

CLAIMS

**Agreement Between the
UNITED STATES OF AMERICA
and the PHILIPPINES**

Effected by Exchange of Notes at
Manila and Pasay City
November 13 and December 18, 2014



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PHILIPPINES

Claims

*Agreement effected by exchange of notes at
Manila and Pasay City November 13 and
December 18, 2014;
Entered into force December 18, 2014.*

The Embassy of the United States of America (Embassy) presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines (Department) and has the honor to refer to note No. 14-2131, dated 13 June 2014, which sets out the request of the Government of the Republic of the Philippines for compensation for damage to the Tubbataha Reef caused by the grounding of the USS Guardian.

The above-referenced request for compensation has been reviewed by the United States Secretary of the Navy who has authorized an ex gratia payment of P87,033,570.71 (eighty-seven million thirty-three thousand five hundred seventy and 71/100 Philippine Pesos), as the amount requested by the Government of the Republic of the Philippines as appropriate compensation for damage to the Tubbataha Reef.

The Embassy has the honor to propose that the above-referenced amount, when fully paid as agreed, will constitute a full and final settlement of any and all claims by the Government of the Republic of the Philippines against the Government of the United States of America, its officers, agents and employees, for any and all damages and associated losses caused by the grounding of the USS Guardian on Tubbataha Reef on 17 January 2013.

The Embassy has the further honor to propose that that upon entry into force of this Agreement, the United States Secretary of the Navy will initiate payment of the above-referenced settlement amount, to be converted to U.S. dollars on the date payment is initiated through the U.S. Treasury. To process said payment, the Embassy requests the attached document concerning the financial institution and account to be used for payment be completed and returned.

If the foregoing proposals are acceptable to the Government of the Republic of the Philippines, the Embassy has the honor to propose that this note, and the Department's note in reply to that effect, shall constitute an Agreement between our two Governments to settle the Tubbataha Reef damage claim, which shall enter into force on the date of the Department's note in reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs of the Republic of the Philippines the assurances of its highest consideration.

Embassy of the United States of America,
Manila, November 13, 2014.



Bank Name:

Bank Address:

Account Number:

IBAN:

SWIFT Code:

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. 14-4501

The Department of Foreign Affairs of the Republic of the Philippines (Department) presents its compliments to the Embassy of the United States of America (Embassy) and has the honor to refer to Note No. 2078 dated 13 November 2014, which sets forth the conditions for payment of the claim submitted by the Government of the Republic of the Philippines in Note No. 14-2131 dated 13 June 2014.

The Department has the honor to inform the Embassy that the Government of the Republic of the Philippines accepts the proposals in Note No. 2078 dated 13 November 2014, agreeing that the amount of P87,033,570.71 (eighty-seven million thirty-three thousand five hundred seventy and 71/100 Philippine Pesos) requested by the Government of the Republic of the Philippines as appropriate compensation for the damage, when fully paid as agreed, will constitute a full and final settlement of any and all claims by the Government of the Philippines against the Government of the United States, its officers, agents and employees, for any and all damages and associated losses caused by the grounding of the USS Guardian on Tubbataha Reef on 17 January 2013; and that upon entry into force of this Agreement, the United States Secretary of the Navy will initiate payment of the above-referenced settlement amount. Please accept the completed financial institution document to process payment.

The Department confirms that the Embassy's note and this note in reply constitute an Agreement between the Government of the Republic of the Philippines and the Government of the United States of America which shall enter into force on the date of this note.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Pasay City, 18 December 2014

*Embassy of the United States of America
Manila*



Bank Name: Land Bank of the Philippines

Bank Address: LandBank Plaza, Malate, 1004 Manila, Philippines

Account Number: Treasurer of the Philippines FCD Dollar Account No. 0014-0087-21

SWIFT Code: TLBPPHMM