

MILITARY BASES

*Agreement with annexes and exchanges of notes signed at Manila
March 14, 1947*

Entered into force March 26, 1947

Ratified by the President of the Philippines January 21, 1948¹

*Implemented by agreements of July 1 and September 12, 1947; Oc-
tober 12, 1947 (as supplemented by agreements of January 2
and 3, 1948, and February 19 and 29, 1948); October 3 and 14,
1947; December 18 and 19, 1947; December 23 and 24, 1947;
March 31 and April 1, 1948;² May 14 and 16, 1949;³ Decem-
ber 29, 1952⁴ (as amended by agreement of January 15 and Feb-
ruary 9, 1953⁵); May 29 and June 17, 1953;⁶ and April 7
and 22 and July 7 and 22, 1953⁷*

*Amended by agreements of May 14 and 16, 1949;⁸ August 10, 1965;⁹
and September 16, 1966¹⁰*

61 Stat. 4019; Treaties and Other
International Acts Series 1775

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING MILITARY BASES

WHEREAS, the war in the Pacific has confirmed the mutuality of interest of the United States of America and of the Republic of the Philippines in matters relating to the defense of their respective territories and that mutuality of interest demands that the Governments of the two countries take the necessary measures to promote their mutual security and to defend their territories and areas;

¹ See footnote 16, p. 68.

² 3 UST 457-490; TIAS 2406.

³ TIAS 1963, *post*, p. 178.

⁴ 3 UST 5334; TIAS 2739.

⁵ 5 UST 432; TIAS 2936.

⁶ 4 UST 1693; TIAS 2835.

⁷ 9 UST 401; TIAS 4020.

⁸ TIAS 1967, *post*, p. 175.

⁹ 16 UST 1090; TIAS 5851.

¹⁰ 17 UST 1212; TIAS 6084.

WHEREAS, the Governments of the United States of America and of the Republic of the Philippines are desirous of cooperating in the common defense of their two countries through arrangements consonant with the procedures and objectives of the United Nations, and particularly through a grant to the United States of America by the Republic of the Philippines in the exercise of its title and sovereignty, of the use, free of rent, in furtherance of the mutual interest of both countries, of certain lands of the public domain;

WHEREAS, the Government of the Republic of the Philippines has requested United States assistance in providing for the defense of the Philippines and in developing for such defense effective Philippine armed forces;

WHEREAS, pursuant to this request the Government of the United States of America has, in view of its interest in the welfare of the Philippines, indicated its intention of dispatching a military mission to the Philippines and of extending to her appropriate assistance in the development of the Philippine defense forces;

WHEREAS, a Joint Resolution of the Congress of the United States of America of June 29, 1944,¹¹ authorized the President of the United States of America to acquire bases for the mutual protection of the United States of America and of the Philippines; and

WHEREAS, Joint Resolution No. 4 of the Congress of the Philippines, approved July 28, 1945,¹² authorized the President of the United States of America to negotiate with the President of the Philippines for the establishment of bases provided for in the Joint Resolution of the Congress of the United States of America of June 29, 1944, with a view to insuring the territorial integrity of the Philippines, the mutual protection of the United States of America and the Philippines, and the maintenance of peace in the Pacific;

THEREFORE, the Governments of the Republic of the Philippines and of the United States of America agree upon the following terms for the delimitation, establishment, maintenance and operation of military bases in the Philippines:

ARTICLE I

GRANTS OF BASES

1. The Government of the Republic of the Philippines (hereinafter referred to as the Philippines) grants to the Government of the United States of America (hereinafter referred to as the United States) the right to retain the use of the bases in the Philippines listed in Annex A attached hereto.

2. The Philippines agrees to permit the United States, upon notice to the Philippines, to use such of those bases listed in Annex B as the United States determines to be required by military necessity.

¹¹ 58 Stat. 626.

¹² *Philippine Official Gazette*, no. 5, August 1945, p. 349.

3. The Philippines agrees to enter into negotiations with the United States at the latter's request, to permit the United States to expand such bases, to exchange such bases for other bases, to acquire additional bases, or relinquish rights to bases, as any of such exigencies may be required by military necessity.

