

FIFTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }

Senate  
Office of the Secretary

'12 FEB 28 P2:58

SENATE

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COMMITTEE REPORT NO. 131

Submitted by the Committee on Foreign Relations on  
FEB 28 2012

Re: P.S. Res. No. 733, prepared by the Committee

Recommending its approval without amendment.

Sponsor: Senator Legarda.

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**MR. PRESIDENT:**

The Committee on Foreign Relations, to which was referred the Agreement, entitled:

**“CONSULAR AGREEMENT  
BETWEEN THE REPUBLIC OF THE PHILIPPINES  
AND THE PEOPLE’S REPUBLIC OF CHINA”**

has considered the same and has the honor to report it back to the Senate with the recommendation that Proposed Senate Resolution No. 733, prepared by the Committee, entitled:

**“RESOLUTION  
CONCURRING IN THE RATIFICATION OF THE CONSULAR AGREEMENT  
BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE PEOPLE’S  
REPUBLIC OF CHINA”**

be approved without amendment.

Respectfully submitted:


  
**LOREN LEGARDA**  
Chair

Vice-Chair:

  
EDGARDO J. ANGARA

Members:

MIRIAM DEFENSOR SANTIAGO

  
FRANCIS "CHIZ" G. ESCUDERO

  
TEOFISTO L. GUINGONA III

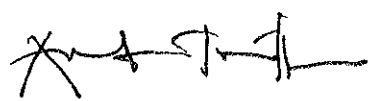
  
GREGORIO B. HONASAN II

FERDINAND R. MARCOS JR.

RALPH G. RECTO

  
RAMON BONG REVILLA JR.

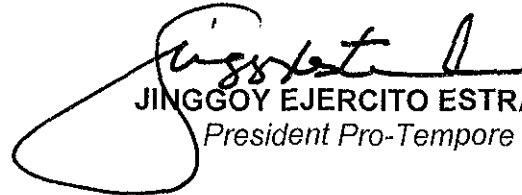
  
MANNY VILLAR

  
ANTONIO "SONNY" F. TRILLANES IV

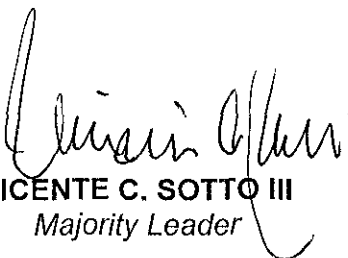
  
MANUEL "LITO" M. LAPID

  
AQUILINO "KOKO" PIMENTEL III

*Ex-Officio Members:*



**JINGGOY EJERCITO ESTRADA**  
*President Pro-Tempore*



**VICENTE C. SOTTO III**  
*Majority Leader*

**ALAN PETER "COMPANERO" S. CAYETANO**  
*Minority Leader*

**JUAN PONCE ENRILE**  
*President*  
Senate of the Philippines  
Pasay City

FIFTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
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Senate  
Office of the Secretary

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SENATE

P.S. RES. NO. 733 BY: *Per*

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Prepared by the Committee on Foreign Relations

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**RESOLUTION**  
**CONCURRING IN THE RATIFICATION OF THE CONSULAR AGREEMENT**  
**BETWEEN THE REPUBLIC OF THE PHILIPPINES**  
**AND THE PEOPLE'S REPUBLIC OF CHINA**

**WHEREAS**, the Constitution, Article VII, Section 21, states that, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate";

**WHEREAS**, the Agreement was signed on 29 October 2009 in Manila;

**WHEREAS**, under the Agreement, the consular post may be established with the consent of the receiving State and 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;

**WHEREAS**, the Philippines and China mutually undertake to accord full facilities for the performance of the functions of a consular post and extend privileges and immunities to consular officers and their family;

**WHEREAS**, the Agreement provides that it applies to Mainland China, Hong Kong Special Administrative Region of the People's Republic of China, and the Macao Special Administrative Region of the People's Republic of China;

**WHEREAS**, the President of the Philippines ratified the *Consular Agreement between the Republic of the Philippines and the People's Republic of China* on 31 March 2011 and has accordingly submitted it to the Senate for concurrence in accordance with the Philippine Constitution;

**WHEREAS**, in the hearing conducted by the Senate Committee on Foreign Relations on 23 February 2012, the following government agencies and non-government organizations endorsed the concurrence in the ratification of the *Consular Agreement between the Republic of the Philippines*

*and the People's Republic of China:*

1. Department of Foreign Affairs (DFA);
2. Department of Labor and Employment (DOLE);
3. Department of Trade and Industry (DTI);
4. Overseas Workers Welfare Administration (OWWA);
5. Philippine Overseas Employment Administration (POEA);
6. Center for Migrant Advocacy Philippines (CMA); and
7. Philippine Migrants Rights Watch.

**NOW, THEREFORE,** be it resolved that the Senate of the Philippines concur, as it hereby concurs, in the ratification of the *Consular Agreement between the Republic of the Philippines and the People's Republic of China.*

*Adopted,*

  
**LOREN LEGARDA**  
*Chair*

MALACAÑANG  
MANILA

INSTRUMENT OF RATIFICATION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the Consular Agreement between the Republic of the Philippines and the People's Republic of China was signed on 29 October 2009 in Manila;

WHEREAS, the Agreement seeks to facilitate the establishment of consular posts, the grant of privileges and immunities to members of the consular posts, protection of the rights and interests of their state nationals, and promote friendly relations and cooperation between the Philippines and China. The provisions are based primarily on the Vienna Convention on Consular Relations;

WHEREAS, under the Agreement, the consular post may be established with the consent of the receiving State and 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;

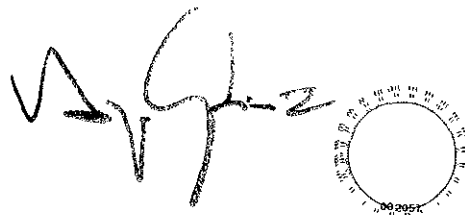
WHEREAS, the Philippines and China mutually undertake to accord full facilities for the performance of the functions of a consular post and extend privileges and immunities to consular officers and their family members. These include their personal inviolability and exemption from personal services, public services military obligations, taxes, customs duties and inspections;

WHEREAS, the Agreement provides that it applies to Mainland China, Hong Kong Special Administrative Region of the People's Republic of China, and the Macao Special Administrative Region of the People's Republic of China.

NOW, THEREFORE, be it known that I, BENIGNO S. AQUINO III, President of the Philippines, after having seen and considered the Consular Agreement between the Republic of the Philippines and the People's Republic of China, do hereby ratify and confirm the same and each and every Paragraph and Clause thereof

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 31<sup>st</sup> day of March in the year of our Lord Two thousand and eleven.



BY THE PRESIDENT:

  
ALBERT F. DEL ROSARIO  
Acting Secretary of Foreign Affairs



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,

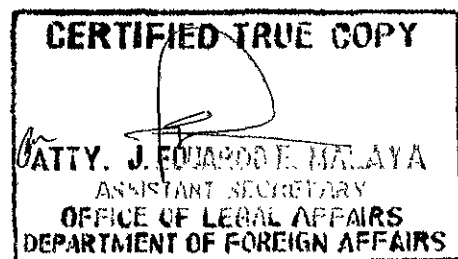
Have decided to conclude the present Consular Agreement and have agreed as follows:

CHAPTER I

DEFINITION

Article I

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;

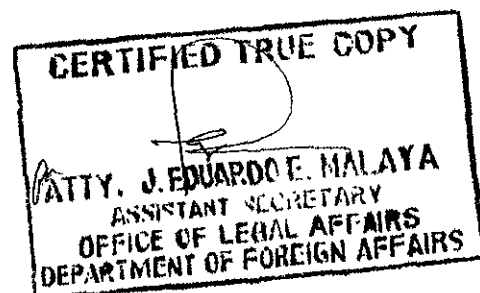
(g) "members of the consular post" means consular officers, administrative and technical staff and service staff of the consular post;

(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

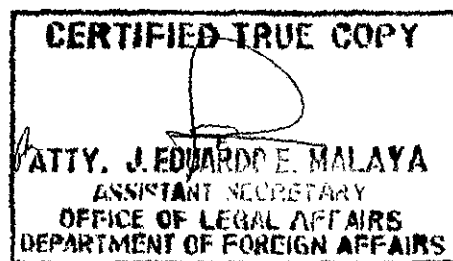
##### Establishment of a Consular Post

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,

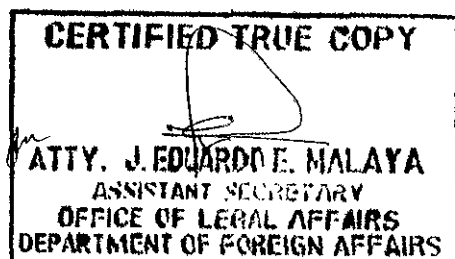


forward to the receiving State a note of appointment of the head of a consular post. This note shall specify the full name and rank of the head of the consular post, seat and classification of the consular post and the consular district.

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.

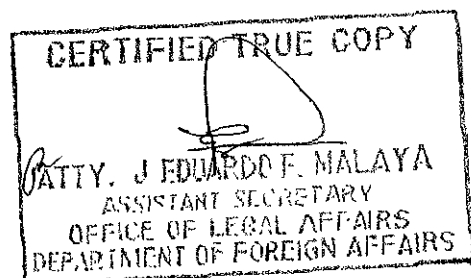
3. A diplomatic officer designated as the acting head of a consular post shall continue to enjoy such diplomatic privileges and immunities as due to him.

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

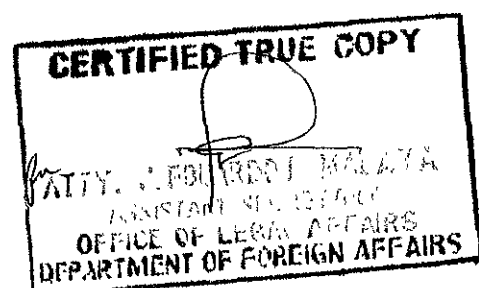
The competent authorities of the receiving State shall, in accordance with its regulations, issue relevant identity cards to the members of the consular post and their family members, except those who are nationals or permanent residents of the receiving State.

#### 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.

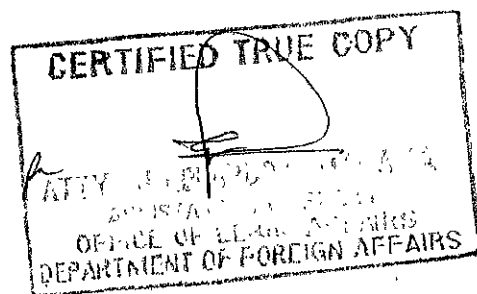
#### CHAPTER III

##### 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

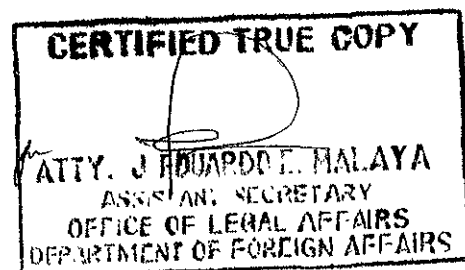
1. A consular officer shall be entitled to:

(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

##### Issuance of Passports and Visas

A consular officer shall be entitled to:

(a) receive applications for and issue passports or other travel documents to nationals of the sending State and endorse or invalidate the said passports or documents;

(b) receive applications for and issue visas to persons who will go to or pass through the sending State and endorse or invalidate the said visas.

#### Article 12

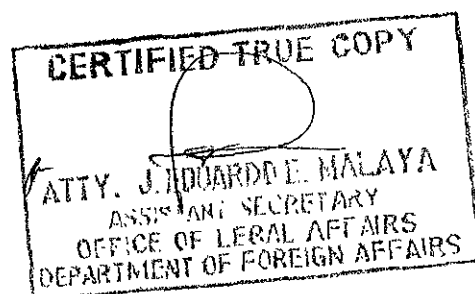
##### Notarization and Authentication

1. A consular officer shall be entitled to:

(a) draw up documents of a person of any nationality for use in the sending State upon the request of that person;

(b) draw up documents of a national of the sending State for use outside the sending State upon the request of that national;

(c) translate documents into the official language of the sending State or of the receiving State and certify that the translation is in conformity with the original;



(d) carry out other notarial functions which are authorized by the sending State, and to which no objection is taken by the receiving State;

(e) authenticate signatures and seals on documents issued by the authorities concerned of the sending State or of the receiving State.

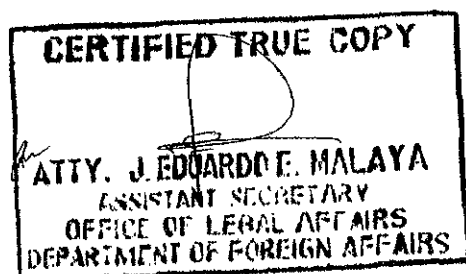
2. When used in the receiving State, the documents drawn up, certified or authenticated by consular officers in accordance with the laws and regulations of the receiving State shall have the same validity and effect as the documents drawn up, certified or authenticated by the competent authorities of the receiving State.

3. A consular officer shall be entitled to receive or take into temporary custody the certificates and documents of a national of the sending State provided that this is not incompatible with the laws and regulations of the receiving State.

### Article 13

#### Notification of Detention and Arrest and Visit

1. If a national of the sending State is detained, arrested or deprived of freedom by any other means in the consular district by the competent authorities of the receiving State, the said authorities shall, whether the national requests it or not, notify the consular post within four days, of the fact and reasons





for which the national has been detained, arrested or deprived of freedom by any means.

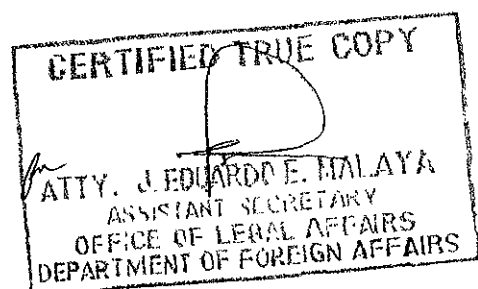
2. A consular officer shall be entitled to visit a national of the sending State who is under detention, arrest or deprived of freedom by any other means, to converse or communicate with him in any language or dialect known to the said detained national relating to his condition and his case and to arrange legal assistance for him. The competent authorities of the receiving State shall make arrangements for the visit to the said national by a consular officer as soon as possible and, within three days of notification to the consular posts of his detention, arrest or deprivation of freedom. These visits may be made on a recurring basis at the request of the consular officer. Nevertheless, the consular officers shall refrain from taking action if the national who is under detention and arrest or is deprived of freedom by any other means expressly objects to such action in writing.

3. A consular officer shall be entitled to visit a national of the sending State who is serving a sentence.

4. Members of the family of the national of the sending State shall likewise be entitled to jail visits, subject to pertinent laws and regulations of the receiving State.

5. The competent authorities of the receiving State shall inform the above-mentioned national of the sending State of the provisions under paragraphs 1, 2, 3 and 4 of this Article.

6. A consular officer shall comply with the relevant laws and regulations of the receiving State in performing the



functions provided for in this Article. Nevertheless, the application of the relevant laws and regulations of the receiving State shall not restrict the implementation of the rights provided for in this Article.

#### Article 14

##### Guardianship and Trusteeship

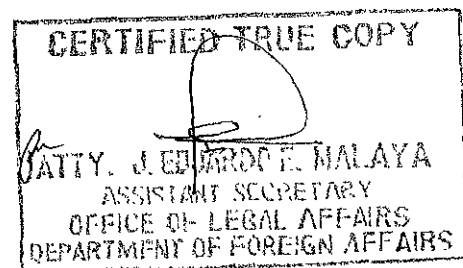
1. The competent authorities of the receiving State shall notify the consular post when a guardian or trustee is required for a national, including a minor, of the sending State in the consular district who has no capacity or limited capacity to act on his own behalf.

2. A consular officer shall be entitled to protect, to the extent permitted by the laws and regulations of the receiving State, the rights and interests of a national, including a minor, of the sending State who has no capacity or limited capacity to act on his own behalf, and when necessary, to recommend or designate a guardian or trustee to the person concerned and supervise the activities pertaining to guardianship or trusteeship.

#### Article 15

##### Assistance to Nationals of the Sending State

1. A consular officer shall be entitled to:
  - (a) communicate and meet with any national of the sending



State in the consular district, and the receiving State shall neither restrict communication between nationals of the sending State and a consular post nor restrict their access to the consular post;

(b) ascertain conditions in life and work of a national of the sending State in the receiving State and provide him with all necessary assistance;

(c) request the competent authorities of the receiving State to ascertain the whereabouts of a national of the sending State, and the competent authorities of the receiving State shall do everything possible to provide the relevant information;

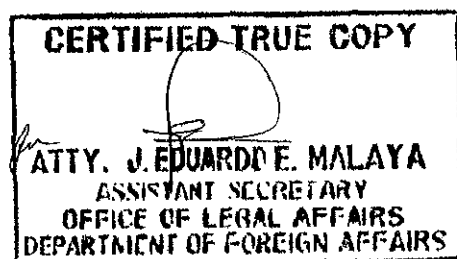
(d) receive and take into temporary custody money or valuables of a national of the sending State in accordance with the laws and regulations of the receiving State.

2. In case a national of the sending State is not in the locality or for any other reason is unable in time to defend his own rights and interests, a consular officer may represent him before the court or other competent authorities of the receiving State or arrange for him an appropriate representative in accordance with the laws and regulations of the receiving State until he designates his own representative or is able to assume the defence of his own rights and interests.

#### Article 16

#### Notification on Deaths

Upon learning of the death of a national of the sending State



in the receiving State, the competent authorities of the receiving State shall inform the consular post as soon as possible, and provide upon the request of the consular post a death certificate or a copy of other document certifying the death.

#### Article 17

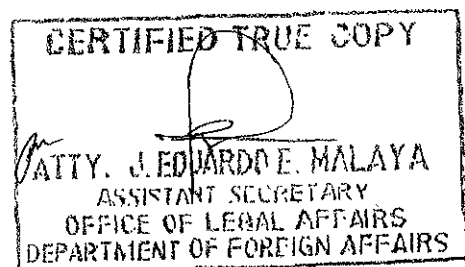
##### Functions Concerning Estate

1. If a deceased national of the sending State has left an estate in the receiving State and there is no heir or testamentary executor in the receiving State, the competent authorities of the receiving State shall promptly inform the consular post.

2. A consular officer shall be entitled to be present when an estate as referred to in paragraph 1 of this Article is being inventoried and sealed by the competent authorities of the receiving State.

3. If a national of the sending State as an heir or legatee is entitled to inherit or receive an estate or bequeathed gift of a deceased of any nationality in the receiving State and if such a person is not in the territory of the receiving State, the competent authorities of the receiving State shall inform the consular post about such inheritance or reception of estate or bequeathed gift by the said person.

4. In case a national of the sending State has or claims to have a right to inherit an estate in the receiving State but

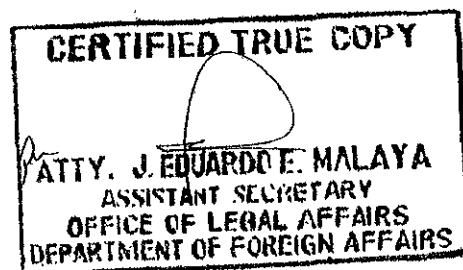


neither he nor his representative is able to be present at the inheritance proceedings, a consular officer may represent the national before the court or other competent authorities of the receiving State, upon the express authorization of the said national, subject to pertinent laws and regulations of the receiving State.

5. A consular officer shall be entitled, on behalf of a national of the sending State who is not a permanent resident in the receiving State, to receive for transmission to that national, upon his express authorization, any estate or bequeathed gift in the receiving State, which is due to that national.

6. If a national of the sending State who is not a permanent resident in the receiving State dies during a temporary stay in or transit through the receiving State, and if there is no relative or representative of his in the receiving State, a consular officer shall be entitled to immediately take into provisional custody all the documents, money and personal effects which were with the deceased national for transmission to his heir, testamentary executor or other persons authorized to receive the assets.

7. A consular officer shall comply with the laws and regulations of the receiving State in performing his functions as referred to in paragraphs 4, 5 and 6 of this Article.



Article 18

Assistance to Vessels of the Sending State

1. A consular officer shall be entitled to render assistance to vessels of the sending State which are in the internal or territorial waters of the receiving State, and to their master and crew members, and also:

(a) to board a vessel when free access to shore has been granted to the vessel, question the master and any member of the crew and receive reports on the vessel, its cargo and voyage;

(b) to investigate any accident which occurred during the voyage on the premise that this does not prejudice the power of the competent authorities of the receiving State;

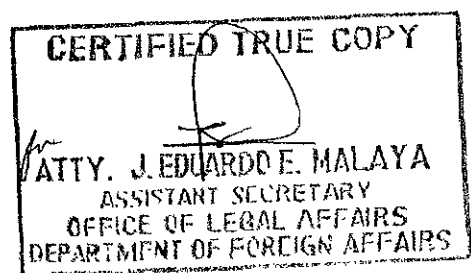
(c) to settle disputes between the master and the crew insofar as this may be authorized by the laws and regulations of the Sending State;

(d) to receive visits from the master or any member of the crew, and, when necessary, make arrangements for his medical treatment or repatriation;

(e) to receive, examine, draw up, sign or authenticate documents with regard to a vessel;

(f) to handle other matters relating to a vessel, which are entrusted by the competent authorities of the sending State.

2. The master and any member of the crew may contact a consular officer. They may go to the consular post on the premise of no contravention of the laws and regulations of the receiving State concerning the administration of ports and aliens.



Article 19

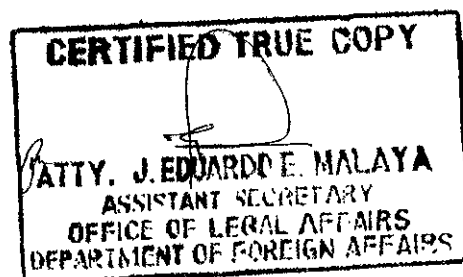
Protection in Case of Compulsory Actions  
Against a Vessel of the Sending State

1. In case the courts or other competent authorities of the receiving State intend to take compulsory actions or start an official investigation with regard to a vessel or aboard a vessel of the sending State, those authorities shall notify the consular post in advance so as to enable a consular officer or his representative to be present when actions are taken. If the urgency of the matter prevents prior notification, the competent authorities of the receiving State shall notify the consular post immediately after the actions have been taken and promptly provide him with full particulars of the said actions.

2. The provisions of paragraph 1 of this Article shall apply to similar actions taken on shore by the competent authorities of the receiving State against the master of a vessel or any member of the crew.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply to any routine inspection carried out by the competent authorities of the receiving State in relation to customs, administration of ports, quarantine or border check, nor to measures taken by such authorities to ensure navigation safety on sea or the prevention of pollution of waters.

4. Except upon the request or with the consent of the master of a vessel of the sending State or of a consular officer,



the competent authorities of the receiving State shall not interfere in the internal affairs of the vessel, when the peace, security and public order of the receiving State are not violated.

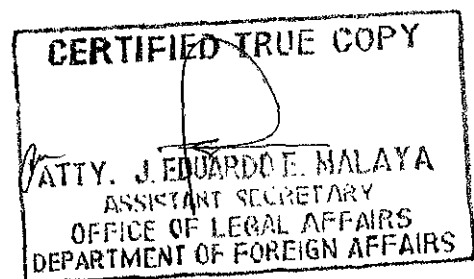
Article 20

Assistance to Wrecked Vessels of the Sending State

1. If a vessel of the sending State suffers an accident in the internal or territorial waters of the receiving State, the competent authorities of the receiving State shall notify the consular post as soon as possible and inform it of the measures taken for rescuing the persons aboard, the vessel and its cargo and other properties.

2. A consular officer shall be entitled to take measures to render assistance to any wrecked vessel of the sending State and its crew and passengers and to request assistance from the authorities of the receiving State in this connection.

3. If a wrecked vessel of the sending State or its articles or cargo are found near the coast of, or are brought into a port of the receiving State and neither the master nor the owner of the vessel, nor any agent of the vessel company or of its insurance company is present or is in a position to take measures for their preservation or disposal, the competent authorities of the receiving State shall inform the consular post as promptly as possible. A consular officer may take appropriate measures on behalf of the owner of the vessel.





4. A wrecked vessel of the sending State and its cargo and articles shall not be subjected to customs duties or other similar charges by the receiving State provided they are not delivered for sale or for use in the receiving State.

#### Article 21

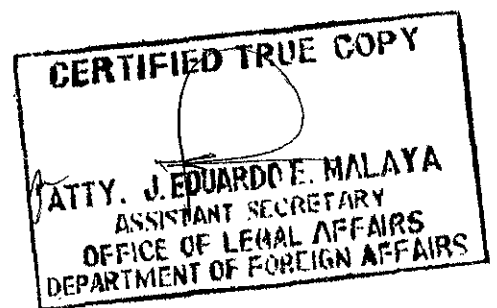
##### Aircraft of the Sending State

The provisions of this Agreement concerning vessels of the sending State shall apply to aircraft of the sending State provided that such application does not contravene the provisions of bilateral agreements in force between the sending State and the receiving State or of multilateral agreements to which both States are parties, as well as the provisions of any air service agreement concluded between the government of the Republic of the Philippines and the governments of Hong Kong and Macao Special Administrative Regions of the People's Republic of China.

#### Article 22

##### Transmitting Judicial Documents

A consular officer shall be entitled to transmit judicial and extra-judicial documents to the extent permitted by the laws and regulations of the receiving State, subject to the operation of the existing agreements between the sending State and the receiving State.



Article 23

Area for Performance of Consular Functions

A consular officer shall perform his functions only in his consular district. With the consent of the receiving State, he may also perform his functions outside the consular district.

Article 24

Communication with the Authorities of the Receiving State

In the exercise of his functions, a consular officer may communicate with the competent local authorities in his consular district and when necessary, the competent central authorities of the receiving State to the extent permitted by the laws, regulations and usages of the receiving State.

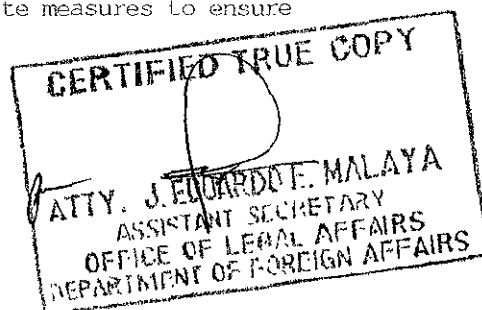
CHAPTER IV

FACILITIES, PRIVILEGES AND IMMUNITIES

Article 25

Facilities for a Consular Post

1. The receiving State shall accord full facilities for the performance of the functions of a consular post.
2. The receiving State shall treat members of a consular post with due respect and take appropriate measures to ensure



the smooth performance of functions by such members and their rights, facilities, privileges and immunities as provided for in this Agreement.

#### Article 26

##### Acquisition of Consular Premises and Residences

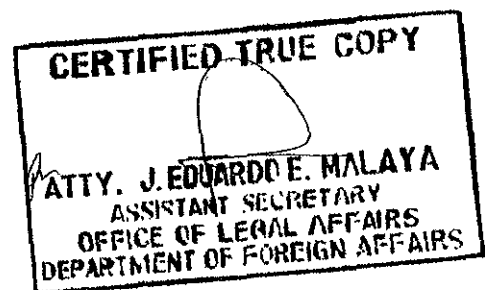
1. To the extent permitted by the laws and regulations of the receiving State, the sending State or its representative shall have the right to:

(a) purchase, lease or acquire in any other way a building or a part of a building and the land ancillary thereto for use as the consular premises and the residences of the members of the consular post, excluding the residences of those members who are nationals or permanent residents of the receiving State;

(b) to construct or improve buildings on the land acquired.

2. The receiving State shall assist the sending State in acquiring consular premises and, when necessary, in acquiring appropriate residences for members of the consular post.

3. In the exercise of their rights provided for in paragraph 1 of this Article, the sending State or its representative shall comply with the laws and regulations of the receiving State concerning land, construction and city planning.



Article 27

Use of the National Flag and Emblem

1. The sending State shall have the right to place on the consular premises its national emblem and the designation of the consular post in the languages of the sending and of the receiving States.

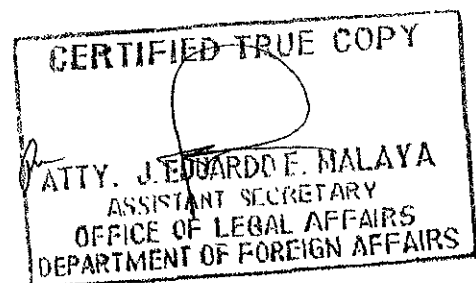
2. The sending State shall have the right to fly its national flag on the consular premises, the residence of the head of a consular post and the means of transport used in the performance of his official duties.

Article 28

Inviolability of Consular Premises and  
the Residences of Consular Officers

1. Consular premises and the residences of consular officers shall be inviolable. The authorities of the receiving State may not enter the consular premises and the residences of consular officers without the consent of the head of the consular post or the head of the diplomatic mission of the sending State in the receiving State, or of a person designated by one of them. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

2. The receiving State shall take all necessary measures



to protect the consular premises and the residences of consular officers against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 29

Immunity from Requisition of Consular Premises

The consular premises, their furnishings and the property and means of transport of the consular post shall be immune from any form of requisition.

Article 30

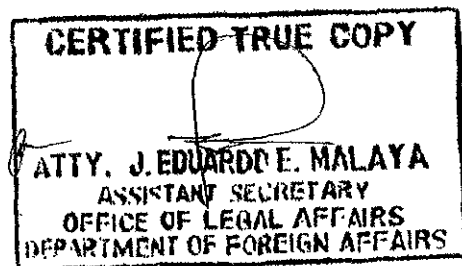
Inviolability of the Consular Archives

The consular archives shall be inviolable at all times and wherever they may be.

Article 31

Freedom of Communication

1. The receiving State shall permit and protect freedom of communication by a consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts of the sending State, the consular post may employ all appropriate means of communication, including messages in cipher or code, diplomatic or consular couriers and

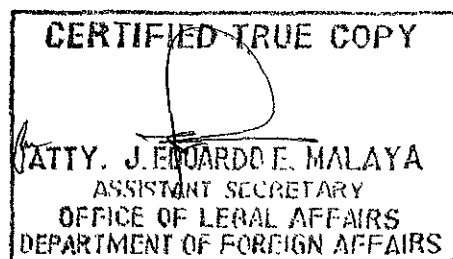


diplomatic or consular bags. However, the consular post may install and use a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consular post shall be inviolable. The consular bag shall neither be opened nor detained. The consular bag must bear visible external marks of its character and may contain nothing other than official correspondence, official documents and articles intended exclusively for official use.

3. The consular courier shall only be a national of the sending State, and not be a permanent resident of the receiving State. He shall be provided with an official document certifying his status. He shall enjoy the same rights, facilities, privileges and immunities in the receiving State as enjoyed by a diplomatic courier.

4. A consular bag may be entrusted to the captain of an aircraft or a vessel of the sending State. But he shall be provided with an official document indicating the number of packages constituting the bag, however, he shall not be considered as a consular courier. By arrangement with the appropriate authorities of the receiving State, a member of the consular post may directly and freely collect the bag from or deliver it to him.



Article 32

Consular Fees and Charges

1. A consular post may, in the territory of the receiving State, levy fees and charges for consular acts in accordance with the laws and regulations of the sending State.

2. The fees and charges referred to in paragraph 1 of this Article and their receipts shall be exempt from all dues and taxes of the receiving State.

3. The receiving State shall permit a consular post to remit to the sending State the income from the fees and charges referred to in paragraph 1 of this Article.

Article 33

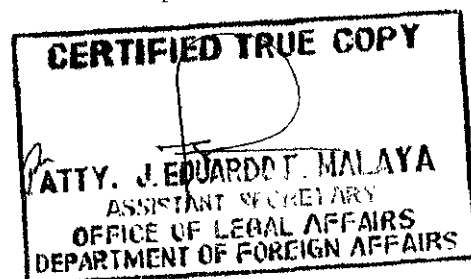
Freedom of Movement

Subject to the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated, members of the consular post shall enjoy freedom of movement and travel in that State.

Article 34

Personal Inviolability of Consular Officers

The person of consular officers shall be inviolable, and they shall not be liable to any form of detention or arrest. The receiving State shall take appropriate measures to prevent



any attack on their freedom of person and dignity.

#### Article 35

#### Immunity from Jurisdiction

1. A consular officer shall be immune from the judicial or administrative jurisdiction of the receiving State, except in civil proceedings:

(a) arising out of a contract concluded by a consular officer in which he did not contract expressly as an agent of the sending State;

(b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft;

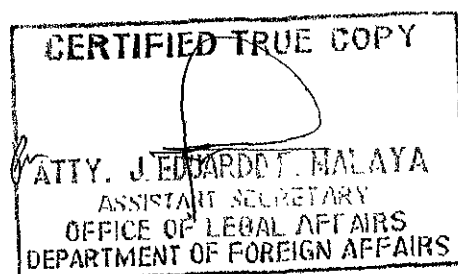
(c) concerning private immovable property in the receiving State, unless a consular officer is holding it in the capacity of representative of the sending State and for the purposes of the consular post;

(d) concerning private succession;

(e) arising out of any professional or commercial activities in the receiving State by a consular officer outside of his official functions.

2. The receiving State shall not take measures of execution against a consular officer except in cases referred to in paragraph 1 of this Article. In the event of taking such measures in such cases, the inviolability of the person and residence of the consular officer shall not be impaired.

3. Members of the administrative and technical staff and





of the service staff of the consular post shall be immune from the jurisdiction of the judicial or administrative authorities of the receiving State in respect of any act in the performance of their functions, except in the civil proceedings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

#### Article 36

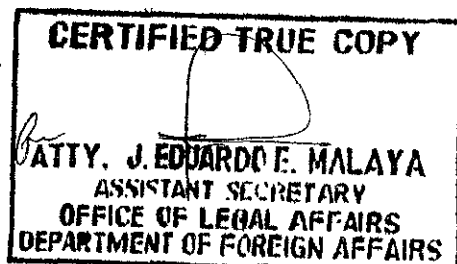
##### Liability to Give Evidence

1. A consular officer is under no obligation to give evidence as a witness.

2. A member of the administrative and technical staff or of the service staff of the consular post may be called upon to give evidence in the course of judicial or administrative proceeding of the receiving State. He shall not, except in the cases referred to in paragraph 3 of this Article, decline to give evidence.

3. A member of the administrative and technical staff or of the service staff of the consular post is under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce any official correspondence or documents relating thereto. He is entitled to decline to give evidence as expert witness with regard to the law of the sending State.

4. The competent authorities of the receiving State requiring the evidence of a member of the administrative and technical staff or of the service staff of the consular post



shall avoid interference with the performance of his functions. They may, when possible, take such evidence at his residence or at the consular premises or accept a statement from him in writing.

#### Article 37

##### Exemption from Services and Registration of Aliens and Residence Permits

1. A member of the consular post shall be exempt in the receiving State from any kind of personal services, public services and military obligations.

2. A consular officer and a member of the administrative and technical staff of the consular post shall be exempt from all obligations under the laws of the receiving State concerning the registration of aliens and residence permits.

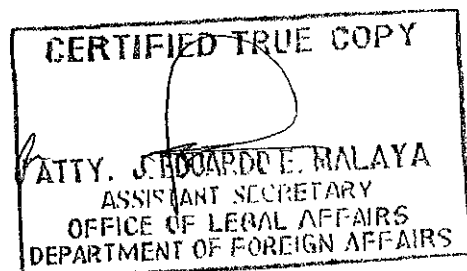
#### Article 38

##### Exemption of Properties from Taxation

1. On a reciprocal basis and to the extent permitted by the laws and regulations of the receiving State, the following shall be exempt from all dues and taxes:

(a) consular premises and residences of the members of a consular post acquired in the name of the sending State or its representative and transactions or instruments related thereto;

(b) consular facilities and means of transport acquired



exclusively for official purposes as well as their acquisition, possession or maintenance.

2. The provisions of paragraph 1 of this Article shall not apply in respect of:

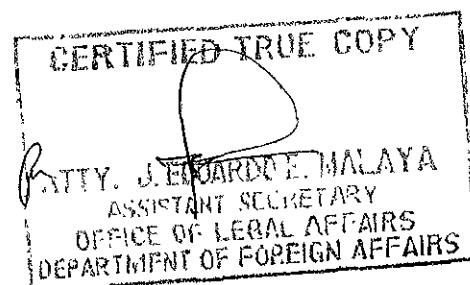
- (a) charges levied for specific services;
- (b) dues and taxes collectable under the laws and regulations of the receiving State from a person who concludes a contract with the sending State or its representative.

#### Article 39

##### Exemption of Members of the Consular Post from Taxation

1. Consular officers and members of the administrative and technical staff of the consular post shall be exempt from all national, regional or municipal dues and taxes of the receiving State on person or object, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of commodities or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, subject to the provisions in sub-paragraph (a) of paragraph 1 of Article 38 of this Agreement;
- (c) estate and inheritance duties and duties on transfers, subject to the provisions of Article 43 of this Agreement;
- (d) dues and taxes on private income other than the income acquired from their official functions in the receiving State;



(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of paragraph 1 of Article 38 of this Agreement.

2. Members of the service staff of the consular post shall be exempt from dues and taxes in the receiving State on their wages which they receive for their services at the post.

#### Article 40

##### Exemption from Customs Duties and Inspection

1. The receiving State shall, in accordance with its laws and regulations, permit entry and exit of and grant exemption from all customs duties other than charges, for storage, cartage and similar services, on:

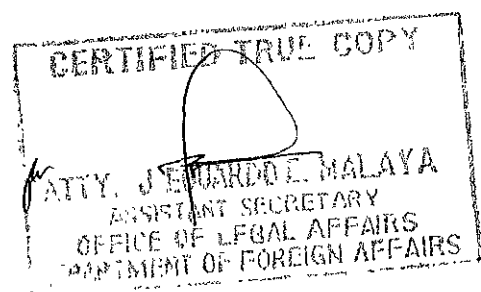
(a) articles for the official use of a consular post;

(b) articles for the personal use of a consular officer;

(c) articles imported at the time of first installation for the personal use of a member of the administrative and technical staff of the consular post, including household articles intended for his establishment.

2. Articles referred to in sub-paragraphs (b) and (c) of paragraph 1 of this Article shall not exceed the quantities necessary for direct use by the person concerned.

3. Personal baggage of a consular officer shall be exempt from customs inspection. It may be inspected by the competent authorities of the receiving State only if there is serious

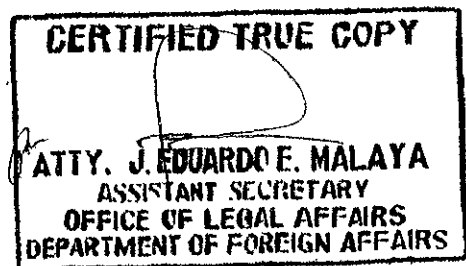


reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which are prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer concerned or his representative.

#### Article 41

##### Privileges and Immunities of Family Members

Family members of a consular officer and family members of a member of the administrative and technical staff of the consular post shall enjoy respectively the privileges and immunities to which the consular officer and the member of the administrative and technical staff are respectively entitled under the provisions of this Agreement. Family members of a member of the service staff of the consular post shall enjoy the privileges and immunities to which the member of service staff is entitled under paragraph 1 of Article 37 of this Agreement, except those who are nationals or permanent residents of the receiving State, or who carry on any private gainful occupation in the receiving State.



Article 42

Persons Who Shall Not Enjoy  
Privileges and Immunities

1. Members of the administrative and technical staff or of the service staff of the consular post who are nationals or permanent residents of the receiving State shall not enjoy the privileges and immunities provided for in this Agreement, subject to the provisions of paragraph 3 of Article 36 of this Agreement.

2. Family members of the persons mentioned in paragraph 1 of this Article shall not enjoy the privileges and immunities provided for in this Agreement.

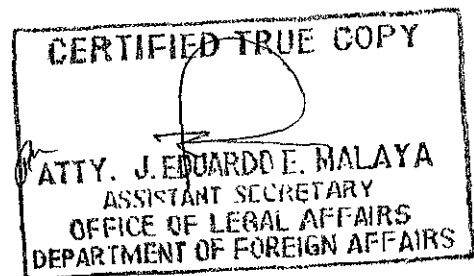
Article 43

Estate of Member of the Consular Post

In the event of the death of a member of a consular post or a member of his family, the receiving State shall:

(a) permit the export of the movable property of the deceased except any such property acquired by the deceased in the territory of the receiving State the export of which was prohibited at the time of his death;

(b) exempt the movable property of the deceased from estate duties and all duties concerned.



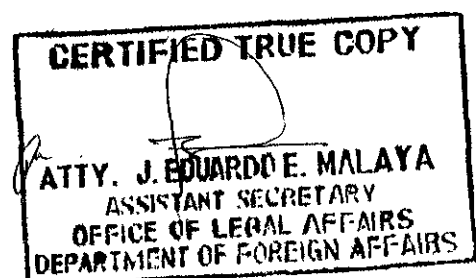
Article 44

Beginning and End of Privileges  
and Immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in this Agreement from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Family members of a member of the consular post shall enjoy the privileges and immunities provided in this Agreement from the date from which he enjoys privileges and immunities, or from the date of their entry into the territory of the receiving State or from the date of their becoming such family members in the case of their entry or becoming such family members after the date from which he enjoys privileges and immunities.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of his family members shall cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is sooner. The privileges and immunities of the family members of a member of the consular post shall come to an end when they cease to be the said family members. However if such persons intend to leave the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their



departure.

4. In the event of the death of a member of the consular post, his family members shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period in which to do so.

5. However, with respect to acts performed by a member of the consular post in the exercise of his functions during his tenure of office, immunity from jurisdiction shall continue to subsist without limitation of time.

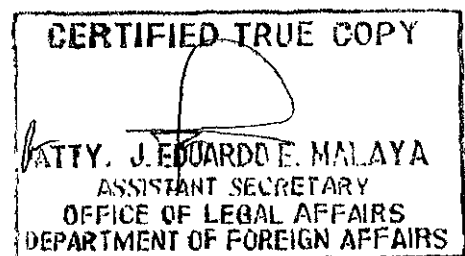
#### Article 45

##### Waiver of Privileges and Immunities

1. The sending State may waive any of the privileges and immunities enjoyed by the persons concerned under Article 35 and 36 of this Agreement. The waiver shall in all cases be explicit and shall be communicated to the receiving State in writing.

2. The initiation of proceedings by a person in a matter where he might enjoy immunity from jurisdiction under this Agreement shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

3. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the execution of





judicial decision. In respect of such execution, a separate waiver of immunity in writing shall be necessary.

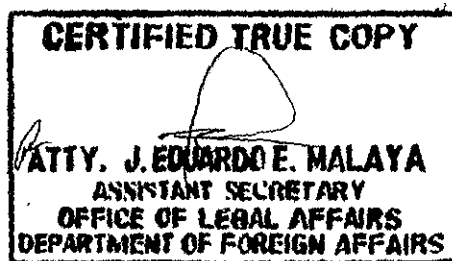
CHAPTER V

GENERAL PROVISIONS

Article 46

Respect for the Laws and Regulations of  
the Receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities as provided in this Agreement to respect the laws and regulations of the receiving State, including those governing traffic rules and regulations. They also have the duty not to interfere in the internal affairs of the receiving State.
2. Consular premises shall not be used for any purposes incompatible with the performance of consular functions.
3. A consular post, members of the consular post and their family members shall comply with the laws and regulations of the receiving State concerning vehicle insurance.
4. Members of the consular post who are sent by the sending State to the receiving State shall not engage in any professional or commercial activities in the receiving State other than their official functions.



Article 47

Exercise of Consular Functions  
by Diplomatic Missions

1. The diplomatic mission of the sending State in the receiving State may perform consular functions. The rights and obligations of consular officers provided for in this Agreement shall apply to diplomatic personnel of the sending State charged with consular functions.

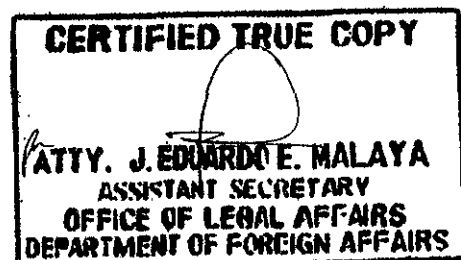
2. The diplomatic mission of the sending State shall notify the Foreign Ministry of the receiving State of the names and ranks of the diplomatic personnel charged with consular functions.

3. Diplomatic personnel charged with consular functions shall continue to enjoy such rights, facilities, privileges and immunities as due to them by virtue of their diplomatic status.

Article 48

Applicability of Other International Agreements

The Contracting Parties affirm the provisions of the Vienna Convention on Consular Relations done at Vienna, 24 April 1963, and agree that all matters not expressly covered by this Agreement shall continue to be governed by the Vienna Convention on Consular Relations.



Article 49

Applicability of the Agreement

This Agreement shall simultaneously apply to the Hong Kong Special Administrative Region of the People's Republic of China and the Macao Special Administrative Region of the People's Republic of China.

Article 50

Consultations

The Contracting Parties agree to meet from time to time for consular consultations to review the consular relationship. Either Party may seek consultations on individual consular matters whenever necessary.

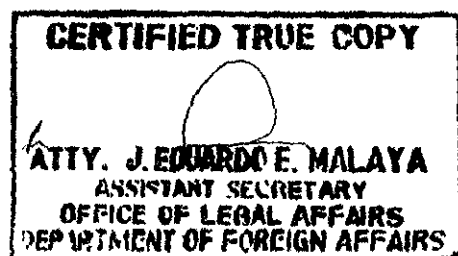
CHAPTER VI

FINAL PROVISIONS

Article 51

Ratification, Entry into Force  
and Termination

1. This Agreement shall be subject to ratification. The exchange of instruments of ratification shall take place in \_\_\_\_\_. The present Agreement shall enter into force on the thirtieth day from the date of the exchange of instruments of ratification.

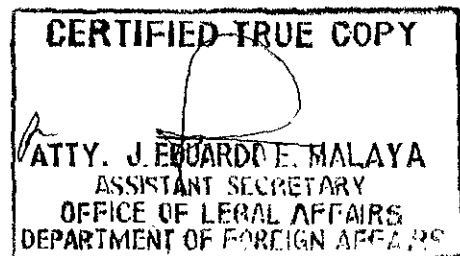


2. This Agreement shall remain in force indefinitely until the expiration of six months from the date on which one of the Contracting Parties gives to the other Contracting Party written notification of its intention to terminate the Agreement.

DONE at Manila, on this 29<sup>th</sup> day of October 2009, in duplicate in the English and Chinese languages, both texts being equally authentic.

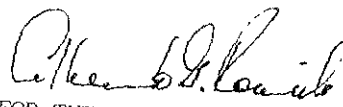
FOR THE REPUBLIC OF THE  
PHILIPPINES

FOR THE PEOPLE'S REPUBLIC  
OF CHINA

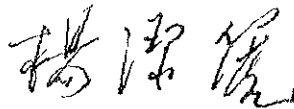


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FOR THE REPUBLIC OF THE  
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FOR THE PEOPLE'S REPUBLIC  
OF CHINA

