

## SUPPLEMENTARY AGREEMENT TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND CANADA

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The Government of the Republic of the Philippines

and

The Government of Canada

Noting the Agreement on Social Security between Canada and the Republic of the Philippines, signed at Winnipeg on 9 September 1994.

Desiring to strengthen further the relations between them in the field of social security by including the Government Service Insurance System of the Republic of the Philippines in the material scope of the Agreement, and

Taking into account relevant developments since the signing of the Agreement.

Have decided to conclude a Supplementary Agreement and to this end.

Have agreed as follows:

### Article I

For the purposes of this Supplementary Agreement:

(a)

“the Agreement” means the Agreement on Social Security between Canada and the Republic of the Philippines signed at Winnipeg on 9 September 1994:

(b)

any other term has the meaning given to it in the Agreement.

### Article II

Paragraph 1 of Article I of the Agreement is amended as follows:

(a)

The definition of “competent authority” is amended by deleting the words “the Administrator of the Social Security System” and substituting in their place the words “the President and Chief Executive Officer of the Social Security System and the President and General Manager of the Government Service Insurance System each to the extent of his or her responsibility for the administration of the legislation specified in Article II 1 (b)”.

(b)

The definition of “competent institution” is amended by inserting immediately after the words “the Social Security System” the words “and the Government Service Insurance System, each to the extent that it is responsible under the legislation specified in Article II 1 (b) for a matter under consideration”.

(c)

The definition of “creditable period” is deleted and the following definition substituted in its place:

“creditable period” means as regards Canada, a period of contribution or residence used to acquire the right to a benefit under the legislation of Canada and includes a period during which a disability pension is payable under the Canada Pension Plan; and as regards the Republic of the Philippines, a period of contribution or creditable service used to acquire the right to a benefit under the legislation of the Republic of the Philippines, and includes a period during which a disability benefit is payable under that legislation but does not include a period of contribution or creditable service for which contributions have been refunded.”

(d)

The definition of “Government of Canada” is deleted.

### Article III

Sub-paragraph 1 (b) of Article II of the Agreement is deleted and the following sub-paragraph substituted in its place:

“(b)

with respect to the Republic of the Philippines:

(i)

the Social Security Act of 1997 as it relates to retirement, disability, death and funeral benefits.

(ii)

the Government Service Insurance Act of 1997 as it relates to retirement, disability, survivorship and funeral benefits, and

Paragraph 2 of Article VI of the Agreement is amended by inserting the words “or a related” between the words “same” and “employer”.

### Article V

Article VII of the Agreement is amended as follows:

(a)

In sub-paragraph (a), the words “presence or” are inserted between the words “during any period of” and “residence in the territory of the Philippines” and the words “or self-employment” are inserted after the word “employment”.

(b)

In sub-paragraph (b), the words “presence or” are inserted between the words “during any period of” and “residence in the territory of Canada”.

(c)

The existing text of Article VII, as amended by sub-paragraphs (a) and (b) above is redesignated as paragraph 1.

(d)

The following paragraph 2 is inserted immediately after paragraph 1:

“2.

In the application of paragraph 1:

(a)

a person shall be considered to be subject to the Canada Pension Plan or to the comprehensive pension plan of a province Canada during a period of presence or residence in the territory of the Republic of the Philippines only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment;

(b)

a person shall be considered to be subject to the legislation of the Republic of the Philippines during a period of presence or residence in the territory of Canada only if that person makes compulsory contributions pursuant to that legislation during that period by reason of employment or self-employment.”

Article VI

Article VIII of the Agreement is amended as follows:

(a)

Sub-paragraph 2 (b) is amended by deleting the words “of contributions” between the words “months” and “under” and substituting in their place the words “which are creditable”.

(b)

Paragraph 4 is amended by inserting a comma (“,”) followed by the words “survivorship, funeral” immediately after the word “disability”.

Article VII

Article XIII of the Agreement is amended as follows:

(a)

The existing text of Article XIII is redesignated as paragraph 1.

(b)

The following paragraph 2 is inserted immediately after paragraph 1;

“2.

Where the legislation of the Philippines makes entitlement to the payment of a benefit conditional upon the fact that a person is in the service at the time of the occurrence of the contingency giving rise to that benefit, the condition shall be deemed to be met at the time. The person concerned is subject to the Canada Pension Plan.

For the purpose of this paragraph, a person shall be deemed to be subject to the Canada Pension Plan if the contingency occurs during a calendar year which is a creditable period under that Plan in respect of that person.”

#### Article VIII

Paragraph 1 of Article XVIII of the Agreement is amended by ensuring the following sentence at the end thereof:

“The date of presentation of a claim, notice or appeal to the authority or institution of the other Party shall be deemed to be the date of its presentation to the competent authority or institution of the first Party.”

#### Article IX

Article XIX of the Agreement is amended by inserting the following new paragraph 4 immediately after paragraph 3:

“4.

In the event that a Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside its territory, that Party shall, without delay, take suitable measures to ensure the payment of any amount that must be paid in accordance with his Agreement to persons described in Article III who reside in the territory of the other Party.”

#### Article X

- Any creditable period completed before the date of entry into force of this Supplementary Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement as amended by this Supplementary Agreement.
- This Supplementary Agreement shall not confer any right to receive payment of a benefit for a period prior to the date of entry into force of this Supplementary Agreement.
- Benefits under the Agreement, as amended by this Supplementary Agreement, shall also be granted in respect of events which happened before the date of entry into force of this Supplementary Agreement
- In the application of Article XIII of this Agreement, as amended by this Supplementary Agreement, where prior to the entry force of this Supplementary Agreement, a lump-sum benefit under the Social Security Act of 1997 or a cash payment under the Government Service Insurance Act of 1997 has been paid to or in respect of a person whose creditable periods under that legislation alone were not sufficient to establish entitlement to the payment of a pension, but entitlement to the payment of that pension to or in respect of that person is established through the application of the totalizing provisions of Chapter 1, the competent institution of the Philippines shall deduct from the pension payable the amount previously paid as a lump-sum benefit or cash payment.

#### Article XI

- This Supplementary Agreement shall enter into force on the first day of the fourth month following the month in which each Party shall have received written notification from the other Party through diplomatic channels that it has complied with all statutory requirements for the entry into force of this Supplementary Agreement.
- Subject to paragraph 2 and 4 of Article X of this Supplementary Agreement, on the entry into force of this Supplementary Agreement, any reference in the Agreement to “this Agreement” shall be taken to mean the Agreement as amended by this Supplementary Agreement.
- Subject to paragraph 4 of this Article, this Supplementary Agreement shall remain in force without any limitation to its duration.

In the event of the denunciation of the Agreement through the application of paragraph 2 of Article XXIII thereof, this Supplementary Agreement shall also be denounced with effect on the same date as the termination of the Agreement.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments have signed this Supplementary Agreement.

DONE in duplicate at Winnipeg, this 13th day of November 1999, in the English and French languages each text being equally authentic.

(Sgd.)

FOR THE GOVERNMENT  
OF THE REPUBLIC  
OF THE PHILIPPINES

(Sgd.)

FOR THE GOVERNMENT  
OF CANADA

Entry into Force: July 1, 2001

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