

The taipan's daughter

A lesson to be learned in filing annulment proceedings is that one can never be sure if there will be an opposition to the annulment. Even if a couple has been separated for more than 10 or 20 years, there is still *amor proprio* to contend with. A spouse does not want to be labeled as “psychologically incapacitated” or the only one at fault in the marriage. A lawyer or a doctor of medicine or a prominent businessman as respondent in the annulment certainly does not want the label. So what happens is a legal battle of charges and counter-charges of “psychological incapacity” — resulting in a battle of expert witnesses.

To be sure of winning the case, I get the best psychiatrists and clinical psychologists in the field. To be considered as experts, they have to be at least Fellows of the Philippine Psychiatric Association or psychologists with a master's degree or a doctorate from a reputable university — not just some psychiatrist with a clinic in the boondocks who did not even bother to take the diplomate's exam or was not even acclaimed as a fellow by his peers.

The story of Isabel Lee, a taipan's daughter, is a long drawn out case. She had been separated from Carlos Co for more than 10 years and already had a dissolution of conjugal partnership. But she wanted to “cut and cut cleanly” her marital ties with Carlos. After all, even if you have a separation of property, your legitimate spouse is still your compulsory heir (together with your children, of course) within the meaning of the provisions of the Civil Code on wills and succession. Both parties already had their respective “liaisons dangereuse” during the time they were still living under one roof until the filing of the petition.

To facilitate matters, since Isabel also recognized her shortcomings in the marriage, the petition was filed on the ground of Isabel's own psychological incapacity. Isabel was a headstrong woman, very intelligent, dominant and rebellious, in her younger days, as she was the eldest daughter of a shipping and real estate tycoon. Her father trained her to be independent and run their household and her younger siblings, even at the tender age of 12. Her mother had a gentle and retiring personality and the discipline of the household was left to the young Isabel.

Since she was also very intelligent — she had read more books than her teachers in grade school — she was either daydreaming or answering back her teachers such that she had to be expelled from her school. But she moved to another school, which was run by progressive European nuns and was exposed to the modern and liberal thinking of the religious order. Isabel finished her high school with honors and went on to a very liberal girls' college. She was thinking eventually of going to Oxford and taking up English Literature, but her father forbade her, thinking probably she would marry some foreigner.

In her third year college, she met Carlos, a tall and handsome Filipino-Chinese, who went a-courting

wearing a shirt and tie and driving a snazzy sports car. Isabel was the envy of her classmates and thought herself lucky to have a handsome beau since she believed she was plain-looking. (Actually, she has the haunting classic looks of Meryl Streep). She fell head over heels in love with Carlos and thought her father would be pleased if she married a Chinese boy.

Then the nightmare began. Carlos is one of eight children. He was the youngest and handsomest of them all. From age one to seven, he slept beside his mother, and because he was sickly as a child, his mother used to pamper him. He was his mother's favorite. So on the day of the wedding, after the reception, Carlos' family followed the newly-weds to their Makati condo for *merienda*. Mother brought the *merienda* and Isabel was asked to perform the ancient Chinese custom of serving tea and sweets to the in-laws to indicate her subservience. Isabel resented this and feigned a headache and asked a sister-in-law to do the “honors.” Then everybody left, except mother, who wanted to stay some more and be with the newly-weds. Isabel remarked, on hindsight, that if Mother-in-law had paid for their honeymoon trip, she would probably have gone with them.

Then mother-in-law gave them a maid, whom she grilled on the kind of food the couple ate and who would report to Mother-in-law, if Isabel reprimanded her. Mother and son always talked on the phone each night, no fail, regarding the fast food business they had put up. One time Carlos was sick and had to stay at home. Isabel went to work in her father's corporation. Upon arrival at home after five, she was surprised to find Mother-in-law in their marital bed, “babying” her sick husband. She thought it odd that a 27-year-old married man should be “babied” by the mother. But she put malice aside and thought, “what son doesn't love his mother?” Mother-in-law was always around meddling in her favorite son's married life. The son loved the mother so much that he would always defend his mother whenever Isabel would complain, and threaten Isabel with separation if she could not take his mother.

This happened within the first three years of marriage. Isabel was pregnant with her first child when Carlos threatened her with separation. She did not know where to go. She doubted whether her father would take her back — a pregnant, separated woman. So Isabel endured the threats of Carlos to separate for some years. Carlos started ignoring her, forgetting her birthdays and preferring to be in the company of his businessmen friends. He could not even take Isabel to a concert or ballet and she could not discuss any book she has read with him. But Carlos was enjoying the perks of being married to the favorite daughter of the taipan. He was getting a lot of business deals because he was the son-in-law of a taipan.

But the headstrong daughter of the taipan was getting restless and tired of being ignored and neglected. She confided her marital woes to an Englishman she had met in a party. Her sympathetic friend advised her to

The Franco Files



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call his bluff, if ever he threatens her again with a separation. And so when Carlos threatened her again with separation, Isabel called his bluff and agreed. Carlos was rattled and could only mumble, "OK, touche! You've made your point. Let's settle this matter." Isabel then realized that she had power. From then on, Carlos started being nice to her. By then, the liberated Isabel was in no mood to compromise. But Carlos was not ready and did not want to separate from Isabel. So they endured each other for another five years, living in separate rooms under one roof. Because he refused a separation, Isabel deliberately made life difficult for him. The real Isabel asserted herself and felt there was no point in reconciling with Carlos because they were so incompatible.

She refused Carlos' overture to consult a priest or a marriage counselor. She sent her best friend instead to talk to the priest about her views on the marriage. And eventually she herself talked to the priest who agreed with her that there was no point in reconciling since their personalities were so different. Eventually, the stalemate was broken. A mutual friend brought them to agree on a separation. Carlos got the house and lot in Makati where they were living and Isabel got the custody of her young children and moved to the United States.

After some years, Isabel filed for the annulment of her marriage under Article 36 on the ground of her own psychological incapacity. Carlos did not oppose even if he received the summons to answer. In the course of the trial, it was proven that Carlos was likewise psychologically incapacitated with a "dependent personality disorder." After he obtained a copy of the decision, which declared both parties as psychologically incapacitated, Carlos entered the case and moved for a reconsideration. He wanted to re open the case. The court allowed him to present evidence, where he portrayed himself as having made money on his own merit and disclaimed any help his father-in-law may have given. After hearing his side, the court rendered the same decision — that both parties were psychologically incapacitated in fulfilling the essential marital obligations. The opposition was all a matter of "amor propio" or wounded pride.

(N.B. To protect the privacy and confidentiality between the attorney and client in this case, the names given are fictitious and some of the circumstances have been changed. Atty. Franco may be reached at the Fajardo Law Offices, 7th Floor, Cityland 10 Tower 2 6817 Ayala Avenue, Makati City. Tel. No. (632) 810-1490, 810-9595; Fax: 810-2490. Her e-mail address is: dffatty2003@yahoo.com)

Tanikalang Guinto
UP playwrights' theatre to restage century-old Filipino masterpiece



SARMENTA

simboliko, the play is a figurative presentation of the Filipino's bravery during the American occupation. Romnick Sarmenta plays the lead role of *kaulayaw*.

Ogie Juliano directs the play and at the same time designs the costumes. He is backed up by an equally remarkable artistic staff composed of Jovy Peregrino (language consultant), Eric Cruz (set design), Voltaire de Jesus (lights design) and Rey Echeveria (music).

"*Tanikalang Guinto*" will run from August 6 to August 17 at the Wilfrido Ma. Guerrero Theatre on the 2nd floor of Palma Hall, UP Diliman, Quezon City. For inquiries and ticket reservations, contact Adrian Stephen Cabuhat at 0919-8342135 or Jim Bergado at 0920-5969632. You may also call the Dulaang UP office at 926-1349/ 9205301/ loc. 6441 or 924-3224 (telefax). You may e-mail dulaangup17@yahoo.com or visit the Dulaang UP office, room 136, Palma Hall Building, UP Diliman, Quezon City.

After a hundred years, UP playwrights' theatre is restaging the Filipino classic, "*Tanikalang Guinto*," written by the late Juan Abad. Considered as a drama

Controversial films at Makati Cinemanila 2003

'Swimming Pool'

The Asian premiere of "Swimming Pool" will take place at the 5th Makati Cinemanila International Film Festival. The latest movie by celebrated French director François Ozon, "Swimming Pool" is a provocative film that focuses on a relationship between two women. A rigid, conservative woman but also a successful mystery writer, Sarah's life and new novel take a dramatic and sensual turn when she meets her publisher's sexy, free-spirited daughter Julie. Having made its world-premiere at the recent Cannes International Film Festival, "Swimming Pool" is the first of Ozon's movies to be made in English.

'Lan Yu'

Marking its Philippine premiere at Makati Cinemanila 2003 is "Lan Yu" by Hong Kong director Stanley Kwan. The film tells the story of Lan Yu, a poor Beijing university student, and his

chance meeting with the older and successful Handong in what turns out to be a life-changing sexual initiation. Lan Yu falls deeply in love as Handong showers him with expensive gifts, in spite of the older man's insistence that he is not looking for a life long companion.

An official selection at the Cannes Film Festival, "Lan Yu" has won numerous awards and screened at over 45 film festivals, including the prestigious Sundance, Toronto and London.

Makati Cinemanila International Film Festival is an annual project of the City of Makati under Mayor Jejomar C. Binay and the independent cinema association of the Philippines founded by Amable "Tikoy" Aguiluz VI.

The 5th Makati Cinemanila International Film Festival runs August 7 to 24, 2003 at the Greenbelt Cinemas, Makati.