

ROSALINO L. MARABLE, PETITIONER, VS. MYRNA F. MARABLE, RESPONDENT.

G.R. No. 178741. January 17, 2011

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

On appeal is the Decision[1] dated February 12, 2007 and Resolution[2] dated July 4, 2007 of the Court of Appeals (CA) in CA-G.R. CV No. 86111 which reversed and set aside the Decision[3] dated January 4, 2005 of the Regional Trial Court (RTC), Branch 72, Antipolo City, in Civil Case No. 01-6302. The RTC had granted petitioner's prayer that his marriage to respondent be declared null and void on the ground that he is psychologically incapacitated to perform the essential obligations of marriage.

The facts, as culled from the records, are as follows:

Petitioner and respondent met in 1967 while studying at Arellano University. They were classmates but initially, petitioner was not interested in respondent. He only became attracted to her after they happened to sit beside each other in a passenger bus. Petitioner courted respondent and they eventually became sweethearts even though petitioner already had a girl friend. Later, respondent discovered petitioner's other relationship and demanded more time and attention from petitioner. Petitioner alleged that he appreciated this gesture like a child longing for love, time and attention.

On December 19, 1970, petitioner and respondent eloped and were married in civil rites at Tanay, Rizal before Mayor Antonio C. Esguerra. A church wedding followed on December 30, 1970 at the Chapel of the Muntinlupa Bilibid Prison and their marriage was blessed with five children.

As the years went by, however, their marriage turned sour. Verbal and physical quarrels became common occurrences. They fought incessantly and petitioner became unhappy because of it. The frequency of their quarrels increased when their eldest daughter transferred from one school to another due to juvenile misconduct. It became worse still when their daughter had an unwanted teenage pregnancy. The exceedingly serious attention petitioner gave to his children also made things worse for them as it not only spoiled some of them, but it also became another cause for the incessant quarrelling between him and respondent.

Longing for peace, love and affection, petitioner developed a relationship with another woman. Respondent learned about the affair, and petitioner promptly terminated it. But despite the end of the short-lived affair, their quarrels aggravated. Also, their business ventures failed. Any amount of respect remaining between them was further eroded by their frequent arguments and verbal abuses in front of their friends. Petitioner felt that he was unloved, unwanted and unappreciated and this made him indifferent towards respondent. When he could not bear his lot any longer, petitioner left the family home and stayed with his sister in Antipolo City. He gave up all the properties which he and respondent had accumulated during their marriage in favor of respondent and their children. Later, he converted to Islam after dating several women.

On October 8, 2001, petitioner decided to sever his marital bonds. On said date, he filed a petition[4] for declaration of nullity of his marriage to respondent on the ground of his psychological incapacity to perform the essential responsibilities of marital life.

In his petition, petitioner averred that he came from a poor family and was already exposed to the hardships of farm life at an early age. His father, although responsible and supportive, was a compulsive gambler and womanizer. His father left their family to live with another woman with whom he had seven other children. This caused petitioner's mother and siblings to suffer immensely. Thus, petitioner became obsessed with attention and worked hard to excel so he would be noticed.

Petitioner further alleged that he supported himself through college and worked hard for the company he joined. He rose from the ranks at Advertising and Marketing Associates, Inc., and became Senior Executive Vice President and Chief Finance Officer therein. But despite his success at work, he alleged that his misery and loneliness as a child lingered as he experienced a void in his relationship with his own family.

In support of his petition, petitioner presented the Psychological Report[5] of Dr. Nedy L. Tayag, a clinical psychologist from the National Center for Mental Health. Dr. Tayag's report stated that petitioner is suffering from "Antisocial Personality Disorder," characterized by a pervasive pattern of social deviancy, rebelliousness, impulsivity, self-centeredness, deceitfulness and lack of remorse. The report also revealed that petitioner's personality disorder is rooted in deep feelings of rejection starting from the family to peers, and that his experiences have made him so self-absorbed for needed attention. It was Dr. Tayag's conclusion that petitioner is psychologically incapacitated to perform his marital obligations.

After trial, the RTC rendered a decision annulling petitioner's marriage to respondent on the ground of petitioner's psychological incapacity.

Upon appeal by the Office of the Solicitor General (OSG), the CA reversed the RTC decision as follows:

WHEREFORE, the foregoing considered, the appeal is GRANTED and the assailed Decision hereby REVERSED AND SET ASIDE. Accordingly, the marriage between the parties is declared valid and subsisting. No costs.

