

Template 2. Petition for Declaration of Spouse’s Dependency for Support Upon Deceased Member or Petition for Resumption of the Surviving Spouse’s Pension Benefit

Republic of the Philippines
SOCIAL SECURITY COMMISSION
Makati City

_____,
Petitioner,

- versus -

SSC CASE NO. _____

SOCIAL SECURITY SYSTEM,
Respondent.

x ----- x

P E T I T I O N

COMES NOW Petitioner (*full name of petitioner*), by counsel, and unto this Honorable Court, most respectfully states that:

1. PERSONAL CIRCUMSTANCES OF THE PARTIES:

1.1. PETITIONER

Name of Petitioner _____

Sex _____ Age _____ Civil Status _____

Petitioner’s home address

City _____
_____ Zip Code _____

Province, if applicable _____
_____ Zip Code _____

Telephone No. _____ Cellphone No. _____

Place of Work _____

Telephone No. _____ Cellphone No. _____

If petitioner is assisted by counsel or law student pursuant to the requirements under this Commission’s Revised Rules of Procedure

Petitioner’s Counsel or assisting law student
Name _____

Firm Name/Law school clinical legal education program

Mailing Address _____

Email Address _____
 Tel/Cel/Fax Nos. _____
 PTR No. _____ Date/Place of Issue _____
 Roll No. _____
 IBP No. _____ Lifetime
 Date/Chapter _____
 MCLE Compliance No. _____
 Exemption _____
 Other Compliances _____

1.2. RESPONDENT

Respondent Social Security System is a corporate body created by law pursuant to RA 1161, as amended, with principal office located on East Avenue, Diliman, Quezon City, Metro Manila

2. STATEMENT OF FACTS AND OTHER CAUSE/S OF ACTION

2.1. Petitioner is the legitimate surviving spouse of deceased SS member *(name of deceased member)* with SS No. _____, entitled to the SS death benefit under Section 12-B (d)¹ **or** Section 13² of the Social Security Act of 1997 both in relation to 8 (e) (1) and (k)³ thereof. Further, in accordance with Art. 68 and 195 (1) of the Family Code⁴, petitioner is considered as dependent upon deceased member for support.

Evidencing the fact of petitioner's marriage with deceased member are the following:

- Marriage Contract (Annex “__”)
- Petitioner's Advisory on Marriages issued by the Philippine Statistics Authority (PSA) (Annex “__”)
- Member's Advisory on Marriages issued by the PSA (Annex “__”)

¹ **SEC. 12-B. Retirement Benefits.** – (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: xxx

² **SEC. 13. Death Benefits.** – Upon the death of a member who paid at least thirty-six (36) monthly contributions prior to the semester of his 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 (Social Security Act of 1997)

³ **SEC. 8. Terms Defined.** – For the purpose of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

xxx

(e) **Dependents** – The dependents shall be the following:

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

xxx

(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: xxx

⁴ Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.

Art. 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding articles:

(1) Spouses; xxx (Family Code of the Philippines)

Others, specify _____

2.2. SSS member *(name of deceased member)* died on *(date of death)*, as shown in the attached:

Death Certificate (Annex “__”)
 Court Order on the Declaration of Presumptive Death, if member is presumed dead (Annex “__”)
 Others, specify _____

2.3.1. Did you file a death claim on account of member’s death **or** a reconsideration of the revocation/suspension of monthly pension with the SSS?

Yes No

2.3.2. If **NO**, why did you file a case with this Commission without first filing a claim with the SSS? *(State reason/s below)*

2.3.3. If **YES**, what is the action taken by the SSS? *(Please attach letter of denial/revocation/suspension of pension)*

granted
 denied
 still pending

on the ground/s of:

remarriage of petitioner when member was still alive or after the member’s death
 Cohabitation of petitioner with another man/woman when member was still alive or after the member’s death
 Petitioner’s alleged abandonment of the member
 Petitioner’s alleged attempt on member’s life
 Being separated from the member since *(date of separation)*
 Others, specify _____

2.3.4. What is the SSS’ written action in denying your claim for member’s death benefit **or** your reconsideration of the revocation/suspension of monthly pension?

denial by the SSS President
 denial by the Manager or Officer-in-Charge or authorized personnel of the SSS Department/Branch/Representative Office concerned
 Certification from the Benefit Appeals Review Committee

2.3.5. Is there truth on the ground of the SSS in the denial of your claim or revocation/suspension of your monthly pension?

YES, but I am still entitled to member's death benefit as his/her dependent legitimate spouse based on the following: *(State reason/s with attached documents to prove the same)*

NO, as shown in the following attached documents, I remained the dependent legitimate spouse of deceased member during his/her lifetime and even after his/her death because **I did not**:

remarry another during the lifetime of member, as shown in the

- Advisory on Marriage issued by the PSA
- others, specify _____

cohabit with another man/woman when member was alive and until the present, as supported by the

- Affidavit of Disinterested Persons of no cohabitation
- others, specify _____

abandon the member, as supported by the

- Affidavit of Disinterested Persons of no abandonment
- others, specify _____

attempt on member's life, as supported by the

- Affidavit of Disinterested Persons of no attempt on member's life
- others, specify _____

separate with member during his/her lifetime, as supported by the

- Affidavit of Disinterested Persons of no separation
- others, specify _____

Others, specify and attach documentary evidence to support the same _____

2. REMEDY OR RELIEF SOUGHT

WHEREFORE, petitioner respectfully prays that judgment be issued declaring petitioner (*state name of petitioner*) to be deceased member (*state deceased member's name*)'s dependent legitimate surviving spouse and primary beneficiary, entitled to the survivor's pension benefit provided under the Social Security Law, as amended, and directing respondent SSS to:

- resume the survivor's pension benefit from the time it was revoked/suspended on (*state date of revocation/suspension*)
- immediately pay the petitioner the survivor's pension benefit accruing from the death of SSS member (*state name of deceased member*)

Petitioner prays for such other reliefs as may be just and equitable in the premises.

(place signed), Philippines, (date signed).

(Name of petitioner and his/her signature or name/s and signature/s of his/her counsel or the assisting law student and his/her supervising attorney)

VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING