

SOCIAL SECURITY CONVENTION  
BETWEEN  
THE PHILIPPINES AND FRANCE

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C O N V E N T I O N  
ON SOCIAL SECURITY  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES  
AND  
THE GOVERNMENT OF THE FRENCH REPUBLIC

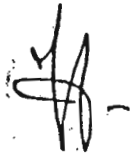
The Government of the Republic of the Philippines, on  
one hand,

and

The Government of the French Republic, on the other,

Desirous of regulating the relations between the two  
countries on the subject of Social Security, have agreed to  
the following provisions:





TITLE I

GENERAL PROVISIONS

Article 1

Definitions

For the purpose of the present Convention:

1. The expression "territory" of a designated contracting State, in accordance with the international law, refers to:
  - A) For the Philippines: the territory as defined in the Philippine Constitution of 1987, including the territorial waters as well as the zone situated beyond the territorial sea over which the Philippines can exercise its sovereign rights of exploration and exploitation, conservation and management of biological or non-biological natural resources.
  - B) For France: the territories of the European departments and the overseas departments of the French Republic, including their territorial waters as well as the zone beyond the territorial sea on which France can exercise its sovereign rights of exploration and exploitation, conservation and the management of biological and non-biological natural resources.
2. The term "national" refers to:
  - A) For the Philippines: a national as defined in the Philippine Constitution of 1987.
  - B) For France: a person of French nationality;
3. The term "worker" refers to:
  - A) For the Philippines: an employee as defined under the Social Security Law;
  - B) For France: a person exercising a salaried (wage-earning) activity or assimilated in the sense of French legislation.

4. The term "legislation" refers to the laws and regulations specified in Article 2.
5. The expression "competent authority" refers to:
  - A) For the Philippines: the Administrator of the Social Security System.
  - B) For France: the Ministers in charge, each one in his competence, with the implementation of the legislation specified in paragraph 1. a) of Article 2.
6. The expression "competent institution" refers to the administration or organization in charge of the implementation of legislation specified in Article 2.
7. The expression "period of insurance" refers to a period of payment of contributions coming from a wage-earning job, defined or recognized as a period of insurance by the respective legislation of the Contracting States, under which this period has been completed or all other equivalent periods for as long as it is recognized by their respective legislation as equivalent to a period of insurance.
8. The term "benefits" refers to cash benefits or in kind of a contributive nature envisaged by the legislation of either Contracting States.
9. The term "stateless person" refers to a person defined as stateless by Article 1 of the New York Convention relative to the Status of Stateless Persons dated 28 September 1954.
10. The term "refugee" refers to a person defined as refugee by Article 1 of the Geneva Convention relative to the Status of Refugees dated 28 July 1951 and by the Protocol to this Convention dated 31 January 1967.
11. The expression "official language" means for the Philippines the English language, for France the French language.
12. All other terms not defined in the present Article have the meaning conferred on them by the applicable legislation.

Article 2

Applicable Legislations

1. The present Convention is applicable:
  - a) In the Philippines, to all legislation concerning:
    - i. old age
    - ii. disability
    - iii. death and survivor
    - iv. temporary incapacity to work due to sickness or accident which are not work related
    - v. maternity
    - vi. work related accidents and occupational illness
  - b) In France to:
    - i. The legislation fixing the organization of the social security;
    - ii. The legislation fixing the scheme of social insurance is applicable
      - to salaried (wage-earning) workers of non-agricultural professions
      - to salaried (wage-earning) workers of agricultural professions;
    - iii. The legislation relative to the prevention and to the reparation of work-related accidents and to professional illness;
    - iv. The legislation relative to family benefits;
    - v. The legislation relative to the special schemes of social security in so far as they concern the risks and benefits covered by the legislation enumerated above, to the exclusion however of the special scheme of government service;
    - vi. The legislation relative to the scheme of seamen.



2. As exception to the provisions of paragraph 1 b) ii of the present Article, the present Convention does not apply to the provisions that French legislation extends to French nationals who work or have worked outside of French territory the right to adhere to voluntary insurance.
3. The present Convention will apply equally to legislative acts modifying or completing the legislation specified in paragraph 1; however, it will apply to future legislative acts of a Contracting State creating new categories of beneficiaries only if there is no opposition from the competent authority of this Contracting State, transmitted to the competent authority of the other Contracting State in writing within a period of three months from the date of publication of the new legislative act.
4. Except for contrary provisions envisaged by the present Convention, the legislative acts in the meaning of paragraph 1 does not comprise the acts of social security taken in application of treaties setting up the European Community or the treaties or other international agreements being in force between one or the other of the Contracting States and a third State, nor the laws or regulations promulgated for the purpose of their implementation.

