

**RICARDO P. TORING, PETITIONER, VS. TERESITA M. TORING AND
REPUBLIC OF THE PHILIPPINES, RESPONDENTS.***G.R. No. 165321. August 03, 2010*

Ponente: BRION, J.

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We resolve the appeal filed by petitioner Ricardo P. Toring from the May 31, 2004 decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 71882. The CA reversed the August 10, 2001 judgment of the Regional Trial Court (RTC), Branch 106 of Quezon City in Civil Case No. Q-99-36662,[2] nullifying Ricardo's marriage with respondent Teresita M. Toring on the ground of psychological incapacity.

THE FACTS

Ricardo was introduced to Teresita in 1978 at his aunt's house in Cebu. Teresita was then his cousin's teacher in Hawaiian dance and was conducting lessons at his aunt's house. Despite their slight difference in age (of five years), the younger Ricardo found the dance teacher attractive and fell in love with her. He pursued Teresita and they became sweethearts after three months of courtship. They eloped soon after, hastened by the bid of another girlfriend, already pregnant, to get Ricardo to marry her.

Ricardo and Teresita were married on September 4, 1978 before Hon. Remigio Zari of the City Court of Quezon City. They begot three children: Richardson, Rachel Anne, and Ric Jayson.

On February 1, 1999, more than twenty years after their wedding, Ricardo filed a petition for annulment before the RTC. He claimed that Teresita was psychologically incapacitated to comply with the essential obligations of marriage prior to, at the time of, and subsequent to the celebration of their marriage. He asked the court to declare his marriage to Teresita null and void.

At the trial, Ricardo offered in evidence their marriage contract; the psychological evaluation and signature of his expert witness, psychiatrist Dr. Cecilia R. Albaran, and his and Dr. Albaran's respective testimonies. Teresita did not file any answer or opposition to the petition, nor did she testify to refute the allegations against her.[3]

Ricardo alleged in his petition and in his testimony at the trial that Teresita was an adulteress and a squanderer. He was an overseas seaman, and he regularly sent money to his wife to cover the family's living expenses and their children's tuition. Teresita, however, was not adept in managing the funds he sent and their finances. Many times, Ricardo would come home and be welcomed by debts incurred by his wife; he had to settle these to avoid embarrassment.

Aside from neglect in paying debts she incurred from other people, Teresita likewise failed to remit amounts she collected as sales agent of a plasticware and cosmetics company. She left the family's utility bills and their children's tuition fees unpaid. She also missed paying the rent and the amortization for the house that Ricardo acquired for the family, so their children had to live in a small rented room and eventually had to be taken in by

Ricardo's parents. When confronted by Ricardo, Teresita would simply offer the excuse that she spent the funds Ricardo sent to buy things for the house and for their children.

Ricardo likewise accused Teresita of infidelity and suspected that she was pregnant with another man's child. During one of his visits to the country, he noticed that Teresita's stomach was slightly bigger. He tried to convince her to have a medical examination but she refused. Her miscarriage five months into her pregnancy confirmed his worst suspicions. Ricardo alleged that the child could not have been his, as his three instances of sexual contact with Teresita were characterized by "withdrawals"; other than these, no other sexual contacts with his wife transpired, as he transferred and lived with his relatives after a month of living with Teresita in Cebu. Ricardo reported, too, of rumors that his wife represented herself to others as single, and went out on dates with other men when he was not around.

Ricardo opined that his wife was a very extravagant, materialistic, controlling and demanding person, who mostly had her way in everything; had a taste for the nightlife and was very averse to the duties of a housewife; was stubborn and independent, also most unsupportive, critical and uncooperative; was unresponsive to his hard work and sacrifices for their family; and was most painfully unmindful of him.[4] He believed that their marriage had broken down beyond repair and that they both have lost their mutual trust and love for one another.[5]

Dr. Cecilia R. Albaran testified that a major factor that contributed to the demise of the marriage was Teresita's Narcissistic Personality Disorder that rendered her psychologically incapacitated to fulfill her essential marital obligations. To quote Dr. Albaran:

Teresita, the respondent[,] has [sic] shown to manifest the following pervasive pattern of behaviors: a sense of entitlement as she expected favorable treatment and automatic compliance to her wishes, being interpersonally exploitative as on several occasions she took advantage of him to achieve her own ends, lack of empathy as she was unwilling to recognize her partners [sic] feelings and needs[,] taking into consideration her own feelings and needs only, her haughty and arrogant behavior and attitude and her proneness to blame others for her failures and shortcomings. These patterns of behavior speaks [sic] of a Narcissistic Personality Disorder, which started to manifest in early adulthood. The disorder is considered to be grave and incurable based on the fact that individuals do not recognize the symptoms as it is ego syntonic and they feel there is nothing wrong in them. Because of that[,] they remain unmotivated for treatment and impervious to recovery.[6]

She based her diagnosis on the information she gathered from her psychological evaluation on Ricardo and Richardson (Ricardo and Teresita's eldest son). She admitted, though, that she did not personally observe and examine Teresita; she sent Teresita a personally-delivered notice for the conduct of a psychiatric evaluation, but the notice remained unanswered.

In opposing the petition for annulment, the Office of the Solicitor General (OSG) contended that there was no basis to declare Teresita psychologically incapacitated. It asserted that the psychological evaluation conducted on Ricardo (and his son Richardson) only revealed a vague and general conclusion on these parties' personality traits but not on Teresita's psychological makeup. The OSG also argued that the evidence adduced did not clinically identify and sufficiently prove the medical cause of the alleged psychological incapacity. Neither did the evidence indicate that the alleged psychological incapacity existed prior to or at the time of marriage, nor that the incapacity was grave and incurable.

The RTC agreed with Ricardo, and annulled his marriage to Teresita. In short, the RTC believed Dr. Albaran's psychological evaluation and testimony and, on the totality of Ricardo's evidence, found Teresita to be psychologically incapacitated to assume the essential obligations of marriage. The OSG appealed the decision to the CA.

The CA reversed the RTC decision and held that the trial court's findings did not satisfy the rules and guidelines set by this Court in *Republic v. Court of Appeals and Molina*.^[7] The RTC failed to specifically point out the root illness or defect that caused Teresita's psychological incapacity, and likewise failed to show that the incapacity already existed at the time of celebration of marriage.

The CA found that the conclusions from Dr. Albaran's psychological evaluation do not appear to have been drawn from well-rounded and fair sources, and dwelt mostly on hearsay statements and rumors. Likewise, the CA found that Ricardo's allegations on Teresita's overspending and infidelity do not constitute adequate grounds for declaring the marriage null and void under Article 36 of the Family Code. These allegations, even if true, could only effectively serve as grounds for legal separation or a criminal charge for adultery.

THE PETITION AND THE PARTIES' ARGUMENTS

Ricardo faults the CA for disregarding the factual findings of the trial court, particularly the expert testimony of Dr. Albaran, and submits that the trial court - in declaring the nullity of the marriage - fully complied with *Molina*.

In its Comment,^[8] the OSG argued that the CA correctly reversed the RTC's decision, particularly in its conclusion that Ricardo failed to comply with this Court's guidelines for the proper interpretation and application of Article 36 of the Family Code. Reiterating its earlier arguments below, the OSG asserts that the evidence adduced before the trial court failed to show the gravity, juridical antecedence, or incurability of the psychological incapacity of Teresita, and failed as well to identify and discuss its root cause. The psychiatrist, likewise, failed to show that Teresita was completely unable to discharge her marital obligations due to her alleged Narcissistic Personality Disorder.

Ricardo's Reply^[9] reiterated that the RTC decision thoroughly discussed the root cause of Teresita's psychological incapacity and identified it as Narcissistic Personality Disorder. He claimed that sufficient proof had been adduced by the psychiatrist whose expertise on the subject cannot be doubted. Interestingly, Ricardo further argued that alleging the root cause in a petition for annulment under Article 36 of the Family Code is no longer necessary, citing *Barcelona v. Court of Appeals*.^[10]

These positions were collated and reiterated in the memoranda the parties filed.

THE COURT'S RULING

We find the petition unmeritorious, as the CA committed no reversible error when it set aside the RTC's decision for lack of legal and factual basis.

In the leading case of *Santos v. Court of Appeals, et al.*,^[11] we held that psychological incapacity under Article 36 of the Family Code must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability, to be sufficient basis to annul a marriage. The 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."^[12]

We further expounded on Article 36 of the Family Code in *Molina* and laid down definitive guidelines in the interpretation and application of this article. These guidelines incorporate the basic requirements of gravity, juridical antecedence and incurability established in the *Santos* case, 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. 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 (*Salita v. Magtolis*, 233 SCRA 100, 108), 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.[13]

Subsequent jurisprudence on psychological incapacity applied these basic guidelines to varying factual situations, thus confirming the continuing doctrinal validity of *Santos*. In so far as the present factual situation is concerned, what should not be lost in reading and applying our established rulings is the intent of the law to confine the application of Article 36 of the Family Code to the most serious cases of personality disorders; these are the disorders that result in the utter insensitivity or inability of the afflicted party to give meaning and significance to

the marriage he or she contracted. Furthermore, the psychological illness and its root cause must have been there from the inception of the marriage. From these requirements arise the concept that Article 36 of the Family Code does not really dissolve a marriage; it simply recognizes that there never was any marriage in the first place because the affliction - already then existing - was so grave and permanent as to deprive the afflicted party of awareness of the duties and responsibilities of the matrimonial bond he or she was to assume or had assumed.[14]

In the present case and guided by these standards, we find the totality of the petitioner's evidence to be insufficient to prove that Teresita was psychologically incapacitated to perform her duties as a wife. As already mentioned, the evidence presented consisted of the testimonies of Ricardo and Dr. Albaran, and the latter's psychological evaluation of Ricardo and Richardson from where she derived a psychological evaluation of Teresita.

a. Dr. Albaran's psychological evaluation and testimony

Dr. Albaran concluded in her psychological evaluation that Teresita suffers from Narcissistic Personality Disorder that rendered her psychologically incapacitated to assume essential marital obligations. To support her findings and conclusion, she banked on the statements told to her by Ricardo and Richardson, which she narrated in her evaluation. Apparently relying on the same basis, Dr. Albaran added that Teresita's disorder manifested during her early adulthood and is grave and incurable.

To say the least, we are greatly disturbed by the kind of testimony and evaluation that, in this case, became the basis for the conclusion that no marriage really took place because of the psychological incapacity of one of the parties at the time of marriage.

We are in no way convinced that a mere narration of the statements of Ricardo and Richardson, coupled with the results of the psychological tests administered only on Ricardo, without more, already constitutes sufficient basis for the conclusion that Teresita suffered from Narcissistic Personality Disorder. This Court has long been negatively critical in considering psychological evaluations, presented in evidence, derived solely from one-sided sources, particularly from the spouse seeking the nullity of the marriage.

In *So v. Valera*,^[15] the Court considered the psychologist's testimony and conclusions to be insufficiently in-depth and comprehensive to warrant the finding of respondent's psychological incapacity because the facts, on which the conclusions were based, were all derived from the petitioner's statements whose bias in favor of his cause cannot be discounted. In another case, *Padilla-Rumbaua v. Rumbaua*,^[16] the Court declared that while the various tests administered on the petitioner-wife could have been used as a fair gauge to assess her own psychological condition, this same statement could not be made with respect to the respondent-husband's psychological condition. To our mind, conclusions and generalizations about Teresita's psychological condition, based solely on information fed by Ricardo, are not any different in kind from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.^[17]

To be sure, we have recognized that the law does not require that the allegedly incapacitated spouse be personally examined by a physician or by a psychologist as a condition *sine qua non* for the declaration of nullity of marriage under Article 36 of the Family Code.^[18] This recognition, however, does not signify that the evidence, we shall favorably appreciate, should be any less than the evidence that an Article 36 case, by its nature, requires.

Our recognition simply means that the requirements for nullity outlined in *Santos and Molina* need not necessarily come from the allegedly incapacitated spouse. In other words, it is still essential - although from sources other than the respondent spouse - to show his or her personality profile, or its approximation, at the time of marriage; the root cause of the inability to appreciate the essential obligations of marriage; and the gravity, permanence and incurability of the condition.

Other than from the spouses, such evidence can come from persons intimately related to them, such as relatives, close friends or even family doctors or lawyers who could testify on the allegedly incapacitated spouse's condition at or about the time of marriage, or to subsequent occurring events that trace their roots to the incapacity already present at the time of marriage.

In the present case, the only other party outside of the spouses who was ever asked to give statements for purposes of Teresita's psychological evaluation was Richardson, the spouses' eldest son who would not have been very reliable as a witness in an Article 36 case because he could not have been there when the spouses were married and could not have been expected to know what was happening between his parents until long after his birth.

We confirm the validity of this observation from a reading of the summary of Richardson's interview with the psychologist: Richardson's statement occupied a mere one paragraph (comprising eleven sentences) in the psychological evaluation and merely recited isolated instances of his parents fighting over the foreclosure of their house, his father's alleged womanizing, and their differences in religion (Ricardo is a Catholic, while Teresita is a Mormon).[19]

We find nothing unusual in these recited marital incidents to indicate that Teresita suffered from some psychological disorder as far back as the time of her marriage to Ricardo, nor do we find these fights to be indicative of problems traceable to any basic psychological disorder existing at the time of marriage. For one, these points of dispute are not uncommon in a marriage and relate essentially to the usual roots of marital problems - finances, fidelity and religion. The psychologist, too, never delved into the relationship between mother and son except to observe their estranged relationship due to a previous argument - a money problem involving Ricardo's financial remittances to the family. To state the obvious, the psychologist's evaluation never explained how the recited incidents, made by one who was not even born at the time of the spouses' marriage, showed a debilitating psychological incapacity already existing at that time.

Of more serious consequence, fatal to Ricardo's cause, is the failure of Dr. Albaran's psychological evaluation to fully explain the details - i.e., the what, how, when, where and since when - of Teresita's alleged Narcissistic Personality Disorder. It seems to us that, with hardly any supporting evidence to fall back on, Dr. Albaran simply stated out of the blue that Teresita's personality disorder manifested itself in early adulthood, presuming thereby that the incapacity should have been there when the marriage was celebrated. Dr. Albaran never explained, too, the incapacitating nature of Teresita's alleged personality disorder, and how it related to the essential marital obligations that she failed to assume. Neither did the good doctor adequately explain in her psychological evaluation how grave and incurable was Teresita's psychological disorder.

Dr. Albaran's testimony at the trial did not improve the evidentiary situation for Ricardo, as it still failed to provide the required insights that would have remedied the evidentiary gaps in her written psychological evaluation. In fact, Dr. Albaran's cross-examination only made the evidentiary situation worse when she admitted that she had difficulty pinpointing the root cause of Teresita's personality disorder, due to the limited information she gathered from Ricardo and Richardson regarding Teresita's personal and family history. To directly quote from the records, Dr. Albaran confessed this limitation when she said that "[t]he only data that I have is that, the respondent seem [sic] to have grown from a tumultuous family and this could be perhaps the [sic] contributory to the development of the personality disorder." [20] Dr. Albaran's obvious uncertainty in her assessment only proves our point that a complete personality profile of the spouse, alleged to be psychologically incapacitated, could not be determined from meager information coming only from a biased source.

b. Ricardo's testimony

Ricardo testified in court that Teresita was a squanderer and an adulteress. We do not, however, find Ricardo's

characterizations of his wife sufficient to constitute psychological incapacity under Article 36 of the Family Code. Article 36 contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations. Mere "difficulty," "refusal, or "neglect" in the performance of marital obligations or "ill will" on the part of the spouse is different from "incapacity" rooted on some debilitating psychological condition or illness.[21]

Ricardo's testimony merely established that Teresita was irresponsible in managing the family's finances by not paying their rent, utility bills and other financial obligations. Teresita's spendthrift attitude, according to Ricardo, even resulted in the loss of the house and lot intended to be their family residence. This kind of irresponsibility, however, does not rise to the level of a psychological incapacity required under Article 36 of the Family Code. At most, Teresita's mismanagement of the family's finances merely constituted difficulty, refusal or neglect, during the marriage, in the handling of funds intended for the family's financial support.

Teresita's alleged infidelity, even if true, likewise does not constitute psychological incapacity under Article 36 of the Family Code. In order for sexual infidelity to constitute as psychological incapacity, the respondent's unfaithfulness must be established as a manifestation of a disordered personality, completely preventing the respondent from discharging the essential obligations of the marital state;[22] there must be proof of a natal or supervening disabling factor that effectively incapacitated her from complying with the obligation to be faithful to her spouse.[23]

In our view, Ricardo utterly failed in his testimony to prove that Teresita suffered from a disordered personality of this kind. Even Ricardo's added testimony, relating to rumors of Teresita's dates with other men and her pregnancy by another man, would not fill in the deficiencies we have observed, given the absence of an adverse integral element and link to Teresita's allegedly disordered personality.

Moreover, Ricardo failed to prove that Teresita's alleged character traits already existed at the inception of their marriage. Article 36 of the Family Code requires that the psychological incapacity must exist at the time of the celebration of the marriage, even if such incapacity becomes manifest only after its solemnization.[24] In the absence of this element, a marriage cannot be annulled under Article 36.

Root cause of the psychological incapacity needs to be alleged in a petition for annulment under Article 36 of the Family Code

Citing Barcelona,[25] Ricardo defended the RTC decision, alleging that the root cause in a petition for annulment under Article 36 of the Family Code is no longer necessary. We find this argument completely at variance with Ricardo's main argument against the assailed CA decision - i.e., that the RTC, in its decision, discussed thoroughly the root cause of Teresita's psychological incapacity as Narcissistic Personality Disorder. These conflicting positions, notwithstanding, we see the need to address this issue to further clarify our statement in Barcelona, which Ricardo misquoted and misinterpreted to support his present petition that "since the new Rules do not require the petition to allege expert opinion on the psychological incapacity, it follows that there is also no need to allege in the petition the root cause of the psychological incapacity." [26]

In Barcelona, the petitioner assailed the bid for annulment for its failure to state the "root cause" of the respondent's alleged psychological incapacity. The Court resolved this issue, ruling that the petition sufficiently stated a cause of action because the petitioner - instead of stating a specific root cause - clearly described the physical manifestations indicative of the psychological incapacity. This, the Court found to be sufficiently compliant with the first requirement in the Molina case - that the "root cause" of the psychological incapacity be alleged in an Article 36 petition.

Thus, contrary to Ricardo's position, Barcelona does not do away with the "root cause" requirement. The ruling simply means that the statement of the root cause does not need to be in medical terms or be technical in nature, as the root causes of many psychological disorders are still unknown to science. It is enough to merely allege the physical manifestations constituting the root cause of the psychological incapacity. Section 2, paragraph (d) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (Rules)[27] in fact 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 specially allege the complete facts showing that either or both parties were psychologically incapacitated from complying with the essential marital obligations of marriages 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.

As we explained in Barcelona, the requirement alleging the root cause in a petition for annulment under Article 36 of the Family Code was not dispensed with by the adoption of the Rules. What the Rules really eliminated was the need for an expert opinion to prove the root cause of the psychological incapacity. The Court further held that the Rules, being procedural in nature, apply only to actions pending and unresolved at the time of their adoption.

To sum up, Ricardo failed to discharge the burden of proof to show that Teresita suffered from psychological incapacity; thus, his petition for annulment of marriage must fail. Ricardo merely established that Teresita had been remiss in her duties as a wife for being irresponsible in taking care of their family's finances - a fault or deficiency that does not amount to the psychological incapacity that Article 36 of the Family Code requires. We reiterate that irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity, as the same may only be due to a person's difficulty, refusal or neglect to undertake the obligations of marriage that is not rooted in some psychological illness that Article 36 of the Family Code addresses.[28]

WHEREFORE, premises considered, we DENY the petition and AFFIRM the decision of the Court of Appeals in CA-G.R. CV No. 71882. Costs against the petitioner.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, [*]Abad, and Villarama, Jr., JJ., concur.

[*] Designated additional Member of the Third Division, in view of the retirement of Chief Justice Reynato S. Puno, per Special Order No. 843 dated May 17, 2010.

[1] Rollo, pp. 18-29.

[2] RTC rollo, pp. 1-6.

[3] Rollo, p. 19.

[4] RTC rollo, p. 4.

[5] Id. at 5.

[6] Id. at 51.

[7] 335 Phil. 664 (1997).

[8] Rollo, pp. 43-52.

[9] Id. at 58-62.

[10] G.R. No. 130087, September 24, 2003, 412 SCRA 41, 49-50.

[11] 310 Phil. 21 (1995).

[12] Id. at 40.

[13] Republic v. Court of Appeals and Molina, supra note 7, at 676-678.

[14] See So v. Valera, G.R. No. 150677, June 5, 2009, 588 SCRA 319; Padilla-Rumbaua v. Rumbaua, G.R. No. 166738, August 14, 2009, 596 SCRA 157.

[15] Supra note 14.

[16] Supra note 14.

[17] Ibid.

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

[19] RTC rollo, p. 50.

[20] Id. at 157.

[21] Navales v. Navales, G.R. No. 167523, June 27, 2008, 556 SCRA 272.

[22] Santos v. Santos, supra note 11; Hernandez v. Court of Appeals, 377 Phil. 919, 931-932 (1999); Dedel v. Court of Appeals, 466 Phil. 226, 233-232 (2004).

[23] Bier v. Bier, G.R. No. 166562, March 31, 2009.

[24] Santos v. Court of Appeals, et al., supra note 11.

[25] Supra note 10.

[26] Id. at 50.

[27] Effective March 15, 2003.

[28] Supra note 21, at 288.

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