

## **NINTH DIVISION**

**[ CA-G.R. CV No. 100267, March 17, 2014 ]**

**RIO A. REYES , PETITIONER-APPELLEE, VS. KARLA GARELLO  
REYES, RESPONDENT, REPUBLIC OF THE PHILIPPINES,  
OPPOSITOR-APPELLANT.**

### **D E C I S I O N**

**LAMPAS PERALTA, J.:**

Subject of this appeal<sup>[1]</sup> are the (i) Decision dated January 4, 2012<sup>[2]</sup> in Civil Case No. 4801-11 of Branch 20, Regional Trial Court, Imus, Cavite granting the petition for declaration of nullity of marriage filed by petitioner-appellee Rio A. Reyes against respondent Karla Garelo Reyes, and (ii) Order dated March 9, 2012<sup>[3]</sup> of the trial court denying oppositor-appellant Republic of the Philippines' motion for reconsideration of said Decision.

### ***THE ANTECEDENTS***

Petitioner-appellee Rio A. Reyes and respondent Karla Garelo Reyes first met when they were introduced by a common friend during a basketball league in Kasibulan, Cainta, Rizal in 1999. They got married on September 15, 2001 at the Our Lady of Light Parish in Cainta, Rizal. They had a child, Kenneth G. Reyes, who was born on December 9, 2001. In 2007, petitioner-appellee worked in Saudi Arabia because of the increasing needs of the family, including the medical expenses of their son who was diagnosed to be suffering from leukemia. While in Saudi Arabia, petitioner-appellee learned that while they were apart, respondent Karla was having an illicit relationship with and was impregnated by another man. When petitioner-appellee arrived from Saudi Arabia, he no longer lived with respondent Karla.<sup>[4]</sup>

The factual details based on petitioner-appellee's evidence are synthesized by the trial court in its Decision dated January 4, 2012 as follows:

Sometime in the year 1999, petitioner was introduced to the respondent by a common friend at the place of the respondent during a basketball league in Kasibulan, Caintan, Rizal. Two weeks thereafter or sometime in May 1999, a whirlwind romance blossomed between the petitioner and the respondent.

Petitioner claimed that it was a blissful start. They did what ordinary lovers do. They were always together. Each was the source of inspiration in their respective endeavors. Their intimacy went deeper until a sexual relationship ensued which resulted to the untimely pregnancy of the respondent in the year 2001. Though they were just merely starting on

their career, they decided to face their responsibilities as upcoming parents and they wanted to give their unborn child a normal family relationship. As such, they were married xxx on September 15, 2001 at the Our Lady of Light Parish in Cainta, Rizal.

Respondent gave birth xxx on December 9, 2001 to a baby boy whom they named Kenneth G. Reyes. After the marriage, petitioner and the respondent lived at the former's parents residence at Mercedes Village, Pasig City. Their married life was filled with so much excitement especially after respondent gave birth. However, as the days passed by, the true color of the respondent unfolded. She started planning and doing things on her own without regard if the petitioner would agree on her plans. Once confronted, she would be very infuriated if not evasive of the petitioner. Also, respondent was often irritated in the house of her in-laws until petitioner was surprised that his wife applied and accepted a job in Laguna.

To avoid further disagreement, petitioner endured his wife's self-centeredness and agreed that she live in (sic) Laguna with their son while he will stay in Pasig during work days. With this, their marriage seemed to be joyful because petitioner would often give in to his wife's desire, plans, and goals. However, sometime in 2005, their son was diagnosed with leukemia. A very upset father, petitioner could not concentrate in his work and wanted to take care and spend more time with his son. As such, he decided to stay and live with the respondent in Laguna.

With the increasing needs of their family and the medical expenses of their son, petitioner decided to work in Riyadh Saudi Arabia in the year 2007. Initially, while apart, they were communicating regularly until a shocking message reached him that the respondent has already a boyfriend named, "Gerry", and were already living together. In fact, respondent admitted that even before petitioner knew, she was already pregnant by his paramour. He also found out that respondent's illicit relationship with the other man started since March 2008. Disheartened and very devastated, but with the love and support petitioner received from his family and friends, he was able to cope up with such distressing and traumatic incident in his life.

With the admission by the respondent, their respective families advised them to separate ways. Therefore, when the petitioner arrived from Saudi Arabia, he no longer stayed and lived with the respondent. On the other hand, the respondent never exerted even a single effort to reconcile with the petitioner as she obviously chose to live with her paramour since they already have a child.<sup>[5]</sup>

On June 6, 2011, petitioner-appellee filed with the trial court a petition for declaration of nullity of marriage on the ground of respondent Karla's psychological incapacity.<sup>[6]</sup>

The Office of the Solicitor General (OSG) entered its appearance as counsel for the State and deputized the Office of the Provincial Prosecutor of Imus, Cavite to appear on its behalf.<sup>[7]</sup> For her part, respondent Karla did not file any responsive pleading.<sup>[8]</sup> The Assistant Provincial Prosecutor reported that she was not in a position to tell whether there existed a collusion between the parties considering that none of them appeared during the scheduled investigation.<sup>[9]</sup>

During the pre-trial, respondent Karla failed to appear. The trial court issued a pre-trial Order dated August 22, 2011<sup>[10]</sup> containing petitioner-appellee's marking of certain exhibits such as the marriage contract, birth certificate of Kenneth G. Reyes, judicial affidavit of petitioner-appellee, judicial affidavit of clinical psychologist Sheila Marie Montefalcon and Psychological Report of clinical psychologist Sheila Marie Montefalcon.

On September 15, 2011, petitioner-appellee<sup>[11]</sup> and clinical psychologist Sheila Marie Montefalcon<sup>[12]</sup> were presented as witnesses. Petitioner-appellee also presented documentary evidence consisting of the marriage contract of petitioner-appellee and respondent Karla and the birth certificate of Kenneth G. Reyes.<sup>[13]</sup>

In a Decision dated January 4, 2012, the trial court declared void *ab initio* the marriage between petitioner-appellee and respondent Karla due to the latter's psychological incapacity. Thus:

WHEREFORE, judgment is hereby rendered declaring the marriage of Rio A. Reyes and Karla Garelo Reyes as void *ab initio*. As a necessary consequence of this pronouncement, respondent shall cease using the surname of her husband having no right over the same and so as to avoid a misimpression that she is still the legal wife of petitioner.

Furnish a copy of this decision the Office of the Solicitor General, the National Statistics Office and the Local Civil Registrar of Imus, Cavite who, in turn, shall endorse a copy to the Local Civil Registrar of Cainta Rizal so that the appropriate amendment and/or cancellation of the parties' marriage can be effected in its registry. Furnish, likewise, the parties and counsel.

SO ORDERED.<sup>[14]</sup>

Oppositor-appellant filed a motion for reconsideration,<sup>[15]</sup> stating that respondent Karla's immaturity and infidelity did not warrant a finding of psychological incapacity as contemplated under Article 36 of the Family Code. In an Order dated March 9, 2012,<sup>[16]</sup> the trial court denied the motion for reconsideration.

Hence, oppositor-appellant filed the present appeal which is premised on this assignment of error:

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR DECLARATION OF NULLITY OF MARRIAGE DESPITE PETITIONER-APPELLEE'S FAILURE TO SHOW BY COMPETENT EVIDENCE THE RESPONDENT'S DISORDER WHICH ALLEGEDLY PREVENTED HER FROM FULFILLING THE ESSENTIAL MARITAL OBLIGATIONS WITHIN THE CONTEXT OF ARTICLE 36 OF THE FAMILY CODE.<sup>[17]</sup>

Petitioner-appellee filed appellee's brief. Respondent Karla, who did not participate at all at any stage of the proceedings in the case below, did not also file any brief in the present appeal.

### ***THE ISSUE***

Whether the trial court erred in granting the petition for declaration of nullity of marriage of petitioner-appellee and respondent Karla on the ground of the latter's psychological incapacity.

### ***THE COURT'S RULING***

In granting the petition for declaration of nullity of marriage, the trial court ratiocinated "that the State should no longer sustain the marriage, and should allow petitioner to move on with his life" because the findings of clinical psychologist Sheila Marie Montefalcon pointed to respondent Karla's personality disorder which could be traced back to lack of parental guidance and unreliable parenting resulting in respondent Karla's grave psychological incapacity to perform her marital obligations.<sup>[18]</sup> Said the trial court:

From the evidence, there is no question that from the marital history of the petitioner and the respondent, guided by the accurate findings of the psychologist, the Court finds that the root cause of the psychological incapacity (Exhibit "E") of both petitioner and respondent was sufficiently established. There is much to believe on the findings of Mme. Sheila Marie Montefalcon that the personality disorder of respondent is rooted to her poor parental and family molding (particularly lack of parental guidance and unreliable parenting) which resulted into a grave psychological incapacity of respondent to perform her marital obligations. Consequently, it led to the breakdown of her marriage. The Court feels that the State should no longer sustain the marriage, and should allow petitioner to move on with his life. It is rather good that the couple never acquired any assets, except for the children that are now deprived of a mother's love (sic) as a result of respondent's psychological incapacity. The Court is convinced that the totality of the evidence for the petitioner supports the declaration of the nullity of his marriage to the respondent. Thus, the Court holds to GRANT this petition.<sup>[19]</sup>

Oppositor-appellant faults the trial court in so ruling. Allegedly, petitioner-appellee failed to prove by totality of evidence that respondent Karla is psychologically incapacitated to comply with the essential marital obligations as contemplated under Article 36 of the Family Code. The trial court "relied solely on the testimonies of petitioner-appellee and clinical psychologist Sheila Marie Montefalcon", but the clinical psychologist's findings on respondent Karla's psychological incapacity could not be considered credible conclusions because the clinical psychologist solely relied on the self-serving statements of petitioner-appellee. Oppositor-appellant also points out that respondent Karla's unfaithfulness and immaturity were not shown to be a malady or disorder rooted on some incapacitating or debilitating psychological condition but only resulted in nothing more than her difficulty, refusal or neglect to perform her marital obligations.<sup>[20]</sup>

The appeal has merit.

Article 36 of the Family Code, as amended, provides:

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.

Jurisprudence teaches that psychological incapacity 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 must concomitantly be assumed and discharged by the parties to the marriage. The intendment of the law has been to confine the meaning of psychological incapacity to the **most serious cases of personality disorders** clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. To qualify as psychological incapacity as a ground for nullification of marriage, a person's psychological affliction must be **grave and serious** as to indicate an utter incapacity to comprehend and comply with the essential objects of marriage, including the rights and obligations between husband and wife. The affliction must be shown to exist at the time of marriage, and must be incurable.<sup>[21]</sup> As enunciated:

We have time and again held that psychological incapacity 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 must concomitantly be assumed and discharged by the parties to the marriage that, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, to observe love, respect and fidelity, and to render help and support. We have also held that the intendment of the law has been to confine the meaning of psychological incapacity to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage. To qualify as psychological incapacity as a ground for nullification of marriage, a person's psychological affliction must be grave and serious as to indicate an utter incapacity to comprehend and comply with the essential objects of marriage, including the rights and