

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5043

Introduced by REP. ANTHONY G. DEL ROSARIO

EXPLANATORY NOTE

Laws seeking to promote the common good are considered as social legislation. When Presidential Decree (PD) No. 1146, otherwise known as the "*Revised Government Service Insurance Act of 1977*" was enacted, many civil servants were elated as this increased and expanded the social security and insurance benefits accorded to them and their dependents.

When a member pays his monthly mandatory contributions to the Government Service Insurance System (GSIS), he expects that his loved ones will be benefited from the proceeds of his insurance policy. However, there is one vital and common issue which is the source of numerous complaints from beneficiaries, the definition of the word "*dependents*" under the survivorship provision in Section 2 (f) of PD 1146.

Take for instance the case where both spouses are GSIS members. In the event of death of one spouse, the surviving spouse can be denied survivorship claim on the basis of his/her own membership. As per GSIS definition, the surviving spouse does not fall under the word "*dependents*" stated in the law because he/she is not dependent on the deceased spouse for support. This defies logic considering that the couple had separate contributions and should rightfully expect benefits accruing from the premium payments they paid separately during their respective years of service in the government. Each member paid mandatory premiums which GSIS regularly receives. It is but fair and just that GSIS returns to the member's beneficiaries the benefits accruing from the collected premiums.

The definition provided for under Section 2 (f) of PD 1146 defeats the spirit of a social legislation law. It deprives the surviving spouse, children or parents of the member of the right to enjoy the fruits of his labor because of the restrictive interpretation of the phrase "*dependent for support*."

In view of the foregoing, approval of this bill is highly recommended.



ANTHONY G. DEL ROSARIO

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AN ACT
REDEFINING THE MEANING OF DEPENDENTS, AMENDING FOR THE PURPOSE
PRESIDENTIAL DECREE NO. 1146, OTHERWISE KNOWN AS THE "REVISED
GOVERNMENT SERVICE INSURANCE ACT OF 1977"

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

SECTION 1. Paragraph (f), Section 2 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:

(a) x x x x x x x x x;
 x x x x x x

(f) *Dependents.* – Dependents shall be the following: (a) the legitimate spouse [dependent for support upon] OF the member or pensioner; (b) the legitimate, legitimated, legally adopted child, including the illegitimate child [, who is unmarried, not gainfully employed, not over the age of majority, or is over the age of majority but incapacitated and incapable of self-support due to a mental or physical defect acquired prior to age of majority]; and (c) the NATURAL OR ADOPTIVE parents [dependent upon the member for support] OF THE MEMBER OR PENSIONER;

(u) x x x x x x x x x"

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

Approved,