

July 13, 2013

CONSULAR AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE PEOPLE'S REPUBLIC OF CHINA

The Republic of the Philippines and the People's Republic of China (hereinafter referred to as "the Contracting Parties"),

Desiring to develop their consular relations in order to facilitate the protection of the rights and interests of their nations and nationals, and promote the friendly relations and cooperation between the two countries,

Have decided to conclude the present Consular Agreement and have agreed as follows:

CHAPTER I

DEFINITION

Article 1

Definitions

For the purposes of the present Agreement, the following expressions shall have the meanings hereunder assigned to them:

- (a) "consular post" means any consulate-general, consulate, vice-consulate or consular agency;
- (b) "consular district" means the area assigned to a consular post for the exercise of consular functions;
- (c) "head of consular post" means the consul-general, consul, vice consul or consular agent who is charged by the sending State to head a consular post
- (d) "consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) "member of the administrative and technical staff of the consular post" means any person who performs administrative or technical service at a consular post;
- (f) "member of the service staff" means any person employed in the domestic service of a consular post;
- (g) "members of the consular post" means consular officers,

administrative and technical staff and service staff of the consular post;

(h) "member of the private staff" means any person who is employed in the private service of a member of the consular post;

(i) "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(j) "consular archives" means all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card indexes, the data stored in memory medium and any articles of furniture intended for their protection or safe-keeping;"

(k) "national of the sending State" means any natural person having the nationality of the sending State, and when applicable, also any juridical person of the sending State;

(l) "vessel of the sending State" means any vessel sailing under the flag of the sending State pursuant to its law, excluding military vessels;

(m) "aircraft of the sending State" means any aircraft registered in the sending State and bearing that State's registration marks, excluding military aircraft;

CHAPTER II

ESTABLISHMENT OF A CONSULAR POST AND APPOINTMENT OF ITS MEMBERS

Article 2

Establishment of a Consular Post

1. A consular post may be established in the territory of the receiving State only with the consent of that State.
2. The determination of the seat of the consular post, its classification and its consular district, as well as any changes pertaining thereto, shall be through consultation between the sending State and the receiving State.

Article 3

Appointment and Admission of Head of Consular Post

1. The sending State shall, through diplomatic channels, forward to the receiving State a note of appointment of the head of a consular post. This note shall specify

the full name and rank of the head of the consular post, seat and classification of the consular post and the consular district.

2. Upon receiving the note of appointment of the head of a consular post, the receiving State shall confirm the appointment in a note as soon as possible. If the receiving State refuses its confirmation, it is not obliged to give reasons for such refusal.

3. The head of a consular post may enter upon his consular functions after the issue of a note of confirmation by the receiving State. Prior to the note of confirmation, the head of the consular post may, with the consent of the receiving State, perform his functions provisionally.

4. Upon confirming the appointment of the head of a consular post or permitting him to perform his functions provisionally, the receiving State shall immediately notify the competent authorities in the consular district and take all necessary measures to enable the head of the consular post to perform his functions and to enjoy the rights, facilities, privileges and immunities provided for in this Agreement.

Article 4

Temporary Exercise of the Functions of the Head of a Consular Post

1. If for any reason the head of a consular post is unable to perform his functions, or if his position is temporarily vacant, the sending State may designate a consular officer of the consular post or of another consular post in the receiving State, or a diplomatic officer of its embassy in the receiving State as the acting head of the consular post. The sending State shall notify the receiving State in advance of the full name and the original rank of the acting head of the consular post.

2. The acting head of a consular post shall enjoy the same rights, facilities, privileges and immunities as enjoyed by a head of a consular post under this Agreement.

3. A diplomatic officer designated as the acting head of a consular post shall continue to enjoy such diplomatic privileges and immunities as due to him.

Article 5

Notification of Arrivals and Departures

The sending State shall at an appropriate time notify the receiving State of the following in writing:

- (a) The full name and rank of a member of a consular post, the date of his arrival and final departure or the termination of his functions, as well as any change of his status in the course of his service with the consular post;

(b) The full name, nationality and the date of arrival and final departure of a family member of a member of the consular post and the fact that any person becomes or ceases to be such a family member;

(c) The full name, nationality, function and the date of arrival and final departure of a member of the private staff and the fact that any person becomes or ceases to be such private staff.

Article 6

Identity Cards

The competent authorities of the receiving State shall, in accordance with its regulations, issue relevant identity cards to the members of the consular post and their family members, except those who are nationals or permanent residents of the receiving State.

Article 7

Nationality of Members of the Consular Post and Members of the Private Staff

1. A consular officer shall be a national of the sending State, and not a permanent resident of the receiving State.
2. Members of the administrative and technical staff and members of the service staff of the consular post and members of the private staff shall be either nationals of the sending State or nationals of the receiving State.

Article 8

Persons Declared "Non Grata"

1. The receiving State may at any time notify the sending State through diplomatic channels that a member of the consular post is persona non grata or is not acceptable, and the receiving State is not obliged to give reasons for its decision.
2. In the cases mentioned in paragraph 1 of this Article, the sending State shall recall that person or terminate his functions with the consular post. If the sending State fails within a reasonable time to carry out its obligations, the receiving State is entitled to withdraw acceptance from the person concerned or cease to consider him as a member of the consular post.

CHAPTER III

CONSULAR FUNCTIONS

Article 9

General Consular Functions

A consular officer shall be entitled to the performance of the following functions:

- (a) protecting the rights and interests of the sending State and those of its nationals;
- (b) furthering the development of economic, trade, scientific-technological, cultural and educational relations between the sending State and receiving State and otherwise promoting their friendly relations and cooperation;
- (c) ascertaining by all lawful means conditions of the receiving State in the economic, trade, scientific-technological, cultural, educational and other fields, and reporting thereon to the government of the sending State;
- (d) performing other functions authorized by the sending State, which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State.

Article 10

Applications Pertaining to Nationality and Civil Registration

1. A consular officer shall be entitled to:

- (a) receive applications pertaining to nationality;
- (b) register nationals of the sending State;
- (c) register births and deaths of nationals of the sending State
- (d) handle marriage formalities for nationals of the sending State and issue appropriate marriage certificates.

2. The provisions of paragraph 1 of this Article shall not exempt the persons concerned from the obligation to observe the laws and regulations of the receiving State.

Article 11