

BELINDA D.R. DOLERA, PETITIONER, VS. SOCIAL SECURITY SYSTEM, RESPONDENT.*G.R. No. 253940. October 24, 2023*

Ponente: INTING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-253940/>**INTING, J.:**

This resolves the Petition for Review on Certiorari[1] assailing the Decision[2] dated May 18, 2020, and the Resolution[3] dated September 28, 2020, of the Court of Appeals (CA) in CA-G.R. SP No. 159511. The assailed issuances upheld the Resolution[4] dated March 7, 2018, and the Order[5] dated August 1, 2018, of the Social Security Commission (SSC) in SSC Case No. 4-0032-17-N that denied the Petition[6] for payment of survivorship pension filed by Belinda D.R. Dolera (petitioner).

The Antecedents

The case stemmed from petitioner's application for survivorship pension before respondent Social Security System (SSS) accruing from the death of her husband, Leonardo L. Dolera (Leonardo), who was a member-pensioner of the SSS during his lifetime.[7]

Initially, petitioner and Leonardo lived as common-law spouses and had a child in 1979. On May 22, 1980, Leonardo became disabled and started receiving his permanent total disability pension from SSS.[8] More than a year thereafter, or on October 13, 1981, Leonardo married petitioner.[9] After living together as husband and wife for 28 years, Leonardo died on November 14, 2009.[10] As Leonardo's surviving spouse, petitioner filed a claim for survivorship pension with the SSS Diliman, Quezon City Branch.[11]

In the notice[12] dated April 5, 2011, the SSS denied petitioner's claim pursuant to Section 13-A(c) of Republic Act No. 8282,[13] or the "Social Security Act of 1997" (Social Security Law), which provides that "[u]pon the death of the permanent total disability pensioner, his [or her] primary beneficiaries as of the date of disability shall be entitled to receive the monthly pension x x x." According to the SSS, petitioner could not be considered as a primary beneficiary under the Social Security Law as she only became Leonardo's legitimate spouse after the date of his permanent total disability.[14]

On April 4, 2017, petitioner filed a Petition[15] before the SSC, docketed as SSC Case No. 4-0032-17-N. She averred that as the surviving legal spouse of Leonardo, she is a qualified beneficiary of the survivorship pension.[16] She also argued that Section 13-A(c) of the Social Security Law violated the equal protection clause of the Constitution as it discriminated against her and other dependent spouses who contracted their respective marriages to pensioners after the latter suffered permanent total disability.[17]

Likewise, petitioner maintained that Section 13-A(c) violated her right to due process of law as it confiscated her social security benefit without notice and hearing.[18] In support of her stand, petitioner cited the following case laws: (1) *Dycaico v. SSS*[19] (*Dycaico*) and (2) *GSIS, Cebu City Branch v. Montesclaros*[20] (*Montesclaros*).

In its Answer,[21] the SSS countered that Section 13-A(c) of the Social Security Law does not run afoul of the

equal protection clause of the Constitution considering that the Dyaico ruling was inapplicable to petitioner's case.[22] It insisted that petitioner was disqualified to claim for the survivorship pension accruing from Leonardo's death as she became his legitimate spouse only after the date of his disability.[23]

The SSC Ruling

The SSC denied the petition for lack of merit in the Resolution[24] dated March 7, 2018:

This Commission cannot apply" the ruling in the Dyaico case because it concerns SS benefit accruing from the death of a retiree pensioner under Section 12-B (d)[25] of R.A. 8282 while the instant case pertains to the SS benefit accruing from the death of a permanent total disability pensioner under Section 13-A (c) of said law.

Besides, to apply it by analogy will be, in[-]effect, a declaration that the proviso "as of the date of disability" in Section 13-A (c) of the R.A. 8282 unconstitutional. To declare a law or part of the law unconstitutional is the power of judicial review, which is vested in the Supreme Court, with a majority vote of the members sitting en banc. As correctly emphasized by respondent SSS, unless Section 13-A (c) of the [Social Security Law] or any proviso thereof is declared unconstitutional by the Supreme Court, the said provision of the law remains valid.[26]

Petitioner moved for reconsideration, but the SSC denied it in the Order[27] dated August 1, 2018. Thus, she elevated the case to the CA via a Petition for Review[28] under Rule 43 of the Rules of Court.

The CA Ruling

The CA denied the petition in the Decision[29] dated May 18, 2020.[30] In upholding the SSC, the CA applied the "plain meaning" rule or verba legis doctrine[31] and ratiocinated:

. . . This rule of interpretation is in deference to the plenary power of Congress to make, alter[,] and repeal laws as this power is an embodiment of the People's sovereign will. Accordingly, when the words of a statute are clear and unambiguous, courts cannot deviate from the text of the law and resort to interpretation lest they end up betraying their solemn duty to uphold the law and worse, violating the constitutional principle of separation of powers.

In the present case, Section 8 (e) and (k) of [the Social Security Law] expressly enumerated the persons entitled to receive benefits from the deceased member of SSS . . .

. . . .

From the above-quoted provisions, it can be readily seen that a legal spouse is among the beneficiaries of a deceased SSS member. However, to qualify as a primary beneficiary of a deceased permanent total disability pensioner under Section 13-A (c), the legal spouse should have acquired the status of a primary beneficiary "as of the date of disability,["] i.e. the occurrence of the pensioner's disability. Taking into account that Section 13-A (c) is clear and unambiguous, it must be given its literal meaning and applied without attempted interpretation. Hence, the court is left with no alternative but to apply the same according to its clear language.[32] (Citations omitted; italics in the original)

Likewise, the CA agreed with the SSC that the cases of Dyaico and Montesclaros are not applicable in the instant case as they involved different factual milieus, viz.:

[In Dyaico, the] claimant therein is the surviving spouse of a deceased retiree pensioner who claimed to have been unjustly deprived of her survivorship pension pursuant to Section 12-B (d) of [the Social Security Law] which mandated that the primary beneficiaries of a retiree, as of the date of his retirement, shall be entitled to receive the death benefit pension. . . . The Supreme Court declared the proviso "as of the date his retirement" unconstitutional as it violates the due process and equal protection clauses of the Constitution. . . . In contrast,

Belinda is claiming a social security benefit pursuant to Section 13-A (c), an entirely different provision of [the Social Security Law] which specifically governs the monthly pension of a deceased permanent total disability pensioner. . . .

. . . .

Likewise, the case of *GSIS v. Montesclaros* is not applicable in this case because the main issue raised therein does not involve any proviso of [the Social Security Law] but the validity of the proviso in [Presidential Decree] No. 1146 which prohibits the dependent spouse from receiving survivorship pension if such dependent spouse married the pensioner within three (3) years before the latter qualified for the pension. In addition, the *Montesclaros* case also pertains to a retiree and not a disability pensioner.[33] (*Italics in the origin*)

Petitioner moved for reconsideration, but the CA denied her motion in the Resolution[34] dated September 28, 2020.

Hence, the present petition.[35]

The Issue

The issue before the Court is whether the CA committed a reversible error in agreeing with the SSC that petitioner is not entitled to survivorship pension under the Social Security Law.

Arguments of Petitioner

Petitioner argues that the proviso "as of the date of disability" in Section 13-A(c) of the Social Security Law, which qualifies the term "primary beneficiaries," violates the due process and equal protection clauses of the Constitution. She points out that the very purpose of the Social Security Law is to promote social justice and to provide meaningful protection to the members of the SSS and their beneficiaries against contingencies resulting in financial burden.[36] As such, petitioner contends that the CA should have granted her claim following the cases of *Dycaico* and *Montesclaros*.[37]

Arguments of the SSS

For its part, the SSS contends that the case of *Dycaico* is not applicable at bar as it involves a different factual milieu. It points out that in *Dycaico*, the claim was based on Section 12-B(d) of the Social Security Law, while petitioner's claim, under the same law, is based on Section 13- A(c), i.e., the deceased SSS member in *Dycaico* was a retiree pensioner, while Leonardo, the deceased husband of petitioner, was a permanent total disability pensioner.[38]

Further, the SSS avers that although petitioner was the legal spouse of a deceased SSS member, she cannot be considered as a primary beneficiary under Section 13-A(c), as their marriage was contracted after her husband became disabled.[39] The SSS maintains that Section 13-A(c), being clear, plain, and free from any ambiguity, must be given its literal meaning and applied without attempted interpretation.[40]

The Court's Ruling

The petition is meritorious.

Statutes enacted to promote social justice are considered social welfare legislations. In cases involving these legislations, doubts should be liberally construed in favor of the intended beneficiary of the statute,[41] for it is only by giving them a liberal construction that the constitutional policy concerning promotion of social justice[42] is realized.

The Social Security Law is a social welfare legislation enacted pursuant to the policy of the State to promote social justice and provide protection to the workers and their beneficiaries against the hazards of contingencies, such as disability and death, resulting in loss of income or financial burden.[43] Section 13-A(c) thereof provides:

SEC. 13-A. Permanent Disability Benefits. -

c. Upon the death of the permanent total disability pensioner, his primary beneficiaries as of the date of disability shall be entitled to receive the monthly pension[.]

Under Section 8(k) of the Social Security Law, the term "primary beneficiaries" pertains to the following: (1) "the dependent spouse until he or she remarries;" and (2) "the dependent legitimate, legitimated or legally adopted, and illegitimate children." Moreover, paragraph (e) of the same section provides that the surviving spouse, to be considered as a primary beneficiary, must be "entitled by law to receive support from the member."

This notwithstanding, to be considered as a primary beneficiary who is entitled to receive survivorship pension under Section 13-A(c) of the Social Security Law, the applicant must be the legitimate spouse of the pensioner as of the date of the latter's disability. On account of this proviso, the SSC and the CA upheld the denial of petitioner's application for survivorship pension.[44]

The Court finds the proviso "as of the date of disability" under Section 13-A(c) void for being violative of the equal protection and due process clauses of the Constitution.

The proviso "as of the date of disability" under Section 13-A(c) violates the equal protection clause of the Constitution; the ruling in *Dycaico* is applicable by analogy to the present case.

The case of *Dycaico* involved the claim for survivorship pension of therein petitioner Elena Dycaico (Elena) accruing from the death of her husband, Bonifacio Dycaico (Bonifacio). Bonifacio became a member of the SSS on January 24, 1980, and named Elena and their eight children as his beneficiaries. At that time, Bonifacio and Elena lived together as husband and wife without the benefit of marriage.[45]

In June 1989, Bonifacio retired from work and began receiving his monthly pension from the SSS until he died on June 19, 1997. A few months prior to his death, Bonifacio married Elena. After Bonifacio's death, Elena filed her application for survivorship pension with the SSS. Pursuant to Section 12-B(d) of the Social Security Law, the SSS denied Elena's claim and held that she was not considered a primary beneficiary of Bonifacio because her marriage to him in 1997 took place after his retirement.[46]

The SSC and the CA agreed with the SSS that the primary beneficiaries who are entitled to survivorship pension are only those who qualify as such upon the date of retirement of the deceased member. They held that because Elena was not yet the legitimate spouse of Bonifacio as of the date of his retirement, she could not be considered as his primary beneficiary within the contemplation of Section 12-B(d) of the Social Security Law.[47]

Elena elevated the case to the Court via a petition for review on certiorari under Rule 45. In *Dycaico*, the Court ruled in favor of Elena and struck down the proviso "as of the date of his retirement" in Section 12-B(d) of the Social Security Law on the ground that it infringes the equal protection clause. The Court declared that "[t]he nexus of the classification to the policy objective is vague and flimsy[,]"[48] viz.:

As illustrated by the petitioner's case, the proviso "as of the date of his retirement" in Section 12-B(d) of [the Social Security Law] which qualifies the term "primary beneficiaries" results in the classification of dependent spouses as primary beneficiaries into two groups:

(1) Those dependent spouses whose respective [m]arriages to SSS members were contracted prior to the latter's retirement; and

(2) Those dependent spouses whose respective marriages to SSS members were contracted after the latter's retirement.

Underlying these two classifications of dependent spouses is that their respective marriages are valid. In other words, both groups are legitimate or legal spouses. The distinction between them lies solely on the date the marriage was contracted. The petitioner belongs to the second group of dependent spouses, i.e., her marriage to Bonifacio was contracted after his retirement. As such, she and those similarly situated do not qualify as "primary beneficiaries" under Section 12-B(d) of [the Social Security Law] and, therefore, are not entitled to survivor's pension under the same provision by reason of the subject proviso.

. . . .

The legislative history of Rep. Act No. 8282 does not bear out the purpose of Congress in inserting the proviso "as of the date of his retirement" to qualify the term "primary beneficiaries" in Section 12- B(d) thereof. To the Court's mind, however, it reflects congressional concern with the possibility of relationships entered after retirement for the purpose of obtaining benefits. In particular, the proviso was apparently intended to prevent sham marriages or those contracted by persons solely to enable one spouse to claim benefits upon the anticipated death of the other spouse.

This concern is concededly valid. However, classifying dependent spouses and determining their entitlement to survivor's pension based on whether the marriage was contracted before or after the retirement of the other spouse, regardless of the duration of the said marriage, bears no relation to the achievement of the policy objective of the law[.][49]

The constitutional guarantee of the equal protection of the law[50] means that a statute is based on reasonable classification,[51] such that: (1) it rests on substantial distinctions; (2) it is germane to the purpose of the law; (3) it is not limited to existing conditions only; and (4) it applies equally to all members of the same class.[52] It is only in cases where there are real and substantial differences to distinguish one class from another that the law may treat and regulate one class differently from the other.[53]

In *Dycaico*, "dependent spouses" as primary beneficiaries under Section 12-B(d) of the Social Security Law were classified based on the time when their respective marriages to the SSS members were contracted and with reference to the latter's respective dates of retirement. In other words, two groups of "dependent spouses" were determined: (1) those whose respective marriages to the SSS members were contracted prior to the latter's retirement; and (2) those whose respective marriages to the SSS members were contracted after the latter's retirement.

In the present case, "dependent spouses" as primary beneficiaries under Section 13-A(c) may similarly be classified into two groups: (1) those whose respective marriages to the SSS members were contracted prior to the latter's disability; and (2) those whose respective marriages to the SSS members were contracted after the latter's disability. While both groups are considered legitimate spouses of the deceased pensioners, the difference rests exclusively on the dates when they contracted their respective marriages. Applying the classification, petitioner belongs to the second group of dependent spouses.

By analogy, the proviso "as of the date of disability" in Section 13- A(c) may be likened to the phrase "as of the date of his retirement" in Section 12-B(d), which the Court, in *Dycaico*, held as violative of the equal protection clause.[54] Notably, both Section 12-B(d) and Section 13- A(c) discriminate against the groups of dependent spouses who married the pensioners after the latter qualified for their pension. Specifically, Section 12-B(d) disqualifies dependent spouses who married their pensioner-spouses after the latter's retirement, while Section 13-A(c) disqualifies dependent spouses who married their pensioner-spouses after the latter became disabled.

Significantly, the Court in *Dycaico* identified the concern of the Congress regarding the possibility of relationships entered for the purpose of obtaining benefits from the SSS member or pensioner.[55] However, while finding the concern to be valid, the Court held that the classification under Section 12-B(d) bore no relation to the achievement of the policy objective of the Social Security Law.

In addition, the Court viewed that the policy objective would be achievable if the Congress had instead prescribed a "durational period of relationship" as a requirement for entitlement to survivor's pension:

. . . [I]f it were the intention of Congress to prevent sham marriages or those entered in contemplation of imminent death, then it should have prescribed a definite "duration-of-relationship" or durational period of relationship as one of the requirements for entitlement to survivor's pension. For example, in the United States, a provision in their social security law which excludes from social security benefits the surviving wife and stepchild of a deceased wage earner who had their respective relationships to the wage earner for less than nine months prior to his death, was declared valid. Thus, nine months is recognized in the United States as the minimum duration of a marriage to consider it as having been contracted in good faith for the purpose of entitlement to survivorship pension.[56] (Citations omitted)

In essence, what the Congress sought to avoid in enacting the Social Security Law was only the granting of benefits in favor of surviving spouses whose respective marriages to the deceased pensioners were a sham. To the Court, the classification under Section 13-A(c) of "dependent spouses" into two groups, through the qualifying phrase "as of the date of disability," is unreasonable and not necessarily an effective means to achieve the Social Security Law's policy objective of preventing sham marriages. On the contrary, it creates undue prejudice and discrimination against dependent spouses who did not contract their respective marriages to their pensioner-spouses for the purpose of obtaining benefits and who would otherwise be entitled to the survivorship pension if not for the unreasonable classification.

For instance, in the present case, the marriage between petitioner and her deceased husband, Leonardo, was by no means a sham. While the marriage was contracted only after Leonardo suffered a disability, it bears mentioning that the couple already had a child prior to the disability. More importantly, they lived exclusively as husband and wife, and their union lasted for 28 years before Leonardo died on November 14, 2009.[57]

Under the circumstances, the marriage of petitioner to Leonardo cannot be considered as a scheme that she employed merely to enable her to qualify for survivorship pension. To be sure, it was one that was entered into without any semblance of bad faith.

On this score, it is worth mentioning that common-law relationships are recognized under the Family Code of the Philippines[58] (Family Code).

For instance, Articles 147[59] and 148[60] of the Family Code provides that the property regime of unions without marriage shall be governed by the rules on co-ownership.

The Court finds that the proviso "as of the date of disability" under Section 13-A(c) is unfounded and inharmonious with the spirit behind the enactment of the Social Security Law. The unqualified denial of claims for benefits filed by surviving legitimate spouses who contracted their marriages to the pensioner-spouses after the latter's disability evidently discriminates against common-law relationships which are common and even recognized by the Family Code as family units and unions.

Evidently, the classification espoused by Section 13-A(c) does not rest on real and substantial distinctions and is not germane to the purpose of the Social Security Law. It is arbitrary and too sweeping as it considers all marriages contracted after the date of the pensioners' disability as a sham, regardless of the circumstances of the case.[61]

For the foregoing reasons, the Court finds the proviso "as of the date of disability" violative of the equal protection clause of the Constitution.

The classification under Section 13-A(c) also infringes upon the due process clause of the Constitution; the ruling in *Montesclaros* is applicable by analogy to the present case.

In the case of *Montesclaros*, the Court held that employees have contractual or vested rights in their pension where it is part of the terms of employment. It elucidated that "where the employee retires and meets the eligibility requirements, he [or she] acquires a vested right to benefits that is protected by the due process clause"[62] and that "[r]etirees enjoy a protected property interest whenever they acquire a right to immediate payment under pre-existing law." [63] Significantly, considering that the dependent spouse is entitled to survivorship pension, "a widow's [or widower's] right to receive pension following the demise of her [or his spouse] is also part of the [latter's] contractual compensation." [64]

Although the subject matter in *Montesclaros* involved retirement benefits under Presidential Decree No. 1146, [65] or the "Revised Government Service Insurance Act of 1977," the pronouncement therein that retirement benefits are protected property interest of the retirees applies by analogy to workers covered by the Social Security Law, such as Leonardo. [66] Considering his compulsory contributions to the SSS, Leonardo's pension did not constitute a mere gratuity but formed part of his compensation. [67] Corollary thereto, petitioner's right to receive the survivorship pension was already established because surviving spouses of deceased pensioners are entitled to it. [68] Thus, the unceremonious denial thereof is an outright confiscation of petitioner's right in violation of the due process clause. [69]

As it appears, Section 13-A(c) creates a conclusive presumption: that marriages contracted after the SSS member already suffered disability are for an illicit purpose. The presumption is dangerous as it assumes a fact which is not necessarily true. This amounts to a deprivation of property without being afforded the opportunity to be heard. [70]

All told, the Court strikes down the proviso "as of the date of disability" in Section 13-A(c) of the Social Security Law for being an infringement of the due process and equal protection clauses of the Constitution. It is incumbent upon the SSS to grant petitioner's claim for survivorship pension, which accrued from the death of her husband Leonardo.

WHEREFORE, the petition is GRANTED. The Decision dated May 18, 2020, and the Resolution dated September 28, 2020, of the Court of Appeals in CA-G.R. SP No. 159511 are REVERSED and SET ASIDE. The proviso "as of the date of disability" in Section 13-A(c) of Republic Act No. 8282 is declared VOID for being contrary to the due process and equal protection clauses of the Constitution. The Social Security System is ORDERED to process the claim of petitioner Belinda D.R. Dolera for survivorship pension in accordance with this Decision.

SO ORDERED.

Gesmundo, C.J., Leonen SAJ., Hernando, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, and Kho, Jr., JJ., concur.
Caguioa, J., see concurring Opinion.

Lazaro-Javier,[*] Zalameda,**] and Singh, JJ.,[***] On official business.

[*] On official business.

**] On official business.

[***] On official business.

[1]Rollo, pp. 11-29.

[2]Id. at 34-41. Penned by Associate Justice Ramon M. Sato, Jr. and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Florencio Mallanao Mamauag, Jr.

[3]Id. at 43-44.

[4]Id. at 65-69. Penned by Commissioner Diana Pardo Aguilar.

[5]Id. at 77.

[6]Id. at 82-89.

[7]Id.

[8]Id. at 65-66.

[9]Id. at 91. See Marriage Contract dated October 13, 1981 between Leonardo Dolera and Belinda Delos Reyes.

[10]Id. at 92. (Certificate of Death dated November 16, 2009 of Leonardo)

[11]Id. at 65.

[12]Id. at 93. Signed by Assistant Branch Head Leonora S. Nuque.

[13]Approved on May 1, 1997.

[14]Rollo, p. 93.

[15]Id. at 82-89.

[16]Id. at 83-84.

[17]Id. at 84-86.

[18]Id. at 86-88.

[19]513 Phil. 23 (2005).

[20]478 Phil. 573 (2004).

[21]Rollo, pp. 99-101.

[22]Id. at 100.

[23]Id.

[24]Id. at 65-69.

[25]Section 12(B) of Republic Act No. 8282 provides:

SEC. 12-B. Retirement Benefits. (a) A member who has paid at least one hundred twenty (120) monthly contributions prior to the semester of retirement and who (1) has reached the age of sixty (60) years and is already separated from employment or has ceased to be self-employed or (2) has reached the age of sixty five (65) years, shall be entitled for as long as he lives to the monthly pension: Provided, That he shall have the option to receive his first eighteen (18) monthly pensions in lump sum discounted at a preferential rate of interest to be determined by the SSS.

....

(d) Upon the death of the retired member, his primary beneficiaries as of the date of his retirement shall be entitled to receive the monthly pension.

[26]Rollo, p. 68.

[27]Id. at 77.

[28]Id. at 45-63.

[29]Id. at 34-41.

[30]Id. at 40.

[31]Id. at 36.

[32]Id. at 36-37

[33]Id. at 38-39.

[34]Id. at 43-44.

[35]Id. at 11-29.

[36]Id. at 16-17.

[37]Id. at 17-24.

[38]Id. at 145-146. See Comment of the SSS dated April 12, 2021.

[39]Id. at 147.

[40]Id. at 147-148.

[41]See *Salabe v. Social Security Commission*, 880 Phil. 29, 59 (2020).

[42]See Constitution, Art. XIII. Sections 1 and 2.

[43]Republic Act No. 8282, Sec. 2.

[44]Rollo, pp. 37-38. 67-68.

[45]*Dycaico v. SSS*, supra note 19, at 26.

[46]Id.

[47]Id. at. 27-28.

[48]Id. at 36.

[49]Id. at 33-36.

[50]Constitution, Art. III, Sec. 1.

[51]GSIS, Cebu City Branch v Montesclaros, supra note 20, at 587.

[52]Id.

[53]Id. at 587-588.

[54]Dycaico v. SSS, supra note 19, at 33-37.

[55]Id. at 35-36.

[56]Id. at 36.

[57]Rollo, p. 66.

[58]Executive Order No. 209, entitled "The Family Code of the Philippines," took effect on August 3, 1988.

[59]Article 147 of the Family Code provides:

ARTICLE 147. When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co- ownership.

In the absence of proof to the contrary, properties acquired while they lived together shall be presumed to have been obtained by their joint efforts, work or industry, and shall be owned by them in equal shares. For purposes of this Article, a party who did not participate in the acquisition by the other party of any property shall be deemed to have contributed jointly in the acquisition thereof if the former's efforts consisted in the care and maintenance of the family and of the household.

Neither party can encumber or dispose by acts inter vivos of his or her share in the property acquired during cohabitation and owned in common, without the consent of the other, until after the termination of their cohabitation.

When only one of the parties to a void marriage is in good faith, the share of the party in bad faith in the co-ownership shall be forfeited in favor of their common children. In case of default of or waiver by any or all of the common children or their descendants, each vacant share shall belong to the respective surviving descendants. In the absence of descendants, such share shall belong to the innocent party. In all cases, the forfeiture shall take place upon termination of the cohabitation.

[60]Article 148 of the Family Code reads:

ARTICLE 148. In cases of cohabitation not falling under the preceding Article, only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their respective contributions. In the absence of proof to the contrary, their contributions and corresponding shares are presumed to be equal. The same rule and presumption shall apply to joint deposits of money and evidences of credit.

If one of the parties is validly married to another, his or her share in the co-ownership shall accrue to the absolute community or conjugal partnership existing in such valid marriage. If the party who acted in bad faith is not validly married to another, his or her share shall be forfeited in the manner provided in the last paragraph of the preceding Article.

The foregoing rules on forfeiture shall likewise apply even if both parties are in bad faith.

[61]See *Dycaico v. SSS*, supra note 19, at 37.

[62]*GSIS, Cebu City Brunch v. Montesclaros*, supra note 20. at 584.

[63]*Id.*

[64]*Id.*

[65]Approved on May 31, 1977

[66]See *Dycaico v. SSS*, supra note 19, at 38.

[67]*Id.* at 38-39.

[68]*Id.* at 39.

[69]Constitution, Art. 111, Sec. 1.

[70]See *Dycaico v. SSS*, supra note 19, at 40.

CONCURRING OPINION

CAGUIOA, J.:

I fully concur in the ponencia that the proviso "as of the date of disability" in Section 13-A(c) of Republic Act (R.A.) No. 8282[1] is void for violating the equal protection and the due process clauses of the Constitution.

As aptly described by the ponencia, R.A. No. 8282 is a social welfare legislation that is established to promote social justice and provide meaningful protection to members and their beneficiaries against the hazards of disability, sickness, maternity, old age, death, and other contingencies resulting in loss of income or financial burden.[2] In this regard, in ruling on the threshold issue of constitutionality of the proviso in Section 13-A(c) of R.A. No. 8282, the Court has to apply only the rational basis scrutiny. Rational basis scrutiny is applied to legislative or executive acts that have the general nature of economic or social welfare legislation.[3] In our jurisdiction, the standard analysis of equal protection challenges, in particular, have generally followed the rational basis test, coupled with a deferential attitude to legislative classifications and a reluctance to invalidate a law, unless there is a showing of a clear and unequivocal breach of the Constitution.[4] This "deference" comes from the recognition that classification is often an unavoidable element of the task of legislation which, under the separation of powers embodied in our Constitution, is primarily the prerogative of Congress.[5]

It is important to emphasize, however, that the deferential treatment of the Court is not absolute. The duty and power of the Court under the lens of rational basis is not intended as an intrusion into the wisdom of the legislature, but to correct any arbitrariness that may have attended the crafting of the law.[6] While the Court recognizes Congress' wide discretion in providing for a valid classification, the deference stops where the classification violates a fundamental right, or prejudices persons accorded special protection by the Constitution. When these violations arise, the Court must discharge its primary role as the vanguard of constitutional guaranties, and require a stricter and more exacting adherence to constitutional limitations. Rational basis should not suffice.[7]

Here, the assailed proviso reckons the eligibility of primary beneficiaries to the survivorship benefits of the permanent total disability pensioner from the date of his or her disability. In the case of herein petitioner Belinda Dolera (Belinda), she was not considered by respondent Social Security Service (SSS) as a qualified primary

beneficiary of her late husband, Leonardo, despite being his lawful wife, on the ground that they only got married after his permanent disability in 1980. Following the leading case of *Dycaico v. SSS*[8] (*Dycaico*), the ponencia correctly observes that the assailed proviso creates two (2) groups of spouses: (1) those whose respective marriages to SSS members were contracted prior to the latter's disability; and (2) those whose respective marriages to SSS members were contracted after the latter's disability.[9] In *Dycaico*, the Court concluded that while classifications such as these both refer to valid marriages and legitimate spouses, they do not rest on real and substantial distinctions.

To be sure, the equal protection clause permits classification. It does not require the universal application of the laws to all persons or things without distinction. What it simply requires is equality among equals as determined according to a valid classification. However, for such classification to be valid, it must pass the test of reasonableness. The test has four requisites: (1) The classification rests on substantial distinctions; (2) It is germane to the purpose of the law; (3) It is not limited to existing conditions only; and (4) It applies equally to all members of the same class.[10]

As with *Dycaico*, the proviso in Section 13-A(c) fails the second requisite above. The proviso clearly intends to also prevent the possibility of marriages entered after incurring a permanent disability for the dishonorable and fraudulent purpose of obtaining benefits. However, classifying dependent spouses and determining their entitlement to survivor's pension based on whether the marriage was contracted before or after the disability of the other spouse, regardless of the duration of the said marriage, also bears no conceivable relation to the achievement of the policy objective of R.A. No. 8282 "to provide meaningful protection to members and their beneficiaries against the hazard of disability, sickness, maternity, old age, death and other contingencies resulting in loss of income or financial burden." Hewing again to the illustration given in *Dycaico*, it may happen that an SSS member who qualified for a permanent disability benefit at a relatively young age may decide to marry subsequently and henceforth remain married for a long time before death. Despite this, his or her surviving spouse would not be entitled to the survivorship benefits since he or she is not a primary beneficiary as of the date of disability of the SSS member following Section 13-A(c) of R.A. No. 8282. The arbitrariness and discriminatory nature of the assailed proviso is, at once, apparent.

Furthermore, the assailed proviso offends the due process clause of the Constitution for creating a conclusive presumption against spouses whose respective marriages to the SSS members were contracted after the latter's disability.

In another seminal case also cited in the ponencia, *GSIS, Cebu City Branch v. Montesclaros*,[11] the Court significantly held that in a pension plan where employee participation is mandatory, the prevailing view is that employees have contractual or vested rights in the pension where the pension is part of the terms of employment. Retirees enjoy a protected property interest whenever they acquire a right to immediate payment under pre-existing law.[12] Thus, where the employee retires and meets the eligibility requirements, he or she acquires a vested right to benefits that is protected by the due process clause. The Court extended this protection to benefits likewise provided and guaranteed under the relevant law in said case, Presidential Decree No. 1146,[13] or the "Revised Government Insurance Act of 1977," to survivors of deceased government employees and pensioners. Since a dependent spouse is one of the beneficiaries of survivorship benefits under the law, the Court determined that a widower's or widow's right to receive pension following the demise of his or her spouse is also part of the latter's contractual compensation.

Here, it is also compulsory upon all employees not over 60 years of age and their employers to be covered by the SSS. Section 18 of R.A. No. 8282 provides for the mandatory deductions and withholding of the employee's contribution by the employer, while Section 19 of R.A. No. 8282 provides for the mandatory payment by an

employer of his or her contribution as well. Considering, therefore, the mandatory salary deductions from covered employees, the pensions do not constitute mere gratuity but form part of compensation.[14] Simply put, these pensions are vested property rights of retired employees or their primary beneficiaries that are protected by Section 1., Article III of the Constitution, which provides that "no person shall be deprived of life, liberty or property without due process of law."

In striking down the proviso in *Dycaico*, which reckoned the eligibility of the primary beneficiaries to receive the pension of the deceased SSS member from the date of the latter's retirement, the Court explained that it makes an outright confiscation of benefits due a surviving spouse, whose marriage with a retired SSS member was contracted after the latter's retirement, without an opportunity to be heard. The proviso, according to the Court, created the presumption that marriages contracted after the retirement date of SSS members were entered into for the purpose of securing the benefits under R.A. No. 8282. Worse, it was a conclusive presumption because surviving spouses were not afforded any opportunity to disprove the presence of the illicit purpose. The proviso thusly presumed a fact which was not necessarily or universally true. As the Court pointed out, such kind of presumption was characterized in the United States as an "irrebuttable presumption," and statutes creating permanent and irrebuttable presumptions have long been disfavored under the due process clause.

The situation of the petitioner in *Dycaico* squarely applies to herein petitioner as well. In *Dycaico*, therein petitioner's late husband retired under the SSS Law in 1989 when they were still merely co-habiting. In January 1997, petitioner *Dycaico* and her husband finally got married; however, her husband died a few months thereafter in June 1997. The Court gave credence to *Dycaico*'s explanation that her marriage to her husband was intended to legalize their relationship and not to commit fraud. The Court observed that they, in fact, had been living together since 1980 and their eldest child during that time was already 24 years old.

In the instant case, Belinda and Leonardo were common-law spouses in 1979, a year before Leonardo became disabled and started receiving his permanent total disability pension from the SSS. In 1981, they got married and lived together as husband and wife for 28 years until the death of Leonardo in 2009. Surely, their marriage, much like that of the *Dycaicos*', can hardly qualify as a sham that was merely entered into for the sole purpose of obtaining benefits upon the anticipated death of the other spouse.[15] The SSS, however, automatically disqualified Belinda from being considered as his primary beneficiary pursuant to the assailed proviso in Section 13-A(c) of R.A. No. 8282 alone, which reckons the eligibility of primary beneficiaries to the survivorship benefits from the date of the pensioner's disability. In short, Belinda was not afforded the chance to present evidence to prove that her marriage to her husband was contracted in good faith and that she is his bona fide primary beneficiary to his survivor's pension. Consequently, Belinda was deprived of the survivor's benefits, a property interest.

All told, I agree with the ponencia in declaring as void the proviso "as of the date of disability" in Section 13-A(c) of R.A. No. 8282 for violating the equal protection clause and the right to due process of Belinda and those similarly situated dependent spouses of retired SSS members. The reckoning point in determining the beneficiaries of Leonardo should be the time of his death and not the time of his disability.

It is well to remember that in cases involving social legislation, doubts should be liberally construed in favor of the intended beneficiary of the law.[16] As the Court has emphasized, time and again, retirement laws, specifically, are liberally construed in favor of the retiree because their objective is to provide for the retiree's sustenance and, hopefully, even comfort, when he or she no longer has the capability to earn a livelihood.[17] It goes without saying that this rationale holds true for the retiree's dependent beneficiaries.

Finally, I agree further that the SSS should process the claim of Belinda for survivorship pension in accordance

with the ponencia. In this regard, however, the favorable grant thereof to Belinda is not ipso facto, in the absence of established substantial evidence that she is the one entitled thereto.[18] Under R.A. No. 8282, the spouse becomes the primary beneficiary of the SSS member if he or she is dependent on the latter during his or her lifetime, continues to be so after the SSS member's death, and remains unmarried. Thus, in *SSS v. Aguas*,^[19] the Court held that a claimant to a survivorship pension must show his or her qualification as a primary beneficiary:

On the claims of Rosanna, it bears stressing that for her 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. In this case, Rosanna presented proof to show that she is the legitimate spouse of Pablo, that is, a copy of their marriage certificate which was verified with the civil register by petitioner. But whether or not Rosanna has sufficiently established that she was still dependent on Pablo at the time of his death remains to be resolved. Indeed, a husband and wife are obliged to support each other, but whether one is actually dependent for support upon the other is something that has to be shown; it cannot be presumed from the fact of marriage alone.

In a parallel case involving a claim for benefits under the GSIS law, the Court defined a dependent as "one who derives his or her main support from another. Meaning, 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." It should be noted that the GSIS law likewise defines a dependent spouse as "the legitimate spouse dependent for support upon the member or pensioner." In that case, the Court found it obvious that a wife who abandoned the family for more than 17 years until her husband died, and lived with other men, was not dependent on her husband for support, financial or otherwise, during that entire period. Hence, the Court denied her claim for death benefits.^[20] (Emphasis and underscoring supplied; Italics in the original)

As the facts of the case show that the claim of Belinda was denied solely on the basis of Section 13-A(c) of R.A. No. 8282, her qualification as a dependent spouse has not yet been determined and must perforce be established by the SSS.

In view of the foregoing, I vote to GRANT the Petition.

[1]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, approved on May 1, 1997.

[2]See ponencia, p. 7, citing Sec. 2 of R.A. No. 8282.

[3]J. Nachura, Concurring and Dissenting Opinion in *Biraogo v. The Philippine Truth Commission* of 2010, 651 Phil. 374 (2010).

[4]*Central Bank (Now Bangko Sentral ng Pilipinas) Employees Association, Inc. v. BSP and the Executive Secretary*, 487 Phil. 531 (2004).

[5]J. Carpio-Morales, Dissenting Opinion in *Central Bank Employees Association, Inc. v. BSP and the Executive Secretary*, *id.*

[6]See *id.*

[7]*Central Bank Employees Association, Inc. v. BSP and the Executive Secretary*, *supra* note 4.

[8]513 Phil. 23 (2005).

[9]See ponencia, pp. 8-9.

[10]See *Biraogo v. The Philippine Truth Commission* of 2010, *supra* note 3.

[11]478 Phil. 573 (2004).

[12]*Id.*

[13]Amending, Expanding, Increasing and Integrating the Social Security and Insurance Benefits of Government Employees and Facilitating the Payment Thereof Under Commonwealth Act No. 186, As Amended, and for Other Purposes, approved on May 31, 1977.

[14]See *GSIS, Cebu City Branch v. Montesclaros*, *supra* note 11.

[15]See *Dycaico v. SSS*, *supra* note 8.

[16]*Salabe v. Social Security Commission, et al.*, 880 Phil. 29, 59 (2020).

[17]*Id.*, citing *Philippine National Bank v. Dalmacio*, 813 Phil. 127, 138 (2017).

[18]See *SSS v. Aguas, et al.*, 518 Phil. 538 (2006).

[19]*Id.*

[20]*Id.* at 553-554. Citations omitted.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.