

## SECOND DIVISION

[ G.R. No. 170925, October 26, 2009 ]

**RODOLFO A. ASPILLAGA, PETITIONER, VS. AURORA A. ASPILLAGA, RESPONDENT.**

### DECISION

**QUISUMBING, J.:**

This petition for review on certiorari assails the Decision<sup>[1]</sup> dated September 9, 2005 and the Resolution<sup>[2]</sup> dated December 20, 2005 of the Court of Appeals in CA-G.R. CV No. 68179, entitled "*Rodolfo A. Aspillaga v. Aurora A. Aspillaga*."

The facts culled from the records are as follows:

Rodolfo Aspillaga met Aurora Apon sometime in 1977 while they were students at the Philippine Merchant Marine Academy and Lyceum of the Philippines, respectively. Rodolfo courted her and five months later, they became sweethearts. Thereafter, Aurora left for Japan to study Japanese culture, literature and language. Despite the distance, Rodolfo and Aurora maintained communication.

In 1980, after Aurora returned to the Philippines, she and Rodolfo got married. They begot two children, but Rodolfo claimed their marriage was "tumultuous." He described Aurora as domineering and frequently humiliated him even in front of his friends. He complained that Aurora was a spendthrift as she overspent the family budget and made crucial family decisions without consulting him. Rodolfo added that Aurora was tactless, suspicious, given to nagging and jealousy as evidenced by the latter's filing against him a criminal case (concubinage) and an administrative case. He left the conjugal home, and filed on March 7, 1995, a petition for annulment of marriage on the ground of psychological incapacity on the part of Aurora. He averred that Aurora failed to comply with the essential obligations of marriage.

Aurora, for her part, alleged that sometime in 1991, Rodolfo gave her a plane ticket to Japan to enable her to assume her teaching position in a university for a period of three months. In August 1991, upon her return to Manila, she discovered that while she was in Japan, Rodolfo brought into their conjugal home her cousin, Lecita Rose A. Besina, as his concubine. Aurora alleged that Rodolfo's cohabitation with her cousin led to the disintegration of their marriage and their eventual separation. In May 1992, Rodolfo abandoned their conjugal home to live with Besina. Aurora claimed custody of the children.

During trial, expert witness Dr. Eduardo Maaba explained his psychiatric evaluation of the parties as well as his recommendation that the petition be granted. In this report, he stated,

"x x x x

Psychiatric evaluation of petitioner, Rodolfo Aspillaga, showed that he is an intelligent adult male, who is egoistic and harbors an inner sense of inadequacy, helplessness and anxiety in losing agility. He, however, projects himself as dominant person, to cover his deep-seated insecurity and inadequacy. He tends to be suspicious and blames others for his mistakes. He claims for adulation, reassurance and attention from other people. These can be traced from an unhealthy familial relationship during the early maturational development specifically in the form of a domineering and protective maternal image.

Self-esteem was fragile.

Psychiatric evaluation of respondent, Aurora Apon Aspillaga, showed history of traumatic childhood experiences. Her parents separated when she was about one month old and was made to believe that she was the youngest daughter of her disciplinarian grandfather. Her surrogate sister maltreated her and imposed harsh corporal punishment for her slightest mistakes. She felt devastated when she accidentally discovered that she'd been an orphan adopted by her grandfather. Attempted incestuous desire by an uncle was reported.

Psychological test results collaborated the clinical findings of sensitivity to criticism. Tendency for self dramatization and attention getting behavior. Lapses in judgment and shallow heterosexual relationship was projected. Sign of immaturity and desire to regress to a lower level of development were likewise projected. Self-esteem was also low. Deep-seated sense of dejection, loneliness and emptiness hamper her objectivity.

In summary, both petitioner and respondent harbor psychological handicaps which could be traced from unhealthy maturational development. Both had strict, domineering, disciplinarian role models. However, respondent's mistrust, shallow heterosexual relationships resulted in incapacitation in her ability to comply with the obligation of marriage.

It is recommended that the petition to annul their marriage be granted, on the grounds existing psychological incapacitation of both petitioner and respondent, which will hamper their capacity to comply with their marital obligations. Dissolution of the marital bond will offer both of them, peace of mind."<sup>[3]</sup>

On May 31, 2000,<sup>[4]</sup> the Regional Trial Court (RTC) found the parties psychologically incapacitated to enter into marriage.

On appeal, the Court of Appeals, in its Decision dated September 9, 2005, reversed and set aside the RTC decision and declared the marriage of Rodolfo and Aurora Aspillaga valid. Petitioner filed a motion for reconsideration, but the motion was also denied in a Resolution dated December 20, 2005.

Hence, this petition raising the sole issue:

[WHETHER THE APPELLATE COURT] CORRECTLY APPLIED THE DEFINITION OF "PSYCHOLOGICAL INCAPACITY" TO THE PSYCHOLOGICAL CONDITIONS OF THE PARTIES DURING THE CELEBRATION OF THEIR MARRIAGE.<sup>[5]</sup>

Simply stated, the issue before us is whether the marriage is void on the ground of the parties' psychological incapacity.

The petition must fail.

As early as 1995, in *Santos v. Court of Appeals*,<sup>[6]</sup> we categorically said that:

**Psychological incapacity required by Art. 36 must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability.** 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.<sup>[7]</sup> (Emphasis supplied.)

In the instant case, while the psychological examination conducted on respondent found her to be mistrustful, to possess low self-esteem, given to having shallow heterosexual relationships and immature, Dr. Maaba failed to reveal that these personality traits or psychological conditions were grave or serious enough to bring about an incapacity to assume the essential obligations of marriage. Indeed, Dr. Maaba was able to establish the parties' personality disorder; however, he failed to link the parties' psychological disorders to his conclusion that they are psychologically incapacitated to perform their obligations as husband and wife. We cannot see how their personality disorder would render them unaware of the essential marital obligations or to be incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to a marriage. The fact that these psychological conditions will hamper (as Dr. Maaba puts it) their performance of their marital obligations does not mean that they suffer from psychological incapacity as contemplated under Article 36 of the Family Code. Mere difficulty is not synonymous to incapacity. Moreover, there is no evidence to prove that each party's condition is so grave or is of such nature as to render said party incapable of carrying out the ordinary duties required in marriage. There is likewise no evidence that the claimed incapacity is incurable and permanent.

Petitioner had the burden of proving the nullity of his marriage with respondent,<sup>[8]</sup> but failed to discharge it.

It must be stressed that psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of some marital obligations.<sup>[9]</sup>