

FIRST DIVISION

[G.R. No. 210548, March 02, 2020]

**ANA LIZA ASIS CASTRO, PETITIONER, VS. JOSELITO O. CASTRO,
RESPONDENT.**

DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari*^[1] are the Decision^[2] dated June 3, 2013 and the Resolution^[3] dated December 19, 2013 of the Court of Appeals (CA) in CA-G.R. CV No. 97878 which denied the petition for declaration of nullity of marriage filed by Ana Liza Asis Castro (petitioner).

Relevant Antecedents

Devoid of the non-essentials, the facts of the case are as follows:

On the ground of psychological incapacity, petitioner filed a petition for declaration of nullity of her marriage to Joselito O. Castro (respondent). She likewise prayed for the grant of custody of their children and monthly support of P122,000.00.^[4]

Petitioner narrated that she was introduced to respondent by a high school friend who is married to respondent's brother, after she went home from New York sometime in 1988. Initially, she was impressed by respondent and his brother as they fluently speak French. After some time, they grew fond of each other and started dating.^[5]

Petitioner found the respondent to be a true gentleman and admired his close relationship with his family. Their relationship, however, was unstable in the beginning as the petitioner found the respondent to be possessive and jealous. Despite the same, they decided to get married after almost a year of dating. An Ante-Nuptial Agreement was executed by them on April 14, 1989. Relevant portion of which reads:

The parties hereto hereby agree that the property regime that shall govern their marriage shall be under an absolute separation of properties as defined in the New Family Code.

Specifically, the parties hereby agree, among others, that:

- a. All properties owned and acquired by each other prior to the marriage shall remain as the exclusive property of such party.
- b. The earnings, fruits, and profits of properties owned prior to such marriage shall belong exclusively to such owner of the property.

c. All earnings and properties acquired during marriage shall pertain to the party who earned and acquired the same.

d. All family expenses during the marriage shall be shared by the parties hereto.^[6]

On June 4, 1989, petitioner and respondent got married in Manila and went to France for their honeymoon. At that time, petitioner was 26 years old while respondent was 29 years old.^[7]

Their marriage bore children — Christina Beatriz who was born on February 19, 1990; Alfonso Martin who was born on September 26, 1993; and Joselito Rolando II who was born on June 13, 1995.^[8]

At the beginning of the marriage, respondent was unemployed. The family, thus, stayed at a condominium unit donated by petitioner's father. Eventually, petitioner put up her own real estate marketing business while respondent remained out of job. When petitioner's business attained stability in 1997, her father cut off her allowance. Petitioner claimed that respondent's jealousy prevailed whenever she would go out to meet a client.^[9]

However, a year after, petitioner was surprised to learn that respondent decided to run for public office in his father's hometown in Ilocos Norte. Respondent explained that he was trying to do something to earn a living for the family.^[10] However, respondent lost the election.^[11]

In 2000, respondent found a job as a security consultant for Rustan's Makati and as staff member of the Consulate of Morocco while petitioner became a housewife. As respondent was the breadwinner of the family, petitioner lamented that he tightened his grip on the family budget, making it difficult for them to ask money from him.^[12]

Petitioner alleged that respondent was irresponsible and prone to having violent outbursts such as breaking vases and appliances and kicking tables during dinner. It was likewise claimed that respondent emotionally tortured their children.^[13]

The final stroke for petitioner which prompted her to drive respondent away from their conjugal home was when the latter cursed their daughter, Christina and pinned her against the wall after asking for gas money.^[14]

To reinforce her claim, petitioner sought the opinion of a clinical psychologist, Dr. Natividad Dayan (Dr. Dayan), who conducted three separate evaluations wherein she interviewed the petitioner and her children. In her medical assessment, Dr. Dayan made the following findings:

Summary and Conclusion

Findings from assessment procedures used reveal that Joey is psychologically incapacitated to render the essential obligations of marriage. He has Personality Disorder Not Otherwise Specified with Paranoid Antisocial Personality Disorder: His pathological suspiciousness of his wife's fidelity, mistrust of her, irritability, aggressiveness, violent and destructive behavior, lack of empathy, and reckless disregard for the

safety of others are the salient characteristics of his personality disorders. His personality disorder is clinically-defined, grave, incurable, and has antecedents, the root cause of which can be traced from parental overindulgence and his exposure to his father's and siblings' violent and aggressive behavior. There was identification with an aggressor so that when he got married, he manifested the same dysfunctional behaviors toward his wife.^[15]

Aside from this, Dr. Dayan observed that respondent is a spoiled child as opposed to petitioner, given the level of affluence of their respective families. Moreover, she discussed that respondent found it difficult to trust petitioner, which largely contributed to their marital problems.^[16]

As to petitioner, Dr. Dayan found petitioner to be a compulsive person lacking due discretion when she married the respondent.^[17]

In his Answer,^[18] respondent likewise sought for the declaration of nullity of his marriage to petitioner, but insisted that it was petitioner who is psychologically incapacitated.

In a Decision^[19] dated June 1, 2011, the Regional Trial Court of Makati City, Branch 60 (RTC) upheld the validity of the marriage between the petitioner and the respondent. The RTC ratiocinated that the evidence presented by petitioner, her testimony, and that of Dr. Dayan's, do not sufficiently prove that the psychological incapacity of respondent is grave and serious, which compels the trial court to breach the sanctity of their marriage. Furthermore, the RTC noticed that petitioner and respondent lived together for 20 years, which showed the level of their marital stability, before petitioner drove respondent away from their conjugal home.

Thus:

WHEREFORE, aprioprisms duly considered the instant "Petition for Declaration of Nullity of Marriage under Article 36 of the Family Code" of the petitioner Ana Liza Asis Castro (Ms. Castro) is hereby DISMISSED for dearth of merit.

Consequently, the marriage between herein petitioner Ana Liza Asis Castro (Ms. Castro) and herein respondent Joselito O. Castro, Jr. (Mr. Castro) celebrated on 04 June 1989 is hereby declared to be VALID AND SUBSISTING.

No costs.

SO ORDERED.^[20]

Petitioner filed a Motion for Reconsideration, which was denied in a Resolution dated September 1, 2011.^[21]

Pained by the ruling of the RTC, petitioner filed an appeal before the CA. Petitioner opined that the trial court erred in discounting the testimony of Dr. Dayan, an expert in her field, who stated her inference that respondent is psychologically incapacitated based on the clinical interview and assessment with petitioner and her children. Insisting on the credibility of Dr. Dayan and her assessment, petitioner

argued that said psychological incapacity is grave, permanent, incurable and has juridical antecedents, the root cause of which can be traced from parental indulgence and his exposure to his father's and sibling's violent and aggressive behavior.^[22]

In a Decision^[23] dated June 3, 2013, the CA affirmed the ruling of the RTC. Sustaining the sanctity of marriage between respondent and petitioner, the CA disputed the one-sided findings of Dr. Dayan, which solely focused on petitioner and made no mention about the respondent, among others. The dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the instant Appeal is DENIED. The Decision dated June 1, 2011 rendered by the Regional Trial Court of Makati, Branch 60 in Civil Case No. 07-843 is AFFIRMED.

SO ORDERED.^[24]

Consequently, petitioner filed a Motion for Reconsideration, which was denied in a Resolution^[25] dated December 19, 2013.

Hence, this petition.

Petitioner argues that she was able to establish that respondent is psychologically incapacitated under Article 36 of the Family Code in view of the findings of Dr. Dayan, supported by her testimony and that of her children. She further averred that personal examination of the respondent by Dr. Dayan is not necessary for a declaration of psychological incapacity.

In its Comment,^[26] the Republic of the Philippines, through the Office of the Solicitor General (OSG), counters that petitioner failed to prove that respondent's incapacity is such a degree which warrants the nullity of their marriage. The OSG argues that the records showed mere incompatibility between petitioner and respondent, and not respondent's psychological disorder. Furthermore, the OSG observed that Dr. Dayan neither identified the precise cause of respondent's alleged psychological incapacity nor the link between the root cause and his undesirable behavior. The absence of evidence which may serve as the bases for Dr. Dayan's assessment, other than petitioner and her children's testimonies, was likewise pointed out.

The Consolidated Reply^[27] filed by petitioner and respondent basically echoed the same assertions found in the instant petition.

The Issue

Whether or not petitioner and respondent's marriage should be declared null on the basis of psychological incapacity under Article 36 of the Family Code.

This Court's Ruling

No less than the Constitution guards the sanctity of a marriage as an inviolable social institution. Marriage, as envisioned under the Family Code, is entered into for the establishment of a conjugal and family life. To this end, the Family Code recognizes that a marriage necessarily entails the fulfillment of essential marital obligations.

However when parties who entered into this special contract are psychologically impaired to perform these obligations, the law perceives the impossibility of achieving the marriage's purpose.

Thus, the Code provides that a party's psychological incapacity of fulfilling the aforementioned obligations renders the marriage void *ab initio* under Article 36 of the Family Code, thus:

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.

As a ground to nullify a valid marriage, psychological incapacity 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 must concomitantly be assumed and discharged by the parties to the marriage.^[28] It must be characterized by gravity, juridical antecedence, and incurability, to wit:

The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage, and it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.^[29]

To prove the foregoing, petitioner put forth into evidence her testimony, the testimonies of her daughter and son, and the testimony and medical assessment of Dr. Dayan. All of which, however, were found insufficient by the RTC and the CA. The RTC found that the assessment of Dr. Dayan was "not sufficiently in-depth and comprehensive" while the CA failed to give credence to said evaluation on the basis of its sole reliance of the testimonies of petitioner, her daughter, and her son.

Foremost, the findings of the RTC on the existence or non-existence of a party's psychological incapacity should be final and binding for as long as such findings and evaluation of the testimonies of witnesses and other evidence are not shown to be clearly and manifestly erroneous.^[30]

In this case, petitioner failed to provide such a compelling reason to convince this Court to deviate from the findings of the RTC, as affirmed by the CA. The totality of evidence presented does not convince this Court to rule that respondent's psychological incapacity is so grave and serious, warranting the nullity of his marriage to petitioner.

A perusal of the findings of Dr. Dayan provides the following attributes of respondent and apparent causes, which led her to conclude that he is indeed psychologically incapacitated, to wit:

1. Pinky's marriage to Joey clearly indicates a V61.1 **Partner Relational Problem** Joey failed to render mutual love, trust, respect and support towards Pinky, as he proved to be psychologically incapacitated to comply with the essential obligations of marriage. Pinky experienced severe stress and mental anguish in her relationship with Joey.