

SPECIAL SECOND DIVISION

[CA-G.R. CV No. 99628, June 26, 2014]

TERESITA CRUZ-MERECIDO, PETITIONER-APPELLEE, V. JULIAN F. MERECIDO, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

D E C I S I O N

BRUSELAS, JR. J.:

Before us is an appeal from a decision^[1] of the Regional Trial Court (RTC), the dispositive portion of which reads:

"WHEREFORE, finding merit to the petition, judgment is hereby rendered:

1. DECLARING null and void ab initio the marriage between petitioner TERESITA CRUZ MERECIDO and respondent JULIAN F. MERECIDO solemnized on January 16, 1982 in the (sic) PARAÑAQUE CITY or any other marriages between them, on the ground of psychological incapacity of the respondent and incidental finding on the part of petitioner.
2. ORDERING the Local Civil Registrar of Parañaque City, and National Statistics Office to cancel the marriage between the petitioner and the respondent as appearing in the Registry of Marriages.

There are no other issues in this case.

Let copies of this Decision be furnished the Registrar of the Parañaque City, The Office of the Solicitor General, the Office of the City Prosecutor, Parañaque City and the Office of the National Statistics Office (NSO).

SO ORDERED."

The events that led to the instant appeal are as follows:

Petitioner-appellee Teresita Mereco (Teresita) filed a petition for declaration of nullity of her marriage with respondent-appellee Julian Mereco (Julian). She alleged that they got married on 16 January 1982 in a ceremony solemnized by Rev. Fr. Daniel Courtens at the St. Andrew's Church, Parañaque, Metro Manila. They were blessed with two children namely, Marcella and Joan. After their marriage, Teresita started to experience Julian's psychological incapacity to comply with his marital obligations. During their honeymoon, Teresita learned that Julian had a lot of debts and she had to pawn her jewelry to pay for the said debts. When she confronted Julian regarding his debts, the latter got angry and broke some things and threw them away. Julian hurled invectives at her and cursed her and her family. He also physically assaulted her, causing her to retreat to prevent further harm. After delivering their first child, Teresita went to London and left their child to her mother's care. The parties kept a long distance relationship. It was always she who

would call up her husband and the latter would always quarrel with her over unfounded accusations of infidelity. When she got pregnant with their second child, Julian disowned it and claimed she got impregnated by another man. Even her friends complained of Julian's ill attitude and called her a martyr as she was able to live with her husband. Julian would always humiliate her in public and even in front of her friends. While pregnant with their second child and their car would not start, Julian demanded that she push the car. Julian's treatment of their children was also not ideal. At one instance, he poured cold water on their eldest child who had to call her up at work to ask for help. When the children would get sick, Julian would refuse to even lift a finger to take care of them. Teresita went before the High Court in London, England and filed a Petition for the Dissolution of her marriage with Julian and the same was granted on 17 July 2007.

Finally, Teresita averred that Julian was diagnosed as suffering from Antisocial Personality Disorder which rendered him psychologically incapacitated to comply with the essential marital obligations of marriage that became manifest only after the solemnization of their marriage. According to Teresita, this was the educated medical diagnosis of Dr. Elias Adamos, the physician and clinical psychologist who prepared the Psychological Impression^[2] on Julian. Dr. Adamos also pronounced as incurable Julian's psychological incapacity.

Copies of the petition and summons were served on Julian through Marilou F. Cruz by way of substituted service.^[3] Julian did not file his answer to the petition as the summons required.

On 15 April 2011, the Solicitor General filed his Notice of Appearance^[4] and simultaneously authorized the City Prosecutor of Parañaque to appear in the proceedings of the case before the RTC.

At the trial, Teresita and Dr. Adamos testified. Teresita submitted as evidence her marriage contract,^[5] Decree of Dissolution of Marriage made final and absolute on August 31, 2007 in the High Court of Justice Principal Registry of the Family Division in London, England,^[6] her Psychological Evaluation,^[7] Psychological Impression on Julian and the Affidavit of Dr. Elias Adamos.^[8]

On 9 March 2012, the RTC rendered a decision, declaring null and void *ab initio* the marriage of Teresita and Julian. According to the RTC, the criterion for psychological capacity had been met in the present case. First, the totality of the evidence presented fully supported the findings of the expert witness relative to Julian being psychologically incapacitated to fulfill his essential marital obligations. Julian was found to be psychologically incapacitated to such an extent that he could not have known the marital obligations he was assuming, or knowing them, he could no longer comply with his essential duties under the marriage. Second, there was sufficient evidence to prove that Julian's inability to perform his marital obligations was a result of not mere intentional refusal on his part but was caused by psychological abnormality. Such psychological incapacity of Julian was already present at the time of marriage but became manifest only after the solemnization of their marriage. It was medically and clinically diagnosed as grave, permanent, incurable and had juridical antecedents. Third, Julian, evidently, was unable to comply with the essential marital obligations as embraced by Articles 68 to 71 of the Family Code.

