

Azcueta vs. Republic, G.R. No. 180668; 26 May 2009

Facts: Marietta Azcueta (Marietta) filed a petition for declaration of absolute nullity of her marriage to Rodolfo Azcueta (Rodolfo) before the Regional Trial Court (RTC). Marietta averred that Rodolfo was psychologically incapacitated to comply with the essential obligations of marriage. Marietta complained that despite her encouragement, Rodolfo never bothered to look for a job and always depended on his mother for financial assistance and for his decisions. It was Rodolfo's mother who found them a room near the Azcueta home and paid the monthly rental. Rodolfo also pretended to have found work and gave Marietta money which actually came from Rodolfo's mother. When Marietta confronted him, Rodolfo cried like a child and told her his parents could support their needs. They had sex only once a month which Marietta never enjoyed. When they discussed this, Rodolfo told Marietta that sex was sacred and should not be enjoyed or abused. Rodolfo also told her he was not ready for a child. When Marietta asked Rodolfo if they could move to another place, he did not agree and she was forced to leave and see if he would follow her. He did not.

Rodolfo's first cousin, who at one time lived with Rodolfo's family, corroborated Marietta's testimony that Rodolfo was not gainfully employed and relied on the allowance given by his mother who also paid the rentals for the room the couple lived in.

The psychiatrist who examined Marietta testified that she found the latter to be mature, independent, focused, responsible, had a direction and ambition in life, and was not psychologically incapacitated to perform the duties and responsibilities of marriage. Based on information gathered from Marietta, the same psychiatrist found Rodolfo to be suffering from Dependent Personality Disorder characterized by loss of self-confidence, constant self-doubt, inability to make his own decisions and dependency on other people. The psychiatrist explained that the root cause of the disorder was a cross-identification with Rodolfo's mother who was the dominant figure in the family considering that Rodolfo's father, a seaman, was always out of the house. She added that the problem began during the early stages of Rodolfo's life but manifested only after his marriage. She stated that the problem was severe, because he would not be able to take on the responsibilities of a spouse, and incurable, because it began in early development and had been deeply ingrained in his personality. She, thus, concluded that Rodolfo was psychologically incapacitated to perform his marital duties and responsibilities.

Rodolfo failed to appear and file an answer despite service of summons on him. The City Prosecutor found no collusion between the parties.

Based on the evidence presented by Marietta, the Regional Trial Court (RTC) declared the marriage void *ab initio*.

The Solicitor General appealed the RTC's decision, arguing that the psychiatric report was based solely on the information given by Marietta, and there was no showing that the alleged psychological disorder was present at the start of the marriage or that it was grave, permanent and incurable.

The Court of Appeals reversed the RTC's decision. Marietta, thus, brought the case to the Supreme Court on a petition for review on *certiorari*.

Issue: Whether or not Rodolfo is psychologically incapacitated to justify a declaration that his marriage to Marietta is void *ab initio* under Article 36 of the Family Code.

Holding: Rodolfo was psychologically incapacitated to perform his marital duties because of his Dependent Personality Disorder. His marriage to Marietta was declared void *ab initio*.

Marietta sufficiently discharged her burden to prove her husband's psychological incapacity. As held in *Marcos vs. Marcos* [397 Phil. 840 (2000)], there is no requirement that the respondent spouse should be personally examined by a physician or psychologist as a condition *sine qua non* for the declaration of nullity of marriage based on psychological incapacity. What matters is whether the totality of evidence presented is adequate to sustain a finding of psychological incapacity. Marietta's testimony was corroborated in material points by Rodolfo's close relative, and supported by the psychiatrist's testimony linking the manifestations of Rodolfo's psychological incapacity and the psychological disorder itself. It is a settled principle of civil procedure that the conclusions of the trial court regarding the credibility of witnesses are entitled to great respect from the appellate courts because the trial court had an opportunity to observe the demeanor of witnesses while giving testimony which may indicate their candor or lack thereof. Since the trial court itself accepted the veracity of Marietta's factual premises, there is no cause to dispute the conclusion of psychological incapacity drawn therefrom by her expert witness.

The root cause of Rodolfo's psychological incapacity was alleged in the petition, medically or clinically identified, sufficiently proven by testimony of an expert witness with more than 40 years experience in the field of psychology and psychological incapacity, and clearly explained in the trial court's decision. As held in *Te vs. Te* (G.R. No. 161793, 13 February 2009), "(b)y the very nature of Article 36, courts, despite having the primary task and burden of decision-making, must not discount but, instead, must consider as decisive evidence the expert opinion on the psychological and mental temperaments of the parties."

Rodolfo's psychological incapacity was also established to have clearly existed at the time of and even before the celebration of marriage. Witnesses were united in testifying that from the start of the marriage, Rodolfo's irresponsibility, overdependence on his mother and abnormal sexual reticence were already evident. These manifestations of Rodolfo's Dependent Personality Disorder must have existed even prior to the marriage being rooted in his early development and a by-product of his upbringing and family life.

Furthermore, Rodolfo's psychological incapacity had been shown to be grave so as to render him unable to assume the essential obligations of marriage. The Court of Appeals' opinion that Rodolfo's requests for financial assistance from his mother might have been due to embarrassment for failing to contribute to the family coffers and that his motive for not wanting a child was a "responsible" realization since he was unemployed, were dismissed by the High Court for being speculative and unsupported by evidence. The Supreme Court likewise disagreed with the Court of Appeals' finding that Rodolfo's irresponsibility and overdependence on his mother could be attributed to immaturity, noting that at the time of his marriage, Rodolfo was almost 29 years old. Also, the expert testimony identified a grave clinical or medical cause for Rodolfo's abnormal behavior – Dependent Personality Disorder.

A person afflicted with Dependent Personality Disorder cannot assume the essential marital obligations of living together, observing love, respect and fidelity and rendering help and support, for he is unable to make everyday decisions without advice from others, allows others

to make most of his important decisions (such as where to live), tends to agree with people even when he believes they are wrong, has difficulty doing things on his own, volunteers to do things that are demeaning in order to get approval from other people, feels uncomfortable or helpless when alone and is often preoccupied with fears of being abandoned. (*Te vs. Te, supra*)

One who is unable to support himself, much less a wife; one who cannot independently make decisions regarding even the most basic matters that spouses face every day; and one who cannot contribute to the material, physical and emotional well-being of his spouse, is psychologically incapacitated to comply with the marital obligations within the meaning of Article 36 of the Family Code.

This is not to say, however, that anyone diagnosed with Dependent Personality Disorder is automatically deemed psychologically incapacitated to perform his/her marital obligations. The court must evaluate the facts, as guided by expert opinion, and carefully examine the type of disorder and the gravity thereof before declaring the nullity of a marriage under Article 36.

Finally, it has been established that Rodolfo's condition is incurable, having been deeply ingrained in his system since his early years.

Ponente: J. Teresita J. Leonardo-De Castro

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