

TWENTIETH DIVISION

[CA-G.R. CV No. 101681, March 23, 2015]

OLIVER GALANO, PETITIONER-APPELLEE, VS. JEANIFER A. CASTRO, RESPONDENT,

REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

D E C I S I O N

MACALINO, J:

The Case

Sought to be reversed and set aside in this appeal under Rule 41 of the Rules of Court are the April 12, 2013 Decision^[1] ("Assailed Decision") and the August 23, 2013 Order^[2] ("Assailed Order") of the Regional Trial Court ("RTC") of Balaoan, La Union, Branch 34 in Civil Case No. 908. The Assailed Decision declared the marriage of Petitioner-Appellee Oliver Galano ("Oliver") and Respondent Jeanifer A. Castro ("Jeanifer") void ab initio on the ground of both parties' psychological incapacity; while the Assailed Order denied the Motion for Reconsideration^[3] filed by Oppositor Appellant, the Republic of the Philippines ("the Republic").

The Facts

This case stemmed from a Petition^[4] for "Annulment of Marriage under Art. 36 of the Family Code" instituted by Oliver on June 28, 2011 before Branch 34 of the RTC of Balaoan, La Union. The Petition, docketed as Civil Case No. 908, was grounded on Jeanifer's alleged psychological incapacity. Despite Jeanifer's failure to file an Answer to the Petition, the assistant provincial prosecutor determined that there was no collusion between the parties.^[5]

During trial, Oliver sought to establish that he and Jeanifer met in San Miguel Church, Tarlac City sometime in January 2002. Twenty-five year-old Oliver was then employed as a Maintenance Engineer in Sanyo Semiconductor Manufacturing Phils.; while Jeanifer, then twenty-four years old, was still a student. Apart from being text mates, Oliver and Jeanifer were members of the Parish Renewal Experience ("PREX").^[6]

One day, Oliver fetched Jeanifer at school because the latter will allegedly serve at a PREX seminar in church. Later, Oliver discovered that there was no scheduled PREX seminar for that night. However, Jeanifer no longer wanted to go home for fear that her mother might get mad at her. Thus, Oliver spent the night chatting with Jeanifer at the Luisita Mall grounds.^[7]

Early in the morning of the following day, Jeanifer's sister-in-law came to Oliver's

apartment searching for her. Apparently, Jeanifer did not ask permission to spend the night outside her house. Thus, the parents of Jeanifer insisted that she and Oliver get married at the soonest possible time. Although he was hesitant because he was the breadwinner of the family and she has not yet finished her studies, Oliver assented to marrying Jeanifer.^[8]

Oliver wed Jeanifer on June 18, 2002 at the Office of the Municipal Trial Judge in Cities, Branch 1, Tarlac City in civil rites solemnized by Municipal Trial Judge Marvin B. Mangino.^[9] Thereafter, Oliver and Jeanifer stayed at the latter's family house in Sitio Valdez, San Rafael, Tarlac City. Their marriage was blessed with a son, Sean Gabriel Castro Galano ("Sean Gabriel"), who was born on September 28, 2004.^[10]

During their union, Oliver noticed that Jeanifer was childish, carefree and decided matters on her own without regard for his feelings or opinion. Allegedly, Oliver was obliged to feed Sean Gabriel at night and do the household chores, even though he works during the day and she was a plain housewife.^[11] Oliver likewise observed that Jeanifer spent more than what he earns. To sustain Jeanifer's extravagant lifestyle, Oliver was constrained to work in the Middle East.

According to Oliver, he endured the hardships and homesickness he experienced while working abroad for the sake of his family. He religiously sent his hard-earned money to Jeanifer, who did not give even a small portion of it to Oliver's family. Oliver also discovered that Jeanifer was in a huge personal debt and that she was dating a certain man named Erwin Sacramento. Worse, he found out that on January 4 to 6 and January 11, 2011, Jeanifer left Sean Gabriel alone in their home.^[12] Because of all these, Oliver was forced to immediately return to the Philippines.

Realizing, however, that his broken relationship with Jeanifer was already beyond repair, Oliver secured the services of a psychologist, Dr. Juanita E. Ordoña ("Dr. Ordoña"), and filed his Petition for declaration of nullity of his marriage to Jeanifer. He likewise filed a criminal case for adultery against Jeanifer.^[13]

Through interviews with Oliver and his sister, Tessie Galano ("Tessie")^[14], Dr. Ordoña learned that Oliver is the 2nd among five (5) siblings of Benedicto and Remedios Galano. Benedicto, who is a fisherman and a weaver, is a quiet and perfectionist type of person who easily becomes upset and annoyed. On the other hand, Remedios, who is a housekeeper and a weaver at the same time, is simple, submissive, and is Oliver's confidant.

Having grown up among the poorest families in their locality, Oliver engaged at a very young age in different kinds of livelihood, such as fishing during the night with his parents, farming and selling ice candies, fruits and vegetables. All the fruits of his labor were however given to his mother, Remedios, as he was not allowed to hold any amount of money during his childhood. Owing to his strong determination and perseverance, Oliver obtained a scholarship and earned his bachelor's degree in Mechanical Engineering. Dr. Ordoña stated in her Psychological Evaluation and Case Report that with this kind of scenario, Oliver developed a sense of repressed emotions.

With respect to Jeanifer, Dr. Ordoña allegedly sent three (3) letters inviting her to an

interview which were unanswered. Dr. Ordoña, however, did not present the return card and a copy of the said letters when she was called to the witness stand.^[15] It was only through a series of questions answered by Oliver and Tessie that Dr. Ordoña became acquainted with Jeanifer's background.

Allegedly, Jeanifer is the 4th among the five (5) siblings of Norma and Cesar Castro. Her father, Cesar, left the country to work abroad when she was only four (4) years old. Thus, Norma, who was strict and overprotective, stood both as the mother and father to Jeanifer and her siblings. Because Jeanifer was obliged to ask permission from Norma wherever she will go, she developed a sense of confusion and lack of self-identity, with a diminished self-worth and distorted moral concept.

After a series of examinations, Dr. Ordoña arrived at the following conclusion and recommendation:

"CONCLUSION

In view of the foregoing, the following conclusions were drawn based from the findings and assessment of this particular case:

1. The Petitioner and the Respondent are suffering from psychological disorders particularly personality disorders. The Petitioner is suffering from **Passive Aggressive Personality Disorder**^[16] while Respondent is assessed to have manifested **Borderline Personality Disorder**^[17].
2. The personality disorders of these parties are already deeply rooted in their personality structures because the root cause can be traced back during their developmental years. Hence, their disorders have been existent long before the solemnization of their marriage and were explicitly manifested only during the marriage.
3. The personality disorders of the parties incapacitated them to perform their essential marital obligations of living together, to observe mutual love, respect, fidelity and renders mutual help and support to each other.
4. The personality disorders of both parties are assessed to be serious, grave, deep rooted and incurable.

RECOMMENDATION

Based from the above cited conclusions derived from the case, it is respectfully recommended to the Honorable Court that the Petition for the Declaration of Nullity of Marriage between **OLIVER GALANO and JEANIFER A. CASTRO** be granted due to psychological incapacities of both parties."^[18]

Relying on Dr. Ordoña's findings, the RTC rendered the Assailed Decision, decreeing:

"WHEREFORE, in the light of the foregoing, this Court hereby declares the marriage contract between Petitioner and Respondent as **NULL and VOID *ab initio*** due to the psychological incapacities of both the parties, hence, their inability to comply with the essential obligations of marriage

as provided for in Article 36 of the Family Code of the Philippines.

Let copies of this Judgment be furnished the Office of the Civil Registrar of Balaoan, La Union; Local Civil Registrar of Tarlac City, Tarlac, and the National Statistics Office, Manila and to other appropriate government agencies, for their information/record, and for the execution/implementation of this Judgment.

Balaoan, La Union, April 12, 2013.”^[19]

The RTC found that both parties failed to perform their respective marital obligations since they continuously refuse to dwell together and instead chose to live separately. Considering that Dr. Ordoña assessed their psychological incapacities to be grave, incurable and deeply rooted, the RTC granted Oliver's Petition.

Disagreeing with the Assailed Decision, the Republic filed a Motion for Reconsideration, which was however denied by the RTC in its Assailed Order, viz:

“In view of the foregoing, the Motion for Reconsideration of the Office of the Solicitor General is hereby DENIED.

SO ORDERED.”^[20]

The Issues

Hence, the Republic interposed this appeal ascribing the following errors to the RTC:

“THE TRIAL COURT ERRED IN ITS FINDING THAT BOTH PARTIES ARE PSYCHOLOGICALLY INCAPACITATED TO COMPLY WITH THE ESSENTIAL MARITAL OBLIGATIONS.

THE TRIAL COURT FAILED TO TAKE INTO ACCOUNT THAT PSYCHOLOGICAL INCAPACITY MUST BE PERMANENT, GRAVE, INCURABLE AND MUST HAVE JURIDICAL ANTECEDENCE”^[21]

Simply stated, the only issue for this Court's resolution is whether the RTC correctly granted Oliver's Petition for declaration of nullity of his marriage to Jeanifer.

This Court's Ruling

We grant the Republic's appeal.

“Psychological incapacity” as a ground to nullify a marriage under Article 36^[22] of the Family Code, should refer to no less than a mental – not merely physical – incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage. These include their mutual obligations to live together, observe love, respect and fidelity and render help and support as expressed in Article 68^[23] of the same Code. Psychological incapacity must be characterized by: (a) **gravity** (i.e., it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage); (b) **juridical antecedence** (i.e., it must be rooted in the history of the party antedating the marriage, although the overt