

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Fifteenth Congress

Second Regular Session



RESOLUTION NO. 87

RESOLUTION CONCURRING IN THE
RATIFICATION OF THE CONVENTION ON
SOCIAL SECURITY BETWEEN THE
REPUBLIC OF THE PHILIPPINES AND THE
KINGDOM OF SPAIN

WHEREAS, Article VII, Section 21 of the Constitution states that, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate";

WHEREAS, on 12 November 2002, the new Convention on Social Security between the Republic of the Philippines and the Kingdom of Spain was signed in Manila;

WHEREAS, the new Convention amends and supersedes the original Convention on Social Security between the Republic of the Philippines and the Kingdom of Spain, which was signed on 21 May 1988 and came into force on 01 October 1989;

WHEREAS, the new Convention expands the protection afforded by the original Convention to Filipino workers, by extending its reach to a broader segment of the working population; by augmenting the economic benefits granted thereunder; and by clarifying the procedure in computing the regulatory base of benefits vis-à-vis insurance periods;

WHEREAS, the new Convention broadened its coverage to include public sector workers contributing to the Government Service Insurance System (GSIS), in addition to the originally covered private sector workers contributing to the Social Security System (SSS), with respect to the following economic benefits:

- a. Maternity and sickness;
- b. Retirement;
- c. Disability;
- d. Death or survivorship; and
- e. Work-related injury and occupational illness.

WHEREAS, Article 3 of the new Convention provides that, it "shall be applied to the workers who are nationals of either Contracting Party, as well as the members of their family and beneficiaries who are entitled to benefits. It shall also be applied to workers who are refugees in conformity with the 28 July 1951 Geneva Convention and the 31 January 1967 Protocol and stateless persons, in accordance with the 28 September 1954 Convention, who reside ordinarily in the territory of one of the Contracting Parties, as well as the members of their family and beneficiaries entitled to benefits";

WHEREAS, the new Convention retains the important provisions of the original Convention on the following:

1. Equality of Treatment – in which a covered Filipino and his dependents or survivors, are eligible for social security benefits under the same conditions as Spanish nationals;
2. Export of Benefits – in which a Filipino continues to receive his benefits wherever he decides to reside;
3. Totalization – in which a Filipino's contribution or creditable periods in both countries are added to determine qualifications for benefits;
4. Payment of Benefits – in which Philippines and Spain shall each pay a fraction of the benefit due from their respective systems, in proportion to the actual contribution or creditable periods under their systems; and
5. Mutual Administrative Assistance – in which Filipinos may file their claims with the designated liaison agencies of either Philippines or Spain.

WHEREAS, Article 34 of the new Convention provides that such treaty shall be deemed entered into force on the first day of the second month, following receipt by each Party of written notification from the other Party that the latter has complied with all statutory and constitutional requirements for such entry into force;

WHEREAS, on 6 September 2011, the President of the Philippines ratified the new Convention on Social Security between the Republic of the Philippines and the Kingdom of Spain, and has accordingly submitted it to the Senate for concurrence in accordance with the Constitution;

WHEREAS, during the hearing conducted by the Senate Committee on Foreign Relations on 15 March 2012, the following government agencies and nongovernment organizations endorsed the concurrence in the ratification of the new Convention on Social Security between the Republic of the Philippines and the Kingdom of Spain:

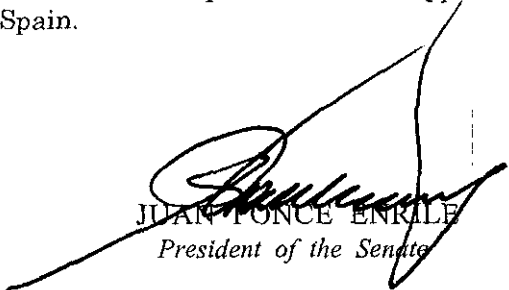
1. Department of Foreign Affairs (DFA);
2. Social Security System (SSS);

3. Government Service Insurance System (GSIS);
4. Overseas Workers Welfare Administration (OWWA);
5. Philippine Overseas Employment Administration (POEA);
6. Center for Migrant Advocacy Philippines (CMA);
and
7. Philippine Migrants Rights Watch.

Now, therefore, be it


Resolved, That the Senate of the Philippines concur, as it hereby concurs, in the ratification of the new Convention on Social Security between the Republic of the Philippines and the Kingdom of Spain.

Adopted,



JUAN PONCE ENRILE
President of the Senate

This Resolution was adopted by the Senate on May 15, 2012.



EMMA LIRIO-REYES
Secretary of the Senate

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