



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

GLENN VIÑAS,

Petitioner,

G.R. No. 208790

Present:

VELASCO, JR., J.,
Chairperson,

PERALTA,
BERSAMIN,*
VILLARAMA, JR.,
REYES, JJ.

- versus -

MARY GRACE PAREL-VIÑAS,

Respondent.

Promulgated:

January 21, 2015

X-----X

RESOLUTION

REYES, J.:

For review is the Decision¹ rendered on January 29, 2013 and Resolution² issued on August 7, 2013 by the Court of Appeals (CA) in CA-G.R. CV No. 96448. The CA set aside the Decision³ dated January 29, 2010 of the Regional Trial Court (RTC) of San Pablo City, Branch 30, in Civil Case No. SP-6564(09), which declared the marriage between Glenn Viñas (Glenn) and Mary Grace Parel-Viñas (Mary Grace) as null and void.

* Additional member per Raffle dated January 12, 2015 *vice* Associate Justice Francis H. Jardeleza.

¹ Penned by Associate Justice Ricardo R. Rosario, with Associate Justices Rosmari D. Carandang and Leoncia Real-Dimagiba, concurring; *rollo*, pp. 26-33.

² Id. at 24.

³ Rendered by Acting Judge Honorio E. Guanlao, Jr.; CA *rollo*, pp. 7-13.

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Antecedents

On April 26, 1999, Glenn and Mary Grace, then 25 and 23 years old, respectively, got married in civil rites held in Lipa City, Batangas.⁴ Mary Grace was already pregnant then. The infant, however, died at birth due to weakness and malnourishment. Glenn alleged that the infant's death was caused by Mary Grace's heavy drinking and smoking during her pregnancy.

The couple lived together under one roof. Glenn worked as a bartender, while Mary Grace was a production engineer.

Sometime in March of 2006, Mary Grace left the home which she shared with Glenn. Glenn subsequently found out that Mary Grace went to work in Dubai. At the time the instant petition was filed, Mary Grace had not returned yet.

On February 18, 2009, Glenn filed a Petition⁵ for the declaration of nullity of his marriage with Mary Grace. He alleged that Mary Grace was insecure, extremely jealous, outgoing and prone to regularly resorting to any pretext to be able to leave the house. She thoroughly enjoyed the night life, and drank and smoked heavily even when she was pregnant. Further, Mary Grace refused to perform even the most essential household chores of cleaning and cooking. According to Glenn, Mary Grace had not exhibited the foregoing traits and behavior during their whirlwind courtship.⁶

Glenn likewise alleged that Mary Grace was not remorseful about the death of the infant whom she delivered. She lived as if she were single and was unmindful of her husband's needs. She was self-centered, selfish and immature. When Glenn confronted her about her behavior, she showed indifference. She eventually left their home without informing Glenn. Glenn later found out that she left for an overseas employment in Dubai.⁷

Before Glenn decided to file a petition for the declaration of nullity of his marriage with Mary Grace, he consulted the latter's friends. They informed him that Mary Grace came from a broken family and was left to be cared for by her aunts and nannies. The foregoing circumstance must have contributed to her sense of insecurity and difficulty in adjusting to married life.⁸

⁴ See Certificate of Marriage, id. at 22.

⁵ Original Records, pp. 4-13.

⁶ Id. at 5.

⁷ Id. at 6-7.

⁸ Id. at 8.

To ease their marital problems, Glenn sought professional guidance and submitted himself to a psychological evaluation by Clinical Psychologist Nedy Tayag (Dr. Tayag). Dr. Tayag found him as “amply aware of his marital roles” and “capable of maintaining a mature and healthy heterosexual relationship.”⁹

On the other hand, Dr. Tayag assessed Mary Grace’s personality through the data she had gathered from Glenn and his cousin, Rodelito Mayo (Rodelito), who knew Mary Grace way back in college.

Mary Grace is the eldest among four siblings. She is a college graduate. She belongs to a middle class family. Her father is an overseas contract worker, while her mother is a housewife. At the time Dr. Tayag prepared her report, Mary Grace was employed in Dubai and romantically involved with another man.¹⁰

According to Rodelito, Mary Grace verbally abused and physically harmed Glenn during the couple’s fights. Mary Grace is also ill-tempered and carefree, while Glenn is jolly, kind and family-oriented.¹¹

Dr. Tayag diagnosed Mary Grace to be suffering from a Narcissistic Personality Disorder with anti-social traits. Dr. Tayag concluded that Mary Grace and Glenn’s relationship is not founded on mutual love, trust, respect, commitment and fidelity to each other. Hence, Dr. Tayag recommended the propriety of declaring the nullity of the couple’s marriage.¹²

In drawing her conclusions, Dr. Tayag explained that:

The said disorder [of Mary Grace] is considered to be severe, serious, grave, permanent and chronic in proportion and is incurable by any form of clinical intervention. It has already been deeply embedded within her system as it was found to have started as early as her childhood years. Because of such, it has caused her to be inflexible, maladaptive and functionally[-]impaired especially with regards to heterosexual dealings.

