

## SECOND DIVISION

[ G.R. No. 185286, August 18, 2010 ]

**MA. SOCORRO CAMACHO-REYES, PETITIONER, VS. RAMON REYES, RESPONDENT.**

### D E C I S I O N

**NACHURA, J.:**

This case is, again, an instance of the all-too-familiar tale of a marriage in disarray.

In this regard, we air the caveat that courts should be extra careful before making a finding of psychological incapacity or vicariously diagnosing personality disorders in spouses where there are none. On the other hand, blind adherence by the courts to the exhortation in the Constitution<sup>[1]</sup> and in our statutes that marriage is an inviolable social institution, and validating a marriage that is null and void despite convincing proof of psychological incapacity, trenches on the very reason why a marriage that is doomed from its inception should not be forcibly inflicted upon its hapless partners for life.

At bar is a petition for review on *certiorari* assailing the decision of the Court of Appeals in CA -G.R. CV No. 89761<sup>[2]</sup> which reversed the decision of the Regional Trial Court, Branch 89, Quezon City in Civil Case No. Q-01-44854.<sup>[3]</sup>

First, we unfurl the facts.

Petitioner Maria Socorro Camacho-Reyes met respondent Ramon Reyes at the University of the Philippines (UP), Diliman, in 1972 when they were both nineteen (19) years old. They were simply classmates then in one university subject when respondent cross-enrolled from the UP Los Baños campus. The casual acquaintanceship quickly developed into a boyfriend-girlfriend relationship. Petitioner was initially attracted to respondent who she thought was free spirited and bright, although he did not follow conventions and traditions.<sup>[4]</sup> Since both resided in Mandaluyong City, they saw each other every day and drove home together from the university.

Easily impressed, petitioner enjoyed respondent's style of courtship which included dining out, unlike other couples their age who were restricted by a university student's budget. At that time, respondent held a job in the family business, the Aristocrat Restaurant. Petitioner's good impression of the respondent was not diminished by the latter's habit of cutting classes, not even by her discovery that respondent was taking marijuana.

Not surprisingly, only petitioner finished university studies, obtaining a degree in AB Sociology from the UP. By 1974, respondent had dropped out of school on his third year, and just continued to work for the Aristocrat Restaurant.

On December 5, 1976, the year following petitioner's graduation and her father's death, petitioner and respondent got married. At that time, petitioner was already five (5) months pregnant and employed at the Population Center Foundation.

Thereafter, the newlyweds lived with the respondent's family in Mandaluyong City. All living expenses were shouldered by respondent's parents, and the couple's respective salaries were spent solely for their personal needs. Initially, respondent gave petitioner a monthly allowance of P1,500.00 from his salary.

When their first child was born on March 22, 1977, financial difficulties started. Rearing a child entailed expenses. A year into their marriage, the monthly allowance of P1,500.00 from respondent stopped. Further, respondent no longer handed his salary to petitioner. When petitioner mustered enough courage to ask the respondent about this, the latter told her that he had resigned due to slow advancement within the family business. Respondent's game plan was to venture into trading seafood in the province, supplying hotels and restaurants, including the Aristocrat Restaurant. However, this new business took respondent away from his young family for days on end without any communication. Petitioner simply endured the set up, hoping that the situation will change.

To prod respondent into assuming more responsibility, petitioner suggested that they live separately from her in-laws. However, the new living arrangement engendered further financial difficulty. While petitioner struggled to make ends meet as the single-income earner of the household, respondent's business floundered. Thereafter, another attempt at business, a fishpond in Mindoro, was similarly unsuccessful. Respondent gave money to petitioner sporadically. Compounding the family's financial woes and further straining the parties' relationship was the indifferent attitude of respondent towards his family. That his business took him away from his family did not seem to bother respondent; he did not exert any effort to remain in touch with them while he was away in Mindoro.

After two (2) years of struggling, the spouses transferred residence and, this time, moved in with petitioner's mother. But the new set up did not end their marital difficulties. In fact, the parties became more estranged. Petitioner continued to carry the burden of supporting a family not just financially, but in most aspects as well.

In 1985, petitioner, who had previously suffered a miscarriage, gave birth to their third son. At that time, respondent was in Mindoro and he did not even inquire on the health of either the petitioner or the newborn. A week later, respondent arrived in Manila, acting nonchalantly while playing with the baby, with nary an attempt to find out how the hospital bills were settled.

In 1989, due to financial reverses, respondent's fishpond business stopped operations. Although without any means to support his family, respondent refused to go back to work for the family business. Respondent came up with another business venture, engaging in scrap paper and carton trading. As with all of respondent's business ventures, this did not succeed and added to the trail of debt which now hounded not only respondent, but petitioner as well. Not surprisingly, the relationship of the parties deteriorated.

Sometime in 1996, petitioner confirmed that respondent was having an extra-

marital affair. She overheard respondent talking to his girlfriend, a former secretary, over the phone inquiring if the latter liked respondent's gift to her. Petitioner soon realized that respondent was not only unable to provide financially for their family, but he was, more importantly, remiss in his obligation to remain faithful to her and their family.

One of the last episodes that sealed the fate of the parties' marriage was a surgical operation on petitioner for the removal of a cyst. Although his wife was about to be operated on, respondent remained unconcerned and unattentive; and simply read the newspaper, and played dumb when petitioner requested that he accompany her as she was wheeled into the operating room. After the operation, petitioner felt that she had had enough of respondent's lack of concern, and asked her mother to order respondent to leave the recovery room.

Still, petitioner made a string of "final" attempts to salvage what was left of their marriage. Petitioner approached respondent's siblings and asked them to intervene, confessing that she was near the end of her rope. Yet, even respondent's siblings waved the white flag on respondent.

Adolfo Reyes, respondent's elder brother, and his spouse, Peregrina, members of a marriage encounter group, invited and sponsored the parties to join the group. The elder couple scheduled counseling sessions with petitioner and respondent, but these did not improve the parties' relationship as respondent remained uncooperative.

In 1997, Adolfo brought respondent to Dr. Natividad A. Dayan for a psychological assessment to "determine benchmarks of current psychological functioning." As with all other attempts to help him, respondent resisted and did not continue with the clinical psychologist's recommendation to undergo psychotherapy.

At about this time, petitioner, with the knowledge of respondent's siblings, told respondent to move out of their house. Respondent acquiesced to give space to petitioner.

With the *de facto* separation, the relationship still did not improve. Neither did respondent's relationship with his children.

Finally, in 2001,<sup>[5]</sup> petitioner filed (before the RTC) a petition for the declaration of nullity of her marriage with the respondent, alleging the latter's psychological incapacity to fulfill the essential marital obligations under Article 36 of the Family Code.

Traversing the petition, respondent denied petitioner's allegations that he was psychologically incapacitated. Respondent maintained that he was not remiss in performing his obligations to his family--both as a spouse to petitioner and father to their children.

After trial (where the testimonies of two clinical psychologists, Dr. Dayan and Dr. Estrella Magno, and a psychiatrist, Dr. Cecilia Villegas, were presented in evidence), the RTC granted the petition and declared the marriage between the parties null and void on the ground of their psychological incapacity. The trial court ruled, thus:

Wherefore, on the ground of psychological incapacity of both parties, the petition is GRANTED. Accordingly, the marriage between petitioner MA. SOCORRO PERPETUA CAMACHO and respondent RAMON REYES contracted on December 4, 1976 at the Archbishop's Chapel Villa San Miguel Mandaluyong, Rizal, is declared null and void under Art. 36 of the Family Code, as amended. Henceforth, their property relation is dissolved.

Parties are restored to their single or unmarried status.

Their children JESUS TEODORO CAMACHO REYES and JOSEPH MICHAEL CAMACHO REYES, who are already of age and have the full civil capacity and legal rights to decide for themselves having finished their studies, are free to decide for themselves.

The Decision becomes final upon the expiration of fifteen (15) days from notice to the parties. Entry of Judgment shall be made if no Motion for Reconsideration or New Trial or Appeal is filed by any of the parties, the Public Prosecutor or the Solicitor General.

Upon finality of this Decision, the Court shall forthwith issue the corresponding Decree if the parties have no properties[.] [O]therwise, the Court shall observe the procedure prescribed in Section 21 of AM 02-11-10 SC.

The Decree of Nullity quoting the dispositive portion of the Decision (Sec. 22 AM 02-11-10 SC) shall be issued by the Court only after compliance with Articles 50 & 51 of the Family Code as implemented under the Rules on Liquidation, Partition and Distribution of Property (Sections 19 & 21, AM 02-11-10 SC) in a situation where the parties have properties.

The Entry of Judgment of this Decision shall be registered in the Local Civil Registry of Mandaluyong and Quezon City.

Let [a] copy of this Decision be furnished the parties, their counsel, the Office of the Solicitor General, the Public Prosecutor, the Office of the Local Civil Registrar, Mandaluyong City, the Office of the Local Civil Registrar, Quezon City and the Civil Registrar General at their respective office addresses.

SO ORDERED.<sup>[6]</sup>

Finding no cogent reason to reverse its prior ruling, the trial court, on motion for reconsideration of the respondent, affirmed the declaration of nullity of the parties' marriage.

Taking exception to the trial court's rulings, respondent appealed to the Court of Appeals, adamant on the validity of his marriage to petitioner. The appellate court, agreeing with the respondent, reversed the RTC and declared the parties' marriage as valid and subsisting. Significantly, a special division of five (two members dissenting from the majority decision and voting to affirm the decision of

the RTC) ruled, thus:

**WHEREFORE**, premises considered, the appeal is **GRANTED**. The Decision dated May 23, 2007 and Order dated July 13, 2007 of the Regional Trial Court of Quezon City, Branch 89 in *Civil Case No. Q-01-44854* are **REVERSED** and **SET ASIDE**. The Amended Petition for Declaration of Nullity of Marriage is hereby **DISMISSED**. No pronouncement as to costs.<sup>[7]</sup>

Undaunted by the setback, petitioner now appeals to this Court positing the following issues:

I

THE COURT OF APPEALS ERRED IN NOT RULING THAT RESPONDENT IS PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE.

II

THE COURT OF APPEALS ERRED IN NOT RULING THAT PETITIONER IS LIKEWISE PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE.

III

THE COURT OF APPEALS ERRED WHEN IT DISREGARDED THE TESTIMONIES OF THE EXPERT WITNESSES PRESENTED BY PETITIONER.

IV

THE COURT OF APPEALS ERRED IN NOT RULING THAT THE FINDINGS OF THE TRIAL COURT ARE BINDING ON IT.

V

THE COURT OF APPEALS ERRED IN NOT RULING THAT THE TOTALITY OF THE EVIDENCE PRESENTED DULY ESTABLISHED THE PSYCHOLOGICAL INCAPACITIES OF THE PARTIES TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE.

VI

THE COURT OF APPEALS ERRED IN NOT RULING THAT THE PSYCHOLOGICAL INCAPACITIES OF THE PARTIES TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE WERE ESTABLISHED, NOT MERELY BY A TOTALITY, BUT BY A PREPONDERANCE OF EVIDENCE.

VII