

SECOND DIVISION

[G.R. No. 214064, February 06, 2017]

**MIRASOL CASTILLO, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES AND FELIPE IMPAS, RESPONDENTS.**

D E C I S I O N

PERALTA, J.:

We resolve the petition for review on *certiorari* filed by petitioner Mirasol Castillo (*Mirasol*) challenging the Decision^[1] and Resolution,^[2] dated March 10, 2014 and August 28, 2014, respectively, of the Court of Appeals (CA), which ruled against the dissolution and nullity of her marriage under Article 36 of the Family Code.

The facts of the case follow:

As their parents were good friends and business partners, Mirasol and Felipe started as friends then, eventually, became sweethearts. During their courtship, Mirasol discovered that Felipe sustained his affair with his former girlfriend. The couple's relationship turned tumultuous after the revelation. With the intervention of their parents, they reconciled. They got married in Bani, Pangasinan on April 22, 1984 and were blessed with two (2) children born in 1992 and in 2001.^[3]

On June 6, 2011, Mirasol filed a Complaint^[4] for declaration of nullity of marriage before the Regional Trial Court (RTC) of Dasmarinas, Cavite, Branch 90.

Mirasol alleged that at the beginning, their union was harmonious prompting her to believe that the same was made in heaven. However, after thirteen (13) years of marriage, Felipe resumed philandering. Their relatives and friends saw him with different women. One time, she has just arrived from a trip and returned home to surprise her family. But to her consternation, she caught him in a compromising act with another woman. He did not bother to explain or apologize. Tired of her husband's infidelity, she left the conjugal dwelling and stopped any communication with him.^[5] Felipe's irresponsible acts like cohabiting with another woman, not communicating with her, and not supporting their children for a period of not less than ten (10) years without any reason, constitute a severe psychological disorder.^[6]

In support of her case, Mirasol presented clinical psychologist Sheila Marie Montefalcon (*Montefalcon*) who, in her Psychological Evaluation Report,^[7] concluded that Felipe is psychologically incapacitated to fulfill the essential marital obligations. A portion of the report reads:

x x x x

The personality disorder speaks of antecedence as it has an early onset,

with an enduring pattern and behavior that deviates markedly from the expectations of the individual's culture. His poor parental and family molding (particularly lack of parental parenting) caused him to have a defective superego and he proved to be selfish, immature and negligent person and followed a pattern of gross irresponsibility and gross disregard of the feelings of his partner/wife disregarding the marriage contract and the commitment he agreed on during the wedding. In other words, the root cause of respondent's flawed personality pattern can be in childhood milieu. Respondent's familial constellation, unreliable parenting style from significant figures around him, and unfavorable childhood experiences have greatly affected his perceptions of himself and his environment in general. The respondent did not grow up mature enough to cope with his obligations and responsibilities as married man and father.

It also speaks of gravity as he was not able to carry out the normative and ordinary duties of marriage and family, shouldered by any married man, existing in ordinary circumstances. He just cannot perform his duties and obligations as a husband, as he entered into marriage for his own self-satisfaction and gratification, manipulate and denigrate the petitioner for his own pleasures and satisfaction. In the process, respondent was unable to assume his marital duties and responsibilities to his wife. He failed to render mutual help and support (Article 68, FC).

Additionally, it also speaks of incurability, as respondent has no psychological insight that he has a character problem. He would not acknowledge the pain he caused to people around him. People suffering from this personality disorder are unmotivated to treatment and impervious to recovery. There are no medications and laboratory examinations to be taken for maladaptive behavior such as the NPD (Narcissistic Personality Disorder).

Otherwise stated, his personality disorder is chronic and pervasive affecting many aspects of his life, such as social functioning and close relationships. Apparently, he has failed to develop appropriate adjustment methods. He lacks the intrapersonal and interpersonal integration that caused him the failure to understand the very nature of that sharing of life that is directed toward the solidarity and formation of family.

x x x x^[8]

In a Decision^[9] dated January 20, 2012, the RTC in Civil Case No. 4853-11 declared the marriage between Mirasol and Felipe null and void. The dispositive portion of the decision states:

WHEREFORE, premises considered, Court hereby declares the marriage contract by the petitioner MIRASOL CASTILLO to the respondent FELIPE IMPAS on April 22, 1984 in Bani, Pangasinan to be NULL AND VOID AB INITIO.

ACCORDINGLY, pursuant to the provisions of A.M. No. 02-11-10-SC, the

Clerk of Court is directed to enter this judgment upon its finality in the Book of Entry of Judgment and to issue the corresponding Entry of Judgment. Thereupon, the Office of the Civil Registrars in Bani, Pangasinan and Imus, Cavite, are also mandated to cause the registration of the said ENTRY OF JUDGMENT in their respective Book of Marriages.

Likewise, furnish the petitioner and the counsel of the petitioner, the respondent, the Solicitor General, 3rd Assistant Provincial Prosecutor Oscar R. Jarlos and the Civil Registrar General with copies hereof.

Upon compliance, the Court shall forthwith issue the DECREE OF NULLITY OF MARRIAGE.

SO ORDERED.^[10]

On February 22, 2012, the Republic of the Philippines, through the Office of the Solicitor General (OSG), filed a motion for reconsideration, which the RTC denied in an Order^[11] dated April 3, 2012.

On appeal, the CA in CA-G.R. CV No. 99686 reversed and set aside the decision of the RTC, ruling that Mirasol failed to present sufficient evidence to prove that Felipe was suffering from psychological incapacity, thus, incapable of performing marital obligations due to some psychological illness existing at the time of the celebration of the marriage.^[12] A pertinent portion of the decision reads:

x x x x

Based on the records, it appears more likely that Felipe became unfaithful as a result of unknown factors that happened during the marriage and not because of his family background. His tendency to womanize was not shown to be due to causes of a psychological nature that are grave, permanent and incurable. In fact, it was only after thirteen (13) years of marriage that he started to engage in extra-marital affairs. In the complaint filed by Mirasol, she said that after they got married, their relationship as husband and wife went smoothly and that she was of the belief that she had a marriage made in heaven.

In short, Felipe's marital infidelity does not appear to be symptomatic of a grave psychological disorder which rendered him incapable of performing his spousal obligations. Sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make him completely unable to discharge the essential obligations of marriage. Since that situation does not obtain in the case, Mirasol's claim of psychological incapacity must fail. Psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations. Rather, it is essential that the concerned party was incapable of doing so, due to some psychological illness existing at the time of the celebration of the marriage.

In fine, given the insufficiency of the evidence proving the psychological incapacity of Felipe, We cannot but rule in favor of the existence and continuation of the marriage and against its dissolution and nullity.

WHEREFORE, the appeal is GRANTED. The Decision dated January 20, 2012 is REVERSED and SET ASIDE.

SO ORDERED.^[13]

Upon the denial of her motion for reconsideration, Mirasol elevated the case before this Court raising the issue, thus:

[Petitioner] was able to establish that respondent is suffering from grave psychological condition that rendered him incognitive of his marital covenants under Article 36 of the Family Code.

Basically, the issue to be resolved by this Court is whether or not the totality of evidence presented warrants, as the RTC determined, the declaration of nullity of the marriage of Mirasol and Felipe on the ground of the latter's psychological incapacity under Article 36 of the Family Code.

This Court rules in the negative.

Mirasol alleges that she has sufficiently established that Felipe is psychologically incapacitated to comply with the essential obligations of marriage. The conclusions of the trial court regarding the credibility of the witnesses are entitled to great respect because of its opportunity to observe the demeanor of the witnesses. Since the court *a quo* accepted the veracity of the petitioner's premises, there is no cause to dispute the conclusion of Felipe's psychological incapacity drawn from the expert witness. She claims that Montefalcon was correct in interviewing her for it was submitted that it was only her who knew best whether her husband was complying with his marital obligations. Moreover, the OSG admits that personal examination of the respondent by the clinical psychologist is not an indispensable requisite for a finding of psychological incapacity.

On the other hand, the OSG argues that Mirasol failed to establish from the totality of evidence the gravity, juridical antecedence and incurability of Felipe's alleged Narcissistic Personality Disorder. The conclusions of the clinical psychologist that he was psychologically incapacitated and that such incapacity was present at the inception of the marriage were not supported by evidence. At most, the psychologist merely proved his refusal to perform his marital obligations.^[14] Moreover, she has no personal knowledge of the facts from which she based her findings and was working on pure assumptions and secondhand information related to her by one side.^[15]

Time and again, it was held that "psychological incapacity" has been intended by law to be confined to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.^[16] 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.^[17]

In the case of *Republic v. Court of Appeals and Molina*,^[18] this Court laid down the more definitive guidelines in the disposition of psychological incapacity cases, viz.:

x x x x

(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. x x x

(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. x x x

(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. x x x

(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. x x x

(5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. x x x 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. x x x

(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

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x

x x x^[19]

The existence or absence of the psychological incapacity shall be based strictly on the facts of each case and not on *a priori* assumptions, predilections or generalizations.^[20]

As held in *Ting v. Velez-Ting*:^[21]