



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 31, 2022, which reads as follows:

A.M. No. 2022-051-Ret.-RE: APPLICATION FOR SURVIVORSHIP BENEFITS UNDER R.A. 8291 OF THE LATE ANALYN A. FORONDA

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RESOLUTION

Before this Court is an Application for Survivorship Benefits¹ under Republic Act No. 8291² filed by Jeffrey E. Foronda, surviving spouse of the late Analyn A. Foronda.

The Facts

Analyn A. Foronda (**Analyn**) served as Cashier I in the Checks Disbursement Division, Fiscal Management Office, Office of the Court Administrator of the Supreme Court.³ Analyn died on 20 March 2022.⁴ At the time of her death, Analyn was 46 years, 7 months, and 7 days old.⁵ She rendered a total of 19 years, 2 months, and 19 days of active government service.⁶ According to the records of the Office of Administrative Services, Analyn had a monthly compensation of Twenty Two Thousand Three Hundred Seventy Six Pesos (P22,376.00).⁷

Analyn is survived by Jeffrey E. Foronda (**Jeffrey**), her husband.⁸ Analyn and Jeffrey have no children.⁹ Thus, Jeffrey filed an Application for

¹ *Rollo*, p. 3.

² Republic Act No. 8291, amending Republic Act No. 1146, or the "REVISED GOVERNMENT SERVICE INSURANCE ACT OF 1977."

³ *Id.*, at 15.

⁴ *Id.* at 27.

⁵ *Id.*, at 1.

⁶ *Id.*; *See also* *id.* at 49.

⁷ *Id.*, at 15.

⁸ *Id.*, at 3.

⁹ *Id.*

Survivorship Benefits with the Government Service Insurance System (GSIS).

Per the Office of Administrative Services (OAS), Analyn had no pending administrative or criminal case filed against her.¹⁰ She was also given the same clearance by the Office of the Ombudsman.¹¹ Jeffrey, on Analyn's behalf, filed a Sworn Statement of Assets, Liabilities and Net Worth (SALN) as of 19 March 2022.¹²

The Recommendation of the Office of Administrative Services

The OAS recommended the approval of the Application for Survivorship Benefits. The relevant portion of the Memorandum, dated 9 August 2022, reads:

In view of the foregoing, this Office respectfully recommends the approval of the application for Survivorship Benefits under Republic Act No. 8291 of Mr. Jeffrey E. Foronda, surviving spouse of the late **ANALYN A. FORONDA**, former Cashier I in the Checks Disbursement Division, Fiscal Management Office, Office of the Court Administrator, this Court, effective upon her death on March 20, 2022, subject to the usual clearance requirements.

The benefits under the said law is payable by the Government Service Insurance System (GSIS).

For the Honorable Court's consideration.¹³

The Issue

The lone issue in this case is the propriety of granting Jeffrey's application for survivorship benefits, as the surviving spouse of Analyn.

The Ruling of the Court

The Court adopts the recommendation of the OAS.

Sections 20 and 21 of R.A. No. 8291 provide:

¹⁰ Id. at 4.
¹¹ Id. at 39.
¹² Id. at 43-44.
¹³ Id. at 2.

SECTION 20. Survivorship Benefits. — When a member or pensioner dies, the beneficiaries shall be entitled to survivorship benefits provided in Sections 21 and 22 hereunder subject to the conditions therein provided for. The survivorship pension shall consist of:

- (1) **the basic survivorship pension which is fifty percent (50%) of the basic monthly pension;** and
- (2) the dependent children's pension not exceeding fifty percent (50%) of the basic monthly pension.

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

(1) survivorship pension: Provided, That the deceased:

(i) **was in the service at the time of his death;**

[xxx]

(2) **the survivorship pension plus a cash payment equivalent to one hundred percent (100%) of his average monthly compensation for every year of service:** Provided, That the deceased was in the service at the time of his death with at least three (3) years of service; or

[xxx]

(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;** [xxx] (Emphasis supplied)

Further, Section 24.2 of the Revised Implementing Rules and Regulations (**Revised IRR**) of R.A. 8291 explicitly provides:

Section 24.2. Survivorship Benefits of Members in Active Service. —

24.2.1 If at the time of death, a member was in the service and has rendered at least fifteen (15) years of creditable service:

- a) **Her primary beneficiaries shall receive the survivorship pension and cash payment equivalent to 18 x the BMP.**[xxx] (Emphasis supplied)

The definition of “primary beneficiaries” under R.A. 8291 is limited to “[t]he legal dependent spouse until he/she remarries and the dependent children.”¹⁴ There is no dispute that, Jeffrey, as the surviving spouse, is considered a “primary beneficiary” under R.A. No. 8291.

Moreover, Analyn was in active government service at the time of her death. The records also show that Analyn rendered 19 years, 2 months, and 19 days of active government service prior to her death. Following the provisions of R.A. No. 8291 and its Revised IRR, Jeffrey, as the sole surviving beneficiary of Analyn, shall receive the (1) basic survivorship pension, equivalent to 50% of the basic monthly pension, for life or until he remarries; and (2) an additional one-time cash payment, equivalent to 18 times the basic monthly pension.

The benefits intended by law must therefore be awarded to Jeffrey, as primary beneficiary, subject to the usual clearance requirements.

WHEREFORE, the Court **NOTES** and **ADOPTS** the recommendation of the Office of Administrative Services in its Memorandum, dated 9 August 2022, recommending the approval of the application for Survivorship Benefits under Republic Act No. 8291 of Jeffrey A. Foronda, surviving spouse of the late **ANALYN A. FORONDA**, former Cashier I in the Checks Disbursement Division, Fiscal Management Office, Office of the Court Administrator, this Court, effective upon her death on 20 March 2022, subject to the usual clearance requirements. Jeffrey E. Foronda shall be entitled to receive the (1) basic survivorship pension, equivalent to 50% of the basic monthly pension, for life or until he remarries; and (2) an additional one-time cash payment, equivalent to 18 times the basic monthly pension.

SO ORDERED.

By authority of the Court:

MisaelDCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

JB 11/7/22

Mr. Jeffrey Estrella Foronda
2014 E. Carlos St., Pandacan
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¹⁴ Republic Act No. 8291, Section 2.

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