

THIRD DIVISION

[G.R. No. 214077, August 10, 2016]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DANILO A. PANGASINAN, RESPONDENT.

DECISION

VELASCO JR., J.:

The Case

Assailed in this Petition for Review on Certiorari are the Decision^[1] dated March 10, 2014 and Resolution^[2] dated August 26, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 99739 which affirmed the Decision^[3] dated March 6, 2012 in Civil Case No. 11-0205 of the Regional Trial Court, Branch 260 in Parafiaque City (RTC), declaring the marriage of respondent Danilo A. Pangasinan and Josephine P. Pangasinan void on the ground of their respective psychological incapacity pursuant to Article 36 of the Family Code of the Philippines.

The Facts

Danilo and Josephine first met at the Philippine Plaza Hotel in Manila where they were both working sometime in 1981. Following a three-month courtship, Josephine became pregnant. To erase any notion of impropriety, the couple immediately contracted marriage, first civilly on December 29, 1981, followed by a church wedding on January 23, 1982.^[4] The couple begot three children—Juan Carlo, Julia Erika, and Josua.

At the outset, life for Danny and Josephine generally ran harmoniously, although marred from time to time by arguments about money matters. They did not have any major problems, and even became partners in Danilo's business pursuits.^[5] Signs of marital kinks appeared when Danilo's business began to slow down. This caused the couple to fight incessantly, since Danilo began to have difficulty supporting Josephine and their children at the same level to which they were accustomed.^[6] Allegations of infidelity on the part of Danilo compounded things.^[7]

Sometime in September 2007, Josephine underwent hysterectomy. Four days after bringing her home from the hospital, Danilo flew to Tacloban for a business trip, which Josephine already knew of even prior to her operation. As it turned out, Josephine did not want him to leave. Danilo came home to find an irate Josephine seething at him. Josephine's sudden demand to see his bank passbook so enraged Danilo that he tossed the passbook in front of her. Josephine, in turn, became incensed and started to curse and berate him. Out of anger and exasperation, Danilo grabbed and smashed two glass cups beside him, while Josephine continued on with her tirade against him. Josephine left the conjugal home the next day, never

to resume cohabitation with Danilo.^[8]

Thereafter, Josephine filed a number of cases against Danilo, viz: two cases for violation of Republic Act No. 9262 or the *Anti-Violence against Women and Their Children Act of 2004* and a petition for annulment—all of which she would withdraw. Subsequently, however, she filed an action for legal separation.^[9]

After 30 years of marriage, Danilo filed a petition dated May 25, 2011 before the RTC, praying for the declaration of nullity of his marriage to Josephine on the ground of the latter's psychological incapacity under Article 36 of the Family Code. Docketed as Civil Case No. 11-0205, the petition was consolidated with the legal separation case that Josephine filed, but which was, however, ordered archived by the trial court upon her motion.

Danilo alleged in his petition that barely a few months into their boyfriend-girlfriend relationship, Josephine already exhibited certain negative traits, which he merely trivialized at that time.^[10] He eventually discovered his wife to be competitive, domineering, headstrong, and always determined to get what she wanted in the relationship. Their disagreements even over the most trivial matters usually ended up in fights. However, she would suddenly become overly excited and elated that she got her way whenever he gave in to her desires. She enjoyed talking about herself and expected him to give her special treatment, which he tried to satisfy by buying her nice and expensive gifts.^[11]

Josephine's negative traits, so Danilo averred, existed prior to their marriage. These include an exaggerated sense of self-importance and sense of entitlement by giving the impression that she was superior to him. She always made the decisions during their marriage, especially when it came to money matters, and made it appear to her children that she was the one in-charge of the family. She ignored and demeaned his abilities and contributions, and complained that she received no help at all from him.^[12] She was indifferent and lacked empathy to his plight, as shown by her lack of concern for his distress when she failed to take care of him in the hospital when he was recuperating from two heart surgeries in 2009. During this time, Josephine visited him but did not tend to his needs.^[13]

In support of his case, Danilo presented Dr. Natividad A. Dayan (Dr. Dayan), a clinical psychologist, who, in her Psychological Evaluation Report,^[14] concluded that both Josephine and Danilo are psychologically incapacitated to fulfill their essential marital obligations of rendering love and respect to each other.

On January 9, 2012, the trial court issued an Order^[15] approving the Compromise Agreement^[16] dated December 8, 2011 dividing their properties between them. Josephine manifested then that she is no longer presenting controverting evidence and is leaving the issue of nullity of their marriage entirely to the trial court for evaluation.

The Ruling of the RTC

In its Decision dated March 6, 2012, the trial court declared the marriage between Danilo and Josephine void from the start, noting, among others, that the totality of

evidence presented show that both parties failed to establish a functional family as they were incapacitated to comply with their marital obligations. In this regard, the RTC gave much credence on Dr. Dayan's assessment of Josephine and Danilo's psychological incapacities. Thus, the trial court ordered them to comply with their compromise agreement respecting their property relations and the matter of support for their common children. The petition for legal separation was, however, dismissed for lack of merit. The dispositive portion of the RTC's Decision reads:

WHEREFORE, finding merit to the petition, judgment is hereby rendered:

1. **DECLARING** null and void ab initio the marriage between DANILO A. PANGASINAN and JOSEPHINE P. PANGASINAN solemnized on DECEMBER 29, 1981 in MAKATI CITY or any other marriages between them, on the ground of the psychological incapacity of respondent and incidentally on the part of petitioner.
2. **ORDERING** both parties to strictly comply with the stipulations of their compromise agreement respecting their property relations and the matter of support for their common children.
3. **ORDERING** the Local Civil Registrar of Makati City and National Statistics Office to cancel the marriage between the petitioner and the respondent as appearing in the Registry of Marriages.
4. The petition for Legal separation is dismissed for lack of merit.

There are no other issues in this case.

Let copies of this Decision be furnished the Registrars of Makati City and Paranaque City, the Office of the Solicitor General, the Office of the City Prosecutor, Paranaque City and the Office of the National Statistics Office (NSO).

SO ORDERED, (emphasis in the original)

The Republic of the Philippines, through the Office of the Solicitor General (OSG), moved for reconsideration but the trial court denied the motion in its Order^[17] dated August 23, 2012.

The Ruling of the CA

Upon review, the CA in the adverted Decision dated March 10, 2014 affirmed the trial court's findings that Josephine, indeed, suffers from psychological incapacity. Citing *Republic v. Court of Appeals*,^[18] also known as the Molina case, in relation to *Ngo Te v. Yu Te*,^[19] the CA ruled that "Josephine was psychologically incapacitated to fulfill the basic duties of marriage which was corroborated in material points by the conclusions of the clinical psychologist, x x x [T]he link between the acts that manifest incapacity and the psychological disorder itself was fully explained."^[20]

The motion for the reconsideration of the adverted Decision was likewise denied by the CA in its Resolution dated August 26, 2014. Hence, this petition.

The OSG would have the Court set aside the appealed CA Decision in the submissions that the finding of psychological incapacity on the part of Danilo and Josephine is not in accordance with law and jurisprudence, and the petition filed by Danilo does not specifically allege the complete details of his own psychological incapacity as required by the governing rules.

The OSG contends that Danilo failed to prove that Josephine's psychological incapacity is a medically rooted psychological affliction that was incurable and existing at the inception of their marriage. It further avers that the gravity, antecedence, root cause and incurability of Josephine's psychological incapacity were not established by the evidence of respondent^[21] in accordance with the guidelines laid down by the Court in *Molina*. The declaration of nullity of marriage is further assailed as the trial court, as affirmed by the CA, declared the nullity of the parties' marriage based on both of their psychological incapacities.

The sole issue for the resolution of this Court is whether or not the totality of evidence presented warrants, as the courts *a quo* determined, the declaration of nullity of Danilo and Josephine's marriage based on their psychological incapacity under Article 36 of the Family Code.

The petition is meritorious.

"Psychological incapacity," as a ground to nullify marriage under Article 36 of the Family Code, 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 so expressed in Article 68 of the Code, among others, include their mutual obligations to live together, observe love, respect and fidelity and render help and support.^[22]

As declared by the Court in *Santos v. Court of Appeals*,^[23] psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. Thereafter, in *Molina*^[24] the Court laid down more definitive guidelines in the disposition of psychological incapacity cases, to wit:

- (1) Burden of proof to show the nullity of the marriage belongs to the plaintiff.
- (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.
- (3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage.
- (4) Such incapacity must also be shown to be medically or clinically permanent or incurable.
- (5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of 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. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

(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.

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition.^[25]

In sum, a person's psychological incapacity to comply with his or her essential obligations, as the case may be, in marriage must be rooted on a medically or clinically identifiable grave illness that is incurable and shown to have existed at the time of marriage, although the manifestations thereof may only be evident after marriage. Using the abovementioned standards in the present case, the Court finds that the totality of evidence presented is insufficient to establish Josephine and Danilo's psychological incapacity.

The totality of evidence presented fails to establish the psychological incapacity of the parties

In her Affidavit^[26] dated October 25, 2011, Dr. Dayan declared that there is sufficient basis to conclude that Josephine is psychologically incapacitated to comply with her essential marital obligations since she is suffering from "301.81 Narcissitic Personality Disorder," as shown by her exaggerated sense of self-importance, sense of entitlement, lack of empathy, arrogant and haughty behaviours, as well as beliefs of being superior and special; and that her psychological incapacity is rooted on a pre-existing personality disorder and shown to be grave, pervasive, incurable, and to have existed at the time of and even prior to the inception of marriage. Her personality disorder, Dr. Dayan surmises, had antecedents that were shown in her experiences of dysfunctional and chaotic family life while growing up. Dr. Dayan concludes that Josephine's personality disorder is shown to be grave, pervasive, and incurable, rendering her incapacitated to assume her marital obligations such as to observe love, respect, and render mutual support.

A careful reading of Dr. Dayan's testimony, however, reveals that it is replete with generalities and wanting in factual bases.

First, Dr. Dayan's findings as to the psychological incapacity of both parties were based on the psychological examination conducted on Danilo, as well as from information sourced from him, his sister, Emelie Pangasinan Gatus (Gatus), and the couple's son, Juan Carlo "Jay" Pangasinan (Jay). As pointed out by Josephine's counsel, Atty. Ferdinand Raymund Navarro, Dr. Dayan gave the following responses to the questions during her cross-examination as indicated: