

## THIRTEENTH DIVISION

[ CA-G.R. CV No. 101506, November 21, 2014 ]

**DENNIS M. TIZON, PETITIONER-APPELLEE, VS. GENALIN  
ARANDA DELA CRUZ, RESPONDENT,  
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### **DECISION**

**LIBREA-LEAGOGO, J.:**

Before this Court is an appeal from the Decision<sup>[1]</sup> dated 02 May 2012 and Order<sup>[2]</sup> dated 05 August 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 169, Malabon City in the case entitled "*Dennis M. Tizon v. Genalin Aranda Dela Cruz*," docketed as *Civil Case No. CV-236-MN*. The dispositive portion of the assailed Decision reads:

*"WHEREFORE, premises considered, judgment is hereby rendered:*

- 1. Declaring the marriage between DENNIS M. TIZON and GENALIN ARANDA DELA CRUZ as void ab initio;*
- 2. Terminating their property regime.*

*Let copies of this Decision be furnished the respondent, the Office of the Solicitor General, the Public Prosecutor, and the Local Civil Registrar of Malabon City and San Pedro, Laguna. Upon the finality of the Decision and after the registration of the Entry of Judgment granting the petition in the Local Civil Registry of Malabon City and San Pedro, Laguna, the Court shall forthwith issue the corresponding Decree of Nullity of Marriage. Petitioner is required to cause the registration of said Decree in the National Census and Statistics Office and the aforementioned local civil registry. He shall report his compliance with this requirement within thirty (30) days from receipt of the Decree.*

*SO ORDERED"*<sup>[3]</sup>

The assailed Order denied the Motion for Reconsideration.

Petitioner-appellee filed a Manifestation<sup>[4]</sup> dated 03 February 2014, stating that the OSG is correct in saying that the trial court was mistaken in granting the Petition, thus, praying that the case be remanded to the trial court for further reception of evidence to prove the psychological incapacity of respondent to comply with the essential obligations. The OSG filed its Comment<sup>[5]</sup> dated 28 March 2014 averring,

*inter alia*, that the appeal had already been perfected as to petitioner-appellee; as it was oppositor-appellant who appealed the Decision, the case cannot be remanded to the trial court for further reception of evidence, by a mere manifestation of petitioner-appellee; the latter himself admitted that the evidence on record failed to establish the alleged psychological incapacity of respondent; thus, it is with more reason that the appeal should be resolved.

In the Resolution<sup>[6]</sup> dated 23 April 2014, petitioner-appellee's Manifestation was denied.

Oppositor-appellant filed its Brief<sup>[7]</sup> dated 25 June 2014. Per JRD verification,<sup>[8]</sup> no appellee's brief was filed as per docket book entry. Thus, the appeal is submitted for decision.

### **FACTUAL ANTECEDENTS**

A Petition<sup>[9]</sup> dated 10 November 2010 for Declaration of Nullity of Marriage was filed by petitioner Dennis M. Tizon against respondent Genalin Aranda Dela Cruz before the Regional Trial Court of Malabon City, docketed as *Civil Case No. CV-236-MN*.

It was alleged, *inter alia*, that: he is the husband of respondent, their marriage having been celebrated on 02 May 2001 at the Estrella Christian Fellowship, San Pedro, Laguna; sometime in 2000, he went to a disco bar with his officemates in China and met respondent who is a band member; they got acquainted with each other and learned that she has just broken up with her boyfriend, a married man with two children; it led to several meetings and ultimately, he went to see her at her place; he courted her and during that time, he learned that she was financially supporting her former boyfriend; after a few months, they became lovers, which lasted for a few months as he was deployed in another part of China which is quite far from her; she was befriended by a man who wanted to take advantage of her; he warned her about it, but she ignored the same, thus, he decided to end their relationship, although they still met from time to time; this gave way to their reconciliation and ended up in a wedding at San Pedro, Laguna; immediately after the wedding, they had an altercation with respect to the division of their properties in the event that they acquire some; it made him very angry; he threw his wedding ring on the bed and stepped out of the house to calm down; after a few days, he continued to work abroad while she got busy with her small business; they often communicated with each other through telephone; oftentimes, when they talked to each other, he requested for some items to be sent to him from the Philippines, but she never sent them; they almost always argued, most especially in connection with his parents who are in the United States with his youngest brother; his parents own the house where they lived, considering that his parents are in the US with his youngest brother and his married sister is living with her husband and their child in another place; when his parents were in the Philippines, naturally, they would reside at their place, which is not agreeable to respondent; she complains about his parents and does not want to live with them under the same roof; all the years that they have been married, she was not able to save anything and his hard-earned money was spent in the maintenance of four (4) dogs and six (6) puppies; there was even a time when his wife wanted him to sleep on their bed with the dogs; she even ventured into different small businesses, which all failed, and from time to time worked as a singer to which he did not agree; she tried her best to convince

him to get angry at his parents and siblings but he could not find any reason, so they ended up arguing again; she would even send him text messages cursing him; one time, she followed him to China; one day, he could not find her, although he looked for her all over the place; it made him anxious and afraid because he did not know what happened to her, only to find out that she hid from him and was even laughing when she told him what she did; when she went back to the Philippines, she left his parents' house and brought with her everything he had bought and sent; he tried his best to convince her to come back and make their marriage work but his pleas fell on deaf ears and she never came back; no amount of persuasion and wooing made her come back; after about two (2) years of relentless and unfruitful requests, he decided that he has to move on and consulted a psychologist with the intention of filing this Petition; the psychologist found out that his wife is suffering from a psychological incapacity known as Narcissistic Personality Disorder, which is grave, incurable and pathological, and deeply ingrained in her system; she is therefore not an ideal partner in marriage; and he prayed that the tie that binds them be severed so that they can both move on.

Summons<sup>[10]</sup> dated 01 December 2010 was issued. Per Officer's Return<sup>[11]</sup> dated 09 December 2010, Sheriff Joseph R. Sheng certified that: on the 2<sup>nd</sup> and 6<sup>th</sup> day of December 2010, efforts were made by him to serve copy of Summons, together with the Petition and its annexes, issued by the court at the given address of respondent, but the same proved futile; thus, on the 8<sup>th</sup> of December 2010, substituted service was resorted to and summons was received by Ofelia Panlilio ("Panlilio," for brevity), a relative of petitioner.

The Office of the Solicitor General ("OSG," for brevity) filed its Notice of Appearance<sup>[12]</sup> dated 13 December 2010, authorizing the Office of the City Prosecutor of Malabon City to appear in the instant case.

Petitioner filed a Motion to Set Case for Pre-trial and to Direct the Public Prosecutor to Conduct an Investigation if Collusion Exist(s)<sup>[13]</sup> dated 03 January 20(11). The trial court issued an Order<sup>[14]</sup> dated 10 January 2011 which directed the public prosecutor assigned to the court to conduct investigation to determine whether collusion exists between the parties in the filing of the case and to submit his report thereon within thirty (30) days from receipt of the Order; and set the pre-trial on 10 February 2011.

Petitioner filed its Pre-trial Brief<sup>[15]</sup> dated 03 January 2011. The trial court issued a Pre-Trial Order<sup>[16]</sup> dated 04 August 2011.

Public Prosecutor Magno T. Delos Santos submitted a Report<sup>[17]</sup> dated 09 February 2011 stating that no collusion exists between the parties in the instant case and recommends that the matter be addressed in a full-blown trial on the merits.

Trial ensued.

Petitioner presented three witnesses: Clinical Psychologist Maricris Reyes-Marucut ("Dr. Marucut," for brevity), petitioner himself, and Panlilio.

Dr. Marucut affirmed the contents of her judicial affidavit.<sup>[18]</sup> She testified, *inter*

*alia*, that: on the second week of January 2010, petitioner consulted her and requested for psychological evaluation regarding the petition for nullity of marriage that he contemplates on filing against respondent; he conducted psychological evaluation on petitioner using the following tools: clinical interview, battery of psychological tests, and collateral data; she likewise administered the following psychological tests, to wit: Projective Drawings, Sentence Completion Test, Bender Visual Motor Gestalt Test, Basic Personality Inventory, 16 Personality Factors, Revised Beta Examinations, Emotions Profile Index, and Neuroticism Scale Questionnaire; interviews were conducted regarding both subjects' family and personal histories, as well as the circumstances surrounding their marriage and separation; she was able to talk with Carmencita M. Tizon, the mother of petitioner, who confirmed the allegations of petitioner regarding the actuation and behavior of respondent;<sup>[19]</sup> and she talked to respondent on several occasion but was not able to give her any psychological testing.<sup>[20]</sup>

Petitioner affirmed the contents of his judicial affidavit.<sup>[21]</sup> He testified, *inter alia*, that: he and respondent have been married since 2001; he stated that she is suffering from psychological disorder which incapacitated her to perform her essential obligations because of many reasons; she was not able to save from his hard-earned money abroad and instead spent it in the maintenance of her dogs; there was animosity between his relatives and respondent; she would convince him to get mad at his parents and siblings; she wanted all his attention focused on her and her relatives; and she would do things or whatever pleased her, unmindful of what he would feel in return.<sup>[22]</sup>

Panlilio affirmed the contents of her judicial affidavit.<sup>[23]</sup> She testified, *inter alia*, that: she is the aunt of petitioner; petitioner and respondent never had a perfect life as husband and wife because of the behavioral problems, immaturity and insensitivity of respondent which she observed during the time that they were still living together; she was able to observe how petitioner was deeply anguished, emotionally and psychologically, because whenever they would have a problem or a fight, petitioner would call her and tell her how respondent would treat him; respondent often neglected her duties and responsibilities as wife; respondent is a happy-go-lucky person, insensitive and domineering; all these things were confided to her by petitioner; she often visited them and she could attest to the fact that they had a rocky and unstable married life; respondent tried her best to convince petitioner to get mad at his parents and siblings, but because petitioner could not find any reason to hate them, they always ended up fighting; respondent would throw invectives to his nephew; respondent consistently ignored petitioner's efforts to save their relationship; respondent gave in to her habits for her personal gain or pleasure, by allowing her dogs to stay on their bed; respondent took advantage of petitioner's kindness and love in order to achieve her selfish purpose, to the point of deceiving him without so much regret on her part; she deliberately neglected her essential duties and responsibilities related to her status as a married woman; she lacks the heart and will to sustain the sacredness of their marriage; and respondent is responsible for the breakdown of their marriage.<sup>[24]</sup>

During the hearing on 19 January 2012, petitioner offered his exhibits. The prosecutor did not object to the existence of Exhibit "D" but objected to the rest of the exhibits for being self-serving. The trial court admitted all the exhibits of

petitioner and the latter rested his case.<sup>[25]</sup>

In the Order<sup>[26]</sup> dated 08 March 2012, it was stated that the public prosecutor waived the presentation of evidence; the public prosecutor and petitioner's counsel were given a period of thirty (30) days within which to submit their respective memoranda, in lieu of oral arguments; and thereafter, the case would be deemed submitted for resolution.

The trial court rendered the assailed Decision<sup>[27]</sup> dated 02 May 2012, the dispositive portion of which was earlier quoted.<sup>[28]</sup> The OSG filed a Motion for Reconsideration<sup>[29]</sup> dated 21 May 2012, to which petitioner filed his Comment<sup>[30]</sup> dated 16 July 2012. The OSG then filed its Reply<sup>[31]</sup> dated 12 October 2012. The trial court denied the Motion for Reconsideration in its assailed Order<sup>[32]</sup> dated 05 August 2013.

The Republic of the Philippines filed a Notice of Appeal<sup>[33]</sup> dated 16 September 2013 which was given due course in the Order<sup>[34]</sup> dated 25 September 2013.

Hence, this appeal.

### **RULING**

Oppositor-appellant assigns a lone error, *viz*:

*THE TRIAL COURT ERRED IN DECLARING THE MARRIAGE OF PLAINTIFF (sic)-APPELLEE AND DEFENDANT (sic) NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY OF DEFENDANT (sic).*<sup>[35]</sup>

Oppositor-appellant contends, *inter alia*, that: the totality of evidence failed to prove the alleged psychological incapacity of respondent to comply with her essential marital obligations; petitioner-appellee's petition for declaration of nullity of marriage is anchored on Article 36 of the Family Code; petitioner-appellee failed to prove respondent's alleged psychological incapacity in accordance with the standards laid down by the Supreme Court; petitioner-appellee failed to prove the gravity of defendant's alleged psychological incapacity; respondent's insensitiveness, misuse of family funds, and hate of petitioner-appellee's parents and siblings, however, are not grave enough to constitute psychological incapacity that the law requires; no proof was presented showing that the behavior of defendant arose out of a psychological defect affecting her capacity to comply with the responsibilities of marriage; the alleged psychological defect was more of a difficulty, if not an outright refusal or neglect in the performance of some marital obligations; the alleged psychological defect merely shows irreconcilable differences, emotional immaturity, irresponsibility and conflicting personalities, which, by themselves, do not constitute psychological incapacity; petitioner-appellee failed to prove the natal or supervening disabling factor that effectively incapacitated respondent to comply with her essential marital obligations; petitioner-appellee failed to show that respondent's alleged psychological incapacity existed on or before the celebration of marriage; the root cause of the alleged psychological incapacity must be identified as a