

## **SPECIAL TWELFTH DIVISION**

**[ CA-G.R. CV NO. 64525, September 22, 2006 ]**

**ZENAIDA P. SIA, PLAINTIFFS-APPELLEE, VS. JOSEPH C. SUPNET,  
DEFENDANT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-  
APPELLANT.**

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

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

This is an appeal from the March 4, 1998 Decision<sup>[1]</sup> of Branch 57, Regional Trial Court of Angeles City in Civil Case No. 8828 nullifying a marriage on the ground of psychological incapacity under Article 36 of the Family Code.

On October 31, 1997, appellee Zenaida P. Sia (or "Zenaida") filed a petition to declare void her marriage to Joseph C. Supnet (or "Joseph") on the ground of the latter's psychological incapacity to comply with his marital obligations.

On November 27, 1997, summons and copy of the complaint were served on Joseph at his home address.

On December 1, 1997, the trial court issued an order to the Assistant City Prosecutor to investigate any collusion between Zenaida and Joseph. The prosecutor later ruled out the possibility of collusion thus trial on the merits ensued.

On January 21, 1998, Zenaida testified that she was married to Joseph on July 28, 1979 at St. Vincent Church in Baguio City. At that time, Joseph was only seventeen (17) years old while she was twenty (20) years old. Although they were students then, Joseph showed signs of maturity and behaved like a responsible person. They lived as husband and wife at her mother's house in Quezon Hill, Baguio City. They begot two children named Jason P. Supnet, born on March 3, 1981, and Jenelyn P. Supnet, born on September 29, 1984. They were living harmoniously until she gave birth to Jason, at which time Joseph started his vices of gambling, drinking liquor and womanizing. Zenaida tried to talk Joseph out of his vices, and he did so for a while but continued later on. In 1985, Joseph abandoned Zenaida and their children. She learned afterwards that Joseph was cohabiting with another woman named Merly Diaz in Baguio City. She did not report the incident to the police because she then wanted to sever her marriage with Joseph.<sup>[2]</sup>

On February 18, 1998, Dr. Deborah Ann Rubenio, a psychologist who examined Zenaida testified that she prepared a psychologist report with her findings that:

"The above testimony revealed that the husband was immature to perform the duties of a husband and a father to his family and lacked a sense of rational judgment and responsibility for being self centered individual. Thus, such manifestations only reveal a psychologically

incapacitated individual who displayed an unbearable and incurable behavioral problems.”<sup>[3]</sup>

On March 4, 1998, the trial court rendered its decision granting Zenaida’s petition, the dispositive portion of which reads:

“WHEREFORE, judgment is hereby rendered:

1. Declaring the marriage entered into by Zenaida P. Sia and Joseph C. Supnet on July 28, 1979 at Saint Vincent Church, Baguio City, as VOID;
2. Considering that the parties have not acquired properties, the Court cannot make any provisions therefor in this decree. Custody of the two (2) minor children, namely: Jason Sia Supnet and Jenelyn Sia Supnet, shall remain with the plaintiff with right of visitation by the defendant.
3. The defendant is hereby ordered to pay/give plaintiff a reasonable amount as monthly support for the education of the said minors;

Let a copy of this Decision be furnished each the Office of the Solicitor General, Makati City, Metro Manila; the Local Civil Registrar of Baguio City, the Civil Registrar of Angeles City and the National Statistics Office, Sta. Mesa, Manila, for registration purposes.

SO ORDERED.”<sup>[4]</sup>

Unsatisfied, the Office of the Solicitor General filed this present appeal and raised the following assignment of error:

“THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR DECLARATION OF NULLITY ON THE GROUND OF PSYCHOLOGICAL INCAPACITY ON THE PART OF JOSEPH SUPNET TO COMPLY WITH THE ESSENTIAL MARITAL OBLIGATIONS OF MARRIAGE.”<sup>[5]</sup>

The appeal is meritorious.

Psychological incapacity to be a ground for the nullity of marriage under Article 36 of the Family Code refers to a serious psychological illness afflicting a party even before the celebration of marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.<sup>[6]</sup> Whether or not psychological incapacity exists in a given case calling for annulment of marriage depends crucially, more than in any field of the law, on the facts of the case.<sup>[7]</sup> The evidentiary facts must sufficiently establish the existence of alleged psychological incapacity and the burden of proof belongs to the plaintiff.<sup>[8]</sup>

In this case however, we are not convinced that the evidence on record have sufficiently established Joseph’s psychological incapacity. The grounds enumerated by Zenaida such as Joseph’s vices, his abandonment of his family and their irreconcilable differences were not proven to be manifestations of some deep-seated, grave, permanent and incurable psychological malady. Joseph’s irresponsible behavior does not automatically constitute psychological illness natal to his