



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

**MARIA VICTORIA SOCORRO
 LONTOC-CRUZ,**

Petitioner,

G.R. No. 201988

Present:

SERENO, *C.J.*, Chairperson,
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 JARDELEZA, *and*
 TIJAM, *JJ.*

- versus -

NILO SANTOS CRUZ,
Respondent.

Promulgated:
OCT 11 2017

X-----X

DECISION

DEL CASTILLO, J.:

The most challenging part of being in a difficult marriage is to thrive in one. In the case of petitioner Maria Victoria Socorro Lontoc-Cruz (Marivi) and respondent Nilo Santos Cruz (Nilo), their marriage withered as this was beset with problems such as the lack of quality time, recriminations, disillusionment, loss of passion, and infidelity. The estranged spouses considered their union as non-functional, attributing the failure of their marriage to their respective personality disorders that repelled each other.

This Petition for Review on *Certiorari*¹ challenges the November 22, 2011 Decision² and May 29, 2012 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 93736 that affirmed the Decision⁴ of the Regional Trial Court (RTC), Branch 207, Muntinlupa City in Civil Case No. 05-095 which refused to declare the marriage void *ab initio* under Article 36 of the Family Code.

[Signature]

¹ *Rollo*, pp. 44-133.

² *CA rollo*, pp. 166-190; penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Fernanda Lampas Peralta and Mariflor P. Punzalan Castillo.

³ *Id.* at 272-273.

⁴ Records, pp. 425-442; penned by Presiding Judge Philip A. Aguinaldo.

Factual Antecedents

Twenty-two-year-old Marivi met 28-year old Nilo sometime in March 1986. They became steady in August of the same year. Nilo, whose job was then in Hong Kong, prodded Marivi to marry him so she could join him there soonest. Marivi agreed. The couple married in a civil ceremony⁵ on October 21, 1986 followed by a church wedding⁶ on February 8, 1987. The marriage produced two sons: Antonio Manuel, born on April 25, 1988, and Jose Nilo, born on September 9, 1992.

On July 7, 2005, Marivi filed with the RTC of Muntinlupa City a petition for declaration of nullity of marriage⁷ based on psychological incapacity. She averred that it had been medically ascertained that Nilo was suffering from “inadequate personality disorder related to masculine strivings associated with unresolved oedipal complex,”⁸ while she herself was found to be suffering from a “personality disorder of the mixed type, [h]istrionic, [n]arcissistic with immaturity x x x.”⁹

To show that Nilo failed to provide her with the necessary emotional, psychological, and physical support, Marivi cited the following:

1. His infidelity and his non-commitment to the marriage as he continued to act like a bachelor;
2. The lack of ‘oneness’ in the marriage as Nilo would make decisions (on financial matters) without consulting or considering her suggestions; treating her as a housemate or a “mayordoma;” keeping from her his whereabouts, when he would come home or how much his income was;
3. The lack of sexual contact for more than a decade as Nilo made excuses;
4. Putting up a façade that he is a caring, concerned, and loving husband, especially to his bosses; and
5. Preference towards the company of his peers/friends.¹⁰

⁵ Id. at 206.

⁶ Id. at 207.

⁷ Id. at 1-9.

⁸ Id. at 7.

⁹ Id.

¹⁰ Id. at 4-5.

In his Answer,¹¹ Nilo claimed that he was madly in love with Marivi; that at the start of their relationship, both he and Marivi would exhibit negative personality traits which they overlooked; that he believed that both he and Marivi were suffering from psychological incapacity; and that he was not singularly responsible for the breakdown of their marriage. He stressed that Marivi also contributed to the deterioration of their union, to wit:

1. Marivi would demand that he behave in ways he was not accustomed to or inconsistent with his career position;
2. Marivi was jealous of his friends; and would often make hasty conclusions that he was having an affair with other women;
3. Marivi would exhibit volatile temperament if things did not go her way; would not admit mistakes, and blame others instead;
4. Marivi would make decisions impulsively, such as changing an item she gets tired of, or demanding that Nilo change a motor vehicle simply because she did not like it; and
5. She lacked respect for Nilo, and would speak to him degradingly, and even accuse him of being gay or a homosexual.¹²

On October 11, 2006, the trial court rendered a Partial Decision¹³ approving the parties' Compromise Agreement¹⁴ pertaining to custody, support, and dissolution of the properties. Trial on the issue of the nullity of marriage on the ground of psychological incapacity ensued.

Marivi's Version

Marivi narrated that when they were still going steady, Nilo would only spend Saturdays and Sundays with her and devote the weekdays to partying with his friends; that even after their engagement, Nilo would still meet other women and accept invitations to beauty pageants and cocktails;¹⁵ that Nilo was not the type who would kiss passionately; that Nilo would not engage in foreplay during sex, but wished only to satisfy himself; that Nilo would engage in anal sex and would only stop when she complained that it was painful; that Nilo would thereafter sleep, leaving her feeling "used," and that Nilo was impulsive, daring, and adventurous.¹⁶

¹¹ Id. at 60-69.

¹² Id. at 62-63.

¹³ See *CA rollo*, p. 173.

¹⁴ Records, pp. 125-128.

¹⁵ Id. at 211-212.

¹⁶ Id. at 212.

She also claimed that Nilo would habitually come home late; that Friday nights were Nilo's boys' night out; that unless she would ask him to take her out on a date, Nilo would not do so; and that Nilo would call her a "nagger" even if she was merely asking him to come home early.¹⁷

Marivi further narrated that Nilo would engage in extramarital affairs; that a few months into their marriage, Nilo had an affair with an unmarried female officemate;¹⁸ that Nilo ended the affair only after she (Marivi) threatened to tell his employer/supervisor;¹⁹ that Nilo had another affair a few weeks after the birth of their second son; that when confronted with his womanizing and made to choose between her and the children or the other women, Nilo replied that he was "confused,"²⁰ which prompted her to leave and stay in Cebu with her parents; and that she heard from her friends that while she was in Cebu, Nilo was living a bachelor's life.²¹

Marivi added that she eventually reconciled with Nilo but despite the reconciliation, Nilo never really changed, and that he remained indifferent, insensitive, and unappreciative. According to Marivi, she would instead call up her parents and sisters to talk about their family problems;²² that while he (Nilo) told people that he was proud of her, he never gave her the emotional, psychological, and physical support she needed.²³ She felt like she was no more than a *mayordoma* to him, and that they were just "housemates." Nilo would come home late on weekdays and preferred to go out with his friends. Their quarrels were frequent and their conversations were superficial; Nilo would rather talk about himself, instead of asking Marivi about her day or about their children. He was controlling and domineering,²⁴ and refused to consider her suggestions; he would not want his money mingled with her (Marivi's) money.²⁵ Nilo would shell out money when he wanted to buy things, but would make excuses when it came to Marivi's suggestion for a family vacation.²⁶ Marivi also claimed that Nilo had no sense of companionship with their children; and that Nilo even told their son that their brand new house was everything to him.²⁷

Marivi was moreover bothered by Nilo's effeminate ways; he was vain and would have weekly "beauty" treatments.²⁸ Furthermore, they no longer

¹⁷ Id. at 214.

¹⁸ Id.

¹⁹ Id. at 215.

²⁰ Id.

²¹ Id.

²² Id. at 217.

²³ Id.

²⁴ Id. at 215-216.

²⁵ Id. at 216.

²⁶ Id. at 218.

²⁷ Id. at 216-219, 220.

²⁸ Id. at 216.



had sex after the birth of their second son. While they tried to have sex twice, Nilo failed to have an erection. After that, Nilo would refuse to have sex with her which made her (Marivi) question his sexual orientation, so much so that Nilo physically hurt her when she questioned his virility.²⁹

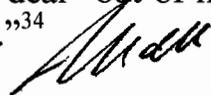
Marivi's father, Manuel, likewise stated that Marivi would call them up for help because Nilo had hurt her during the couple's quarrel; that their marriage was not harmonious due to Marivi's youth and her unfamiliarity with Nilo's personality and family values. He considered Nilo only as a provider, not as a husband and a good father to his sons.³⁰

Marivi's younger sister, Margarita Ledesma (Margarita), who lived for four years with Nilo and Marivi, claimed to have witnessed how lonely Marivi was. She alleged that Nilo was absent when Marivi gave birth to their second son; that Nilo was short-tempered when driving; and that the couple would often fight because Nilo would always come home late or because Marivi suspected Nilo of infidelity. Margarita believed that Nilo did not really want to save the marriage, although he told her that he loves Marivi and the children.³¹

Nilo's Version

Nilo acknowledged his contribution to the breakdown of the marriage because his job required him to come home late, his inability to sexually perform adequately, his failure to be the "ideal husband,"³² and because he had had extramarital affairs in the years 1992, 2002, and 2006.³³ At the same time, Nilo insisted that Marivi also contributed to the collapse of their union.

According to Nilo, Marivi would always want to know his companions and whereabouts; would demand information about his female acquaintances; and would even call up his workplace to ask where he was. Moreover, her conceit and her "prima donna" attitude embarrassed him. Marivi would order him to act in accordance with their stature in life, and would demand that he instruct his office staff to accord her special treatment as Hewlett Packard's "first lady" during the time that he was Hewlett Packard's President. Marivi would also instruct their housemaids to call him "señorito;" and she would make a "big deal" out of her being a "mestiza," and would think of herself a "trophy wife."³⁴



²⁹ Id. at 216 and 219.

³⁰ Id. at 247-251.

³¹ Id. at 252-253.

³² TSN-Nilo Cruz, August 14, 2007, pp. 39-41.

³³ TSN-Nilo Cruz, September 13, 2007, pp. 48-49.

³⁴ Records, pp. 310-311.

Nilo claimed that Marivi was “unappreciative” of him, had a misdirected sense of self-entitlement, and would complain if she did not get her own way, as she was used to, she being her father’s favorite daughter; Marivi did not even care about discussing family finances with him as long as she got what she wanted. She also had a violent temper and would hurl things at him during their fights; that she would blame him for everything, and would keep on reciting his past mistakes. Marivi did not understand the demands of his job, and unfairly compared his work to her father’s job, the operation of which was limited to a single area, a compound in a mine site in Cebu. He explained that the multinational companies he then worked for required him to work beyond the normal office hours because he has to meet “sales quotas in millions of dollars,” entertain people from different headquarters, and meet with different clients from areas far from his residence.³⁵

Worse, Nilo was turned off by Marivi’s act of broadcasting to her whole clan his inadequacies during their intimate sexual relations, which began after he witnessed Marivi giving birth to their first child. When he confided to Marivi about this, she instead accused him of having another affair. Since then, he did not feel any sexual excitement and attraction toward her when they were together. Instead of discussing the problem with him candidly, she accused him of being gay. Nilo stated that the last time they had sex was in 1997 or in 1998.³⁶

The Clinical Findings

In support of her claim that she and Nilo were suffering from psychological incapacity, Marivi presented Dr. Cecilia Villegas (Dr. Villegas), a psychiatrist, and Dr. Ruben Encarnacion (Dr. Encarnacion), a clinical psychologist.

Dr. Villegas diagnosed Nilo to have “inadequate personality disorder related to masculine strivings associated with unresolved oedipal complex,”³⁷ while she diagnosed Marivi to have “personality disorder of the mixed type, [h]istrionic, [n]arcissistic, with immaturity x x x.”³⁸

In the March 21, 2005 Psychiatric Report,³⁹ Dr. Villegas stated:

The root cause of the above clinical conditions, on the part of Marivi Cruz, were the overindulgence and over attention of her parents, in a

³⁵ Records, pp. 311-312; TSN- Nilo Cruz, August 28, 2007, pp. 41-47.

³⁶ TSN-Nilo Cruz, September 13, 2007, p. 79.

³⁷ Records, p. 7.

³⁸ Id.

³⁹ Id. at 236-246.



prolonged manner, carried over to adult adjustments. On the part of Nilo Cruz, his negative identification and resentments towards his father and close attachments to his mother, continued by his long-time maid, to the point of an oedipal situation led to his inadequacy, along masculine strivings, with difficult assertions of his authority and power.

The above clinical conditions existed prior [to] marriage but became manifest only after the celebration due to marital stresses and demands. Both are considered as permanent in nature, because they started early in their developmental stage, and therefore became so deeply engrained into their personality structures. Both are considered grave in degree, because they hampered, interfered and disrupted their normal functioning related to heterosexual adjustments.⁴⁰

According to Dr. Villegas, both parties could not tolerate each others' weaknesses and that the incapacities of the parties are grave because they preferred to satisfy their own needs rather than to give in to the other's needs.⁴¹

She claimed that Nilo's lack of a father figure weakened his masculinity. He cross-identified himself with his mother because his father, a disciplinarian and the thrifty one, was often absent because of his military service. While he was still a teenager, his mother migrated to Canada and their long-time maid acted as his surrogate mother. Nilo sought from his wife his mother's nurturing qualities, but he felt hostility when Marivi failed to meet his ego ideal. His aggression was in the form of passivity, punishing his wife by not sexually performing.⁴²

Dr. Villegas noted that Nilo would put on a facade, a compensatory mechanism according to social norms. While he was not exactly a homosexual, he covered up his weak masculine traits by being a "playboy." Nilo could only comply with the financial obligation of marital life, but not the psychological and emotional parts of it.⁴³ Nilo likewise was an inadequate father figure to his own two sons, especially the younger, who has already manifested strong feminine traits.⁴⁴

Marivi, on the other hand, expected that her interactions with the world would be like that of her own close-knit family, a perception attributable to her parents' prolonged gratification of her dependency needs. Her father was a dedicated, devoted, and responsible family man who regularly came home to spend time with them, while her mother was a good housewife, who always found time to personally attend to their needs. Dr. Villegas described Marivi as one with strong mood fluctuations, emotionally immature, with low self-esteem,

⁴⁰ Id. at 246.

⁴¹ TSN-Dr. Cecilia Villegas, February 6, 2007, p. 60.

⁴² Records, pp. 245-246; TSN-Dr. Cecilia Villegas, February 6, 2007, pp. 19-20.

⁴³ TSN-Dr. Cecilia Villegas, February 6, 2007, pp. 14, 16-18.

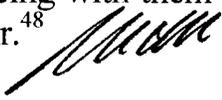
⁴⁴ Id. at 23-24.



has difficulty neutralizing the outbreak of negativity in her behavior, is suggestible, egocentric, and impelled by a desire to “extort” from others. To Dr. Villegas, the couple’s respective personality disorders were mutually repelling, their brain waves not being in sync because what Marivi expected from Nilo happened to be Nilo’s weakest point.⁴⁵

Dr. Encarnacion supported Dr. Villegas’ diagnosis. On the basis of Nilo’s five-to-six sessions and Marivi’s eight bi-weekly psychotherapy sessions with him, Dr. Encarnacion concluded that there was no chance of a successful marriage in a dysfunctional union when there is double psychological incapacity. He categorically stated that Nilo was incapable of being a good husband and a good father. Nilo lacked an individual coherent identity and instead went by the standards of general society, which is driven by the desire to gain material wealth, power, and control. Nilo did not like close relationships and was incapable of forming some; his social anxiety, associated with paranoid fears, was manifested by excessive vanity. Nilo projected an image of a wealthy, successful, handsome man surrounded by women, in none of whom, however, he was interested in a long-term sexual relationship; he saw himself as a performer-provider and was disinterested in spending quality time with his family, in carrying on conversations with members of his family, insensitive, intolerant, and demanding.⁴⁶

Dr. Encarnacion attributed respondent’s psychological disorder to his childhood, in which he did not have fond memories of tender moments and vacation times with his family. Nilo grew up very close to his mother who always listened to his complaints and with whom he sympathized, hence his unresolved oedipal issues; even as he patterned his masculinity strivings after his stingy father, the family provider, but whom he nonetheless described as “unappreciative, undemonstrative, and quite materialistic.” At the age of 18, when his parents migrated to Canada and left him in the Philippines, he then lost his role models, incapacitating him from creating his own identity. Thus, when he began working at the age of 21, he imbibed the values of his workplace, where feelings and emotional discussions were absent, factors that nonetheless somehow worked to his advantage in his job.⁴⁷ Dr. Encarnacion opined that Nilo’s incapacity was his “rigidity,” which drove him into imposing his family upbringing on his own family, instead of adjusting to the modern family setup, *i.e.*, that the modern father should take on new roles and be part of family activities where his family needs him to be, *e.g.* taking the children to the pediatrician or to the park, camping with the family, or being with them in church, instead of strictly confining himself to being a provider.⁴⁸



⁴⁵ Records, pp. 244-245; TSN- Dr. Cecilia Villegas, February 6, 2007, pp. 28-30.

⁴⁶ Records, pp. 259-261; TSN- Dr. Ruben Encarnacion, June 5, 2007, pp. 24, 26-28, 34-35, 61-63.

⁴⁷ Records, pp. 259-261; TSN- Dr. Ruben Encarnacion, June 5, 2007, pp. 22-24, 44, 51-52.

⁴⁸ TSN- Dr. Ruben Encarnacion, June 5, 2007, pp. 55-56.

As for Marivi, Dr. Encarnacion found that she exhibited “Histrionic Personality Behaviors and Features” as manifested by her impressionistic speech, her exaggerated expression of emotions, and her suggestibility. He stated that Marivi’s “inflexibility” consisted in her expecting a high standard of faithfulness from all men as exemplified by her dad, who was also very devoted to her mother. However, because dissatisfied and frustrated by her actual marital situation, she sought attention, externalized blame, displayed anger, mistrust, resentment, and self-indulgence.⁴⁹

Ruling of the Regional Trial Court

In its October 13, 2008 Decision,⁵⁰ the RTC denied the Petition.

The RTC took a dim view of the expert witnesses’ attribution of a double psychological incapacity to Marivi’s nature of being a “father figure woman,” and to Nilo’s “oedipal complex.” The court noted that Marivi already disengaged herself from her father as her standard of an ideal husband when she married Nilo, despite the latter’s limitations and his then being already very focused on his job. Marivi’s need for assurance that she is loved, vis-à-vis her looking up to her father as her standard, was not by itself sufficient to declare her psychologically incapacitated.

As for Nilo, the RTC found no concrete evidence of “oedipal complex;” the RTC held that prioritizing his work over the emotional needs of his family was not reflective of his psychological incapacity because what he did was still for his family’s benefit. Neither was Nilo’s lack of sexual interest in Marivi a case of psychological incapacity, for this was a result of his being turned off by Marivi’s unabated naggings and her revelations to her family of his sexual inadequacies.

From the RTC’s verdict, petitioner appealed to the CA.

Ruling of the Court of Appeals

In its November 22, 2011 Decision,⁵¹ the CA united with the RTC in rejecting the alleged existence of psychological incapacity pointed out by Dr. Villegas and by Dr. Encarnacion.

⁴⁹ Records, pp. 259-260; TSN- Dr. Ruben Encarnacion. June 5, 2007, p. 59.

⁵⁰ Records, pp. 443-460.

⁵¹ CA rollo, pp. 166-190.

The CA found that Dr. Villegas and Dr. Encarnacion failed to paint a clear picture of the supposed gravity or seriousness of Nilo's psychological incapacity, and that it was unconvinced of the doctors' conclusion that Nilo had a deep propensity to cover up for his serious inadequacies.

It ruled that Marivi failed to prove that Nilo's failure to comply with his sexual obligation was due to some psychological condition or makeup, as this could very well be explained by the stress brought about by Marivi's negative attitude toward Nilo, who was turned off by her act of revealing to her clan their bedroom secrets instead of privately resolving the problem with him. Moreover, the CA said it is a *non sequitur*, that just because he could not sexually perform according to Marivi's standard, he should thus be labelled a gay or homosexual. It appears that Nilo has "selective" impotency, for while he could not have an erection for Marivi, he nevertheless had had extramarital affairs. Neither did the CA see anything wrong with Nilo's "put-on façade" of a happy marriage to protect the family's privacy.

The CA did not even consider Marivi's alleged histrionic traits as reflected in her behavior, *e.g.*, her persistent demand as to Nilo's whereabouts, her constant naggings, her attention-seeking acts, grave or serious enough to qualify as psychological incapacity. The CA ruled that it was the couple's irreconcilable differences that marred their marriage; that the negative acts or actions of one spouse were neutralized or offset by the other's negative acts or actions, and that these are "mere character flaws or bad habits that the spouses developed over the years [which] can be modified or changed depending on the desire of either spouse to do so."⁵² The CA thereafter disposed of the appeal, thus:

WHEREFORE, the appeal is DENIED. The decision of the Regional Trial Court in CV No. 05-095 denying the petition for declaration of nullity of marriage between appellant Maria Victoria Socorro Lontoc-Cruz and appellee Nilo Santos Cruz for insufficiency of evidence is hereby AFFIRMED. No costs.

SO ORDERED.⁵³

Marivi moved for a reconsideration but it was denied in the CA's May 29, 2012 Resolution.⁵⁴

⁵² Id. at 182-183.

⁵³ Id. at 189.

⁵⁴ Id. at 272-273.

Issue

At issue before us is whether the psychological conditions of the parties fall under Article 36 of the Family Code to warrant the declaration of nullity of marriage.

Our Ruling

We sustain the findings of both the RTC and the CA.

Article 36 of the Family Code states:

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.

We have laid down guidelines in interpreting and applying this provision. In *Republic v. De Gracia*,⁵⁵ we reiterated the doctrine in *Santos v. Court of Appeals*,⁵⁶ “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).” Also, in *Republic v. Court of Appeals*,⁵⁷ we reiterated the well-settled guidelines in resolving petitions for declaration of nullity of marriage, as embodied in *Republic v. Court of Appeals*,⁵⁸ *viz.*:

(1) The burden of proof to show the nullity of the marriage belongs to the plaintiff. Any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity. x x x.

x x x x

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

⁵⁵ 726 Phil. 502, 510 (2014).

⁵⁶ 310 Phil. 21, 39 (1995).

⁵⁷ 698 Phil. 257, 266-267 (2012).

⁵⁸ 335 Phil. 664, 676-679 (1997).



physical, although its manifestations and/or symptoms may be physical. x x x.

x x x x

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

x x x x

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

x x x x

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

x x x x

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

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

x x x x

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

Notably, “mere showing of ‘irreconcilable differences’ and ‘conflicting personalities’ [as in the present case,] in no wise constitutes psychological incapacity.”⁵⁹ “Nor does failure of the parties to meet their responsibilities and duties as married persons” amount to psychological incapacity.⁶⁰ We further elucidated in *Yambao v. Republic*⁶¹ that the psychological condition should render the subject totally unaware or incognitive of the basic marital obligations:

Article 36 contemplates *incapacity* or *inability* to take cognizance of and to assume basic marital obligations and not merely *difficulty*, *refusal*, or *neglect* in the performance of marital obligations or *ill will*. This incapacity consists of the following: (a) a true inability to commit oneself to the

⁵⁹ Id. at 674.

⁶⁰ *Republic v. Cabantug-Baguio*, 579 Phil. 187, 199 (2008).

⁶¹ 655 Phil. 346 (2011).



essentials of marriage; (b) this inability to commit oneself must refer to the essential obligations of marriage: the conjugal act, the community of life and love, the rendering of mutual help, the procreation and education of offspring; and (c) the inability must be tantamount to a psychological abnormality. It is not enough to prove that a spouse failed to meet his responsibility and duty as a married person; it is essential that he must be shown to be incapable of doing so due to some psychological illness.⁶²

In *Marcos v. Marcos*,⁶³ the actual medical examination of the one claimed to have psychological incapacity is not a condition *sine qua non*, for what matters is the totality of evidence to sustain a finding of such psychological incapacity. While it behooves this Court to weigh the clinical findings of psychology experts as part of the evidence, the court's hands are nonetheless free to make its own independent factual findings. "It bears repeating that the trial courts, as in all the other cases they try, must always base their judgments not solely on the expert opinions presented by the parties but on the totality of evidence adduced in the course of the proceedings."⁶⁴

With specific reference to the case before us, even granting that both parties did suffer from personality disorders as evaluated by the expert witnesses, we find that the conclusions reached by these expert witnesses do not irresistibly point to the fact that the personality disorders which plague the spouses antedated the marriage; that these personality disorders are indeed grave or serious; or that these personality disorders are incurable or permanent as to render the parties psychologically incapacitated to carry out and carry on their marital duties. What can be inferred from the totality of evidence, at most, is a case of incompatibility. For a personality disorder to be declared clinically or medically incurable or permanent is one thing; for a spouse to refuse or to be reluctant to perform his/her marital duties is another.⁶⁵

Indeed, we are loath to overturn the findings of the RTC and the CA. More than that, too, the evidence on record do not square with the existence of psychological incapacity as contemplated by law and jurisprudence. In the case of Nilo, what brought about the breakdown of his relationship with Marivi was not necessarily attributable to his so-called "psychological disorder" but can be imputed to his work and marital stress, and his ordinary human failings.

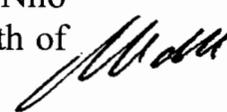
With regard to his failure to sexually perform "adequately," the same appeared to be a case of "selective impotency," as he was turned off by Marivi's disclosure of their bed secrets to her family. Furthermore, Nilo testified that the sexual problem with Marivi did not crop up until the birth of

⁶² Id. at 358-359.

⁶³ 397 Phil. 840, 842 (2000).

⁶⁴ *Mendoza v. Republic*, 698 Phil. 241, 254 (2012).

⁶⁵ *Republic v. De Gracia*, supra note 55 at 513.



their second son, and that he felt that the blame was invariably and unfairly laid on upon him, thus:

THE COURT:

The Court has just some questions with regard to the main issue. During your direct testimony, Mr. Witness, you mentioned some of your faults which [may be] the reason why the instant case was filed. x x x one of those faults is no sex. When did that happen? x x x

- A. If I recall it right, Your Honor, I [had] some challenge[s] immediately after the first birth of my eldest son which I x x x shared with the psychologist or psychiatrist who [had] examined me.

THE COURT:

But when you got married with your wife that was not a problem until the birth of your last son?

- A. Yes, your Honor.

x x x x⁶⁶

ATTY. STA. MARIA, JR.:

- Q. So it is attributable to the petitioner though you claim that it is your fault, is that correct?
- A. Because, your Honor, that kind of situation, I always get blamed, so for the purpose of settling all these questions, when you make that mistake, you'll always be the one to be blamed although as per the psychologist and the psychiatrist, there's also a reason why I am not able to perform sex to my wife because in those ten (10) years that we were together, after the first one, [didn't] have any other affairs but I kept being blamed that I [had] just because I [was] not able to perform sex to her. The whole family, her family knows that in that premise because I got, one time, in one of our quarrels x x x told me, "maybe you're not making love with my daughter because you are having an affair with another woman." So, I know I made a mistake in the past, but if I'm x x x kept [being] reminded of it, it's a punishment, your Honor.

x x x x

- Q. What you initially said was your fault was...as you're now talking before this Honorable Court, is really the fault of the petitioner; is that what you are saying?
- A. There [were] times, your Honor, I would say it was my fault. There [were] times it was caused by her faults as well. It's not one plus one it was hers and one plus one it was mine, it depends on the situation. We've been dealing with cases before so not all the time it's the fault of Mrs. Cruz. And not all the time it's the fault of Mr. Cruz. It's a relationship, there are times it's hers, there are times, it's mine but we're able to fix it until this annulment situation came.
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⁶⁶ TSN-Nilo Cruz, September 13, 2007, pp 35-36.

x x x x⁶⁷

Nor can it be said that Nilo's failure to provide quality time for the family was caused by his "inadequate personality disorder" or "unresolved oedipal complex." Nilo explained that he has a taxing and demanding job, and that unfortunately, with his working hours eating up his home life, while he was able to provide his family with an adequate standard of living, the lack of quality time for his wife became attenuated and resulted in severing his bond with Marivi, who failed to understand the nature of his job. They were a happy couple during the period of courtship, and even during the early years of their marriage. Nilo testified:

ATTY. REVILLA:

Q. x x x What was the reason why you had to stay up late?

A. Ma'am, I'm...in those I.T. companies that I worked for whether manager or managing director, my companies are...the companies are involved in sales and marketing and support so it entails entertainment of clients, entertainment of principals coming from headquarters and entertainment of customers with my staff and other company.

Q. When you say I.T., what does it stand for?

A. Information Technology.

Q. You also referred to a headquarters. What do you mean by headquarters?

A. Headquarters, if you work in a multinational company like companies I worked for, they have headquarters in Hong Kong, they have headquarters in Singapore, they have headquarters in the U.S.

Q. So you had to entertain principals coming from [these] headquarters?

A. As a part of the job as required by the principals who [visit] us.

Q. How often were you required to stay out late because of your job?

A. Ma'am, it is unpredictable. Sometimes, we were required to stay for dinner and entertainment thereafter. Sometimes, we can go home early also.

Q. Could you not refuse the invitations of going out and just go home and spend time with your family?

A. Sometimes I can refuse, sometimes I cannot. Because it becomes a condition of sale of the clients x x x.

x x x x

Q. So x x x what's the latest time of the night that you usually come home?

A. My objective as a husband and as a father is to really come as early as I can which I have explained on and on, your Honor. But to meet my

⁶⁷ Id. at 62-63.



million dollar targets of the country, I have to do things beyond 5 o'clock. In several occasions when I tried to go home early, to my disappointment, my kids are not at home because they were borrowed by my in-laws to have merienda. That's why I complained to my wife that time that "please tell me if they are going with my in-laws because I don't want to deprive them also of the few times I'm able to go home early."

Q. So, you are saying that you only have few times of coming home early?

A. Well, yes, but not very few.

Q. Okay. Have you tried to make an effort to remedy the situation?

A. Well, if I have my way to be able to direct my appointments in the South, my meetings in Amkor Anam, Mamplasan, in Sta. Rosa then that will allow me to be home at least 5-6 o'clock. But most of my meetings in Makati, Quezon City, Manila especially with government clients [do] allow me to go home early, your Honor.

x x x x⁶⁸

THE COURT:

What about another fault you mentioned which is staying late, when did this thing happen?

A. When I came back from my assignment in Hong Kong in 1988 when I was given a new job in sales and marketing.

x x x x

THE COURT:

So before the birth of your children, that is after your marriage with the petitioner, this was not a problem?

A. Because, your Honor, I was assigned in Hong Kong and I was only twelve (12) minutes [away] by [foot] to our office x x x.

x x x x

And I was not in [sales] and marketing, I was the Administrative Assistant of the President of IBM in Southeast Asia so it's the...purely management administrative work as an administrative assistant so there's [not] much of entertaining done in Hong Kong.

THE COURT:

Okay, so in other words, at that time, that was not a problem. It was only a problem when you were appointed to your position in...

A. IBM.

THE COURT:

That was so many years after you got married with your wife?

⁶⁸ TSN-Nilo Cruz, August 28, 2007, pp. 42-43, 46-47.

- A. We got married, your Honor, in 1987 then we went back to the Philippines in July 1988 [when] I was given a new marketing and [sales] role as a manager of general marketing which is...which encompasses all industries aside [from] the government.

THE COURT:

So you mean to say that this problem of staying late only happened lately?

x x x x

- A. The definition, your Honor, of my family...late is when you don't make it at 7:00 o'clock or...[with] the family at 7:00 o'clock in the evening. So if I don't make it at seven, I considered myself late.

THE COURT:

What is the reason why you have been late?

- A. Your Honor, my job is not a 9 to 5 job because we...we call on customers, we entertain customers, partners, principals, we also have fellowship with our teams. So, we either have dinner or we have happy hours. We also see friends after. So but, physically I cannot do that everyday, your Honor, because I also wake up automatically at 6:00 everyday whether I have a drink, or have dinner, or I worked out in the evening or play[ed] basketball during that time, I always wake up at six. So if I stayed up late like previously...like 2, 3, it's gonna be a burden for me physically and [I would be] unable to perform my job well. So, like I mentioned earlier in a hearing, your Honor, many times I tried to be home by 10 to be able to watch. Before 10 to be able to watch the 10:00 o'clock news and be able to enjoy my ice cream while watching it.

THE COURT:

Well, one of those faults you mentioned is also working hard, why did you say that it is your fault?

- A. In our industry, your Honor, when you work out, you will definitely end up late several couple of times, but not all the time.

x x x x

Your Honor, sometimes, I get all these complaints. But when they saw my picture in the newspaper or in the TV having success stories and contract signing, they are proud of me.

THE COURT:

When you say "so proud of me," to whom are you referring x x x?

- A. My family. They call me, they congratulate me, we have dinners together to celebrate but to get to that, is the working hard and staying away from the family.

x x x x



THE COURT:

How long did you court your wife?

A. Six (6) months, your Honor.

x x x x⁶⁹

THE COURT:

Could you say that you were a perfect couple at that time?

A. When we were starting, your Honor, we [were] happy, and during the time that we were in Hong Kong. But when we went back to Manila, there are times (the witness is in tears)...adjusting to work and family that is why it affected my relationship to her family and combination of mistakes happened which I admitted.

THE COURT:

How would you describe your wife during your first years of marriage?

A. [She was] a very good wife.

THE COURT:

Did she perform her duties as a wife and as a mother?

A. Yes, your Honor.

THE COURT:

And was she that independent from her parents or she was too dependent [on] her parents?

A. On her performing her duties, with the...as a wife and as a friend, she's independent. When it comes to our problems, she would consult her family.

THE COURT:

So only those times when you have a problem. Like what problems, Mr. Witness?

A. Our relationship, your Honor.

THE COURT:

But most of the time, you were able to patch up your problems?

A. Yes, your Honor.

x x x x⁷⁰



⁶⁹ TSN-Nilo Cruz, September 13, 2007, pp. 36-40.

⁷⁰ Id. at 41-42.

Interestingly, when asked if there was no more functional marital life between him and Marivi, Nilo candidly highlighted his different perception from his estranged wife:

ATTY. STA. MARIA, JR.:

Q. So, Mr. Witness, well in reality today, Mr. Witness, even the petitioner believes that there is no more functional marital life in this relationship, would you agree with that?

A. If that's the way she thinks, I...I will have my own way of looking at things because...

X X X X

Q. Even... as I was saying since she was asking for nullity and you were asking for nullity, it's a fact of life as of today, as you speak today that there is no more functional marital life between the two (2) of you?

A. You see, your Honor, that's why we're different. Her style is conclude and conclude. I have a different style because of my background. I will only stop till death. I cannot share her legal counsel's statement with my own thinking, your Honor.

X X X X⁷¹

Even the psychiatrist Dr. Villegas pinpointed the differences of the estranged couple which led to squabbles —

ATTY. STA. MARIA, JR.:

Q. Doctor, from your examination of both respondent and petitioner the obligation of trust and respect for each other, how did it not manifest in this relationship?

A. The respondent [sees] the petitioner as one who's very negativistic on him or who's very demanding and who is also trying to put him down because according to him, the petitioner would always see his weak points rather than his strong points.

Q. Are you saying that this developed a non-trust just between them?

A. None trust. They do not trust each other anymore. On the part of the petitioner, because of his womanizing activities and on the part of the respondent, that the petitioner is always looking at his weak points rather than his strong points.

X X X X⁷²

It is significant to note that Marivi failed to substantiate Nilo's penchant for womanizing as a manifestation of his psychological incapacity. Aside from her bare allegations, which were chiefly based on what other people told her, she never presented irrefutable proof to corroborate her claims of his sexual

⁷¹ Id. at 80-81.

⁷² TSN- Dr. Cecilia Villegas, February 6, 2007, pp. 25-26.

proclivities, *i.e.*, that these proclivities were already existing before the marriage and during the first years of their marriage. Nilo, on the other hand, categorically admitted to having extramarital affairs in 1992, 2002, and 2006, the period when the marriage was already on the rocks. Neither is there evidence of Nilo's alleged oedipal complex, the manifestations of which were not cited by the experts, that caused the couple to fall out of love.

Anent Marivi's case, based on her family history as reflected in the experts' clinical evaluation, she grew up in a well-functioning, supportive, and emotionally healthy family environment. Even Nilo himself attested that she was a good wife and a good mother to their children. Her demand for attention, time, love, and fidelity is normal for a wife. The anger she felt within her is also a legitimate reaction.

Yet the psychologist Dr. Encarnacion himself acknowledged that Marivi's so-called psychological incapacity is in fact, curable. Thus:

ATTY. REVILLA:

Q. So even without the respondent, Nilo Cruz, petitioner would still be psychologically incapacitated?

A. I beg to [differ] from that because the needs were not fulfilled in this particular marriage, it's like a tendency to have cancer, but if you take care of yourself with the right environment, you will not catch cancer. Those were previous positions, that's why I called them Histrionic Personality Traits Behaviors and Features not a full blown Histrionic Personality Disorder, the needs were badly unfulfilled in this marriage because she married a man who did not know the language of feeling of showing some attention towards his spouse, meaning, if she is put in a relationship with a man who is able to address these needs, she would be better, she would be better in a marriage.

Q. So this psychological incapacity of the petitioner is only dormant at the time that she was not yet married?

A. Well, it's grave...

Q. Was it grave already at the time...

A. Yes, it is, it's grave but...

Q. Even before the marriage?

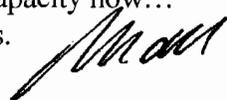
A. ...but not incurable, that is the only adjective, grave, pre-existing...

Q. Pre-existing?

A. Grave and pre-existing, yes, incurable, no, in the sense that if she married properly if her needs were addressed, it would not appear in that marriage.

Q. But because of her marriage to the respondent, are you saying now that her psychological incapacity now...

A. Became an incapacity, yes.



- Q. ... became incurable?
A. No.

x x x x

- Q. Okay. I am quite curious about the curability of the personality disorder of the petitioner. Now, if her needs are satisfied with...in case, assuming the petitioner enters into another relationship and her needs are satisfied then her incapacity is cured, is that what you're saying?

- A. In effect, yes, in effect, yes.

- Q. Would you say, what are these needs of the petitioner that [you're] ... not satisfied of the respondent?

- A. Need to be paid attention to, need to be valued, need to have an effect on someone, it is a universal need. She was made to feel that she did not have any effect on him and so are the children, x x x well, the father made the children feel that they, wife and two sons did not have any effect on him, ma'am.

x x x x⁷³

- Q. One last question. The needs of the petitioner, like you say, do you think she was able to convey, clearly convey her needs to the respondent, properly convey?

- A. Very clearly, yes, and then when they were still not being heard, well, *iyon na nga eh*, yung hostility *niya* and resentment would get the better of her as a *ano*...so it would become dysfunctional reaction upon reaction. That's a good question.⁷⁴

Upon the view we take of this case, thus, this Court believes that the protagonists in this case are in reality simply unwilling to work out a solution for each other's personality differences, and have thus become overwhelmed by feelings of disappointment or disillusionment toward one another. Sadly, a marriage, even if unsatisfactory, is not a null and void marriage.⁷⁵

WHEREFORE, the Petition is **DENIED**.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

⁷³ TSN-Dr. Ruben Encarnacion, June 5, 2007, pp. 41-43, 45.

⁷⁴ Id. at 46.

⁷⁵ *Navales v. Navales*, 578 Phil. 826, 846 (2008).

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

