

SECOND DIVISION

[G.R. No. 236279, March 25, 2019]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, V. CHERYL
PAULINE R. DEANG, RESPONDENT.**

DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*^[1] are the Decision^[2] dated May 30, 2017 and the Resolution^[3] dated December 12, 2017 of the Court of Appeals (CA) in CA-G.R. CV No. 04183-MIN, which affirmed the Decision^[4] dated July 2, 2014 and the Order^[5] dated February 16, 2015 of the Regional Trial Court of Butuan City, Branch 1 (RTC) in Civil Case No. 6540, declaring the marriage of Emilio Z. Deang (Emilio) and respondent Cheryl Pauline R. Deang (Cheryl) void on the ground of psychological incapacity pursuant to Article 36 of the Family Code, as amended.^[6]

The Facts

Cheryl and Emilio were married^[7] on August 28, 1993 at Sangley Point, Cavite. They have one child named Bryan Joseph R. Deang, who was born on January 12, 1994.^[8]

As a backgrounder, the couple first met sometime in March 1992 and soon after became romantically involved. Two (2) months after living together, Emilio quit his job and engaged in gambling.^[9] In April 1993, at the age of 21, Cheryl became pregnant. Emilio offered to have an abortion outside the country, which however, did not push through. Confused and stressed with her situation, she turned to Emilio's friend for comfort, whom she became intimate with at one time. When Emilio learned about this, he became jealous and began physically abusing her. At one point, he boxed her on the stomach during her second month of pregnancy forcing her to resign from work. Eventually, they got married after Cheryl's parents made the arrangements. Thereafter, they stayed in an apartment in Quezon City which was rented by Cheryl's family.^[10] Despite their marriage, however, Emilio kept bringing up Cheryl's affair with his friend.^[11]

In January 1994,^[12] the couple went back to Butuan City in order for Cheryl's parents to assist her in giving birth. Barely more than a week after their return, however, Emilio decided to go to Manila for work. Subsequently, in August of the same year, Cheryl went to visit Emilio in Manila; Emilio, however, opted for them to live separately. One morning, Cheryl went to Emilio's rented room to surprise him. When Emilio opened the door, however, she saw him covered merely with a towel, while his mistress locked herself in the bathroom. She cried but Emilio merely sent her off to leave. Thus, she went back to Butuan City in December 1994 and never saw Emilio again.^[13]

On February 11, 2013, Cheryl filed a petition for declaration of nullity of marriage^[14] before the RTC alleging that Emilio was psychologically incapacitated to fulfill his essential marital obligations. She claimed that Emilio did not give any support to her and their son, and that to her knowledge, he is living with another woman with whom he has two (2) children.^[15]

For his part, Emilio failed to file his answer and appear during trial despite service of summons.^[16]

During trial, Cheryl testified that she and Emilio lived together as husband and wife for only a year and a month, during which she discovered that the latter was "emotionally immature, irresponsible, a gambler and does not give financial support to the family."^[17] Cheryl also presented Dr. Yolanda Y. Lara (Dr. Lara), a clinical psychologist, who submitted a Psychological Evaluation Report^[18] dated October 28, 2013 and testified that after interviewing Cheryl, Cheryl's sister, and Emilio's cousin,^[19] she concluded that Cheryl manifested signs of Dependent Personality Disorder (DPD), while Emilio showed symptoms of Anti-Social Personality Disorder (APD), both of which caused the dysfunction of their relationship leading to their separation.^[20] She, however, admitted that: (a) she merely talked to Emilio's cousin over the phone; and (b) the information she obtained from the latter was not significant; thus, she based her findings mostly on Cheryl's story.^[21]

The RTC Ruling

In a Decision^[22] dated July 2, 2014, the RTC declared the marriage void *ab initio* pursuant to Article 36 of the Family Code.^[23] Giving full weight and credit to Dr. Lara's findings, the RTC ruled that Emilio was psychologically incapacitated given his inability to understand his obligations as a married man. Additionally, it commiserated with Cheryl's situation, and thus, found no reason to unreasonably deny her the relief she prayed for.^[24]

Petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General, moved for reconsideration^[25] which was, however, denied in an Order^[26] dated February 16, 2015. Thus, petitioner appealed^[27] to the CA.

The CA Ruling

In a Decision^[28] dated May 30, 2017, the CA affirmed the RTC's ruling.^[29] It held that even without Dr. Lara's findings, the narrative of the events alleged in Cheryl's petition and those established during trial all point to the conclusion that Emilio was psychologically incapacitated to perform the essential marital obligations. Particularly, it noted that Emilio: (a) failed to financially support their son; (b) engaged in an extra-marital affair; (c) is irritable and aggressive when things do not go his way; and (d) is impulsive which rendered him unable to plan ahead.^[30] In any event, it found Cheryl to be equally suffering from psychological incapacity based on the findings of Dr. Lara that the latter is afflicted with DPD.^[31] In this regard, the CA stressed that the findings of the RTC on the existence or non-existence of psychological incapacity should be final and binding as long as they are supported by the facts and evidence presented during trial,^[32] which it found in this case.

Unsatisfied, petitioner moved for reconsideration^[33] but was denied in a Resolution^[34] dated December 12, 2017; hence, this petition.

The Issue Before the Court

The essential issue for the Court's resolution is whether or not the CA erred in upholding the RTC ruling declaring the marriage between Cheryl and Emilio void pursuant to Article 36 of the Family Code.

The Court's Ruling

The petition is meritorious.

The policy of the Constitution is to protect and strengthen the family as the basic social institution^[35] and marriage as the foundation of the family.^[36] Because of this, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.^[37] Thus, the Court has consistently ruled that **psychological incapacity, as a ground to nullify the marriage under Article 36 of the Family Code, as amended, should refer to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.**

^[38] It should refer to no less than a mental — not merely 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 which, as provided under Article 68^[39] of the Family Code, among others,^[40] include their mutual obligations to live together, observe love, respect and fidelity, and render help and support.^[41] In other words, it must be a malady that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.^[42]

For the above reasons, the Court has declared, in *Santos v. CA*,^[43] that psychological incapacity under Article 36 of the Family Code must be characterized by: (a) **gravity**, *i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage; (b) **juridical antecedence**, *i.e.*, it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and (c) **incurability**, *i.e.*, it must be incurable, or otherwise the cure would be beyond the means of the party involved.^[44]

Guided by the foregoing considerations, the Court, in several cases,^[45] did not consider as tantamount to psychological incapacity the emotional immaturity, irresponsibility, sexual promiscuity, and other behavioral disorders invoked by the petitioning spouses, for the reason that these behaviors "do not by themselves warrant a finding of psychological incapacity, as these may be due to a person's difficulty, refusal, or neglect to undertake the obligations of marriage that is not rooted in some psychological illness that Article 36 of the Family Code addresses."

^[46] Accordingly, the Court dismissed the petitions for declaration of nullity of marriage.

The Court maintains a similar view in this case and thus grants the petition. As aptly pointed out by petitioner, the actuations of the spouses that allegedly indicated their incapacity to perform marital obligations were not proven to have existed prior to,

or at least, at the time of the celebration of the marriage, as required by jurisprudence.^[47] Emilio may have engaged in an extra-marital affair, gambled, failed to support Cheryl and their son, is irritable and aggressive, and abandoned his family, while Cheryl may have married Emilio simply in obedience to her parents' decision and had the constant need for her parents' care and support. However, these acts, by themselves, do not prove that both parties are psychologically incapacitated as these may have been simply due to jealousy, emotional immaturity, irresponsibility, or dire financial constraints. In *Toring v. Toring*,^[48] the Court emphasized that "irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity, as [these] may only be due to a person's difficulty, refusal[,], or neglect to undertake the obligations of marriage that is not rooted in some psychological illness that Article 36 of the Family Code addresses."^[49] Accordingly, it cannot be said that either party is suffering from a grave and serious psychological condition which rendered either of them incapable of carrying out the ordinary duties required in a marriage.

Furthermore, an examination of Dr. Lara's psychological report, which the courts *a quo* significantly relied upon, actually fails to show that the APD and DPD which Emilio and Cheryl allegedly respectively suffer were impressed with the qualities of juridical antecedence and incurability.

For one, apart from enumerating and characterizing Emilio and Cheryl's respective behavior during the marriage based only on the symptoms specified in the Diagnostic and Statistical Manual of Mental Disorders 5th Edition,^[50] no specific behavior or habits during their childhood or adolescent years were shown that would explain such behavior during the marriage. It must be emphasized that there must be proof of 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^[51] - which must be linked with the manifestations of the psychological incapacity.^[52]

Also, while it is not required that the expert witness personally examine the party alleged to be suffering from psychological incapacity, nevertheless, corroborating evidence must be presented to sufficiently establish the required legal parameters.^[53] Here, Dr. Lara's findings as regards Emilio were solely founded on the narrations of Cheryl and her sister. From these, Dr. Lara proceeded to diagnose Emilio with APD and concluded that Emilio "grew up in a dysfunctional family" resulting "to the development of his antisocial behaviors" which is a "chronic condition x x x embedded in his personality make up."^[54] Perusing the report, the Court is hard-pressed to accept this conclusion based solely on accounts coming from Cheryl's side whose bias cannot be doubted.

And finally, aside from the fact that no discernible explanation was made anent the purported disorders' incurable nature, the Court notes that Dr. Lara's report ultimately fails to demonstrate the relation of these disorders to the ability of the parties to perform their essential marital obligations. In *Republic v. Tecag*,^[55] the Court held that "[i]n determining the existence of psychological incapacity, a clear and understandable causation between the party's condition and the party's inability to perform the essential marital covenants must be shown. A psychological report