

MARIETA C. AZCUETA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. 180668. May 26, 2009

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the Decision of the Court of Appeals (CA) in CA-G.R. CV No. 86162 dated August 31, 2007,[1] and its Resolution dated November 20, 2007.[2]

Petitioner Marietta C. Azcueta and Rodolfo Azcueta met in 1993. Less than two months after their first meeting, they got married on July 24, 1993 at St. Anthony of Padua Church, Antipolo City. At the time of their marriage, petitioner was 23 years old while respondent was 28. They separated in 1997 after four years of marriage. They have no children.

On March 2, 2002, petitioner filed with the Regional Trial Court (RTC) of Antipolo City, Branch 72, a petition for declaration of absolute nullity of marriage under Article 36 of the Family Code, docketed as Civil Case No. 02-6428.

Meanwhile, respondent failed to appear and file an answer despite service of summons upon him. Because of this, the trial court directed the City Prosecutor to conduct an investigation whether there was collusion between the parties. In a report dated August 16, 2002, Prosecutor Wilfredo G. Oca found that there was no collusion between the parties.

On August 21, 2002, the Office of the Solicitor General entered its appearance for the Republic of the Philippines and submitted a written authority for the City Prosecutor to appear in the case on the State's behalf under the supervision and control of the Solicitor General.

In her petition and during her testimony, petitioner claimed that her husband Rodolfo was psychologically incapacitated to comply with the essential obligations of marriage. According to petitioner, Rodolfo was emotionally immature, irresponsible and continually failed to adapt himself to married life and perform the essential responsibilities and duties of a husband.

Petitioner complained that Rodolfo never bothered to look for a job and instead always asked his mother for financial assistance. When they were married it was Rodolfo's mother who found them a room near the Azcueta home and it was also his mother who paid the monthly rental.

Petitioner also testified that she constantly encouraged her husband to find employment. She even bought him a newspaper every Sunday but Rodolfo told her that he was too old and most jobs have an age limit and that he had no clothes to wear to job interviews. To inspire him, petitioner bought him new clothes and a pair of shoes and even gave him money. Sometime later, her husband told petitioner that he already found a job and petitioner was overjoyed. However, some weeks after, petitioner was informed that her husband had been seen at the house of

his parents when he was supposed to be at work. Petitioner discovered that her husband didn't actually get a job and the money he gave her (which was supposedly his salary) came from his mother. When she confronted him about the matter, Rodolfo allegedly cried like a child and told her that he pretended to have a job so that petitioner would stop nagging him about applying for a job. He also told her that his parents can support their needs. Petitioner claimed that Rodolfo was so dependent on his mother and that all his decisions and attitudes in life should be in conformity with those of his mother.

Apart from the foregoing, petitioner complained that every time Rodolfo would get drunk he became physically violent towards her. Their sexual relationship was also unsatisfactory. They only had sex once a month and petitioner never enjoyed it. When they discussed this problem, Rodolfo would always say that sex was sacred and it should not be enjoyed nor abused. He did not even want to have a child yet because he claimed he was not ready. Additionally, when petitioner requested that they move to another place and rent a small room rather than live near his parents, Rodolfo did not agree. Because of this, she was forced to leave their residence and see if he will follow her. But he did not.

During the trial of the case, petitioner presented Rodolfo's first cousin, Florida de Ramos, as a witness. In 1993, Ramos, the niece of Rodolfo's father, was living with Rodolfo's family. She corroborated petitioner's testimony that Rodolfo was indeed not gainfully employed when he married petitioner and he merely relied on the allowance given by his mother. This witness also confirmed that it was respondent's mother who was paying the rentals for the room where the couple lived. She also testified that at one time, she saw respondent going to his mother's house in business attire. She learned later that Rodolfo told petitioner that he has a job but in truth he had none. She also stated that respondent was still residing at the house of his mother and not living together with petitioner.

Petitioner likewise presented Dr. Cecilia Villegas, a psychiatrist. Dr. Villegas testified that after examining petitioner for her psychological evaluation, she found petitioner to be mature, independent, very responsible, focused and has direction and ambition in life. She also observed that petitioner works hard for what she wanted and therefore, she was not psychologically incapacitated to perform the duties and responsibilities of marriage. Dr. Villegas added that based on the information gathered from petitioner, she found that Rodolfo showed that he was psychologically incapacitated to perform his marital duties and responsibilities. Dr. Villegas concluded that he was suffering from Dependent Personality Disorder associated with severe inadequacy related to masculine strivings.

She explained that persons suffering from Dependent Personality Disorder were those whose response to ordinary way of life was ineffectual and inept, characterized by loss of self-confidence, constant self-doubt, inability to make his own decisions and dependency on other people. She added that the root cause of this psychological problem was a cross-identification with the mother who was the dominant figure in the family considering that respondent's father was a seaman and always out of the house. She stated that this problem began during the early stages in his life but manifested only after the celebration of his marriage. According to Dr. Villegas, this kind of problem was also severe because he will not be able to make and to carry on the responsibilities expected of a married person. It was incurable because it started in early development and therefore deeply ingrained into his personality.

Based on petitioner's evidence, the RTC rendered a Decision dated October 25, 2004, declaring the marriage between petitioner and Rodolfo as null and void ab initio, thus:

With the preponderant evidence presented by the petitioner, the court finds that respondent totally failed in his commitments and obligations as a husband. Respondent's emotional immaturity and irresponsibility is grave and he has no showing of improvement. He failed likewise to have sexual intercourse with the wife because it

is a result of the unconscious guilt felling of having sexual relationship since he could not distinguish between the mother and the wife and therefore sex relationship will not be satisfactory as expected.

The respondent is suffering from dependent personality disorder and therefore cannot make his own decision and cannot carry on his responsibilities as a husband. The marital obligations to live together, observe mutual love, respect, support was not fulfilled by the respondent.

Considering the totality of evidence of the petitioner clearly show that respondent failed to comply with his marital obligations.

Thus the marriage between petitioner and respondent should be declared null and void on the account of respondent's severe and incurable psychological incapacity.

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Wherefore premises considered, the marriage between Marietta Azcueta and Rodolfo B. Azcuata is hereby declared null and void abinitio pursuant to Article 36 fo the Family Code.

The National Statistics Office and the Local Civil Registrar of Antipolo City are ordered to make proper entries into the records of the parties pursuant to judgment of the court.

Let copies of this decision be furnished the Public Prosecutor and the Solicitor General.

SO ORDERED. [3]

On July 19, 2005, the RTC rendered an Amended Decision[4] to correct the first name of Rodolfo which was erroneously typewritten as "Gerardo" in the caption of the original Decision.

The Solicitor General appealed the RTC Decision objecting that (a) the psychiatric report of Dr. Villegas was based solely on the information provided by petitioner and was not based on an examination of Rodolfo; and (b) there was no showing that the alleged psychological defects were present at the inception of marriage or that such defects were grave, permanent and incurable.

Resolving the appeal, the CA reversed the RTC and essentially ruled that petitioner failed to sufficiently prove the psychological incapacity of Rodolfo or that his alleged psychological disorder existed prior to the marriage and was grave and incurable. In setting aside the factual findings of the RTC, the CA reasoned that:

The evidence on record failed to demonstrate that respondent's alleged irresponsibility and over-dependence on his mother is symptomatic of psychological incapacity as above explained.

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Also worthy of note is petitioner-appellee's failure to prove that respondent's supposed psychological malady existed even before the marriage. Records however show that the parties were living in harmony in the first few years of their marriage and were living on their own in a rented apartment. That respondent often times asks his mother for financial support may be brought about by his feeling of embarrassment that he cannot contribute at all to the family coffers, considering that it was his wife who is working for the family. Petitioner-appellee likewise stated that respondent does not like to have a child on the pretense that respondent is not yet ready to have one. However this is not at all a manifestation of irresponsibility. On the contrary, respondent has shown that he has a full grasp of reality and completely understands the implication of having a child especially that he is unemployed. The only problem besetting the union is respondent's alleged irresponsibility and unwillingness to leave her (sic) mother, which was not proven in this case to be psychological-rooted.

The behavior displayed by respondent was caused only by his youth and emotional immaturity which by

themselves, do not constitute psychological incapacity (*Dedel vs. Court of Appeals*, 421 SCRA 461, 466 [2004]). At all events, petitioner-appellee has utterly failed, both in her allegations in the complaint and in her evidence, to make out a case of psychological incapacity on the part of respondent, let alone at the time of solemnization of the contract, so immaturity and irresponsibility, invoked by her, cannot be equated with psychological incapacity (*Pesca vs. Pesca*, 356 SCRA 588, 594 [2001]). As held by the Supreme Court: Psychological incapacity must be more than just a difficulty, refusal or neglect in the performance of some marital obligations, it is essential that they must be shown to be incapable of doing so, due to some psychological illness existing at the time of the celebration of the marriage. (*Navarro, Jr. vs. Cecilio-Navarro*, G.R. No. 162049, April 13, 2007).

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WHEREFORE, in the light of the foregoing, the appealed decision dated July 19, 2005 fo the Regional Trial Court (RTC) of Antipolo City, Branch 72 in Civil Case No. 02-6428 is REVERSED and SET ASIDE. The marriage between petitioner-appellee Marietta C. Azcueta and respondent Rodolfo B. Azcueta remains VALID.[5] (emphasis ours)

The basic issue to be resolved in the instant case is whether or not the totality of the evidence presented is adequate to sustain a finding that Rodolfo is psychologically incapacitated to comply with his essential marital obligations.

The Office of the Solicitor General, in its Comment, submits that the appellate court correctly ruled that the "totality of evidence presented by petitioner" failed to prove her spouse's psychological incapacity pursuant to Article 36 of the Family Code and settled jurisprudence.

We grant the petition.

Prefatorily, it bears stressing 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.[6] Our family law is based on the policy that marriage is not a mere contract, but a social institution in which the state is vitally interested. The State can find no stronger anchor than on good, solid and happy families. The break up of families weakens our social and moral fabric and, hence, their preservation is not the concern alone of the family members.[7]

Thus, the Court laid down in *Republic of the Philippines v. Court of Appeals and Molina*[8] stringent guidelines in the interpretation and application of Article 36 of the Family Code, to wit:

(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. x x x.[9](Emphasis supplied)

In *Santos v. Court of Appeals*,^[10] the Court declared that psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability.^[11] It 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] The intendment 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.^[13]

However, in more recent jurisprudence, we have observed that notwithstanding the guidelines laid down in *Molina*, there is a need to emphasize other perspectives as well which should govern the disposition of petitions for declaration of nullity under Article 36.^[14] Each case must be judged, not on the basis of a priori assumptions, predilections or generalizations but according to its own facts. In regard to psychological incapacity as a ground for annulment of marriage, it is trite to say that no case is on "all fours" with another case. The trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court.^[15] With the advent of *Te v. Te*,^[16] the Court encourages a reexamination of jurisprudential trends on the interpretation of Article 36 although there has been no major deviation or paradigm shift from the *Molina* doctrine.

After a thorough review of the records of the case, we find that there was sufficient compliance with *Molina* to

warrant the annulment of the parties' marriage under Article 36.

First, petitioner successfully discharged her burden to prove the psychological incapacity of her husband.

The Solicitor General, in discrediting Dr. Villegas' psychiatric report, highlights the lack of personal examination of Rodolfo by said doctor and the doctor's reliance on petitioner's version of events. In *Marcos v. Marcos*,^[17] it was held that there is no requirement that the defendant/respondent spouse should be personally examined by a physician or psychologist as a condition sine qua non for the declaration of nullity of marriage based on psychological incapacity. What matters is whether the totality of evidence presented is adequate to sustain a finding of psychological incapacity.

It should be noted that, apart from her interview with the psychologist, petitioner testified in court on the facts upon which the psychiatric report was based. When a witness testified under oath before the lower court and was cross-examined, she thereby presented evidence in the form of testimony.^[18] Significantly, petitioner's narration of facts was corroborated in material points by the testimony of a close relative of Rodolfo. Dr. Villegas likewise testified in court to elaborate on her report and fully explain the link between the manifestations of Rodolfo's psychological incapacity and the psychological disorder itself. It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof.^[19] Since the trial court itself accepted the veracity of petitioner's factual premises, there is no cause to dispute the conclusion of psychological incapacity drawn therefrom by petitioner's expert witness.^[20]

Second, the root cause of Rodolfo's psychological incapacity has been medically or clinically identified, alleged in the petition, sufficiently proven by expert testimony, and clearly explained in the trial court's decision.

The petition alleged that from the beginning of their marriage, Rodolfo was not gainfully employed and, despite pleas from petitioner, he could not be persuaded to even attempt to find employment; that from the choice of the family abode to the couple's daily sustenance, Rodolfo relied on his mother; and that the couple's inadequate sexual relations and Rodolfo's refusal to have a child stemmed from a psychological condition linked to his relationship to his mother.

These manifestations of incapacity to comply or assume his marital obligations were linked to medical or clinical causes by an expert witness with more than forty years experience from the field of psychology in general and psychological incapacity, in particular. In a portion of her psychiatric evaluation, Dr. Villegas elucidated the psychodynamics of the case of petitioner and Rodolfo, thus:

Marietta is the eldest of 5 siblings, whose parents has very limited education. Being the eldest, she is expected to be the role model of younger siblings. In so doing, she has been restricted and physically punished, in order to tow the line. But on the other hand, she developed growing resentments towards her father and promised herself that with the first opportunity, she'll get out of the family. When Rodolfo came along, they were married 1 ½ months after they met, without really knowing anything about him. Her obsession to leave her family was her primary reason at that time and she did not exercise good judgment in her decision making in marriage. During their 4 years marital relationship, she came to realize that Rodolfo cannot be responsible in his duties and responsibilities, in terms of loving, caring, protection, financial support and sex.

On the other hand, Rodolfo is the 3rd among 5 boys. The father, who was perceived to be weak, and his two elder brothers were all working as seaman. Rodolfo who was always available to his mother's needs, became an easy prey, easily engulfed into her system. The relationship became symbiotic, that led to a prolonged and

abnormal dependence to his mother. The mother, being the stronger and dominant parent, is a convenient role model, but the reversal of roles became confusing that led to ambivalence of his identity and grave dependency. Apparently, all the boys were hooked up to his complexities, producing so much doubts in their capabilities in a heterosexual setting. Specifically, Rodolfo tried, but failed. His inhibitions in a sexual relationship, is referable to an unconscious guilt feelings of defying the mother's love. At this point, he has difficulty in delineating between the wife and the mother, so that his continuous relationship with his wife produces considerable anxiety, which he is unable to handle, and crippled him psychologically.

Based on the above clinical data, family background and outcome of their marriage, it is the opinion of the examiner, that Mrs. Marietta Cruz-Azcueta is mature, independent and responsible and is psychologically capacitated to perform the duties and obligations of marriage. Due to her numerous personal problems she has difficulty in handling her considerable anxiety, at present. There are strong clinical evidences that Mr. Rodolfo Azcueta is suffering from a Dependent Personality Disorder associated with severe inadequacy that renders him psychologically incapacitated to perform the duties and responsibilities of marriage.

The root cause of the above clinical condition is due to a strong and prolonged dependence with a parent of the opposite sex, to a period when it becomes no longer appropriate. This situation crippled his psychological functioning related to sex, self confidence, independence, responsibility and maturity. It existed prior to marriage, but became manifest only after the celebration due to marital stresses and demands. It is considered as permanent and incurable in nature, because it started early in his life and therefore became so deeply ingrained into his personality structure. It is severe or grave in degree, because it hampered and interfered with his normal functioning related to heterosexual adjustment.[21]

These findings were reiterated and further explained by Dr. Villegas during her testimony, the relevant portion of which we quote below:

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Q:

Now, Madame Witness, after examining the petitioner, what was your psychological evaluation?

A:

I've found the petitioner in this case, Mrs. Marietta Azcueta as matured, independent, very responsible, focused, she has direction and ambition in life and she work hard for what she wanted, ma'am, and therefore, I concluded that she is psychologically capacitated to perform the duties and responsibilities of the marriage, ma'am.

Q:

How about the respondent, Madame Witness, what was your psychological evaluation with regards to the respondent?

A:

Based on my interview, I've found out that the husband Mr. Rodolfo Azcueta is psychologically incapacitated to perform the duties and responsibilities of marriage suffering from a psychiatric classification as Dependent Personality Disorder associated with severe inadequacy related to masculine strivings, ma'am.

Q:

In layman's language, Madame Witness, can you please explain to us what do you mean by Dependent

Personality Disorder?

A:

Dependent Personality Disorder are (sic) those persons in which their response to ordinary way of life are ineffectual and inept characterized by loss of self confidence, always in doubt with himself and inability to make his own decision, quite dependent on other people, and in this case, on his mother, ma'am.

Q:

And do you consider this, Madame Witness, as a psychological problem of respondent, Rodolfo Azcueta?

A:

Very much, ma'am.

Q:

Why?

A:

Because it will always interfered, hampered and disrupt his duties and responsibilities as a husband and as a father, ma'am.

Q:

And can you please tell us, Madame Witness, what is the root cause of this psychological problem?

A:

The root cause of this psychological problem is a cross identification with the mother who is the dominant figure in the family, the mother has the last say and the authority in the family while the father was a seaman and always out of the house, and if present is very shy, quiet and he himself has been very submissive and passive to the authority of the wife, ma'am.

Q:

And can you please tell us, Madame Witness, under what circumstance this kind of psychological problem manifested?

A:

This manifested starting his personality development and therefore, during his early stages in life, ma'am.

Q:

So, you mean to say, Madame Witness, this kind of problem existed to Rodolfo Azcueta, the respondent in this case, before the celebration of the marriage?

A:

Yes, ma'am.

Q:

And it became manifested only after the celebration of the marriage?

A:

Yes, ma'am.

Q:

And can you please tell us the reason why it became manifested with the...that the manifestation came too late?

A:

The manifestation came too late because the history of Mr. Rodolfo Azcueta was very mild, no stresses, no demand on his life, at 24 years old despite the fact that he already finished college degree of Computer Science, there is no demand on himself at least to establish his own, and the mother always would make the decision for him, ma'am.

Q:

Okay, Madame Witness, is this kind of psychological problem severe?

A:

Yes ma'am.

Q:

Why do you consider this psychological problem severe, Madame Witness?

A:

Because he will not be able to make and to carry on the responsibility that is expected of a married person, ma'am.

Q:

Is it incurable, Madame Witness?

A:

It is incurable because it started early in development and therefore it became so deeply ingrained into his personality, and therefore, it cannot be changed nor cured at this stage, ma'am.

Q:

So, you mean to say, Madame Witness, that it is Permanent?

A:

It is permanent in nature, sir.

Q:

And last question as an expert witness, what is the effect of the psychological problem as far as the marriage relationship of Rodolfo Azcueta is concerned?

A:

The effect of this will really be a turbulent marriage relationship because standard expectation is, the husband has to work, to feed, to protect, to love, and of course, to function on (sic) the sexual duties of a husband to the wife, but in this case, early in their marriage, they had only according to the wife, experienced once sexual relationship every month and this is due to the fact that because husband was so closely attached to the mother, it is a result of the unconscious guilt feeling of the husband in defying the mother's love when they will be

having heterosexual relationship and therefore, at that point, he will not be able to distinguish between the mother and the wife and therefore, sex relationship will not be satisfactory according to expectation, ma'am.[22]

In *Te v. Te*, we held that "[b]y the very nature of Article 36, courts, despite having the primary task and burden of decision-making, must not discount but, instead, must consider as decisive evidence the expert opinion on the psychological and mental temperaments of the parties." [23]

Based on the totality of the evidence, the trial court clearly explained the basis for its decision, which we reproduce here for emphasis:

With the preponderant evidence presented by the petitioner, the court finds that respondent totally failed in his commitments and obligations as a husband. Respondent's emotional immaturity and irresponsibility is grave and he has no showing of improvement. He failed likewise to have sexual intercourse with the wife because it is a result of the unconscious guilt felling of having sexual relationship since he could not distinguish between the mother and the wife and therefore sex relationship will not be satisfactory as expected.

The respondent is suffering from dependent personality disorder and therefore cannot make his own decision and cannot carry on his responsibilities as a husband. The marital obligations to live together, observe mutual love, respect, support was not fulfilled by the respondent.

Considering the totality of evidence of the petitioner clearly show that respondent failed to comply with his marital obligations.

Thus the marriage between petitioner and respondent should be declared null and void on the account of respondent's severe and incurable psychological incapacity.

Third, Rodolfo's psychological incapacity was established to have clearly existed at the time of and even before the celebration of marriage. Contrary to the CA's finding that the parties lived harmoniously and independently in the first few years of marriage, witnesses were united in testifying that from inception of the marriage, Rodolfo's irresponsibility, overdependence on his mother and abnormal sexual reticence were already evident. To be sure, these manifestations of Rodolfo's dependent personality disorder must have existed even prior to the marriage being rooted in his early development and a by product of his upbringing and family life.

Fourth, Rodolfo's psychological incapacity has been shown to be sufficiently grave, so as to render him unable to assume the essential obligations of marriage.

The Court is wary of the CA's bases for overturning factual findings of the trial court on this point. The CA's reasoning that Rodolfo's requests for financial assistance from his mother might have been due to his embarrassment for failing to contribute to the family coffers and that his motive for not wanting a child was his "responsible" realization that he should not have a child since he is unemployed are all purely speculative. There is no evidence on record to support these views. Again, we must point out that appellate courts should not substitute their discretion with that of the trial court or the expert witnesses, save only in instance where the findings of the trial court or the experts are contradicted by evidence.

We likewise cannot agree with the CA that Rodolfo's irresponsibility and overdependence on his mother can be attributed to his immaturity or youth. We cannot overlook the fact that at the time of his marriage to petitioner, he was nearly 29 years old or the fact that the expert testimony has identified a grave clinical or medical cause for his abnormal behavior.

In *Te*, the Court has had the occasion to expound on the nature of a dependent personality disorder and how one afflicted with such a disorder would be incapacitated from complying with marital obligations, to wit:

Indeed, petitioner, who is afflicted with dependent personality disorder, cannot assume the essential marital obligations of living together, observing love, respect and fidelity and rendering help and support, for he is unable to make everyday decisions without advice from others, allows others to make most of his important decisions (such as where to live), tends to agree with people even when he believes they are wrong, has difficulty doing things on his own, volunteers to do things that are demeaning in order to get approval from other people, feels uncomfortable or helpless when alone and is often preoccupied with fears of being abandoned. As clearly shown in this case, petitioner followed everything dictated to him by the persons around him. He is insecure, weak and gullible, has no sense of his identity as a person, has no cohesive self to speak of, and has no goals and clear direction in life.[24]

Of course, this is not to say that anyone diagnosed with dependent personality disorder is automatically deemed psychologically incapacitated to comply with the obligations of marriage. We realize that psychology is by no means an exact science and the medical cases of patients, even though suffering from the same disorder, may be different in their symptoms or manifestations and in the degree of severity. It is the duty of the court in its evaluation of the facts, as guided by expert opinion, to carefully scrutinize the type of disorder and the gravity of the same before declaring the nullity of a marriage under Article 36.

Fifth, Rodolfo is evidently unable to comply with the essential marital obligations embodied in Articles 68 to 71 of the Family Code.[25] As noted by the trial court, as a result of Rodolfo's dependent personality disorder, he cannot make his own decisions and cannot fulfill his responsibilities as a husband. Rodolfo plainly failed to fulfill the marital obligations to live together, observe mutual love, respect, support under Article 68. Indeed, one who is unable to support himself, much less a wife; one who cannot independently make decisions regarding even the most basic and ordinary matters that spouses face everyday; one who cannot contribute to the material, physical and emotional well-being of his spouse is psychologically incapacitated to comply with the marital obligations within the meaning of Article 36.

Sixth, the incurability of Rodolfo's condition which has been deeply ingrained in his system since his early years was supported by evidence and duly explained by the expert witness.

At this point, the Court is not unmindful of the sometimes peculiar predicament it finds itself in those instances when it is tasked to interpret static statutes formulated in a particular point in time and apply them to situations and people in a society in flux. With respect to the concept of psychological incapacity, courts must take into account not only developments in science and medicine but also changing social and cultural mores, including the blurring of traditional gender roles. In this day and age, women have taken on increasingly important roles in the financial and material support of their families. This, however, does not change the ideal that the family should be an "autonomous" social institution, wherein the spouses cooperate and are equally responsible for the support and well-being of the family. In the case at bar, the spouses from the outset failed to form themselves into a family, a cohesive unit based on mutual love, respect and support, due to the failure of one to perform the essential duties of marriage.

This brings to mind the following pronouncement in *Te*:

In dissolving marital bonds on account of either party's psychological incapacity, the Court is not demolishing the foundation of families, but it is actually protecting the sanctity of marriage, because it refuses to allow a person afflicted with a psychological disorder, who cannot comply with or assume the essential marital obligations, from remaining in that sacred bond. It may be stressed that the infliction of physical violence, constitutional indolence or laziness, drug dependence or addiction, and psychosexual anomaly are manifestations of a sociopathic personality anomaly. Let it be noted that in Article 36, there is no marriage to speak of in the first place, as the same is void from the very beginning. To indulge in imagery, the declaration of nullity under Article 36 will simply provide a decent burial to a stillborn marriage.[26] (emphasis ours)

In all, we agree with the trial court that the declaration of nullity of the parties' marriage pursuant to Article 36 of the Family Code is proper under the premises.

WHEREFORE, the petition is GRANTED. The Amended Decision dated July 19, 2005 of the Regional Trial Court, Branch 72, Antipolo City in Civil Case No. 02-6428 is REINSTATED.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Penned by Associate Justice Jose C. Reyes, Jr. and concurred in by Associate Justices Jose L. Sabio, Jr. and Myrna Dimaranan Vidal; rollo, pp. 37-50.

[2] Id. at 36.

[3] CA Records pp. 36-37.

[4] Id. at p. 41.

[5] Rollo, pp. 45-49.

[6] Section 12 of Article II of the 1987 Constitution provides:

SEC. 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. x x x

Sections 1 and 2 of Article XV of the 1987 Constitution state:

SECTION 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

SEC. 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

[7] Ancheta v. Ancheta, G.R. No. 145370, March 4, 2004, 424 SCRA 725, 740; Tuason v. Court of Appeals, 326 Phil. 169, 180-181 (1996).

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

[9] Id. at 209-213.

[10] 310 Phil. 21 (1995).

[11] Id. at 39.

[12] Id. at 40.

[13] Id.

[14] Antonio v. Reyes, G.R. No. 155800, March 10, 2006, 484 SCRA 353, 370.

[15] Republic of the Philippines v. Dagdag, G.R. No. 109975, February 9, 2001, 351 SCRA 425, 431.

[16] G.R. No. 161793, February 13, 2009.

[17] 397 Phil. 840 (2000).

[18] Tsoi v. Court of Appeals, G.R. No. 119190, January 16, 1997, 266 SCRA 324, 330.

[19] Limketkai Sons Milling, Inc. v. Court of Appeals, 321 Phil. 105, 126 (1995), citing Serrano v. Court of Appeals, G.R. No. 45125, April 22, 1991, 196 SCRA 107, 110.

[20] Supra note 14.

[21] Rollo, pp. 63-64.

[22] TSN dated February 26, 2004, at pp. 13-20.

[23] Supra note 16.

[24] Id.

[25] ART. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

ART. 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family.

ART. 70. The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be paid from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case [of] insufficiency or absence of said income or fruits, such obligations shall be satisfied from their separate properties.

ART. 71. The management of the household shall be the right and duty of both spouses. The expenses for such management shall be paid in accordance with the provisions of Article 70.

[26] Supra note 16.

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