

PHILIPPINES

菲律賓

TREATY OF AMITY BETWEEN
THE REPUBLIC OF CHINA AND
THE REPUBLIC OF THE PHILIPPINES

中華民國菲律賓
共和國友好條約

Signed on April 18, 1947;
Ratifications exchanged on October 24, 1947;
Entered into force on October 24, 1947.

三十六年四月十八日簽訂
三十六年十月二十四日互換批准書
三十六年十月二十四日生效

The Republic of China and the Republic of the Philippines, animated by the desire to strengthen and perpetuate the friendly relations so happily existing between them, have resolved to conclude a Treaty of Amity and to that end have agreed upon the following articles:

中華民國菲律賓共和國為加強並永保兩國固有親睦邦交起見，決定訂立友好條約，為此議定條款如左：

ARTICLE I

第一條

There shall be perpetual peace and everlasting amity between the Republic of China and the Republic of the Philippines and their peoples.

中華民國與菲律賓共和國及兩國人民間，應永敦和好，歷久不渝。

ARTICLE II

第二條

Should any dispute arise between the two High Contracting Parties which cannot satisfactorily be adjusted by diplomacy, or through mediation or arbitration, the Parties shall not use force for settlement, but shall refer the dispute to the International Court of Justice for final adjudication.

兩締約國間如發生任何爭議不能依外交途徑或經由調解或仲裁圓滿解決時，兩國不得使用武力以求解決；應將爭議提交國際法庭作最後裁判。

ARTICLE III

第三條

Each of the High Contracting Parties shall have the right to send to, and receive from, the Other, diplomatic representatives. Such diplomatic representatives shall enjoy in the territories of the Other the rights, privileges, exemptions and immunities accorded under generally recognized principles of international law and usage.

締約此方有向彼方派遣及自彼方接受外交代表之權，此等外交代表在締約彼方領土內應享受通常承認之國際法原則及國際慣例所給予之權利、優例及豁免。

ARTICLE IV

第四條

Each of the High Contracting Parties shall have the right to send to, and receive from, the Other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, who, being duly provided with exequatur, shall be permitted to reside in the territories of the Other in such places as may be agreed upon by the High Contracting Parties. Such consular representatives shall exercise their functions and enjoy the privileges and immunities accorded to officers of their status and rank in accordance with the generally accepted principles of international law and usage.

締約此方有向彼方派遣及自彼方接受總領事、領事、副領事及代理領事之權，凡經給予執行職務證書之總領事、領事、副領事及代理領事，應許其在締約彼方領土內雙方所同意之地方駐紮，此等領事代表應依照通常承認之國際法原則及國際慣例行使其職務，並享受所給予職級相同官員之優例及豁免。

ARTICLE V

The nationals of each of the High Contracting Parties shall be at liberty to enter or leave, to travel or reside in the territories of the Other upon the same terms as the nationals of any third country in accordance with the laws and regulations of the Other.

ARTICLE VI

The nationals of each of the High Contracting Parties shall be accorded, in the territories of the Other, the liberty to establish schools for the education of their children, and shall enjoy freedom of peaceful assembly and association, of publication, of worship and religion, of burial and building cemeteries, upon the same terms as the nationals of any third country in accordance with the laws and regulations of the Other.

The nationals of each of the High Contracting Parties shall have the right to acquire, inherit, possess, lease, occupy and dispose of by sale, testament, donation or otherwise, any kind of movable or immovable property and to engage in trade and other peaceful and lawful pursuits throughout the whole extent of the territories of the Other upon the same terms as the nationals of any third country in accordance with the constitution, laws and regulations of the Other.

ARTICLE VII

The nationals of each of the High Contracting Parties shall be accorded, in the territories of the Other, the same treatment with respect to the protection and security of their persons and property as is accorded to the nationals of the Other.

The nationals of each of the High Contracting Parties shall receive in the territories of the Other in regard to all legal proceedings and in matters relating to the administration of justice and the levying of taxes treatment no less favorable than that accorded to the nationals of the Other.

ARTICLE VIII

The High Contracting Parties agree to conclude as soon as practicable a Treaty of Commerce and Navigation.

ARTICLE IX

The stipulations of this Treaty do not extend to advantages which are now accorded or which may here-

第五條

締約此方之國民得在與任何第三國國民同樣條件之下，依照彼方之法律規章自由出入旅行或居住於彼方領土。

第六條

締約此方之國民得在彼方領土內在與任何第三國國民同樣條件之下，依照彼方之法律規章，享有設立學校教育其子女之自由，暨和平集會及結社、出版、祀典及信仰、埋葬及營墓之自由。

締約此方之國民，得在彼方領土全境內，在與任何第三國國民同樣條件之下，依照彼方之憲法法律規章，享有取得繼承持有租賃佔用及以出售遺囑贈與或其他方法處分任何種類之動產或不動產之權利，暨經營貿易及其他和平與合法事業之權利。

第七條

締約此方之國民在彼方領土內關於其身體財產之保護及安全，應與彼方國民享受同樣之待遇。

締約此方之國民在彼方領土內，關於各項法律手續，司法事件之處理及租稅之徵收，應享受不低於所給予彼方國民之待遇。

第八條

兩締約國同意儘速另訂一通商航海條約。

第九條

本約規定不適用於菲律賓共和國現在或將來給予美利堅合眾國或

after be accorded by the Republic of the Philippines to the United States of America or its nationals.

ARTICLE X

The High Contracting Parties shall ratify this Treaty in conformity with their respective constitutional procedures, and it shall enter into force on the day on which the exchange of ratifications takes place. The instruments of ratification shall be exchanged in the City of Manila, Philippines.

IN FAITH WHEREOF, the Plenipotentiaries of the High Contracting Parties have signed this present Treaty and have hereunto affixed their seals.

DONE in duplicate in the Chinese and English languages, both texts being authoritative, in the City of Manila, Republic of the Philippines, this eighteenth day of the fourth month of the thirty-sixth year of the Republic of China, corresponding to the eighteenth day of April in the year one thousand nine hundred and forty-seven, Anno Domini, and of the Independence of the Philippines the first.

For the Republic of China:

(Signed) Chen Chih-ping

For the Republic of the Philippines:

(Signed) Manuel Roxas

AGREED MINUTES

At the last meeting during the negotiation of the Treaty of Amity between the Republic of China and the Republic of the Philippines on April 18, 1947, His Excellency Chen Chih-ping, Envoy Extraordinary and Minister Plenipotentiary of the Republic of China to the Republic of the Philippines, and His Excellency Elpidio Quirino, Vice-President of the Philippines and concurrently Secretary of Foreign Affairs, have come to the following understanding:

Vice-President Quirino stated that the Philippine Government interprets Paragraph 2, Article VII, of said Treaty as excluding from its scope alien registration and immigration fees and similar fees levied upon all aliens, and that, under said provisions of the Treaty, the nationals of either country shall receive, only with respect to taxes applicable to both Filipino and Chinese Nationals, treatment no less favorable than that accorded to the Nationals of the other. He therefore suggested an exchange of notes confirming this interpretation.

其國民之優例。

第十條

兩締約國應各依本國憲法所規定之手續批准本約。本約自互換批准書之日起發生效力，批准書應在菲律賓馬尼刺城互換。

爲此，兩全權代表將本約簽字蓋印，以昭信守。

本約用中文英文各繕兩份，中文本與英文本有同等效力。

中華民國三十六年四月十八日，即公曆一千九百四十七年，菲律賓獨立第一年四月十八日訂於菲律賓共和國馬尼刺城。

中華民國 陳質平 (簽字)

菲律賓共和國 羅哈斯 (簽字)

同意紀錄

中華民國駐菲律賓共和國特命全權公使陳質平閣下與菲律賓共和國副總統兼外交部長愛爾比提歐紀理諾閣下於一九四七年四月十八日對中華民國與菲律賓共和國友好條約談判最後一次會談中成立如下之諒解：

紀理諾副總統稱，依照菲律賓政府之解釋，本約第七條第二款，不包括外僑登記及移民費及對所有外僑征課之類似費用在內，并按本約之上述條款規定，締約此方國民僅關於加諸中菲兩國國民之租稅，享受不低於所給予締約彼方國民之待遇，因此建議雙方換文證實此項解釋。

Minister Chen replied that since alien registration and immigration fees, etc. are by nature not leviable upon either one's own nationals, it is believed that the suggested exchange of notes for the confirmation of this interpretation is unnecessary.

Vice-President Quirino also stated that the Philippine Government interprets the term nationals used in article IX of the Treaty as including corporations and associations of the United States of America.

Minister Chen agreed that the terms "nationals" under reference includes corporations and associations of the United States of America.

Signed at Manila, Philippines, this 18th day of the 4th month of the 36th year of the Republic of China, corresponding to the 18th day of April, 1947, the first year of the Republic of the Philippines.

(Signed) Chen Chih-ping
Envoy Extraordinary and Minister
Plenipotentiary of the Republic of China

(Signed) Elpidio Quirino
Vice-President of the Philippines
and concurrently Secretary of Foreign Affairs

PROTOCOL OF EXCHANGE

The undersigned, Chen Chih-ping, Envoy Extraordinary and Minister Plenipotentiary of the Republic of China, and Elpidio Quirino, Vice-President of the Philippines and concurrently Secretary of Foreign Affairs, duly authorized by their respective Governments, having met together for the purpose of exchanging the instruments of ratification of the Treaty of Amity between the Republic of China and the Republic of the Philippines signed at Manila on April 18, 1947, and having examined the respective instruments of ratification of the aforesaid Treaty and found them to be in due form, have effected their exchange today.

It is understood that the Agreed Minutes signed by the respective Plenipotentiaries at the last meeting during the negotiation of the Treaty, although not expressly included in the ratification, will have full force in the interpretation of the said Treaty.

In Witness Whereof, they have signed the present Protocol of Exchange and have affixed thereto their seals.

Done in duplicate in the Chinese and English languages in the city of Manila this twenty-fourth

陳公使答稱，因外僑登記及移民費等，由於其性質不能向本國國民征收，故認為并無換文以證實此項解釋之必要。

紀理諾副總統并稱，依照菲律賓政府之解釋，本約第九條所用「國民」一詞，包括美利堅合眾國之法人及團體在內。

陳公使同意所引「國民」一詞，包括美利堅合眾國之法人及團體在內。

中華民國三十六年四月十八日
即公曆一九四七年菲律賓共和國元
年四月十八日簽字於菲律賓馬尼拉
城。

中華民國駐菲律賓共和國特命全權
公使

陳質平（簽字）

菲律賓共和國副總統兼外交部長

愛爾比提歐紀理諾（簽字）

互換議定書

中華民國特命全權公使陳質平與
菲律賓共和國副總統兼外交部長
愛爾比提歐、紀理諾為互換
中華民國與
菲律賓共和國間於一千九百四十七
年四月十八日在馬尼刺所簽訂友好
條約之批准書事，爰特舉行會晤，
各將該約之批准書互相校閱，均屬
妥善，即於本日互換。

雙方了解：在該約談判最後一
次會議中，由雙方全權代表所簽署
之同意之會議紀錄，雖未明白列入
批准文件內，但在該約解釋上，應
有完全之效力。

上列代表爰於本互換議定書上
簽字蓋印，以昭信守。

本議定書用中文及英文分繕兩
份。

day of the tenth month of the thirty-sixth year of the Republic of China, corresponding to the twenty-fourth day of October in the year nineteen hundred and forty-seven, Anno Domini, and of the Independence of the Philippines the second.

(Signed) Chen Chih-ping

(Signed) Elpidio Quirino

中華民國三十六年十月二十四日即
公曆一千九百四十七年，菲律賓獨立
第二年十月二十四日於馬尼刺城

中華民國特命全權公使
陳質平 (簽字)

菲律賓共和國副總統兼外交部長
愛爾比提歐紀理諾 (簽字)

PROVISIONAL AIR AGREEMENT BETWEEN
THE REPUBLIC OF CHINA AND
THE REPUBLIC OF THE PHILIPPINES

Signed and exchanged on October 23, 1950;
Entered into force at same date.

1. Note from Dr. George K.C. Yeh, Chinese Minister of Foreign Affairs, to Mr. Manuel A. Adeva, Chargé d'Affaires, a.i. of the Philippine Legation

(Translation)

Taipei, Taiwan
October 23, 1950

Monsieur le Chargé d'Affaires,

I have the honor to refer to the recent conversations between us regarding your request for formal recognition by the Government of the Republic of China of the traffic rights of the Philippine Air Lines at Taipei on its Manila-Taipei-Tokyo route. In the course of the conversations, the following understandings have been reached:

1. The Government of the Republic of China authorizes the Philippine Air Lines to operate a commercial air route between Manila and Taipei via intermediate points. The Government of the Republic of the Philippines authorizes an airline to be designated by the Government of the Republic of China, to operate a commercial air route between Taipei and Manila via intermediate points.
2. The Government of the Republic of China agrees to grant permission to the Philippine Air Lines to extend its Manila-Taipei route to Tokyo, with rights to take on passengers and cargo for Tokyo, and discharge passengers and cargo from Tokyo, in Taipei. The

中菲空運臨時協定

三十九年十月二十三日簽換
同日生效

(一) 中華民國外交部部
長葉公超致菲律賓
駐華公使館代辦艾
德瓦先生照會

逕啓者：查本部曾與
貴代辦就所請中華民國政府正式承
認菲律賓航空公司在經營馬尼刺
——台北——東京航線中在台北享
受營業權利一事，舉行商談。在談
話過程中，已獲致下列諒解：

一、中華民國政府准許菲律賓
航空公司在馬尼刺與台北間經由中
間站經營一商業航線。菲律賓共和
國政府准許中華民國政府所將指定
之一航空機構在台北與馬尼刺間經
由中間站經營一商業航線。

二、中華民國政府同意特准菲
律賓航空公司將其馬尼刺——台北
航線延長至東京，並在台北享有裝
載客貨至東京，及卸除來自東京之
客貨之權利。菲律賓共和國政府同
意特准中華民國政府所將指定之一