

FIRST DIVISION

[G.R. NO. 162368, July 17, 2006]

**MA. ARMIDA PEREZ-FERRARIS, PETITIONER, VS. BRIX
FERRARIS, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This resolves the motion for reconsideration filed by petitioner Ma. Armida Perez-Ferraris of the Resolution dated June 9, 2004 denying the petition for review on certiorari of the Decision and Resolution of the Court of Appeals dated April 30, 2003 and February 24, 2004, respectively, for failure of the petitioner to sufficiently show that the Court of Appeals committed any reversible error.

On February 20, 2001, the Regional Trial Court of Pasig City, Branch 151 rendered a Decision^[1] denying the petition for declaration of nullity of petitioner's marriage with Brix Ferraris. The trial court noted that suffering from epilepsy does not amount to psychological incapacity under Article 36 of the Civil Code and the evidence on record were insufficient to prove infidelity. Petitioner's motion for reconsideration was denied in an Order^[2] dated April 20, 2001 where the trial court reiterated that there was no evidence that respondent is mentally or physically ill to such an extent that he could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof.

Petitioner appealed to the Court of Appeals which affirmed^[3] *in toto* the judgment of the trial court. It held that the evidence on record did not convincingly establish that respondent was suffering from psychological incapacity or that his "defects" were incurable and already present at the inception of the marriage.^[4] The Court of Appeals also found that Dr. Dayan's testimony failed to establish the substance of respondent's psychological incapacity; that she failed to explain how she arrived at the conclusion that the respondent has a mixed personality disorder; that she failed to clearly demonstrate that there was a natal or supervening disabling factor or an adverse integral element in respondent's character that effectively incapacitated him from accepting and complying with the essential marital obligations.^[5]

Petitioner's motion for reconsideration was denied^[6] for lack of merit; thus, she filed a petition for review on certiorari with this Court. As already stated, the petition for review was denied for failure of petitioner to show that the appellate tribunal committed any reversible error.

Petitioner filed the instant motion for reconsideration.^[7] The Court required respondent Brix Ferraris to file comment^[8] but failed to comply; thus, he is deemed to have waived the opportunity to file comment. Further, the Court directed the Office of the Solicitor General (OSG) to comment on petitioner's motion for

reconsideration which it complied on March 2, 2006.

After considering the arguments of both the petitioner and the OSG, the Court resolves to deny petitioner's motion for reconsideration.

The issue of whether or not psychological incapacity exists in a given case calling for annulment of marriage depends crucially, more than in any field of the law, on the facts of the case.^[9] Such factual issue, however, is beyond the province of this Court to review. It is not the function of the Court to analyze or weigh all over again the evidence or premises supportive of such factual determination.^[10] It is a well-established principle that factual findings of the trial court, when affirmed by the Court of Appeals, are binding on this Court,^[11] save for the most compelling and cogent reasons, like when the findings of the appellate court go beyond the issues of the case, run contrary to the admissions of the parties to the case, or fail to notice certain relevant facts which, if properly considered, will justify a different conclusion; or when there is a misappreciation of facts,^[12] which are unavailing in the instant case.

The term "*psychological incapacity*" to be a ground for the nullity of marriage under Article 36 of the Family Code, refers to a serious psychological illness afflicting a party even before the celebration of the marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.^[13] As all people may have certain quirks and idiosyncrasies, or isolated characteristics associated with certain personality disorders, there is hardly any doubt that the intendment of the law has been to confine the meaning of "*psychological incapacity*" to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.^[14] It is for this reason that the Court relies heavily on psychological experts for its understanding of the human personality. However, the root cause must be identified as a psychological illness and its incapacitating nature must be fully explained,^[15] which petitioner failed to convincingly demonstrate.

As aptly held by the Court of Appeals:

Simply put, the chief and basic consideration in the resolution of marital annulment cases is the presence of evidence that can adequately establish respondent's psychological condition. Here, appellant contends that there is such evidence. We do not agree. Indeed, the evidence on record did not convincingly establish that respondent was suffering from psychological incapacity. There is absolutely no showing that his "defects" were already present at the inception of the marriage, or that those are incurable.

Quite apart from being plainly self-serving, petitioner's evidence showed that respondent's alleged failure to perform his so-called marital obligations was not at all a manifestation of some deep-seated, grave, permanent and incurable psychological malady. To be sure, the couple's relationship before the marriage and even during their brief union (for well about a year or so) was not all bad. During that relatively short period of time, petitioner was happy and contented with her life in the

company of respondent. In fact, by petitioner's own reckoning, respondent was a responsible and loving husband. x x x. Their problems began when petitioner started doubting respondent's fidelity. It was only when they started fighting about the calls from women that respondent began to withdraw into his shell and corner, and failed to perform his so-called marital obligations. Respondent could not understand petitioner's lack of trust in him and her constant naggings. He thought her suspicions irrational. Respondent could not relate to her anger, temper and jealousy. x x x.

x x x x

At any rate, Dr. Dayan did not explain how she arrived at her diagnosis that respondent has a mixed personality disorder called "schizoid," and why he is the "dependent and avoidant type." In fact, Dr. Dayan's statement that one suffering from such mixed personality disorder is dependent on others for decision x x x lacks specificity; it seems to belong to the realm of theoretical speculation. Also, Dr. Dayan's information that respondent had extramarital affairs was supplied by the petitioner herself. Notably, when asked as to the root cause of respondent's alleged psychological incapacity, Dr. Dayan's answer was vague, evasive and inconclusive. She replied that such disorder "can be part of his family upbringing" x x x. She stated that there was a history of respondent's parents having difficulties in their relationship. But this input on the supposed problematic history of respondent's parents also came from petitioner. Nor did Dr. Dayan clearly demonstrate that there was really "a natal or supervening disabling factor" on the part of respondent, or an "adverse integral element" in respondent's character that effectively incapacitated him from accepting, and, thereby complying with, the essential marital obligations. Of course, petitioner likewise failed to prove that respondent's supposed psychological or mental malady existed even before the marriage. All these omissions must be held up against petitioner, for the reason that upon her devolved the onus of establishing nullity of the marriage. Indeed, any doubt should be resolved in favor of the validity of the marriage and the indissolubility of the marital vinculum.^[16]

We find respondent's alleged mixed personality disorder, the "*leaving-the-house*" attitude whenever they quarreled, the violent tendencies during epileptic attacks, the sexual infidelity, the abandonment and lack of support, and his preference to spend more time with his band mates than his family, are not rooted on some debilitating psychological condition but a mere refusal or unwillingness to assume the essential obligations of marriage.

In *Republic v. Court of Appeals*,^[17] where therein respondent preferred to spend more time with his friends than his family on whom he squandered his money, depended on his parents for aid and assistance, and was dishonest to his wife regarding his finances, the Court held that the psychological defects spoken of were more of a "*difficulty*," if not outright "*refusal*" or "*neglect*" in the performance of some marital obligations and that a mere showing of irreconcilable differences and conflicting personalities in no wise constitute psychological incapacity; it is not enough to prove that the parties failed to meet their responsibilities and duties as