

ELEVENTH DIVISION

[CA G.R. CV NO. 73378, August 31, 2006]

**MA. CHRISTINA CHANCO-ALCANTARA, PLAINTIFF-APPELLEE, VS.
LEO MARK B. ALCANTARA, DEFENDANT.**

REPUBLIC OF THE PHILIPPINES, INTERVENOR-APPELLANT.

D E C I S I O N

VILLON, J.:

Before Us is an appeal^[1] filed by the Intervenor-Appellant, through the Office of the Solicitor General (OSG) praying for the reversal and setting aside of the decision^[2] of the Regional Trial Court, Branch 106,^[3] Quezon City, granting the petition for declaration of nullity of marriage filed in Civil Case No. Q-99-37990.

The pertinent facts as summarized in the appellant's brief are not in dispute.^[4]

Sometime in 1984, appellee and defendant met each other at the art gallery of the latter's father. Appellee was then a second year college student while defendant was a fourth year high school student. Due to appellee's interest in art, she became a good friend of defendant's family members. After a whirlwind courtship, they became lovers within the same year. Shortly thereafter, appellant missed her monthly menstrual period and thought that she was pregnant. Appellee informed defendant of her situation and out of impulse, they decided to elope thinking that it was the best thing to do. Their parents were alarmed when they revealed that appellee was pregnant but they did not force the young lovers to get married. However, appellee's grandmother insisted that they should be married.^[5] Thus, they were eventually married on March 16, 1985 in a church wedding solemnized by Father Juan Cruz Gaston at the Sta. Teresita del Niño Jesus Parish at Kanlaon St., Quezon City.^[6] Three children were subsequently born out of the marriage.

After the wedding, the couple stayed at the house of defendant's mother but sometime in 1985, they transferred to the house of appellee's grandmother. The couple's marriage seemed fine in the beginning. They divided their time between their studies and work at the art gallery of defendant's father. Defendant decided to work full-time in the art trade and also engaged in car sales. As defendant was busy attending to his business, he decided to quit his schooling.

In 1989, the couple returned to the house of defendant's mother but their stay there was short-lived because defendant had a quarrel with his brothers regarding family business. The family business became more complicated when the art gallery of defendant's father was burned down. To avoid the situation from getting worse, they transferred to the house of appellee's mother.^[7]

After transferring to their new residence, the couple put up their own art gallery. Initially, it did not do well but after sometime, they were able to compete with other dealers. Defendant obliged appellee to work hard despite the fact that she was pregnant with their third child. Appellee claimed that defendant was emotionally immature and could not converse with her without shouting and hurling invectives. [8]

Appellee underwent a medical examination after giving birth to their third child. It was discovered that she was infected with a sexually transmitted disease. Appellee asked defendant if he had an extra-marital affair but defendant denied the same and instead hurled an accusation that she was the one having an affair with another man. Angered by the response, appellee insisted that defendant should not come home until he got himself treated but defendant refused and did not offer any moral support nor bother to accompany her to the doctor. [9]

After said confrontation, defendant stayed in his office at the art gallery for several weeks. A few more weeks later, defendant convinced appellee to move out of her mother's house for them to start a new life. Appellee acceded and they transferred to their new residence. [10] At their new home, defendant's attitude became worse. Defendant treated appellee as if she did not exist and he was cold, insensitive and inconsiderate. On the other hand, appellee avoided having carnal knowledge with defendant as she was advised by her doctor not to engage in such activity for a period of 3 to 4 months. She however, remained sweet with defendant despite the latter's indifference.

Appellee heard rumors that defendant was having a relationship with another woman but she did not confront him right away. However, at one time, appellee asked him about her other woman but defendant evaded the issue. Appellee asked defendant what he really wanted about their marriage. Defendant answered by saying "*gusto mo hiwalay*". Appellee claimed that defendant wanted a separation and admitted that he was having a relationship with another woman. [11] After this, appellee left their dwelling with her three kids and returned to her mother's house.

Several weeks thereafter, the spouses met and went to a pastor for counseling but their relationship did not improve. In 1993, the spouses lived separately from each other [12] but sometime in 1994, the spouses made another attempt at reconciliation by meeting at a restaurant in Quezon City with defendant's mother and the spouses' godfather acting as mediators. Said attempt to reconcile failed because defendant walked out of the meeting after he was confronted by appellee regarding his philandering activity. [13]

On June 21, 1999, appellee filed a petition for declaration of nullity of her marriage to defendant on the ground of psychological incapacity. Defendant did not file any responsive pleading despite service of summons. Hence, the public prosecutor was tasked to conduct an examination to determine if collusion exists.

The OSG in a certification [14] filed before the court *a quo* opined that the circumstances alleged by the plaintiff do not constitute psychological incapacity. It argued among others, that the opinion of Dr. Natividad A. Dayan, Ph. D. [15] is contradicted by her findings that respondent appears to be a self-reliant person and

a responsible husband and father who works hard on the family business.^[16]; that there is no allegation that respondent is suffering from a mental or psychological personality disorder of the most serious kind which renders him incapable of complying with his marital obligation; and that such hurried marriage cannot be magnified and colored as psychological incapacity in order to void a marriage which will greatly diminish the inviolability of marriage as a social institution.^[17]

Disregarding OSG's recommendation, in a decision dated September 28, 2001, the court *a quo* ruled:

"WHEREFORE, in view of the foregoing, the Court renders judgment declaring the marriage between plaintiff MA. CHRISTINA CHANCO-ALCANTARA and defendant LEO MARK B. ALCANTARA, solemnized on March 16, 1985 by Fr. Juan Cruz Gaston, OFM Cap. at the Sta. Teresita del Nino Jesus Parish, at Kanlaon St., Quezon City, **NULL AND VOID**, on the ground of defendant's psychological incapacity to comply with the essential marital obligations of marriage under Article 36 of the Family Code; and, dissolving the parties' property relations in accordance with law, if there is any.

Let copy of this Decision be furnished the City Civil Registry of Quezon City for proper recording.

SO ORDERED."^[18]

Arguing that the trial court erred, the State, through the OSG, appealed. In its brief^[19], the OSG assigned a lone error, to wit:

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR DECLARATION OF NULLITY OF MARRIAGE DESPITE THE INSUFFICIENCY OF THE EVIDENCE PRESENTED BY APPELLEE.

Time and again, the courts are clogged by dockets of failed relationships praying for its nullification on the basis of the most abused, if not the most convenient and conventional ground to remarry and relieve one's self from a hurried marriage – psychological incapacity.

It is an established doctrine in family law, as held in the case of *Republic vs. Court of Appeals and Molina*^[20], where the Supreme Court issued guidelines in resolving cases involving psychological incapacity, that the root cause of the psychological incapacity must be medically or clinically identified, alleged in the complaint, sufficiently proven by experts, and clearly explained in the decision. *Article 36 of the Family Code*^[21] requires that the incapacity must be psychological, not physical, although its manifestations and/or symptoms may be physical. The incapacity must also be shown to be medically or clinically permanent or incurable. The incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. Furthermore, such incapacity must be relevant to the assumption of marriage obligations, not necessarily to those not related to marriage, like the exercise of a profession or employment in a job.

In the case at bench, appellee narrated with a heavy heart her predicaments in the hands of her husband. On cross-examination, she swore among others, that

defendant maintained illicit relationships with several women; that her husband was verbally abusive, inconsiderate and insensitive of her feelings and resorted to irrational behavior whenever things did not turn out the way he expected them.^[22] Thus, she concluded that her husband was psychologically incapacitated to perform the essential obligations of marriage. We are not convinced. What was alleged by appellee in her complaint and testimony are mere manifestations of irreconcilable differences typical in many marriages. As held in the case of *Carating-Siayngco vs. Siayngo*, an unsatisfactory marriage is not a null and void marriage. Mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity.^[23] Worthy to mention is the interpretation of psychological data conducted by Dr. Dayan on appellee, to wit:

"Regarding her marital relationship, Christina reports significant dissatisfaction...She sees her husband as incapable of meeting her needs for affection, understanding, and sympathy. Their communication is impaired, such as that they are unable to resolve their differences and conflicts...They also had emotional disagreements about money and finances and had conflicts over issues of child rearing..."^[24]

Based on the foregoing, it is obvious that appellee exhibited a general dissatisfaction with her marriage. However, the facts as stated in the complaint and reiterated in appellee's testimony, from which the result of a general dissatisfaction arose, do not in any way constitute psychological incapacity. It is worthy to emphasize that *Article 36 of the Family Code of the Philippines* contemplates downright incapacity or inability to take cognizance of and to assume the basic marital obligations; not a mere refusal, neglect or difficulty, much less ill will, on the part of the errant spouse.^[25] Irreconcilable differences, conflicting personalities, emotional maturity and irresponsibility, physical abuse, habitual alcoholism, sexual infidelity or perversion, and abandonment, by themselves, also do not warrant a finding of psychological incapacity under the said Article.^[26] The totality of the evidence presented in this case does not support a finding of defendant's psychological incapacity in the assumption of his marital obligations. On the contrary, what is evident as can be gleaned from the psychological evaluation report^[27], is the fact that defendant during their marriage, was self-reliant and a responsible family man who devoted his energy to the family business. Then, too, 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.^[28]

Appellee likewise contends that her petition for nullity of marriage is justified on the ground that the latter maintained illicit relationships with several women and even sired a child with her second woman. On the other hand, defendant averred that he hired prostitutes to release his sexual energies as appellee refused to indulge in it and that he never kept this from his wife. We disagree with appellee's contention. The High Court held in the case of *Jaime F. Villalon vs. Ma. Corazon N. Villalon*^[29], that sexual infidelity, by itself, is not sufficient proof that petitioner is suffering from psychological incapacity. It must be shown that the acts of unfaithfulness are manifestations of a disordered personality which make petitioner completely unable to discharge the essential obligations of marriage. The ruling in the case of *Dedel vs. Dedel* is also relevant in this point. The Supreme Court ratiocinated: