



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



Legal Opinion (LO) No.:	2020 - 02
Date:	04 March 2020

PROF. E. (LEO) D. BATTAD

Program Director

UP College of Law Gender Law and Policy Program

Malcolm Hall, Diliman,

Quezon City 1101

SUBJECT: Insured’s Right to Designate Beneficiary

Dear **Prof. Battad**:

This refers to your letter received by the Insurance Commission on 20 January 2020 requesting for the issuance of guidelines in relation to the right of the insured to designate a beneficiary, particularly the right of members of the lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community to designate their domestic partners as beneficiaries of their life insurance. Per your letter, the position of the UP College of Law Gender Law and Policy Program (hereinafter “UP GLPP”) is that the insured who secures a life insurance policy on his or her own life has the freedom to designate any person as his or her beneficiary, with the exception of those disqualified under Articles 739 and 2012 of the Civil Code.

Upon careful consideration of the present matter, **the Insurance Commission affirms your position that the insured who secures a life insurance policy on his or her own life may designate any individual as beneficiary, subject only to the exceptions provided in Article 2012 in relation to Article 739 of the Civil Code.**

While there is no express provision in the Amended Insurance Code on who may be designated as beneficiary in a life insurance policy, the right of the insured to designate any person as beneficiary in such insurance policy may be implied from Section 11 of the Amended Insurance Code, to wit:

“Section 11. The insured shall have the right to change the beneficiary he designated in the policy, unless he has expressly waived this right in said policy. x x x”