

## THIRD DIVISION

[ G.R. No. 165321, August 03, 2010 ]

**RICARDO P. TORING, PETITIONER, VS. TERESITA M. TORING  
AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.**

### DECISION

**BRION, J.:**

We resolve the appeal filed by petitioner Ricardo P. Toring from the May 31, 2004 decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 71882. The CA reversed the August 10, 2001 judgment of the Regional Trial Court (RTC), Branch 106 of Quezon City in Civil Case No. Q-99-36662,<sup>[2]</sup> nullifying Ricardo's marriage with respondent Teresita M. Toring on the ground of psychological incapacity.

### THE FACTS

Ricardo was introduced to Teresita in 1978 at his aunt's house in Cebu. Teresita was then his cousin's teacher in Hawaiian dance and was conducting lessons at his aunt's house. Despite their slight difference in age (of five years), the younger Ricardo found the dance teacher attractive and fell in love with her. He pursued Teresita and they became sweethearts after three months of courtship. They eloped soon after, hastened by the bid of another girlfriend, already pregnant, to get Ricardo to marry her.

Ricardo and Teresita were married on September 4, 1978 before Hon. Remigio Zari of the City Court of Quezon City. They begot three children: Richardson, Rachel Anne, and Ric Jayson.

On February 1, 1999, more than twenty years after their wedding, Ricardo filed a petition for annulment before the RTC. He claimed that Teresita was psychologically incapacitated to comply with the essential obligations of marriage prior to, at the time of, and subsequent to the celebration of their marriage. He asked the court to declare his marriage to Teresita null and void.

At the trial, Ricardo offered in evidence their marriage contract; the psychological evaluation and signature of his expert witness, psychiatrist Dr. Cecilia R. Albaran, and his and Dr. Albaran's respective testimonies. Teresita did not file any answer or opposition to the petition, nor did she testify to refute the allegations against her.<sup>[3]</sup>

Ricardo alleged in his petition and in his testimony at the trial that Teresita was an adulteress and a squanderer. He was an overseas seaman, and he regularly sent money to his wife to cover the family's living expenses and their children's tuition. Teresita, however, was not adept in managing the funds he sent and their finances. Many times, Ricardo would come home and be welcomed by debts incurred by his wife; he had to settle these to avoid embarrassment.

Aside from neglect in paying debts she incurred from other people, Teresita likewise failed to remit amounts she collected as sales agent of a plasticware and cosmetics company. She left the family's utility bills and their children's tuition fees unpaid. She also missed paying the rent and the amortization for the house that Ricardo acquired for the family, so their children had to live in a small rented room and eventually had to be taken in by Ricardo's parents. When confronted by Ricardo, Teresita would simply offer the excuse that she spent the funds Ricardo sent to buy things for the house and for their children.

Ricardo likewise accused Teresita of infidelity and suspected that she was pregnant with another man's child. During one of his visits to the country, he noticed that Teresita's stomach was slightly bigger. He tried to convince her to have a medical examination but she refused. Her miscarriage five months into her pregnancy confirmed his worst suspicions. Ricardo alleged that the child could not have been his, as his three instances of sexual contact with Teresita were characterized by "withdrawals"; other than these, no other sexual contacts with his wife transpired, as he transferred and lived with his relatives after a month of living with Teresita in Cebu. Ricardo reported, too, of rumors that his wife represented herself to others as single, and went out on dates with other men when he was not around.

Ricardo opined that his wife was a very extravagant, materialistic, controlling and demanding person, who mostly had her way in everything; had a taste for the nightlife and was very averse to the duties of a housewife; was stubborn and independent, also most unsupportive, critical and uncooperative; was unresponsive to his hard work and sacrifices for their family; and was most painfully unmindful of him.<sup>[4]</sup> He believed that their marriage had broken down beyond repair and that they both have lost their mutual trust and love for one another.<sup>[5]</sup>

Dr. Cecilia R. Albaran testified that a major factor that contributed to the demise of the marriage was Teresita's Narcissistic Personality Disorder that rendered her psychologically incapacitated to fulfill her essential marital obligations. To quote Dr. Albaran:

Teresita, the respondent[, ] has [*sic*] shown to manifest the following pervasive pattern of behaviors: a sense of entitlement as she expected favorable treatment and automatic compliance to her wishes, being interpersonally exploitative as on several occasions she took advantage of him to achieve her own ends, lack of empathy as she was unwilling to recognize her partners [*sic*] feelings and needs[, ] taking into consideration her own feelings and needs only, her haughty and arrogant behavior and attitude and her proneness to blame others for her failures and shortcomings. These patterns of behavior speaks [*sic*] of a Narcissistic Personality Disorder, which started to manifest in early adulthood. The disorder is considered to be grave and incurable based on the fact that individuals do not recognize the symptoms as it is ego syntonic and they feel there is nothing wrong in them. Because of that[, ] they remain unmotivated for treatment and impervious to recovery.<sup>[6]</sup>

She based her diagnosis on the information she gathered from her psychological

evaluation on Ricardo and Richardson (Ricardo and Teresita's eldest son). She admitted, though, that she did not personally observe and examine Teresita; she sent Teresita a personally-delivered notice for the conduct of a psychiatric evaluation, but the notice remained unanswered.

In opposing the petition for annulment, the Office of the Solicitor General (*OSG*) contended that there was no basis to declare Teresita psychologically incapacitated. It asserted that the psychological evaluation conducted on Ricardo (and his son Richardson) only revealed a vague and general conclusion on these parties' personality traits but not on Teresita's psychological makeup. The *OSG* also argued that the evidence adduced did not clinically identify and sufficiently prove the medical cause of the alleged psychological incapacity. Neither did the evidence indicate that the alleged psychological incapacity existed prior to or at the time of marriage, nor that the incapacity was grave and incurable.

The RTC agreed with Ricardo, and annulled his marriage to Teresita. In short, the RTC believed Dr. Albaran's psychological evaluation and testimony and, on the totality of Ricardo's evidence, found Teresita to be psychologically incapacitated to assume the essential obligations of marriage. The *OSG* appealed the decision to the CA.

The CA reversed the RTC decision and held that the trial court's findings did not satisfy the rules and guidelines set by this Court in *Republic v. Court of Appeals and Molina*.<sup>[7]</sup> The RTC failed to specifically point out the root illness or defect that caused Teresita's psychological incapacity, and likewise failed to show that the incapacity already existed at the time of celebration of marriage.

The CA found that the conclusions from Dr. Albaran's psychological evaluation do not appear to have been drawn from well-rounded and fair sources, and dwelt mostly on hearsay statements and rumors. Likewise, the CA found that Ricardo's allegations on Teresita's overspending and infidelity do not constitute adequate grounds for declaring the marriage null and void under Article 36 of the Family Code. These allegations, even if true, could only effectively serve as grounds for legal separation or a criminal charge for adultery.

### **THE PETITION AND THE PARTIES' ARGUMENTS**

Ricardo faults the CA for disregarding the factual findings of the trial court, particularly the expert testimony of Dr. Albaran, and submits that the trial court - in declaring the nullity of the marriage - fully complied with *Molina*.

In its Comment,<sup>[8]</sup> the *OSG* argued that the CA correctly reversed the RTC's decision, particularly in its conclusion that Ricardo failed to comply with this Court's guidelines for the proper interpretation and application of Article 36 of the Family Code. Reiterating its earlier arguments below, the *OSG* asserts that the evidence adduced before the trial court failed to show the gravity, juridical antecedence, or incurability of the psychological incapacity of Teresita, and failed as well to identify and discuss its root cause. The psychiatrist, likewise, failed to show that Teresita was completely unable to discharge her marital obligations due to her alleged Narcissistic Personality Disorder.

Ricardo's Reply<sup>[9]</sup> reiterated that the RTC decision thoroughly discussed the root cause of Teresita's psychological incapacity and identified it as Narcissistic Personality Disorder. He claimed that sufficient proof had been adduced by the psychiatrist whose expertise on the subject cannot be doubted. Interestingly, Ricardo further argued that alleging the root cause in a petition for annulment under Article 36 of the Family Code is no longer necessary, citing *Barcelona v. Court of Appeals*.<sup>[10]</sup>

These positions were collated and reiterated in the memoranda the parties filed.

### **THE COURT'S RULING**

**We find the petition unmeritorious**, as the CA committed no reversible error when it set aside the RTC's decision for lack of legal and factual basis.

In the leading case of *Santos v. Court of Appeals, et al.*,<sup>[11]</sup> we held that psychological incapacity under Article 36 of the Family Code must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability, to be sufficient basis to annul a marriage. The psychological incapacity should refer to "no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage."<sup>[12]</sup>

We further expounded on Article 36 of the Family Code in *Molina* and laid down definitive guidelines in the interpretation and application of this article. These guidelines incorporate the basic requirements of gravity, juridical antecedence and incurability established in the *Santos case*, as follows:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it "as the foundation of the nation." It decrees marriage as legally "inviolable," thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be "protected" by the state.

The Family Code echoes this constitutional edict on marriage and the family and emphasizes their permanence, inviolability and solidarity.

(2) The root cause of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. Article 36 of the Family Code requires that the incapacity must be psychological - not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or psychically ill to such an extent that the person could not

have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of *ejusdem generis* (*Salita v. Magtolis*, 233 SCRA 100, 108), nevertheless such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.

(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. The evidence must show that the illness was existing when the parties exchanged their "I do's." The manifestation of the illness need not be perceivable at such time, but the illness itself must have attached at such moment, or prior thereto.

(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job. Hence, a pediatrician may be effective in diagnosing illnesses of children and prescribing medicine to cure them but may not be psychologically capacitated to procreate, bear and raise his/her own children as an essential obligation of marriage.

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, "mild characterological peculiarities, mood changes, occasional emotional outbursts" cannot be accepted as root causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the Family Code as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts.<sup>[13]</sup>

Subsequent jurisprudence on psychological incapacity applied these basic guidelines to varying factual situations, thus confirming the continuing doctrinal validity of *Santos*. In so far as the present factual situation is concerned, what should not be