

## **AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE KINGDOM OF SPAIN ON REMUNERATED EMPLOYMENT FOR DEPENDANTS OF DIPLOMATIC, CONSULAR, ADMINISTRATIVE AND TECHNICAL PERSONN...**

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The Republic of the Philippines and the Kingdom of Spain hereinafter referred to as "the Parties";

Desiring to strengthen the existing friendly relations between the Parties;

Recognizing the importance of improving the employment opportunities for dependants of diplomatic, consular, administrative and technical staff of the diplomatic Missions and Consular Posts by allowing the exercise of remunerated activities on the basis of reciprocity;

Have agreed as follows:

### **ARTICLE 1**

#### **Object of the Agreement**

The dependants of diplomatic, consular, administrative and technical staff of the diplomatic Missions and Consular Posts of the Philippines in Spain and of Spain in the Philippines are authorized to engage in remunerated activities in the host State, after obtaining the appropriate authorization in accordance with the provisions of this Agreement and the laws and regulations of the host State.

### **ARTICLE 2**

#### **Dependants**

For purposes of this Agreement, dependants of diplomatic, consular, administrative and technical staff of the diplomatic missions and consular Posts shall mean his/her:

a.

Spouse, as long as the marriage has not been declared null, nor has there been a sentence of divorce or legal separation,

b.

Unmarried children under the age of 21, in the care of their parents, or under 25 studying in higher education institutions; and

c.

Unmarried children with a physical or mental handicap, in the care of their parents

### **ARTICLE 3**

#### **Remunerated Employment**

1.

In professions or activities for which special qualifications are required, it will be necessary for the dependant to fulfill the requirements governing the exercise of such professions or activities in the host State.

2.

All dependants who will engage in gainful employment shall apply for work authorization in accordance with the existing laws, rules and procedures of the host State.

#### ARTICLE 4

##### Request for Authorization

a.

All request for authorization to engage in gainful employment shall be sent accordingly, on behalf of the beneficiary, by the Embassy of the sending State to the Office of Protocol in the Philippine Department of Foreign Affairs or to the Protocol Division of the Spanish Ministry of Foreign Affairs.

Request for authorization shall contain information on the occupation to be engaged in by the beneficiary and on the relationship of the beneficiary with the personnel concerned.

Upon verification that the beneficiary is a household member of a personnel and processing of the official request, the Embassy of the sending State will be informed by the government of the receiving State that the household member may engage in gainful occupation.

b.

The procedures followed shall be applied in a way which will permit the beneficiary to engage in gainful occupation as soon as possible; all requirements relating to work permits and any other similar formalities shall be favourably applied.

c.

Authorization for the beneficiary to engage in a gainful occupation shall not imply exemption from any legal or other requirements relating to personal characteristics, professional or other qualifications that the individual concerned must demonstrate in engaging in a gainful occupation.

d.

A beneficiary shall not engage in a gainful occupation other than that for which the authorization was issued. Any

change in a gainful occupation after issuance of an author upon subsequent request for and issuance of a new authorization in accordance with Paragraph 1 of this Article.

e.

The authorization may be refused in those cases where, for reasons of security, exercise of public administration, or based on existing laws and rules, only citizens of the host State can be employed.

## ARTICLE 5

### Immunity from Civil Jurisdiction

Dependants who have immunity from jurisdiction of the host State in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or Article 43 of the Vienna Convention on Consular Relations or in accordance with the Convention on Privileges and Immunities of the United Nations, or any other applicable international instrument and who have obtained employment under this Agreement, shall have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment and are subject to the legislation and courts of the host State in relation to the said activities.

## ARTICLE 6

### Immunity from Criminal Jurisdiction

In the case of dependants who enjoy immunity from the criminal jurisdiction of the host State in accordance with the Vienna Convention on Diplomatic Relations or any other relevant international instrument:

a.

The sending State will waive the immunity of the dependant concerned from the criminal jurisdiction of the host State in respect of any act or omission arising from the gainful occupation, except in special instances when the sending State considers that such a waiver could be contrary to its interests.

b.

A waiver of immunity from criminal jurisdiction will not be construed as extending to immunity from execution of the sentence, for which a specific waiver will be required. In such cases, the sending State will study seriously the waiving of the latter immunity.

## ARTICLE 7

### Applicable Legislation

A dependant who engages in remunerated activities in the host State shall be considered a fiscal resident and subject to the applicable taxation, labour and social security legislation in the host State relating to the exercise of such activities.

## ARTICLE 8

### Recognition of Degrees

This Agreement does not imply the recognition of degrees, grades or studies between the two countries.

## ARTICLE 9

### Validity of the Authorization

The authorization to engage in a remunerated activity in the host State shall expire within a period of two months

from the date when the diplomatic or consular agent, the administrative or technical officer from whom the dependant relationship emanates terminates his/her mission to the Government or international organisation to which he or she is accredited. Employment taken up in accordance with the terms of this Agreement will not entitle dependants to continue to reside in the Philippines or Spain, nor will it entitle the said dependants to remain in such employment or to enter into any other employment in the host country after permission has been terminated.

#### ARTICLE 10

##### Implementation Measures

The Parties undertake to adopt whatever measures as may be necessary in order to implement this Agreement.

#### ARTICLE 11

##### Amendment or Revision

Any amendment or revision to the text of this Agreement shall be done in writing by mutual consent of the Parties, through diplomatic channels. Such amendment or revision shall enter into force in accordance with the provision of Article 13.

#### ARTICLE 12

##### Validity and Duration

This Agreement shall remain in force unless one of the Parties denounces it by means of notification of its intention to do so to the other Party, in writing and through diplomatic means. The denunciation shall take effect six months following the date of notification.

#### ARTICLE 13

##### Entry into Force

This Agreement shall enter into force thirty (30) days from the date of the later written notification by the Parties, through diplomatic channels, indicating that the domestic legal requirements for its entry into force have been complied with.

In good faith of which, the signatories below sign this Agreement.

Done in Manila, on the 24th day of the month of March of the year 2009, in two originals each being equal, in Spanish and English languages

FOR THE REPUBLIC OF THE PHILIPPINES

FOR THE KINGDOM OF SPAIN

(Sgd.)

(Sgd.)

Alberto Gatmaitan Romulo Miguel Angel Moratinos Cuyaube

Secretary of Foreign Affairs Minister of Foreign Affairs and Cooperation

Entry into Force: March 18, 2010

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