4. A narrative description of the boundaries of the bases to which this Agreement relates is given in Annex A and Annex B. An exact description of the bases listed in Annex A, with metes and bounds, in conformity with the narrative descriptions, will be agreed upon between the appropriate authorities of the two Governments as soon as possible. With respect to any of the bases listed in Annex B, an exact description with metes and bounds, in conformity with the narrative description of such bases, will be agreed upon if and when such bases are acquired by the United States.

ARTICLE II

MUTUAL COOPERATION

1. It is mutually agreed that the armed forces of the Philippines may serve on United States bases and that the armed forces of the United States may serve on Philippine military establishments whenever such conditions appear beneficial as mutually determined by the armed forces of both countries.

2. Joint outlined plans for the development of military bases in the Philippines may be prepared by military authorities of the two Governments.

3. In the interest of international security any bases listed in Annexes A and B may be made available to the Security Council of the United Nations on its call by prior mutual agreement between the United States and the Philippines.

ARTICLE III

DESCRIPTION OF RIGHTS

1. It is mutually agreed that the United States shall have the rights, power and authority within the bases which are necessary for the establishment, use, operation and defense thereof or appropriate for the control thereof and all the rights, power and authority within the limits of territorial waters and air space adjacent to, or in the vicinity of, the bases which are necessary to provide access to them, or appropriate for their control.

2. Such rights, power and authority shall include, *inter alia*, the right, power and authority:

(a) to construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the bases;

(b) to improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to the bases;

(c) to control (including the right to prohibit) in so far as may be required for the efficient operation and safety of the bases, and within the limits of military necessity, anchorages, moorings, landings, takeoffs, movements and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising or in the vicinity of the bases;

(d) the right to acquire, as may be agreed between the two Governments, such rights of way, and to construct thereon, as may be required for military purposes, wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads to bases, and the right, as may be agreed upon between the two Governments to construct the necessary facilities;

(e) to construct, install, maintain, and employ on any base any type of facilities, weapons, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices, of any desired power, type of emission and frequency.

3. In the exercise of the above-mentioned rights, power and authority, the United States agrees that the powers granted to it will not be used unreasonably or, unless required by military necessity determined by the two Governments, so as to interfere with the necessary rights of navigation, aviation, communication, or land travel within the territories of the Philippines. In the practical application outside the bases of the rights, power and authority granted in this Article there shall be, as the occasion requires, consultation between the two Governments.

ARTICLE IV

SHIPPING AND NAVIGATION

1. It is mutually agreed that United States public vessels operated by or for the War or Navy Departments, the Coast Guard or the Coast and Geodetic Survey, and the military forces of the United States, military and naval aircraft and Government-owned vehicles, including armor, shall be accorded free access to and movement between ports and United States bases throughout the Philippines, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and all toll charges. If, however, a pilot is taken, pilotage shall be paid for at appropriate rates. In connection with entrance into Philippine ports by United States public vessels appropriate notification under normal conditions shall be made to the Philippine authorities.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the bases and territorial waters adjacent thereto or in the

vicinity of such bases shall conform to the system in use in the Philippines. The position, characteristics and any alterations in the lights or other aids shall be communicated in advance to the appropriate authorities of the Philippines.

3. Philippine commercial vessels may use the bases on the same terms and conditions as United States commercial vessels.

4. It is understood that a base is not a part of the territory of the United States for the purpose of coastwise shipping laws so as to exclude Philippine vessels from trade between the United States and the bases.

ARTICLE V

EXEMPTION FROM CUSTOMS AND OTHER DUTIES

No import, excise, consumption or other tax, duty or impost shall be charged on material, equipment, supplies or goods, including food stores and clothing, for exclusive use in the construction, maintenance, operation or defense of the bases, consigned to, or destined for, the United States authorities and certified by them to be for such purposes.

ARTICLE VI

MANEUVER AND OTHER AREAS

The United States shall, subject to previous agreement with the Philippines, have the right to use land and coastal sea areas of appropriate size and location for periodic maneuvers, for additional staging areas, bombing and gunnery ranges, and for such intermediate airfields as may be required for safe and efficient air operations. Operations in such areas shall be carried on with due regard and safeguards for the public safety.

ARTICLE VII

USE OF PUBLIC SERVICES

It is mutually agreed that the United States may employ and use for United States military forces any and all public utilities, other services and facilities, airfields, ports, harbors, roads, highways, railroads, bridges, viaducts, canals, lakes, rivers and streams in the Philippines under conditions no less favorable than those that may be applicable from time to time to the military forces of the Philippines.

ARTICLE VIII

HEALTH MEASURES OUTSIDE BASES

It is mutually agreed that the United States may construct, subject to agreement by the appropriate Philippine authorities, wells, water catchment areas or dams to insure an ample supply of water for all base operations and

personnel. The United States shall likewise have the right, in cooperation with the appropriate authorities of the Philippines, to take such steps as may be mutually agreed upon to be necessary to improve health and sanitation in areas contiguous to the bases, including the right, under such conditions as may be mutually agreed upon, to enter and inspect any privately owned property. The United States shall pay just compensation for any injury to persons or damage to property that may result from action taken in connection with this Article.

ARTICLE IX

SURVEYS

It is mutually agreed that the United States shall have the right, after appropriate notification has been given to the Philippines, to make topographic, hydrographic, and coast and geodetic surveys and aerial photographs in any part of the Philippines and waters adjacent thereto. Copies with title and triangulation data of any surveys or photomaps made of the Philippines shall be furnished to the Philippines.

ARTICLE X

CEMETERIES AND HISTORICAL SITES

1. The United States shall have the right to retain and maintain such United States military cemeteries and such sites of historical significance to the United States as may be agreed upon by the two Governments. All rights, power and authority in relation to bases granted under this Agreement shall be applicable, in so far as appropriate, to the cemeteries and sites mentioned in this Article.

2. Furthermore, it is recognized that there are certain cemeteries and historical sites in the Philippines revered in the memory of the People of the United States and of the Philippines, and it is therefore fitting that the maintenance and improvement of such memorials be the common concern of the two countries.

ARTICLE XI

IMMIGRATION

1. It is mutually agreed that the United States shall have the right to bring into the Philippines members of the United States military forces and the United States nationals employed by or under a contract with the United States together with their families, and technical personnel of other nationalities (not being persons excluded by the laws of the Philippines) in connection with the construction, maintenance, or operation of the bases. The United States shall make suitable arrangements so that such persons may be readily identified and their status established when necessary by the Phil-

ippine authorities. Such persons, other than members of the United States armed forces in uniform, shall present their travel documents to the appropriate Philippine authorities for visas, it being understood that no objection will be made to their travel to the Philippines as non-immigrants.

2. If the status of any person within the Philippines and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States shall notify the Philippines and shall, if such person be required to leave the Philippines by the latter Government, be responsible for providing him with a passage from the Philippines within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the Philippines.

ARTICLE XII

INTERNAL REVENUE TAX EXEMPTION

1. No member of the United States armed forces, except Filipino citizens, serving in the Philippines in connection with the bases and residing in the Philippines by reason only of such service, or his dependents, shall be liable to pay income tax in the Philippines except in respect of income derived from Philippine sources.

2. No national of the United States serving in or employed in the Philippines in connection with the construction, maintenance, operation, or defense of the bases and residing in the Philippines by reason only of such employment, or his spouse and minor children and dependent parents of either spouse, shall be liable to pay income tax in the Philippines except in respect of income derived from Philippine sources or sources other than the United States sources.

3. No person referred to in paragraphs 1 and 2 of this Article shall be liable to pay to the Government or local authorities of the Philippines any poll or residence tax, or any import or export duty, or any other tax on personal property imported for his own use; provided that privately owned vehicles shall be subject to payment of the following only: when certified as being used for military purposes by appropriate United States authorities, the normal license plate fee; otherwise, the normal license plate and registration fees.

