



Francis Church, Mandaluyong, Rizal; that said marriage produced four children, all of whom are now of legal age; that when they started living together, petitioner noticed that respondent was “dishonest, unreasonably extravagant at the expense of the family’s welfare, extremely vain physically and spiritually,”<sup>7</sup> and a compulsive gambler; that respondent was immature, and was unable to perform his paternal duties; that respondent was also irresponsible, an easy-going man, and guilty of infidelity; that respondent’s abnormal behavior made him completely unable to render any help, support, or assistance to her; and that because she could expect no help or assistance at all from respondent she was compelled to work doubly hard to support her family as the sole breadwinner.

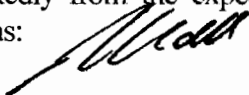
Petitioner also averred that at the time she filed this Petition, respondent was confined at Metro Psych Facility,<sup>8</sup> a rehabilitation institution in Pasig City; and that respondent’s attending psychiatrist, Dr. Benita Sta. Ana-Ponio (Dr. Sta. Ana-Ponio), made the following diagnosis on respondent:

Based on history, mental status examination and observation, he is diagnosed to be suffering from Pathological Gambling as manifested by:

- a. preoccupation with gambling, thinking of ways to get money with which to gamble as seen in his stealing and pawning jewelries and appliances[;]
- b. needs to gamble with increasing amounts of money in order to achieve the desired effect[;]
- c. lies to family members or others to conceal the extent of [his] involvement with gambling[;]
- d. committed illegal acts such as forging the signature of his wife, issuing bouncing checks in order to finance his gambling[;]
- e. has jeopardized his relationship with his wife, lost the respect of his children, lost a good career in banking because of gambling[;]
- f. [relies] on his parents, his wife, and siblings to provide money to relieve a desperate financial situation caused by gambling[;]

While he apparently had Typhoid fever that resulted [in] behavioral changes as a young boy, it would be difficult to say that the psychotic episodes he manifested in 2003 and 2006 [are] etiologically related to the general medical condition that occurred in his childhood.

Furthermore, [respondent] manifests an enduring pattern of behavior that deviates markedly from the expectations of our culture as manifested in the following areas:



<sup>7</sup> Records, p. 4.

<sup>8</sup> Also referred to as Metro Psych Facility and Rehabilitation Institute in some parts of the records.

- a. his ways of perceiving and interpreting [his own] self, other people, and events[;]
- b. his emotional response[;]
- c. his poor impulse control[;]

Such pattern is inflexible and pervasive and has led to significant impairment in social, occupational and interpersonal relationship. In [respondent's] case, this has persisted for several years, and can be traced back [to] his adolescence since he started gambling while in high school. He is therefore diagnosed to be suffering from Personality Disorder.

All these[,] put together, [hinder respondent] from performing his marital obligations.<sup>9</sup>

Petitioner moreover asserted that respondent came from a “distraught” family and had a “dysfunctional” childhood;<sup>10</sup> that respondent had all the love, care, and protection of his parents as the youngest child for some time; but that these parental love, care and protection were, however, transferred to his youngest brother who was born when respondent was almost five years old; and that these factors caused respondent emotional devastation from which he never recovered.

Petitioner added that unknown to her, respondent even as a high school student, was already betting on jai alai. She also claimed that she tried to adjust to respondent's personality disorders, but that she did not attain her goal.

Finally, petitioner claimed that she and respondent did not enter into any ante-nuptial agreement to govern their property relations as husband and wife and that they had no conjugal assets or debts.

On June 19, 2007, respondent filed his Answer.<sup>11</sup>

Traversing petitioner's allegations, respondent claimed that “psychological incapacity” must be characterized by gravity, juridical antecedence, and incurability, which are not present in the instant case because petitioner's allegations are not supported by facts.

Respondent further averred that it was not true that he failed to render any help, support or assistance to petitioner and their family; that the family home where petitioner and their children are living was in fact his own capital property; that his shortcomings as mentioned by petitioner do not pertain to the most grave or serious cases of personality disorders that would satisfy the standards required

<sup>9</sup> Records, pp. 5-6.

<sup>10</sup> Id. at 4.

<sup>11</sup> Id. at 77-90.

to obtain a decree of nullity of marriage; that petitioner's complaint is nothing more than a complaint of a woman with an unsatisfactory marriage who wants to get out of it; that contrary to petitioner's claim that he is a good-for-nothing fellow, he has a college degree in business administration, and is a bank employee, and, that it was money problem, and not his alleged personality disorder, that is the wall that divided him and petitioner.

Respondent also claimed that petitioner failed to lay the basis for the conclusions of the psychiatrist to the effect that he is suffering from pathological gambling and personality disorder; that petitioner's allegation that he came from a distraught family and that he suffered emotional devastation is vague, and bereft of particular details, and even slanderous; and that assuming that he had not acted the way petitioner expected him to conduct himself, his actions and behavior are not psychological illnesses or personality disorders, but simply physical illnesses of the body, akin to hypertension and allied sicknesses, and that these physical illnesses are not at all incurable psychiatric disorders that were present at the time of his marriage with petitioner.

Respondent furthermore claimed that he and petitioner had conjugal assets and debts; that the land where their family home is built came from his earnings, hence the family home is their conjugal property; that he and petitioner also have a house and lot in Tagaytay City, as well as bank accounts that are in petitioner's name only; and he and petitioner also have investments in shares of stocks, cars, household appliances, furniture, and jewelry; and that these are conjugal assets because they came from petitioner's salaries and his (respondent's) own inheritance money.

Respondent moreover alleged that before the filing of the present Petition, petitioner had caused him to be admitted into the Metro Psych Facility for treatment; that on account of his confinement and treatment in this psychiatric facility, he has incurred medical expenses and professional medical fees; and that since it is petitioner who manages all their finances and conjugal assets it stands to reason that he should be awarded "spousal support."

On July 25, 2007, the RTC issued its Pre-Trial Order.<sup>12</sup>

Trial thereafter ensued. Petitioner's witnesses included herself, her son, Jose Angelo Singson (Jose), and Dr. Sta. Ana-Ponio.

On February 23, 2010, petitioner filed her Formal Offer of Evidence which included a photocopy of the marriage contract; the birth certificates of their four children; her son Jose's Judicial Affidavit dated April 2, 2008; a photocopy of Dr.

<sup>12</sup> Id. at 115-116.

Sta. Ana-Ponio's Judicial Affidavit dated June 25, 2008; Clinical Summary of respondent issued by Dr. Sta. Ana-Ponio dated February 11, 2007 (Clinical Summary); her (petitioner's) own Judicial Affidavit dated April 2, 2008; a photocopy of Transfer Certificate of Title (TCT) No. 179751 registered in the names of the parties' four children; and a notarized document entitled "Summary of Sources and Uses of Funds for the period November 1999 to March 31, 2008" executed by petitioner and described as a detailed summary of expenses paid for with the proceeds of respondent's share in the sale of the latter's house in Magallanes Village.<sup>13</sup>

Respondent filed his Comment thereon.<sup>14</sup>


On March 29, 2010, the RTC admitted petitioner's exhibits.<sup>15</sup>

On May 13, 2010, respondent filed a Motion to Dismiss<sup>16</sup> "on the ground that the **totality of evidence** presented by petitioner did not establish [his] psychological incapacity x x x to comply with the essential marital obligations x x x".<sup>17</sup> Petitioner filed her Opposition<sup>18</sup> thereto, and respondent tendered his Comment thereon.<sup>19</sup>

On May 17, 2010, the RTC denied respondent's Motion to Dismiss and stood pat on its March 29, 2010 Order.<sup>20</sup>

During the September 30, 2010 hearing, respondent's counsel manifested that his client was waiving the right to present countervailing evidence. Respondent's counsel also moved that the Petition at bar be submitted for decision on the basis of the evidence already on the record. The RTC thus declared the case submitted for decision.<sup>21</sup>

### ***Ruling of the Regional Trial Court***

In its Decision of November 12, 2010, the RTC granted the Petition and declared the marriage between petitioner and respondent void *ab initio* on the ground of the latter's psychological incapacity. The RTC disposed thus — 

<sup>13</sup> Folder of Exhibits, pp. 616-655; Petitioner also filed a Manifestation dated October 7, 2010 wherein she stated that she and the "Concepcion G. Nepomaceno" appearing in the Marriage Contract marked as Exhibit "A" pertain to one and the same person (Records, p. 504).

<sup>14</sup> Folder of Exhibits, pp. 657-660.

<sup>15</sup> Records, p. 382.

<sup>16</sup> Id. at 391-408.

<sup>17</sup> Id. at 391; emphasis and underscoring in the original.

<sup>18</sup> Id. at 411-412.

<sup>19</sup> Id. at 447-450.

<sup>20</sup> Id. at 418.

<sup>21</sup> Id. at 501.

WHEREFORE, in view of the foregoing considerations, the petition is GRANTED. Judgment is hereby rendered[:]

1. *DECLARING null and void ab initio* the marriage between *MARIA CONCEPCIÓN N. SINGSON a.k.a. CONCEPCION N. SINGSON* and *BENJAMIN L. SINGSON* solemnized on JULY 6, 1974 in Mandaluyong City or any other marriage between them on the ground of psychological incapacity of the respondent.
2. *ORDERING* the Local Civil Registrar of Mandaluyong City and the National Statistics Office to cancel the marriage between the petitioner and the respondent as appearing in the Registry of Marriage.

*There are no other issues in this case.*

Let copies of this Decision be furnished the Local Civil Registrars of Mandaluyong City and Parañaque City, the Office of the Solicitor General, the Office of the Civil Register General (National Statistics Office) and the Office of the City Prosecutor, Paranaque City.

SO ORDERED.<sup>22</sup>

The RTC ruled that the requisites warranting a finding of psychological incapacity under Article 36 of the Family Code are present in the instant case because the totality of evidence showed that respondent is suffering from a psychological condition that is grave, incurable, and has juridical antecedence.

The RTC also found that the combined testimonies of petitioner and Dr. Sta. Ana-Ponio convincingly showed that respondent is psychologically incapacitated to perform the essential marital obligations; that respondent's inability to perform his marital obligations as set out in Articles 68 to 71 of the Family Code, was essentially due to a psychological abnormality arising from a pathological and utterly irresistible urge to gamble.

The RTC cited “[Dr. Sta. Ana-Ponio’s] findings [which] reveal that respondent is suffering from *Personality Disorder known as Pathological Gambling*.”<sup>23</sup> It ruled that it has been shown that this personality disorder was present at the time of celebration of marriage but became manifest only later; that because of this personality disorder respondent had already jeopardized his relationship with his family; and that respondent’s psychological disorder hinders the performance of his obligations as a husband and as a father.

Lastly, the RTC found that the only property owned in common by the spouses was donated in favor of the parties’ children as evidenced by TCT No.

<sup>22</sup> *Rollo*, pp. 67-68.

<sup>23</sup> *Id.* at 63; emphasis and italics in the original.

179751 – a fact not at all controverted, in view of respondent’s waiver of his right to present evidence.

Respondent moved for reconsideration of this verdict.

But in its Order dated January 6, 2011,<sup>24</sup> the RTC denied respondent’s motion for reconsideration. It reiterated that the expert witness had adequately established that respondent is suffering from “Pathological Gambling Personality Disorder” which is grave, permanent, and has juridical antecedence.

On February 4, 2011, respondent filed a Notice of Appeal<sup>25</sup> which was given due course by the RTC in its Order<sup>26</sup> dated February 28, 2011.


### ***Ruling of the Court of Appeals***

In its Decision of August 29, 2013, the CA overturned the RTC, and disposed as follows:

WHEREFORE, the appeal is GRANTED. The Decision dated 12 November 2010 issued by the Regional Trial Court, Branch 260, Parañaque City in Civil Case No. 07-0070, declaring the marriage between Maria Concepcion N. Singson and Benjamin L. Singson null and void *ab initio*, is REVERSED AND SET ASIDE. Instead, the Petition for Declaration of Nullity of Marriage is DISMISSED.

SO ORDERED.<sup>27</sup>

The CA held that the totality of evidence presented by petitioner failed to establish respondent’s alleged psychological incapacity to perform the essential marital obligations, which in this case, was not at all proven to be grave or serious, much less incurable, and furthermore was not existing at the time of the marriage. What is more, the CA declared that any doubt should be resolved in favor of the existence and continuation of the marriage, and against its dissolution and nullity, in obedience to the mandate of the Constitution and statutory laws; and that in this case, petitioner failed to discharge the burden of proving that respondent is suffering from a serious or grave psychological disorder that completely disables or incapacitates him from understanding and discharging the essential obligations of the marital union.



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<sup>24</sup> Records, pp. 591-593.

<sup>25</sup> Id. at 613-614.

<sup>26</sup> Id. at 615.

<sup>27</sup> Rollo, p. 49.

According to the CA, psychological incapacity is the downright or utter incapacity or inability to take cognizance of and to assume the basic marital obligations. The CA did not go along with the RTC, which placed heavy reliance on Dr. Sta. Ana-Ponio's finding that respondent was psychologically incapacitated to perform the essential marital obligations due to a personality disorder known as pathological gambling. The CA held that, contrary to petitioner's claim that respondent's pathological gambling was grave or serious, the evidence in fact showed that the latter was truly capable of carrying out the ordinary duties of a married man because he had a job, had provided money for the family from the sale of his own property, and he likewise provided the land on which the family home was built, and he also lives in the family home with petitioner and their children.

On top of these, the CA ruled that it is settled that mere difficulty, refusal or neglect in the performance of marital obligations, or ill will on the part of a spouse, is different from incapacity rooted in some debilitating psychological condition or illness; that the evidence at bar showed that respondent's alleged pathological gambling arose after the marriage; that in fact petitioner admitted that she was not aware of any gambling by respondent before they got married; that petitioner moreover acknowledged that respondent was a kind and a caring person when he was courting her; that petitioner likewise admitted that respondent also brought petitioner to the hospital during all four instances when she gave birth to their four children.

In other words, the CA found that respondent's purported pathological gambling was not proven to be incurable or permanent since respondent has been undergoing treatment since 2003 and has been responding to the treatment.

Petitioner moved for reconsideration<sup>28</sup> of the CA's Decision. But her motion was denied by the CA in its Resolution of January 6, 2014.<sup>29</sup>

### Issue

Hence, the instant recourse with petitioner raising the following question —

[WHETHER] THE [CA] ERRED IN REVERSING THE DECISION OF THE [RTC].<sup>30</sup>

### *Petitioner's Arguments*

In praying for the reversal of the assailed CA Decision and Resolution, and

<sup>28</sup> CA rollo, pp. 235-244.

<sup>29</sup> Rollo, pp. 51-52.

<sup>30</sup> Id. at 18.





in asking for the reinstatement of the RTC Decision, petitioner argues in her Petition,<sup>31</sup> Reply,<sup>32</sup> and Memorandum<sup>33</sup> that respondent's psychological incapacity had been duly proved in court, including its juridical antecedence, incurability, and gravity.

First, petitioner maintains that respondent failed to perform the marital duties of mutual love, respect, and support; that Dr. Sta. Ana-Ponio's expert findings are corroborated by the testimonies of petitioner and her son Jose both of whom demonstrated that respondent's psychological incapacity is grave or serious rendering him incapable to perform the essential marital obligations; that for his part, respondent had adduced no proof that he (respondent) is capable of carrying out the ordinary duties required in a marriage for the reason that everything that the family had saved and built had been squandered by respondent; and that respondent's confinement at the rehabilitation facility is itself proof of the gravity or seriousness of his psychological incapacity.

Second, petitioner contends that respondent's psychological incapacity preceded the marriage, as shown in Dr. Sta. Ana-Ponio's Clinical Summary, which pointed out that such psychological incapacity, which included pathological gambling, can be traced back when respondent was already betting on *jai alai* even in high school, and this was not known to his family; that the Clinical Summary was based on information provided not only by petitioner, but by respondent's sister, and by respondent himself; that such juridical antecedence was neither questioned nor overthrown by countervailing evidence; and that the root cause could be traced back to respondent's flawed relationship with his parents which developed into a psychological disorder that existed before the marriage.

Third, petitioner insists that this Court can take judicial notice of the fact that personality disorders are generally incurable and permanent, and must continuously be treated medically; that in this case the Clinical Summary had pointed out that respondent's understanding of his gambling problem is only at the surface level; and that in point of fact Dr. Sta. Ana-Ponio had affirmed that personality disorders are incurable.

### ***Respondent's Arguments***

In his Comment<sup>34</sup> and Memorandum,<sup>35</sup> respondent counters that the assailed CA Decision should be affirmed. He argues that the grounds cited by petitioner are the self-same grounds raised by petitioner before the RTC and the

<sup>31</sup> Id. at 3-31.

<sup>32</sup> Id. at 347-358.

<sup>33</sup> Id. at 519-554.

<sup>34</sup> Id. at 336-342.

<sup>35</sup> Id. at 365-516.

CA; that petitioner's evidence indeed failed to prove convincingly that he (respondent) is psychologically incapacitated to comply with the essential marital obligations, hence there is no basis to declare the parties' marriage void *ab initio*.

### Our Ruling

The Petition will not succeed.

It is axiomatic that the validity of marriage and the unity of the family are enshrined in our Constitution and statutory laws, hence any doubts attending the same are to be resolved in favor of the continuance and validity of the marriage and that the burden of proving the nullity of the same rests at all times upon the petitioner.<sup>36</sup> "The policy of the Constitution is to protect and strengthen the family as the basic social institution, and marriage as the foundation of the family. Because of this, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties."<sup>37</sup>

Article 1 of the Family Code describes marriage as "a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life" and as "the foundation of the family and an inviolable social institution."

In the instant case, petitioner impugns the inviolability of this social institution by suing out pursuant to Article 36 of the Family Code, which provides that:

Art. 36. 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. (As amended by Executive Order 227)

Petitioner's case will thus be examined in light of the well-entrenched case law rulings interpreting and construing the quoted Article, to wit:

'Psychological incapacity,' as a ground to nullify a marriage under Article 36 of the Family Code, 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 so expressed in Article 68 of the Family Code, among others, include their mutual obligations to live together, observe love, respect and fidelity and render help and support. There is hardly any doubt that

<sup>36</sup> *Suazo v. Suazo*, 629 Phil. 157, 174 (2010).

<sup>37</sup> *Del Rosario v. Del Rosario*, G.R. No. 222541, February 15, 2017.



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. In *Santos v. CA (Santos)*, the Court first declared that psychological incapacity 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 even if it were otherwise, the cure would be beyond the means of the party involved). The Court laid down more definitive guidelines in the interpretation and application of Article 36 of the Family Code in *Republic of the Phils. v. CA, x x x* [also known as the Molina guidelines]. These guidelines incorporate the basic requirements that the Court established in *Santos*.<sup>38</sup>

In setting aside the RTC’s ruling, the CA in this case held that petitioner failed to prove that respondent was psychologically incapacitated to comply with the essential marital obligations because she failed to establish that such incapacity was grave and serious, and that it existed at the time of the marriage, and that it is incurable. We agree.

At the outset, this Court is constrained to peruse the records because of the conflicting findings between the trial court and the appellate court.<sup>39</sup> We thus did peruse and review the records, and we are satisfied that the CA correctly found that respondent has the capability and ability to perform his duties as a husband and father as against the RTC’s rather general statement that respondent’s psychological or personality disorder hinders the performance of his basic obligations as a husband and a father.

We agree with the CA that the evidence on record does not establish that respondent’s psychological incapacity was grave and serious as defined by jurisprudential parameters since “[respondent] had a job; provided money for the family from the sale of his property; provided the land where the family home was built on; and lived in the family home with petitioner-appellee and their children.”<sup>40</sup>

Upon the other hand, petitioner herself testified that respondent had a job as the latter “was working at a certain point.”<sup>41</sup> This is consistent with the information in Dr. Sta. Ana-Ponio’s Clinical Summary and testimony, which were both included in petitioner’s formal offer of evidence, respecting the parties’ relationship history that petitioner and respondent met at the bank where

<sup>38</sup> *Republic v. De Gracia*, 726 Phil. 502, 509-511 (2014).

<sup>39</sup> *Suazo v. Suazo*, supra note 36 at 181.

<sup>40</sup> *Rollo*, p. 44.

<sup>41</sup> TSN, January 25, 2010, p. 22.

petitioner was applying for a job and where respondent was employed as a credit investigator prior to their courtship and their marriage.<sup>42</sup>

It is significant to note moreover that petitioner also submitted as part of her evidence a notarized summary dated February 18, 2010 which enumerated expenses paid for by the proceeds of respondent's share in the sale of his parents' home in Magallanes, Makati City which amounted to around ₱2.9 million. Although petitioner was insinuating that this amount was insufficient to cover the family expenses from 1999 to 2008, we note that she admitted under oath that the items for their family budget, such as their children's education, the payments for association dues, and for electric bills came from this money.

And no less significant is petitioner's admission that respondent provided the land upon which the family home was built, thus —

[Respondent's counsel to the witness, petitioner]

Q: Does [respondent] [own] any real property?

A: No.

Q: He does not [own] any real property?

A: No.

Q: Showing to you Transfer Certificate of Title No. 413513 of the Register of Deeds of Rizal which has been transferred with the Register of Deeds of Paranaque and is now re-numbered as S-25470, which is in the name of [respondent], Filipino, of legal age, single.

x x x x

[COURT to the witness, petitioner]

Q: Who owned this property?

A: Based on the document, it's Benjamin Singson.

Q: Where is this property located?

A: It is located in United Paranaque.

Q: Where in United Paranaque?

A: No. 2822 Daang Hari.

Q: Are you staying in that property?

A: We are staying in that property.

x x x x



<sup>42</sup> TSN, April 20, 2009, pp. 15-16.

[Respondent's counsel to the witness, petitioner]

Q: How about the house there, in the United Paranaque [property], who owns it?

A: It was donated to the children.

x x x x

[COURT to the witness, petitioner]

Q: Based on the document, who is the registered owner?

A: It says there, [respondent], Your Honor.

Q: Who owns it now?

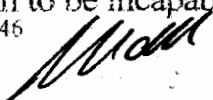
A: The children because it was donated [to them].<sup>45</sup>

What's more, petitioner and respondent likewise lived together as husband and wife since their marriage on July 6, 1974 (and in the company of their four children, too). In fact, shunting aside the time that respondent was under treatment at the Metro Psych Facility, petitioner did not allege any instance when respondent failed to live with them.

To the foregoing, we ought to add the fact that petitioner herself admitted, that respondent likewise brought her to the hospital during all four instances that she gave birth to their children.<sup>44</sup>

By contrast, petitioner did not proffer any convincing proof that respondent's mere confinement at the rehabilitation center confirmed the gravity of the latter's psychological incapacity.

Neither does petitioner's bare claim that respondent is a pathological gambler, is irresponsible, and is unable to keep a job, necessarily translate into unassailable proof that respondent is psychologically incapacitated to perform the essential marital obligations. It is settled that "[p]sychological 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."<sup>45</sup> "[I]t is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he or she must be shown to be incapable of doing so because of some psychological, not physical, illness."<sup>46</sup>



<sup>43</sup> TSN, January 25, 2010, pp. 33-40.

<sup>44</sup> *Id.* at 9.

<sup>45</sup> *Republic v. Court of Appeals*, 698 Phil. 257, 265 (2012).

<sup>46</sup> *Republic v. Galang*, 635 Phil. 658, 673-674 (2011).

Nor can Dr. Sta. Ana-Ponio's testimony in open court and her Clinical Summary be taken for gospel truth in regard to the charge that respondent is afflicted with utter inability to appreciate his marital obligations. That much is clear from the following testimony —

[Petitioner's counsel to the witness, Dr. Sta. Ana-Ponio]

Q: Madam witness, do you know the respondent in this case, Benjamin Singson?

A: Yes. [S]ir, [respondent] has been my patient since 2003, during his first admission and again [in] 2006, [S]ir.

Q: So, he was confined twice in your facility, [M]adam witness?

A: Yes, [S]ir.

Q: Why was he confined, Madam witness?

A: He was initially confined because of problems with gambling and subsequently because of [behavioral] problem, [S]ir.

x x x x

Q: What was the cause of his second confinement, Madam [W]itness?

