



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



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| Legal Opinion No.: | 2019-12          |
| Date:              | 22 November 2019 |

**ATTY. MA. VICTORIA G. GERONA**  
PUBLIC ATTORNEY'S OFFICE  
Iloilo City District Office I  
3<sup>rd</sup> Floor, Ramon Q. Avancena Iloilo Hall of Justice  
Bonifacio Drive, Iloilo City

**SUBJECT: Request for Legal Opinion**

Dear Atty. Gerona:

This pertains to your letter dated 3 April 2019 requesting for legal opinion as regards the meaning of the terms "*Flood*" and "*Written Notice*" in the insurance policy issued by the Charter Ping-an Insurance Corporation to Mr. Dominador Ortiz.

The antecedent facts are as follows:

Mr. Ortiz applied for and was issued a fire insurance policy by Charter Ping An Insurance Corporation ("Charter Ping An") in March 2018 for his residential building located at #19 1<sup>st</sup> Street, Juntado Subdivision, Calumpang, Molo, Iloilo City. Said policy covered the insured property from special perils, specifically Robbery and Burglary and Flood with allied peril (copies of Mr. Ortiz' Insurance Policy No. FI-PHS-SP-18-0000738-00, Statement of Account and Policy Schedule are collectively attached herewith as Annex 'A').

Due to torrential rain brought about by the southwest monsoon on July 1, 2018, Mr. Ortiz' insured property was inundated resulting in substantial damage to his belongings and that of his lessee, Mr. Joachim M. Triebel. They reported the said flooding incident to the Iloilo Branch of Charter Ping An. After reporting the incident, Mr. Triebel, also sent an electronic mail to Charter Ping An and went to its Iloilo branch several times to make follow-ups on the claim. However, Mr. Triebel claimed that Charter Ping An's representative displayed indifference and the insurance claim was simply dismissed verbally on the ground that he had no insurable interest over the property. Mr. Triebel later sought assistance with the Insurance Commission Office in Manila. However, in a letter dated 14 November 2018, the Commission advised him to avail of other remedies as it upheld that he had no insurable interest over the subject property (copies of the e-mails sent by Mr. Triebel to Charter Ping An and the Insurance Commission are attached as Annexes 'B' and 'C' while the copy of the letter from the Insurance Commission is attached herewith as Annex 'D').