

TWELFTH DIVISION

[CA-G.R. CV NO. 100464, November 27, 2014]

**GERALD I. BIRUNG, PLAINTIFF-APPELLEE, VS. GENALYN B. BAUTISTA-BIRUNG, DEFENDANT,
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

D E C I S I O N

DIMAAMPAO, J.:

This *Appeal* inveighs against the *Decision*^[1] dated 13 June 2012 and the *Order*^[2] dated 17 July 2012 of the Regional Trial Court of Balaoan, Second Judicial Region, La Union, Branch 34, granting the *Petition for Declaration of Nullity of Marriage*, and denying the *Motion for Reconsideration* thereof, respectively, in Civil Case No. 944.

The love story of Gerald and Genalyn is a tale of a marriage that has gone astray. Their life journey unfolds as follows:

Plaintiff-appellee Gerald and defendant Genalyn, both surnamed Birung, met in church sometime in April 2003 as they were introduced by a common friend. They learned that they were both enrolled at Saint Louis University, Baguio City so they continued seeing each other in school. Although they were both involved with someone else, their friendship blossomed and they both decided to cut ties with their respective partners to be together.

Through the years, Gerald realized that Genalyn was a fault-finder and a nagger. They quarreled often because she was always jealous and in doubt of his fidelity. Their unending arguments continued even after Genalyn graduated and obtained a job in Manila.

In 2005, the couple lived together without the benefit of marriage which led to Genalyn's untimely pregnancy. They discussed plans of marriage with their parents who agreed to support them. Gerald and Genalyn were married in 2006^[3] and they were blessed with a baby boy who was born on the same year.^[4]

Gerald continued his studies in Baguio while Genalyn lived with her parents in Nueva Ecija. Gerald noticed that Genalyn was too dependent on her mother who often interfered in their marital conflicts. There were times when Genalyn failed to visit Gerald in Baguio when the former's mother refused to allow her to do so. The couple's marriage was marred by bitter altercations about money, jealousy, and family interference. The last straw came when a heated squabble between the couple led to physical violence. Genalyn went to her parents' home and brought to naught Gerald's efforts at reconciliation.

Subsequently, Gerald sought to have their marriage nullified. He consulted Dr. Lucita Jose (Dr. Jose) whose *Psychological Evaluation Report*^[5] revealed that Gerald

suffered from Anti-Social Personality Disorder which was characterized by a "pervasive pattern of disregarding and violating the rights of others."^[6] Genalyn, on one hand, was diagnosed with Narcissistic Personality Disorder and Dependent Personality Disorder, characterized by grandiose sense of self-importance, feelings of great success, lack of empathy, manipulativenness, inability to make decisions without advice from others, pessimism, lack of self-confidence, and avoidance of personal responsibility.^[7]

Weighing the evidence on hand, the court *a quo* rendered the assailed *Decision*, thusly—

"WHEREFORE, in the light of the foregoing, this Court hereby declares the marriage contract between Petitioner and Respondent as NULL and VOID ab initio due to the psychological incapacity of both parties, hence, their inability to comply with their essential obligations of marriage as provided for in Article 36 of the Family Code of the Philippines. Further, their absolute community of property is hereby dissolved and the custody of the minor child remains with the defendant with plaintiff's right to visitation.

Let copies of this Judgment be furnished the Office of the Civil Registrar of Talugtog, Nueva Ecija and the National Statistics Office, (NSO), Quezon City and to other appropriate government agencies, for their information/ record, and for the execution/implementation of this Judgment.

SO ORDERED."^[8]

The State, through the Office of the Solicitor General (OSG), moved for reconsideration asserting that it was denied the opportunity to participate in the proceedings and scrutinize the evidence of the parties as it was only furnished with copies of the *Petition for Nullity of Marriage*, as well as the assailed *Decision*.

The court *a quo*, however, denied the *Motion for Reconsideration* through the impugned *Order*.

The OSG (now, appellant) turns to Us for relief through this *Appeal* propounding the following queries:

I

WAS THE STATE DEPRIVED OF ITS FULLEST DAY IN COURT?

II

WAS THE MARRIAGE BETWEEN APPELLEE AND GENALYN VOID AB INITIO ON THE GROUND OF PSYCHOLOGICAL INCAPACITY?

The Appeal carries weight and conviction.