

SECOND DIVISION

[G.R. No. 229272, November 19, 2018]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. GINA P.
TECAG, RESPONDENT.

DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*^[1] are the Decision^[2] dated June 29, 2016 and the Resolution^[3] dated January 13, 2017 of the Court of Appeals (CA) in CA-G.R. CV No. 104578, which affirmed the Decision^[4] dated January 20, 2014 and the Resolution^[5] dated July 10, 2014 of the Regional Trial Court of Abatan, Buguias, Benguet, Branch 64 (RTC) in Civil Case No. 12-F-223, which granted the petition for declaration of nullity of marriage between respondent Gina P. Tecag (Gina) and Marjune

B. Manaoat (Marjune) based on psychological incapacity.

The Facts

After living together as husband and wife for two (2) years, Gina and Marjune formalized their marital union through civil rites on August 2, 2006 at La Trinidad, Benguet.^[6] As a means of livelihood, they engaged in vegetable farming until Gina found employment in Macau, where she likewise searched for job opportunities for Marjune. When she found one suited for him, she sent money for his travel abroad, but Marjune refused to go, telling her that he would rather use the money for their farming venture. Gina assented, hoping that if Marjune becomes successful in his endeavor, he would ask her to come home for good.^[7]

As months passed, the communication between Gina and Marjune became less frequent until it ceased altogether. During the rare times when Gina would call, they would only end up arguing, as Marjune would be too drunk to talk. Eventually, news reached Gina that Marjune was having an affair. To confirm the news, Gina returned to the Philippines in 2009. However, Marjune told her that it was better for her to stay abroad. Brokenhearted, Gina returned to Macau. It was only later when she was able to confirm through relatives and friends that, indeed, Marjune was having an affair. In 2010, while she was abroad, a woman called and informed her that she was presently living with Marjune and that they already have a child. Gina also alleged that Marjune hit her because she was unable to conceive.^[8]

Thus, on October 9, 2012, Gina filed a petition^[9] to declare her marriage with Marjune null and void on the basis of the latter's psychological incapacity.^[10] Summons was served upon Marjune, but the latter failed to answer. Thereafter, the attending prosecutor conducted an investigation and declared that there was no

collusion between the parties.^[11]

During trial, Gina presented the findings of Professor Emma Astudillo-Sanchez (Prof. Sanchez), the psychologist who conducted a psychological examination of the parties. In this relation, Prof. Sanchez interviewed Gina, her sister Sofia, and her brother-in-law Christian^[12] Tabadero.^[13] In her Case Analysis Report,^[14] Prof. Sanchez stated that Gina was suffering from "Anxious and Fearful Personality Disorder" where traces of "Dependent Personality Disorder" were observed, rendering her psychologically incapacitated as a spouse to Marjune. With respect to Marjune, Prof. Sanchez found that his behavior was suggestive of an "Avoidant Personality Disorder," even though she was unable to interview him.^[15] She also concluded that Gina and Marjune's personality disorders "affected their behaviors even before they contracted marriage and, in the presence of situational factors, became more evident during the time they were together during the marriage."^[16]

The RTC Ruling

In a Decision^[17] dated January 20, 2014, the RTC found that Gina and Marjune were both psychologically incapacitated to perform their marital obligations and declared their marriage null and void *ab initio*.^[18] The RTC found that the personality disorders of both parties, which were developed during their early childhood, adolescence, and early adulthood through their upbringing and environment, are deeply rooted in their respective personality make-up, in that these existed even before their marriage, but became manifest only after its celebration. Because these disorders prevented the parties from performing their essential marital duties, they are considered grave and serious, and likewise incurable, as concluded by Prof. Sanchez.^[19]

Petitioner Republic of the Philippines (Republic), through the Office of the Solicitor General, moved for reconsideration,^[20] which was denied in a Resolution^[21] dated July 10, 2014. Thus, it appealed to the CA.

The CA Ruling

In a Decision^[22] dated June 29, 2016, the CA denied the Republic's appeal and affirmed the RTC's ruling,^[23] upon a finding that the guidelines set forth in *Republic v. CA*^[24] have been satisfied. It found that Gina was able to present an expert witness who made a clinical study on her and Marjune's behavior, even though the latter has not been personally examined. Citing the findings of Prof. Sanchez extensively, the CA held that the root cause of their psychological incapacity had been medically or clinically identified, and that they were unable to comply with the essential marital obligations under Article 68 of the Family Code.^[25]

The Republic's motion for reconsideration^[26] was denied in a Resolution^[27] dated January 13, 2017; hence, this petition.

The Issue Before the Court

The issue for the Court's consideration is whether or not the CA erred in upholding

the dissolution of the marriage between Gina and Marjune based on psychological incapacity.

The Court's Ruling

The petition is meritorious.

The validity of marriage and the unity of the family are enshrined in our Constitution and statutory laws. Thus, any doubts attending the same are to be resolved in favor of the continuance and validity of the marriage and the burden of proving the nullity of the same rests at all times upon the petitioner. The policy of the Constitution is to protect and strengthen the family as the basic social institution, and marriage as the foundation of the family. Because of this, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.^[28]

Under Article 36^[29] of the Family Code, as amended, psychological incapacity is a valid ground to nullify a marriage. However, in deference to the State's policy on marriage, psychological incapacity does not merely pertain to any psychological condition; otherwise, it would be fairly easy to circumvent our laws on marriage so much so that we would be practically condoning a legal subterfuge for divorce.

Based on jurisprudence, psychological incapacity has a specific and peculiar denotation. It ought to pertain to only the most serious cases of personality disorders that **clearly demonstrate the party's/parties' utter insensitivity or inability to give meaning and significance to the marriage**.^[30] 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^[31] of the Family Code, among others,^[32] include their mutual obligations to live together, observe love, respect and fidelity, and render help and support.

The requirements for proving psychological incapacity can be traced in a long line of cases. In *Lontoc-Cruz v. Cruz*,^[33] citing *Republic v. De Gracia*^[34] and *Santos v. CA* (*Santos*),^[35] the Court emphasized "that psychological incapacity 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 even if it were otherwise, the cure would be beyond the means of the party involved)."^[36]

In this case, the courts *a quo* resolved to grant the petition for nullity of marriage on the basis of the evidence presented showing that both Gina and Marjune are psychologically incapacitated to fulfill their respective marital obligations. As it may be readily observed, the courts' conclusion was mainly grounded on the expert opinion of Prof. Sanchez whose findings are embodied in a Case Analysis Report. This report, which was borne out of Prof. Sanchez's interviews with Gina, the latter's sister, and brother-in-law, concludes that Gina is suffering from Anxious and Fearful Personality Disorder with traces of Dependent Personality Disorder. Specifically, Prof.

Sanchez pointed out that Gina has many apprehensions, a tendency to be depressive, fears of abandonment and rejection, and passivity.^[37]

However, as petitioner aptly pointed out, the said report failed to show that these traits existed prior to Gina's marriage and that her alleged personality disorder is incurable or that the cure is beyond her means.^[38] There was simply no discernible explanation on the juridical antecedence or incurability of Gina's supposed condition. More significantly, the relation of such condition to Gina's inability to perform her essential marital obligations was not sufficiently shown. To reiterate, the psychological condition ought to pertain to personality disorders that are grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage. Unfortunately, the Case Analysis Report fails to demonstrate this crucial point. In 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 that is essentially comprised of mere platitudes, however speckled with technical jargon, would not cut the marriage tie.

According to jurisprudence, the probative force of the testimony of an expert does not lie in a mere statement of his or her theory or opinion, but rather in the assistance that he or she can render to the courts in showing the facts that serve as basis for his or her criterion and the reasons upon which the logic of his or her conclusion are founded. Hence, it has been held that courts should weigh and consider the probative value of the findings of the expert witnesses vis-a-vis the other evidence available,^[39] and the root cause of the psychological incapacity must still be identified as a psychological illness and its incapacitating nature be fully explained.^[40] In this case, there is no other evidence offered apart from Prof. Sanchez's report to substantiate Gina's allegation of psychological incapacity. The said report leaves much to be desired since it does not adequately demonstrate the gravity, juridical antecedence, and incurability of Gina's purported personality disorder.

The same observations are true with respect to Prof. Sanchez's findings anent Marjune's purported "Avoidant Personality Disorder." To recount, Prof. Sanchez arrived at her diagnosis without having examined or, at the very least, spoken to the subject, *i.e.*, Marjune, even once; all the information that she utilized in reaching her conclusions were merely supplied by Gina, whose bias against him is reasonably apparent. Thus, 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,^[41] which Gina simply failed to do.

In any event, Prof. Sanchez's assessment of Marjune's supposed psychological incapacity mainly centers on his alleged irresponsible and philandering ways that were attendant only during the marriage. This Court has already settled that sexual infidelity, by itself, is not sufficient proof that one is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which makes him/her completely unable to discharge the essential obligations of marriage.^[42]