



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 17, 2023, which reads as follows:

“G.R. No. 253412 (*Romelai Casuncad Presbitero v. Republic of the Philippines*). — Before this Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, calling into question the cogency of the Decision² and the Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 111222, which reversed the Judgment⁴ of the Regional Trial Court of Biñan, Branch 25 (RTC), declaring the marriage between petitioner Romelai Casuncad Presbitero (Romelai) and Elmer Replan Presbitero (Elmer) as null and void on the ground of psychological incapacity; and denied her motion for reconsideration thereof, respectively.

THE ANTECEDENTS

Romelai and Elmer met in the early 2000s, with the latter living beside a clothes shop which the former used to manage. The pair got close and started dating after three months. Subsequently, on June 18, 2001, after only a year of being together, the two decided to get married.⁵

After the wedding, the couple lived in Elmer’s parents’ house. Since Elmer was unemployed, Romelai secured a job as a company nurse in Sta. Rosa and started providing for not only Elmer but also his parents and siblings living in the house. Burdened with the household finances, Romelai talked to Elmer about looking for work. However, Elmer became enraged and barked at Romelai, angrily asking her not to meddle in his affairs. Despite having been flustered by the episode, Romelai kept silent.⁶

¹ *Rollo*, pp. 27-53.

² *Id.* at 60-74. The July 31, 2019 Decision was penned by Court of Appeals Associate Justice Mariflor P. Punzalan-Castillo, with the concurrence of Associate Justices Gabriel T. Robeniol and Tita Marilyn B. Payoyo-Villordon.

³ *Id.* at 57-59. Dated August 3, 2020.

⁴ *Id.* at 23, 60 and 89. A copy of the RTC’s April 20, 2017 Judgment cannot be found in the *rollo*, but the dispositive portion is reproduced in the CA’s July 31, 2019 Decision.

⁵ See July 31, 2019 Decision of the Court of Appeals, *rollo*, p. 11. See also Petition for Review on *Certiorari* filed by Romelai Casuncad Presbitero, *rollo*, p. 33.

⁶ See Petition for Review on *Certiorari* filed by Romelai Casuncad Presbitero, *rollo*, p. 34.

Thereupon, things escalated. Elmer came home very late at night, highly intoxicated, and roused Romelai from sleep. When Romelai asked where he went, Elmer angrily retorted that she should stop being too intrusive and slapped her in the face. Again, Romelai stayed quiet. Elmer then had sex with Romelai against her will.⁷ This cycle continued in the succeeding days. Elmer, after drinking with his friends, would come home drunk and force Romelai to have sex with him.⁸

After a few months, Elmer got a job as a merchandiser at a local supermarket. However, he spent most of his salary on gambling, alcohol, and other vices. In fact, he would still ask money from Romelai to sustain his vices.⁹

One day, Romelai got the shock of her life. Acting upon a tip from a friend that Elmer was having an affair, Romelai secretly followed her husband and eventually saw her husband meeting with a co-worker. Romelai confronted Elmer about it, and he confirmed the illicit relationship. Elmer asked for forgiveness, and, after two days of grieving, Romelai forgave her husband, optimistic that he will come to his senses.¹⁰

In January 2004, Romelai became pregnant. However, notwithstanding his wife's fragile situation, Elmer continued with his ways of drinking and gambling. Notably, Elmer was not even present when Romelai gave birth in October 2004 as he was out drinking with his friends. Romelai also paid for all the hospital expenses.¹¹

With the birth of their child, Elmer quit his job, saying that he will be the one to take care of the child. As it turned out, he merely left the child with a relative every day while he gambles all day. When Romelai confronted Elmer about this, she was met with angry retorts. Elmer even punched her in the stomach.¹² Romelai remained silent.

In 2006, Elmer started to work again as a merchandiser. Soon, Romelai found out that Elmer reignited his affair with the same co-worker. Once more, Romelai confronted Elmer about this, and Elmer did not deny the affair. Again, Romelai forgave Elmer. All the same, Elmer continued with his affair, and Romelai increasingly became distant from Elmer, staying at the same house but otherwise not talking.¹³

Eventually, in 2009, Elmer stopped coming home. Later, Romelai learned that Elmer had started cohabiting with his mistress, with whom he

⁷ Id.

⁸ Id. at 34-35.

⁹ Id. at 35.

¹⁰ Id.

¹¹ Id. at 36.

¹² Id. at 36-37.

¹³ Id. at 13.

bore a child.¹⁴ Since then, the two had been living separately without any communication.¹⁵

After six years of living apart sans communication, Romelai filed a case to have her marriage with Elmer nullified on the ground of psychological incapacity. During trial, Romelai presented as an expert witness clinical psychologist Visitacion G. Revita (Dr. Revita), who testified to Elmer's psychological incapacity to perform the essential obligations of marriage. She further testified that his anti-social type of behavior was rooted in the way Elmer was raised and the kind of environmental influences to which he was exposed.

In due course, the RTC rendered the Judgment dated April 20, 2017, granting Romelai's petition, to wit:

WHEREFORE, premises considered, judgment is hereby rendered declaring the marriage contracted by the petitioner and respondent on 18 June 2001 as NULL and VOID, on the ground of respondent's psychological incapacity, pursuant to Article 36 of the Family Code, as amended.

Send a copy of this Judgment to the Office of the Solicitor General, Office of the Provincial Prosecutor, Local Civil Registrar of Binan, Laguna, Atty. Roderick C. Laurito and the petitioner and respondent.

Upon finality of this decision, let copies be furnished the Office of the Civil Registrar of [the] City of Binan, Laguna, Philippine Statistics Authority (PSA) for these offices to delete and/or expunge from their respective book of marriages the entry of marriage between petitioner and respondent.

SO ORDERED.¹⁶

The Republic, through the Office of the Solicitor General (OSG), moved for reconsideration, but was denied. Undeterred, the OSG lodged an appeal before the CA, arguing that the trial court erred in adopting the findings and conclusions of the clinical psychologist declaring Elmer to be psychologically incapacitated.

In its now assailed Decision, the CA granted the Republic's appeal and reversed the Judgment of the RTC. It held:

WHEREFORE, in view of the foregoing, the appeal is GRANTED. The 20 April 2017 Judgment of the Regional Trial Court, Branch 25, Binan, Laguna and the subsequent 23 October 2017 Order denying the Motion for Reconsideration are REVERSED and SET ASIDE. The marriage of ROMELAI CASUNCAD PRESBITERO and ELMER REPLAN PRESBITERO remains VALID. The Petition for Declaration of Nullity of Marriage docketed as Civil Case No. B-9883 is DISMISSED.

¹⁴ Id.

¹⁵ Id. at 14.

¹⁶ Id. at 17.

SO ORDERED.¹⁷

Romelai's subsequent bid for reconsideration was denied by the CA *via* the impugned Resolution. Through the present recourse, Romelai imputes egregious error on the part of the CA when it reversed and set aside the RTC's ruling which decreed that her marriage to Elmer was null and void on account of the latter's psychological incapacity to fulfill the essential marital obligations.

THE COURT'S RULING

After conscientiously sifting through the records of the case, the Court finds merit in the petition.

"Psychological incapacity" refers to no less than a mental, not physical, incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage. The intent of the law has been to confine the meaning of the term to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.¹⁸ As succinctly elucidated by the Court in *Tan-Andal v. Andal*:¹⁹

To summarize, psychological incapacity consists of clear acts of dysfunctionality that show a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes. It is not a medical illness that has to be medically or clinically identified; hence, expert opinion is not required.

As an explicit requirement of the law, the psychological incapacity must be shown to have been existing at the time of the celebration of the marriage, and is caused by a durable aspect of one's personality structure, one that was formed before the parties married. Furthermore, it must be shown caused by a genuinely serious psychic cause. To prove psychological incapacity, a party must present clear and convincing evidence of its existence.

In essence, psychological incapacity is not only a mental incapacity nor only a personality disorder that must be proven through an expert opinion. There may now be proof of the durable aspects of a person's personality, called "personality structure," which manifests itself through clear acts of dysfunctionality that undermines the family. The spouse's personality structure must make it impossible for this spouse to understand and, more importantly, to comply with his or her essential marital obligations.²⁰

Accordingly, in nullity cases under Article 36 of the Family Code, the plaintiff-spouse must prove his or her case with *clear and convincing evidence*, a quantum of proof that requires more than preponderant evidence

¹⁷ Id. at 23.

¹⁸ See *Santos v. Court of Appeals*, 310 Phil. 21, 40 (1995).

¹⁹ G.R. No. 196359, May 11, 2021.

²⁰ See *Espiritu v. Boac-Espiritu*, G.R. No. 247583, October 6, 2021.

but less than proof beyond reasonable doubt.²¹ The plaintiff-spouse must show that the psychological incapacity was (1) existing at the time of the celebration of marriage; (2) caused by a durable aspect of one's personality structure, one that was formed prior to their marriage; and (3) caused by a genuinely serious psychic cause.²²

In this case, the Court believes and so holds that Elmer deliberately committed acts which have undermined his family, as he was shown to have: (a) been jobless for extended periods of time, relying on his wife to sustain not only their family but also those of his siblings; (b) neglected his wife and child in order to indulge in his personal vices; (c) physically abused his wife at times; (d) entered into and maintained an illicit affair, which continues to this day, even after having been caught and forgiven multiple times; (e) finally abandoned his wife to live with his paramour; and (f) fathered a child with such paramour.

On this score, Dr. Revita made the following findings in her report:

However, on the other hand, based on the marital history by the petitioner that is deemed to be truthful and reliable as warranted by the results of her psychological exam and the collateral interviews with Virginia P. Alatiit and Nube L. Cowan, the Respondent is found to have exhibited a pattern of behavior and traits causing the deterioration and eventual collapse of their marriage. This pattern is characterized as his inability to resist hedonistic enticements that caused their marital problems. He finds pleasure and satisfaction in the act and is preoccupied with it. He would think of ways so he could be with his paramour to the point that he would lie or pretend. He easily showed irritation expressed in temperamental outburst when his attention is called about his shortcomings and misdemeanors or when he is not able to get what he wants. He displayed his anger even in front of their daughter that caused pain and trauma to the little girl. This shows that he is not a good parent to his child.

He is incorrigible and has no remorse for his faults as he would do it again after making promises to leave the other woman. He feigned remorse if only to get the forgiveness of the petitioner. He could not truly perform his marital roles because he has not the capacity to do it. Result of all these is the deterioration and eventual collapse of his marriage.²³

Be that as it may, Elmer's acts, in and of themselves, are not enough to prove psychological incapacity on his part. To emphasize, *Tan-Andal* required proof of the durable or enduring aspects of a person's personality, called "personality structure" which manifests itself through clear acts of dysfunctionality that undermines the family such that the spouse's personality structure must make it impossible for him or her to understand and to comply with his or her essential marital obligations. In this regard, ordinary witnesses who have been present in the life of the spouses before the latter contracted

²¹ See *Tan-Andal v. Andal*, supra note 19.

²² Id.

²³ *Rollo*, pp. 49-50.

marriage may testify on behaviors that they have consistently observed from the supposedly incapacitated spouse.²⁴

Dr. Revita's report, on this point, discussed the root cause of Elmer's errant behavior and flawed personality, to wit:

All these traits and behavior are flaws in his personality make up rendering him psychologically incapacitated to perform his basic and essential marital obligations. All indications point to a person suffering from a personality disorder, anti-social type. Root cause of this can be traced on the way he was raised and brought up by his primary caregivers and significant others and the kind of environmental influences he was exposed to. Discipline and family values were lax in their household. Being the 4th in the big brood, he experienced deprivations in financial, parental care and family life as the family suffered financial difficulties when the family business collapsed. He was not able to finish a higher education such that he was not able to land a good job. Family relationship is not close as they are not mindful of one another despite their living in the same house because they are busy looking for what they can provide for each of their families. Most of them would depend on what the other members could give them. He had grown up to acquire and develop these traits such that these have become ingrained in his system.²⁵

Dr. Revita's report – based on testimonies from Romelai and people who knew Elmer even prior to the marriage – shows that Elmer's acts were indeed rooted in his personality structure. Elmer had to endure very difficult formative years, amidst financial difficulties and the lack of proper discipline and values instilled in his family's household. All of these experiences have shaped Elmer as a person, ultimately manifesting in his behavior toward his wife upon getting married. Elmer's personality structure, rooted from his childhood, led him to be inveterate in his deplorable acts and unable to truly be remorseful for his shortcomings.

By the same token, Romelai likewise proved *juridical antecedence*, that is, that Elmer's psychological incapacity is rooted in his history predating the marriage, although the overt manifestations may emerge only after the marriage.²⁶ To recall, *Tan-Andal* emphasized that the psychological incapacity must be shown to have been existing at the time of the celebration of the marriage, and is caused by a durable aspect of one's personality structure, one that was formed before the parties married. Moreover, Romelai was able to prove the *gravity* of Elmer's psychological incapacity. Indeed, Elmer's personality structure is the proximate cause of his failure to perform his obligations of love, care, loyalty and fidelity to his wife, and the appalling acts and abuse to which he subjected Romelai are clearly demonstrative of an utter insensitivity or inability to give meaning and significance to his marriage with her.

²⁴ See *Tan-Andal v. Andal*, supra note 19.

²⁵ *Rollo*, p. 48.

²⁶ See *Republic v. Amata*, G.R. No. 212971, November 29, 2022.

All told, the Court finds serious reversible error on the part of the CA when it overturned the ruling of the trial court. The evidence here points to no other reasonable conclusion than that Elmer's psychological incapacity was existing at the time of the celebration of marriage; and was caused by a durable aspect of his personality structure, one that was formed prior to their marriage.

Besides, this Court is not unmindful of the fact that there is practically no chance for the parties to reconcile and resume their marital relationship. In truth, Romelai is now currently residing in the United States while Elmer had already started a new family with another woman. At this point in their lives, they clearly cannot fulfill their conjugal obligations as their marital bond is already severed beyond repair. While this fact alone is insufficient to render a marriage null and void, this, in light of the totality of evidence in this case, verily proves to be the proverbial final nail in the coffin for Romelai and Elmer's marriage. After all, marriage was never intended to be a prison; that marriage is an inviolable social institution does not mean that a spouse who unwittingly marries an individual with a certain level of dysfunctionality that shows a lack of understanding and concomitant compliance with one's essential marital obligations due to psychic causes is condemned to a life sentence of misery.²⁷

WHEREFORE, the instant Petition for Review on *Certiorari* is hereby **GRANTED**. The Decision dated July 31, 2019 and the Resolution dated August 3, 2020 of the Court of Appeals in CA-G.R. CV No. 111222 are hereby **REVERSED** and **SET ASIDE**. The marriage between Romelai Casuncad Presbitero and Elmer Replan Presbitero is **DECLARED NULL AND VOID**.

SO ORDERED."

By authority of the Court:

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
 bhn

Atty. Roderick C. Laurito
 Counsel for Petitioner
 0139 Unit E, Gen. Malvar St.
 Brgy. San Vicente, Binañ
 4024 Laguna

COURT OF APPEALS
 CA-G.R. CV No. 111222
 1000 Manila

²⁷ See *Quilpan v. Quilpan*, G.R. No. 248254, July 14, 2021.

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 25, Biñan
4024 Laguna
(Civil Case No. B-9883)

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

G.R. No. 253412

tem


URES