

Attention: Mafé de Guyman
Office of Deputy Administrator
Ramon Tindler
fax # 7293646

AGREEMENT ON SOCIAL SECURITY BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF THE

PERU

AND

THE GOVERNMENT OF THE REPUBLIC OF GUYANA

The Government of the Republic of Peru and the Government of the Republic of Guyana

Being desirous of regulating the relations between them in respect of social security

Have agreed as follows:

GENERAL PROVISIONS

Article 1
Definitions

1. For the purposes of this Agreement

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ACTING DIRECTOR
CENTRAL RECORDS DIVISION
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(a) "Contracting Party" means the Republic of the Philippines or the Republic of Korea, hereinafter referred to as "the Philippines" or "Korea", respectively;

(b) "territory" means,
as regards the Philippines, the territory of the Philippines;
as regards Korea, the territory of Korea;

(c) "national" means,
as regards the Philippines, a Filipino national as defined in Philippine laws;
as regards Korea, a Korean national defined in the Nationality Law as amended;

(d) "legislation" means the laws and regulations specified in Article 2 of this Agreement;

(e) "competent authority" means,
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, each to the extent of his/her responsibility or the administration of the legislation specified in Article 2, paragraph 1(b) of this Agreement;
as regards Korea, the Minister of Health and Welfare;

(f) "competent institution" means,
as regards the Philippines, the Social Security System and the Government Service Insurance System, each to the extent that it is responsible under the legislation specified in Article 2(1)(b);
as regards Korea, the National Pension Service;

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ASSISTANT DIRECTOR
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(g) "period of coverage" means a period of contributions 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;

(h) "benefit" means any benefit provided for in the legislation specified in Article 2 of this Agreement.

2. Any other term not defined in paragraph 1 of this Article shall have the meaning assigned to it in the applicable legislation.

Article 2

Material Scope of Application

1. This Agreement shall apply to the following legislation:

(a) as regards the Philippines,

(i) the Social Security Law of 1997 as it relates to retirement, disability and death benefits;

(ii) the Government Service Insurance System Act of 1997 as it relates to retirement, disability, death and survivorship;

(iii) the portability law as it relates to totalizing creditable service and contributions under the Acts specified in sub-paragraphs (i) and (ii).

(b) as regards Korea,

the National Pension Act, and the rules and regulations applicable to its implementation;

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 or supranational legislation on social security that may be concluded between one Contracting Party and a third State, or laws or regulations promulgated for their specific implementation.

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- 3. This Agreement shall also apply to future legislation that amends, supplements, consolidates or supersedes the legislation specified in paragraph 1 of this Article.
- 4. This Agreement shall not apply to 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, within six months from the date of the publication of such laws or regulations, that no such extension to the Agreement is intended.

Article 3
Personal Scope of Application

This Agreement shall apply to the following persons who are or have been subject to the legislation of either Contracting Party:

- (a) nationals as well as their family members and survivors whose rights are derived from a national of a Contracting Party;
- (b) 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) stateless persons within the meaning of Article 1 of the Convention Relating to the Status of Stateless Persons of September 28, 1954;
- (d) other persons.

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Treatment

1. Persons (a), (b) and (c) who reside within the territory of either Contracting Party shall receive equal treatment with nationals of a Contracting Party in the application of the legislation of a Contracting Party. The foregoing shall also apply to the other persons specified in Article 3 (a) with respect to their rights derived from a person under the said Article.
2. 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.
3. Notwithstanding paragraph 1 of this Article, benefits in the form of refund of contributions under the legislation of one Contracting Party to the national of the other Contracting Party shall be granted based on the reciprocity principle.

Article 5

Export of Pension Benefits

1. Unless otherwise provided in this Agreement, pension benefits payable under the legislation of a Contracting Party to any person described in Article 3, including pension benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides within the territory of the other Contracting Party, and they shall be paid in the territory of the other Contracting Party.
2. Any pension benefit which, under this Agreement, is payable by one Contracting Party in the territory of the other Contracting Party, shall also be

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payable outside the territory of either Contracting Party under the same conditions that it applies to its nationals under its domestic legislation.

