

THIRD DIVISION

[G.R. No. 178741, January 17, 2011]

**ROSALINO L. MARABLE, PETITIONER, VS. MYRNA F. MARABLE,
RESPONDENT.**

DECISION

VILLARAMA, JR., J.:

On appeal is the Decision^[1] dated February 12, 2007 and Resolution^[2] dated July 4, 2007 of the Court of Appeals (CA) in CA-G.R. CV No. 86111 which reversed and set aside the Decision^[3] dated January 4, 2005 of the Regional Trial Court (RTC), Branch 72, Antipolo City, in Civil Case No. 01-6302. The RTC had granted petitioner's prayer that his marriage to respondent be declared null and void on the ground that he is psychologically incapacitated to perform the essential obligations of marriage.

The facts, as culled from the records, are as follows:

Petitioner and respondent met in 1967 while studying at Arellano University. They were classmates but initially, petitioner was not interested in respondent. He only became attracted to her after they happened to sit beside each other in a passenger bus. Petitioner courted respondent and they eventually became sweethearts even though petitioner already had a girl friend. Later, respondent discovered petitioner's other relationship and demanded more time and attention from petitioner. Petitioner alleged that he appreciated this gesture like a child longing for love, time and attention.

On December 19, 1970, petitioner and respondent eloped and were married in civil rites at Tanay, Rizal before Mayor Antonio C. Esguerra. A church wedding followed on December 30, 1970 at the Chapel of the Muntinlupa Bilibid Prison and their marriage was blessed with five children.

As the years went by, however, their marriage turned sour. Verbal and physical quarrels became common occurrences. They fought incessantly and petitioner became unhappy because of it. The frequency of their quarrels increased when their eldest daughter transferred from one school to another due to juvenile misconduct. It became worse still when their daughter had an unwanted teenage pregnancy. The exceedingly serious attention petitioner gave to his children also made things worse for them as it not only spoiled some of them, but it also became another cause for the incessant quarrelling between him and respondent.

Longing for peace, love and affection, petitioner developed a relationship with another woman. Respondent learned about the affair, and petitioner promptly terminated it. But despite the end of the short-lived affair, their quarrels aggravated. Also, their business ventures failed. Any amount of respect remaining

between them was further eroded by their frequent arguments and verbal abuses in front of their friends. Petitioner felt that he was unloved, unwanted and unappreciated and this made him indifferent towards respondent. When he could not bear his lot any longer, petitioner left the family home and stayed with his sister in Antipolo City. He gave up all the properties which he and respondent had accumulated during their marriage in favor of respondent and their children. Later, he converted to Islam after dating several women.

On October 8, 2001, petitioner decided to sever his marital bonds. On said date, he filed a petition^[4] for declaration of nullity of his marriage to respondent on the ground of his psychological incapacity to perform the essential responsibilities of marital life.

In his petition, petitioner averred that he came from a poor family and was already exposed to the hardships of farm life at an early age. His father, although responsible and supportive, was a compulsive gambler and womanizer. His father left their family to live with another woman with whom he had seven other children. This caused petitioner's mother and siblings to suffer immensely. Thus, petitioner became obsessed with attention and worked hard to excel so he would be noticed.

Petitioner further alleged that he supported himself through college and worked hard for the company he joined. He rose from the ranks at Advertising and Marketing Associates, Inc., and became Senior Executive Vice President and Chief Finance Officer therein. But despite his success at work, he alleged that his misery and loneliness as a child lingered as he experienced a void in his relationship with his own family.

In support of his petition, petitioner presented the Psychological Report^[5] of Dr. Nedy L. Tayag, a clinical psychologist from the National Center for Mental Health. Dr. Tayag's report stated that petitioner is suffering from "Antisocial Personality Disorder," characterized by a pervasive pattern of social deviancy, rebelliousness, impulsivity, self-centeredness, deceitfulness and lack of remorse. The report also revealed that petitioner's personality disorder is rooted in deep feelings of rejection starting from the family to peers, and that his experiences have made him so self-absorbed for needed attention. It was Dr. Tayag's conclusion that petitioner is psychologically incapacitated to perform his marital obligations.

After trial, the RTC rendered a decision annulling petitioner's marriage to respondent on the ground of petitioner's psychological incapacity.

Upon appeal by the Office of the Solicitor General (OSG), the CA reversed the RTC decision as follows:

WHEREFORE, the foregoing considered, the appeal is GRANTED and the assailed Decision hereby REVERSED AND SET ASIDE. Accordingly, the marriage between the parties is declared valid and subsisting. No costs.

SO ORDERED.^[6]

The CA held that the circumstances related by petitioner are insufficient to establish

the existence of petitioner's psychological incapacity. The CA noted that Dr. Tayag did not fully explain the root cause of the disorder nor did she give a concrete explanation as to how she arrived at a conclusion as to its gravity or permanence. The appellate court emphasized that the root cause of petitioner's psychological incapacity must be medically or clinically identified, sufficiently proven by experts and clearly explained in the decision. In addition, 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 petitioner to assume the essential obligations of marriage.

On July 4, 2007, the CA denied petitioner's motion for reconsideration. Hence, this appeal.

Essentially, petitioner raises the sole issue of whether the CA erred in reversing the trial court's decision.

Petitioner claims that his psychological incapacity to perform his essential marital obligations was clearly proven and correctly appreciated by the trial court. Petitioner relies heavily on the psychological evaluation conducted by Dr. Tayag and quotes the latter's findings:

Petitioner had always been hungry for love and affection starting from his family to the present affairs that he [has]. This need had afforded him to find avenues straight or not, just to fulfill this need. He used charm, deceit, lies, violence, [and] authority just so to accom[m]odate and justify his acts. Finally, he is using religions to support his claim for a much better personal and married life which is really out of context. Rebellious and impulsive as he is, emotional instability is apparent that it would be difficult for him to harmonize with life in general and changes. Changes must come from within, it is not purely external.

Clinically, petitioner's self-absorbed ideals represent the grave, severe, and incurable nature of Antisocial Personality Disorder. Such disorder is characterized by a pervasive pattern of social deviancy, rebelliousness, impulsivity, self-centeredness, deceitfulness, and lack of remorse.

The psychological incapacity of the petitioner is attributed by jurisdictional antecedence as it existed even before the said marital union. It is also profoundly rooted, grave and incurable. The root cause of which is deep feelings of rejection starting from family to peers. This insecure feelings had made him so self-absorbed for needed attention. Carrying it until his marital life. Said psychological incapacity had deeply marred his adjustment and severed the relationship. Thus, said marriage should be declared null and void by reason of the psychological incapacity.^[7]

According to petitioner, the uncontradicted psychological report of Dr. Tayag declared that his psychological incapacity is profoundly rooted and has the characteristics of juridical antecedence, gravity and incurability. Moreover, petitioner asserts that his psychological incapacity has been medically identified and sufficiently proven. The

State, on the other hand, never presented another psychologist to rebut Dr. Tayag's findings. Also, petitioner maintains that the psychological evaluation would show that the marriage failed not solely because of irreconcilable differences between the spouses, but due to petitioner's personality disorder which rendered him unable to comply with his marital obligations. To the mind of petitioner, the assailed decision compelled the parties to continue to live under a "non-existent marriage."

The Republic, through the OSG, filed a Comment^[8] maintaining that petitioner failed to prove his psychological incapacity. The OSG points out that Dr. Tayag failed to explain specifically how she arrived at the conclusion that petitioner suffers from an anti-social personality disorder and that it is grave and incurable. In fact, contrary to his claim, it even appears that petitioner acted responsibly throughout their marriage. Despite financial difficulties, he and respondent had blissful moments together. He was a good father and provider to his children. Thus, the OSG argues that there was no reason to describe petitioner as a self-centered, remorseless, rebellious, impulsive and socially deviant person.

Additionally, the OSG contends that since the burden of proof is on petitioner to establish his psychological incapacity, the State is not required to present an expert witness where the testimony of petitioner's psychologist was insufficient and inconclusive. The OSG adds that petitioner was not able to substantiate his claim that his infidelity was due to some psychological disorder, as the real cause of petitioner's alleged incapacity appears to be his general dissatisfaction with his marriage. At most he was able to prove infidelity on his part and the existence of "irreconcilable differences" and "conflicting personalities." These, however, do not constitute psychological incapacity.

Respondent also filed her Comment^[9] and Memorandum^[10] stressing that psychological incapacity as a ground for annulment of marriage should contemplate downright incapacity or inability to take cognizance of and to assume the essential marital obligations, not a mere refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.

The appeal has no merit.

The appellate court did not err when it reversed and set aside the findings of the RTC for lack of legal and factual bases.

Article 36 of the Family Code, as amended, provides:

Art. 36. 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.

The term "psychological incapacity" to be a ground for the nullity of marriage under Article 36 of the Family Code, refers to a serious psychological illness afflicting a party even before the celebration of the marriage.^[11] These are the disorders that result in the utter insensitivity or inability of the afflicted party to give meaning and significance to the marriage he or she has contracted.^[12] Psychological incapacity