

## SECOND DIVISION

[ G.R. No. 203284, November 14, 2016 ]

**NICOLAS S. MATUDAN, PETITIONER, VS. REPUBLIC OF THE  
PHILIPPINES AND MARILYN\*\* B. MATUDAN, RESPONDENTS.**

### D E C I S I O N

**DEL CASTILLO, J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> seeks to set aside the January 31, 2012 Decision<sup>[2]</sup> and August 23, 2012 Resolution<sup>[3]</sup> of the Court of Appeals (CA) denying the Petition in CA-G.R. CV No. 95392 and the Motion for Reconsideration,<sup>[4]</sup> thus affirming the December 18, 2009 Decision<sup>[5]</sup> of the Regional Trial Court (RTC) of Quezon City, Branch 94, in Civil Case No. Q-08-62827.

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

Petitioner Nicolas S. Matudan (petitioner) and respondent Marilyn B. Matudan (Marilyn) were married in Laoang, Northern Samar on October 26, 1976. They had four children.

In 1985, Marilyn left to work abroad. From then on, petitioner and children lost contact with her; she had not been seen nor heard from again.

Twenty-three years later, or on June 20, 2008, petitioner filed a Petition for Declaration of Nullity of Marriage,<sup>[6]</sup> docketed as Civil Case No. Q-08-62827 with the RTC of Quezon City, Branch 94. Petitioner alleged that before, during, and after his marriage to Marilyn, the latter was psychologically incapable of fulfilling her obligations as a wife and mother; that she consistently neglected and failed to provide petitioner and her children with the necessary emotional and financial care, support, and sustenance, and even so after leaving for work abroad; that based on expert evaluation conducted by Clinical Psychologist Nedy L. Tayag (Dr. Tayag), Marilyn's psychological incapacity is grave, permanent, and incurable; that petitioner's consent to the marriage was obtained by Marilyn through misrepresentation as she concealed her condition from him; and that Marilyn is "not ready for a lasting and permanent commitment like marriage"<sup>[7]</sup> as she "never (gave) him and their children financial and emotional support x x x and for being selfish through their six (6) years of cohabitation;"<sup>[8]</sup> that Marilyn became "so despicably irresponsible as she has not shown love and care upon her husband, x x x and that she cannot properly and morally take on the responsibility of a loving and caring wife x x x."<sup>[9]</sup>

The Republic of the Philippines (Republic), through the Office of the Solicitor General, opposed the Petition.

The Quezon City Office of the City Prosecutor having determined that there is no collusion between the parties, proceedings were conducted in due course. However, trial proceeded in Marilyn's absence.

Apart from the testimonies of the petitioner, his daughter Maricel B. Matudan (Maricel), and Dr. Tayag, the following documents were submitted in evidence:

1. Petitioner's Judicial Affidavit<sup>[10]</sup> (Exhibit "A") which was adopted as his testimony on direct examination;
2. The Judicial Affidavit<sup>[11]</sup> of Maricel (Exhibit "D"), which was adopted as part of her testimony on direct examination;
3. The Sworn Affidavit<sup>[12]</sup> of Dr. Tayag (Exhibit "B"), which was considered part of her testimony on direct examination;
4. Dr. Tayag's evaluation report entitled "A Report on the Psychological Condition of NICOLAS T. MATUDAN, the petitioner for Nullity of Marriage against respondent MARILYN BORJA-MATUDAN"<sup>[13]</sup> (Exhibit "C"); and
5. Other relevant evidence, such as petitioner's marriage contract/certificate and respective birth certificates of his children, and a Letter/Notice, with Registry Return Receipt, sent by Dr. Tayag to Marilyn requesting evaluation/interview relative to petitioner's desire to file a petition for declaration of nullity of their marriage (Exhibits "E" to "G").

### ***Ruling of the Regional Trial Court***

On December 18, 2009, the RTC issued its Decision<sup>[14]</sup> dismissing the Petition in Civil Case No. Q-08-62827 on the ground that petitioner's evidence failed to sufficiently prove Marilyn's claimed psychological incapacity. It held, thus:

Petitioner, his daughter Maricel Matudan and psychologist Nedy L. Tayag testified. Petitioner offered in evidence Exhibits "A" to "G" which were admitted by the Court.

The State and the respondent did not present any evidence.

From the testimonial and documentary evidence of the petitioner, the Court gathered the following:

Petitioner and respondent were married on October 26, 1976 x x x. They begot four (4) children x x x. Petitioner and respondent lived together with their children. On June 25, 1985, petitioner asked respondent [sic] for permission to work and left the conjugal dwelling. Since then she was never heard of [sic]. Respondent never communicated with the petitioner and her children. Petitioner inquired from the relatives of the respondent

but they did not tell him her whereabouts.

In his Affidavit which was considered as his direct testimony, petitioner claimed that respondent failed to perform her duties as a wife to him. Respondent never gave petitioner and their children financial and emotional support, love and care during their cohabitation. She was irresponsible, immature and exhibited irrational behavior towards petitioner and their children. She was self-centered, had no remorse and involved herself in activities defying social and moral ethics.

On cross examination, petitioner testified that he and the respondent had a happy married life and they never had a fight. The only reason why he filed this was because respondent abandoned him and their children.

Maricel Matudan was only two (2) years old when respondent left them. She corroborated the testimony of the petitioner that since respondent left the conjugal dwelling she never provided financial support to the family and never communicated with them.

Nedy L. Tayag, Psychologist, testified on the 'Report on the Psychological Condition of Nicolas Matudan' which she prepared (Exhibit "C"). She subjected petitioner to psychological test and interview. She likewise interviewed Maricel Matudan. She came up with the findings that petitioner is suffering from Passive-Aggressive Personality Disorder and respondent has Narcissistic Personality Disorder with Antisocial Traits. The features of petitioner's disorder are the following: negativistic attitude, passive resistance, lacks the ability to assert his opinions and has great difficulty expressing his feelings.

The root cause of his personality condition can be attributed to his being an abandoned child. At a young age, his parents separated and he was left in the custody of his paternal grandmother. He lacked a support system and felt rejected. He developed a strong need for nurturance, love and attention and that he would do anything to attain such.

As for respondent, the manifestation of her disorder are as follows: Pre-occupation with pursuing matters that would make her happy; has a high sense of self-importance; wants to have her way and disregards her husband's opinions; lacks empathy; wants to have a good life.

Her personality condition is rooted on her unhealthy familial environment. She came from an impoverished family. Her parents were more pre-occupied with finding ways to make ends meet to such extent that they failed to give adequate attention and emotional support to their children.

Ms. Tayag further testified that the psychological condition of the parties are grave and characterized by juridical antecedence as the same already existed before they got married, their disorders having been in existence since their childhood years are permanent and severe.

The sole issue to be resolved is whether x x x respondent is

psychologically incapacitated to perform her marital obligations under Article 36 of the Family Code.

Article 36 of the Family Code as amended, states:

'A marriage contracted by any party who at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.'

Article 68 of the same Code provides:

'The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.'

In the case of *Leouel Santos vs. Court of Appeals*, January 4, 1995, G.R. No. 112019, the Honorable Supreme Court held:

'Justice Alicia Sempio Dy, in her commentaries on the Family Code cites with approval the work of Dr. Gerardo Veloso a former Presiding Judge of the Metropolitan Marriage Tribunal of the Catholic Archdiocese of Manila x x x, who opines that psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence and (c) incurability. The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage although the overt manifestations may emerge only after the marriage; and it must be incurable or even if it were otherwise, the cure would be beyond the means of the party involved.

For psychological incapacity however to be appreciated, the same must be serious, grave and 'so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.'x x x.

In the case of *Santos*, it was also held that the intendment of the law has been to confine the meaning of 'psychological incapacity' to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.'

It must be emphasized that the cause of action of petitioner is the

alleged psychological incapacity of the respondent. During the pre-trial, the sole issue raised is whether not respondent is psychologically incapacitated to perform her marital obligations under Article 36 of the Family Code. The alleged personality disorder of the petitioner is clearly not an issue in this case.

Prescinding from the foregoing, the Court finds that the totality of the evidence adduced by petitioner has not established the requisites of gravity, juridical antecedence and incurability. Again, it must be emphasized that this petition was filed on the ground of the psychological incapacity of respondent and not the petitioner.

Respondent is said to be suffering from Narcissistic Personality Disorder with antisocial traits. The salient features of her disorder were enumerated by Nedy Tayag in her report as follows: pre-occupation with pursuing matters that would make her happy; has a high sense of self-importance; wants to have her way and disregards her husband's opinions; lacks empathy; wants to have a good life. Her personality disorder is considered permanent, grave and incurable. It has its root cause in her unhealthy familial environment during her early developmental years.

In petitions for declaration of marriage (sic), the testimony of the petitioner as to the physical manifestation of the psychological incapacity is of utmost importance. Unfortunately, petitioner's testimony particularly his affidavit which was considered as his direct examination contained only general statements on the supposed manifestations of respondent's incapacity. Respondent was described therein as irresponsible, immature, self-centered, lacks remorse, got involved with activities defying social and moral ethics. Petitioner however miserably failed to expound on these allegations. In fact during his cross-examination, he even contradicted the allegations in his petition and affidavit. He clearly stated that he had a happy marital relationship with the respondent and never had a fight with her (TSN, December 5, 2008, page 8).

Petitioner harped on the abandonment of respondent. He even admitted that this the [sic] only reason why he wants their marriage dissolved (TSN, December 5, 2008, page 9). Abandonment of spouse however is not psychological incapacity. It is only a ground for legal separation.

Petitions for declaration of nullity of marriage are *sui generis*, the allegations therein must be supported by clear and convincing evidence that would warrant the dissolution of the marriage bond. Absent such proof, the Court will uphold the validity of the marriage for 'the rule is settled that every intendment of the law or fact leans toward the validity of marriage, the indissolubility of the marriage bond.' (Sevilla v. Cardenas, G.R. No. 167684, July 31, 2006).

In a petition for declaration of nullity of marriage, the burden of proof to show the nullity of the marriage is on the petitioner.

WHEREFORE, premises considered, the instant petition is dismissed for