

JAIME F. VILLALON, PETITIONER, VS. MA. CORAZON N. VILLALON, RESPONDENT.

G.R. No. 167206. November 18, 2005

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On July 12, 1996, petitioner Jaime F. Villalon filed a petition[1] for the annulment of his marriage to respondent Ma. Corazon N. Villalon before the Regional Trial Court of Pasig City where it was docketed as JDRC No. 3917 and raffled to Branch 69. As ground therefor, petitioner cited his psychological incapacity which he claimed existed even prior to his marriage.

According to petitioner, the manifestations of his psychological incapacity were: (a) his chronic refusal to maintain harmonious family relations and his lack of interest in having a normal married life; (b) his immaturity and irresponsibility in refusing to accept the essential obligations of marriage as husband to his wife; (c) his desire for other women and a life unchained from any spousal obligation; and (d) his false assumption of the fundamental obligations of companionship and consortium towards respondent. Petitioner thus prayed that his marriage to respondent be declared null and void ab initio.

On September 25, 1996, respondent filed an answer[2] denying petitioner's allegations. She asserted that her 18-year marriage to petitioner has been "fruitful and characterized by joy, contentment and hopes for more growth in their relationship" and that their marital squabbles were normal based on community standards. Petitioner's success in his professional life aided him in performing his role as husband, father, and provider. Respondent claimed that petitioner's commitment to his paternal and marital responsibilities was beyond reproach.

On October 7, 1996, the trial court directed the prosecutor to conduct an investigation on whether there was collusion between the parties.[3] The report submitted to the trial court stated that there was no such collusion.[4]

The Office of the Solicitor General (OSG) subsequently entered its appearance in behalf of the Republic of the Philippines[5] and submitted an opposition[6] to the petition on September 23, 1997. Thereafter, trial on the merits ensued.

Petitioner testified that he met respondent sometime in the early seventies when he applied for a job at Metrobank, where respondent was employed as a foreign exchange trader. They began dating in 1975 and had a romantic relationship soon thereafter.[7] After going steady for about two years, petitioner and respondent were married at the San Pancracio Chapel in Paco, Manila on April 22, 1978. Petitioner claimed that he married respondent because he believed that it was the right time to raise a family and that she would be a good mother to his children.[8]

In the middle of 1993, petitioner decided to separate from respondent. According to him, their marriage reached a point where there was no longer any communication between them and their relationship became devoid of love, affection, support and respect due to his constant urge to see other women.[9] Moreover, their relationship tended

to be "one-sided" since respondent was unresponsive and hardly ever showed her love, needs, wants and emotions.[10]

Petitioner admitted that on certain occasions before his marriage, he had two girlfriends at the same time. He also saw other women even when he became engaged to and, later on, married respondent.[11] Respondent learned of his affairs but reacted in a subdued manner.[12] Petitioner surmised that it was respondent's nature to be silent and withdrawn.[13]

In January 1994, petitioner left the conjugal abode and moved into an apartment located five to ten minutes away. Before he left, he and his wife spoke to their three children who, at that time, were 14, 8, and 6 years old, respectively.[14] Petitioner consulted a child psychologist before talking to his children.[15] He considered himself as a good and loving father and described his relationship with the children as "great".[16]

Despite the separation, petitioner would regularly visit his children who stayed with him on alternate weekends. He voluntarily gave monthly support to the children and paid for their tuition fees. He also shouldered the children's medical expenses as well as the maintenance and miscellaneous fees for the conjugal abode.[17]

Petitioner presented Dr. Natividad Dayan, a clinical psychologist, to testify on his alleged psychological disorder of "Narcissistic Histrionic Personality Disorder" with "Casanova Complex". Dr. Dayan described the said disorder as "a pervasive maladaptation in terms of interpersonal and occupational functioning" with main symptoms of "grand ideation about oneself, self-centeredness, thinking he is unique and wanting to always be the one followed, the I personality." A person afflicted with this disorder believes that he is entitled to gratify his emotional and sexual feelings and thus engages in serial infidelities. Likewise, a person with "Casanova Complex" exhibits habitual adulterous behavior and goes from one relationship to another.[18]

Dr. Dayan submitted a psychological report on both petitioner and respondent based on clinical interviews and psychological tests.[19]

Respondent testified that she first learned of her husband's infidelity in 1980. She discovered that he was having an affair with one of her friends who worked as a trader in her husband's company. The affair was cut short when the woman left for the United States to work. Eventually, she and petitioner were able to rebuild their relationship and overcome the crisis.[20]

When asked about the womanizing ways of her husband, respondent averred that she did not know whether her husband's acts could be deemed "womanizing" since there were only two instances of infidelity which occurred 13 years apart.[21] She also theorized that petitioner wanted to have their marriage annulled so he could marry her old friend.[22] She stated that she has not closed her doors to petitioner but the latter would have to give up his extra-marital relationship.[23]

To controvert the findings of petitioner's expert witness, respondent presented a psychiatrist, Dr. Cecilia Villegas, who testified that Dr. Dayan's findings were incomplete because a "team approach" was necessary in evaluating an individual's personality. An evaluation of one's psychological capacity requires the expertise of a psychiatrist and social worker. [24]

Upon order of the trial court, the parties submitted their respective memoranda.[25] The OSG likewise filed a certification[26] pursuant to Rep. of the Phils. v. Court of Appeals.[27] In due course, the trial court rendered judgment as follows:

WHEREFORE, judgment is hereby rendered declaring the marriage between petitioner and respondent Ma. Corazon N. Villalon celebrated on April 22, 1978, as null and void ab initio on the ground of psychological incapacity on the part of the petitioner pursuant to Article 36 of the Family Code.

Accordingly, the conjugal assets and liabilities are hereby ordered to be liquidated and the dissolution of the conjugal partnership of gains be effected in accordance with Article 129 of the Family Code.

As petitioner manifested that he wishes to maintain the custody arrangement now existing, the custody of the three (3) children – Miguel Alberto, Fernando Alfonso, and Ma. Joanna Victoria – shall remain with the respondent subject to visitation rights of petitioner as may be mutually agreed upon by the parties.

In order to cancel the registration of the Marriage Contract between herein parties appearing in the Book of Marriage of the city of Manila, let copies of this Decision be furnished to the Local Civil Registrar of Manila as well as the National Census and Statistics Office (NCSO), CRD Legal Department, EDSA, Quezon City.

SO ORDERED.[28]

Respondent and the OSG seasonably filed an appeal from the decision of the trial court, docketed as CA-G.R. CV No. 74354. On March 23, 2004, the Court of Appeals rendered a Decision, the dispositive part of which reads:

WHEREFORE, in light of the foregoing, the assailed decision dated November 12, 2001 is REVERSED and SET ASIDE, and a new judgment entered DISMISSING the petitioner's petition for lack of merit.

SO ORDERED.[29]

Contrary to the trial court's findings, the appellate court held that petitioner failed to prove the juridical antecedence, gravity and incurability of his alleged psychological incapacity. Although Dr. Dayan testified that petitioner's psychological incapacity preceded the marriage, she failed to give sufficient basis for such a finding. Dr. Dayan also stated that parental marital instability was the root cause of petitioner's psychological incapacity but failed to elaborate thereon or link the two variables. Moreover, petitioner's sexual infidelity was made to appear as symptomatic of a grave psychological disorder when, in reality, the same merely resulted from a general dissatisfaction with the marriage.

Petitioner filed a motion for reconsideration of the appellate court's decision which was denied in an order dated October 28, 2004.[30] Thus, petitioner took this recourse under Rule 45 of the Rules of Court, asserting that the Court of Appeals erred in finding that he failed to prove his psychological incapacity under Article 36 of the Family Code.

The petition has no merit.

The totality of the evidence in this case does not support a finding that petitioner is psychologically incapacitated to fulfill his marital obligations. On the contrary, what is evident is the fact that petitioner was a good husband to respondent for a substantial period of time prior to their separation, a loving father to their children and a good provider of the family. Although he engaged in marital infidelity in at least two occasions, the same does not appear to be symptomatic of a grave psychological disorder which rendered him incapable of performing his spousal obligations. The same appears as the result of a general dissatisfaction with his marriage rather than a psychological disorder rooted in petitioner's personal history.

In *Santos v. Court of Appeals*,^[31] the court held that psychological incapacity, as a ground for the declaration of nullity of a marriage, must be characterized by juridical antecedence, gravity and incurability.^[32] It should –

... [R]efer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed 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 intentment 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....[33]

In the case at bar, although Dr. Dayan testified that petitioner suffered from Narcissistic Histrionic Personality Disorder with Casanova Complex even before the marriage and thus had the tendency to cheat on his wife, such conclusion was not sufficiently backed by concrete evidence showing that petitioner indeed had several affairs and finds it difficult to be faithful. Except for petitioner's general claim that on certain occasions he had two girlfriends at the same time, no details or explanations were given of such circumstances that would demonstrate petitioner's inability to be faithful to respondent either before or at the time of the celebration of their marriage.

