

Republic of the Philippines
SUPREME COURT
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

THIRD DIVISION

SEP 02 2016

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 214077

Present:

- versus -

VELASCO, JR., J., Chairperson,
BRION,*
PERALTA,
PEREZ, and
REYES, JJ.

DANILO A. PANGASINAN,
Respondent.

Promulgated:

August 10, 2016

X-----*Wilfredo V. Lapitan*-----X

DECISION

VELASCO, JR., J.:

The Case

Assailed in this Petition for Review on Certiorari are the Decision¹ dated March 10, 2014 and Resolution² dated August 26, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 99739 which affirmed the Decision³ dated March 6, 2012 in Civil Case No. 11-0205 of the Regional Trial Court, Branch 260 in Parañaque City (RTC), declaring the marriage of respondent Danilo A. Pangasinan and Josephine P. Pangasinan void on the ground of their respective psychological incapacity pursuant to Article 36 of the Family Code of the Philippines.

The Facts

Danilo and Josephine first met at the Philippine Plaza Hotel in Manila where they were both working sometime in 1981. Following a three-month courtship, Josephine became pregnant. To erase any notion of impropriety, the couple immediately contracted marriage, first civilly on December 29,

* Additional Member per Raffle dated July 13, 2016.

¹ *Rollo*, pp. 36-43. Penned by Associate Justice Mario V. Lopez and concurred in by Associate Justices Jose C. Reyes, Jr. and Socorro B. Inting.

² *Id.* at 44.

³ *Id.* at 139-147.

1981, followed by a church wedding on January 23, 1982.⁴ The couple begot three children—Juan Carlo, Julia Erika, and Josua.

At the outset, life for Danny and Josephine generally ran harmoniously, although marred from time to time by arguments about money matters. They did not have any major problems, and even became partners in Danilo's business pursuits.⁵ Signs of marital kinks appeared when Danilo's business began to slow down. This caused the couple to fight incessantly, since Danilo began to have difficulty supporting Josephine and their children at the same level to which they were accustomed.⁶ Allegations of infidelity on the part of Danilo compounded things.⁷

Sometime in September 2007, Josephine underwent hysterectomy. Four days after bringing her home from the hospital, Danilo flew to Tacloban for a business trip, which Josephine already knew of even prior to her operation. As it turned out, Josephine did not want him to leave. Danilo came home to find an irate Josephine seething at him. Josephine's sudden demand to see his bank passbook so enraged Danilo that he tossed the passbook in front of her. Josephine, in turn, became incensed and started to curse and berate him. Out of anger and exasperation, Danilo grabbed and smashed two glass cups beside him, while Josephine continued on with her tirade against him. Josephine left the conjugal home the next day, never to resume cohabitation with Danilo.⁸

Thereafter, Josephine filed a number of cases against Danilo, viz: two cases for violation of Republic Act No. 9262 or the *Anti-Violence against Women and Their Children Act of 2004* and a petition for annulment—all of which she would withdraw. Subsequently, however, she filed an action for legal separation.⁹

After 30 years of marriage, Danilo filed a petition dated May 25, 2011 before the RTC, praying for the declaration of nullity of his marriage to Josephine on the ground of the latter's psychological incapacity under Article 36 of the Family Code. Docketed as Civil Case No. 11-0205, the petition was consolidated with the legal separation case that Josephine filed, but which was, however, ordered archived by the trial court upon her motion.

Danilo alleged in his petition that barely a few months into their boyfriend-girlfriend relationship, Josephine already exhibited certain negative traits, which he merely trivialized at that time.¹⁰ He eventually discovered his wife to be competitive, domineering, headstrong, and always

⁴ Id. at 45-46, 57.

⁵ Id. at 75-76. (Report)

⁶ Id. at 80. (Emelie's interview)

⁷ Records, pp. 553, 559.

⁸ *Rollo*, pp. 76-77.

⁹ *CA rollo*, pp. 51-52.

