



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**REPUBLIC OF THE
PHILIPPINES,**

Petitioner,

-versus-

**THE HON. COURT OF APPEALS
(NINTH DIVISION), AND
EDUARDO C. DE QUINTOS, JR.,**
Respondents.

G.R. No. 159594

Present:

SERENO, C.J.
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

Promulgated:

NOV 12 2012

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DECISION

BERSAMIN, J.:

The State appeals the decision promulgated on July 30, 2003,¹ whereby the Court of Appeals (CA) affirmed the declaration by the Regional Trial Court, Branch 38, in Lingayen, Pangasinan of the nullity of the marriage between respondent Eduardo De Quintos, Jr. (Eduardo) and Catalina Delos Santos-De Quintos (Catalina) based on the latter's psychological incapacity under Article 36 of the *Family Code*.

We find the State's appeal to be meritorious. Hence, we uphold once again the validity of a marriage on the ground that the alleged psychological incapacity was not sufficiently established.

¹ *Rollo*, pp. 51-57; penned by Associate Justice B.A. Adefuin-Dela Cruz (retired), with Associate Justices Perlita J. Tria Tirona (retired) and Hakim S. Abdulwahid, concurring.

Antecedents

Eduardo and Catalina were married on March 16, 1977 in civil rites solemnized by the Municipal Mayor of Lingayen, Pangasinan.² The couple was not blessed with a child due to Catalina's hysterectomy following her second miscarriage.³

On April 6, 1998, Eduardo filed a petition for the declaration of nullity of their marriage,⁴ citing Catalina's psychological incapacity to comply with her essential marital obligations. Catalina did not interpose any objection to the petition, but prayed to be given her share in the conjugal house and lot located in Bacabac, Bugallon, Pangasinan.⁵ After conducting an investigation, the public prosecutor determined that there was no collusion between Eduardo and Catalina.⁶

Eduardo testified that Catalina always left their house without his consent; that she engaged in petty arguments with him; that she constantly refused to give in to his sexual needs; that she spent most of her time gossiping with neighbors instead of doing the household chores and caring for their adopted daughter; that she squandered by gambling all his remittances as an overseas worker in Qatar since 1993; and that she abandoned the conjugal home in 1997 to live with Bobbie Castro, her paramour.⁷

Eduardo presented the results of the neuro-psychiatric evaluation conducted by Dr. Annabelle L. Reyes, a psychiatrist. Based on the tests she administered on Catalina,⁸ Dr. Reyes opined that Catalina exhibited traits of Borderline Personality Disorder that was no longer treatable. Dr. Reyes

² Exhibit "A", Exhibit Folder, p. 1.

³ Exhibit Folder, p. 2.

⁴ Records, pp. 2-4.

⁵ Id. at 10-11.

⁶ Id. at 14-15.

⁷ TSN dated December 7, 1998, pp. 4-5.

⁸ Dr. Reyes administered the following tests, namely:- Purdue Non Verbal Test, Draw-A-Person Test, House-Tree-Person Test, Sack's Sentence Completion Test, and Bender Visual Motor Gestalt Test (see Exhibit "B", Exhibit Folder, p. 5).

found that Catalina's disorder was mainly characterized by her immaturity that rendered her psychologically incapacitated to meet her marital obligations.⁹

Catalina did not appear during trial but submitted her Answer/Manifestation,¹⁰ whereby she admitted her psychological incapacity, but denied leaving the conjugal home without Eduardo's consent and flirting with different men. She insisted that she had only one live-in partner; and that she would not give up her share in the conjugal residence because she intended to live there or to receive her share should the residence be sold.¹¹

Ruling of the RTC

The RTC granted the petition on August 9, 2000, decreeing:

WHEREFORE, in view of all the foregoing considerations, this Honorable Court finds for the plaintiff and judgment is hereby rendered:

1. Declaring the marriage between Eduardo C. de Quintos and Catalina delos Santos de Quintos, a nullity under Article 36 of the Family Code, as amended.

2. Ordering the Municipal Civil Registrar of Lingayen[,] Pangasinan to cancel the marriage of the parties from the Civil Register of Lingayen, Pangasinan in accordance with this decision.

SO ORDERED.¹²

The RTC ruled that Catalina's infidelity, her spending more time with friends rather than with her family, and her incessant gambling constituted psychological incapacity that affected her duty to comply with the essential obligations of marriage. It held that considering that the matter of determining whether a party was psychologically incapacitated was best left

⁹ TSN dated January 18, 1999, pp. 3-4.

¹⁰ Records, pp. 10-11.

¹¹ Id. at 10-11.

¹² Id. at 68.

to experts like Dr. Reyes, the results of the neuro-psychiatric evaluation by Dr. Reyes was the best evidence of Catalina's psychological incapacity.¹³

Ruling of the CA

On appeal, the State raised the lone error that:

THE LOWER COURT ERRED IN DECLARING THE PARTIES' MARRIAGE NULL AND VOID, DEFENDANT CATALINA DELOS SANTOS-DE QUINTOS' PSYCHOLOGICAL INCAPACITY NOT HAVING BEEN PROVEN TO EXIST.

On July 30, 2003, the CA promulgated its decision affirming the judgment of the RTC. The CA concluded that Eduardo proved Catalina's psychological incapacity, observing that the results of the neuro-psychiatric evaluation conducted by Dr. Reyes showed that Catalina had been "mentally or physically ill to the extent that she could not have known her marital obligations;" and that Catalina's psychological incapacity had been medically identified, sufficiently proven, duly alleged in the complaint and clearly explained by the trial court.

Issue

In this appeal, the State, through the Office of the Solicitor General (OSG), urges that the CA gravely erred because:

I

THERE IS NO SHOWING THAT CATALINA'S ALLEGED PERSONALITY TRAITS ARE CONSTITUTIVE OF PSYCHOLOGICAL INCAPACITY EXISTING AT THE TIME OF MARRIAGE CELEBRATION; NOR ARE THEY OF THE NATURE CONTEMPLATED BY ARTICLE 36 OF THE FAMILY CODE.

II

MARITAL UNFAITHFULNESS OF THE [sic] CATALINA WAS NOT SHOWN TO BE A SYMPTOM OF PSYCHOLOGICAL INCAPACITY.

¹³ Id. at 66-67.

III

ABANDONMENT OF ONE'S FAMILY IS ONLY A GROUND FOR
LEGAL SEPARATION.

IV

GAMBLING HABIT OF CATALINA NOT LIKEWISE ESTABLISHED
TO BE A SYMPTOM OF PSYCHOLOGICAL INCAPACITY.

V

THE NEUROPSYCHIATRIC EVALUATION AND TESTIMONY OF
DR. ANNABELLE REYES FAILED TO ESTABLISH THE CAUSE OF
CATALINA'S INCAPACITY AND PROVE THAT IT EXISTED AT
THE INCEPTION OF MARRIAGE, IS GRAVE AND INCURABLE.¹⁴

The OSG argues that the findings and conclusions of the RTC and the CA did not conform to the guidelines laid down by the Court in *Republic v. Court of Appeals, (Molina)*;¹⁵ and that Catalina's refusal to do household chores, and her failure to take care of her husband and their adopted daughter were not "defects" of a psychological nature warranting the declaration of nullity of their marriage, but mere indications of her difficulty, refusal or neglect to perform her marital obligations.

The OSG further argues that Catalina's infidelity, gambling habits and abandonment of the conjugal home were not grounds under Article 36 of the *Family Code*; that there was no proof that her infidelity and gambling had occurred prior to the marriage, while her abandonment would only be a ground for legal separation under Article 55(10) of the *Family Code*; that the neuro-psychiatric evaluation by Dr. Reyes did not sufficiently establish Catalina's psychological incapacity; that Dr. Reyes was not shown to have exerted effort to look into Catalina's past life, attitudes, habits and character as to be able to explain her alleged psychological incapacity; that there was not even a finding of the root cause of her alleged psychological incapacity; and that there appeared to be a collusion between the parties inasmuch as Eduardo admitted during the trial that he had given ₱50,000.00 to Catalina in exchange for her non-appearance in the trial.

¹⁴ *Rollo*, pp. 22-23.

¹⁵ G.R. No. 108763, February 13, 1997, 268 SCRA 198.

The OSG postulated that Catalina's unsupportive in-laws and Eduardo's overseas deployment that had required him to be away most of the time created the strain in the couple's relationship and forced her to seek her friends' emotional support and company; and that her ambivalent attitude towards their adopted daughter was attributable to her inability to bear children of her own.

Issue

The issue is whether there was sufficient evidence warranting the declaration of the nullity of Catalina's marriage to Eduardo based on her psychological incapacity under Article 36 of the *Family Code*.

Ruling

We grant the petition for review.

Psychological incapacity under Article 36 of the *Family Code* 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.¹⁶

¹⁶ *Yambao v. Republic*, G.R. No. 184063, January 24, 2011, 640 SCRA 355, 367.

In *Santos v. Court of Appeals*,¹⁷ we decreed that psychological incapacity should refer to a mental incapacity that causes a party to be truly incognitive of the basic marital covenants such as those enumerated in Article 68 of the *Family Code* and must be characterized by gravity, juridical antecedence and incurability. In an effort to settle the confusion that may arise in deciding cases involving nullity of marriage on the ground of psychological incapacity, we then laid down the following guidelines in the later ruling in *Molina*,¹⁸ viz:

(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. x x x.

x x x x

(2) The root cause of the psychological incapacity must be (a) medically or clinically identified, (b) alleged in the complaint, (c) sufficiently proven by experts and (d) clearly explained in the decision. Article 36 of the *Family Code* requires that the incapacity must be psychological — not physical, although its manifestations and/or symptoms may be physical. x x x.

x x x x

(3) The incapacity must be proven to be existing at “the time of the celebration” of the marriage. x x x.

x x x x

(4) Such incapacity must also be shown to be medically or clinically permanent or incurable. x x x.

x x x x

(5) Such illness must be grave enough to bring about the disability of the party to assume the essential obligations of marriage. Thus, “mild characterological peculiarities, mood changes, occasional emotional outbursts” cannot be accepted as root causes. x x x.

x x x x

(6) The essential marital obligations must be those embraced by Articles 68 up to 71 of the *Family Code* as regards the husband and wife as well as Articles 220, 221 and 225 of the same Code in regard to parents and their children. Such non-complied marital obligation(s) must also be stated in the petition, proven by evidence and included in the text of the decision.

¹⁷ G.R. No. 112019, January 4, 1995, 240 SCRA 20.

¹⁸ *Supra* note 15.

(7) Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. x x x.

x x x x

(8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x.¹⁹

The foregoing pronouncements in *Santos* and *Molina* have remained as the precedential guides in deciding cases grounded on the psychological incapacity of a spouse. But the Court has declared the existence or absence of the psychological incapacity based strictly on the facts of each case and not on *a priori* assumptions, predilections or generalizations.²⁰ Indeed, the incapacity should be established by the totality of evidence presented during trial,²¹ making it incumbent upon the petitioner to sufficiently prove the existence of the psychological incapacity.²²

Eduardo defends the rulings of the RTC and the CA, insisting that they thereby explained the gravity and severity of Catalina's psychological incapacity that had existed even prior to the celebration of their marriage.²³

We are not convinced. Both lower courts did not exact a compliance with the requirement of sufficiently explaining the gravity, root cause and incurability of Catalina's purported psychological incapacity. Rather, they were liberal in their appreciation of the scanty evidence that Eduardo submitted to establish the incapacity.

To start with, Catalina's supposed behavior (*i.e.*, her frequent gossiping with neighbors, leaving the house without Eduardo's consent, refusal to do the household chores and to take care of their adopted daughter, and gambling), were not even established. Eduardo presented no other witnesses to corroborate his allegations on such behavior. At best, his

¹⁹ Id. at 209-213.

²⁰ *Republic v. Dagdag*, G.R. No. 109975, February 9, 2001, 351 SCRA 425, 431.

²¹ *Bier v. Bier*, G.R. No. 173294, February 27, 2008, 547 SCRA 123, 132.

²² *Antonio v. Reyes*, G.R. No. 155800, March 10, 2006, 484 SCRA 353, 376.

²³ *Rollo*, p. 62.

testimony was self-serving and would have no serious value as evidence upon such a serious matter that was submitted to a court of law.

Secondly, both lower courts noticeably relied heavily on the results of the neuro-psychological evaluation by Dr. Reyes despite the paucity of factual foundation to support the claim of Catalina's psychological incapacity. In particular, they relied on the following portion of the report of Dr. Reyes, to wit:

REMARKS AND RECOMMENDATIONS:

Catalina is exhibiting traits of a borderline personality. This is characterized, mainly by immaturity in several aspects of the personality. One aspect is in the area of personal relationships, where a person cannot really come up with what is expected in a relationship that involves commitments. They are generally in and out of relationships, as they do not have the patience to sustain this [sic] ties. Their behavior is like that of a child who has to be attended to as they might end up doing things which are often regrettable. These people however usually do not feel remorse for their wrongdoings. They do not seem to learn from their mistakes, and they have the habit of repeating these mistakes to the detriment of their own lives and that of their families. Owing to these characteristics, people with these pattern of traits cannot be expected to have lasting and successful relationships as required in marriage. It is expected that even with future relationships, things will not work out.

Families of these people usually reveal that parents relationship are not also that ideal. If this be the background of the developing child, it is likely that his or her relationships would also end up as such.

X X X X

With all these collateral information being considered and a longitudinal history of defendant made, it is being concluded that she was not able to come up with the minimum expected of her as a wife. Her behavior and attitude before and after the marriage is highly indicative of a very immature and childish person, rendering her psychologically incapacitated to live up and meet the responsibilities required in a commitment like marriage. Catalina miserably failed to fulfill her role as wife and mother, rendering her incapacitated to comply with her duties inherent in marriage. In the same vein, it cannot be expected that this attitude and behavior of defendant will still change because her traits have developed through the years and already ingrained within her.²⁴

Yet, the report was ostensibly vague about the root cause, gravity and incurability of Catalina's supposed psychological incapacity. Nor was the

²⁴ Exhibit Folder, pp. 4, 6.

testimony given in court by Dr. Reyes a source of vital information that the report missed out on. Aside from rendering a brief and general description of the symptoms of borderline personality disorder, both the report and court testimony of Dr. Reyes tendered no explanation on the root cause that could have brought about such behavior on the part of Catalina. They did not specify which of Catalina's various acts or omissions typified the conduct of a person with borderline personality, and did not also discuss the gravity of her behavior that translated to her inability to perform her basic marital duties. Dr. Reyes only established that Catalina was childish and immature, and that her childishness and immaturity could no longer be treated due to her having already reached an age "beyond maturity."²⁵

Thirdly, we have said that the expert evidence presented in cases of declaration of nullity of marriage based on psychological incapacity presupposes a thorough and in-depth assessment of the parties by the psychologist or expert to make a conclusive diagnosis of a grave, severe and incurable presence of psychological incapacity.²⁶ We have explained this need in *Lim v. Sta. Cruz-Lim*,²⁷ stating:

The expert opinion of a psychiatrist arrived at after a maximum of seven (7) hours of interview, and unsupported by separate psychological tests, cannot tie the hands of the trial court and prevent it from making its own factual finding on what happened in this case. The probative force of the testimony of an expert does not lie in a mere statement of his theory or opinion, but rather in the assistance that he can render to the courts in showing the facts that serve as a basis for his criterion and the reasons upon which the logic of his conclusion is founded.²⁸

But Dr. Reyes had only one interview with Catalina, and did not personally seek out and meet with other persons, aside from Eduardo, who could have shed light on and established the conduct of the spouses before and during the marriage. For that reason, Dr. Reyes' report lacked depth and objectivity, a weakness that removed the necessary support for the

²⁵ TSN dated January 18, 1999, p. 7.

²⁶ *Marable v. Marable*, G.R. No. 178741, January 17, 2011, 639 SCRA 557, 567; *Suazo v. Suazo*, G.R. No. 164493, March 12, 2010, 615 SCRA 154, 176.

²⁷ G.R. No. 176464, February 4, 2010, 611 SCRA 569.

²⁸ *Id.* at 585.

conclusion that the RTC and the CA reached about Catalina's psychological incapacity to perform her marital duties.

Under the circumstances, the report and court testimony by Dr. Reyes did not present the gravity and incurability of Catalina's psychological incapacity. There was, to start with, no evidence showing the root cause of her alleged borderline personality disorder and that such disorder had existed prior to her marriage. We have repeatedly pronounced that the root cause of the psychological incapacity must be identified as a psychological illness, with its incapacitating nature fully explained and established by the totality of the evidence presented during trial.²⁹

What we can gather from the scant evidence that Eduardo adduced was Catalina's immaturity and apparent refusal to perform her marital obligations. However, her immaturity alone did not constitute psychological incapacity.³⁰ To rule that such immaturity amounted to psychological incapacity, it must be shown that the immature acts were manifestations of a disordered personality that made the spouse completely unable to discharge the essential obligations of the marital state, which inability was merely due to her youth or immaturity.³¹

Fourthly, we held in *Suazo v. Suazo*³² that there must be proof of a natal or supervening disabling factor that effectively incapacitated the respondent spouse from complying with the basic marital obligations, viz:

It is not enough that the respondent, alleged to be psychologically incapacitated, had difficulty in complying with his marital obligations, or was unwilling to perform these obligations. Proof of a natal or supervening disabling factor – an adverse integral element in the respondent's personality structure that effectively incapacitated him from complying with his essential marital obligations – must be shown. 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 in some

²⁹ *Ligeralde v. Patalinghug*, G.R. No. 168796, April 15, 2010, 618 SCRA 315, 321-322.

³⁰ *Republic v. Galang*, G.R. No. 168335, June 6, 2011, 650 SCRA 524, 540; *Navarro, Jr. v. Cecilio-Navarro*, G.R. No. 162049, April 13, 2007, 521 SCRA 121, 130.

³¹ *Dedel v. Court of Appeals*, G.R. No. 151867, January 29, 2004, 421 SCRA 461, 466.

