

YOLANDA E. GARLET, PETITIONER, VS. VENCIDOR T. GARLET, RESPONDENT.

G.R. No. 193544. August 02, 2017

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Petitioner Yolanda E. Garlet assails in this Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court the: (1) Decision[1] dated June 21, 2010 of the Court of Appeals in CA-G.R. CV No. 89142, which reversed and set aside the Decision[2] dated November 27, 2006 of the Regional Trial Court (RTC), Branch 159, Pasig City in JDRC Case No. 6796; and (2) Resolution[3] dated August 24, 2010 of the appellate court in the same case, which denied petitioner's Motion for Reconsideration.

The factual antecedents of the case are as follows:

Petitioner and respondent Vencidor T. Garlet met each other sometime in 1988. They became intimately involved and as a result, petitioner became pregnant. Petitioner gave birth to their son, Michael Vincent Garlet (Michael), out of wedlock on November 9, 1989. Petitioner and respondent eventually got married on March 4, 1994. Their union was blessed with a second child, Michelle Mae Garlet (Michelle), on January 23, 1997. However, petitioner and respondent started experiencing marital problems. After seven years of marriage, petitioner and respondent separated in 2001. Petitioner now has custody over their two children.

On May 6, 2005, petitioner filed a Petition[4] for Declaration of Nullity of Marriage on the ground of respondent's psychological incapacity to fulfill his essential marital obligations to petitioner and their children. The Petition was docketed as JDRC Case No. 6796. On June 30, 2005, respondent filed his Answer[5] to the Petition.

At the pre-trial, the parties admitted the following facts:

- The petitioner and respondent contracted marriage on [March[6]] 4, 1994;
- The parties' first son was named Michael Vincent Garlet and was born on November 9, 1989;
- The petitioner gave birth to another child named Michelle Mae Garlet on January 23, 1997;
- The respondent is aware that the petitioner is working in Japan as an entertainer;
- There is no ante-nuptial agreement prior to the celebration of the marriage;
- There is no separation of properties during the marriage;
- The petitioner has the custody and the one supporting the children from the time the respondent lost communication with the children as he does not exert effort to see them;
- The petitioner admitted that the parties acquired several properties during cohabitation with qualification that the same was bought out of the efforts and finances of the petitioner; and

- The petitioner likewise admitted that the respondent was not subjected to psychological examination by the psychologist sought by the petitioner with qualification that respondent was given several opportunities to attend the psychological evaluation but failed to do so.[7]

Thereafter, trial ensued.

Testifying for petitioner were petitioner herself; Marites Ereve (Marites), petitioner's sister who served as the children's nanny from 1993 to 2001; and Ms. Nimia Hermilia C. De Guzman (De Guzman), the clinical psychologist.

Petitioner and respondent were introduced to each other by a common friend in 1988. Respondent courted petitioner and they became close. One day, after partying and drinking liquor with some friends, petitioner and respondent lost their inhibitions and indulged in sexual intercourse. Petitioner became pregnant as a result. Respondent doubted if he fathered the unborn child and refused to support petitioner. Respondent urged petitioner to have an abortion, to which she did not agree. During petitioner's pregnancy, respondent did not visit her nor did he give any financial assistance. After giving birth to Michael, respondent visited petitioner only once.[8]

In order to support Michael, petitioner left for Japan to work for six months as a cultural dancer. Petitioner temporarily entrusted Michael's care and custody to her mother and siblings in Bicol. Upon returning to the Philippines, petitioner took Michael back to live in Manila. Petitioner also brought Marites with them to Manila to serve as the nanny.[9] Respondent visited petitioner and Michael several times but respondent still did not offer petitioner any monetary help as he was jobless.[10]

From 1990 to 1994, petitioner returned to Japan several more times to work, but she maintained her relationship with respondent for the sake of their son. Sometime in 1992, petitioner instructed respondent to scout for a real property on which she may invest her money. With the money petitioner remitted, respondent purchased a 210-square meter lot in Morong, Rizal (Morong property),[11] but registered the Transfer Certificate of Title (TCT) No. M-38509[12] covering said property in his name. Despite petitioner's pleas, respondent refused to transfer the certificate of title to the Morong property in petitioner's name.[13] Later on, respondent, without petitioner's consent, sold a 69-square meter portion of the Morong property to spouses Avelino Garlet (Avelino) and Cipriana A. Garlet, respondent's brother and sister-in-law, respectively, who secured TCT No. M-56993 for said portion in their names.[14] Respondent also mortgaged the Morong property to his sister-in-law's friend, which forced petitioner to redeem it for P50,000.00.[15]

Petitioner bought another parcel of land in Pila, Laguna on March 3, 1994 (Pila property).[16] Respondent insisted on including his name as one of the buyers in the deed of sale for the Pila property even though he was jobless and had no money to contribute for the purchase of said property.[17]

It was also in 1992 that petitioner and respondent started living together on the Morong property. They often quarreled but respondent stayed with petitioner because she was the breadwinner of the family. Respondent later asked petitioner to marry him. Thinking it was for the best interest of their son, petitioner agreed and she married respondent on March 4, 1994.[18]

After their wedding, respondent turned into a "selfish, greedy, irresponsible, philandering and physically abusive husband." From 1994 to 1997, their family relied on petitioner's savings for their needs. Petitioner purchased a jeepney to augment their family's finances but respondent did not ply the jeepney.[19]

Petitioner hoped and asked respondent to change his ways. But even after the birth of their daughter, Michelle, respondent never bothered to look for a stable job. Worse, respondent maintained his vices of gambling, drinking, and womanizing.[20] Respondent neglected Michael and Michelle, and relied on Marites to take care of the

children.[21]

In 1998, petitioner was forced to work in Japan again as all her savings had been exhausted. Petitioner was able to save enough money to invest in a mini-grocery store. Petitioner placed respondent in charge of the store but the store suffered losses, which respondent could not account. Petitioner infused additional capital into the store but it still ultimately closed.[22]

Upon returning to the Philippines in 2000, petitioner felt devastated upon learning that respondent had squandered her hard-earned money, pawned her jewelry, and incurred debts in her name.[23] Petitioner also discovered the incident when respondent allowed a "male friend" to sleep in the master's bedroom. According to petitioner, this was highly unusual as they never previously allowed anyone to sleep at their house.[24]

Additionally, every time petitioner came home and brought presents for her parents and siblings, respondent got angry and demanded from petitioner all her earnings.[25]

Petitioner and respondent were fighting constantly. Sometime in 2001, they had a serious altercation during which, respondent strangled petitioner. Fortunately, a third person intervened and saved petitioner.[26]

Petitioner and respondent tried to settle their marital issues before the barangay. There, respondent admitted taking petitioner's money and jewelry because he had no means to support himself and the family. Realizing that there was no more love and respect between them and that respondent was just using her, petitioner finally separated from respondent.[27] Petitioner and respondent executed on September 10, 2001 before the barangay a Kasunduang Pag-aayos[28] wherein they agreed that respondent would leave the house in exchange for the jeepney, tricycle, and P300,000.00; and that respondent would have visitation rights, i.e., twice a week, over their children. Since the separation, petitioner had been solely supporting their children with the income from her businesses in Bicol, Bulacan, and Pasig.

Petitioner filed an application for support, alleging that she had been spending approximately P15,000.00 a month for the two children, and paying the children's tuition fees in the following amounts[29]:

Michael

Michelle

Grade 6

P 18,118.10

Nursery

P 18,280.00

1[st] year high school

20,366.00

Grade 1

21,741.00

2[nd] year high school

24,241.00

Grade 2

15,050.00

3rd year high school

26,996.00

Grade 3

17,704.00

4th year high school

29,676.00

In addition, petitioner had expended around P15,000.00 for the children's medical and dental needs and about P100,000.00 for the children's clothing needs since 2001. As the children would be starting school again, Michael would need P15,000.00 for his tuition fee for the first semester in college, plus P20,000.00 for his monthly allowance, books, supplies, and other miscellaneous expenses; while Michelle would need P30,000.00 for her annual tuition fee, as well as P15,000.00 for food allowance, school supplies, tutorials, clothing, and other miscellaneous expenses.[30]

Considering the children's foregoing expenses, petitioner asserted that her demand for respondent to pay P20,000.00 per month, or P10,000.00 a month for each child, was just and reasonable.[31]

Clinical psychologist, Ms. De Guzman, reported that she interviewed petitioner and gathered information from the couple's relatives and neighbors.[32] Ms. De Guzman's attempts to talk to respondent at his house were unsuccessful. Ms. De Guzman, however, explained that her failure to personally interview respondent would not affect her findings, saying that "what is being tapped in the psychological assessment is the unconscious level, more or less. And what is represented or uncovered in the unconscious level would be correlated to the manifested behavior. Having observed the respondent since the time that I have been appearing in this case, there are some aspects or some attitudes and behaviors that correlated with the descriptions of those people whom I interviewed." [33]

In her report entitled "Psychological Capacity of Petitioner Yolanda Ereve Garlet"[34] (Psychological Report), Ms. De Guzman cleared petitioner of any psychological disorder, saying that petitioner has the capacity to understand and comply with her marital obligations. In contrast, Ms. De Guzman found respondent to be suffering from a narcissistic type of personality disorder. Quoted below are Ms. De Guzman's test results and her evaluation of both petitioner and respondent:

Petitioner is endowed with an average intellectual capacity and possesses practical sounding cognitive skills that enables her to confront her challenges in an efficient manner. However, her better judgment and analytical functions are inclined to falter when pressures and stresses overwhelm her.

Personality profile reveals a woman who is overly submissive to the point of being gullible such that she normally gets the raw end of a deal in most social situations. As much as possible, she would want a smooth sailing interaction especially with her loved ones, trying to compensate for lost time when she is not around them.

She is however, the type who knows and honors her commitments and obligations even if the people she trusts, as in the case of her wayward husband – Respondent have already betrayed her.

She is basically goal-focused and independent-minded but these mature and positive traits easily dwindle when

her sentimental nature gets the better of her. She welcomes praises and attention accorded to her by her milieu such that she sometimes fail to decipher who among them are merely taking advantage of her generosity/kindness. Consequently, she easily gets fooled, particularly as she could really be too trusting.

Assertiveness and strength of character are the least among her traits but Petitioner always makes it a point to maintain a positive outlook and disposition in life despite her failures. She is very sensitive and considerate of the feelings of other people.

Pyschosexual adjustment is basically adequate even if she has developed a wary attitude towards members of the opposite sex.

Over-all analysis of the test data failed to yield traces of any on-going psychopathological condition nor of any type of personality disorder. Thus, Petitioner is still Psychologically Capacitated to understand, comply and execute her marital obligations.

The same could not be said as true for the Respondent who is undoubtedly suffering from the Narcissistic Type of Personality Disorder, as evidenced by the following symptomatic behavior:

- He is unable to maintain his own direction in life without the financial help and support of other people. He clings to the Petitioner, who is the breadwinner, sacrificing to be away from home to be able to build up a stable future, for his finances. He also maintains an amorous relationship with different women as a source of added emotional support, boost of and satisfaction of his self-directed/immediate needs and desires.
- He is not motivated to work and likewise capitalizes on his physical assets to attain what he wants to achieve.
- He is contented with his present lifestyle without thought of others and has no foresight to prepare for a healthy family, emotionally and socially. He is not bothered by his conscience and even flaunts his indiscretions publicly.
- He has marked adjustment difficulties with his immediate relatives.
- He has a very poor impulse control, easily using invectives/verbal tirades and at times unable to control his aggressions that physical fights with Petitioner arose.
- He took advantage of Petitioner's kindness, resourcefulness and industry, by not fulfilling his part of the marriage covenant. He never cared nor attended to his children but often delegated them to whoever would be willing to assist him.
- He appears not to make use of his judgment and decision making abilities as he is under the mercy of his immature impulses where the important aspect of his life, is himself and immediate gratification of his needs.

Thus, attending to his responsibility, understanding and complying with his obligations in marriage are beyond his capacity. Conclusively, the breakdown of their marriage could be traced to Respondent's aforementioned traits plus his inadequacy and insecurity in dealing with mature roles. Respondent's traits and attitudes have been present even before marriage so that to effect any change or improvement in his dispositions, would be difficult to do. The Psychological Incapacitation is pervasive, permanent and clinically proven to be incurable. Respondent has accepted it as his means of coping with stressing life demands and is not aware that it was the source of their estrangement and final breakdown of their marital relationship.

The root cause of which started in his early days of training where ambivalent/matter-of-fact treatment was received from immediate caregivers. Because of his ordinal position among the children, being the youngest boy, he was always given the choice of what to do, favored or praised. He was not able to overcome such indulgence, carried it to his adolescent/adult years, as he was always given the most attention.

Contrarily, they were also somehow neglected because of financial lack so much so that parents had to work overtime to earn adequately for their living. Respondent together with his younger siblings were left to the care of elder brothers/sisters who just simply/literally followed what their parents would want of them. Guidance and discipline were imposed upon the elder siblings but became oblivious towards the Respondent. It developed in Respondent on how he would go about his life without experiencing the deprivation and hardship that he had undergone. He became self-focused and at the same time hunted for women vulnerable to his superficialities.

Thus, they are better off apart for the sake of everyone who are within their bounds of reach" for Respondent does not realize the pain he is causing towards other people, specifically his legal wife – the Petitioner as well as their children.

It is therefore recommended that their marriage covenant be dissolved for everyone's peace of mind, through due process in this Honorable Court.[35]

Respondent testified on his own behalf. However, in an Order[36] dated September 14, 2006, the RTC declared respondent's direct testimony stricken off the record because of respondent's failure to appear for his cross-examination. After petitioner submitted her Memorandum,[37] the case was deemed submitted for decision.[38]

In its Decision dated November 27, 2006, the RTC gave weight to Ms. De Guzman's conclusion that respondent was suffering from a Narcissistic Personality Disorder and ruled that:

Based on the evidence submitted, the parties never shared a true married life.

After a careful evaluation of the records, this Court finds the petition to be impressed with merit. The respondent is described as suffering from narcissistic personality disorder found to be permanent, severe, serious, and incurable, rendering him as psychologically incapacitated to perform the marital obligations.

Respondent neglected his obligations as a husband and father to their children. Even prior to the marriage, the respondent manifested his psychological incapacity. He suspected the paternity of his son with the petitioner and even turned his back upon learning it. He has visited only on the day of giving birth by the petitioner of their son. He never cared for his son and would only visit him once in a while. He never worked to support his son. In fact, the respondent was financially dependent on the petitioner even before the marriage. He defrauded the petitioner by registering all the properties bought by the petitioner from the latter's exclusive income under his name declaring themselves as married. Worst, he sold a portion of the property in Morong without the knowledge of the petitioner.

During the marriage, the respondent's laziness became manifest. He focused on his self and does not care who gets hurt for as long as it satisfies him. He gambles and drinks at the expense of the petitioner. He was given the chance to earn for himself and for the family and still, he did not handle it well and instead continued with his vices.

The respondent disregarded his obligations to spend quality time with the petitioner and especially with their children. He even committed infidelities.

All deeds and actions of the respondent are clear demonstrations of an utter insensitivity or inability to give meaning and significance to the marriage.

By reason of the respondent's immaturity and irresponsibility stemming from his NARCISSISTIC PERSONALITY DISORDER, he was unable to fulfill his duties and responsibilities towards his wife and children, thus constituting psychological incapacity.

The psychological report shows that respondent's psychological incapacity is characterized by juridical

antecedence as it was found to have existed even prior to the time he contracted marriage with petitioner. Respondent's personality disorder, the root cause of which can be traced in his childhood years was found to be pervasive and permanent. Being the youngest boy, Respondent was always favored and praised but was not properly guided and disciplined by his parents as the latter were pre-occupied with improving their finances.

It also speaks of gravity because respondent is incapable of rendering marital obligations like commitment, fidelity, trust, support and love toward the petitioner and their children which are very vital in a marital relationship. In fact, Ms. De Guzman stated in her report that attending to his responsibilities, understanding and complying with his obligations in marriage are beyond respondent's capacity.

It is incurable because the psychological incapacity of the respondent is deeply rooted, it is already in his character. No amount of therapy, no matter how intensive, can possibly change the respondent insofar as incapability to perform his essential marital obligations with the petitioner and to his children are concerned. Respondent has already accepted such incapacity as his means of coping with stressing life demands.[39]

The RTC further held that all of the properties which were acquired during the marriage were bought with petitioner's exclusive funds, thus, negating the presumption of equality of shares between the parties in a void marriage under Article 147 of the Family Code. The RTC awarded the custody of the children to petitioner, but granted weekly visitation rights to respondent and ordered respondent to give support to the children.

In the end, the RTC adjudged:

WHEREFORE, judgment is hereby rendered declaring the marriage between YOLANDA EREVE GARLET and VENCIDOR TAEP GARLET held at the Office of the Mayor, Morong, Rizal on March 4, 1994, as NULL AND VOID AB INITIO on [the] ground of psychological incapacity of the respondent to perform the essential marital obligations in accordance with Article 36 of the Family Code, with all the legal effects thereon.

The property relation between the petitioner and respondent under Article 147 of the Family Code is deemed DISSOLVED. The real properties acquired prior to marriage and cohabitation is hereby declared exclusive properties of the petitioner particularly the real property covered by Transfer Certificate [of Title] No. M-38509 of the Registry of Deeds of Rizal; and the tricycle and jeepney covered by Certificate of Registration Nos. 13175616 and 27224267, respectively.

The parties are directed to submit list of properties for liquidation, partition and distribution; and the delivery of presumptive legitime of their common children with notice to their creditors upon finality of this decision.

The custody of the children, namely: 1) Michael Vincent E. Garlet; and 2) Michelle Mae E. Garlet is hereby awarded to the petitioner subject to visitatorial right of the respondent once a week at the most convenient time of the said children. The respondent is hereby adjudged to give support to the children in the amount of P3,000.00 a month each to be deposited every 5[th] day of the month in their respective bank accounts under trust of the petitioner; and he is hereby directed to provide at least one-half of the cost of their education.

The petitioner shall revert to the use of her maiden name.

The Local Civil Registrars of Morong, Rizal, and Pasig [City] are directed to cause the entry of the foregoing judgment in the Book of Marriages upon issuance thereof.

A decree of declaration of nullity of marriage shall be issued upon compliance with the foregoing judgment.[40]

The RTC denied respondent's Motion for Reconsideration in its Order dated February 26, 2007.

Respondent's appeal before the Court of Appeals was docketed as CA-G.R. CV No. 89142. The Court of Appeals, in its Decision dated June 21, 2010, reversed the RTC judgment, reasoning as follows:

[W]e scrutinized the totality of evidence adduced by Yolanda and found that the same was not enough to sustain a finding that Vencidor was psychologically incapacitated.

In essence, Yolanda wanted to equate Vencidor's addiction to alcohol, chronic gambling, womanizing, refusal to find a job and his inability to take care of their children as akin to psychological incapacity. At best, Yolanda's allegations showed that Vencidor was irresponsible, insensitive, or emotionally immature. The incidents cited by Yolanda did not show that Vencidor suffered from a psychological malady so grave and permanent as to deprive him of awareness of the duties and responsibilities of the matrimonial bond.

Yolanda's portrayal of Vencidor as jobless and irresponsible is not enough. It is not enough to prove that the parties failed to meet their responsibilities and duties as married persons; it is essential that they must be shown to be incapable of doing so, due to some psychological illness. Indeed, irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage and not due to some psychological illness that is contemplated by this rule. What the law requires to render a marriage void on the ground of psychological incapacity is downright incapacity, not refusal or neglect or difficulty, much less ill will.

