

ANICIA V. MERCED, CANDELARIO V. MERCED, CONCEPCION V. MERCED, ATILANO V. MERCED, JR., AND JOSEFINA V. MERCED, PETITIONERS, VS. COLUMBINA VDA. DE MERCED, BRICCIO MERCED, JR., AND...

G.R. No. L-20445. February 25, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal from a resolution of the Social Security Commission - hereinafter referred to as the Commission - dismissing the petition of Anicia, Candelario, Concepcion, Atilano and Josefina, all surnamed, Merced, to be declared the beneficiaries of their deceased brother Briccio V. Merced - hereinafter referred to as Briccio - and, as such, entitled to the corresponding death benefits under Republic Act No. 1161, as amended, otherwise known as the Social Security Act of 1954.

As an employee of the Community Export and Import Corporation, in Dumaguete City, Negros Oriental, Briccio became, some-time in 1957, a member of the Social Security System - herein-after referred to as the System. As such, he had designated as his beneficiaries his aforementioned brothers and sisters, the petitioners herein. Subsequently, or on May 29, 1960, Briccio contracted marriage with Colombina Merced, who bore him a child, Briccio, Jr., hereinafter referred to as Colombina and Junior, respectively, Briccio died on February 22, 1961.

Soon later, or on April 5, 1961, petitioners filed with the Commission their claim for the benefits accruing under Briccio's Social security insurance. However, on April 27, 1961, petitioners were advised by the System that their designation as beneficiaries of Briccio was null and void, pursuant to Resolution No. 1620, series of 1960, of the Commission, and that a claim for the aforementioned benefits had been filed by Colombina. Still later, or in September, 1961, petitioners were informed that the Administrator of the System had declared Colombina and Junior as the legal heirs of Briccio and approved payment to them of said benefits, amounting to P3,388.34. This prompted the petitioners to file with the Commission their present petition, which, after appropriate proceedings, was, by resolution dated July 20, 1962, dismissed. The Commission, likewise, affirmed the action taken by the Administrator and ordered that the corresponding death benefits be paid to Colombina and Junior. Hence, this appeal by petitioners herein.

They maintain that the designation made in their favor, as beneficiaries of Briccio, remained valid and effective, despite his subsequent marriage and the birth of Junior, in view of his (Briccio's) failure to change said designation, and that the choice of beneficiaries expressly made by Briccio should be respected.

The validity and force of the last part of petitioners' theory is, however, impaired by the fact that said choice had been made when Briccio was still single, and that, accordingly, his failure to change the designation of his beneficiaries may have been, and was probably, due to an oversight on his part, especially considering that he died less than a year after his wedding.

At any rate, the benefits accruing under Republic Act No. 1161 could not have vested until the death of the decedent, on February 22, 1961, not only because, prior thereto, the rights of the designated beneficiaries were purely inchoate, but, also, because Section 30 of said Act - which became Section 31 thereof, as amended by Republic Act No. 1792, which was in force when Briccio became a member of the System - expressly reserved to Congress the right to amend, alter or re-peal any provision thereof, and explicitly declares that "no person shall be or shall be deemed to be vested with any property or other right by virtue of the enactment or operation of this Act."

In pursuance of said reserved power, Congress enacted Republic Act No. 2658 (approved on June 18, 1960), which was in force at the time of Briccio's death, amending Section 8 of Republic Act No. 1161 (as amended by Republic Act No. 1792), pursuant to subdivision (k) of which the beneficiaries shall be "those designated as such by the covered employee from among the following:

“(1) The legitimate spouse, the legitimate, legitimated, acknowledged natural children and natural children by legal fiction and the legitimate descendants;

“(2) In default of such spouse and children, the legitimate parents of the covered employee;

“(3) In the absence of any of the foregoing, any other person designated by him.”

In other words, the right of choice of the insured is subject to the foregoing limitations, pursuant to which brothers and sisters may not be designated as beneficiaries except in default, not only of surviving spouse and children, but, also of "legitimate parents of the covered employee."

It is, accordingly, clear that the Commission was fully justified in holding that the designation in favor of the brothers and sisters of the decedent as his beneficiaries was null and void and that Colombina and Junior are, under the law, the persons entitled to the corresponding benefits.

WHEREFORE, the resolution appealed from is hereby affirmed, with costs against herein petitioners-appellants.

IT IS SO ORDERED.

Reyes, Dizon, Regala, Makalintal, Bengzon, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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