

June 30, 1958

**AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND
THE UNITED STATES OF AMERICA ON THE USE OF THE
VETERANS MEMORIAL HOSPITAL AND THE PROVISION OF
MEDICAL CARE AND TREATMENT OF VETERANS BY THE
GOVERNMENT OF THE PHILIPPINES AND THE FURNISHING OF
GRANTS-IN-AID THEREOF BY THE GOVERNMENT OF THE UNITED
STATES OF AMERICA**

Note: The Agreement entered Into force, July 1, 1958.

Reference; This Agreement is also published In 321 UNTS, p. 51.

Whereas, the Congress of the United States by Public Law 85-461 approved June 18, 1958, has provided for further assistance by grants-in-aid to the Republic of the Philippines in providing medical care and treatment for certain veterans, as defined below; and,

Whereas, the Government of the Republic of the Philippines is desirous of taking advantage of the provisions thereof for the purpose of improving the program of medical care and hospitalization of those disabled veterans who come within the purview of Public Law 85-461;

The Government of the United States and the Government of the Republic of the Philippines have decided to terminate the Agreement entered into on June 7, 1949, under the provisions of Public Law 865, 80th Congress as amended by exchange of notes between the two Governments dated October 6, 1954, pursuant to Public Law 421, 83rd Congress, and to conclude an agreement for the above purposes, the regulations relating to which the Government of the United States will promulgate in the Federal Register, and do hereby agree as follows:

TITLE I PURPOSES OF CONTRACT

ARTICLE 1

Subject to mutual agreement, the necessary appropriation acts of the United States Congress, and such rules and regulations as, from time to time, may be prescribed by the Administrator of Veterans Affairs, to whom the President of the United States has delegated the authority conferred upon him by the aforesaid Act, the Administrator of Veterans Affairs will enter into a contract with the Director of the Veterans Memorial Hospital subject to the approval of the Secretary of National Defense of the Republic of the Philippines, as follows:

(a) To provide reimbursement to the Government of the Republic of the Philippines by the Government of the United States for hospital care in the Republic of the Philippines of Commonwealth Army veterans determined by the Administrator of Veterans Affairs to be in need of such hospital care for service-connected disabilities, at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable;

{b) To provide reimbursement for veterans' travel expenses incident to such hospitalization which are authorized in advance by the Administrator of Veterans Affairs;

(c) To provide that the period of the contract may be for a period of not more than five consecutive fiscal years beginning July 1, 1958; and

(d) To provide that the total of payments for such hospital care plus any payments for authorized travel expenses incident to the hospitalization of Commonwealth Army veterans shall not exceed the amounts provided by the appropriation acts of the Congress of the United States for each fiscal year and in no event shall exceed \$2,000,000 for any one fiscal year-

TITLE II

DELEGATION OF AUTHORITY

ARTICLE 2

The Secretary of National Defense of the Philippine Government, under the general direction of the President of the Republic of the Philippines, shall have full authority to administer for the Government of the Republic of the Philippines all matters relating to the provision of medical care and treatment for veterans, within the purview of Public Law 85-461.

TITLE III

DEFINITIONS

ARTICLE 3

The terms "Commonwealth Army veterans" is agreed to mean persons who served before July , 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Array of the United States, and who were discharged or released from such service under conditions other than dishonorable. Determinations by the Department of Defense of the United States as to military service shall be accepted by the Veterans Administration. In those cases in which the Veterans Administration shall have information which it deems reliable and in conflict with the information upon which a determination was made, such cases together with the information in the possession of the Veterans Administration shall be referred to the Department of Defense of the United States for reconsideration and redetermination. Such determinations and redeterminations, respectively, as to military service shall be conclusive for the purposes of this Agreement.

ARTICLE 4

The term "service-connected disabilities" is agreed to mean disabilities determined by the Administrator of Veterans Affairs under laws administered by the Veterans Administration to have been incurred in or aggravated by the service described in Article 3 in line of duty.

TITLE IV

USE OF FACILITIES OF THE VETERANS MEMORIAL HOSPITAL

ARTICLE 5

As previously agreed between the two Governments, the ownership of the Veterans Memorial Hospital and the equipment thereof has been vested in the Government of the Philippines and the use to which said hospital or any part or equipment thereof shall be devoted is for determination by mutual consent of the two Governments.

ARTICLE 6

Use by the Republic of the Philippines of the facilities of the Veterans Memorial Hospital shall be discretionary with the Republic of the Philippines except that (a) first priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and, (b) shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans Administration.

TITLE V

OTHER PROVISIONS

ARTICLE 7

It is agreed between the two Governments that the determinations of legal eligibility and medical need for hospitalization of Commonwealth Army veterans for treatment of service-connected disabilities rests exclusively with the Veterans Administration. The question of whether to hospitalize such veterans prior to an official determination of their legal eligibility and medical need having been made by the Veterans Administration, or whether to require such determinations to be made prior to hospitalizing them will be wholly within the discretion of the Secretary of National Defense of the Philippine Government, depending upon such contingencies and exigencies as the Secretary of National Defense of the Philippine Government may deem it appropriate to consider. No liability for reimbursement shall accrue to the Veterans Administration for any hospitalization of a Commonwealth Army veteran until legal eligibility and medical need for hospitalization has been determined by the Veterans Administration, but when such determinations shall have been made, the liability for reimbursement shall, subject to such limitations as the rules and regulations of the Veterans Administration may provide, relate back to the date of admission to the hospital. Hospitalization in the Philippines of Commonwealth Army veterans found by the Veterans Administration to be in need of hospitalization for service-connected disabilities shall not be limited to hospitalization in the Veterans Memorial Hospital, but that hospital will be used to the maximum extent feasible in the hospitalization of such veterans.

ARTICLE 8

The contract entered into pursuant to this Agreement shall provide for hospitalization on a per diem basis for those United States veterans in the Philippines who may be found eligible by the Veterans Administration for such hospitalization. Hospitalization of United States veterans who are in need of treatment for non-service-connected disabilities shall be limited to treatment in the