

No. 6916

**UNITED STATES OF AMERICA
and
PHILIPPINES**

**Agreement (with Protocol and exchange of notes) regarding
radio broadcasting facilities. Signed at Manila, on
6 May 1963**

Official text: English.

Registered by the United States of America on 18 September 1963.

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

**Accord (avec Protocole et échange de notes) relatif à cer-
taines installations de radiodiffusion. Signé à Manille,
le 6 mai 1963**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 18 septembre 1963.

No. 6916. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING RADIO BROADCASTING FACILITIES. SIGNED AT MANILA, ON 6 MAY 1963

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

Being desirous of insuring the improvement and continuation of radio broadcasting in the Republic of the Philippines and of affording the best possible medium for the transmission of radio programs by each Government; 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 these 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 this Agreement, in the use of the radio broadcasting 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

1. The Government of the Republic of the Philippines shall have the right to broadcast on high frequency broadcast transmitters at Malolos, Bulacan Province, and Poro Point, La Union Province, and at the new and very powerful radio broadcasting facility envisaged for construction in the Philippines, without

¹ Came into force on 6 May 1963, upon signature, in accordance with article VIII (1).

cost, during hours and on frequencies and under such conditions as may be mutually agreed upon between the two Governments. Also, the Government of the Republic of the Philippines shall have priority right to the use of the medium frequency transmitter (920 KC) and related facilities at Malolos, Bulacan Province, without cost. Such broadcasting by the Government of the Republic of the Philippines may be to any or all parts of the world in any language or languages. Program and other materials broadcast over these transmitters by the Government of the Republic of the Philippines shall be identified by proper announcement as Republic of the Philippines programs, and sole responsibility for their transmission shall rest on the Government of the Republic of the Philippines.

2. The Government of the Republic of the Philippines and the Government of the United States of America mutually agree that every effort will be made by both Governments to refrain from broadcasting any program or part thereof which might be considered detrimental to the interests of either or both Governments.

Article III

1. The Government of the United States of America shall have the right, as provided in this Agreement, to operate radio broadcasting (and radio teletype facilities for transmission and reception of program materials and operational instructions in connection therewith) 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 Voice of America radio broadcasting facilities located at Malolos, Bulacan Province, Poro Point, La Union Province, and Baguio, Mountain Province, and to the new and very powerful radio broadcasting facility envisaged to be constructed under this Agreement.

2. The rights granted the Government of the United States of America to construct or install and operate hereafter in the Republic of the Philippines any other radio broadcasting facilities shall be exercised upon prior approval of the Government of the Republic of the Philippines.

3. Programs 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 of America 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 transmitting 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. It is understood that the purchase of real property under this paragraph means that the Philippine Government shall make the purchase and retain the title of such land, and that the United States will pay the cost of such purchase, in advance, and will have the right to exclusive use of such land during the life of this Agreement;

2. To import into and to export from the Philippines free from customs duties, taxes or any other charges of similar nature, all such equipment, materials and supplies duly covered by tax exemption certificates duly issued by an official of the American Embassy and certified to be for the exclusive use of the Voice of America facilities in the Republic of the Philippines;

3. To lease or purchase necessary services from public utilities 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;

4. To construct and install radio transmitters and receivers, including antenna structures, subject to laws and regulations relating to air navigational safety and the prevention and elimination of radio interference;

5. To own and operate motor vehicles necessary to or relating to the operation of radio transmission;

6. To operate distillation equipment for the production of distilled water for use in the operation of radio transmitting equipment;

7. To transmit programs and materials originating in the Republic of the Philippines and to receive radio transmissions originating outside the Republic of the Philippines for rebroadcasting on a live or delayed (recorded) basis;

8. To utilize for radio transmission upon approval by the Government of the Republic of the Philippines the frequencies, types of emissions, and frequency band widths, which are or may become available for medium or high frequency radio transmission in accordance with principles of good engineering practice. 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; and

9. To operate VHF or UHF link circuits in connection with the operation of the radio broadcasting facilities covered hereby, utilizing frequencies approved by the Government of the Republic of the Philippines.

Article V

1. 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 this Agreement shall be permitted to move freely into and out of the Republic of the Philippines subject to existing passport and visa regulations and other applicable laws of the Philippines, and shall not be restricted by the Government of the Republic of the Philippines in their movements 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 location which it may be necessary for them to visit in line with their duties, except when such access will involve a violation of the national security of the Philippines.

2. Upon notification from the Embassy of the United States of America, the Government of the Republic of the Philippines agrees to accord to 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 this Agreement, and who are not engaged in any other business in the Philippines, freedom from import or export duty or tax on articles certified by competent authorities of the United States Government to be for their personal use, including automobiles, as well as freedom from income, personal property or social security tax. It is understood, however, that the exemption provided herein is without prejudice to the collection, with the cooperation of the Government of the United States of America, of customs duties and internal taxes on the articles brought or imported into the Philippines by said officers and employees which are subsequently sold or transferred in the Philippines to persons or entities not entitled to exemption from said customs duties and internal taxes pursuant to existing laws and regulations governing the matter; and that income derived from Philippine sources or sources other than United States sources is not exempt from payment of income tax.

Article VI

Compensation for injury to persons of Philippine nationality or for damage to property belonging to Philippine nationals or Philippine corporations whose majority stock is owned by Philippine citizens or the Philippine Government resulting from the operation in the Republic of the Philippines of radio transmission facilities under this 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