

NILDA V. NAVALES, PETITIONER, VS. REYNALDO NAVALES, RESPONDENT.

G.R. No. 167523. June 27, 2008

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 76624 promulgated on February 16, 2005 which affirmed the Judgment[2] of the Regional Trial Court (RTC) Branch 59 of Toledo City, in Civil Case No. T-799 dated January 2, 2002, declaring the nullity of the marriage of Reynaldo and Nilda Navales on the ground of psychological incapacity.

The facts are as follows:

Reynaldo Navales (Reynaldo) and Nilda Navales (Nilda) met in 1986 in a local bar where Nilda worked as a waitress. The two became lovers and Nilda quit her job, managed a boarding house owned by her uncle and studied Health Aide financed by Reynaldo. Upon learning that Nilda's uncle was prodding her to marry an American, Reynaldo, not wanting to lose her, asked her to marry him. This, despite his knowledge that Nilda was writing her penpals and was asking money from them and that she had an illegitimate son by a man whose identity she did not reveal to him.[3] The two got married on December 29, 1988, before the Municipal Trial Court Judge of San Fernando, Cebu.[4]

Reynaldo claims that during the first year of their marriage, their relationship went well. Problems arose, however, when Nilda started selling RTWs and cosmetics, since she could no longer take care of him and attend to household chores.[5] Things worsened when she started working as an aerobics instructor at the YMCA, where, according to Reynaldo, Nilda's flirtatiousness and promiscuity recurred. She wore tight-fitting outfits, allowed male clients to touch her body, and introduced herself as single. Reynaldo received phone calls from different men looking for Nilda. There was also a time when Nilda chose to ride with another man instead of Reynaldo; and another when Nilda went home late, riding in the car of the man who kissed her. Reynaldo also claims that Nilda refused to have a child with him, as it would destroy her figure.[6] On June 18, 1992, Reynaldo left Nilda and never reconciled with her again.[7]

On August 30, 1999, Reynaldo filed a Petition for Declaration of Absolute Nullity of Marriage and Damages before the RTC, Toledo City, Cebu, docketed as Civil Case No. T-799 claiming that his marriage with Nilda did not cure Nilda's flirtatiousness and sexual promiscuity, and that her behavior indicates her lack of understanding and appreciation of the meaning of marriage, rendering the same void under Article 36 of the Family Code.[8]

Reynaldo testified in support of his petition and presented telephone directories showing that Nilda used her maiden name "Bacon" instead of "Navales." [9] Reynaldo also presented Josefino Ramos, who testified that he was with Reynaldo when Reynaldo first met Nilda at the bar called "Appetizer," and that he (Ramos) himself was attracted to Nilda since she was sexy, beautiful, and jolly to talk with. [10] Reynaldo also presented Violeta Abales, his cousin, who testified that she was a vendor at the YMCA where Nilda worked and was known by her

maiden name; that she knows Nilda is sexy and wears tight fitting clothes; that her companions are mostly males and she flirts with them; and that there was one time that Reynaldo fetched Nilda at YMCA but Nilda went with another man, which angered Reynaldo.[11]

Finally, Reynaldo presented Leticia Vatanagul, a Clinical Psychologist and Social Worker who drafted a Psychological Assessment of Marriage dated March 28, 2001.[12] In said Assessment, Vatanagul concluded that Nilda is a nymphomaniac, who has a borderline personality, a social deviant, an alcoholic, and suffering from anti-social personality disorder, among others, which illnesses are incurable and are the causes of Nilda's psychological incapacity to perform her marital role as wife to Reynaldo.[13]

Nilda, for her part, claims that Reynaldo knew that she had a child before she met him, yet Reynaldo continued courting her; thus, their eventual marriage.[14] She claims that it was actually Reynaldo who was linked with several women, who went home very late, kept his earnings for himself, and subjected her to physical harm whenever she called his attention to his vices. She worked at the YMCA to cope with the needs of life, and she taught only female students. Reynaldo abandoned her for other women, the latest of whom was Liberty Lim whom she charged, together with Reynaldo, with concubinage.[15] Nilda presented a certification from the YMCA dated October 17, 2001 stating that she was an aerobics instructress for a program that was exclusively for ladies,[16] as well as a statement of accounts from PLDT showing that she used her married name, Nilda B. Navales.[17]