¹⁰ Records, p. 6.

determined to get what she wanted in the relationship. Their disagreements even over the most trivial matters usually ended up in fights. However, she would suddenly become overly excited and elated that she got her way whenever he gave in to her desires. She enjoyed talking about herself and expected him to give her special treatment, which he tried to satisfy by buying her nice and expensive gifts.¹¹

Josephine's negative traits, so Danilo averred, existed prior to their marriage. These include an exaggerated sense of self-importance and sense of entitlement by giving the impression that she was superior to him. She always made the decisions during their marriage, especially when it came to money matters, and made it appear to her children that she was the one in-charge of the family. She ignored and demeaned his abilities and contributions, and complained that she received no help at all from him.¹² She was indifferent and lacked empathy to his plight, as shown by her lack of concern for his distress when she failed to take care of him in the hospital when he was recuperating from two heart surgeries in 2009. During this time, Josephine visited him but did not tend to his needs.¹³

In support of his case, Danilo presented Dr. Natividad A. Dayan (Dr. Dayan), a clinical psychologist, who, in her Psychological Evaluation Report,¹⁴ concluded that both Josephine and Danilo are psychologically incapacitated to fulfill their essential marital obligations of rendering love and respect to each other.

On January 9, 2012, the trial court issued an Order¹⁵ approving the Compromise Agreement¹⁶ dated December 8, 2011 dividing their properties between them. Josephine manifested then that she is no longer presenting controverting evidence and is leaving the issue of nullity of their marriage entirely to the trial court for evaluation.

The Ruling of the RTC

In its Decision dated March 6, 2012, the trial court declared the marriage between Danilo and Josephine void from the start, noting, among others, that the totality of evidence presented show that both parties failed to establish a functional family as they were incapacitated to comply with their marital obligations. In this regard, the RTC gave much credence on Dr. Dayan's assessment of Josephine and Danilo's psychological incapacities. Thus, the trial court ordered them to comply with their compromise agreement respecting their property relations and the matter of support for their common children. The petition for legal separation was, however,

¹¹ *Rollo*, p. 37.


¹² *Id.* at 48.

¹³ *Id.* at 48-50.

¹⁴ *Id.* at 60-69.

¹⁵ Records, pp. 389-392.

¹⁶ *Id.* at 381-383.



dismissed for lack of merit. The dispositive portion of the RTC's Decision reads:

WHEREFORE, finding merit to the petition, judgment is hereby rendered:

1. **DECLARING** null and void ab initio the marriage between **DANILO A. PANGASINAN** and **JOSEPHINE P. PANGASINAN** solemnized on **DECEMBER 29, 1981** in **MAKATI CITY** or any other marriages between them, on the ground of the psychological incapacity of respondent and incidentally on the part of petitioner.
2. **ORDERING** both parties to strictly comply with the stipulations of their compromise agreement respecting their property relations and the matter of support for their common children.
3. **ORDERING** the Local Civil Registrar of Makati City and National Statistics Office to cancel the marriage between the petitioner and the respondent as appearing in the Registry of Marriages.
4. The petition for Legal separation is dismissed for lack of merit.

There are no other issues in this case.

Let copies of this Decision be furnished the Registrars of Makati City and Parañaque City, the Office of the Solicitor General, the Office of the City Prosecutor, Parañaque City and the Office of the National Statistics Office (NSO).

SO ORDERED. (emphasis in the original)

The Republic of the Philippines, through the Office of the Solicitor General (OSG), moved for reconsideration but the trial court denied the motion in its Order¹⁷ dated August 23, 2012.

The Ruling of the CA


Upon review, the CA in the adverted Decision dated March 10, 2014 affirmed the trial court's findings that Josephine, indeed, suffers from psychological incapacity. Citing *Republic v. Court of Appeals*,¹⁸ also known as the *Molina* case, in relation to *Ngo Te v. Yu Te*,¹⁹ the CA ruled that "Josephine was psychologically incapacitated to fulfill the basic duties of marriage which was corroborated in material points by the conclusions of the clinical psychologist. x x x [T]he link between the acts that manifest incapacity and the psychological disorder itself was fully explained."²⁰

¹⁷ *Rollo*, pp. 148-151.

¹⁸ G.R. No. 108763, February 13, 1997, 268 SCRA 198.

¹⁹ G.R. No. 161793, February 13, 2009.

²⁰ *Rollo*, p. 40.



The motion for the reconsideration of the adverted Decision was likewise denied by the CA in its Resolution dated August 26, 2014. Hence, this petition.

The OSG would have the Court set aside the appealed CA Decision in the submissions that the finding of psychological incapacity on the part of Danilo and Josephine is not in accordance with law and jurisprudence, and the petition filed by Danilo does not specifically allege the complete details of his own psychological incapacity as required by the governing rules.

The OSG contends that Danilo failed to prove that Josephine's psychological incapacity is a medically rooted psychological affliction that was incurable and existing at the inception of their marriage. It further avers that the gravity, antecedence, root cause and incurability of Josephine's psychological incapacity were not established by the evidence of respondent²¹ in accordance with the guidelines laid down by the Court in *Molina*. The declaration of nullity of marriage is further assailed as the trial court, as affirmed by the CA, declared the nullity of the parties' marriage based on both of their psychological incapacities.

The sole issue for the resolution of this Court is whether or not the totality of evidence presented warrants, as the courts *a quo* determined, the declaration of nullity of Danilo and Josephine's marriage based on their psychological incapacity under Article 36 of the Family Code.

The petition is meritorious.

"Psychological incapacity," as a ground to nullify marriage under Article 36 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 which, as so expressed in Article 68 of the Code, among others, include their mutual obligations to live together, observe love, respect and fidelity and render help and support.²²

As declared by the Court in *Santos v. Court of Appeals*,²³ psychological incapacity must be characterized by (a) gravity, (b) juridical antecedence, and (c) incurability. Thereafter, in *Molina*,²⁴ the Court laid down more definitive guidelines in the disposition of psychological incapacity cases, to wit:


(1) Burden of proof to show the nullity of the marriage belongs to the plaintiff.

²¹ Id. at 102.

²² *Republic v. De Gracia*, G.R. No. 171557, February 12, 2014 (citations omitted).

²³ G.R. No. 112019, January 4, 1995, 240 SCRA 20.

²⁴ *Supra* note 18.



(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) Such incapacity 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.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts.

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition.²⁵


In sum, a person’s psychological incapacity to comply with his or her essential obligations, as the case may be, in marriage must be rooted on a medically or clinically identifiable grave illness that is incurable and shown to have existed at the time of marriage, although the manifestations thereof may only be evident after marriage. Using the abovementioned standards in the present case, the Court finds that the totality of evidence presented is insufficient to establish Josephine and Danilo’s psychological incapacity.

The totality of evidence presented fails to establish the psychological incapacity of the parties

In her Affidavit²⁶ dated October 25, 2011, Dr. Dayan declared that there is sufficient basis to conclude that Josephine is psychologically incapacitated to comply with her essential marital obligations since she is suffering from “301.81 Narcissitic Personality Disorder,” as shown by her exaggerated sense of self-importance, sense of entitlement, lack of empathy, arrogant and haughty behaviours, as well as beliefs of being superior and special; and that her psychological incapacity is rooted on a pre-existing personality disorder and shown to be grave, pervasive, incurable, and to

²⁵ Cited in *Aurelio v. Aurelio*, G.R. No. 175367, June 6, 2011, 650 SCRA 571.

²⁶ Records, pp. 270-278.



have existed at the time of and even prior to the inception of marriage. Her personality disorder, Dr. Dayan surmises, had antecedents that were shown in her experiences of dysfunctional and chaotic family life while growing up. Dr. Dayan concludes that Josephine's personality disorder is shown to be grave, pervasive, and incurable, rendering her incapacitated to assume her marital obligations such as to observe love, respect, and render mutual support.

A careful reading of Dr. Dayan's testimony, however, reveals that it is replete with generalities and wanting in factual bases.

First, Dr. Dayan's findings as to the psychological incapacity of both parties were based on the psychological examination conducted on Danilo, as well as from information sourced from him, his sister, Emelie Pangasinan Gatus (Gatus), and the couple's son, Juan Carlo "Jay" Pangasinan (Jay). As pointed out by Josephine's counsel, Atty. Ferdinand Raymund Navarro, Dr. Dayan gave the following responses to the questions during her cross-examination as indicated:

Q: You mentioned in your Psychological Report that the respondent has an exaggerated sense of self-importance?

A: Yes, sir.

Q: What specific instance or instances made you come to such a conclusion, madam witness?

A: For the reason that during the marriage, she has always maintained a very dominant decision. She has always been arrogant and haughty, she was always contemptuous in her behavior towards the petitioner.

Q: And these instances that you referred to, what was your source, madam witness?

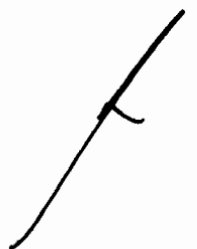
A: My sources are the petitioner, I also was able to interview other people, the daughter and sister of the petitioner. I was also able to interview the respondent, sir.

Q: Did the respondent, during your interview, specifically state or referred to those instances you mentioned earlier?

A: She maintained that she had difficulties in the marriage because both of them are not doing voluntary make up?

Q: But did she refer to any instance showing what you maintain as exaggerated sense of self importance?

A: She did not put it that way but she accepted that fact that she was feisty and she has problems relating with the petitioner, sir.



Q: So, the source of your findings regarding these particular characteristics is only based on the manifestations of your other sources aside from the respondent?

A: Yes, sir.²⁷

While Dr. Dayan testified that she was able to interview Josephine, the said interview was conducted only through a phone call.²⁸ No explanation was proffered as to how Dr. Dayan ascertained the identity of the interviewee nor as to the measures undertaken in ascertaining her identity. Thus, she could not have conclusively established that the person being interviewed was Josephine herself. This greatly undermines the credibility of the results of the psychological evaluation of Josephine. Dr. Dayan, in effect, relied only on the information given by Danilo, Gatus, and Jay. Dr. Dayan's testimony on Josephine's psychological profile did not prove the antecedence and root cause of her psychological incapacity.

It is true that in petitions for nullification of marriages, it is not necessary that a physician examine the person to be declared psychologically incapacitated. What is important is the presence of evidence that can adequately establish the party's psychological condition. If the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.²⁹ However, the totality of evidence must still prove the gravity, juridical antecedence and incurability of the alleged psychological incapacity.³⁰ In addition to the foregoing, the psychological illness and its root cause must be proven to exist from the inception of the marriage.³¹

In this case, there is no such reliable and independent evidence establishing Josephine's psychological condition and its associations in her early life. Aside from what Danilo relayed to Dr. Dayan, no other evidence supports his claim and Dr. Dayan's finding that the root cause of Josephine's personality disorder antedated the marriage since Emelie and Jay's testimonies covered circumstances that transpired **after** the marriage.

Second, in view of the insufficiency of factual bases of and generalizations in her Psychological Evaluation Report, Dr. Dayan's testimony is inadequate to establish concretely the correlation between Josephine's personality and her inability to comply with her essential marital obligations to Danilo. Dr. Dayan merely made, as it were, a general assessment and conclusion as to the gravity and pervasiveness of Josephine's condition without sufficiently explaining how she arrived at such a conclusion:

²⁷ TSN, October 27, 2011, pp. 13-16.

²⁸ *Rollo*, p. 103.

²⁹ *Marcos v. Marcos*, G.R. No. 136490, October 19, 2000, 343 SCRA 755, 764.

³⁰ *Bier v. Bier*, G.R. No. 173294, February 27, 2008, 547 SCRA 123.

³¹ *Marable v. Marable*, G.R. No. 178741, January 17, 2011, 639 SCRA 557.

Q28. Can you please explain the nature of the Respondent's personality disorder?

A28. The nature is severe, as it is pervasive, affecting all areas of her life.

x x x x

Q.31 You said that the Respondent's psychological incapacity is grave, what do you mean by that?

A31. It is so serious that the Respondent is unable to perform many, if not all, her marital obligations.³²

The stringency by which the Court assesses the sufficiency of psychological evaluation reports is necessitated by the pronouncement in our Constitution that marriage is an inviolable institution protected by the State. It cannot be dissolved at the whim of the parties, especially where the pieces of evidence presented are grossly deficient to show the juridical antecedence, gravity and incurability of the condition of the party alleged to be psychologically incapacitated to assume and perform the essential marital duties.³³ Any doubt should be resolved in favor of its existence and continuation and against its dissolution and nullity.³⁴

Danilo's characterization of his wife, without more, is insufficient to constitute psychological incapacity. At most, it merely establishes that their personalities are different and that their frequent arguments and differences in handling finances and managing their business affairs were money-related. No less than Danilo's own sister, Gatus, narrated during her interview with Dr. Dayan that the couple's problems started when Danilo's business began to slow down and he began to have difficulty supporting his family at the same level they were used to.³⁵ Thus, it appears that her "incapacity" surfaced only in the latter years of marriage when they experienced difficulties in their business ventures.

It has been held that mere showing of "irreconcilable differences" and "conflicting personalities" does not constitute psychological incapacity nor does failure of the parties to meet their responsibilities and duties as married persons.³⁶ These differences do not rise to the level of psychological incapacity under Article 36 of the Family Code and are not manifestations thereof which may be a ground for declaring their marriage void. If at all, these are difficulties that couples ordinarily deal with in the course of their marriage.

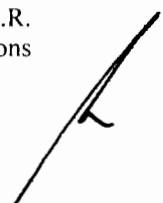
³² Records, p. 276, Affidavit dated October 25, 2011.

³³ *Agraviador v. Agraviador*, G.R. No. 170729, December 8, 2010.

³⁴ *Republic v. Court of Appeals*, supra note 18.

³⁵ *Rollo*, p. 80.

³⁶ *Paz v. Paz*, G.R. No. 166579, February 18, 2010 (citations omitted); *Alcazar v. Alcazar*, G.R. No. 174451, October 13, 2009; *Republic v. Cabantug-Baguio*, G.R. No. 171042, June 30, 2008 (citations omitted).



In *Marable v. Marable*, this Court stressed that psychological incapacity must be more than just a “difficulty,” “refusal” or “neglect” in the performance of some marital obligations. Rather, it is essential that the concerned party was incapable of doing so, due to some psychological illness existing at the time of the celebration of the marriage.³⁷ 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.³⁸ Josephine’s insensitivity to Danilo’s plight translates to a mere refusal on her part to perform her duties as his wife brought about by their arguments over their finances, and not an outright incapability to do so.

Danilo’s psychological incapacity cannot be a basis of the RTC’s declaration of the invalidity of the marriage

Neither can the marriage be nullified on the basis of Danilo’s supposed psychological incapacity. While Danilo was likewise diagnosed to be suffering from “301.9 Personality Disorder Not Otherwise Specified, presenting symptoms of Passive-Aggressive and Avoidant Personality Disorder,”³⁹ which the RTC considered in declaring the couple’s marriage null and void, Danilo anchored his petition on the psychological incapacity of Josephine only. Section 2 of the *Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages* specifically states:

Section 2. Petition for declaration of absolute nullity of void marriages.

(a) Who may file. - A petition for declaration of absolute nullity of void marriage may be filed solely by the husband or the wife. (n)

(b) Where to file. - The petition shall be filed in the Family Court.

(c) Imprescriptibility of action or defense. - An action or defense for the declaration of absolute nullity of void marriage shall not prescribe.

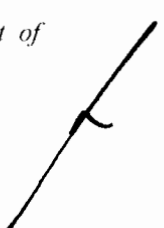
(d) What to allege. - **A petition under Article 36 of the Family Code shall specifically allege the complete facts showing that either or both parties were psychologically incapacitated from complying with the essential marital obligations of marriage at the time of the celebration of marriage even if such incapacity becomes manifest only after its celebration.**

The complete facts should allege the physical manifestations, if any, as are indicative of psychological incapacity at the time of the celebration of the marriage, but expert opinion need not be alleged. (emphasis supplied)

³⁷ Supra note 31.

³⁸ *Republic v. Cuison-Melgar*, G.R. No. 139676, March 31, 2006; citing *Santos v. Court of Appeals*, supra note 23.

³⁹ *Rollo*, p. 68.




Records show that Danilo's petition is hinged primarily on his allegation that Josephine is psychologically incapacitated to fulfil her marital obligations. Notably, Danilo's testimony and the information gathered from Dr. Dayan's interview with Gatus and Jay are inclined to prove Josephine's incapacity. As in Josephine's case, the records are bereft of any independent evidence nor allegation of facts pointing to the psychological incapacity of Danilo. Therefore, in addition to Danilo's failure to allege the complete facts showing his incapacity to comply with his essential marital obligations to Josephine, he likewise failed to prove his wife's incapacity by preponderance of evidence.

Finally, the Court notes the Compromise Agreement dated December 8, 2011 that Danilo and Josephine executed respecting the division of their properties and support of their common children. Considering that the parties may opt to divide their properties by judicial order under Art. 134⁴⁰ of the Family Code, the Court upholds the validity of the Compromise Agreement. However, par. 3⁴¹ thereof providing for the cessation of financial support in case the parties' marriage is declared null and void is inoperative since the marriage of the parties subsists.

The Court is not unmindful of the couple's marital predicament. Nevertheless, the Court has no choice but to apply the applicable law and jurisprudence accordingly, if it must be true to its mission under the rule of law. The Court's first and foremost duty is to apply the law no matter how harsh it may be.

WHEREFORE, the petition is **GRANTED**. Accordingly, the assailed Decision of the Court of Appeals in CA-G.R. CV No. 99739 is **SET ASIDE**. The basic petition for the declaration of nullity of marriage commenced by Danilo A. Pangasinan in Civil Case No. 11-0205 is **DENIED**. The parties are enjoined to comply with the Compromise Agreement dated December 8, 2011, excluding paragraph 3 thereof which is declared to be inoperative and without legal force and effect.

SO ORDERED.



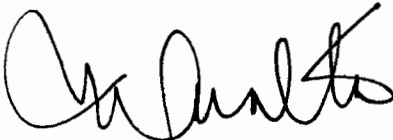
PRESBITERO J. VELASCO, JR.
Associate Justice

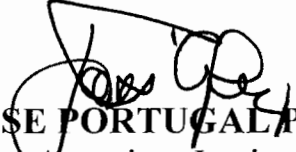
⁴⁰ Art. 134. In the absence of an express declaration in the marriage settlements, the separation of property between spouses during the marriage shall not take place except by judicial order. Such judicial separation of property may either be voluntary or for sufficient cause.


⁴¹ "3. The parties agreed that once a decree of nullity of marriage is issued all marital obligations, including the giving of financial support for each other, shall cease following this approval by the court of the settlement/separation of property relations."

WE CONCUR:

(On Leave)
ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


BIENVENIDO L. REYES
Associate Justice

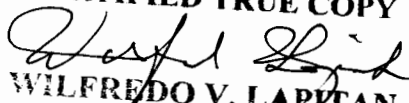
ATTESTATION


I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division


MARIA LOURDES P. A. SERENO
Chief Justice