

## THIRD DIVISION

[ G.R. NO. 155800, March 10, 2006 ]

**LEONILO ANTONIO PETITIONER, VS. MARIE IVONNE F. REYES,  
RESPONDENT**

### DECISION

**TINGA, J.:**

Statistics never lie, but lovers often do, quipped a sage. This sad truth has unsettled many a love transformed into matrimony. Any sort of deception between spouses, no matter the gravity, is always disquieting. Deceit to the depth and breadth unveiled in the following pages, dark and irrational as in the modern noir tale, dims any trace of certitude on the guilty spouse's capability to fulfill the marital obligations even more.

The *Petition for Review on Certiorari* assails the *Decision*<sup>[1]</sup> and *Resolution*<sup>[2]</sup> of the Court of Appeals dated 29 November 2001 and 24 October 2002. The Court of Appeals had reversed the judgment<sup>[3]</sup> of the Regional Trial Court (RTC) of Makati declaring the marriage of Leonilo N. Antonio (petitioner) and Marie Ivonne F. Reyes (respondent), null and void. After careful consideration, we reverse and affirm instead the trial court.

#### *Antecedent Facts*

Petitioner and respondent met in August 1989 when petitioner was 26 years old and respondent was 36 years of age. Barely a year after their first meeting, they got married before a minister of the Gospel<sup>[4]</sup> at the Manila City Hall, and through a subsequent church wedding<sup>[5]</sup> at the Sta. Rosa de Lima Parish, Bagong Ilog, Pasig, Metro Manila on 6 December 1990.<sup>[6]</sup> Out of their union, a child was born on 19 April 1991, who sadly died five (5) months later.

On 8 March 1993,<sup>[7]</sup> petitioner filed a petition to have his marriage to respondent declared null and void. He anchored his petition for nullity on Article 36 of the Family Code alleging that respondent was psychologically incapacitated to comply with the essential obligations of marriage. He asserted that respondent's incapacity existed at the time their marriage was celebrated and still subsists up to the present.<sup>[8]</sup>

As manifestations of respondent's alleged psychological incapacity, petitioner claimed that respondent persistently lied about herself, the people around her, her occupation, income, educational attainment and other events or things,<sup>[9]</sup> to wit:

(1) She concealed the fact that she previously gave birth to an illegitimate son,<sup>[10]</sup> and instead introduced the boy to petitioner as the adopted child of her family. She only confessed the truth about the boy's parentage when petitioner learned about it

from other sources after their marriage.<sup>[11]</sup>

(2) She fabricated a story that her brother-in-law, Edwin David, attempted to rape and kill her when in fact, no such incident occurred.<sup>[12]</sup>

(3) She misrepresented herself as a psychiatrist to her obstetrician, Dr. Consuelo Gardiner, and told some of her friends that she graduated with a degree in psychology, when she was neither.<sup>[13]</sup>

(4) She claimed to be a singer or a free-lance voice talent affiliated with Blackgold Recording Company (Blackgold); yet, not a single member of her family ever witnessed her alleged singing activities with the group. In the same vein, she postulated that a luncheon show was held at the Philippine Village Hotel in her honor and even presented an invitation to that effect<sup>[14]</sup> but petitioner discovered per certification by the Director of Sales of said hotel that no such occasion had taken place.<sup>[15]</sup>

(5) She invented friends named Babes Santos and Via Marquez, and under those names, sent lengthy letters to petitioner claiming to be from Blackgold and touting her as the "number one moneymaker" in the commercial industry worth P2 million.<sup>[16]</sup> Petitioner later found out that respondent herself was the one who wrote and sent the letters to him when she admitted the truth in one of their quarrels.<sup>[17]</sup> He likewise realized that Babes Santos and Via Marquez were only figments of her imagination when he discovered they were not known in or connected with Blackgold.<sup>[18]</sup>

(6) She represented herself as a person of greater means, thus, she altered her payslip to make it appear that she earned a higher income. She bought a sala set from a public market but told petitioner that she acquired it from a famous furniture dealer.<sup>[19]</sup> She spent lavishly on unnecessary items and ended up borrowing money from other people on false pretexts.<sup>[20]</sup>

(7) She exhibited insecurities and jealousies over him to the extent of calling up his officemates to monitor his whereabouts. When he could no longer take her unusual behavior, he separated from her in August 1991. He tried to attempt a reconciliation but since her behavior did not change, he finally left her for good in November 1991.<sup>[21]</sup>

In support of his petition, petitioner presented Dr. Dante Herrera Abcede (Dr. Abcede), a psychiatrist, and Dr. Arnulfo V. Lopez (Dr. Lopez), a clinical psychologist, who stated, based on the tests they conducted, that petitioner was essentially a normal, introspective, shy and conservative type of person. On the other hand, they observed that respondent's persistent and constant lying to petitioner was abnormal or pathological. It undermined the basic relationship that should be based on love, trust and respect.<sup>[22]</sup> They further asserted that respondent's extreme jealousy was also pathological. It reached the point of paranoia since there was no actual basis for her to suspect that petitioner was having an affair with another woman. They concluded based on the foregoing that respondent was psychologically incapacitated to perform her essential marital obligations.<sup>[23]</sup>

In opposing the petition, respondent claimed that she performed her marital obligations by attending to all the needs of her husband. She asserted that there was no truth to the allegation that she fabricated stories, told lies and invented personalities.<sup>[24]</sup> She presented her version, thus:

(1) She concealed her child by another man from petitioner because she was afraid of losing her husband.<sup>[25]</sup>

(2) She told petitioner about David's attempt to rape and kill her because she surmised such intent from David's act of touching her back and ogling her from head to foot.<sup>[26]</sup>

(3) She was actually a BS Banking and Finance graduate and had been teaching psychology at the Pasig Catholic School for two (2) years.<sup>[27]</sup>

(4) She was a free-lance voice talent of Aris de las Alas, an executive producer of Channel 9 and she had done three (3) commercials with McCann Erickson for the advertisement of Coca-cola, Johnson & Johnson, and Traders Royal Bank. She told petitioner she was a Blackgold recording artist although she was not under contract with the company, yet she reported to the Blackgold office after office hours. She claimed that a luncheon show was indeed held in her honor at the Philippine Village Hotel on 8 December 1979.<sup>[28]</sup>

(5) She vowed that the letters sent to petitioner were not written by her and the writers thereof were not fictitious. Bea Marquez Recto of the Recto political clan was a resident of the United States while Babes Santos was employed with Saniwares.<sup>[29]</sup>

(6) She admitted that she called up an officemate of her husband but averred that she merely asked the latter in a diplomatic matter if she was the one asking for chocolates from petitioner, and not to monitor her husband's whereabouts.<sup>[30]</sup>

(7) She belied the allegation that she spent lavishly as she supported almost ten people from her monthly budget of P7,000.00.<sup>[31]</sup>

In fine, respondent argued that apart from her non-disclosure of a child prior to their marriage, the other lies attributed to her by petitioner were mostly hearsay and unconvincing. Her stance was that the totality of the evidence presented is not sufficient for a finding of psychological incapacity on her part.<sup>[32]</sup>

In addition, respondent presented Dr. Antonio Efren Reyes (Dr. Reyes), a psychiatrist, to refute the allegations anent her psychological condition. Dr. Reyes testified that the series of tests conducted by his assistant,<sup>[33]</sup> together with the screening procedures and the Comprehensive Psycho-Pathological Rating Scale (CPRS) he himself conducted, led him to conclude that respondent was not psychologically incapacitated to perform the essential marital obligations. He postulated that regressive behavior, gross neuroticism, psychotic tendencies, and poor control of impulses, which are signs that might point to the presence of disabling trends, were not elicited from respondent.<sup>[34]</sup>

In rebuttal, Dr. Lopez asseverated that there were flaws in the evaluation conducted by Dr. Reyes as (i) he was not the one who administered and interpreted respondent's psychological evaluation, and (ii) he made use of only one instrument called CPRS which was not reliable because a good liar can fake the results of such test.<sup>[35]</sup>

After trial, the lower court gave credence to petitioner's evidence and held that respondent's propensity to lying about almost anything-her occupation, state of health, singing abilities and her income, among others-had been duly established. According to the trial court, respondent's fantastic ability to invent and fabricate stories and personalities enabled her to live in a world of make-believe. This made her psychologically incapacitated as it rendered her incapable of giving meaning and significance to her marriage.<sup>[36]</sup> The trial court thus declared the marriage between petitioner and respondent null and void.

Shortly before the trial court rendered its decision, the Metropolitan Tribunal of the Archdiocese of Manila annulled the Catholic marriage of the parties, on the ground of lack of due discretion on the part of the parties.<sup>[37]</sup> During the pendency of the appeal before the Court of Appeals, the Metropolitan Tribunal's ruling was affirmed with modification by both the National Appellate Matrimonial Tribunal, which held instead that only respondent was impaired by a lack of due discretion.<sup>[38]</sup> Subsequently, the decision of the National Appellate Matrimonial Tribunal was upheld by the Roman Rota of the Vatican.<sup>[39]</sup>

Petitioner duly alerted the Court of Appeals of these rulings by the Catholic tribunals. Still, the appellate court reversed the RTC's judgment. While conceding that respondent may not have been completely honest with petitioner, the Court of Appeals nevertheless held that the totality of the evidence presented was insufficient to establish respondent's psychological incapacity. It declared that the requirements in the case of *Republic v. Court of Appeals*<sup>[40]</sup> governing the application and interpretation of psychological incapacity had not been satisfied.

Taking exception to the appellate court's pronouncement, petitioner elevated the case to this Court. He contends herein that the evidence conclusively establish respondent's psychological incapacity.

In considering the merit of this petition, the Court is heavily influenced by the credence accorded by the RTC to the factual allegations of petitioner.<sup>[41]</sup> It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof.<sup>[42]</sup> The Court is likewise guided by the fact that the Court of Appeals did not dispute the veracity of the evidence presented by petitioner. Instead, the appellate court concluded that such evidence was not sufficient to establish the psychological incapacity of respondent.<sup>[43]</sup>

Thus, the Court is impelled to accept the factual version of petitioner as the operative facts. Still, the crucial question remains as to whether the state of facts as

presented by petitioner sufficiently meets the standards set for the declaration of nullity of a marriage under Article 36 of the Family Code. These standards were definitively laid down in the Court's 1997 ruling in *Republic v. Court of Appeals*<sup>[44]</sup> (also known as the Molina case<sup>[45]</sup>), and indeed the Court of Appeals cited the *Molina* guidelines in reversing the RTC in the case at bar.<sup>[46]</sup> Since *Molina* was decided in 1997, the Supreme Court has yet to squarely affirm the declaration of nullity of marriage under Article 36 of the Family Code.<sup>[47]</sup> In fact, even before *Molina* was handed down, there was only one case, *Chi Ming Tsoi v. Court of Appeals*,<sup>[48]</sup> wherein the Court definitively concluded that a spouse was psychologically incapacitated under Article 36.

This state of jurisprudential affairs may have led to the misperception that the remedy afforded by Article 36 of the Family Code is hollow, insofar as the Supreme Court is concerned.<sup>[49]</sup> Yet what *Molina* and the succeeding cases did ordain was a set of guidelines which, while undoubtedly onerous on the petitioner seeking the declaration of nullity, still leave room for a decree of nullity under the proper circumstances. *Molina* did not foreclose the grant of a decree of nullity under Article 36, even as it raised the bar for its allowance.

#### *Legal Guides to Understanding Article 36*

Article 36 of the Family Code states that "[a] marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization."<sup>[50]</sup> The concept of psychological incapacity as a ground for nullity of marriage is novel in our body of laws, although mental incapacity has long been recognized as a ground for the dissolution of a marriage.

The Spanish Civil Code of 1889 prohibited from contracting marriage persons "who are not in the full enjoyment of their reason at the time of contracting marriage."<sup>[51]</sup> Marriages with such persons were ordained as void,<sup>[52]</sup> in the same class as marriages with underage parties and persons already married, among others. A party's mental capacity was not a ground for divorce under the Divorce Law of 1917,<sup>[53]</sup> but a marriage where "either party was of unsound mind" at the time of its celebration was cited as an "annullable marriage" under the Marriage Law of 1929.<sup>[54]</sup> Divorce on the ground of a spouse's incurable insanity was permitted under the divorce law enacted during the Japanese occupation.<sup>[55]</sup> Upon the enactment of the Civil Code in 1950, a marriage contracted by a party of "unsound mind" was classified under Article 85 of the Civil Code as a voidable marriage.<sup>[56]</sup> The mental capacity, or lack thereof, of the marrying spouse was not among the grounds for declaring a marriage void *ab initio*.<sup>[57]</sup> Similarly, among the marriages classified as voidable under Article 45 (2) of the Family Code is one contracted by a party of unsound mind.<sup>[58]</sup>

Such cause for the annulment of marriage is recognized as a vice of consent, just like insanity impinges on consent freely given which is one of the essential requisites of a contract.<sup>[59]</sup> The initial common consensus on psychological incapacity under Article 36 of the Family Code was that it did not constitute a specie of vice of