



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 18 November 2020 which reads as follows:*

“**G.R. No. 214285** (*Rhomell A. Cestona v. Cynthia P. Cestona*). – This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court which assails the Court of Appeals’ (CA) February 17, 2014 Decision<sup>1</sup> and August 26, 2014 Resolution<sup>2</sup> in CA-G.R. CV No. 97728 that reversed and set aside the Regional Trial Court (RTC) Decision declaring the parties’ marriage void *ab initio* on account of Rhomell A. Cestona’s (*petitioner*) psychological incapacity.

Petitioner filed a Petition for Declaration of Nullity of Marriage under Article 36<sup>3</sup> of the Family Code with the RTC Branch 9 of La Trinidad, Benguet province. He alleged that he and Cynthia P. Cestona (*respondent*) were married on August 29, 1992 in Baguio City and were blessed with three (3) children.<sup>4</sup>

Petitioner’s evidence tends to show that in the beginning of their marriage, the parties were happy in each other’s company. In November 2000, petitioner left the country to work as a nurse in the United Kingdom. He often called his family, but noticed his wife to have responded coldly. Even then, he regularly sent money for his family’s needs. He came home for a short

---

<sup>1</sup> *Rollo*, pp. 49-58; penned by Associate Justice Samuel H. Gaerlan (now a Member of this Court), with Associate Justices Florito S. Macalino and Pedro B. Corales, concurring.

<sup>2</sup> *Id.* at 65.

<sup>3</sup> Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (As amended by Executive Order 227)

<sup>4</sup> *Rollo*, p. 27.

vacation in December 2001 and November 2002. In those periods, respondent had been cold and indifferent towards him. When petitioner went back abroad, respondent never called him. Whenever the parties talked to each other, they ended up quarrelling. Respondent allegedly never cared about petitioner's well-being, and always complained that his monthly remittance of ₱30,000.00 for the family was not enough.<sup>5</sup>

In 2003, petitioner sent money to respondent for the purchase of a lot on which he intended their dream house to be built. The construction of the house commenced the following year, with petitioner sending whatever amount respondent had said was needed for the construction. Petitioner was able to send ₱3.5 Million in total, apart from the ₱30,000.00 monthly allowance for the family. When respondent mismanaged the monthly allowances, petitioner opted to send the money to his mother instead.<sup>6</sup>

The parties' marital relationship allegedly became severely strained when respondent changed her attitude towards petitioner and his relatives. Respondent distanced herself from petitioner's parents and siblings until their closeness vanished. She frequently went out with her friends and came home in the wee hours of the morning, leaving the children to the care of the helpers. Petitioner later came to learn from his relatives that respondent was having an affair. She also mortgaged the family home without petitioner's consent. This made the latter feel that respondent did not value the things that they were able to accumulate as a married couple, and that she had a total lack of understanding and appreciation of the marriage. Despite his miseries, petitioner claimed to have remained patient and tolerant of respondent and hoped for her to change. However, as the days passed, respondent seemed to have turned worse. When petitioner suggested that they live separately, as a way to test her fidelity, respondent readily welcomed the idea.<sup>7</sup>

Ruby and Lany Cestona, petitioner's mother and sister, respectively, corroborated petitioner's evidence. They testified that respondent was a beautician in the beauty parlor that Ruby was managing, and they observed her to be stubborn and unable to follow instructions. They were surprised when the parties disclosed their relationship, but they respected them and did not object. After the parties' marriage, respondent and her parents came to stay in the Cestona residence. They observed her to have been disorganized in doing simple tasks at home. The parties also frequently quarrelled about management of financial matters. When petitioner went abroad, they observed negative changes in respondent's attitude. She was not mindful of her obligations as a wife and was neglectful of the future of their minor children. She became difficult to deal with, never respected petitioner's opinion, and

---

<sup>5</sup> Id. at 27-28.

<sup>6</sup> Id. at 28.

