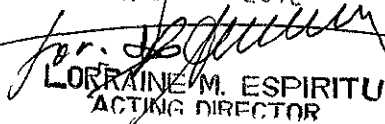


AGREEMENT  
ON SOCIAL SECURITY  
BETWEEN  
THE PORTUGUESE REPUBLIC AND  
THE REPUBLIC OF THE PHILIPPINES

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DEPARTMENT OF FOREIGN AFFAIRS

20 NOV 2012

  
LORRAINE M. ESPIRITU  
ACTING DIRECTOR

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*The Portuguese Republic and the Republic of the Philippines hereinafter  
"Parties";*

*Desirous to develop their relations in matters of social security;*

*Enshrining the principles of equality of treatment and of determination of the  
legislation applicable with a view to guaranteeing to the respective nationals  
their acquired rights and the rights in the course of acquisition;*

*Have agreed as follows:*

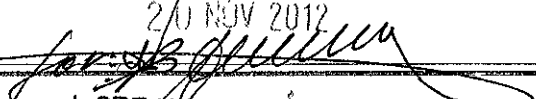
**TITLE I  
General provisions**

**Article 1  
Definitions**

1. For the purposes of this Agreement:
  - a) "Parties" means the Portuguese Republic or the Republic of Philippines, hereinafter referred to as the Philippines;
  - b) "Territory" means:
    - i) In relation to the Portuguese Republic, the territory of the Portuguese Republic, in accordance with International Law and the Portuguese Legislation;
    - ii) In relation to the Republic of Philippines, the territory of the Republic of Philippines in accordance with the 1987 Philippine Constitution and International Law;
  - c) "Legislation" means the legal provisions in force relating to the schemes or systems referred to in Article 2 of this Agreement;
  - d) "National" means a person treated as such under the legislation of the Parties;
  - e) "Competent State" means the Party in which the Competent institution is situated;
  - f) "Competent authority" means, in relation to either Party, the member or the members of the government or any other corresponding authority responsible for the matters referred to in Article 2 of this Agreement;

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- g) "Competent institution" means in both Parties, the institution responsible, as appropriated, for the application of the legislation referred to in Article 2 of this Agreement;
- h) "Liaison bodies" means the institutions responsible for the coordination and information between the institutions of both Parties which intervene in the application of the Agreement and in the process of information of the persons concerned on the rights and obligations resulting thereof;
- i) "Refugee" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 and in Article 1 paragraph 2 of the Additional Protocol relating to the Status of Refugees, adopted in New York on the 31<sup>st</sup> January 1967;
- j) "Stateless person" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954;
- k) "Worker" means a worker who is covered by the social security schemes referred to in Article 2 of this Agreement;
- l) "Member of the family" means any person defined or recognized as such by the legislation under which benefits are provided;
- m) "Survivor" means any person defined as such by the legislation under which the benefits are provided;
- n) "Residence" means the place where a person habitually resides;
- o) "Stay" means the place of temporary residence;
- p) "Institution of the place of residence" means the institution which is competent to provide benefits in the place where the person concerned resides in accordance with the legislation applicable or, where no such institution exists, the institution designated by the Competent authority of the Party concerned;
- q) "Institution of the place of stay" means the institution which is competent to provide benefits in the place where the person concerned is staying in accordance with the legislation applicable or, where no such institution exists, the institution designated by the Competent authority of the Party concerned;
- r) "Period of insurance" means in both Parties any period of contribution considered as such by the legislation under which it was completed, as well as any period regarded by the said legislation as equivalent to periods of insurance;

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ACTING DIRECTOR

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- s) "Benefit" and "Pension" mean any benefits, including supplements and increases, provided for in the legislations referred to in Article 2 of this Agreement.
- 2. Other terms and expressions, which are used in this Agreement, shall have the meanings respectively assigned to them in the legislation applicable.

Article 2  
**Material scope**

- 1. This Agreement shall apply:
  - a) In the Portuguese Republic:
    - i) To the legislation concerning the social security schemes applicable to employed and self-employed persons and the optional affiliation schemes of the insurance system, as it regards benefits granted in the contingencies of sickness, maternity, paternity, adoption, occupational diseases, invalidity, old-age and survivors;
    - ii) To the legislation concerning the compensation scheme for the damages resulting from accidents at work.
  - b) In the Philippines, to the legislation concerning the social insurance schemes related to:
    - i) The Social Security Act of 1997, as regards invalidity, old age and survivors pensions, sickness and maternity benefits;
    - ii) The Government Service Insurance Act of 1997, as regards invalidity, old age and survivors pensions;
    - iii) The "Portability" Law, as regards aggregation of periods of insurance concerning legislation referred to in i) and ii);
    - iv) The Employees' Compensation and State Insurance Fund (Presidential Decree n. 626, as amended), as regards benefits for work related contingencies.
- 2. This Agreement shall apply to further legislation that complete or amend the provisions referred to in paragraph 1 of this Article, as well as to legal provisions concerning a new special or specific branch of social security if mutually agreed upon by the Parties.
- 3. This Agreement shall also apply to any legal provision that extends the existing legislation to new categories of beneficiaries, insofar as the Competent authority of the other Party does not oppose to it, within three

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months from the date of the official publication or promulgation of those provisions.

4. This Agreement shall not apply to:

- a) The social assistance;
- b) The special schemes for civil servants and persons treated as such, subject to the provisions of Article 9, paragraph 7 of this Agreement.

Article 3  
**Personal scope**

This Agreement shall apply to workers who are or have been subject to the legislation mentioned in Article 2 of this Agreement and who are nationals of one of the Parties, stateless persons or refugees residing in the territory of one of those Parties, as well as to the members of their family and their survivors.

Article 4  
**Equality of treatment**

Subject to the provisions of this Agreement, the workers mentioned in Article 3 of this Agreement, as well as the members of their family and their survivors, who reside in the territory of one Party, shall enjoy the benefits and be subject to the obligations provided for in the respective legislation under the same conditions as the nationals of that State.

Article 5  
**Admission to voluntary insurance**

- 1. For the purpose of admission to voluntary insurance according to the legislation of either Party, the periods of insurance completed under the legislation of the other Party shall be taken into account, if necessary, insofar as they do not overlap.
- 2. Paragraph 1 of this Article shall only apply to a person who cannot be covered by the compulsory insurance under the legislation applicable in either Party.

Article 6  
**Waiving of residence clauses**

- 1. Cash benefits in the contingencies of sickness, maternity, paternity and adoption, invalidity, old-age, survivors, accidents at work or occupational diseases acquired under the legislation of either Party shall be granted to any

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for:   
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ACTING DIRECTOR

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to the persons concerned even if they reside in the territory of the other Party.

2. The benefits mentioned in paragraph 1 of this Article shall not be subject to any reduction, suspension or withdrawal because of the fact that the person concerned resides in the territory of the other Party.
3. The benefits provided for in the legislation of either Party shall be paid to the nationals of the other Party who reside in the territory of a third State under the same conditions as if they were nationals of the first Party residing in the territory of that third State.

#### Article 7

#### Prevention of overlapping of benefits

1. This Agreement shall neither confer nor maintain the right under the legislation of the Parties to several benefits of the same kind for the same period of compulsory insurance.
2. Paragraph 1 of this Article shall not apply to the benefits awarded in accordance with Articles 15 and 16 of this Agreement.
3. The provisions of the legislation of either Party governing the reduction, suspension or withdrawal of benefits in cases of overlapping with other social security benefits or other income, including that resulting from an occupational activity, may be invoked against the beneficiary even in the case of benefits acquired under the legislation of the other Party or of income received in the territory of the latter Party.
4. If a simultaneous reduction, suspension or withdrawal of benefits under the legislation of the Parties results from the provisions of paragraph 3 of this Article, the reduction, suspension or withdrawal of each benefit cannot exceed half of the original amount.

#### TITLE II

#### Provisions on the legislation applicable

#### Article 8

#### General rule

Subject to the provisions of Articles 9, 10 and 11 of this Agreement, persons covered shall be subject to the legislation of the Party in whose territory they pursue an occupational activity, even if they permanently reside in the territory of the other Party or if their employer or undertaking has the registered office or residence in that other Party.

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Article 9  
Special rules

1. A worker employed in the territory of one Party by an undertaking to which he is normally attached who is posted by that undertaking to the territory of the other Party to perform work there for that undertaking shall continue to be subject to the legislation of the former Party, provided that the anticipated duration of that work does not exceed a twenty four month period, which may be exceptionally extended for an equal period after prior consent of the Competent authority of that Party, and that he is not sent to replace another person who has completed his term of posting.
2. The provision of paragraph 1 of this Article shall also apply to a worker who usually performs an activity as self-employed worker in the territory of either Party who moves to the territory of the other Party to perform the same activity there for equal periods.
3. A crew member of an airline company who performs his activity in the territory of the two Parties shall be subject to the legislation of the Party in whose territory the registered office of the company is situated.
4. A crew member of a sea-going vessel flying the flag of a Party and resident of the other Party shall be subject to the legislation of the Party where he resides.
5. A worker who is employed for the purpose of loading, unloading, carrying out repair work or performing guard duty at a port, shall be subject to the legislation of the Party in whose territory the port is situated.
6. Unless otherwise provided in the corresponding co-operation agreements, a person who is sent by one of the Parties to the territory of the other Party in official co-operation missions shall continue to be subject to the legislation of the sending Party.
7. A civil servant or a person working in a public enterprise, local authority or other institution of a public nature of one of the Parties, who is sent to the territory of the other Party to perform his work there, as well as the members of his family, shall continue to be subject to the legislation of the Party hiring him, as the case may be.

Article 10  
Special provisions applicable to the staff of diplomatic missions and consular posts

1. Subject to paragraphs 2, 3 and 4 of this Article, a member of diplomatic mission or consular post and the members of his family shall be subject to the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 and of the Vienna Convention on Consular Relations of 24 April 1963.

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2. The technical and administrative staff and the auxiliary staff of the diplomatic mission or consular post who is engaged as a civil servant in the sending Party shall continue to be subject to the legislation of that Party.
  3. A member of the staff of a diplomatic mission or consular post of the Parties who is locally engaged, as well as a member of the private staff of such diplomatic mission or consular post, may opt to be subject to the legislation of the Party where he is employed or to the legislation of the other Party, provided that he is a national of the former Party.
  4. The option may be exercised within six months from the date of the entry into force of this Agreement, or from the beginning of the work in the territory of the Party where such an activity is pursued, as the case may be.

#### Article 11 Exceptions

The Competent authorities of either Party, or the bodies designated by them, may by common agreement provide for exceptions to the provisions of Articles 8, 9 and 10 of this Agreement in the interest of certain workers or of certain categories of workers, at their request or at the request of their employers.

### TITLE III Special provisions relating to the different kinds of benefits

#### CHAPTER I Sickness and maternity, paternity and adoption

#### SECTION I General rule

#### Article 12 Aggregation of periods of insurance

1. Where a worker has been continuously or non continuously subject to the legislation of the Parties, the periods of insurance completed under the legislation of each Party shall be taken into account, where necessary, by the other Party for the acquisition, retention or recovery of the right to the benefits provided for in this chapter as if they have been completed under its legislation, insofar as they do not overlap.
2. The procedures for implementing the provisions referred to in paragraph 1 of this Article shall be laid down by administrative arrangements.

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SECTION II  
Cash benefits

Article 13  
Residence in the Party other than the competent one

Cash benefits shall be charged to the Competent institution of the Party whose legislation is applicable to the worker. For the award of such benefits, aggregation of insurance periods in the manner prescribed under Article 12 of this Agreement shall be taken into account if necessary.

Article 14  
Overlapping of the right to sickness and maternity, paternity and adoption cash benefits

Where a worker is entitled to sickness or maternity, paternity and adoption cash benefits under the legislation of both Parties by application of this chapter, the legislation of the Party where the contingency materialized shall apply.

CHAPTER II  
Invalidity, old age and survivors' pensions

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Article 15  
Aggregation of periods of insurance

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1. Where a worker has been continuously or non continuously subject to the legislation of the Parties, the periods of insurance completed under the legislation of either Party shall be taken into account, where necessary, by the other Party for the acquisition, retention or recovery of the right to the benefits as if they have been completed under its legislation, insofar as they do not overlap.
2. Where the legislation of one Party makes the granting of certain benefits conditional upon the periods of insurance having been completed in an occupation subject to a special social insurance scheme, periods completed in the other Party shall be taken into account only if completed under a corresponding special scheme or, failing that, in the same occupation.
3. Where, account having been taken of the periods completed in accordance with paragraph 2 of this Article, the person concerned does not satisfy the necessary eligibility conditions of such benefits, those periods shall be taken into account for the granting of benefits under the general scheme.
4. For the purposes of paragraph 1 of this Article, account shall be taken of the periods of insurance completed under the legislation of one Party other than one of those mentioned in Article 2 of this Agreement, provided that they

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have been considered as periods of insurance under a legislation covered by this Agreement.

5. Where, account having been taken of the aggregated periods of insurance completed under the legislation of the Parties, as provided for in this Article, no right to benefit is acquired, account shall be taken of periods of insurance completed under the legislation of a third State to which both Parties are bound by a social security instrument that provides for the aggregation of periods.
6. The procedures for implementing the provisions referred to in paragraph 1 of this Article shall be laid down by administrative arrangements.

Article 16  
**Calculation and award of benefits**

1. The Competent institution of either Party shall determine, under the legislation applicable, whether the person concerned satisfies the eligibility conditions for the benefits, account being taken, where necessary, of the provisions of Article 15 of this Agreement.
2. Where the person concerned satisfies the conditions mentioned in paragraph 1 of this Article, the Competent institution shall calculate the amount of the benefit solely and directly on the basis of the periods of insurance completed under the legislation it administers.
3. The Competent institution of the Party that grants the benefits referred to in paragraph 2 of this Article shall take exclusively into account the earnings received by the person concerned in the territory of this Party.
4. Where the total duration of the periods of insurance completed under the legislation of either Party is less than a year and where no right to benefits was acquired under that legislation on the basis solely of those periods, the Competent institution of that Party shall not be bound to grant benefits in respect to those periods.
5. Subject to paragraph 4 of this Article, the said periods of insurance shall be taken into account by the Competent institution of the other Party as if they had been completed under its own legislation.
6. Where the total of the benefits payable by the Competent institutions of the Parties is less than the minimum amount established by the legislation of the Party in whose territory the person concerned resides, that person is entitled to receive from the Competent institution of that Party a supplement up to that minimum amount for the period he resides there.

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ACTING DIRECTOR

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CHAPTER III  
Accidents at work and occupational diseases

Article 17  
Provision of benefits

The benefits in the contingencies of accident at work, occupational disease and/ or death resulting thereof, shall be awarded by the Competent institution of the Party to which legislation the worker is or was subject on the date of the accident at work or the date on which the occupational disease or death resulting thereof occurred, insofar as the conditions required under the legislation of that Party are satisfied, taking into account, when necessary, the periods of insurance completed under the legislation of the other Party.

Article 18  
Residence in the State other than the competent one

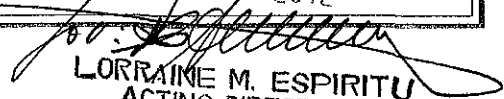
A worker residing in the territory of a Party other than the competent one who satisfies the conditions required under the legislation of the Competent State, taking into account where necessary the periods of insurance completed under the legislation of the other Party, shall receive benefits for accidents at work or occupational diseases benefits due to temporary or permanent incapacity or death provided by the Competent State in the Party of residence.

Article 19  
Equal treatment of facts occurred in the territory of the State other than the competent one

1. Where the legislation of either Party takes into account the accidents at work and occupational diseases previously occurred in order to assess the degree of incapacity, the accidents at work and occupational diseases that occurred under the legislation of the other Party shall be taken into account as if they have occurred under the legislation of the former Party.
2. Where the granting of benefits in respect of an occupational disease under the legislation of either Party is subject to the condition that the disease in question was first diagnosed within its territory, such condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of the other Party.
3. Where the granting of benefits in respect of an occupational disease, under the legislation of either Party is subject to the condition that an activity liable to cause the disease in question was pursued for a certain length of time, periods during which the worker pursued an activity of the same kind in the territory of the other Party shall be taken into account as if ~~such activity~~ had been pursued under the legislation of the former Party.

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Article 20

**Cash benefits for an occupational disease where the person concerned has been exposed to the same risk in both Parties**

Where a worker who has contracted an occupational disease has pursued an activity liable to cause that disease in the territory of both Parties, under the respective legislations, the benefits shall be granted exclusively under the legislation of the Party where the activity was last pursued, insofar as the conditions provided for in that legislation are satisfied, taking into account, where necessary, the provisions of Article 17 of this Agreement.

Article 21

**Aggravation of an occupational disease**

1. In the event of aggravation of an occupational disease for which cash benefits have been granted under the legislation of either Party to a worker residing in the territory of the other Party, the following rules shall apply:
  - a) Where the worker has not pursued in the territory of the Party where he resides an occupation liable to cause or aggravate the disease in question, the Competent institution of the former Party shall bear the cost corresponding to the aggravation of the disease under the provisions of the legislation that it administers.
  - b) Where the worker has pursued in the territory of the Party where he resides an occupation liable to cause or aggravate the disease in question, the Competent institution of the former Party shall bear the cost of benefits previously assumed and the Competent institution of the latter Party shall bear the cost corresponding to the aggravation of the disease.
2. The procedures for implementing the provisions referred to in paragraph 1 of this Article shall be laid down by administrative arrangements.

TITLE IV

**Miscellaneous provisions**

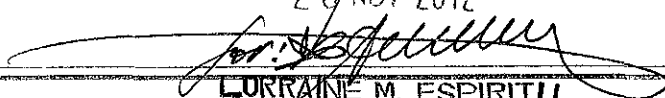
Article 22

**Cooperation between Competent authorities and institutions**

1. The Competent authorities of the Parties shall:
  - a) conclude the administrative arrangements that are necessary for the implementation of this Agreement;

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- b) communicate to each other all measures taken for the implementation of this Agreement;
  - c) communicate to each other all information concerning the amendments to the respective legislation liable to affect the implementation of this Agreement; and
  - d) designate the respective Liaison bodies and establish their tasks in the administrative arrangements mentioned in subparagraph a), paragraph 1 of this Article.
2. In implementing this Agreement, the Competent authorities and/or the Competent institutions of the Parties:
    - a) shall lend to each other the necessary technical and administrative assistance, free of charge;
    - b) may communicate directly with one another and with the persons concerned or their representatives; and
    - c) shall communicate in English with one another.
  3. For the purpose of granting benefits exclusively due by either Party to nationals of third States under other international instruments binding that State, the other Party shall also lend technical and administrative assistance, by providing the necessary information on the affiliation to the system and on the insurance record of the persons concerned that are or have been subject to its legislation, according to the provisions to be established in the administrative arrangement mentioned in subparagraph a), paragraph 1 of this Article.
  4. The Competent authorities, Competent institutions, Liaison bodies and other Institutions of the Parties may not reject petitions and documents because they are written in the official language of the other Party.