**PART II
PROVISIONS ON COVERAGE**

**Article 6
General Provisions on Coverage**

1. Unless otherwise provided in this Agreement, an employed person who works in the territory of a Contracting Party shall, in respect of that work, be subject only to the legislation of that Contracting Party.
2. Notwithstanding paragraph 1 of this Article, a Philippine worker engaged in Korea under the Korean Industrial Training System or the Employment Permit System shall be subject only to the legislation of the Philippines, as provided for under Article 2 of this Agreement.
3. A person who ordinarily resides in the territory of a Contracting Party and who is engaged in self-employment in the territory of the other Contracting Party or in the territories of both Contracting Parties shall, in respect of that self-employment, be subject only to the legislation of the first Contracting Party.
4. A person who is employed in the territory of both Contracting Parties or 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 the person ordinarily resides.

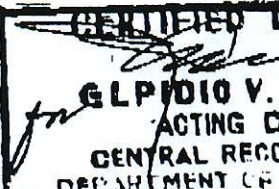
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**Article 7
Detached Persons**

1. An employed person who is subject to the legislation of a Contracting Party and who is temporarily sent by his/her employer to the territory of the other Contracting Party to perform services for the same employer shall, in respect of these services, be subject only to the legislation of the first Contracting Party during the term of his/her detachment as though these services were performed within its territory.
2. However, if the time required to complete the work exceeds sixty (60) months, the legislation of the Contracting Party within whose territory the person is assigned shall apply. However, the said Contracting Party may agree to an extension for a period not exceeding twenty-four (24) months after a written request for extension is sent to it by the other Contracting Party
3. Provisions of paragraphs 1 and 2 of this Article shall also apply to a worker who has been sent by his/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.

**Article 8
Aircraft Crew and Mariners**

1. A person who is employed as an officer or member of the 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 is employed has its head office. If, however, the enterprise has a branch or permanent representation in the territory of the other Contracting Party, such a person employed by that branch or representation and who is not subject to Article 7 shall be applied the legislation of the Contracting Party in the territory of which it is located.


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2. A national of one Contracting Party who is a member of the crew of a sea-going vessel flying the flag of a Contracting Party and who is a resident of either Contracting Party shall be insured in accordance with the legislation of the Contracting Party in whose territory he/she ordinarily resides.

Article 9

Members of Diplomatic Missions 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 of April 24, 1963.
2. Subject to paragraphs 1 and 4 of this Article, where a person who is employed by the national or local Government Service, or other Public Service of one Contracting Party, is sent to work in the territory of the other Contracting Party, the legislation of the first Contracting Party shall apply to him as if he were employed in its territory.
3. Subject to paragraphs 1 and 2 of this Article, where a person is employed in a diplomatic mission or consular post of one Contracting Party in the territory of the other Contracting Party, or in the private service of a person employed in such a mission or post, the legislation of the first Contracting Party shall apply to him as if he were employed in its territory. However, if he is a national of the latter Contracting Party or his/her ordinary residence is in the latter Contracting Party, he may choose the legislation of the latter Contracting Party within six months from the beginning of the employment or from the date of the entry into force of this Agreement. The employer shall be notified of such choice and the legislation of his/her choice shall apply from the date of the notification.
4. Where the person referred to in paragraph 2 or 3 of this Article is subject to the legislation of a Contracting Party, the employer in question shall observe the

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obligations which that legislation imposes on employers.

- 5. Paragraphs 1 to 4 of this Article shall not apply to the honorary members of consular posts or their employees.

Article 10

Exception from the Provisions on Coverage

The competent authorities or competent institutions of both Contracting Parties may agree to grant an exception to Part II of this Agreement, with respect to particular persons or categories of persons, provided that any affected person shall be subject to the legislation of one Contracting Party

PART III

PROVISIONS CONCERNING BENEFITS

Article 11

Totalization of Periods of Coverage

- 1. When periods of coverage have not been completed to qualify for pension benefits under the legislation of either Contracting Party, the competent institution of each Contracting Party shall, in determining eligibility for pension benefits under the legislation which it applies, take into account, if necessary, periods of coverage which are creditable under the legislation of the other Contracting Party provided that such periods do not overlap with periods creditable under its legislation.
- 2. The calculation of the benefit shall be determined by the applicable legislation of the respective Contracting Parties unless otherwise provided in this Agreement.

