

April 01, 1948

**EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN
THE PHILIPPINES AND THE UNITED STATES OF AMERICA
AMENDING THE AGREEMENT OF 14 MARCH 1947 CONCERNING
MILITARY BASES**

Note: The Agreement entered Into force, April 1, 1946.

Reference: This Agreement is also published in 185 UNTS, p. 378; 3 UST,
p. 485 and TIAS 2406.

I

**THE AMERICAN AMBASSADOR TO THE PHILIPPINE SECRETARY OF FOREIGN
AFFAIRS**

EMBASSY OF THE UNITED STATES OF AMERICA

No. 1148

March 31, 1948

Excellency;

Pursuant to the provisions of Article I, paragraph 3, of the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases, signed at Manila on March 14, 1947, I have the honor to inform Your Excellency that my Government has authorized me to relinquish its rights to the use of the military base known as United States Armed Forces Cemetery No. 2, San Francisco del Monte, Rizal, and so described in Annex "A" of the said Agreement. Title to the lands included in the said cemetery reservation is not vested in the United States of America.

In lieu of the aforesaid cemetery reservation, my Government proposes the establishment of a permanent cemetery for the dead of its armed forces within the present boundaries of the Fort William McKinley Military Reservation through enlargement of the existing post cemetery. Accordingly, I have been instructed, in relinquishing United States right at San Francisco del Monte, to seek the agreement of the Philippine Government under Article X, paragraph 1, of the Agreement Concerning Military Bases to the segregation from the Fort William McKinley Military Reservation of a minimum area suiting the requirements of the permanent cemetery project for retention by the United States of America after occupancy of remaining portions of that Reservation shall have been given over to the Philippine Government under Article XXI, paragraph 1, of the Agreement Concerning Military Bases. It is understood by my Government that the area so segregated and retained shall not be used for purposes other than those customarily appertaining to the conduct of such military cemeteries, except that chapels, memorials, service buildings and facilities, caretakers' quarters, landscaping and protective plantings shall be recognized as being included in such customary appurtenances.

A suitable tract, containing 149.9842 acres more or less, within the present boundaries of the Fort William McKinley Reservation has been selected, surveyed and mapped and is understood to have been recommended for approval by the Chief of Staff of the Philippine Army. The attached map, "Boundary Survey of Proposed Cemetery, Mt. McKinley, Rizal", scale 1:2,500, prepared by the Manila Engineer District, United States Army, on January 20, 1948 (Drawing No. 87- 01-03, Sheet 1), provides a description of the tract by metes and bounds.

I shall be glad to have Your Excellency inform me that the Philippine Government accepts the deletion of the United States Armed Forces Cemetery No. 2 at San Francisco del Monte, Rizal, from Annex 'A'1 of the Agreement Concerning Military Bases, signed on March 14, 1947, and that in lieu thereof, the Government of the Republic of the Philippines is agreeable, under the conditions stated, to the retention by the Government of the United States of America, in accordance with Article X, paragraph 1, of the said Agreement, of the described portion of the Fort William McKinley Reservation for the purpose of establishing and maintaining thereon a permanent United States Armed Forces cemetery.

In order that the peace, dignity and sanctity of the said cemetery may not be disturbed, or its beauty marred, by the usage for undesirable purposes of, or by the presence of unsightly structures on, any land which may lie between the present highways and the western and northwestern boundaries of the tract, as shown on the attached map, I have been directed also to request assurances that Your Excellency's Government will establish and maintain rights-of-way for the said highways in such manner as to coincide exactly with the cemetery boundaries from monument No. 14 at the southwestern corner clockwise to monument No. 7 at the most northern point of the tract and that no buildings or other structures shall be allowed on, or usage for undesirable purposes permitted to be made of, any portion of such rights-of-way between the easterly edge of the highway pavement and the said cemetery boundaries.

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

EMMET O'NEAL

Enclosure:

Map, as described.

His Excellency **ELPIDIO
QUIRINO**

Secretary of Foreign Affairs of
the

Republic of the
Philippines

II

**THE PHILIPPINE SECRETARY OF FOREIGN AFFAIRS TO THE AMERICAN
AMBASSADOR**

**REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS**

Manila, April 1, 1948