them at least once a week;
- The properties in the name of the parties consisting of a house and lot located at 15 Bronze Street, Filinvest, Quezon City are hereby deemed as their advance legitime to their children.

SO ORDERED.[2]

Respondent appealed the case to the Court of Appeals. She averred that the trial court erred when it annulled their marriage instead of decreeing their legal separation, with the ruling that petitioner was the guilty spouse.

In a Decision dated January 8, 2003, the Court of Appeals held that the constant arguments, bickerings and conflicts between the spouses did not constitute psychological incapacity. It ruled that petitioner failed to show that any psychological incapacity in either of the two parties existed at the time of the celebration of marriage. The appellate court reversed the decision of the trial court and declared that the marriage still subsists.

Petitioner now comes before us raising the following as issues:

- (1) Are the decision and resolution of the Honorable Court of Appeals proper subject for review by the Honorable Court under Rule 45 of the 1997 Rules of Civil Procedure?

(2) Is the conclusion of the Honorable Court of Appeals — that the lower court (RTC) erred in finding the parties (petitioner and respondent) both psychologically incapacitated under Article 36 of The Family Code — correct or not?

(3) Is the conclusion of the Honorable Court of Appeals — that the evidence failed to show that the parties (petitioner and respondent) were completely unable to discharge the essential obligations of marriage — correct or not? and

(4) Which is more in accord with existing law and settled jurisprudence, the decision of the Court of Appeals or the decision of the trial court?[3]

Simply stated, the issue before us is whether the marriage is void on the ground of the parties' psychological incapacity.

Petitioner contends that the decision of the trial court was well-founded, based on the evidence indicating that the marriage was beyond reconciliation, and allowing the marriage to subsist would only prolong the spouses' agony. Respondent counters that petitioner failed to prove psychological incapacity, and that their psychological incapacities existed as early as the time of the celebration of their marriage.

We shall now resolve the issue.

Article 36 of the Family Code states:

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.

In addition, as early as 1995, in *Santos v. Court of Appeals*,^[4] we categorically said that psychological incapacity required by Art. 36 must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. 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. These include the obligations to live together, observe mutual love, respect and fidelity, and render mutual help and support.^[5]

We likewise have repeatedly reminded that the intention of the law is 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.^[6] In *Republic v. Court of Appeals*,^[7] the Court gave the guidelines in the interpretation and application of Art. 36 which are as follows:

(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...

(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...

(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage.

(4) Such incapacity must also be shown to be medically or clinically permanent or incurable...

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of 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...

(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...[8]

In the present case, the spouses' frequent squabbles and respondent's refusal to sleep with petitioner and be supportive to him do not constitute psychological incapacity. The records show that petitioner and respondent were living in harmony in the first few years of their marriage, which bore them four children. Psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations,[9] it is essential that they must be shown to be incapable of doing so, due to some psychological illness[10] existing at the time of the celebration of the marriage.

It will be noted that respondent did not undergo psychological tests. Witness de Castro's diagnosis was based solely on petitioner's avowals and not on personal knowledge of the spouses' relationship. Hence, de Castro's diagnosis is based on hearsay and has no probative value.[11]

Further, de Castro's statement that professionals are per se incapacitated to perform the essential obligations of marriage because their profession allows them little time for family life is highly debatable.

Lastly, petitioner failed to show that grave and incurable incapacity, on the part of both spouses, existed at the time of the celebration of the marriage. Their bickerings and arguments even before their marriage and respondent's scandalous outbursts in public, at most, show their immaturity, and immaturity does not constitute psychological incapacity.[12] Thus so far, both petitioner and respondent have not shown proof of a natal or supervening disabling factor, an adverse integral element in their personality structure that effectively incapacitates them from accepting and complying with the obligations essential to marriage.[13]

WHEREFORE, the petition is DENIED for lack of merit. The Decision dated January 8, 2003 and the Resolution dated February 4, 2004 of the Court of Appeals in CA-GR CV No. 65677 are hereby AFFIRMED.

No pronouncement as to costs.

SO ORDERED.

Carpio, Carpio-Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 45-51. Penned by Associate Justice Elvi John S. Asuncion with Associate Justices Conrado M. Vasquez, Jr. and Sergio L. Pestaño concurring.

[2] Id. at 74-75.

[3] Id. at 24.

[4] G.R. No. 112019, January 4, 1995, 240 SCRA 20, 33.

[5] FAMILY CODE, Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

[6] Hernandez v. Court of Appeals, G.R. No. 126010, December 8, 1999, 320 SCRA 76, 86.

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

[8] Id. at 209-213.

[9] Choa v. Choa, G.R. No. 143376, November 26, 2002, 392 SCRA 641, 651.

[10] Supra note 7, at 207.

[11] Supra note 9, at 655-656, citing The City Government of Davao v. Monteverde-Consunji, G.R. No. 136825, May 21, 2001, 358 SCRA 107, 114.

[12] Supra note 9, at 650.

[13] Republic v. Quintero-Hamano, G.R. No. 149498, May 20, 2004, 428 SCRA 735, 743.

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