In ruling for Yolanda, the trial court gave credence to the psychological report prepared by Ms. De Guzman. x x x

While it is true that courts rely heavily on psychological experts for its understanding of human personality, still the root cause of the psychological incapacity must be identified as a psychological illness, its incapacitating nature fully explained, and said incapacity established by the totality of the evidence presented during trial. Likewise, although there is no requirement that a party to be declared psychologically incapacitated should be personally examined by a physician or a psychologist (as a condition sine qua non), there is nevertheless still a need to prove the psychological incapacity through independent evidence adduced by the person alleging said disorder.

In the instant case, the root cause of the alleged psychological incapacity, its incapacitating nature and the incapacity itself were not sufficiently explained. What can be perused from the psychological report prepared by Ms. De Guzman is that it only offered a general evaluation on the supposed root cause of Vencidor's personality disorder. The report failed to exhaustively explain the relation between being a pampered youngest son and suffering from a psychological malady so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond.

The psychological report failed to reveal that the personality traits of Vencidor were grave or serious enough to bring about an incapacity to assume the essential obligations of marriage. Ms. De Guzman merely stated in the said report that it is beyond the capacity of Vencidor to attend to his responsibility and understand and comply with his marital obligations. Such statement is a mere general conclusion which, unfortunately, is unsubstantiated. We cannot see how Vencidor's supposed personality disorder would render him unaware of the essential marital obligations or to be incognitive of the basic marital covenants that concomitantly must be assumed and discharged by him.

Also, we cannot help but note that Ms. De Guzman's conclusions about Vencidor's psychological incapacity were primarily based on the informations fed to her by Yolanda whose bias for her cause cannot be doubted. Moreover, Ms. De Guzman testified that the informations that she obtained from Yolanda were the result of one-hour interview with Yolanda and initial testing given at intervals.

While this circumstance alone does not disqualify the psychologist for reasons of bias, her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards. Ms. De Guzman only examined Vencidor from a third-party account. To make conclusions on x x x Vencidor's psychological condition based on the information fed by Yolanda, during a one-hour interview, is not different from

admitting hearsay evidence as proof of the truthfulness of the content of such evidence.

It remains settled that the State has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life and its mission to protect and strengthen the family as a basic autonomous social institution. Hence, any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. Presumption is always in favor of the validity of marriage. *Semper praesumitur pro matrimonio*.^[41]

The dispositive portion of the foregoing Court of Appeals Decision reads:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby GRANTED. Accordingly, the assailed Decision dated November 27, 2006 and the Order dated February 26, 2007 are hereby REVERSED and SET ASIDE. The marriage between herein parties is hereby declared as still subsisting and valid.^[42]

Petitioner received a copy of the Decision of the appellate court on June 28, 2010. Petitioner filed a motion^[43] seeking an extension of twenty days, or until August 2, 2010, within which to file a motion for reconsideration. Petitioner filed her Motion for Reconsideration on August 2, 2010. However, the Court of Appeals issued a Resolution^[44] on August 24, 2010 denying petitioner's Motion for Reconsideration for being filed out of time, citing the ruling in *Habaluyas Enterprises, Inc. v. Japzon*^[45] that the filing of the motion for extension of time does not toll the fifteen-day period for filing a motion for reconsideration.

Petitioner seeks redress from this Court through the instant Petition, grounded on the following assignment of errors:

I

THE COURT OF APPEALS ERRED AND GRAVELY ABUSED ITS DISCRETION IN REVERSING THE DECISION OF THE TRIAL COURT AND DECLARING THAT THE MARRIAGE BETWEEN YOLANDA GARLET AND VENCIDOR GARLET TO BE SUBSISTING. THE COURT OF APPEALS MISINTERPRETED AND MISAPPRECIATED THE APPLICABLE LAW AND JURISPRUDENCE OF THE CASE.

II

THE COURT OF APPEALS ERRED AND GRAVELY ABUSED ITS DISCRETION IN DENYING THE MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION AND CONSEQUENTLY DECREED THAT THE MOTION FOR RECONSIDERATION WAS FILED OUT OF TIME.^[46]

Petitioner avers that the Court of Appeals erred in (a) disregarding Ms. De Guzman's findings for being based solely on petitioner's version of events, which was a third party account; (b) treating petitioner's evidence as "no different from hearsay;" (c) finding that the root cause of respondent's psychological incapacity was not sufficiently explained; and (d) declaring the marriage of petitioner and respondent as valid.

Petitioner argues that based on *Marcos v. Marcos*,^[47] it is not required that the psychologist personally examine the spouse who is alleged to be suffering from a psychological disorder. What matters is that the totality of petitioner's evidence establish psychological incapacity.

Petitioner asserts that her evidence consists of not just her testimony, but also those of her witnesses. Petitioner's description of her marriage was substantiated by the statements of respondent's brother, sister-in-law, and neighbors, which were incorporated in the Psychological Report. What is more, the root cause of respondent's psychological incapacity had been properly alleged in the Petition, clinically identified, and proven by Ms. De Guzman in her testimony and her Psychological Report. Petitioner points out that the RTC gave considerable

weight to her evidence, and found respondent to be suffering from a Narcissistic Personality Disorder so permanent, serious, severe, and incurable that it rendered respondent incapable of performing his marital obligations. Considering that the RTC had the opportunity to observe the demeanor of the witnesses when they testified, its findings are entitled to respect from the appellate courts. Underscoring the importance of the appreciation of the facts by the trial court in determining whether a party to a marriage is psychologically incapacitated, petitioner refers to the case of *Ngo Te v. Gutierrez Yu-Te* [48] wherein the findings of the trial court were declared to be final and binding on the appellate courts. Based on the totality of the evidence, petitioner maintains that her marriage should be declared null and void on account of respondent's psychological incapacity.

Lastly, petitioner alleges that the Court of Appeals erred in denying her Motion for Reconsideration for being filed out of time based on *Habaluyas Enterprises*, and pleads for liberality in the application of the rules in the interest of substantial justice.

The Petition is without merit.

The Court shall first address the procedural issue regarding the denial of petitioner's Motion for Reconsideration by the Court of Appeals for being filed out of time.

In its Resolution issued on May 30, 1986 in *Habaluyas Enterprises*, the Court already elucidated, for the guidance of Bench and Bar, that:

1.) Beginning one month after the promulgation of this Resolution, the rule shall be strictly enforced that no motion for extension of time to file a motion for new trial or reconsideration may be filed with the Metropolitan or Municipal Trial Courts, the Regional Trial Courts, and the [Court of Appeals]. Such a motion may be filed only in cases pending with the Supreme Court as the court of last resort, which may in its sound discretion either grant or deny the extension requested.[49]

The foregoing rule is still good presently. The Court, in the more recent case of *V.C. Ponce Company, Inc. v. Municipality of Parañaque*,[50] still observed strict adherence to the rule laid down in *Habaluyas Enterprises*. The Court acknowledged in said case that it sometimes allowed a liberal reading of the rules in the interest of equity and justice, so long as the petitioner is able to prove the existence of cogent reasons to excuse its non-observance. However, the Court also found therein that petitioner's reason for failing to meet the deadline, i.e., it was without aid of counsel, did not warrant a relaxation of the rules as "it is incumbent upon the client to exert all efforts to retain the services of new counsel."

Petitioner's counsel in the instant case sought extension of time to file the motion for reconsideration of the Court of Appeals Decision claiming that she had already started the draft of said motion but was unable to finalize the same "due to heavy pressure of work in the preparation of pleadings in other equally important cases requiring immediate attention." [51] The excuse of petitioner's counsel does not constitute cogent reason or extraordinary circumstance that warrant a departure from the general rule. Pressure and large volume of legal work do not excuse a counsel for filing a pleading out of time. It is the counsel's duty to devote his/her full attention, diligence, skills, and competence to every case that he/she accepts.[52]

The Court stressed in *De Leon v. Hercules Agro Industrial Corporation*[53] that compliance with the reglementary period for perfecting an appeal is not only a procedural issue, but jurisdictional, thus:

As the period to file a motion for reconsideration is non-extendible, petitioner's motion for extension of time to file a motion for reconsideration did not toll the reglementary period to appeal; thus, petitioner had already lost his right to appeal the September 23, 2005 decision. As such, the RTC decision became final as to petitioner when no appeal was perfected after the lapse of the prescribed period.

Doctrinally-entrenched is that the right to appeal is a statutory right and the one who seeks to avail that right must comply with the statute or rules. The requirements for perfecting an appeal within the reglementary period specified in the law must be strictly followed as they are considered indispensable interdictions against needless delays. Moreover, the perfection of appeal in the manner and within the period set by law is not only mandatory but jurisdictional as well, hence, failure to perfect the same renders the judgment final and executory.

The CA correctly ordered that petitioner's appellant's brief be stricken off the records. As the CA said, the parties who have not appealed in due time cannot legally ask for the modification of the judgment or obtain affirmative relief from the appellate court. A party who fails to question an adverse decision by not filing the proper remedy within the period prescribed by law loses his right to do so. As petitioner failed to perfect his appeal within the period for doing so, the September 23, 2005 decision has become final as against him. The rule is clear that no modification of judgment could be granted to a party who did not appeal. It is enshrined as one of the basic principles in our rules of procedure, specifically to avoid ambiguity in the presentation of issues, facilitate the setting forth of arguments by the parties, and aid the court in making its determinations. It is not installed in the rules merely to make litigations laborious and tedious for the parties. It is there for a reason.

Petitioner received a copy of the Decision dated June 21, 2010 of the Court of Appeals on June 28, 2010 and the 15-day reglementary period expired on July 13, 2010 without her filing a motion for reconsideration or an appeal, hence, the said judgment already became final.

Moreover, the Court is unconvinced that it should set aside the finality of the Court of Appeals judgment for the sake of substantive justice, as the appellate court did not commit reversible error in ruling that the marriage of petitioner and respondent is subsisting and valid because petitioner failed to establish respondent's psychological incapacity.

Petitioner insists on respondent's psychological incapacity, a ground for declaration of nullity of marriage under Article 36 of the Family Code,[54] which provides:

Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

Jurisprudence had laid down guiding principles in resolving cases for the declaration of nullity of marriage on the ground of psychological incapacity. In *Azcueta v. Republic*,[55] the Court presented a summation of relevant jurisprudence on psychological incapacity, reproduced hereunder:

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. 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.

Thus, the Court laid down in *Republic of the Philippines v. Court of Appeals and Molina* 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.

In *Santos v. Court of Appeals*, the Court declared that psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. 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." 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.

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. 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. With the advent of *Te v. Te*, 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. (Citations omitted.)

It bears to stress that the burden of proving the nullity of the marriage falls on petitioner. Petitioner's evidence shall still be scrutinized and weighed, regardless of respondent's failure to present any evidence on his behalf. Any doubt shall be resolved in favor of the existence and continuation of the marriage. Tested against the present guidelines, the Court agrees with the Court of Appeals that the totality of petitioner's evidence is insufficient to establish respondent's psychological incapacity.

Petitioner imputes almost every imaginable negative character trait against respondent, but not only do they not satisfactorily constitute manifestations of respondent's psychological incapacity as contemplated in the Family Code, petitioner's averments are riddled with inconsistencies that are sometimes contradicted by her own evidence.

Petitioner avers that respondent tried to persuade her to have an abortion when she became pregnant with Michael and respondent even questioned Michael's paternity. Yet, notably, respondent never sought the correction of Michael's Certificate of Live Birth, which specifically named him as Michael's father. The following verbal exchanges between the couple in the *Kasunduang Pag-aayos*[56] also show that respondent acknowledged his children with petitioner, namely, Michael and Michelle, and was concerned with their welfare:

Yoly -

Ayoko na nga basta umalis ka sa bahay natin at kung hindi ka aalis kami ng mga anak mo ang aalis.

Vencidor

—

Paano mga anak natin, sinong mag-aalaga sa kanila.

Yoly –

Ako na ang bahala sa mga anak ko bubuhayin ko sila.

x x x x

Yoly –

Makikita mo pa naman ang mga anak mo, puwede mo rin naman dalawin kahit dalawang beses sa isang lingo.

Vencidor

—

Ayoko yata Yoly na magkahiwalay tayo paano na ako, sino ang mag-iintindi sa mga anak ko, halimbawa na umalis ka uli papunta abroad.

Even assuming that respondent initially reacted adversely to petitioner's pregnancy with Michael, it would appear from respondent's subsequent actuations that he had come to accept that he is indeed Michael's father.

In her testimony, petitioner claimed that her relationship with respondent was cut off when she got pregnant; that respondent never visited her during her pregnancy; and that respondent visited her only once after she gave birth to Michael on November 9, 1989. According to petitioner, she had no relationship with respondent until she purchased the Pila property on March 3, 1994.[57] The records, though, bear out the continuous relationship between petitioner and respondent. First, petitioner stated in her own Memorandum before the RTC that she "did not sever her ties with [respondent]."[58] Second, petitioner remitted money to respondent sometime in 1992 for the purchase of the Morong property, where they eventually lived. Third, Ms. De Guzman recounted in her Psychological Report that sometime "[i]n 1992, Petitioner and Respondent started to live [in] Morong, Rizal." [59] And fourth, petitioner married respondent on March 4, 1994, which would just be the day after she bought the Pila property.

Petitioner further alleges that respondent meddled with the purchase and registration of the Morong and Pila properties. Although he did not make any monetary contribution at all for the said purchases, respondent registered the TCT of the Morong property in his name and as one of the owners in the TCT of the Pila property. In addition, respondent purportedly sold a portion of the Morong property without petitioner's consent. But the Court notes that petitioner and respondent had already deported themselves as husband and wife long before the purchase of the Morong and Pila properties and their actual marriage. Petitioner had a direct hand in the preparation of Michael's Certificate of Live Birth in 1989 and she made it to appear therein that she and respondent were already married on December 27, 1988 in Pasay City. It is not inconceivable, therefore, that petitioner and respondent continued to misrepresent themselves as a married couple in the purchase of the Pila property and in the case of the Morong property, the purchase took place when petitioner was then working in Japan. It appears that petitioner belatedly renounced respondent's authority to purchase and register the subject properties, as well as to sell a portion of the Morong property, only after their relationship had gone sour.

Furthermore, petitioner complains about respondent's joblessness, gambling, alcoholism, sexual infidelity, and neglect of the children during their marriage.

Contrary to petitioner's assertion, it appears that respondent took on several jobs. As indicated in Michael's Certificate of Live Birth, respondent's occupation was listed as a "vendor." Respondent was also in-charge of the mini-grocery store which he and petitioner put up. Most recently, respondent worked as a jeepney driver. Petitioner's claim that respondent never plied the jeepney[60] was contradicted by her own sister and witness, Marites, who testified that respondent sometimes plied the jeepney himself or asked somebody else to drive it for him.[61] Petitioner criticized respondent for not looking for a stable job, but did not specify what job suits respondent's qualifications. More importantly, it is settled in jurisprudence that refusal to look for a job per se is not indicative of a psychological defect.[62]

As for respondent's alleged drinking and gambling vices, petitioner herself had no personal knowledge of the same, relying only on what relatives relayed to her while she was in Japan.[63] Being hearsay evidence, petitioner's testimony on the matter had no probative value[64] even if allowed by the Court as part of her narration. It is Marites, in her testimony[65] and Sinumpaang Salaysay,[66] who recounted that petitioner would

often play tong-its and mahjong until early morning, come home drunk, sleep until afternoon, and leave again to gamble. While respondent could have indulged in the vices of drinking and gambling, it was not established that it was due to some debilitating psychological condition or illness or that it was serious enough as to prevent him from performing his essential marital obligations. As the Court pronounced in *Suazo v. Suazo*[67]:

Habitual drunkenness, gambling and refusal to find a job, while indicative of psychological incapacity, do not, by themselves, show psychological incapacity. All these simply indicate difficulty, neglect or mere refusal to perform marital obligations that, as the cited jurisprudence holds, cannot be considered to be constitutive of psychological incapacity in the absence of proof that these are manifestations of an incapacity rooted in some debilitating psychological condition or illness.

There is utter lack of factual basis for respondent's purported sexual infidelity. Aside from petitioner's bare allegations, no concrete proof was proffered in court to establish respondent's unfaithfulness to petitioner. Petitioner failed to provide details on respondent's supposed affairs, such as the names of the other women, how the affairs started or developed, and how she discovered the affairs. Ms. De Guzman, in her Psychological Report, quoted respondent's brother, Avelino, as saying that different women often looked for and visited respondent at the latter's house after petitioner and respondent separated, but this is still insufficient evidence of respondent's marital infidelity.

The Court already declared that sexual infidelity, by itself, is not sufficient proof that a spouse is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which makes the spouse completely unable to discharge the essential obligations of marriage.[68] In *Navales v. Navales*,[69] the Court still found no factual basis for the husband's claim that his wife, being flirtatious and sexually promiscuous, was psychologically incapacitated, regardless of the submitted psychological report concluding that the wife was a nymphomaniac. The Court reasoned as follows:

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

The report failed to specify, however, the names of the men Nilda had sexual relationship with or the circumstances surrounding the same. As pointed out by Nilda, there is not even a single proof that she was ever involved in an illicit relationship with a man other than her husband. Vatanagul claims, during her testimony, that in coming out with the report, she interviewed not only Reynaldo but also Jojo Caballes, Dorothy and Lesley who were Reynaldo's sister-in-law and sister, respectively, a certain Marvin and a certain Susan. Vatanagul however, did not specify the identities of these persons, which information were supplied by whom, and how they came upon their respective informations. Indeed, the conclusions drawn by the report are vague, sweeping and lack sufficient factual bases. As the report lacked specificity, it failed to show the root cause of Nilda's psychological incapacity; and failed to demonstrate that there was a "natal or supervening disabling factor" or an "adverse integral element" in Nilda's character that effectively incapacitated her from accepting, and thereby complying with, the essential marital obligations, and that her psychological or mental malady existed even before the marriage, x x x. (Citations omitted.)

That respondent delegated the care for the children to Marites, petitioner's sister, does not necessarily constitute neglect. While it is truly ideal that children be reared personally by their parents, in reality, there are various

reasons which compel parents to employ the help of others, such as a relative or hired nanny, to watch after the children. In the instant case, it was actually petitioner who brought Marites from Bicol to Manila to care for Michael, and also later on, for Michelle. Granting that Marites was primarily responsible for the children's care, there is no showing that a serious psychological disorder has rendered respondent incognizant of and incapacitated to perform his parental obligations to his children. There is no allegation, much less proof, that the children were deprived of their basic needs or were placed in danger by reason of respondent's neglect or irresponsibility.

Petitioner additionally accuses respondent of taking her money and jewelry after their marital dispute sometime in 2001, and submitted the Kasunduang Pag-aayos they executed before the barangay in which respondent admitted doing so. The submitted document recorded the exchange between the couple, thus:

Vencidor –

O sige Yoly ibabalik ko yong alahas mo at pera mo magsimula uli tayo.

Yoly –

Ayoko na nga makisama sa iyo, basta ibalik mo na lang ang pera ko at mga alahas ko.

Vencidor –

Paano naman ako dapat tayo ay hati.

Yoly –

O sige ibalik mo ang P150,000.00, at alahas ko.

Vencidor –

Gawin mo namang P300,000.00.

Yoly –

O sige gawin mo ng Tatlong daan, pati bahay sa Pila, Laguna jeep at trysikel sa iyo na umalis ka lang ng bahay.

Vencidor –

Saan naman ako uuwi, pero pansamantala lang ito di ba?

Yoly –

Makikita mo pa naman ang mga anak mo, puwede mo rin naman dalawin kahit dalawang beses sa isang lingo.

Vencidor –

Ayoko yata Yoly na magkahiwalay tayo paano na ako, sino ang mag-iintindi sa mga anak ko, halimbawa na umalis ka uli papunta abroad.

Yoly –

Ayoko na nga makisama sayo kung [di] ka aalis mapipilitan ako na itataas ko na ito kaso natin.

Vencidor –

O sige kukunin ko ang pera sa bangko at ibibigay ko sa iyo dadalhin ko sa bahay.

Yoly –

Ang kikita (sic) ko lagi niyang sinisilip.

Vencidor –

Dapat naman mag-asawa naman tayo kung ano ang iyo ay akin rin yon di ba.

Yoly –

Bakit mo kinuha ang pera ko [?]

Vencidor –

Ginalaw ko iyon kasi inuunahan mo ako. Di mo ako pinalalapit pagtulog ay mag-asawa tayo. At yong Hapon palaging tumatawag, kaya naitago ko ang mga alahas mo. Hinabol pa niyan ng saksak.

Yoly –

Sinisiraan niya ako sa Hapon ay iyon ay mga kustomer ko. Masasakit ang mga sinasabi niya sa kin.

Vencidor –

Binabalewala niya ako.

Yoly –

Basta umalis ka na sa baliay at naibigay ko na sa iyo ang [b]ahay sa [L]aguna, jeep, trysikel at pera ano pa ang gusto mo[?] [S]a amin ng mga anak mo ang bahay sa Natividad St., Ibaba. Wala ka pakialam roon at ako ang nagpundar noon.[70] (Emphases supplied.)

A perusal of the aforequoted verbal exchange between petitioner and respondent in the Kasunduang Pag-aayos, though, reveals that respondent only hid petitioner's money and jewelry as a desperate attempt to stop petitioner from leaving him, taking with her the children. In fact, respondent repeatedly expressed concern about saving their marriage, offering to return the money and jewelry back to petitioner as long as they stay together. It was petitioner who categorically stated that she no longer wanted to live with respondent, offering to the latter P300,000.00 cash, the Pila property, the jeepney and the tricycle, just for respondent to leave their marital home.

Petitioner asserts too that she had been physically abused by respondent, but offers no substantiating evidence, such as details on the instances of abuse, pictures of her injuries, medico-legal report, or other witness' testimony.

While the Court does not hold respondent totally without blame or free of shortcomings, but his failings as husband and father are not tantamount to psychological incapacity which renders their marriage void from the very beginning. Worthy of reiterating herein is the declaration of the Court in *Agraviador v. Amparo-Agraviador*[71] that:

These acts, in our view, do not rise to the level of psychological incapacity that the law requires, and should be distinguished from the "difficulty," if not outright "refusal" or "neglect," in the performance of some marital obligations that characterize some marriages. The intent of the law has been to confine the meaning of psychological incapacity to the most serious cases of personality disorders – existing at the time of the marriage – clearly demonstrating an utter insensitivity or inability to give meaning and significance to the marriage. The psychological illness that must have afflicted a party at the inception of the marriage should be a malady so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond he or she is about to assume. (Emphases supplied, citations omitted.)

Finally, the Court is not bound by Ms. De Guzman's Psychological Report. While the Court previously held that

"there is no requirement that the person to be declared psychologically incapacitated be personally examined by a physician," yet, this is qualified by the phrase, "if the totality of evidence presented is enough to sustain a finding of psychological incapacity." [72] The psychologist's findings must still be subjected to a careful and serious scrutiny as to the bases of the same, particularly, the source/s of information, as well as the methodology employed.

In *Padilla-Rumbaua v. Rumbaua*, [73] the Court did not give credence to the clinical psychologist's report because:

We cannot help but note that Dr. Tayag's conclusions about the respondent's psychological incapacity were based on the information fed to her by only one side – the petitioner – whose bias in favor of her cause cannot be doubted. While this circumstance alone does not disqualify the psychologist for reasons of bias, her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards in the manner we discussed above. For, effectively, Dr. Tayag only diagnosed the respondent from the prism of a third party account; she did not actually hear, see and evaluate the respondent and how he would have reacted and responded to the doctor's probes.

Dr. Tayag, in her report, merely summarized the petitioner's narrations, and on this basis characterized the respondent to be a self-centered, egocentric, and unremorseful person who "believes that the world revolves around him"; and who "used love as a . . . deceptive tactic for exploiting the confidence [petitioner] extended towards him." Dr. Tayag then incorporated her own idea of "love"; made a generalization that respondent was a person who "lacked commitment, faithfulness, and remorse," and who engaged "in promiscuous acts that made the petitioner look like a fool"; and finally concluded that the respondent's character traits reveal "him to suffer Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable."

We find these observations and conclusions insufficiently in-depth and comprehensive to warrant the conclusion that a psychological incapacity existed that prevented the respondent from complying with the essential obligations of marriage. It failed to identify the root cause of the respondent's narcissistic personality disorder and to prove that it existed at the inception of the marriage. Neither did it explain the incapacitating nature of the alleged disorder, nor show that the respondent was really incapable of fulfilling his duties due to some incapacity of a psychological, not physical, nature. Thus, we cannot avoid but conclude that Dr. Tayag's conclusion in her Report – i.e., that the respondent suffered "Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable – is an unfounded statement, not a necessary inference from her previous characterization and portrayal of the respondent. While the various tests administered on the petitioner could have been used as a fair gauge to assess her own psychological condition, this same statement cannot be made with respect to the respondent's condition. To make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.

The Court similarly rejected the psychiatric evaluation report presented by the petitioner in *Agraviador* for the following reasons:

The Court finds that Dr. Patac's Psychiatric Evaluation Report fell short in proving that the respondent was psychologically incapacitated to perform the essential marital duties. We emphasize that Dr. Patac did not personally evaluate and examine the respondent; he, in fact, recommended at the end of his Report for the respondent to "undergo the same examination [that the petitioner] underwent." Dr. Patac relied only on the information fed by the petitioner, the parties' second child, Emmanuel, and household helper, Sarah. Largely, the doctor relied on the information provided by the petitioner. Thus, while his Report can be used as a fair gauge to assess the petitioner's own psychological condition (as he was, in fact, declared by Dr. Patac to be psychologically capable to fulfill the essential obligations of marriage), the same statement cannot be made with respect to the respondent's condition. The methodology employed simply cannot satisfy the required

depth and comprehensiveness of the examination required to evaluate a party alleged to be suffering from a psychological disorder.

We do not suggest that a personal examination of the party alleged to be psychologically incapacitated is mandatory. We have confirmed in *Marcos v. Marcos* that the person sought to be declared psychologically incapacitated must be personally examined by a psychologist as a condition sine qua non to arrive at such declaration. If a psychological disorder can be proven by independent means, no reason exists why such independent proof cannot be admitted and given credit. No such independent evidence appears on record, however, to have been gathered in this case.[74]

Much in the same way, the Court finds herein that Ms. De Guzman's sources and methodology is 'severely lacking the requisite depth and comprehensiveness to judicially establish respondent's psychological incapacity. Ms. De Guzman relied on the information given by petitioner; Avelino, respondent's brother; Ramil Ereve, petitioner's brother; an anonymous female cousin of petitioner;[75] and the couple's neighbors who refused to give their names.[76] On the basis thereof, Ms. De Guzman determined that respondent suffered from Narcissistic Personality Disorder, the root cause of which, Ms. De Guzman traced back to respondent, as the youngest child in the family, being favored, praised, and indulged by his caregivers. From there, Ms. De Guzman already concluded that respondent's disorder rendered it beyond his capacity to understand, comply, and attend to his obligations in the marriage; was present even before marriage; and was "pervasive, permanent and clinically proven to be incurable." To put it simply, Ms. De Guzman is saying that respondent was a spoiled child, and while it can be said that respondent has grown up to be a self-centered and self-indulgent adult, it still falls short of establishing respondent's psychological incapacity characterized by gravity, juridical antecedence, and incurability, so as to render respondent's marriage to petitioner void ab initio.

All told, the Court agrees with the Court of Appeals in declaring that the marriage of petitioner and respondent as subsisting and valid. As the Court decreed in *Republic v. Galang*[77]:

The Constitution sets out a policy of protecting and strengthening the family as the basic social institution, and marriage is the foundation of the family. Marriage, as an inviolable institution protected by the State, cannot be dissolved at the whim of the parties. In petitions for the declaration of nullity of marriage, the burden of proof to show the nullity of marriage lies with the plaintiff. Unless the evidence presented clearly reveals a situation where the parties, or one of them, could not have validly entered into a marriage by reason of a grave and serious psychological illness existing at the time it was celebrated, we are compelled to uphold the indissolubility of the marital tie.

WHEREFORE, premises considered, the Petition for Review on Certiorari is DENIED. The assailed Decision dated June 21, 2010 and Resolution dated August 24, 2010 of the Court of Appeals in CA-G.R. CV No. 89142 are AFFIRMED.

SO ORDERED.

Sereno, C.J., (Chairperson), Del Castillo, Perlas-Bernabe, and Caguioa, JJ., concur.

[1] Rollo, pp. 25-35; penned by Associate Justice Isaias Dicdican with Presiding Justice Andres B. Reyes, Jr. (now a member of this Court) and Associate Justice Stephen C. Cruz concurring.

[2] *Id.* at 39-51; penned by Presiding Judge Rodolfo R. Bonifacio.

[3] *Id.* at 37-38.

[4] Records, pp. 3-11.

- [5] Id. at 55-64.
- [6] Id. at 12, Certificate of Marriage.
- [7] Id. at 165-166.
- [8] TSN, March 10, 2006, pp. 23-27.
- [9] Records, p. 333.
- [10] TSN, March 10, 2006, pp. 27-29.
- [11] Records, p. 333.
- [12] Id. at 275.
- [13] Id. at 333.
- [14] TSN, March 10, 2006, pp. 34-35; Records, p. 280.
- [15] TSN, April 6, 2006, p. 24.
- [16] Kasulatan ng Manahan ng Labas sa Hukuman na may Pagbabahagui na may Bilihang Patuluyan; Records, pp. 36-37.
- [17] TSN, March 10, 2006, pp. 36-38.
- [18] Records, p. 508.
- [19] Id. at 334.
- [20] Id. at 335.
- [21] TSN, June 15, 2006, p. 8.
- [22] TSN, March 10, 2006, pp. 44-47.
- [23] Records, p. 335.
- [24] TSN, March 10, 2006, p. 48; records, p. 510.
- [25] Id. at 42.
- [26] Id. at 49-50.
- [27] Id. at 54.
- [28] Records, pp. 297-299.
- [29] Id. at 532.
- [30] Id.
- [31] Id.
- [32] TSN, June 1, 2006, pp. 11-17.
- [33] Id. at 23-24.
- [34] Records, pp. 507-518.

- [35] Id. at 515-518.
- [36] Id. at 331.
- [37] Id. at 332-340.
- [38] Id. at 341.
- [39] Rollo, pp. 48-49.
- [40] Id. at 50-51.
- [41] Id. at 32-34.
- [42] Id. at 34-35.
- [43] Motion for Extension of Time to File a Motion for Reconsideration; CA rollo, pp. 130-131.
- [44] CA rollo pp. 181-182.
- [45] 226 Phil. 144, 148 (1986).
- [46] Rollo, p. 6.
- [47] 397 Phil. 840, 850 (2000).
- [48] 598 Phil. 666, 691 (2009).
- [49] *Habaluyas Enterprises, Inc. v. Japzon*, supra note 45 at 148.
- [50] 698 Phil. 338, 351 (2012).
- [51] CA rollo, p. 130.
- [52] *Ramos v. Dajoyag, Jr.*, 428 Phil. 267, 279 (2002).
- [53] 734 Phil. 652, 660-661 (2014).
- [54] Took effect on August 3, 1988.
- [55] 606 Phil. 177, 186-189 (2009).
- [56] Records, pp. 297-299.
- [57] TSN, March 10, 2006, pp. 24-27 and 38.
- [58] Records, p. 333.
- [59] Id. at 508.
- [60] Id. at 334.
- [61] TSN, June 15, 2006, p. 8.
- [62] *Suazo v. Suazo*, 629 Phil. 157, 184 (2010).<br
- [63]

Q -

Now Madam Witness, how did you know that your husband was not trying to look for a job while you were in Japan?

A -

Yes, ma'am. The truth of the matter, my sister told me that he is always out of the house and frequently drinking and gambling, ma'am.

Q -

How did you know that your husband was out all the time and drinking and gambling while you were in Japan?

A -

I was being told by my relatives and also his relatives of his activities, ma'am. (TSN, March 10, 2006, pp. 40-41.)

[64] PNOC Shipping and Transport Corp. v. Court of Appeals, 358 Phil. 38, 56 (1998).

[65] TSN, June 15, 2006, pp. 7-8.

[66] Records, pp. 281-283.

[67] Supra note 62 at 184.

[68] Villalon v. Villalon, 512 Phil. 219, 227-228 (2005).

[69] 578 Phil. 826, 845-846 (2008).

[70] Records, pp. 298-299.

[71] 652 Phil. 49, 64-65 (2010).

[72] Ngo Te v. Gutierrez Yu-Te, supra note 48 at 702-703, citing Marcos v. Marcos, supra note 47 at 850.

[73] 612 Phil. 1061, 1084-1086 (2009).

[74] Agraviador v. Amparo-Agraviador, supra note 71 at 65-66.

[75] TSN, June 1, 2006, p. 19.

[76] Id. at 14.</br>

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