

FIFTEENTH DIVISION

[CA-G.R. CV No. 99678, March 31, 2014]

**MARIJOY RELATIVO DORERO, PETITIONER-APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

D E C I S I O N

CASTILLO, M., J.:

For this Court's consideration is an appeal from the Decision^[1] dated September 28, 2011 and Order^[2] dated January 16, 2012, both rendered by the Regional Trial Court (RTC) of Naga City, Branch 20, in the case docketed as Civil Case No. 2008-0143 for Declaration of Nullity of Marriage, filed by petitioner-appellee Marijoy Relativo Dorero against her spouse, Christian Errol Dorero.

The antecedent facts are as follows:

Sometime in 1996, petitioner-appellee Marijoy and Errol met in Ateneo de Naga University while they were still students thereat. They eventually became sweethearts. In September 1996, Marijoy became pregnant.^[3] Since she was confused and did not know what to do at such a young age, Marijoy thought that the best solution was to abort the fetus from her womb.^[4] She sought the help of Errol who brought her to his biological mother. The latter accompanied the couple to a "manghihilot". However, the abortion was unsuccessful despite several attempts to expel the fetus.^[5] When she was six months pregnant, Marijoy revealed her pregnancy to her family who calmly accepted her predicament.^[6] Both families agreed to set the couple's church wedding. On April 26, 1997, Marijoy and Errol were married.^[7] Marijoy was only eighteen years old while Errol was a mere twenty-year old man.^[8] On June 17, 1997, Marijoy gave birth to their son, Xinamari Iñigo.^[9] Considering that Marijoy and Errol had to finish their studies, they lived with Errol's adoptive parents who supported them in their needs.^[10]

The petitioner-appellee alleged that in 1999, her husband started to show signs of insecurity, irresponsibility, inadequacy and violent reactions. There was an instance when her husband threw a big can of milk at her which hit her stitches from her Caesarian operation. He also hit her arms and legs which caused bruises. Errol was irresponsible as he did not do his share in taking care of their baby. He got mad whenever Marijoy tried to wake him up on nights when the baby cried and had to be fed. Marijoy was battered by Errol and the latter blamed her for being hurt. The vicious cycle of violence continued for several years. Errol kicked, pushed and slapped her until she became helpless to defend herself. For the sake of the unity of their family, the petitioner-appellee accepted her husband's apology every time he became violent.^[11] There was also an instance when Errol rushed up the stairs to get a gun from the cabinet of his father who was a retired Philippine National Police colonel, but the cabinet was fortunately locked at that time. The petitioner-appellee

also experienced emotional and psychological suffering. Errol always came home late and had an extramarital affair with his officemate. In 2002, the petitioner-appellee took out a housing loan from PAG-IBIG and bought a house. She hoped that independence and self-reliance would improve their situation. Errol also volunteered to pay the amortizations and they eventually moved to their own house. However, their problems worsened due to financial problems.^[12] Errol remained violent and his illicit affair continued. He failed to give her his salary on a steady monthly basis. Errol resigned from his job after the management learned about his extramarital affair with his officemate in 2002. He moved to Manila to seek employment and neglected his obligation to support his family and pay the amortization on their house. Marijoy attempted to reconcile with her husband and even followed him to Manila. Nevertheless, her reconciliation efforts were in vain. During the succeeding years, he completely neglected his family since he went home to his parents instead of Marijoy and their child, whenever he returned to Naga from his work in Manila. Considering the circumstances, Marijoy decided to resign from her job at the bank and work in Dubai. She left the Philippines in November 2006. At present, Marijoy continues to support their son and pay for their house.^[13]

On the other hand, Errol alleged that when Marijoy learned that she was pregnant, she told him that she did not want the baby.^[14] It was solely Marijoy's decision to abort the baby several times.^[15] He informed his parents and Marijoy's mother that he did not want to marry the petitioner-appellee. He was only forced to marry her since he was not in a position to disagree with his parents. From 1997 to 2002, the couple and their son lived with Errol's parents. The latter provided for the milk and other needs of their son and also paid for Marijoy's tuition fees, food and other expenses. Errol obtained a job after his college graduation and shouldered the expenses for their son. At that time, Marijoy was still studying and fond of going out with her friends at night. Errol or his mother had to take care of Xianmari during those nights. Marijoy's salary from her job at the bank was spent on make-up, dresses and partying. When his employment contract with San Miguel Corporation expired in 1999, he was unable to find other employment. From December 1999 to June 2000, he was unemployed and was a full-time father to their son. There were times when he had to take care of his drunk wife who loved to party, dance and drink. They often argued about their finances since Marijoy wanted to have the small amount of money which Errol's parents gave him for his job-hunting expenses. Errol's parents were the ones who shouldered all of Xianmari's expenses. Marijoy's salary was not even sufficient to cover her shopping needs such as clothes, branded make-up and body soaps.^[16] The cause of Marijoy's anger was actually Errol's refusal to give her the money which was allocated for his job-hunting and their son's needs. There was a time when Marijoy kicked Errol off the bed and hit him on different parts of his body. Errol hit her back to bring some sense to her. She shouted, saying that the money was for the purchase of their son's milk. To prove otherwise, Errol threw at her the can of milk which was still sufficient to last for many days. He could not comprehend his wife's insistence on getting the money from him for their son's milk, considering that it was Errol's parents who shouldered the expenses for the same. Marijoy often came home late and was not present to take care of their son. Errol's mother took care of Xianmari, put him to sleep and brought him to Errol's bed. The latter would lie in bed beside his son and wait for Marijoy to arrive home. She could not wake up to the cries of the baby since she was often intoxicated and came home late in the evening or early morning. Their

arguments on financial matters regularly occurred every payday since Marijoy wanted to get his entire salary. She would engage in violent fits and would hurt herself whenever she failed to get what she wanted. There was one incident when she was quite enraged and started nagging at the top of her voice so that the neighbors could hear her. Since Errol got fed up by her behavior, he acted as though he would get his father's gun in order to stop her, although he knew that the place where it was kept was locked.^[17] Errol sometimes left the house and while away the time at a nearby sari-sari store in order to avoid his wife's nagging and violence. Due to his family problems, he was driven to seek the friendship of some of his officemates who provided him some comfort by listening to him. Marijoy and her family members spread demeaning gossips about him and his officemates which led the latter to avoid him. He was forced to resign since he no longer enjoyed working with all the existing gossip. He did not have an illicit affair. His salary was allocated for the house loan amortization and he required Marijoy to share in the household expenses. Marijoy extremely disapproved.^[18] Petitioner-appellee Marijoy became more violent. She poured out her anger on their son, hurt him and just let him cry until the child ran out of tears. She slept with a knife tucked under her pillow. There was a time when she swung a knife at Errol and when she failed to hit him, she threatened to strike their son. Errol was able to parry the blow and Marijoy then attempted to cut her wrist. Thereafter, Errol decided to leave for Manila where he searched for employment. The petitioner-appellee and her son moved to her mother's house while the couple's house was leased, the proceeds of which were used to pay for the loan amortization. Errol and his father visited Xianmari on weekends and brought food supplies for the week. The petitioner-appellee eventually entrusted Xianmari to Errol's parents while she fetched Xianmari on weekends until November 2006 when Marijoy left for Dubai. The couple's son was left with Errol's parents. He continues to support and communicate with his son. However, due to the insufficiency of his income, he asked his parents to take care of his son while he tried his luck in Manila.^[19] In October 2008, Errol began to reimburse his parents for Xianmari's expenses. Marijoy sends money to their son but the amount is only minimal.^[20]

On April 17 and 18, 2009^[21], a psychologist examined petitioner-appellee Marijoy while her husband was examined on August 10, 2009^[22]. The psychological report contained the following findings in connection with petitioner-appellee Marijoy:

Projective test result shows an individual who is sociable, however, her interpersonal relationships is (sic) characterized with (sic) emotional shallowness. She is stubborn, emotionally immature and quite defensive, hence finds difficulty in accepting her weaknesses.

She conceptualize (sic) marriage as something cohesive and a source of security, however, she found out that her marriage lacked these essentials and had seen a traumatic episode in her life causing her unsurmountable (sic) regret and anxiety. She is able to maintain her positive outlook and desires to acquire more strengths to enable her reach (sic) a fulfilling life.^[23]

As regards Errol, the psychologist described him in the following manner:

Projective analysis uncovers a person who always strives for excellence, self-reliant, competitive, an effective communicator and possesses

leadership ability. However, behind those desirable traits is a person who is emotionally unstable, impulsive, and unpredictable. He has the need to prove further his human worth to cope with (sic) feeling of inadequacy. His impulsive trait facilitates a violent reaction during intolerable stress.

[24]

On June 17, 2009, the petitioner-appellee and her husband entered into a Settlement Agreement^[25], wherein they agreed to jointly support and have joint custody over their minor child. Physical custody over the latter was vested upon Errol's parents, without prejudice to Marijoy and Errol's exercise of parental custody, visitation and other rights. The agreement also provided for Errol's waiver of his rights over their house and the same was adjudicated solely in Marijoy's favor.^[26] Upon motion^[27] of the parties, the RTC approved the Settlement Agreement in its Order^[28] dated July 15, 2009. On September 1, 2009, a psychiatric evaluation was performed on Marijoy and Errol. The following individuals, who know the couple, were likewise interviewed: Mary Grace Dominguiano, Malen San Andres, Hermilina Redondo, Lorenzo Cuyo and Filipinas Dorero.^[29] The psychiatrist arrived at the following Conclusion:

It appeared that Christian Errol Dorero is suffering from Substance Abuse Disorder (Alcohol), Intermittent Explosive Disorder and Dissocial Personality Disorder. On the other hand, Marijoy Dorero was found suffering from Spouse Abuse and Delusional Disorder.

The personality disorder started long before they married during childhood and adolescence influenced by his environment and his family. Personally some symptoms of the disorder could be treated temporarily but not completely cured. It is so severe causing failure in marital relationships.

The violent tendencies of Errol Dorero was (sic) due to his existing Substance Abuse of Alcohol and also partly explained by his Intermittent Explosive Disorder.

Marijoy Dorero also suffers from Delusional Disorder namely the jealous type. The alleged infidelity of his (sic) husband was never really positively proven. The delusion is systematized but circumscribed allowing her to function occupationally. It exists up to the present. Because of this delusion, she also inflicted significant verbal and physical abuse to (sic) Errol Dorero, triggering the violent tendencies of the latter.

They could not comply to the (sic) ARTICLE 36 of the family code xxx"
[30]

On November 19, 2008, Marijoy filed a petition^[31] for the declaration of nullity of her marriage with Errol, based on Article 36 of the Family Code. On January 30, 2009, Errol filed his Answer^[32]. After the parties filed their respective pre-trial brief^[33], the pre-trial conference^[34] was conducted. Thereafter, the parties proceeded to trial. The following witnesses testified: petitioner-appellee Marijoy; Magdalena P. Calleja, Marijoy's aunt; Cherryl Nieves, Marijoy's confidante; psychologist Corazon Alipante; and psychiatrist Dra. Imelda C. Escuadra. On November 18, 2009, the petitioner-appellee filed her formal offer of documentary

evidence^[35] while the State waived its right to present evidence^[36]. On September 28, 2011, the trial court issued the assailed Decision^[37], the dispositive portion of which reads:

WHEREFORE, in the (sic) light of all the foregoing, Decision is hereby rendered declaring as NULL and VOID the marriage between MARIJOY RELATIVO DORERO and CHRISTIAN ERROL DORERO solemnized on April 26, 1997 solemnized by Rev. Msgr. Jesus J. Picar pursuant to Art. 36 of the Family Code of the Philippines.

The minor Xianmari Iñigo Relativo Dorero is considered the legitimate child of the parties in accordance with Article 53 of the Family Code and shall retain the surname of his father; the parties shall have joint custody over their minor son Xianmari but physical custody over the person of said minor child is vested upon the spouses Rolando and Virginia Dorero without prejudice to visitation and exercise of parental custody and other rights of the parties; that the respondent waived any and all rights he may have over the property covered by TCT No. 34297 situated at Villa Karangahan Subd., San Felipe, Naga City and the same is hereby solely adjudicated in favor of the petitioner as the sole owner thereof.

SO ORDERED.^[38]

The Office of the Solicitor General (OSG), on behalf of the Republic of the Philippines, filed a motion for reconsideration^[39] while the petitioner-appellee filed her opposition^[40] thereto. On January 16, 2012, the RTC denied^[41] the foregoing motion for reconsideration.

Hence, this appeal.

On February 16, 2012, the OSG filed a Notice of Appeal.^[42] On June 21, 2013, the OSG filed the Brief for the Oppositor-Appellant^[43], alleging that "[t]he trial court erred in granting the petition for annulment of marriage despite petitioner-appellee's failure to show by competent evidence that the parties' psychological disorders constituted sufficient ground under Article 36 of the Family Code"^[44].

The OSG alleges that marriage is an inviolable social institution and a contract of permanent union between a man and a woman, based on the Family Code and the Philippine Constitution.^[45] Psychological incapacity must be characterized by three things, namely, gravity, juridical antecedence and incurability. It only refers to those most serious cases of personality disorders which demonstrate one's utter insensitivity or inability to give significance to the marriage.^[46] The totality of the petitioner-appellee's evidence, her testimony and the experts' opinions are grossly inadequate to support her allegation of psychological incapacity. The manifestations of Errol's Dissocial Personality Disorder, Substance Abuse Disorder (Alcohol) and Intermittent Explosive Disorder were not sufficiently linked to his inability to perform his marital obligations. It has not been proven that these conditions were rooted in some incapacitating or debilitating condition.^[47] A spouse's difficulty or refusal to perform his duties is not enough to prove his psychological incapacity. The Supreme Court has denied a petition where the expert opinion presented failed to explain how the spouse's personality disorders translated to his inability to comply with marital