Article 23  
**Protection of personal data**

1. The communication of personal data between the Competent authorities or institutions of the Parties in accordance with this Agreement or with the administrative arrangements mentioned in Article 22, subparagraph a), paragraph 1, shall be subject to the data protection legislation of the Party transmitting them.
2. Any communication, storage, alteration and destruction of the data by the Competent authority or Competent institution of the receiving Party shall be subject to the data protection legislation of that Party.

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 LORRAINE M. ESPIRITU  
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3. For the communication and protection of personal data, the Parties shall take into account the Guidelines for the Regulation of Computerized Personal Data Files adopted by Resolution no. 45/95 of 14 December 1990 of General Assembly of the United Nations, being the data to be communicated appropriate, pertinent and not excessive in relation to its purposes.

Article 24

**Exemptions from or reduction of taxes and exemption from authentication**

1. Any exemption from or reduction of taxes, stamp duty, notarial or registration fees provided for in the legislation of either Party in respect of certificates or documents required to be produced in application of the legislation of that Party, shall apply to similar certificates or documents required to be produced in application of the legislation of the other Party or of the provisions of this Agreement.
2. All documents and certificates required to be produced for the purposes of this Agreement shall be exempt from authentication by diplomatic or consular authorities of the Parties.

Article 25

**Submission of claims, declarations or appeals**

1. Any claim, declaration or appeal that should be submitted, under the legislation of either Party, within a specific period to an authority, institution or jurisdictional body of that Party shall be admissible if they are submitted within the same period to a corresponding authority, institution or jurisdictional body of the other Party.
2. In the cases mentioned in paragraph 1 of this Article, the authority, institution or jurisdictional body receiving the claim, declaration or appeal shall forward it without delay to the Competent authority, institution or jurisdictional body of the former Party.

Article 26

**Transfer of amounts due in application of the Agreement**

1. The Competent institutions of either Party that are responsible for the payment of cash benefits under this Agreement directly to beneficiaries in the territory of the other Party shall validly discharge their liability in the legal tender of the former Party.
2. Amounts due to institutions situated in the territory of either Party shall be paid in the amount equivalent to the legal tender of the Party where the Competent institution is located.

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ACTING DIRECTOR

Article 27

**Rights of institutions responsible for benefits against liable third parties**

Where a person receives benefits under the legislation of either Party due to an injury sustained as a result of an incident that occurred in the territory of the other Party, any rights of the institution responsible for providing benefits against the third party liable to provide compensation for the injury shall be governed by the following rules:

- a) Where the institution responsible for providing benefits is, under the legislation it applies, subrogated to the rights which the beneficiary has against the third party, such subrogation shall be recognized by the Parties under the legislation they apply;
- b) Where the institution responsible for providing benefits has a direct right against the third party, the Parties shall recognize such right under the legislation they apply.

Article 28

**Recovery of advance payments**

- 1. Where the institution of either Party has made an advance payment of a benefit to the beneficiary, that institution may request, where necessary, the Competent institution of the other Party to deduct the amount of that advance payment from the benefits payable to him.
- 2. The latter institution shall deduct the amount under the conditions and within the limits laid down by the legislation that it administers and shall transfer the amount so deducted to the creditor institution.

Article 29

**Recovery of undue payments**

- 1. Where, in application of Title III, Chapter II, the Competent institution of either Party has paid to a beneficiary an amount in excess of what he is entitled to receive, that institution may, under the conditions and within the limits of the legislation that it administers, request the institution of the other Party to deduct the amount overpaid from the payments to be made to the beneficiary by this institution.
- 2. The latter institution shall deduct the amount under the conditions and within the limits laid down by the legislation that it administers, as if the overpayment had been made by it and shall transfer the amount so deducted to the creditor institution.

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Article 30

**Collection of contributions and of undue payments**

1. The collection of contributions due to an institution of either Party and of amounts unduly paid, in cases where the provisions of Article 29 of this Agreement do not apply and where there is an enforceable decision from a Competent institution, may be effected in the territory of the other Party in accordance with the procedures and with the crediting guarantees and privileges applicable to the collection of contributions due to a corresponding institution of the latter Party and of amounts unduly paid by an institution of the same Party.
2. The procedures for implementing this Article shall be laid down by administrative arrangements.

TITLE V

**Transitional and final provisions**

Article 31

**Transitional provisions**

This Agreement shall confer no right to a benefit for a period prior to its entry into force, except in the following cases:

- a) A period of insurance completed under the legislation of either Party before the entry in force of this Agreement shall be taken into account for determining the right to benefits under the provisions of this Agreement;
- b) Subject to the provisions of this Article, a benefit is due under this Agreement even though it relates to a contingency which materialized prior to the date of its entry into force;
- c) Any benefit which has not been awarded or which has been suspended by reasons of nationality or place of residence of the person concerned shall, upon application, be awarded or resumed with effect from the date of the entry into force of this Agreement;
- d) The provisions of the legislation of the Parties concerning the forfeiture or limitation of rights may not be invoked against the person concerned, in relation to the rights resulting from the application of subparagraph c) of this Article, if the application is submitted within two years from the date of entry in force of this Agreement;
- e) If the application referred to in subparagraph d) of this Article is submitted after the expiry of that period, the right to the benefits, which has not been forfeited or time barred, shall have effect from the date of

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*[Handwritten Signature]*  
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which the application was submitted, except where more favorable provisions of the legislation of either Party apply.

Article 32  
**Settlement of disputes**

1. Any dispute that may arise from the interpretation or application of this Agreement shall be settled amicably by consultation or negotiation through diplomatic channels.
2. If the dispute cannot be settled in accordance with paragraph 1 of this Article within one year, it shall be submitted to an arbitration tribunal, whose composition and rules of procedure shall be approved through mutual agreement by the Parties through diplomatic channels.
3. The decisions of the arbitration tribunal shall be binding and definitive.

Article 33  
**Entry into force**

This Agreement shall enter into force on the first day of the second month after the date of receipt of the last notification, made in writing and through diplomatic channels, informing that the internal legal proceedings required for that purpose in the Parties have been finalized.

Article 34  
**Duration and denouncement**

1. This Agreement shall remain in force for a period of one year and it shall be tacitly renewed every year for equal periods.
2. Either Party may denounce this Agreement, being the respective notice of denunciation given in writing through diplomatic channels up to six months before the expiry of the calendar year in course, whereupon the Agreement shall cease to be in force at the expiry of that calendar year.
3. In the event of denouncement of this Agreement, the acquired rights and the rights in course of acquisition shall be maintained in accordance with its provisions.

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Article 35  
**Registration**

*Lorraine M. Espiritu*  
LORRAINE M. ESPIRITU  
ACTING DIRECTOR

The Party in the territory of which this Agreement is signed shall submit it for registration with the Secretariat of the United Nations, under Article 102 of the

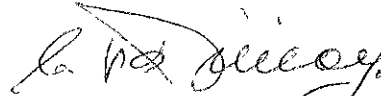
United Nations Charter, and shall also notify the other Party on the conclusion of this procedure and inform on the respective registration number.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

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

For the Portuguese Republic

For the Republic of the Philippines



Pedro Mota SOARES

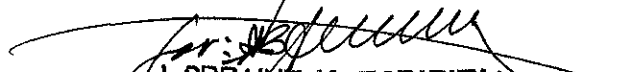
Emilio S. de QUIROS, Jr.

Minister of Solidarity and  
Social Security

President of the Social Security System

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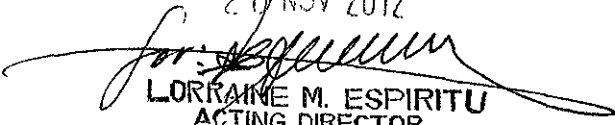
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LORRAINE M. ESPIRITU  
ACTING DIRECTOR

**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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**LORRAINE M. ESPIRITU  
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 2012, 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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20 NOV 2012

LORRAINE M. ESPIRITU  
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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.

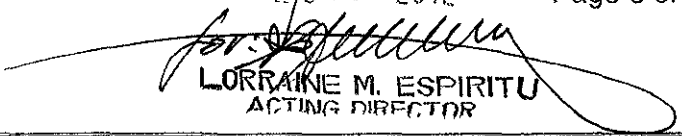
2 - The liaison bodies shall, among others:

- 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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20 NOV 2012

Page 3 of 12

  
LORRAINE M. ESPIRITU  
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11

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.

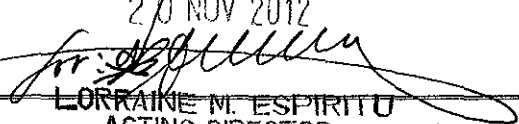
Article 5  
**Rules on the aggregation of periods of insurance**

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 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.

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for:   
LORRAINE M. ESPIRITU  
ACTING DIRECTOR

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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2/0 NOV 2012

Page 5 of 12

  
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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**

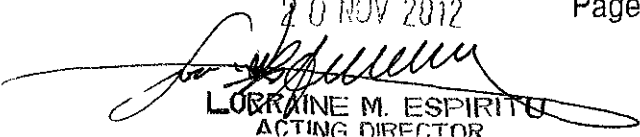
Article 10  
**Submission of claims for benefits  
(implementation of Articles 15 and 16 of the Agreement)**

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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20 NOV 2012

Page 6 of 12

  
LORRAINE M. ESPIRITU  
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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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20 NOV 2012

Page 7 of 12

  
LORRAINE M. ESPIRITU  
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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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20 NOV 2012

Page 8 of 12

  
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16

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.

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

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20 NOV 2012

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ACTING DIRECTOR

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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Page 10 of 12

20 NOV 2012

*Lorraine M. Espiritu*  
LORRAINE M. ESPIRITU  
ACTING DIRECTOR

7

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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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20 NOV 2012

Page 11 of 12

  
LORRAINE M. ESPIRITU  
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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:

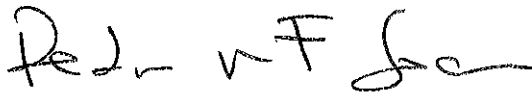
- a) Deliver reasoned opinions on questions concerning the interpretation and implementation of the Agreement and of this Arrangement;
- b) Establish the model liaison forms provided for in this Arrangement, as well as the procedures necessary for the implementation of the Agreement and of this Arrangement; 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 14<sup>th</sup> day of September 2012 in the Portuguese and English languages, both texts being equally authoritative.

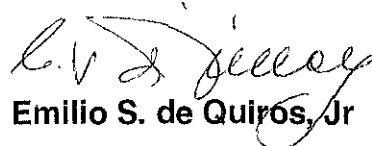
For the Competent Authority of the  
Portuguese Republic



**Luís Pedro Russo da Mota Soares**

Minister of Solidarity and Social  
Security

For the Competent Authority of the  
Republic of the Philippines

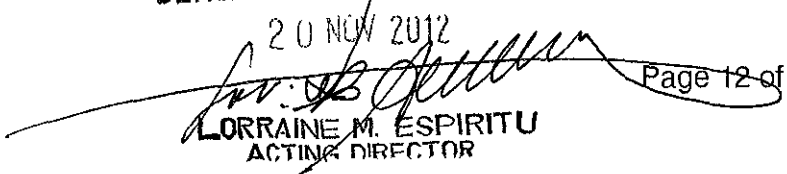


**Emilio S. de Quiros, Jr**

President of the Social Security  
System

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20 NOV 2012



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Page 12 of 12