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3. The competent institutions of the Contracting Parties shall not apply the provisions of this Article if the person on whose account pension benefits are computed has sufficient creditable periods of coverage to qualify for a pension benefit under the legislation of that Contracting Party.
4. Unless otherwise provided in this Agreement, this Agreement shall not prevent the application of the legislation of either Contracting Party concerning the payment of benefits that are more favorable to the persons listed in paragraphs (a), (b), and (c) of Article 3.

Article 12


Minimum Period Required for Totalization

Notwithstanding any other provision of this Agreement, if the total duration of the creditable periods of coverage accumulated by a person under the legislation of a Contracting Party is less than one year, the competent institution of that Contracting Party shall not be required to apply Article 11 of this Agreement.

Article 13

Benefits Payable Under the Legislation of Korea

1. To obtain a disability or survivors benefit, the requirement of the legislation of Korea that a person be covered when the insured event occurs shall be considered to have been met if the person is covered for a benefit under the legislation of Philippines during a period in which the insured event occurs according to the legislation of Korea.
2. Where periods of coverage under the legislation of the Philippines are taken into account to establish eligibility for benefits under the legislation of Korea in accordance with Articles 11 and 12 and paragraph 1 of this Article, the benefit due shall be determined as follows:

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(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 both 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 preceding subparagraph, in proportion to the ratio between the duration of the periods 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 both Contracting Parties.

3. Provisions of the legislation of Korea restricting the entitlement to the disability or survivors benefit due to unpaid contributions at the time when the person has otherwise qualified for the benefit shall apply only to the period covered under the legislation of Korea.

Article 14

Benefits Payable Under the Legislation of the Philippines

If a person is not entitled to the payment of a benefit solely on the basis of the periods of coverage completed under the legislation of the Philippines, but is entitled to the payment of a benefit through totalization as provided under Article 11, the competent institution of the Philippines shall calculate the amount of benefit payable to that person in the following manner:



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- (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 contribution/creditable periods required under that legislation;
- (b) It shall then multiply the theoretical benefit by the fraction represented by the contribution/creditable periods actually completed under the legislation of the Philippines, in relation to the total contribution/creditable periods completed under the legislation of the Philippines and of only those periods creditable under the legislation of Korea which are required to satisfy the minimum requirement for entitlement to that benefit under the legislation of the Philippines.

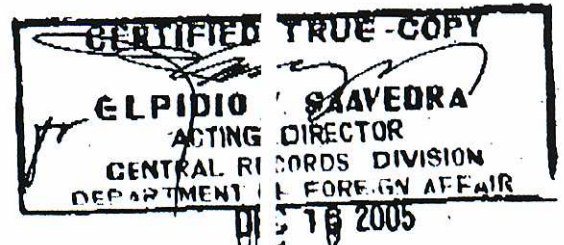
PART IV
ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Article 15
Administrative Arrangement

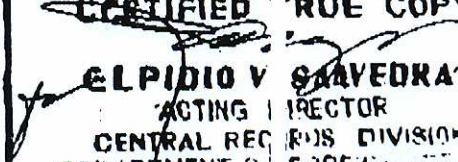
1. The competent authorities of the Contracting Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.
2. The liaison agencies of the Contracting Parties shall be designated in that arrangement.

Article 16
Exchange of Information and Mutual Assistance

1. The competent authorities and competent institutions responsible for the application of this Agreement:



- (a) shall, to the extent permitted by the legislation which they administer, communicate to each other any information necessary for the application of this Agreement;
 - (b) shall lend their good offices and furnish assistance to one another with regard to the determination or payment of any benefit under this Agreement, or the legislation to which this Agreement applies as if the matter involved the application of their own legislation;
 - (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation insofar as these changes affect the application of this Agreement.
2. The assistance referred to in paragraph 1(a) of this Article shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article 15 for the reimbursement of certain types of expenses.
 3. Where, under this Agreement or its Administrative Arrangement, the competent authority or competent institution of a Contracting Party communicates personal data to the competent authority or competent institution of the other Contracting Party, that communication shall be subject to the legal provisions governing protection of data laid down by the Contracting Party providing the data. Any subsequent transmission as well as the storage, alteration and destruction of the data shall be subject to the legal provisions on data protection of the receiving Contracting Party.
 4. The use of personal data for purposes other than those of social security shall be subject to the approval of the person concerned or in accordance with the other guarantees provided for by national legal provisions.

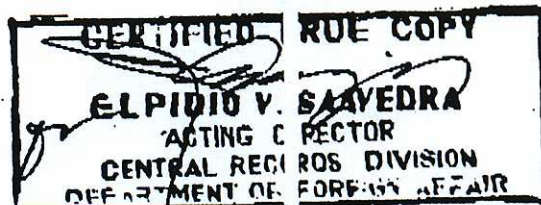
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Article 17
Medical Reports

When assessing the degree of disability, the competent institution of each Contracting Party may, where appropriate, take account of information and medical reports provided by the competent institution of the other Contracting Party. They shall, however, retain the right to have the insured person examined by a doctor of their choice.

Article 18
Exemption from Fees and Certification of Documents

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of a Contracting Party in connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Contracting Party.
2. Any document or certificate of an official nature required to be produced for the application of this Agreement shall be exempted from any authentication by diplomatic or consular authorities or similar formalities.
3. Copies of documents which are certified as true and exact copies by the competent institution of one Contracting Party shall be accepted as true and exact copies by the competent institution of the other Contracting Party, without further certification.



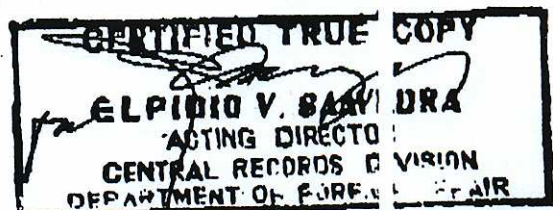
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Article 19
Languages of Communication

1. For the application of this Agreement, the competent authorities and competent institutions of the Contracting Parties may communicate directly with one another as well as with any person, whenever it is necessary for the administration of this Agreement. Such communication may be made in any official language of either Contracting Party.
2. The competent authority and competent institution of a Contracting Party may not refuse to deal with requests or take account of other documents because they have been drawn up in an official language of the other Contracting Party.

Article 20
Submitting 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 presented within a prescribed period to the competent authority or institution of that Contracting Party, but which is presented within the same period to the competent authority or institution of the other Contracting Party, shall be treated as if it had been presented to the competent authority or institution of the first Contracting Party.
2. Subject to the second sentence of this paragraph, a claim for benefit under the legislation of a Contracting Party made after the date of entry into force of this Agreement shall be deemed to be a claim for the corresponding benefit under the legislation of the other Contracting Party, provided that the applicant:
 - (a) requests that it be considered an application under the legislation of the other Contracting Party, or



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(b) provides information at the time of application indicating that periods of coverage have been completed under the legislation of the other Contracting Party.

The foregoing sentence, however, shall not apply if the applicant requests that his/her claim be restricted to the benefits of the first Contracting Party.

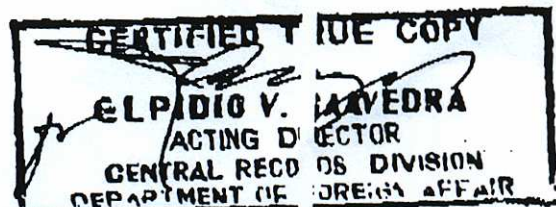
3. In any case to which paragraph 1 or 2 of this Article apply, the competent authority or institution of a Contracting Party to which the claim, notice or appeal has been submitted shall indicate the date of receipt of the document and transmit it without delay to the competent authority or institution 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, remittance or transfers of funds or financial instruments to persons who are outside 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 persons described in Article 3 who reside in the other Contracting Party.

Article 22 Resolution of Disagreement

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the competent authorities of the Contracting Parties.



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(b) provides information at the time of application indicating that periods of coverage have been completed under the legislation of the other Contracting Party.

The foregoing sentence, however, shall not apply if the applicant requests that his/her claim be restricted to the benefits of the first Contracting Party.

3. In any case to which paragraph 1 or 2 of this Article apply, the competent authority or institution of a Contracting Party to which the claim, notice or appeal has been submitted shall indicate the date of receipt of the document and transmit it without delay to the competent authority or institution of the other Contracting Party.

Article 21 Payment of Benefits

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Article 22 Resolution of Disagreement

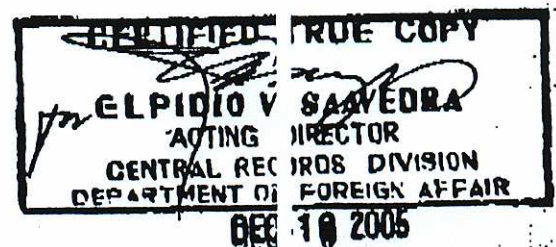
Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the competent authorities of the Contracting Parties.

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ELPIDIO V. MAVEDRA
ACTING DIRECTOR
GENERAL RECORDS DIVISION
DEPARTMENT OF FOREIGN AFFAIR
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PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 23
Transitional Provisions

1. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of this Agreement.
2. Subject to paragraph 1 of this Article, any period of coverage completed before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement, except that no Contracting Party shall take into account periods of coverage occurring prior to the earliest date for which periods of coverage may be credited under its legislation.
3. Subject to paragraph 1 of this Article, a benefit shall be paid under this Agreement in respect of relevant events which happened before the date of entry into force of this Agreement.
4. The rights of interested persons obtained before the entry into force of this Agreement and the payment of benefits may be reviewed upon request if a change in such rights or benefits results solely from the provisions of this Agreement. The review shall have the effect of granting to the beneficiaries, starting from the entry into force of this Agreement, the same right as if the Agreement has been in effect during the liquidation.
5. Any revision carried out by virtue of this Article shall not result in a reduction in the amount of benefit being paid before.

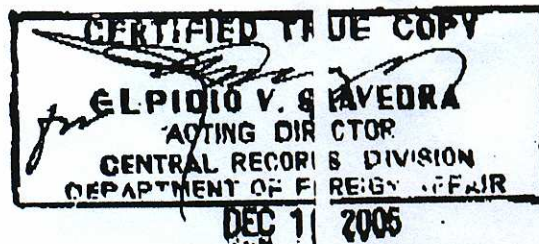


6. This Agreement shall not apply to rights settled by a lump sum payment or a refund of contributions.
7. In applying Article 7 in case of persons who were sent to work in the territory of a Contracting Party prior to the date of entry into force of this Agreement, the period of work referred to in that Article shall be considered to begin on the date of entry into force of this Agreement.
8. The provisions of Part III 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 and Termination

1. This Agreement shall enter into force on the first day of the third month following the month in which each Contracting Party shall have received from the other Contracting Party written notification that it has complied with all legal requirements for the entry into force of this Agreement.
2. This Agreement shall remain in force without any limitation on its duration. It may be denounced at any time by either Contracting Party by giving the other Contracting Party a notice in writing 12 months prior to the effectivity of such denouncement.
3. In the event of the termination of this Agreement, any right regarding entitlement to or payment of benefits acquired by a person in accordance with its provisions shall be maintained and the Contracting Parties shall make arrangements to deal with rights in the process of being acquired.



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

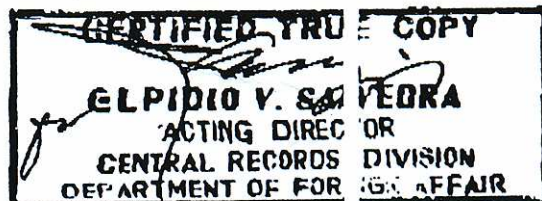
Done at Manila on the 15th day of December 2005, in duplicate in the Korean and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES


ALBERTO G. ROMULO
Secretary of Foreign Affairs

FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA


BAN KI-MOON
Minister of Foreign Affairs and Trade



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