Such disorder of [Mary Grace] is mainly characterized by grandiosity, need for admiration and lack of empathy[,], along with her pattern of disregard for and violation of the rights of others[,], which utterly distorted her perceptions and views especially in terms of a fitting marital relationship. Such disorder manifested in [Mary Grace] through her unrelenting apathy, sense of entitlement and arrogance. Throughout

⁹ Id. at 8-10.

¹⁰ Please *see* the psychological report of Dr. Tayag, dated December 29, 2008, Folder of Exhibits, p. 20.

¹¹ Id.

¹² Id. at 23, 26.

her union with [Glenn], she has exhibited a heightened sense of self as seen in her marked inability to show proper respect for her husband. x x x She is too headstrong that most of the time[,] she would do things her own way and would not pay close attention to what her husband needed. She had been a wife who constantly struggled for power and dominance in their relationship and [Glenn], being too considerate to her, was often subjected to her control. x x x She is into many vices and loved hanging out with her friends at night[,] and she even got involved in an illicit relationship[,] which was still going on up to the present time. x x x.

The root cause of [Mary Grace's] personality aberration can be said to have emanated from the various forms of unfavorable factors in her milieu way back as early as her childhood years[,] which is the crucial stage in the life of a person as this is the time when the individual's character and behavior are shaped. [Mary Grace] came from a dysfunctional family with lenient and tolerating parents[,] who never impose any restrictions [upon] their children. Considering such fact, she apparently failed to feel the love and affection of the nurturing figures that she had[,] who were supposed to be the first to show concern [for] her. x x x She has acquired a domineering character as she was not taught to have boundaries in her actions because of the laxity she had from her caregivers and also because she grew up to be the eldest in the brood. She sees to it that she is the one always followed with regards to making decisions and always mandates people to submit to her wishes. She has not acquired the very essence of morality [and] has certainly learned set of unconstructive traits that further made her too futile to assume mature roles. Morals and values were not instilled in her young mind that as she went on with her life, she never learned to restrain herself from doing ill-advised things even if she is amply aware of the depravity of her actions.

The psychological incapacity of [Mary Grace] is of a juridical antecedence as it was already in her system even prior to the solemnization of her marriage with [Glenn]. x x x.¹³ (Underlining ours)

On February 18, 2009, Glenn filed before the RTC a Petition for the Declaration of Nullity of his marriage with Mary Grace. Substituted service of summons was made upon Mary Grace through her aunt, Susana Rosita.¹⁴ Mary Grace filed no answer and did not attend any of the proceedings before the RTC.

During the trial, the testimonies of Glenn, Dr. Tayag and Rodelito were offered as evidence. Glenn and Rodelito described Mary Grace as outgoing, carefree, and irresponsible. She is the exact opposite of Glenn, who is conservative and preoccupied with his work.¹⁵ On her part, Dr. Tayag reiterated her findings in the psychological report dated December 29, 2008.

¹³ Id. at 23-26.

¹⁴ Original Records, pp. 18, 20.

¹⁵ CA *rollo*, pp. 82-83.

Ruling of the RTC

On January 29, 2010, the RTC rendered its Decision¹⁶ declaring the marriage between Glenn and Mary Grace as null and void on account of the latter's psychological incapacity. The RTC cited the following as grounds:

The totality of the evidence presented by [Glenn] warrants [the] grant of the petition.

Reconciliation between the parties under the circumstances is nil. For the best interest of the parties, it is best that the legal bond between them be severed.

The testimonies of [Glenn] and his witness [Rodelito] portray the miserable life [Glenn] had with [Mary Grace] who is a Narcissistic Personality Disordered person with anti[-]social traits and who does not treat him as her husband. [Glenn] and [Mary Grace] are separated in fact since the year 2006. [Mary Grace] abandoned [Glenn] without telling the latter where to go. x x x Had it not for the insistence of [Glenn] that he would not know the whereabouts of his wife. The law provides that [a] husband and [a] wife are obliged to live together, [and] observe mutual love, respect and fidelity. x x x For all intents and purposes, however, [Mary Grace] was in a quandary on what it really means. x x x.

From the testimony of [Glenn], it was established that [Mary Grace] failed to comply with the basic marital obligations of mutual love, respect, mutual help and support. [Glenn] tried his best to have their *marriage saved but [Mary Grace] did not cooperate with him.* [Mary Grace] is x x x, unmindful of her marital obligations.

The Court has no reason to doubt the testimony of [Dr. Tayag], a clinical psychologist with sufficient authority to speak on the subject of psychological incapacity. She examined [Glenn], and was able to gather sufficient data and information about [Mary Grace]. x x x This [Narcissistic] personality disorder of [Mary Grace] is ingrained in her personality make-up, so grave and so permanent, incurable and difficult to treat. It is conclusive that this personal incapacity leading to psychological incapacity is already pre-existing before the marriage and was only manifested after. It has become grave, permanent and incurable.¹⁷ (Underlining ours and italics in the original)

The Office of the Solicitor General (OSG) moved for reconsideration but it was denied by the RTC in its Order¹⁸ dated December 1, 2010.

¹⁶ Id. at 7-13.

¹⁷ Id. at 12-13.

¹⁸ Id. at 14-15.

The Appeal of the OSG and the Ruling of the CA

On appeal before the CA, the OSG claimed that no competent evidence exist proving that Mary Grace indeed suffers from a Narcissistic Personality Disorder, which prevents her from fulfilling her marital obligations. Specifically, the RTC decision failed to cite the root cause of Mary Grace's disorder. Further, the RTC did not state its own findings and merely relied on Dr. Tayag's statements anent the gravity and incurability of Mary Grace's condition. The RTC resorted to mere generalizations and conclusions *sans* details. Besides, what psychological incapacity contemplates is downright incapacity to assume marital obligations. In the instant case, irreconcilable differences, sexual infidelity, emotional immaturity and irresponsibility were shown, but these do not warrant the grant of Glenn's petition. Mary Grace may be unwilling to assume her marital duties, but this does not translate into a psychological illness.¹⁹

Glenn, on the other hand, sought the dismissal of the OSG's appeal.

On January 29, 2013, the CA rendered the herein assailed decision reversing the RTC ruling and declaring the marriage between Glenn and Mary Grace as valid and subsisting. The CA stated the reasons below:

In *Santos vs. Court of Appeals*, the Supreme Court held that "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 psychological condition must exist at the time the marriage is celebrated. The psychological condition must be characterized by (a) **gravity**, (b) **juridical antecedence**, and (c) **incurability**.

In the instant case, [Glenn] tried to prove that [Mary Grace] was carefree, outgoing, immature, and irresponsible which made her unable to perform the essential obligations of marriage. He likewise alleged that she refused to communicate with him to save the marriage and eventually left him to work abroad. To Our mind, the above actuations of [Mary Grace] do not make out a case of psychological incapacity on her part.

While it is true that [Glenn's] testimony was corroborated by [Dr. Tayag], a psychologist who conducted a psychological examination on [Glenn], however, said examination was conducted only on him and no

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Please see Appellant's Brief, id. at 40, 44-46.

evidence was shown that the psychological incapacity of [Mary Grace] was characterized by **gravity, juridical antecedence, and incurability**.

Certainly, the opinion of a psychologist would be of persuasive value in determining the psychological incapacity of a person as she would be in the best position to assess and evaluate the psychological condition of the couple, she being an expert in this field of study of behavior. Although the psychologist stated that respondent was suffering from Narcissistic Personality Disorder, she did not fully explain the root cause of the disorder nor did she make a conclusion as to its gravity or permanence. Moreover, she admitted that she was not able to examine the respondent[,], hence, the information provided to her may be subjective and self-serving.

Essential in this petition is the allegation of the **root cause** of the spouse's psychological incapacity which should also be **medically or clinically identified**, sufficiently proven by experts and clearly explained in the decision. The incapacity must be proven to be **existing at the time of the celebration of the marriage** and shown to be medically or **clinically permanent or incurable**. It must also be **grave enough** to bring about the disability of the parties to assume the essential obligations of marriage as set forth in Articles 68 to 71 and Articles 220 to 225 of the Family Code and such non-complied marital obligations must similarly be alleged in the petition, established by evidence and explained in the decision.

Unfortunately for [Glenn], the expert testimony of his witness did not establish the root cause of the psychological incapacity of [Mary Grace] nor was such ground alleged in the complaint. We reiterate the ruling of the Supreme Court on this score, to wit: 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.**

Discoursing on this issue, the Supreme Court, in *Republic of the Philippines vs. Court of Appeals and Molina*, has this to say:

“Article 36 of the Family Code requires that the incapacity must be **psychological** – not physical, although its manifestations and/or symptoms may be physical. The evidence must convince the court that the parties, or one of them, was mentally or physically ill to such an extent that the person could not have known the obligations he was assuming, or knowing them, could not have given valid assumption thereof. Although no example of such incapacity need be given here so as not to limit the application of the provision under the principle of *ejusdem generis* x x x[,], nevertheless[,], such root cause must be identified as a psychological illness and its incapacitating nature fully explained. Expert evidence may be given by qualified psychiatrists and clinical psychologists.”

The Supreme Court further went on to proclaim, that “Article 36 of the Family Code is not to be confused with a divorce law that cuts the marital bond at the time the causes therefore manifest themselves”. It refers to a **serious psychological illness** afflicting a party even **before the celebration of the marriage**. It is a malady so grave and permanent as to

deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.” 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.

From the foregoing, We cannot declare the dissolution of the marriage of the parties for the obvious failure of [Glenn] to show that the alleged psychological incapacity of [Mary Grace] is characterized by gravity, juridical antecedence and incurability; and for his failure to observe the guidelines outlined in the afore-cited cases.

Verily, the burden of proof to show the nullity of the marriage belongs to [Glenn]. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. This is rooted from the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family.²⁰ (Citations omitted, underlining ours and emphasis and italics in the original)

The CA, through the herein assailed Resolution²¹ dated August 7, 2013, denied the Motion for Reconsideration²² filed by Glenn.

Issue

Unperturbed, Glenn now raises before this Court the issue of whether or not sufficient evidence exist justifying the RTC’s declaration of nullity of his marriage with Mary Grace.

In support thereof, Glenn points out that each petition for the declaration of nullity of marriage should be judged according to its own set of facts, and not on the basis of assumptions, predilections or generalizations. The RTC judge should painstakingly examine the factual milieu, while the CA must refrain from substituting its own judgment for that of the trial court.²³ Further, Glenn argues that in *Marcos v. Marcos*,²⁴ the Court ruled that it is not a *sine qua non* requirement for the respondent spouse to be personally examined by a physician or psychologist before a marriage could be declared as a nullity.²⁵ However, if the opinion of an expert is sought, his or her testimony should be considered as decisive evidence.²⁶ Besides, the findings of the trial court regarding the credibility of the witnesses should be respected.²⁷

²⁰ *Rollo*, pp. 30-33.

²¹ *Id.* at 24.

²² *CA rollo*, pp. 88-92.

²³ *Id.* at 6.

²⁴ 397 Phil. 840 (2000).

²⁵ *Rollo*, p. 6.

²⁶ *Id.*

²⁷ *Id.* at 7.

In seeking the denial of the instant petition, the OSG emphasizes that the arguments Glenn raise for our consideration are mere reiterations of the matters already resolved by the CA.²⁸

Ruling of the Court

The instant petition lacks merit.

The lack of personal examination or assessment of the respondent by a psychologist or psychiatrist is not necessarily fatal in a petition for the declaration of nullity of marriage. “If the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical examination of the person concerned need not be resorted to.”²⁹

In the instant petition, however, the cumulative testimonies of Glenn, Dr. Tayag and Rodelito, and the documentary evidence offered do not sufficiently prove the root cause, gravity and incurability of Mary Grace’s condition. The evidence merely shows that Mary Grace is outgoing, strong-willed and not inclined to perform household chores. Further, she is employed in Dubai and is romantically-involved with another man. She has not been maintaining lines of communication with Glenn at the time the latter filed the petition before the RTC. Glenn, on the other hand, is conservative, family-oriented and is the exact opposite of Mary Grace. While Glenn and Mary Grace possess incompatible personalities, the latter’s acts and traits do not necessarily indicate psychological incapacity. *Rumbaua v. Rumbaua*³⁰ is emphatic that:

In *Bier v. Bier*, we ruled that it was not enough that 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 – had to be shown and was not shown in this cited case.

In the present case, the respondent’s stubborn refusal to cohabit with the petitioner was doubtlessly irresponsible, but it was never proven to be rooted in some psychological illness. x x x Likewise, the respondent’s act of living with another woman four years into the marriage cannot automatically be equated with a psychological disorder, especially when no specific evidence was shown that promiscuity was a trait already existing at the inception of marriage. In fact, petitioner herself admitted

²⁸ Id. at 45-47.

²⁹ *Zamora v. Court of Appeals*, 543 Phil. 701, 708 (2007).

³⁰ 612 Phil. 1061 (2009).

that respondent was caring and faithful when they were going steady and for a time after their marriage; their problems only came in later.

x x x To use the words of *Navales v. Navales*:

Article 36 contemplates downright incapacity or inability to take cognizance of and to assume basic marital obligations. 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. **Indeed, 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 and not due to some psychological illness that is contemplated by said rule.**³¹ (Citations omitted, underlining ours and emphasis in the original)

It is worth noting that Glenn and Mary Grace lived with each other for more or less seven years from 1999 to 2006. The foregoing established fact shows that living together as spouses under one roof is not an impossibility. Mary Grace’s departure from their home in 2006 indicates either a refusal or mere difficulty, but not absolute inability to comply with her obligation to live with her husband.

Further, considering that Mary Grace was not personally examined by Dr. Tayag, there arose a greater burden to present more convincing evidence to prove the gravity, juridical antecedence and incurability of the former’s condition. Glenn, however, failed in this respect. Glenn’s testimony is wanting in material details. Rodelito, on the other hand, is a blood relative of Glenn. Glenn’s statements are hardly objective. Moreover, Glenn and Rodelito both referred to Mary Grace’s traits and acts, which she exhibited during the marriage. Hence, there is nary a proof on the antecedence of Mary Grace’s alleged incapacity. Glenn even testified that, six months before they got married, they saw each other almost everyday.³² Glenn saw “a loving[,] caring and well[-]educated person”³³ in Mary Grace.

Anent Dr. Tayag’s assessment of Mary Grace’s condition, the Court finds the same as unfounded. *Rumbaua*³⁴ provides some guidelines on how the courts should evaluate the testimonies of psychologists or psychiatrists in petitions for the declaration of nullity of marriage, viz:

³¹ Id. at 1083-1084.

³² TSN, October 5, 2009, p. 19.

³³ Original Records, p. 5.

³⁴ Supra note 30.

We cannot help but note that Dr. Tayag's conclusions about the respondent's psychological incapacity were based on the information fed to her by only one side – the petitioner – whose bias in favor of her cause cannot be doubted. While this circumstance alone does not disqualify the psychologist for reasons of bias, her report, testimony and conclusions deserve the application of a more rigid and stringent set of standards in the manner we discussed above. For, effectively, Dr. Tayag only diagnosed the respondent from the prism of a third party account; she did not actually hear, see and evaluate the respondent and how he would have reacted and responded to the doctor's probes.

Dr. Tayag, in her report, merely summarized the petitioner's narrations, and on this basis characterized the respondent to be a self-centered, egocentric, and unremorseful person who "believes that the world revolves around him"; and who "used love as a...deceptive tactic for exploiting the confidence [petitioner] extended towards him." x x x.

We find these observations and conclusions insufficiently in-depth and comprehensive to warrant the conclusion that a psychological incapacity existed that prevented the respondent from complying with the essential obligations of marriage. It failed to identify the root cause of the respondent's narcissistic personality disorder and to prove that it existed at the inception of the marriage. Neither did it explain the incapacitating nature of the alleged disorder, nor show that the respondent was really incapable of fulfilling his duties due to some incapacity of a psychological, not physical, nature. Thus, we cannot avoid but conclude that Dr. Tayag's conclusion in her Report – *i.e.*, that the respondent suffered "Narcissistic Personality Disorder with traces of Antisocial Personality Disorder declared to be grave and incurable" – is an unfounded statement, not a necessary inference from her previous characterization and portrayal of the respondent. While the various tests administered on the petitioner could have been used as a fair gauge to assess her own psychological condition, this same statement cannot be made with respect to the respondent's condition. To make conclusions and generalizations on the respondent's psychological condition based on the information fed by only one side is, to our mind, not different from admitting hearsay evidence as proof of the truthfulness of the content of such evidence.

x x x x

A careful reading of Dr. Tayag's testimony reveals that she failed to establish the fact that at the time the parties were married, respondent was already suffering from a psychological defect that deprived him of the ability to assume the essential duties and responsibilities of marriage. Neither did she adequately explain how she came to the conclusion that respondent's condition was grave and incurable. x x x

x x x x

First, what she medically described was not related or linked to the respondent's exact condition except in a very general way. In short, her testimony and report were rich in generalities but disastrously short on particulars, most notably on how the respondent can be said to be

suffering from narcissistic personality disorder; why and to what extent the disorder is grave and incurable; how and why it was already present at the time of the marriage; and the effects of the disorder on the respondent's awareness of and his capability to undertake the duties and responsibilities of marriage. All these are critical to the success of the petitioner's case.

Second, her testimony was short on factual basis for her diagnosis because it was wholly based on what the petitioner related to her. x x x If a psychological disorder can be proven by independent means, no reason exists why such independent proof cannot be admitted and given credit. No such independent evidence, however, appears on record to have been gathered in this case, particularly about the respondent's early life and associations, and about events on or about the time of the marriage and immediately thereafter. Thus, the testimony and report appear to us to be no more than a diagnosis that revolves around the one-sided and meagre facts that the petitioner related, and were all slanted to support the conclusion that a ground exists to justify the nullification of the marriage. We say this because only the baser qualities of the respondent's life were examined and given focus; none of these qualities were weighed and balanced with the better qualities, such as his focus on having a job, his determination to improve himself through studies, his care and attention in the first six months of the marriage, among others. The evidence fails to mention also what character and qualities the petitioner brought into her marriage, for example, why the respondent's family opposed the marriage and what events led the respondent to blame the petitioner for the death of his mother, if this allegation is at all correct. To be sure, these are important because not a few marriages have failed, not because of psychological incapacity of either or both of the spouses, but because of basic incompatibilities and marital developments that do not amount to psychological incapacity. x x x.³⁵ (Citations omitted and underlining ours)

In the case at bar, Dr. Tayag made general references to Mary Grace's status as the eldest among her siblings,³⁶ her father's being an overseas contract worker and her very tolerant mother, a housewife.³⁷ These, however, are not sufficient to establish and explain the supposed psychological incapacity of Mary Grace warranting the declaration of the nullity of the couple's marriage.

The Court understands the inherent difficulty attendant to obtaining the statements of witnesses who can attest to the antecedence of a person's psychological incapacity, but such difficulty does not exempt a petitioner from complying with what the law requires. While the Court also commiserates with Glenn's marital woes, the totality of the evidence presented provides inadequate basis for the Court to conclude that Mary Grace is indeed psychologically incapacitated to comply with her obligations as Glenn's spouse.

³⁵ Id. at 1084-1092.

³⁶ TSN, September 14, 2009, p. 12.

³⁷ Id. at 18.


WHEREFORE, the instant petition is **DENIED**. The Decision dated January 29, 2013 and Resolution dated August 7, 2013 of the Court of Appeals in CA-G.R. CV No. 96448 are **AFFIRMED**.

SO ORDERED.

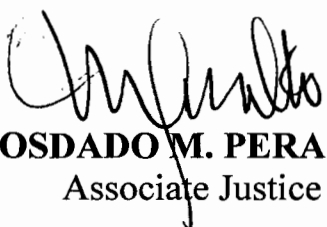


BIENVENIDO L. REYES
Associate Justice

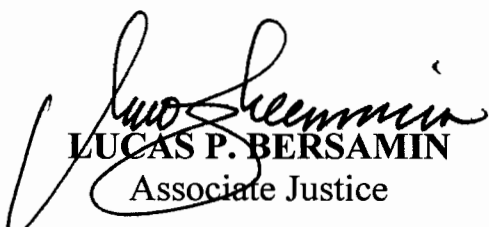
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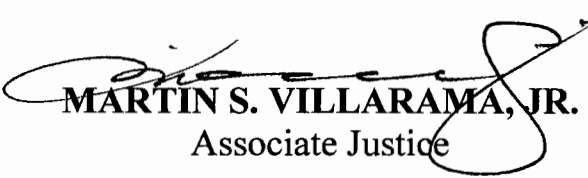
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Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



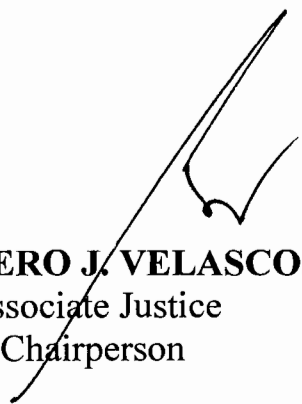
LUCAS P. BERSAMIN
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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

