

GIL MIGUEL WENCESLAO T. PUYAT, PETITIONER, VS. MA. TERESA JACQUELINE R. PUYAT, RESPONDENT.*G.R. No. 181614. June 30, 2021*

Ponente: CARANDANG, J.

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Before this Court is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court (Rules), assailing the Decision[2] dated October 30, 2006 and Resolution[3] dated February 1, 2008 of the Court of Appeals (CA) in CA-G.R. CV No. 85884.

Facts of the Case

On February 24, 1978, petitioner Gil Miguel Wenceslao T. Puyat (Gil Miguel) and respondent Ma. Teresa Jacqueline R. Puyat (Ma. Teresa) eloped and were civilly married in Caloocan City.[4] According to Gil Miguel, because of social pressure, another wedding at the Archbishop's Chapel, Villa San Miguel, Mandaluyong took place on April 8, 1978.[5] At the time of their wedding, Gil Miguel was barely 16 years of age and had not yet finished high school while Ma. Teresa was only 17 years of age.[6] They were blessed with two children, namely, Gil Carlos Puyat (Gil Carlos), born on July 19, 1979,[7] and Juan Miguel Puyat (Juan Miguel), born on June 11, 1982.[8]

Gil Miguel alleged that due to immaturity, their married life was beset with petty quarrels, paranoiac jealousy, and serious misunderstandings over nonsensical matters which resulted in their break-up on February 1, 1982. Gil Miguel then filed ex-parte divorce proceedings in the United States.[9]

On September 18, 1985, Gil Miguel obtained a divorce decree from the Superior Court of California.[10] A Marital Settlement Agreement was then approved delineating the matters agreed upon by the parties in relation to the dissolution of their marriage which include inter alia provisions on custody and visitation rights, spousal support, and support for their two children.[11] Thereafter, Gil Miguel married Mercedes M. Lacson.[12]

On February 22, 1994, Gil Miguel filed a Petition for Declaration of Nullity of Marriage[13] before the Regional Trial Court (RTC) of Makati, Branch 144 on the ground of his psychological incapacity which he alleged became manifest only after marriage although latent at the inception of marriage.[14]

In her Answer to Petition with Application for Child and Spousal Support Pendente Lite and Other Claims,[15] Ma. Teresa averred that Gil Miguel indulged in womanizing and caused repeated physical violence and other grossly abusive conduct towards her during their marriage.[16] She insisted that Gil Miguel pressured her to sign the divorce papers even if only the provisions on child custody and child support in the "Marital Settlement Agreement" were acceptable to her.[17] She contended that she had not received spousal support from Gil Miguel since 1982. Ma. Teresa demanded spousal support in the amount of P30,000.00 per month.[18] She also demanded child support in the amount of US\$57,000.00, and reimbursement for expenses incurred in the amount of P5,000,000.00, plus interest. She argued that Gil Miguel paid child support irregularly from February 1982 to 1989 and totally discontinued paying thereafter.[19]

In his Reply,[20] Gil Miguel argued that Ma. Teresa is not entitled to spousal support as she had contracted a second marriage in Hongkong and has a child with her second husband. He also denied having any knowledge about her claims for reimbursement as he had always provided support for his children within his financial capacity. Moreover, the children have been under his care and custody since 1993.[21]

In support of his petition, Gil Miguel presented himself as a witness, together with Dr. Natividad A. Dayan (Dr. Dayan), a psychologist, and Dr. Cecilia C. Villegas (Dr. Villegas), a psychiatrist. After conducting personality evaluation on Gil Miguel and Ma. Teresa, Dr. Villegas concluded that Gil Miguel is suffering from an Inadequate Personality Disorder, with Narcissistic features, while Ma. Teresa is suffering from an Immature Personality Disorder, that render both of them psychologically incapacitated to perform the duties and responsibilities of marriage.[22] Notably, Dr. Villegas personally evaluated only Gil Miguel.[23]

Meanwhile, after conducting interviews and assessment procedures on Gil Miguel, Gil Carlos, and Juan Miguel, Dr. Dayan's assessment of Gil Miguel revealed that he is suffering from V61.1. Partner Relational Problem and that both spouses are suffering from 301.81 Narcissistic Personality Disorder. Dr. Dayan suggested that their marriage be declared null and void as their respective personality disorder is grave, untreatable, and deeply rooted.[24]

During trial, several motions to postpone or reset the hearing were filed by the parties and granted by the trial court. When the case was called for presentation of Ma. Teresa's evidence, her counsel wanted to cancel the hearing because she was allegedly sick without any showing that she was the only intended witness and without any medical certificate. Moreover, Ma. Teresa's counsel refused to assure the trial court that if given one more chance, Ma. Teresa would appear and testify.[25] Therefore, in an Order[26] dated January 12, 2004, the late motion to postpone the hearing was denied for lack of merit, and the case was submitted for decision.[27]

Ruling of the Regional Trial Court

On January 16, 2004, the RTC issued its Decision,[28] the dispositive portion of which state:

WHEREFORE, judgment is hereby rendered declaring null and void ab initio the marriage between petitioner Gil Miguel Wenceslao T. Puyat and respondent Ma. Teresa Jacqueline R. Puyat on 24 February 1978 in Caloocan City, and on 8 April 1978 in Mandaluyong City. The city civil registrars of Caloocan and Mandaluyong are ordered to cancel the marriage contracts from the Book of Marriages.

SO ORDERED.[29] (*Emphasis and italics in the original.*)

In declaring their marriage null and void ab initio, the RTC found that Gil Miguel and Ma. Teresa are both psychologically incapacitated to perform the essential marital obligations defined under Articles 68 to 71 of the Family Code. The RTC opined that the parties' respective incapacities were proven to have started during their formative years and were shown to be grave and incurable.[30]

On February 18, 2004, Ma. Teresa filed a Motion for Reconsideration,[31] insisting that she was deprived of her right to present evidence because of the RTC's overly strict imposition of penalty for her failure to testify on the scheduled date of reception of her evidence.[32] She also reiterated her entitlement to her counterclaims.[33] Gil Miguel opposed the motion, reasoning that there is compliance with the payment child support[34] and that there is no admission of failure to support on his part.[35]

In an Order[36] dated June 28, 2004, the RTC denied Ma. Teresa's Motion for Reconsideration

Ruling of the Court of Appeals

On October 30, 2006, the CA rendered its Decision,[37] the dispositive portion of which reads:

WHEREFORE, the petition is partly GRANTED. Petitioner-appellee Gil Miguel is ordered to pay respondent--appellant Ma. Theresa the child support in arrears for their two sons, in accordance with the provisions of his Marital Settlement Agreement with Ma. Theresa. The Decision of the RTC dated January 16, 2004 "declaring null and void ab initio the marriage between petitioner Gil Miguel Wenceslao T. Puyat and respondent Ma. Theresa Jacqueline R. Puyat", is however SET ASIDE.

SO ORDERED.[38] (Emphasis in the original)

Although not raised as an issue on appeal, the CA noted certain instances that convinced it to believe that there was collusion between the parties. These instances include: (1) In her Brief, Ma. Teresa assailed, without questioning the correctness of the declaration of nullity of the marriage, the failure of the RTC to rule on her counterclaim and to declare the need to comply with the rule on liquidation, partition, and distribution of assets;[39] (2) Ma. Teresa failed to attend the scheduled hearing for the presentation of her evidence and it was for said reason that the RTC held the case submitted for decision;[40] and (3) In her Motion for Reconsideration, Ma. Teresa only raised the issues pertaining to her counterclaims and did not assail the soundness of the trial court's ruling declaring their marriage void.[41] The CA likewise found that no psychological incapacity exists on record to merit nullifying their marriage.[42]

The CA also ruled that the RTC should have acted on Ma. Teresa's counterclaim for child support during the pendency of the case. Thus, Gil Miguel was ordered to pay Ma. Teresa child support in arrears for their two sons, in accordance with the provisions of the Marriage Settlement Agreement.[43]

In a Resolution[44] dated February 1, 2008, the CA denied the Motion for Reconsideration[45] Gil Miguel filed.

Petitioner's Arguments

In the present petition, Gil Miguel argued that the CA erred in ruling that there was collusion between the parties. He insisted that collusion between parties must be proved with adequate evidence and not lightly be presumed.[46] He also maintained that Ma. Teresa failure to testify during trial should not be taken as an indication of collusion between the parties.[47] He explained that on January 12, 2004, when the case was scheduled for presentation of Ma. Teresa's evidence, her counsel wanted to cancel the hearing because Ma. Teresa was allegedly sick, without any indication that she was the only intended witness and without any medical certificate. Furthermore, Ma. Teresa's counsel refused to assure the RTC that, if given another chance, she would appear and testify.[48] He insisted that the report submitted by Assistant Prosecutor Andres N. Marcos finding no collusion enjoys the presumption of regularity.[49] He also emphasized that Ma. Teresa filed an Answer and actively participated in the proceedings at the trial court which spanned for more than a decade by filing several pleadings, motions, and other papers, and by cross-examining his witnesses. For Gil Miguel, Ma. Teresa and the public prosecutor's respective active participation during trial clearly negate the existence of collusion.[50]

Furthermore, Gil Miguel highlighted the respective assessments of Dr. Dayan and Dr. Villegas which support the finding that both parties are psychologically incapacitated to perform their essential marital obligations. He averred that their respective conditions existed prior to their marriage but the gravity became manifest only after they got married due to marital stresses and demands.[51]

Respondent's Comment

In her Comment,[52] Ma. Teresa agreed with Gil Miguel's position that there was no collusion between them. She expressed that there is insufficient evidence to warrant the declaration of nullity of their marriage based on their alleged mutual psychological incapacity. She suggested that, if the marriage should be declared null and void ab initio, it should be due to Gil Miguel's psychological incapacity alone and not both parties.[53]

Petitioner's Reply

In his Reply[54] Gil Miguel reiterated that both Dr. Dayan and Dr. Villegas found both parties to the marriage psychologically incapacitated to fulfill their essential marital obligations.[55]

Issues

The issues to be resolved are:

1. Whether there was collusion between Gil Miguel and Ma. Teresa to justify the dismissal of the petition for declaration of nullity of marriage; and
2. Whether the totality of evidence presented warrants the declaration of nullity of marriage of Gil Miguel and Ma. Teresa on the ground of their psychological incapacity under Article 36 of the Family Code.

Ruling of the Court

The petition is meritorious.

The CA erred in concluding that there was collusion between the parties.

The Family Code mandates the participation of the State in cases of annulment or declaration of absolute nullity of marriage. The State has a duty to protect marriage as it is the foundation of the family.[56] Article 48 of the Family Code states:

Article 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 that 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. (Emphasis supplied)

Though the petition for declaration of nullity was filed on February 22, 1994, it is worthy to stress rules related to Article 48 of the Family Code that were promulgated during the pendency of the case reiterating the participation of the state in annulment or declaration of nullity cases. Section 3(e), Rule 9 of the Rules, as amended, provides:

Section 3. Default; [D]eclaration of. – If the defending party fails to answer within the time allowed therefor, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his or her pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. Such reception of evidence may be delegated to the clerk of court.

x x x x

(e) Where no defaults allowed. – If the defending party in action for annulment or declaration of nullity of marriage or for legal separation fails to answer, the court shall order the Solicitor General or his or her deputized public prosecutor, to investigate whether or not a collusion between the parties exists, and if there is no collusion, to intervene for the State in order to see to it that the evidence submitted is not fabricated. (Underscoring supplied; italics in the original)

The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages[57] also mandates the participation of the public prosecutor in cases involving void marriages through the submission of an investigation report to determine whether collusion exists between the parties. This is a condition sine qua non for setting the case for pretrial or further proceedings. Section 9 of A.M. No. 02-11-10-SC states:

Sec. 9. Investigation report of public prosecutor. – (1) Within one month after receipt of the court order mentioned in paragraph (3) of Section 8 above, the public prosecutor shall submit a report to the court stating whether the parties are in collusion and serve copies thereof on the parties and their respective counsels, if any.

(2) If the public prosecutor finds that collusion exists, he shall state the basis thereof in his report. The parties shall file their respective comments on the finding of collusion within ten days from receipt of a copy of the report. The court shall set the report for hearing and if convinced that the parties are in collusion, it shall dismiss the petition.

(3) If the public prosecutor reports that no collusion exists, the court shall set the case for pre-trial. It shall be the duty of the public prosecutor to appear for the State at the pre-trial. (Emphasis and italics in the original)

In the present case, the existence of collusion was not proven. Records disclose that the RTC immediately instructed the public prosecutor to submit the required report. The Court finds this instruction to have been sufficiently complied with when Assistant Prosecutor Andres N. Marcos submitted his report finding no collusion.[58] The report attesting to the non-existence of collusion deserves credence.

The CA relied on the following reasons in concluding that collusion is present: (1) in her Brief, Ma. Teresa assailed, without questioning the correctness of the declaration of nullity of the marriage, the failure of the RTC to rule on her counterclaim and to declare the need to comply with the rule on liquidation, partition, and distribution of assets;[59] (2) Ma. Teresa failed to attend the scheduled hearing for the presentation of her evidence and it was for said reason that the RTC held the case submitted for decision;[60] and (3) in her motion for reconsideration, Ma. Teresa only raised the issues pertaining to her counterclaims and did not assail the soundness of the trial court's ruling declaring their marriage void.[61] However, when taken together, these do not prove the existence of collusion.

Ma. Teresa's alleged failure to testify when she did not appear during her scheduled presentation of evidence should not be automatically equated to the presumption of collusion between the parties. While the RTC has ample authority to relax the Rules and afford Ma. Teresa another opportunity to testify in court, it must be stressed that this is merely discretionary. The parties should not be allowed to continue to suffer as a result of how the trial court judge managed the presentation of evidence through the dismissal of the petition. The perceived harsh sanction on the failure of Ma. Teresa to testify that led to the submission of the case for judgment should not be taken against Gil Miguel as he had no hand in the absence of Ma. Teresa on the day she was supposed to testify.

Moreover, Ma. Teresa's failure to testify is not fatal nor does it undermine the entire proceedings as the petition may be validly resolved even without her testimony. It must be noted that in arriving at its decision, the RTC relied on other pieces of evidence that were presented. Ma. Teresa's counsel was also given the opportunity to cross-examine the witnesses Gil Miguel produced in court.

It is also difficult to believe that there is collusion between the parties when it is apparent that the animosity between them persists based on their submissions and reliefs prayed for. Even at this stage of the proceedings, Ma. Teresa refuses to concede that she is psychologically incapacitated should the nullity of marriage be granted. Simply because they mutually desire to have their marriage declared null and void does not mean that they have colluded to trick the court. To rule otherwise would be to unfairly foreclose the remedy under Article 36 to all individuals who are similarly situated as Gil Miguel and Ma. Teresa. To the Court's mind, the CA failed to demonstrate the presence of collusion or that evidence was suppressed or fabricated by any of the parties.

In *Juliano-Llave v. Rep. of the Phils.*,[62] the Court held that the respondent spouse was not deprived of her right to due process when judgment was issued without her answer and without having presented her evidence. The Court reasoned that "[h]er failure to file and answer and her refusal to present her evidence were attributable only to herself and she should not be allowed to benefit from her own dilatory tactics to the prejudice of the other party." [63]

Although the case of *Juliano-Llave* is not in all fours as the circumstances surrounding the present case, the Court finds it relevant to the present case. While collusion was not an issue in *Juliano-Llave*, it is significant to underscore that the Court affirmed the judgment of the trial court declaring the marriage of the parties void ab initio despite the failure of the respondent spouse to file her answer and present her evidence. These factors should not be automatically equated to collusion.

In the present case, Ma. Teresa filed her answer and actively participated in the proceedings at the trial court which lasted for more than a decade. Through her counsel, she filed several pleadings, motions, and other documents. Her counsel also cross-examined the witnesses Gil Miguel presented. These sufficiently refute the erroneous and unsubstantiated conclusion of the CA that there is collusion between the parties warranting the dismissal of the petition.

The psychological incapacity of Gil Miguel was sufficiently established in compliance with Article 36 of the Family Code.

Article 36 of the Family Code governs psychological incapacity as a ground for declaration of nullity of marriage. It provides that:

ARTICLE 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 action for declaration of nullity of the marriage under this Article shall prescribe in ten years after its celebration.

The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage. It must be rooted in the history of the party antedating the marriage, although the overt manifestations may only emerge after the marriage. It must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.^[64] The plaintiff-spouse must establish the elements of gravity, juridical antecedence, and incurability of psychological incapacity contemplated through clear and convincing evidence.^[65] The Family Code and prevailing jurisprudence are straightforward on the requirement of juridical antecedence and gravity. However, the element of incurability has been subjected to different and, at times, conflicting interpretations.

