

## TWELFTH DIVISION

[ CA-G.R. CV No. 96623, February 27, 2015 ]

**ROY N. MENDOZA, PETITIONER-APPELLEE, VS. MA. CRISTINA  
SP. DACAYO-MENDOZA, RESPONDENT,**

**REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT,**

### D E C I S I O N

**GALAPATE-LAGUILLES, J:**

In this love story that went sour, the embittered husband Roy N. Mendoza invoked the power of the court to nullify his marriage to Ma. Cristina SP. Dacayo-Mendoza via Article 36 of the Family Code. The Regional Trial Court, Branch 77, of Malolos, Bulacan granted Roy's *Petition for Declaration of Nullity of Marriage*,<sup>[1]</sup> docketed as Civil Case No. 21-M-2009, in a Decision<sup>[2]</sup> dated May 25, 2010, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring as **NULL** and **VOID** the marriage between petitioner **ROY MENDOZA** and respondent **MA. CRISTINA SP. DACAYO-MENDOZA** solemnized on March 27, 1993 at the Malolos Cathedral, Malolos, Bulacan, on the ground of respondent's psychological incapacity, pursuant to Article 36 of the Family Code.

The City Civil Registrar of Malolos, Bulacan and the National Statistics Office are ordered to cancel the marriage contract between the petitioner and the respondent registered and on file in the said offices.

Attention is hereby invited that the parties herein have not acquired any property during their marriage, thus, there is no need for liquidation and/or partition thereof.

Let copies of this decision be furnished the petitioner and his counsel, the respondent, the City Civil Registrar of Malolos, Bulacan, the National Statistics Office, the Offices of the Solicitor General and the Provincial Prosecutor of Bulacan.

SO ORDERED.

The facts are culled from the records.

Roy and Ma. Cristina started out as high school sweethearts and their relationship culminated at the altar of marriage where they exchanged their vows on March 27, 1993 when both were only twenty-one (21) years old.<sup>[3]</sup> Being young and financially challenged, the couple lived with Roy's parents in Malolos, Bulacan. To provide the

needs of his then pregnant wife, Roy worked as a jeepney driver while Ma. Cristina stayed at home. However, one month after their wedding, Ma. Cristina had a miscarriage and, subsequently, she voluntarily aborted her second pregnancy sometime in July 1994. Thereafter, Ma. Cristina took contraceptive pills to avoid pregnancy.

In 1995, Roy went to Malaysia for a two-year work contract and he sent Ma. Cristina P10,000.00 as monthly support. When his contract expired, Roy went back to the Philippines, rented an apartment with his wife and bought a jeepney which he drove as a means of livelihood. Realizing that such job would not be enough to sustain their burgeoning needs, Roy went to work in Dubai in 2005. While still abroad, he received a report from his brother that his wife left the conjugal dwelling and went away with another man. When Roy came back to the Philippines in 2007, Ma. Cristina asked for Roy's forgiveness for her indiscretion and infidelity and hoped that they could part ways as friends.

Thus, on December 5, 2008, Roy filed the present *Petition* under Article 36 of the Family Code on the ground of Ma. Cristina's alleged psychological incapacity to understand and perform her basic marital obligations as shown by the following manifestations:

1. During their engagement but before the marriage of the petitioner and respondent, the latter exhibited extreme laziness and too much dependency upon her relatives and to petitioner;
2. Respondent did not want to bear and to have children. In fact, when petitioner impregnated [respondent], the [latter] took drugs with pregnancy abortive effects which resulted in a miscarriage of the fetus in her womb;
3. Despite the readiness of the petitioner to have children, financially or otherwise, respondent still took contraceptive pills to avoid getting pregnant. Respondent did not listen to the pleas of the petitioner for them to have children;
4. Because of the fear of the respondent to get pregnant, she fell short of her obligation of providing sexual comfort to the petitioner;
5. Apart from the foregoing acts of the respondent which proved that she has no understanding of the true meaning and effects of marriage, was her gross irresponsibility. She squandered the money given to her by the petitioner to satisfy her desire for expensive clothings, perfumes and jewelries;
6. Another act of the respondent which show that she has no understanding of the true meaning of marriage and her obligations as a married person was when she abandoned the petitioner and engaged herself in an illicit affair with another man.<sup>[4]</sup>

Ma. Cristina did not file her Answer or any responsive pleading to the Petition.

The Office of the Solicitor General (OSG), on the other hand, entered its appearance

as counsel for the Republic<sup>[5]</sup> and deputized the Office of the City Prosecutor of Malolos, Bulacan to take steps to prevent collusion between the parties and to ensure that the evidence to be presented in court is not fabricated.<sup>[6]</sup> On May 27, 2009, the Office of the City Prosecutor issued a Report that there appeared no collusion between the parties but recommended that "the requisite trial and hearing should still be conducted in order to satisfy the quantum of evidence necessary to prove petitioner's allegation."<sup>[7]</sup>

During trial, Roy testified, based on his "Sinumpaang Salaysay"<sup>[8]</sup> which was properly identified in court and subjected to cross-examination, that Ma. Cristina was irresponsible and lazy. He also described her wife as a spend-thrift, who wanted expensive clothes and perfumes. According to Roy, Ma. Cristina did not want to bear children; hence, she took contraceptive pills. Sometimes, she even deprived Roy of sexual intimacy in her fear of getting pregnant. Roy further lamented that sometime in 2005, he found out that Ma. Cristina had an illicit relationship with another man while he was working in Dubai.

Romeo Mendoza, Roy's father, also executed a "Sinumpaang Salaysay"<sup>[9]</sup> that corroborated Roy's testimony. He narrated that while Ma. Cristina was living with them in Malolos while Roy was working in Malaysia, the former did not help in the household chores.

Editha L. Galura, the practicing clinical psychologist who conducted Roy's psychological evaluation, also testified in court. She found that Roy, despite her human failings and burdens, was shown to be a psychologically capacitated man. Out from the clinical interviews with Roy, Galura concluded that Ma. Cristina was suffering from Narcissistic and Dependent Personality Disorders which caused the psychosocial and environmental problems in the couple's marital union. Galura's findings were contained in the Psychological Report, which read:

Roy has been forgiving and accepting with the number of times she blundered. They were not the ordinary mistakes that a wife could have done. Hers were intentional; dislike to have a baby and to cohabit, being uncaring of Roy, too expectant and dependent on Roy, no initiative and plan, lazy, infidel and abandonment. These manifested behavior bespeak of her narcissism and dependent disorders.

Narcissism is characterized by extreme self centeredness. She is like a princess who has to be served and that words of reminders were misinterpreted as naggings. She disliked being taught and thinks that she has a monopoly of people around her. She expects from Roy and required his automatic compliance. She took advantage for he is very trusting and exploited his kindness and understanding. She also lacked empathy.

Her dependent characteristics were reflected in her need of others to assume responsibilities for her. She does not have initiative and had he ways of obtaining nurturance and support from others. She is helpless and unrealistically preoccupied with fears of being alone. So while Roy was abroad, because of her helplessness has sought for another relationship – thus her elopement with another man.

These personality disorders in Cristina are the roots of her psychological incapacity. And it had its toll resulting into a partner relational problem. The personality disorders dysfunctioned her. These could have stemmed from the over protectiveness of her parents, actually neglecting her in the course of teaching the basic conduct, manners and values ought to be learned as a growing child. These were carried over until teen years and onwards her adult life. So these have been integrated in her personality make up and remained permanent in her. As far as these personality disorders are concerned, these have made her psychologically incapacitated. She remains to be such permanently and there is no cure for such problem. Even psychotherapy will no longer be of help and can no longer reverse the condition.<sup>[10]</sup>

On May 25, 2010, the trial court rendered its assailed Decision, the *fallo* of which We have quoted at the outset, holding that Ma. Cristina was suffering from a psychological incapacity that rendered her incapable of performing her essential marital obligation. The trial court's ratiocination is herein quoted, as follows:

In the case at bar, after a very careful consideration of the evidence adduced by the petitioner, applying the foregoing provisions of the Family Code and jurisprudence, this Court finds merit in the petition.

The petitioner has clearly established that while respondent had a regular sexual intercourse with the former, the latter refused to bear a child by taking abortive pills which caused her miscarriage in her pregnancies which was contrary to one of her essential marital obligations to procreate children (sic), the basic end of marriage as mandated in the Family Code; she likewise failed to observe mutual love, respect and fidelity towards the petitioner, another basic postulates of marriage as she opted to elope with her lover and lived with the latter which brought dishonor to the family.

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Unsatisfied, the OSG sought for reconsideration<sup>[12]</sup> of the trial court's Decision arguing that Ma. Cristina's inability to comply with her marital obligations was not due to some deeply rooted psychological problem but was case of her refusal or unwillingness to perform the same.

On August 18, 2010, the trial court rendered an Order<sup>[13]</sup> denying the OSG's Motion for Reconsideration for lack of merit. Hence, the instant appeal ascribing the lone error to the trial court, *viz*:

THE COURT A QUO ERRED IN FINDING DEFENDANT PSYCHOLOGICALLY INCAPACITATED TO PERFORM HER MARITAL OBLIGATIONS.<sup>[14]</sup>

In the main, the OSG maintains that the totality of evidence does not establish Ma. Cristina's psychological incapacity as contemplated under Article 36 of the Family Code. It contends that the psychological report of Galura is unreliable and contained unscientific sweeping statements which failed to specify the root cause of the alleged psychological incapacity, or its gravity and permanence. It further argues that the psychological evaluation is hearsay because it was based solely from the

information she gathered from Roy who is necessarily biased.

The appeal is meritorious.

Article 36 of the Family Code exemplifies a species of void marriages, one based on the parties' psychological incapacity to comply with the essential obligations of marriage, viz:

Article 36. 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. (Emphasis Ours)

The legal conceptualization of psychological incapacity had undergone metamorphosis in Our jurisprudence. Although it was never defined nor restricted to a particular circumstance, the case of *Santos v. Court of Appeals*<sup>[15]</sup> laid the parameters that must be considered in the appreciation of the existence of "psychological incapacity", as follows: (a) gravity, (b) juridical antecedence, and (c) incurability.<sup>[16]</sup> To standardize the proper treatment of Article 36 of the Family Code, however, the Supreme Court set forth the guidelines in *Republic v. Court of Appeals and Molina*<sup>[17]</sup> (Molina), to wit:

1. The **burden of proof** to show the nullity of the marriage **belongs to the plaintiff.**

2. The **root cause** of the psychological incapacity must be: (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision.

3. The incapacity must be proven to be **existing at "the time of the celebration" of the marriage.**

4. It must also be shown to be medically or clinically **permanent or incurable.**

5. Such illness must be **grave** enough to bring about the disability of the party to assume the essential obligations of marriage.

6. The **essential marital obligations** must be those **embraced by Articles 68 up to 71 of the Family Code** as regards the husband and wife **as well as Articles 220, 221 and 225** of the same Code in regard to parents and their children. Such non-complied marital obligation(s) **must also be stated in the petition, proven by evidence and included in the text of the decision.**

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8. The trial court must order the **prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state.**(Emphasis Ours.)