

ADMINISTRATIVE AGREEMENT FOR THE

IMPLEMENTATION OF THE SOCIAL SECURITY CONVENTION

BETWEEN THE PHILIPPINES AND SPAIN

In the implementation of what is provided for in Article 21 of the Social Security Convention between the Republic of the Philippines and the Kingdom of Spain signed on May 20, 1988 in Manila, the competent Authorities of both countries have concluded the following Administrative Agreement:

TITLE I

GENERAL PROVISION

ARTICLE 1

For the implementation of the present Administrative Agreement:

A) The term "Convention" means the Social Security Convention signed between the Philippines and Spain.

B) The term "Agreement" means the present Administrative Agreement.

C) The terms defined in Article I of the Convention have the same meaning as the ones in the present Agreement.

ARTICLE 2

1. The Liason Offices designated for the implementation of the Convention and the present Agreement are:

For Spain, the National Institute of Social Security

For the Philippines, the Office of the Deputy Administrator for Legal, Adminsitration, and International Relations of the Social Security System



2. The competent Authorities of both contracting Parties can designate new Liason Offices as long as this is communicated to the other Party without delay.


### ARTICLE 3

In case Article 6 (a) of the Convention is referred to, the competent Institution of the Party whose legislation continues to apply to the employee shall, upon request of the employee or his employer, draw up a certification of replacement, stating that the employee can continue working subject to the legislation of the said Party, with a note expressing the deadline for its submission.

The certificate in question shall constitute the proof that the provisions covering the obligatory insurance of the other Party do not apply to the said employee.

### ARTICLE 4


The application for the authorization of postponement provided for in Article 6 (a) of the Convention, must be formalized by the employer before the end of the period of three (3) years referred to in said Article.



The application must be addressed to the competent Authority of the Party where the employee is insured, who shall, in turn, seek agreement on the postponement with the competent Authority of the Party where the employee is posted.

#### ARTICLE 5

The employee who, by virtue of Article 6 (c) of the Convention, exercises the right of option, must advise the competent Institution of the Party whose legislation it has chosen, either directly or through his employer. This Institution will communicate such option to the competent Institution of the other Party.



TITLE II

ECONOMIC BENEFITS FOR SICKNESS AND MATERNITY

ARTICLE 6

When the competent Institution of one of the Parties has to totalize the insured periods as provided for in Article 8 of the Convention for the granting of economic benefits for sickness and maternity, it shall request from the competent Institution of the other Party a certification of the periods of insurance complied with under its legislation through a form prepared for that purpose.

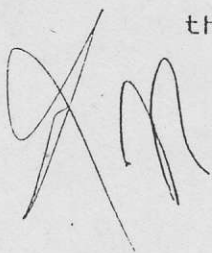
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TITLE III

BENEFITS FOR OLD AGE, DISABILITY, DEATH AND SURVIVORSHIP

ARTICLE 7

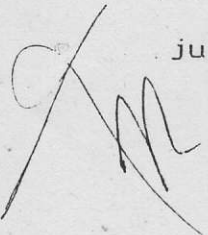
1. Where a person claims benefits under the provisions of Chapter 3, 4 and 5 of Title III of the Convention, the claim shall be submitted to the competent Institution in the place of residence of the person concerned in accordance with the procedure provided for by the legislation administered by that Institution.
2. If the person concerned does not reside in the territory of either Party, the claim should be sent to the competent Institution of the Party to whose legislation the person, on whose insurance the claim is made, was last subject.
3. When the Institution to which the application had been filed is not the competent Institution, in order to start the processing, according to the above paragraph, it should send the application with all necessary documents to the competent Institution through the intercession of the Liason Office.

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4. When the application for a benefit only alleges activities according to the legal provisions of one of the Parties and presented before the Institution of the other Party, this must be transmitted immediately to the competent Institution of the other Party through the intercession of the Liason Office.


#### ARTICLE 8

1. The Institution which conducts the initial examination shall accomplish the specific form established for this purpose and shall send as soon as possible two copies of it to the competent Institution of the other Party.
2. After having received the forms referred to in Paragraph 1, the competent Institution of that Party shall return to the competent Institution of the other Party, if this has been requested for, a copy of the accomplished specific forms, indicating the credited periods of insurance under its legislation.
3. The sending of the accomplished specific forms substitutes for the transmittal of the documents justifying the information therein recorded.



4. The competent Institution or Institutions shall communicate directly to the interested persons the action taken regarding the procedure and periods of appeal that they can avail of in accordance with their laws.
5. The competent Institutions of each of the Parties shall provide each other copies of the action taken on cases examined in the implementation of the Convention.

#### ARTICLE 2

1. The applications for disability benefits covered by Article 14 of the Convention, should be accompanied by the following documents:
    - a. A medical report regarding the causes, grade and reasonable possibility of cure, in respect of the degree of incapacity of the interested person given by the medical services of the Social Security.
    - b. Information, if applicable, regarding the period during which the interested person has been given financial benefit for his sickness or accident that caused the invalidity.
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2. The competent Institution of a Party can request from the competent Institution of the other Party where the interested person resides, other documents, information and results of medical examinations which may be considered necessary for the determination of the right to the benefit applied for.

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TITLE IV

BENEFITS FOR WORK-RELATED INJURY  
AND OCCUPATIONAL SICKNESS

ARTICLE 10

1. The application for benefits regulated in Title IV of the Convention shall be submitted to the competent Institution, in accordance with that which is established in Article 17 of the Convention.
2. When such applications are presented before an Institution which is not the competent one, this Institution must effect their immediate transfer through the Liason Office to the competent one.

ARTICLE 11

1. In the cases regulated in Article 19, Paragraph 3 of the Convention, when the beneficiary of a pension for occupational illness of a Party has undergone the same work-related risk incurred in the other Party and said illness has been further aggravated, the competent Institution of the latter Party shall communicate to the



competent Institution of the former Party the information regarding the new acknowledged pension.

2. The competent Institution that paid the initial pension, upon receiving the information regarding the amount of the acknowledged pension resulting from aggravation, shall determine, if proper, the additional amount to be paid chargeable to its account and will inform the competent Institution of the other Party.

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TITLE V

MISCELLANEOUS PROVISIONS

ARTICLE 12

The competent Institutions of both Contracting Parties can request one another, at anytime, medical examination, proofs of facts or acts that may result in the modification, suspension, termination or maintenance of the rights to the benefits included in the Convention. The expenses which result from this will be reimbursed without delay by the competent Institution which requested for its examination or verification upon receipt of the detailed justification of such expenses.

ARTICLE 13

The competent Authorities or the Liason Offices of both Parties, shall exchange statistical data regarding the payment of benefits given to the beneficiaries of the Convention during the previous calendar year. Those data will contain the number of beneficiaries, kind of benefits, the total amount of the benefits paid and such other data as may be deemed necessary.

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ARTICLE 14

The benefits will be paid directly to the beneficiaries by the competent Institution.

Notwithstanding the above, whenever more convenient, the payment of the pensions of one Party may be effected through the Institution or the Liason Office where the pensioner resides.

ARTICLE 15

For the purpose of examining the implementation of the Convention and of resolving problems that might arise from the interpretation thereof and of the present Administrative Agreement, the competent Authorities of both countries can meet as a Mixed Commission, assisted by the representatives of their respective Institution.

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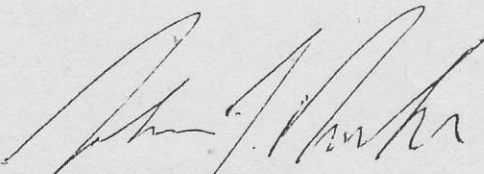
TITLE VI


FINAL PROVISION

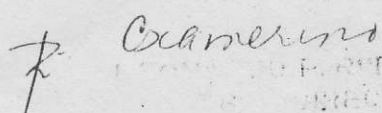
ARTICLE 16

The present Administrative Agreement will enter into force the first day of the second month following that in which both Contracting Parties communicate to each other that the conditions required by the internal legislation of each have been fulfilled. It will remain in force for the same period of time as the Convention.

Done in Madrid on May 21, 1991 in two (2) original documents, one (1) in English and one (1) in Spanish, both texts being equally authentic.

  
For the Social Security  
Administration of the  
Philippines

  
For the Ministry of Labor  
and Social Security of  
Spain

CERTIFIED TRUE COPY  
  
DIRECTOR  
DIVISION OF CONSULAR AFFAIRS

JUN 18 1991