



Legal Opinion	2023-06
Date:	27 January 2023

ATTY. JOANNA MARIE Y. PAGSUYOIN

Junior Associate

**PIZARRAS, FLORES, SUBIA
& ASSOCIATES LAW OFFICES**

20/F Security Bank Centre
6776 Ayala Avenue, Legaspi Village
Makati City

Dear **Atty. Pagsuyoin**:

This refers to your letter dated 13 December 2022 requesting the Insurance Commission (IC) for legal opinion on whether certified true copies of a patient's (1) Medical Certificate, (2) Clinical Discharge Summary/Clinical Resume/Clinical Abstract, (3) Certification of Confinement, stating therein that the patient has expired, and (4) Record of Operations issued by the hospital may sufficiently prove the fact of death of an insured, other than the patient's Death Certificate, for purposes of filing a claim under a life insurance policy.

Pertinent to your query is the review of relevant provisions of the existing law, and IC rules and regulations, namely:

A. Section 248 of the Republic Act No. 10607 or the Amended Insurance Code

Section 248 of the Amended Insurance Code provides that "The proceeds of a life insurance policy shall be paid immediately upon maturity of the policy xxx Provided, however, That in the case of a policy maturing by the death of the insured, the proceeds thereof shall be paid within sixty (60) days after presentation of the claim and filing of the **proof of death of the insured.**"

B. IC Circular Letter (CL) No. 14-93

The provision on Claim Settlement under Optional Provisions of IC CL No. 14-93 entitled *Standard Life Insurance Policy Provisions* dated 25 June 1993 (herein attached) provides that "For any claim under this Policy, this Policy must be submitted at the office of the Company together with **due proof for the claim and all other requirements satisfactory to the Company.**"

As can be gleaned from the above provisions, there is no specific document/s mentioned to prove the fact of death of the insured.

Absence in law and IC regulations, the Parties to a life insurance policy, therefore, must refer to the specific requirements of the policy, company policies and/or existing business/industry practice on whether particular document/s satisfactorily proves the fact of death for purposes of claims settlement provided that the determination of such is not unreasonable, capricious, or whimsical.

While the Death Certificate is conclusive evidence as to the fact of death of the deceased and if duly registered with the Civil Register, is considered a public document and the entries found therein are presumed correct², this Commission cannot, however, pre-empt possible determination of the Court with respect to alternative document/s other than the Death Certificate that may satisfactorily prove the fact of death of the deceased/insured.

Please note that the above opinion rendered by this Commission is based solely on the particular facts disclosed in the query and relevant only to the particular issues raised therein and shall not be used, in any manner, in the nature of a standing rule binding upon the Commission in other cases whether for similar or dissimilar circumstances.

For information and guidance.

Very truly yours,



DENNIS B. FUNA
Insurance Commissioner



Enclosed: As stated

² Stronghold Insurance Company, Inc. v CA and Felicitas Rivera, G.R. No. 83376, May 29, 2989