Recently, in *Tan-Andal v. Andal*,^[66] speaking through the ponencia of Associate Justice Marvic Mario Victor F. Leonen, the Court explained the psychological incapacity envisaged in Article 36 of the Family Code. The Court clarified that:

Psychological incapacity is not only a mental incapacity nor only a personality disorder that must be proven through expert opinion. There may now be proof of the durable aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for him or her to understand and, more importantly, to comply with his or her essential marital obligations.

Proof of these aspects of personality need not only be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse.^[67]

The Court characterized the element of incurability as follows:

x x x [I]ncurable, not in the medical, but in the legal sense. x x x This means that the incapacity is so enduring and persistent with respect to a specific partner, and contemplates a situation where the couple's respective personality structures are so incompatible and antagonistic that the only result of the union would be the inevitable and irreparable breakdown of the marriage. "An undeniable pattern of such persisting failure [to be a present, loving, faithful, respectful, and supportive spouse] must be established so as to demonstrate that there is indeed a psychological anomaly or incongruity in the spouse relative to the other." [68] (Citation omitted.)

In the present case, Gil Miguel discharged the burden of proof required to nullify his marriage to Ma. Teresa. Clear and convincing evidence of his psychological incapacity was established through Gil Miguel's testimony during trial and the respective medical findings of Dr. Villegas and Dr. Dayan who both independently assessed Gil Miguel to be suffering from Narcissistic Personality Disorder.

While expert opinion is no longer required in establishing psychological incapacity, [69] the Court accords due consideration to the psychiatric evaluation of Dr. Dayan and Dr. Villegas as these were arrived at after a thorough assessment of Gil Miguel and his two sons. The experiences they shared during their respective psychiatric evaluations are reliable and accurate recollections of the family life of the parties.

Dr. Dayan arrived at her conclusion by interviewing and conducting assessment procedures on Gil Miguel and their two sons. Dr. Dayan's assessment of Gil Miguel revealed the following findings:

Summary and Conclusions

Miguel's psychological picture inferred from the clinical psychological interview and assessment is consistent with V61.1 Partner Relational Problem. He suffered severe stressors during his marriage to Jacqueline.

From analysis of the different instruments used, both suffered from psychological incapacity to handle the essential obligations of marriage. Both of them are suffering from 301.81 Narcissistic Personality Disorder – with their inflated self-image, interpersonal exploitiveness, cognitive expansiveness, insouciant temperament and deficient social conscience.

Prognosis

The couple's suffering may continue if they remain married to each other.

Recommendations

In view of the couple's gross psychological incapacity to handle essential marital obligations, it is recommended that their marriage be declared null and void. Their personality disorder is grave, untreatable and deeply rooted. Narcissists exhibit their disorder with persistence and inflexibility. They cannot alter their strategy because these patterns are deeply ingrained. Rather than modifying their behavior when faced with failure, they may revert more interactably to their characteristic styles; this is likely to intensify and foster new difficulties. In their attempt to cope with shame and defeat, they set up vicious circles that only perpetuate their problems. The root of this pattern is from parental overvaluation and indulgence. [70] (Underscoring in the original)

On the other hand, Dr. Villegas conducted a personality evaluation on Gil Miguel and Ma. Teresa and concluded that:

Based on the above clinical findings, it is the opinion of the examiner, that Mr. Gil Miguel T. Puyat, is suffering from an Inadequate Personality Disorder, with Narcissistic features, while Mrs. Teresa Jacqueline Reyes-Puyat is suffering from an Immature Personality Disorder, that render both of them psychologically incapacitated to perform the duties and responsibilities of marriage.

The root cause of the above clinical conditions, on the part of Gil Miguel was due to poor identification and role modeling with the father figure despite his over-indulgence financially and psychological turbulence in their home milieu. On the part of Jackie, it was due to overindulgence of her parents that left her fixated at the

infantile level of emotional maturity. Both conditions existed prior to marriage, but became manifest only after the celebration, due to marital stresses and demands. They are permanent in nature, because both started early in the developmental stage and therefore became so engrained into their personality structure. They are considered as severe, because they hampered and interfered with their normal functioning related to heterosexual adjustment.[71]

After a judicious review of the case, the Court finds that only the psychological incapacity of Gil Miguel was proven. Dr. Villegas determined that the root cause of Gil Miguel's condition was "poor identification and role modeling with the father figure despite his over-indulgence financially" and the "psychological turbulence in their home." [72] Dr. Villegas determined these as the factors that led Gil Miguel to marry at a very young age. [73] While Gil Miguel was growing up, his father had an extra marital affair and he witnessed the pain and anguish his mother had to endure as a result of this infidelity. Though the illness only became manifest when they got married, the circumstances leading to their elopement also reveal that he was suffering from the illness long before their wedding. The impulsiveness in their decision to get married, when Gil Miguel was barely 16 years of age and had not yet finished high school and Ma. Teresa was only 17 years of age, without regard to the consequences of married life, shows that he did not possess the maturity necessary to fulfill his marital obligations. [74]

Noticeably, while Dr. Dayan and Dr. Villegas concluded that both parties are psychologically incapacitated, they only evaluated Gil Miguel and his two sons. [75] While the Court does not require a confirmatory psychological/psychiatric examination to determine an individual's psychological incapacity, this may persuade the opinion of the Court in declaring the presence of psychological incapacity in a declaration of nullity of marriage case. When the persuasiveness of the medical evaluations is weighed, taking into consideration the thoroughness, accuracy, and reliability of the methods adopted to assess Gil Miguel, the Court finds that he established his psychological incapacity through clear and convincing evidence.

Dr. Dayan's medical findings with respect to the psychological incapacity of Gil Miguel is consistent with and supports the findings of Dr. Villegas. Dr. Dayan identified the root cause of his disorder as the dysfunctional family life he grew up in as a result of his father's extra-marital affair. [76] Gil Miguel's disorder was found to be existing at the time of the marriage as shown by the fact that they persisted in getting married despite being too young and not prepared for the responsibilities of family life. Gil Miguel had been so used to getting what he wants even at a young age and even if his family is against it. [77] Therefore, the Court gives credence to Dr. Dayan's medical findings which were corroborated by Dr. Villegas' evaluation that Gil Miguel suffers from Narcissistic Personality Disorder and Partner Relational Problem.

The Court cannot accord weight to the medical findings of Dr. Villegas and Dr. Dayan with respect to the alleged psychological incapacity of Ma. Teresa. Though it is settled that a confirmatory psychological or psychiatric examination to determine an individual's psychological incapacity is not required to establish psychological incapacity as contemplated in Article 36 of the Family Code, the Court finds that the evidence presented by Gil Miguel does not meet the standard of clear and convincing evidence. It must be pointed out that Dr. Villegas and Dr. Dayan did not have an opportunity to personally evaluate Ma. Teresa and merely relied on the information supplied by Gil Miguel and their two sons. These medical findings, when taken together with the testimony of Gil Miguel, hardly satisfies the clear and convincing evidence standard.

Nonetheless, incapacity of one spouse is sufficient to declare the nullity of their marriage. Furthermore, despite being declared as the psychologically incapacitated spouse, Gil Miguel is not barred from initiating an action to declare his marriage to Ma. Teresa null and void. Section 2(a) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages [78] states:

Section 2. Petition for declaration of absolute nullity of void marriages.

(a) Who may file. - A petition for declaration of absolute nullity of void marriage may be filed solely by the husband or the wife. (Emphasis supplied)

The rule does not distinguish who between the spouses may file the petition for declaration of absolute nullity of void marriage. Either party, even the psychologically incapacitated, can file the petition.[79] In view of the foregoing, the Court declares the marriage between the petitioner and the respondent on November 4, 1976 null and void ab initio.

It is also worthy to point out that Ma. Teresa failed to refute the claim of Gil Miguel in his Reply and Answer to Respondent's Claims[80] that:

1. Respondent [Ma. Teresa] has likewise contracted a second marriage in Hongkong and has a child by her second husband;
 2. Respondent is now separated from her second husband and is publicly known to be having a liaison with another man purportedly married;
 3. Respondent is not therefore entitled to spousal support for the reasons above given;
- x x x [81]

Gil Miguel confirmed that Ma. Teresa married one Ramon Anson after their divorce and this Was not disputed.[82] To compel the parties to remain married despite the obvious fact that they have already moved on with their separate lives and now have their respective families will only disrupt these families which are also entitled to protection under the Family Code and the Constitution. To the Court's mind, there is no redeeming value in forcing the parties to continue being married despite the incapacity of Gil Miguel established in this case.

Marriage Settlement

Although Gil Miguel did not raise as an issue in his petition the CA's order directing him to pay child support in arrears and pendente lite for their two children, the Court deems it proper to address this matter in order to finally and completely resolve this case that had been pending for almost three decades now. In her Answer,[83] Ma. Teresa prayed that judgment be rendered:

- 1) Ordering said child and spousal support be made permanent;
- 2) Ordering the petitioner to pay respondent the amount of \$ 57,000.00 plus legal interest, by way of child support due since 1989;
- 3) Ordering the petitioner to reimburse respondent the amount of P5,000,000.00 plus legal interest; and
- 4) Ordering the petitioner to pay the costs of suit.

Other just and equitable reliefs are also prayed for.[84] (Emphasis supplied)

The relevant portion of the Marriage Settlement Agreement[85] entered into by the parties on September 18, 1985 in California states:

x x x x

(ii) Petitioner shall pay to respondent the sum of \$350 per child per month, for a total of \$700 per month, to increase at the rate of ten percent (10%) per year, payable on the first day of each month, commencing forthwith, and continue until each child reaches the age of 18, marries, dies, is otherwise legally emancipated, or further order of the Court, whichever occurs first.

(iii) Each party waives spousal support forever and absolutely from the other. No court shall hereafter have any jurisdiction to create such support on behalf of either party.

(iv) The court hereby confirms to the petitioner as his sole and separate property all his earnings and accumulations acquired since February 1, 1982. The court hereby confirms to respondent as her sole and separate property all her earnings and accumulations acquired since February 1, 1982.[86]

Noticeably, other than the Marriage Settlement Agreement, pleadings submitted by the parties in court, and the testimony of Gil Miguel, no other documentary evidence was presented proving compliance with the stipulations of the agreement such as receipts.[87]

Nevertheless, it was established during trial that beginning May 1993, full custody over the children was given to Gil Miguel and that he had been providing for their needs since then, as revealed in the following exchange:

ATTY. JOVEN: (To witness)

Q

After this divorce decree, Mr. Witness, can you tell us if you were able to continue your child support of \$350.00 dollars per month for each child?

WITNESS:

A

Yes, I did.

Q.

And up to the present you have continued to support your children at \$350.00 dollars per month, per child?

A

At present no.

Q

Can you tell us why you stopped supporting the children at \$350.00 dollars per child?

A

Well at present, the children live with me.

Q

Can you tell us when the children begin (sic) to live with you?

WITNESS:

A

Well, they started to live with me in May of 1993.

x x x x

Q

Can you tell us how much you spent a month for the support of the two children by way of sustenance?

A

Well maybe on their allowances, food, driver and the car, maybe P40,000.00 to P50,000.00 a month.

x x x x

For both of them.

Q

By way of tuition, can you tell us how much do you spent (sic) per annum?

x x x x

A

If I am not mistaken I think I paid P38,000.00 for Gil Carlos and maybe P37,000.00 for Juan Miguel[88]
(Emphasis supplied.)

The Marital Settlement Agreement does not contain any stipulation as regards spousal support to merit an award of spousal support. It was entered into by the parties to ensure that despite their divorce, the basic needs of the children will be provided for. While the child support Gil Miguel provided were not supported with receipts, payment of child support when custody of the children had been turned over to him in May 1993 defeats the essence of the agreement. Accordingly, the Court finds that Ma. Teresa is only entitled to child support from 1989, the year when child support was totally discontinued,[89] to April 30, 1993 in accordance with the Marital Settlement Agreement to be computed as follows:

Period

Monthly Rate with 10% Escalation for the 2 sons (initially US\$350.00/ son/ month)

Month

Amount (US\$)

1989

700

12

8,400

1990

770

12

9,240

1991

847

12

10,164

1992

931.7

12

11,180.40

January to April 1993

1,024.87

4

4,099.48

Total

US\$43,083.88

WHEREFORE, premises considered, the petition is GRANTED. The marriage of petitioner Gil Miguel Wenceslao T. Puyat and respondent Ma. Teresa Jacqueline R. Puyat is declared NULL and VOID. The Decision dated October 30, 2006 and the Resolution dated February 1, 2008 of the Court of Appeals in CA-G.R. CV No. 85884 are hereby REVERSED and SET ASIDE. The marriage between petitioner Gil Miguel Wenceslao T. Puyat and respondent Ma. Teresa Jacqueline R. Puyat on February 24, 1978 is declared NULL and VOID ab initio.

Petitioner Gil Miguel Wenceslao T. Puyat is ORDERED to pay respondent Ma. Teresa Jacqueline R. Puyat child support from 1989 to April 1993 in the amount of US\$43,083.88 or its peso equivalent at the time of payment.

SO ORDERED.

Gesmundo, C.J., Caguioa, Zalameda, and Gaerlan, JJ., concur.

[1]Rollo, pp. 9-27.

[2]Penned by Associate Justice Vicente S.E. Veloso, with the concurrence of Presiding Justice Ruben T. Reyes and Associate Justice Juan Q. Enriquez, Jr.; id. at 32-44.

[3]Penned by Associate Justice Vicente S.E. Veloso with the concurrence of Associate Justices Juan Q. Enriquez, Jr. and Vicente Q. Roxas; id. at 47-49.

- [4]Id. at 94.
- [5]Id. at 95, 110.
- [6]Id. at 110.
- [7]Id. at 96.
- [8]Id. at 97.
- [9]Id. at 111, 124.
- [10]Id. at 98-99.
- [11]Id. at 100-108.
- [12]Id. at 124.
- [13]Id. at 109-112.
- [14]Id. at 111.
- [15]Id. at 122-128.
- [16]Id. at 123-124.
- [17]Id. at 124.
- [18]Id. at 126.
- [19]Id.
- [20]Id. at 130-131.
- [21]Id.
- [22]Id. at 159.
- [23]TSN dated September 24, 2002, p. 5.
- [24]Rollo, pp. 134-135.
- [25]CA rollo, p. 169.
- [26]Penned by Assisting Judge Santiago Javier Ranada; id.
- [27]Id.
- [28]Rollo, pp. 162-167.
- [29]Id. at 167.
- [30]Id. at 166-167.
- [31]Id. at 168-172.
- [32]Id. at 170.
- [33]Id. at 170-171.
- [34]Id. at 176-178.

- [35]Id. at 178-179.
- [36]Penned by Acting Presiding Judge Oscar B. Pimentel; id. at 180.
- [37]Supra note 2.
- [38]Rollo, p. 44.
- [39]Id. at 36.
- [40]Id. at 37-38.
- [41]Id. at 37-38.
- [42]Id. at 39-40.
- [43]Id at 43-44.
- [44]Supra note 3.
- [45]Rollo, pp. 50-66.
- [46]Id. at 21.
- [47]Id. at 22.
- [48]Id.
- [49]Id. at 23.
- [50]Id. at 24.
- [51]Id. at 25-26.
- [52]Id. at 218-220.
- [53]Id.
- [54]Id. at 222-224.
- [55]Id. at 223.
- [56]CONSTITUTION, Article XV, Section 2.
- [57]A.M. No. 02-11-10-SC.
- [58]Rollo, p. 162.
- [59]Id. at 36.
- [60]Id. at 37-38.
- [61]Id.
- [62]662 Phil. 203 (2011).
- [63]Id. at 218.
- [64]Castillo v. Republic, 805 Phil. 209, 219 (2017).
- [65]Id. at 224.

[66]G.R. No. 196359 May 11, 2021.

[67]Id.

[68]Id.

[69]Id.

[70]Rollo, pp. 134-135.

[71]Id. at 159.

[72]Id.; TSN dated September 24, 2002, pp. 7-8.

[73]Id.

[74]TSN dated September 24, 2002, pp. 8-9.

[75]Id. at 5; TSN dated March 14 2001, p. 4.

[76]TSN dated March 14, 2001, p. 5.

[77]Id. at 5-7.

[78]A.M. No. 02-11-10-SC, March, 4, 2003.

[79]Sempio-Diy, Alicia V., Handbook on the Family Code of the Philippines, p. 47.

[80]Rollo, pp. 130-131.

[81]Id. at 130.

[82]TSN dated October, 1996, p. 15.

[83]Rollo, pp. 122-127.

[84]Id. at 127.

[85]Id. at 100-101.

[86]Id.

[87]TSN dated November 29, 2000, p. 3.

[88]TSN dated October 1, 1996, pp. 14-15.

[89]Rollo, p. 126.

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