

No. 2144

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**UNITED STATES OF AMERICA  
and  
PHILIPPINES**

**Exchange of notes and memoranda constituting an agreement relating to the establishment of an Adjutant General Records Depository for the Philippines Command, United States Army. Manila, 25 and 28 July and 8 August 1949**

*D. Lind*  
*Official text: English.*

*Registered by the United States of America on 15 April 1953.*

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

**Échange de notes et mémorandums constituant un accord relatif à la création d'un dépôt d'archives d'état-major pour le Commandement de l'armée de terre des États-Unis aux Philippines. Manille, 25 et 28 juillet et 8 août 1949**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 15 avril 1953.*

No. 2144. EXCHANGE OF NOTES AND MEMORANDA CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES RELATING TO THE ESTABLISHMENT OF AN ADJUTANT GENERAL RECORDS DEPOSITORY FOR THE PHILIPPINES COMMAND, UNITED STATES ARMY. MANILA, 25 AND 28 JULY AND 8 AUGUST 1949

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I

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

EMBASSY OF THE UNITED STATES OF AMERICA,

No. 0783

Manila, July 25, 1949

Excellency :

I have the honor to refer to my notes No. 2299 of December 20, 1948, and No. 0406, of April 19, 1949, and to Your Excellency's notes No. 3324, of February 9, 1949 and No. 12227, of May 14, 1949, <sup>2</sup> in reply thereto, regarding the needs of the Adjutant General Records Department, Philippines Command, United States Army, for facilities to store and use its official service records in connection with the adjudication by the United States Veterans Administration of claims of Philippine citizens seeking veterans' benefits from the United States Government, and to the negotiations with reference to this subject carried on by representatives of our two Governments.

I am pleased to inform Your Excellency that my Government accepts the Palma Hall Building on Padre Faura, Manila, as office quarters for the use of the Adjutant General Records Department, Philippines Command. It has been agreed that the Palma Hall building is to be rehabilitated with funds allocated by the War Damage Commission before it is occupied by the Records Depository.

I am also pleased to inform Your Excellency that my Government further accepts the use of such portion of the Diliman Housing Area, Quezon City, as may be required for living quarters for the personnel of the Adjutant General

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<sup>1</sup> Came into force on 28 July 1949, by the exchange of the said notes.

<sup>2</sup> Not printed by the Department of State of the United States of America.

Records Department employed at the Records Depository. It is understood that my Government retains the right to use and occupy the entire Diliman Housing Area as a temporary military installation, under Article XXI of the Military Bases Agreement,<sup>1</sup> until such time as the Palma Hall Building is rehabilitated and the records and offices of the Adjutant General Records Department transferred to said building, at which time the United States Army will declare the housing units in that area surplus and relinquish its right of use and occupancy whereupon the Philippine Government will make necessary housing available as stated above.

In order to prevent, as far as possible, future questions arising regarding the terms of occupancy of the properties offered by Your Excellency's Government to my Government for use by the Adjutant General Records Department, Philippines Command, as a records depository and for housing facilities for Army personnel employed therein, I should like to make formal the following conditions governing rehabilitation, maintenance and occupancy which have been mutually agreed upon informally in the negotiations completed between the representatives of our two Governments.

" 1. Rehabilitation work will place Palma Hall building in first-class condition for general office and records storage purposes, including necessary rest rooms for male and female personnel, and the construction of a suitable vault for safeguarding classified material. The adjacent motor pool area will be surfaced for all-weather operation of motor vehicles, and the motor pool area enclosed by a prowler-proof fence on three sides with the rear wall of Palma Hall completing the motor pool area; materials for the fence and gravel for the surfacing of the motor pool area to be supplied to the Philippine Government by the United States Army.

" 2. All facilities will be retained for use by the Adjutant General Records Depository, PHILCOM, until the furnishing of information to the United States Veterans Administration for use in connection with payment of benefits to the Philippine veterans has been completed. Within a period of five years, reduced requirements for storage and office space for records probably would permit their removal to a smaller building to be made available by the Philippine Government without cost to the United States under conditions suitable to both Governments.

" 3. The cost of maintenance of Palma Hall, including motor pool, and the Diliman Housing Area occupied by the United States Army will be borne by the United States Government.

" 4. The payment of personnel for handling and processing records, guard and janitor services, motor vehicles, and maintenance of motor vehicles will be provided by the United States Government.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 43, p. 271, and Vol. 68, p. 272.

“ 5. Palma Hall and motor pool will be occupied by and under complete control of the United States Army for use by the Adjutant General Records Depository, PHILCOM.

“ 6. Security of Palma Hall and motor pool will be by civilian guards employed by the United States Army. Civilian guards are to be used under conditions similar to those now in use by the Manila Regional Office, United States Veterans Administration and the United States Philippine War Damage Commission. (Such guards to be employed by the United States Army, processed and commissioned as special police officers by the Manila Police Department with authority to make arrests and protect property while in the performance of their duty.)

“ 7. Palma Hall, including 20,000 square feet of land for a motor pool adjoining the building as shown in the attached AGRD plot plan, dated May 5, 1949, will be adequate for the requirements of the Adjutant General Records Depository.

“ 8. Plot plan of areas including floor plan (location of vault, rest rooms, laboratory, photostat machines, work-storage shed, etc.) for Palma Hall has been furnished by the Engineer, PHILCOM, to the Philippine Government.

“ 9. It is understood that after Palma Hall is occupied by the Adjutant General Records Depository, the seventy housing units of the Diliman Housing Area, as shown on the accompanying map, will be made available by the Philippine Government for the continued use of the United States Government as living quarters for the personnel of the Adjutant General Records Depository without cost to the United States Government, except for cost of maintenance. It is further understood that the security of the housing area shall be as outlined in No. 6, above. The United States Army agrees that, from time to time as the housing needs of the personnel employed in the Records Depository may decrease as operations lessen, it will return to the Philippine Government such housing units as may be in excess of the requirements.”

There is enclosed for the convenience of Your Excellency's Government an AGRD plot plan, dated May 5, 1949, of Palma Hall and the adjacent motor pool area as it is planned to rehabilitate them.

I desire to inform Your Excellency 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 establishment of an Adjutant General Records Depository, offices and living quarters, for the use of the United States Army.

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

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

Enclosure :

1. AGRD plot plan, date May 5, 1949, as stated above.<sup>1</sup>
2. Map of seventy housing units in the Diliman Housing Area to be retained by the U. S. Army.<sup>1</sup>

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

II

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

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS

Manila, July 28, 1949

Sir :

I am pleased to acknowledge the receipt of your note No. 0783 of July 25, 1949, and its enclosure, 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 considers the said note together with the present reply thereto as constituting an agreement arrived at between our two Governments for the establishment of an Adjutant General Records Depository, offices and living quarters, for the use of the United States Army.

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

Felino NERI  
Undersecretary

The Honorable Thomas H. Lockett  
Chargé d'Affaires ad Interim  
United States Embassy  
Manila

<sup>1</sup> Not published. A copy is deposited with the Agreement in the archives of the Secretariat of the United Nations where it is available for reference.

## EXCHANGE OF MEMORANDA

## I

*The American Embassy to the Philippine Department of Foreign Affairs*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

## MEMORANDUM

*Understanding of the Negotiators With Regard to Term  
“ Surplus ” in the Exchange of Notes on the Establishment  
of the Adjutant General Records Depository*

With regard to note No. 783, dated July 25, 1949 from the Chargé d'Affaires a.i. of the United States of America to His Excellency the Secretary of Foreign Affairs of the Republic of the Philippines regarding the establishment of an Adjutant General Records Depository, the following statement has been agreed upon between the negotiators :

“ It is the understanding between the negotiators of the two Governments that the word ‘ surplus ’ appearing in the third paragraph of the note of the United States Embassy, dated July 25, 1949, will not preclude the Philippine Government from negotiating with regard to the mode of transfer of the improvements in the housing area at Diliman, that is whether they are to be transferred under the Bulk Sales Agreement<sup>1</sup> or under the Agreement on Military Bases.”

T. H. L.

American Embassy  
Manila, July 25, 1949

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<sup>1</sup> Not printed by the Department of State of the United States of America.

## II

*The Philippine Department of Foreign Affairs to the American Embassy*

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS

## MEMORANDUM

*Understanding of the Negotiators With Regard to Term  
“ Surplus ” in the Exchange of Notes on the Establishment  
of the Adjutant General Records Depository*

With regard to the note of the Undersecretary of Foreign Affairs dated July 28, 1949, in reply to note No. 783 of the Chargé d’Affaires ad interim, of the United States of America, to the Secretary of Foreign Affairs of the Republic of the Philippines, dated July 25, 1949, regarding the establishment of an Adjutant General Records Depository, the following has been agreed upon between the negotiators :

[*See memorandum I* ]

Manila, August 8, 1949