



Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

HOUSE BILL NO. **3964**

Introduced by Honorable Erico B. Aumentado

EXPLANATORY NOTE

This bill seeks to amend Sections 2(f) and (g) of Presidential Decree (PD) No. 1146, otherwise known as the "*Revised Government Service Insurance Act of 1977*," as amended by Republic Act (RA) No. 8291, on the definitions of "*dependents*" and "*primary beneficiaries*" of pensioners and members of the GSIS.

Section 2(f) enumerates "*dependents*" as, among others, "*(a) the legitimate spouse dependent for support upon the member or pensioner xxx.*"

In 1977, survivorship benefits were introduced as part of the expanded social security and insurance benefits of government employees under PD 1146. The survivorship benefits mandated by PD 1146 were retained by RA 8291, otherwise known as the Government Service Insurance System Act of 1997, which amended PD 1146. Further, Section 20 of RA 8291 provides that when a GSIS member or pensioner dies, the beneficiaries shall be entitled to survivorship benefits in the form of survivorship pension and cash payment.

From the time the survivorship benefits were institutionalized under PD 1146 in 1977 up to March 2010, the legal spouses of GSIS members or pensioners had been considered as primary beneficiaries, without any qualification; and as such, were entitled to the survivorship benefits. The only contingency that would terminate the surviving spouse's entitlement to

the survivorship benefits was the fact of re-marriage as expressly stipulated by RA 8291.

In March 2010, however, the GSIS implemented a new policy on survivorship entitlements, which it called the *"Proper Interpretation of the Meaning of Surviving Spouses and Secondary Beneficiaries to be Entitled to Survivorship Benefit,"* that strictly construed the term "dependent" as used in RA 8291 to mean "entirely dependent for support" to qualify the legal spouse as a primary beneficiary of the GSIS member or pensioner. In effect the GSIS ordered the stoppage of survivorship pensions to spouses of deceased pensioners or members of the GSIS.

The bone of contention always centers on the phrase *"dependent for support upon the member or pensioner"* referring to the surviving spouse of the deceased, so much so that spouses who work or earn something for themselves are disqualified from receiving any pension benefits. This is utterly unjust as the death of a spouse means the loss of additional income for a family, thus the need for a replacement for the lost revenue in the form of pension benefits for the surviving spouse no matter the amount of the pension.

The grant of pension benefits somehow assuage the pain that a survivor feels upon the death of a person. Although the feeling of loss cannot be quantified, receiving something arising from the loss of a loved one somehow assures the survivor that he or she is not left alone in this world and will be taken care of. Depriving them of the survivorship benefits is tantamount to adding insult to the injury suffered by them.

In view thereof, approval of this bill is urgently requested.


ERICO B. AUMENTADO



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AN ACT
REMOVING THE RESTRICTIONS ON THE GRANT OF
SURVIVORSHIP BENEFITS TO A SURVIVING SPOUSE,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO.
1146, AS AMENDED, OTHERWISE KNOWN AS THE “REVISED
GOVERNMENT SERVICE INSURANCE ACT OF 1977,” AS
AMENDED.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 2(f) of Presidential Decree No. 1146, as amended, is hereby further amended to read as follows:

“SEC. 2. *Definition of Terms.* – Unless the context otherwise indicates, the following terms shall mean:

X X X

(f) *Dependents.* – Dependents shall be the following:

(a) the legitimate spouse [dependent for support upon the member or pensioner];

x x x.”

SEC. 2. Section 2(g) of the same Decree, as amended, is hereby further amended to read as follows:

“SEC. 2. *Definition of Terms.* – x x x

(g) *Primary beneficiaries.* – The legal [dependent] spouse until he/she remarries OR DIES and the dependent children.

SEC. 3. Section 21 of the same Decree, as amended, is hereby further amended to read as follows:

“SEC. 21. *Death of a Member.* – (a) Upon the death of a member, the primary beneficiaries shall be entitled to:

x x x

(b) The survivorship pension shall be paid as follows:

(1) when the [dependent] spouse is the only survivor, he/she shall receive the basic survivorship pension for life or until he/she remarries;

(2) x x x

(3) when the survivors are the [dependent] spouse and the dependent children, the [dependent] spouse shall receive the basic survivorship pension for life or until he/she remarries, and

the dependent children shall receive the dependent children's pension mentioned in the immediately preceding paragraph (2) hereof.

x x x.”

SEC. 4. This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,

RRB/BDS/MBOerc
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Aumentado. GSIS.surviving spouse benefits