



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated April 12, 2023, which reads as follows:*

**“G.R. No. 234279 (*Republic of the Philippines v. Ramil A. Alcuizar and Prisca Niña Mabatid-Alcuizar*).** — The Republic of the Philippines, through the Office of the Solicitor General, filed a Petition for Review on *Certiorari*<sup>1</sup> dated November 8, 2017, impugning the Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 05893, which affirmed the Decision<sup>3</sup> of the Regional Trial Court of Toledo City, Branch 59, granting Ramil A. Alcuizar (Ramil)’s petition for declaration of nullity of his marriage to his wife, Prisca Niña Mabatid-Alcuizar (Prisca), on the ground of her psychological incapacity to meet the essential marital obligations under Article 36 of the Family Code.<sup>4</sup>

Ramil and Prisca were married on July 10, 1996 in Cebu City. Together, they had one child. They separated in December 1997,<sup>5</sup> when Prisca bore another child with a different man.<sup>6</sup>

Sometime in 2004, Prisca filed a petition for declaration of nullity of their marriage<sup>7</sup> on the ground of Ramil’s psychological incapacity, before the Regional Trial Court of Barili, Branch 60, docketed as Civil Case No. CEB-BAR-351. In the Decision<sup>8</sup> dated March 31, 2004, the Regional Trial Court of Barili granted her petition. However, on appeal by the Republic, the CA reversed the RTC’s ruling for lack of factual and legal basis.<sup>9</sup>

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<sup>1</sup> *Rollo*, pp. 10–41.

<sup>2</sup> *Id.* at 51–59. The August 2, 2017 Decision was penned by Associate Justice Edward B. Contreras, with the concurrence of Associate Justices Edgardo L. Delos Santos (now a retired Member of this Court) and Gabriel T. Robeniol.

<sup>3</sup> *Id.* at 61–66; The April 28, 2015 Decision was penned by Judge Hermes B. Montero.

<sup>4</sup> 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.

<sup>5</sup> *Rollo*, p. 52, CA Decision in CA-G.R. CV No. 05893.

<sup>6</sup> *Id.* at 13–14, Petition for Review on *Certiorari*.

<sup>7</sup> *Id.* at 67–70.

<sup>8</sup> *Id.* at 71–78. The March 31, 2004 Decision was penned by Executive/Presiding Judge Ildefonso B. Suerte.

<sup>9</sup> *Id.* at 79–84. The January 31, 2007 Decision was penned by Associate Justice Pampio A. Abarintos, with the concurrence of Associate Justices Agustin S. Dizon and Francisco P. Acosta.

On October 10, 2013, Ramil filed his own petition for declaration of nullity of marriage<sup>10</sup> before the Regional Trial Court of Toledo City, Branch 59, docketed as Civil Case No. T-2698, citing Prisca's psychological incapacity. On April 28, 2015, the RTC of Toledo City rendered its Decision,<sup>11</sup> declaring Ramil and Prisca's marriage null and void based on Article 36 of the Family Code.

The Republic moved for reconsideration,<sup>12</sup> which was denied by the RTC per the Order<sup>13</sup> dated September 1, 2015. Undaunted, the Republic sought recourse before the CA, which dismissed its appeal in the repugned Decision.<sup>14</sup>

Now, the Republic comes to this Court *via* the present Petition for Review on *Certiorari*,<sup>15</sup> avowing that the CA seriously erred in failing to apply the doctrine of *res judicata* and the rule against forum shopping to the present case. The Republic relies on this Court's ruling in *Mallion v. Alcantara*<sup>16</sup> that a party cannot file a petition for the declaration of nullity of his marriage twice, even under different grounds, as it has the same cause of action,<sup>17</sup> maintaining that there is an identity of causes of action, parties, and subject matter in both Prisca and Ramil's petitions for declaration of nullity of marriage (i.e., Civil Case No. CEB-BAR-351 and Civil Case No. T-2698, respectively). Accordingly, the January 31, 2007 ruling of the Court of Appeals in CA-G.R. CV No. 00415 should have barred the filing of Ramil's petition.

Likewise, the Republic attacks the credibility of the expert witness, Tina Velez, who prepared the psychological report in Ramil's case,<sup>18</sup> and posits that the assailed Decision of the Court of Appeals is "a clear departure from the applicable law and well-settled jurisprudence defining psychological incapacity under Article 36 of the Family Code."<sup>19</sup>

On the contrary, Ramil asseverates that the doctrine of *res judicata* and the rule against forum shopping cannot be applied considering that there is no identity of causes of action between Prisca's petition before the RTC of Barili and his own petition before the RTC of Toledo City. Anent the issue of forum shopping, Ramil insists that he did not file a similar petition before any other court or tribunal.<sup>20</sup>

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<sup>10</sup> Id. at 85–91.

<sup>11</sup> Id. at 61–66. The April 28, 2015 Decision was penned by Presiding Judge Hermes B. Montero.

<sup>12</sup> Id. at 116–127.

<sup>13</sup> Id. at 130–131. The September 1, 2015 Order was penned by Presiding Judge Hermes B. Montero.

<sup>14</sup> Id. at 51–59. The August 9, 2017 Decision was penned by Associate Justice Edward B. Contreras, with the concurrence of Associate Justices Edgardo L. Delos Santos and Gabriel T. Robeniol.

<sup>15</sup> Id. at 10–41.

<sup>16</sup> 536 Phil. 1049 (2006).

<sup>17</sup> *Rollo*, p. 19, Petition for Review on *Certiorari*.

<sup>18</sup> Id. at 38.

<sup>19</sup> Id. at 17.

<sup>20</sup> Id. at 223–225, Comment to Petition for Review on *Certiorari*.

*After a judicious scrutiny of the records, the Court believes and so holds that the instant Petition is devoid of merit.*

*Res judicata* is jurisprudentially defined as “a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment.” It also refers to the rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on points and matters determined in the former suit.<sup>21</sup>

The doctrine of *res judicata* embraces two concepts – *first*, bar by prior judgment, which precludes the filing of a second case when it involves the same parties, same subject, and the same cause of action or otherwise prays for the same relief as the first case; and *second*, conclusiveness of judgment, which precludes the questioning of a fact or issue in a second case if the fact or issue has already been judicially determined in the first case between the same parties.<sup>22</sup>

Relevantly, *res judicata* in its concept as “bar by prior judgment” requires the concurrence of the following requisites: (1) the former judgment is final; (2) it is rendered by a court having jurisdiction over the subject matter and the parties; (3) it is a judgment or an order on the merits; and (4) there is — between the first and the second actions — identity of parties, of subject matter, and of causes of action.<sup>23</sup>

In the case at bench, Ramil disputes only the fourth requisite, i.e., the identity of causes of action. Pertinently, the test to determine whether the causes of action are identical is to ascertain whether the same evidence will sustain both actions, or whether there is an identity in the facts essential to the maintenance of the two actions. If the same facts or evidence would sustain both, the two actions are considered the same, and a judgment in the first case is a bar to the subsequent action.<sup>24</sup>

Applying the foregoing test, this Court echoes with approbation the CA’s finding that the fourth requisite is absent in this case. Notably, when Prisca petitioned for the declaration of nullity of her marriage to Ramil in Civil Case No. CEB-BAR-351, she presented evidence of his psychological incapacity namely, his supposed gambling problem and failure to act as a good father to their daughter. Upon the other hand, when Ramil filed his own petition in Civil Case No. T-2698, he submitted evidence of Prisca’s Narcissistic Personality Disorder and sexual infidelity.<sup>25</sup> Plain as day, there is no identity of causes of action between the two cases, since the evidence necessary to sustain Prisca’s case differs from that of Ramil’s. Moreover, Prisca’s petition called for the determination of Ramil’s psychological

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<sup>21</sup> See *Republic of the Philippines v. Espina & Madarang, Co.*, G.R. No. 226138, March 23, 2022.

<sup>22</sup> See *Estate of Bueno v. Justice Peralta, Jr.*, G.R. No. 248521, August 1, 2022

<sup>23</sup> See *Republic of the Philippines v. Espina & Madarang, Co.*, supra.

<sup>24</sup> See *City Government of Tacloban v. Court of Appeals*, G.R. No. 221554, February 3, 2021.

<sup>25</sup> *Rollo*, p. 54, CA Decision in CA-G.R. CV No. 05893.

incapacity to perform essential marital obligations. By contrast, Ramil's petition involved the ascertainment of Prisca's psychological incapacity. Thus, the Republic's reliance on *Mallion v. Alcantara*<sup>26</sup> is misplaced.

By the same token, the Republic's imputation of forum shopping on the part of Ramil has no merit.

There is forum shopping when a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court.<sup>27</sup> The test to determine the existence of forum shopping is whether the elements of *litis pendentia* are present, or whether a final judgment in one case will amount to *res judicata* in another.<sup>28</sup>

Here, Ramil duly established that apart from his petition for declaration of nullity of marriage in Civil Case No. T-2698, he did not commence another action seeking analogous relief before any other fora. Having settled that neither the elements of *litis pendentia* nor *res judicata* exist in this case, the Court finds that there can be no forum shopping on the part of Ramil.

Finally, in assailing the conclusion of the courts *a quo* that Prisca is psychologically incapacitated to carry out her marital obligations to Ramil, the Republic attacks the credibility of the expert witness, Tina Velez, who prepared the psychological report.<sup>29</sup> In this regard, the Court's doctrinal pronouncement in *Republic v. Mola Cruz*<sup>30</sup> is edifying, thusly—

x x x A sharper pronouncement on the respect accorded to the trial court's factual findings in the realm of psychological incapacity was made in *Kalaw v. Fernandez (Kalaw)*:

The findings of the Regional Trial Court (RTC) on the existence or non-existence of a party's psychological incapacity should be final and binding for as long as such findings and evaluation of the testimonies of witnesses and other evidence are not shown to be clearly and manifestly erroneous. In every situation where the findings of the trial court are sufficiently supported by the facts and evidence presented during trial, the appellate court should restrain itself from substituting its own judgment. It is not enough reason to ignore the findings and evaluation by the trial court and substitute our own as an appellate tribunal only because the Constitution and the Family Code regard marriage as an inviolable social institution. We have to stress that the fulfillment of the constitutional mandate for the State to

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<sup>26</sup> *Supra* note 16.

<sup>27</sup> See *Tanyag v. Tanyag*, G.R. No. 231319, November 10, 2021.

<sup>28</sup> *Id.* at 5.

<sup>29</sup> *Rollo*, p. 38, Petition for Review on *Certiorari*.

<sup>30</sup> 836 Phil. 1266 (2018).

protect marriage as an inviolable social institution only relates to a valid marriage. No protection can be accorded to a marriage that is null and void *ab initio*, because such a marriage has no legal existence.<sup>31</sup>

In the present controversy, both the RTC and the CA found that the totality of evidence presented by Ramil in support of his petition sufficiently established the link between Prisca's Narcissistic Personality Disorder and her inability to perform the essential marital obligations. Due to Prisca's disorder, Ramil was deprived of moral and emotional support, respect, love, care, and trust, as well as marital consortium for twenty years. The courts *a quo* also found Prisca largely responsible for the marriage's failure due to her having illicit relationships with various men.<sup>32</sup> While "sexual infidelity or perversion, emotional immaturity and irresponsibility, and the like, do not by themselves warrant a finding of psychological incapacity under Article 36 of the Family Code," Prisca's history of sexual infidelity — "from her college boyfriend on whom she cheated with (*sic*) Ramil, to her supervisor shortly after their marriage, to a third man with whom she bore another daughter prior to filing for nullity of their marriage" — coupled with her "difficulties in identity and interpersonal functions, a behavior she already exhibited towards her own family even before her marriage to Ramil,"<sup>33</sup> establish that she is psychologically incapable of discharging her duties as Ramil's wife.

Given the foregoing discourse, this Court agrees with the courts *a quo* that the severance of Ramil and Prisca's marital *vinculum* will better protect the State's interest to preserve the sanctity of marriage and family as social institutions, the meanings of which have been utterly lost on Prisca.<sup>34</sup>

**WHEREFORE**, the Petition for Review on *Certiorari* is hereby **DENIED**. Accordingly, the Decision dated August 2, 2017 of the Court of Appeals in CA-G.R. CV No. 05893 is **AFFIRMED**.

**SO ORDERED.**"

By authority of the Court:

~~MISAEL DOMINGO C. BATTUNG III~~  
**MISAEL DOMINGO C. BATTUNG III**  
 Division Clerk of Court  
6/12/23

<sup>31</sup> Id. at 1279.

<sup>32</sup> *Rollo*, pp. 58, CA Decision in CA-G.R. CV No. 05893; 63–66, RTC Decision in Civil Case No. T-2698; & 251, Comment to Petition for Review on *Certiorari*.

<sup>33</sup> Id. at 58, CA Decision in CA-G.R. CV No. 05893.

<sup>34</sup> *Republic v. Mola Cruz*, *supra* note 30 at 1284.

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
The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 59, Toledo City, 6038 Cebu  
(Civil Case No. T-2698)

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**G.R. No. 234279**  


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