

FIRST DIVISION

[G.R. No. 225193, October 14, 2020]

BERNARDINE S. SANTOS-GANTAN, PETITIONER, JOHN-ROSS C. GANTAN, RESPONDENT.

DECISION

LAZARO-JAVIER, J.:

PREFATORY

The oft-referred "totality of evidence" is a short and simple way of expressing the allocation of the burden of proof in a civil case for nullity of marriage under Article 36, *Family Code*. The burden of proof lies upon the petitioner to prove his or her case by preponderance of evidence or balance of probabilities. The burden of proof is discharged by the petitioner if he or she is able to prove his or her cause of action *more likely than not*.

The rule of totality of evidence does not add a new dimension in terms of structuring or facilitating the analysis in an Article 36 petition. In fact, this rule does not address the usual *happenstance* in petitions like the present one, where there are no two (2) versions of the claims asserted in the civil case. The narrative is *often* solely that of the petitioner and his or her witnesses, and *frequently*, all the trial court has by way of the respondent's version is the clinical narration of the factual basis of the expert report, which in turn *typically* arises from the examination of the petitioner and other resource persons who *may or may not* be witnesses in the civil case.

It is in this oft-repeated context that trial courts are directed to apply the totality of evidence rule. The rule makes no reference to *how* trial courts should assess facts that are asserted in the expert report *but* do not appear in sworn proof on the trial of the civil case, being data outside of the trial record or facts not in evidence. The lack of a precise and bright-line analytical framework for this type of expert report pervades the trial record of petitions for declaration of nullity of marriage under Article 36 of the *Family Code* and impacts on the evaluation of the totality of evidence.

This gap has contributed to the supposed "strait-jacketed" and one-size-fits-all understanding and application of the criteria laid down in *Molina*. Especially since there is only one (1) version of the facts, *which is made worse by the fact that the version is self-serving*, that is, *it comes from the party solely interested in the grant of the Petition*, the gap or lacuna has made the totality of evidence rule, together with the allocation of the burden of proof, more likely than not **prone to** the *circular reasoning fallacy*. The trial court's analysis begins with what it is trying to end with, *i.e.*, the analysis starts with a statement of the issue and ends with a conclusion that declares the issue as a statement. In a case such as the present one, the

circular reasoning takes the form that *what the expert says is true, what is true is what the expert says*.

The Case

This Petition for Review on *Certiorari*^[1] seeks to reverse and set aside the following dispositions of the Court of Appeals in CA-G.R. CV No. 100277:

- (1) Decision^[2] dated June 29, 2015 which reversed the grant of the petition for declaration of nullity of the marriage between petitioner Bernardine S. Santos-Gantan and respondent John Ross C. Gantan; and
- (2) Resolution^[3] dated June 3, 2016 which denied petitioner's motion for reconsideration.

Antecedents

On March 23, 2010, petitioner filed the petition^[4] below citing Article 36 of the Family Code. The case was docketed Civil Case No. 13-0-2010 FC and raffled to the Regional Trial Court-Branch 73, Olongapo City.^[5] Petitioner essentially stated:

She first met respondent in 1999 when the latter was only nineteen (19) years old. They got married twice by civil rites: first, on May 28, 2002 in Angeles City, and later, on December 18, 2002 in Baguio City. She was then thirty-two (32) years old while he, only twenty-two (22) years old. They do not have common children, nor any conjugal properties.^[6]

Being next door neighbors, she knew long before that he was irresponsible and had been in and out of school. She observed that he did not speak much, easily got bored, and exhibited a short temper when drunk. He was also irritable and unable to keep a job.^[7] Yet she still married him hoping he would change. But he did not. He continued to be lackadaisical and irresponsible which often caused his termination from work.^[8]

Their relationship was all rosy during the courtship stage but eventually became a roller coaster ride after they got married. Respondent was often unruly and violent, especially when drunk. He had anger management issues. Whenever he drank with his friends, he would almost always end up fighting with them. He frequently abused her physically, even during their petty arguments. One time, he severely beat her up, causing her to be hospitalized. She even suffered a miscarriage due to his fits of anger.^[9]

He was also verbally and emotionally cruel to her. He often refused to be intimate with her because he was having short-term illicit affairs with older or married women. He loathed and insulted her, calling her "thin," "old," "ugly" and "old hag."^[10]

In 2006, respondent left to work in Korea where he later had an illicit affair. When

his overseas employment expired, he decided to live with his paramour. From then on, they have been separated.^[11]

She consulted a clinical psychologist, Dr. Martha Johanna Dela Cruz (Dr. Dela Cruz), who opined that their marriage should be nullified on ground of her husband's psychological incapacity. Dr. Dela Cruz was not able to interview respondent as the latter did not come despite repeated invitations. She, nonetheless, collated the information provided by petitioner herself, the couple's relatives and common friends.^[12]

Based on her assessment, Dr. Dela Cruz diagnosed respondent with "*Axis II Anti-Social Personality Disorder*," characterized by a pervasive pattern of disregard for and violation of the rights of others. She explained that people suffering from this disorder are chronically irresponsible, unsupportive, and have total disregard for the rights of others and the rules of society. They commit criminal acts with no remorse and typically have a pattern of legal problems, deception, impulsivity, irritability, aggressiveness, physical assault and intimidation, reckless disregard for the safety of others, unwillingness to meet normal standards for work, support and parenting, and failure to conform to social norms with respect to lawful behaviors.^[13] Dr. Dela Cruz concluded that respondent's personality disorder is serious, grave, incurable and has juridical antecedence, rendering him psychologically incapacitated to perform his responsibilities as husband.^[14] It was depicted through his constant deceitfulness as indicated by repeated lying and conning method to achieve personal pleasure. He also exhibited consistent irresponsibility, lack of remorse, ill treatment of others, indifference, and rationalizing action which hurt others.^[15]

John Ross did not respond to the petition.

