

THIRD DIVISION

[G.R. No. 149498, May 20, 2004]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. LOLITA QUINTERO-HAMANO, RESPONDENT.

D E C I S I O N

CORONA, J.:

Before us is a petition for review of the decision ^[1] dated August 20, 2001 of the Court of Appeals^[2] affirming the decision^[3] dated August 28, 1997 of the Regional Trial Court of Rizal, Branch 72, declaring as null and void the marriage contracted between herein respondent Lolita M. Quintero-Hamano and her husband Toshio Hamano.

On June 17, 1996, respondent Lolita Quintero-Hamano filed a complaint for declaration of nullity of her marriage to her husband Toshio Hamano, a Japanese national, on the ground of psychological incapacity.

Respondent alleged that in October 1986, she and Toshio started a common-law relationship in Japan. They later lived in the Philippines for a month. Thereafter, Toshio went back to Japan and stayed there for half of 1987. On November 16, 1987, she gave birth to their child.

On January 14, 1988, she and Toshio were married by Judge Isauro M. Balderia of the Municipal Trial Court of Bacoar, Cavite. Unknown to respondent, Toshio was psychologically incapacitated to assume his marital responsibilities, which incapacity became manifest only after the marriage. One month after their marriage, Toshio returned to Japan and promised to return by Christmas to celebrate the holidays with his family. After sending money to respondent for two months, Toshio stopped giving financial support. She wrote him several times but he never responded. Sometime in 1991, respondent learned from her friends that Toshio visited the Philippines but he did not bother to see her and their child.

The summons issued to Toshio remained unserved because he was no longer residing at his given address. Consequently, on July 8, 1996, respondent filed an ex parte motion for leave to effect service of summons by publication. The trial court granted the motion on July 12, 1996. In August 1996, the summons, accompanied by a copy of the petition, was published in a newspaper of general circulation giving Toshio 15 days to file his answer. Because Toshio failed to file a responsive pleading after the lapse of 60 days from publication, respondent filed a motion dated November 5, 1996 to refer the case to the prosecutor for investigation. The trial court granted the motion on November 7, 1996.

On November 20, 1996, prosecutor Rolando I. Gonzales filed a report finding that no collusion existed between the parties. He prayed that the Office of the Provincial

Prosecutor be allowed to intervene to ensure that the evidence submitted was not fabricated. On February 13, 1997, the trial court granted respondent's motion to present her evidence ex parte. She then testified on how Toshio abandoned his family. She thereafter offered documentary evidence to support her testimony.

On August 28, 1997, the trial court rendered a decision, the dispositive portion of which read:

WHEREFORE, premises considered, the marriage between petitioner Lolita M. Quintero- Hamano and Toshio Hamano, is hereby declared NULL and VOID.

The Civil Register of Bacoar, Cavite and the National Statistics Office are ordered to make proper entries into the records of the afore-named parties pursuant to this judgment of the Court.

SO ORDERED.^[4]

In declaring the nullity of the marriage on the ground of Toshio's psychological incapacity, the trial court held that:

It is clear from the records of the case that respondent spouses failed to fulfill his obligations as husband of the petitioner and father to his daughter. Respondent remained irresponsible and unconcerned over the needs and welfare of his family. Such indifference, to the mind of the Court, is a clear manifestation of insensitivity and lack of respect for his wife and child which characterizes a very immature person. Certainly, such behavior could be traced to respondent's mental incapacity and disability of entering into marital life.^[5]

The Office of the Solicitor General, representing herein petitioner Republic of the Philippines, appealed to the Court of Appeals but the same was denied in a decision dated August 28, 1997, the dispositive portion of which read:

WHEREFORE, in view of the foregoing, and pursuant to applicable law and jurisprudence on the matter and evidence on hand, judgment is hereby rendered denying the instant appeal. The decision of the court a quo is AFFIRMED. No costs.

SO ORDERED.^[6]

The appellate court found that Toshio left respondent and their daughter a month after the celebration of the marriage, and returned to Japan with the promise to support his family and take steps to make them Japanese citizens. But except for two months, he never sent any support to nor communicated with them despite the letters respondent sent. He even visited the Philippines but he did not bother to see them. Respondent, on the other hand, exerted all efforts to contact Toshio, to no avail.

The appellate court thus concluded that respondent was psychologically incapacitated to perform his marital obligations to his family, and to "observe mutual love, respect and fidelity, and render mutual help and support" pursuant to Article 68 of the Family Code of the Philippines. The appellate court rhetorically asked:

But what is there to preserve when the other spouse is an unwilling party to the cohesion and creation of a family as a social inviolable institution? Why should petitioner be made to suffer in a marriage where the other spouse is not around and worse, left them without even helping them cope up with family life and assist in the upbringing of their daughter as required under Articles 68 to 71 of the Family Code?^[7]

The appellate court emphasized that this case could not be equated with *Republic vs. Court of Appeals and Molina*^[8] and *Santos vs. Court of Appeals*.^[9] In those cases, the spouses were Filipinos while this case involved a “mixed marriage,” the husband being a Japanese national.

Hence, this appeal by petitioner Republic based on this lone assignment of error:

I

The Court of Appeals erred in holding that respondent was able to prove the psychological incapacity of Toshio Hamano to perform his marital obligations, despite respondent’s failure to comply with the guidelines laid down in the *Molina* case.^[10]

According to petitioner, mere abandonment by Toshio of his family and his insensitivity to them did not automatically constitute psychological incapacity. His behavior merely indicated simple inadequacy in the personality of a spouse falling short of reasonable expectations. Respondent failed to prove any severe and incurable personality disorder on the part of Toshio, in accordance with the guidelines set in *Molina*.

The Office of the Public Attorney, representing respondent, reiterated the ruling of the courts a quo and sought the denial of the instant petition.

We rule in favor of petitioner.

The Court is mindful of the policy of the 1987 Constitution to protect and strengthen the family as the basic autonomous social institution and marriage as the foundation of the family.^[11] Thus, any doubt should be resolved in favor of the validity of the marriage. ^[12]

Respondent seeks to annul her marriage with Toshio on the ground of psychological incapacity. Article 36 of the Family Code of the Philippines provides that:

Art. 36. 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 *Molina*, we came up with the following guidelines in the interpretation and application of Article 36 for the guidance of the bench and the bar:

(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. This is