

LEOUEL SANTOS, petitioner,
vs.
THE HONORABLE COURT OF APPEALS AND JULIA ROSARIO BEDIA-SANTOS, respondents.

(Psychologically Incapacitated)

APPEAL FOR REVIEW FOR CERTIORARI

1. Substantive Synthesis

A. Definition / nature of psychological incapacity (legal concept)

Psychological Incapacity in terms of legal concept can be varies in different circumstances. It can be assessed by the legal authorities in the alignment of substance on the corresponding statute or by an expert to assess that the person has a psychological incapacitated that could be considerable or can be a basis by the legal authorities to assess a psychological incapacitated individual.

B. Elements / attributes

1.Gravity:

The wife Julia Rosario Bedia-Santos did not contacted, his husband for more than half decade.

2.Juridical Antecedence:

The severity of the issues within their marriage life in regards with the family of the husband.

3.Incurability:

Before the marriage was held, it must have a seminar orientation conducted to officially entering a marriage life that conducted by the DSWD or any delegated authority to conduct a marriage orientation seminar. By church or by statute, both are considered when it comes to marriage that when entering a marriage, it must be separated in terms of many aspects from the extended family to freely and independently build a family. But still guided by the extended family, to remain the union of the family. But primarily the husband and wife are the main person of the built family of the spouse that must be respected by the extended family by laws or by church and to make it rightfully function as it must to have a peace and order within the family in overall. By substance, that is why it is recommended to separate from the antecedent family for both husband and wife to build their own family without unnecessary interruption by the extended family. But by majority of many marriages that have the same conflicts with their extended family. In natural sense, it is a natural circumstance. Because of the differences, culture and many more to consider. However, along the years of familiarization within the extended family they might solve their problems within their family in overall.

B. Proof model

I had conducted naturally, as a form of conveying someone as an actual survey interview with the elders who have a several decades of marriage through natural social norms through white bread talk about any in relation or in connection topics that I had have encountered with. And a judge that who openly share her experience when it comes to marriage that the said circumstances when it comes to marriage is just a natural occurrence and it takes more years to get indulge with the extended family successfully. Because of considerable differences, culture, belief, religion, experience and many more that could be the cause of clashing or misinterpretation even for husband and wife.

2. Testimonies considered

a. Expert Testimony:

1. No testimony stated, only the statement concern of the petitioner.

b. Other Testimony (Family members, friends, neighbors):

1. Possible testimony are the family member of the couple.

(overview and summary of the case in importance and in alignment with the statute for nullity of the marriage)

OVERVIEW AND SUMMARY

The petitioner filed a petition to nullify their marriage or to annul their marriage with his wife Julia Rosario Bedia-Santos. The petitioner assumed that the reason of the several issues within his wife on their marriage, was his wife Julia Rosario Bedia-Santos was psychologically incapacitated. As per other marriages, after their marriage his spouse Julia Rosario Bedia-Santos has an uneasy indulging with the parents of her spouse. And the wife Julia Rosario Bedia-Santos went abroad after several years had passed by, she did not contact his spouse for more than five (5) years. As per stated by the petitioner. In response to the petitioner concerns about his wife of no contact for more than half decade was she stated that his husband is incompetent and irresponsible. The provincial prosecutor denied the petition because of the lack of merit. The petitioner filed an appeal to the court of appeals for cognizance. But it also has the same decision, the appeal was denied and the marriage is valid for the lack of merit.

STATUTE APPLIED

Art. 36

(7) Those marriages contracted by any party who, at the time of the celebration, was wanting in the sufficient use of reason or judgment to understand the essential nature of marriage or was psychologically or mentally incapacitated to discharge the

essential marital obligations, even if such lack of incapacity is made manifest after the celebration.

CANON LAW

As a basis of the church to help the legal authorities when it comes to marriage conflict or issues to come up with a balancing decision that they can consider when it comes to formulating decision.

2. Procedural Synthesis

A. Exclusive procedure and who may file

a. Who filed:

The petitioner the husband Leouel Santos and wife Julia Rosario Bedia-Santos, respondent.

b. The Prescriptive Period Issue:

1. Timeline of the duration period of arraignment:

a. RTC

1. No specific date stated but after his exhausted period of searching for his wife he filed for nullity of marriage.

On 01 April up to 25 August 1990, he desperately tried to locate, or to somehow get in touch with, Julia but all his efforts were of no avail.

Having failed to get Julia to somehow come home, **Leouel filed with the regional trial Court of Negros Oriental, Branch 30, a complaint for "Voiding of marriage Under Article 36 of the Family Code" (docketed, Civil Case No. 9814).** Summons was served by publication in a newspaper of general circulation in Negros Oriental.

2. On 31 May 1991, respondent Julia, in her answer (through counsel), opposed the complaint and denied its allegations, claiming, in main, that it was the petitioner who had, in fact, been irresponsible and incompetent.

3. On 25 October 1991, after pre-trial conferences had repeatedly been set, *albeit* unsuccessfully, by the court, Julia ultimately filed a manifestation, stating that she would neither appear nor submit evidence.

4. On 06 November 1991, the court *a quo* finally dismissed the complaint for lack of merit.

b. COURT OF APPEALS

1. Leouel appealed to the Court of Appeal. The latter affirmed the decision of the trial court.

2. The petition should be denied not only because of its non-compliance with Circular 28-91, which requires a certification of non-shopping, but also for its lack of merit.

RULING:

The court denied the petition and the appeal for review of certiorari, upholding that the marriage is valid.

B. Pleading standard for Art. 36 petitions

Answer:

1. The grounds that proposing by the petitioner for nullifying the marriage is Psychological Incapacitated in pursuant to Article 36;

*“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.”*

C. Evidence presentation theme

Answer:

The statement stated by the petitioner was addressed by the summoned response of his wife to gain clarify of the issue.

3. DOCTRINE APPLIED

1. amicus curiae sui generis (*a unique kind of friend of the court*)

Based on the dissenting opinion of several judges and a Bishop they give their own judgement on the case that based on statutes, by church views, and by substance to help to formulate a good or best decision that can help or give enlightenment on the case to the right authority of the court. They

are considered as a friend of the court of whom can rendered judgement to be considered.

4.CONCLUSION

In conclusion of the case, the case is a mere common occurrence with many marriages that they have quit struggling with, the case is just about a severe misunderstanding and seems an emotional exhaustion of the wife Julia Rosario Bedia-Santos for not contacting for more than five (5) years while working in United States as a Nurse. That can make the husband to decide to file for nullity of their marriage, claiming that the wife Julia Rosario Bedia-Santos has psychologically incapacitated.

Nevertheless, the wife Julia Rosario Bedia-Santos replied the petition of his husband in regards with his concerns that his husband Leouel Santos was just incompetent and irresponsible. The respondent was against on nullifying of their marriage. The RTC denied the petition. The petitioner filed an appeal to the Court of Appeals for review for certiorari. But the decision of the court is still the same, for the lack of merit and the marriage upheld and valid.

5.POSSIBLE REMEDIES

As what of the majority of marriages do when both of the spouses were not able to fix their marriage. It is highly recommended by others to seek the guidance of the right professional who can help them to understand their marriage problem.

Since, they both have extended family, on whom they can ask for guidance and a piece of advice for their marriage that they can consider on for their decision making.

For long term investment for a successful marriage and a family life. We also have countless of parenting books authored by different kinds of professionals that we could be considered, in which we can choose a good parenting style to apply or practice within the marriage and family life.