A: Initially, he was able to cope after discharged. However, [in] September of 2006, he knocked on the doors of the maids in the middle of the night. And in one occasion, he got his car in the garage and drove out bumping the car parked right across the garage and he [also kept] taking things out from his cabinet. And if the maids would clean [these], he [would] immediately take them out again. So, he was brought to the facility in October because of his uncontrolled behavior, [S]ir.

x x x x

Q: So, what [were] your clinical findings on the state of the respondent, Benjamin Singson, Madam witness?

A: Based on history, mental status examination and observations during his stay, I found that [respondent] is suffering from pathological gambling. Also, with his history of typhoid fever when he was younger, it is difficult to attribute the behavioral changes that he manifested in 2003 and 2006. Aside from pathological gambling, [respondent] is suffering from a personality disorder, [S]ir.

Q: What are the results or symptoms of this personality disorder with [regard] to [respondent's dealings] with other people, with his wife and his family, [M]adam witness?

A: Your Honor, may I read from my report to refresh my memory.

COURT: Go ahead.

A: Because of his maladaptive behavior, [respondent] sees [sic] his problems which [makes] his personal[,] family[,] and social life[,] and even his vocational pleasure [suffer]. He was pre-occupied with gambling, thinking



of ways to get money with which to gamble as seen in his stealing and pawning jewelries and appliances. He needs to gamble with increasing amounts of money in order to achieve his desired effects into gambling, [S]ir.

COURT: Your findings, Dr., are incorporated in your report?

A: Yes, Your Honor.

x x x x

[Cross-examination of Dr. Sta. Ana-Ponio by respondent's counsel]

Q: Who were the ones who made the examination, Madam witness?

A: I made the examination, [S]ir, and also the psychologist did the psychological testing, [S]ir.

Q: Now, in your opinion as an expert witness, Madam witness, which we would like to request [from] this Honorable Court, later on, that you present your credentials as expert witness, you concluded that the respondent is suffering from personality disorder?

A: Yes, [S]ir.

Q: What does this mean in layman's language, [M]adam witness?

A: Personality disorder is a maladaptive pattern of behavior that has distracted his ability to perform his functions as a married man to his wife, as a father to his children and as a person who is supposed to be employed productively, [S]ir.<sup>47</sup>

Furthermore, "[h]abitual drunkenness, gambling and failure to find a job, [while undoubtedly negative traits, are nowhere nearly the equivalent of 'psychological incapacity'], in the absence of [incontrovertible] proof that these are manifestations of an incapacity rooted in some debilitating psychological condition or illness."<sup>48</sup>

We now turn to the second point. Again, in view of the contrasting findings of the trial court and appellate court,<sup>49</sup> we take recourse to the records to assist us in evaluating the respective postures taken by the parties.

Here again, well-entrenched is the rule 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 x x x."<sup>50</sup> "A cause has to be shown and linked with the manifestations of the psychological incapacity."<sup>51</sup>

<sup>47</sup> TSN, April 20, 2009, pp. 9-23.

<sup>48</sup> *Suazo v. Suazo*, supra note 26 at 134.

<sup>49</sup> *Id.* at 181.

<sup>50</sup> *Republic v. Court of Appeals*, supra note 45 at 271.

<sup>51</sup> *Republic v. Galang*, supra note 46 at 674.

Again we agree with the CA that the RTC did not clearly or correctly lay down the bases or premises for this particular finding relative to respondent's psychological incapacity, thus:

*Second, there is also sufficient evidence to prove that the respondent's inability to perform his marital obligations was a result of not mere intentional refusal on his part but are caused by psychological abnormality. Such psychological incapacity of the respondent has been shown as already present at the time of celebration of marriage but became manifest only after the solemnization. x x x.*<sup>52</sup>

As heretofore mentioned, the medical basis or evidence adverted to by the RTC did not specifically identify the root cause of respondent's alleged psychological incapacity. In fact, Dr. Sta. Ana-Ponio did not point to a definite or a definitive cause, viz. "with his history of typhoid fever when he was younger, it is difficult to attribute the behavioral changes that he manifested in 2003 and 2006."<sup>53</sup> Besides, Dr. Sta. Ana-Ponio admitted that it was not she herself, but another psychologist who conducted the tests.<sup>54</sup> And this psychologist was not presented by petitioner. More than that, Dr. Sta. Ana-Ponio's testimony regarding respondent's alleged admission that he was allegedly betting on *jai alai* when he was still in high school is essentially hearsay as no witness having personal knowledge of that fact was called to the witness stand. And, although Dr. Sta. Ana-Ponio claimed to have interviewed respondent's sister in connection therewith, the latter did testify in court. And we are taught that "[t]he stringency by which the Court assesses the sufficiency of psychological evaluation reports is necessitated by the pronouncement in our Constitution that marriage is an inviolable institution protected by the State."<sup>55</sup>

Equally bereft of merit is petitioner's claim that respondent's alleged psychological incapacity could be attributed to the latter's family or childhood, which are circumstances prior to the parties' marriage; no evidence has been adduced to substantiate this fact. Nor is there basis for upholding petitioner's contention that respondent's family was "distraught" and that respondent's conduct was "dysfunctional"; again, there is no evidence to attest to this. These are very serious charges which must be substantiated by clear evidence which, unfortunately, petitioner did not at all adduce. Indeed, Dr. Sta. Ana-Ponio did not make a specific finding that this was the origin of respondent's alleged inability to appreciate marital obligations.



<sup>52</sup> *Rollo*, p. 66 (RTC Decision, p. 9); Emphasis and italics in the original.

<sup>53</sup> TSN, April 20, 2009, p. 17.

<sup>54</sup> *Id.* at 22 and 62-63.

<sup>55</sup> *Republic v. Pangasinan*, G.R. No. 214077, August 10, 2016.



Needless to say, petitioner cannot lean upon her son Jose's testimony that his father's psychological incapacity existed before or at the time of marriage. It has been held that the parties' child is not a very reliable witness in an Article 36 case as "he could not have been there when the spouses were married and could not have been expected to know what was happening between his parents until long after his birth."<sup>56</sup>

To support her Article 36 petition, petitioner ought to have adduced convincing, competent and trustworthy evidence to establish the cause of respondent's alleged psychological incapacity and that the same antedated their marriage.<sup>57</sup> If anything, petitioner failed to successfully dispute the CA's finding that she was not aware of any gambling by respondent before they got married and that respondent was a kind and caring person when he was courting her.<sup>58</sup>

Against this backdrop, we must uphold the CA's declaration that petitioner failed to prove that respondent's alleged psychological incapacity is serious or grave and that it is incurable or permanent.

To be sure, this Court cannot take judicial notice of petitioner's assertion that "personality disorders are generally incurable" as this is not a matter that courts are mandated to take judicial notice under Section 1, Rule 129 of the Rules of Court.<sup>59</sup>

"Unless the evidence presented clearly reveals a situation where the parties or one of them, by reason of a grave and incurable psychological illness existing at the time the marriage was celebrated, was incapacitated to fulfill the obligations of marital life (and thus could not then have validly entered into a marriage), then we are compelled to uphold the indissolubility of the marital tie."<sup>60</sup> This is the situation here.

**WHEREFORE**, the Petition is **DENIED**. The August 29, 2013 Decision and January 6, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 96662 are **AFFIRMED**.

<sup>56</sup> *Toring v. Toring*, 640 Phil. 434, 452 (2010).

<sup>57</sup> *Republic v. Galang*, supra note 46 at 675; *Republic v. Pangasinan*, supra note 55.

<sup>58</sup> TSN, May 28, 2009, pp. 9-10.


<sup>59</sup> SECTION 1. *Judicial notice, when mandatory*. – A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions. (1a)

<sup>60</sup> *Agraviador v. Amparo-Agraviador*, 652 Phil. 49, 70 (2010).

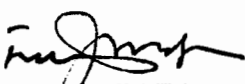
**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**MARIA LOURDES P. A. SERENO**  
*Chief Justice*  
*Chairperson*


  
**TERESITA J. LEONARDO-DE CASTRO**  
*Associate Justice*

  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

  
**NOEL GIMENEZ TIJAM**  
*Associate Justice*

**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*