

## SECOND DIVISION

[ G.R. No. 171042, June 30, 2008 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. LYNNETTE CABANTUG-BAGUIO, RESPONDENT.**

### D E C I S I O N

**CARPIO MORALES, J.:**

From the Decision of the Court of Appeals which affirmed that of the Regional Trial Court of Cebu, Branch 24 nullifying the marriage of respondent, Lynnette Cabantug-Baguio (Lynnette), to Martini Dico Baguio (Martini), the Republic through the Office of the Solicitor General filed the present petition for review.

Lynnette and Martini contracted marriage on August 12, 1997. Less than three years later or on October 12, 2000, Lynnette filed before the Regional Trial Court (RTC) of Cebu City a complaint<sup>[1]</sup> for declaration of nullity of marriage, docketed as Civil Case No. CEB 25700, on the ground of Martini's psychological incapacity to comply with the essential marital duties and obligations under Articles 68-70<sup>[2]</sup> of the Family Code.

Despite service of summons upon Martini, he never filed any responsive pleading to the complaint.<sup>[3]</sup> No collusion was established between the parties.<sup>[4]</sup> Upon the authority of the Solicitor General, the provincial prosecutor of Cebu City appeared in the case under the former's supervision and control.<sup>[5]</sup>

From the deposition of Lynnette taken before Branch Clerk of Court Atty. Monalila S. Tecson on January 10, 2001,<sup>[6]</sup> the following are gathered:

Lynnette and Martini, a seaman working overseas, became pen pals in 1995.

In 1996, the two met in person during Martini's vacation after the expiration of his contract on board an ocean-going vessel.

On August 12, 1997, Martini, then 32, and Lynnette, then 34, contracted marriage,<sup>[7]</sup> following which they moved to the house of Lynnette's parents at 33-B La Guardia Extension, Lahug, Cebu City. Martini, however, stayed there only on weekends, and during weekdays he stayed with his parents in Looc, Lapu-lapu City. While Lynnette suggested that the two of them stay in the house of Martini's parents, Martini disagreed, claiming that there were many already living with his parents.

Lynnette noticed that every time she conversed with Martini, he always mentioned his mother and his family, and she soon realized that he was a "mama's boy." And she noticed too that when she would call up Martini at his parent's house and his

mother was the one who answered the call, she would deny that he was around.

In 1998, after Martini again returned following an almost 10-month contract overseas,<sup>[8]</sup> he stayed with Lynnette. When in 1999 Martini again disembarked, he stayed with his parents.

On the insistence of his mother, Martini's monetary allotment was shared equally between her and Lynnette.

Lynnette had since January 1999 not heard from Martini. And since April 1999, Lynnette stopped receiving her share of the allotment, drawing her to inquire from Martini's employer who informed her that he had already disembarked on even month. She soon found out that Martini was in Alabang, Muntinlupa.

When Lynnette and Martini finally met in Cebu City, he told her that they are not compatible and should just part ways.

The last time the couple talked was on October 14, 1999 when Martini was at the Ninoy Aquino International Airport (NAIA) about to depart for abroad. Since then, Martini never communicated with Lynnette. On investigation, Lynnette learned that Martini declared in his employment records that he was "single" and named his mother as principal allottee.<sup>[9]</sup>

Hence, Lynnette's filing of the complaint for declaration of nullification of marriage.

Aside from her deposition,<sup>[10]</sup> Lynnette presented her Certificate of Marriage,<sup>[11]</sup> Martini's undated Seafarer Information Sheet,<sup>[12]</sup> the letter of clinical psychologist Dr. Andres S. Gerong (Dr. Gerong) to Martini requesting for a personal interview,<sup>[13]</sup> Dr. Gerong's testimony,<sup>[14]</sup> and the Psychological Evaluation Report<sup>[15]</sup> prepared by Dr. Gerong after his interview of Lynnette and her sister Dr. Rosemarie Sistoza.<sup>[16]</sup>

In the Psychological Evaluation Report, Dr. Gerong noted as follows:

1. The couples [*sic*] were married on August 12, 1997 in Danao City, Cebu[;]
2. After the wedding the couple stayed at the petitioner's residence, but the defendant would always go home to his parents in Looc, Lapu-lapu City;
3. Defendant did not show any directions to establish their home, [is] happy-go-lucky, and would just see the plaintiff for his physical and sexual needs;
4. Plaintiff felt being used, exploited, uncared for, taken for granted, abandoned;
5. Defendant's parents appeared to control the son to the extent of meddling [with] the finances coming from the income as a seaman;

6. Defendant never showed respect for his parents-in-law;
7. Parents of the defendant insisted [on] a co-allot[ment without] any protestations from the plaintiff who has been generous all the time;
8. Defendant remained immature, could not stand by his wife and would still depend upon the decisions of his parents and without any personal directions as to what to do with his family;
9. Strictly speaking, the couple never really live[d] together as husband and wife like any ordinary couple<sup>[17]</sup> (underscoring supplied),

and concluded that

Defendant shows immature personality disorder, dependency patterns, and self-centered motives. Th[ese are] the core personality dysfunctions noted and have been exaggeratedly expressed which are detrimental to the familial well-being;

The situation is serious, grave, existing already during the adolescent period, and incurable because personality and character are stable whether or not it is normal and adaptive.

x x x x

The defendant is psychologically incapacitated to comply with the essential obligations in marriage and family.<sup>[18]</sup> (Underscoring supplied)

Expounding on his findings, Dr. Gerong testified, thus:

ATTY. SINGCO: (To witness)

Q: In gist, what were your findings as to the psychological capacity or incapacity of defendant Martini Dico Baguio?

A: x x x [T]o sum it up, the synopsis of the findings, the defendant husband **appeared** to be [a] dependent person to his family and unable to [sever . . .] the connection being a married man and to establish a domicile for his family and to support his family.

x x x x

ATTY. SINGCO: (To witness)

Q: Dr. Gerong, how grave or serious is the psychological incapacity of the defendant?

A: Being, I would say in our popular parlance, "mama's boy" as alleged, that will endanger the integrity of the marriage because instead of establishing a permanent conjugal relationship with the wife the husband-defendant would remain dependent on his family.

x x x x

ATTY. SINGCO: (To witness)

Q: Okay, in terms of the chances that this incapacity will be cured, what are the chances, if any?

A: As to curability, since I am using a clinical term ["personality or character disorder or dysfunction"] and as I have said many times that the personality is stable and pervasive over time. And **if** it is established as early as adolescent period and up to the present it has remained persistent thru the years and therefore it's a **permanent trait of the defendant-husband, therefore it's incurable.**<sup>[19]</sup> (Emphasis and underscoring supplied)

By Decision<sup>[20]</sup> of January 2, 2002, Branch 24 of the Cebu City RTC found Martini psychologically incapacitated to comply with the essential marital obligations of marriage, and that the same incapacity existed "at the time the couple exchanged their marriage vows."

The Solicitor General, via appeal,<sup>[21]</sup> challenged before the Court of Appeals the trial court's decision

. . . DECLARING THE PARTIES' MARRIAGE NULL AND VOID, DEFENDANTS MARTINI DICO BAGUIO'S PSYCHOLOGICAL INCAPACITY NOT HAVING BEEN PROVEN TO EXIST.<sup>[22]</sup>

By Decision<sup>[23]</sup> of January 13, 2005, the Court of Appeals affirmed the trial court's decision. Addressing the Solicitor General's argument that Dr. Gerong's testimony failed to establish the cause of Martini's psychological incapacity and to show that it existed at the inception of the marriage,<sup>[24]</sup> the Court of Appeals held:

x x x [I]n contradiction of the Republic's contention and its supporting above-cited doctrine, this Court cites the more recent jurisprudence laid down in the case of *Marcos v. Marcos*,<sup>[25]</sup> in which the High Tribunal has foregone with the requirement that the defendant should be examined by a physician or psychologist as a *conditio sine qua non* for declaration of nullity of marriage. It held thus:

*"The x x x guidelines do not require that a physician examine the person to be declared psychologically incapacitated x x x - [w]hat is important is the presence of evidence that can adequately establish the party's psychological condition, [f]or indeed, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination for the person concerned need not be resorted to."<sup>[26]</sup>*

Therefore, **the oral deposition [of Lynette] and the Psychological Evaluation Report** by Dr. Andres S. Gerong, Ph.D. as Clinical Psychologist declaring the defendant psychologically incapacitated to comply with the essential obligations in marriage and family life was sufficient for US to believe that **undeniably the defendant suffers**

**psychological incapacity.**<sup>[27]</sup> (Italics in the original; emphasis and underscoring supplied)

On the Solicitor General's contention that Martini's abandonment of Lynnette is a ground for legal separation and not for declaration of nullity of marriage,<sup>[28]</sup> and that Martini's alleged personality traits are not of the nature contemplated by Article 36 of the Family Code,<sup>[29]</sup> the Court of Appeals declared:

x x x WE note that it was not the abandonment which was the ground relied upon by the plaintiff-appellee but the defendant's being a mama's boy.<sup>[30]</sup>

x x x x

Being a Mama's Boy, his **uncaring attitude towards his wife, declaring himself single and naming his mother as the beneficiary, spending more time with his family** and less with his wife and ultimately, abandoning her manifested defendant's psychological incapacity. These, to sum it all, to US are manifestations of severe psychological disorder rather than a mere obstinate refusal to comply with his marital obligations.<sup>[31]</sup> (Emphasis and underscoring supplied)

The Solicitor General's Motion for Reconsideration<sup>[32]</sup> having been denied by the Court of Appeals,<sup>[33]</sup> the present petition<sup>[34]</sup> was filed, faulting the appellate court to have gravely erred:

I

*. . . IN RULING THAT THE PSYCHOLOGICAL EVALUATION AND TESTIMONY OF DR. ANDRES GERONG THAT DEFENDANT IS PSYCHOLOGICALLY INCAPACITATED HAVE LEGAL BASIS.*

II

*. . . IN FAILING TO TAKE INTO CONSIDERATION THAT ABANDONMENT BY ONE'S SPOUSE IS ONLY A GROUND FOR LEGAL SEPARATION AND NOT FOR THE DECLARATION OF NULLITY OF MARRIAGE.*

III

*. . . IN RULING THAT DEFENDANT'S BEING A MAMA'S BOY IS A MANIFESTATION OF A PSYCHOLOGICAL DISORDER.*<sup>[35]</sup> (Italics in the original)

The Solicitor General's arguments persuade.

The Solicitor General argued as follows:

Dr. Gerong merely testified that defendant's alleged psychological incapacity (being a mama's boy) began in his adolescent stage and has remained persistent through the years (p. 20, Brief). Dr. Gerong did not detail this finding. He made no effort to look into and testify on