

UNDERSTANDING ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND QUEBEC

Resolved to guarantee to their respective nationals the advantages of the co-ordination of the social security legislations of Quebec and the Republic of the Philippines,

Have agreed as follows :

PART I GENERAL PROVISIONS

ARTICLE 1 DEFINITIONS

In the Understanding, unless a different meaning is indicated by the context, the following expressions shall mean:

- a) "competent authority" : the Minister of Quebec or the Administrator of the Social Security System of the Republic of the Philippines responsible for the application of the legislation referred to in Article 2;
- b) "competent institution" ; the department or agency of Quebec or the Social Security System of the Republic of the Philippines responsible for the administration of the legislation referred to in Article 2;
- c) "period of insurance" : for Quebec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Quebec Pension Plan or any other year considered as equivalent; and, for the Republic of the Philippines, any month for which a contribution has been paid or credited;
- d) "benefit" : a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the legislation of each Party, including any extension, supplement or increase thereto;
- e) "national" : for Quebec, a person of Canadian citizenship residing in Quebec or, if not residing, who is or has been subject to the legislation of Quebec; and, for the Republic of the Philippines, a person of Philippine citizenship,
and any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.

ARTICLE 2 MATERIAL SCOPE

1. The Understanding shall apply :

- (a) to the legislation of Quebec concerning the Quebec Pension Plan;
- (b) to the legislation of the Republic of the Philippines concerning the Social Security Law with respect to retirement, disability and death benefits.

ARTICLE 3

PERSONAL SCOPE

Unless otherwise provided, the Understanding shall apply :

- (a) to nationals of each Party;
- (b) to refugees, within the meaning of Article 1 of the Convention Relating to the Status of Refugees of July 28, 1951, and of the Protocol of January 31, 1967, to that Convention;
- (c) to stateless persons, within the meaning of Article 1 of the Convention Relating to the Status of Stateless Persons of September 28, 1954;
- (d) to other persons who are or have been subject to the legislation of a Party or who have acquired rights by virtue of that legislation.

ARTICLE 4

EQUALITY OF TREATMENT

Unless otherwise provided in the Understanding, persons designated in Article 3 shall, in the application of the legislation of a Party, receive equal treatment with the nationals of that Party.

ARTICLE 5

EXPORT OF BENEFITS

1. Unless otherwise provided in the Understanding, any benefit acquired under the legislation of one Party, as well as benefits acquired under the Understanding, may not suffer any reduction, modification, suspension, suppression or confiscation solely as a result of the beneficiary residing or sojourning in the territory of the other Party, and such benefit shall be payable in the territory of the other Party.
2. Any benefit which, under the Understanding, is payable by one Party in the territory of the other Party, shall also be payable outside the territory of either Party under the same conditions that the first Party applies to its nationals under its internal legislation.

PART II

PROVISIONS ON THE APPLICABLE LEGISLATION

ARTICLE 6

GENERAL RULE

Unless otherwise provided in the Understanding and subject to Articles 7, 8, 9, 10 and 11, persons shall be subject only to the legislation of the Party in whose territory they are working.

ARTICLE 7
SELF-EMPLOYED PERSONS

Persons residing in the territory of one Party and working for their own account in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the legislation of their place of residence.

ARTICLE 8
DETACHED PERSONS

1. Persons subject to the legislation of one Party and temporarily detached by their employers, for a period not exceeding sixty months, to the territory of the other Party shall, with respect to such work, be subject only to the legislation of the first Party during the term of their detachment.

2. However, if the time required to complete the work comes to exceed sixty months, the legislation of the first Party may continue to apply provided that the competent institutions of both Parties give their approval.

ARTICLE 9
TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods, by air or by sea, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.

2. However, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its registered office, they shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding the preceding two paragraphs, if the persons are employed wholly or mainly in the territory of the Party where they are resident, they shall be subject to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory.

ARTICLE 10
PERSONS IN GOVERNMENT SERVICE

1. Persons in Government Service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the legislation of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and being in that territory in Government Service for the other Party shall, with respect to that service, be subject only to the legislation which applies in that territory. However, if those persons are nationals of the Party by which they are employed, they may, within six months from the beginning of their employment or from the coming into force of the Understanding, choose to be subject only to the legislation of that Party.

3. No provision of the Understanding may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or to

the provisions of the Vienna Convention on Consular Relations of April 24, 1963, relative to the legislation referred to in Article 2.

ARTICLE 11
DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both Parties may by common agreement derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

PART III
PROVISIONS ON BENEFITS

ARTICLE 12
PRINCIPLE OF TOTALIZATION

When persons have completed periods of insurance under the legislation of both Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement to benefits under the legislation which it applies, the periods of insurance completed under the legislation of each of the Parties, provided that they do not overlap.

ARTICLE 13
BENEFITS UNDER THE LEGISLATION OF QUEBEC

1.If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants, under the legislation of Quebec without having recourse to the totalization mentioned in Article 12, the competent institution of Quebec shall determine the amount of benefits in accordance with the provisions of the legislation which it applies.

2.If the persons referred to in paragraph 1 do not fulfill the requirements for giving entitlement to benefits without totalization, the competent institution of Quebec shall proceed as follows :

(a) it shall recognize a year of contribution when the competent institution of the I Republic of the Philippines certifies that a period of insurance of at least three t (3) months has been credited in a calendar year under the legislation of the Republic of the Philippines, provided that the year is included in the contributory period as defined in the legislation of Quebec;

(b) years recognized under sub-paragraph (a) shall be totalized with periods of insurance completed under the legislation of Quebec, in accordance with Article 12.

3.When the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of Quebec shall determine the amount payable as follows :

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the legislation of Quebec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying :
by the amount of the flat-rate portion of the benefit determined under the provisions of the Quebec Pension Plan
the fraction which represents the ratio of the periods of contributions to the Quebec Pension Plan in relation to the contributory period as defined in that legislation.

ARTICLE 14
BENEFITS UNDER THE LEGISLATION OF THE REPUBLIC OF THE PHILIPPINES

1.If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants, under the legislation of the Republic of the Philippines without having recourse to the totalization mentioned in Article 12, the competent institution of the Republic of the Philippines shall determine the amount of benefits in accordance with the provisions of the legislation which it applies.

2.If the persons referred to in paragraph 1 do not fulfill the requirements for giving entitlement to benefits without totalization, the competent institution of the Republic of the Philippines shall proceed as follows :

(a) it shall recognize twelve months of contribution in a year when the competent institution of Quebec certifies that those persons have been credited with a period of insurance under the legislation of Quebec;

(b) if entitlement to benefits is not acquired with the application of the preceding sub-paragraph, it shall recognize a contribution month under the legislation of the Republic of the Philippines when that month is considered as a month of residence under the Old Age Security Act which applies in the territory of Quebec, provided that that month is not part of a period of insurance credited under the legislation of Quebec;

(c) months recognized under sub-paragraphs (a) and (b) shall be totalized with periods of insurance completed under the legislation of the Republic of the Philippines, in accordance with Article 12.

3.When the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of the Republic of the Philippines shall determine the amount payable as follows :

(a) it shall first determine the amount of the theoretical benefit which would be payable under the legislation of the Republic of the Philippines solely on the basis of the minimum periods of insurance required under that legislation;

(b) it shall then multiply the amount of the theoretical monthly pension by the ratio that the periods of insurance actually completed under the legislation of the Republic of the Philippines represent in relation to the minimum periods of insurance required under that legislation.

4.For the application of the preceding paragraph, when the right to benefits is acquired with the sole totalization of periods of insurance according to paragraph 2