

## THIRD DIVISION

[ G.R. No. 208790, January 21, 2015 ]

**GLENN VIÑAS, PETITIONER, VS. MARY GRACE PAREL-VIÑAS,  
RESPONDENT.**

### RESOLUTION

**REYES, J.:**

For review is the Decision<sup>[1]</sup> rendered on January 29, 2013 and Resolution<sup>[2]</sup> issued on August 7, 2013 by the Court of Appeals (CA) in CA-G.R. CV No. 96448. The CA set aside the Decision<sup>[3]</sup> dated January 29, 2010 of the Regional Trial Court (RTC) of San Pablo City, Branch 30, in Civil Case No. SP-6564(09), which declared the marriage between Glenn Viñas (Glenn) and Mary Grace Parel-Viñas (Mary Grace) as null and void.

#### Antecedents

On April 26, 1999, Glenn and Mary Grace, then 25 and 23 years old, respectively, got married in civil rites held in Lipa City, Batangas.<sup>[4]</sup> Mary Grace was already pregnant then. The infant, however, died at birth due to weakness and malnourishment. Glenn alleged that the infant's death was caused by Mary Grace's heavy drinking and smoking during her pregnancy.

The couple lived together under one roof. Glenn worked as a bartender, while Mary Grace was a production engineer.

Sometime in March of 2006, Mary Grace left the home which she shared with Glenn. Glenn subsequently found out that Mary Grace went to work in Dubai. At the time the instant petition was filed, Mary Grace had not returned yet.

On February 18, 2009, Glenn filed a Petition<sup>[5]</sup> for the declaration of nullity of his marriage with Mary Grace. He alleged that Mary Grace was insecure, extremely jealous, outgoing and prone to regularly resorting to any pretext to be able to leave the house. She thoroughly enjoyed the night life, and drank and smoked heavily even when she was pregnant. Further, Mary Grace refused to perform even the most essential household chores of cleaning and cooking. According to Glenn, Mary Grace had not exhibited the foregoing traits and behavior during their whirlwind courtship.<sup>[6]</sup>

Glenn likewise alleged that Mary Grace was not remorseful about the death of the infant whom she delivered. She lived as if she were single and was unmindful of her husband's needs. She was self-centered, selfish and immature. When Glenn confronted her about her behavior, she showed indifference. She eventually left their home without informing Glenn. Glenn later found out that she left for an overseas

employment in Dubai.<sup>[7]</sup>

Before Glenn decided to file a petition for the declaration of nullity of his marriage with Mary Grace, he consulted the latter's friends. They informed him that Mary Grace came from a broken family and was left to be cared for by her aunts and nannies. The foregoing circumstance must have contributed to her sense of insecurity and difficulty in adjusting to married life.<sup>[8]</sup>

To ease their marital problems, Glenn sought professional guidance and submitted himself to a psychological evaluation by Clinical Psychologist Nedy Tayag (Dr. Tayag). Dr. Tayag found him as "amply aware of his marital roles" and "capable of maintaining a mature and healthy heterosexual relationship."<sup>[9]</sup>

On the other hand, Dr. Tayag assessed Mary Grace's personality through the data she had gathered from Glenn and his cousin, Rodelito Mayo (Rodelito), who knew Mary Grace way back in college.

Mary Grace is the eldest among four siblings. She is a college graduate. She belongs to a middle class family. Her father is an overseas contract worker, while her mother is a housewife. At the time Dr. Tayag prepared her report, Mary Grace was employed in Dubai and romantically involved with another man.<sup>[10]</sup>

According to Rodelito, Mary Grace verbally abused and physically harmed Glenn during the couple's fights. Mary Grace is also ill-tempered and carefree, while Glenn is jolly, kind and family-oriented.<sup>[11]</sup>

Dr. Tayag diagnosed Mary Grace to be suffering from a Narcissistic Personality Disorder with anti-social traits. Dr. Tayag concluded that Mary Grace and Glenn's relationship is not founded on mutual love, trust, respect, commitment and fidelity to each other. Hence, Dr. Tayag recommended the propriety of declaring the nullity of the couple's marriage.<sup>[12]</sup>

In drawing her conclusions, Dr. Tayag explained that:

The said disorder [of Mary Grace] is considered to be severe, serious, grave, permanent and chronic in proportion and is incurable by any form of clinical intervention. It has already been deeply embedded within her system as it was found to have started as early as her childhood years. Because of such, it has caused her to be inflexible, maladaptive and functionally[-]impaired especially with regards to heterosexual dealings.