On January 2, 2002, the RTC rendered its Decision disposing as follows:

WHEREFORE, premises considered, judgment is hereby rendered in the above-entitled case declaring defendant Nilda B. Navales as psychologically incapacitated to fulfill her marital obligations with plaintiff Reynaldo V. Navales and further declaring their marriage contracted on December 29, 1988, before the Municipal Judge of the Municipal Trial Court of San Fernando, Cebu, as null and void.[18]

The RTC held that:

x x x From the testimonies and evidences x x x adduced, it was clearly established that the defendant had no full understanding of [the] effects of marriage and had no appreciation of [the] consequences of marriage as shown by her x x x act of concealing her marital status by using her maiden name "Nilda T. Bacon", augmenting her pretense of being still single through the telephone directories; by her refusal to accompany with [sic] her husband despite of the latter's insistence, but rather opted to ride other man's jeep, whose name her husband did not even know; by her act of allowing a man other than her husband to touch her legs even in her husband's presence; by allowing another man to kiss her even in the full view of her husband; by preferring to loss [sic] her husband rather than losing her job as aerobic instructress and on top of all, by refusing to bear a child fathered by her husband because it will destroy her figure, is a clear indication of the herein defendant's psychological incapacity.[19]

Nilda filed a Motion for Reconsideration, which the RTC denied on April 10, 2002.[20]

The CA dismissed Nilda's appeal, ruling that the RTC correctly held that Nilda concealed her marital status, as shown by the telephone listings in which Nilda used her maiden name; that nymphomania, the condition which the expert said Nilda was afflicted with, was a ground for psychological incapacity; and that the RTC correctly gave weight to the four pieces of testimonial evidence presented by Reynaldo vis-a-vis the lone testimony of Nilda.[21]

Nilda now comes before the Court alleging that:

I

The petitioner is not psychologically incapacitated to comply [with] her marital obligations as a wife.

II

Psychological incapacity, if ever existing, of the wife is NOT PERMAMENT or INCURABLE and was NEVER EXISTING AT THE TIME OF THE CELEBRATION OF MARRIAGE.

III

The petitioner is not a nymphomaniac.

IV

The effort of herein petitioner into the case shows that she is consciously and nobly preserving and continue to believe that marriage is inviolable rather [sic].

V

The guidelines of Molina case in the application of Article 36 of the New Family Code has not been strictly complied with. [22]

Nilda claims that she did not fail in her duty to observe mutual love, respect and fidelity; that she never had any illicit relationship with any man; that no case for in chastity was initiated by Reynaldo against her, and that it was actually Reynaldo who had a pending case for concubinage.[23] She questions the lower courts' finding that she is a nymphomaniac, since she was never interviewed by the expert witness to verify the truth of Reynaldo's allegations. There is also not a single evidence to show that she had sexual intercourse with a man other than her husband while they were still living together.[24]

Nilda also avers that the guidelines in Republic of the Philippines. v. Molina[25] were not complied with. The RTC resolved the doubt on her motive for using her maiden name in the telephone directory in favor of the dissolution of the marriage instead of its preservation. The expert opinion was given weight, even though it was baseless to establish that petitioner had psychological incapacity to comply with her marital obligations as a wife; and that, assuming that such incapacity existed, it was already existing at the time of the marriage; and that such incapacity was incurable and grave enough to bring about the disability of the wife to assume the essential obligations of marriage.[26]

Reynaldo, for his part, argues that while the petition is captioned as one under Rule 45, it is actually a petition for certiorari under Rule 65, since it impleads the CA as respondent and alleges that the CA acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of or excess of jurisdiction.[27] Reynaldo also claims that the issues raised by Nilda necessarily require a review of the factual findings of the lower courts, which matters have already been decided and passed upon, and factual findings of the courts a quo are binding on this Court; that only questions of law may be raised before this Court; that the RTC, in reaching its decision, complied with the requirements of Molina; that the Solicitor General was represented by the City Prosecutor of Toledo City; and that Reynaldo discharged the burden of proof to show the nullity of his marriage to Nilda.

Reynaldo further averred that he testified on his behalf; presented corroborating witnesses, one of whom is an expert clinical psychologist, as well as documentary evidence in support of his cause of action; that Molina did not require that the psychologist examine the person to be declared psychologically incapacitated; that Nilda did not rebut the psychologist's findings and did not present her own expert to disprove the findings of Vatanagul; that Nilda's psychological incapacity, caused by nymphomania, was duly proven to have been existing prior to and at the time of her marriage to Reynaldo and to have become manifest during her marriage, based on the testimonies of Reynaldo and his witnesses; and that such incapacity was proven to be incurable, as shown by the report of Vatanagul.[28]

Nilda filed a Reply, and both parties filed their respective memoranda reiterating their arguments.[29] Simply

stated, the issue posed before the Court is whether the marriage between Reynaldo and Nilda is null and void on the ground of Nilda's psychological incapacity.

The answer, contrary to the findings of the RTC and the CA, is in the negative.

Preliminarily, let it be stressed that it is the policy of our Constitution to protect and strengthen the family as the basic autonomous social institution, and marriage as the foundation of the family.[30] The Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.[31] The Family Code under Article 48 [32] therefore requires courts to order the prosecuting attorney or fiscal assigned, in cases of annulment or declaration of absolute nullity of marriage, to appear on behalf of the State in order to take steps to prevent collusion between the parties and to take care that the evidence is not fabricated or suppressed. Indeed, only the active participation of the Public Prosecutor or the Office of the Solicitor General (OSG) will ensure that the interest of the State is represented and protected in proceedings for annulment and declarations of nullity of marriage by preventing collusion between the parties, or the fabrication or suppression of evidence. [33]

While the guidelines in Molina requiring the OSG to issue a certification on whether or not it is agreeing or objecting to the petition for annulment has been dispensed with by A.M. No. 02-11-10-SC or the Rule on the Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages,[34] still, Article 48 mandates the appearance and active participation of the State through the fiscal or the prosecuting attorney.[35]

In this case, contrary to the assertion of the RTC that the OSG actively participated in the case through the Office of the City Prosecutor, records show that the State's participation consists only of the Report dated November 29, 1999 by Assistant City Prosecutor Gabriel L. Trocio, Jr. stating that no collusion exists between the parties;[36] the OSG's Opposition to the petition for declaration of nullity of marriage dated June 2, 2000;[37] and the cross-examination conducted by Prosecutor Trocio on Reynaldo[38] and his witness Abales.[39] There were no other pleadings, motions, or position papers filed by the Public Prosecutor or OSG; and no controverting evidence presented by them before the judgment was rendered. Considering the interest sought to be protected by the aforesaid rules, the Court finds the State's participation in this case to be wanting.[40]

But even on the merits, the Court finds that the totality of evidence presented by Reynaldo, contrary to its appreciation by the RTC and the CA, is insufficient to sustain a finding that Nilda is psychologically incapacitated.

Generally, factual findings of trial courts, when affirmed by the CA, are binding on this Court. Such principle however is not absolute, such as when the findings of the appellate court go beyond the issues of the case; run contrary to the admissions of the parties; fail to notice certain relevant facts which, if properly considered, will justify a different conclusion; or when there is a misappreciation of facts.[41] Such is the case at bar.

Psychological incapacity, in order to be a ground for the nullity of marriage under Article 36[42] of the Family Code, refers to a serious psychological illness afflicting a party even before the celebration of marriage. It is a malady that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. As all people may have certain quirks and idiosyncrasies, or isolated traits associated with certain personality disorders, there is hardly any doubt that the intention 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.[43]

In *Santos v. Court of Appeals*,[44] the Court held that psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability.[45] In *Republic of the Philippines v. Molina*,[46] the Court further set forth guidelines in the interpretation and application of Article 36 of the Family Code, thus:

- 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. x x x
- 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 manifestation 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 that 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 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.
- 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.
- Such incapacity must also be shown to be medically or clinically permanent or incurable. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job. x x x.
- 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.
- 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.
- Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x.[47]

In this case, Reynaldo and his witnesses sought to establish that Nilda was a flirt before the marriage, which flirtatiousness recurred when she started working as an aerobics instructress. The instances alleged by Reynaldo, i.e., the occasion when Nilda chose to ride home with another man instead of him, that he saw Nilda being kissed by another man while in a car, and that Nilda allowed other men to touch her body, if true, would understandably hurt and embarrass him. Still, these acts by themselves are insufficient to establish a psychological or mental defect that is serious, incurable or grave as contemplated by Article 36 of the Family Code.

Article 36 contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations.[48] 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.[49] Indeed, irreconcilable differences, sexual infidelity or perversion,

emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage and not due to some psychological illness that is contemplated by said rule.[50] As admitted by Reynaldo, his marriage with Nilda was not all that bad; in fact, it went well in the first year of their marriage. As in other cases, an admission of a good and harmonious relationship during the early part of the marriage weakens the assertion of psychological defect existing at the time of the celebration of the marriage which deprived the party of the ability to assume the essential duties of marriage and its concomitant responsibilities.[51]

In determining the import of "psychological incapacity" under Article 36, the same must be read in conjunction with, although to be taken as distinct from, Articles 35, [52] 37,[53]38[54] and 41[55] of the Family Code that would likewise, but for different reasons, render the marriage void ab initio; or Article 45 that would make the marriage merely voidable; or Article 55 that could justify a petition for legal separation.[56] These various circumstances are not applied so indiscriminately as if the law were indifferent on the matter.[57] Indeed, Article 36 should not be equated with legal separation, in which the grounds need not be rooted in psychological incapacity but on physical violence, moral pressure, moral corruption, civil interdiction, drug addiction, habitual alcoholism, sexual infidelity, abandonment and the like.[58]

Reynaldo presented telephone directories in which Nilda used her maiden name "Bacon" to prove that Nilda represented herself as single. As noted by the CA, however, the telephone listings presented by Reynaldo were for the years 1993 to 1995,[59] after Reynaldo admittedly left Nilda on June 18, 1992. Apart from Reynaldo and Abalales's testimony, therefore, Reynaldo has no proof that Nilda represented herself as single while they were still living together. The Court cannot agree with the RTC, therefore, that said telephone listings show that Nilda represented herself to be single, which in turn manifests her lack of understanding of the consequences of marriage.

Reynaldo also presented Clinical Psychologist Vatanagul to bolster his claim that Nilda is psychologically incapacitated. While it is true that the Court relies heavily on psychological experts for its understanding of the human personality,[60]and that there is no requirement that the defendant spouse be personally examined by a physician or psychologist before the nullity of marriage based on psychological incapacity may be declared,[61] still, the root cause of the psychological incapacity must be identified as a psychological illness, its incapacitating nature fully explained,[62] and said incapacity established by the totality of the evidence presented during trial.[63]

The Court finds that the psychological report presented in this case is insufficient to establish Nilda's psychological incapacity. In her report, Vatanagul concluded that Nilda is a nymphomaniac, an emotionally immature individual, has a borderline personality, has strong sexual urges which are incurable, has complete denial of her actual role as a wife, has a very weak conscience or superego, emotionally immature, a social deviant, not a good wife as seen in her infidelity on several occasions, an alcoholic, suffers from anti-social personality disorder, fails to conform to social norms, deceitful, impulsive, irritable and aggressive, irresponsible and vain.[64] She further defined "nymphomania" as a psychiatric disorder that involves a disturbance in motor behavior as shown by her sexual relationship with various men other than her husband.[65]

The report failed to specify, however, the names of the men Nilda had sexual relationship with or the circumstances surrounding the same. As pointed out by Nilda, there is not even a single proof that she was ever involved in an illicit relationship with a man other than her husband. Vatanagul claims, during her testimony, that in coming out with the report, she interviewed not only Reynaldo but also Jojo Caballes, Dorothy and Lesley who were Reynaldo's sister-in-law and sister, respectively, a certain Marvin and a certain Susan.[66] Vatanagul

however, did not specify the identities of these persons, which information were supplied by whom, and how they came upon their respective informations. Indeed, the conclusions drawn by the report are vague, sweeping and lack sufficient factual bases. As the report lacked specificity, it failed to show the root cause of Nilda's psychological incapacity; and failed to demonstrate that there was a "natal or supervening disabling factor" or an "adverse integral element" in Nilda's character that effectively incapacitated her from accepting, and thereby complying with, the essential marital obligations, and that her psychological or mental malady existed even before the marriage.[67] Hence, the Court cannot give weight to said assessment.

The standards used by the Court in assessing the sufficiency of psychological reports may be deemed very strict, but that is only proper in view of the principle that any doubt should be resolved in favor of the validity of the marriage and the indissolubility of the marital vinculum.[68]

Reynaldo also claims that Nilda does not want to get pregnant which allegation was upheld by the trial court. A review of the records shows, however, that apart from the testimony of Reynaldo, no other proof was presented to support such claim. Mere allegation and nothing more is insufficient to support such proposition. As petitioner before the trial court, it devolves upon Reynaldo to discharge the burden of establishing the grounds that would justify the nullification of the marriage.[69]

While Reynaldo and Nilda's marriage failed and appears to be without hope of reconciliation, the remedy, however, is not always to have it declared void ab initio on the ground of psychological incapacity. A marriage, no matter how unsatisfactory, is not a null and void marriage.[70] And this Court, even as the highest one, can only apply the letter and spirit of the law, no matter how harsh it may be.[71]

WHEREFORE, the petition is GRANTED. The assailed Decision of the Court of Appeals in CA-G.R. CV No. 76624 promulgated on February 16, 2005 and the Decision dated January 2, 2002 of the Regional Trial Court, Branch 59 of Toledo City, in Civil Case No. T-799 are REVERSED and SET ASIDE. The petition for declaration of absolute nullity of marriage and damages, docketed as Civil Case No. T-799, is DISMISSED.

Costs against respondent.

SO ORDERED.

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

* The Court of Appeals having been included as a co-respondent, is deleted from the title pursuant to Section 4, Rule 45 of the Rules of Court.

[1] Penned by Associate Justice Arsenio J. Magpale and concurred in by Associate Justices Sisinando E. Villon and Vicente L. Yap, rollo, pp. 28-35.

[2] Judge Gaudioso D. Villarin, records, pp. 359-372.

[3] Rollo, p. 29 (CA Decision); records, p. 363 (RTC Decision).

[4] Id.; records, p. 249.

[5] Records, p. 364 (RTC Decision).

[6] Rollo, pp. 29-30 (CA Decision).

[7] Records, p. 364 (RTC Decision).

[8] Records, pp. 1, 3.

[9]Exhibit "B", machine copy of page 13 of the telephone directory for the year 1993-1994, records, p. 250; Exhibit "C", machine copy of page 15 of the telephone directory for the year 1994-1995, id. at 251.

[10] TSN, October 17, 2000, pp. 6-8; records, pp. 520-522.

[11] TSN, February 12, 2001, pp. 6-9; id. at 510-513.

[12] TSN, March 28, 2001, pp. 2, 8; id. at 475, 254-263.

[13] Id. at 260-263.

[14] Id. at 13.

[15] Records, pp. 12-13; see also rollo, p. 30 (CA Decision).

[16] Exhibit "2", records, p. 343.

[17] Exhibit "3", "4", "5", "6", "7", "8" and "9", id. at 344-350.

[18] Records, p. 372.

[19] Id. at 370-371.

[20] Id. at 400-402; 423.

[21]Rollo, pp. 32-34.

[22] Id. at 15-16.

[23] Id. at 17-19.

[24] Id. at 20.

[25] 335 Phil. 664 (1997).

[26]Rollo, pp. 21-23.

[27] Id. at 45.

[28]Rollo, pp. 46-50.

[29] Id. at 58-60; 66-95; 98-110.

[30] Republic of the Philippines v. Cuison-Melgar, G.R. No. 139676, March 31, 2006, 486 SCRA 177, 184-185.

[31] Perez-Ferraris v. Ferraris, G.R. No. 162368, July 17, 2006, 495 SCRA 396, 403.

[32]

Art. 48. In all cases of annulment or declaration of absolute nullity of marriage, the Court shall order the prosecuting attorney or fiscal assigned to it to appear on behalf of the State to take steps to prevent collusion between the parties and to take care the evidence is not fabricated or suppressed.

In the cases referred to in the preceding paragraph, no judgment shall be based upon a stipulation of facts or confession of judgment.

[33] Republic of the Philippines v. Cuison-Melgar, *supra*, note 30, at 187-188.

[34] Took effect on March 15, 2003; see also *Antonio v. Reyes*, G.R. No. 155800, March 10, 2006, 484 SCRA 353, 375; *Carating-Siaingco v. Siaingco*, G.R. No. 158896, October 27, 2004, 441 SCRA 422, 435.

[35] *Antonio v. Reyes*, supra note 34.

[36] Records, pp. 40-41.

[37] Id. at 109-110.

[38] Id. at 527- 537.

[39] Id. at 498-503.

[40] See *Republic of the Philippines v. Cuison-Melgar*, supra note 30, at 187.

[41] *Perez-Ferraris v. Ferraris*, supra note 31, at 400.

[42]

Art. 36. 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.

[43] *Perez-Ferraris v. Ferraris*, supra note 31, at 400-401.

[44] 310 Phil. 21 (1995).

[45] Id. at 39. See also *Republic of the Philippines v. Iyoy*, G.R. No. 152577, September 21, 2005, 470 SCRA 508, 521; *Republic of the Philippines v. Cuison-Melgar*, supra note 30, at 188.

[46] Supra note 25.

[47] Id. at 676-678.

[48] *Republic of the Philippines v. Iyoy*, supra note 45, at 525.

[49] *Perez-Ferraris v. Ferraris*, supra note 31, at 402; *Republic of the Philippines v. Court of Appeals and Molina*, supra note 25, at 674; *Republic of the Philippines v. Iyoy*, supra note 45, at 525; *Navarro, Jr. v. Cecilio-Navarro*, G.R. No. 162049, April 13, 2007, 521 SCRA 121, 129.

[50] *Republic of the Philippines v. Iyoy*, supra note 45, at 525.

[51] See *Perez-Ferraris v. Ferraris*, supra note 31, at 401; *Republic of the Philippines v. Cuison-Melgar*, supra note 30, at 190; *Navarro v. Cecilio-Navarro*, supra note 49.

[52] Art. 35. (Marriages that are void from the beginning).

[53] Art. 37. (Marriages that are incestuous and void from the beginning).

[54] Art. 38. (Marriages that are void from the beginning for reasons of public policy)

[55] Art. 41. (Void subsequent marriage, unless spouse presumptively dead)

[56] *Perez-Ferraris v. Ferraris*, supra, note 31, at 405.

[57] Id.

[58] Id.; *Republic of the Philippines v. Cuison-Melgar*, supra note 30, at 193-194.

[59]Rollo, p. 32 (CA Decision).

[60] Perez-Ferraris v. Ferraris, supra note 31, at 401.

[61] Marcos v. Marcos, 397 Phil. 840, 850 (2000).

[62] Perez-Ferraris v. Ferraris, supra note 31, at 401.

[63] Marcos v. Marcos, supra note 61; see also Republic of the Philippines v. Cuison-Melgar, supra note 30, at 190.

[64]Records, pp. 260-263.

[65] Id. at 260.

[66] TSN, June 27, 2001, pp. 5-6, 14; records, pp. 459-460, 468.

[67] See Perez-Ferraris v. Ferraris, supra note 31, at 402.

[68] Id.

[69] Id.

[70]Id. at 403.

[71] Republic of the Philippines v. Cuison-Melgar, supra note 30, at 195.

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