



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 236279

Petitioner, Present:

- versus -

CHERYL PAULINE R. DEANG,
 Respondent.

CARPIO, J., Chairperson,
 PERLAS-BERNABE,
 CAGUIOA,
 J. REYES, JR., and
 LAZARO-JAVIER, JJ.

Promulgated:

25 MAR 2019

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DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated May 30, 2017 and the Resolution³ dated December 12, 2017 of the Court of Appeals (CA) in CA-G.R. CV No. 04183-MIN, which affirmed the Decision⁴ dated July 2, 2014 and the Order⁵ dated February 16, 2015 of the Regional Trial Court of Butuan City, Branch 1 (RTC) in Civil Case No. 6540, declaring the marriage of Emilio Z. Deang (Emilio) and respondent Cheryl Pauline R. Deang (Cheryl) void on the ground of psychological incapacity pursuant to Article 36 of the Family Code, as amended.⁶

¹ *Rollo*, pp. 36-58.

² *Id.* at 63-83. Penned by Associate Justice Oscar V. Badelles with Associate Justices Romulo V. Borja and Rafael Antonio M. Santos, concurring.

³ *Id.* at 85-86. Penned by Associate Justice Oscar V. Badelles with Associate Justices Romulo V. Borja and Edgardo A. Camello, concurring.

⁴ *Id.* at 94-110. Penned by Judge Eduardo S. Casals.

⁵ *Id.* at 111.

⁶ Article 36 of the Family Code, as amended by Executive Order No. 227 entitled "AMENDING EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE 'FAMILY CODE OF THE PHILIPPINES'" (July 17, 1987), states:

Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital

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The Facts

Cheryl and Emilio were married⁷ on August 28, 1993 at Sangley Point, Cavite. They have one child named Bryan Joseph R. Deang, who was born on January 12, 1994.⁸

As a backgrounder, the couple first met sometime in March 1992 and soon after became romantically involved. Two (2) months after living together, Emilio quit his job and engaged in gambling.⁹ In April 1993, at the age of 21, Cheryl became pregnant. Emilio offered to have an abortion outside the country, which however, did not push through. Confused and stressed with her situation, she turned to Emilio's friend for comfort, whom she became intimate with at one time. When Emilio learned about this, he became jealous and began physically abusing her. At one point, he boxed her on the stomach during her second month of pregnancy forcing her to resign from work. Eventually, they got married after Cheryl's parents made the arrangements. Thereafter, they stayed in an apartment in Quezon City which was rented by Cheryl's family.¹⁰ Despite their marriage, however, Emilio kept bringing up Cheryl's affair with his friend.¹¹

In January 1994,¹² the couple went back to Butuan City in order for Cheryl's parents to assist her in giving birth. Barely more than a week after their return, however, Emilio decided to go to Manila for work. Subsequently, in August of the same year, Cheryl went to visit Emilio in Manila; Emilio, however, opted for them to live separately. One morning, Cheryl went to Emilio's rented room to surprise him. When Emilio opened the door, however, she saw him covered merely with a towel, while his mistress locked herself in the bathroom. She cried but Emilio merely sent her off to leave. Thus, she went back to Butuan City in December 1994 and never saw Emilio again.¹³

On February 11, 2013, Cheryl filed a petition for declaration of nullity of marriage¹⁴ before the RTC alleging that Emilio was psychologically incapacitated to fulfill his essential marital obligations. She claimed that Emilio did not give any support to her and their son, and that to her

obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

⁷ See Marriage Contract; *rollo*, p. 91.

⁸ See Certificate of Live Birth; *id.* at 92.

⁹ See *id.* at 66 and 96.

¹⁰ See *id.* at 66-67.

¹¹ See *id.* at 68-69.

¹² Although Cheryl testified to have stayed in Quezon City until 2004 in the RTC Decision (see *id.* at 95-96), records show that the last time the couple had seen each other was in the last quarter of 1994 (see *id.* at 68).

¹³ See *id.* at 67-68.

¹⁴ Dated February 1, 2013. *Id.* at 87-90. Although the pleading is captioned "Complaint," the RTC treated the same as a "Petition for Annulment of Marriage" (see *id.* at 94).

knowledge, he is living with another woman with whom he has two (2) children.¹⁵

For his part, Emilio failed to file his answer and appear during trial despite service of summons.¹⁶

During trial, Cheryl testified that she and Emilio lived together as husband and wife for only a year and a month, during which she discovered that the latter was “emotionally immature, irresponsible, a gambler and does not give financial support to the family.”¹⁷ Cheryl also presented Dr. Yolanda Y. Lara (Dr. Lara), a clinical psychologist, who submitted a Psychological Evaluation Report¹⁸ dated October 28, 2013 and testified that after interviewing Cheryl, Cheryl’s sister, and Emilio’s cousin,¹⁹ she concluded that Cheryl manifested signs of Dependent Personality Disorder (DPD), while Emilio showed symptoms of Anti-Social Personality Disorder (APD), both of which caused the dysfunction of their relationship leading to their separation.²⁰ She, however, admitted that: (a) she merely talked to Emilio’s cousin over the phone; and (b) the information she obtained from the latter was not significant; thus, she based her findings mostly on Cheryl’s story.²¹

The RTC Ruling

In a Decision²² dated July 2, 2014, the RTC declared the marriage void *ab initio* pursuant to Article 36 of the Family Code.²³ Giving full weight and credit to Dr. Lara’s findings, the RTC ruled that Emilio was psychologically incapacitated given his inability to understand his obligations as a married man. Additionally, it commiserated with Cheryl’s situation, and thus, found no reason to unreasonably deny her the relief she prayed for.²⁴

¹⁵ See *id.* at 88.

¹⁶ See *id.* at 65 and 94. On February 11, 2013, the summons and a copy of the petition and its annexes were served on Emilio, c/o Nita Lumbao at 8676 Fortuna St., Makati City, but to no avail as he was always out. On March 8, 2013, summons was finally served on Mrs. Nita Lumbao at the given address who acknowledged receipt thereof on behalf of Emilio. Substituted service was likewise resorted to on March 5, 6, and 8, 2013 (see *id.* at 94).

¹⁷ *Id.* at 96. Cheryl solely supported their son’s needs and schooling until high school (see *id.* at 68 and 96).

¹⁸ Not attached to the *rollo*. See excerpts of the Psychological Evaluation Report of Dr. Lara; *id.* at 66-70 and 103-108.

¹⁹ *Id.* at 109. Cheryl’s sister and Emilio’s cousin are Christine Amelia R. Balanon and Candice Deang-Rimas, respectively.

²⁰ See *id.* at 69-70, 97-98, and 103-108.

²¹ Dr. Lara also stated that: (a) she was unable to administer the tests on Emilio but was able to gather information from Cheryl; and (b) the information given by Emilio’s cousin “was not that significant,” thus, she based her findings mostly on Cheryl’s story (see *id.* at 97-98).

²² *Id.* at 94-110.

²³ *Id.* at 110.

²⁴ See *id.* at 108-109.

Petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General, moved for reconsideration²⁵ which was, however, denied in an Order²⁶ dated February 16, 2015. Thus, petitioner appealed²⁷ to the CA.

The CA Ruling

In a Decision²⁸ dated May 30, 2017, the CA affirmed the RTC's ruling.²⁹ It held that even without Dr. Lara's findings, the narrative of the events alleged in Cheryl's petition and those established during trial all point to the conclusion that Emilio was psychologically incapacitated to perform the essential marital obligations. Particularly, it noted that Emilio: (a) failed to financially support their son; (b) engaged in an extra-marital affair; (c) is irritable and aggressive when things do not go his way; and (d) is impulsive which rendered him unable to plan ahead.³⁰ In any event, it found Cheryl to be equally suffering from psychological incapacity based on the findings of Dr. Lara that the latter is afflicted with DPD.³¹ In this regard, the CA stressed that the findings of the RTC on the existence or non-existence of psychological incapacity should be final and binding as long as they are supported by the facts and evidence presented during trial,³² which it found in this case.

Unsatisfied, petitioner moved for reconsideration³³ but was denied in a Resolution³⁴ dated December 12, 2017; hence, this petition.

The Issue Before the Court

The essential issue for the Court's resolution is whether or not the CA erred in upholding the RTC ruling declaring the marriage between Cheryl and Emilio void pursuant to Article 36 of the Family Code.

The Court's Ruling

The petition is meritorious.

The policy of the Constitution is to protect and strengthen the family as the basic social institution³⁵ and marriage as the foundation of the

²⁵ See motion for reconsideration dated August 12, 2014; *id.* at 112-124.

²⁶ *Id.* at 111.

²⁷ See Notice of Appeal dated April 14, 2015; *id.* at 125-126.

²⁸ *Id.* at 63-83.

²⁹ *Id.* at 83.

³⁰ See *id.* at 80.

³¹ See *id.* at 80-82.

³² See *id.* at 82.

³³ See motion for reconsideration dated June 28, 2017, *id.* at 171-181.

³⁴ *Id.* at 85-86.

family.³⁶ Because of this, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.³⁷ Thus, the Court has consistently ruled that **psychological incapacity, as a ground to nullify the marriage under Article 36 of the Family Code, as amended, should refer to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.**³⁸ It should refer to no less than a mental – not merely 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 provided under Article 68³⁹ of the Family Code, among others,⁴⁰ include their mutual obligations to live together, observe love, respect and fidelity, and render help and support.⁴¹ In other words, it must be a malady that is so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume.⁴²

For the above reasons, the Court has declared, in *Santos v. CA*,⁴³ that psychological incapacity under Article 36 of the Family Code must be characterized by: (a) **gravity**, *i.e.*, it must be grave and serious such that the party would be incapable of carrying out the ordinary duties required in a marriage; (b) **juridical antecedence**, *i.e.*, 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**, *i.e.*, it must be incurable, or otherwise the cure would be beyond the means of the party involved.⁴⁴

Guided by the foregoing considerations, the Court, in several cases,⁴⁵ did not consider as tantamount to psychological incapacity the emotional immaturity, irresponsibility, sexual promiscuity, and other behavioral disorders invoked by the petitioning spouses, for the reason that these behaviors “do not by themselves warrant a finding of psychological incapacity, as these may be due to a person’s difficulty, refusal, or neglect to undertake the obligations of marriage that is not rooted in

³⁵ See Article II, Section 12 of the Constitution.

³⁶ See Article XV, Section 2 of the Constitution.

³⁷ *Republic v. Spouses Romero*, 781 Phil. 737, 746 (2016), citing *Navales v. Navales*, 578 Phil. 826, 838 (2008).

³⁸ *Republic v. Spouses Romero*, *id.*; emphasis and underscoring supplied.

³⁹ Article 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

⁴⁰ The parties’ mutual obligations include those provided under Articles 68 to 71, as regards the husband and wife, and Articles 220, 221 and 225, with regard to parents and their children, all of the Family Code. (See also Guideline 6 in *Republic v. CA*, 335 Phil. 664, 678 [1997].)

⁴¹ *Republic v. De Gracia*, 726 Phil. 502, 509 (2014).

⁴² *Republic v. Spouses Romero*, *supra* note 37, citing *Navales v. Navales*, *supra* note 37, at 840.

⁴³ 310 Phil. 21 (1995).

⁴⁴ *Id.* at 39.

⁴⁵ See *Dedel v. CA*, 466 Phil. 226 (2004); *Bier v. Bier*, 570 Phil. 442 (2008); *Agraviador v. Amparo-Agraviador*, 652 Phil. 49 (2010); *Toring v. Toring*, 640 Phil. 434 (2010); *Pesca v. Pesca*, 408 Phil. 713 (2001); *Republic v. Encelan*, 701 Phil. 192 (2013); *Republic v. De Gracia*, *supra* note 41; *Republic v. Spouses Romero*, *supra* note 37; and *Del Rosario v. Del Rosario*, 805 Phil. 978 (2017).

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some psychological illness that Article 36 of the Family Code addresses.”⁴⁶ Accordingly, the Court dismissed the petitions for declaration of nullity of marriage.

The Court maintains a similar view in this case and thus grants the petition. As aptly pointed out by petitioner, the actuations of the spouses that allegedly indicated their incapacity to perform marital obligations were not proven to have existed prior to, or at least, at the time of the celebration of the marriage, as required by jurisprudence.⁴⁷ Emilio may have engaged in an extra-marital affair, gambled, failed to support Cheryl and their son, is irritable and aggressive, and abandoned his family, while Cheryl may have married Emilio simply in obedience to her parents’ decision and had the constant need for her parents’ care and support. However, these acts, by themselves, do not prove that both parties are psychologically incapacitated as these may have been simply due to jealousy, emotional immaturity, irresponsibility, or dire financial constraints. In *Toring v. Toring*,⁴⁸ the Court emphasized that “irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity, as [these] may only be due to a person’s difficulty, refusal[,] or neglect to undertake the obligations of marriage that is not rooted in some psychological illness that Article 36 of the Family Code addresses.”⁴⁹ Accordingly, it cannot be said that either party is suffering from a grave and serious psychological condition which rendered either of them incapable of carrying out the ordinary duties required in a marriage.

Furthermore, an examination of Dr. Lara’s psychological report, which the courts *a quo* significantly relied upon, actually fails to show that the APD and DPD which Emilio and Cheryl allegedly respectively suffer were impressed with the qualities of juridical antecedence and incurability.

For one, apart from enumerating and characterizing Emilio and Cheryl’s respective behavior during the marriage based only on the symptoms specified in the Diagnostic and Statistical Manual of Mental Disorders 5th Edition,⁵⁰ no specific behavior or habits during their childhood or adolescent years were shown that would explain such behavior during the marriage. It must be emphasized that there must be proof of a natal or supervening disabling factor in the person – an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage⁵¹

⁴⁶ *Republic v. Galang*, 665 Phil. 658, 674 (2011).

⁴⁷ See *Rumbaua v. Rumbaua*, 612 Phil. 1061, 1079-1080 (2009).

⁴⁸ *Supra* note 45.

⁴⁹ *Id.* at 457.

⁵⁰ See *rollo*, pp. 76-77 and 104-106.

⁵¹ *Republic v. Galang*, *supra* note 46, citing *Bier v. Bier*, *supra* note 45, at 452.

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– which must be linked with the manifestations of the psychological incapacity.⁵²

Also, while it is not required that the expert witness personally examine the party alleged to be suffering from psychological incapacity, nevertheless, corroborating evidence must be presented to sufficiently establish the required legal parameters.⁵³ Here, Dr. Lara's findings as regards Emilio were solely founded on the narrations of Cheryl and her sister. From these, Dr. Lara proceeded to diagnose Emilio with APD and concluded that Emilio "grew up in a dysfunctional family" resulting "to the development of his antisocial behaviors" which is a "chronic condition x x x embedded in his personality make up."⁵⁴ Perusing the report, the Court is hard-pressed to accept this conclusion based solely on accounts coming from Cheryl's side whose bias cannot be doubted.

And finally, aside from the fact that no discernible explanation was made anent the purported disorders' incurable nature, the Court notes that Dr. Lara's report ultimately fails to demonstrate the relation of these disorders to the ability of the parties to perform their essential marital obligations. In *Republic v. Tecag*,⁵⁵ the Court held that "[i]n determining the existence of psychological incapacity, a clear and understandable causation between the party's condition and the party's inability to perform the essential marital covenants must be shown. A psychological report that is essentially comprised of mere platitudes, however speckled with technical jargon, would not cut the marriage tie."⁵⁶

Truly, the Court can only commiserate with the parties' plight as their marriage may have failed. It must be reiterated, however, that the remedy is not always to have it declared void *ab initio* on the ground of psychological incapacity. It must be stressed that Article 36 of the Family Code, as amended, is not a divorce law that cuts the marital bond at the time the grounds for divorce manifest themselves⁵⁷ for a marriage, no matter how unsatisfactory, is not a null and void marriage. Thus, absent sufficient evidence establishing psychological incapacity within the context of Article 36, the Court is compelled to grant the present petition.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 30, 2017 and the Resolution dated December 12, 2017 of the Court of Appeals in CA-G.R. CV No. 04183-MIN are **REVERSED** and **SET**

⁵² *Republic v. Galang*, supra note 46.

⁵³ See *Navales v. Navales*, supra note 37, at 844-845 (2008); and *Toring v. Toring*, supra note 45, at 451 (2010), both citing *Marcos v. Marcos*, 397 Phil. 840, 850 (2000).

⁵⁴ *Rollo*, p. 106.

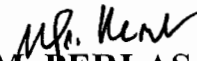
⁵⁵ G.R. No. 229272, November 19, 2018.

⁵⁶ *Id.*


⁵⁷ See *Republic v. Spouses Romero*, supra note 37, 749 (2016), citing *Perez-Ferraris v. Ferraris*, 527 Phil. 722, 732-733 (2006).

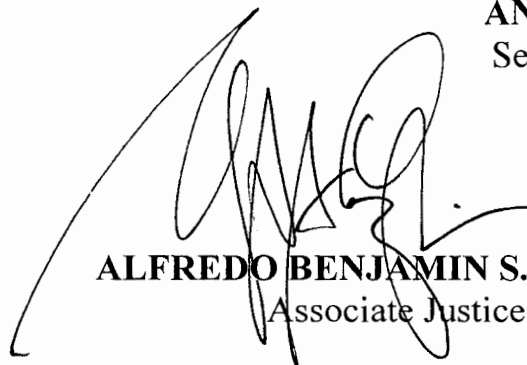
ASIDE. Accordingly, the petition for declaration of nullity of marriage filed under Article 36 of the Family Code, as amended, is **DISMISSED.**

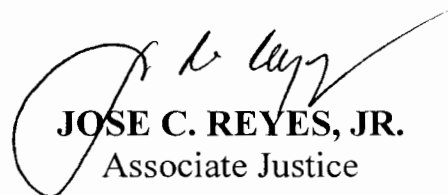
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


JOSE C. REYES, JR.
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

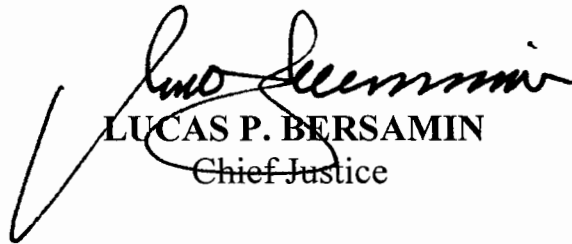
ATTESTATION

I attest 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.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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.



LUCAS P. BERSAMIN
Chief Justice