

SOCIAL SECURITY COMMISSION AND SOCIAL SECURITY SYSTEM, PETITIONER, VS. TERESA G. FAVILA, RESPONDENT.

G.R. No. 170195. March 28, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

A spouse who claims entitlement to death benefits as a primary beneficiary under the Social Security Law must establish two qualifying factors, to wit: (1) that he/she is the legitimate spouse; and (2) that he/she is dependent upon the member for support.[1]

This Petition for Review on Certiorari assails the Decision[2] dated May 24, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 82763 which reversed and set aside the Resolution[3] dated June 4, 2003 and Order[4] dated January 21, 2004 of the Social Security Commission (SSC) in SSC Case No. 8-15348-02. Likewise assailed is the CA Resolution[5] dated October 17, 2005 denying the Motion for Reconsideration thereto.

Factual Antecedents

On August 5, 2002, respondent Teresa G. Favila (Teresa) filed a Petition[6] before petitioner SSC docketed as SSC Case No. 8-15348-02. She averred therein that after she was married to Florante Favila (Florante) on January 17, 1970, the latter designated her as the sole beneficiary in the E-I Form he submitted before petitioner Social Security System (SSS), Quezon City Branch on June 30, 1970. When they begot their children Jofel, Floresa and Florante II, her husband likewise designated each one of them as beneficiaries. Teresa further averred that when Florante died on February 1, 1997, his pension benefits under the SSS were given to their only minor child at that time, Florante II, but only until his emancipation at age 21. Believing that as the surviving legal wife she is likewise entitled to receive Florante's pension benefits, Teresa subsequently filed her claim for said benefits before the SSS. The SSS, however, denied the claim in a letter dated January 31, 2002, hence, the petition.

In its Answer,[7] SSS averred that on May 6, 1999, the claim for Florante's pension benefits was initially settled in favor of Teresa as guardian of the minor Florante II. Per its records, Teresa was paid the monthly pension for a total period of 57 months or from February 1997 to October 2001 when Florante II reached the age of 21. The claim was, however, re-adjudicated on July 11, 2002 and the balance of the five-year guaranteed pension was again settled in favor of Florante II.[8] SSS also alleged that Estelita Ramos, sister of Florante, wrote a letter[9] stating that her brother had long been separated from Teresa. She alleged therein that the couple lived together for only ten years and then decided to go their separate ways because Teresa had an affair with a married man with whom, as Teresa herself allegedly admitted, she slept with four times a week. SSS also averred that an interview conducted in Teresa's neighborhood in Tondo, Manila on September 18, 1998 revealed that although she did not cohabit with another man after her separation with Florante, there were rumors that she had an affair with a police officer. To support Teresa's non-entitlement to the benefits claimed, SSS cited the provisions of Sections 8(k) and 13 of Republic Act (RA) No. 1161, as amended otherwise known as Social Security (SS) Law.[10]

Ruling of the Social Security Commission

In a Resolution[11] dated June 4, 2003, SSC held that the surviving spouse's entitlement to an SSS member's death benefits is dependent on two factors which must concur at the time of the latter's death, to wit: (1) legality of the marital relationship; and (2) dependency for support. As to dependency for support, the SSC opined that same is affected by factors such as separation de facto of the spouses, marital infidelity and such other grounds sufficient to disinherit a spouse under the law. Thus, although Teresa is the legal spouse and one of Florante's designated beneficiaries, the SSC ruled that she is disqualified from claiming the death benefits because she was deemed not dependent for support from Florante due to marital infidelity. Under Section 8(k) of the SS Law, the dependent spouse until she remarries is entitled to death benefits as a primary beneficiary, together with the deceased member's legitimate minor children. According to SSC, the word "remarry" under said provision has been interpreted as to include a spouse who cohabits with a person other than his/her deceased spouse or is in an illicit relationship. This is for the reason that no support is due to such a spouse and to allow him/her to enjoy the member's death benefits would be tantamount to circumvention of the law. Even if a spouse did not cohabit with another, SSC went on to state that for purposes of the SS Law, it is sufficient that the separation in-fact of the spouses was precipitated by an adulterous act since the actual absence of support from the member is evident from such separation. Notable in this case is that while Teresa denied having remarried or cohabited with another man, she did not, however, deny her having an adulterous relationship. SSC therefore concluded that Teresa was not dependent upon Florante for support and consequently disqualified her from enjoying her husband's death benefits.

SSC further held that Teresa did not timely contest her non-entitlement to the award of benefits. It was only when Florante II's pension was stopped that she deemed it wise to file her claim. For SSC, Teresa's long silence led SSS to believe that she really suffered from a disqualification as a beneficiary, otherwise she would have immediately protested her non-entitlement. It thus opined that Teresa is now estopped from claiming the benefits. Hence, SSC dismissed the petition for lack of merit.

As Teresa's Motion for Reconsideration[12] of said Resolution was also denied by SSC in an Order[13] dated January 21, 2004, she sought recourse before the CA through a Petition for Review[14] under Rule 43.

Ruling of the Court of Appeals

Before the CA, Teresa insisted that SSS should have granted her claim for death benefits because she is undisputedly the legal surviving spouse of Florante and is therefore entitled to such benefits as primary beneficiary. She claimed that the SSC's finding that she was not dependent upon Florante for support is unfair because the fact still remains that she was legally married to Florante and that her alleged illicit affair with another man was never sufficiently established. In fact, SSS admitted that there was no concrete evidence or proof of her amorous relationship with another man. Moreover, Teresa found SSS's strict interpretation of the SS Law as not only anti-labor but also anti-family. It is anti-labor in the sense that it does not work to the benefit of a deceased employee's primary beneficiaries and anti-family because in denying benefits to surviving spouses, it destroys family solidarity. In sum, Teresa prayed for the reversal and setting aside of the assailed Resolution and Order of the SSC.

The SSC and the SSS through the Office of the Solicitor General (OSG) filed their respective Comments[15] to the petition.

SSC contended that the word "spouse" under Section 8(k) of the SS Law is qualified by the word "dependent". Thus, to be entitled to death benefits under said law, a surviving spouse must have been dependent upon the member spouse for support during the latter's lifetime including the very moment of contingency. According to it, the fact of dependency is a mandatory requirement of law. If it is otherwise, the law would have simply used the

word "spouse" without the descriptive word "dependent". In this case, SSC emphasized that Teresa never denied the fact that she and Florante were already separated and living in different houses when the contingency happened. Given this fact and since the conduct of investigation is standard operating procedure for SSS, it being under legal obligation to determine prior to the award of death benefit whether the supposed beneficiary is actually receiving support from the member or if such support was rightfully withdrawn prior to the contingency, SSS conducted an investigation with respect to the couple's separation. And as said investigation revealed tales of Teresa's adulterous relationship with another man, SSS therefore correctly adjudicated the entire death benefits in favor of Florante II.

To negate Teresa's claim that SSS failed to establish her marital infidelity, SSC enumerated the following evidence: (1) the letter[6] of Florante's sister, Estelita Ramos, stating that the main reasons why Teresa and Florante separated after only 10 years of marriage were Teresa's adulterous relationship with another man and her propensity for gambling; (2) the Memorandum[17] dated August 30, 2002 of SSS Senior Analysts Liza Agilles and Jana Simpas which ran through the facts in connection with the claim for death benefits accruing from Florante's death. It indicates therein, among others, that based on interviews conducted in Teresa's neighborhood, she did not cohabit with another man after her separation from her husband although there were rumors that she and a certain police officer had an affair. However, there is not enough proof to establish their relationship as Teresa and her paramour did not live together as husband and wife; and (3) the field investigation report[18] of SSS Senior Analyst Fernando F. Nicolas which yielded the same findings. The SSC deemed the foregoing evidence as substantial to support the conclusion that Teresa indeed had an illicit relationship with another man.

SSC also defended SSS's interpretation of the SS law and argued that it is neither anti-labor nor anti-family. It is not anti-labor because the subject matter of the case is covered by the SS Law and hence, Labor Law has no application. It is likewise not anti-family because SSS has nothing to do with Teresa's separation from her husband which resulted to the latter's withdrawal of support for her. At any rate, SSC advanced that even if Teresa is entitled to the benefits claimed, same have already been received in its entirety by Florante II so that no more benefits are due to Florante's other beneficiaries. Hence, SSC prayed for the dismissal of the petition.

For its part, the OSG likewise believed that Teresa is not entitled to the benefits claimed as she lacks the requirement that the wife must be dependent upon the member for support. This is in view of the rule that beneficiaries under the SS Law need not be the legal heirs but those who are dependent upon him for support. Moreover, it noted that Teresa did not file a protest before the SSS to contest the award of the five-year guaranteed pension to their son Florante II. It posited that because of this, Teresa cannot raise the matter for the first time before the courts. The OSG also believed that no further benefits are due to Florante's other beneficiaries considering that the balance of the five-year guaranteed pension has already been settled.

In a Decision[19] dated May 24, 2005, the CA found Teresa's petition impressed with merit. It gave weight to the fact that she is a primary beneficiary because she is the lawful surviving spouse of Florante and in addition, she was designated by Florante as such beneficiary. There was no legal separation or annulment of marriage that could have disqualified her from claiming the death benefits and that her designation as beneficiary had not been invalidated by any court of law. The CA cited *Social Security System v. Davac*[20] where it was held that it is only when there is no designation of beneficiary or when the designation is void that the SSS would have to decide who is entitled to claim the benefits. It opined that once a spouse is designated by an SSS member as his/her beneficiary, same forecloses any inquiry as to whether the spouse is indeed a dependent deriving support from the member. Thus, when SSS conducted an investigation to determine whether Teresa is indeed dependent upon Florante, SSS was unilaterally adding a requirement not imposed by law which makes it very difficult for designated primary beneficiaries to claim for benefits. To make things worse, the result of said investigation

which became the basis of Teresa's non-entitlement to the benefits claimed was culled from unfounded rumors.

Moreover, the CA saw SSS's conduct of investigations to be violative of the constitutional right to privacy. It lamented that SSS has no power investigate and pry into the member's and his/her family's personal lives and should cease and desist from conducting such investigations. Ultimately, the CA reversed and set aside the assailed Resolution and Order of the SSC and directed SSS to pay Teresa's monetary claims which included the monthly pension due her as the surviving spouse and the lump sum benefit equivalent to thirty-six times the monthly pension.

SSC filed its Motion for Reconsideration of said Decision but same was denied in a Resolution²² dated October 17, 2005. Impleading SSS as co-petitioner, SSC thus filed this petition for review on certiorari.

Issue

Is Teresa a primary beneficiary in contemplation of the Social Security Law as to be entitled to death benefits accruing from the death of Florante?

Petitioners' Arguments

SSC reiterates the argument that to be entitled to death benefits, a surviving spouse must have been actually dependent for support upon the member spouse during the latter's lifetime including the very moment of contingency. To it, this is clearly the intention of the legislature; otherwise, Section 8(k) of the SS law would have simply stated "spouse" without the descriptive word "dependent". Here, although Teresa is without question Florante's legal spouse, she is not the "dependent spouse" referred to in the said provision of the law. Given the reason for the couple's separation for about 17 years prior to Florante's death and in the absence of proof that during said period Teresa relied upon Florante for support, there is therefore no reason to infer that Teresa is a dependent spouse entitled to her husband's death benefits.

SSC adds that in the process of determining non-dependency status of a spouse, conviction of a crime involving marital infidelity is not an absolute necessity. It is sufficient for purposes of the award of death benefits that a thorough investigation was conducted by SSS through interviews of impartial witnesses and that same showed that the spouse-beneficiary committed an act of marital infidelity which caused the member to withdraw support from his spouse. In this case, no less than Florante's sister, who does not stand to benefit from the present controversy, revealed that Teresa frequented a casino and was disloyal to her husband so that they separated after only 10 years of marriage. This was affirmed through the interview conducted in Teresa's neighborhood. Hence, it is not true that Teresa's marital infidelity was not sufficiently proven.

Likewise, SSC contends that contrary to the CA's posture, a member's designation of a primary beneficiary does not guarantee the latter's entitlement to death benefits because such entitlement is determined only at the time of happening of the contingency. This is because there may have been events which supervened subsequent to the designation which would otherwise disqualify the person designated as beneficiary such as emancipation of a member's child or separation from his/her spouse. This is actually the same reason why SSS must conduct an investigation of all claims for benefits.

Moreover, SSC justifies SSS's conduct of investigation and argues that said office did not intrude into Florante's and his family's personal lives as the investigation did not aggravate the situation insofar as Teresa's relationship with her deceased husband was concerned. It merely led to the discovery of the true state of affairs between them so that based on it, the death benefits were awarded to the rightful primary beneficiary, Florante II. Clearly, such an investigation is an essential part of adjudication process, not only in this case but also in all claims for benefits filed before SSS. Thus, SSC prays for the setting aside of the assailed CA Decision and Resolution.

Respondent's Arguments

To support her entitlement to the death benefits claimed, Teresa cited *Ceneta v. Social Security System*,^[23] a case decided by the CA which declared, viz:

Clearly then, the term dependent spouse, who must not re-marry in order to be entitled to the SSS death benefits accruing from the death of his/her spouse, refers to the legal spouse who, under the law, is entitled to receive support from the other spouse.

Indubitably, petitioner, having been legally married to the deceased SSS member until the latter's death and despite his subsequent marriage to respondent Carolina, is deemed dependent for support under Article 68 of the Family Code. Said provision reads:

'The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support'

Based on said law, petitioner is, therefore, entitled to the claimed death benefits. Her marriage to the deceased not having been lawfully severed, the law disputably presumes her to be continually dependent for support.

No evidence or even a mere inference can be adduced to prove that petitioner ceased to derive all her needs indispensable for her sustenance, and thus, she remains a legal dependent. A dependent spouse is primary beneficiary entitled to the death benefits of a deceased SSS member spouse unless he or she remarries. A mere allegation of adultery not substantially proven can not validly deprive petitioner of the support referred to under the law, and consequently, of her claim under the SSS Law.

Thus, being the legal wife, Teresa asserts that she is presumed to be dependent upon Florante for support. The bare allegation of Estelita that she had an affair with another man is insufficient to deprive her of support from her husband under the law and, conversely, of the death benefits from SSS. Moreover, Teresa points out that despite their separation and the rumors regarding her infidelity, Florante did not withdraw her designation as primary beneficiary. Under this circumstance, Teresa believes that Florante really intended for her to receive the benefits from SSS.

Teresa also agrees with the CA's finding that SSS unilaterally added to the requirements of the law the condition that a surviving spouse must be actually dependent for support upon the member spouse during the latter's lifetime. She avers that this could not have been the lawmakers' intention as it would make it difficult or even impossible for beneficiaries to claim for benefits under the SS Law. She stresses that courts (or quasi-judicial agencies for that matter), may not, in the guise of interpretation, enlarge the scope of a statute and include therein situations not provided nor intended by lawmakers. Courts are not authorized to insert into the law what they think should be in it or to supply what they think the legislature would have supplied if its attention had been called to the omission. Hence, Teresa prays that the assailed CA Decision and Resolution be affirmed in toto.

Our Ruling

We find merit in the petition.

The law in force at the time of Florante's death was RA 1161. Section 8 (e) and (k) of said law provides:

Section 8. Terms Defined. For the purposes of this Act the following terms shall, unless the context indicates otherwise, have the following meanings:

xxxx

(e) Dependent - The legitimate, legitimated or legally adopted child who is unmarried, not gainfully employed and not over twenty-one years of age, or over twenty-one years of age, provided that he is congenitally

incapacitated and incapable of self-support, physically or mentally; the legitimate spouse dependent for support upon the employee; and the legitimate parents wholly dependent upon the covered employee for regular support.

xxxx

(k) Beneficiaries - The dependent spouse until he remarries and dependent children, who shall be the primary beneficiaries. In their absence, the dependent parents and, subject to the restrictions imposed on dependent children, the legitimate descendants and illegitimate children who shall be the secondary beneficiaries. In the absence of any of the foregoing, any other person designated by the covered employee as secondary beneficiary. (Emphasis ours.)

From the above-quoted provisions, it is plain that for a spouse to qualify as a primary beneficiary under paragraph (k) thereof, he/she must not only be a legitimate spouse but also a dependent as defined under paragraph (e), that is, one who is dependent upon the member for support. Paragraphs (e) and (k) of Section 8 of RA 1161 are very clear. "Hence, we need only apply the law. Under the principles of statutory construction, if a statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. This plain meaning rule or *verba legis*, derived from the maxim *index animi sermo est* (speech is the index of intention), rests on the valid presumption that the words employed by the legislature in a statute correctly express its intent by the use of such words as are found in the statute. *Verba legis non est recedendum*, or, from the words of a statute there should be no departure." [24]

Thus, in *Social Security System v. Aguias* [25] we held that:

[I]t bears stressing that for her (the claimant) to qualify as a primary beneficiary, she must prove that she was 'the legitimate spouse dependent for support from the employee.' The claimant-spouse must therefore establish two qualifying factors: (1) that she is the legitimate spouse, and (2) that she is dependent upon the member for support, x x x

Here, there is no question that Teresa was Florante's legal wife. What is at point, however, is whether Teresa is dependent upon Florante for support in order for her to fall under the term "dependent spouse" under Section 8(k) of RA 1161.

What the SSC relies on in concluding that Teresa was not dependent upon Florante for support during their separation for 17 years was its findings that Teresa maintained an illicit relationship with another man. Teresa however counters that such illicit relationship has not been sufficiently established and, hence, as the legal wife, she is presumed to be continually dependent upon Florante for support.

We agree with Teresa that her alleged affair with another man was not sufficiently established. The Memorandum of SSS Senior Analysts Liza Agilles and Jana Simpas reveals that it was Florante who was in fact living with a common law wife, Susan Favila (Susan) and their three minor children at the time of his death. Susan even filed her own claim for death benefits with the SSS but same was, however, denied. With respect to Teresa, we quote the pertinent portions of said Memorandum, viz:

SUSAN SUBMITTED A LETTER SIGNED BY ESTELITA RAMOS, ELDER SISTER OF THE DECEASED STATING THAT MEMBER WAS SEPARATED FROM TERESA AFTER 10 YEARS OF LIVING IN FOR THE REASONS THAT HIS WIFE HAD COHABITED WITH A MARRIED MAN. ALSO, PER ESTELITA, THE WIFE HERSELF ADMITTED THAT THE MAN SLEPT WITH HER 4 TIMES A WEEK.

TERESA SUBMITTED AN AFFIDAVIT EXECUTED BY NAPOLEON AND JOSEFINA, BROTHER AND SISTER (IN) LAW, RESPECTIVELY, OF THE DECEASED THAT TERESA HAS NEVER

RE-MARRIED NOR COHABITED WITH ANOTHER MAN.

BASED ON THE INTERVIEW (DATED 9/18/98) CONDUCTED FROM THE NEIGHBORHOOD OF TERESA AND BGY. KAGAWAD IN TONDO, MANILA, IT WAS ESTABLISHED THAT TERESA DID NOT COHABIT WITH ANOTHER MAN AFTER THE SEPARATION ALTHOUGH THERE ARE RUMORS THAT SHE AND A CERTAIN POLICE OFFICER HAD AN AFFAIR. BUT [NOT] ENOUGH PROOF TO ESTABLISH THEIR RELATIONSHIP SINCE THEY DID NOT LIVE-IN AS HUSBAND AND WIFE.

BASED ON THE INTERVIEW WITH JOSEFINA FAVILA, MEMBER AND TERESA WERE SEPARATED FOR A NUMBER OF YEARS AND THAT SHE HAD NO KNOWLEDGE IF TERESA COHABITED WITH ANOTHER MAN ALTHOUGH SHE HEARD OF THE RUMORS THAT SAID WIFE HAD AN AFFAIR WITH ANOTHER MAN. NAPOLEON WAS NOT INTERVIEWED. (Emphasis ours)

While SSC believes that the foregoing constitutes substantial evidence of Teresa's amorous relationship, we, however, find otherwise. It is not hard to see that Estelita's claim of Teresa's cohabitation with a married man is a mere allegation without proof. Likewise, the interviews conducted by SSS revealed minors only that Teresa had an affair with a certain police officer. Notably, not one from those interviewed confirmed that such an affair indeed existed. "The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence." [26] Mere uncorroborated hearsay or rumor does not constitute substantial evidence." [27] Remarkably, the Memorandum itself stated that there is not enough proof to establish Teresa's alleged relationship with another man since they did not live as husband and wife.

This notwithstanding, we still find untenable Teresa's assertion that being the legal wife, she is presumed dependent upon Florante for support. In *Re: Application for Survivor's Benefits of Manlavi*, [28] this Court defined "dependent" as "one who derives his or her main support from another [or] relying on, or subject to, someone else for support; not able to exist or sustain oneself, or to perform anything without the will, power or aid of someone else." Although therein, the wife's marriage to the deceased husband was not dissolved prior to the latter's death, the Court denied the wife's claim for survivorship benefits from the Government Service Insurance System (GSIS) because the wife abandoned her family to live with other men for more than 17 years until her husband died. Her whereabouts was unknown to her family and she never attempted to communicate with them or even check up on the well-being of her daughter with the deceased. From these, the Court concluded that the wife during said period was not dependent on her husband for any support, financial or otherwise, hence, she is not a dependent within the contemplation of RA 8291 [29] as to be entitled to survivorship benefits. It is worthy to note that under Section 2(f) RA 8291, a legitimate spouse dependent for support is likewise included in the enumeration of dependents and under Section 2(g), the legal dependent spouse in the enumeration of primary beneficiaries.

Under this premise, we declared in *Aguas* that "the obvious conclusion is that a wife who is already separated de facto from her husband cannot be said to be 'dependent for support' upon the husband, absent any showing to the contrary. Conversely, if it is proved that the husband and wife were still living together at the time of his death, it would be safe to presume that she was dependent on the husband for support, unless it is shown that she is capable of providing for herself." [30] Hence, we held therein that the wife-claimant had the burden to prove that all the statutory requirements have been complied with, particularly her dependency on her husband at the time of his death. And, while said wife-claimant was the legitimate wife of the deceased, we ruled that she is not qualified as a primary beneficiary since she failed to present any proof to show that at the time of her husband's death, she was still dependent on him for support even if they were already living separately.

In this case, aside from Teresa's bare allegation that she was dependent upon her husband for support and her misplaced reliance on the presumption of dependency by reason of her valid and then subsisting marriage with Florante, Teresa has not presented sufficient evidence to discharge her burden of proving that she was dependent upon her husband for support at the time of his death. She could have done this by submitting affidavits of reputable and disinterested persons who have knowledge that during her separation with Florante, she does not have a known trade, business, profession or lawful occupation from which she derives income sufficient for her support and such other evidence tending to prove her claim of dependency. While we note from the abovementioned SSS Memorandum that Teresa submitted affidavits executed by Napoleon Favila and Josefina Favila, same only pertained to the fact that she never remarried nor cohabited with another man. On the contrary, what is clear is that she and Florante had already been separated for about 17 years prior to the latter's death as Florante was in fact, living with his common wife when he died. Suffice it to say that "[w]hoever claims entitlement to the benefits provided by law should establish his or her right thereto by substantial evidence." [31] Hence, for Teresa's failure to show that despite their separation she was dependent upon Florante for support at the time of his death, Teresa cannot qualify as a primary beneficiary. Hence, she is not entitled to the death benefits accruing on account of Florante's death.

As a final note, we do not agree with the CA's pronouncement that the investigations conducted by SSS violate a person's right to privacy. SSS, as the primary institution in charge of extending social security protection to workers and their beneficiaries is mandated by Section 4(b)(7) of RA 8282 [32] to require reports, compilations and analyses of statistical and economic data and to make an investigation as may be needed for its proper administration and development. Precisely, the investigations conducted by SSS are appropriate in order to ensure that the benefits provided under the SS Law are received by the rightful beneficiaries. It is not hard to see that such measure is necessary for the system's proper administration, otherwise, it will be swamped with bogus claims that will pointlessly deplete its funds. Such scenario will certainly frustrate the purpose of the law which is to provide covered employees and their families protection against the hazards of disability, sickness, old age and death, with a view to promoting their well-being in the spirit of social justice. Moreover and as correctly pointed out by SSC, such investigations are likewise necessary to carry out the mandate of Section 15 of the SS Law which provides in part, viz;

Sec. 15. Non-transfer ability of Benefits, - The SSS shall pay the benefits provided for in this Act to such [x x x] persons as may be entitled thereto in accordance with the provisions of this Act x x x. (Emphasis ours.)

WHEREFORE, the Petition for Review on Certiorari is GRANTED. The assailed Decision and Resolution of the Court of Appeals dated May 24, 2005 and October 17, 2005 in CA-G.R. SP No. 82763 are hereby REVERSED and SET ASIDE. Respondent Teresa G. Favila is declared to be not a dependent spouse within the contemplation of Republic Act No. 1161 and is therefore not entitled to death benefits accruing from the death of Florante Favila.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ., concur.

[1] Social Security System v. Aguas, G.R.No. 165546, February 27, 2006, 483 SCRA 383,400.

[2] CA rollo, pp. 93-106; penned by Associate Justice Vicente Q. Roxas and concurred in by Associate Justices Juan Q. Enriquez, Jr. and Regalado E. Maambong.

[3] Id. at 27-30.

[4] Id. at 34-36.

[5] Id. at 125-126.

[6] Id. at 21-23.

[7] Id. at 24-26.

[8] See SSS's Diliman Processing Center Routing Slip dated August 20, 2002, id. at 54.

[9] Id. at 50.

[8] Sections 8 (k) and 13 thereof reads:

Section 8. Terms Defined. - For the purposes of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

x x x x

(k) Beneficiaries - The dependent spouse until he remarries and dependent children, who shall be primary beneficiaries. In their absence, the dependent parents and, subject to the restrictions imposed on dependent children, the legitimate descendants and illegitimate children who shall be the secondary beneficiaries. In the absence of any of the foregoing, any other person designated by the covered employee as secondary beneficiary.

Section 13. Death Benefits. - Upon the covered employee's death, his primary beneficiaries shall be entitled to the monthly pension and his dependents to the dependents' pension: Provided, That he has paid at least thirty-six monthly contributions prior to the semester of death: Provided, further, That if the foregoing condition is not satisfied his primary beneficiaries shall be entitled to a lump sum benefit equivalent to thirty-five times the monthly pension: Provided, further, That if he has no primary beneficiaries, his secondary beneficiaries shall be entitled to a lump sum benefit equivalent to twenty times the monthly pension: Provided, however, That the minimum death benefits shall not be less than the total contributions paid by him and his employer on his behalf nor less than one thousand pesos: Provided, finally, That the beneficiaries of the covered employee who dies without having paid at least three monthly contributions shall be entitled to the minimum benefit.

[11] CA rollo, pp. 27-30.

[12] Id. at 31-32.

[13] Id. at 34-36.

[14] Id. at 8-20.

[15] SSC Comment, id. at 45-54; OSG's Comment, id. at 71 -77.

[16] Id. at 50.

[17] Id. at 51-52.

[18] Id. at 53.

[19] Id. at 93-106.

[20] 124 Phil. 255(1966).

[21] CA rollo, pp. 107-114.

[22] Id at 125-126.

[23] CA-G.R. SP No. 72505, October 15, 2003; penned by Associate Justice Noel G. Tijam and concurred in by Associate Justices Ruben T. Reyes and Edgardo P. Cruz.

[24] *Signey v. Social Security System*, G.R. No. 173582, January 28, 2008, 542 SCRA 629, 637.

[25] *Supra* note 1 at 400.

[26] *De Jesus v. Guerrero III*, G.R. No. 171491, September 4, 2009, 598 SCRA 341, 350.

[27] *Rizal Workers Union v. Hon. Calleja*, 264 Phil. 805, 811 (1990) citing *Ang Tibay v. The Court of Industrial Relations and National Labor Union, Inc.*, 69 Phil. 635 (1940).

[28] 405 Phil 152, 160(2001).

[29] Otherwise known as the GSIS Act of 1997.

[30] *Supra* note 1 to 401.

[31] *Signey v. Social Security System*, *supra* note 24 at 639.

[32] An Act Further Strengthening the Social Security System thereby Amending for this Purpose, Republic Act No. 1161, as amended, otherwise known as the Social Security Law.

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