

THIRD DIVISION

[G.R. No. 176464, February 04, 2010]

**EDWARD N. LIM, PETITIONER, VS. MA. CHERYL STA. CRUZ-LIM,
RESPONDENT.**

D E C I S I O N

NACHURA, J.:

This petition raises a far-from-novel issue, *i.e.*, the invalidity of a marriage on the ground of either or both of the parties' psychological incapacity. However, similar petitions continue to hound the lower courts, even with the stringent requirements for the grant of declaration of nullity of marriage on the ground of psychological incapacity, given the facility with which married persons are diagnosed with personality disorders.

The instant petition for review on *certiorari* assails the decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 74822, which reversed the decision^[2] of the Regional Trial Court (RTC), Branch 140, Makati City, in Civil Case No. 99-1852.

First, the all too familiar antecedents of man-meets-woman; they get married after a whirlwind relationship; and, not surprisingly, the marriage goes awry.

Petitioner Edward N. Lim and respondent Maria Cheryl Sta. Cruz-Lim met in 1978 in Cebu, where petitioner, who resides in Makati City, spent a semestral break from college; and respondent, who resides in Gingoog City, Cagayan de Oro, was a boarder in petitioner's uncle's house. At that time, petitioner was twenty-six (26) years old, a college student, and working in the family business, while respondent was a secretarial student.

After less than a year of courtship via long distance phone calls, petitioner and respondent became sweethearts in early 1979. Within that year, or on December 8, 1979, the two were wed at the Don Bosco Church in Makati City, with a reception at Midtown Ramada Hotel.

As is customary among those of Chinese descent, petitioner and respondent took up residence with the former's grandparents and parents in Forbes Park, Makati City. The couple was blessed with three (3) children: Lester Edward,^[3] Candice Grace,^[4] and Mariano III.^[5]

During their stay in Forbes Park, all living, household and medical expenses were paid and provided by petitioner's grandparents. Petitioner's salary of P6,000.00 for working in the family distillery went straight to respondent. Despite all these amenities, the setup and living arrangement rankled respondent, who continued to insist that they live separately and independently from petitioner's family.

October 14, 1990 proved to be a black-letter day for the union of petitioner and respondent. That morning, respondent registered a complaint, which was recorded in the police blotter of the Makati City police, about a prior incident where she caught petitioner in their house in a compromising situation with the stay-in caregiver of petitioner's grandmother. This incident landed on the pages of a tabloid newspaper, *Abante*, where petitioner, his grandparents' house and the family business were all named and identified. Naturally, this caused embarrassment and humiliation to petitioner and to the rest of his family and relatives.

Also, on that same day, respondent finally left petitioner and brought with her their three (3) children. Respondent forcibly opened their cabinet and cleaned out the contents thereof, which included petitioner's passport, jewelry, and a land title in petitioner's name.

Respondent likewise filed a criminal complaint for Concubinage and Physical Injuries against petitioner which was eventually dismissed by the investigating prosecutor for lack of merit.

Subsequently, respondent filed with the RTC of Makati City an action for support against petitioner and petitioner's parents. Thereafter, the trial court directed petitioner to give a monthly support of P6,000.00 and, in case of his inability to do so, petitioner's parents were also decreed to give a monthly support for the three minor children in the amount of P34,000.00.^[6]

On October 29, 1999, petitioner filed a petition and sought the declaration of nullity of his marriage to respondent on the ground of the latter's psychological incapacity under Article 36 of the Family Code. Three years thereafter, on July 22, 2002, petitioner filed an amended petition including an allegation of his own psychological incapacity, as both he and respondent were diagnosed with personality disorders--dependent personality disorder and histrionic personality disorder, respectively.

Following the exchange of pleadings between the parties, petitioner presented evidence, which consisted of the testimonies of Dr. Cecilia C. Villegas, a psychiatrist; and Maxima Adato, petitioner's co-employee in the distillery. In addition, petitioner offered in evidence Dr. Villegas' Psychiatric Report, which concluded that the parties were suffering from personality disorders. Respondent, despite filing an Answer to the petition denying the allegations therein, waived her right to present evidence.

Based on the foregoing, primarily on the Psychiatric Report, the RTC declared the marriage between petitioner and respondent null and void as the two were psychologically incapacitated to comply with the essential marital obligations. The RTC disposed of the case, to wit:

WHEREFORE, premises considered, the Court hereby DECLARES the marriage of EDWARD N. LIM and MA. CHERYL STA. CRUZ on December 8, 1979 in Makati City VOID AB INITIO on ground of psychological incapacity of both parties pursuant to Article 36 of the Family Code with all the effects and consequences of all the existing provisions of law.

As regards the custody of the children, considering that all of them are over seven (7) years of age, the Court shall take into account the choice

of each of the child, unless the Court finds compelling reasons to order otherwise.

Let copies thereof be sent to the Office of Local Civil Registrar of Makati City and the National Statistics Office, Quezon City who are directed to CANCEL from their respective Civil Registries the marriage of EDWARD N. LIM and CHERYL STA. CRUZ on December 8, 1979 in Makati City.

The Conjugal Partnership of the Spouses shall be liquidated, partitioned, and distributed in accordance with the provisions of Articles 50 and 51 of the Family Code.^[7]

Disagreeing completely with the RTC's disposition, the Office of the Solicitor General (OSG) appealed to the CA, questioning the RTC's finding that the parties were psychologically incapacitated to comply with the essential marital obligations. The appellate court granted the OSG's appeal and reversed the trial court. It ruled thus:

WHEREFORE, premises considered, the instant appeal is **GRANTED**. Accordingly, the assailed Decision dated March 25, 2002 is hereby **REVERSED** and **SET ASIDE**. The marriage between herein parties is hereby declared subsisting and valid.^[8]

Hence, this petition for review on *certiorari* positing the singular issue of whether the marriage between petitioner and respondent is null and void on the ground of the parties' psychological incapacity.

We deny the petition.

The seminal ruling in *Santos v. Court of Appeals*^[9] cites three (3) factors characterizing psychological incapacity to perform the essential marital obligations: (1) gravity, (2) juridical antecedence, (3) incurability. We expounded on the foregoing, to wit:

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.

Given the foregoing stringent requisites and without going into the non-exclusive list found in *Republic v. Court of Appeals*,^[10] petitioner, as the party alleging his own psychological incapacity and that of his spouse, had the special albatross to prove that he and his wife were suffering from "the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage."^[11]

Instead, petitioner presented the Psychiatric Report of Dr. Villegas, the conclusions drawn are reprinted in full:

PSYCHODYNAMICS OF THE CASE:

Edward is of Chinese descent, born and grew up in a Philippine environment. He was raised and educated in Philippine school. However, despite his prominent Filipino exposure, his immediate family still practice a strong cultural Chinese tradition within his home. Very clannish, all family members has to stay in one roof, in a communal style of living, with the elders in this case, the grandparents are recognized as the authority. Most of the family members tend to rebel, but at the end, tendency to be submissive and passive were developed. But despite physical closeness, Edward did not build close attachments to his parents. The father was exceptionally temperamental and moody, while the mother was extremely asocial, isolated, withdrawn and seclusive, that repelled him from both of them.

Surrogate parenting from his grandparents satisfied his dependency needs. He developed into a kind, obedient, submissive and passive adult, which became the center of jealousy and rivalry among the siblings. Under stressful situation, he became depressed and had suicidal intentions. He felt so secure with his grandparents, that he subordinated his needs to them. He allowed them to assume responsibilities for major areas of his life, as in his family decision and independence. He has difficulty expressing disagreements with others, especially with his wife, because of fear of loss of support or approval. So that even an abusive spouse may be tolerated for long periods, in order not to disturb the sense of attachments. A persevering worker, he had difficulties initiating change due to lack of self-confidence in judgment or abilities, rather than lack of motivation or energy. Within 10 years in marriage, he tried hard to grant his wife's wishes, but to no avail. His wife left him in October, 1990 together with their three children, whom he missed very much. The death of his grandfather in 1994 was a big blow to him, but he finds solace and security in visiting his grave every Sunday since then.

On the other hand, Cheryl was initially congenial, which lasted only for a short period of time. Later, her immaturity interfered with her behavioral pattern and adjustment. Apparently, she could not recognize realities in their family set-up and will insist on her fantasized wishes. When not granted, she'll go into tantrums, moodiness, anger, hostilities, exhibitions and dramatizations, just to get attention and to emphasize her wants. Her attention-getting devices will be endless and her suggestibility to the influence of others is very fertile.

Based on the family background, pattern of behavior, and outcome of their marriage, clinical evidence showed that Mr. Edward Lim is suffering from a Dependent Personality Disorder, while Cheryl is suffering from Histrionic Personality Disorder associated with immaturity, that render both of them psychologically incapacitated to perform the duties and responsibilities of marriage.

The root cause of the above clinical condition on the part of Edward was due to overindulgence and overprotection of his surrogate parents, that left no room for him to develop his own abilities, encouraging too much dependence, lack of self-confidence, self-doubt, passivity, pessimism, and depression. How much of the Dependent Disorder was due to developmental defect and how much was due to strong Chinese culture and traditions, will be difficult to assess.

On the part of Cheryl, the root cause was due to unsatisfied dependency needs that finds gratification in adult stage, in the form of attention-seeking devices, manifested in her clinical symptoms. Both existed prior to marriage, but became obviously manifested only after the celebration, due to marital stresses and demands. Both disorders are considered permanent and incurable, because they started early in their developmental stage and therefore became so engrained in their personality structure. Both are severe and grave in degree, because they hampered their normal functioning, specifically related to a difficult heterosexual adjustment.^[12]

In addition, Dr. Villegas testified in the lower court as to the findings contained in the Psychiatric Report. Thus, on direct examination, Dr. Villegas' testimony consisted of the following:

Q- Can you tell the Court how you happened to know the petitioner?

A- He was referred to me by his counsel for psychological and psychiatric evaluation related to his application for nullity of marriage in this Honorable Court, ma'am.

Q- And were you able to actually conduct an examination for the purposes that you have stated?

A- Yes, ma'am.

Q- How many times were you able to examine or meet the petitioner?

A- I met him three (3x) times, ma'am. That was on January 10, January 14 and January 17, year 2000.

Q- And is there any other witness or person that you have met for the purpose of evaluating the behavior and personality of petitioner?

A- Yes, ma'am. I was able to interview a long time employee that they have in their company in the person of Mrs. Emmy Adato who herself know the petitioner since he was eight (8) years old, ma'am.

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