

September 04, 1947

**AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
REGARDING RADIO BROADCASTING FACILITIES**

Note: The Agreement was concurred in by the Senate, S.R. No. 48, May 14, IMS. It entered into force upon signature as *modus vivendi*.

Reference: This Agreement is also published in I DFA TS No. 3, p. 137.

The Government of the Republic of the Philippines and the Government of the United States of America,

Being desirous of insuring the continuation of radio broadcasting in the Republic of the Philippines, of affording a medium for the transmission of radio programs by each Government, and of providing a means for the training of Philippine radio technicians; and

Wishing to provide for the use by the two Governments of certain broadcasting facilities now existing or to be constructed in the Republic of the Philippines; and

Being convinced that these purposes should be fulfilled in a spirit of good neighborliness between the Government of the Republic of the Philippines and the Government of the United States of America, and that details of their practical application should be arranged by friendly cooperation;

Have decided to conclude an agreement for those purposes and have agreed as follows:

ARTICLE I

The Government of the Republic of the Philippines and the Government of the United States of America will cooperate, in accordance with the provisions of the present Agreement, in the use of the radio facilities referred to herein which have been or may be constructed in the Republic of the Philippines by the Government of the United States of America.

ARTICLE II

The Government of the Republic of the Philippines shall have the exclusive right to program time from 2200 to 1000 Greenwich Civil Time for domestic broadcasting on the medium wave broadcast transmitter installed at Malolos, Bulacan Province, by the Government of the United States of America. Programs and other material broadcast over that transmitter by the Government of the Republic of the Philippines shall be identified by proper announcement as Philippine programs, and sole responsibility for their transmission shall rest upon the Government of the Republic of the Philippines.

ARTICLE III

The Government of the United States of America shall have the right, as provided in the present Agreement, to operate radio facilities in the Republic of the Philippines for transmission of broadcasts to any or all parts of the world in any language or languages. The operating rights granted by this Article shall apply to the two fifty kilowatt broadcast transmitters and related equipment now existing and to any other radio facilities which may be constructed or installed hereafter in the Republic of the Philippines by the Government of the United States of America under this Agreement.

Progress and other material broadcast by the Government of the United States of America over facilities located in the Republic of the Philippines shall be identified by proper announcement as United States programs, and sole responsibility for their transmission shall rest upon the Government of the United States of America.

ARTICLE IV

In order to facilitate the operation of radio transmission in the Republic of the Philippines the Government of the United States of America shall be permitted.

1. To lease or purchase real property upon which radio transmission and receiving facilities have been erected or installed or upon which, in agreement with the Government of the Republic of the Philippines, such facilities may be erected or installed in the future;
2. To lease or purchase necessary public utility services on terms no less favorable than are enjoyed by citizens of the Republic of the Philippines, such as power and telephone services of various kinds, including the leasing of lines and rental of equipment;
3. To construct and install radio transmitters and receivers, including antenna structures, with due regard to restrictions imposed by generally applicable laws relating to air navigation safety;
4. To own and operate motor vehicles necessary to or relating to the operation of radio transmission;
5. To operate distillation equipment for the production of distilled water for use in the operation of radio transmitting equipment;
6. To transmit programs and materials originating in the Republic of the Philippines and to receive radio transmission originating outside the Republic of the Philippines for rebroadcast on a live or delayed (recorded) basis;
7. To utilize for radio transmission on terms mutually agreeable to the Government of the Republic of the Philippines and the Government of the United States of America the

frequencies, types of emission, and frequency band widths, which are or may become available for medium or short wave radio transmission in accordance with the Madrid Telecommunications Convention, 1932, including its appended regulations, or any treaty and regulations concerning short wave radio transmission, taking their place in the future. The terms agreed to shall be no less favorable to the Government of the United States of America than to nationals of the Republic of the Philippines.

ARTICLE V

Officers and employees of the Government of the United States of America who are citizens of the United States of America and who are on duty or assigned to duty in the Republic of the Philippines in connection with the transmission of radio broadcasts under the provisions of the present Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing passport and visa regulations and shall not be restricted by the Government of the Republic of the Philippines in their movement to and between their residences and the various locations at which the radio transmission or their other official business is carried on, and shall have free access to any other locations which it may be necessary for them to visit in line with their duties.

ARTICLE VI

Compensation for injury to persons of Philippine nationality or for damage to property belonging to Philippine nationals resulting from the operation in the Republic of the Philippines of radio transmission facilities under the present Agreement by the Government of the United States of America shall be paid by the Government of the United States of America subject to the applicable laws of the Republic of the Philippines, The amounts payable for such injury or damage shall be determined by agreement between the Government of the Republic of the Philippines and the Government of the United States of America.

ARTICLE VII

The Government of the Republic of the Philippines and the Government of the United States of America shall select each year by mutual agreement two graduates of a Philippine technical school to serve for a one year training period as technical assistants in the operation in the Republic of the Philippines of radio transmission facilities owned and operated by the Government of the United States of America. Salaries of such trainees shall be paid by the Government of the United States of America.

ARTICLE VIII

Pending its ratification by the Senate of the Philippines in accordance with constitutional procedure, the present Agreement shall enter into force on the date of its signature as a modus vivendi between the Republic of the Philippines and the United States of America.

Subject to the provisions of the preceding paragraph and of the third paragraph of this Article, the present Agreement shall remain in force for a period of ten years and thereafter for additional five year periods, unless at least one year before the beginning of one of such five year periods one of the contracting Governments shall give notice to the other Government of an intention to terminate the Agreement, whereupon the Agreement shall cease to be in force at the expiration of the period during which such notice was given.

The Government of the United States of America shall have the right to terminate the present Agreement at any time on six months' notice in the event that circumstances make it impracticable for the Government of the United States of America or any official agency thereof to maintain and operate for purposes of¹ the Government of the United States of America the radio facilities to which the present Agreement applies.

Upon the termination of the present Agreement all right, title and interest of the Government of the United States of America, or of any official agency thereof referred to above, in radio transmitting equipment, power plants, and other related facilities in the Philippines to which the present Agreement applies shall become the property of the Government of the Republic of the Philippines without cost, provided that for a period of five years after such transmitting equipment, power plants, and other related facilities become the property of the Government of the Republic of the Philippines that Government will use these facilities solely for purposes of the Government of the Republic of the Philippines and that at no time during such five-year period will these facilities be rented, leased or sold; nor will these facilities be used for commercial broadcasting except to the extent that will yield income sufficient for proper maintenance and efficient operation thereof.

IN WITNESS WHEREOF, the Undersigned, being duly authorized thereto, have signed the present Agreement in duplicate at Manila this fourth day of September, 1947.

**FOR THE GOVERNMENT OF THE REPUBLIC OF THE
PHILIPPINES:**

(Sgd.) **ELIPIDIO QUIRINO**
Vice President of the Philippines
and concurrently
Secretary of Foreign Affairs

**FOR THE GOVERNMENT OF THE UNITED STATES OF
AMERICA:**

(Sgd.) **NATHANIEL P. DAVIS**
Charge d'Affaires ad interim of the
United States of America at Manila

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REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED