



DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS

OFFICE OF THE SECRETARY

08 August 2019

MS. Linden Ashby A. Elane
88 Corporate Center, 141 Valero St.
cor. Sedeno St., Salcedo Village,
Makati City 1227

SUBJECT : FOI Request for Copy of the PH-US Exchange of Notes on the Reciprocal Employment for Diplomatic and Consular Missions

Dear Ms. Elane:

With reference to your request for information, attached herewith is a copy of the Agreement effected by exchange of notes dated at Washington September 20 and October 19, 1983 and which entered into force on October 19 1983.

Said copy of the subject Agreement was obtained from the *United States and Other International Agreements, Volume 35, Part 2, 1983-1984* published by the U.S. Government Printing Office in Washington in 1995, insofar as, despite diligent search, no physical copy of the same exists with the Treaty Archives of the Department of Foreign Affairs.

Respectfully yours,


MILLICENT CRUZ-PAREDES
Chief Coordinator

PHILIPPINES

Employment

*Agreement effected by exchange of notes
Dated at Washington September 20 and October 19, 1983;
Entered into force October 19, 1983.*

The Philippine Embassy to the Department of State

PASUGUAN NG PILIPINAS

EMBASSY OF THE PHILIPPINES

WASHINGTON, D.C.

The Embassy of the Philippines presents its compliments to the Department of State and has the honor to refer to the latter's Note dated 26 January 1963^[1] concerning the proposal that, on a reciprocal basis, dependents of officers and employees of diplomatic and consular missions in their two countries be authorized to be employed in each other's territory.

The Philippine Government is agreeable to this proposal subject to the following terms and conditions:

1. The dependents referred to in this agreement shall include the following:
 - a. spouses;
 - b. unmarried dependent children under 21 years of age; and
 - c. unmarried dependent children under 25 years of age in full attendance as students at the post-secondary educational institution.
2. Employment should not include any positions which have security related implications and any positions in the government.

In the case of dependents who seek employment, an official request must be made by their respective Embassies to their respective ministries of foreign affairs. Upon verifications of the status of the person as a dependent of an employee of their respective diplomatic or consular mission, the particular Embassy concerned will be informed by the Foreign Office that the dependent has permission to accept employment.

¹Not printed.

As to the dependents who obtain employment under this Agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations [¹] or in accordance with the Convention on the Privileges and Immunities of the United Nations, [²] or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby irrevocably waived by the sending state concerned. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Embassy further proposes that if these understandings are acceptable to the Government of the United States of America, this Note and the reply concurring therein shall constitute an agreement between the two governments which shall enter into force on the date of that reply Note and shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

The Embassy of the Philippines avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.



20 September 1983

¹ Done Apr. 18, 1961. TIAS 7502; 23 UST 3240.

² Done Feb. 13, 1946. TIAS 6900; 21 UST 1418.

The Department of State to the Philippine Embassy

The Department of State acknowledges receipt of the Embassy of the Philippines' Note dated September 20, 1983, which reads as follows:

"The Embassy of the Philippines presents its compliments to the Department of State and has the honor to refer to the latter's Note dated 26 January 1983 concerning the proposal that, on a reciprocal basis, dependents of officers and employees of diplomatic and consular missions to their two countries be authorized to be employed in each other's territory.

"The Philippine Government is agreeable to this proposal subject to the following terms and conditions:

- "1. The dependents referred to in this agreement shall include the following:
 - a. spouses;
 - b. unmarried dependent children under 21 years of age; and
 - c. unmarried dependent children under 25 years of age in full attendance as students at the post-secondary educational institution.
- "2. Employment should not include any positions which have security related implications and any positions in the government.

"In the case of dependents who seek employment, an official request must be made by their respective Embassies to their respective ministries of foreign affairs. Upon verifications of the status of the person as a dependent of an employee of their respective diplomatic or consular mission, the particular Embassy concerned will be informed by the Foreign Office that the dependent has permission to accept employment.

"As to the dependents who obtain employment under this Agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby irrevocably waived by the sending state concerned. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

"The Embassy further proposes that if these understandings are acceptable to the Government of the United States of America, this Note and the reply concurring therein shall constitute an agreement between the two governments which shall enter into force on the date of that reply Note and shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate."

The Department of State also appreciates the clarifications made in the Embassy's further Note, also dated September 20, 1983, which reads as follows:

"The Embassy of the Philippines presents its compliments to the Department of State and, with reference to the Embassy's Note dated 20 September 1983 relating to the proposed agreement on reciprocal employment of spouses and children, has the honor to make the following clarifications:

- "1. The citizenship of the dependent spouse and children need not be that of the sending state. However, the officer or employee concerned must be a citizen of the sending state.
- "2. Casual employees are not included in the agreement."

The Government of the United States accepts the proposal of the Government of the Philippines and agrees that the Philippine Embassy's Note and the Department of State's reply shall constitute an agreement between the governments of the Philippines and the United States.

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Department of State, October 19, 1983

Washington,