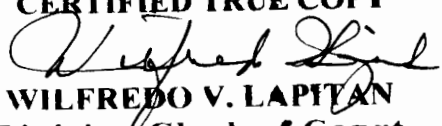




Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 SEP 06 2017

THIRD DIVISION

MANUEL R. BAKUNAWA III,
 Petitioner,

G.R. No. 217993

Present:

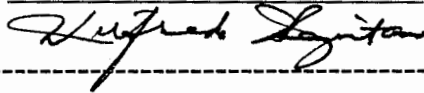
VELASCO, JR., J.,
Chairperson,
 BERSAMIN,
 DEL CASTILLO,*
 TIJAM, and
 REYES, JR., JJ.

- versus -

NORA REYES BAKUNAWA,
 Respondent.

Promulgated:

August 9, 2017



X-----X

RESOLUTION

REYES, JR., J.:

For resolution of the Court is a petition for review on *certiorari*¹ filed by Manuel R. Bakunawa III (Manuel) challenging the Decision² dated March 27, 2014 and Resolution³ dated April 22, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 98579, which upheld the validity of his marriage to Nora Reyes Bakunawa (Nora).

* Designated additional Member per Raffle dated August 9, 2017 *vice* Associate Justice Francis H. Jardeleza.

¹ *Rollo*, pp. 3-31.

² Penned by Associate Justice Marlene B. Gonzales-Sison, with Associate Justices Michael P. Elbinias and Edwin D. Sorongon concurring; *id.* at 33-51.

³ *Id.* at 71-72.



The Facts

Manuel and Nora met in 1974 at the University of the Philippines where they were students and became sweethearts. When Nora became pregnant, she and Manuel got married on July 26, 1975 at St. Ignatius Church, Camp Aguinaldo, Quezon City.⁴

Because Manuel and Nora were both college undergraduates at that time, they lived with Manuel's parents. While Nora was able to graduate, Manuel had to stop his studies to help his father in the family's construction business. Manuel was assigned to provincial projects and came home only during weekends. This setup continued even as Nora gave birth to their eldest child, Moncho Manuel (Moncho). However, whenever Manuel came back from his provincial assignments, he chose to spend his limited time with friends and girlfriends instead of his family. Nora resented this and they started quarreling about Manuel's behavior. Worse, Manuel depended on his father and on Nora for their family's needs.⁵

In 1976, Manuel and Nora lived separately from Manuel's parents. It was during this period that Manuel first observed Nora's passiveness and laziness; she was moody and mercurial. Their house was often dirty and disorderly. Thus, Manuel became more irritated with Nora and their verbal quarrels escalated to physical violence.⁶

On May 9, 1977, Nora gave birth to their second child. However, nothing changed in their relationship. Manuel spent most of his time with friends and engaged in drinking sprees. In 1979, he had an extramarital affair and seldom came home. He eventually left Nora and their children in 1980 to cohabit with his girlfriend. They considered themselves separated.⁷

In 1985, Manuel, upon Nora's request, bought a house for her and their children. After Manuel spent a few nights with them in the new house, Nora became pregnant again and thereafter gave birth to their third child.⁸

On June 19, 2008, Manuel filed a petition for declaration of nullity of marriage with the Regional Trial Court (RTC) of Quezon City,⁹ on the ground that he and Nora are psychologically incapacitated to comply with the essential obligations of marriage.

⁴ Id. at 6.

⁵ Id. at 6-7.

⁶ Id. at 7.

⁷ Id.

⁸ Id. at 7-8.

⁹ Id. at 73.

Meyer

Manuel presented a psychiatrist, Dr. Cecilia Villegas (Dr. Villegas), who testified that Manuel has Intermittent Explosive Disorder, characterized by irritability and aggressive behavior that is not proportionate to the cause. Dr. Villegas diagnosed Nora with Passive Aggressive Personality Disorder, marked by a display of negative attitude and passive resistance in her relationship with Manuel. Her findings were based on her interview with Manuel and the parties' eldest son, Moncho, because Nora did not participate in the psychological assessment.¹⁰

Manuel alleges in his petition that he continues to live with his common-law wife and has a son with her, whereas, Nora lives alone in her unit in Cubao, Quezon City. Their house and lot was already foreclosed following Nora's failure to pay a loan secured by a mortgage on the said property.¹¹

Ruling of the RTC

The RTC granted the petition in its Decision¹² dated March 28, 2011. The dispositive portion thereof reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring the marriage between **MANUEL R. BAKUNAWA III** and **NORA REYES BAKUNAWA** null and void *ab initio* under Article 36 of the Family Code.

The Office of the City Civil Registrar of Quezon City is hereby ordered to make entries into the records of the respective parties pursuant to the judgment of the Court.

Let a copy of this Decision be furnished upon the Office of Solicitor General, the Office of the City Prosecutor of Quezon City, the Office of the Civil Registrars of Quezon City, and the National Statistics Office, as well as the parties and counsel.

SO ORDERED.¹³

Nora appealed the RTC decision to the CA, arguing *inter alia* that the RTC erred in finding that the testimony of the psychiatrist is sufficient to prove the parties' psychological incapacity.

¹⁰ Id. at 76.

¹¹ Id. at 8.

¹² Rendered by Presiding Judge Maria Elisa Sempio Diy; id. at 73-81.

¹³ Id. at 80.

Reyes

Ruling of the CA

The CA, in its Decision¹⁴ dated March 27, 2014, granted Nora's appeal and reversed the RTC decision. The decretal portion of the decision states:

WHEREFORE, premises considered, the instant appeal filed by [Nora] is **GRANTED**. The Decision dated March 28, 2011 of the RTC, National Capital Judicial Region in Civil Case No. Q-08-62822 is **REVERSED and SET ASIDE**.

SO ORDERED.¹⁵

The CA denied Manuel's motion for reconsideration¹⁶ through a Resolution¹⁷ dated April 22, 2015.

Manuel filed the present petition raising the following grounds:

- I. THE HONORABLE CA ERRED WHEN IT UPHELD THE VALIDITY OF THE MARRIAGE OF THE PARTIES DESPITE MORE THAN CLEAR AND CONVINCING EVIDENCE TO DECLARE ITS NULLITY DUE TO THE PSYCHOLOGICAL INCAPACITY OF EITHER OR BOTH PARTIES TO PERFORM THEIR MARITAL OBLIGATIONS; and
- II. THE HONORABLE CA ERRED WHEN IT FAILED TO RECONSIDER ITS DECISION DATED MARCH 27, 2014 DESPITE MORE THAN COMPELLING REASONS FOR THE REVERSAL THEREOF.¹⁸

Ruling of the Court

As the CA correctly ruled, the totality of evidence presented by Manuel comprising of his testimony and that of Dr. Villegas, as well as the latter's psychological evaluation report, is insufficient to prove that he and Nora are psychologically incapacitated to perform the essential obligations of marriage.

¹⁴ Id. at 33-51.

¹⁵ Id. at 50.

¹⁶ Id. at 52-69.

¹⁷ Id. at 71-72.

¹⁸ Id. at 10-11.

Meyer

Dr. Villegas' conclusion that Manuel is afflicted with Intermittent Explosive Disorder and that Nora has Passive Aggressive Personality Disorder which render them psychologically incapacitated under Article 36 of the Family Code,¹⁹ is solely based on her interviews with Manuel and the parties' eldest child, Moncho. Consequently, the CA did not err in not according probative value to her psychological evaluation report and testimony.

In *Republic of the Philippines v. Galang*,²⁰ the Court held that “[i]f the incapacity can be proven by independent means, no reason exists why such independent proof cannot be admitted to support a conclusion of psychological incapacity, independently of a psychologist’s examination and report.”²¹ In *Toring v. Toring, et al.*,²² the Court stated that:

Other than from the spouses, such evidence can come from persons intimately related to them, such as relatives, close friends or even family doctors or lawyers who could testify on the allegedly incapacitated spouses’ condition at or about the time of marriage, or to subsequent occurring events that trace their roots to the incapacity already present at the time of marriage.²³

In this case, the only person interviewed by Dr. Villegas aside from Manuel for the spouses’ psychological evaluation was Moncho, who could not be considered as a reliable witness to establish the psychological incapacity of his parents in relation to Article 36 of the Family Code, since he could not have been there at the time his parents were married.

The Court also notes that Dr. Villegas did not administer any psychological tests on Manuel despite having had the opportunity to do so. While the Court has declared that there is no requirement that the person to be declared psychologically incapacitated should be personally examined by a physician,²⁴ much less be subjected to psychological tests, this rule finds application only if the totality of evidence presented is enough to sustain a finding of psychological incapacity. In this case, the supposed personality disorder of Manuel could have been established by means of psychometric and neurological tests which are objective means designed to measure specific aspects of people’s intelligence, thinking, or personality.²⁵

¹⁹ Article 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.

²⁰ 665 Phil. 658 (2011).

²¹ Id. at 675.

²² 640 Phil. 434 (2010).

²³ Id. at 451.

²⁴ *Marcos v. Marcos*, 397 Phil. 840, 847 (2000).


²⁵ *Lim v. Sta. Cruz-Lim*, 625 Phil. 407, 422 (2010).

Meyer


With regard to the Confirmatory Decree²⁶ of the National Tribunal of Appeals, which affirmed the decision of the Metropolitan Tribunal of First Instance for the Archdiocese of Manila in favor of nullity of the Catholic marriage of Manuel and Nora, the Court accords the same with great respect but does not consider the same as controlling and decisive, in line with prevailing jurisprudence.²⁷

WHEREFORE, the petition for review is hereby **DENIED**. The Decision dated March 27, 2014 and Resolution dated April 22, 2015 of the Court of Appeals in CA-G.R. CV No. 98579 are **AFFIRMED**.


SO ORDERED.



ANDRES B. REYES, JR.
 Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


LUCAS P. BERSAMIN
 Associate Justice


MARIANO C. DEL CASTILLO
 Associate Justice



NOEL GIMENEZ TIJAM
 Associate Justice

²⁶ *Rollo*, pp. 132-134.

²⁷ *Mallilin v. Jamesolamin, et al.*, 754 Phil. 158, 184 (2015); *Republic of the Philippines v. CA*, 335 Phil. 664, 678 (1997).

A T T E S T A T I O N


I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



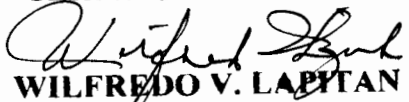
PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution 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

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

SEP 06 2017