

September 10, 1965

**EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN
THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES
OF AMERICA REGARDING RADIO BROADCASTING FACILITIES**

Note: The Agreement entered into force, September 10, 1965.

The Philippine Under Secretary of Foreign Affairs to the American Charge d'Affaires
ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

Office of the Secretary
39327

Manila, September 10, 1965

Sir:

I have the honor to refer to the Agreement of May 6, 1963, between the Government of the Republic of the Philippines and the Government of the United States of America regarding Radio Broadcasting Facilities which provides for the operation by the Government of the United States of America of certain specified radio transmitting and receiving facilities including a new and very powerful radio broadcasting facility envisaged to be constructed under that Agreement.

Article IV, Paragraph 1, provides that the Government of the United States shall be permitted to lease or purchase real property upon which existing facilities are located, including land on which to erect and install the new facility envisaged by that Agreement. The Paragraph further provides that the Philippine Government shall make the purchase of any land for the purposes stated, shall retain title to such land and the United States Government shall pay the cost of such purchase in advance and will have the right to exclusive use of such land during the life of the Agreement.

In implementation of the 1963 Agreement, herein referred to, I have the honor to advise that, under procedures involving agency arrangements mutually satisfactory to our two governments, the Government of the Republic of the Philippines has acquired the lands selected by the United States Government as the site for erection and installation of the new and very powerful radio broadcasting facility and now holds title to the said land free and clear of all third party interests except as otherwise noted on the Certificates of Title. The land consists of 900 hectares more or less situated in the Barrios of Sta. Rosa, Sto. Nino and San Agustin, Municipality of Concepcion, Province of Tarlac, Island of Luzon, Philippines, more particularly identified by the cadastral map attached here- to and made a part of this Note. In furtherance of the purposes of said 1963 Agreement, and for the period of time during which that Agreement shall remain in force, the United States Government will hold the Government of the Philippines free and harmless of any and all claims and liabilities of whatsoever kind and nature in connection with the title to the lands.

The Government of the United States now has the right to exclusive use of the above described land including internal roads and waterways delineated on the attached map during the life of the said Radio Broadcasting Facilities Agreement of May 6, 1963, for the uses and purposes therein set forth. The Government of the United States having paid the cost of purchase of the land, the said right of use shall be enjoyed by the United States Government free from further cost of any nature, whatsoever, either by way of taxes, rents, levies, indemnities, or other charges for the use and occupation thereof.

It is understood that, pursuant to Paragraph 6 of Article VIII of the Radio Broadcasting Facilities Agreement, the Government of the Republic of the Philippines having acquired title to suitable land as well as land use rights for the new and very powerful facility and the Government of the United States having hereby acquired the contemplated rights of land use of access, all rights, title and interest of the Government of the United States of America, or any official agency thereof, in radio transmitting and receiving equipment, power plants, and related facilities including radio links, located at Malolos, Bulacan Province, or replacements therefor and improvements thereto, shall now be turned over to the Government of the Republic of the Philippines without cost. Transfer of the said properties at Malolos will be accomplished by a note listing in detail the equipment and structures and real property affected. It is understood that under the terms of the said Radio Broadcasting Facilities Agreement the Government of the United States of America shall continue to enjoy its present rights of operation and use of the transmitting equipment at the said Malolos site until the new and very powerful facility enters into operation.

Pursuant to an agreement reached between our Governments and an exchange of Notes initiated by the Embassy's Note No. 852 of May 6, 1963, to the Department of Foreign Affairs, it is further understood and agreed that upon termination by the Government of the United States of America of its present rights of operation and use of the radio broadcasting facility at Malolos, Bulacan Province, the obligations of the Government of the United States of America relative to the land under private lease at Malolos will be assumed by the Government of the Republic of the Philippines.

Upon receipt of a Note from you indicating that the foregoing provisions are acceptable to the Government of the United States of America, the Government of the Republic of the Philippines will consider that this Note and your reply thereto constitute an Agreement between the two Governments implementing the provisions of the Radio Broadcasting Facilities Agreement of May 6, 1963, on this subject, the implementing Agreement to enter into force on the date of your Note in reply.

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

LIBRADO D. CAYCO.

The Honorable RICHARD M. SERVICE
Charge d'Affaires, a.i.,
Embassy of the United States of America
Manila
