

THE CASE OF THE PROBLEMATIC SPOUSES: A CASE STUDY

On February 14, 2010, Gran “Daddy” Verylayo (Gran), for the first time, got a glimpse of the angelic face of Lean “Tinkerbell” Belarmo-Verylayo (Lean) in a gathering organized by a group of mountain climbers from their high school alma mater called “Social Climbers”. Gran was initially attracted to Lean's close friend Khentricia. However, as the latter already had a boyfriend, the young Gran decided to court Lean. The courting started when Gran was already a sophomore student and Lean was still a freshman. Sharing similar dread towards their families, the two developed a certain degree of closeness towards each other. Sometime in May 2010, Lean, being the outrageous vixen that she was, asked Gran that they elope. At first, Gran, being a product of a conservative and religious family, refused, saying that he was young and jobless. Lean's persistence, however, made him relent. Thus, they left Cebu and sailed to Dumaguete that month, with Gran providing their travel money and Lean purchasing the boat tickets. However, Gran's budget of twenty thousand pesos (Php 20,000.00) lasted for only a month. Their pension house accommodation and daily sustenance fast depleted it, and they could not find a job. In August 2010, the pair decided to go back to Cebu. Lean proceeded to her aunt's house and Gran to his parents' home. As Gran's family was abroad, and Lean kept on telephoning him, threatening him that she would commit suicide, Gran agreed to stay with Lean at her aunt's place.

On October 15, 2010, Lean's aunt brought the pair before the court of Judge Mindo Papa to get married. Gran was then twenty-seven (27) years old, and Lean, twenty-two (22). The two then continued to stay at her aunt's place where Gran was treated like a prisoner as he was not allowed to go out unaccompanied. Lean's aunt also showed Gran her rifles and samurai swords and warned him never to hurt or leave Lean. At one point, Gran was able to call home and talk to his sister who suggested that they should stay at their parents' home and live with them. Gran relayed this to Lean who, however, suggested that he should get his inheritance so that they could live on their own. Gran talked to his father about this, but the latter got angry, told Gran that he would be disinherited, and insisted that Gran must go home. After a month, Gran escaped from the house of Lean's aunt, and stayed with his parents. His family then hid him from Lean and her family whenever they telephoned to ask for him. Sometime in January of 2011, Gran was able to talk to Lean. Unmoved by his persistence that they should live with his parents, she said that it was better for them to live separate lives. They then parted ways. On January 14, 2015, or after roughly four years, Lean filed a petition before the Regional Trial Court of Cebu City, Branch 69 (RTC 69), for the nullification of his marriage to Gran on the basis of the latter's psychological incapacity. As Gran did not respond, the RTC 69, on July 14, 2015, ordered the Office of the City Prosecutor of Cebu City (OCP – Cebu) to investigate whether there was collusion between the parties.

On August 26, 2015, the OCP - Cebu submitted an investigation report stating that it could not determine if there was collusion between the parties. Hence, it recommended that trial on the merits be conducted. The clinical psychologist, Mama Minda, who examined Gran found both parties psychologically incapacitated, and made in her report the following findings and conclusions:

“START OF REPORT

MARITAL BACKGROUND AND HISTORY:

Gran “Daddy” Verylayo is a 27-year-old Filipino male adult born and baptized Born Again Christian in Cebu. He finished one year in college at the University of San Carlos – Talamban Campus last 2008 and is currently unemployed. He is married to and separated from **Lean “Tinkerbell” Belarmo-Verylayo**. Lean presented herself at my office for a psychological evaluation in relation to a Petition for Nullification of Marriage filed against Gran on the ground of psychological incapacity. He is now residing at Sitio Caymito, Brgy. Uwagan, Cebu City. Gran has three siblings who are now in business and one deceased brother. Both his parents

are also in the business sphere whom he considers generous, hospitable, and patient. These virtues are said to be handed to each of the family member. He generally considers himself to be quiet and simple. He clearly remembers himself to be afraid of meeting people. After 2008, he tried his luck in being a Marketing Representative of Cherry Pie Mobile Incorporated, and because of job incompetence, as well as being quiet and a loner, he did not stay long in the job and in fact remained only until 2009. His interest lies on becoming a full servant of God by being a priest or a pastor. He is said to isolate himself from his friends even during his childhood days as he only loves to read the Bible and hear its message.

Lean is said to come from a fine family despite having a lazy father. She is said to have not finished her collegiate degree and shared intimate sexual moments with her former boyfriends prior to that with Gran. In February of 2010, Lean showed her kindness to Gran and this became the foundation of their intimate relationship. After a few months of dating, Gran mentioned to Lean that he is having problems with his family. Lean surprisingly retorted that she also hates her family and that she actually wanted to get out of their lives. From that time on, Lean had insisted to petitioner that they should elope and live together. Gran hesitated because he is not prepared as they are both young and inexperienced, but she insisted that they would somehow manage because Gran is rich. In the last week of May 2010, Lean seriously brought the idea of eloping and she already bought tickets for the boat going to Dumaguete. Gran reluctantly agreed to the idea and so they eloped to Dumaguete. The pair are supposed to stay at the house of a friend of Lean, but they were not able to locate her, so Gran was compelled to rent an apartment. The pair tried to look for a job but could not find any so it was suggested by Lean that they should go back and seek help from Gran's parents. When the pair arrived at the house of Gran, his entire family was out of the country so Lean decided to go back to her home for the meantime while Gran stayed behind at their home. After a few days of separation, Lean called Gran by phone and said she wanted to talk to him. Gran responded immediately and when he arrived at their house, Lean confronted Gran as to why he appeared to be cold. Lean acted irrationally and even threatened to commit suicide. Gran got scared so he went home again. Lean would call by phone every now and then and became angry as Gran does not know what to do. Lean went to the extent of threatening to file a case against Gran and scandalize his family in the newspaper. Gran asked her how he would be able to make amends and at this point in time, Lean brought the idea of marriage. Gran, out of frustration in life, agreed with Lean to pacify her, and so on October 15, 2010, Lean's aunt brought the pair to Cebu City, and on that very same day, Gran and Lean was made to sign the Marriage Contract before the judge. As it turns out and for some reason, the marriage license procured by the parties was issued by another judge, Judge Tee Tiko, from the Regional Trial Court of Danao City.

Lean decided that they should stay first at their house until after arrival of the parents of Gran. But when Gran's parents arrived, Lean refused to allow Gran to go home. Gran was threatened in so many ways with Lean's aunt showing him many guns and swords. Lean even threatened that if Gran should persist in going home, Lean's family will commission their military friends to harm his family. Lean even made Gran sign a declaration that if he should perish, the authorities should look for him at his parents and relatives' houses. Sometime in November 2010, Gran was able to escape and went home. He told his parents about his predicament and they forgave him and supported him by giving him police escort. Gran, however, did not inform them that he signed a marriage contract with Lean. When they knew about it, Gran was referred for counseling. Gran, after the counseling, tried to contact Lean. Gran offered her to live instead in the home of his parents while they are still studying. Lean refused the idea and claimed that she would only live with him if they will have a separate home of their own and be away from his parents. Lean also intimated to Gran that he should already get his share of whatever he would inherit from his parents so they can start a new life. Lean demanded these not knowing that Gran already settled

his differences with his own family. When Lean refused to live with Gran where he chose for them to stay, Gran decided to tell her to stop harassing the home of his parents. He told her already that he was disinherited and since he also does not have a job, he would not be able to support her. After knowing that Gran does not have any money anymore, Lean stopped tormenting petitioner and informed petitioner that they should live separate lives.

The said relationship between Gran and Lean is said to be undoubtedly in the wreck and weakly-founded. The break-up was caused by both parties' unreadiness to commitment and their young age. He was still in the state of finding his fate and fighting boredom, while she was still egocentrically involved with herself.

PSYCHOLOGICAL TESTS ADMINISTERED ON LEAN:

- Draw-A-Person Test
- Minnesota Multiphasic Personality Inventory (MMPI)
- Bender Visual Motor Gestalt Test
- Revised Beta Examination
- Rorschach Psychodiagnostic Test
- Sach's Sentence Completion Test

TEST RESULTS & EVALUATION:

Both Gran and Lean are dubbed to be emotionally immature and recklessly impulsive upon swearing to their marital vows as each of them was motivated by different notions on marriage.

GRAN is said to be still unsure and unready so as to commit himself to marriage. He is still founded to be on the search of what he wants in life. He is absconded as an introvert as he is not really sociable and displays a lack of interest in social interactions and mingling with other individuals. He is seen too akin to this kind of lifestyle that he finds it boring and uninteresting to commit himself to a relationship especially to that of Lean, as aggravated by her dangerously aggressive moves. As he is more of the reserved and timid type of person, as he prefer to be religiously attached and spend a solemn time alone.

LEAN is said to be of the aggressive-rebellious type of woman. She is seen to be somewhat exploitative in her plight for a life of wealth and glamour. She is seen to take move on marriage as she thought that her marriage with Gran will bring her good fortune because he is part of a rich family. In order to have her dreams realized, she used force and threats knowing that her husband is somehow weak-willed. Upon the realization that there is really no chance for wealth, she gladly finds her way out of the relationship.

FINAL REMARKS:

Before going to marriage, one should really get to know himself/herself and marry himself/herself before submitting to marital vows. Marriage should not be taken out of intuition as it is profoundly a serious institution solemnized by religion and law. In the case presented by Gran and Lean, it is evidently clear that both parties have impulsively taken marriage for granted as they are still unaware of their own selves. Gran is extremely introverted to the point of weakening their relationship by his weak behavioral disposition. Lean, on the other hand, is extremely exploitative and aggressive so as to be unlawful, insincere and undoubtedly uncaring in her strides toward convenience. It is apparent that she is suffering the grave, severe, and incurable presence of Narcissistic and Antisocial Personality Disorder that started since childhood and only manifested during marriage. Both parties display psychological incapacities that made marriage a big mistake for them to take.

END OF REPORT"

The RTC 69 rendered a decision declaring the marriage of the parties null and void on the ground that both parties were psychologically incapacitated to comply with the essential marital obligations. On review, however, the Court of Appeals (CA) reversed and set aside RTC 69's ruling. It ruled that Lean failed to prove the psychological incapacity of Gran. The clinical psychologist, Mama Minda, did not personally examine Gran, and relied only on the information provided by Lean. Further, the psychological incapacity was not shown to be attended by gravity, juridical antecedence and incurability. In sum, the evidence adduced fell short of the requirements needed for the declaration of nullity of the marriage under Article 36 of the Family Code. The CA faulted the lower court for rendering the decision without the required certification of the Office of the Solicitor General (OSG) briefly stating therein the OSG's reasons for its agreement with or opposition to, as the case may be, the petition for declaration of nullity of marriage. Dissatisfied, Lean filed before the Supreme Court of Christy this instant case to review the decision of the CA.

- *Nothing follows* -