



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila



Legal Opinion No.:	LO-2018-12
Date:	May 17, 2018

MS. EVELYN T. CARADA

Executive Vice President & General Manager
Fortune Life Insurance Co., Inc.
Fortune Life Building, 162 Legazpi Street,
Legaspi Village, Makati City

SUBJECT: Legal Opinion on Application of Article 2012 of the Civil Code of the Philippines on the Designation of Beneficiary/ies of a Life Insurance Policy

Dear Ms. Carada:

This refers to your letter dated 12 April 2018 requesting for this Commission's legal opinion "x x x on the payment of the proceeds of the insurance benefit to the second wife as the sole beneficiary taking into account the prohibition under Article 739 of the Civil Code which has suppletory application in insurance application regarding the appointment of persons guilty of adultery and concubinage at the time of designation as beneficiary."

This Commission understands that the issue relative to your request is thus: **"Can a woman married to a legally married man be named as a beneficiary in the life insurance policy of the latter and claim the proceeds thereof in case of death of the latter?"**

Our Opinion

In relation to your request for legal opinion, the pronouncement of the Honorable Supreme Court in "**The Insular Life Assurance Company, Ltd. v. Ebrado**" (G.R. No. L-44059; 28 October 1977) is particularly instructive on the issue. The pertinent portion of said jurisprudence is quoted hereunder, viz:

"1. It is quite unfortunate that the Insurance Act (RA 2327, as amended) or even the new Insurance Code (PD No. 612, as amended) does not contain any specific provision grossly resolutive of the prime question at hand. Section 50 of the Insurance Act which provides that '(t)he insurance shall be applied exclusively to the proper