



Republic of the Philippines  
Department of Finance  
**INSURANCE COMMISSION**  
1071 United Nations Avenue  
Manila

Insurance Commission Ruling (ICR) No.:	2021 - 07
Date:	31 December 2021

**MR. ARMAND P. SANTOS**

Vice President

**The Insular Life Assurance Co., Ltd.**

Insular Life Corporation Centre, Insular Life Drive

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Subject: **Partnership with Elsa Care Technologies, Inc.**

Dear **Mr. Santos:**

This refers to your letters dated 10 September 2021 and 22 October 2021 informing the Insurance Commission of The Insular Life Assurance Co., Ltd.'s ("InLife") proposed partnership with Madrid-based Elsa Care Technologies, Inc. ("Elsa Care") in reaching out to overseas Filipinos in Spain to help encourage their families in the Philippines to insure with InLife. Per your 10 September 2021 letter, the partnership shall operate as follows:

"Elsa Care hosts an e-commerce platform (<https://www.elsa.care/>) accessible to its members comprising of Filipinos residing or working in Spain. Through our unique partnership, the members can sponsor the purchase of InLife Prime Care for their families and loved ones here in the Philippines.

Information on Prime Care, specifically marked as sold only in the Philippines, is viewable to Elsa Care members who access the platform and nominate a family member (proposed owner-insured) residing in the Philippines. The proposed owner-insured can then check eligibility requirements and apply for Prime Care via our InLife E-store. Upon the proposed owner-insured's application, the member can then utilize Elsa Care's payment methods to remit the premium payment directly to InLife. All fulfillment and activation processes will be done through a unique URL provided to the proposed owner-insured through an email sent by InLife.

With this, we continue to undertake that this present partnership is compliant with Insurance Commission Circular Letter Nos. 2014-47, 2016-15, and 2020-109 on electronic commerce and remote selling initiatives, respectively.”

On 15 October 2021, InLife presented to the Commission the proposed owner-insured’s customer journey in the InLife Store and addressed clarifications raised relative to the same. Further to the said discussion, InLife submitted a letter dated 22 October 2021 letter, setting forth the following matters:

- (a) **The proposed partnership with Elsa Care does not constitute doing insurance business outside of the Philippines.** InLife will simply be displaying Prime Care and its features on Elsa Care’s platform.
- (b) **The insurance business is conducted by InLife in the Philippines.** Through Elsa Care’s platform, the OFW member identifies a family member in the Philippines who could be the proposed owner-insured. The proposed owner-insured initiates the online insurance application process through the InLife Store, InLife’s e-commerce platform. The OFW member in Spain cannot purchase Prime Care for himself from Elsa Care’s platform. Similarly, the OFW member cannot purchase Prime Care from the InLife Store because of a geo-location lock feature which limits e-commerce within the Philippines.
- (c) **Elsa Care is not an agent of InLife.** The partnership between InLife and Elsa Care leverages on the latter’s membership base as leads to the InLife Store. Having Prime Care in Elsa Care’s platform does not constitute making a proposal, offering, or dispensing advice for the purchase of any InLife product.
- (d) **Payment and refund process.** The funds from the OFW member are sent through Elsa Care’s money transfer facility. The fund remittance to InLife is triggered upon the activation of the policy. If the proposed owner-insured does not proceed with the insurance application, or upon the expiration of the period within which to complete the application, a notification will prompt Elsa Care to release the funds back to the OFW member. The funds may also be returned to the OFW member when the Policyowner cancels the policy within the 15-day free look period counted from the date of policy delivery.

Upon careful consideration of the foregoing, **the Insurance Commission interposes no objection to InLife’s proposed partnership with Elsa Care.**

Based on InLife’s submissions, the OFW member does not apply for Prime Care through the InLife E-store but, instead, merely nominates a family member

residing in the Philippines (proposed owner-insured). While the member OFW can sponsor the purchase of Prime Care by the proposed owner-insured, i.e., pay the premium, it is the proposed owner-insured, not the member OFW, who will undergo an eligibility check based on health conditions through the InLife Store. If eligible, the proposed owner-insured can then proceed with the rest of their application for Prime Care. It is noted that all activities related to doing insurance business are conducted by InLife in the Philippines. It is further noted that the member OFW based in Spain cannot purchase Prime Care for himself from Elsa Care's platform or through the InLife Store.

Considering that the making or proposing to make, as insurer, any insurance contract is performed by InLife within the Philippines and in relation to the proposed owner-insured's application, the proposed partnership between InLife and Elsa Care does not constitute cross-border selling, which is specifically prohibited under Circular Letter No. 2020-109 or the "Guidelines on Institutionalization of 'Remote Selling Initiatives' As A Permanent Mode of Selling Insurance Products". Hence, InLife may push through with its proposed partnership with Elsa Care, provided that InLife remains compliant with all relevant provisions of CL No. 2014-47, CL No. 2016-15, CL No. 2020-109, and other pertinent issuances by the Insurance Commission.

For your guidance.

Very truly yours,

**DENNIS B. FUNA**  
Insurance Commissioner