Such disorder of [Mary Grace] is mainly characterized by grandiosity, need for admiration and lack of empathy[,], along with her pattern of disregard for and violation of the rights of others[,], which utterly distorted her perceptions and views especially in terms of a fitting marital relationship. Such disorder manifested in [Mary Grace] through her unrelenting apathy, sense of entitlement and arrogance. Throughout her union with [Glenn], she has exhibited a heightened sense of self as seen in her marked inability to show proper respect for her husband. x x x She is too headstrong that most of the time[,], she would do things her own way and would not pay close attention to what her husband needed. She

had been a wife who constantly struggled for power and dominance in their relationship and [Glenn], being too considerate to her, was often subjected to her control. x x x She is into many vices and loved hanging out with her friends at night[,] and she even got involved in an illicit relationship[,] which was still going on up to the present time. x x x.

The root cause of [Mary Grace's] personality aberration can be said to have emanated from the various forms of unfavorable factors in her milieu way back as early as her childhood years[,] which is the crucial stage in the life of a person as this is the time when the individual's character and behavior are shaped. [Mary Grace] came from a dysfunctional family with lenient and tolerating parents[,] who never impose any restrictions [upon] their children. Considering such fact, she apparently failed to feel the love and affection of the nurturing figures that she had[,] who were supposed to be the first to show concern [for] her. x x x She has acquired a domineering character as she was not taught to have boundaries in her actions because of the laxity she had from her caregivers and also because she grew up to be the eldest in the brood. She sees to it that she is the one always followed with regards to making decisions and always mandates people to submit to her wishes. She has not acquired the very essence of morality [and] has certainly learned set of unconstructive traits that further made her too futile to assume mature roles. Morals and values were not instilled in her young mind that as she went on with her life, she never learned to restrain herself from doing ill-advised things even if she is amply aware of the depravity of her actions.

The psychological incapacity of [Mary Grace] is of a juridical antecedence as it was already in her system even prior to the solemnization of her marriage with [Glenn]. x x x.<sup>[13]</sup> (Underlining ours)

On February 18, 2009, Glenn filed before the RTC a Petition for the Declaration of Nullity of his marriage with Mary Grace. Substituted service of summons was made upon Mary Grace through her aunt, Susana Rosita.<sup>[14]</sup> Mary Grace filed no answer and did not attend any of the proceedings before the RTC.

During the trial, the testimonies of Glenn, Dr. Tayag and Rodelito were offered as evidence. Glenn and Rodelito described Mary Grace as outgoing, carefree, and irresponsible. She is the exact opposite of Glenn, who is conservative and preoccupied with his work.<sup>[15]</sup> On her part, Dr. Tayag reiterated her findings in the psychological report dated December 29, 2008.

### **Ruling of the RTC**

On January 29, 2010, the RTC rendered its Decision<sup>[16]</sup> declaring the marriage between Glenn and Mary Grace as null and void on account of the latter's psychological incapacity. The RTC cited the following as grounds:

The totality of the evidence presented by [Glenn] warrants [the] grant of the petition.

Reconciliation between the parties under the circumstances is nil. For the

best interest of the parties, it is best that the legal bond between them be severed.

The testimonies of [Glenn] and his witness [Rodelito] portray the miserable life [Glenn] had with [Mary Grace] who is a Narcissistic Personality Disordered person with anti[-]social traits and who does not treat him as her husband. [Glenn] and [Mary Grace] are separated in fact since the year 2006. [Mary Grace] abandoned [Glenn] without telling the latter where to go. x x x Had it not for the insistence of [Glenn] that he would not know the whereabouts of his wife. The law provides that [a] husband and [a] wife are obliged to live together, [and] observe mutual love, respect and fidelity. x x x For all intents and purposes, however, [Mary Grace] was in a quandary on what it really means. x x x.

From the testimony of [Glenn], it was established that [Mary Grace] failed to comply with the basic marital obligations of mutual love, respect, mutual help and support. [Glenn] tried his best to have their *marriage saved but [Mary Grace] did not cooperate with him. [Mary Grace] is x x x, unmindful of her marital obligations.*

The Court has no reason to doubt the testimony of [Dr. Tayag], a clinical psychologist with sufficient authority to speak on the subject of psychological incapacity. She examined [Glenn], and was able to gather sufficient data and information about [Mary Grace]. x x x This [Narcissistic] personality disorder of [Mary Grace] is ingrained in her personality make-up, so grave and so permanent, incurable and difficult to treat. It is conclusive that this personal incapacity leading to psychological incapacity is already pre-existing before the marriage and was only manifested after. It has become grave, permanent and incurable.<sup>[17]</sup> (Underlining ours and italics in the original)

The Office of the Solicitor General (OSG) moved for reconsideration but it was denied by the RTC in its Order<sup>[18]</sup> dated December 1, 2010.

### **The Appeal of the OSG and the Ruling of the CA**

On appeal before the CA, the OSG claimed that no competent evidence exist proving that Mary Grace indeed suffers from a Narcissistic Personality Disorder, which prevents her from fulfilling her marital obligations. Specifically, the RTC decision failed to cite the root cause of Mary Grace's disorder. Further, the RTC did not state its own findings and merely relied on Dr. Tayag's statements anent the gravity and incurability of Mary Grace's condition. The RTC resorted to mere generalizations and conclusions *sans* details. Besides, what psychological incapacity contemplates is downright incapacity to assume marital obligations. In the instant case, irreconcilable differences, sexual infidelity, emotional immaturity and irresponsibility were shown, but these do not warrant the grant of Glenn's petition. Mary Grace may be unwilling to assume her marital duties, but this does not translate into a psychological illness.<sup>[19]</sup>

Glenn, on the other hand, sought the dismissal of the OSG's appeal.

On January 29, 2013, the CA rendered the herein assailed decision reversing the RTC ruling and declaring the marriage between Glenn and Mary Grace as valid and subsisting. The CA stated the reasons below:

In *Santos vs. Court of Appeals*, the Supreme Court held that “psychological incapacity” should refer to no less than a mental (not 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 by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt 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. This psychological condition must exist at the time the marriage is celebrated. The psychological condition must be characterized by (a) **gravity**, (b) **juridical antecedence**, and (c) **incurability**.

In the instant case, [Glenn] tried to prove that [Mary Grace] was carefree, outgoing, immature, and irresponsible which made her unable to perform the essential obligations of marriage. He likewise alleged that she refused to communicate with him to save the marriage and eventually left him to work abroad. To Our mind, the above actuations of [Mary Grace] do not make out a case of psychological incapacity on her part.

While it is true that [Glenn’s] testimony was corroborated by [Dr. Tayag], a psychologist who conducted a psychological examination on [Glenn], however, said examination was conducted only on him and no evidence was shown that the psychological incapacity of [Mary Grace] was characterized by **gravity, juridical antecedence, and incurability**.

Certainly, the opinion of a psychologist would be of persuasive value in determining the psychological incapacity of a person as she would be in the best position to assess and evaluate the psychological condition of the couple, she being an expert in this field of study of behavior. Although the psychologist stated that respondent was suffering from Narcissistic Personality Disorder, she did not fully explain the root cause of the disorder nor did she make a conclusion as to its gravity or permanence. Moreover, she admitted that she was not able to examine the respondent[,] hence, the information provided to her may be subjective and self-serving.

Essential in this petition is the allegation of the **root cause** of the spouse’s psychological incapacity which should also be **medically or clinically identified**, sufficiently proven by experts and clearly explained in the decision. The incapacity must be proven to be **existing at the time of the celebration of the marriage** and shown to be medically or **clinically permanent or incurable**. It must also be **grave enough** to bring about the disability of the parties to assume the essential obligations of marriage as set forth in Articles 68 to 71 and Articles 220