

No. 4225

**UNITED STATES OF AMERICA
and
PHILIPPINES**

**Exchange of notes (with annex) constituting an agreement
relating to the use of the Manila Air Station. Manila,
18 June 1957**

Official text: English.

Registered by the United States of America on 19 March 1958.

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

**Échange de notes (avec annexe) constituant un accord
relatif à l'utilisation de la base aéro-navale de Manille.
Manille, 18 juin 1957**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 19 mars 1958.

No. 4225. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES RELATING TO THE USE OF THE MANILA AIR STATION. MANILA, 18 JUNE 1957

I

The American Ambassador to the Philippine Acting Secretary of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 1348

Manila, June 18, 1957

Excellency :

I have the honor to refer to your Note No. 3246 of November 15, 1956,² enclosing a letter from the Commissioner of Customs,³ concerning the use of Pier 3 and the adjacent quay side area at the Manila Air Station and to the subsequent discussions between the authorities of our two governments in this regard. The United States recognizes that the present handling of commercial traffic at the Port of Manila would be facilitated through the use of Pier 3 and the adjoining quay area lying southeast of the pier within the Manila Air Station. Accordingly the United States agrees to make available these portions of the Manila Air Station for immediate joint use by the Philippine Bureau of Customs in accordance with the procedures set forth in Annex A,³ as well as such other arrangements as may be concluded between the Commander of the Manila Air Station and the Commissioner of Customs, pending the release of the Manila Air Station by the United States.

It is understood that the Philippine Government will hold the United States Government harmless from any claims which may arise from the use of these areas by others than the United States, except for those meritorious claims paid by the United States in accordance with its claims legislation, arising out of the activities of any official, employee, or agent of the United States.

In addition, it is believed that the earliest practical release of the Manila Air Station by the United States, compatible with efficient fulfillment of the military requirement for the uninterrupted logistic support of the United States

¹ Came into force on 18 June 1957 by the exchange of the said notes.

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

³ See p. 292 of this volume.

Forces in the Philippines, could be accomplished by making appropriate arrangements for handling military traffic, presently handled through the Manila Air Station facilities, through commercial arrangements with private firms or Philippine Government agencies at the Port of Manila. With respect to military shipments of ammunition and explosives, the United States Government hereby assures the Philippine Government that no such shipments are currently being handled through the Manila Air Station and that no such shipments through the Port of Manila are intended in the future. It is understood that the Philippine Government would have no objection to such continued commercial use on this basis by the United States of the Port of Manila.

Accordingly, the United States Government agrees to relinquish the Manila Air Station to the Philippine Government within one year after satisfactory arrangements for the continued use of the Port of Manila on a commercial basis have been concluded with private firms or appropriate Philippine Government agencies. The period of up to one year following the conclusion of such commercial arrangements is necessary for the United States military authorities to complete an orderly conclusion of their present activities.

If the foregoing is acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply indicating concurrence shall constitute an agreement between the two governments on this matter.

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

C. E. BOHLEN

His Excellency Raúl S. Manglapus
Acting Secretary of Foreign Affairs
Republic of the Philippines

ANNEX A

The Philippine Bureau of Customs will assist in facilitating the dispatch of vessels carrying United States military cargo and personnel in accordance with the following procedures :

A. The appropriate military authority of the United States will notify the Bureau of Customs in writing daily by 1400 hours of the scheduled arrival at and departure from Manila harbor of United States military vessels and vessels carrying United States military cargo or personnel which require pier facilities.

B. When not needed for United States military cargo or personnel, Pier No. 3 may be designated by the Bureau of Customs as a berthing place for other than said vessels.

C. At no time will there be simultaneous handling of military and commercial cargo to or from ocean-going vessels berthed at Pier No. 3.

D. Whenever a vessel is berthed at Pier No. 3 for the loading or unloading of both military and commercial cargo, the vessel shall be required first to load or unload to or from Pier No. 3 either all military or all commercial cargo in order to preclude comingling.

