

## SIXTEENTH DIVISION

[ CA-G.R. CV NO. 98999, November 27, 2014 ]

**JAMEELA C. GONZALES-RARA, PETITIONER-APPELLEE, VS.  
CHRISTOPHER A. RARA, RESPONDENT,  
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### *D E C I S I O N*

**BATO, JR., J.:**

This is an appeal brought by the Office of the Solicitor General ("OSG") from the Decision<sup>[1]</sup> dated May 20, 2011 ("Assailed Decision") issued by the Regional Trial Court (RTC) of Infanta, Quezon, Branch 65, in SP. Proc. No. 339-I<sup>[2]</sup> granting the Petition for Declaration of Absolute Nullity of Marriage filed by petitioner Jameela C. Gonzales-Rara (hereinafter referred to as "Jameela" or "petitioner").

In her Petition,<sup>[3]</sup> Jameela alleged that she met Christopher A. Rara (hereinafter referred to as "Christopher" or "respondent") through a common friend when they were in high school and their friendship blossomed into a romantic relationship in their early college days.<sup>[4]</sup> Even then, Jameela claimed, Christopher was already manifesting signs of being irresponsible.<sup>[5]</sup> In 2002, Jameela became pregnant by Christopher. On July 27, 2002, Christopher and Jameela were married in Infanta, Quezon.<sup>[6]</sup> On November 16, 2002, their daughter Mia Antonette was born.<sup>[7]</sup> Jameela maintained that during their marriage, Christopher continued to manifest the same irresponsibility, had vices, and lived as a single man who prioritized his friends and disregarded his family.<sup>[8]</sup> As a result, Jameela and Christopher would often fight.<sup>[9]</sup>

On May 15, 2005, Christopher and Jameela got into one of those fights when Jameela confronted Christopher about his decision to still go on a company trip even after she told him not to go because she was then pregnant with their second child and their eldest daughter was sick. Christopher allegedly told her she should have listened to him when he suggested to have their second child aborted because then he would only have one responsibility. Christopher then left the family dwelling and never returned.<sup>[10]</sup>

On July 26, 2005, Jameela gave birth to their second child Myko Alfonso.<sup>[11]</sup> Jameela claimed that during their separation, news of Christopher's extra-marital affairs reached her and was confirmed by Christopher's brother.<sup>[12]</sup> However, Jameela still hoped for reconciliation with Christopher so they met at SM Sta. Mesa mall where she found out from Christopher himself that he was in a relationship with another woman and that he wanted to start a new life with this other woman.<sup>[13]</sup> At another instance, when Jameela brought their daughter to see Christopher, he showed their daughter a picture of the other woman and asked if she wanted the

latter to be her new mother.<sup>[14]</sup>

Jameela recounted that once when their daughter got sick, she sent Christopher a text message to ask him to help with the expenses for their daughter's care. Christopher refused, saying he had no money. Jameela then met Christopher's girlfriend and informed her that Christopher is married to her and that they have two children together. The girlfriend claimed that she did not know about the marriage because Christopher told her he was single.<sup>[15]</sup> That night, Jameela allegedly received a text message from Christopher threatening to kill her.<sup>[16]</sup> Subsequently, Jameela's father arranged to meet the girlfriend's family and told them about Christopher's circumstances. That night, Christopher called Jameela's family and threatened them.<sup>[17]</sup> At the Christening of Myko Alfonso, Jameela invited the girlfriend's mother, uncle and aunt. They told her that Christopher and the girlfriend had already stopped seeing each other but the girlfriend was then pregnant by Christopher.<sup>[18]</sup> Christopher, on the other hand, did not attend their son's Christening.<sup>[19]</sup>

Jameela then sought legal counsel regarding her situation with Christopher and was advised to petition the Court for the declaration of the nullity of their marriage.<sup>[20]</sup>

On August 24, 2009, Jameela filed the Petition.<sup>[21]</sup> Summons<sup>[22]</sup> and a copy of the Petition was served upon respondent, thru his mother Edna Rara.<sup>[23]</sup> Respondent, however, failed to file his Answer. The RTC issued an Order<sup>[24]</sup> setting the pre-trial conference of the petition and directing the attending trial prosecutor to conduct an investigation to determine whether or not collusion exists between the parties in filing this petition. In compliance therewith, Associate Prosecutor Cherry May P. Avellano submitted her Report and Recommendation<sup>[25]</sup> that upon investigation, "it unequivocally appears that there exists non-collusion between the contending parties in filing this petition/complaint for declaration of nullity of marriage."

Subsequently, the OSG, through then Acting Solicitor General Alberto C. Agra, submitted to the RTC a Notice of Appearance<sup>[26]</sup> dated May 13, 2010, whereby the Office of the Provincial Prosecutor of Quezon (hereinafter referred to as the "Attending Trial Prosecutor") was authorized to appear for the OSG in the instant case.

On January 12, 2011, Dr. Nedy Tayag (hereinafter referred to as "Dr. Tayag") was presented before the Court as an expert witness<sup>[27]</sup> and her Judicial Affidavit<sup>[28]</sup> was adopted as her direct testimony. According to Dr. Tayag, she was able to personally meet petitioner and assess her psychological make-up and mental capacities to determine whether or not she is psychologically incapacitated to perform her marital obligation. A collaborative interview was also conducted through her informant Leonides Gonzales, petitioner's father. Through the data she gathered about respondent, Dr. Tayag was also able to come up with an assessment of his psychological attitude and to determine whether or not he is psychologically incapacitated to perform his essential marital obligations.<sup>[29]</sup> Dr. Tayag categorically declared both parties psychologically incapacitated to perform their marital obligations since petitioner is suffering from Avoidant Personality Disorder while respondent is suffering from Narcissistic and Anti-Social Personality Disorder.<sup>[30]</sup>

Describing the condition of petitioner, Dr. Tayag explained that petitioner is seen to be manifesting signs of Avoidant Personality Disorder<sup>[31]</sup> as seen in her pervasive patterns of social inhibition, feelings of inadequacy and sensitivity to negative evaluation. In their marriage, she just accepted the irresponsible ways of respondent, hoping against hope that he would change for the better. She did not undertake any effort to take the risk and to prevent him from his selfishness and irresponsible acts. Throughout their marriage, petitioner had shown restraint even in her intimate relationship with her husband, leaving her to suffer in the end when he proved to be a cad and uncaring man. Her inhibitions and self-doubt did not help matters and even became one of the factors that affected the union most. Although she had seen to the needs of their kids, her restraint and inhibition deterred her from meeting in the middle with her partner.<sup>[32]</sup>

Dr. Tayag surmised that the cause of petitioner's psychological incapacity is the ineffective family system to which she was raised. Petitioner experienced a lot of feelings of insecurities and inadequacies due to her being the middle born and the only daughter with two brothers who are both well accomplished in their own means. Because petitioner was forced to compete with her brothers' achievements to vie the constant favor of their parents, such behavior prevented her from taking risks in order to not make any mistakes which could result to losing their approval. Petitioner's actions persisted and she became truly inhibited, unable to explore other possibilities and opportunities. She was seen to be meek and timid, making her an easy target of abusive persons like the respondent whom she married. This psychological condition has become an integral part of what makes her who she is. Thus, it would be hopeless to mend and alter this behavioral pattern.<sup>[33]</sup>

On the other hand, people diagnosed with Narcissistic Personality Disorder, such as respondent, are known to have pervasive patterns of grandiosity in fantasy or behavior, need for admiration, and lack of empathy, beginning by early adulthood.<sup>[34]</sup> Meanwhile, the Anti-Social Personality Disorder is characterized by disregard for and violation of the rights of others as well as failure to conform to social norms with respect to lawful behaviors. This is indicated by repeatedly performing acts that are clearly immoral and socially-despised, and by consistent irresponsibility. This disorder is considered to be grave, severe, long-lasting and incurable.<sup>[35]</sup>

In this case, Dr. Tayag concluded that respondent had never been a good husband from the very start. He was unable to fulfill his roles of providing well to sustain the needs of his wife and kids as he was constantly hanging out with his peers. Dr. Tayag also pointed out that respondent also carried on affairs with other women. Respondent is further seen to be unperturbed with the feelings and needs of his partner and more interested in emotionally exploiting her.<sup>[36]</sup> According to Dr. Tayag, the root cause of aberration in respondent's psychological profile can be traced to his early developmental years where he was exposed to a maladaptive family set up and dysfunctional early role models.<sup>[37]</sup>

Dr. Tayag concluded that "[t]he psychological incapacity of the petitioner and respondent was already present even before the marriage ceremony especially because the root causes I have just described. There were already signals of this disorder before this marriage."<sup>[38]</sup>

On May 20, 2011, the RTC rendered the assailed Decision, the decretal portion of which reads:

WHEREFORE, in the light of the foregoing, judgment is hereby rendered ordering the following:

a) the marriage of the petitioner with the respondent which was celebrated on July 27, 2002 at Infanta, Quezon, celebrated before a catholic rite and officiated by Rev. Fr. Lutgardo T. Evangelista is declared null and void ab initio pursuant under Article 36 of the Family Code of the Philippines;

b) the care and custody of the couple's two (2) children namely: a) Mia Antonette and Myko Alfonso are given to the herein petitioner;

c) the couple's absolute community of property/ies, if any, is ordered dissolved and to be liquidated in accordance with Articles 50 & 51 of the Family Code as implemented under the Rule on Liquidation, Partition and Distribution of Properties (Section 21 of A.M. 02-11-10-SC), and;

d) the respondent is ordered to support their children namely Mia Antonette and Myko Alfonso, in the total amount of Eight Thousand Pesos (php8,000.00) per month for both children to be handed to the herein petitioner every first ten (10) days of every month and to begin immediately upon receipt of this decision by the respondent, and every month thereafter, subject to increase based upon the need of their children and upon order of this Court.

Let copies of this Decision be furnished the parties and their counsels, the Office of the Solicitor General and the attending public prosecutor to be served personally or by registered mail, whichever is applicable.

SO ORDERED.

On June 22, 2011, the OSG filed a Motion for Reconsideration of the assailed Decision which was resolved by the RTC in the Order<sup>[39]</sup> dated April 17, 2012 ("Assailed Resolution"), to wit:

WHEREFORE, premises considered, the Motion for Reconsideration filed by the Office of the Solicitor General praying for the setting aside of the Decision of this Court dated May 20, 2011, is DENIED for want of merit.

SO ORDERED.

Hence, this appeal brought by the OSG assigning the lone error on the part of the RTC in declaring the marriage of petitioner and respondent null and void on the ground of psychological incapacity of both parties.<sup>[40]</sup>

We resolve to grant the instant appeal.

At the outset, We note that the testimony proffered by Dr. Tayag on respondent's alleged psychological incapacity due to his psychological disorders deserves scant consideration. Dr. Tayag's report and testimony are hearsay evidence since she had no personal knowledge of the alleged facts she was testifying on.<sup>[41]</sup> As correctly pointed out by the OSG in their appeal, Dr. Tayag's findings were based on information supplied by petitioner and her relatives. Such information are clearly not from an objective source.<sup>[42]</sup> The finding of Dr. Tayag that respondent was raised by a dysfunctional and maladaptive family is hearsay as she neither met nor conducted interviews and tests on respondent or his parents. In fact, there is nothing on record to show that petitioner has submitted any evidence that she herself came to know respondent's family as a dysfunctional one.<sup>[43]</sup> Succinctly, Dr. Tayag's testimony should have been dismissed for being unscientific and unreliable.<sup>[44]</sup>

In a previous case entitled *Padilla-Rumbaua vs. Rumbaua*<sup>[45]</sup> for Declaration of Nullity of Marriage citing psychological incapacity, wherein Dr. Tayag was also presented as an expert witness, the Supreme Court opined:

We cannot help but note that Dr. Tayag's conclusions about the respondent's psychological incapacity **were based on the information fed to her by only one side—the petitioner— whose bias in favor of her cause cannot be doubted.** While this circumstance alone does not disqualify the psychologist for reasons of bias, her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards in the manner we discussed above (citing *So v. Valera*, G.R. No.150677, June 5, 2009). For, effectively, **Dr. Tayag only diagnosed the respondent from the prism of a third party account; she did not actually hear, see and evaluate the respondent and how he would have reacted and responded to the doctor's probes.** (Emphasis supplied.)

Similarly, in accord with the Supreme Court's ruling in *Padilla-Rumbaua vs. Rumbaua*,<sup>[46]</sup> Dr. Tayag's conclusion in her Report that respondent's psychological incapacity is in the form of "Narcissistic and Anti-Social Personality Disorder which are considered to be grave, severe-chronic in proportion and incurable by any treatment,"<sup>[47]</sup> is an unfounded statement and is not a necessary inference from her previous characterization and portrayal of the respondent. While the various tests administered on petitioner could have been used as a fair gauge to assess her own psychological condition, this same statement cannot be made with respect to the respondent's condition. To make conclusions and generalizations on respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.<sup>[48]</sup>

Be that as it may, even if the report and testimony of Dr. Tayag is given full evidentiary weight, this Court still finds that psychological incapacity on the part of either petitioner or respondent have not been proven to warrant the declaration of