

## SECOND DIVISION

[ G.R. No. 166579, February 18, 2010 ]

**JORDAN CHAN PAZ, PETITIONER, VS. JEANICE PAVON PAZ,  
RESPONDENT.**

### D E C I S I O N

**CARPIO, J.:**

#### The Case

This is a petition for review<sup>[1]</sup> of the 9 August 2004<sup>[2]</sup> and 26 November 2004<sup>[3]</sup> Resolutions of the Court of Appeals in CA-G.R. CV No. 80473. In its 9 August 2004 Resolution, the Court of Appeals dismissed petitioner Jordan Chan Paz's (Jordan) appeal of the 13 May 2003 Decision<sup>[4]</sup> of the Regional Trial Court of Pasig City, Branch 69 (trial court), which granted respondent Jeanice Pavon Paz's (Jeanice) petition for declaration of nullity of marriage. In its 26 November 2004 Resolution, the Court of Appeals denied Jordan's motion for reconsideration.

#### The Facts

Jordan and Jeanice met sometime in November 1996. Jeanice was only 19 years old while Jordan was 27 years old. In January 1997, they became a couple and, on 10 May 1997, they were formally engaged. They had their civil wedding on 3 July 1997, and their church wedding on 21 September 1997. They have one son, Evan Gaubert, who was born on 12 February 1998. After a big fight, Jeanice left their conjugal home on 23 February 1999.

On 15 September 1999, Jeanice filed a petition for declaration of nullity of marriage against Jordan. Jeanice alleged that Jordan was psychologically incapable of assuming the essential obligations of marriage. According to Jeanice, Jordan's psychological incapacity was manifested by his uncontrollable tendency to be self-preoccupied and self-indulgent, as well as his predisposition to become violent and abusive whenever his whims and caprices were not satisfied.

Jeanice alleged that Jordan had a tendency to lie about his whereabouts and had the habit of hanging out and spending a great deal of time with his friends. Since Jordan worked in their family business, Jordan would allegedly just stay home, tinker with the Play Station, and ask Jeanice to lie to his brothers about his whereabouts. Jeanice further alleged that Jordan was heavily dependent on and attached to his mother. After giving birth to their son, Jeanice noticed that Jordan resented their son and spent more time with his friends rather than help her take care of their son. Jordan also demanded from his mother a steady supply of milk and diapers for their son.

At the early stage of their marriage, Jeanice said they had petty fights but that the

quarrels turned for the worse and Jordan became increasingly violent toward her. At one point, Jordan threatened to hurt her with a pair of scissors. Jeanice also alleged that on 22 February 1999, Jordan subjected her to verbal lashing and insults and threatened to hit her with a golf club. Jeanice added that Jordan has not provided any financial support or visited their son since she left their conjugal home.

Psychologist Cristina R. Gates (Gates) testified that Jordan was afflicted with "Borderline Personality Disorder as manifested in his impulsive behavior, delinquency and instability."<sup>[5]</sup> Gates concluded that Jordan's psychological maladies antedate their marriage and are rooted in his family background. Gates added that with no indication of reformation, Jordan's personality disorder appears to be grave and incorrigible.

Jordan denied Jeanice's allegations. Jordan asserted that Jeanice exaggerated her statements against him. Jordan said that Jeanice has her own personal insecurities and that her actions showed her lack of maturity, childishness and emotional inability to cope with the struggles and challenges of maintaining a married life.

Jordan also objected to the psychological report offered by Jeanice. Jordan pointed out that he was not subjected to any interview or psychological tests by Gates. Jordan argued that Gates' conclusions were mere speculations, conjectures and suppositions from the information supplied by Jeanice. Jordan alleged that it was patently one-sided and is not admissible in evidence as it was based on hearsay statements of Jeanice which were obviously self-serving. Jordan said he wants Jeanice back and prayed for the dismissal of the petition.

### **The Ruling of the Trial Court**

On 13 May 2003, the trial court granted Jeanice's petition. The trial court declared that Jordan's psychological incapacity, which was specifically identified as "Borderline Personality Disorder," deprived him of the capacity to fully understand his responsibilities under the marital bond. The trial court found that Jordan was psychologically incapacitated to comply with the essential obligations of marriage, particularly Articles 68<sup>[6]</sup> and 70<sup>[7]</sup> of the Family Code. The trial court also declared that Jordan's psychological incapacity, being rooted in his family background, antedates the marriage and that without any sign of reformation, found the same to be grave and incurable.

The dispositive portion of the trial court's 13 May 2003 Decision reads:

IN VIEW OF THE FOREGOING, judgment is hereby rendered declaring the marriage between petitioner Jeanice Pavon Paz and respondent Jordan Chan Paz celebrated on July 3, 1997 and September 21, 1997 as null and void ab initio on the ground of psychological incapacity on the part of respondent pursuant to Article 36 of the Family Code with all the effects provided by law. The couple's absolute community of properties [sic] shall be dissolved in the manner herein provided. And the custody over Evan shall remain with the petitioner, without regard to visitation rights of the respondent as the father of the child. Furthermore, the parties are jointly responsible for the support of their minor child Evan Guabert Pavon Paz.

Let copies of this decision be furnished the Local Civil Registrars of Quezon City and Pasig City respectively as well as the National Statistics Office (NSO, CRP, Legal Department) EDSA, Quezon City.

SO ORDERED.<sup>[8]</sup>

On 6 June 2003, Jordan filed a Notice of Appeal.<sup>[9]</sup> The trial court promptly approved Jordan's appeal.

On 10 February 2004, Jeanice filed a Motion to Dismiss Appeal with the Court of Appeals.<sup>[10]</sup> In her motion, Jeanice sought the immediate dismissal of Jordan's appeal on the ground that Jordan failed to comply with Section 20 of A.M. No. 02-11-10-SC<sup>[11]</sup> which provides:

*Sec. 20. Appeal.*

(1) *Pre-condition.* No appeal from the decision shall be allowed unless the appellant has filed a motion for reconsideration or new trial within fifteen days from notice of judgment.

On 9 August 2004, the Court of Appeals dismissed Jordan's appeal. According to the Court of Appeals, the rules state in mandatory and categorical terms that the filing of a motion for reconsideration or new trial is a pre-condition before an appeal from the decision is allowed. The Court of Appeals added that when the law is clear and unambiguous, it admits no room for interpretation but merely for application.

Jordan filed a motion for reconsideration. In its 26 November 2004 Resolution, the Court of Appeals dismissed the motion.

Hence, this petition.

In a minute Resolution dated 22 June 2005, we denied Jordan's petition for failure to sufficiently show that the Court of Appeals committed any reversible error in the challenged resolutions as to warrant the exercise by this Court of its discretionary appellate jurisdiction.<sup>[12]</sup>

On 18 August 2005, Jordan filed a motion for reconsideration. While Jordan admits that he failed to file a motion for reconsideration of the trial court's 13 May 2003 Decision, Jordan submits that Section 20 of A.M. No. 02-11-10-SC should not have been strictly applied against him because it took effect only on 15 March 2003, or less than two months prior to the rendition of the trial court's 13 May 2003 Decision. Moreover, Jordan enjoins the Court to decide the case on the merits so as to preserve the sanctity of marriage as enshrined in the Constitution.

Jeanice also filed an Opposition to the Motion for Reconsideration on 1 September 2005.<sup>[13]</sup>

In a minute Resolution dated 19 September 2005, we granted Jordan's motion for reconsideration and reinstated the petition.<sup>[14]</sup>

Jeanice filed a motion for reconsideration. In a minute Resolution dated 5 June 2006, we denied Jeanice's motion for reconsideration for lack of merit.<sup>[15]</sup>

On 7 August 2006, Jeanice filed a second motion for reconsideration.

In a minute Resolution dated 20 September 2006, we denied Jeanice's second motion for reconsideration for lack of merit and reminded Jeanice that a second motion for reconsideration is a prohibited pleading.<sup>[16]</sup>

### **The Issue**

The only issue left to be resolved is whether Jordan is psychologically incapacitated to comply with the essential marital obligations.

### **THE RULING OF THIS COURT**

The petition has merit.

#### ***Jeanice Failed to Prove Jordan's Psychological Incapacity***

Jeanice's petition for declaration of nullity of marriage is anchored on Article 36 of the Family Code which provides:

A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

In *Santos v. Court of Appeals*,<sup>[17]</sup> the Court first declared that psychological incapacity must be characterized by (a) gravity; (b) judicial antecedence; and (c) incurability. It must 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."<sup>[18]</sup>

In *Dimayuga-Laurena v. Court of Appeals*,<sup>[19]</sup> the Court explained:

(a) Gravity - It must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage;

(b) Judicial Antecedence - 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 - It must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.<sup>[20]</sup>