

AGREEMENT BETWEEN
JAPAN AND THE REPUBLIC OF THE PHILIPPINES
ON SOCIAL SECURITY

Japan and the Republic of the Philippines (hereinafter referred to in this Agreement as "the Philippines"),

Being desirous of regulating their mutual relations in the field of social security,

Have agreed as follows:

PART I
GENERAL PROVISIONS

Article 1
Definitions

1. For the purpose of this Agreement:

(a) "a Contracting State" and "the other Contracting State" mean Japan or the Philippines, as the context requires;

(b) "territory" means,

as regards Japan,
the territory of Japan,

as regards the Philippines,
the territory of the Philippines in accordance with the 1987 Philippine Constitution and international law;

Note: Nothing in this subparagraph shall affect the rights and obligations of the Contracting States under international law, including those under the United Nations Convention on the Law of the Sea.

(c) "national" means,

as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan,

as regards the Philippines,
a Filipino citizen within the meaning of the 1987 Philippine Constitution;

- (d) "legislation" means,
- as regards Japan,
the laws and regulations of Japan concerning the
Japanese pension systems specified in paragraph 1
of Article 2,
- as regards the Philippines,
the laws specified in paragraph 2 of Article 2;
- (e) "competent authority" means,
- as regards Japan,
any of the Governmental organizations competent
for the Japanese pension systems specified in
paragraph 1 of Article 2,
- as regards the Philippines,
the President and Chief Executive Officer of the
Social Security System, or the President and
General Manager of the Government Service
Insurance System, to the extent that each
authority is responsible under the legislation of
the Philippines;
- (f) "competent institution" means,
- as regards Japan,
any of the insurance institutions, or any
association thereof, responsible for the
implementation of the Japanese pension systems
specified in paragraph 1 of Article 2,
- as regards the Philippines,
the Social Security System or the Government
Service Insurance System, to the extent that each
institution is responsible under the legislation
of the Philippines;
- (g) "period of coverage" means,
- as regards Japan,
a period of contributions under the legislation
of Japan and any other periods taken into account
under that legislation for establishing
entitlement to benefits,

as regards the Philippines,
a period of contributions used to acquire the
right to a benefit under the legislation of the
Philippines, but does not include periods for
which contributions have been refunded,

however, a period which shall be taken into
account, for the purpose of establishing
entitlement to benefits under the legislation of
a Contracting State, pursuant to other agreements
on social security comparable with this
Agreement, shall not be included;

(h) "benefit" means,

a pension or any other cash benefits under the
legislation of a Contracting State.

2. For the purpose of this Agreement, any term not
defined in this Agreement shall have the meaning assigned
to it under the applicable legislation.

Article 2 Matters Covered

This Agreement shall apply,

1. as regards Japan, to the following Japanese pension
systems:

- (a) the National Pension (except the National Pension
Fund); and
- (b) the Employees' Pension Insurance (except the
Employees' Pension Fund);

however, for the purpose of this Agreement, the
National Pension shall not include the Old Age
Welfare Pension or any other pensions which are
granted on a transitional or complementary basis
for the purpose of welfare and which are payable
wholly or mainly out of national budgetary
resources; and

2. as regards the Philippines, to the following laws:

- (a) Republic Act No. 8282, otherwise known as the
Social Security Act of 1997, as it relates to
retirement, disability and death benefits;

- (b) Republic Act No. 8291, otherwise known as the Government Service Insurance System Act of 1997, as it relates to retirement, disability, death and survivorship benefits; and
- (c) Republic Act No. 7699, otherwise known as the Portability Law of 1994, as it relates to totalizing periods of contribution and service under the laws specified in subparagraphs (a) and (b).

Article 3
Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State, as well as family members or survivors who derive rights from such person.

Article 4
Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

Article 5
Payment of Benefits Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of a Contracting State which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside the territory of that Contracting State shall not be applicable to persons who ordinarily reside in the territory of the other Contracting State.

2. Benefits under the legislation of a Contracting State shall be paid to the persons specified in Article 3, who ordinarily reside in the territory of a third State, under the same conditions as if they were nationals of that Contracting State.

3. Payments of benefits under this Agreement to beneficiaries who reside in the territory of the other Contracting State are made in the currency of either Contracting State or in any other freely convertible currency in accordance with the relevant laws and regulations of the Contracting States. In case provisions for restricting the exchange of currencies or remittance are introduced by either Contracting State, the Governments of both Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by the Contracting State which imposes such restrictions.

PART II
PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION

Article 6
General Provisions

Unless otherwise provided in this Agreement, a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that employment or self-employment, be subject only to the legislation of that Contracting State.

Article 7
Special Provisions

1. Where a person, who is covered under the legislation of a Contracting State and employed in the territory of that Contracting State by an employer with a place of business in that territory, is sent by that employer, either from that territory or from a territory of a third State, to work on that employer's behalf in the territory of the other Contracting State, the employee shall be subject only to the legislation of the first Contracting State as if that employee were working in the territory of the first Contracting State, provided that the period of such detachment is not expected to exceed five years.

2. If the detachment referred to in paragraph 1 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the employee remains subject only to the legislation of the first Contracting State for a period not exceeding three years.

3. Where a person, who is covered under the legislation of a Contracting State and who ordinarily works as a self-employed person in the territory of that Contracting State, works temporarily as a self-employed person in the territory of the other Contracting State, that person shall be subject only to the legislation of the first Contracting State as if that person were working in the territory of the first Contracting State, provided that the period of the self-employed activity in the territory of the other Contracting State is not expected to exceed five years.

4. If the self-employed activity in the territory of the other Contracting State referred to in paragraph 3 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the self-employed person remains subject only to the legislation of the first Contracting State for a period not exceeding three years.

Article 8
Members of Diplomatic Missions,
Members of Consular Posts and Civil Servants

1. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

2. Subject to paragraph 1 of this Article, where any civil servant of a Contracting State or any person treated as such in the legislation of that Contracting State is sent to work in the territory of the other Contracting State, that person shall be subject only to the legislation of the first Contracting State as if that person were working in the territory of the first Contracting State.

Article 9
Exceptions to Articles 6 to 8

At the request of an employee and an employer or a self-employed person, the competent authorities or the competent institutions of both Contracting States may agree to grant an exception to Articles 6 to 8 in the interest of particular persons or categories of persons, provided that such persons or categories of persons shall be subject to the legislation of one of the Contracting States.

Article 10
Spouse and Children

1. As regards the spouse or children, coming with a person who works in the territory of Japan and who is subject only to the legislation of the Philippines in accordance with Article 7, paragraph 2 of Article 8 or Article 9, the legislation of Japan concerning the Japanese pension system specified in paragraph 1(a) of Article 2 shall not apply to them provided that the requirements specified in the laws and regulations of Japan concerning the enforcement of the agreements on social security are fulfilled. However, when they so request, the foregoing shall not apply.

2. As regards the spouse or children, coming with a person who works in the territory of the Philippines and who is subject only to the legislation of Japan in accordance with Article 7, paragraph 2 of Article 8 or Article 9, the legislation of the Philippines shall not apply to them provided that they do not work as an employee or as a self-employed person in the territory of the Philippines.

Article 11
Compulsory Coverage

Articles 6, 7, paragraph 2 of Article 8 and Article 10 shall apply only to compulsory coverage under the legislation of each Contracting State.

PART III
PROVISIONS CONCERNING BENEFITS

Chapter 1
Provisions concerning Japanese Benefits

Article 12
Totalization

1. Where a person does not have sufficient periods of coverage to fulfill the requirement for entitlement to Japanese benefits, the competent institution of Japan shall take into account, for the purpose of establishing entitlement to those benefits under this Article, the periods of coverage under the legislation of the Philippines insofar as they do not coincide with the periods of coverage under the legislation of Japan.

However, the foregoing shall not apply to lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death or withdrawal.

2. In applying paragraph 1 of this Article, the periods of coverage under the legislation of the Philippines shall be taken into account as periods of coverage under the Employees' Pension Insurance and as corresponding periods of coverage under the National Pension.

Article 13
Special Provisions concerning Disability Benefits
and Survivors' Benefits

1. Where the legislation of Japan requires for entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) that the date of the first medical examination or of death lies within specified periods of coverage, this requirement shall be deemed to be fulfilled for the purpose of establishing entitlement to those benefits if such a date lies within the periods of coverage under the legislation of the Philippines.

However, if entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) under the National Pension is established without applying this Article, this Article shall not be applied for the purpose of establishing entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) based on the same insured event under the Employees' Pension Insurance.

2. Paragraph 1 of Article 5 shall not affect the provisions of the legislation of Japan which require a person who is aged 60 or over but under 65 on the date of the first medical examination or of the death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

Article 14
Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 12 or paragraph 1 of Article 13, the competent institution of Japan shall calculate the amount of that benefit in accordance with the legislation of Japan, subject to paragraphs 2 to 5 of this Article.

2. With regard to the Disability Basic Pension and other benefits, the amount of which is a fixed sum granted regardless of the periods of coverage, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 12 or paragraph 1 of Article 13, the amount to be granted shall be calculated according to the proportion of the sum of the periods of contribution and the premium-exempted periods under the pension system from which such benefits will be paid to the theoretical period of coverage referred to in paragraph 4 of this Article.

3. With regard to disability benefits and survivors' benefits under the Employees' Pension Insurance, insofar as the amount of those benefits to be granted is calculated on the basis of the specified period determined by the legislation of Japan when the periods of coverage under the Employees' Pension Insurance are less than that specified period, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 12 or paragraph 1 of Article 13, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Employees' Pension Insurance to the theoretical period of coverage referred to in paragraph 4 of this Article. However, when the theoretical period of coverage exceeds that specified period, the theoretical period of coverage shall be regarded as equal to that specified period.

4. For the purpose of paragraphs 2 and 3 of this Article, "theoretical period of coverage" means the sum of the following periods (except that it shall not include the period after the month in which the day of recognition of disability occurs or the period beginning with the month in which the day following the day of death occurs):

- (a) the period from the month in which the day of attainment of age 20 occurs through the month preceding the month in which the day of attainment of age 60 occurs, except the period before April 1, 1961;

- (b) periods of contribution under the legislation of Japan which do not coincide with the period referred to in subparagraph (a) of this paragraph; and
- (c) periods of coverage under the legislation of the Philippines which do not coincide with periods referred to in subparagraph (b) of this paragraph, in case the month in which the day of recognition of disability occurs or the month preceding the month in which the day following the day of death occurs is before the period referred to in subparagraph (a) of this paragraph.

5. With regard to the Additional Pension for Spouses which is included in the Old-age Employees' Pension and any other benefits that may be granted as a fixed sum in cases where the periods of coverage under the Employees' Pension Insurance equal or exceed the specified period determined by the legislation of Japan, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 12, the amount to be granted shall be calculated according to the proportion of those periods of coverage under the Employees' Pension Insurance to that specified period.

Article 15
Exception to Article 4

Article 4 shall not affect the provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the legislation of Japan.

Chapter 2
Provisions concerning Philippine Benefits

Article 16
Totalization of Periods of Coverage

1. If a person is not entitled to a benefit because that person has not accumulated sufficient periods of coverage under the legislation of the Philippines, the competent institution of the Philippines shall take into account the periods of coverage under the legislation of Japan insofar as they do not coincide with the periods of coverage under the legislation of the Philippines.

2. The competent institution of the Philippines shall not apply paragraph 1 of this Article if a person, in the calculation of the amount of benefits, has sufficient periods of coverage to satisfy the requirements for entitlement to benefits under its legislation.

3. Notwithstanding any other provision of this Agreement, if the total duration of the periods of coverage accumulated by a person under the legislation of the Philippines is less than one year, the competent institution of the Philippines shall not apply paragraph 1 of this Article.

4. If a person is not entitled to a benefit solely on the basis of the periods of coverage completed under the legislation of the Philippines, but is entitled to the benefit through the application of paragraph 1 of this Article, the competent institution of the Philippines shall calculate the amount of the benefit payable to that person in the following manner:

- (a) It shall first determine the amount of the minimum benefit which would be payable under the legislation of the Philippines solely on the basis of the minimum periods of coverage required under that legislation;
- (b) It shall then multiply the amount of the minimum benefit by the fraction which represents the ratio of the periods of coverage actually completed under the legislation of the Philippines, in relation to the minimum periods of coverage required under that legislation.

PART IV
MISCELLANEOUS PROVISIONS

Article 17
Administrative Collaboration

1. The competent authorities of both Contracting States shall:

- (a) agree on the administrative measures necessary for the implementation of this Agreement;
- (b) designate liaison agencies for the implementation of this Agreement; and

- (c) communicate to each other, as soon as possible, all information about changes to their respective legislation insofar as those changes affect the implementation of this Agreement.

2. The competent authorities and competent institutions of both Contracting States, within the scope of their respective authorities, shall provide any assistance necessary for the implementation of this Agreement. This assistance shall be provided free of charge.

Article 18 Charges or Fees and Legalization

1. Insofar as the legislation and other relevant laws and regulations of a Contracting State contain provisions on an exemption or reduction of administrative charges or consular fees for documents to be submitted under the legislation of that Contracting State, those provisions shall also apply to documents to be submitted in the application of this Agreement and the legislation of the other Contracting State.

2. Documents which are presented for the purpose of this Agreement and the legislation of a Contracting State shall not require legalization or any other similar formality by diplomatic or consular authorities.

Article 19 Communication

1. In implementing this Agreement, the competent authorities and competent institutions of both Contracting States may communicate directly in Japanese, English or Filipino language with each other and with any concerned person wherever the person may reside.

2. In implementing this Agreement, the competent authorities and competent institutions of a Contracting State may not reject applications or any other documents for the reason that they are written in the language of the other Contracting State.

Article 20
Transmission and Confidentiality of Information

1. The competent authorities or competent institutions of a Contracting State shall, in accordance with its laws and regulations, transmit to the competent authorities or competent institutions of the other Contracting State information about a person collected under the legislation of that Contracting State insofar as that information is necessary for the implementation of this Agreement. Unless otherwise required by the laws and regulations of that other Contracting State, that information shall be used exclusively for the purpose of implementing this Agreement.
2. Information referred to in paragraph 1 of this Article received by a Contracting State shall be governed by the laws and regulations of that Contracting State for the protection of confidentiality of personal data.

Article 21
Submission of Applications, Appeals and Declarations

1. When a written application for benefits, an appeal or any other declaration under the legislation of a Contracting State is submitted to a competent authority or competent institution of the other Contracting State which is competent to receive similar applications, appeals or declarations under the legislation of that other Contracting State, that application for benefits, appeal or declaration shall be deemed to be submitted on the same date to the competent authority or competent institution of the first Contracting State and shall be dealt with, according to the procedure and legislation of the first Contracting State.
2. The competent authority or competent institution of a Contracting State shall send the application for benefits, appeal or any other declaration submitted in accordance with paragraph 1 of this Article to the competent authority or competent institution of the other Contracting State without delay.

Article 22
Resolution of Disagreement

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the Contracting States.

Article 23
Joint Committee

1. The Contracting States may establish a Joint Committee composed of representatives of the competent authorities and competent institutions of both Contracting States. This Joint Committee shall be responsible for monitoring application of this Agreement. This Joint Committee shall meet when necessary either in Japan or the Philippines upon request by either Contracting State.

2. The Joint Committee referred to in paragraph 1 of this Article may meet, with the participation of representatives of the relevant authorities of both Contracting States, for the purpose of consultation referred to in paragraph 3 of Article 5 or Article 22 of this Agreement.

Article 24
Headings

The headings of Parts, Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 25
Events and Decisions prior to the Entry into Force

1. This Agreement shall not establish any entitlement to benefits for any period prior to its entry into force.

2. In the implementation of this Agreement, periods of coverage completed before its entry into force as well as other legally relevant events occurring before its entry into force shall also be taken into account.

3. In applying paragraph 1 or 3 of Article 7, in the case of a person who has been working in the territory of a Contracting State prior to the entry into force of this Agreement, the periods of detachment or self-employed activity referred to in paragraph 1 or 3 of Article 7 shall be considered to begin on the date of entry into force of this Agreement.

4. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.

5. The application of this Agreement shall not, for a beneficiary, result in any reduction in the amount of benefits to which entitlement was established before the entry into force of this Agreement.

Article 26
Entry into Force

This Agreement shall enter into force on the first day of the third month following the month in which the Contracting States shall have completed an exchange of diplomatic notes informing each other that their respective constitutional requirements necessary for the entry into force of this Agreement have been fulfilled.

Article 27
Duration and Termination

1. This Agreement shall remain in force for an indefinite period. Either Contracting State may give to the other Contracting State, through diplomatic channels, written notice of termination of this Agreement. In that event, this Agreement shall remain in force until the last day of the twelfth month following the month in which the notice of termination was received by the other Contracting State.

2. If this Agreement is terminated in accordance with paragraph 1 of this Article, rights regarding entitlement to and payment of benefits acquired under this Agreement shall be retained.

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

Done at Manila on the nineteenth day of November, 2015 in duplicate in the English language.

For Japan:

石川和秀

For the Republic
of the Philippines:

Albert F. Del Rosario