

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE
AGREEMENT ON SOCIAL SECURITY BETWEEN THE PORTUGUESE
REPUBLIC AND THE REPUBLIC OF THE PHILIPPINES

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DEPARTMENT OF FOREIGN AFFAIRS

31 OCT 2012
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ACTING DIRECTOR

For the purpose of implementing the Agreement on Social Security between the Portuguese Republic and Republic of the Philippines, signed at 14 on September 22(1)(a) of the Agreement, hereinafter referred to as the "Agreement",

the Portuguese and Philippine competent authorities, in accordance with Article 22(1)(a) of the Agreement, have agreed on the following provisions:

TITLE I
General provisions

Article 1
Definitions

For purposes of this Administrative Arrangement, hereafter referred to as the Arrangement, the terms and expressions used shall have the meaning assigned to them in Article 1 of the Agreement.

Article 2
Competent institutions

For purposes of the Agreement and of this Arrangement, the following bodies shall be designated as competent institutions:

1 - For the Portuguese Republic:

a) In the mainland territory:

- i) As regards benefits granted in the contingencies of sickness, maternity, paternity and adoption, the District Centre of the Social Security Institute where the beneficiary is enrolled;
- ii) As regards benefits granted in the contingencies of invalidity, old age and death, the "Centro Nacional de Pensões" (National Pensions Centre) of the Social Security Institute, Lisbon;
- iii) As regards benefits granted in the contingencies of occupational diseases and the compensation scheme for the damages resulting from accidents at work, the "Centro Nacional de Protecção contra os Riscos Profissionais" (National Centre for the Protection of Occupational Risks) of the Social Security Institute, Lisbon.

b) In the Autonomous Region of the Azores:

- i) As regards benefits granted in the contingencies of sickness, maternity, paternity, adoption, invalidity, old age and death, the "Instituto de Desenvolvimento Social dos Açores" (Social Development Institute of Azores), Angra do Heroísmo;
- ii) As regards benefits granted in the contingencies of occupational diseases and the compensation scheme for the damages resulting from accidents at work, the "Centro Nacional de Protecção contra os Riscos Profissionais" (National Centre for the Protection of Occupational Risks) of the Social Security Institute, Lisbon.

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c) In the Autonomous Region of Madeira:

- i) As regards benefits granted in the contingencies of sickness, maternity, paternity, adoption, invalidity, old age and death, the "Centro de Segurança Social da Madeira" (Social Security Centre of Madeira), Funchal;
- ii) As regards benefits granted in the contingencies of occupational diseases and the compensation scheme for the damages resulting from accidents at work, the "Centro Nacional de Protecção contra os Riscos Profissionais" (National Centre for the Protection of Occupational Risks) of the Social Security Institute, Lisbon.

2 - For the Philippines:

- i) As regards benefits granted in the contingencies of sickness, maternity, invalidity, old age and death for workers employed in the private sector, the Social Security System;
- ii) As regards benefits granted in the contingencies of invalidity, old age and death for workers employed in the public sector, the Government Service Insurance System;
- iii) As regards benefits for work-related contingencies for workers employed by the private and public sectors, the Employees' Compensation Commission.

Article 3

Liaison agencies

1 - In accordance with Article 22(1)(d) of the Agreement, the following bodies shall be designated as «liaison bodies»:

- a) For the Portuguese Republic, the "Direcção-Geral da Segurança Social" (General-Directorate for Social Security);
- b) For the Philippines, the Social Security System.

2 - The liaison bodies shall, among others:

- a) Establish, by mutual agreement, the collection of documents necessary for the application of the Agreement and of this Arrangement;
- b) Take, by mutual agreement, measures of an administrative nature for the application of this Arrangement; and
- c) Take measures in order to inform the persons concerned of their rights and of the appropriate procedures for the exercise of those rights.

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Article 4

**Admission to social voluntary insurance
(implementation of Article 5 of the Agreement)**

1 - In order to invoke the provisions of Article 5(1) of the Agreement, the person concerned shall submit to the competent institution a certified statement relating to the periods of insurance completed under the legislation of the Party he was last subject to.

2 - The certified statement shall, upon the request of the person concerned, be issued by the competent institution of the Party to whose legislation he was last subject.

3 - If the claimant does not submit the said certified statement, the competent institution shall request it from the competent institution of the other Party.

Article 5

Rules on the aggregation of periods of insurance

For the aggregation of periods of insurance completed under the legislation of both Parties by virtue of the Agreement, the competent institution shall apply the following rules:

- a) Where a period of insurance completed under a compulsory insurance under the legislation of a Party wholly or partly coincides with a period of insurance completed under a voluntary insurance under the legislation of the other Party, only the period completed under the compulsory insurance shall be taken into account by the competent institution;
- b) Where a period of insurance, other than an equivalent period, completed under the legislation of a Party coincides with an equivalent period completed under the legislation of the other Party, only the period of insurance in the part where it does not coincide shall be taken into account by the competent institution;
- c) Any period treated as equivalent simultaneously, wholly or partly, under the legislation of both Parties shall be taken into account only by the competent institution of the Party under whose legislation the insured person was last compulsorily covered prior to the said period where it does not coincide.
- d) In the case mentioned in subparagraph c) of this Article, where the insured person has not been compulsorily insured under the legislation of a Party before the said period, the latter shall be taken into account by the competent institution of the Party under whose legislation the person was compulsorily insured for the first time after the period in question;
- e) Where it is not possible to determine accurately the period of time in which certain periods of insurance were completed under the legislation of a Party, such periods shall be presumed not to overlap with periods of insurance completed under the legislation of the other Party and shall, where advantageous, be taken into account.

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TITLE II
**Implementation of the general provisions of the Agreement for
the determination of the legislation applicable**

Article 6
**Formalities in cases of posting of an employed person pursuant
to Article 9 (1) and (2) of the Agreement**

1 - In the cases covered by Article 9 (1) and (2) of the Agreement, the competent authority or competent institution, where the worker is insured, shall, upon the request of the employer or the worker, issue a certificate stating that the employed or self-employed worker remains subject to the legislation it administers and indicating therein the anticipated period of posting.

2 - The certificate referred to in paragraph 1 of this Article shall contain all information regarding the worker and his employer, as well as the duration of the period of posting, the name and address of the undertaking or company where the work shall be performed, the stamp or seal of the competent authority or of the competent institution and the date of issue.

3 - In the case covered by Article 9(1) of the Agreement, regarding the exceptional extension of the posting period, the employer, before the expiration of the term of the first twenty-four months, shall apply for the consent of the competent authority or of the designated body of the Party of the place of posting, in a form established for this purpose.

4 - The competent authority or the designated body of the Party of the place of posting referred to in paragraph 3 of this Article shall indicate in the aforementioned form the decision taken, send a copy each to the employer and to the competent authority of the other Party, and keep a third copy for itself.

5 - If the posting ceases before the date of expiration of its term, the employer shall communicate this new situation to the competent authority or competent institution of the Party in which he is covered, which shall in turn inform the competent authority or competent institution of the other Party.

Article 7
**Exercise of right of option by persons employed by diplomatic missions and
consular posts
(implementation of Article 10(3) of the Agreement)**

1 - The employed person who has exercised the right of option provided for in Article 10(3) of the Agreement shall inform both the competent institution of the Party for whose legislation he has opted to be covered and his employer.

2 - The competent institution referred to in paragraph 1 of this Article shall issue to the employed person a certificate stating that he shall be subject to the legislation it administers and provide a copy to the competent institution of the other Party.

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TITLE III
**Implementation of the provisions of the Agreement relating to the different
kinds of benefits**

CHAPTER 1
Sickness and maternity, paternity and adoption

Article 8
**Certified statement of periods of insurance
(implementation of Article 12 of the Agreement)**

1 - In order to invoke the provisions of Article 12 of the Agreement, the worker shall submit to the competent institution a certified statement specifying the periods of insurance completed under the legislation of the Party to which he was last subject.

2 - The certified statement shall be issued upon the request of the worker by the competent institution of the Party with which he was last insured.

3 - If the worker does not submit the certified statement, the competent institution shall request it from the competent institution of the other Party under which he was last insured.

Article 9
**Cash benefits in the case of residence in a Party other than the competent one
(implementation of Article 13 of the Agreement)**

1 - In order to receive cash benefits under Article 13 of the Agreement, the worker shall forthwith submit his claim to the competent institution of the place of residence, which shall forward it to the competent institution of the other Party.

2 - Subject to Article 22 of this Arrangement, the worker referred to in paragraph 1 of this Article may, upon the request of the competent institution be submitted to administrative checks and medical examinations according to the rules provided for in the legislation of the competent institution of the place of residence.

CHAPTER II
Invalidity, old age and survivors' pensions

Article 10
**Submission of claims for benefits
(implementation of Articles 15 and 16 of the Agreement)**

1 - In order to receive an invalidity, old age or survivors' pension, as well as a pension for the length of service under Articles 15 and 16 of the Agreement, a worker or his survivor, residing in Portugal or in the Philippines, shall submit the claim to the competent institution of the Party in whose territory the person concerned resides, in accordance with the procedures provided by the legislation of that competent institution.

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2 - Where the claimant resides in the territory of a third State, he shall submit the claim to the competent institution of the Party to whose legislation the worker was last subject.

3 - If the claim is submitted to an institution other than those referred to in paragraphs 1 and 2 of this Article, this institution shall immediately forward the claim to the competent institution to which it should have been submitted, indicating the date the claim was actually received.

4 - The date mentioned in paragraph 3 of this Article shall be considered as the date on which the claim was submitted to the latter competent institution.

Article 11 Documents and information

The submission of claims referred to in Article 10 of this Arrangement shall be subject to the following rules:

- a) The claim, accompanied by the required supporting documents, must be made on the form provided for by the legislation:
 - i) Of the Party in whose territory the claimant resides in the case referred to in paragraph 1 of Article 10; or
 - ii) Of the Party in which the worker was last insured in the case referred to in paragraph 2 of said Article 10.
- b) The accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Party to which the competent institution that received the claims belongs; and
- c) The claimant must indicate, as far as possible, the competent institution or institutions of the Parties in which the worker has been insured and the employer for whom he has previously worked in either or both Parties.

Article 12 Forms to be used for the processing of claims

1 - When processing a benefit claim, the competent institution that receives the claim shall fill out a liaison form and forward it in duplicate to the competent institution of the other Party.

2 - The transmittal of the liaison form shall take the place of the supporting documents as long as the data contained in the said form are authenticated by the sending competent institution which shall certify that the original documents contained in the file match the data given in the form.

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Article 13

Procedures to be followed by the competent institutions

1 - The competent institution that receives the claim shall indicate in the liaison form provided for in Article 12 of this Arrangement the date on which the claim was submitted, the periods of insurance completed by the worker under the legislation it administers, as well as the possible rights arising from those periods.

2 - When the claim submitted concerns invalidity benefit, the competent institution referred to in paragraph 1 of this Article shall attach to the liaison form the medical reports/certificates available for the application of its legislation.

3 - The competent institution of the other Party shall complete the liaison form by indicating the insurance periods completed under the legislation which it administers and the possible rights acquired by the claimant, if necessary, resorting to the aggregation of periods of insurance provided for in Article 15 of the Agreement. This competent institution shall, without delay, return a copy of the liaison form thus completed to the competent institution that received the claim.

4 - Upon receipt of the copy of the liaison form, the competent institution that received the claim, after having determined the entitlement to benefits and, if necessary, resorting to the aggregation of periods of insurance provided for in Article 15 of the Agreement, shall notify the competent institution of the other Party of its decision.

Article 14

Notification of decisions

The competent institution of either Party shall notify the claimant of its decision, specifying the grounds and the time limits for appeal and send a copy to the competent institution of the other Party.

CHAPTER III

Accidents at work and occupational diseases – cash benefits

Article 15

**Cash benefits in the case of residence in a Party other than the competent one
(implementation of Article 18 of the Agreement)**

1 - In order to receive cash benefits under Article 18 of the Agreement, a worker or his survivor shall submit the claim directly to the competent institution or through the competent institution of the place of residence which shall forward it to the competent institution of the other Party.

2 - The competent institution shall verify the right of the worker or his survivors in accordance with the legislation it administers, establish the amount of the benefits, notify the claimant of its duly justified decision, and specify the grounds and time limits for appeal.

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Article 16
**Assessment of the degree of incapacity
(implementation of Article 19 (1) of the Agreement)**

1 - In order to assess the degree of incapacity in the cases referred to in Article 19(1) of the Agreement, the worker shall supply the competent institution with all information on the accidents at work sustained or the occupational diseases contracted when he was subject to the legislation of the other Party, whatever the degree of incapacity caused by those contingencies.

2 - The information referred to in paragraph 1 of this Article shall, as far as possible, be confirmed by the competent institution of the Party in whose territory the accident occurred or the occupational disease was diagnosed.

Article 17
**Procedures in the case of exposure to the same risk of an occupational
disease in both Parties
(implementation of Article 20 of the Agreement)**

1 - In the case covered by Article 20 of the Agreement, notification of the occupational disease shall be forwarded to the competent institution of the Party in whose territory the person suffering from the occupational disease last pursued an activity liable to cause the occupational disease in question, or to the competent institution of the place of residence, which shall forward it, without delay, to the competent institution.

2 - When the competent institution of the Party, in whose territory the worker last pursued an activity liable to cause the occupational disease in question, ascertains that the worker or his survivors do not meet the conditions of the legislation it administers, even taking into account the provisions of Article 19(2) and (3) of the Agreement, the said competent institution shall:

- a) Forward, without delay, to the competent institution of the Party in whose territory the person suffering from the disease previously pursued an activity liable to cause the disease in question, the certified statement and the accompanying documents as well as a copy of the decision referred under sub-paragraph (b);
- b) Simultaneously notify the person concerned of its decision to reject the claim, indicating the following: the conditions that are needed to be met for the entitlement to benefits; the grounds and time limits for appeal; and the date on which the certified statement was forwarded to the processing institution.

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Article 18
**Aggravation of an occupational disease
(implementation of Article 21 of the Agreement)**

1 - For purposes of Article 21 of the Agreement, the worker who has transferred his residence to the territory of the other Party shall provide the competent institution of this Party all necessary information relating to benefits previously granted in respect of the occupational disease in question. The said competent institution may

request from the competent institution of the other Party additional information on the benefit previously granted to the worker.

2 - In the case covered under Article 21(a) of the Agreement, where the worker has not pursued, in the territory of the Party of his new residence, an activity liable to aggravate the occupational disease in question, the competent institution of his new residence shall send to the competent institution of the other Party a copy of the decision denying the claim of which the person concerned has already been duly notified, if necessary, in accordance with the provision of Article 17(2) of this Arrangement.

3 - In the case covered by Article 21(b) of the Agreement, where the worker has actually pursued, in the territory of the Party of his new residence, an activity liable to aggravate the occupational disease in question, the competent institution of his new residence shall inform the competent institution of the other Party of the cost for which it is responsible.

Article 19

Appeal against a decision denying a claim

Where an appeal is lodged against a decision denying a claim rendered by the competent institution of the Party, in whose territory the person suffering from the disease last pursued an activity liable to aggravate the occupational disease in question, that competent institution shall inform the competent institution of the other Party of the said appeal and of the final decision.

TITLE IV

Miscellaneous provisions

Article 20

Duty of information

The competent institutions of either Party shall immediately inform the competent institutions of the other Party of all facts that they take notice of, which are relevant for the application of the Agreement and of this Arrangement, specifically those related to the maintenance of the right to the benefits.

Article 21

Administrative checks and medical examinations

1 - Administrative checks and medical examinations of persons entitled to benefits under the legislation of a Party, who reside in the territory of the other Party, shall be carried out upon the request of the competent institution, by the institution of the place of residence or by the liaison body, which may use the services of an institution designated by them.

2 - The competent institution shall, however, reserve the right to have the person entitled to benefits examined by a doctor of its choice.

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Article 22

Determination of the degree of invalidity

In order to determine the degree of invalidity, the competent institutions of both Parties shall take into account the medical reports and the information of an administrative nature obtained by the competent institution of the other Party, reserving, however, the right to have the claimant examined by a doctor of its own choice.

Article 23

Reinstatement of the payment of benefits

After the suspension of a benefit granted under the legislation of a Party, when the person concerned recovers his right to the same benefit while residing in the territory of the other Party, the concerned competent institutions shall exchange information with the view to resume the payment of the said benefit.

Article 24

Payment of benefits

The cash benefits payable by the competent institutions of the Parties shall be paid directly to the person concerned, regardless of whether he resides in the territory of one or the other Party, without deduction of any amount incurred in the payment, which shall be borne by the competent institution responsible for the said payment.

Article 25

Life and civil status certification

The competent institutions of the Parties may ask the person concerned, directly or through the competent institution of the place of residence, for a life and civil status certificate, as well as other documents necessary to verify the right to or the maintenance of the benefits.

Article 26

Claims, declarations or appeals submitted in the Party other than the competent State

(implementation of Article 25 of the Agreement)

For purposes of Article 25 of the Agreement, the competent authority, institution or jurisdictional body of the Party which has received the claim, declaration or appeal, shall forward it without delay to the concerned competent authority, institution or jurisdictional body of the other Party, indicating the date of receipt.

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Article 27
Joint committee

The competent authorities of the Parties shall establish a technical joint committee that shall meet alternately in Portugal or in the Philippines, in order to:

- a) Deliver reasoned opinions on questions concerning the interpretation and implementation of the Agreement and of this Arrangement;
- b) Establish the model liaison forms provided for in this Arrangement, as well as the procedures necessary for the implementation of the Agreement and of this Arrangement; and
- c) Deliver reasoned opinions on any question submitted for analysis by the competent authorities.

Article 28
Entry into effect

This Arrangement shall take effect from the date of entry into force of the Agreement and shall have the same duration as that of the latter.

DONE in two copies at Lisbon this 14th day of September 2012 in the Portuguese and English languages, both texts being equally authoritative.

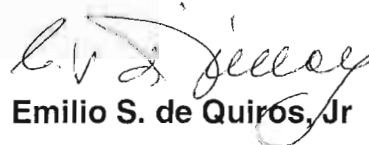
For the Competent Authority of the
Portuguese Republic



Luís Pedro Russo da Mota Soares

Minister of Solidarity and Social
Security

For the Competent Authority of the
Republic of the Philippines



Emilio S. de Quiros, Jr

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