4. No national of the United States, or corporation organized under the laws of the United States, resident in the United States, shall be liable to pay income tax in the Philippines in respect of any profits derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, operation and defense of the bases, or any tax in the nature of a license in respect of any service or work for the United States in connection with the construction, maintenance, operation and defense of the bases.

ARTICLE XIII¹⁸

JURISDICTION

1. The Philippines consents that the United States shall have the right to exercise jurisdiction over the following offenses:

(a) Any offense committed by any person within any base except where the offender and offended parties are both Philippine citizens (not members of the armed forces of the United States on active duty) or the offense is against the security of the Philippines;

(b) Any offense committed outside the bases by any member of the armed forces of the United States in which the offended party is also a member of the armed forces of the United States; and

(c) Any offense committed outside the bases by any member of the armed forces of the United States against the security of the United States.

2. The Philippines shall have the right to exercise jurisdiction over all other offenses committed outside the bases by any member of the armed forces of the United States.

3. Whenever for special reasons the United States may desire not to exercise the jurisdiction reserved to it in paragraphs 1 and 6 of this Article, the officer holding the offender in custody shall so notify the fiscal (prosecuting attorney) of the city or province in which the offense has been committed within ten days after his arrest, and in such a case the Philippines shall exercise jurisdiction.

4. Whenever for special reasons the Philippines may desire not to exercise the jurisdiction reserved to it in paragraph 2 of this Article, the fiscal (prosecuting attorney) of the city or province where the offense has been committed shall so notify the officer holding the offender in custody within ten days after his arrest, and in such a case the United States shall be free to exercise jurisdiction. If any offense falling under paragraph 2 of this Article is committed by any member of the armed forces of the United States

(a) while engaged in the actual performance of a specific military duty, or

(b) during a period of national emergency declared by either Government and the fiscal (prosecuting attorney) so finds from the evidence, he shall immediately notify the officer holding the offender in custody that the United States is free to exercise jurisdiction. In the event the fiscal (prosecuting attorney) finds that the offense was not committed in the actual performance of a specific military duty, the offender's commanding officer shall have the right to appeal from such finding to the Secretary of Justice within ten days from the receipt of the decision of the fiscal and the decision of the Secretary of Justice shall be final.

¹⁸ For an amendment of art. XIII, see agreement of Aug. 10, 1965 (16 UST 1090; TIAS 5851).

5. In all cases over which the Philippines exercises jurisdiction the custody of the accused, pending trial and final judgment, shall be entrusted without delay to the commanding officer of the nearest base, who shall acknowledge in writing that such accused has been delivered to him for custody pending trial in a competent court of the Philippines and that he will be held ready to appear and will be produced before said court when required by it. The commanding officer shall be furnished by the fiscal (prosecuting attorney) with a copy of the information against the accused upon the filing of the original in the competent court.

6. Notwithstanding the foregoing provisions, it is mutually agreed that in time of war the United States shall have the right to exercise exclusive jurisdiction over any offenses which may be committed by members of the armed forces of the United States in the Philippines.

7. The United States agrees that it will not grant asylum in any of the bases to any person fleeing from the lawful jurisdiction of the Philippines. Should any such person be found in any base, he will be surrendered on demand to the competent authorities of the Philippines.

8. In every case in which jurisdiction over an offense is exercised by the United States, the offended party may institute a separate civil action against the offender in the proper court of the Philippines to enforce the civil liability which under the laws of the Philippines may arise from the offense.

ARTICLE XIV

ARREST AND SERVICE OF PROCESS

1. No arrest shall be made and no process, civil or criminal, shall be served within any base except with the permission of the commanding officer of such base; but should the commanding officer refuse to grant such permission he shall (except in cases of arrest where the United States has jurisdiction under Article XIII) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authorities of the Philippines or to serve such process, as the case may be, and to provide the attendance of the server of such process before the appropriate court in the Philippines or procure such server to make the necessary affidavit or declaration to prove such service as the case may require.

