



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ANA LIZA ASIS CASTRO,
Petitioner,

G.R. No. 210548

Present:

- versus -

PERALTA,* *C.J., Chairperson,*
CAGUIOA,** *Acting Chairperson,*
REYES, J. JR.,
LAZARO-JAVIER, *and*
LOPEZ, *JJ.*

JOSELITO O. CASTRO,
Respondent.

Promulgated:

MAR 02 2020

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DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari*¹ are the Decision² dated June 3, 2013 and the Resolution³ dated December 19, 2013 of the Court of Appeals (CA) in CA-G.R. CV No. 97878 which denied the petition for declaration of nullity of marriage filed by Ana Liza Asis Castro (petitioner).

Relevant Antecedents

Devoid of the non-essentials, the facts of the case are as follows:

On the ground of psychological incapacity, petitioner filed a petition for declaration of nullity of her marriage to Joselito O. Castro (respondent).

* On official business.

** Acting Chairperson per S.O. 2776.

¹ *Rollo*, pp. 32-73.

² Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla; concurring; *id.* at 10-26.

³ *Id.* at 28-30.

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She likewise prayed for the grant of custody of their children and monthly support of ₱122,000.00.⁴

Petitioner narrated that she was introduced to respondent by a high school friend who is married to respondent's brother, after she went home from New York sometime in 1988. Initially, she was impressed by respondent and his brother as they fluently speak French. After some time, they grew fond of each other and started dating.⁵

Petitioner found the respondent to be a true gentleman and admired his close relationship with his family. Their relationship, however, was unstable in the beginning as the petitioner found the respondent to be possessive and jealous. Despite the same, they decided to get married after almost a year of dating. An Ante-Nuptial Agreement was executed by them on April 14, 1989. Relevant portion of which reads:

The parties hereto hereby agree that the property regime that shall govern their marriage shall be under an absolute separation of properties as defined in the New Family Code.

Specifically, the parties hereby agree, among others, that:

- a. All properties owned and acquired by each other prior to the marriage shall remain as the exclusive property of such party.
- b. The earnings, fruits, and profits of properties owned prior to such marriage shall belong exclusively to such owner of the property.
- c. All earnings and properties acquired during marriage shall pertain to the party who earned and acquired the same.
- d. All family expenses during the marriage shall be shared by the parties hereto.⁶

On June 4, 1989, petitioner and respondent got married in Manila and went to France for their honeymoon. At that time, petitioner was 26 years old while respondent was 29 years old.⁷

Their marriage bore children — Christina Beatriz who was born on February 19, 1990; Alfonso Martin who was born on September 26, 1993; and Joselito Rolando II who was born on June 13, 1995.⁸

⁴ Id. at 11.

⁵ Id.

⁶ Id. at 11-12.

⁷ Id. at 12.

⁸ Id.

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At the beginning of the marriage, respondent was unemployed. The family, thus, stayed at a condominium unit donated by petitioner's father. Eventually, petitioner put up her own real estate marketing business while respondent remained out of job. When petitioner's business attained stability in 1997, her father cut off her allowance. Petitioner claimed that respondent's jealousy prevailed whenever she would go out to meet a client.⁹

However, a year after, petitioner was surprised to learn that respondent decided to run for public office in his father's hometown in Ilocos Norte. Respondent explained that he was trying to do something to earn a living for the family.¹⁰ However, respondent lost the election.¹¹

In 2000, respondent found a job as a security consultant for Rustan's Makati and as staff member of the Consulate of Morocco while petitioner became a housewife. As respondent was the breadwinner of the family, petitioner lamented that he tightened his grip on the family budget, making it difficult for them to ask money from him.¹²

Petitioner alleged that respondent was irresponsible and prone to having violent outbursts such as breaking vases and appliances and kicking tables during dinner. It was likewise claimed that respondent emotionally tortured their children.¹³

The final stroke for petitioner which prompted her to drive respondent away from their conjugal home was when the latter cursed their daughter, Christina and pinned her against the wall after asking for gas money.¹⁴

To reinforce her claim, petitioner sought the opinion of a clinical psychologist, Dr. Natividad Dayan (Dr. Dayan), who conducted three separate evaluations wherein she interviewed the petitioner and her children. In her medical assessment, Dr. Dayan made the following findings:

Summary and Conclusion

Findings from assessment procedures used reveal that Joey is psychologically incapacitated to render the essential obligations of marriage. He has Personality Disorder Not Otherwise Specified with Paranoid Antisocial Personality Disorder: His pathological suspiciousness of his wife's fidelity, mistrust of her, irritability, aggressiveness, violent and destructive behavior, lack of empathy, and reckless disregard for the safety

⁹ Id. at 13.

¹⁰ Id. at 12-13.

¹¹ Id. at 38.

¹² Supra note 9.

¹³ *Rollo*, pp. 13-14.

¹⁴ Id. at 14.

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of others are the salient characteristics of his personality disorders. His personality disorder is clinically-defined, grave, incurable, and has antecedents, the root cause of which can be traced from parental overindulgence and his exposure to his father's and siblings' violent and aggressive behavior. There was identification with an aggressor so that when he got married, he manifested the same dysfunctional behaviors toward his wife.¹⁵

Aside from this, Dr. Dayan observed that respondent is a spoiled child as opposed to petitioner, given the level of affluence of their respective families. Moreover, she discussed that respondent found it difficult to trust petitioner, which largely contributed to their marital problems.¹⁶

As to petitioner, Dr. Dayan found petitioner to be a compulsive person lacking due discretion when she married the respondent.¹⁷

In his Answer,¹⁸ respondent likewise sought for the declaration of nullity of his marriage to petitioner, but insisted that it was petitioner who is psychologically incapacitated.

In a Decision¹⁹ dated June 1, 2011, the Regional Trial Court of Makati City, Branch 60 (RTC) upheld the validity of the marriage between the petitioner and the respondent. The RTC ratiocinated that the evidence presented by petitioner, her testimony, and that of Dr. Dayan's, do not sufficiently prove that the psychological incapacity of respondent is grave and serious, which compels the trial court to breach the sanctity of their marriage. Furthermore, the RTC noticed that petitioner and respondent lived together for 20 years, which showed the level of their marital stability, before petitioner drove respondent away from their conjugal home.

Thus:

WHEREFORE, a priors duly considered the instant "Petition for Declaration of Nullity of Marriage under Article 36 of the Family Code" of the petitioner Ana Liza Asis Castro (Ms. Castro) is hereby DISMISSED for dearth of merit.

Consequently, the marriage between herein petitioner Ana Liza Asis Castro (Ms. Castro) and herein respondent Joselito O. Castro, Jr. (Mr.

¹⁵ Id. at 14-15.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 343-348.

¹⁹ Penned by Judge Cedrick O. Ruiz; id. at 400-414.

Castro) celebrated on 04 June 1989 is hereby declared to be VALID AND SUBSISTING.

No costs.

SO ORDERED.²⁰

Petitioner filed a Motion for Reconsideration, which was denied in a Resolution dated September 1, 2011.²¹

Pained by the ruling of the RTC, petitioner filed an appeal before the CA. Petitioner opined that the trial court erred in discounting the testimony of Dr. Dayan, an expert in her field, who stated her inference that respondent is psychologically incapacitated based on the clinical interview and assessment with petitioner and her children. Insisting on the credibility of Dr. Dayan and her assessment, petitioner argued that said psychological incapacity is grave, permanent, incurable and has juridical antecedents, the root cause of which can be traced from parental indulgence and his exposure to his father's and sibling's violent and aggressive behavior.²²

In a Decision²³ dated June 3, 2013, the CA affirmed the ruling of the RTC. Sustaining the sanctity of marriage between respondent and petitioner, the CA disputed the one-sided findings of Dr. Dayan, which solely focused on petitioner and made no mention about the respondent, among others. The dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the instant Appeal is DENIED. The Decision dated June 1, 2011 rendered by the Regional Trial Court of Makati, Branch 60 in Civil Case No. 07-843 is AFFIRMED.

SO ORDERED.²⁴

Consequently, petitioner filed a Motion for Reconsideration, which was denied in a Resolution²⁵ dated December 19, 2013.

Hence, this petition.

Petitioner argues that she was able to establish that respondent is psychologically incapacitated under Article 36 of the Family Code in view of the findings of Dr. Dayan, supported by her testimony and that of her

²⁰ Id. at 413-414.

²¹ Id. at 449-450.

²² Id. at 454-507.

²³ Supra note 2.

²⁴ *Rollo*, p. 25.

²⁵ Supra note 3.

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children. She further averred that personal examination of the respondent by Dr. Dayan is not necessary for a declaration of psychological incapacity.

In its Comment,²⁶ the Republic of the Philippines, through the Office of the Solicitor General (OSG), counters that petitioner failed to prove that respondent's incapacity is such a degree which warrants the nullity of their marriage. The OSG argues that the records showed mere incompatibility between petitioner and respondent, and not respondent's psychological disorder. Furthermore, the OSG observed that Dr. Dayan neither identified the precise cause of respondent's alleged psychological incapacity nor the link between the root cause and his undesirable behavior. The absence of evidence which may serve as the bases for Dr. Dayan's assessment, other than petitioner and her children's testimonies, was likewise pointed out.

The Consolidated Reply²⁷ filed by petitioner and respondent basically echoed the same assertions found in the instant petition.

The Issue

Whether or not petitioner and respondent's marriage should be declared null on the basis of psychological incapacity under Article 36 of the Family Code.

This Court's Ruling

No less than the Constitution guards the sanctity of a marriage as an inviolable social institution. Marriage, as envisioned under the Family Code, is entered into for the establishment of a conjugal and family life. To this end, the Family Code recognizes that a marriage necessarily entails the fulfillment of essential marital obligations.

However when parties who entered into this special contract are psychologically impaired to perform these obligations, the law perceives the impossibility of achieving the marriage's purpose.

Thus, the Code provides that a party's psychological incapacity of fulfilling the aforementioned obligations renders the marriage void *ab initio* under Article 36 of the Family Code, thus:

ART. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential

²⁶ *Rollo*, pp. 745-764.

²⁷ *Id* at 767-778.

marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

As a ground to nullify a valid marriage, psychological incapacity should refer to no less than a mental, not physical, incapacity that causes a party to be truly incognitive of the basic marital covenants that must concomitantly be assumed and discharged by the parties to the marriage.²⁸ It must be characterized by gravity, juridical antecedence, and incurability, to wit:

The incapacity must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage, and it must be incurable or, even if it were otherwise, the cure would be beyond the means of the party involved.²⁹

To prove the foregoing, petitioner put forth into evidence her testimony, the testimonies of her daughter and son, and the testimony and medical assessment of Dr. Dayan. All of which, however, were found insufficient by the RTC and the CA. The RTC found that the assessment of Dr. Dayan was “not sufficiently in-depth and comprehensive” while the CA failed to give credence to said evaluation on the basis of its sole reliance of the testimonies of petitioner, her daughter, and her son.

Foremost, the findings of the RTC on the existence or non-existence of a party’s psychological incapacity should be final and binding for as long as such findings and evaluation of the testimonies of witnesses and other evidence are not shown to be clearly and manifestly erroneous.³⁰

In this case, petitioner failed to provide such a compelling reason to convince this Court to deviate from the findings of the RTC, as affirmed by the CA. The totality of evidence presented does not convince this Court to rule that respondent’s psychological incapacity is so grave and serious, warranting the nullity of his marriage to petitioner.

A perusal of the findings of Dr. Dayan provides the following attributes of respondent and apparent causes, which led her to conclude that he is indeed psychologically incapacitated, to wit:

1. Pinky’s marriage to Joey clearly indicates a V61.1 **Partner Relational Problem** Joey failed to render mutual love, trust, respect and support

²⁸ *Mendoza v. Republic of the Philippines*, 698 Phil. 241, 254 (2012).

²⁹ *Santos v. Court of Appeals*, 310 Phil. 21, 39 (1995).