The Republic, thru the Solicitor General, filed a motion for reconsideration, which was denied in an Order dated 13 July 2012.^[9]

On 6 August 2012, the Solicitor General filed his Notice of Appeal^[10] which the trial court granted in an Order^[11] dated 12 September 2012.

In his appeal, the Solicitor General assigns the following alleged errors, committed by the RTC:

“I. THE STATE WAS DEPRIVED OF ITS DAY IN COURT.

II. THE TOTALITY OF EVIDENCE PRESENTED FAILED TO ESTABLISH THE PSYCHOLOGICAL INCAPACITY OF RESPONDENT.

III. THE EVIDENCE PRESENTED BY APPELLEE IS WEAK AND HIGHLY UNRELIABLE.”

The Solicitor General submits that the failure of Teresita to provide them with copies of the petition, the formal offer of evidence, the psychological report, and other pertinent documents rendered the proceedings fatally defective. Without such documents, the Solicitor General was divested of the opportunity to scrutinize the petition itself to determine the propriety of its filing and the evidence in its support.

The Solicitor General also contends that Teresita's allegations failed to prove that Julian's psychological incapacity was so grave that it deprived him of full comprehension of the essential marital obligations; or knowing them, could not have given valid assumption thereof. In fact, Teresita herself admitted that they were able to keep a long distance relationship while she was in London, despite their constant quarrels. The nullification of Teresita's marriage with Julian based on frequent marital squabbles and financial difficulties have absolutely no moorings in jurisprudence. Moreover, the psychologist did not discuss at length why such abnormality was incurable or permanent, and the basis thereof. His opinion was a sweeping generalization that Julian's case was simply hopeless. In fact, there was no indication that there was an attempt to remedy such disorder.

Finally, the Solicitor General argues that the evidence presented by Teresita was weak and highly unreliable. Teresita relied heavily on the psychological evaluation conducted by Dr. Adamos. Dr. Adamos diagnosed Julian as suffering from Antisocial Personality Disorder. Julian was characterized as a deceitful person who engages in activities that could lead to his arrest. He accordingly has a temper and instances of drug and alcohol abuse. Because of these traits, Dr. Adamos testified that Julian was unable to identify the obligations of married life and prevent him from working due to his inability to conform to rules. Teresita, on the other hand, was having Narcissistic Personality Disorder and that she was a battered wife. There was no indication on how Dr. Adamos could have reached the above conclusions. There was no discussion on the effect of Julian's disorder and/or Teresita's being supposedly a battered wife on their relationship. There was no indication on how Dr. Adamos could have reached the above conclusions. There was no means of ascertaining whether there was a thorough and in-depth assessment of the parties mainly because the Solicitor General was never furnished a copy of such evaluation. Moreover, there was no indication that there was an evaluation made on Julian himself. The conclusions of Dr. Adamos were based on facts as relayed to him by Teresita. Considering that Dr. Adamos' testimony and findings were based only on

the Teresita's description of Julian and of two other informants and not on an independent evidence proving the same, it was therefore, clearly hearsay.

We find the appeal meritorious.

The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, which became effective on 15 March 2003, recognizes the authority of the Solicitor General to intervene and take part in the proceedings for annulment and declaration of nullity of marriages before the RTC and on appeal to higher courts. The pertinent provisions of the said Rule are reproduced below –

“Sec. 5. *Contents and form of petition.* –

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(4) It shall be filed in six copies. The petitioner shall serve a copy of the petition on the Office of the Solicitor General and the Office of the City or Provincial Prosecutor, within five days from the date of its filing and submit to the court proof of such service within the same period.

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Sec. 18. *Memoranda.* – The court may require the parties and the public prosecutor, in consultation with the Office of the Solicitor General, to file their respective memoranda in support of their claims within fifteen days from the date the trial is terminated. It may require the Office of the Solicitor General to file its own memorandum if the case is of significant interest to the State. No other pleadings or papers may be submitted without leave of court. After the lapse of the period herein provided, the case will be considered submitted for decision, with or without the memoranda.

Sec. 19. *Decision.* –

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(2) The parties, including the Solicitor General and the public prosecutor, shall be served with copies of the decision personally or by registered mail. If the respondent summoned by publication failed to appear in the action, the dispositive part of the decision shall be published once in a newspaper of general circulation.

(3) The decision becomes final upon the expiration of fifteen days from notice to the parties. Entry of judgment shall be made if no motion for reconsideration or new trial, or appeal is filed by any of the parties, the public prosecutor, or the Solicitor General.

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Thus, we agree with the Solicitor General that the failure of Teresita to furnish him with a copy of the petition, the formal offer of evidence, the psychological report, and other pertinent documents had in effect denied the State of its right to participate in the prosecution of the case at the trial level. It must be noted that when the Solicitor General, in his Notice of Appearance, had authorized the public prosecutor of Parañaque City to appear in the proceedings of the case before the