E. Neither military nor commercial cargo shall be stored or assembled on Pier No. 3, but shall be moved directly to or from vessels berthed at said pier.

F. All cargo discharged at Pier No. 3, which is exempt from customs and other duties and so certified by United States authorities, shall be forthwith released by the Bureau of Customs.

G. Security of United States military cargo loaded or unloaded at Pier No. 3 shall be the responsibility of the United States. Upon request the Philippine Customs authorities shall lend cooperation in this regard.

H. The United States will charge for such services as water, lighting, and telephones which may be furnished by the United States in connection with the use of Pier No. 3 by the Bureau of Customs.

I. The Philippine authorities will not institute any measures which would control or restrict the movement of United States military cargo or personnel to or from Pier No. 3.

J. The Philippine Bureau of Customs will contribute to the cost of maintaining Pier No. 3 in full operational condition on a *pro rata* basis according to use.

II

The Philippine Acting Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

Manila, June 18, 1957

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note No. 1348 of the 18th of June, 1957 concerning the relinquishment of the Manila Air Station to the Philippine Government pursuant to the provisions of paragraph 2, Article XXI of the Agreement concerning Military Bases between the Government of the Republic of the Philippines and the Government of the United States of America, signed on March 14, 1947,¹ and proposing an arrangement for the joint use by the Philippine Bureau of Customs and the United States military authorities of Pier 3 and the adjoining quay area lying

¹ United Nations, *Treaty Series*, Vol. 43, p. 271; Vol. 68, p. 272; Vol. 185, p. 334; Vol. 213, p. 370, and Vol. 229, p. 282.

southeast of the pier within the Manila Air Station in accordance with the procedure set forth in Annex A of your note, pending the release of the Manila Air Station by the United States within one year after satisfactory arrangements for the continued use of the Port of Manila on a commercial basis shall have been concluded by the United States Government with private firms or appropriate Philippine Government agencies.

I am pleased to inform Your Excellency that the Government of the Republic of the Philippines is agreeable to the commercial use of the Port of Manila by the United States military authorities, and agrees that your note together with this reply shall be regarded as constituting an agreement between our two Governments on this matter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Raúl S. MANGLAPUS

His Excellency Charles E. Bohlen
American Ambassador
Manila

III

The American Ambassador to the Philippine Acting Secretary of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 1349

Manila, June 18, 1957

Excellency :

With reference to certain areas at the Manila Air Station (heretofore known as the United States Military Port of Manila), I have the honor to inform Your Excellency that my Government has instructed me to inform your Government that it is prepared to relinquish the following area presently occupied by the Manila Air Station :

That portion of the Manila Air Station area known as Blocks No. 141 and 142 and contiguous parts of Boston Street and the 11th and 12th Streets together with all permanent improvements thereon.

It is understood that the Philippine Government will hold the United States Government harmless from any claims which may arise from the use of these areas by others than the United States, except for those meritorious

claims paid by the United States in accordance with its claims legislation, arising out of the activities of any official, employee, or agent of the United States.

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

C. E. BOHLEN

His Excellency Raúl S. Manglapus
Acting Secretary of Foreign Affairs
Republic of the Philippines

IV

The Philippine Acting Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

Manila, June 18, 1957

Excellency :

I have the honor to acknowledge the receipt of your note No. 1349 of the 18th of June, 1957 and to take note of the fact that Your Excellency's Government is now prepared to relinquish to the Philippine Government the following area presently occupied by the Manila Air Station :

That portion of the Manila Air Station area known as Blocks No. 141 and No. 142 and contiguous parts of Boston Street and the 11th and 12th Streets together with all permanent improvements thereon.

I am pleased to inform you further that without admitting the existence of claims arising from the use of the above-mentioned area by others than the United States, the Philippine Government is agreeable to hold the United States Government harmless from any such claims, except for those meritorious claims paid by the United States in accordance with its claims legislations, arising out of the activities of any official, employee, or agent of the United States.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Raúl S. MANGLAPUS

His Excellency Charles E. Bohlen
American Ambassador
Manila