

No. 2881

**UNITED STATES OF AMERICA
and
PHILIPPINES**

**Exchange of notes constituting an agreement relating to
mutual defense assistance. Manila, 26 June 1953**

Official text: English.

Registered by the United States of America on 26 July 1955.

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

**Échange de notes constituant un accord relatif à l'aide pour
la défense mutuelle. Manille, 26 juin 1953**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 26 juillet 1955.

No. 2881. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES RELATING TO MUTUAL DEFENSE ASSISTANCE. MANILA, 26 JUNE 1953

I

The American Ambassador to the Philippine Acting Secretary of Foreign Affairs

AMERICAN EMBASSY

No. 1351

Manila, June 26, 1953

Excellency :

I have the honor to refer to Your Excellency's note of June 26, 1952² requesting an extension of the existing Military Assistance Agreement³ for five years and to the conversations which have recently taken place between our two Governments concerning the furnishing of military assistance by my Government to the Government of the Republic of the Philippines; the desire of our two Governments to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to develop effective measures for self-defense in support of those purposes and principles, and without prejudice to continued exertion of maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by its Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guarantee against violation or evasion; the recognition by our two Governments that measures to eliminate insecurity caused by fear of aggression will enhance the progress of economic development; and to confirm the understanding reached as a result of these conversations, as follows :

(1) The Government of the United States will continue to make available to the Government of the Republic of the Philippines equipment, materials, services, or other assistance in accordance with such terms and conditions as may be agreed. The provision of such assistance shall be consistent with the

¹ Came into force on 5 July 1953 in accordance with the terms of the said notes.

² Not printed by the Department of State of the United States of America.

³ United Nations, *Treaty Series*, Vol. 45, p. 47; Vol. 70, p. 280, and Vol. 82, p. 332.

Charter of the United Nations. Such assistance will be furnished under the provisions, and subject to all the terms and conditions contained in the Mutual Defense Assistance Act of 1949¹ and the Mutual Security Act of 1951,² acts amendatory and supplementary thereto and appropriation acts thereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

(2) The Government of the Republic of the Philippines undertakes to make effective use of military assistance furnished to it under this Agreement or under the Military Assistance Agreement between our Governments signed March 21, 1947, as subsequently amended and supplemented,³ for the purpose for which such assistance was furnished, and will not, without prior consent of the Government of the United States, devote assistance so furnished to purposes other than those for which it has been or will be furnished.

(3) The two Governments will establish procedures under which equipment and materials furnished by the Government of the United States under this agreement or under the Military Assistance Agreement between our Governments signed March 21, 1947, as subsequently amended and supplemented, other than equipment or materials furnished under terms requiring reimbursement, and no longer required for the purpose for which originally made available, will be offered for return to the Government of the United States for appropriate disposition, without cost to the United States Government, delivery to be at a place within the territory of the Republic of the Philippines designated by the United States Government.

(4) The Government of the Republic of the Philippines will not transfer to any person not an officer or agent of that Government, or to any other nation, title to or possession of any equipment, materials, information, or services received under this Agreement or under the Military Assistance Agreement between our Governments signed March 21, 1947, as subsequently amended and supplemented, without the prior consent of the Government of the United States of America.

5. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services, or information furnished pursuant to this Agreement.

6. The Government of the Republic of the Philippines will, except as otherwise agreed to, grant duty-free treatment upon importation or exportation

¹ United States of America : 63 Stat. 714; 22 U.S.C. §§ 1571-1604.

² United States of America : 65 Stat. 373; 22 U.S.C. § 1651 *et seq.*

³ United Nations, *Treaty Series*, Vol. 45, p. 47; Vol. 70, p. 280, and Vol. 82, p. 332.

and exemption from any internal or exchange taxes to products, property, materials or equipment imported into its territory pursuant to this Agreement. The Government of the Philippines will, in accordance with mutually satisfactory procedures, accord relief from all Philippine taxes and duties on any United States expenditures in the Philippines for the common defense, including any foreign aid program of the United States.

7. The Government of the Republic of the Philippines will receive and the Government of the United States will furnish United States military personnel to assist and advise the Government of the Republic of the Philippines on Army, Navy, and Air Force matters, and to discharge the responsibilities of the Government of the United States under this Agreement. Such personnel, including personnel temporarily assigned, will operate as part of the Embassy of the United States, under the direction and control of the Chief of the Diplomatic Mission, and will be accorded the privileges and immunities applicable to accredited Embassy personnel of equivalent rank. Such personnel shall be accorded facilities to observe the utilisation of assistance furnished pursuant to this Agreement. The Government of the Republic of the Philippines shall grant, upon request of the Chief of the Diplomatic Mission of the United States, exemption from customs duties on articles imported for the personal use of such personnel and of members of their families.

8. (a) Subject to the provision of the necessary appropriations, the Government of the Republic of the Philippines will make available to the Government of the United States pesos for the use of the latter Government for its administrative and operating expenditures in connection with the carrying out of this Agreement. The two Governments will forthwith initiate discussions with a view to determining the amount of such pesos and will agree upon arrangements for the payment of such pesos.

(b) The Government of the Republic of the Philippines shall provide and defray the cost of suitable living quarters for the personnel provided for in paragraph 7, and their families, and suitable buildings and office space for use in the conduct of official business by such personnel. All living and office quarters shall conform to the standards prescribed by the United States military services for similar quarters. The cost of all services required by such personnel, including compensation of locally employed interpreters, clerks, laborers and other personnel, except personal servants, shall be borne by the Government of the Republic of the Philippines.

9. In fulfillment of the principles of mutual aid to which both Governments subscribe, the Government of the Republic of the Philippines will facili-

tate the production, transport, export and transfer to the Government of the United States for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semiprocessed materials required by the United States as a result of raw material deficiencies in its own resources, and which may be available in the Republic of the Philippines. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of the Republic of the Philippines.

10. The two Governments will, upon request of either of them, negotiate appropriate arrangements between them providing for the methods and terms of the exchange of patent rights and technical information for defense which will expedite such exchange and at the same time protect private interests and maintain necessary security safeguards.

11. The two Governments will establish procedures whereby the Government of the Philippines will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States any such legal process would interfere with the attainment of the objectives of said program of assistance.

12. The Government of the Philippines hereby confirms that it has agreed to :

1. join in promoting international understanding and good will, and maintaining world peace;
2. take such action as may be mutually agreed upon to eliminate causes of international tension;
3. fulfill the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;
4. make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;
5. take all reasonable measures which may be needed to develop its defense capacities; and

6. take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

13. The Republic of the Philippines will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

14. So long as this Agreement remains in force, the Government of the Republic of the Philippines shall not engage or accept the services of any personnel of any Government other than the United States of America for duties of any nature connected with the Philippine armed forces, except by mutual agreement between the Government of the United States and the Government of the Republic of the Philippines.

15. Military equipment, supplies and naval vessels necessary in connection with the carrying out of the full program of military assistance to the Republic of the Philippines shall be provided from United States and Philippines sources in so far as practicable. The Government of the Republic of the Philippines shall procure arms, ammunition, military equipment and naval vessels from governments or agencies other than the United States of America only on the basis of mutual agreement between the Government of the United States of America and the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall procure United States military equipment, supplies and naval vessels only as mutually agreed upon.

16. This note and the reply of the Government of the Republic of the Philippines shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

I have the honor to propose that, if these undertakings are acceptable to your Government, this note and your Excellency's reply constitute an Agreement between our two Governments effective July 5, 1953, to remain in force until one year after the receipt by either Government of notification in writing of the intention of the other Government to terminate it, such notification to follow consultation between both parties as to the accomplishment of the purposes which motivated the two Governments in achieving the Agreement, except that the provisions of paragraph 2, 3, and 4, and arrangements entered into under paragraphs 5 and 10 shall remain in force unless otherwise mutually agreed.

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

R. A. SPRUANCE

The Honorable Felino Neri
Acting Secretary of Foreign Affairs
Republic of the Philippines

II

The Philippine Acting Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

Manila, June 26, 1953

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's Note No. 1351 of June 26, 1953, reading as follows :

[*See note I*]

I am pleased to inform Your Excellency that the undertakings contained in the above-quoted note are acceptable to my Government, and that Your Excellency's note and this reply thereto constitute an Agreement between our two Governments effective July 5, 1953.

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

Felino NERI
Acting Secretary

His Excellency Raymond A. Spruance
American Ambassador
Manila