

No. 878

UNITED STATES OF AMERICA
and
PHILIPPINES

Exchange of notes (with annexes) constituting an agreement relating to the transfer of certain United States military bases to the Philippines. Manila, 14 and 16 May 1949

Official text: English.

Registered by the United States of America on 18 July 1950.

ÉTATS-UNIS D'AMÉRIQUE
et
PHILIPPINES

Échange de notes (avec annexes) constituant un accord concernant le transfert de certaines réserves militaires à la République des Philippines. Manille, 14 et 16 mai 1949

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 18 juillet 1950.

No. 878. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES RELATING TO THE TRANSFER OF CERTAIN UNITED STATES MILITARY BASES TO THE PHILIPPINES. MANILA, 14 AND 16 MAY 1949

I

*The American Chargé d'Affaires ad interim
to the Philippine Secretary of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 0509

Manila, May 14, 1949

Excellency:

I have the honor to refer to the Act of the Congress of the United States of America of March 24, 1934, more commonly referred to as the Philippine Independence Act; to the Joint Resolution of the Congress of the United States of America of June 29, 1944, which authorized the President of the United States of America to acquire bases for the mutual protection of the United States and of the Philippines; to Joint Resolution No. 4 of the Congress of the Philippines, approved July 28, 1945, which authorized the President of the Philippines to enter into negotiations for the establishment of such bases; to the Treaty of General Relations (including the Protocol thereto) Between the United States of America and the Philippines signed on July 4, 1946;² to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947;³ and to other legislation and public acts of the United States of America and of the Philippines pertinent to the transfer to the Republic of the Philippines, following the declaration of its independence, of certain United States military bases the use of which was not reserved to the United States by the aforementioned Agreement of March 14, 1947, or which have not otherwise been reserved, encumbered or disposed of, and to inform Your Excellency that, in accordance with its obligations under the aforesaid acts, resolutions

¹ Came into force on 16 May 1949, with retroactive effect as from 27 March 1949, by the exchange and according to the terms of the said notes.

² United Nations, *Treaty Series*, Volume 7, page 3.

³ United Nations, *Treaty Series*, Volume 43, page 271.

and agreement, the Government of the United States of America relinquishes to the Government of the Philippines the use of, and transfers to that Government such right and title to, or interest in, the United States military reservations listed in Annex 1 attached hereto, as the United States may have therein. There is also annexed hereto a list of the available Executive Orders and Torrens Certificates of Title whereunder the United States has claimed title to and possession of the military reservations in the aforementioned Annex 1 attached hereto.

The Government of the United States recognizes the Philippine Long Distance Telephone Company as the lawful owner of certain buildings and installations at Camp Eldridge, Laguna. Therefore I desire to point out to Your Excellency that these particular installations are excepted from any of the provisions of this note concerning the turnover of installations and improvements on the military reservations listed in the aforementioned Annex 1 attached hereto.

I further desire to inform Your Excellency that the United States Government assures the Philippine Government that it will make no claims now or in the future against the Philippine Government with a view to recovering funds expended in the acquisition of title to the temporary bases and installations included in the military reservations listed in the aforementioned Annex 1 attached hereto.

In hereby making final and formal the transfer of the property listed in Annex 1 attached hereto, the United States requests that the Republic of the Philippines assume as of March 27, 1949 all responsibility, risk of loss, and liability for the care, custody, protection and maintenance of said property, including liability for damage to person or property sustained on or after March 27, 1949 as a result of dangerous or defective conditions existing on or after that date, and the Republic of the Philippines agrees to indemnify and hold harmless the United States, members of its armed forces and its civilian employees from the aforesaid responsibility, risk of loss, and liability. The United States makes no warranty of title to the property listed in Annex 1 attached hereto or of the condition of said property or of its fitness for any other purpose.

In hereby making final and formal the transfer of the military reservations listed in Annex 1 attached hereto, the United States also requests that the Republic of the Philippines agree that while it is understood that the buildings and other improvements located thereon are transferred without charge against or reference to the Surplus Property Agreement signed September 11, 1946,¹ this understanding relates only to the transfer of military reservations covered by this note.

¹ Not printed by the Department of State of the United States of America.

I am authorized by my Government to state that an acknowledgment of the receipt of this note containing Your Excellency's assurances that the terms and conditions thereof are acceptable to Your Excellency's Government will be considered by my Government as constituting an agreement for the relinquishment to the Government of the Philippines of the use, and the transfer to that Government of such right and title to, and possession of, the United States military reservations listed in Annex 1 attached hereto, as the United States may have therein, and as evidence that such relinquishment or transfer has been fully accomplished.

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

Thomas H. LOCKETT
Chargé d'Affaires a. i.

Enclosures :

1. Annex 1 — List of Properties to be Turned Over by the United States Government to the Philippine Government on March 26, 1949.
2. List of Executive Orders and Torrens Certificates of Title.

His Excellency Elpidio Quirino
Secretary of Foreign Affairs
of the Republic of the Philippines

ANNEX No. 1

LIST OF PROPERTIES TO BE TURNED OVER BY THE UNITED STATES
GOVERNMENT TO THE PHILIPPINE GOVERNMENT ON MARCH 26, 1949

1. Augur Barracks (Zettel Field), Jolo, Sulu.
2. Calumpang Point Reservation, Cavite, Luzon.
3. Camp Bumpus, Tacloban, Leyte.
4. Camp Connell, Samar.
5. Camp Downes, Ormoc, Leyte.
6. Camp Eldridge, Los Banos, Laguna, Luzon.
7. Camp Gregg, Bayambang, Pangasinan, Luzon.
8. Camp Keithley (Maguire Field), Dansalan, Mindanao.
9. Camp Overton, Iligan, Lanao, Mindanao.
10. Chromite Ore Deposit, Zambales, Luzon.
11. Cauayan Field, Cauayan, Isabela, Luzon.
12. Cuartel Meisic, Manila.
13. Fort San Pedro, Cebu, Cebu.
14. Fort San Pedro, Iloilo, Panay.
15. Ludlow Barracks, Parang, Cotabato, Mindanao.
16. Malabang Field (portion of Torrey Barracks), Lanao, Mindanao.
17. Momungan Military Reservation, Momungan, Lanao, Mindanao.
18. Nozaleda Military Reservation, Calle Gral. Luna, Manila.

19. Sanborn Field (Sanborn) (Regan Barracks), Daraga, Albay, Luzon.
20. Tagabiran Military Reservation, Catubig, Samar.
21. Warwick Barracks, Cebu, Cebu.
22. Wolfe Field, Zamboanga, Mindanao.
23. Nichols Field (all of parcel 1 and parcel 2 less approximately 350.60 acres, Fort William McKinley Reservation), Rizal, Luzon.
24. Cuartel de España, Intramuros, Manila, including Santa Lucia Barracks.
25. Fort Santiago, Manila.
26. Old Medical Supply Depot, Manila.
27. Old Sternberg General Hospital, Manila.
28. Cuartel de Infanteria, including Estado Mayor, Manila.
29. Malate Barracks, Manila.

LIST OF EXECUTIVE ORDERS AND TITLES OF PRE-WAR MILITARY
RESERVATIONS TO BE RETURNED TO PHILIPPINE GOVERNMENT

1. AUGUR BARRACKS, Jolo, Jolo.

Executive Orders and Transfer Certificate of Titles for acquisition.

- * Ex. Or. Nov. 10, 1904
- * " " May 17, 1905
- * " " Feb. 14, 1913 No. 1703
- * " " May 28, 1929 No. 5129
- * TCT No. 19
- * " No. 24

Executive Orders reverting portion of res. to Phil. Govt. and Letter placing the remaining portion under the control of the Phil. Govt.

- Ex. Or. Sept. 23, 1924 No. 4077
- " " Nov. 18, 1930 No. 5493

- * Letter dated Sept. 10, 1917.

