

FIRST DIVISION

[G.R. No. 209180, February 24, 2016]

REPUBLIC OF PHILIPPINES, THE PETITIONER, VS. REGHIS M. ROMERO II AND OLIVIA LAGMAN ROMERO, RESPONDENTS.

[G.R. NO. 209253]

OLIVIA LAGMAN ROMERO, PETITIONER, VS. REGHIS M. ROMERO II, RESPONDENT.

D E C I S I O N

PERLAS-BERNABE, J.:

Before the Court are consolidated petitions^[1] for review on *certiorari* assailing the Decision^[2] dated March 21, 2013 and the Resolution^[3] dated September 12, 2013 of the Court of Appeals in CA-G.R. CV No. 94337, which affirmed the Decision^[4] dated November 5, 2008 of the Regional Trial Court (RTC) of Quezon City, Branch 225 (RTC Branch 225) in Civil Case No. Q-98-34627 declaring the marriage of Reghis M. Romero II (Reghis) and Olivia Lagman Romero (Olivia) null and void *ab initio* on the ground of psychological incapacity pursuant to Article 36^[5] of the Family Code of the Philippines (Family Code), as amended.

The Facts

Reghis and Olivia were married^[6] on May 11, 1972 at the Mary the Queen Parish in San Juan City and were blessed with two (2) children, namely, Michael and Nathaniel, born in 1973 and 1975,^[7] respectively. The couple first met in Baguio City in 1971 when Reghis helped Olivia and her family who were stranded along Kennon Road. Since then, Reghis developed a closeness with Olivia's family, especially with the latter's parents who tried to play matchmakers for Reghis and Olivia. In the desire to please Olivia's parents, Reghis courted Olivia and, eventually, they became sweethearts.^[8]

Reghis was still a student at the time, determined to finish his studies and provide for the financial needs of his siblings and parents. Thus, less than a year into their relationship, Reghis tried to break-up with Olivia because he felt that her demanding attitude would prevent him from reaching his personal and family goals. Olivia, however, refused to end their relationship and insisted on staying with Reghis at the latter's dormitory overnight. Reghis declined and, instead, made arrangements with his friends so that Olivia could sleep in a female dormitory. The next day, Reghis brought Olivia home and while nothing happened between them the previous night, Olivia's parents believed that they had eloped and planned for them to get married. Reghis initially objected to the planned marriage as he was unemployed and still unprepared. However, Olivia's parents assured him that they would shoulder all

expenses and would support them until they are financially able. As Olivia's parents had treated him with nothing but kindness, Reghis agreed.^[9]

The couple experienced a turbulent and tumultuous marriage, often having violent fights and jealous fits. Reghis could not forgive Olivia for dragging him into marriage and resented her condescending attitude towards him. They became even more estranged when Reghis secured a job as a medical representative and became engrossed in his career and focused on supporting his parents and siblings. As a result, he spent little time with his family, causing Olivia to complain that Reghis failed to be a real husband to her. In 1986, the couple parted ways.^[10]

On June 16, 1998, Reghis filed a petition for declaration of nullity of marriage^[11] before the RTC of Quezon City, Branch 94,^[12] docketed as Civil Case No. Q-98-34627, citing his psychological incapacity to comply with his essential marital obligations.^[13] In support of his petition, Reghis testified that he married Olivia not out of love but out of the desire to please the latter's parents who were kind and accommodating to him. Reghis further maintained that he was not prepared to comply with the essential marital obligations at the time, as his mind was geared towards finishing his studies and finding employment to support his parents and siblings.^[14] He also added that Olivia is in a relationship with a certain Eddie Garcia (Mr. Garcia) but he (Reghis) has no ill-feelings towards Mr. Garcia, as he and Olivia have been separated for a long time.^[15]

Reghis also presented Dr. Valentina Nicdao-Basilio (Dr. Basilio), a clinical psychologist, who submitted a Psychological Evaluation Report^[16] dated April 28, 1998 and testified that Reghis suffered from Obsessive Compulsive Personality Disorder (OCPD).^[17] According to Dr. Basilio, Reghis' behavioral disorder gave him a strong obsession for whatever endeavour he chooses, such as his work, to the exclusion of other responsibilities and duties such as those pertaining to his roles as father and husband. Dr. Basilio surmised that Reghis' OCPD was the root of the couple's disagreements and that the same is incurable, explaining too that Reghis was an unwilling groom as marriage was farthest from his mind at the time and, as such, felt cheated into marriage.^[18]

For her part,^[19] Olivia maintained that she and Reghis were capacitated to discharge the essential marital obligations before, at the time, and after the celebration of their marriage. She also averred that the petition is barred by *res judicata* inasmuch as Reghis had previously filed petitions for the declaration of the nullity of their marriage on the ground she is allegedly psychologically incapacitated, but said petitions were dismissed.^[20] Olivia, however, was unable to present evidence due to the absence of her counsel which was considered by the RTC as waiver of her right to present evidence.^[21]

The Office of the Solicitor General (OSG), representing the Republic of the Philippines (Republic), opposed the petition.^[22]

The RTC Ruling

In a Decision^[23] dated November 5, 2008, the RTC granted the petition and

declared the marriage between Reghis and Olivia null and void *ab initio* on the ground of psychological incapacity.^[24] It relied on the findings and testimony of Dr. Basilio, holding that Reghis suffered from a disorder that rendered him unable to perform the obligations of love, respect and fidelity towards Olivia as it gave him a strong obsession to succeed in his career, to the exclusion of his responsibilities as a father and husband. It also concurred with Dr. Basilio's observation that Reghis is still deeply attached to his parents and siblings such that he pursues his business ventures for their benefit. Likewise, it agreed that Reghis' behavioral disorder existed even before his marriage or even his adolescent years and that the same is incurable.^[25]

Anent the issue of *res judicata*, the RTC remarked that there is no identity of causes of action between the petitions previously filed, which ascribed psychological incapacity on Olivia's part, and the present case which is brought on the ground of Reghis' own psychological incapacity.^[26]

The Republic and Olivia moved for reconsideration,^[27] which was, however, denied by the RTC in a Resolution^[28] dated July 3, 2009. Undaunted, both appealed^[29] to the CA.^[30]

The CA Ruling

In a Decision^[31] dated March 21, 2013, the CA affirmed the findings of the RTC, holding that the OCPD from which Reghis suffered made him yearn for professional advancement and rendered him obligated to support his parents and siblings, at the expense of his marital and filial duties. It ruled that Reghis' condition amounts to psychological incapacity within the contemplation of Article 36 of the Family Code as it is permanent in nature and incurable. It observed that Reghis' OCPD started early in his psychological development and is now so deeply ingrained in his structure and, thus, incurable because people who suffer from it are of the belief that nothing is wrong with them. It further concluded that Reghis' condition is severe considering that it interrupted and interfered with his normal functioning and rendered him unable to assume the essential marital obligations.

The Republic's and Olivia's respective motions for reconsideration³² were denied by the CA in a Resolution^[33] dated September 12, 2013.

The Proceedings Before the Court

On November 19, 2013, the Republic filed a petition for review on *certiorari*^[34] before this Court, docketed as G.R. No. 209180, where it maintained that Reghis has not established that his alleged psychological incapacity is grave, has juridical antecedence, and is incurable. It averred that the psychological report prepared and submitted by Dr. Basilio has no factual basis to support the conclusions found therein as she failed to describe in detail the "pattern of behavior" showing that Reghis indeed suffered from OCPD. The Republic also claimed that the methodology employed in evaluating Reghis' condition is not comprehensive enough^[35] and that based on Reghis' own testimony, he was able to perform his marital obligations as he lived together with Olivia for years and attended to his duties to their children.^[36] It pointed out that Reghis' condition was not shown to have existed before their

marriage and that the same is incurable.^[37]

On November 13, 2013, a separate petition for review on certiorari,^[38] docketed as G.R. No. 209253 was filed by Olivia. Like the Republic, she pointed out that Reghis himself admitted knowing his marital obligations as husband to Olivia and father to their children.^[39] Olivia added that if Reghis indeed felt that he was being forced into the marriage, he could have simply abandoned her then or refused to take his vows on their wedding day.^[40]

In a Resolution^[41] dated February 17, 2014, the Court consolidated the present petitions.

The Issue Before the Court

The lone issue for the Court's resolution is whether or not the CA erred in sustaining the RTC's declaration of nullity on the ground of psychological incapacity.

The Court's Ruling

The Court finds merit in the petitions.

The policy of the Constitution is to protect and strengthen the family as the basic autonomous social institution, and marriage as the foundation of the family. As such, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.^[42] Thus, it has consistently been held that psychological incapacity, as a ground to nullify a marriage under Article 36 of the Family Code, should refer to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.^[43] It must be a malady that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.^[44]

Verily, all people may have certain quirks and idiosyncrasies, or isolated traits associated with certain personality disorders and there is hardly any doubt that the intention of the law has been to confine the meaning of psychological incapacity to the most serious cases.^[45] Thus, to warrant the declaration of nullity of marriage, the psychological incapacity must: (a) be grave or serious such that the party would be incapable of carrying out the ordinary duties required in a marriage; (b) have 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) be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.^[46]

In *Republic v. CA*,^[47] the Court laid down definitive guidelines on the interpretation and application of Article 36 of the Family Code. Among others, it clarified that the illness must be grave enough to bring about the incapacity or inability of the party to assume the essential obligations of marriage such that "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. In other words, there is a natal or