

AGREEMENT BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

REGARDING THE TREATMENT OF REPUBLIC OF THE PHILIPPINES PERSONNEL

VISITING THE UNITED STATES OF AMERICA

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PREAMBLE

For the purpose of complementing the Agreement Between the United States of America and the Republic of the Philippines regarding the treatment of United States Armed Forces visiting the Philippines (hereinafter referred to as "the Visiting Forces Agreement") the two Governments have agreed as follows with respect to Republic of the Philippines personnel in the United States:

Article I
Definitions

In this Agreement:

- (a) "members of the force" means the military personnel belonging to the Republic of the Philippines armed forces who are in the United States in connection with their official duties, including ship and aircraft visits;
- (b) "members of the civilian component" means civilian personnel who are in the United States in connection with their employment by the Republic of the Philippines armed forces, and who are not stateless persons, nor nationals of, nor ordinarily resident in the United States;
- (c) "dependent" means the spouse, child, or other immediate family member of the household of a member of the force or civilian component who is dependent on that member financially, legally or for reasons of health; and
- (d) "Republic of the Philippines personnel" means members of the force, members of the civilian component, and dependents, as defined in the preceding provisions of this Article.

Article II
Applicability

This Agreement shall apply to Republic of the Philippines personnel who are sent to or through the United States for mutually agreed: (1) ship and aircraft visits, (2) military exercises, (3) training, (4) joint Government-approved research and development projects, and (5) other mutually agreed military activities which involve the sending of Republic of the Philippines personnel to or through the United States. It also applies to Republic of the Philippines personnel sent to the United States in support of such activities.

Article III

Respect for Law in the United States

It is the duty of Republic of the Philippines personnel to respect the laws of the United States and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity.

Article IV

Entry and Departure

1. (a) The Embassy of the United States of America will issue visas, valid for multiple entries, to Republic of the Philippines personnel traveling to the United States on official duty. In the visa application process, Republic of the Philippines personnel shall be exempt from completing the non-immigrant visa application form, but shall be subject to a determination of identity and proper documentation. Apart from exceptional cases, the Embassy will issue the visa the same day it is requested, and without requiring that the applicant apply for it in person.
(b) When emergencies arise, the Embassy will undertake to facilitate entry into the United States of Republic of the Philippines personnel without passport or visa.
(c) The Embassy will also undertake to facilitate the entry without passport or visa of groups of members of the force when such personnel are entering and leaving the United States through a single port of entry, and when such assistance is requested by the Government of the Republic of the Philippines.
2. If United States authorities request the removal from United States territory of a member of the force or civilian component, or a dependent, the Government of the Republic of the Philippines shall be responsible for receiving the person concerned within its own territory or otherwise disposing of said person outside of the United States. If the status of a member of the

force or civilian component, or a dependent, is changed, Republic of the Philippines authorities shall promptly inform United States authorities.

3. The Embassy reserves the right to deny visas to persons who are ineligible for entry into the United States under the provisions of United States law.

4. The two Governments will cooperate to facilitate the implementation of this Article.

Article V

Driving Licenses

1. In accordance with the Geneva Convention on Road Traffic of September 19, 1949, authorities in the United States shall accept as valid, without a driving test or fee, the driving permit or license issued by a competent authority in the Republic of the Philippines to Republic of the Philippines personnel.

2. The use in the United States of the driving license referred to in this Article shall be subject to such temporary or permanent suspensions as may be decided by United States judicial or administrative authorities in accordance with applicable laws, as a consequence of traffic violations committed by the licensee.

Article VI

Uniforms

Subject to any arrangements between the authorities of the United States and the Republic of the Philippines, the wearing of uniforms and civilian dress shall be in accordance with applicable Republic of the Philippines armed forces regulations.

Article VII

Bearing of Arms

1. Members of the force, and other personnel as agreed, may possess and carry arms at United States military installations while on duty, on the condition that they are authorized to do so by their orders. Except when special documentation arranged by the two Governments provides for civilian dress, members of the force shall be in uniform when in possession of or carrying arms. Republic of the Philippines military authorities shall give sympathetic consideration to requests by the Government of the United States concerning this matter.
2. Except as mutually agreed, this authorization does not confer a right of access to United States military installations while bearing arms where doing so is prohibited.

