



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARIA ELENA BUSTAMANTE
DYTIANQUIN,

G.R. No. 234462

Petitioner,

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

EDUARDO DYTIANQUIN,
Respondent.

Promulgated:

DEC 07 2020

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DECISION

PERALTA, C.J.:

This is Petition for Review on *Certiorari* under Rule 45 seeking the reversal of the Decision¹ of the Court of Appeals (CA) dated March 15, 2017 in CA-G.R. CV No. 105382, and the Resolution² dated September 4, 2017 which denied petitioner's motion for reconsideration. The Decision of the CA granted the appeal of herein respondent Eduardo Dytianquin (*Eduardo*) and set aside the Decision³ of the Regional Trial Court (RTC), Branch 136 of Makati City, dated September 15, 2014, which dismissed the petition filed by herein respondent for the annulment of his marriage to herein petitioner Maria Elena Bustamante Dytianquin (*Elena*), on the ground of his and petitioner's psychological incapacity.

¹ Penned by Associate Justice Mario V. Lopez (now a Member of the Supreme Court), with Associate Justices Remedios A. Salazar-Fernando and Eduardo B. Peralta, Jr. concurring; *rollo*, pp. 37-44.

² *Id.* at 70.

³ Penned by Judge Rico Sebastian D. Liwanag; *id.* at 130-138.

Eduardo and Elena first met in 1969 when they were in high school; the former was a senior while the latter was a sophomore.⁴ It was love at first sight for the two. After months of being in a relationship, Elena introduced Eduardo to her parents, who opposed their relationship as Elena's father wanted her to finish her studies first. Despite the objection of Elena's parents, the couple decided to elope. They eventually got married on October 18, 1970 in Makati City.⁵

Eduardo and Elena lived harmoniously for the first few months of their married life. However, after a year, the newlyweds started having frequent and violent fights. Eduardo would always go out with his friends and stay with his grandmother instead of going home to his wife. Elena would then confront and shout invectives at Eduardo, insulting him and his family. This would prompt Eduardo to leave the house and stay with his own family. He would also leave whenever Elena's father was due to visit them. Every time Eduardo left their home, Elena would fetch him to bring him home and settle their issues.⁶

This cycle in the couple's married life went on for quite some time. When Elena did not change her nagging and loud behavior, Eduardo started resenting her and her condescending attitude towards him. He began spending more time with his friends and relatives instead of with his wife. He became more preoccupied with his mother and his siblings. Eduardo also started to realize that he was happier without his wife, and that was nothing good in their marriage. At the same time, Elena started complaining that Eduardo was a failure as a husband. She likewise accused him of being a womanizer and an alcoholic.⁷

Things took a turn for the worse for the couple in 1972, when Eduardo left their conjugal home and Elena did not fetch him as she usually did. They lost communication with each other from then on, with Elena eventually finding out that Eduardo had engaged in an extramarital affair. In 1976, without any hope of reconciling with each other, the couple finally decided to separate.⁸

On February 25, 2013, Eduardo filed before the RTC, Branch 136 of Makati City a Petition⁹ for declaration of absolute nullity of marriage under Article 36 of the Family Code, docketed as Civil Case No. 13-178. He alleged that he and Elena were unfit to assume and perform the essential obligations of marriage, adding that their relationship was weak and short-lived as the same began when both of them were still immature and not yet prepared to

⁴ *Id.* at 157.

⁵ *Id.* at 131.

⁶ *Id.* at 38.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 71-73.



fulfill their roles and duties as a married couple. Eduardo averred that it was their respective psychological incapacities which caused their marriage to end, their personality aberrations already being grave, severe, and beyond repair despite any intervention or psychotherapy.¹⁰ In support of his Petition, Eduardo attached a copy of the psychological assessment report (*Report*)¹¹ conducted by clinical psychologist Dr. Nedy L. Tayag (*Dr. Tayag*) who diagnosed him with *Passive Aggressive Personality Disorder* and Elena with *Narcissistic Personality Disorder*. A portion of the Dr. Tayag's Report on Eduardo states:

x x x x

Analysis of projective data shows a person who has this feeling of insecurity that hinders him from being able to do well in his various endeavors. He is someone who has ambitions but then he easily gets affected by the troubles he is likely to encounter. With this, he loses gumption and drive to pursue his goals and would likely push the blame on others when regrets begin form. (*sic*) Just like anyone else, he likes to see himself in a good stand together with his loved ones but with his passive and negative ways, he tends to lose interests and would just likely sulk over things instead of giving things another shot.

He is the sort who does not want to be criticized and fails to assert himself well. Though the criticisms and feedbacks are for his development and growth, he sees these are attack (*sic*) to his person such that he would retaliate through means that would likely strain and affect his ties with others. The passive attitude that he shows when dealing with others does not enable him to have better relations as he just lets others take control of the situation while he would repress his feelings and thoughts.

x x x x

As regards Elena, Dr. Tayag's Report reads:

x x x x

Analysis of projective data shows a person who is quite impulsive and this rash behaviors (*sic*) hinder her from being able to plan well and fulfill the expectations that others have of her. Despite this, she is unable to introspect and see the flaws of her functioning as her high sense of esteem and confidence makes her feel that she is ideal and that there is no more need for improvements. Having this kind of mindset, she tends to limit her own self from further development and other experience that can enhance her in more ways. Frustration sets in easily in her as she tends to force things to happen in the way that she expects instead of her trying to adapt and making the most of the situation. From here, her capacity to deal satisfactorily with problems tend to be poor as she tends to put things that would be beneficial for her instead of looking at the matter in (*sic*) the whole perspective and beneficial for everyone who is involved.



¹⁰ *Id.* at 72.

¹¹ *Id.* at 76-101; referred to as "Judicial Affidavit of Nedy Tayag" in some parts of the *rollo*.

In interpersonal stance, she is seen to have a vivacious personality which immediately attracts people to seek her out and try to get to know her. But then, she tends to be self-oriented such that there are instances that she overlooks the feelings and views of other people. The domineering stance that she takes tends to push away those who are unable to adjust to her ways. The gaps in her interpersonal ties are not overcome but are likely to turn worse with her failure to acknowledge her shortcomings and be more considerate of the people around her.

In her Answer,¹² Elena denied the material allegations of the Petition and contended that: she was not psychologically incapacitated to comply with her marital obligations, as she remained faithful to Eduardo and never gave up on her love for the latter despite his vices, which included his alcoholism and womanizing; sometime in 1976, Eduardo abandoned her under the pretext that he would mend his ways, so that when he would be ready to comply with his obligations as a husband; she waited for him to come back but he never did, discovering later on that the reason he left was because he had been living with another woman; and contrary to Eduardo's claim that the two of them have not communicated since 1972, she confronted Eduardo about his affair and the latter readily admitted to it as well as to having sired a child with the other woman. In sum, Elena claimed that she was a doting wife to the petitioner, that she had already forgiven him of all his shortcomings; and that she was willing to welcome him with open arms should he return and live with her.

In its September 15, 2014 Decision,¹³ the RTC dismissed Eduardo's petition. It found that there was no showing that the behavior of either Eduardo or Elena manifested a disordered personality which made them completely unable to discharge the essential obligations of a marital state. The RTC established that Eduardo's habit of walking out and staying with his mother and siblings every time he and Elena argued instead of resolving the issues between them was rooted not on some psychological disorder but, rather, on his mere refusal or unwillingness to assume the essential marital obligation of marriage.

Eduardo filed his motion for reconsideration, which the RTC denied in its Order¹⁴ dated July 13, 2015.

Aggrieved, Eduardo filed a notice of appeal, claiming that there was adequate and credible evidence to establish psychological incapacity.¹⁵

In a Decision dated March 15, 2017, the appellate court granted the appeal and declared void the marriage between Eduardo and Elena, thus:

¹² *Id.* at 102-107.

¹³ *Id.* at 130-138.

¹⁴ *Id.* at 172.

¹⁵ *Id.* at 39.



FOR THESE REASONS, the appeal is GRANTED. The September 15, 2014 Decision of the Regional Trial Court is SET ASIDE. The marriage between the parties contracted on October 18, 1970 is declared void.

SO ORDERED.¹⁶

In reversing the trial court, the CA found that both parties were psychologically incapacitated to fulfill the basic duties of marriage as corroborated on material points by the conclusions of Dr. Tayag. It found that the link between the acts that manifest incapacity and the psychological disorders was fully explained.

The CA gave credence to the findings of Dr. Tayag that Elena's behavioral pattern fell under the classification of Narcissistic Personality Disorder. It found that Elena was domineering and had a condescending attitude towards Eduardo, constantly berating the latter and insulting his family every time she was angry. Likewise, the CA gave weight to Dr. Tayag's finding that Eduardo had a Passive Aggressive Personality Disorder, characterized by his pervasive pattern of negativistic attitude and passive resistance. The CA noted that Eduardo was unable to effectively function emotionally, intellectually, and socially towards Elena in relation to the duties of mutual love, fidelity, respect, help, and support.

The CA added that given the psychological incapacities of the two parties, they were considered poles apart. It ruled that the totality of evidence presented by the parties was adequate to sustain a finding that both Eduardo and Elena were afflicted with grave, severe, and incurable psychological incapacity.

Elena, through the Office of the Solicitor General, filed a motion for reconsideration which, in a Resolution¹⁷ dated September 4, 2017, was denied by the CA.

Hence, this petition which calls on the Court to determine whether the appellate court erred in declaring the marriage between Elena and Eduardo void on the ground that both parties are psychologically incapacitated to fulfill their marital obligations.

The Court grants the petition.



¹⁶ *Id.* at 44.

¹⁷ *Id.* at 70.

It is a constitutionally enshrined policy of the State to protect and strengthen the family as a basic autonomous social institution,¹⁸ and marriage as the foundation of the family.¹⁹ Because of this, the Constitution decrees marriage as legally inviolable and protects it from dissolution at the whim of the parties.²⁰

At the same time, Article 36 of the Family Code states:

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.

This Court has consistently upheld its doctrinal ruling in *Santos v. CA and Bedia-Santos*²¹ that psychological incapacity under Article 36 must be characterized by gravity, juridical antecedence, and incurability.²² In *Republic of the Phils. v. Court of Appeals*,²³ the Court laid down the more definitive guidelines in the interpretation and application of Article 36 of the Family Code, to wit:

- (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
- (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 physical, although its manifestations and/or symptoms may be physical. x x x
- (3) The incapacity must be proven to be existing at "the time of the celebration" of the marriage. x x x
- (4) Such incapacity must also be shown to be medically or clinically permanent or *incurable*. Such incurability may be absolute or even relative only in regard to the other spouse, not necessarily absolutely against everyone of the same sex. 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,

¹⁸ Article II, Section 12 of the 1987 Constitution.

¹⁹ Article XV, Section 2 of the 1987 Constitution.

²⁰ *Gerardo A. Eliscupidez v. Glenda C. Eliscupidez*, G.R. No. 226907, July 22, 2019.

²¹ *Leouel Santos v. Court of Appeals and Bedia-Santos*, 310 Phil. 21, 39 (1995).

²² *Yambao v. Rep. of the Phils.*, 655 Phil. 346, 357, (2011); *Rep. of the Phils. v. De Gracia*, 726 Phil. 502, 510 (2014); *Mallilin v. Jamesolamin, et al.*, 754 Phil. 158, 174 (2015); *Castillo v. Rep. of the Phils., et al.*, 805 Phil. 209, 219 (2017); *Espina-Dan v. Dan*, G.R. No. 209031, April 16, 2018, 861 SCRA 219, 240; *Gerardo A. Eliscupidez v. Glenda C. Eliscupidez*, G.R. No. 226907, July 22, 2019.

²³ 335 Phil. 664 (1997).

occasional emotional outbursts" cannot be accepted as *root* causes. **The illness must be shown as downright incapacity or inability, not a refusal, neglect or difficulty, much less ill will.** In other words, there is a natal or supervening disabling factor in the person, an adverse integral element in the personality structure that effectively incapacitates the person from really accepting and thereby complying with the obligations essential to marriage.

- (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. x x x
- (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
- (8) The trial court must order the prosecuting attorney or fiscal and the Solicitor General to appear as counsel for the state. x x x²⁴
(Emphasis supplied)

In fine, jurisprudence dictates that to warrant a declaration of nullity on the basis of psychological incapacity, the incapacity "must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage although the overt manifestations may emerge only after the marriage; and it must be incurable or even if it were otherwise, the cure would be beyond the means of the party involved."²⁵

Applying the foregoing standards to the case at bar, the Court finds that, contrary to the findings of the CA, the totality of the evidence presented failed to prove sufficient factual or legal basis to rule that the parties' personality disorders amount to psychological incapacity under Article 36 of the Family Code. Eduardo had the burden of proving the nullity of his marriage to Elena based on psychological incapacity. He failed to discharge this burden.

Eduardo's evidence consisted of his own testimony; the testimony of his brother's wife, Losbanita De Juan-Dytianquin, who described Eduardo and Elena's relationship as "not peaceful" owing to their frequent fights;²⁶ and the aforementioned Report of Dr. Tayag.

While the Report of Dr. Tayag submitted that Eduardo suffered from a Passive-Aggressive Personality Disorder and was "obstructive and intolerant of others, expressing negative or incompatible attitudes,"²⁷ the Court finds that the incapacity of Eduardo is premised not on some debilitating psychological

²⁴ *Id.* at 676-679.

²⁵ *Anacleto Alden Meneses v. Jung Soon Linda Lee-Meneses*, G.R. No. 200182, March 13, 2019.

²⁶ *Rollo*, p. 161.

²⁷ *Id.* at 95.

condition, but rather from his refusal or unwillingness to perform the essential marital obligations. As Dr. Tayag stated in her Report herself, Eduardo “is quite resistive and whenever arguments would arise between him and the respondent [Elena], he would just leave the house and would not even come home on his own accord such that it created more strain between him and his wife, who eventually got tired of his attitude.”²⁸

Moreover, in his testimony before the RTC, Eduardo stated:

Q: How did you find your wife as a person before your marriage?
A: She was kind and always ready to go with me.

XXX XXX XXX

Q: How about you, how do you describe your relationship with the respondent prior to your marriage with her?

A: Because I was in high school at that time, I can say we do not have any problem we do not think of any responsibility so our relationship was just like nothing serious we are just having fun at that time.

Q: Did you change after your marriage?

A: No ma'm.

Q: Why?

A: Because after my marriage, I still sleep and go out with my friends and family and having fun although I have a wife that I need to slept [sic] with and be with always **but I find it very difficult for me to do that.**

Q: What was the reaction of your wife?

A: She confronted me but nothing changed.

Q: What was the situation between you and your wife after your marriage?

A: **Our fighting became more and more often and becoming worse because of my constant going out and sleeping to be with my parents and grandmother and I decided to live on my own and separate from my wife. And after some time of reflection, I realized I am happy without her.**²⁹

Based on the foregoing, the Court sustains the finding of the RTC that the alleged incapacity of Eduardo is premised not on his personality disorder or on some debilitating psychological condition, but rather on his outright refusal or unwillingness to perform his marital obligations.

²⁸ *Id.*

²⁹ *Id.* at 134-135.

The Court has held that mere difficulty, refusal or neglect in the performance of marital obligations or ill will on the part of the spouse is different from incapacity rooted in some debilitating psychological condition or illness; irreconcilable differences, sexual infidelity or perversion, emotional immaturity and irresponsibility and the like, do not by themselves warrant a finding of psychological incapacity under Article 36, as the same may only be due to a person's refusal or unwillingness to assume the essential obligations of marriage.³⁰

On the other hand, Dr. Tayag diagnosed Elena with Narcissistic Personality Disorder, characterized by “a pervasive pattern of grandiosity, need for admiration and lack of empathy along with manic-depressive features.”³¹ She found Elena as someone who is self-oriented, with a tendency to push away those who are unable to adjust to her ways.³²

However, as found by the RTC, the existence of such Narcissistic Personality Disorder was not sufficiently proven during trial. To this Court, Dr. Tayag’s finding of “careless disregard for personal integrity and a self-important indifference to the rights of other” on the part of Elena was even contradicted by the evidence on record, as Eduardo himself admitted that whenever they would fight and he would leave their house, Elena would fetch him and settle their issues.³³

As determined by the trial court, there was no showing that the behavior of either party demonstrated a disordered personality which made them completely unable to discharge the essential obligations of a marital state. What is evident from these circumstances is that while the alleged personality disorders of Eduardo and Elena made it difficult for them to comply with their marital duties, the same did not make them psychologically incapacitated to fulfill their essential marital obligations.

Psychological incapacity must be more than just a “difficulty,” “refusal” or “neglect” in the performance of the marital obligations; it is not enough that a party prove that the other failed to meet the responsibility and duty of a married person.³⁴ A mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity.³⁵ These differences do not rise to the level of psychological incapacity under Article 36 of the Family Code and are not manifestations thereof which may be a ground for declaring their marriage void.³⁶

³⁰ *Suazo v. Suazo*, 629 Phil. 157, 180-181 (2010).

³¹ *Rollo*, p. 97.

³² *Id.* at 93.

³³ *Id.* at 38.

³⁴ *Del Rosario v. Del Rosario*, 805 Phil. 978, 993 (2017).

³⁵ *Republic of the Phils. v. Court of Appeals*, *supra* note 22, at 674.


³⁶ *Rep. of the Phils. v. Pangasinan*, 792 Phil. 808, 824 (2016).



While it is apparent to the Court that the union between Elena and Eduardo was an acrimonious and unpleasant one, the same did not invalidate their marriage. An unsatisfactory marriage is not a null and void marriage.³⁷ The Court has repeatedly underscored that psychological capacity under Article 36 is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves.³⁸ While this Court commiserates with the predicament of Eduardo and Elena, this Court has no option but to apply the applicable law and jurisprudence that addresses only an overly specific situation—a relationship where no marriage could have validly been concluded because the parties, or one of them, by reason of a grave and incurable psychological illness existing when the marriage was celebrated, did not appreciate the obligations of marital life and, thus, could not have validly entered into a marriage.³⁹

WHEREFORE, the petition for review on *certiorari* is **GRANTED**. The Decision dated March 15, 2017 and the Resolution dated September 4, 2017 of the Court of Appeals in CA-G.R. CV No. 105382 which declared void the marriage between Eduardo Dytianquin and Maria Elena Bustamante Dytianquin on the ground of the psychological incapacities of the parties is hereby **REVERSED and SET ASIDE**. The petition for declaration of nullity of marriage docketed as Civil Case No. 13-178 is hereby **DISMISSED**.

SO ORDERED.

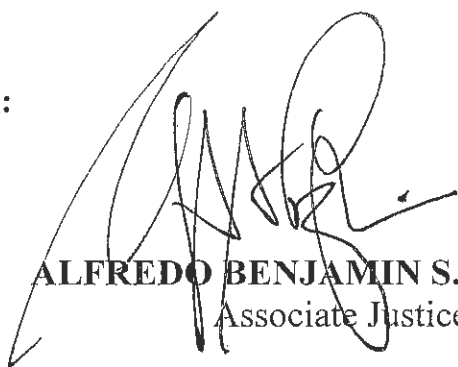

DIOSDADO M. PERALTA
Chief Justice

³⁷ *Baccay v. Baccay, et al.*, 651 Phil. 68, 86 (2010).

³⁸ *Aspillaga v. Aspillaga*, 619 Phil. 434, 442 (2009); *Ochosa v. Alano*, 655 Phil. 512, 534; *Mary Christine Go-Yu v. Romeo A. Yu*, G.R. No. 230443, April 3, 2019.

³⁹ *So v. Valera*, 606 Phil. 309, 336 (2009).

WE CONCUR:



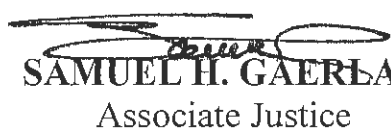
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



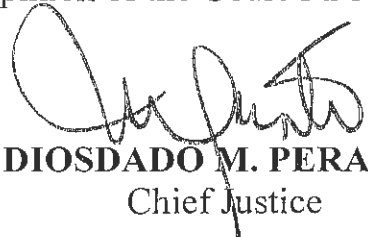
RODIL N. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
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.



DIOSDADO M. PERALTA
Chief Justice