

SPECIAL SIXTH DIVISION

[CA-G.R. CV NO. 97967, May 30, 2014]

PETITIONER, VS. EDMUND A. PEÑA, RESPONDENTS.

D E C I S I O N

CRUZ, R.A. J.:

THE CASE

This is an appeal which seeks to reverse and set aside the (i) Decision dated June 29, 2011^[1] of the Regional Trial Court (RTC) of Dagupan City, Pangasinan, Branch 43 in Civil Case No. 2006-0361-D and the subsequent (ii) Resolution dated September 22, 2011,^[2] which denied plaintiff-appellant's motion for reconsideration. The dispositive portion of the Decision dated June 29, 2011 reads:

" xxx xxx xx

WHEREFORE, in the light of all the foregoing, the prayer of the plaintiff as incorporated in her Complaint seeking for the declaration of her marriage to defendant as null and void is **DENIED** for failure to prove the psychological incapacity of the defendant.

SO ORDERED.

xxx xxx xxx "

THE ANTECEDENTS

On November 20, 2006, Marjorie Peña, as plaintiff, filed a Complaint for Declaration of Nullity of Marriage under Article 36 of the Family Code against Edmund Peña, as defendant, before the Regional Trial Court (RTC) of the Dagupan City, Branch 43, docketed as Civil Case No. 2006-0361-D.

She claimed that defendant was psychologically incapacitated to comply with the essential obligations of marriage. She alleged, that:

" xxx xxx xxx

2. xxx she married defendant on December 8, 2004 at Mangaldan, Pangasinan xxx;
3. xxx plaintiff, a college graduate, was 23 years old and defendant, a licensed doctor, was 47 years old when they entered into marriage after a six-month courtship and friendship;
4. xxx defendant was already a professional alcoholic when he courted plaintiff but because of persistent courtship of defendant, he won the heart of the plaintiff and she acceded to the marriage in the hope that defendant will

change his ways by drinking only moderately but he never changed as his condition became worst because he came to the point that he vomited blood and confined in a hospital and psychiatric clinic;

5. xxx during their honeymoon in Boracay island xxx, plaintiff observed that defendant's penis did not erect while attempting to have sexual congress;
6. xxx during their subsequent love making, defendant's male organ failed to respond to the sexual desire of the plaintiff because the latter wanted to have a baby from defendant as they are a married couple;
7. xxx plaintiff and defendant stayed in (sic) the latter's parents but plaintiff confided to defendant that as much as possible she wanted to live in a different house with the defendant because her sister-in-law looks down at her but the defendant refused;
8. xxx plaintiff complained of the defendant's addiction to alcohol because almost every hour of the day he drinks liquor and if he stops, he felt bad and uneasy;
9. xxx because of defendant's successive drinking, his medical profession as a means of livelihood is badly affected because he has lost long time and new patients;
10. xxx that plaintiff learned that defendant was removed from two (2) prominent hospitals in La Union where he used to work because of his unabated drinking habit;
11. xxx plaintiff tried to keep their marriage intact but defendant did not care about it such that plaintiff decided to leave the defendant by going back to her parents in Mangaldan, Pangasinan;
12. xxx plaintiff's parents accompanied her twice to go back to defendant's residence but they were not allowed entrance by the defendant and his relatives;
13. xxx the parties have neither children nor properties during the marriage;
14. xxx defendant has lost hope that their marriage would still succeed because of defendant's deep-rooted psychological incapacity to fulfill his marital obligation compounded by his professional and successive drinking of liquor that has drastically affected his health, profession and marital relationship with the plaintiff;
15. xxx in marrying defendant, plaintiff thought to have a good family where mutual love, respect and support would reign but these things did not exist during their short-lived marital relationship because of defendant's incurable psychological incapacity, hence this complaint to declare their marriage void from the very beginning.^[3]

Defendant failed to file his answer, thus, the RTC issued an Order dated January 31, 2008^[4] directing the city prosecutor to conduct an investigation to determine the presence of collusion between the parties. In compliance therewith, the city prosecutor submitted his report finding that there is no collusion between the parties. ^[5]

Trial ensued. The evidence for plaintiff consisted of her own testimony and that of Melissa De Guia, a guidance counselor of Mangaldan National High School. She submitted the following documentary evidence, namely, their Marriage Certificate, Psychological Evaluation Report and Medical Certificate.

On his part, defendant did not appear during trial and presented no evidence. But his mother, Cresencia Peña, and sister, Mercedes Peña-Contero, submitted a Manifestation and Motion^[6] stating that plaintiff abandoned the defendant due to his sickness and the latter is incompetent and incapacitated to file any responsive pleading due to his condition as shown in the Medical Certificates dated April 6^[7] and April 14, 2009.^[8]

On June 29, 2011, the RTC issued a Decision^[9] dismissing the complaint. It reasoned, that:

" xxx xxx xxx

In her testimony and in her complaint, plaintiff declared that her husband is a professional alcoholic and impotent. But no other evidence was presented to show that Edmund was indeed such an alcoholic and impotent. It was not sufficiently proved that Edmund was really incapable of fulfilling his duties due to some incapacity of a psychological nature, and not merely physical. The Court cannot presume psychological defect from the mere fact of Edmund's habitual alcoholism nor of his jealousy or maltreatment as alleged by psychologist which was not even stated in the Complaint. These circumstances alone cannot be equated with psychological incapacity within the contemplation of the Family Code. It must be shown that his alcoholism and other self-centeredness are manifestations of a disordered personality which make Edmund completely unable to discharge the essential obligations of the marital state. In this case, the plaintiff is not only remiss in her duty to convince the Court that hers is a sham marriage, but failed to substantiate her allegations. Burden of proof to show the nullity of marriage rests upon the plaintiff; any doubt should be resolved in favor of the validity of marriage.

The circumstances related by plaintiff are insufficient to establish the existence of defendant's psychological incapacity. The psychologist did not fully explain the root cause of the disorder nor did she give a concrete explanation as to how she arrived at a conclusion as to its gravity or permanence. The root cause of defendant's psychological incapacity must be medically or clinically identified, sufficiently proven by expert. In addition, the incapacity must be proven to be existing at the time of the celebration of the marriage and shown to be medically or clinically permanent and incurable. It must also be grave enough to bring about the disability of the defendant to assume the essential obligations

of marriage. It is to be noted that the psychologist merely relied on the self-serving allegations of the plaintiff who lived with the defendant for a period of one (1) month only as alleged by her. She was not able to interview the defendant or any of his close relatives.

xxx xxx xxx "

Hence, the RTC decreed:

" xxx xxx xx

WHEREFORE, in the light of all the foregoing, the prayer of the plaintiff as incorporated in her Complaint seeking for the declaration of her marriage to defendant as null and void is **DENIED** for failure to prove the psychological incapacity of the defendant.

SO ORDERED.

xxx xxx xxx "

Plaintiff filed a motion for reconsideration^[10] but the same was denied for lack of merit in the Resolution dated September 22, 2011.^[11]

Aggrieved, plaintiff filed a Notice of Appeal^[12] which the RTC gave due course in the Order dated October 18, 2011.^[13]

THE ASSIGNED ERRORS

Plaintiff, as appellant before Us, ascribes the following errors , that:

I. THE RTC GRAVELY ERRED IN RULING THAT PLAINTIFF-APPELLANT FAILED TO PROVE THE PSYCHOLOGICAL INCAPACITY OF THE DEFENDANT-APPELLEE BECAUSE (A) SHE WAS NOT ABLE TO PROVE ALCOHOLISM AND IMPOTENCE WITH CONVINCING EVIDENCE; (B) THE PSYCHOLOGIST FAILED TO STATE THE ROOT CAUSE OF THE LATTER'S PSYCHOLOGICAL INCAPACITY AND (C) SHE FAILED TO ESTABLISH HER CAUSE OF ACTION AS SET BY THE STANDARDS IN THE CASES OF *SANTOS VS. COURT OF APPEALS (SANTOS CASE)* AND *REPUBLIC VS. COURT OF APPEALS AND MOLINA (MOLINA CASE)*;

II. THE RTC GRAVELY ERRED WHEN IT DENIED THE MOTION FOR RECONSIDERATION.

Plaintiff-appellant points out that other than her testimony, she presented a psychologist, Melissa De Guia, who testified and identified the Psychological Evaluation Report declaring the defendant-appellee psychologically incapacitated. Moreover, the medical certificates submitted by the defendant-appellee's relatives, namely, Cresencia Peña and Mercedes Peña-Contero indicate his mental condition. Clearly, there is overwhelming evidence to prove that defendant-appellee is psychologically incapacitated to perform his marital obligations.

She adds that it was erroneous for the RTC to strictly follow and apply the standards set in *Santos vs. Court of Appeals*^[14] and *Republic vs. Court of Appeals and Molina*.^[15] She argues that there is no requirement that the respondent should be examined by a physician or a psychologist as a condition *sine qua non* for such

declaration and suggested relaxation of the stringent requirements. Relying on the case of *Te vs. Te*,^[16] she asserts that each case should be treated differently, as "courts should interpret the provision on a case-to-case basis; guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.

OUR RULING

We are essentially tasked to resolve whether the marriage between the parties is void *ab initio* on the ground of psychological incapacity under Article 36 of the Family Code.

Article 36 of the Family Code provides:

" xxx xxx xxx

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.

xxx xxx xxx "

Article 36 contemplates incapacity or inability to take cognizance of and to assume basic marital obligations and not merely difficulty, refusal, or neglect in the performance of marital obligations or ill will. This incapacity consists of the following: (a) a true inability to commit oneself to the essentials of marriage; (b) this inability to commit oneself must refer to the essential obligations of marriage: the conjugal act, the community of life and love, the rendering of mutual help, the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. It is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he must be shown to be incapable of doing so due to some psychological illness.^[17]

Jurisprudence^[18] teaches that for psychological incapacity to render a marriage void *ab initio*, it must be characterized by (a) gravity – It must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage; (b) juridical antecedence – It must be rooted in the history of the party antedating the marriage, although the overt manifestations may emerge only after the marriage; and (3) incurability – It must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved. And, this psychologic condition must exist at the time the marriage is celebrated.

Then as now, the rule is that, in petitions for declaration of nullity of marriage, the burden of proof to show the nullity of marriage lies on the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. It is therefore essential for the plaintiff-appellant to allege and prove the psychological condition of the defendant-appellee's inability to assume and perform the marital duties and responsibilities.^[19] After wading the records, We find that,

***Plaintiff-appellant failed to
prove defendant-appellee's
psychological incapacity***