Article VIII

Criminal Jurisdiction

1. For the sole purpose of determining whether an act or omission is a punishable offense under the law of the United States, or under the military law of the Republic of the Philippines, or both, the interpretation of by the Republic of the Philippines authorities shall be accepted by the Government of the United States, and the interpretation of the law of the United States by the authorities of the Government of the United States shall be accepted by the Government of the Republic of the Philippines.
2. When so requested in a particular case by the Government of the Republic of the Philippines, the United States Department of State or Department of Defense will ask the appropriate authorities in the United States having jurisdiction over an offense committed by Republic of the Philippines personnel to waive in favor of the Republic of the Philippines their right to exercise jurisdiction, except in cases where the Department of State and the Department of Defense, after

special consideration, determine that United States interests require the exercise of United States federal or state jurisdiction.

3. When authorities of the Government of the United States become aware of the apprehension, arrest or detention of any Republic of the Philippines personnel, they shall promptly notify Republic of the Philippines authorities. Responsible authorities in the states concerned will be requested to make such information available promptly to the Government of the United States.

4. When Republic of the Philippines personnel are detained, taken into custody, or prosecuted by authorities in the United States, they shall be accorded all procedural guarantees established by applicable United States federal or state law, including the right:

(a) to have prompt access to, and to be represented by, legal counsel of their choice, qualified in accordance with United States federal or state law;

(b) to have free or assisted legal representation on the same basis as citizens of the United States;

(c) to communicate promptly with and to be visited regularly by Republic of the Philippines authorities, to have such authorities present at all judicial proceedings, and to receive assistance deemed by such authorities to be desirable;

(d) to have the services of a competent interpreter;

(e) to seek a writ of *habeas corpus*;

(f) to have the right to bail, subject to pertinent federal and state law, and a prompt and speedy trial;

(g) to be informed, in advance of trial, of the specific charge or charges made against them;

(h) to be confronted by the witnesses against them and to cross-examine such witnesses, subject to exceptions existing in applicable rules of evidence;

(i) to present evidence on their behalf, including the right to have compulsory process for obtaining witnesses in their favor if such witnesses are within the jurisdiction of the United States or the state concerned;

- (j) not to be prosecuted for a criminal offense as a result of any act or omission which did not constitute a criminal offense under United States federal or state law at the time it was committed;
- (k) to be present at their trial;
- (l) to have trials open to the public unless the court, in accordance with applicable United States federal or state law, excludes persons who have no role in the proceedings;
- (m) not to be compelled to testify against themselves;
- (n) at the discretion of the judge or other competent authority, to have credited to any sentence of confinement any period of pretrial detention by either Party; and
- (o) to be visited regularly by members of their immediate family in accordance with applicable United States federal or state penal procedures.

5. Republic of the Philippines personnel shall not be subject to prosecution by United States military courts or tribunals. If such personnel are detained on a United States military installation, they shall be immediately turned over to appropriate United States civilian or Republic of the Philippines authorities.

6. Upon the request of Philippine authorities that such assistance is necessary for the maintenance and discipline of its forces in the United States, and upon a finding and declaration to this effect by the President of the United States, the Government of the United States shall give effect to the provision of United States law regarding Service courts of friendly foreign forces.

Article IX

Confinement and Visitation

1. Confinement imposed by a United States federal or state court upon Republic of the Philippines personnel shall be served in penal institutions in the United States suitable for the custody level of the prisoners chosen after consultation between the two governments.

2. Republic of the Philippines personnel shall not be subject to confinement in United States military confinement facilities, except that members of the force may be so confined at the request of Republic of the Philippines military authorities.

3. In accordance with pertinent state and federal law and regulations, including prison regulations, the authorities of the Republic of the Philippines may visit the persons referred to in paragraph 1 of this Article, and provide them with appropriate material assistance.

Article X

Personal Tax Exemptions

The acquisition of goods and services in the United States market by Republic of the Philippines personnel for personal purposes shall be subject to applicable United States taxes. Republic of the Philippines personnel will not be required to pay any tax to the Government of the United States on the ownership, possession, or use of their tangible movable property entered into the United States for their personal and exclusive use. The official salaries and emoluments of Republic of the Philippines personnel who are not citizens of the United States shall be exempt from payment of income taxes to the Government of the United States.

Article XI

Imports and Exports

1. The baggage and effects of Republic of the Philippines personnel and articles, including household goods, for the personal and family use of such personnel may be entered into the United States within six months of first arrival without the payment of duties, internal revenue taxes and other charges to the Government of the United States. Such property shall, without prejudice to the exemptions provided by this Article, be considered as temporarily imported property. It may be transferred only to persons in the United States entitled to import such

property duty-free, unless other transfer or use is agreed upon by the appropriate United States authorities. Such property may also be exported from the United States without payment of duties.

2. Property of the Republic of the Philippines and other property imported into or acquired in the United States by or on behalf of the Republic of the Philippines Armed Forces in connection with official duties may be imported into, used within and exported from the United States for official purposes by the Republic of the Philippines armed forces, without the payment of duties, internal revenue taxes and other charges to the Government of the United States.

3. Members of the force and members of the civilian component may import free of duties, internal revenue taxes and other charges to the Government of the United States private motor vehicles for the personal use of themselves and their immediate family during their temporary presence in the United States. Private motor vehicles so imported shall, consistent with United States law, be exempt from environmental and safety standards established by United States federal laws and regulations. Any disposition of such private motor vehicles in the United States shall be in accordance with applicable federal or state law of the United States. Such private motor vehicles may be exported from the United States without the payment of taxes, duties, or other similar charges to the Government of the United States.

4. United States and Republic of the Philippines authorities will cooperate in making any necessary arrangements to effect the provisions of this Article.

Article XII

Entry into and Use of Military Facilities;

Identity Cards

1. The Government of the United States will grant to Republic of the Philippines personnel the use of military facilities in the United States under such favorable terms and conditions as are permitted by United States law and regulations.

2. (a) United States authorities will issue Republic of the Philippines personnel appropriate identity cards.

(b) These cards will permit entry into and use of authorized military facilities in the United States.

Article XIII

Use of Welfare and Recreational Facilities

In accordance with United States laws and regulations, Republic of the Philippines personnel may utilize the military service exchanges, commissaries, and cultural and recreational organizations of the United States armed services.

Article XIV

Health Care

Pursuant to separate arrangements between the two Governments, the United States Department of Defense will provide health care to Republic of the Philippines personnel in Department of Defense medical treatment facilities in the United States corresponding to the health care provided to comparable United States personnel in the Republic of the Philippines.

Article XV

Use of Transportation Facilities

Vehicles, vessels and aircraft operated by the Government of the Republic of the Philippines shall not be subject to the payment of landing or port fees, navigation or overflight charges, road tolls

or any other charges for the use of United States military installations which do not constitute fair and reasonable charges for services requested and received.

Article XVI

Use of Utilities and Services

The United States military authorities will, upon request, and under appropriate circumstances, assist Republic of the Philippines authorities in obtaining use of necessary utilities. The term "utilities" shall include electricity, gas, water, heat, light, power, sewage disposal, telephone and other utilities.

Article XVII

Embassy and Consulate Personnel

Republic of the Philippines personnel assigned to the Embassy of the Republic of the Philippines shall continue to receive any privileges and immunities to which they are entitled under the Vienna Convention on Diplomatic Relations, and Republic of the Philippines personnel assigned to a Republic of the Philippines consulate shall continue to receive any privileges and immunities to which they are entitled under customary international law.

Article XVIII

Security

The Parties will cooperate in matters of security, including security for personnel and property covered by this Agreement.

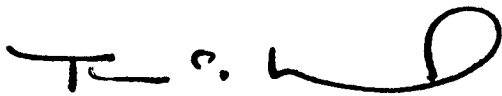
Article XIX
Supplementary Arrangements

Consistent with the provisions of this Agreement, supplementary arrangements for its implementation may be concluded, as required, between appropriate authorities of the Parties.

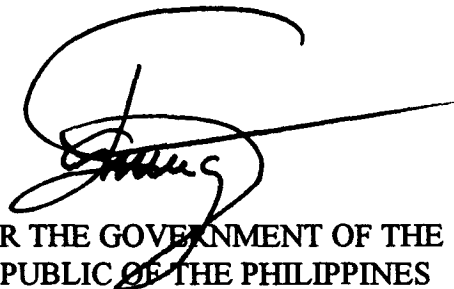
Article XX
Entry into Force and Duration

This Agreement will enter into force simultaneously with the Visiting Forces Agreement and will continue in force as long as such agreement remains in force.

Done at Manila, The Philippines, this ninth day of October, 1998.



FOR THE GOVERNMENT OF
UNITED STATES OF AMERICA



FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES