

FIRST DIVISION

[G.R. No. 159594, November 12, 2012]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HON.
COURT OF APPEALS (NINTH DIVISION), AND EDUARDO C. DE
QUINTOS, JR., RESPONDENTS.**

D E C I S I O N

BERSAMIN, J.:

The State appeals the decision promulgated on July 30, 2003,^[1] whereby the Court of Appeals (CA) affirmed the declaration by the Regional Trial Court, Branch 38, in Lingayen, Pangasinan of the nullity of the marriage between respondent Eduardo De Quintos, Jr. (Eduardo) and Catalina Delos Santos-De Quintos (Catalina) based on the latter's psychological incapacity under Article 36 of the *Family Code*.

We find the State's appeal to be meritorious. Hence, we uphold once again the validity of a marriage on the ground that the alleged psychological incapacity was not sufficiently established.

Antecedents

Eduardo and Catalina were married on March 16, 1977 in civil rites solemnized by the Municipal Mayor of Lingayen, Pangasinan.^[2] The couple was not blessed with a child due to Catalina's hysterectomy following her second miscarriage.^[3]

On April 6, 1998, Eduardo filed a petition for the declaration of nullity of their marriage,^[4] citing Catalina's psychological incapacity to comply with her essential marital obligations. Catalina did not interpose any objection to the petition, but prayed to be given her share in the conjugal house and lot located in Bacabac, Bugallon, Pangasinan.^[5] After conducting an investigation, the public prosecutor determined that there was no collusion between Eduardo and Catalina.^[6]

Eduardo testified that Catalina always left their house without his consent; that she engaged in petty arguments with him; that she constantly refused to give in to his sexual needs; that she spent most of her time gossiping with neighbors instead of doing the household chores and caring for their adopted daughter; that she squandered by gambling all his remittances as an overseas worker in Qatar since 1993; and that she abandoned the conjugal home in 1997 to live with Bobbie Castro, her paramour.^[7]

Eduardo presented the results of the neuro-psychiatric evaluation conducted by Dr. Annabelle L. Reyes, a psychiatrist. Based on the tests she administered on Catalina,^[8] Dr. Reyes opined that Catalina exhibited traits of Borderline Personality Disorder that was no longer treatable. Dr. Reyes found that Catalina's disorder was mainly

characterized by her immaturity that rendered her psychologically incapacitated to meet her marital obligations.^[9]

Catalina did not appear during trial but submitted her Answer/Manifestation,^[10] whereby she admitted her psychological incapacity, but denied leaving the conjugal home without Eduardo's consent and flirting with different men. She insisted that she had only one live-in partner; and that she would not give up her share in the conjugal residence because she intended to live there or to receive her share should the residence be sold.^[11]

Ruling of the RTC

The RTC granted the petition on August 9, 2000, decreeing:

WHEREFORE, in view of all the foregoing considerations, this Honorable Court finds for the plaintiff and judgment is hereby rendered:

1. Declaring the marriage between Eduardo C. de Quintos and Catalina delos Santos de Quintos, a nullity under Article 36 of the Family Code, as amended.
2. Ordering the Municipal Civil Registrar of Lingayen[,], Pangasinan to cancel the marriage of the parties from the Civil Register of Lingayen, Pangasinan in accordance with this decision.

SO ORDERED.^[12]

The RTC ruled that Catalina's infidelity, her spending more time with friends rather than with her family, and her incessant gambling constituted psychological incapacity that affected her duty to comply with the essential obligations of marriage. It held that considering that the matter of determining whether a party was psychologically incapacitated was best left to experts like Dr. Reyes, the results of the neuro-psychiatric evaluation by Dr. Reyes was the best evidence of Catalina's psychological incapacity.^[13]

Ruling of the CA

On appeal, the State raised the lone error that:

THE LOWER COURT ERRED IN DECLARING THE PARTIES' MARRIAGE NULL AND VOID, DEFENDANT CATALINA DELOS SANTOS-DE QUINTOS' PSYCHOLOGICAL INCAPACITY NOT HAVING BEEN PROVEN TO EXIST.

On July 30, 2003, the CA promulgated its decision affirming the judgment of the RTC. The CA concluded that Eduardo proved Catalina's psychological incapacity, observing that the results of the neuro-psychiatric evaluation conducted by Dr. Reyes showed that Catalina had been "mentally or physically ill to the extent that

she could not have known her marital obligations;” and that Catalina’s psychological incapacity had been medically identified, sufficiently proven, duly alleged in the complaint and clearly explained by the trial court.

Issue

In this appeal, the State, through the Office of the Solicitor General (OSG), urges that the CA gravely erred because:

I

THERE IS NO SHOWING THAT CATALINA’S ALLEGED PERSONALITY TRAITS ARE CONSTITUTIVE OF PSYCHOLOGICAL INCAPACITY EXISTING AT THE TIME OF MARRIAGE CELEBRATION; NOR ARE THEY OF THE NATURE CONTEMPLATED BY ARTICLE 36 OF THE FAMILY CODE.

II

MARITAL UNFAITHFULNESS OF THE [sic] CATALINA WAS NOT SHOWN TO BE A SYMPTOM OF PSYCHOLOGICAL INCAPACITY.

III

ABANDONMENT OF ONE’S FAMILY IS ONLY A GROUND FOR LEGAL SEPARATION.

IV

GAMBLING HABIT OF CATALINA NOT LIKEWISE ESTABLISHED TO BE A SYMPTOM OF PSYCHOLOGICAL INCAPACITY.

V

THE NEUROPSYCHIATRIC EVALUATION AND TESTIMONY OF DR. ANNABELLE REYES FAILED TO ESTABLISH THE CAUSE OF CATALINA’S INCAPACITY AND PROVE THAT IT EXISTED AT THE INCEPTION OF MARRIAGE, IS GRAVE AND INCURABLE.^[14]

The OSG argues that the findings and conclusions of the RTC and the CA did not conform to the guidelines laid down by the *Court in Republic v. Court of Appeals, (Molina)*;^[15] and that Catalina’s refusal to do household chores, and her failure to take care of her husband and their adopted daughter were not “defects” of a psychological nature warranting the declaration of nullity of their marriage, but mere indications of her difficulty, refusal or neglect to perform her marital obligations.

The OSG further argues that Catalina’s infidelity, gambling habits and abandonment of the conjugal home were not grounds under Article 36 of the Family Code; that there was no proof that her infidelity and gambling had occurred prior to the marriage, while her abandonment would only be a ground for legal separation under Article 55(10) of the Family Code; that the neuro-psychiatric evaluation by Dr. Reyes

did not sufficiently establish Catalina's psychological incapacity; that Dr. Reyes was not shown to have exerted effort to look into Catalina's past life, attitudes, habits and character as to be able to explain her alleged psychological incapacity; that there was not even a finding of the root cause of her alleged psychological incapacity; and that there appeared to be a collusion between the parties inasmuch as Eduardo admitted during the trial that he had given P50,000.00 to Catalina in exchange for her non-appearance in the trial.

The OSG postulated that Catalina's unsupportive in-laws and Eduardo's overseas deployment that had required him to be away most of the time created the strain in the couple's relationship and forced her to seek her friends' emotional support and company; and that her ambivalent attitude towards their adopted daughter was attributable to her inability to bear children of her own.

Issue

The issue is whether there was sufficient evidence warranting the declaration of the nullity of Catalina's marriage to Eduardo based on her psychological incapacity under Article 36 of the *Family Code*.

Ruling

We grant the petition for review.

Psychological incapacity under Article 36 of the *Family Code* contemplates an incapacity or inability to take cognizance of and to assume basic marital obligations, and is not merely the difficulty, refusal, or neglect in the performance of marital obligations or ill will. It consists of: (a) a true inability to commit oneself to the essentials of marriage; (b) the inability must refer to the essential obligations of marriage, that is, the conjugal act, the community of life and love, the rendering of mutual help, and the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. Proving that a spouse failed to meet his or her responsibility and duty as a married person is not enough; it is essential that he or she must be shown to be incapable of doing so due to some psychological illness.^[16]

In *Santos v. Court of Appeals*,^[17] we decreed that psychological incapacity should refer to a mental incapacity that causes a party to be truly incognitive of the basic marital covenants such as those enumerated in Article 68 of the *Family Code* and must be characterized by gravity, juridical antecedence and incurability. In an effort to settle the confusion that may arise in deciding cases involving nullity of marriage on the ground of psychological incapacity, we then laid down the following guidelines in the later ruling in *Molina*,^[18] viz:

- (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. x x x.

x x x x

(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. Article 36 of the Family Code requires that the incapacity must be psychological — not physical, although its manifestations and/or symptoms may be physical. x x x.

x x x x

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. x x x.

x x x x

(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. x x x.

x x x x

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, “mild characterological peculiarities, mood changes, occasional emotional outbursts” cannot be accepted as root causes. x x x.

x x x x

(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. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

(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. x x x.

x x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x.^[19]

The foregoing pronouncements in *Santos* and *Molina* have remained as the precedential guides in deciding cases grounded on the psychological incapacity of a spouse. But the Court has declared the existence or absence of the psychological incapacity based strictly on the facts of each case and not on *a priori* assumptions, predilections or generalizations.^[20] Indeed, the incapacity should be established by the totality of evidence presented during trial,^[21] making it incumbent upon the petitioner to sufficiently prove the existence of the psychological incapacity.^[22]