

## FIRST DIVISION

[ G.R. No. 201988, October 11, 2017 ]

**MARIA VICTORIA SOCORRO LONTOC-CRUZ, PETITIONER, VS.  
NILO SANTOS CRUZ, RESPONDENT.**

### D E C I S I O N

**DEL CASTILLO, J.:**

The most challenging part of being in a difficult marriage is to thrive in one. In the case of petitioner Maria Victoria Socorro Lontoc-Cruz (Marivi) and respondent Nilo Santos Cruz (Nilo), their marriage withered as this was beset with problems such as the lack of quality time, recriminations, disillusionment, loss of passion, and infidelity. The estranged spouses considered their union as non-functional, attributing the failure of their marriage to their respective personality disorders that repelled each other.

This Petition for Review on *Certiorari*<sup>[1]</sup> challenges the November 22, 2011 Decision<sup>[2]</sup> and May 29, 2012 Resolution<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 93736 that affirmed the Decision<sup>[4]</sup> of the Regional Trial Court (RTC), Branch 207, Muntinlupa City in Civil Case No. 05-095 which refused to declare the marriage void *ab initio* under Article 36 of the Family Code.

#### ***Factual Antecedents***

Twenty-two-year-old Marivi met 28-year old Nilo sometime in March 1986. They became steady in August of the same year. Nilo, whose job was then in Hong Kong, prodded Marivi to marry him so she could join him there soonest. Marivi agreed. The couple married in a civil ceremony<sup>[5]</sup> on October 21, 1986 followed by a church wedding<sup>[6]</sup> on February 8, 1987. The marriage produced two sons: Antonio Manuel, born on April 25, 1988, and Jose Nilo, born on September 9, 1992.

On July 7, 2005, Marivi filed with the RTC of Muntinlupa City a petition for declaration of nullity of marriage<sup>[7]</sup> based on psychological incapacity. She averred that it had been medically ascertained that Nilo was suffering from "inadequate personality disorder related to masculine strivings associated with unresolved oedipal complex,"<sup>[8]</sup> while she herself was found to be suffering from a "personality disorder of the mixed type, [h]istrionic, [n]arcissistic with immaturity x x x."<sup>[9]</sup>

To show that Nilo failed to provide her with the necessary emotional, psychological, and physical support, Marivi cited the following:

1. His infidelity and his non-commitment to the marriage as he continued to act like a bachelor;

2. The lack of 'oneness' in the marriage as Nilo would make decisions (on financial matters) without consulting or considering her suggestions; treating her as a housemate or a "mayordoma;" keeping from her his whereabouts, when he would come home or how much his income was;
3. The lack of sexual contact for more than a decade as Nilo made excuses;
4. Putting up a facade that he is a caring, concerned, and loving husband, especially to his bosses; and
5. Preference towards the company of his peers/friends.<sup>[10]</sup>

In his Answer,<sup>[11]</sup> Nilo claimed that he was madly in love with Marivi; that at the start of their relationship, both he and Marivi would exhibit negative personality traits which they overlooked; that he believed that both he and Marivi were suffering from psychological incapacity; and that he was not singularly responsible for the breakdown of their marriage. He stressed that Marivi also contributed to the deterioration of their union, to wit:

1. Marivi would demand that he behave in ways he was not accustomed to or inconsistent with his career position;
2. Marivi was jealous of his friends; and would often make hasty conclusions that he was having an affair with other women;
3. Marivi would exhibit volatile temperament if things did not go her way; would not admit mistakes, and blame others instead;
4. Marivi would make decisions impulsively, such as changing an item she gets tired of, or demanding that Nilo change a motor vehicle simply because she did not like it; and
5. She lacked respect for Nilo, and would speak to him degradingly, and even accuse him of being gay or a homosexual.<sup>[12]</sup>

On October 11, 2006, the trial court rendered a Partial Decision<sup>[13]</sup> approving the parties' Compromise Agreement<sup>[14]</sup> pertaining to custody, support, and dissolution of the properties. Trial on the issue of the nullity of marriage on the ground of psychological incapacity ensued.

### ***Marivi's Version***

Marivi narrated that when they were still going steady, Nilo would only spend Saturdays and Sundays with her and devote the weekdays to partying with his friends; that even after their engagement, Nilo would still meet other women and accept invitations to beauty pageants and cocktails;<sup>[15]</sup> that Nilo was not the type who would kiss passionately; that Nilo would not engage in foreplay during sex, but wished only to satisfy himself; that Nilo would engage in anal sex and would only stop when she complained that it was painful; that Nilo would thereafter sleep, leaving her feeling "used," and that Nilo was impulsive, daring, and adventurous.<sup>[16]</sup>

She also claimed that Nilo would habitually come home late; that Friday nights were Nilo's boys' night out; that unless she would ask him to take her out on a date, Nilo would not do so; and that Nilo would call her a "nagger" even if she was merely asking him to come home early.<sup>[17]</sup>

Marivi further narrated that Nilo would engage in extramarital affairs; that a few months into their marriage, Nilo had an affair with an unmarried female officemate;<sup>[18]</sup> that Nilo ended the affair only after she (Marivi) threatened to tell his employer/supervisor;<sup>[19]</sup> that Nilo had another affair a few weeks after the birth of their second son; that when confronted with his womanizing and made to choose between her and the children or the other women, Nilo replied that he was "confused,"<sup>[20]</sup> which prompted her to leave and stay in Cebu with her parents; and that she heard from her friends that while she was in Cebu, Nilo was living a bachelor's life.<sup>[21]</sup>

Marivi added that she eventually reconciled with Nilo but despite the reconciliation, Nilo never really changed, and that he remained indifferent, insensitive, and unappreciative. According to Marivi, she would instead call up her parents and sisters to talk about their family problems;<sup>[22]</sup> that while he (Nilo) told people that he was proud of her, he never gave her the emotional, psychological, and physical support she needed.<sup>[23]</sup> She felt like she was no more than a mayordoma to him, and that they were just "housemates." Nilo would come home late on weekdays and preferred to go out with his friends. Their quarrels were frequent and their conversations were superficial; Nilo would rather talk about himself, instead of asking Marivi about her day or about their children. He was controlling and domineering,<sup>[24]</sup> and refused to consider her suggestions; he would not want his money mingled with her (Marivi's) money.<sup>[25]</sup> Nilo would shell out money when he wanted to buy things, but would make excuses when it came to Marivi's suggestion for a family vacation.<sup>[26]</sup> Marivi also claimed that Nilo had no sense of companionship with their children; and that Nilo even told their son that their brand new house was everything to him.<sup>[27]</sup>

Marivi was moreover bothered by Nilo's effeminate ways; he was vain and would have weekly "beauty" treatments.<sup>[28]</sup> Furthermore, they no longer had sex after the birth of their second son. While they tried to have sex twice, Nilo failed to have an erection. After that, Nilo would refuse to have sex with her which made her (Marivi) question his sexual orientation, so much so that Nilo physically hurt her when she questioned his virility.<sup>[29]</sup>

Marivi's father, Manuel, likewise stated that Marivi would call them up for help because Nilo had hurt her during the couple's quarrel; that their marriage was not harmonious due to Marivi's youth and her unfamiliarity with Nilo's personality and family values. He considered Nilo only as a provider, not as a husband and a good father to his sons.<sup>[30]</sup>

Marivi's younger sister, Margarita Ledesma (Margarita), who lived for four years with Nilo and Marivi, claimed to have witnessed how lonely Marivi was. She alleged that Nilo was absent when Marivi gave birth to their second son; that Nilo was short-tempered when driving; and that the couple would often fight because Nilo would

always come home late or because Marivi suspected Nilo of infidelity. Margarita believed that Nilo did not really want to save the marriage, although he told her that he loves Marivi and the children.<sup>[31]</sup>

### ***Nilo's Version***

Nilo acknowledged his contribution to the breakdown of the marriage because his job required him to come home late, his inability to sexually perform adequately, his failure to be the "ideal husband,"<sup>[32]</sup> and because he had had extramarital affairs in the years 1992, 2002, and 2006.<sup>[33]</sup> At the same time, Nilo insisted that Marivi also contributed to the collapse of their union.

According to Nilo, Marivi would always want to know his companions and whereabouts; would demand information about his female acquaintances; and would even call up his workplace to ask where he was. Moreover, her conceit and her "prima donna" attitude embarrassed him. Marivi would order him to act in accordance with their stature in life, and would demand that he instruct his office staff to accord her special treatment as Hewlett Packard's "first lady" during the time that he was Hewlett Packard's President. Marivi would also instruct their housemaids to call him "señorito;" and she would make a "big deal" out of her being a "mestiza," and would think of herself a "trophy wife."<sup>[34]</sup>

Nilo claimed that Marivi was "unappreciative" of him, had a misdirected sense of self-entitlement, and would complain if she did not get her own way, as she was used to, she being her father's favorite daughter; Marivi did not even care about discussing family finances with him as long as she got what she wanted. She also had a violent temper and would hurl things at him during their fights; that she would blame him for everything, and would keep on reciting his past mistakes. Marivi did not understand the demands of his job, and unfairly compared his work to her father's job, the operation of which was limited to a single area, a compound in a mine site in Cebu. He explained that the multinational companies he then worked for required him to work beyond the normal office hours because he has to meet "sales quotas in millions of dollars," entertain people from different headquarters, and meet with different clients from areas far from his residence.<sup>[35]</sup>

Worse, Nilo was turned off by Marivi's act of broadcasting to her whole clan his inadequacies during their intimate sexual relations, which began after he witnessed Marivi giving birth to their first child. When he confided to Marivi about this, she instead accused him of having another affair. Since then, he did not feel any sexual excitement and attraction toward her when they were together. Instead of discussing the problem with him candidly, she accused him of being gay. Nilo stated that the last time they had sex was in 1997 or in 1998.<sup>[36]</sup>

### ***The Clinical Findings***

In support of her claim that she and Nilo were suffering from psychological incapacity, Marivi presented Dr. Cecilia Villegas (Dr. Villegas), a psychiatrist, and Dr. Ruben Encarnacion (Dr. Encarnacion), a clinical psychologist.

Dr. Villegas diagnosed Nilo to have "inadequate personality disorder related to

masculine strivings associated with unresolved oedipal complex,"<sup>[37]</sup> while she diagnosed Marivi to have "personality disorder of the mixed type, [h]istrionic, [n]arcissistic, with immaturity x x x."<sup>[38]</sup>

In the March 21, 2005 Psychiatric Report,<sup>[39]</sup> Dr. Villegas stated:

The root cause of the above clinical conditions on the part of Marivi Cruz, were the overindulgence and over attention of her parents, in a prolonged manner, carried over to adult adjustments. On the part of Nilo Cruz, his negative identification and resentments towards his father and close attachments to his mother, continued by his long-time maid, to the point of an oedipal situation led to his inadequacy, along masculine strivings, with difficult assertions of his authority and power.

The above clinical conditions existed prior [to] marriage but became manifest only after the celebration due to marital stresses and demands. Both are considered as permanent in nature, because they started early in their developmental stage, and therefore became so deeply engrained into their personality structures. Both are considered grave in degree, because they hampered, interfered and disrupted their normal functioning related to heterosexual adjustments.<sup>[40]</sup>

According to Dr. Villegas, both parties could not tolerate each others' weaknesses and that the incapacities of the parties are grave because they preferred to satisfy their own needs rather than to give in to the other's needs.<sup>[41]</sup>

She claimed that Nilo's lack of a father figure weakened his masculinity. He cross-identified himself with his mother because his father, a disciplinarian and the thrifty one, was often absent because of his military service. While he was still a teenager, his mother migrated to Canada and their long-time maid acted as his surrogate mother. Nilo sought from his wife his mother's nurturing qualities, but he felt hostility when Marivi failed to meet his ego ideal. His aggression was in the form of passivity, punishing his wife by not sexually performing.<sup>[42]</sup>

Dr. Villegas noted that Nilo would put on a facade, a compensatory mechanism according to social norms. While he was not exactly a homosexual. he covered up his weak masculine traits by being a "playboy." Nilo could only comply with the financial obligation of marital life, but not the psychological and emotional parts of it.<sup>[43]</sup> Nilo likewise was an inadequate father figure to his own two sons, especially the younger, who has already manifested strong feminine traits.<sup>[44]</sup>

Marivi, on the other hand, expected that her interactions with the world would be like that of her own close-knit family, a perception attributable to her parents' prolonged gratification of her dependency needs. Her father was a dedicated, devoted, and responsible family man who regularly came home to spend time with them, while her mother was a good housewife, who always found time to personally attend to their needs. Dr. Villegas described Marivi as one with strong mood fluctuations, emotionally immature, with low self-esteem, has difficulty neutralizing the outbreak of negativity in her behavior, is suggestible, egocentric, and impelled by a desire to "extort" from others. To Dr. Villegas, the couple's respective personality disorders were mutually repelling, their brain waves not being in sync