

SECOND DIVISION

[G.R. No. 166738, August 14, 2009]

ROWENA PADILLA-RUMBAUA, PETITIONER, VS. EDWARD RUMBAUA, RESPONDENT.

D E C I S I O N

BRION, J.:

Petitioner Rowena Padilla-Rumbaua (*petitioner*) challenges, through her petition for review on *certiorari*,^[1] the decision dated June 25, 2004^[2] and the resolution dated January 18, 2005^[3] of the Court of Appeals (CA) in **CA-G.R. CV No. 75095**. The challenged decision reversed the decision^[4] of the Regional Trial Court (RTC) declaring the marriage of the petitioner and respondent Edward Rumbaua (*respondent*) null and void on the ground of the latter's psychological incapacity. The assailed resolution, on the other hand, denied the petitioner's motion for reconsideration.

ANTECEDENT FACTS

The present petition traces its roots to the petitioner's complaint for the declaration of nullity of marriage against the respondent before the RTC, docketed as Civil Case No. 767. The petitioner alleged that the respondent was psychologically incapacitated to exercise the essential obligations of marriage as shown by the following circumstances: the respondent reneged on his promise to live with her under one roof after finding work; he failed to extend financial support to her; he blamed her for his mother's death; he represented himself as single in his transactions; and he pretended to be working in Davao, although he was cohabiting with another woman in Novaliches, Quezon City.

Summons was served on the respondent through substituted service, as personal service proved futile.^[5] The RTC ordered the provincial prosecutor to investigate if collusion existed between the parties and to ensure that no fabrication or suppression of evidence would take place.^[6] Prosecutor Melvin P. Tiongson's report negated the presence of collusion between the parties.^[7]

The Republic of the Philippines (*Republic*), through the office of the Solicitor General (OSG), opposed the petition.^[8] The OSG entered its appearance and deputized the Provincial Prosecutor of Nueva Vizcaya to assist in all hearings of the case.^[9]

The petitioner presented testimonial and documentary evidence to substantiate her charges.

The petitioner related that she and the respondent were childhood neighbors in Dupax del Norte, Nueva Vizcaya. Sometime in 1987, they met again and became

sweethearts but the respondent's family did not approve of their relationship. After graduation from college in 1991, the respondent promised to marry the petitioner as soon as he found a job. The job came in 1993, when the Philippine Air Lines (*PAL*) accepted the respondent as a computer engineer. The respondent proposed to the petitioner that they first have a "secret marriage" in order not to antagonize his parents. The petitioner agreed; they were married in Manila on February 23, 1993. The petitioner and the respondent, however, never lived together; the petitioner stayed with her sister in Fairview, Quezon City, while the respondent lived with his parents in Novaliches.

The petitioner and respondent saw each other every day during the first six months of their marriage. At that point, the respondent refused to live with the petitioner for fear that public knowledge of their marriage would affect his application for a *PAL* scholarship. Seven months into their marriage, the couple's daily meetings became occasional visits to the petitioner's house in Fairview; they would have sexual trysts in motels. Later that year, the respondent enrolled at FEATI University after he lost his employment with *PAL*.^[10]

In 1994, the parties' respective families discovered their secret marriage. The respondent's mother tried to convince him to go to the United States, but he refused. To appease his mother, he continued living separately from the petitioner. The respondent forgot to greet the petitioner during her birthday in 1992 and likewise failed to send her greeting cards on special occasions. The respondent indicated as well in his visa application that he was single.

In April 1995, the respondent's mother died. The respondent blamed the petitioner, associating his mother's death to the pain that the discovery of his secret marriage brought. Pained by the respondent's action, the petitioner severed her relationship with the respondent. They eventually reconciled through the help of the petitioner's father, although they still lived separately.

In 1997, the respondent informed the petitioner that he had found a job in Davao. A year later, the petitioner and her mother went to the respondent's house in Novaliches and found him cohabiting with one Cynthia Villanueva (*Cynthia*). When she confronted the respondent about it, he denied having an affair with Cynthia.^[11] The petitioner apparently did not believe the respondents and moved to Nueva Vizcaya to recover from the pain and anguish that her discovery brought.^[12]

The petitioner disclosed during her cross-examination that communication between her and respondent had ceased. Aside from her oral testimony, the petitioner also presented a certified true copy of their marriage contract;^[13] and the testimony, *curriculum vitae*,^[14] and psychological report^[15] of clinical psychologist Dr. Nedy Lorenzo Tayag (*Dr. Tayag*).

Dr. Tayag declared on the witness stand that she administered the following tests on the petitioner: a Revised Beta Examination; a Bender Visual Motor Gestalt Test; a Rorschach Psychodiagnostic Test; a Draw a Person Test; a Sach's Sentence Completion Test; and MMPI.^[16] She thereafter prepared a psychological report with the following findings:

TEST RESULTS AND EVALUATION

Psychometric tests data reveal petitioner to operate in an average intellectual level. Logic and reasoning remained intact. She is seen to be the type of woman who adjusts fairly well into most situations especially if it is within her interests. She is pictured to be faithful to her commitments and had reservations from negative criticisms such that she normally adheres to social norms, behavior-wise. Her age speaks of maturity, both intellectually and emotionally. Her one fault lies in her compliant attitude which makes her a subject for manipulation and deception such that of respondent. In all the years of their relationship, she opted to endure his irresponsibility largely because of the mere belief that someday things will be much better for them. But upon the advent of her husband's infidelity, she gradually lost hope as well as the sense of self-respect, that she has finally taken her tool to be assertive to the point of being aggressive and very cautious at times – so as to fight with the frustration and insecurity she had especially regarding her failed marriage.

Respondent in this case, is revealed to operate in a very self-centered manner as he believes that the world revolves around him. His egocentrism made it so easy for him to deceitfully use others for his own advancement with an extreme air of confidence and dominance. He would do actions without any remorse or guilt feelings towards others especially to that of petitioner.

REMARKS

Love happens to everyone. It is dubbed to be boundless as it goes beyond the expectations people tagged with it. In love, "age does matter." People love in order to be secure that one will share his/her life with another and that he/she will not die alone. Individuals who are in love had the power to let love grow or let love die – it is a choice one had to face when love is not the love he/she expected.

In the case presented by petitioner, it is very apparent that love really happened for her towards the young respondent – who used "love" as a disguise or deceptive tactic for exploiting the confidence she extended towards him. He made her believe that he is responsible, true, caring and thoughtful – only to reveal himself contrary to what was mentioned. He lacked the commitment, faithfulness, and remorse that he was able to engage himself to promiscuous acts that made petitioner look like an innocent fool. His character traits reveal him to suffer Narcissistic Personality Disorder - declared to be grave, severe and incurable.^[17]
[Emphasis supplied.]

The RTC Ruling

The RTC nullified the parties' marriage in its decision of April 19, 2002. The trial court saw merit in the testimonies of the petitioner and Dr. Tayag, and concluded as

follows:

X X X X

Respondent was never solicitous of the welfare and wishes of his wife. Respondent imposed limited or block [sic] out communication with his wife, forgetting special occasions, like petitioner's birthdays and Valentine's Day; going out only on occasions despite their living separately and to go to a motel to have sexual intercourse.

It would appear that the foregoing narration are the attendant facts in this case which show the psychological incapacity of respondent, at the time of the celebration of the marriage of the parties, to enter into lawful marriage and to discharge his marital responsibilities (See Articles 68 to 71, Family Code). This incapacity is "declared grave, severe and incurable."

WHEREFORE, in view of the foregoing, the marriage between petitioner Rowena Padilla Rumbaua and respondent Edwin Rumbaua is hereby declared annulled.

SO ORDERED.^[18]

The CA Decision

The Republic, through the OSG, appealed the RTC decision to the CA.^[19] The CA decision of June 25, 2004 reversed and set aside the RTC decision, and denied the nullification of the parties' marriage.^[20]

In its ruling, the CA observed that Dr. Tayag's psychiatric report did not mention the cause of the respondent's so-called "narcissistic personality disorder;" it did not discuss the respondent's childhood and thus failed to give the court an insight into the respondent's developmental years. Dr. Tayag likewise failed to explain why she came to the conclusion that the respondent's incapacity was "deep-seated" and "incurable."

The CA held that Article 36 of the Family Code requires the incapacity to be psychological, although its manifestations may be physical. Moreover, the evidence presented must show that the incapacitated party was mentally or physically ill so that he or she could not have known the marital obligations assumed, knowing them, could not have assumed them. In other words, the illness must be shown as downright incapacity or inability, not a refusal, neglect, or difficulty to perform the essential obligations of marriage. In the present case, the petitioner suffered because the respondent adamantly refused to live with her because of his parents' objection to their marriage.

The petitioner moved to reconsider the decision, but the CA denied her motion in its resolution of January 18, 2005. ^[21]

The Petition and the Issues

The petitioner argues in the present petition that –

1. the OSG certification requirement under *Republic v. Molina*^[22] (the *Molina* case) cannot be dispensed with because A.M. No. 02-11-10-SC, which relaxed the requirement, took effect only on March 15, 2003;
2. vacating the decision of the courts *a quo* and remanding the case to the RTC to recall her expert witness and cure the defects in her testimony, as well as to present additional evidence, would temper justice with mercy; and
3. Dr. Tayag's testimony in court cured the deficiencies in her psychiatric report.

The petitioner prays that the RTC's and the CA's decisions be reversed and set aside, and the case be remanded to the RTC for further proceedings; in the event we cannot grant this prayer, that the CA's decision be set aside and the RTC's decision be reinstated.

The Republic maintained in its comment that: (a) A.M. No. 02-11-10-SC was applicable although it took effect after the promulgation of *Molina*; (b) invalidating the trial court's decision and remanding the case for further proceedings were not proper; and (c) the petitioner failed to establish respondent's psychological incapacity.^[23]

The parties simply reiterated their arguments in the memoranda they filed.

THE COURT'S RULING

We resolve to **deny** the petition for **lack of merit**.

A.M. No. 02-11-10-SC is applicable

In *Molina*, the Court emphasized the role of the prosecuting attorney or fiscal and the OSG; they are to appear as counsel for the State in proceedings for annulment and declaration of nullity of marriages:

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. **No decision shall be handed down unless the Solicitor General issues a certification, which will be quoted in the decision, briefly stating therein his reasons for his agreement or opposition, as the case may be, to the petition.** The Solicitor General, along with the prosecuting attorney, shall submit to the court such certification within fifteen (15) days from the date the case is deemed submitted for resolution of the court. The Solicitor General shall discharge the equivalent function of the *defensor vinculi* contemplated under Canon 1095. [Emphasis supplied.]