

THIRD DIVISION

[CA-G.R. CV NO. 101280, June 13, 2014]

MARIA CALIXTA C. DAET, PETITIONER-APPELLEE, VS. ROGER A. DAET, RESPONDENT. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

DECISION

BUESER, J.:

Before this Court on appeal is the Decision dated 27 March 2013^[1] rendered by the Regional Trial Court of Quezon City, Branch 102 (RTC), which granted the present petition for declaration of nullity of marriage of spouses petitioner-appellee Maria Calixta C. Daet ("Petitioner") and respondent Roger A. Daet ("Respondent"), the dispositive portion of which reads in this wise:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered declaring the marriage between petitioner, MARIA CALIXTA C. DAET, and respondent ROGER A. DAET, solemnized on November 8, 1989 in Manila, as well as the parties' marriage on September 14, 1991 at Sto. Domingo Church in Quezon City, NULL and VOID on the ground of the psychological incapacity of the respondent to comply with the essential marital obligations under Article 36 of the Family Code.

Petitioner is allowed to use her maiden name, Maria Calixta C. Cayabyab.

Considering that Ma. Fatima C. Daet is still a minor and is presently living with the petitioner, her custody shall be awarded to petitioner being the mother, without prejudice to the exercise of respondent's right as the father, subject to the condition that the best interest and welfare of the child shall be of paramount consideration. Since Lars Kevin C. Daet has reached the age of majority, he has the right to choose whom he wish to stay.

Petitioner and respondent are obliged to support jointly their children in accordance with Article 70 and 194 of the Family Code. There being no evidence presented on the parties' ability to give support and the child support requirements, no pronouncement is hereby made thereon in the meantime.

The property relations of the parties shall be dissolved in accordance with law, as defined in Article 148 of the Family Code and to comply with the provisions of Article 50, 51, and 52 of this Code.

The Court shall issue a Decree of Absolute Nullity when the finality of this Decision shall expire after fifteen (15) days from notice thereof was sent to the parties and after complying with the rules on liquidation as stated in the above-mentioned Articles of the Family Code.

Let copies of this Decision be served to the parties, and furnish the same to the Office of the Solicitor General and the Public Prosecutor, to the Local Civil Registrars of Manila and Quezon City, where the marriage was celebrated and where this Court is located, and to the National Statistics Office for recording in their Registry of Marriages.

SO ORDERED.”

Likewise on review is the RTC Order dated 25 June 2013^[2] denying the motion for reconsideration of the Decision filed by oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General (“*Oppositor*”).

The Facts

The pertinent facts and antecedents of this case, as borne by the records, are undisputed.

Sometime in 1982, petitioner and respondent met while they were still studying at the Polytechnic University of the Philippines. They were classmates in their freshmen year but since they had taken different courses, they did not have any romantic involvement at that time. They only reconnected with each other in 1989 when both of them were already working. Petitioner was then with the MWSS while respondent was employed by PLDT.

Consequently, petitioner and respondent got married in civil rites at the Manila City Hall on 8 November 1989.^[3] On 14 September 1991, they reaffirmed their marriage vows in a church wedding held at Sto. Domingo Church in Quezon City.^[4] From their union, they were blessed with two (2) children, Lars Kevin who was born on 2 May 1993,^[5] and Ma. Fatima, who was born on 25 February 1995.^[6]

Initially, the spouses had a harmonious relationship and they got along with each other. However, after several months, respondent started exhibiting his real character. More often than not, respondent would get drunk with his friends. Even after the birth of their first child, respondent exhibited lack of responsibility and dedication as a husband and a father. Despite the birth of their second child, respondent continued with his disinterest in performing his role and duties to his wife and children. Respondent also did not give enough financial support to his family and they had to live with petitioner’s siblings in a house that their parents had given to them. Respondent even had several spats with petitioner’s parents and siblings over his drinking sprees with friends in their house.

On 16 July 2000, after having an argument with petitioner’s siblings, respondent packed all his things and left the house. There were no efforts of reconciliation and respondent did not extend any financial support to his children.

After ten (10) years of separation, petitioner filed before the trial court a petition for declaration of absolute nullity of marriage pursuant to Article 36 of the Family Code of the Philippines.^[7] The petition is anchored on respondent’s supposed psychological incapacity to comply with the essential marital obligations. Petitioner claimed that during the period of their marriage, they acquired two (2) lots in Quezon City and Bacoor, Cavite.

Despite service of summons,^[8] respondent failed to file his responsive pleading.^[9] The Office of the City Prosecutor of Quezon City ("The City Prosecutor") was deputized by the Office of the Solicitor General ("The OSG") to prosecute the case.^[10] After having been archived for failure of the City Prosecutor to submit a report determining the existence of collusion between the parties, a Manifestation dated 5 July 2010^[11] was submitted to the trial court stating that there is no collusion between the spouses. Upon motion of the petitioner, the case was reinstated and was set for pre-trial.

After the termination of the pre-trial of the case, trial on the merits ensued. Aside from her documentary exhibits and testimony, petitioner presented in evidence the testimony of her brother, Carmelo Cayabyab ("Cayabyab") and that of Clinical Psychologist Nedy L. Tayag ("Tayag").

Petitioner's testimony and judicial affidavit^[12] centered on respondent's alleged psychological incapacity focusing on instances when the latter exhibited irresponsibility, lack of concern for the health and welfare of their children, inability to support them financially, indifference to his spousal obligations and disrespect and ingratitude to petitioner's parents and siblings. She highlighted respondent's drinking problem and propensity to disregard his familial obligations in favor of his drinking sessions with his friends. On these matters, witness Cayabyab corroborated her testimony.

On the other hand, witness Tayag testified that after a battery of psychological tests and interviews with petitioner and respondent's sister-in-law, Nenita Daet, she came into a conclusion that the downfall of the spouses' marriage had been brought about by respondent's psychological incapacity. She declared that respondent is suffering from personality disorders identified as Anti-Social and Avoidant Personality Disorders. She opined that such personality disorder is severe, grave and incurable.

Respondent did not present any evidence to refute petitioner's allegations and pieces of evidence.

In the now assailed Decision dated 27 March 2013, the trial court, in the manner as aforequoted, found merit in the petition and declared the marriage between petitioner and respondent null and void *ab initio*. Said decision is anchored on the testimony and clinical findings of witness Tayag declaring respondent psychologically incapacitated to perform the obligations essential to a marriage. The trial court opined that there is a deep and irreparable difference between the parties and thus, dissolving the parties' bond is a better alternative than to keep them together amidst disharmony, disrespect and hostility.

Dissatisfied with said pronouncement, the oppositor moved for its reconsideration, which was denied by the trial court in its Order dated 25 June 2013.

Hence, the oppositor filed the present appeal.

The Issue

The main issue to be resolved in this case is whether the respondent is psychologically incapacitated to fulfill his essential marital obligations thus warranting the declaration of nullity of his marriage to petitioner under Article 36 of the Family Code of the Philippines.

The Court's Ruling

We find the present appeal meritorious.

Finding fault in the factual and legal findings of the trial court, the OSG contends that the totality of the evidence presented by petitioner failed to satisfactorily prove that respondent is psychologically incapacitated to comply with his essential marital obligations. The OSG emphasizes that the testimony of the psychologist presented by the petitioner as an expert witness is too broad and sweeping to establish respondent's psychological condition. Said witness failed to explain its characteristics by its gravity, juridical antecedence and incurability to establish respondent's incapacity as to warrant the declaration of nullity of his marriage to petitioner. It likewise underscores that there is nothing on record to prove that such incapacity had been existing at the time of the celebration of the marriage, that the same is medically or clinically permanent or incurable and that such illness is grave enough to bring about a disability to assume the essential marital obligations.

The OSG points out that witness Tayag's clinical findings were merely sourced from the biased declarations of petitioner and the vague and uncorroborated statements of respondent's sister-in-law. It adds that Tayag did not interview respondent despite the fact that the latter was merely upstairs at the time of the interview with Daet. It further asserts that what the evidence has proven is not a psychological incapacity on the part of respondent but the latter's refusal or unwillingness to assume the essential obligations of marriage.

We agree.

Psychological incapacity, in order to be a ground for the nullity of marriage under Article 36 of the Family Code, refers to a serious psychological illness afflicting a party even before the celebration of marriage. It is a malady that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. As all people may have certain quirks and idiosyncrasies, or isolated traits associated with certain personality disorders, there is hardly any doubt that the intention 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.^[13]

Emphatically, said ground 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. Proving that a spouse failed to meet his or her responsibility and duty as a married person is not enough; it is essential that he or she must be shown to be incapable of doing so due to some psychological illness.^[14]

Thus, in the case of ***Pesca vs. Pesca***,^[15] citing the case of ***Santos vs. Court of Appeals***,^[16] the Supreme Court expounded on the meaning and characterization of psychological incapacity as a ground for the declaration of nullity of marriage. Said the Court: