

CYNTHIA E. YAMBAO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES AND PATRICIO E. YAMBAO, RESPONDENTS.

G.R. No. 184063. January 24, 2011

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-184063/>

NACHURA, J.:

Before this Court is yet another tale of marital woe.

Petitioner Cynthia E. Yambao (petitioner) is assailing the Decision[1] dated April 16, 2008 and the Resolution[2] dated August 4, 2008 of the Court of Appeals (CA) in CA-G.R. CV No. 89262. The CA affirmed the decision[3] of the Regional Trial Court (RTC) of Makati City, which denied petitioner's Petition[4] for the annulment of her marriage to respondent Patricio E. Yambao (respondent) on the ground of psychological incapacity.

Petitioner and respondent were married on December 21, 1968 at the Philamlife Church in Quezon City.[5] On July 11, 2003, after 35 years of marriage, petitioner filed a Petition[6] before the RTC, Makati City, praying that the marriage be declared null and void by reason of respondent's psychological incapacity, pursuant to Article 36 of the Family Code.[7]

In her petition before the RTC, petitioner narrated that, since the beginning, her and respondent's married life had been marred by bickering, quarrels, and recrimination due to the latter's inability to comply with the essential obligations of married life.[8]

Petitioner averred that through all the years of their married life, she was the only one who earned a living and took care of the children. Respondent, she alleged, did nothing but eat and sleep all day, and spend time with friends. When respondent would find a job, he would not be able to stay in it for long. Likewise, respondent went into several business ventures, which all failed. In addition, respondent loved to gamble and would gamble away whatever money would come his way.

Petitioner also claimed that, when their children were babies, respondent did not even help to change their diapers or feed them, even while petitioner was recovering from her caesarean operation, proffering the excuse that he knew nothing about children.[9] Later, respondent became insecure and jealous and would get mad every time he would see petitioner talking to other people, even to her relatives. When respondent started threatening to kill petitioner, she decided to leave the conjugal abode and live separately from him.[10] She then consulted a psychiatrist who concluded that respondent was indeed psychologically incapacitated to comply with the essential marital obligations.[11]

In his Answer, respondent denied that he has refused to work. He claimed that he had been trying to find a decent job, but was always unable to because of his old age and lack of qualifications. He also claimed that he did not stay long in the jobs he had because the same could not support the needs of his family, and yielded benefits that were not commensurate to the efforts he exerted. He had ventured into small businesses but they failed due to various economic crises. Respondent further claimed that he was not, in fact, contented with living with

petitioner's relatives since his every move was being watched with eagle eyes.[12]

Respondent denied that he gambled, positing that since he had no income, he would not have the funds for such activity. He alleged that even without a steady source of income, he still shared in the payment of the amortization of their house in BF Homes, Parañaque City.

As to the care of their children, respondent countered that no fault should be attributed to him because that is the duty of the household help.[13]

Respondent also denied that he threatened to kill petitioner, considering that there was never any evidence that he had ever harmed or inflicted physical injury on petitioner to justify the latter having a nervous breakdown.[14]

He further alleged that he never consulted any psychiatrist, and denied that he was psychologically incapacitated to comply with the essential obligations of marriage.[15]

On February 9, 2007, the RTC rendered a decision[16] dismissing the petition for lack of merit. The RTC held that petitioner's evidence failed to support her argument that respondent was totally unaware of and incapacitated to perform his marital obligations such that the marriage was void from the beginning. The court said that, even as petitioner claimed to be unhappy in the marriage, it is incontrovertible that the union lasted for over thirty years and the parties were able to raise three children into adulthood without suffering any major parenting problems. The court also noted that respondent was faithful to petitioner and never physically abused her. Likewise, when the parties lived with petitioner's parents, respondent got along well enough with her family.[17]

The RTC recognized that respondent did indeed have many faults, such as his indolence and utter irresponsibility. However, the RTC said, respondent's failure to find decent work was due to his not having obtained a college degree and his lack of other qualifications. Likewise, respondent's failure in business could not be entirely attributed to him, since petitioner was a business partner in some of these ventures.[18]

The RTC also rejected the supposed negative effect of respondent's Dependent Personality Disorder. The RTC said that, although the evidence tended to show that respondent would unduly rely upon petitioner to earn a living for the family, there was no evidence to show that the latter resented such imposition or suffered with the additional financial burdens passed to her by her husband. On the contrary, the RTC averred that, despite a supposedly horrible married life, petitioner was able to rise in the ranks in her company and buy properties with hardly any help from respondent.[19]

The RTC concluded that while respondent might have been deficient in providing financial support, his presence, companionship, and love allowed petitioner to accomplish many things. Thus, respondent could be relied on for love, fidelity, and moral support, which are obligations expected of a spouse under Article 68 of the Family Code.[20]

Lastly, the RTC rejected petitioner's claim that she suffered through respondent's overbearing jealousy. It found that respondent only became jealous when he thought that petitioner was cheating on him. The RTC determined that jealousy was not a character trait that contributed to respondent's psychological dysfunction; much less did it amount to psychological or mental torture on petitioner.[21] Thus, the RTC concluded that the parties might have indeed entered into a bad marriage, but this did not in itself prove that the marriage did not exist, given the 30 years they remained together through the various ups and downs of their volatile relationship.[22]

Petitioner's motion for reconsideration was denied on May 21, 2007.[23] Petitioner subsequently filed a Notice of Appeal,[24] which was given due course by the RTC in an Order dated June 8, 2007.[25] She then appealed to the CA.

In a Decision[26] dated April 16, 2008, the CA affirmed the RTC's decision. The CA held that petitioner failed to show that respondent was psychologically incapacitated to comply with the essential obligations of marriage. It pointed out that respondent exerted efforts to find a source of income to support his family. However, his failure to find a suitable job and the failure of his business ventures were not mental but physical defects and, hence, could not be considered "psychological incapacity" as contemplated under the law.

The CA also found that petitioner's claims that she lived in misery during the marriage and that respondent failed to keep his promises to her were not duly established. The CA held that the fact that the parties lived together for 35 years and raised three children well, and the fact that respondent never physically abused petitioner belied the former's psychological incapacity. The CA also held that respondent's refusal to care for the children was not psychological incapacity but "merely constituted refusal to perform the task," which is not equivalent to an incapacity or inability.[27]

The appellate court also rejected petitioner's allegation of respondent's unbearable jealousy. It said that the same must be shown as a manifestation of a disordered personality which would make respondent completely unable to discharge the essential obligations of the marital state.[28] The CA averred that a jealous attitude simply evinced respondent's love for his wife, whom he could not bear to lose to another man. Meanwhile, the CA construed the purported threats to kill petitioner as "emotional immaturity" and not psychological incapacity.[29]

Lastly, the CA found the report of expert witness Dr. Edgardo Juan Tolentino (Dr. Tolentino) to be unsupported by sufficient evidence since the findings therein were not corroborated by any other witness. Moreover, the CA said, neither the report nor petitioner's testimony established that respondent's psychological condition was grave enough to bring about the inability of the latter to assume the essential obligations of marriage, so that the same was medically permanent or incurable.[30]

Petitioner's subsequent motion for reconsideration was denied in a resolution dated August 4, 2008.[31]

Petitioner is now before this Court in a last ditch effort to gain freedom from her marriage to respondent. In her petition for review, petitioner submits the following assignment of errors:

I

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT PETITIONER FAILED TO SHOW THAT RESPONDENT WAS PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE

II

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT RESPONDENT WAS MERELY REFUSING TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE AND NOT DOWNRIGHT INCAPACITATED OR UNABLE

III

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THE RESPONDENT'S UNBEARABLE JEALOUSY CANNOT BE CONSIDERED A CHARACTER TRAIT CONTRIBUTING TO PSYCHOLOGICAL INCAPACITY

IV

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THERE WAS NO SUFFICIENT EVIDENCE TO ESTABLISH THAT THE PSYCHOLOGICAL CONDITION OF RESPONDENT WAS GRAVE ENOUGH, INCURABLE AND HAD NO ANTECEDENCE (sic)[32]

Petitioner argues that respondent's Dependent Personality Disorder was sufficiently established by her testimony and that of her sister, which testimonies were both credible considering that they have personal knowledge of the circumstances prior to and during the parties' marriage. On the other hand, respondent's evidence consisted merely of his sole testimony, which were self-serving and full of inconsistencies.[33] Petitioner points out that what the CA characterized as respondent's "efforts" in finding jobs were merely the result of short-lived bursts of industry, failing to note that the jobs were few and very far between.[34] The rest of the time, respondent did nothing but eat, sleep, and party with his friends.[35] Petitioner also alleges that respondent was given the opportunity to finish his studies, first by his parents, and then by petitioner herself, but he never took up these offers.[36]

Petitioner also highlighted respondent's failure to earn his keep, participate in household chores, or take care of their children. She argues that respondent had the obligation to help and contribute to all the needs of the family, whether the same be in the form of material or physical support.[37]

Petitioner also refutes the CA's conclusion that respondent was merely refusing to attend to his family's needs. She insists that respondent's inability is due to a psychological affliction, i.e., Dependent Personality Disorder, as attested to by the expert witness she presented during trial.[38] Part of this same disorder, according to petitioner, is respondent's jealous tendencies, which the CA belittled and attributed to emotional immaturity.[39]

Finally, petitioner argues against the CA's finding that respondent's laziness and dependence could not be characterized as inability but just plain refusal. Petitioner contends that she has complied with the guidelines laid down by the Court in *Republic v. Court of Appeals and Molina*. She further contends that the framers of the Family Code never intended to give such a suppressed definition of psychological incapacity, and, in fact, declared that a restrictive definition would limit the applicability of the provision.[40] Moreover, she asserts that she has proven that respondent's unbearable jealousy and Dependent Personality Disorder manifested themselves even before the marriage of the parties, although not in the same degree as when they were already married.[41]

The petition has no merit and, perforce, must be denied.

Article 36 of the Family Code states:

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.

Preliminarily, the Court reiterates its recent pronouncement that each case for declaration of nullity under the foregoing provision must be judged, not on the basis of a priori assumptions, predilections, or generalizations, but according to its own facts. And, to repeat for emphasis, courts should interpret the provision on a case-to-case basis, guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.[42] Judicial understanding of psychological incapacity may be informed by evolving standards, taking into account the particulars of each case, current trends in psychological and even canonical thought, and experience.[43]

While the Court has not abandoned the standard set in *Molina*,[44] the Court has reiterated the tenet that the factual milieu of each case must be treated as distinct and, as such, each case must be decided based on its own set of facts.

In *Santos v. Court of Appeals*,[45] the Court held that psychological incapacity must be characterized by (a) gravity (b) juridical antecedence, and (c) incurability. These guidelines do not require that a physician examine the person to be declared psychologically incapacitated. In fact, the root cause may be "medically or clinically identified." [46] What is important is the presence of evidence that can adequately establish the party's

psychological condition. If the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.[47]

Hence, the issue in this case can be summed up, thus: Does the totality of petitioner's evidence establish respondent's psychological incapacity to perform the essential obligations of marriage?

The Court holds that it does not.

The intendment of the law has been to confine the application of Article 36 to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.[48] Thus, for a marriage to be annulled under Article 36 of the Family Code, the psychologically incapacitated spouse must be shown to suffer no less than a mental (not physical) incapacity that causes him or her to be truly incognitive of the basic marital covenants.[49] It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.[50]

In this case, there is no showing that respondent was suffering from a psychological condition so severe that he was unaware of his obligations to his wife and family. On the contrary, respondent's efforts, though few and far between they may be, showed an understanding of his duty to provide for his family, albeit he did not meet with much success. Whether his failure was brought about by his own indolence or irresponsibility, or by some other external factors, is not relevant. What is clear is that respondent, in showing an awareness to provide for his family, even with his many failings, does not suffer from psychological incapacity.

Article 36 contemplates incapacity or inability to take cognizance of and to assume basic marital obligations and not merely difficulty, refusal, or neglect in the performance of marital obligations or ill will.[51] This incapacity consists of the following: (a) a true inability to commit oneself to the essentials of marriage; (b) this inability to commit oneself must refer to the essential obligations of marriage: the conjugal act, the community of life and love, the rendering of mutual help, the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality.[52] It is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he must be shown to be incapable of doing so due to some psychological illness.[53]

That respondent, according to petitioner, "lack[ed] effective sense of rational judgment and responsibility"[54] does not mean he is incapable to meet his marital obligations. His refusal to help care for the children, his neglect for his business ventures, and his alleged unbearable jealousy may indicate some emotional turmoil or mental difficulty, but none have been shown to amount to a psychological abnormality.

Moreover, even assuming that respondent's faults amount to psychological incapacity, it has not been established that the same existed at the time of the celebration of the marriage.

In his psychological report,[55] Dr. Tolentino merely said, "[b]ecause one's personality or character is formed early in life, it has a clear ANTECEDENT and it has an enduring pattern of inner experience that deviates from the expectations of the individual's culture,"[56] without explaining this antecedent. Even petitioner, in her allegations, never explained how the alleged psychological incapacity manifested itself prior to or at the time of the celebration of their marriage.

Likewise militating against petitioner's cause is the finding of the trial court, and the same was affirmed by the CA, that respondent never committed infidelity or physically abused petitioner or their children. In fact, considering that the children lived with both parents, it is safe to assume that both made an impact in the children's upbringing. And still, as found by the RTC and the CA, the parties were able to raise three children into adulthood "without any major parenting problems." [57] Such fact could hardly support a proposition that the

parties' marriage is a nullity.

Respondent may not have turned out to be the ideal husband, or may have failed to meet petitioner's exacting standards. Yet this Court finds it impossible to believe that, as petitioner alleges, there was nothing but heartache and strife in their over 35 years (prior to filing the petition for declaration of nullity) of marriage.

To be sure, respondent, perhaps with a little more effort on his part, could have been more helpful and could have made life that much easier for his wife. The fact that he did not, however, does not mean that he is psychologically incapacitated to discharge his marital obligations, as to give the Court a reason to declare the marriage null and void.

Certainly, the marriage was beset by difficulties, or as petitioner puts it, "marred by bickerings, quarrels, and recrimination." It is a fact, however, that all marriages suffer through the same trials at one point or another, with some going through more rough patches than others. The Court concedes that petitioner and respondent's marriage, as characterized by the former, may indeed be problematic, even tumultuous. However, that they had gone through 35 years together as husband and wife is an indication that the parties can, should they choose to do so, work through their problems.

WHEREFORE, the foregoing premises considered, the petition is DENIED. The Decision dated April 16, 2008 and the Resolution dated August 4, 2008 of the Court of Appeals in CA-G.R. CV No. 89262 are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Estela M. Perlas-Bernabe, with Associate Justices Portia Aliño-Hormachuelos and Rosmari D. Carandang, concurring; rollo, pp. 99-106.

[2] Id. at 117.

[3] CA rollo, pp. 26-42.

[4] Rollo, pp. 32-35.

[5] Records (Vol. 1), p. 1.

[6] Id. at 1-3.

[7] Id. at 3.

[8] Id. at 1.

[9] Id. at 2.

[10] Id.

[11] Id. at 3.

[12] Id. at 11-12.

[13] Id. at 12.

[14] Id.

[15] Id. at 13.

[16] Penned by Judge Marissa Macaraig-Guillen; rollo, pp. 41-57.

[17] Id. at 55.

[18] Id.

[19] Id. at 56.

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

[21] Rollo, p. 56.

[22] Id. at 57.

[23] Records (Vol. 1), p. 236.

[24] Id. at 237.

[25] Id. at 241.

[26] Supra note 1.

[27] Id. at 104.

[28] Id.

[29] Id. at 105.

[30] Id.

[31] Supra note 2.

[32] Rollo, pp. 15-16.

[33] Id. at 16-17.

[34] Id. at 17.

[35] Id. at 18.

[36] Id.

[37] Id.

[38] Id. at 20.

[39] Id. at 20-22.

[40] Id. at 26.

[41] Id. at 27.

[42] *Ngo Te v. Yu-Te*, G.R. No. 161793, February 13, 2009, 579 SCRA 193, 228.

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

[44] *Ting v. Velez-Ting*, G.R. No. 166562, March 31, 2009, 582 SCRA 694, 708.

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

[46] Id. at 33.

[47] So v. Valera, G.R. No. 150677, June 5, 2009, 588 SCRA 319, 334; Marcos v. Marcos, 397 Phil. 840, 850 (2000).

[48] Ting v. Velez-Ting, supra note 43, at 711; Dedel v. Court of Appeals, 466 Phil. 226, 232 (2004).

[49] Santos v. Court of Appeals, supra note 44, at 34; Hernandez v. Court of Appeals, 377 Phil. 919, 930 (1999).

[50] Marcos v. Marcos, supra note 46, at 851.

[51] Padilla-Rumbaua v. Rumbaua, G.R. No. 166738, August 14, 2009, 596 SCRA 157, 179, citing Navales v. Navales, G.R. No. 167523, June 27, 2008, 556 SCRA 272, 288.

[52] Santos v. Court of Appeals, supra note 44, at 33.

[53] Padilla-Rumbaua v. Rumbaua, supra note 50, at 188.

[54] Rollo, p. 32.

[55] Records (Vol. 1), pp. 28-32.

[56] Id. at 32.

[57] CA rollo, p. 40.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.