

SPECIAL FIFTEENTH DIVISION

[CA-G.R. CV NO. 98515, November 27, 2014]

**ROCIELLA G. PASCUAL-REYRATA, PETITIONER-APPELLEE, VS.
RONNIE B. REYRATA, RESPONDENT-APPELLEE,
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

D E C I S I O N

VILLON, J.:

This is an ordinary appeal under Rule 41, Section 2 (a) of the 1997 Rules of Civil Procedure, as amended, from the decision^[1] dated September 27, 2010 and order^[2] dated January 5, 2011 of the Regional Trial Court (RTC), Fourth Judicial Region, Branch 90, Dasmariñas, Cavite in Civil Case No. 3375-10 for Declaration of Nullity of Marriage.

The factual and procedural antecedents of the case are as follows:

Petitioner-appellee Rociella G. Pascual-Reyrata (or "Rociella") and respondent-appellee Ronnie B. Reyrata (or "Ronnie") were married on January 28, 1991,^[3] allegedly after Rociella discovered that she was pregnant. Later on, however, their relationship turned sour. In her petition for declaration of nullity of marriage which she filed with the RTC on December 14, 2009, Rociella alleged, *inter alia*, that:

"xxx xxx xxx

3. Petitioner and respondent met through her sister. Her sister's best friend happened to be the girlfriend of the respondent. Prior to their meeting, she came to know that the girl commit (sic) suicide because of respondent.
4. Upon their meeting, petitioner noticed respondent's very good looking and he is gifted with glibness. He appeared to be very nice with her.
5. Their friendship bloomed into a romantic relationship. They became sweethearts and became intimately related to each other. Having frequent pre-marital sexual reaction, they decided to live together as husband and wife without the benefit of marriage.
6. While being together, she caught him holding hands with another girl. She confronted him and she tried to commit suicide because of depression. There, she came to know that she was pregnant.

7. When she informed respondent about her pregnancy, they agreed to be married on January 28, 1991 [Annex 'A'].
8. The couple lived together with the respondent's family. She found his family to be very nice to her. She thought that her parents-in-law and her brother-in-law were very cordial with her though she noticed that her brother-in-law has vices.
9. As time passed by, respondent's true color became manifest. Respondent would drink with his peers though she tolerated it at first thinking that nothing was wrong with his drinking. Her husband lived a life like that of a bachelor and began to take prohibited drugs and bringing every now and then women. Respondent would not come home for days then weeks.
10. Her husband's total neglect aggravated and eventually imposed harsh treatment towards her. Worse, their verbal bouts would end up into her getting physically beaten up. Their daughter [Annex 'B'] was not spared from respondent's violence to the extent of ordering her to choose between him and mother.
11. Petitioner knew that she would not accept thing from her gravely irresponsible and callous husband if she was really a husband as she could not feel him to be that because of his uncaring ways to her, they were only husband and wife in paper.
12. On seeking legal consultation, she was advised to consult first a psychologist for determination as to the cause of the failure of her marriage with the respondent.
13. According to the Psychological Report xxx The respondent is suffering from a personality deficit known as HISTRIONIC PERSONALITY DISORDER, a condition deemed to be grave, severe, long lasting and incurable by any psychopharmacological treatment. Respondent's personality disorder incapacitated him from appropriately living up to his marital vows to properly assume and comply with the essential roles and obligations of a married man.
14. The said disorder of the respondent started to develop even during the early years of his life during which he seemed to have longed for his family's love, care and attention, especially from his father who physically, verbally, emotionally and psychologically abused him including the dysfunctional relationships among his family members, must have reinforced this attention-seeking behavior within him.
15. The respondent's personality flaws became an embedded part of his structure, thus, making him a hopeless case for transformation since he thinks that his ways are normal and acceptable, and therefore, no change should be made.

16. The report further states that the psychological incapacity of the respondent is characterized by juridical antecedence as it already existed long before he entered marriage with the petitioner.

xxx xxx xxx"[4]

Accordingly, writ of summons was served^[5] upon Ronnie who failed to file his answer to the petition. Upon Rociella's motion,^[6] the court *a quo* ordered^[7] the Office of the Provincial Prosecutor of Cavite to conduct an investigation to determine whether there was a collusion between the parties, which report^[8] was submitted to the RTC on May 24, 2010. Pre-trial then ensued, followed by trial on the merits.

In addition to the submission of the psychological report^[9] of Professor Antero V. Arias, Jr. (or "Prof. Arias"), Rociella and Prof. Arias executed their respective judicial affidavits^[10] and thereafter testified before the court *a quo*.

On September 27, 2010, the RTC rendered the assailed decision granting Rociella's petition, disposing as follows:

"The Court finds that the totality of the evidence of the petitioner verily shows that the respondent is psychologically incapacitated to comply with his marital obligations, and the findings of Prof. Antero V. Arias, Jr. likewise proves that the personality disorder of the respondent that is rooted in his childhood, has resulted into a grave psychological incapacity of the respondent to perform his marital obligations. Consequently, it led to the breakdown of the marriage. The Court feels that the State, that is the protector of this social institution called marriage, should no longer sustain this marriage, which was torn down not by mere incompatibility or immaturity, but by the vivid psychological incapacity of the respondent, consistent with current jurisprudence on the matter. Thus, the Court holds to GRANT this petition.

WHEREFORE, premises considered, Court hereby declares the marriage contracted by the petitioner ROCIELLA G. PASCUAL-REYRATA to the respondent RONNIE B. REYRATA on January 28, 1991 in Manila, to be NULL AND VOID AB INITIO.

ACCORDINGLY, pursuant to the provisions of A.M. No. 02-11-10-SC, the Clerk of Court is directed to enter this judgment upon its finality in the Book of Entry of Judgment and to issue the corresponding Entry of Judgment. Thereupon, the Local Civil Registrars of Manila and Imus, Cavite, are also mandated to cause the registration of the said ENTRY OF JUDGMENT in their respective Book of Marriages.

Likewise, furnish the petitioner and the counsel for the petitioner, the respondent, the Solicitor General, 3rd Assistant Provincial Prosecutor Oscar R. Jarlos and the Civil Registrar General with copies hereof.

Upon compliance, this Court shall forthwith issue the DECREE OF NULLITY OF MARRIAGE.

SO ORDERED."^[11]

The motion for reconsideration^[12] of the above decision, filed by the Office of the Solicitor General (OSG) in behalf of oppositor-appellant Republic of the Philippines, was denied in the assailed January 5, 2011 resolution.

Hence the present recourse, appellant ascribing to the court *a quo* a lone error, to wit:

THE HONORABLE REGIONAL TRIAL COURT ERRED IN DECLARING THAT THE MARRIAGE BETWEEN PETITIONER-APPELLEE ROCIELLA G. PASCUAL-REYRATA ['ROCIELLA'] AND RESPONDENT-APPELLEE RONNIE B. REYRATA ['RONNIE'] IS NULL AND VOID *AB INITIO*. PETITIONER-APPELLEE FAILED TO ESTABLISH ALL THE ESSENTIAL REQUISITES OF RESPONDENT-APPELLEE'S PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE OF THE PHILIPPINES.^[13]

Article 36 of the Family Code provides as ground for the declaration of nullity of marriage the psychological incapacity of any of the spouses. Thus:

"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."

Article 36 contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations.^[14] It refers to a serious psychological illness afflicting a party even before the celebration of the marriage.^[15] Mere "difficulty," "refusal" or "neglect" in the performance of marital obligations or "ill will" on the part of the spouse is different from "incapacity" rooted on some debilitating psychological condition or illness.^[16] It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.^[17] Each case for declaration of nullity under the foregoing provision must be judged, not on the basis of *a priori* assumptions, predilections, or generalizations, but according to its own facts.^[18]

Psychological incapacity must refer to no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the

marriage^[19] which, as expressed by Article 68^[20] of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity; and render help and support. The intendment of the law has been to confine it to the most serious of cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.^[21]

In ***Leouel Santos v. Court of Appeals***,^[22] the Supreme Court first declared that psychological incapacity must be characterized by (a) gravity; (b) juridical antecedence; and (c) incurability.^[23] It explained:

- (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) Judicial 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
- (c) Incurability – It must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.^[24]

The plaintiff bears the burden of proving the juridical antecedence (i.e., the existence at the time of the celebration of marriage), gravity and incurability of the condition of the errant spouse.^[25] The plaintiff must prove that the incapacitated party, based on his or her actions or behavior, suffers a serious psychological disorder that completely disables him or her from understanding and discharging the essential obligations of the marital state. The psychological problem must be grave, must have existed at the time of marriage, and must be incurable.^[26]

In the landmark case of ***Republic of the Philippines v. Court of Appeals and Roridel Molina***,^[27] the Supreme Court created the guidelines to aid the courts in the disposition of cases involving psychological incapacity,^[28] to wit:

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. This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family. Thus, our Constitution devotes an entire Article on the Family, recognizing it "as the foundation of the nation." It decrees marriage as legally "inviolable," thereby protecting it from dissolution at the whim of the parties. Both the family and marriage are to be 'protected' by the state.
2. The root cause of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently