

## FOURTEENTH DIVISION

[ CA-G.R. CV NO. 77194, August 30, 2006 ]

**HELEN A. LINTAG, PETITIONER-APPELLEE, VS. EDSON LINTAG,  
RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-  
APPELLANT.**

### D E C I S I O N

**DIMARANAN-VIDAL, J.:**

This is an Appeal assailing the Decision<sup>[1]</sup> dated 13 August 2002 of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 2, Balanga City in Civil Case No. 7268, filed by Petitioner Appellee HELEN LINTAG for Declaration of Nullity of Marriage on ground of psychological incapacity of her spouse, EDSON LINTAG.

### THE FACTS

Petitioner Appellee HELEN LINTAG (hereinafter Appellee) and EDSON LINTAG (hereinafter EDSON) got married on 22 June 1992 in Mariveles, Bataan.<sup>[2]</sup> Out of this union, two children namely, JOHN HEIDELBERG and HONEYLYN, both surnamed LINTAG, were born.<sup>[3]</sup>

On 8 March 2001, the Appellee filed a Petition for Declaration of Nullity of Marriage docketed as Civil Case No. 7268.<sup>[4]</sup> This petition was anchored on the ground of psychological incapacity of her spouse EDSON under Article 36 of the Family Code, which provides:

**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.**

The Office of the Solicitor General (OSG) filed its opposition<sup>[5]</sup> to the petition for the Appellee's failure to indubitably show that EDSON suffers from psychological incapacity as contemplated under Article 36, *supra*.

On 13 August 2002, the court a quo rendered a Decision declaring the marriage between the Appellee and EDSON, null and void. The dispositive part thereof reads:

**WHEREFORE, premises considered, judgment is hereby rendered declaring the marriage between the petitioner and respondent as null and void, on the ground of psychological incapacity on the part of the respondent. Further awarding the custody of the children John Heidelberg and Honeylyn Lintag to herein petitioner.**

**SO ORDERED.**<sup>[6]</sup>

The OSG now interposes instant appeal premised on the following issues,<sup>[7]</sup>:

**WHETHER OR NOT THE TRIAL COURT GRAVELY ERRED IN DECLARING THE MARRIAGE BETWEEN PETITIONER-APPELLEE AND THE RESPONDENT NULL AND VOID ON THE GROUND OF PSYCHOLOGICAL INCAPACITY.**

**WHETHER OR NOT THE TRIAL COURT GRAVELY ERRED IN EQUATING EMOTIONAL IMMATURITY, IRRESPONSIBILITY, AND EGOCENTRISM WITH PSYCHOLOGICAL INCAPACITY.**

The OSG contends that the evidence on record fails to establish and prove the psychological incapacity of EDSON, *firstly*, the root cause of the alleged psychological incapacity has not been medically or clinically identified and the juridical antecedence and the requirement of gravity have not been established and *secondly*, the court a quo gave credence to the uncorroborated and self-serving testimony of the Appellee and the findings of Psychologist ESTRELLA B. DE SESTO.

Briefly, the issue before Us hinges on whether or not the evidence adduced by the Appellee warrants the declaration of nullity of marriage on the ground of psychological incapacity.

### **Our Ruling**

The appeal is impressed with merit.

Verily, in an abundance of cases the Supreme Court laid down guidelines in determining the existence of psychological incapacity.

In *Santos v. Court of Appeals*,<sup>[8]</sup> the Supreme Court, speaking through Mr. Justice Jose C. Vitug, elucidated:

**xxx “psychological incapacity” should 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 which, as so expressed by Article 68 of the Family Code, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that the intendment 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. This psychologic condition must exist at the time the marriage is celebrated. Xxx** (underscoring supplied)

In *Santos* case, *supra*, psychological incapacity must be characterized by:

(a) gravity – it must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in a marriage;