

THIRD DIVISION

[G.R. No. 236629, July 23, 2018]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. LIBERATO P. MOLA CRUZ, RESPONDENT.

DECISION

GESMUNDO, J.:

This is an appeal by *certiorari* filed by the Republic of the Philippines (*petitioner*) asking the Court to reverse and set aside the April 25, 2017 Decision^[1] and January 11, 2018 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 105873, which affirmed the May 8, 2015 Decision^[3] and September 16, 2015 Order^[4] of the Regional Trial Court of Gapan City, Nueva Ecija, Branch 34 (RTC) declaring the marriage of Liberato P. Mola Cruz (*respondent*) and Liezl S. Conag (*Liezl*) void *ab initio*.

The Antecedents

Respondent and Liezl were married on August 30, 2002 in Bacolod City. Their dating relationship began when Liezl's sister gave Liezl's mobile phone number to respondent so they could become textmates. In the course of their relationship, Liezl left for Japan to work as an entertainer for six (6) months. The couple got married after Liezl returned home. They lived for some time in Manila where respondent worked, but later moved to Japan where Liezl again secured a contract as an entertainer and respondent found work as a construction worker. It was while living in Japan when respondent noticed changes in Liezl. She began going out of the house without respondent's permission and started giving respondent the cold treatment. Liezl also started getting angry at respondent for no reason. The couple later returned to the Philippines after Liezl was released from detention due to overstaying in Japan. It was then that Liezl confessed to respondent her romantic affair with a Japanese man. Despite the confession, Liezl did not end the illicit relationship, which caused respondent such stress that he was hospitalized. Respondent expressed her willingness to forgive Liezl but she chose to walk away from their marriage.

The couple reconciled after respondent made efforts to woo Liezl back. One day, however, respondent found Liezl's Japanese lover in their house. To respondent's surprise, Liezl introduced him to her lover as her elder brother. Respondent went along with the charade, and allowed Liezl to share her bed with her lover as she threatened to leave their home. Liezl went on with her partying ways, and continued working in a Manila nightclub despite respondent's offer for her to start a business.

Despite the concessions given her, Liezl left respondent a second time. Respondent tried to move on and left for Singapore to work in 2008. Though abroad, he continued to woo his wife back, but found out that Liezl already cohabited with her

lover.

Respondent decided to file a petition for declaration of nullity of marriage under Article 36 of the Family Code. The public prosecutor assigned to the case reported, submitted a written report to the RTC, stating, among others, that the filing of the petition was not a result of collusion between the spouses.^[5] Thereafter, pre-trial was held and trial on the merits ensued.

The RTC's Decision

The RTC granted respondent's petition, and declared respondent and Liezl's marriage *void ab initio* and their property regime dissolved.

The RTC relied on the psychological report and testimony of expert witness, Dr. Pacita Tudla (*Dr. Tudla*) a clinical psychologist. Based on the evaluation and assessment procedure she followed, Dr. Tudla found that Liezl was afflicted by histrionic personality disorder, a pervasive pattern of behavior characterized by excessive emotionality and attention seeking. A histrionic so afflicted tends to be perceived by others as selfish, egotistical and unreliable; seeking immediate gratification; over-reactive to even minor provocations; suggestible; and lacking in analytical ability.

Dr. Tudla presented the following indicators of Liezl's disorder: going out without her husband's knowledge or permission; coldly treating her husband, verbally and sexually; quick anger at the slightest provocation or for no reason; arrest in Japan due to overstaying; admission to an affair; insensitivity towards her husband's feelings, as shown by introducing her husband as her brother to her Japanese lover; threats of leaving if her ideas are not agreed to; unabashed declaration of having no feelings for her husband; maintaining a night life with friends; and choosing to work in a nightclub instead of engaging in a decent job.

Dr. Tudla found that Liezl's psychological incapacity existed prior to the marriage because she grew up irritable, hard-headed and more fond of friends than family. She despised advice or suggestion from her elders, and would rebel when her demands were not met. This personality aberration was determined by Dr. Tudla as rooted on Liezl's poor upbringing - Liezl's father resorted to corporal punishment to instill discipline, while her mother tolerated her whims. Liezl also tended to skip house and spend nights with her friends to avoid her father's spanking. According to Dr. Tudla, the irregular treatment she received from her parents led to Liezl acquiring unsuitable behavioral patterns.

Aside from the existence of Liezl's psychological incapacity prior to the marriage, Dr. Tudla found her incapacity too grave that it seriously impaired her relationship with her husband, and caused her failure to discharge the basic obligations of marriage which resulted in its breakdown. Her incapacity was also found incurable because it was deeply ingrained in her personality. Further, Dr. Tudla found Liezl unconscious of her personality disorder and, when confronted, would deny it to avoid criticism. The disorder was also permanent as it started during her adolescence and continued until adulthood. Treatment was also deemed ineffective as lack of any indication that behavioural or medical therapy would play a significant role, considering Liezl's unawareness of her disorder. Only the people around her noticed her maladaptive behavior.

The RTC found that Liezl was largely responsible for the failure of her marriage. Her moral bankruptcy, coupled with respondent's weakness in character inconsistent with what is expected of the head of a family, left the marital union bereft of any mutual respect. According to the RTC, the marriage was wrong from the very beginning.

Petitioner moved for reconsideration, and argued that Dr. Tudla's findings were based on hearsay because she lacked personal knowledge of the facts on which her evaluation was anchored; and that the hopelessness of the parties' reconciliation should not mean that their marriage should be declared void *ab initio*.

In its Order,^[6] the RTC denied the motion for lack of merit.

The Court of Appeals' Decision

On appeal, petitioner raised the sole issue of whether respondent was able to prove Liezl's psychological incapacity to perform her marital obligations. It claimed that respondent failed to do so, and that witness Dr. Tudla only made a sweeping statement that Liezl's condition was grave and permanent. Petitioner questioned Dr. Tudla's report as it lacked details regarding Liezl's condition and how Liezl was unable to comply with her marital obligations. Petitioner contended that the change in Liezl's behavior was only caused by her illicit relationship and not because of psychological incapacity. Petitioner asserted that sexual infidelity, indulgence and abandonment can only be grounds for legal separation as they do not constitute psychological incapacity.

In its decision, the CA dismissed the appeal for lack of merit and affirmed the RTC's decision. It reasoned that:

What matters in cases of declaration of nullity of marriage under Article 36 of the Family Code is whether the totality of evidence presented is adequate to sustain a finding of psychological incapacity. In the task of ascertaining the presence of psychological incapacity as a ground for the nullity of marriage, the courts, which are concededly not endowed with expertise in the field of psychology, must rely on the opinions of experts in order to inform themselves on the matter, and thus enable themselves to arrive at an intelligent and judicious judgment. Indeed, the conditions for the malady of being grave, antecedent and incurable demand the in-depth diagnosis of experts.

In the present case, the Psychological Evaluation Report prepared by petitioner's witness Pacita P. Tudla, Ph.D. concluded [that] respondent is suffering from histrionic personality disorder. From interviews of said psychologist with petitioner, respondent and her sister, it was revealed how her psychological disorder resulted in the failure of their marriage. At the time the parties were living in Japan, respondent had an affair with a Japanese national which she admitted to petitioner. Furthermore, her attitude towards her husband had changed ever since she met her Japanese lover, giving him the cold treatment and getting angry at him at the slightest provocation. She likewise refused to have sexual intercourse with petitioner. Respondent preferred to work at a nightclub over a

decent business offered to her by petitioner. Worst, she let her Japanese boyfriend visit the conjugal home she shared with petitioner and introduced the latter as her older brother to her lover. Petitioner was forced to keep silent because she threatened to leave him. And ultimately, Liezl left Liberato and cohabited with her Japanese boyfriend.

According to Ms. Tudla, respondent's psychological incapacity has antecedence since it already existed long before she married petitioner. Growing up, Liezl was irritable, hard-headed and was fond of her group of friends. She did not know how to accept advice and suggestion from elders.

Respondent's psychological incapacity is considered by the expert witness to be grave, permanent and incurable. Liezl's histrionic personality disorder seriously impaired the quality of her relationship with her husband and caused her failure to discharge the basic obligations of marriage - love, respect, concern, support and fidelity to her husband. Further, she is unconscious of her personality disorder and if confronted about it, she would deny it in her attempt to protect herself from criticisms.

Ms. Tudla said in her report that Liezl's psychological incapacity is permanent because it started in the adolescent stage of her life and continued to manifest as she grew up into adulthood. Thus, it is already ingrained in her personality make-up and no treatment will be effective.

[7]

The CA described Liezl's acts of allowing her lover to stay in the conjugal home and introducing her husband as her brother as extreme perversion and depravity. It then concluded that, in dissolving marital bonds on account of psychological incapacity, the court is actually protecting the sanctity of marriage.

Petitioner filed a motion for reconsideration but it was denied.

The Present Appeal

Petitioner now questions whether the totality of the evidence adduced by respondent proves Liezl's psychological incapacity, thus warranting the declaration of their marriage as null and void under Art. 36 of the Family Code.

Using the guidelines set forth in the case of *Republic v. Court of Appeals and Molina (Molina)*,^[8] petitioner argues that the CA erred in affirming the RTC's findings because there was no sufficient evidence to prove that Liezl is psychologically incapacitated to perform her marital obligations. Dr. Tudla's assessment, based only on the information given by respondent, Liezl and her sister, must be weighed strictly and with due care. Petitioner avers that there must be a thorough and in-depth assessment of the couple to obtain a conclusive diagnosis of psychological incapacity that is grave, severe and incurable. Information retrieved from Liezl's interview does not necessarily enhance Dr. Tudla's conclusion because the details Liezl conveyed were wanting. There is also no independent collateral informants, which made Dr. Tudla's evaluation fallible. Therefore, Dr. Tudla's findings should not be accepted without question.

For petitioner, Liezl's purported actuations were not proven to have existed prior to the marriage; nor was it alleged in respondent's petition that she showed abnormal and peculiar character and behavior prior to the celebration of the marriage that would support a conclusion that she is suffering from any psychological incapacity. Petitioner argues that the CA observed nothing peculiar about the spouses that would insinuate that they are suffering from psychological incapacity, and that the finding that Liezl was suffering from a psychological disorder was merely based on incidents that occurred after the celebration of the marriage. Petitioner, thus, avers that Liezl's incapacity is merely conjectural since there was no mention or proof that her incapacity manifested, or at least was hinted at, before the celebration of the marriage.

Petitioner also claims that the CA failed to detail how Liezl's disorder could be characterized as grave, deeply rooted in her childhood and incurable. There should be a causal connection between the failure of the marriage and the psychological disorder. Psychological incapacity must be more than just a "difficulty", a "refusal" or a "neglect" in the performance of some marital obligations. Petitioner maintains that sexual infidelity and abandonment are only grounds for legal separation and not for the declaration of nullity of marriage. The change in the spouses' feelings toward each other could hardly be described as a psychological illness.

Issue

Whether Liezl's psychological incapacity to comply with her marital obligations was sufficiently established by the totality of evidence presented by respondent.

The Court's Ruling

The petition lacks merit.

In *Santos v. Court of Appeals*,^[9] the Court explained psychological incapacity as follows:

"[P]sychological 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 concomitantly must be assumed and discharged by the parties to the marriage which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that 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.

x x x.^[10]

Further, "x x x psychological incapacity pertains to the inability to understand the obligations of marriage, as opposed to a mere inability to comply with them x x x."

^[11]

Jurisprudence consistently adhered to the guidelines in appreciating psychological