

THIRD DIVISION

[G.R. No. 217993, August 09, 2017]

**MANUEL R. BAKUNAWA III, PETITIONER, VS. NORA REYES
BAKUNAWA, RESPONDENT,**

RESOLUTION

REYES, JR., J:

For resolution of the Court is a petition for review on *certiorari*^[1] filed by Manuel R. Bakunawa III (Manuel) challenging the Decision^[2] dated March 27, 2014 and Resolution^[3] dated April 22, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 98579, which upheld the validity of his marriage to Nora Reyes Bakunawa (Nora).

The Facts

Manuel and Nora met in 1974 at the University of the Philippines where they were students and became sweethearts. When Nora became pregnant, she and Manuel got married on July 26, 1975 at St. Ignatius Church, Camp Aguinaldo, Quezon City.^[4]

Because Manuel and Nora were both college undergraduates at that time, they lived with Manuel's parents. While Nora was able to graduate, Manuel had to stop his studies to help his father in the family's construction business. Manuel was assigned to provincial projects and came home only during weekends. This setup continued even as Nora gave birth to their eldest child, Moncho Manuel (Moncho). However, whenever Manuel came back from his provincial assignments, he chose to spend his limited time with friends and girlfriends instead of his family. Nora resented this and they started quarreling about Manuel's behavior. Worse, Manuel depended on his father and on Nora for their family's needs.^[5]

In 1976, Manuel and Nora lived separately from Manuel's parents. It was during this period that Manuel first observed Nora's passiveness and laziness; she was moody and mercurial. Their house was often dirty and disorderly. Thus, Manuel became more irritated with Nora and their verbal quarrels escalated to physical violence.^[6]

On May 9, 1977, Nora gave birth to their second child. However, nothing changed in their relationship. Manuel spent most of his time with friends and engaged in drinking sprees. In 1979, he had an extramarital affair and seldom came home. He eventually left Nora and their children in 1980 to cohabit with his girlfriend. They considered themselves separated.^[7]

In 1985, Manuel, upon Nora's request, bought a house for her and their children. After Manuel spent a few nights with them in the new house, Nora became pregnant again and thereafter gave birth to their third child.^[8]

On June 19, 2008, Manuel filed a petition for declaration of nullity of marriage with the Regional Trial Court (RTC) of Quezon City,^[9] on the ground that he and Nora are psychologically incapacitated to comply with the essential obligations of marriage.

Manuel presented a psychiatrist, Dr. Cecilia Villegas (Dr. Villegas), who testified that Manuel has Intermittent Explosive Disorder, characterized by irritability and aggressive behavior that is not proportionate to the cause. Dr. Villegas diagnosed Nora with Passive Aggressive Personality Disorder, marked by a display of negative attitude and passive resistance in her relationship with Manuel. Her findings were based on her interview with Manuel and the parties' eldest son, Moncho, because Nora did not participate in the psychological assessment.^[10]

Manuel alleges in his petition that he continues to live with his common-law wife and has a son with her, whereas, Nora lives alone in her unit in Cubao, Quezon City. Their house and lot was already foreclosed following Nora's failure to pay a loan secured by a mortgage on the said property.^[11]

Ruling of the RTC

The RTC granted the petition in its Decision^[12] dated March 28, 2011. The dispositive portion thereof reads:

WHEREFORE, premises considered, judgment is hereby-rendered declaring the marriage between **MANUEL R. BAKUNAWA III** and **NORA REYES BAKUNAWA** null and void *ab initio* under Article 36 of the Family Code.

The Office of the City Civil Registrar of Quezon City is hereby ordered to make entries into the records of the respective parties pursuant to the judgment of the Court.

Let a copy of this Decision be furnished upon the Office of Solicitor General, the Office of the City Prosecutor of Quezon City, the Office of the Civil Registrars of Quezon City, and the National Statistics Office, as well as the parties and counsel.

SO ORDERED.^[13]

Nora appealed the RTC decision to the CA, arguing *inter alia* that the RTC erred in finding that the testimony of the psychiatrist is sufficient to prove the parties' psychological incapacity.

Ruling of the CA

The CA, in its Decision^[14] dated March 27, 2014, granted Nora's appeal and reversed the RTC decision. The decretal portion of the decision states:

WHEREFORE, premises considered, the instant appeal filed by [Nora] is **GRANTED**. The Decision dated March 28, 2011 of the RTC, National Capital Judicial Region in Civil Case No. Q-08-62822 is **REVERSED and**

SET ASIDE.

SO ORDERED.^[15]

The CA denied Manuel's motion for reconsideration^[16] through a Resolution^[17] dated April 22, 2015.

Manuel filed the present petition raising the following grounds:

I. THE HONORABLE CA ERRED WHEN IT UPHELD THE VALIDITY OF THE MARRIAGE OF THE PARTIES DESPITE MORE THAN CLEAR AND CONVINCING EVIDENCE TO DECLARE ITS NULLITY DUE TO THE PSYCHOLOGICAL INCAPACITY OF EITHER OR BOTH PARTIES TO PERFORM THEIR MARITAL OBLIGATIONS; and

II. THE HONORABLE CA ERRED WHEN IT FAILED TO RECONSIDER ITS DECISION DATED MARCH 27, 2014 DESPITE MORE THAN COMPELLING REASONS FOR THE REVERSAL THEREOF.^[18]

Ruling of the Court

As the CA correctly ruled, the totality of evidence presented by Manuel comprising of his testimony and that of Dr. Villegas, as well as the latter's psychological evaluation report, is insufficient to prove that he and Nora are psychologically incapacitated to perform the essential obligations of marriage.

Dr. Villegas' conclusion that Manuel is afflicted with Intermittent Explosive Disorder and that Nora has Passive Aggressive Personality Disorder which render them psychologically incapacitated under Article 36 of the Family Code,^[19] is solely based on her interviews with Manuel and the parties' eldest child, Moncho. Consequently, the CA did not err in not according probative value to her psychological evaluation report and testimony.

In *Republic of the Philippines v. Galang*,^[20] the Court held that "[i]f the incapacity can be proven by independent means, no reason exists why such independent proof cannot be admitted to support a conclusion of psychological incapacity, independently of a psychologist's examination and report."^[21] In *Toring v. Toring, et al.*,^[22] the Court stated that:

Other than from the spouses, such evidence can come from persons intimately related to them, such as relatives, close friends or even family doctors or lawyers who could testify on the allegedly incapacitated spouses' condition at or about the time of marriage, or to subsequent occurring events that trace their roots to the incapacity already present at the time of marriage.^[23]

In this case, the only person interviewed by Dr. Villegas aside from Manuel for the spouses' psychological evaluation was Moncho, who could not be considered as a reliable witness to establish the psychological incapacity of his parents in relation to Article 36 of the Family Code, since he could not have been there at the time his parents were married.