



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 22, 2023 which reads as follows:

“G.R. No. 236316 (Millard L. Estimar v. Rica A. Arquisola and Republic of the Philippines).—This Petition for Review on *Certiorari*¹ seeks the reversal of the June 29, 2017 Decision² and the October 30, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 05783, which reversed and set aside the March 30, 2015 Decision⁴ of the Regional Trial Court (RTC), Branch 27, Iloilo City in Civil Case No. 12-31482 which declared the marriage celebrated by and between Millard L. Estimar (Millard) and Rica A. Arquisola (Rica) null and void *ab initio* on the ground of psychological incapacity of one of the spouses.

The facts of the case, as found by the CA, are as follows:

Millard was working as a mechanic at a shop in South Baluarte, Molo, Iloilo City. Rica is the daughter of the owner of the lot where the shop was located. They met each other at the shop, Rica usually hanging around the shop, helping out the mechanics with the repairs, and joining in their drinking sprees from time to time. In time, they became good friends.⁵

When Millard’s grandmother died, she left him her house. He started to live on his own in the inherited house. Rica would frequently visit him to hang out and drink. When the pair would get drunk, they would usually have sex. After one drunken sexual encounter, Rica got pregnant. For fear that Rica might take away the child, Millard brought Rica to live with him.⁶

¹ *Rollo*, pp. 8-46.

² *Id.* at 47-61. Penned by Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Pablito A. Perez and Gabriel T. Robeniol.

³ *Id.* at 63-65.

⁴ *Id.* at 69-82. Penned by Judge Ma. Elena G. Opinion.

⁵ *Id.* at 48 and 70.

⁶ *Id.*

On January 27, 2002, Rica, then 17 years old, gave birth to a son.⁷

On January 8, 2003, Millard and Rica got married before the mayor of Iloilo City.⁸

Almost two months after the marriage, Millard left the country to work in Saudi Arabia as a mechanic. He did not communicate with Rica directly, choosing instead to course through his parents or siblings any news, instructions or even money from him to his wife. Millard would only give Rica an allowance of PHP 2,000.00⁹ to PHP 3,000.00¹⁰ a month while he gave his mother or sister the rest of the money for the house's maintenance and for their son's needs. Millard refused to send money directly to Rica as he did not trust her with the handling of their finances.¹¹

When Millard returned to the Philippines for a vacation, he went straight to his mother's house and left his things and *pasalubong* there. Rica had to ask permission from Millard's mother to get some of the things Millard brought with him.¹²

This kind of arrangement left Rica unhappy. She felt unappreciated and untrusted, and believed that Millard cared for and prioritized his mother and siblings more because he spent money improving his mother's house and not theirs.¹³

For Millard, Rica was lazy and would, at times, inflict her frustrations on their child. Rica would go out at night to hang out with her friends to go drinking, smoking and gambling. Millard was barraged by creditors, demanding that he pay the debts incurred by his wife while he was away.¹⁴

Sometime in 2006, when Millard returned to Saudi Arabia, Rica also left their conjugal home on the pretext that she had to take care of her ailing father. Despite the subsequent passing of her father, she did not return to their conjugal home.¹⁵ Rica left her son in the custody and care of Millard's mother and sister.¹⁶

In time, Rica cohabited with another man and bore a child.¹⁷

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 70.

¹¹ Id. at 48 and 70.

¹² Id. at 49.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 72.

¹⁷ Id. at 49.

On July 29, 2012, Millard filed a Petition for Declaration for Nullity of Marriage¹⁸ to Rica on the ground of the latter's psychological incapacity.

Ruling of the Regional Trial Court

At the trial, Millard presented the testimony of an expert witness, psychiatrist Dr. Ruel Era Malata (Dr. Malata), who testified that he found Rica to be suffering from Passive-Aggressive Personality Disorder.¹⁹ Dr. Malata maintained that Rica's upbringing brought about her psychological incapacity. The marriage's breakdown was further exacerbated by Rica's alcoholism and smoking.

Thus, the RTC rendered a Decision²⁰ declaring the marriage null and void *ab initio* on the ground of psychological incapacity of Rica, which is grave, incurable, and already existing before the marriage. The RTC concluded as follows:

Based on the totality of the evidence, the Court believes that a case for psychological incapacity has been established on the part of respondent.

The Court grants the petition.

WHEREFORE, premises considered, judgment is hereby rendered declaring the absolute nullity of the marriage between MILLARD L. ESTIMAR and RICA A. ARQUISOLA solemnized on January 8, 2003 before Hon. Jerry Treñas in Iloilo City.

Let the custody of their son remain with petitioner, subject to visitation rights of respondent. Both parties are ordered to support their child.

The parties not having acquired any properties let the decree of nullity be issued after the finality of the decision.

Furnish counsel, City Prosecutor, Solicitor General, petitioner and respondent copy of this decision.

SO ORDERED.²¹

An appeal²² was thus brought by the Republic of the Philippines (Republic), through the Office of the Solicitor General, before the CA, asserting that first, the RTC erroneously relied on the broad and general statements of the psychiatrist, and second, Rica's vices were not sufficient to prove that she was psychologically incapacitated to fulfill her duties and obligations as a wife. The Republic claimed instead that it was Millard's

¹⁸ Records, pp. 1-8.

¹⁹ Id. at 56-67.

²⁰ Id. at 123-134.

²¹ Id. at 133-134.

²² Id. at 135-143.

unilateral decision of entrusting the family's finances and management to his own mother, instead of his wife, which caused the marital dissatisfaction.

Ruling of the Court of Appeals

The CA, in its Decision,²³ reversed the RTC Decision and upheld the validity of the marriage of Millard and Rica. The dispositive portion of the CA Decision reads in this wise:

IN LIGHT OF ALL THE FOREGOING, the appeal of the Republic of the Philippines, through the Office of the Solicitor General, is GRANTED. The Decision dated March 30, 2015, of the Regional Trial Court, Branch 27, Iloilo City, in Civil Case No. 12-31482, for Declaration of Nullity of Marriage based on Article 36 of the Family Code, is REVERSED and SET ASIDE. Accordingly, the Petition for Declaration of Nullity of Marriage and Cancellation of Marriage Certificate in Civil Case No. 12-31482 is DISMISSED.

SO ORDERED.²⁴

Issues

Hence, this Petition for Review on *Certiorari*,²⁵ raising the following issues:

- I. WHETHER OR NOT THE APPELLATE COURT ERRED IN NOT FINDING THAT RESPONDENT IS PSYCHOLOGICALLY INCAPACITATED UNDER ARTICLE 36 OF THE FAMILY CODE OF THE PHILIPPINES TO COMPLY WITH THE ESSENTIAL OBLIGATIONS OF MARRIAGE[.]
- II. WHETHER OR NOT THE COURT ERRED IN NOT GIVING WEIGHT TO THE TESTIMONY OF THE PSYCHIATRIST AS EXPERT WITNESS[.]
- III. WHETHER OR NOT THE COURT ERRED IN NOT GIVING CREDENCE TO THE FINDINGS OF THE TRIAL COURT.[.]²⁶

In short, the main issue raised by Millard is whether his marriage to Rica is null and void *ab initio* on the ground of Rica's psychological incapacity.

Our Ruling

The petition lacks merit.

²³ *Rollo*, pp. 47-61.

²⁴ *Id.* at 60-61.

²⁵ *Id.* at 8-46.

²⁶ *Id.* at 14.

Millard maintains that the RTC properly applied the guidelines set forth in *Republic v. Molina*²⁷ (*Molina*) in concluding that Rica suffers from psychological incapacity, emphasizing that the psychiatrist elaborately described her disorder and its manifestations. Moreover, the RTC was in the best position to observe the witnesses as they gave their testimonies, thus, its findings deserve credence and must be upheld.

The Court disagrees.

To render a marriage void *ab initio* under Article 36 of the Family Code, jurisprudence dictates that the psychological incapacity must be characterized by: (1) 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; (2) 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 (3) incurability, *i.e.*, it must be incurable, or even if it were otherwise, the cure would be beyond the means of the party involved.²⁸ The burden lies with the petitioner in showing that the psychological incapacity of his or her spouse meets these three characteristics.²⁹

Moreover, the *Molina* guidelines do not anymore apply in this case for this Court has recognized the same to be too stringent. The Court has now introduced in *Tan-Andal v. Andal*³⁰ (*Tan-Andal*) the following comprehensive parameters in determining one's psychological incapacity, to wit:

- (1) The psychological incapacity must be shown to have been existing at the time of the celebration of the marriage;
- (2) Caused by a durable aspect of one's personality structure, one that was formed prior to their marriage;
- (3) Caused by a genuinely serious psychic cause; and
- (4) Proven by clear and convincing evidence.³¹

Furthermore, the Court in *Tan-Andal* emphasized that psychological incapacity is neither a mental incapacity nor a personality disorder that may be proven through expert opinion.³² Proof of aspects of personality, called "personality structure," need not be given by an expert. Ordinary witnesses who have been present in the life of the spouses before the latter contracted marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse – behaviors such as clear acts of dysfunctionality that undermine the family and must make it impossible for

²⁷ 335 Phil. 664, 676-680 (1997).

²⁸ *Pugoy-Solidum v. Republic*, G.R. No. 213954, April 20, 2022, citing *Republic v. Cabantug-Baguio*, 579 Phil. 187, 200 (2008).

²⁹ *Id.*, citing *Republic v. Javier*, 830 Phil. 213, 222 (2018).

³⁰ G.R. No. 196359, May 11, 2021.

³¹ *Pugoy-Solidum v. Republic*, *supra*, citing *Tan-Andal v. Andal*, *supra*.

³² *Id.*

the spouse to understand and more importantly, comply with his or her essential marital obligations.³³ From these testimonies of ordinary witnesses, the judge can then decide if these behaviors are indicative of a true and serious incapacity to assume the essential marital obligations.

As for the requirement of incurability, the Court modified the definition of incurability to be applicable in the legal sense, not medical.³⁴ The incapacity must be so enduring and persistent with respect to a specific partner, that the only result of the union would be the inevitable and irreparable breakdown of the marriage.³⁵

Ultimately, the totality of evidence must support a finding of psychological incapacity.

Here, the Court finds that Millard failed to show with clear and convincing evidence the gravity, juridical antecedence, and incurability of Rica's psychological incapacity, in accordance with the foregoing measures. Millard's testimony that: (1) Rica engaged in smoking and drinking, thus, Millard did not entrust to her their finances;³⁶ (2) Rica was lazy and did not do her obligations in the house;³⁷ (3) Rica was suspected to have gotten the money he lost in the house;³⁸ (4) Rica would usually take out her frustrations on their son by pinching him and throwing him down on the bed;³⁹ (5) Rica had a lot of unpaid creditors who demanded payment from Millard;⁴⁰ and (6) Rica left their house to take care of her father, never came back, then went to live with another man and bore a child,⁴¹ failed to prove Rica's psychological incapacity.

These allegations of irreconcilable differences, emotional immaturity and irresponsibility, sexual infidelity, among others, do not by themselves prove the existence of psychological incapacity under Art. 36 of the Family Code.⁴²

Even the testimonies of Millard's mother and cousins were insufficient to prove that Rica's alleged psychological incapacity existed prior to the marriage as the testimonies failed to provide any background on Rica's past experiences or environment while growing up that could have triggered her behavior.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ TSN, October 5, 2012, pp. 18 and 24.

³⁷ *Rollo*, p. 49.

³⁸ TSN, October 5, 2012, p. 26.

³⁹ Id. at 17.

⁴⁰ *Rollo*, p. 49.

⁴¹ Id.; TSN, October 5, 2012, pp. 12, 19.

⁴² *Republic v. Molina*, 335 Phil. 664, 674 (1997).

Furthermore, Dr. Malata's findings were mere generalizations lacking in specific data as to Rica's personality structure. He failed to show that the same incapacitates her to perform her essential marital obligations and even admitted that Rica failed to fulfill the required number of indicators to qualify as having the disorder.⁴³ The Court agrees with the CA's conclusion that:

There is nothing in the assessment of the psychiatrist that could illuminate how the alleged psychological disorder of respondent-appellee came about, its root cause or when it had begun, or how it came to be or even the specific circumstances upon which findings are based. In his report, the good doctor merely alluded that it was the circumstance that respondent-appellee grew up in dire poverty that created her psychological incapacity. As to where such conclusions were based or from which clinically verifiable data he extracted such assertion, both his report and testimony are silent, or at best, vague on the matter. To be sure, the mere happenstance that a child grows in poverty would by no means automatically result to his or her development of a psychological disorder. At times, poverty is the veritable fuel that propels individuals to surpass all odds and excel. Patently, the mere fact that respondent-appellee grew up in a financially-challenged household, by itself, would not result in any derivation of a definite conclusion that such was the root that created her alleged incapacity.⁴⁴

In sum, there is no cogent reason to reverse the CA's ruling against the nullity of Millard and Rica's marriage. While this Court sympathizes with the couple's plight, the totality of the evidence failed to prove the psychological incapacity under Art. 36 of the Family Code.

WHEREFORE, the petition is **DENIED**. The June 29, 2017 Decision and the October 30, 2017 Resolution of the Court of Appeals in CA-G.R. CV No. 05783 sustaining the validity of the marriage of Millard L. Estimar and Rica A. Arquisola are **AFFIRMED**.


The Letter dated March 22, 2022 of Mario C. Agura, Chief, Archives Unit, Court of Appeals, Cebu City, in compliance with the Resolution dated February 23, 2022, forwarding the *rollo* of CA-G.R. CV No. 05783 with 326 pages, one folder of Regional Trial Court original records and one folder of transcript of stenographic notes, is **NOTED**; and the compliance of respondent Rica A. Arquisola with the Resolution dated September 30, 2020 is **DISPENSED WITH**, it appearing that said respondent failed to file the memorandum required therein.

⁴³ *Rollo*, p. 72.

⁴⁴ *Id.* at 58-59.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *of the*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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ANTONANO ANTONANO DIVINAGRACIA
& VITERBO LAW OFFICE
Counsel for Petitioner
Mezzanine-A, Antonano Building
El 98 Street, Jaro, 5000 Iloilo City

Court of Appeals
6000 Cebu City
(CA-G.R. CV No. 05783)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Ms. Rica A. Arquisola
Private Respondent
South Baluarte, Molo
5000 Iloilo City

The Hon. Presiding Judge
Regional Trial Court, Branch 27
5000 Iloilo City
(Civil Case No. 12-31482)

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