<sup>7</sup> Id. at 29.

made decisions without the latter's consent, such as mortgaging the parties' personal properties. The situation became worse when respondent mortgaged the conjugal home without her husband's knowledge and consent and by forging his signature. Respondent was also always in need of money despite the monthly allowances sent by petitioner, and would spread rumors in the neighborhood that the latter was not providing support for his family. She even entered into transactions involving money which she was not able to pay. She also could not make decisions on her own, and allowed her parents to interfere with her family. She was unmindful of her responsibilities as a wife and was more concerned about money. Ruby confirmed the rumor that respondent was having an affair with another person after she personally caught them together sometime in 2005.<sup>8</sup>

Petitioner presented as evidence the Psychiatric Evaluation Report<sup>9</sup> rendered by Dr. Maria Asela T. Casem (*Dr. Casem*), a psychiatrist who, after a series of tests, found him to be suffering from Mixed Personality Disorder characterized by some of the diagnostic criteria of Narcissistic Personality Disorder and Dependent Personality Disorder. This personality disorder was allegedly manifested by petitioner in the following instances:

1. He requires excessive admiration. He then had to prove himself by attaining in his career and attaining material things.
2. He reacts to criticisms with feelings of shame, or humiliation. He could not accept failures in his life. When his wife was not the person he expected to be, he was disappointed. He was embarrassed of her.
3. He lacks empathy; he is unwilling to recognize or identify with the feelings and needs of others.
4. He believes that he is special that he can only be understood by special people.
5. He has a very apparent lack of self-confidence. He has the need to prove to people that he is good in everything he does. It was important to him that he proves himself right. He needed to prove that he was right in marrying his wife and denied the unhealthy relationship he was having with his wife. As a consequence, he did not really do anything to solve the problems that he was having in his marriage.
6. He is very passive and submissive. This is very apparent in his relationship with his parents. He was subservient and very passive towards them.<sup>10</sup>

---

<sup>8</sup> Id. at 29.

<sup>9</sup> Id. at 128-135.

<sup>10</sup> Id. at 134.

In relation to the parties' marriage, the Psychiatric Evaluation Report states:

When [petitioner] met the [respondent] of this case, he thought that she was the embodiment of someone who could fulfill his needs. At the outset, she showered him with all the attention. He was ecstatic because of what she provided him. He did not see her inadequacies. He just saw her as somebody who could provide him what he has lost as a child. Their initial year seemed to have been spent harmoniously with his wife because of the approval and admiration he was getting from her. However, when he began to realize that his wife was not actually the woman he expected her to be, he became disillusioned. She is not intelligent and smart. She is not even mindful of herself with regards to how she dressed. She has been disorganized. She has been somebody he could not be proud of. Shame and humiliation started to be experienced by him. This was an injury to his narcissistic strivings. Instead of helping her, he began to distant himself. There was a time that he committed infidelity. He had a relationship with another woman whom he compared to be more special than his wife. His going abroad broadened the distance between them. Their communication became ineffective. He did not respond to her anymore. He disregarded the difficulties that she was reporting to him. During the time he spent his vacations, he already noticed a change in their relationship. However, he did not do anything regarding this. He was just concerned with other matters like material things. He was concerned more of building a house rather than keeping his family. The [petitioner] was not able to observe the essential obligations in his marriage with the [respondent]. He was absorbed of his own strivings that he was not able to provide love to his wife. He did [not] observe respect in their marriage. He was not able to recognize the needs of his wife. He was just concerned with his own needs. He was not also trustworthy. He committed infidelity.<sup>11</sup>

Dr. Casem concluded that petitioner is psychologically incapacitated with regard to his marriage. He was not able to assume and perform his essential marital obligations because of his personality disorder. According to the doctor, petitioner's "personality disorder is the root cause of his psychological incapacity," and that such "psychological incapacity is assessed to be severe and permanent."<sup>12</sup>

Respondent opposed the petition,<sup>13</sup> but failed to present evidence despite notices sent by the RTC.<sup>14</sup>

On February 21, 2011, the RTC rendered a Decision declaring the parties' marriage void *ab initio* on account of petitioner's psychological

---

<sup>11</sup> Id. at 134.

<sup>12</sup> Id. at 135.

<sup>13</sup> Id. at 53.

<sup>14</sup> Id. at 30.



incapacity. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court hereby declares the marriage between the plaintiff, RHOMELL A. CESTONA, and the defendant, CYNTHIA P. CESTONA solemnized on August 29, 1992 in Baguio City NULL AND VOID AB INITIO and without force and effect due to [the] psychological incapacity of [petitioner] with regard to his marriage with [respondent].

The [respondent] may now revert to the use of her maiden surname PARAISO.

As prayed for, the minor children of herein parties shall be awarded to the [petitioner] subject to visitorial rights of the [respondent] on [a] schedule agreed upon by the parties. Likewise, their children shall be the forced heirs of their parents, whether by testate or intestate succession. Further, they shall remain legitimate children of herein parties pursuant to Art. 36 of the Family Code as amended and shall continue to use the surname of their father. Furthermore, herein parties shall support their children and they shall do so sufficiently and consistently as it is their obligation and duty to do so.

The Transfer Certificate of Title covered by TCT No. T- 54471 including the improvements thereon shall be adjudicated in accordance with the provisions of Art. 102 or Art. 129 of the Family Code.

The Decree of Absolute Nullity of Marriage shall be issued by the court upon compliance with Art. 51 and 52 of the Family Code.

Accordingly, the marital rights and obligations between the parties shall be terminated and that henceforth, any property that either acquired after the finality of this judgment shall be considered his or her exclusive property. Neither party shall be an heir of the other whether by testate or intestate succession nor any designation by one of the other as a beneficiary in any insurance policy is revoked by operation of law even if said designation appears to be irrevocable.

x x x x

SO ORDERED.<sup>15</sup>

Respondent moved for reconsideration,<sup>16</sup> arguing that the psychiatric report rendered by Dr. Casem is not sufficient basis to grant the petition. Her findings do not lead to the conclusion that the parties were psychologically incapacitated to comply with their essential marital obligations. Moreover, the direct testimony of petitioner himself failed to establish that respondent refused or neglected to perform her marital obligations. Petitioner tried to prove respondent's marital infidelity, but such does not translate to

---

<sup>15</sup> Id. at 32-33.

<sup>16</sup> Id. at 36-39.

psychological incapacity. Respondent asserts that it will be ironic if a decree of nullity is granted on the basis of petitioner's allegation that she is psychologically incapacitated when the evidence shows that it is petitioner who is suffering from psychological incapacity.

In an Order dated March 25, 2011, the RTC denied the motion.<sup>17</sup> Hence, respondent filed an appeal with the CA.

### CA's Ruling

On February 17, 2014, the CA rendered the assailed Decision, the dispositive portion of which states:

**WHEREFORE**, premises considered, the assailed Decision is hereby **REVERSED** and **SET ASIDE**.

**SO ORDERED.**<sup>18</sup>

The CA held that petitioner tried to establish the alleged psychological incapacity of respondent through his mother and younger sister who testified on respondent's alleged extra-marital affair, her being disorganized in doing simple tasks at home, her being neglectful of the future of her children, and her being unmindful of her obligations as a wife. However, these allegations do not prove that respondent is incapable of complying with her essential marital obligations due to some psychological illness.<sup>19</sup>

The appellate court further noted that the psychiatric evaluation report tended to establish that it is petitioner who is psychologically incapacitated. Unfortunately, there is no other evidence besides this report to prove such psychological incapacity. In fact, all testimonial evidence that petitioner offered proved that he is capable of performing essential marital obligations. Thus, he regularly sent money for the education and other financial and material needs of his children and spouse, he regularly called respondent and their children, and came home from the United Kingdom in the years 2001, 2002 and 2007 to be able to spend time with his family. The CA concluded that petitioner performed his marital obligations well. There is not an iota of evidence showing his psychological incapacity.<sup>20</sup>

---

<sup>17</sup> Id. at 12.

<sup>18</sup> Id. at 57.

<sup>19</sup> Id. at 56-57.

<sup>20</sup> Id. at 57.

Petitioner filed a motion for reconsideration, but the CA denied it.<sup>21</sup>

Hence, this petition.

In arguing for the dissolution of his marriage, petitioner essentially reiterates the findings in the psychiatric evaluation report. Thus, the only issue that the Court must resolve is whether the CA correctly reversed the RTC decision nullifying the parties' marriage on the ground of petitioner's alleged psychological incapacity.

### The Court's Ruling

We uphold the CA.

The petition for nullity of marriage was brought under Article 36 of the Family Code, which states:

Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

We decreed that psychological incapacity should refer to a mental incapacity that causes a party to be truly incognitive of the basic marital covenants such as those enumerated in Article 68 of the Family Code. 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.<sup>22</sup> In an effort to settle the confusion that may arise in deciding cases involving the nullity of marriage on the ground of psychological incapacity, We laid down the following guidelines in *Republic v. Court of Appeals and Molina*<sup>23</sup> (*Molina*):

- (1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. x x x
- (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. Article 36 of the Family Code requires that the incapacity must be

<sup>21</sup> Id. at 65.

<sup>22</sup> *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995).

<sup>23</sup> 335 Phil. 664, 676-679 (1997).

psychological — not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or [physically] ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. x x x

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. x x x

(4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. x x x

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, “mild characterological peculiarities, mood changes, occasional emotional outbursts” cannot be accepted as *root* causes. The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will. x x x

(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. x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x

Moreover, the Court has declared that the existence or absence of the psychological incapacity must be based strictly on the facts of each case and not on *a priori* assumptions, predilections or generalizations. The incapacity should be established by the totality of evidence presented during trial, making it incumbent upon the petitioner to sufficiently prove the existence of the psychological incapacity.<sup>24</sup>

In light of the above standards, We find that petitioner failed to sufficiently prove that either he or respondent is psychologically incapacitated to discharge essential marital obligations.

It must be noted that the testimonial evidence presented by petitioner during trial tends to portray respondent as someone with a personality disorder. In contrast, the psychiatric evaluation report states that it is petitioner who suffers from a Mixed Personality Disorder. In other words, petitioner’s

<sup>24</sup> *Republic v. Court of Appeals*, 698 Phil. 257, 267 (2012).



evidence is ambivalent. It might be a strategy employed to ensure victory on either front. Unfortunately, petitioner's divided efforts served to weaken his case. He markedly failed to duly substantiate his argument that either he or respondent is psychologically incapacitated to perform essential marital obligations.

The testimony of petitioner and his witnesses are barely effective in depicting respondent as a psychologically incapacitated wife. Respondent's indifference and coldness towards petitioner, her inability to manage the money sent by petitioner, her being disorganized and neglectful of their children and the fact that she mortgaged conjugal properties, can hardly be considered as psychological illness in the sense that the law requires. To emphasize, it is not enough to prove that a spouse failed to meet her responsibility and duty as a married person; it is essential that she must be shown to be incapable of doing so due to some psychological illness,<sup>25</sup> a malady so grave and so permanent as to deprive her of awareness of the duties and responsibilities of the matrimonial bond.<sup>26</sup> As we held in *Molina*, the illness must be shown as downright incapacity or inability, and not a refusal, neglect or difficulty, much less ill will.<sup>27</sup>

Even if respondent's actuations may denote a psychological illness, there is still not sufficient evidence to nullify the parties' marriage on that ground because the other requirements in *Molina* have not been complied with. Particularly, the said psychological illness was not medically or clinically identified, was not alleged in the complaint nor sufficiently proven by experts, and was not clearly explained in the decision. Nor was such illness proven to be grave, incurable, and existing at the time of the celebration of marriage.

As regards petitioner, the only evidence he presented to prove his alleged psychological incapacity is the psychiatric evaluation report rendered by Dr. Casem. We have held that it is logical and understandable to give weight to the expert opinions furnished by psychologists regarding the psychological temperament of parties in order to determine the root cause, juridical antecedence, gravity and incurability of the psychological incapacity. However, such opinions, while highly advisable, are not conditions *sine qua non* in granting petitions for declaration of nullity of marriage.<sup>28</sup> The presentation of any form of medical or psychological evidence to show the psychological incapacity of a spouse does not automatically ensure the granting of the petition for declaration of nullity of marriage. The trial courts, as in all the other cases they try, must always base their judgments not solely on the expert opinions presented by the parties but on the totality of evidence

---

<sup>25</sup> *Id.* at 265-266.

<sup>26</sup> *Yambao v. Republic*, 655 Phil. 346, 358 (2011).

<sup>27</sup> *Republic v. Court of Appeals and Molina*, supra note 23 at 678.

<sup>28</sup> *Ting v. Velez-Ting*, 601 Phil. 676, 691 (2009).

adduced in the course of their proceedings.<sup>29</sup> In fact, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical or psychological examination of the person concerned need not be resorted to.<sup>30</sup>

Here, both the psychiatric evaluation report and the totality of evidence fail to convince that petitioner is psychologically incapacitated.

