

THE LEGAL WIFE -

Angel and Jericho are happily married. Being the hard worker that he is, Jericho diligently pays his SSS dues to give added protection to his family. Unfortunately, Jericho succumbed to temptation when he met Maja and the two have an affair. Hopelessly enamored, Jericho decides to leave Angel without having his marriage annulled and lives-in with Maja.

Assuming Jericho dies, would Maja be able to claim his SSS death benefits?

The answer is an obvious NO, for the simple reason that Maja is not *the Legal Wife* of Jericho. Under SSS law, a member's *primary* beneficiaries include his *legal spouse* (and children). Maja is not included in the list of beneficiaries as she is but an intruder to Angel and Jericho's marital union, which grants her absolutely no right over the SSS death benefit.

Now suppose it was Angel who sought to claim the death benefits, notwithstanding the fact that she was no longer living with Jericho at the time of his death. Would she be entitled?

A Supreme Court case provides insight on the matter.

Florante and Teresa were married. After 10 years, the two became estranged when Teresa found out that Florante was having an affair. Seven years later, Florante died.

Teresa then filed a petition with the SSS to claim his death benefits. SSS denied her claim.

When the case reached the Supreme Court, the SSS' denial was affirmed. The Supreme Court said that under SSS law, it was not enough that one is the *legal spouse*...one also needed to prove that she was actually dependent on the deceased spouse. These two requisites must be satisfied.

Teresa argued that since she was the *Legal Wife*, she was already presumed to be a dependent of Florante. In fact, the Family Code even mandates that spouses are duty bound to give financial support to each other.

The Supreme Court explained, however, that Teresa should have *proven* her dependency on Florante; she should have *proven* that she was actually receiving support from Florante *or* that she had no other source of income. Considering that the spouses had already been living separately, the Supreme Court said that it was more reasonable to believe (without further evidence) that Teresa was doing fine on her own and was not at all *dependent* on Florante.

Now going back to our primetime intro, could Angel claim Jericho's death benefits? The answer is...it depends on whether she can prove that 1) she is the Legal Wife; and 2) that she was dependent on Jericho for support during his lifetime. Does Angel have her own means of support? Did she forsake and leave Jericho to live on her own? These are all important considerations in determining Angel's entitlement to the death proceeds.

Nonetheless, Angel may still have the last say even if she is shown to be independent. Under SSS law, in the absence of qualified beneficiaries, the proceeds of the death benefit would lapse into intestacy and follow the laws on succession. Under our laws on intestate succession, the legal spouse is one among the legal heirs entitled to inherit from the deceased spouse.

In that instance, being *The Legal Wife* would truly be enough.

(Based on G.R. No. 170195, March 28, 2011)