

SECOND DIVISION

[G.R. No. 164493, March 10, 2010]

**JOCELYN M. SUAZO, PETITIONER, VS. ANGELITO SUAZO AND
REPUBLIC OF THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

BRION, J.:

We resolve the appeal filed by petitioner Jocelyn Suazo (*Jocelyn*) from the July 14, 2004 Decision of the Court of Appeals (CA)^[1] in CA-G.R. CV No. 62443, which reversed the January 29, 1999 judgment of the Regional Trial Court (RTC), Branch 119, Pasay City in Civil Case No. 97-1282.^[2] The reversed RTC decision nullified Jocelyn's marriage with respondent Angelito Suazo (*Angelito*) on the ground of psychological incapacity.

THE FACTS

Jocelyn and Angelito were 16 years old when they first met in June 1985; they were residents of Laguna at that time. After months of courtship, Jocelyn went to Manila with Angelito and some friends. Having been gone for three days, their parents sought Jocelyn and Angelito and after finding them, brought them back to Biñan, Laguna. Soon thereafter, Jocelyn and Angelito's marriage was arranged and they were married on March 3, 1986 in a ceremony officiated by the Mayor of Biñan.

Without any means to support themselves, Jocelyn and Angelito lived with Angelito's parents after their marriage. They had by this time stopped schooling. Jocelyn took odd jobs and worked for Angelito's relatives as household help. Angelito, on the other hand, refused to work and was most of the time drunk. Jocelyn urged Angelito to find work and violent quarrels often resulted because of Jocelyn's efforts.

Jocelyn left Angelito sometime in July 1987. Angelito thereafter found another woman with whom he has since lived. They now have children.

Ten years after their separation, or on October 8, 1997, Jocelyn filed with the RTC a petition for declaration of nullity of marriage under Article 36 of the Family Code, as amended. She claimed that Angelito was psychologically incapacitated to comply with the essential obligations of marriage. In addition to the above historical narrative of their relationship, she alleged in her complaint:

x x x x

8. That from the time of their marriage up to their separation in July 1987, their relationship had been marred with bitter quarrels which caused unbearable physical and emotional pains on the part of the plaintiff because defendant inflicted physical injuries upon her every time

they had a troublesome encounter;

9. That the main reason for their quarrel was always the refusal of the defendant to work or his indolence and his excessive drinking which makes him psychologically incapacitated to perform his marital obligations making life unbearably bitter and intolerable to the plaintiff causing their separation in fact in July 1987;

10. That such psychological incapacity of the defendant started from the time of their marriage and became very apparent as time went and proves to be continuous, permanent and incurable;

x x x x

Angelito did not answer the petition/complaint. Neither did he submit himself to a psychological examination with psychologist Nedy Tayag (who was presumably hired by Jocelyn).

The case proceeded to trial on the merits after the trial court found that no collusion existed between the parties. Jocelyn, her aunt Maryjane Serrano, and the psychologist testified at the trial.

In her testimony, Jocelyn essentially repeated the allegations in her petition, including the alleged incidents of physical beating she received from Angelito. On cross-examination, she remained firm on these declarations but significantly declared that Angelito had not treated her violently before they were married.

Asst. Sol. Gen. Kim Briguera:

Q. Can you describe your relationship with the respondent before you got married?

A. He always go (*sic*) to our house to court me.

Q. Since you cited violence, after celebration of marriage, will you describe his behavioural (*sic*) pattern before you got married?

A. He show (*sic*) kindness, he always come (*sic*) to the house.

Q. So you cannot say his behavioral pattern composing of violent nature before you got married (*sic*), is there any signs (*sic*) of violence?

A. None maam (*sic*), because we were not sweethearts.

Q. Even to other people?

A. He also quarrel (*sic*).^[3]

Maryjane Serrano corroborated parts of Jocelyn's testimony.

When the psychologist took the witness stand, she declared:

Q. What about the respondent, did you also make clinical interpretation of his behavior?

A. Apparently, the behavior and actuation of the respondent during the time of the marriage the respondent is suffering from anti-social personality Disorder this is a serious and severe apparently incurable (*sic*). This disorder is chronic and long-standing before the marriage.

Q. And you based your interpretation on the report given by the petitioner?

A. Based on the psychological examination wherein there is no pattern of lying when I examined her, the petitioner was found to be very responsive, coherent, relevant to marital relationship with respondent.

Q. And the last page of Exhibit "E" which is your report there is a statement rather on the last page, last paragraph which state: It is the clinical opinion of the undersigned that marriage between the two, had already hit bottom rock (*sic*) even before the actual celebration of marriage. Respondent('s) immature, irresponsible and callous emotionality practically harbors (*sic*) the possibility of having blissful relationship. His general behavior fulfill(s) the diagnostic criteria for a person suffering from Anti Social Personality Disorder. Such disorder is serious and severe and it interfered (*sic*) in his capacity to provide love, caring, concern and responsibility to his family. The disorder is chronic and long-standing in proportion and appear(s) incurable. The disorder was present at the time of the wedding and became manifest thereafter due to stresses and pressure of married life. He apparently grew up in a dysfunctional family. Could you explain what does chronic mean?

A. Chronic is a clinical language which means incurable it has been there long before he entered marriage apparently, it came during early developmental (*sic*) Basic trust was not develop (*sic*).

Q. And this long standing proportion (*sic*).

A. That no amount of psychological behavioral help to cure such because psychological disorder are not detrimental to men but to others particularly and this (*sic*) because the person who have this kind of disorder do not know that they have this kind of disorder.

Q. So in other words, permanent?

A. Permanent and incurable.

Q. You also said that this psychological disorder is present during the wedding or at the time of the wedding or became manifest thereafter?

A. Yes, ma'am."

X X X X

Court:

Q. Is there a clinical findings (*sic*)?

A. That is the clinical findings. Personality Disorder labeled on Anti-Social Personality Disorder (*sic*).

Q. How was shown during the marriage (*sic*)?

A. The physical abuses on the petitioner also correlated without any employment exploitative and silent (*sic*) on the part of the respondent is clearly Anti-Social Disorder.

Q. Do the respondent know that he has that kind of psychological disorder (*sic*)?

A. Usually a person suffering that psychological disorder will not admit that they are suffering that kind of disorder (*sic*).

Court:

Q. So because of this Anti-Social Disorder the petitioner suffers a lot (*sic*)?

A. Yes, because the petitioner is a victim of hardships of marital relation to the respondent (*sic*).

Court:

Q. Was the Anti-Social Personality Disorder also shown to the parents (*sic*)?

A. Yes, according to the petitioner, respondent never give due respect more often than not he even shouted at them for no apparent reason (*sic*).

Court:

Q. Did you say Anti-Social Disorder incurable (*sic*)?

A. Yes, sir.

Court:

Q. Is there a physical violence (*sic*)?

A. Actually, I could see the petitioner is tortured mentally of the respondent (*sic*).

Court:

Q. How was the petitioner tortured?

A. She was able to counter-act by the time she was separated by the respondent (*sic*).

Court:

Q. Do you mean to tell us that Anti-Social disorder is incurable?

A. Yes, sir.

Court:

Q. Why did you know?

A. Anti-Social disorder is incurable again because the person itself, the respondent is not aware that this kind of personality affect the other party (*sic*).

Court:

Q. This Anti-Social behavior is naturally affected the petitioner (*sic*)?

A. They do not have children because more often than not the respondent is under the influence of alcohol, they do not have peaceful harmonious relationship during the less than one year and one thing what is significant, respondent allowed wife to work as housemaid instead of he who should provide and the petitioner never receive and enjoy her earning for the five months that she work and it is also the petitioner who took sustainance of the vices. (*sic*)

Q. And because of that Anti-Social disorder he had not shown love to the petitioner?

A. From the very start the respondent has no emotion to sustain the marital relationship but what he need is to sustain his vices thru the petitioner (*sic*).

Court:

Q. What are the vices?

A. Alcohol and gambling.

Court:

Q. And this affected psychological incapacity to perform marital obligation?