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No. 7890

**UNITED STATES OF AMERICA
and
PHILIPPINES**

Exchange of notes (with appendix) constituting an agreement regarding the serving of United States Armed Forces on the Philippine military reservation at Mount Cabuyao by the establishment thereon of a United States communications facility. Manila, 16 March 1965

Official text: English.

Registered by the United States of America on 12 August 1965.

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

Échange de notes (avec appendice) constituant un accord relatif à l'affectation de forces armées des États-Unis au camp militaire philippin du mont Cabuyao, où sera créée une station américaine de transmissions. Manille, 16 mars 1965

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 12 août 1965.

No. 7890. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES REGARDING THE SERVING OF UNITED STATES ARMED FORCES ON THE PHILIPPINE MILITARY RESERVATION AT MOUNT CABUYAO BY THE ESTABLISHMENT THEREON OF A UNITED STATES COMMUNICATIONS FACILITY. MANILA, 16 MARCH 1965

I

The American Ambassador to the Philippine Secretary of Foreign Affairs

No. 637

Manila, March 16, 1965

Excellency :

I have the honor to refer to recent discussions between representatives of our two governments regarding the desire of the United States to have its forces serve on the Philippine military reservation at Mount Cabuyao by the establishment thereon of a United States communications facility and to propose an agreement as follows :

AGREEMENT REGARDING SERVING OF UNITED STATES ARMED FORCES ON THE PHILIPPINE MILITARY RESERVATION AT MOUNT CABUYAO BY THE ESTABLISHMENT THEREON OF A UNITED STATES COMMUNICATIONS FACILITY

Whereas, Section I, Article II, of the 1947 Military Bases Agreement⁽²⁾ provides that " the Armed Forces of the Philippines may serve on United States bases and that the Armed Forces of the United States may serve on Philippine military establishments whenever such conditions appear beneficial as mutually determined by the armed forces of both countries " ;

Whereas, it has been mutually determined by the armed forces of both countries that the serving by the United States Armed Forces on the Philippine military reservation at Mount Cabuyao, Mountain Province by the establishment of a United States communications facility in connection with the operation of United States bases in the Philippines, will be in furtherance of their mutual defense needs ;

¹ Came into force on 16 March 1965 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 43, p. 271.

Now, therefore, it is mutually agreed by the parties hereto as follows :

Section I

PURPOSE

This agreement establishes the policies and procedures under which the United States Armed Forces may serve on the Philippine military reservation at Mount Cabuyao, Mountain Province, by establishing, operating, and maintaining a communications facility thereon.

Section II

GENERAL TERMS

After this agreement has been in force for 10 years, either party may give notice to the other party of its intention to terminate the agreement in which case the agreement shall terminate one year after such notice has been given.

The United States communications facility shall be constructed in the area specified in Appendix A,⁽¹⁾ or elsewhere as may be agreed by the Philippine-United States Mutual Defense Board.

Equipment, materials, supplies, and other movable property brought into, acquired or installed at the Mount Cabuyao Military Reservation by the United States Government, or United States contractor, in connection with the purpose of this agreement, may be removed from the Philippines or otherwise disposed of by either, before, or within a reasonable time after, the termination of this agreement. Property of the United States Government or its contractor left at the Mount Cabuyao Military Reservation, including property incorporated into structures and buildings no longer required for the purpose of operations under this agreement, shall become the property of the Government of the Philippines ; no compensation will be owed to or by the United States Government or contractor in respect of any such property.

The terms of this agreement may be reviewed by the Philippine-United States Mutual Defense Board upon the request of either the Chief of Staff, Armed Forces of the Philippines, or the representative of the United States Commander-in-Chief, Pacific, in the Philippines, when requirements change or conditions necessitate a re-evaluation and may be modified as mutually agreed between the two governments.

Section III

SPECIFIC TERMS

1. The United States Armed Forces during the period they operate and maintain a communications facility at the Mount Cabuyao Military Reservation will:

¹ See insert between pp. 208 and 209 of this volume.

a. Provide, as may be required and at no expense to the Philippine Government for the use of the Armed Forces of the Philippines facility at the Mount Cabuyao Military Reservation, power up to a maximum of 30 kilowatts.

b. Consult with and offer technical advice to the Armed Forces of the Philippines personnel, to the extent that this does not interfere with the continued operation and maintenance of the United States Armed Forces communications facility, at the Mount Cabuyao Military Reservation by the personnel thereof.

c. Construct and maintain at no expense to the Armed Forces of the Philippines a security fence around the perimeter defined by points A, B, C, D, E and F in appendix A enclosing the Philippine and United States facilities at the Mount Cabuyao Military Reservation, and construct suitable fencing to enclose such additional areas at the reservation as may be agreed upon by the Mutual Defense Board.

d. Provide water at no expense to the Philippine Government to the Armed Forces of the Philippines communications facility to the extent reasonably available at the reservation.

e. Construct and maintain, at no expense to the Armed Forces of the Philippines, all improvements including buildings, entry roads, and parking hardstands needed for the operation and maintenance of the United States Armed Forces communications facility. Use of the entry road and parking hardstands will be shared by the Armed Forces of the Philippines and the United States Armed Forces.

2. The Armed Forces of the Philippines will :

a. Allow, at no expense to the United States Government, the Armed Forces of the United States to construct and maintain all improvements including buildings needed for the operation and maintenance of the United States Armed Forces communications facility at the Mount Cabuyao Military Reservation in the area specified in Appendix A with the necessary right of access.

b. Provide physical security for the Philippine and United States communication facilities at the Mount Cabuyao Military Reservation.

Section IV

CONTROL OF ACCESS

The Chief of Staff, Armed Forces of the Philippines, and the representative of the United States Commander-in-Chief, Pacific, in the Philippines, have mutually determined that the United States communications facility and its operation are of major importance to the Armed Forces of the Philippines and the United States Armed Forces and consider that access to this facility should be controlled. Access to the United States communications facility, or parts thereof, shall be as mutually determined by the Chief of Staff, Armed Forces of the Philippines, and the representative of the United States Commander-in-Chief, Pacific, in the Philippines or their designated representatives.

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 our two Governments on this matter to enter into force upon the date of Your Excellency's note in reply.

Accept, Excellency, the assurances of my highest consideration.

Enclosure :

Plan of Mount Cabuyao
Military Reservation
Appendix A¹

William McCORMICK BLAIR, Jr.

His Excellency Mauro Mendez
Secretary of Foreign Affairs
Department of Foreign Affairs
Republic of the Philippines
Manila

II

The Philippine Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

No. 25448

Manila, March 16, 1965

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note dated March 16, 1965, which reads as follows :

[See note I]

I am pleased to inform Your Excellency that the terms and conditions of the proposed agreement set forth in Your Excellency's above-quoted note are acceptable to my Government and that my Government agrees that Your Excellency's note together with this reply shall be regarded as constituting an agreement reached between our two Governments in this matter, to enter into force as of the date of this note.

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

Mauro MENDEZ
Secretary of Foreign Affairs

His Excellency William McCormick Blair, Jr.
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Manila

¹ See insert between pp. 208 and 209 of this volume.