Similarly, we agree with the Court of Appeals that petitioner failed to establish the incurability and gravity of his alleged psychological disorder. While Dr. Dayan described the symptoms of one afflicted with Narcissistic Histrionic Personality Disorder as "self-centered", "characterized by grandiose ideation" and "lack of empathy in relating to others", and one with Casanova Complex as a "serial adulterer", the evidence on record betrays the presence of any of these symptoms.

Moreover, we are not convinced that petitioner is a "serial or habitual adulterer", as he wants the court to believe. As stated by respondent herself, it cannot be said that two instances of infidelity which occurred 13 years apart could be deemed "womanizing", especially considering that these instances involved the same woman. In fact, at the time of respondent's testimony, petitioner's illicit relationship has been going on for six years. This is not consistent with the symptoms of a person suffering from "Casanova Complex" who, according to Dr. Dayan, is one who jumps from one relationship to another.

Sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make petitioner completely unable to discharge the essential obligations of marriage.[34] The evidence on record fails to convince us that petitioner's marital indiscretions are symptomatic of psychological incapacity under Article 36 of the Family Code. On the contrary, the evidence reveals that petitioner was a good husband most of the time when he was living with respondent, a loving father to his children as well as a good provider.

In *Rep. of the Phils. v. Court of Appeals*,[35] we held that the cause of the alleged psychological incapacity must be identified as a psychological illness and its incapacitating nature fully explained. Further –

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.[36]

In the instant case, it appears that petitioner has simply lost his love for respondent and has consequently refused to stay married to her. As revealed by his own testimony, petitioner felt that he was no longer part of respondent's life and that the latter did not need or want him.[37] Respondent's uncommunicative and withdrawn nature apparently led to petitioner's discontentment with the marital relationship.

However, as held in *Rep. of the Phils. v. Court of Appeals*,[38] refusal to comply with the essential obligations of marriage is not psychological incapacity within the meaning of the law. The policy of the State is to protect and strengthen the family as the basic social institution and marriage is the foundation of the family. Thus, any doubt should be resolved in favor of validity of the marriage.[39]

WHEREFORE, the petition is DENIED. The March 23, 2004 Decision of the Court of Appeals in CA-G.R. CV No. 74354 and its October 28, 2004 Resolution, are AFFIRMED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Carpio, and Azcuna, JJ., concur.

- [1] RTC Records, pp. 1-4.
- [2] Id. at 21-26.
- [3] Id. at 27.
- [4] Id. at 28.
- [5] Id. at 73.
- [6] Id. at 69-72.
- [7] TSN, October 22, 1997, pp. 9-10.
- [8] Id. at 34.
- [9] Id. at 13, 14 & 16.
- [10] Id. at 19, 20 & 24.
- [11] Id. at 17-18.
- [12] Id. at 26, 28.
- [13] Id. at 30.
- [14] Id. at 49.
- [15] Id.
- [16] TSN, November 19, 1997, p. 7.
- [17] Id. at 24.
- [18] TSN, August 19, 1998, pp. 12-14.
- [19] Rollo, pp. 104-134.
- [20] TSN, February 16, 2000, pp. 8-12.
- [21] Id. at 36.
- [22] Id. at 26.
- [23] Id. at 31.
- [24] TSN, October 1, 1999, pp. 7-16.
- [25] RTC Records, pp. 374-393 & 401-407.
- [26] Id. at 418-423.
- [27] 335 Phil. 664 (1997).
- [28] Rollo, p. 103. Penned by Judge Lorifel Lacap Pahimna.

[29] Id. at 82. Penned by Associate Justice Delilah Vidallon-Magtolis and concurred in by Associate Justices Jose L. Sabio, Jr. and Hakim S. Abdulwahid.

[30] Id. at 84.

[31] 310 Phil. 21 (1995).

[32] Id. at 39.

[33] Id. at 40.

[34] Hernandez v. Court of Appeals, 377 Phil. 919, 931-932 (1999).

[35] Supra.

[36] Id. at 678.

[37] TSN, October 22, 1997, p. 30.

[38] Supra.

[39] Hernandez v. Court of Appeals, supra at 932.

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