

SECOND DIVISION

[G.R. No. 150677, June 05, 2009]

**RENATO REYES SO, PETITIONER, VS. LORNA VALERA,
RESPONDENT.**

D E C I S I O N

BRION, J.:

For our review is the Petition for Review on *Certiorari*^[1] filed by petitioner Renato Reyes So (*petitioner*) against the Decision dated July 4, 2001^[2] and the Resolution dated October 18, 2001^[3] of the Court of Appeals (CA) in **CA-G.R. CV No. 65273**. The challenged decision reversed the decision^[4] of the Regional Trial Court (RTC), Branch 143, Makati City declaring the marriage of the petitioner and respondent Lorna Valera (*respondent*) null and void on the ground of the latter's psychological incapacity under Article 36 of the Family Code. The assailed resolution denied the petitioner's motion for reconsideration.

ANTECEDENT FACTS

The petitioner and the respondent first met at a party in 1973 after being introduced to each other by a common friend. The petitioner at that time was a 17-year old high school student; the respondent was a 21-year old college student. Their meeting led to courtship and to a 19-year common-law relationship,^[5] culminating in the exchange of marital vows at the Caloocan City Hall on December 10, 1991.^[6] They had three (3) children (Jeffrey, Renelee, and Loni)^[7] in their relationship and subsequent marriage.

On May 14, 1996, the petitioner filed with the RTC a petition for the declaration of the nullity of his marriage with the respondent.^[8] The case was docketed as JDRC Case No. 96-674. He alleged that their marriage was null and void for want of the essential and formal requisites. He also claimed that the respondent was psychologically incapacitated to exercise the essential obligations of marriage, as shown by the following circumstances: the respondent failed and refused to cohabit and make love with him; did not love and respect him; did not remain faithful to him; did not give him emotional, spiritual, physical, and psychological help and support; failed and refused to have a family domicile; and failed and refused to enter into a permanent union and establish conjugal and family life with him.^[9]

The petitioner presented testimonial and documentary evidence to substantiate his charges.

The petitioner testified that he and the respondent eloped two (2) months after meeting at a party.^[10] Thereafter, they lived at the house of his mother's friend in

Bulacan, and then transferred to his parents' house in Caloocan City. They stayed there for two (2) months before transferring to Muntinlupa City.^[11]

The petitioner likewise related that respondent asked him to sign a blank marriage application form and marriage contract sometime in 1986. He signed these documents on the condition that these documents would only be used if they decide to get married. He admitted not knowing what happened to these documents, and maintained that no marriage ceremony took place in 1991.^[12] As noted below, the petitioner, however, submitted a certified true copy of their marriage contract as part of his documentary evidence.

The petitioner further alleged that the respondent did not want to practice her profession after passing the dental board exam; and that she sold the dental equipment he bought for her.^[13] He also claimed that when he started his own communication company, the respondent disagreed with many of his business decisions; her interference eventually led to many failed transactions with prospective clients.^[14]

The petitioner narrated that he often slept in the car because the respondent locked him out of the house when he came home late. He felt embarrassed when his employees would wake him up inside the car. When he confronted the respondent the next morning, she simply ignored him. He also claimed that respondent did not care for their children, and was very strict with clients. Moreover, the respondent went out with his employees to gamble whenever there were no clients.

Lastly, he testified that sometime in 1990, he found all his things outside their house when he came home late after closing a deal with a client. He left their house and stayed at a friend's house for two (2) months. He tried to go back to their house, but the respondent prevented him from entering. The respondent also told him she did not love him anymore. He attempted to reconcile with her for the sake of their children, but she refused to accept him back.^[15]

Summons was served on the respondent on July 17, 1996, but she failed to file an answer. The RTC ordered the public prosecutor to investigate if there had been collusion between the parties and to intervene for the State to see to it that evidence was not fabricated. Prosecutor Andres N. Marcos manifested that he was unable to make a ruling on the issue of collusion since the respondent failed to appear before him. ^[16]

Aside from his testimony, the petitioner also presented certified true copies of the birth certificate of their three children;^[17] certified true copy of their marriage contract;^[18] and the testimony, original *curriculum vitae*,^[19] and psychological report^[20] of clinical psychologist Dr. Cristina Rosello-Gates (*Dr. Gates*).

In her Psychological Report, Dr. Gates noted as follows:

x x x

PARTICULARS

- Parties met in a party when Petitioner was 17 years and Respondent was 21 years old; both were studying but Petitioner was also working in his father's business;
- During the first time they met, Respondent hugged Petitioner and stayed close to him; she also taught him how to smoke marijuana; after their first meeting, Respondent would fetch petitioner from school, and they would go out together;
- Within the next two months, Respondent dropped out of school without informing her parents; she applied for a job and was purportedly raped by her employer;
 - When Respondent's parents found out that she quit school, she sought petitioner's help to look for a place to stay; Renato brought her to his friend's house in Bulacan but her hosts did not like her frequent outings and parties; Respondent then asked Petitioner to live with her in a rented apartment; she told him to execute an Affidavit of Loss so he can withdraw his savings with a new bankbook without the knowledge of his father;
- Parties were fetched by Petitioner's parents to live with them in Caloocan; petitioner sent Respondent to school to wean her away from her friends; when she passed the Dentistry Board Examinations, he put up a dental clinic for her; after 2 months, she quit her dental practice and joined Petitioner in his communications business;
- Respondent had problems dealing with Petitioner's clients; she interfered with his decisions, and resented his dealings with clients which would, at times, last till late at night; one incident in 1990, Respondent locked Petitioner out of house prompting the latter to sleep in the car; other similar incidents followed where employees would wake up Petitioner when they report for work; one night, Petitioner found all his things thrown out of the house by Respondent;
- Respondent was not the one who took care of their children; the second child, for instance, cries whenever said child sees Respondent as the latter is not familiar with the former;
- While parties lived together since 1973, they applied for a marriage license only in 1986; Respondent asked Petitioner to sign both license and marriage contract without any public appearance at City Hall; their marriage was registered in 1991 after the couple separated.^[21]

and concluded that:

An examination of the parties' respective family background and upbringing, as well as the events prior to their marriage point to psychological impairment on the part of Respondent Lorna Valera.

From a simple existence in the province, Lorna Valera was thrust in the big city for her college education. It was in Sampaloc, Manila where she lived and groped, and eventually found herself in bad company. Thus, her so-called "culture shock" was abated by pot sessions lasting several days

at a time - making her temporarily forget the harsh reality in the metropolis. Her escapist and regressive tendencies stunted her psychological growth and prevented her from fully functioning as a responsible adult.

Based on the **Diagnostic and Statistical Manual (DSM IV)**, the international standards of psychological disorders, Respondent Lorna Valera is plagued with an **Adjustment Disorder** as manifested in her impulsiveness, lack of restraint, lack of civility and a sense of decency in the conduct of her life. **Compulsive Behavior Patterns** are also evident in her marijuana habit, gambling and habitual squandering of Petitioner's money. Lorna Valera's Adjustment Disorder and Compulsive Behavior Patterns were already existing prior to her marriage to Petitioner Renato So. Continuing up to the present, the same appears to be irreversible.^[22]

The RTC Ruling

The RTC nullified the marriage of petitioner and respondent in its decision of November 8, 1999. The decision, a relatively short one at four (4) pages, single-spaced, including the heading and the signature pages, made a short summary of the "testimonies of the witness" with the statements that -

Petitioner and respondent became common law husband and wife from 1973 to 1991. Out of this relationship were born three children, namely Jeffrey, Renelee and Lino all surnamed Varela.

Sometime in 1987 petitioner was induced by respondent to sign a blank Marriage Contract and a blank application for marriage license. The petitioner freely signed the documents with the belief that the documents will be signed only when they get married.^[23]

Thereafter, the RTC decision wholly dwelt on the question of the respondent's psychological incapacity based on the testimony of the petitioner and Dr. Gates, his expert witness. The decision's concluding

paragraphs stated:

Based on the foregoing, the Court is convinced that respondent Lorna Valera **is psychologically incapacitated to comply with the essential marital obligation of marriage**, which incapacity existed at the time of the celebration thereof (Art. 36 F.C.).

It should be borne in mind that marriage is a special contract of permanent union and the foundation of the Family. The husband and the wife are obliged to live together, observe mutual help and support (Art. 68 F.C.). It includes the giving of love and affection, advice and counsel, companionship and understanding (Art. 230 F.C.). Respondent failed to observe all these things.^[24]

The dispositive portion of the decision that immediately followed reads:

Wherefore, judgment is hereby rendered in favor of petitioner and against respondent:

1. **Declaring respondent psychologically incapacitated to comply with the essential marital obligations under Art. 36 of the Family Code;**
2. **Declaring the marriage contracted by Renato Reyes So and Lorna Valero on December 10, 1991, null and void *ab initio*;**
3. Dissolving the conjugal partnership between the spouses in accordance with the pertinent provisions of the Family Code;
4. Awarding the custody of the minor children to petitioner.

x x x

SO ORDERED.^[25]

The CA Decision

The Republic of the Philippines (*Republic*), through the Office of the Solicitor General, appealed the RTC decision to the CA, docketed as CA-G.R. CV No. 65273. The CA, in its Decision dated July 4, 2001, reversed and set aside the RTC decision and dismissed the petition for lack of merit.^[26]

The CA ruled that the petitioner failed to prove the respondent's psychological incapacity. According to the CA, the respondent's character, faults, and defects did not constitute psychological incapacity warranting the nullity of the parties' marriage. The CA reasoned out that "while respondent appears to be a less than ideal mother to her children, and loving wife to her husband," these flaws were not physical manifestations of psychological illness. The CA further added that although the respondent's condition was clinically identified by an expert witness to be an "Adjustment Disorder," it was not established that such disorder was the root cause of her incapacity to fulfill the essential marital obligations. The prosecution also failed to establish that respondent's disorder was incurable and permanent in such a way as to disable and/or incapacitate respondent from complying with obligations essential to marriage.

The CA likewise held that the respondent's hostile attitude towards the petitioner when the latter came home late was "a normal reaction of an ordinary housewife under a similar situation"; and her subsequent refusal to cohabit with him was not due to any psychological condition, but due to the fact that she no longer loved him.

Finally, the CA concluded that the declaration of nullity of a marriage was not proper when the psychological disorder does not meet the guidelines set forth in the case of *Molina*.

The petitioner moved to reconsider the decision, but the CA denied his motion in its resolution^[27] dated October 18, 2001.

The Petition and Issues

The petitioner argues in the present petition that the CA seriously erred^[28] -