

SECOND DIVISION

[G.R. No. 170022, January 09, 2013]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CESAR
ENCELAN, RESPONDENT.

D E C I S I O N

BRION, J.:

We resolve the petition for review on *certiorari*^[1] filed by petitioner Republic of the Philippines challenging the October 7, 2005 amended decision^[2] of the Court of Appeals (CA) that reconsidered its March 22, 2004 decision^[3] (*original decision*) in CA-G.R. CV No. 75583. In its original decision, the CA set aside the June 5, 2002 decision^[4] of the Regional Trial Court (RTC) of Manila, Branch 47, in Civil Case No. 95-74257, which

The Factual Antecedents

On August 25, 1979, Cesar married Lolita^[5] and the union bore two children, Maricar and Manny.^[6] To support his family, Cesar went to work in Saudi Arabia on May 15, 1984. On June 12, 1986, Cesar, while still in Saudi Arabia, learned that Lolita had been having an illicit affair with Alvin Perez. Sometime in 1991,^[7] Lolita allegedly left the conjugal home with her children and lived with Alvin. Since then, Cesar and Lolita had been separated. On June 16, 1995, Cesar filed with the RTC a petition against Lolita for the declaration of the nullity of his marriage based on Lolita's psychological incapacity.^[8]

Lolita denied that she had an affair with Alvin; she contended that Alvin used to be an associate in her promotions business. She insisted that she is not psychologically incapacitated and that she left their home because of irreconcilable differences with her mother-in-law.^[9]

At the trial, Cesar affirmed his allegations of Lolita's infidelity and subsequent abandonment of the family home.^[10] He testified that he continued to provide financial support for Lolita and their children even after he learned of her illicit affair with Alvin.^[11]

Cesar presented the psychological evaluation report^[12] on Lolita prepared by Dr. Fareda Fatima Flores of the National Center for Mental Health. Dr. Flores found that Lolita was "**not suffering from any form of major psychiatric illness[,]**"^[13] but had been "unable to provide the expectations expected of her for a good and lasting marital relationship";^[14] her "transferring from one job to the other depicts some interpersonal problems with co-workers as well as her impatience in attaining her

ambitions”;^[15] and “her refusal to go with her husband abroad signifies her reluctance to work out a good marital and family relationship.”^[16]

The RTC Ruling

In its June 5, 2002 decision,^[17] the RTC declared Cesar’s marriage to Lolita void, finding sufficient basis to declare Lolita psychologically incapacitated to comply with the essential marital obligations.

The petitioner, through the Office of the Solicitor General (OSG), appealed to the CA.

The CA Ruling

The CA originally^[18] set aside the RTC’s verdict, finding that Lolita’s abandonment of the conjugal dwelling and infidelity were not serious cases of personality disorder/psychological illness. Lolita merely refused to comply with her marital obligations which she was capable of doing. The CA significantly observed that infidelity is only a ground for legal separation, not for the declaration of the nullity of a marriage.

Cesar sought reconsideration^[19] of the CA’s decision and, in due course, attained his objective. The CA set aside its original decision and entered another, which affirmed the RTC’s decision. In its amended decision,²⁰ the CA found two circumstances indicative of Lolita’s serious psychological incapacity that resulted in her gross infidelity: (1) Lolita’s unwarranted refusal to perform her marital obligations to Cesar; and (2) Lolita’s willful and deliberate act of abandoning the conjugal dwelling.

The OSG then filed the present petition.

The Petition

The OSG argues that Dr. Flores’ psychological evaluation report did not disclose that Lolita had been suffering from a psychological illness nor did it establish its juridical antecedence, gravity and incurability; infidelity and abandonment do not constitute psychological incapacity, but are merely grounds for legal separation.

The Case for the Respondent

Cesar submits that Lolita’s infidelity and refusal to perform her marital obligations established her grave and incurable psychological incapacity.

The Issue

The case presents to us the legal issue of whether there exists sufficient basis to nullify Cesar’s marriage to Lolita on the ground of psychological incapacity.

The Court’s Ruling

We grant the petition. No sufficient basis exists to annul Cesar’s marriage

to Lolita on the ground of psychological incapacity.

Applicable Law and Jurisprudence on Psychological Incapacity

Article 36 of the Family Code governs psychological incapacity as a ground for declaration of nullity of marriage. It provides that "[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."

In interpreting this provision, we have repeatedly stressed that psychological incapacity contemplates "**downright incapacity or inability to take cognizance of and to assume the basic marital obligations**";^[21] not merely the refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.^[22] The plaintiff bears the burden of proving the juridical antecedence (*i.e.*, the existence at the time of the celebration of marriage), gravity and incurability of the condition of the errant spouse.^[23]

Cesar failed to prove Lolita's psychological incapacity

In this case, Cesar's testimony failed to prove Lolita's alleged psychological incapacity. Cesar testified on the dates when he learned of Lolita's alleged affair and her subsequent abandonment of their home,^[24] as well as his continued financial support to her and their children even after he learned of the affair,^[25] but he merely mentioned in passing Lolita's alleged affair with Alvin and her abandonment of the conjugal dwelling.

In any event, sexual infidelity and abandonment of the conjugal dwelling, even if true, do not necessarily constitute psychological incapacity; these are simply grounds for legal separation.^[26] To constitute psychological incapacity, it must be shown that the unfaithfulness and abandonment are manifestations of a disordered personality that completely prevented the erring spouse from discharging the essential marital obligations.^[27] No evidence on record exists to support Cesar's allegation that Lolita's infidelity and abandonment were manifestations of any psychological illness.

Cesar mistakenly relied on Dr. Flores' psychological evaluation report on Lolita to prove her alleged psychological incapacity. The psychological evaluation, in fact, established that *Lolita did not suffer from any major psychiatric illness*.^[28] Dr. Flores' observation on Lolita's interpersonal problems with co-workers,^[29] to our mind, does not suffice as a consideration for the conclusion that she was — *at the time of her marriage* — psychologically incapacitated to enter into a marital union with Cesar. Aside from the time element involved, a wife's psychological fitness as a spouse cannot simply be equated with her professional/work relationship; workplace obligations and responsibilities are poles apart from their marital counterparts. While both spring from human relationship, their relatedness and relevance to one another should be fully established for them to be compared or to serve as measures of comparison with one another. To be sure, the evaluation report Dr.