

No. 1218

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**UNITED STATES OF AMERICA  
and  
PHILIPPINES**

**Air Service Agreement (with exchange of notes). Signed at  
Baguio, on 16 March 1950**

*Official text: English.*

*Registered by the United States of America on 3 June 1951.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
PHILIPPINES**

**Accord relatif au service aérien (avec échange de notes).  
Signé à Baguio, le 16 mars 1950**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 3 juin 1951.*

No. 1218. AIR SERVICE AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES. SIGNED AT BAGUIO, ON 16 MARCH 1950

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WHEREAS, the Government of the United States of America has, pursuant to the Philippine Rehabilitation Act of April 30, 1946 (60 Stat. 128), made available to the Government of the Republic of the Philippines certain communications, air navigation, and meteorological facilities which have been or are to be installed for the purpose *inter alia* of facilitating international civil aviation, and

WHEREAS, the Philippine Property Act of July 3, 1946 (60 Stat. 418) authorizes the President of the United States of America, in his discretion and under such terms and conditions as he may deem appropriate, to transfer to the Republic of the Philippines any or all of the right, title, and interest of the Government of the United States of America or its agencies or its instrumentalities to any or all real or personal property within the Philippines vested in such agencies or instrumentalities.

THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement as follows :

1. The Government of the United States of America shall formally transfer to the Government of the Republic of the Philippines title to certain of the communications, air navigation, and meteorological facilities which the Government of the United States of America has installed in the Philippines, and to such additional equipment of this nature as the Government of the United States of America may determine to provide pursuant to the Philippine Rehabilitation Act of 1946. Pending formal transfer, the Government of the United States of America will, from time to time, transfer custody and control of various items subject to this Agreement to the Government of the Republic of the Philippines by means of memoranda receipts to be executed by representatives of the Government of the United States of America and the Government of the Republic of the Philippines.

2. The Government of the Republic of the Philippines shall :

(a) Operate and maintain the facilities transferred to it in accordance with Article 1 of this Agreement in a manner adequate to meet the

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<sup>1</sup> Came into force on 16 March 1950, as from the date of signature, in accordance with article 4.

requirements of air traffic into and away from aerodromes at which the facilities are located and along international air routes converging on those aerodromes.

- (b) Continue the operation of all types of such facilities at their present locations or at new locations agreed upon by representatives of the Government of the United States of America and the Government of the Republic of the Philippines until either such facilities are replaced by new facilities installed in accordance with the standards and recommendations of the International Civil Aviation Organization, or it is determined by the Government of the United States of America and the Government of the Republic of the Philippines that there is no longer a need for the original facilities.
- (c) Devote the use of the aeronautical and allied facilities transferred to it by the Government of the United States of America exclusively to aeronautical and meteorological services.
- (d) Provide the full service of all facilities transferred to it by the Government of the United States of America to all United States state and civil aircraft on the same basis as such service is provided to similar aircraft of the Republic of the Philippines. Charges, if any, will be made only for non-operational messages and landing and associated fees of civil aircraft until such time as an international agreement on charges has been promulgated by the International Civil Aviation Organization and agreed to by the Government of the United States of America and the Government of the Republic of the Philippines, after which charges will be made by the Government of the Republic of the Philippines in accordance with the provisions of that agreement.
- (e) Make available the established aeronautical communications facilities for the collection and transmission of weather information.
- (f) Utilize for air-ground and control tower communications the radio frequencies allocated for the purpose on the basis of International Telecommunications Regulations and in accordance with the frequency utilization arrangements formulated by the International Civil Aviation Organization.

3. For the life of this agreement, subject to the concurrence of the Government of the Republic of the Philippines, and, subject to the availability of funds and personnel, the Government of the United States of America may provide the services, on a non-reimbursable basis, of one or more technical advisers

to assist the agency designated by the Government of the Republic of the Philippines in the operation of the facilities transferred to it by the Government of the United States of America.

4. This agreement will come into force on the day it is signed, and shall continue in effect for a period of five years; provided, however, that this agreement may be extended with the approval of both parties for additional periods of five years each, effected by an exchange of notes between the two contracting parties.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed the present Agreement in duplicate at Baguio this 16th day of March, 1950.

For the Government of the United States of America :  
Myron M. COWEN  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
to the Republic of the Philippines

For the Government of the Republic of the Philippines :  
Elpidio QUIRINO  
President of the Philippines

## EXCHANGE OF NOTES

### I

*The Philippine Secretary of Foreign Affairs<sup>1</sup> to the American Ambassador*

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS

Baguio, March 16, 1950

09924

Excellency :

I have the honor to state that, in signing today the Air Service Agreement between the Government of the Republic of the Philippines and the Government of the United States of America, the understanding of my Government is that the formal conveyance of title to all the facilities transferred thereunder is

<sup>1</sup>The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series* 2062, p. 4, footnote 1) : "At the time the notes were exchanged, the President of the Philippines was also Secretary of Foreign Affairs."

effected by the delivery to and acceptance by authorized Philippines officials of property invoices covering the items described therein.

I will appreciate being advised of the concurrence of Your Government to the understanding set forth above.

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

Elpidio QUIRINO

His Excellency Myron M. Cowen  
Ambassador of the United States of America  
Manila

## II

### *The American Ambassador to the Philippine Secretary of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

Manila, March 21, 1950

No. 0319

Excellency :

I have the honor to acknowledge your note No. 09924 dated March 16, 1950 regarding the signing of the Air Service Agreement between the Government of the United States of America and the Government of the Republic of the Philippines, and to state that the understanding of the Philippine Government that the formal conveyance of title to all the facilities transferred thereunder is effected by the delivery to and the acceptance by authorized Philippine officials of property invoices covering the items described therein is concurred in by my Government.

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

Myron M. COWEN

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