

## **EIGHTH DIVISION**

**[ CA-G.R. CV NO. 99128, March 13, 2014 ]**

**ROLANDO F. MANARANG, PETITIONER-APPELLEE, VS. LEVITA M.  
MANARANG, RESPONDENT,**

**REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

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

**REYES, JR., J.C., J.:**

This resolves the appeal filed by oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General (OSG) questioning the June 21, 2011 Decision of the Regional Trial Court (RTC) of Imus, Cavite, Branch 20, in Civil Case No. 4406-11, the dispositive portion of which reads as follows:

“WHEREFORE, judgment is hereby rendered declaring the marriage of Rolando F. Manarang and Levita Manarang as void ab initio. As a necessary consequence of this pronouncement, respondent shall cease using the surname of her husband having lost the right over the same and so as to avoid a misimpression that she is still the legal wife of petitioner.

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The instant case involves a Petition for Declaration of Nullity of Marriage filed by petitioner-appellee Rolando F. Manarang against his wife, respondent Levita M. Manarang on the ground of the latter's psychological incapacity under Article 36 of the Family Code.

The facts, as culled from the records, are as follows:

On March 22, 2004, petitioner-appellee and respondent contracted marriage in Balanga, Bataan (See: Certificate of Marriage, Records, p. 1). Previous to their marriage, they already had one (1) child named Rovielyn Sheen who was born on May 27, 2001 (Records, p. 2).

The parties were both working as contract workers in Saudi Arabia when they first met. They saw each other at a party hosted by their common friend. Nothing much has transpired at their first meeting as they were busy mingling with acquaintances. Their relationship began when petitioner-appellee got a call from respondent the following day. They only talked briefly since petitioner-appellee was on duty. But since then, they would constantly talk on the phone whenever they got a chance to do so. Eventually they grew closer until such time when petitioner-appellee decided to court respondent. They later became sweethearts. Seven months in their relationship, respondent decided to consult her employer regarding a vacation she wanted to take. Her request was denied but in exchange, she was allowed to meet

petitioner-appellee almost everyday. Often, they would engage in pre-marital sex and this inevitably led to respondent's pregnancy.

When respondent gave birth, she gave the baby to petitioner-appellee's mother because she had to go back and finish her contract. For two years, she endured the absence of her child but nonetheless comforted by the presence of petitioner-appellee, who she saw not so often because the laws of Saudi Arabia does not permit cohabitation of unmarried couples. In those few times that they had opportunity to be intimate, respondent got herself pregnant again. Luckily this time, she was almost through with her employment contract. The parties then decided to come home (after respondent's contract expired) in order to meet their first child.

Due to the insistence of their respective families to contract marriage for the sake of their child, the parties eventually tied the knot on March 22, 2004 in Balanga, Bataan. With renewed inspiration to work harder for their growing family, petitioner-appellee went back to Saudi Arabia to work. The parties would regularly communicate through letters and overseas calls. It went well for them despite some petty misunderstandings along the way. Things changed, however, when petitioner-appellee learned that respondent had their second child aborted. Worse, respondent lied to him as to her reasons for inducing the abortion. He suspected that the child was not his and respondent was afraid that this ugly truth would be revealed once she gives birth. Since then, the parties grew cold to each other until they eventually decided to separate. Petitioner-appellee thought he could not continue living with his wife under a cloud of suspicion. He had so many notions as to why his wife committed such sin against the unborn fetus.

Petitioner-appellee finally decided to file a case for nullity of their marriage on the ground of respondent's psychological incapacity. To support his ground of psychological incapacity, petitioner consulted a psychiatrist by the name of Dr. Ma. Victoria V. Briguela. The psychiatrist testified that she conducted a psychological evaluation on the parties to determine their fitness to assume their basic marital obligations to each other. Towards this purpose, she used several established psychological tests such as (1) Draw a Person Test; (2) Sack's Sentence Completion Test; (3) Bender Visual Motor Gestalt Test; (4) Luscher Colour Test. The results of these tests, when taken and interpreted together, revealed the following findings and conclusions:

1. That the petitioner Rolando F. Manarang has Partner Relational Problem. That this started after he learned about the "miscarriage" of the respondent, so much so that his love and respect to the respondent were lost. Thus, it has contributed to the failure of their marriage.
2. That the respondent Levita Manarang suffers from Antisocial Personality Disorder due to her maladaptive behavior of impulsivity, one who ignores the safety of self and others, and who commits act such as taking a "drug" that can abort pregnancy and one who can't plan ahead. This maladaptive behavior of respondent has impaired her relations with her husband the petitioner.
3. That the findings on the respondent, renders her psychologically incapacitated to handle her marital obligations. This maladaptive

behavior of the respondent led petitioner to lose his mutual love and respect to her for he believed that he intentionally aborted her pregnancy. Their lost mutual trust cannot anymore recovered (sic).

4. That this maladaptive behavior of the respondent is present not only now but will persist and continue whoever will be her partner. Her disorder is permanent, serious and incurable.
5. That this may have started to exist even prior to their marriage and must have started to develop in her childhood days.
6. The petitioner having Relational Problem contributed to the failure of their marriage, having lost mutual love and respect towards the respondent.(See: Psychiatry Report dated February 6, 2010, Records, p. 6).

With the foregoing findings, Dr. Briguela recommended to the RTC that the subject marriage between the parties be declared a nullity.

After trial on the merits, the RTC is satisfied that indeed, respondent is psychologically incapacitated to perform her marital obligations, which in turn caused the eventual breakdown of the parties' marriage. Thus, the RTC ruled that the marriage between the parties is void ab initio.

Dissatisfied with the RTC's decision, oppositor-appellant Republic of the Philippines filed an appeal with this Court on the lone ground that -

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR ANNULMENT OF MARRIAGE DESPITE PETITIONER-APPELLEE'S FAILURE TO SHOW BY COMPETENT EVIDENCE RESPONDENT'S ALLEGED "ANTISOCIAL PERSONALITY DISORDER".

At the outset, petitioner-appellee's Petition for the Declaration of Nullity of Marriage (Records, pp. 3-8) was originally anchored on two grounds: Article 35 (3) of the Family Code on the absence of a valid marriage license and Article 36 of the same law on psychological incapacity. However, in petitioner-appellee's Pre-Trial Brief (Records, pp. 21-22) submitted with the RTC, he simplified the issue to include only the question on whether or not the marriage is void under Article 36. As with the RTC, We need not delve on the issue of the absence of marriage license and its effect on the parties' marriage as petitioner-appellee no longer continues establishing the same.

Article 36 of the Family Code, as one of the grounds of declaring a marriage void, 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."

As explained by the Supreme Court, psychological incapacity as per the afore-quoted provision contemplates an incapacity or inability to take cognizance of and to assume basic marital obligations, and is not merely the difficulty, refusal, or neglect

in the performance of marital obligations or ill will. It consists of: (a) a true inability to commit oneself to the essentials of marriage; (b) the inability must refer to the essential obligations of marriage, that is, the conjugal act, the community of life and love, the rendering of mutual help, and the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality (See: *Republic v. Encelan*, G.R. No. 170022, January 9, 2013; *Republic v. Court of Appeals and De Quintos*, 685 SCRA 33, 41 [2012]).

In *Santos v. Court of Appeals* (240 SCRA 20, 34 [1995]), psychological incapacity was referred to as a mental incapacity that causes a party to be truly incognitive of the basic marital covenants such as those enumerated in Article 68 of the Family Code and was characterized by gravity, juridical antecedence and incurability. In other words, to qualify as psychological incapacity as a ground for nullification of marriage, a person's psychological affliction must be shown to exist at the time of marriage, must be incurable and must be grave and serious as to indicate an utter incapacity to comprehend and comply with the essential objects of marriage.

To settle the confusion that may arise in deciding cases involving nullity of marriage on the ground of psychological incapacity, the Supreme Court then laid down the following guidelines in its subsequent ruling in the case of *Republic v. Court of Appeals and Molina*, 268 SCRA 198 (1997), thus:

(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. . . .

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(2) The root cause of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. Article 36 of the Family Code requires that the incapacity must be psychological — not physical, although its manifestations and/or symptoms may be physical. . . .

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(3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. . . .

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(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. . . .

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(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, "mild characterological peculiarities, mood changes, occasional emotional outbursts" cannot be accepted as root causes. . . .