³² *Supra* note 26, at 174-175.

debilitating psychological condition or illness; irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage.

The only fact established here, which Catalina even admitted in her Answer, was her abandonment of the conjugal home to live with another man. Yet, abandonment was not one of the grounds for the nullity of marriage under the *Family Code*. It did not also constitute psychological incapacity, it being instead a ground for legal separation under Article 55(10) of the *Family Code*. On the other hand, her sexual infidelity was not a valid ground for the nullity of marriage under Article 36 of the *Family Code*, considering that there should be a showing that such marital infidelity was a manifestation of a disordered personality that made her completely unable to discharge the essential obligations of marriage.³³ Needless to state, Eduardo did not adduce such evidence, rendering even his claim of her infidelity bereft of factual and legal basis.

Lastly, we do not concur with the assertion by the OSG that Eduardo colluded with Catalina. The assertion was based on his admission during trial that he had paid her the amount of ₱50,000.00 as her share in the conjugal home in order to convince her not to oppose his petition or to bring any action on her part,³⁴ to wit:

CROSS-EXAMINATION BY FISCAL MUERONG

Q Mr. de Quintos, also during the first part of the hearing, your wife, the herein defendant, Catalina delos Santos-de Quintos, has been religiously attending the hearing, but lately, I noticed that she is no longer attending and represented by counsel, did you talk to your wife?

A No, sir.

Q And you find it more convenient that it would be better for both of you, if, she will not attend the hearing of this case you filed against her, is it not?

A No, sir. I did not.

³³ *Villalon v. Villalon*, G.R. No. 167206, November 18, 2005, 475 SCRA 572, 582.

³⁴ TSN dated December 14, 1998.

Q But, am I correct, Mr. de Quintos, that you and your wife had an agreement regarding this case?

A None, sir.

Q And you were telling me something about an agreement that you will pay her an amount of P50,000.00, please tell us, what is that agreement that you have to pay her P50,000.00?

A Regarding our conjugal properties, sir.

Q Why, do you have conjugal properties that you both or acquired at the time of your marriage?

A Yes, sir.

Q And why did you agree that you have to give her P50,000.00?

A It is because we bought a lot and constructed a house thereat, that is why I agreed, sir.

Q Is it not a fact, Mr. witness, that your wife does not oppose this petition for declaration of marriage which you filed against her?

A She does not opposed [sic], sir.

Q As a matter of fact, the only thing that she is concern [sic] about this case is the division of your conjugal properties?

A Yes, sir.

Q That is why you also agreed to give her P50,000.00 as her share of your conjugal properties, so that she will not pursue whatever she wanted to pursue with regards to the case you filed against her, is that correct?

A Yes, sir.

Q And you already gave her that amount of P50,000.00, Mr. witness?

A Yes, sir.

Q And because she has already gotten her share of P50,000.00 that is the reason why she is no longer around here?

A Yes sir, it could be.³⁵

Verily, the payment to Catalina could not be a manifest sign of a collusion between her and Eduardo. To recall, she did not interpose her objection to the petition to the point of conceding her psychological incapacity, but she nonetheless made it clear enough that she was unwilling to forego her share in the conjugal house. The probability that Eduardo willingly gave her the amount of ₱50,000.00 as her share in the conjugal asset out of his recognition of her unquestionable legal entitlement to such share was very high, so that whether or not he did so also to encourage her to stick to her previously announced stance of not opposing the petition for

³⁵ Id. at 3-4.

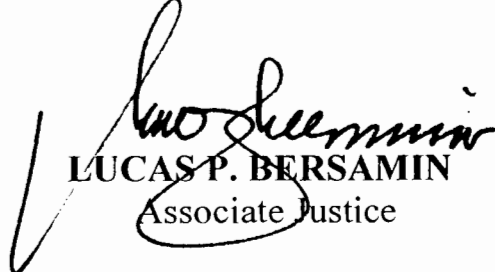
nullity of the marriage should by no means be of any consequence in determining the issue of collusion between the spouses.

In fine, given the insufficiency of the evidence proving the psychological incapacity of Catalina, we cannot but resolve in favor of the existence and continuation of the marriage and against its dissolution and nullity.³⁶

WHEREFORE, we **GRANT** the petition for review on *certiorari*; **SET ASIDE** the decision the Court of Appeals promulgated on July 30, 2003; and **DISMISS** the petition for the declaration of nullity of marriage filed under Article 36 of the *Family Code* for lack of merit.


Costs to be paid by the respondent.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
Associate Justice

³⁶ *Alcazar v. Alcazar*, G.R. No. 174451, October 13, 2009, 603 SCRA 604, 620.

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice