

YOLANDA SIGNEY, Petitioner, vs. SOCIAL SECURITY SYSTEM, EDITHA ESPINOSA-CASTILLO, and GINA SERVANO, representative of GINALYN and RODELYN SIGNEY, Respondents.

G.R. No. 173582. January 28, 2008

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TINGA, J.:

We are called to determine who is entitled to the social security benefits of a Social Security System (SSS) member who was survived not only by his legal wife, but also by two common-law wives with whom he had six children.

This Petition for Review on Certiorari[1] under Rule 45 of the 1997 Rules of Civil Procedure assails the 31 March 2004 Decision[2] of the Court of Appeals affirming the resolution of the Social Security Commission (SSC),[3] as well as the 23 July 2004 Resolution[4] of the same court denying petitioner's motion for reconsideration.

The facts as culled from the records are as follows:

Rodolfo Signey, Sr., a member of the SSS, died on 21 May 2001. In his member's records, he had designated Yolanda Signey (petitioner) as primary beneficiary and his four children with her as secondary beneficiaries. On 6 July 2001, petitioner filed a claim for death benefits with the public respondent SSS.[5] She revealed in her SSS claim that the deceased had a common-law wife, Gina Servano (Gina), with whom he had two minor children namey, Ginalyn Servano (Ginalyn), born on 13 April 1996, and Rodelyn Signey (Rodelyn), born on 20 April 2000.[6]

Petitioner's declaration was confirmed when Gina herself filed a claim for the same death benefits on 13 July 2001 in which she also declared that both she and petitioner were common-law wives of the deceased and that Editha Espinosa (Editha) was the legal wife.

In addition, in October 2001, Editha also filed an application for death benefits with the SSS stating that she was the legal wife of the deceased.[7]

The SSS, through a letter dated 4 December 2001,[8] denied the death benefit claim of petitioner. However, it recognized Ginalyn and Rodelyn, the minor children of the deceased with Gina, as the primary beneficiaries under the SSS Law. The SSS also found that the 20 March 1992 marriage between petitioner and the deceased was null and void because of a prior subsisting marriage contracted on 29 October 1967 between the deceased and Editha, as confirmed with the Local Civil Registry of Cebu City.

Thereafter, petitioner filed a petition[9] with the SSC in which she attached a waiver of rights[10] executed by Editha whereby the latter waived "any/all claims from National Trucking Forwarding Corporation (NTFC) under the supervision of National Development Corporation (NDC), Social Security System (SSS) and other (i)nsurance (b)enefits due to the deceased Rodolfo Signey Sr., who died intestate on May 21, 2001 at Manila Doctors," and further declared that "I am legally married to Mr. Aquilino Castillo and not to Mr. Rodolfo P. Signey Sr." [11]

In a Resolution[12] dated 29 January 2003, the SSC affirmed the decision of the SSS. The SSC gave more weight to the SSS field investigation and the confirmed certification of marriage showing that the deceased was married to Editha on 29 October 1967, than to the aforesaid declarations of Editha in her waiver of rights. It found that petitioner only relied on the waiver of Editha, as she failed to present any evidence to invalidate or otherwise controvert the confirmed marriage certificate. The SSC also found, based on the SSS field investigation report dated 6 November 2001 that even if Editha was the legal wife, she was not qualified to the death benefits since she herself admitted that she was not dependent on her deceased husband for support inasmuch as she was cohabiting with a certain Aquilino Castillo.[13]

Considering that petitioner, Editha, and Gina were not entitled to the death benefits, the SSC applied Section 8(e) and (k) of Republic Act (RA) No. 8282, the SSS Law which was in force at the time of the member's death on 21 May 2001, and held that the dependent legitimate and illegitimate minor children of the deceased member were also considered primary beneficiaries. The records disclosed that the deceased had one legitimate child, Ma. Evelyn Signey, who predeceased him, and several illegitimate children with petitioner and with Gina. Based on their respective certificates of live birth, the deceased SSS member's four illegitimate children with petitioner could no longer be considered dependents at the time of his death because all of them were over 21 years old when he died on 21 May 2001, the youngest having been born on 31 March 1978. On the other hand, the deceased SSS member's illegitimate children with Gina were qualified to be his primary beneficiaries for they were still minors at the time of his death, Ginalyn having been born on 13 April 1996, and Rodelyn on 20 April 2000.[14]

The SSC denied the motion for reconsideration filed by petitioner in an Order[15] dated 9 April 2003. This order further elaborated on the reasons for the denial of petitioner's claims. It held that the mere designation of petitioner and her children as beneficiaries by the deceased member was not the controlling factor in the determination of beneficiaries. Sections 13, 8(e) and 8(k) of the SSS Law, as amended, provide that dependent legal spouse entitled by law to receive support from the member and dependent legitimate, legitimated or legally adopted, and illegitimate children of the member shall be the primary beneficiaries of the latter.[16] Based on the certification dated 25 July 2001 issued by the Office of the Local Civil Registrar of Cebu City, the marriage of the deceased and Editha on 29 October 1967 at the Metropolitan Cathedral, Cebu City was duly registered under LCR Registry No. 2083 on 21 November 1967. The SSS field investigation reports verified the authenticity of the said certification.[17]

The SSC did not give credence to the waiver executed by Editha, which manifested her lack of interest in the outcome of the case, considering that she was not entitled to the benefit anyway because of her admitted cohabitation with Aquilino Castillo. Moreover, the SSC held that considering that one of the requisites of a valid waiver is the existence of an actual right which could be renounced, petitioner in effect recognized that Editha had a right over the benefits of the deceased thereby enabling her to renounce said right in favor of petitioner and her children. The declaration by Editha that she was not married to the deceased is not only contrary to the records of the Local Civil Registrar of Cebu City which state that they were married on 29 October 1967 but also renders nugatory the waiver of right itself, for if she was not married to the deceased then she would have no rights that may be waived.

Petitioner had argued that the illegitimate children of the deceased with Gina failed to show proof that they were indeed dependent on the deceased for support during his lifetime. The SSC observed that Section 8(e) of the SSS Law, as amended, provides among others that dependents include the legitimate, legitimated or legally adopted, and illegitimate child who is unmarried, not gainfully employed, and has not reached 21 years of age. The provision vested the right of the benefit to his illegitimate minor children, Ginalyn and Rodelyn, irrespective of any proof that they had been dependent on the support of the deceased.[18]

Petitioner appealed the judgment of the SSC to the Court of Appeals by filing a Petition for Review[19] under Rule 43 of the 1997 Rules of Civil Procedure. The appellate court affirmed the decision of the SSC in its 31 March 2004 Decision. Resolving the determinative question of who between petitioner and the illegitimate children of the deceased are the primary beneficiaries lawfully entitled to the social security benefits accruing by virtue of the latter's death, it held that based on Section 8(e) of R. A. No. 8282, a surviving spouse claiming death benefits as a dependent must be the legal spouse. Petitioner's presentation of a marriage certificate attesting to her marriage to the deceased was futile, according to the appellate court, as said marriage is null and void in view of the previous marriage of the deceased to Editha as certified by the Local Civil Registrar of Cebu City.

The appellate court also held that the law is clear that for a child to be qualified as dependent, he must be unmarried, not gainfully employed and must not be 21 years of age, or if over 21 years of age, he is congenitally or while still a minor has been permanently incapacitated and incapable of self-support, physically or mentally. And in this case, only the illegitimate children of the deceased with Gina namely, Ginalyn and Rodelyn, are the qualified beneficiaries as

they were still minors at the time of the death of their father. Considering petitioner is disqualified to be a beneficiary and the absence of any legitimate children of the deceased, it follows that the dependent illegitimate minor children of the deceased should be entitled to the death benefits as primary beneficiaries, the Court of Appeals concluded.[20]

The Court of Appeals denied the motion for reconsideration of petitioner in a Resolution[21] dated 23 July 2004. It found that there was no new matter of substance which would warrant a modification and/or reversal of the 31 March 2004 Decision.

Hence, this petition for review on certiorari.

Petitioner raises issues similar to the ones which have been adequately resolved by the SSC and the appellate court. The first issue is whether petitioner's marriage with the deceased is valid. The second issue is whether petitioner has a superior legal right over the SSS benefits as against the illegitimate minor children of the deceased.

There is no merit in the petition.

We deemed it best not to disturb the findings of fact of the SSS which are supported by substantial evidence[22] and affirmed by the SSC and the Court of Appeals. Moreover, petitioner ought to be reminded of the basic rule that this Court is not a trier of facts.[23]

It is a well-known rule that in proceedings before administrative bodies, technical rules of procedure and evidence are not binding.[24] The important consideration is that both parties were afforded an opportunity to be heard and they availed themselves of it to present their respective positions on the matter in dispute.[25] It must likewise be noted that under Section 2, Rule 1[26] of the SSC Revised Rules of Procedure, the rules of evidence prevailing in the courts of law shall not be controlling. In the case at bar, the existence of a prior

subsisting marriage between the deceased and Editha is supported by substantial evidence. Petitioner, who has fully availed of her right to be heard, only relied on the waiver of Editha and failed to present any evidence to invalidate or otherwise controvert the confirmed marriage certificate registered under LCR Registry No. 2083 on 21 November 1967. She did not even try to allege and prove any infirmity in the marriage between the deceased and Editha.

As to the issue of who has the better right over the SSS death benefits, Section 8(e) and (k) of R. A. No. 8282[27]

is 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.[28]

Section 8(e) and (k) of R.A. No. 8282 provides:

SEC. 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

(c) Dependents — The dependent shall be the following:

(1) The legal spouse entitled by law to receive support from the member;

2) The legitimate, legitimated, or legally adopted, and illegitimate child who is unmarried, not gainfully employed and has not reached twenty-one years (21) of age, or if over twenty-one (21) years of age, he is congenitally or while still a minor has been permanently incapacitated and incapable of self-support, physically or mentally; and

3) The parent who is receiving regular support from the member.

x x x

(k) Beneficiaries — The dependent spouse until he or she remarries, the dependent legitimate, legitimated or legally adopted, and illegitimate children, who shall be the primary beneficiaries of the member: Provided, That the dependent illegitimate children shall be entitled to fifty percent (50%) of the share of the legitimate, legitimated or legally adopted children: Provided, further, That in the absence of the dependent legitimate, legitimated or legally adopted children of the member, his/her dependent illegitimate children shall be entitled to one hundred percent (100%) of the benefits. In their absence, the dependent parents who shall be the secondary beneficiaries of the member. In the absence of all of the foregoing, any other person designated by the member as his/her secondary beneficiary.

SEC. 13. Death Benefits. — Upon the death of a member who has paid at least thirty-six (36) monthly contributions prior to the semester of death, his primary beneficiaries shall be entitled to the monthly pension: Provided, That if he has no primary beneficiaries, his secondary beneficiaries shall be entitled to a lump sum benefit equivalent to thirty-six (36) times the monthly pension. If he has not paid the required thirty-six (36) monthly contributions, his primary or secondary beneficiaries shall be entitled to a lump sum benefit equivalent to the monthly pension times the number of monthly contributions paid to the SSS or twelve (12) times the monthly pension, whichever is higher. (Emphasis supplied).

Whoever claims entitlement to the benefits provided by law should establish his or her right thereto by substantial evidence. Since petitioner is disqualified to be a beneficiary and because the deceased has no legitimate child, it follows that the dependent illegitimate minor children of the deceased shall be entitled to the death benefits as primary beneficiaries. The SSS Law is clear that for a minor child to qualify as a “dependent,[29]” the only requirements are that he/she must be below 21 years of age, not married nor gainfully employed.[30]

In this case, the minor illegitimate children Ginalyn and Rodelyn were born on 13 April 1996 and 20 April 2000, respectively. Had the legitimate child of the deceased and Editha survived and qualified as a dependent under the SSS Law, Ginalyn and Rodelyn would have been entitled to a share equivalent to only 50% of the share of the

said legitimate child. Since the legitimate child of the deceased predeceased him, Ginalyn and Rodelyn, as the only qualified primary beneficiaries of the deceased, are entitled to 100% of the benefits.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals is AFFIRMED. Cost against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 9-25.

[2]Id. at 101-110. Penned by Associate Justice Remedios Salazar-Fernando and concurred in by Associate Justices Edgardo Sundiam and Eubulo Verzola (Associate Justice Danilo Pine replaced the latter, who was on leave, in concurring in the resolution)

[3]Id. at 69-75.

[4] Id. at 116-117.

[5] Id. at 11.

[6] Id. at 72.

[7] Id. at 148.

[8]Id. at 60.

[9] Id. at 47-50.

[10] Id. at 62.

[11] Id.

[12]Supra note 4.

[13]Id. at 74.

[14]Id. at 75.

[15]Id. at 88-91.

[16]Id. at 88.

[17] Id. at 90.

[18]Id. at 89-90.

[19]Id. at 27-44.

[20] Id. at 106-109.

[21] Id. at 116-117.

[22]Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. See *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642-643 (1940); *Gelmart Industries (Phil.), Inc. v. Leogardo, Jr.*, No. L-70544, 5 November 1987, 155 SCRA

403, 409-410.

[23] *The Union Insurance Society of Canton v. Court of Appeals, et.al.*, G.R. No. 100319, 8 August 1996, 260 SCRA 431, 440. See also *Go v. Court of Appeals*, G.R. No. 104609, 30 June 1993, 224 SCRA 145, 147; *Social Security System v. Aguas, et al.*, G.R. No. 165546, 27 February 2006, 483 sCRA 383.

[24] *Robusta AgroMarine Products, Inc. v. Gorombaleom*, G.R. No. 80500, 5 July 1989, 175 SCRA 93, 98 (1989); *Adamson & Adamson, Inc. v. Amores*, 152 SCRA 237, 250-251 (1987).

[25] *Esquig v. Civil Service Commission*, G.R. No. 92490, 30 July 1990, 188 SCRA 166, 169.

[26] SEC. 2. Technical Rules not Binding.—These rules shall be liberally construed to carry out the objectives of the Social Security Law of 1997 and to assist the parties in obtaining expeditious and inexpensive settlement or resolution of any dispute arising under the Social Security Law.

In any proceeding before the Commission or any of the Commissioners or Hearing Officers, which shall be non-litigious in nature, the rules of evidence prevailing in the courts of law or equity shall not be controlling and it is the spirit and intention of these rules that the Commission and the Commissioners or Hearing Officers shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process. (Emphasis supplied).

[27] 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.

[28] *Globe-Mackay Cable and Radio Corporation v. NLRC*, G.R. No. 82511, 3 March 1992, 206 SCRA 701, 711. See *Cecilleville Realty and Service Corporation v. Court of Appeals*, 344 Phil. 375, 381 (1997); *Republic v. Court of Appeals*, 359 Phil. 530, 602 (1998); *Victoria v. Commission on Election*, G.R. No. 109005, 10 January 1994, 229 SCRA 269, 273; *Fianza v. PLEB of the City of Baguio*, 312 Phil. 1108, 1123-1124 (1995).

[29] *Supra* note 24.

[30] If the child is above 21 years of age, it must be proven that he/she is congenitally or while still a minor has been permanently incapacitated and incapable of self-support, physically or mentally. See Sec. 8 (e), R.A. No. 8282.

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