

FIRST DIVISION

[G.R. No. 157649, November 12, 2012]

ARABELLE J. MENDOZA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES AND DOMINIC C. MENDOZA, RESPONDENTS.

DECISION

BERSAMIN, J.:

To entitle petitioner spouse to a declaration of the nullity of his or her marriage, the totality of the evidence must sufficiently prove that respondent spouse's psychological incapacity was grave, incurable and existing prior to the time of the marriage.

Petitioner wife appeals the decision promulgated on March 19, 2003,^[1] whereby the Court of Appeals (CA) reversed the judgment of the Regional Trial Court in Mandaluyong City (RTC) declaring her marriage with respondent Dominic C. Mendoza (Dominic) as null and void.

Antecedents

Petitioner and Dominic met in 1989 upon his return to the country from his employment in Papua New Guinea. They had been next-door neighbors in the appartelle they were renting while they were still in college – she, at Assumption College while he, at San Beda College taking a business management course. After a month of courtship, they became intimate and their intimacy ultimately led to her pregnancy with their daughter whom they named Allysa Bianca. They got married on her eighth month of pregnancy in civil rites solemnized in Pasay City on June 24, 1991,^[2] after which they moved to her place, although remaining dependent on their parents for support.

When petitioner delivered Alyssa Bianca, Dominic had to borrow funds from petitioner's best friend to settle the hospital bills. He remained jobless and dependent upon his father for support until he finished his college course in October 1993. She took on various jobs to meet the family's needs, first as a part-time aerobics instructor in 1992 and later, in 1993, as a full-time employee in Sanofi, a pharmaceutical company. Being the one with the fixed income, she shouldered all of the family's expenses (*i.e.*, rental, food, other bills and their child's educational needs).

On his part, Dominic sold Collier's Encyclopedia for three months after his graduation from college before he started working as a car salesman for Toyota Motors in Bel-Air, Makati in 1994.^[3] Ironically, he spent his first sales commission on a celebratory bash with his friends inasmuch as she shouldered all the household expenses and their child's schooling because his irregular income could not be depended upon. In September 1994, she discovered his illicit relationship with

Zaida, his co-employee at Toyota Motors. Eventually, communication between them became rare until they started to sleep in separate rooms, thereby affecting their sexual relationship.^[4]

In November 1995, Dominic gave her a Daihatsu Charade car as a birthday present. Later on, he asked her to issue two blank checks that he claimed would be for the car's insurance coverage. She soon found out, however, that the checks were not paid for the car's insurance coverage but for his personal needs. Worse, she also found out that he did not pay for the car itself, forcing her to rely on her father-in-law to pay part of the cost of the car, leaving her to bear the balance of P120,000.00.

To make matters worse, Dominic was fired from his employment after he ran away with P164,000.00 belonging to his employer. He was criminally charged with violation of *Batas Pambansa Blg. 22* and *estafa*, for which he was arrested and incarcerated. After petitioner and her mother bailed him out of jail, petitioner discovered that he had also swindled many clients some of whom were even threatening petitioner, her mother and her sister themselves.^[5]

On October 15, 1997, Dominic abandoned the conjugal abode because petitioner asked him for "time and space to think things over." A month later, she refused his attempt at reconciliation, causing him to threaten to commit suicide. At that, she and her family immediately left the house to live in another place concealed from him.

On August 5, 1998, petitioner filed in the RTC her petition for the declaration of the nullity of her marriage with Dominic based on his psychological incapacity under Article 36 of the *Family Code*. The Office of the Solicitor General (OSG) opposed the petition.

Ruling of the RTC

In the RTC, petitioner presented herself as a witness, together with a psychiatrist, Dr. Rocheffume Samson, and Professor Marites Jimenez. On his part, Dominic did not appear during trial and presented no evidence.

On August 18, 2000, the RTC declared the marriage between petitioner and Dominic an absolute nullity,^[6] holding in part:

xxx. The result of Dr. Samson's clinical evaluation as testified to by her and per Psychiatric Report she issued together with one Dr. Doris Primero showed that petitioner appears to be mature, strong and responsible individual. Godly, childlike trust however, makes her vulnerable and easy to forgive and forget. Petitioner also believes that marriage was a partnership "for better and for worse", she gave all of herself unconditionally to respondent. Unfortunately, respondent cannot reciprocate. On the one hand, respondent was found to have a personality that can be characterized as inadequate, immature and irresponsible. His criminal acts in the present time are mere extensions of his misconduct established in childhood. His childhood experiences of

separations and emotional deprivation largely contributed to this antisocial (sociopathic) attitude and lifestyle.

She concluded that respondent had evidently failed to comply with what is required of him as a husband and father. Besides from his adulterous relationship and irresponsibility, his malevolent conduct and lack of true remorse indicate that he is psychologically incapacitated to fulfill the role of a married man.^[7]

The RTC found that all the characteristics of psychological incapacity, i.e., gravity, antecedence and incurability, as set forth in *Republic v. Court of Appeals (Molina)*,^[8] were attendant, establishing Dominic's psychological incapacity, viz:

Gravity — from the evidence adduced it can be said that respondent cannot carry out the normal and ordinary duties of marriage and family shouldered by any average couple existing under ordinary circumstances of life and work. Respondent is totally incapable of observing mutual love, respect and fidelity as well as to provide support to his wife and child. Ever since the start of the marriage respondent had left all the household concerns and the care of their child to petitioner while he studied and indulged in night outs with friends. This continued even when he finished his studies and landed a job. He concealed his salary from the petitioner and worse, had the gall to engage in sexual infidelity. Likewise worthy of serious consideration is respondent's propensity to borrow money, his deceitfulness and habitual and continuous evasion of his obligations which (sic) more often than not had led to the filing of criminal cases against him.

Antecedence — Before the marriage petitioner was not aware of respondent's personality disorder and it was only after marriage that it begun to surface. Dr. Samson declared that respondent's behavioral equilibrium started at a very early age of fifteen. His dishonesty and lack of remorse are mere extensions of his misconduct in childhood which generally attributable to respondent's childhood experiences of separation and emotional deprivations. In fine, his psychological incapacity is but a product of some genetic causes, faulty parenting and influence of the environment although its over manifestation appear only after the wedding.

Incurability — Respondent's personality disorder having existed in him long before he contracted marriage with petitioner, there appears no chance for respondent to recover any (sic) ordinary means from such incapacity.

All told, the callous and irresponsible ways of respondent show that he does not possess the proper outlook, disposition and temperament necessary for marriage. Indeed, this ultimate recourse of nullity is the only way by which petitioner can be delivered from the bondage of a union that only proved to be a mockery and brought pain and dishonor to petitioner.^[9]

Ruling of the CA

The Republic appealed to the CA, arguing that there was no showing that Dominic's personality traits either constituted psychological incapacity existing at the time of the marriage or were of the nature contemplated by Article 36 of the *Family Code*; that the testimony of the expert witness, while persuasive, was not conclusive upon the court; and that the real reason for the parties' separation had been their frequent quarrels over financial matters and the criminal cases brought against Dominic.^[10]

On March 19, 2003 the CA promulgated its assailed decision reversing the judgment of the RTC.^[11] Specifically, it refused to be bound by the findings and conclusions of petitioner's expert witness, holding:

It has not been established to our satisfaction as well that respondent's condition, assuming it is serious enough, was present before or during the celebration of the marriage. Although petitioner's expert witness concluded that petitioner was psychologically incapacitated even before the parties' marriage, the Court refuses to be bound by such finding, in view of the fact that the witness' findings, admittedly, were concluded only on the basis of information given by the petitioner herself, who, at the time of the examination, interview, was already head strong in her resolve to have her marriage with the respondent nullified, and harbored ill-feelings against respondent throughout her consultation with Dr. Samson.^[12]

The CA held the testimonies of petitioner's witnesses insufficient to establish Dominic's psychological affliction to be of such a grave or serious nature that it was medically or clinically rooted. Relying on the pronouncements in *Republic v. Dagdag*,^[13] *Hernandez v. Court of Appeals*^[14] and *Pesca v. Pesca*,^[15] the CA observed:

In her testimony, petitioner described her husband as immature, deceitful and without remorse for his dishonesty, and lack of affection. Such characteristics, however, do not necessarily constitute a case of psychological incapacity. A person's inability to share or take responsibility, or to feel remorse for his misbehavior, or even to share his earnings with family members, are indicative of an immature mind, but not necessarily a medically rooted psychological affliction that cannot be cured.

Even the respondent's alleged sexual infidelity is not necessarily equivalent to psychological incapacity, although it may constitute adequate ground for an action for legal separation under Article 55 of the Family Code. Nor does the fact that the respondent is a criminal suspect for estafa or violation of the B.P. Blg. 22 constitutes a ground for the nullification of his marriage to petitioner. Again, it may constitute ground for legal separation provided the respondent is convicted by final judgment and sentenced to imprisonment of more than six (6) years.^[16]

Hence, this appeal by petitioner.

Issues

Petitioner assails the CA's refusal to be bound by the expert testimony and psychiatric evaluation she had presented in the trial of the case, and the CA's reliance on the pronouncements in *Dagdag, Hernandez* and *Pesca, supra*. She contends that the report on the psychiatric evaluation conducted by Dr. Samson more than complied with the requirements prescribed in *Santos v. Court of Appeals* (G.R. No. 112019, January 4, 1995, 240 SCRA 20) and *Molina*. She insists that the CA should have applied the ruling in *Marcos v. Marcos* (G.R. No. 136490, October 19, 2000, 343 SCRA 755) to the effect that personal medical or psychological examination was not a requirement for a declaration of psychological incapacity.

Ruling

The appeal has no merit.

We consider the CA's refusal to accord credence and weight to the psychiatric report to be well taken and warranted. The CA correctly indicated that the ill-feelings that she harbored towards Dominic, which she admitted during her consultation with Dr. Samson, furnished the basis to doubt the findings of her expert witness; that such findings were one-sided, because Dominic was not himself subjected to an actual psychiatric evaluation by petitioner's expert; and that he also did not participate in the proceedings; and that the findings and conclusions on his psychological profile by her expert were solely based on the self-serving testimonial descriptions and characterizations of him rendered by petitioner and her witnesses.

Moreover, Dr. Samson conceded that there was the need for her to resort to other people in order to verify the facts derived from petitioner about Dominic's psychological profile considering the ill-feelings she harbored towards him. It turned out, however, that the only people she interviewed about Dominic were those whom petitioner herself referred, as the following testimony indicated:

Fiscal Zalameda

Q: So you're saying that the petitioner have an ill-feeling towards the respondent? At the time you interviewed?

A: Yes, Sir, during the first interview.

Q: How about during the subsequent interview?

A: During the subsequent interview more or less the petitioner was able to talk regarding her marital problems which is uncomfortable, so she was able to adapt, she was able to condition herself regarding her problems, Sir.

Q: But the ill-feeling was still there?

A: But the feeling was still there, Sir.

Q: Now, considering that this ill feeling of the petitioner insofar as the respondent is concerned, would you say that the petitioner would only tell you information negative against the respondent?

A: Yes, may be Sir. But I do try to conduct or verify other