

October 12, 1947

**EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN
THE PHILIPPINES AND THE UNITED STATES OF AMERICA
RELATING TO THE TRANSFER OF THE GOVERNMENT OF THE
UNITED STATES OF AMERICA TO THE PHILIPPINES OF
CORREGIDOR ISLANDS (FORT MILLS) AND PETTIT BARRACKS**

Note: This Agreement entered into force on October 12, 1947.

Reference: This Agreement is also published in 185 UNTS, p. 338; 3 UST, p. 458. and TIAS 2406.

I

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

EMBASSY OF THE UNITED STATES OF AMERICA

No. 115

October 12, 1947

Excellency :

I have the honor to refer to the Act of the Congress of the United States of America of March 24, 1934, more commonly referred to as the Philippine Independence Act and to the Joint Resolution of the Congress of the United States of America of June 29, 1944, which authorized the President of the United States of America to acquire bases for the mutual protection of the United States and of the Philippines; to Joint Resolution No. 4 of the Congress of the Philippines, approved July 28, 1945, which authorized the President of the Philippines to enter into negotiations for the establishment of such bases; to the Treaty of General Relations (including the Protocol thereto) Between the United States of America and the Philippines signed on July 4, 1946; to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947; and to other legislation and public acts of the United States of America and of the Philippines pertinent to the transfer to the Republic of the Philippines, following the declaration of its independence, of certain United States military bases the use of which was not reserved to the United States by the aforementioned Agreement of March 14, 1947, or which have not otherwise been reserved, encumbered or disposed of, and to inform Your Excellency that, in accordance with its obligations under the aforesaid acts, resolutions and agreement, the Government of the United States of America transfers to the Government of the Republic of the Philippines all right or title to, or interest in, the United States military reservations known as Corregidor Island (Fort Mills), in Manila Bay, and Pettit Barracks in the Municipality of Zamboanga. Annexed hereto is a list of Executive Orders and Torrens Certificates of Title whereunder the United States has claimed and held title to and possession of the two military reservations aforementioned. Properly executed title documents and quit-claim deeds will be delivered to Your Excellency's Government in due course. In the near future I shall approach Your Excellency with a view to entering

into agreements for the transfer of other reservations and the simultaneous settlement of numerous outstanding questions arising from the use, for military purposes, of private and public lands of the Philippines and of the United States during the present war.

As a consideration of the transfer of the aforementioned property, the United States request that the Republic of the Philippines remise, release, forever discharge and agree by specific undertaking to hold harmless and free the United States of America, its agents, and its nationals from any and all manner of liability, actions, and claims against them which the Republic of the Philippines or any real or artificial person therein may ever have for any cause arising directly or indirectly out of the ownership or occupancy by the United States of America of Corregidor Island and Pettit Barracks.

My Government requests that our Excellency's Government, in accepting right, title and possession of these two military reservations agree that it will take prompt steps effectively to demilitarize all ammunition left therein.

My Government requests that, in accepting right, title and possession of Pettit Barracks, the Government of the Philippines will agree to except that small plot which for some years has been used as a United States military cemetery, and whose boundaries shall at the earliest practicable moment be determined and marked by representatives of our respective Governments to be designated for the purpose, to the end that the said plot may remain in the free and unhampered possession of the Government of the United States of America for so long as the latter may choose to maintain it as a cemetery.

My Government also requests, with respect to Pettit Barracks, that in accepting right, title and possession thereof, the Government of the Philippines declare that civilian agencies of the Government of the United States, such as the Philippine War Damage Commission and the United States Veterans Administration, while engaged in activities on Philippine soil with the consent of the Government of the Philippines, may use for office purposes such space within the reservation, rent free, as may be needed for the proper performance of their duties and as may be selected by mutual agreement with the competent Philippine authorities.

I am authorized by my Government to state that an acknowledgment of the receipt of this note containing Your Excellency's assurances that the terms and conditions thereof are acceptable to Your Excellency's Government, and that Your Excellency's Government grants the requests set forth in the paragraphs immediately preceding, will be considered by my Government as constituting an agreement for the transfer to the Government of the Philippines of all right and title to, and possession of, the United States military reservations known as Corregidor Island (Fort Mills) and Pettit Barracks, and as evidence that such transfer has, on the date of Your Excellency's note, been fully accomplished.

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

EMMET O'NEAL

His Excellency **ELPIDIO QUIRINO**
Secretary of Foreign Affairs for the
Republic of the Philippines

The War Department acquired title to Corregidor (Fort Mills) Military Reservation on the Island of Corregidor, Municipality of Cavite, Province of Cavite, Philippine Islands by means of two (2) Presidential Executive Orders and seventeen (17) fee acquisitions. These are listed as follows:

- (a) Headquarters of the Army, Adjutant General's Office, General Orders No. 38, 17 April 1902, which refers to Presidential Executive Order dated April 11, 1902,
- (b) War Department General Orders No. 56, 25 March 1904, which refers to Presidential Executive Order dated March 14, 1904.
- (c) Torrens Certificate of Title No. 6, 28 August 1907.
- (d) Torrens Certificate of Title No. 22, 14 September 1907.
- (e) Torrens Certificate of Title No. 24, 14 September 1907.
- (f) Torrens Certificate of Title No. 25, 14 September 1907.
- (g) Torrens Certificate of Title No. 34, 14 September 1907.
- (h) Torrens Certificate of Title No. 29, 16 September 1907.
- (i) Torrens Certificate of Title No. 30, 16 September 1907.
- (j) Torrens Certificate of Title No. 32, 16 September 1907.
- (k) Torrens Certificate of Title No. 33, 16 September 1907.
- (l) Torrens Certificate of Title No. 27, 17 September 1907.
- (m) Torrens Certificate of Title No. 23, 18 September 1907.
- (n) Torrens Certificate of Title No. 26, 18 September 1907.
- (o) Torrens Certificate of Title No. 28, 18 September 1907.
- (p) Torrens Certificate of Title No. 31, 18 September 1907.
- (q) Torrens Certificate of Title No. 21, 10 February 1908.
- (r) Torrens Certificate of Title No. 73, 29 November 1913.
- (s) Torrens Certificate of Title No. 74, 29 November 1913. Items (c) through (s) are recorded in the Office of the Register of Deeds, Province of Cavite, Philippines.

There are three (3) Out-Grants which have been issued by the War Department in connection with this military reservation. These are as follows:

- (a) License dated 29 May 1916 in favor of Jean M. Poizat, to operate a steamer between Manila and Corregidor Island.
- (b) License dated 22 March 1916 in favor of the Municipality of Cavite, Philippine Islands to construct, operate and maintain a modern concrete market building between Calle Bocano and Calle Cementerio, in the Barrio of San Jose, on the military reservation of Corregidor.