

THIRD DIVISION

[G.R. No. 136490, October 19, 2000]

**BRENDA B. MARCOS, PETITIONER, VS. WILSON G. MARCOS,
RESPONDENT.**

DECISION

PANGANIBAN, J.:

Psychological incapacity, as a ground for declaring the nullity of a marriage, may be established by the totality of evidence presented. There is no requirement, however, that the respondent should be examined by a physician or a psychologist as a *conditio sine qua non* for such declaration.

The Case

Before us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the July 24, 1998 Decision^[1] of the Court of Appeals (CA) in CA-GR CV No. 55588, which disposed as follows:

"WHEREFORE, the contested decision is set aside and the marriage between the parties is hereby declared valid."^[2]

Also challenged by petitioner is the December 3, 1998 CA Resolution denying her Motion for Reconsideration.

Earlier, the Regional Trial Court (RTC) had ruled thus:

"WHEREFORE, the marriage between petitioner Brenda B. Marcos and respondent Wilson G. Marcos, solemnized on September 6, 1982 in Pasig City is declared null and void *ab initio* pursuant to Art. 36 of the Family Code. The conjugal properties, if any, is dissolved [sic] in accordance with Articles 126 and 129 of the same Code in relation to Articles 50, 51 and 52 relative to the delivery of the legitime of [the] parties' children. In the best interest and welfare of the minor children, their custody is granted to petitioner subject to the visitation rights of respondent.

"Upon finality of this Decision, furnish copy each to the Office of the Civil Registrar of Pasig City where the marriage was solemnized, the National Census and Statistics Office, Manila and the Register of Deeds of Mandaluyong City for their appropriate action consistent with this Decision.

"SO ORDERED."

The Facts

The facts as found by the Court of Appeals are as follows:

"It was established during the trial that the parties were married twice: (1) on September 6, 1982 which was solemnized by Judge Eriberto H. Espiritu at the Municipal Court of Pasig (Exh. A); and (2) on May 8, 1983 which was solemnized by Rev. Eduardo L. Eleazar, Command Chaplain, at the Presidential Security Command Chapel in Malacañang Park, Manila (Exh. A-1). Out of their marriage, five (5) children were born (Exhs. B, C, D, E and F).

"Appellant Wilson G. Marcos joined the Armed Forces of the Philippines in 1973. Later on, he was transferred to the Presidential Security Command in Malacañang during the Marcos Regime. Appellee Brenda B. Marcos, on the other hand, joined the Women's Auxilliary Corps under the Philippine Air Force in 1978. After the EDSA Revolution, both of them sought a discharge from the military service.

"They first met sometime in 1980 when both of them were assigned at the Malacañang Palace, she as an escort of Imee Marcos and he as a Presidential Guard of President Ferdinand Marcos. Through telephone conversations, they became acquainted and eventually became sweethearts.

"After their marriage on September 6, 1982, they resided at No. 1702 Daisy Street, Hulo Bliss, Mandaluyong, a housing unit which she acquired from the Bliss Development Corporation when she was still single.

"After the downfall of President Marcos, he left the military service in 1987 and then engaged in different business ventures that did not however prosper. As a wife, she always urged him to look for work so that their children would see him, instead of her, as the head of the family and a good provider. Due to his failure to engage in any gainful employment, they would often quarrel and as a consequence, he would hit and beat her. He would even force her to have sex with him despite her weariness. He would also inflict physical harm on their children for a slight mistake and was so severe in the way he chastised them. Thus, for several times during their cohabitation, he would leave their house. In 1992, they were already living separately.

"All the while, she was engrossed in the business of selling "magic uling" and chickens. While she was still in the military, she would first make deliveries early in the morning before going to Malacañang. When she was discharged from the military service, she concentrated on her business. Then, she became a supplier in the Armed Forces of the Philippines until she was able to put up a trading and construction company, NS Ness Trading and Construction Development Corporation.

"The 'straw that broke the camel's back' took place on October 16, 1994, when they had a bitter quarrel. As they were already living separately, she did not want him to stay in their house anymore. On that day, when she saw him in their house, she was so angry that she lambasted him. He then turned violent, inflicting physical harm on her and even on her mother who came to her aid. The following day, October 17, 1994, she and their children left the house and sought refuge in her sister's house.

"On October 19, 1994, she submitted herself [to] medical examination at the Mandaluyong Medical Center where her injuries were diagnosed as contusions (Exh. G, Records, 153).

"Sometime in August 1995, she together with her two sisters and driver, went to him at the Bliss unit in Mandaluyong to look for their missing child, Niko. Upon seeing them, he got mad. After knowing the reason for their unexpected presence, he ran after them with a samurai and even [beat] her driver.

"At the time of the filing of this case, she and their children were renting a house in Camella, Parañaque, while the appellant was residing at the Bliss unit in Mandaluyong.

"In the case study conducted by Social Worker Sonia C. Millan, the children described their father as cruel and physically abusive to them (Exh. UU, Records, pp. 85-100).

"The appellee submitted herself to psychologist Natividad A. Dayan, Ph.D., for psychological evaluation (Exh. YY, Records, pp. 207-216), while the appellant on the other hand, did not.

"The court *a quo* found the appellant to be psychologically incapacitated to perform his marital obligations mainly because of his failure to find work to support his family and his violent attitude towards appellee and their children, x x x."^[3]

Ruling of the Court of Appeals

Reversing the RTC, the CA held that psychological incapacity had not been established by the totality of the evidence presented. It ratiocinated in this wise:

"Essential in a petition for annulment is the allegation of the root cause of the spouse's psychological incapacity which should also be medically or clinically identified, sufficiently proven by experts and clearly explained in the decision. The incapacity must be proven to be existing at the time of the celebration of the marriage and shown to be medically or clinically permanent or incurable. It must also be grave enough to bring about the disability of the parties to assume the essential obligations of marriage as set forth in Articles 68 to 71 and Articles 220 to 225 of the Family Code and such non-complied marital obligations must similarly be alleged in the petition, established by evidence and explained in the decision.

"In the case before us, the appellant was not subjected to any psychological or psychiatric evaluation. The psychological findings about the appellant by psychiatrist Natividad Dayan were based only on the interviews conducted with the appellee. Expert evidence by qualified psychiatrists and clinical psychologists is essential if only to prove that the parties were or any one of them was mentally or psychically ill to be truly incognitive of the marital obligations he or she was assuming, or as would make him or her x x x unable to assume them. In fact, he offered testimonial evidence to show that he [was] not psychologically incapacitated. The root cause of his supposed incapacity was not alleged in the petition, nor medically or clinically identified as a psychological illness or sufficiently proven by an expert. Similarly, there is no evidence

at all that would show that the appellant was suffering from an incapacity which [was] psychological or mental - not physical to the extent that he could not have known the obligations he was assuming: that the incapacity [was] grave, ha[d] preceded the marriage and [was] incurable."^[4]

Hence, this Petition.^[5]

Issues

In her Memorandum,^[6] petitioner presents for this Court's consideration the following issues:

"I. Whether or not the Honorable Court of Appeals could set aside the findings by the Regional Trial Court of psychological incapacity of a respondent in a Petition for declaration of nullity of marriage simply because the respondent did not subject himself to psychological evaluation. 3

II. Whether or not the totality of evidence presented and the demeanor of all the witnesses should be the basis of the determination of the merits of the Petition."^[7]

The Court's Ruling

We agree with petitioner that the personal medical or psychological examination of respondent is not a requirement for a declaration of psychological incapacity. Nevertheless, the totality of the evidence she presented does not show such incapacity.

Preliminary Issue: **Need for Personal Medical Examination**

Petitioner contends that the testimonies and the results of various tests that were submitted to determine respondent's psychological incapacity to perform the obligations of marriage should not have been brushed aside by the Court of Appeals, simply because respondent had not taken those tests himself. Petitioner adds that the CA should have realized that under the circumstances, she had no choice but to rely on other sources of information in order to determine the psychological capacity of respondent, who had refused to submit himself to such tests.

In Republic v. CA and Molina,^[8] the guidelines governing the application and the interpretation of *psychological incapacity* referred to in Article 36 of the Family Code^[9] were laid down by this Court as follows:

"1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it 'as the foundation of the nation.' It decrees marriage as legally 'inviolable,' thereby