

EIGHTH DIVISION

[CA-G.R. CV NO. 85196, August 09, 2006]

ESTELA KHAN-SUYAT, PLAINTIFF-APPELLANT, VS. EDWIN M. SUYAT, DEFENDANT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.

D E C I S I O N

VILLARAMA, JR., J.:

This is an appeal from the Decision^[1] dated January 26, 2005 of the Regional Trial Court Las Pinas City, Metro Manila, dismissing the complaint for declaration of nullity of marriage on the ground of psychological incapacity under Article 36 of the Family Code.

The facts of the case:

Plaintiff Estela Khan-Suyat and defendant Edwin M. Suyat were married on March 29, 1989 at the YMCA Executive Building, Arroceros Street, Manila with Rev. Atty. Juanito D. Carlos as the solemnizing officer.^[2] The union produced three (3) children, namely: Erik Gerard, born on October 23, 1990; Ernest Manuel, born on February 23, 1992; and Errol Cedric, born on January 29, 1993.^[3]

On April 5, 2001, plaintiff filed a verified complaint in the Regional Trial Court of Las Pinas City, Metro Manila seeking judicial declaration of nullity of her marriage with defendant pursuant to Article 36 of the Family Code (Civil Case No. LP-01-0108).

Plaintiff alleged that she and defendant were married in civil rites on March 29, 1989, which was subsequently ratified in a religious wedding ceremony on June 12, 1989 at the Parish of St. John Bosco, San Lorenzo Village, Makati, Metro Manila. They have three (3) children who have been under her custody and living with her. She and her husband have known each other since their early teens, being neighbors and childhood friends since 1976. Their friendship eventually blossomed into a romantic relationship in college. From the early months of their relationship, defendant has already been displaying signs of inability to assume his obligations and commitments, as shown by the following: (a) when plaintiff who is two (2) years older than defendant, graduated from college, he did not want to finish his studies any more and did not complete his course at the AMA Computer College; (b) with the help of her father, defendant landed a job as Checker at the American President Lines but his lack of appreciation for his job showed in his constant absences and tardiness, which led to his frequent suspensions; whenever he would get into trouble at his work, he would seek the help of her father to bail him out but he was terminated in 1994 when he went on absence without leave (AWOL); and (c) defendant's job as Checker took him to the pier at Manila frequently and it was there he got acquainted with people who shared his habit of drug use he learned during his teens, and which habit he carried on throughout his marriage with the

plaintiff. In contrast, plaintiff got a decent job as an accounting clerk in a shipping firm and was able to save enough money to buy a small piece of land in Molino, Bacoar, Cavite, in order to invest in their future. Prior to their church wedding, plaintiff and defendant agreed to divide equally the expenses but on their wedding day, defendant had no money to pay the restaurant where they held the reception and they were forced to borrow money from his sister-in-law just to save face. On their honeymoon, they were unable to perform the sexual act because defendant was infected with a sexually-transmitted disease (STD) which he contracted from another woman during his stag party.

Plaintiff claimed that during their marriage, it became more apparent to her that defendant was suffering from a psychological disorder that rendered him incapable of discharging his marital obligations to his wife as well as his parental responsibilities to their three (3) children. Defendant persisted in the use of prohibited drugs, the negative effects of which permeated every aspect of his life and affected his family. He became irresponsible to the point of losing his job, despite the fact that he had a wife and three (3) children to support. Since then, defendant has not had any gainful employment and does not appear to have any intention to apply himself to some worthy occupation. This has led him to rely on plaintiff for financial support as she became the sole breadwinner of the family. Even at present when they had been living separately, defendant continues to ask money from plaintiff and in fact, has even gone to the point of getting his children's Christmas money. Defendant also failed to render support to plaintiff in her career and personal development, thereby violating her self-dignity, eroding her self-worth and undermining her self-confidence. Whenever plaintiff would render overtime work in order to make ends meet, or whenever plaintiff was sent by her employer outside the country to attend seminars and training programs, or if he simply did not have his way, defendant would burst into fits of rage and jealousy, inflicting physical and verbal harm on plaintiff and their helpless children. He was likewise utterly incapable of fidelity to his wife as during their de facto separation, defendant engaged in extra-marital affair which produced an offspring sometime in October or November 2000. Defendant's lover was, in fact, seen by their children inside his room during one (1) of their visits to their grandparents' house where defendant is staying. Because of the foregoing, which unequivocally showed the defendant incapable of performing his essential marital obligations, plaintiff and defendant finally parted ways in February 1997.^[4]

Summons was duly served upon the defendant, copy of the complaint and said summons were received by his brother Edward Suyat on May 29, 2001.^[5] However, no responsive pleading was filed by the defendant, and on motion of plaintiff's counsel, the trial court issued an order directing the City Prosecutor of Las Pinas City to conduct an investigation to determine whether or not collusion exists between the parties and to further take care that the evidence is not fabricated or suppressed.^[6]

The Solicitor General entered his appearance with motion to be served with copies of pleadings, documentary exhibits and transcript of stenographic notes.^[7] On August 6, 2001, Prosecutor Cynthia Maamba-Luang submitted a Report and Manifestation that she had conducted the investigation and found no indication of possible collusion between the parties in filing the case.^[8] Thereafter, trial proceeded.

ESTELA KHAN-SUYAT testified that she is 38 years old, presently residing at 298 I.

Santos St., Phase 3 Gatchalian Subdivision, Las Pinas City and works as Business Manager of McGraw Hill Education. She and defendant Edwin M. Suyat were married in civil rites on March 29, 1989 at the YMCA Executive Building, Arroceros St., Manila solemnized by Rev. Juanito D. Carlos, as evidenced by a Marriage Contract (Exhibit "H"). Said civil wedding was subsequently ratified by a religious ceremony on June 12, 1989 at the Don Bosco Parish Church in Makati before Rev. William Baluob. She and her husband begot three (3) children: the eldest is Eric Gerard (12 years old) born on October 23, 1990; the second child is Ernest Manuel born on February 23, 1992; and the youngest is Errol Cedric born on January 29, 1993 as indicated in their respective Birth Certificates (Exhibits "I", "J" and "K"). The three (3) children are all living with her.^[9]

Plaintiff first met her husband in 1976 when her family moved from Pasay to Las Pinas City at the time she was about twelve (12) years old. Defendant who was their neighbor, was then about ten (10) years old, two (2) years younger than her. On her fourth (4th) year in college (1984), they went steady for five (5) years. Defendant's father is a seaman who is always out of the country on board a vessel while his mother is also not always around as she manages a beer- house garden and is also a fish vendor at Navotas. He does not get along well with his siblings as they say he is very irritable or temperamental. Her relationship with defendant was turbulent as they had constant fights; he likes hanging out with his peers and is very immature and irresponsible. He does not give serious attention to his studies as he often misses his class; he just uses his studies to get allowance from his mother. Their relationship was affected because she would advise him to be serious with his studies but he would often say it does not matter as he is incharge of his life. Defendant first enrolled at Adamson University to take up Computer Science. After a year he transferred to Ateneo, and then after six (6) months he transferred to AMA Computer College where he dropped out without finishing his course.^[10]

After plaintiff graduated from college in 1985, she worked as accounting clerk at Reyes and Lim Company for twelve (12) years. For about a year, she was employed at Touch Media Corporation as accounting and administrative manager. Thereafter, she transferred to McGraw Hill where she presently works as Business Manager. While they were still steady, it was she who sometimes spends for their dates as defendant was unemployed although his father sometimes send money for him. Defendant said it would not be worthwhile to continue studying as he would get incomplete or failing grades. After dropping out of college, defendant just bummed around for five (5) years. In 1999, defendant got a contractual job as Checker at the American President Lines because she requested her father, who was then working as Operations Manager of said company, to get him a job. Defendant worked at the pier as such Checker for seven (7) years. He was terminated in 1994 because he had gone absent without leave (AWOL). She heard stories about her husband's escapades with his friends; he had been known for using drugs even when they were still single. While they were still steady, he courted a neighbor two (2) blocks away. Defendant was living at his parents' house just across the street.^[11]

When they got married, defendant would not wake up until 11:00 o'clock; most of the time he is always absent so he was suspended from his work. She thought of ways to make him work and talked to him about it. They always end up arguing as she wanted him to get to work because if he does not get his salary, they do not have money to pay their bills, to support the family and to buy milk. As to the

woman he courted when they were still single, defendant admitted it to her after they got married. Her family knows defendant's family background since they were neighbors. But her family, especially her father, does not approve of their relationship; they wanted someone better for her knowing that defendant was unemployed and did not finish his studies. Still, she went ahead and married him because she loved him; she thought he would change as "love conquers all." There are times she thought she would be better off without him but then he would resort to emotional blackmail threatening her that he will commit suicide and she believed it; he once brought a gun. However, defendant has not changed, he is still lazy; he would just go to work at least three (3) times a week. At the time he was unemployed, he just stayed home. She had to prepare her kids' things and bring them to her mother's house so they will be taken care of. Defendant does not have the patience to take care of their children. Most often, he would just wake up, eat, sometimes go out of the house to his friends, come home again to eat his lunch, then take a "siesta ", go out for a while and then come back home for dinner. The children are all scared of their father, especially the youngest because whenever defendant is mad at her, or when he does not get his way, he would use the kids and often shout. He would sometime spank or whip his children with his belt. He also hurts her because he is the jealous type. When she worked overtime in order to earn extra money to support the family and was not yet home by 6:00, defendant gets mad at her. Defendant would even inspect the taxi she rode to check if someone was with her, or check her body to make sure that she has not been out dating another man. When he gets mad at her, he would crush her face making her admit that she had been out dating. Sometimes he would push her on the wall but made sure he would not leave any mark because he was afraid of her father.^[12]

As to the characteristics of her husband which existed even before their marriage, plaintiff recalled that he was the generous type but often loses his temper. He was already a drug user and this persisted even after they got married. It became even worse as he was more emotional, temperamental and violent not only to her but to their children. His irresponsibility also persisted as he does not want to go to work but preferred to stay home and watch television. While he was still a student, it was already difficult as he often fails to attend his classes. Defendant does not give support to their children even now that they are living separately. She does not ask support from him because for her, it was his responsibility and when they discussed it when they separated, defendant said he could not support them as he does not have a job so how can he give them money. What made her finally decide to separate from her husband is the incident that took place one (1) night when she and the kids came from her parents' house where they had dinner. Defendant waited at their apartment for them, but when they arrived and he found out they did not bring him any dinner, he was irritated. He played darts as if provoking her into a fight but she kept silent knowing his tendency to become violent and she did not want to upset their kids. She instead suggested to him that she can buy him food in the neighborhood but he was angry saying how could she do it and not thought about him. She still remained silent and went on cleaning the house and the feeding bottles of her kids, but he followed her around provoking her into a fight which she avoided. She was really afraid of him that night as he played darts while looking at her as if he does not recognize her any more. What she did was take the children to bed so they would not see their father in that way; she then pretended to sleep also and just ignored her husband. However, defendant jumped on the bed saying she should not expect him to sleep with a hungry stomach and kept jumping on while she pleaded for him to stop and asked him to discuss the matter the following

morning. He did not stop jumping and bumped on the floor, waking up the kids. He used the darts as if targeting them and so she went out of the bedroom to call her parents for help. But defendant cut the phone line and was starting to get really violent. She tried to grab the keys as she cannot get out to seek help from her parents but defendant was able to get the keys and the kids started to cry. She took her children back to the bedroom, locked themselves inside and pushed all the cabinets to block the doorway. They stayed the whole night locked in the bedroom and at early morning, about five o'clock (5:00), she woke up her kids and they silently slipped out of the house because her husband was also sleeping so she was able to get the keys, got out of the house and ran to her parents. [13]

On cross-examination, plaintiff admitted that being her neighbor, she was well aware of defendant's traits even before entering into a relationship with him as boy friend, and when he was still her boy friend, their relationship was already turbulent. She also knew even before they got married that because of defendant's attitude, he would not last in any single job. Yet, he promised her that he would change for more than three (3) times although he broke it each time. She married him nevertheless and accepted him for what he is; there were times he was working, but initially in 1989 he had no job. She admitted she plunged into marriage ready to take whatever it would result into. [14]

DR. VALENTINA DEL FONSO GARCIA, a psychiatrist, was presented by plaintiff as an expert witness. She testified that plaintiff visited her clinic on November 4, 2001 and requested for a psychiatric evaluation in connection with her petition for declaration of nullity of her marriage with the defendant. She had a psychiatric assessment by first, conducting an in-depth clinical psychiatric interview of plaintiff, mental status examination of plaintiff, as well as interview of their three [3] children (on January 4, 2002). The psychiatric interview covered extractions of anamnesis that would include information regarding the different developmental stages of the subjects, proof of inquiry and possible psychopathology. The series of mental status examinations was intended to assess the cognitive or the intellectual functions, the legal functions, as well as the emotional and corrective stages. She sent a registered mail with return card to the defendant but the latter did not go to visit her clinic, despite the said request for psychiatric interview and several follow-up telephone calls. [15]

Based on the data she had gathered from plaintiff and the children who were able to directly observe defendant's behavior, she was able to give a psychological profile of the defendant, the most significant of which concerns his family dynamics and personal background including his educational and psychological/mental status. What can be seen is a individual who lacked sufficient parental guidance such that he grew up to be a defiant and oppositional advancement academically; he actually can not see for the father and mother who is attending a beerhouse store; the parents could very well support the children financially but actually excluded at Ateneo. Defendant, however, failed in said school, so he went to Adamson but again failed, studied at Olongapo College but was not able to graduate. He had brief employment stints as driver and xerox machine operator. It seems that when defendant got married in 1989 he was not prepared financially, emotionally and morally to fulfill his obligations; his psychopathology led to the separation in 1997. [16]