2. In cases where the service courts of the United States have jurisdiction under Article XIII, the appropriate authorities of the Philippines will, on request, give reciprocal facilities as regards the service of process and the arrest and surrender of alleged offenders.

ARTICLE XV

SECURITY LEGISLATION

The Philippines agrees to take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to insure

the adequate security and protection of the United States bases, equipment and other property and the operations of the United States under this Agreement, and the punishment of persons who may contravene such legislation. It is mutually agreed that appropriate authorities of the two Governments will also consult from time to time in order to insure that laws and regulations of the United States and of the Philippines in relation to such matters shall, so far as may be possible, be uniform in character.

ARTICLE XVI

POSTAL FACILITIES

It is mutually agreed that the United States shall have the right to establish and maintain United States post offices in the bases for the exclusive use of the United States armed forces, and civilian personnel who are nationals of the United States and employed in connection with the construction, maintenance, and operation of the bases, and the families of such persons, for domestic use between United States post offices in the bases and between such post offices and other United States post offices. The United States shall have the right to regulate and control within the bases all communications within, to and from such bases.

ARTICLE XVII

REMOVAL OF IMPROVEMENTS

1. It is mutually agreed that the United States shall have the right to remove or dispose of any or all removable improvements, equipment or facilities located at or on any base and paid for with funds of the United States. No export tax shall be charged on any material or equipment so removed from the Philippines.

2. All buildings and structures which are erected by the United States in the bases shall be the property of the United States and may be removed by it before the expiration of this Agreement or the earlier relinquishment of the base on which the structures are situated. There shall be no obligation on the part of the United States or of the Philippines to rebuild or repair any destruction or damage inflicted from any cause whatsoever on any of the said buildings or structures owned or used by the United States in the bases. The United States is not obligated to turn over the bases to the Philippines at the expiration of this Agreement or the earlier relinquishment of any bases in the condition in which they were at the time of their occupation, nor is the Philippines obliged to make any compensation to the United States for the improvements made in the bases or for the buildings or structures left thereon, all of which shall become the property of the Philippines upon

the termination of the Agreement or the earlier relinquishment by the United States of the bases where the structures have been built.

ARTICLE XVIII

SALES AND SERVICES WITHIN THE BASES

1. It is mutually agreed that the United States shall have the right to establish on bases, free of all licenses; fees; sales, excise or other taxes, or imposts; Government agencies, including concessions, such as sales commissaries and post exchanges, messes and social clubs, for the exclusive use of the United States military forces and authorized civilian personnel and their families. The merchandise or services sold or dispensed by such agencies shall be free of all taxes, duties and inspection by the Philippine authorities. Administrative measures shall be taken by the appropriate authorities of the United States to prevent the resale of goods which are sold under the provisions of this Article to persons not entitled to buy goods at such agencies and, generally, to prevent abuse of the privileges granted under this Article. There shall be cooperation between such authorities and the Philippines to this end.

2. Except as may be provided in any other agreements, no person shall habitually render any professional services in a base except to or for the United States or to or for the persons mentioned in the preceding paragraph. No business shall be established in a base, it being understood that the Government agencies mentioned in the preceding paragraph shall not be regarded as businesses for the purposes of this Article.

ARTICLE XIX

COMMERCIAL CONCERNS

It is mutually agreed that the United States shall have the right, with the consent of the Philippines, to grant to commercial concerns owned or controlled by the citizens of the United States or of the Philippines such rights to the use of any base or facility retained or acquired by the United States as may be deemed appropriate by both Governments to insure the development and maintenance for defense purposes of such bases and facilities.

ARTICLE XX

MILITARY OR NAVAL POLICE

It is mutually agreed that there shall be close cooperation on a reciprocal basis between the military and naval police forces of the United States and the police forces of the Philippines for the purpose of preserving order and discipline among United States military and naval personnel.

ARTICLE XXI

TEMPORARY INSTALLATIONS

1. It is mutually agreed that the United States shall retain the right to occupy temporary quarters and installations now existing outside the bases mentioned in Annex A and Annex B, for such reasonable time, not exceeding two years,¹⁴ as may be necessary to develop adequate facilities within the bases for the United States armed forces. If circumstances require an extension of time, such a period will be fixed by mutual agreement of the two Governments; but such extension shall not apply to the existing temporary quarters and installations within the limits of the City of Manila and shall in no case exceed a period of three years.

2. Notwithstanding the provisions of the preceding paragraph, the Port of Manila reservation with boundaries as of 1941 will be available for use to the United States armed forces until such time as other arrangements can be made for supply of the bases by mutual agreement of the two Governments.

3. The terms of this Agreement pertaining to bases shall be applicable to temporary quarters and installations referred to in paragraph 1 of this Article while they are so occupied by the armed forces of the United States; provided, that offenses committed within the temporary quarters and installations located within the present limits of the City of Manila shall not be considered as offenses within the bases but shall be governed by the Provisions of Article XIII, paragraphs 2 and 4, except that the election not to exercise the jurisdiction reserved to the Philippines shall be made by the Secretary of Justice. It is agreed that the United States shall have full use and full control of all these quarters and installations while they are occupied by the armed forces of the United States, including the exercise of such measures as may be necessary to police said quarters for the security of the personnel and property therein.

ARTICLE XXII

CONDEMNATION OR EXPROPRIATION

1. Whenever it is necessary to acquire by condemnation or expropriation proceedings real property belonging to any private persons, associations or corporations located in bases named in Annex A and Annex B in order to carry out the purposes of this Agreement, the Philippines will institute and prosecute such condemnation or expropriation proceedings in accordance with the laws of the Philippines. The United States agrees to reimburse the Philippines for all the reasonable expenses, damages and costs thereby incurred, including the value of the property as determined by the Court. In addition, subject to the mutual agreement of the two Governments, the United States will reimburse the Philippines for the reasonable costs of trans-

¹⁴ For a *modus vivendi* extending the right of occupancy for an interim period, see agreement of March 26 and 28, 1949, *post*, p. 171. For subsequent extension of the term of occupancy, see agreement of May 14 and 16, 1949 (TIAS 1967), *post*, p. 175.

portation and removal of any occupants displaced or ejected by reason of the condemnation or expropriation.

2. Prior to the completion of such condemnation or expropriation proceedings, in cases of military necessity the United States shall have the right to take possession of such property required for military purposes as soon as the legal requisites for obtaining possession have been fulfilled.

3. The properties acquired under this Article shall be turned over to the Philippines upon the expiration of this Agreement, or the earlier relinquishment of such properties, under such terms and conditions as may be agreed upon by the two Governments.

ARTICLE XXIII

CIVIL LIABILITY

For the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the United States shall pay just and reasonable compensation, when accepted by claimants in full satisfaction and in final settlement, for claims, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of private property, both real and personal, or personal injury or death of inhabitants of the Philippines, when such damage, loss, destruction or injury is caused by the armed forces of the United States, or individual members thereof, including military or civilian employees thereof, or otherwise incident to non-combat activities of such forces; provided that no claim shall be considered unless presented within one year after the occurrence of the accident or incident out of which such claim arises.

ARTICLE XXIV

MINERAL RESOURCES

All minerals (including oil), and antiquities and all rights relating thereto and to treasure trove, under, upon, or connected with the land and water comprised in the bases or otherwise used or occupied by the United States by virtue of this Agreement, are reserved to the Government and inhabitants of the Philippines; but no rights so reserved shall be transferred to third parties, or exercised within the bases, without the consent of the United States. The United States shall negotiate with the proper Philippine authorities for the quarrying of rock and gravel necessary for construction work on the bases.

ARTICLE XXV

GRANT OF BASES TO A THIRD POWER

1. The Philippines agrees that it shall not grant, without prior consent of the United States, any bases or any rights, power, or authority whatsoever, in or relating to bases, to any third power.

2. It is further agreed that the United States shall not, without the

consent of the Philippines, assign, or underlet, or part with the possession of the whole or any part of any base, or of any right, power or authority granted by this Agreement, to any third power.

ARTICLE XXVI

DEFINITION OF BASES

For the purposes of this Agreement, bases are those areas named in Annex A and Annex B and such additional areas as may be acquired for military purposes pursuant to the terms of this Agreement.

ARTICLE XXVII

VOLUNTARY ENLISTMENT OF PHILIPPINE CITIZENS

It is mutually agreed that the United States shall have the right to recruit citizens of the Philippines for voluntary enlistment into the United States armed forces for a fixed term of years, and to train them and to exercise the same degree of control and discipline over them as is exercised in the case of other members of the United States armed forces. The number of such enlistments to be accepted by the armed forces of the United States may from time to time be limited by agreement between the two Governments.

ARTICLE XXVIII

UNITED STATES RESERVE ORGANIZATIONS

It is mutually agreed that the United States shall have the right to enroll and train all eligible United States citizens residing in the Philippines in the Reserve organizations of the armed forces of the United States, which include the Officers Reserve Corps and the Enlisted Reserve Corps, except that prior consent of the Philippines shall be obtained in the case of such persons who are employed by the Philippines or any Municipal or Provincial Government thereof.

ARTICLE XXIX ¹⁵

TERM OF AGREEMENT

The present Agreement shall enter into force upon its acceptance ¹⁶ by the two Governments and shall remain in force for a period of ninety-nine years subject to extension thereafter as agreed by the two Governments.

¹⁵ For an amendment of art. XXIX, see agreement of Sept. 16, 1966 (17 UST 1212; TIAS 6084).

¹⁶ In a note of June 16, 1947, the American Chargé d'Affaires ad interim at Manila informed the Acting Secretary of Foreign Affairs of the Republic of the Philippines that "the Government of the United States of America considers that the signature affixed to the Agreement in its behalf constitutes the acceptance of the Agreement by the Government of the United States of America." In a note of Jan. 24, 1948, the Secretary of Foreign Affairs of the Republic of the Philippines informed the American Ambassador at Manila that "the Government of the Republic of the Philippines accepts the Agreement as of March 26, 1947, pursuant to a formal instrument of acceptance and ratification of said Agreement signed by the President of the Philippines on January 21, 1948. . . ."

Signed in Manila, Philippines, in duplicate this fourteenth day of March, nineteen hundred and forty-seven.

On behalf of the Government of the United States of America:

PAUL V. McNUTT [SEAL]
Ambassador, Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines

On behalf of the Government of the Republic of the Philippines:

MANUEL ROXAS [SEAL]
President of the Philippines

ANNEX A

Clark Field Air Base, Pampanga.
 Fort Stotsenberg, Pampanga.
 Mariveles Military Reservation, POL Terminal and Training Area, Bataan.
 Camp John Hay Leave and Recreation Center, Baguio.
 Army Communications System with the deletion of all stations in the Port of Manila Area.
 United States Armed Forces Cemetery No. 2, San Francisco del Monte, Rizal.
 Angeles General Depot, Pampanga.
 Leyte-Samar Naval Base including shore installations and air bases.
 Subic Bay, Northwest Shore Naval Base, Zambales Province, and the existing Naval reservation at Olongapo and the existing Baguio Naval Reservation.
 Tawi Tawi Naval Anchorage and small adjacent land areas.
 Canacao-Sangle Point Navy Base, Cavite Province.
 Bagobantay Transmitter Area, Quezon City, and associated radio receiving and control sites, Manila Area.
 Tarumpitao Point (Loran Master Transmitter Station), Palawan.
 Talampulan Island, Coast Guard #354 (Loran), Palawan.
 Naule Point (Loran Station), Zambales.
 Castillejos, Coast Guard #356, Zambales.

ANNEX B

Mactan Island Army and Navy Air Base.
 Florida Blanca Air Base, Pampanga.
 Aircraft Service Warning Net.
 Camp Wallace, San Fernando, La Union.
 Puerto Princesa Army and Navy Air Base, including Navy Section Base and Air Warning Sites, Palawan.

Tawi Tawi Naval Base, Sulu Archipelago.
Aparri Naval Air Base.

EXCHANGES OF NOTES

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

I have the honor to state, in signing the Agreement of March 14, 1947, Between the United States of America and the Republic of the Philippines Concerning Military Bases, the understanding of my Government that the question of the adjustment of any rights and titles held by the United States pursuant to the provisions of the Act of Congress of March 24, 1934 (48 Stat. 456) as amended, specifically Section 10(b) thereof, the Joint Resolution of the Congress of June 29, 1944, and the Act of Congress of July 3, 1946, and Treaties and Agreements heretofore entered into between the United States and the Philippines, to real property in any of the bases covered by the aforementioned Agreement or any naval reservations or fueling stations not so covered is reserved and will be settled subsequently in accordance with the terms of the Acts and Joint Resolution of the Congress mentioned above.

I should be appreciative if I might be informed of the concurrence of Your Excellency's Government with the understanding above set forth.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL V. McNUTT

His Excellency

ELPIDIO QUIRINO

*Secretary of Foreign Affairs for the
Republic of the Philippines*

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 14, 1947*

EXCELLENCY:

With reference to Your Excellency's note of March 14, 1947, the substantive paragraph of which reads:

[For text, see above.]

I have the honor to state that, without conceding the existence of any rights

or titles to the real property therein referred to, my Government concurs with the understanding above set forth.

Accept, Excellency, the renewed assurances of my highest consideration.

ELPIDIO QUIRINO
*Vice-President and concurrently
Secretary of Foreign Affairs*

His Excellency
PAUL V. McNUTT
*United States Ambassador
Manila*

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

I have the honor to state in signing the Agreement of March 14, 1947 Between the United States of America and the Republic of the Philippines Concerning Military Bases, the understanding of my Government that the garrisoning and development of the said bases shall be the concern of the Government of the United States of America.

I shall be appreciative if I may be informed of the concurrence of Your Excellency's Government with the understanding above set forth.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL V. McNUTT

His Excellency
ELPIDIO QUIRINO
*Secretary of Foreign Affairs for the
Republic of the Philippines*

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 14, 1947*

EXCELLENCY:

In reply to your note of even date regarding the garrisoning and development of the bases covered by the Agreement of March 14, 1947, between the

Republic of the Philippines and the United States of America concerning military bases, I have the honor to state that it is the understanding of my Government that the question of garrisoning and development of said bases shall be the concern of the Government of the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

ELPIDIO QUIRINO
*Vice-President and concurrently
 Secretary of Foreign Affairs*

His Excellency

PAUL V. McNUTT
*American Ambassador to the Philippines
 Manila*

The Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *March 12[14], 1947*

EXCELLENCY:

In the signing of the Agreement on March 14, 1947, between the Republic of the Philippines and the United States of America concerning military bases, I have the honor to state that it is the understanding of my Government that the existing national and provincial and other rights of way of the Republic of the Philippines running through the bases covered in Annex A and Annex B of the Agreement, more particularly the national road running through Camp John Hay and the naval reservation at Baguio, shall continue to be used as such by the public and that this understanding shall be administratively brought about in the enforcement of said Agreement.

I will highly appreciate it, therefore, if I can be informed of the concurrence of Your Excellency's Government with the understanding set forth above.

Accept, Excellency, the renewed assurances of my highest consideration.

ELPIDIO QUIRINO
*Vice-President and concurrently
 Secretary of Foreign Affairs*

His Excellency

PAUL V. McNUTT
*United States Ambassador
 Manila*

The American Ambassador to the Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
March 14, 1947

EXCELLENCY:

With reference to Your Excellency's note of March 14, 1947, the substantive paragraph of which reads:

[For text, see above.]

I have the honor to state that without conceding the existence of any national or provincial or other rights of way of the Republic of the Philippines running through any of the bases covered in Annex A and Annex B of the Agreement and subject to such adjustments in rights of way as may be required by military necessity in accordance with paragraph 3 of Article III, my Government concurs with the understanding above set forth.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL V. McNUTT

His Excellency

ELPIDIO QUIRINO

*Secretary of Foreign Affairs for the
Republic of the Philippines*