

## FIRST DIVISION

[ G.R. No. 218630, January 11, 2018 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, V. KATRINA S.  
TOBORA-TIONGLICO,<sup>[\*]</sup> RESPONDENT.**

### D E C I S I O N

**TIJAM, J.:**

This is a petition for review on certiorari of the Decision<sup>[1]</sup> dated May 27, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 101985, which affirmed the May 8, 2012 Decision<sup>[2]</sup> rendered by the Regional Trial Court (RTC) of Imus Cavite, Branch 20, granting the petition for declaration of nullity of marriage on the ground of Article 36 of the Family Code and declaring the marriage of Katrina S. Tabora-Tionglico and Lawrence C. Tionglico void *ab initio*.

Respondent Katrina S. Tabora-Tionglico (Katrina) filed a petition for declaration of nullity of her marriage with Lawrence C. Tionglico (Lawrence) on the ground of psychological incapacity under Article 36 of the Family Code.

Katrina and Lawrence met sometime in 1997 through a group of mutual friends. After a brief courtship, they entered into a relationship. When she got pregnant, the two panicked as both their parents were very strict and conservative. Lawrence did not receive the news well as he was worried how it would affect his image and how his parents would take the situation.<sup>[3]</sup> Nevertheless, they got married on July 22, 2000.<sup>[4]</sup>

Even during the early stage of their marriage, it was marred by bickering and quarrels. As early as their honeymoon, they were fighting so much that they went their separate ways most of the time and Katrina found herself wandering the streets of Hong Kong alone.<sup>[5]</sup>

Upon their return, they moved into the home of Lawrence's parents until the birth of their child, Lanz Rafael Tabora Tionglico (Lanz), on December 30, 2000.<sup>[6]</sup> Lawrence was distant and did not help in rearing their child, saying he knew nothing about children and how to run a family.<sup>[7]</sup> Lawrence spent almost every night out for late dinners, parties and drinking sprees.<sup>[8]</sup> Katrina noticed that Lawrence was alarmingly dependent on his mother and suffered from a very high degree of immaturity.<sup>[9]</sup> Lawrence would repeatedly taunt Katrina to fight with him and they lost all intimacy between them as he insisted to have a maid sleep in their bedroom every night to see to the needs of Lanz.<sup>[10]</sup>

Lawrence refused to yield to and questioned any and all of Katrina's decisions - from the manner by which she took care of Lanz, to the way she treated the household help. Most fights ended up in full blown arguments, often in front of Lanz. One time,

when Katrina remembered and missed her youngest brother who was then committed in a substance rehabilitation center, Lawrence told her to stop crying or sleep in the rehabilitation center if she will not stop.<sup>[11]</sup>

In 2003, due to their incessant fighting, Lawrence asked Katrina to leave his parents' home and never to come back. They have been separated in fact since then.<sup>[12]</sup>

Katrina consulted with a psychiatrist, Dr. Juan Arellano (Dr. Arellano), who confirmed her beliefs on Lawrence's psychological incapacity. Dr. Arellano, based on the narrations of Katrina, diagnosed Lawrence with Narcissistic Personality Disorder, that is characterized by a heightened sense of self-importance and grandiose feelings that he is unique in some way.<sup>[13]</sup>

Dr. Arellano determined that this personality disorder is permanent, incurable, and deeply integrated within his psyche;<sup>[14]</sup> and that it was present but repressed at the time of the celebration of the marriage and the onset was in early adulthood. His maladaptive and irresponsible behaviors interfered in his capacity to provide mutual love, fidelity, respect, mutual help, and support to his wife.<sup>[15]</sup>

The RTC granted the petition and declared the marriage of Katrina and Lawrence as void *ab initio*. It disposed, thus:

WHEREFORE, judgment is hereby rendered declaring the marriage of Katrina S. Tabora-Tionglico and Lawrence C. Tionglico Ito (sic) as void *ab initio*. As a necessary consequence of this pronouncement, petitioner shall cease using the surname of her husband having lost the right over the same and so as to avoid the misconception that she is still the legal wife of respondent. Custody over the couple's minor child is awarded to petitioner, with reasonable visitation rights accorded to respondent, preferably Saturday and Sunday, or as the parties may agree among themselves.

Furnish a copy of this decision the Office of the Solicitor-General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn shall endorse a copy of the same to the Local Civil Registrar of Mandaluyong City, Metro Manila, so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and counsel.

**SO ORDERED.**<sup>[16]</sup>

The CA affirmed the RTC decision, the dispositive portion of which reads:

**WHEREFORE**, the appeal is **DENIED**. Accordingly, the Decision of the Regional Trial Court of Imus, Cavite, Branch 20, in Civil Case No. 4903-11 dated 8 May 2012 is hereby **AFFIRMED**.<sup>[17]</sup>

Hence, this petition for review on certiorari.

The Office of the Solicitor General (OSG) points out that there has been a myriad of cases declaring that psychological assessment based solely on the information coming from either party in a petition for declaration of nullity of marriage is

considered as hearsay evidence. It is evident that in this case, the psychiatrist obtained his data, in concluding that Lawrence is psychologically incapacitated, exclusively from Katrina.

Katrina counters that the facts, bases and surrounding circumstances of each and every case for the nullity is different from the other and must be appreciated for its distinctiveness. She points out that the psychological report of Dr. Arellano clearly outlined well-accepted scientific and reliable tests<sup>[18]</sup> to come up with his findings. In any case, the decision must be based not solely on the expert opinions but on the totality of evidence adduced in the course of the proceedings, which the RTC and the CA have found to have been sufficient in proving Lawrence's psychological incapacity.

The issue before Us is plainly whether the totality of evidence presented by Katrina supports the findings of both the RTC and the CA that Lawrence is psychologically incapacitated to perform his essential marital obligations, meriting the dissolution of his marriage with Katrina.

Contrary to the findings of both the RTC and the CA, We rule in the negative.

Time and again, it has been held that "psychological incapacity" has been intended by law to be confined to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. Psychological incapacity must be characterized by (a) **gravity**, *i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage, (b) **juridical antecedence**, *i.e.*, it must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage, and (c) **incurability**, *i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.<sup>[19]</sup>

The case of *Republic of the Philippines v. Court of Appeals*<sup>[20]</sup> has set out the guidelines that has been the core of discussion of practically all declaration of nullity of marriage on the basis of psychological incapacity cases that We have decided:

- (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. xxx
- (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. xxx
- (3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. xxx
- (4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. xxx
- (5) Such illness must be *grave* enough to bring about the disability of the party to assume the essential obligations of marriage. xxx
- (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. xxx

(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. xxx

(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. xxx<sup>[21]</sup>

Using these standards, We find that Katrina failed to sufficiently prove that Lawrence is psychologically incapacitated to discharge the duties expected of a husband.

Indeed, and We have oft-repeated that 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 adduced in the course of their proceedings.<sup>[22]</sup> Here, We find the totality of evidence clearly wanting.

First, Dr. Arellano's findings that Lawrence is psychologically incapacitated were based solely on Katrina's statements. It bears to stress that Lawrence, despite notice, did not participate in the proceedings below, nor was he interviewed by Dr. Arellano despite being invited to do so.

The case of *Nicolas S. Matudan v. Republic of the Philippines and Marilyn B. Matudan*<sup>[23]</sup> is instructive on the matter:

Just like his own statements and testimony, the assessment and finding of the clinical psychologist cannot [be] relied upon to substantiate the petitioner-appellant's theory of the psychological incapacity of his wife.

It bears stressing that Marilyn never participated in the proceedings below. The clinical psychologist's evaluation of the respondent-appellee's condition was based mainly on the information supplied by her husband, the petitioner, and to some extent from their daughter, Maricel. It is noteworthy, however, that Maricel was only around two (2) years of age at the time the respondent left and therefore cannot be expected to know her mother well. Also, Maricel would not have been very reliable as a witness in an Article 36 case because she could not have been there when the spouses were married and could not have been expected to know what was happening between her parents until long after her birth. On the other hand, as the petitioning spouse, Nicolas' description of Marilyn's nature would certainly be biased, and a psychological evaluation based on this one-sided description can hardly be considered as credible. The ruling in *Jocelyn Suazo v. Angelita Suazo, et al.*, is illuminating on this score:

We first note a critical factor in appreciating or evaluating the expert opinion evidence - the psychologist's testimony and the psychological evaluation report - that Jocelyn presented. Based on her declarations in open court, the psychologist evaluated Angelita's psychological condition only in an indirect