³⁰ *Kalaw v. Fernandez*, 750 Phil. 482, 500 (2015).

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towards Pinky, as he proved to be psychologically incapacitated to comply with the essential obligations of marriage. Pinky experienced severe stress and mental anguish in her relationship with Joey.

2. Prior to the marriage, Joey already showed warning signs of his psychological incapacity to fulfill essential matrimonial duties.

2.1 When Pinky met Joey, he was **jobless and was just bumming around.** x x x

2.2 As a boyfriend, Joey was **overly jealous and possessive** of Pinky. x x x

x x x x

2.4 Apparently, the members in Joey's family have short tempers. Joey's father and sister are easily piqued or upset even over trifling matters. His brothers are also demanding, proud, and have difficulty accepting their own personal failings. x x x

2.5 Growing up, Joey and his siblings were indulged on by their parents. x x x x

3. It was during their marriage that Joey's fatal personality flaws became evident, which amounted to his psychological incapacity to perform the essential obligations of marriage.

3.1 He had **recurrent suspicions**, without justification, regarding the fidelity of his spouse.

x x x x

3.2 Joey was **reluctant to confide with his wife**, thinking that the information he shares will be used against him. x x x

x x x x

3.4. He showed **reckless disregard of the safety of others.**

3.5 He **lacked empathy.**³¹ (Emphases supplied)

As aptly observed by the CA, the facts from which the assessment was derived from came from petitioner, her daughter, and her son. While this Court has recognized the dispensability of personal examination by the expert mainly because marriage involves only two persons, who witnessed each other's behavior,³² the entirety of the evidence must demonstrate the respondent's psychological indisposition, which necessarily shows the connection between his acts and the incapacity, *viz.*:

³¹ *Rollo*, pp. 117-122.

³² *Republic v. Javier*, G.R. No. 210518, April 18, 2018, 861 SCRA 682, 692.

Verily, the totality of the evidence must show a link, medical or the like, between the acts that manifest psychological incapacity and the psychological disorder itself. **If other evidence showing that a certain condition could possibly result from an assumed state of facts existed in the record, the expert opinion should be admissible and be weighed as an aid for the court in interpreting such other evidence on the causation.** Indeed, an expert opinion on psychological incapacity should be considered as conjectural or speculative and without any probative value only in the absence of other evidence to establish causation. The expert's findings under such circumstances would not constitute hearsay that would justify their exclusion as evidence.³³

Succinctly, a medical assessment which declares a party's psychological incapacity does not guarantee the grant of a petition for declaration of nullity of marriage. The facts of each case must be examined to determine whether the same rationalize the legal dissolution of a marriage.

Here, as found by the RTC and the CA, the Report of Dr. Dayan cannot be absolutely relied on as there were no other evidence offered which would establish that the conduct of respondent and his actuation can be linked to his disorder.

In her Report,³⁴ Dr. Dayan stated that in making her assessment, one of the background information relied on was respondent's family history which was merely derived from petitioner's statements. However, it does not appear from the records that petitioner had first-hand information regarding the same; as such, the latter could not have known respondent's upbringing.

Likewise, there was no additional evidence aside from the Report of Dr. Dayan which would indicate the gravity, juridical antecedence, and incurability of the supposed incapacity of respondent. In fact, there was nothing in the Report which alludes to the gravity and incurability of respondent's incapacity, as well as explanation for the same, save for a general conclusion. At most, what the Report showed was petitioner's narration of events which she deemed demonstrative of respondent's incapacity. Also, there was neither justification as to how such incapacity relate to the respondent's failure to comply with essential marital obligations aside from Dr. Dayan's broad and unspecific statement.

The distrust of this Court to the evaluation made by an expert witness who relied solely on one-sided information without corroborative evidence

³³ *Kalaw v. Fernandez*, supra note 30, at 503.

³⁴ *Rollo*, pp. 116-143.

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can be observed in the cases of *Castillo v. Republic*,³⁵ *Republic v. Javier*,³⁶ and *Republic v. Tobora-Tionglico*,³⁷ to cite a few.

Thus, the fact that respondent was jobless for a long period of time, possessive, suspicious, reluctant to confide with petitioner, reckless in regarding the safety of others, and lacks empathy do not merit the pronouncement that respondent is indeed psychologically incapacitated to fulfill his marital obligations. As discussed, the incapacity must be grave, deeply rooted, and incurable³⁸ for it to warrant the dissolution of his marriage to petitioner.

Petitioner's invocation of the case of *Camacho-Reyes v. Reyes*,³⁹ wherein this Court gave credence to the Report of the expert witnesses despite the lack of personal examination as regards the respondent fails. In fact, in said case, this Court warned that each case must be decided depending on the set of facts, to wit:

Each case must be judged, not on the basis of a *priori* assumptions, predilections or generalizations but according to its own facts. In the field of psychological incapacity as a ground for annulment of marriage, it is trite to say that no case is on "all fours" with another case. The trial judge must take pains in examining the factual milieu and the appellate court must, as much as possible, avoid substituting its own judgment for that of the trial court."⁴⁰

The circumstances in *Camacho-Reyes* are different: three expert witnesses concurred in finding that respondent has a personality disorder, rendering him incapable of fulfilling marital obligation. These witnesses were able to explain the incurability, juridical antecedence, and gravity of the incapacity; and the bases of such findings were acquired from the testimonies of petitioner, petitioner and respondent's son, siblings-in-law and sister-in-law of petitioner. These considerations were not present in the instant case.

As to the prayer for monthly support, this Court finds that there was no discussion at all by the RTC or the CA regarding the same. It was petitioner who narrated in her Petition that the RTC awarded support *pendente lite* in the amount of ₱28,742.16 per month during trial. However, there was nothing in the records which explains as to how the RTC arrived at

³⁵ 805 Phil. 209 (2017).

³⁶ *Supra* note 32.

³⁷ G.R. No. 218630, January 11, 2018, 851 SCRA 107.

³⁸ *Kalaw v. Fernandez*, *supra* note 30, at 513.

³⁹ *Camacho-Reyes v. Reyes*, 642 Phil. 603 (2010).

⁴⁰ *Id.* at 634.

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such computation. That being said, this Court has no basis to evaluate the disposition of the RTC.

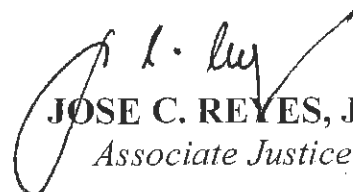
The issue on the amount of support is essentially factual in nature, requiring the reception of evidence. The remand of the case to the RTC is then deemed proper.

Inasmuch as this Court acknowledges with the discord in the Castro household, the alienation of affection between the petitioner and the respondent does not justify the severance of their permanent marital union.

WHEREFORE, premises considered, the instant petition is hereby **DENIED**. Accordingly, the Decision dated June 3, 2013 and the Resolution dated December 19, 2013 of the Court of Appeals in CA-G.R. CV No. 97878 are **AFFIRMED**.

Let the records of Civil Case No. 07-843 be **REMANDED** to the Regional Trial Court of Makati City, Branch 60 which is **DIRECTED** to reopen the trial of Civil Case No. 07-843 with respect to the claim of Ana Liza Asis Castro against Joselito O. Castro, Jr. for the support of their children and conduct hearings for further reception of evidence for the proper determination of the proper amount of support to be awarded.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:

(On Official Business)
DIOSDADO M. PERALTA
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson



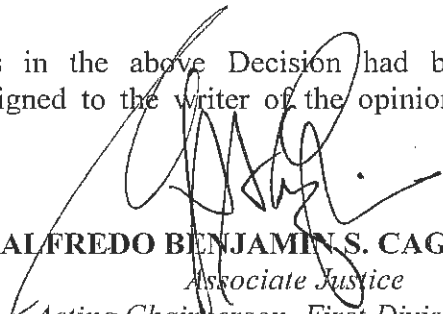
AMY C. LAZARO-JAVIER
Associate Justice



MARIO N. LOPEZ
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



ESTELA M. PERLAS-BERNABE
Acting Chief Justice

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