During the hearing, Dr. Dela Cruz, who elaborated on her report and explained the link between the manifestation of respondent's psychological incapacity and the psychological disorder itself. Petitioner herself also testified on the facts upon which the psychological report was based.

The Trial Court's Ruling

By Decision^[16] dated February 23, 2012, the trial court granted the petition and declared *void ab initio* the marriage between petitioner and respondent, viz.:

x x x The Clinical Documentation (Exhibit "F") shows that defendant was seen with Antisocial Personality Disorder. There is therefore inability to pursue fundamental adult life tasks including close and meaningful intimate relationship.

Such personality disorder is serious or grave considering that it is fully engraved into the system of the defendant. It distorted the concept of marital relationship. It is incurable because it is clinically permanent and has a stable, long standing pattern. Time, according to the expert witness, does not change personality disorder or any scientific breakthrough which might help the defendant to acknowledge his

incapacity. The personality disorder of the defendant can be traced during the latter's early formative years and continuously reaching its full manifestation even before, during and after marriage.

x x x x x x x x x

Applying the totality of evidence rule and after considering the evidence submitted by the plaintiff and the convincing findings of the clinical psychologist that defendant John Ross C. Gantan is afflicted with grave, pre-existing and incurable psychological incapacity, the marriage which the parties had contracted should be dissolved.

WHEREFORE, judgment is hereby rendered declaring the marriage entered into by and between **BERNARDINE S. SANTOS-GANTAN and JOHN-ROSS C. GANTAN** on May 28, 2002 and December 18, 2002 at the Municipal Trial Court Branch 3, Angeles City and Branch 3, Municipal Trial Court in Baguio City, respectively, as null and void ab initio based on Article 36 of the Family Code.

Upon the finality of this Decision, issue a Decree of Nullity to be registered with the proper local civil registries and the National Statistics Office, and let copies hereof be furnished the Local Civil Registrar General, Manila, for appropriate action after payment of necessary legal fees due their respective offices.

SO ORDERED.^[17]

The Office of the Solicitor General (OSG) filed a motion for reconsideration, assailing the totality rule from which the trial court based its decision, more specifically the credibility of petitioner herself and the clinical psychologist.^[18] It asserted that Dr. Dela Cruz's psychological report did not deserve credit in view of her failure to personally examine respondent and her utter reliance on petitioner's version of events.^[19]

Petitioner opposed.^[20]

Under Order^[21] dated October 2, 2012, the trial court denied the motion for reconsideration.

Proceedings before the Court of Appeals

On appeal, the OSG faulted the trial court when it granted the petition for nullity of the marriage. It argued in the main that the totality of evidence failed to prove that respondent was psychologically incapacitated to comply with his marital obligations.^[22]

The Court of Appeals Ruling

By Decision^[23] dated June 29, 2015, the Court of Appeals reversed and dismissed the petition.

It ruled that the totality of the evidence on record failed to establish that respondent is psychologically incapacitated to comply with his marital obligations. Respondent's acts of physical violence and infidelity do not necessarily equate to psychological incapacity. Too, respondent's alleged psychological incapacity was not shown to have juridical antecedence.

Petitioner's Motion for Reconsideration^[24] was denied under Resolution^[25] dated June 3, 2016.

The Present Petition

Petitioner now seeks affirmative relief from the Court and prays that the assailed dispositions of the Court of Appeals be reversed and her marriage with respondent be declared *void ab initio*. She faults the Court of Appeals for disregarding the expert findings of Dr. Dela Cruz. She argues that the lack of personal examination and interview of respondent did not *per se* invalidate the findings of Dr. Dela Cruz.

In its Resolution^[26] dated August 8, 2016, the Court required respondent to file his comment on the petition within ten (10) days from notice. This resolution was served in respondent's address in Quezon City but was returned undelivered with the postmaster's notation "RTS-Unknown." Pursuant to the Court's directives,^[27] petitioner ascertained respondent's whereabouts and informed the Court on April 23, 2018 of respondent's correct and current address in Porac, Pampanga.^[28] Thereafter, on October 25, 2018, petitioner furnished respondent a copy of the petition through registered mail.^[29] Records, however, do not bear any Comment filed by respondent. Accordingly, such comment is deemed dispensed with.

The Court resolves to decide the case on the merits, sans respondent's comment.

Issue

Did the Court of Appeals commit reversible error when it reversed the trial court's decision granting the petition for declaration of nullity of her marriage with respondent?

Ruling

We rule in the affirmative.

Article 36 of the Family Code as amended recognizes the psychological incapacity of a spouse as a ground to void a marriage, *viz.*: