BILATERAL

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF CHILE ON THE RECIPROCAL EMPLOYMENT OF FAMILY DEPENDENTS OF DIPL...

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Note N°116/95

MANILA, November 20, 1995

His Excellency:

I have the honour of addressing Your Excellency in order to propose to Your Government, on behalf of the Government of the Republic of Chile, a Reciprocity Agreement between both our countries, in the following terms:

1. Family dependents of the diplomatic, consular, administrative and technical personnel of Diplomatic and Consular Missions of the Republic of Chile in the Philippines and of the Republic of the Philippines in Chile, shall be authorized to carry out gainful activities in the receiving State under the same conditions as nationals of such State, subject to the proper authorization being obtained pursuant to the provisions of this Agreement. Such benefit shall also extend to family dependents of Chilean or Philippine nationals accredited to International Organizations with headquarters in either country.

2. For the purposes of this Agreement, the following shall be understood as family dependents: (a) The spouse, (b) Unmarried children under 21 years or under 25 years of age who follow full-time studies in any higher education institution; (c) Unmarried children, regardless of age, who suffer any physical or mental disability.

3. There shall be no restrictions as to the nature or type of job to be carried out. Provided, however, that in those professions or activities that require special qualifications, it shall be necessary for the family dependent to meet the rules prescribed for the exercise of such profession or activity in the receiving State. Likewise, authorization may be withheld in those cases where, by security reasons, only nationals of the receiving State can be hired.

4. The application for authorization to carry out a gainful activity shall be filed by the respective Diplomatic Mission through a Note Verbale sent to the Directorate of the Ceremonial and Protocol of the Ministry of Foreign Affairs of the receiving State. Such application shall specify the family relationship of the concerned person with the officer of whom he/she is a dependent and the gainful activity intended to be carried out. Once the status/accreditation of family dependent has been confirmed under the terms defined in this Agreement, the Ministry of Foreign Affairs of the receiving State shall forthwith report to the Embassy of the sending State that such person has been authorized to work, subject to the regulations in force in the receiving State.

5. No family dependent who carries out gainful activities hereunder shall enjoy any civil or administrative immunities if legal actions are brought against him/her in respect of acts or contracts directly related to the performance of such activities.

6. In the event that a family dependent who enjoys immunity from criminal jurisdiction in the receiving State

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under the Vienna Convention on Diplomatic Relations or under any other applicable international convention is charge, in connection with the performance of his/her gainful activity, with a conduct liable to be criminally punished, the accrediting State shall thoroughly study any application filed by the receiving State, requesting waiver of such immunity.

7. A family dependent who carries out gainful activities in the receiving State shall be subject to the laws applicable to tax and social security matters, as regards the fulfillment of such activities.

8. This Agreement does not imply validation of diplomas, degrees or other studies between both countries.

9. The authority for family dependents to carry out a gainful activity under this Agreement shall expire upon the termination of the appointment to the Government or International Organization of the accredited diplomatic, consular, administrative or technical officer whom such dependent status derives from.

10. This Agreement shall be in force for an indefinite term, unless either Party gives notice to the other, through diplomatic channels, of its intention to denounce it. In such event, denouncement shall become effective six months after receipt of the respective notice.

11. Any difficulty that may arise in connection with the application and/or construction of any provision of this Agreement, shall be settled amicably by the parties through diplomatic channels.

Should the Government of Your Excellency agree to the above provisions, his affirmative reply shall, together with this Note, constitute an Agreement between both our Governments on the matter. It shall enter into force on the date of the latter notice where either Party communicates to the other that the relevant internal legal formalities have been complied with.

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

(Sgd.)

His Excellency
Domingo L. Siazon, Jr.
Secretary of Foreign Affairs
Republic of the Philippines

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS
No. 019021

The Ministry of Foreign Affairs - Office of Juridic Affairs - , presents its compliments to the Embassy of the Republic of the Philippines and has the honor to inform that the Agreement through which the Family Dependents of Diplomatic, Consular, Administrative and Technical Personnel of the Diplomatic and Consular Missions of both countries are authorized to Hold Remunerated Activities in the Receiving State, held in Manila through Exchange of Notes dated 20 November 1995, was approved in accordance with Chilean constitutional procedures.

The Ministry of Foreign Affairs, Office of Juridic Affairs, avails itself of this opportunity to renew to the Embassy of the Republic of the Philippines the assurances of its highest consideration.

SANTIAGO, 01 October 1997

(Stamp and small signature)

Entry into Force: November 20, 1995

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