

Template 7. Petition for Declaration of the Member’s Presumptive Death

Republic of the Philippines
SOCIAL SECURITY COMMISSION
Makati City

_____,
Petitioner,

- versus -

SSC CASE NO. _____

SOCIAL SECURITY SYSTEM,
Respondent.

x ----- x

P E T I T I O N

COMES NOW Petitioner (*full name of petitioner*), by counsel, and unto this Honorable Court, most respectfully states that:

1. PETITIONER

- a. Name of Petitioner _____ Sex _____
Age _____ Civil Status _____
- b. Petitioner’s home address City _____
Zip Code _____
- c. Province, if applicable _____
Zip Code _____
Telephone No. _____ Cellphone No. _____
- d. Place of Work _____
Telephone No. _____ Cellphone No. _____

If petitioner is assisted by counsel or law student pursuant to the requirements under this Commission’s Revised Rules of Procedure

- e. Petitioner’s counsel/assisting law student Name _____
- f. Firm Name/Law school clinical legal education program _____
- g. Mailing Address _____
- h. Email Address _____
- i. Tel/Cel/Fax Nos. _____
- j. PTR No. _____ Date/Place of Issue _____
Roll No. _____
IBP No. _____ Lifetime
 Date/Chapter _____
- MCLE Compliance No. _____
 Exemption _____
- Other Compliances _____

2. Respondent Social Security System is a corporate body created by law pursuant to RA 1161, as amended, with principal office located on East Avenue, Diliman, Quezon City, Metro Manila;
3. Petitioner is the (state relationship with the member) of (state name of the member), as shown in the (state evidence of relationship, e.g. birth certificates, marriage contract, etc.), copy/ies of which is/are attached as Annex “__”/ Annexes “__”, etc.;
4. Member (state name of the member) with assigned SS No. _____ is a *bonafide* member of the Social Security System;
5. (State the circumstances surrounding the disappearance of the member or the circumstances tending to show that the member was in peril as of the last sight of him/her, and that the rate of survival therefrom is almost nil **and** attach documentary evidence that such incident happened);
6. (Discuss the extent of efforts made to locate the member or his body, e.g., help/assistance sought from the authorities or the police, investigation immediately conducted after the disappearance of the member **and** attach documentary evidence that such incident happened);
7. After (state length of time/number of years of the member’s disappearance) since the member’s disappearance on/in (state the exact date/year of disappearance), the latter has still not been found.
8. Petitioner filed a claim for death benefits as the deceased member’s (state in what capacity he/she is claiming, e.g., primary beneficiary) and he/she has submitted the necessary documents to the SSS but the said claim was denied based on the ground/s that (state the reason/s for the denial of the claim), as shown in the attached letter dated (state date of denial) of the SSS (state the denying Branch) attached as Annex “__”;
9. (State the ISSUE/S to be resolved)
10. (State your ARGUMENTS/DISCUSSIONS including applicable provisions of law, rules and regulations on presumptive death)

P R A Y E R

WHEREFORE, it is most respectfully prayed of this Honorable Commission that judgment be rendered declaring (name of the SSS member) presumptively dead, pursuant to (state legal bases) and that the SSS be directed to release the SS benefits due the petitioner under the Social Security Law, as amended.

Other reliefs as may be just and equitable in the premises, are likewise prayed for.

(place signed), Philippines, (date signed).

(*Name of petitioner and his/her signature or name/s and signature/s of his/her counsel or the assisting law student and his/her supervising attorney*)

VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING