

**AGREEMENT ON SOCIAL SECURITY  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF KOREA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF THE  
PHILIPPINES**

The Government of the Republic of Korea and the Government of the Republic of the Philippines,

Being desirous of regulating the relationship between their two countries in the field of social security,

Have agreed as follows:

**PART I**  
**GENERAL PROVISIONS**

**Article 1**  
**Definitions**

1. For the purposes of this Agreement:

- (a) “Contracting Party” means the Republic of Korea or the Republic of the Philippines (hereinafter referred to as “Korea” or “the Philippines”, respectively);
- (b) “national” means:
  - (i) as regards Korea, a Korean national as defined in the Nationality Law, and
  - (ii) as regards the Philippines, a Filipino national as defined in Philippine laws;
- (c) “legislation” means the laws and regulations specified in Article 2 of this Agreement;
- (d) “Competent Authority” means:
  - (i) as regards Korea, the Ministry of Health and Welfare, and
  - (ii) as regards the Philippines, the President and Chief Executive Officer of the Social Security System and the President and General Manager of the Government Service Insurance System, to the extent that each is responsible under the legislation specified in Article 2 of this Agreement;
- (e) “Competent Institution” means:
  - (i) as regards Korea, the National Pension Service, and
  - (ii) as regards the Philippines, the Social Security System and the Government Service Insurance System, to the extent that each is responsible under the legislation specified in Article 2 of this Agreement;

Agreement;

- (f) “period of coverage” means any period of contribution that has been recognized and completed under the legislation of a Contracting Party, and any other period taken into account under that legislation for establishing entitlement to benefits or for calculating the amount of benefits; and
- (g) “benefit” means any benefit provided for in the legislation specified in Article 2 of this Agreement.

2. Any term not defined in this Article shall have the meaning assigned to it in the applicable legislation.

3. The Contracting Parties shall inform each other, without delay, of any changes in their Competent Authorities and Competent Institutions through diplomatic channels.

## **Article 2**

### **Applicable Legislation**

1. This Agreement shall apply to the following legislation:

- (a) as regards Korea, the National Pension Act;
- (b) as regards the Philippines:
  - (i) the Social Security Act of 2018 as it relates to retirement, disability and death benefits;
  - (ii) the Government Service Insurance Act of 1997 as it relates to retirement, disability, death and survivorship; and
  - (iii) the Portability Law as it relates to totalizing creditable period of contributions under the Acts specified in sub-paragraphs (i) and (ii).

2. Unless otherwise provided in this Agreement, the legislation referred to in paragraph 1 of this Article shall not include treaties or other international agreements on social security that may be concluded between one Contracting Party and a third State, or legislation promulgated for their specific implementation.

3. This Agreement shall also apply to future legislation which amends, supplements, consolidates or supersedes the legislation specified in paragraph 1 of this Article.

4. Notwithstanding paragraph 3 of this Article, this Agreement shall not apply to  
/ laws or

laws or regulations which extend the existing legislation of one Contracting Party to new categories of beneficiaries, if the Competent Authority of that Contracting Party notifies the Competent Authority of the other Contracting Party in writing, within six months from the date of the entry into force of such laws or regulations, that no such extension to the Agreement is intended.

### **Article 3**

#### **Personal Scope**

This Agreement shall apply to any person who is or who has been subject to the legislation of either Contracting Party, and to the dependents and survivors of such a person within the meaning of the applicable legislation of either Contracting Party.

### **Article 4**

#### **Equal Treatment**

Unless otherwise provided in this Agreement, any person described in Article 3 of this Agreement who resides in the territory of either Contracting Party shall, in the application of the legislation of that Contracting Party regarding the eligibility for and the payment of benefits, receive equal treatment with nationals of that Contracting Party. The foregoing shall also apply to the dependents and survivors who reside in the territory of either Contracting Party with respect to their rights derived from the persons specified in this Article.

### **Article 5**

#### **Export of Benefits**

1. Benefits under the legislation of one Contracting Party shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides or stays in the territory of the other Contracting Party, and the benefits shall be payable in the territory of the other Contracting Party.

2. Unless otherwise provided in this Agreement, any provision of the legislation of  
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a Contracting Party which restricts entitlement to or payment of benefits solely because the person resides outside or is absent from the territory of that Contracting Party shall not be applicable to the persons who reside in the territory of the other Contracting Party.

3. Benefits under the legislation of one Contracting Party shall be granted to nationals of the other Contracting Party who reside outside the territories of the Contracting Parties under the same conditions as they are granted to nationals of the first Contracting Party who reside outside the territories of the Contracting Parties.

## **PART II**

### **PROVISIONS ON COVERAGE**

#### **Article 6**

##### **General Provisions**

1. Except as otherwise provided in this Agreement, an employed person who works in the territory of one Contracting Party shall, with respect to that work, be subject only to the legislation of that Contracting Party.

2. A self-employed person who ordinarily resides in the territory of a Contracting Party and works in the territory of the other Contracting Party or in the territories of both Contracting Parties shall, in respect of that work, be subject only to the legislation of the first Contracting Party.

3. A person who is employed in the territories of both Contracting Parties or a person who is self-employed in the territory of a Contracting Party and employed in the territory of the other Contracting Party shall be subject only to the legislation of the Contracting Party in whose territory he or she ordinarily resides.

#### **Article 7**

##### **Detached Workers**

1. Where a person in the service of an employer having a registered office in the territory of one Contracting Party is sent by that employer to work on that  
/ employer's behalf

employer's behalf in the territory of the other Contracting Party, only the legislation on compulsory coverage of the first Contracting Party shall continue to apply with regard to that employment during the first sixty calendar months, as though the employee were still employed in the territory of the first Contracting Party. This paragraph shall also apply to an employee who has been sent by his or her employer in the territory of one Contracting Party to the employer's affiliated or subsidiary company in the territory of the other Contracting Party.

2. In case the detachment continues beyond the period specified in paragraph 1 of this Article, the legislation of the first Contracting Party referred to in that paragraph shall continue to apply for an additional period of up to thirty-six months with the mutual consent of the Competent Authorities or the Competent Institutions of both Contracting Parties.

## **Article 8**

### **Mariners and Aircraft Crew**

1. A person who, but for this Agreement, would be subject to the legislation of both Contracting Parties with respect to employment as an officer or member of a crew on a ship shall be subject only to the legislation of the Contracting Party in the territory where the person ordinarily resides.

2. A person who is employed as an officer or member of a crew of an aircraft shall, in respect of that employment, be subject to the legislation of the Contracting Party in the territory of which the enterprise by which he or she is employed has its head office. If, however, the enterprise has a branch or permanent presence in the territory of the other Contracting Party, such a person employed by that branch or permanent presence and who is not subject to Article 7 of this Agreement shall be subject to the legislation of the Contracting Party in the territory of which the branch or permanent presence is located.

## **Article 9**

### **Members of Diplomatic Missions and Consular Posts, and Civil Servants**

1. Nothing in this Agreement shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on

/ Consular Relations

Consular Relations of April 24, 1963.

2. Subject to paragraph 1 of this Article, a person employed by the central or local government service, or any other public service of a Contracting Party, who is sent to work in the territory of the other Contracting Party, shall be subject to the legislation of the first Contracting Party as if he or she were employed in its territory.

### **Article 10** **Modification Provision**

The Competent Authorities or Competent Institutions of both Contracting Parties may agree to grant an exception to or modification of the provisions of Articles 6 to 9 of this Agreement with respect to particular persons or categories of person, provided that any affected person shall be subject to the legislation of one Contracting Party.

## **PART III** **PROVISIONS ON BENEFITS**

### **Article 11** **Totalization of Periods of Coverage**

1. When periods of coverage have been completed under the legislation of both Contracting Parties, the Competent Institution of each Contracting Party shall, in determining eligibility for benefits under the legislation which it applies, take into account, if necessary, period of coverage under the legislation of the other Contracting Party, provided that such period of coverage does not overlap with period of coverage under its own legislation.

2. If the legislation of one Contracting Party subordinates the granting of certain benefits to the condition that the period of coverage is to be completed in a given occupation, only period of coverage completed or recognized as equivalent in the same occupation under the legislation of the other Contracting Party shall be totalized for admission to entitlement to these benefits.

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3. If a person is not entitled to a benefit on the basis of the periods of coverage completed under the legislation of both Contracting Parties, totalized according to paragraphs 1 and 2 of this Article, the right to the said benefit is to be determined by totalizing those periods with the period of coverage completed under the legislation of a third State with whom both Contracting Parties are bound by social security instruments which provide for the totalization of periods of coverage, provided that such period of coverage does not overlap with periods of coverage under the legislation of both Contracting Parties.

## **Article 12**

### **Calculation of Benefits**

The calculation of benefits shall be determined by the applicable legislation of the respective Contracting Party unless otherwise provided in this Agreement.

## **Article 13**

### **Special Provisions relating to Korea**

1. Where period of coverage under the legislation of the Philippines is taken into account to establish eligibility for benefits under the legislation of Korea in accordance with paragraph 1 of Article 11 of this Agreement, the benefit due shall be determined as follows:

- (a) the Competent Institution of Korea shall first compute a pension amount equal to the amount that would have been payable to the person if all the periods of coverage taken into account under the legislation of the two Contracting Parties had been completed under the legislation of Korea. To determine the pension amount, the Competent Institution of Korea shall take into account the person's average standard monthly income while covered under the legislation of Korea;
- (b) the Competent Institution of Korea shall calculate the partial benefit to be paid in accordance with the legislation of Korea based on the pension amount calculated according to the sub-paragraph (a), in proportion to the ratio between the duration of the period of coverage taken into consideration under its own legislation and the total duration of the periods of coverage taken into consideration under the legislation of the two

/ Contracting Parties.



Contracting Parties.

2. Where the conditions required for the entitlement to a benefit are satisfied only after the application of paragraph 3 of Article 11 of this Agreement, the period of coverage completed under the legislation of the third State referred to in that paragraph shall be considered for the application of paragraph 1 of this Article.

3. Lump-sum refunds shall be granted to nationals of the Philippines under the same conditions as they are granted to Korean nationals. Notwithstanding Articles 4 and 5 of this Agreement, lump-sum refunds shall be paid to the nationals of a third State only in accordance with the legislation of Korea.

4. If the total duration of the period of coverage accumulated by a person under the legislation of Korea is less than one year and thus it does not result in the right to benefits, the Competent Institution of Korea shall not be required to pay a benefit to that person in respect of that period by virtue of this Agreement.

#### **Article 14**

##### **Special Provisions relating to the Philippines**

1. If a person is not entitled to a benefit solely on the basis of the period of coverage completed under the legislation of the Philippines, but is entitled to the payment of the benefit through totalization as provided in Article 11 of this Agreement, the Competent Institution of the Philippines shall calculate the amount of benefit payable to that person in the following manner:

- (a) it shall first determine the amount of the theoretical benefit which would be payable under the legislation of the Philippines solely on the basis of the minimum period of coverage required under that legislation;
- (b) it shall then multiply the theoretical benefit by the fraction represented by the period of coverage completed under the legislation of the Philippines, in relation to the total duration of the period of coverage completed under the legislation of the Philippines and the period of coverage completed under the legislation of Korea which is required to satisfy the minimum requirement for entitlement to that benefit under the legislation of the Philippines.

2. If the total duration of the period of coverage accumulated by a person under  
/ the legislation

the legislation of the Philippines is less than one year and thus it does not result in the right to benefits, the Competent Institution of the Philippines shall not be required to pay a benefit to that person in respect of that period by virtue of this Agreement.

**PART IV**  
**MISCELLANEOUS PROVISIONS**

**Article 15**  
**Administrative Arrangement**

1. The Competent Authorities of the Contracting Parties shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Agreement.
  
2. The liaison agencies of each Contracting Party shall be designated in the Administrative Arrangement.

**Article 16**  
**Exchange of Information and Mutual Assistance**

1. The Competent Authorities and the Competent Institutions of the Contracting Parties shall, within the scope of their respective competence:
  - (a) communicate to each other, to the extent permitted by the legislation which they administer, any information necessary for the application of this Agreement;
  - (b) assist each other with regard to the determination of entitlement to, or payment of, any benefit under this Agreement, or the legislation to which this Agreement applies; and
  - (c) communicate to each other, as soon as possible, information concerning the measures taken by them for the application of this Agreement and any changes in their respective legislation which may affect the application of this Agreement.
  
2. The assistance referred to in sub-paragraph 1 (b) of this Article shall be provided free of charge, subject to any exceptions to be agreed upon in the  
/ Administrative Arrangement

Administrative Arrangement concluded pursuant to paragraph 1 of Article 15 of this Agreement.

## **Article 17**

### **Confidentiality of Information**

Unless otherwise required by the national laws and regulations of a Contracting Party, information about an individual which is transmitted in accordance with this Agreement to the Competent Authority or the Competent Institution of that Contracting Party by the Competent Authority or Competent Institution of the other Contracting Party shall be used exclusively for the purposes of implementing this Agreement and the legislation to which this Agreement applies. Such information received by a Competent Authority or a Competent Institution of a Contracting Party shall be governed by the national laws and regulations of that Contracting Party for the protection of privacy and confidentiality of personal data.

## **Article 18**

### **Exemption from Fees and Certification of Documents**

1. Where the legislation of a Contracting Party provides that any document which is submitted to the Competent Authority or the Competent Institution of that Contracting Party shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the Competent Authority or the Competent Institution of the other Contracting Party in the application of this Agreement or of the legislation of the other Contracting Party.

2. Documents and certificates which are presented by the Competent Authority or the Competent Institution of either Contracting Party for the application of this Agreement or of the legislation of the other Contracting Party shall be exempted from requirements for authentication by diplomatic or consular authorities or any other similar formalities.

3. Copies of documents which are certified as true and exact copies by the Competent Authority or the Competent Institution of one Contracting party shall be accepted as true and exact copies by the Competent Authority or the Competent

/ Institution of

Institution of the other Contracting Party, without further certification.

## **Article 19**

### **Language of Communication**

1. The Competent Authorities and the Competent Institutions of the Contracting Parties may correspond directly with one another as well as with any person, wherever that person may reside, whenever it is necessary to do so for the application of this Agreement or of the legislation to which this Agreement applies. The correspondence may be in any official language of either Contracting Party or in the English language.

2. An application or document may not be rejected by the Competent Authority or Competent Institution of a Contracting Party solely because it is in the official language of the other Contracting Party.

## **Article 20**

### **Submission of Claims, Notices or Appeals**

1. Any claim, notice or appeal concerning the determination or payment of a benefit under the legislation of a Contracting Party which should, for the purposes of that legislation, have been filed within a prescribed period with the Competent Authority or the Competent Institution of that Contracting Party, but which is instead filed within the same period to the Competent Authority or the Competent Institution of the other Contracting Party, shall be considered to have been filed on time with the Competent Authority or the Competent Institution of the first Contracting Party.

2. If, after the entry into force of this Agreement, a person files a written application for benefits with the Competent Institution of a Contracting Party under the legislation of that Contracting Party, the application shall also protect the rights of that person to corresponding benefits under the legislation of the other Contracting Party, provided that the person at the time of the application:

(a) is entitled on the grounds of age to lodge a valid claim for a benefit under the legislation of the other Contracting Party; and

(b) requests that it be considered as an application under the legislation of the

/ other Contracting

- other Contracting Party; or
- (c) provides information indicating that period of coverage has been completed under the legislation of the other Contracting Party.

However, the foregoing shall not apply if the applicant explicitly requests that the application be restricted to benefits under the legislation of the first Contracting Party.

3. In any case to which paragraph 1 or 2 of this Article applies, the Competent Authority or Competent Institution to which the claim, notice or appeal has been submitted shall indicate the date of receipt of the document and forward it without delay to the Competent Authority or the Competent Institution of the other Contracting Party.

## **Article 21**

### **Payment of Benefits**

1. The Competent Institution of a Contracting Party may pay benefits in accordance with this Agreement in the currency of that Contracting Party.

2. In the event that a Contracting Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside the territory of that Contracting Party, it shall, without delay, take appropriate measures to ensure the payment of any amount that must be paid in accordance with this Agreement to the persons described in Article 3 of this Agreement.

## **Article 22**

### **Resolution of Disagreements**

1. Any disagreement regarding the interpretation of this Agreement shall be resolved by consultation between the Contracting Parties.

2. Any disagreement regarding the application of this Agreement shall be resolved by consultation between the Competent Authorities of the Contracting Parties.

**PART V**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 23**  
**Transitional Provisions**

1. Any period of coverage completed before the date of the entry into force of this Agreement, and any other relevant events that occurred before that date, shall be taken into consideration in determining the right to a benefit under this Agreement. However, neither Competent Institution of a Contracting Party shall be required to take into account period of coverage which occurred prior to the earliest date for which period of coverage may be credited under its legislation.
2. This Agreement shall not establish any right to receive payment of a benefit for any period before the date of the entry into force of this Agreement.
3. Determinations concerning entitlement to benefits which were made before the entry into force of this Agreement shall not affect rights arising under it.
4. Benefits determined before the entry into force of this Agreement may be newly determined upon application if a change in such benefits results solely from the provisions of this Agreement. The application of this Agreement shall not result in any reduction in the amount of benefits to which entitlement was established prior to its entry into force.
5. In applying Article 7 of this Agreement in the case of persons who were sent to the territory of a Contracting Party prior to the date of the entry into force of this Agreement, the periods of employment referred to in that Article shall be considered to begin on the date of the entry into force of this Agreement.
6. The provisions of Part III of this Agreement shall apply only to benefits for which an application is filed on or after the date this Agreement enters into force.

**Article 24**  
**Entry into Force**

This Agreement shall enter into force on the first day of the third month  
/ following the

following the month in which each Contracting Party has received from the other Contracting Party written notification that it has complied with all requirements for the entry into force of this Agreement.

## **Article 25**

### **Period of Duration and Termination**

1. This Agreement shall remain in force and effect until the last day of the twelfth month following the month in which written notice of its termination is given by either Contracting Party to the other Contracting Party.

2. If this Agreement is terminated, rights regarding entitlement to or payment of benefits acquired under it shall be retained. The Contracting Parties shall make arrangements to deal with rights in the process of acquisition.

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

DONE in duplicate at Busan, on this 25<sup>th</sup> day of November 2019, in the Korean and English languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF KOREA

FOR THE GOVERNMENT OF THE  
REPUBLIC OF THE PHILIPPINES