Dr. Casem found that petitioner's alleged psychological incapacity to be severe, permanent, and present even before the celebration of the parties' marriage. However, she failed to anchor these findings on particular facts. We have held that answers to questions on why and to what extent the disorder is grave and incurable, how and why it was already present at the time of the marriage, and the effects of the disorder on the spouse's awareness of and his capability to undertake the duties and responsibilities of marriage are all critical to the success of the petitioner's case.<sup>31</sup> Dr. Casem's findings are gravely deficient on these fronts.

The totality of evidence also does not support the finding that petitioner is psychologically incapacitated to perform essential marital obligations. There were no facts presented during trial that support this conclusion. The testimony of petitioner, his mother and sister, all point to respondent's shortcomings and mention nothing about the psychological incapacity of petitioner. In fact, petitioner's affidavit, which he identified during trial, belies such personality disorder. He depicted himself as a patient and responsible husband. In the midst of respondent's alleged coldness and indifference towards him, he regularly called her from the United Kingdom and sent her money for the family's needs. He also sent money for the purchase of a lot on which the family home would be built.<sup>32</sup> Despite all his miseries over respondent's alleged worsening attitude, petitioner claimed that he had remained patient and tolerant of her in the hopes that she would change and take their marriage seriously. When he brought up the possibility of going separate ways as a result of their constant quarrels, he did not expect her to agree but instead hoped that respondent would ask for a chance for the parties to make their marriage work.<sup>33</sup>

<sup>29</sup> *Castillo v. Republic*, 805 Phil. 209, 221 (2017).

<sup>30</sup> *Ting v. Velez-Ting*, supra note 28 at 691.

<sup>31</sup> *Viñas v. Parel-Viñas*, 751 Phil. 762, 776-777 (2015).

<sup>32</sup> *Rollo*, p. 124.

<sup>33</sup> *Id.* at 125-126.

In this regard, We agree with the following observations of the CA:

Unfortunately, however, there is no other evidence to prove the psychological incapacity of [petitioner]. In fact, all other testimonies offered by [petitioner] proved that he is psychologically capacitated to perform the essential obligations of marriage. There is no proof adduced to establish the true inability of [petitioner] to commit himself to the essentials of marriage. In fact, the testimonies of the [petitioner's] witnesses mentioned nothing about the psychological incapacity of [petitioner]. What was established was that [petitioner] has well-provided for his family; his intention was to keep his family intact; and he extended love, care and understanding to his wife. It is thus safe to infer that he is embracing his marital obligations and that he performed them.

x x x. To this Court's view, [petitioner] has performed his marital obligations well and there is not even an iota of evidence submitted in court either by way of testimony of witnesses or documentary exhibits of the psychological incapacity as ruled by the Family Court.<sup>34</sup>

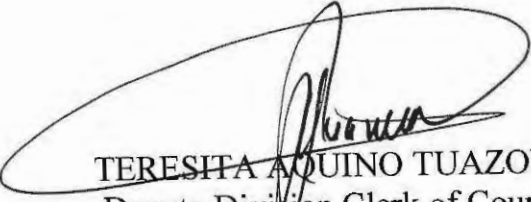
The Court commiserates with petitioner's marital woes. However, the totality of the evidence presented provides inadequate basis to declare him psychologically unfit pursuant to Article 36 of the Family Code.

It must be remembered that the presumption is always in favor of the validity of marriage. *Semper praesumitur pro matrimonio*. In this case, the presumption has not been amply rebutted and must, perforce, prevail.<sup>35</sup>

**WHEREFORE**, the instant Petition for Review on *Certiorari* is **DENIED**. The February 17, 2014 Decision and August 26, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 97728 are hereby **AFFIRMED**.

**SO ORDERED.** (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)"

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
15 JAN 2021 1/15

<sup>34</sup> Id. at 56-57.

<sup>35</sup> *Ting v. Velez-Ting*, supra note 28 at 694.

ATTY. MARIA ELENA E. CARIÑO (reg)  
Counsel for Petitioner  
2<sup>nd</sup> Floor, Garcia Bldg.  
Hilltop Market, 2600 Baguio City

ATTY. ABELARDO B. DUMAGUING (reg)  
Counsel for Respondent  
Orchids Hill Resort  
Naguilian, 2500 La Union

CYNTHIA CESTONA (reg)  
Respondent  
Ambiong, La Trinidad  
Benguet

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 9  
La Trinidad, Benguet  
(Civil Case No. 07-F-1590)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CV No. 97728

*Please notify the Court of any change in your address.*  
GR214285. 11/18/2020(112)URES *H/S*