TREATY OF FRIENDSHIP AND GENERAL RELATIONS BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF ITALY

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Note: The Treaty was concurred in by the Senate, S.R. No. 50, May 4, 1948. The Philippine instrument of ratification was signed by the President, December 10, 1948. It entered into force; December 10, 1948 upon the exchange of ratification by the Parties. It was proclaimed by the President, Proc. No. 118, s. 1949.

Reference; This Treaty is also published in I DFA TS No. 2, p. 180 and 44 UNTS, p. 3. The presidential proclamation of this Treaty Is published in 45 O.G., p. 552 (Feb. 1949).

The President of the Republic of the Philippines and the Provisional Chief of the Italian Republic, being desirous of strengthening the relations of amity and good understanding which happily exist between their two countries, have resolved to conclude to this end a Treaty o£ Friendship and General Relations and have named as their respective Plenipotentiaries:

THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES:

His Excellency ELPIDIO QUIRINO, Vice President of the Republic of the

Philippines, and concurrently Minister for Foreign Affairs;

THE PROVISIONAL CHIEF OF THE ITALIAN REPUBLIC:

His Excellency Count CARLO SFORZA, Minister for Foreign Affairs;

who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

There shall be between the Philippines and Italy constant peace and perpetual friendship.

ARTICLE II

Each of the High Contracting Parties agrees to receive the Diplomatic Representatives of the Other, who, being acceptable and duly accredited, shall enjoy in the territories of the Other the rights, privileges and immunities generally recognized under international law and usage.

ARTICLE III

Each of the High Contracting Parties may appoint Consular Representatives acceptable to the Other to reside in the territories thereof, in the place designated by mutual agreement. Such Consular Representatives shall be duly provided with exequatur or other acceptance of similar purport before entering into the exercise of their functions. They shall enjoy, on condition of reciprocity within the territories of the Other, the rights, privileges and immunities which are or shall be granted to the Consular Representatives of the most favoured Nation.

The High Contracting Parties agree to negotiate, as soon as possible, a convention for a more extensive regulation of the immunities and functions of their respective Consular Officers.

ARTICLE IV

Pending the conclusion of a Treaty of Establishment, Navigation and Commerce, the High Contracting Parties shall, to the extent permitted by the laws and regulations of each, grant to the nationals of the Other the right to acquire, possess and dispose of every kind of personal or real property as well as the liberty to reside, travel and engage in trade or industry.

ARTICLE V

Should any dispute arise between the High Contracting Parties it shall be settled by peaceful means and, should it not be possible to adjust such controversies by negotiation, the High Contracting Parties undertake to recognize as compulsory, ipso facto and without a special Convention, the jurisdiction of the Intertional Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the Court. This undertaking shall not apply to disputes for which the Parties shall agree to resort to another form of pacific settlement.

ARTICLE VI

The Present Treaty shall be ratified in accordance with the procedure provided in the Constitutions of the High Contracting Parties and the instrument of ratification shall be exchanged at Manila as soon as possible.

It shall enter into operation on the date of exchange of ratifications and shall remain in force until it shall have been terminated by either of the High Contracting Parties upon giving twelve months notice to that effect to the Other.

Pending the final ratification of this treaty, the High Contracting Parties agree to enforce its provisions as a "modus vivendi" to govern their relations from the date of its signature.

In witness whereof the respective Plenipotentiaries have signed this Treaty and hereunto affixed their respective seals.

Done at Rome in duplicate, in English and Italian languages, both of which are authoritative, this 9th day of July in the year of our Lord one thousand nine hundred and forty seven.

ELPIDIO QUIRINO

CARLOS SFORSA

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REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF FOREIGN AFFAIRS

Rome, July 9, 1947

EXCELLENCY:

Upon the signing of the Philippine-1talo Treaty of Friendship today, I have the honor to propose to Your Excellency that pending the conclusion of the Consular Convention provided for under article 3 of the said Treaty, the Consular relations between our two States should be governed by the present practice heretofore accorded by the Republic of the Philippines to consular officers of the Italian Republic on condition of reciprocity.

I would appreciate it if your Government accepts the above proposal as a modus vivendi.

Accept, Excellency, the assurances of my highest consideration.

(Sgd.) ELPIDIO QUIRINO

His Excellency

Count CARLO SFORSA

Minister for Foreign Affairs

Rome, Italy

It is the understanding of the Philippines "that nothing in the Treaty shall be construed as affecting, altering, amending or repealing any of the existing constitutional provisions, statutes or laws of the Republic of the Philippines prohibiting aliens, or limiting or regulating their rights to acquire, possess, and dispose of movable or immovable property, to establish and maintain schools of learning, to reside and travel and to engage in trade, industry and other pursuits."

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