SO ORDERED.[6]

The CA held that the circumstances related by petitioner are insufficient to establish the existence of petitioner's psychological incapacity. The CA noted that Dr. Tayag did not fully explain the root cause of the disorder nor did she give a concrete explanation as to how she arrived at a conclusion as to its gravity or permanence. The appellate court emphasized that the root cause of petitioner's psychological incapacity must be medically or clinically identified, sufficiently proven by experts and clearly explained in the decision. In addition, the incapacity must be proven to be existing at the time of the celebration of the marriage and shown to be medically or clinically permanent or incurable. It must also be grave enough to bring about the disability of the petitioner to assume the essential obligations of marriage.

On July 4, 2007, the CA denied petitioner's motion for reconsideration. Hence, this appeal.

Essentially, petitioner raises the sole issue of whether the CA erred in reversing the trial court's decision.

Petitioner claims that his psychological incapacity to perform his essential marital obligations was clearly proven and correctly appreciated by the trial court. Petitioner relies heavily on the psychological evaluation conducted by Dr. Tayag and quotes the latter's findings:

Petitioner had always been hungry for love and affection starting from his family to the present affairs that he

[has]. This need had afforded him to find avenues straight or not, just to fulfill this need. He used charm, deceit, lies, violence, [and] authority just so to accom[m]odate and justify his acts. Finally, he is using religions to support his claim for a much better personal and married life which is really out of context. Rebellious and impulsive as he is, emotional instability is apparent that it would be difficult for him to harmonize with life in general and changes. Changes must come from within, it is not purely external.

Clinically, petitioner's self-absorbed ideals represent the grave, severe, and incurable nature of Antisocial Personality Disorder. Such disorder is characterized by a pervasive pattern of social deviancy, rebelliousness, impulsivity, self-centeredness, deceitfulness, and lack of remorse.

The psychological incapacity of the petitioner is attributed by jurisdictional antecedence as it existed even before the said marital union. It is also profoundly rooted, grave and incurable. The root cause of which is deep feelings of rejection starting from family to peers. This insecure feelings had made him so self-absorbed for needed attention. Carrying it until his marital life. Said psychological incapacity had deeply marred his adjustment and severed the relationship. Thus, said marriage should be declared null and void by reason of the psychological incapacity.[7]

According to petitioner, the uncontradicted psychological report of Dr. Tayag declared that his psychological incapacity is profoundly rooted and has the characteristics of juridical antecedence, gravity and incurability. Moreover, petitioner asserts that his psychological incapacity has been medically identified and sufficiently proven. The State, on the other hand, never presented another psychologist to rebut Dr. Tayag's findings. Also, petitioner maintains that the psychological evaluation would show that the marriage failed not solely because of irreconcilable differences between the spouses, but due to petitioner's personality disorder which rendered him unable to comply with his marital obligations. To the mind of petitioner, the assailed decision compelled the parties to continue to live under a "non-existent marriage."

The Republic, through the OSG, filed a Comment[8] maintaining that petitioner failed to prove his psychological incapacity. The OSG points out that Dr. Tayag failed to explain specifically how she arrived at the conclusion that petitioner suffers from an anti-social personality disorder and that it is grave and incurable. In fact, contrary to his claim, it even appears that petitioner acted responsibly throughout their marriage. Despite financial difficulties, he and respondent had blissful moments together. He was a good father and provider to his children. Thus, the OSG argues that there was no reason to describe petitioner as a self-centered, remorseless, rebellious, impulsive and socially deviant person.

Additionally, the OSG contends that since the burden of proof is on petitioner to establish his psychological incapacity, the State is not required to present an expert witness where the testimony of petitioner's psychologist was insufficient and inconclusive. The OSG adds that petitioner was not able to substantiate his claim that his infidelity was due to some psychological disorder, as the real cause of petitioner's alleged incapacity appears to be his general dissatisfaction with his marriage. At most he was able to prove infidelity on his part and the existence of "irreconcilable differences" and "conflicting personalities." These, however, do not constitute psychological incapacity.

Respondent also filed her Comment[9] and Memorandum[10] stressing that psychological incapacity as a ground for annulment of marriage should contemplate downright incapacity or inability to take cognizance of and to assume the essential marital obligations, not a mere refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.

The appeal has no merit.

The appellate court did not err when it reversed and set aside the findings of the RTC for lack of legal and factual

bases.

Article 36 of the Family Code, as amended, provides:

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.

The term "psychological incapacity" to be a ground for the nullity of marriage under Article 36 of the Family Code, refers to a serious psychological illness afflicting a party even before the celebration of the marriage.[11] 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 has contracted.[12] Psychological incapacity must 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.[13]

In *Republic v. Court of Appeals*,[14] the Court laid down the guidelines in the interpretation and application of Article 36. The Court held,

(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.

(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.

In the instant case, petitioner completely relied on the psychological examination conducted by Dr. Tayag on him to establish his psychological incapacity. The result of the examination and the findings of Dr. Tayag however, are insufficient to establish petitioner's psychological incapacity. In cases of annulment of marriage based on Article 36 of the Family Code, as amended, the psychological illness and its root cause must be proven to exist from the inception of the marriage. Here, the appellate court correctly ruled that the report of Dr. Tayag failed to explain the root cause of petitioner's alleged psychological incapacity. The evaluation of Dr. Tayag merely made a general conclusion that petitioner is suffering from an Anti-social Personality Disorder but there was no factual basis stated for the finding that petitioner is a socially deviant person, rebellious, impulsive, self-centered and deceitful.

As held in the case of *Suazo v. Suazo*,^[15] the presentation of expert proof in cases for declaration of nullity of marriage based on psychological incapacity presupposes a thorough and an in-depth assessment of the parties by the psychologist or expert, for a conclusive diagnosis of a grave, severe and incurable presence of psychological incapacity. Here, the evaluation of Dr. Tayag falls short of the required proof which the Court can rely on as basis to declare as void petitioner's marriage to respondent. In fact, we are baffled by Dr. Tayag's evaluation which became the trial court's basis for concluding that petitioner was psychologically incapacitated, for the report did not clearly specify the actions of petitioner which are indicative of his alleged psychological incapacity. More importantly, there was no established link between petitioner's acts to his alleged psychological incapacity. It is indispensable that the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself.^[16]

For sure, the spouses' frequent marital squabbles^[17] and differences in handling finances and managing their business affairs, as well as their conflicts on how to raise their children, are not manifestations of psychological incapacity which may be a ground for declaring their marriage void. Petitioner even admitted that despite their financial difficulties, they had happy moments together. Also, the records would show that the petitioner acted responsibly during their marriage and in fact worked hard to provide for the needs of his family, most especially his children. Their personal differences do not reflect a personality disorder tantamount to psychological incapacity.

Petitioner tried to make it appear that his family history of having a womanizer for a father, was one of the reasons why he engaged in extra-marital affairs during his marriage. However, it appears more likely that he became unfaithful as a result of a general dissatisfaction with his marriage rather than a psychological disorder rooted in his personal history. His tendency to womanize, assuming he had such tendency, was not shown to be due to causes of a psychological nature that is grave, permanent and incurable. In fact, the records show that when respondent learned of his affair, he immediately terminated it. In short, petitioner's marital infidelity does not appear to be symptomatic of a grave psychological disorder which rendered him incapable of performing his spousal obligations. It has been held in various cases that sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity.^[18] 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.^[19] That not being the case with petitioner, his claim of psychological incapacity must fail. It bears stressing that psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations. Rather, it is essential that the concerned party was incapable of doing so, due to some psychological illness existing at the time of the celebration of the marriage. In *Santos v. Court of Appeals*,^[20] 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.[21]

All told, we find that the CA did not err in declaring the marriage of petitioner and respondent as valid and subsisting. The totality of the evidence presented is insufficient to establish petitioner's psychological incapacity to fulfill his essential marital obligations.

WHEREFORE, the appeal is DENIED for lack of merit. The February 12, 2007 Decision of the Court of Appeals in CA-G.R. CV No. 86111 and its Resolution dated July 4, 2007 are hereby AFFIRMED.

No costs.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Bersamin, and Sereno, JJ., concur.

[1] Rollo, pp. 21-31. Penned by Associate Justice Josefina Guevara-Salonga, with Associate Justices Vicente Q. Roxas and Ramon R. Garcia, concurring.

[2] Id. at 37-38.

[3] Id. at 32-35. Penned by Judge Ruth Cruz-Santos.

[4] Records, pp. 1-6.

[5] Id. at 9-17.

[6] Rollo, p. 31.

[7] Records, pp. 16-17.

[8] Rollo, pp. 49-57.

[9] Id. at 68-71.

[10] Id. at 100-107.

[11] Republic v. Cabantug-Baguio, G.R. No. 171042, June 30, 2008, 556 SCRA 711, 725.

[12] Toring v. Toring, G.R. No. 165321, August 3, 2010, p. 8.

[13] Navarro, Jr. v. Cecilio-Navarro, G.R. No. 162049, April 13, 2007, 521 SCRA 121, 128.

[14] G.R. No. 108763, February 13, 1997, 268 SCRA 198, 209-213.

[15] G.R. No. 164493, March 12, 2010, 615 SCRA 154, 174.

[16] Id.

[17] Navarro, Jr. v. Cecilio-Navarro, supra note 13 at 129.

[18] Villalon v. Villalon, G.R. No. 167206, November 18, 2005, 475 SCRA 572, 582.

[19] Id.

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

[21] Aspillaga v. Aspillaga, G.R. No. 170925, October 26, 2009, 604 SCRA 444, 449-450; Tongol v. Tongol,

G.R. No. 157610, October 19, 2007, 537 SCRA 135, 142.

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