ASTURIAS-Sub Post of Augur Barracks

Executive Orders and Transfer Certificate of Titles for acquisition.

- * Ex. Or. Nov. 10, 1904
- * TCT No. 21
- * " No. 23

Letter placing under the control of the Phil. Govt.

- * Letter dated Sept. 10, 1917. (Included in Augur Barracks)

2. CALUMPAN POINT, Maragondon, Cavite.

Executive Orders for acquisition.

- * Ex. Or. April 11, 1902
- " " Mar. 14, 1904

* See * on page 214.

3. CAMP BUMPUS, Tacloban, Leyte.

Executive orders and Transfer Certificate of Titles for acquisition.

* Ex. Or. Sept. 1, 1903

TCT No. 23

“ No. 27

“ No. 28

“ No. 29

“ No. 30

“ No. 31

“ No. 32

“ No. 33

“ No. 34

“ No. 35

“ No. 36

“ No. 37

4. CAMP CONNELL, Calbayog, Samar.

Executive Order for acquisition.

* Ex. Or. Sept. 1, 1903

* G. O. No. 201 Sept. 27, 1907 (Technical description)

5. CAMP DOWNES, Ormoc, Leyte.

Executive Orders and Transfer Certificate of Titles for acquisition.

* Ex. Or. Sept. 1, 1903

* “ “ Apr. 9, 1907

* “ “ July 26, 1918 No. 1806

TCT No. 10

“ No. 11

“ No. 46

Letter placing under the control of the Phil. Constabulary letter dated May 27, 1915.

6. CAMP ELDRIDGE, Los Banos, Laguna

Executive Orders and Transfer Certificate of Titles for acquisition.

* Ex. Or. Sept. 1, 1903

* “ “ Dec. 6, 1904

* “ “ Feb. 14, 1916 No. 2316

TCT No. 1

“ No. 9

“ No. 14

“ No. 19

“ No. 18

“ No. 288

7. CAMP GREGG, Bayambang, Pangasinan

Executive Order for acquisition.

* Ex. Or. Sept. 1, 1903

* See * on page 214.

8. CAMP KEITHLEY, Dansalan, Lanao

Executive Orders for acquisition

* Ex. Or. Jan. 19, 1905

* " " Sept. 26, 1907

Letter placing under the control of the Phil. Govt.

* Letter dated Sept. 10, 1917.

9. CAMP OVERTON, Iligan, Lanao

Executive Orders and Transfer Certificate of Titles for acquisition.

* Ex. Or. July 11, 1903

* " " Dec. 1, 1908

* " " Aug. 31, 1912-No. 1595

TCT No. 1189

" No. 1190

Letter placing under the control of the Phil. Govt.

* Letter dated Sept. 10, 1917.

10. CHROMITE ORE DEPOSIT, Zambales.

Executive Order for acquisition

Ex. Or. Aug. 20, 1931 No. 5690

11. CAUAYAN, Isabella

Executive Order for acquisition

Ex. Or. Jan. 5, 1927.

12. CUARTEL MEISIC, Manila

Executive Order for acquisition

* Ex. Or. May 17, 1905

13. FORT SAN PEDRO, Cebu, Cebu.

Executive Order for acquisition

* Ex. Or. Sept. 1, 1903

* " " June 17, 1910

General Order Sept. 22, 1905 No. 157

14. FORT SAN PEDRO, Iloili, Panay

Executive Order & Transfer Certificate of Title for acquisition.

* Ex. Or. Oct. 10, 1903

* " " Sept. 18, 1905

TCT No. 46

" " 69

" " 93

" " 522

" " 523

" " 524

" " 525

Executive Order & Letter placing under the control of the Phil. Govt.

* Ex. Or. Oct. 3, 1906

* Letter dated Sept. 10, 1917.

* See * on page 214.

15. LUDLOW BARRACKS, Parang, Cotabato
Executive Order & Transfer Certificate of Title for acquisition.
- * Ex. Or. Feb. 15, 1904
 - * " " Mar. 30, 1909
 - TCT No. 8
 - " " 7
 - " " 10
 - " " 11
 - " " 12
 - " " 18
 - " " 40
16. MALABANG FIELD, Lanao, Mindanao
Executive Order for acquisition.
Ex. Or. Mar. 20, 1930 No. 5308
17. MOMUNGAN, Lanao
Executive Order for acquisition.
* Ex. Or. Feb. 10, 1915 No. 2136
* " " June 19, 1916 No. 2405
18. NOZAIEDA, Manila
Executive Order for acquisition.
* Ex. Or. Feb. 13, 1911
Executive Order placing portion of reservation under the control of the Phil. Govt.
Ex. Or. April 15, 1939
19. SANBORN FIELD, Albay.
Executive Order for acquisition.
* Ex. Or. Dec. 19, 1927 No. 4787
20. TAGABIRAN, Catubig, Samar.
Transfer Certificate of Title for acquisition.
TCT No. 11
21. WARWICK BARRACKS, Cebu, Cebu
Executive Order for acquisition.
* Ex. Or. Sept. 1, 1903
Letter placing under the control of the Phil. Govt.
- " Letter dated Sept. 10, 1917
22. WOLFE FIELD, Zamboanga
Executive Order for acquisition.
* Ex. Or. May 28, 1929 No. 5129
23. FORT Wm. McKINLEY, Rizal
General Order, Deed of Sale & Transfer Certificate of Title for acquisition.
- * Gen Or. No. 104, Oct. 3, 1902
 - Deed of Sale dated Aug. 5, 1902
 - TCT No. 2288

* See * on page 214.

Executive Order placing portion of Res. under control of the Phil. Govt.

* Ex. Or. Feb. 20, 1917 No. 2534

Note No. 559, Dec. 23, 1947 from American Ambassador United States Embassy to Secretary of Foreign Affairs of the Republic of the Philippines.

24. OLD MEDICAL SUPPLY DEPOT, Manila

Executive Order for acquisition and restoration to the Phil. Govt.

* Ex. Or. Feb. 13, 1911

25. STERNBERG GEN. HOSP., Manila

Executive Order for acquisition.

* Ex. Or. Feb. 13, 1911

II

*The Philippine Undersecretary of Foreign Affairs
to the American Chargé d'Affaires ad interim*

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

12388

Manila, May 16, 1949

Sir :

I am pleased to acknowledge the receipt of your note 509¹ of May 14, 1949, and its enclosures, which note reads as follows :

[See note I]

I am happy to inform you that an agreement in the sense described in the foregoing note is acceptable to the Government of the Philippines; and that this Government agrees to consider the Embassy's note No. 509 of May 14, 1949, and its enclosures, together with the present reply thereto as constituting an agreement arrived at between our two Governments on the subject of relinquishment to the Government of the Philippines of the use; and the transfer to that Government of such right and title to, and possession of, the United States military reservations listed in the enclosure

* Typewritten copies of Executive Orders and letters completed.

¹ The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 1963*, page 10, note 1) : "The correct number is 0509."

Annex 1, as the United States may have therein, and as evidence that such relinquishment or transfer has been fully accomplished, effective as of March 27, 1949.

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

Felino NERI
Undersecretary

The Honorable Thomas H. Lockett
Chargé d'Affaires, a.i.
Embassy of the United States

III

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

12428

MEMORANDUM

On the understanding of the Philippine Government regarding its acceptance of paragraph five of the Embassy's Note No. 509 of May 14, 1949 concerning the relinquishment and transfer to the Republic of the Philippines of temporary quarters and installations listed in Annex No. 1 attached thereto.

It is the understanding of the Philippine Government that acceptance of paragraph five of the Embassy's Note No. 509 of May 14, 1949 does not preclude said Government from seeking the consideration of the understanding enunciated therein with respect to future relinquishment or transfer of United States military installations.

(Signed) illegible

Department of Foreign Affairs
Manila, May 16, 1949