### Article 3

#### Persons Insured

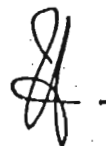
Except for contrary provisions, the present Convention is applicable:

- a. to workers, nationals of either Contracting State; refugees and stateless persons, defined in Article 1, and who are or who have been subject to the legislations referred to in Article 2.
- b. to the dependents of the persons mentioned in item a.

Article 4

Equality of Treatment

Except for contrary provisions of the present Convention, the persons residing in the territory of a Contracting State and to whom the provisions of the present Convention are applicable, are subject to the obligations and benefit from the coverage of the legislation of social security in force in this Contracting State under the same conditions as the nationals of this Contracting State.



TITLE II

PROVISIONS RELATIVE TO THE INSURANCE

Article 5

Applicable Legislation

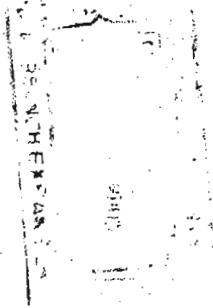
1. The workers engaged in the territory of one Contracting State are subject only to the legislation of this Contracting State, even if the seat of the enterprise or the domicile of the employer is found in the territory of the other Contracting State.
2. The crew of a ship flying the flag of a Contracting State is subject to the legislation of the State of the flag.

Article 6

Exceptions to the Applicable Legislation

As exceptions to the provisions of Article 5:

- a. The worker engaged by an enterprise having its head office in the territory of one Contracting State, who is sent by his employer to carry out work on the territory or on the ship of the other Contracting State, remains subject to the legislation of the first Contracting State, on the condition that the envisaged duration of work does not go beyond 36 months. / If the duration of work to be carried out must be prolonged beyond the period foreseen above, the legislation of the first State remains applicable during a new period of 36 months.
- b. The navigating personnel of the public or private enterprise of international air transport of either Contracting State is subject exclusively to the legislation of the Contracting State where the enterprise has its head office.





Article 7

Diplomatic and Consular Personnel,  
Civil Servants and other Categories of Personnel

1. The present Convention does not affect the provisions of the Vienna Convention on diplomatic relations of 18 April 1961 nor those of the Vienna Convention on consular relations of 24 April 1963.
2. The nationals of one Contracting State employed by the Government of this Contracting State on the territory of the other Contracting State but who are not excluded from the legislation of the other Contracting State under the conventions mentioned in paragraph 1, are subject only to the legislation of the first Contracting State. For the purpose of the present paragraph, the meaning of employment by the government of one Contracting State comprises the job of civil servants and military state employees and other personnel as well as the salaried employees in the service of the government of that Contracting State or of an organization dependent on the government of that Contracting State, on the territory of the other Contracting State.
3. The salaried personnel of diplomatic or consular posts other than those referred to in paragraphs 1 and 2 above mentioned, as well as those workers in the personal service of agents of these posts or of all other categories of persons mentioned in paragraph 2, can opt for the application of the legislation of the State represented, as long as they are nationals of this State or have been previously affiliated with the Social Security system of said State.

Article 8

The competent authorities of the two Contracting States can accept exceptions to the provisions of the present title in favor of a person or a category of persons, on the condition that the interested party is subject to the legislation of one Contracting State.



Article 9

The provisions of Articles 6 and 8 are applicable without condition of nationality since the persons concerned are subject at the same time to legislations of the two Contracting States.



either  
convention,  
if they are  
acting State.

TITLE III

PROVISIONS RELATIVE TO BENEFITS

CHAPTER I

General Provisions

Article 10

If the legislation of a Contracting State subjects the opening, the maintenance or the reopening of right to benefits to the completion of periods of insurance, the competent institution of the said State will take into account, as is necessary, the periods of insurance completed under the legislation of the other Contracting State, on the condition that the interested party has resumed a salaried (wage-earning) activity in the former State.

Article 11

Except for contrary provisions in this Convention, the benefits in cash for disability, old-age or survivor, the pension for work related accident or professional illness and death allowance accorded under the legislation of one Contracting State, cannot be made the object of any restriction of rights, nor of any reduction, modification, suspension, annulment, or debarment for the sole reason that the persons referred to in Article 3 do not reside in the territory of one Contracting State.

Article 12

Payment of Benefits

The benefits, due under the legislation of either Contracting State or in implementation of the Convention, are paid directly to the persons concerned, even if they no longer reside in the territory of either Contracting State.



CHAPTER II

Provisions relative to old-age and survivor  
benefits

Article 13

The salaried Filipino or French worker who, during the course of his career, has been insured, successively or alternatively in the territory of the two Contracting States, by one or several old-age or survivor insurance programs of each of those States, is entitled to the benefits under the following conditions:

- I. When the interested party meets the condition of insurance duration required by both the Philippine legislation and the French legislation in order to be entitled to a Philippine pension and a French pension, without having to take into account periods of insurance or their equivalent completed on the territory of the other Contracting State, the competent institution of each State determines the amount of the pension according to the provisions of the laws applicable, taking into account only the periods of insurance covered under their respective legislation.
- II. When the interested party does not meet, either from the Philippine side or the French side, the condition of the period of insurance required by the legislation of each of the States in order to obtain a Philippine pension or a French pension, the benefits that he can claim from the side of the Philippine and French Institutions are calculated according to the following rules:
  - a) Totalization of periods of insurance
    1. The periods of insurance completed under each of the legislations of the two Contracting States, as well as the periods recognized as equivalent to periods of insurance, are totaled on condition that they do not overlap, both from the point of view of the evaluation of the right to benefits, as well as from the point of view of maintenance or the recovery of this right.

2. The periods recognized as equivalent to the periods of insurance are, in each country, those which are recognized as such by the legislation of this State.
- b) Liquidation of benefits
1. Taking into account the totalisation of the periods, which is determined as described above, the competent institution of each State determines, in accordance with its own legislation, if the interested party has the conditions required for him to have right to a pension under this legislation.
  2. If the right to a pension is established, the competent institution of each State determines the benefits (theoretical pension) to which the insured party would have a right as if all the periods of insurance or the periods recognized as equivalent, had been completed exclusively under its own legislation.
  3. The benefits actually due to the interested party from the competent institution of each State, are determined by reducing the amount of the benefits referred to in the preceding clause (theoretical pension) to the proportion of the duration of the periods of insurance or those recognized as equivalent completed under its own legislation, in relation to the totality of the periods completed in the two States (prorata pension).
  4. If the total duration of the periods of insurance completed under the legislation of the two States is more than the maximum duration required by the legislation of one of these States for entitlement to full benefits, the competent institution of this State takes into consideration this maximum duration instead of the total duration of the said periods for the implementation of the provisions of paragraph 3.



III. When the interested party meets the condition of periods of insurance required by the legislation of one of the States, but does not meet the condition of duration of insurance required by the legislation of the other State in order to obtain a pension:

- the competent institution, in charge of the application of the legislation under which the right is open, proceeds with the liquidation of the benefits under the terms of I of the present article.
- the competent institution, in charge of the application of the legislation under which the right is not open, proceeds with the liquidation of the benefits under the terms of II of the present article.

#### Article 14

1. If the total duration of periods of insurance covered by the legislation of a Contracting State does not reach one year, the institution of this State is not obliged to grant benefits for the said periods, except if, under these sole periods, the right to benefits is acquired under this legislation. In this case, the right is liquidated based solely on these periods.
2. Nevertheless, these periods can be taken into consideration for the opening of rights by totalisation under the legislation of the other Contracting State.



CHAPTER III

Provisions relative to disability benefits

Article 15

1. The disability benefits are liquidated in conformity with the legislation covering the worker at the time when, following illness or accident, his interruption of work took place, followed by disability.
2. The amount of the disability pension is shouldered by the competent institution according to the terms of the aforesaid legislation.



CHAPTER IV

Provisions common to old age and disability

Article 16

1. When the totalisation of periods of insurance completed in the two States for the purpose of determining the benefits has to be resorted to, the following rules have to be applied:
  - a. If a period recognized as equivalent to one period of insurance by the legislation of a State coincides with one period of insurance completed in the other State, only the period of insurance is taken into consideration by the institution of the latter State.
  - b. If one same period is recognized as equivalent to one period of insurance both by the French legislation and the Philippine legislation, the said period is taken into consideration by the institution of the State where the interested party has last been insured compulsorily before the period in question.
  - c. If one period of insurance completed as a compulsory insurance under the legislation of a Contracting State coincides with a period of insurance accomplished as voluntary insurance under the legislation of the other State, only the former is taken into account by the first State.
2. When the legislation of a Contracting State subjects the right to old age, survivor or disability benefits to the condition that the periods of insurance have been completed during a determined time frame, this condition is deemed to have been met when the periods of insurance completed under the legislation of the other Contracting State have been completed during the same time frame.



Article 17

If the legislation of one Contracting State subjects the granting of certain benefits to the condition that the periods of insurance shall have been completed in a determined profession or employment, the period completed under the legislation of the other Contracting State are not taken into account for the granting of these benefits unless they have been completed under a corresponding scheme or, in its absence, in the same profession or in the same employment.

2. If, considering the periods thus completed, the interested party does not meet the conditions required in order to benefit from the said benefits, these periods are taken into account for the granting of the benefits of the general scheme, without their particularity being taken into account.

Article 18

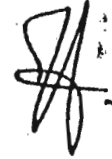
1. When the interested party does not fulfill, at a given time, the age condition required by the legislation of the two Contracting States, but satisfies the age condition of only one of them, the amount of benefits due, under the legislation from which point of view the right is open, is calculated in conformity with the provision of Article 13, paragraphs I or II, as the case may be.
2. The above solution is also applicable when the insured party meets, at a given time, the conditions required by the legislations on old age of the two States, but has taken advantage of the possibility offered by the legislation of one of the States to defer the liquidation of his rights to old age benefits.
3. When the age condition required by the legislation of the other State is found to be fulfilled or when the insured party requests for the liquidation of his rights that he had deferred in the context of the legislation of one of the States, the liquidation of the benefits due under this legislation is effected in the terms of Article 13, paragraph I or II, as the case may be, without having to proceed to the revision of the rights that have already been liquidated under the legislation of the first State.

Article 19

When, in accordance with the legislation of one Contracting State, the liquidation of the old age, survivor or disability benefits is undertaken on the basis of the average salary of all or a part of the period of insurance, the average salary taken into consideration in the calculation of the benefits is determined in accordance with the salaries recorded during the period of insurance completed under the legislation of the said State.

Article 20

1. The provisions are applicable analogously to the rights of the surviving spouses and children.
2. When death, which opens the right to the survivor pension, occurs before the worker has obtained the liquidation of his rights with regard to old age insurance, the benefits due to those who have the right are liquidated in the conditions specified in Article 13.



TITLE IV

VARIOUS PROVISIONS

Article 21

The nationals of each of the Contracting States have the right to subscribe to voluntary insurances provided for by the legislation on social security of the Contracting State where they reside, taking into account as needed the periods of insurance or equivalent ones that have been completed under the legislation of the other State.

Article 22

Family Benefits to Workers Sent Abroad

The workers referred to in Article 6 a) and b) of the present Convention can, when they file an application with the institution of the country where they are insured, claim for children who accompany them in their country of assignment, the family benefits as defined in the Administrative Arrangement.

Article 23

1. The competent authorities and the institutions of the Contracting States will, in their respective competence, use their good offices in the implementation of the present Convention.
2. The competent authorities of the two Contracting States will:
  - a) conclude an Administrative Arrangement and other arrangements necessary for the implementation of the present Convention;
  - b) mutually communicate all other information concerning the measures taken for the implementation of the present Convention and;
  - c) mutually communicate as soon as possible all information concerning all modifications to their respective legislations that may affect the implementation of the present Convention;

3. Liaison bodies will be named in the Administrative Arrangement with a view to the implementation of the present Convention.

#### Article 24

1. The competent authorities and institutions of the Contracting States have to communicate directly with each other and with everybody, wherever their places of residence may be, as may be needed, in the implementation of the present Convention. The language to be used in the correspondence is the official language of the sender.
2. Requests or documents cannot be rejected on the basis of the fact that they are written in the official language of the other Contracting State.
3. Exemptions or reductions in tax or documentary stamps, registration fees, provided for by the legislation of one Contracting State for the documents to be submitted in application of the legislation of the said State, are also extended to corresponding documents to be submitted to authorities or institutions of social security of the other State in application of the present Convention.
4. Documents and certificates to be produced in application of the present Convention are exempted from authentication or legalization by the diplomatic or consular authorities.
5. Certified true copies of documents issued by an institution of one Contracting State shall be recognized by an institution of the other Contracting State as certified true copies, even without any other certification. The institution of each Contracting State is the last judge of the value of the documents submitted to it as proofs, no matter what their origin is.



2. Notwithstanding all internal provisions or rules concerning foreign exchange regulations, the two governments must mutually agree not to bring any obstacle when it comes to the free transfer of the amount corresponding to the total amount of financial settlements linked to payment for Social Protection operations, either through the implementation of the present Convention or the implementation of the internal legislation of each country concerning salaried workers, particularly in the fields of voluntary insurances and complementary retirement insurances.

#### Article 28

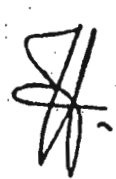
1. The resulting disputes relative to the applications of the present Convention will be settled, as much as possible, by the competent authorities of the Contracting States.
2. In case it is not possible to arrive at a settlement in this manner, the disputes will be settled through a mutual agreement between the two Governments.
3. In case the disputes cannot be settled through the above procedure, either Contracting State can submit the issue to the obligatory arbitration by an arbitration body whose composition and procedure shall be stated in the Administrative Arrangement.

#### Article 29

The present Convention can be modified in the future through supplementary agreements which will be considered as an integral part of the present Convention as soon as they enter into force.

#### Article 30

The present Convention does not prejudice the provisions of French legislation concerning the participation of non-nationals in bodies which are necessary for the functioning of the Social Security schemes.



TITLE V

TRANSITIONAL AND FINAL PROVISIONS

Article 31

1. The present Convention does not give any right (entitlement) to payment of benefits for a period prior to the date of its entry into force.
2. The periods of insurance completed before the entry into force of the present Convention shall be taken into consideration in determining the rights to benefits arising from and in accordance with the present Convention. However, it is understood that a Contracting State cannot be asked to take into consideration the periods of insurance prior to the earliest date from which periods of insurance may be validated in the terms of its legislation.
3. The present Convention applies to contingencies previous to its entry into force inasmuch as those contingencies have a bearing on the rights provided for by the legislation in Article 2.
4. The present Convention will not bring about any reduction of the benefits in cash, for which a right was opened before its entry into force.
5. a) Decisions made before the entry into force of the present Convention do not have any effects on the rights given according to the terms of the Convention.  
b) All benefits which have not been liquidated or have been suspended due to the internal legislation of one of the Contracting State but must be paid in accordance with the present Convention should, upon request of the concerned party, be liquidated or re-established starting from the date of the entry into force of the Convention unless obligations were previously paid in cash.  
c) The rights to benefits which have been liquidated prior to the entry into force of the present Convention can, upon request of the interested party, be revised in view of the provisions of the present Convention.

6. For purposes of the implementation of Article 5 a, in the case wherein a person who started a working period in the territory of the other Contracting State before the entry into force of the present Convention, the period of salaried activity mentioned in this paragraph will be considered to have started on the date of the entry into force.

#### Article 32

1. The governments of the two Contracting States will mutually inform each other in writing of the accomplishment of their respective legal and constitutional procedures which are required for the entry into force of the present Convention.
2. The present Convention shall enter into force on the first day of the second month after the date of its latest notification.

#### Article 33

1. The present Convention shall remain in force until the end of the calendar year following the year during which one Contracting State will have notified the other Contracting State in writing of its termination.
2. In the event of the termination of this Convention, the rights acquired by a person in accordance with the terms of the Convention shall be maintained; the Contracting States shall decide on the arrangements concerning the rights that are in the process of acquisition.



In witness whereof, the undersigned, duly authorized by their respective Governments have signed this Convention.

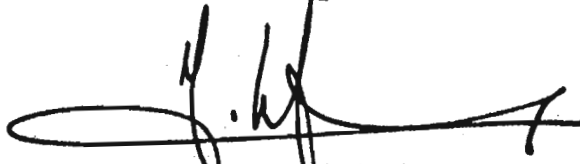
Done in Manila, Philippines on the 7th of February 1990 in two copies in English and in French languages, with both texts being equally authentic.

For the Government of the  
Republic of the Philippines

For the Government of the  
French Republic



Manuel T. RYAN  
Acting Secretary  
Department of Foreign Affairs



Jacques E. BLANC  
Ambassador of France  
to the Philippines