

FIRST DIVISION

[CA-G.R. CV No. 97394, March 11, 2015]

MICHAEL C. ARAHAN, PETITIONER-APPELLEE, VS. MA. VANGIE ARCO-ARAHAAN, RESPONDENT,

REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

DECISION

SORONGON, E.D., J.

This is an Appeal filed by the Republic of the Philippines (the Republic) through the Office of the Solicitor General (OSG) assailing the Decision^[1] dated February 10, 2011 of the Regional Trial Court (RTC), Branch 24 of Biñan, Laguna, in *Civil Case No. B-7617*, which granted the petition for the declaration of nullity of marriage of Michael C. Arahan (petitioner-appellee) and Ma. Vangie Arco-Arahan (respondent).

Based on the records, the parties met in the early part of 2004 in a night club where she worked as a GRO. Though there was no formal courtship they went out on dates wherein petitioner-appellee found respondent to be caring, thoughtful and sweet. Sometime in May 2004, they agreed to live together until November 29, 2004 when he left for Japan to work. While in Japan, petitioner-appellee regularly sent respondent money for her daily needs and for their future savings as well. In May 2005, he went home to the Philippines and was dismayed to find out that respondent had not saved any money. Despite her being a spendthrift his love for her did not wane and on June 23, 2005 he decided to marry her in Biñan, Laguna. In September 2006, petitioner-appellee returned to Japan along with the respondent. In Japan he supported respondent with all her needs including a credit card accomodation. After several months, petitioner-appellee noticed that respondent was always out of their house until she finally left him to cohabit with a Japanese national. He tried to win her back but proved to be in vain. He saw her in February 28, 2008 in the Philippines but instead of reconciling with him, she stayed in St. Francis VII Subdivision, San Antonio, Biñan, Laguna. Her refusal to live with him shows her indifference and lack of remorse for her past actions, irresponsibility and disregard of her marital obligations. Hence, this petition for the declaration of nullity of their marriage under Article 36 of the Family Code.

Despite service of summons and a copy of the petition, respondent failed to file her answer. On March 18, 2009, the trial court issued an Order^[2] directing the assistant provincial prosecutor to investigate whether collusion exists between the parties, that no evidence is fabricated and/or suppressed, and to submit his report thereon. Thereafter, the public prosecutor submitted the report^[3] stating that there is no collusion or fabrication of evidence in this case.

During trial petitioner-appellee and Mrs. Visitacion G. Revita, a clinical psychologist, testified.

By Decision^[4] dated February 10, 2010 the trial court granted the petition, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Declaring the marriage between petitioner MICHAEL C. ARAHAN and respondent MA. VANGIE ARCO ARAHAN celebrated on 23 June 2005 in civil rites in Biñan, Laguna, solemnized by Hon. Hermis C. Perez, Municipal Mayor, as NULL AND VOID pursuant to Article 36 of the Family Code of the Philippines;
2. The Absolute Community of Property between the parties be dissolved;
- 3.
4. The petitioner's and respondent's civil status be changed from that of "married" to "single";
5. Ordering the City Civil Registrar of Biñan, Laguna, and the National Census and Statistics Office (NCSO), to change, delete and/or expunge from their respective book of marriages the entry of marriage between the petitioner and respondent and such other documents appearing in said offices, but this Order shall only take effect upon finality of this decision.

Upon finality of this Decision, let copies be furnished the Local Civil Registrar of Biñan, Laguna, and the National Census and Statistics Office for these offices to comply with the above-mentioned Orders of this Court.

SO ORDERED. "

On May 9, 2011, the Republic filed a Motion for Reconsideration^[5] which the trial court denied by Order^[6] dated May 16, 2011. The Notice of Appeal^[7] it consequently filed was approved by Order^[8] of the trial court dated June 22, 2011.

In this appeal, the Republic seeks to reverse and set aside the decision of the trial court because: THE COURT A QUO ERRED IN DECLARING THE SUBJECT MARRIAGE NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE. The appeal is meritorious.

In the case of *Santos v. Court of Appeals*^[9], the Supreme Court held that psychological incapacity must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability. It should refer to "no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage." 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."