

日本国とフィリピン共和国との間の友好通商航海条約

(略称) フィリピンとの友好通商航海条約

昭和三十五年十二月九日 東京で署名
昭和三十六年十月三十一日 国会承認
昭和四十八年十二月二十五日 批准の閣議決定
昭和四十八年十二月二十七日 マニラで批准書交換
昭和四十九年一月二十七日 効力発生
昭和四十九年一月二十六日 公布及び告示

(条約第一号及び外務省
告示第一七号)

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日本國とフィリピン共和國との間の友好通商航海条約

日本國政府及びフィリピン共和國政府は、

兩國間に存在する友好の關係を維持し、及び強化することを希望し、並びに

相互に有利な基礎の上に兩國間の貿易及び通商を容易にし、及び發展させることを希望して、

友好通商航海条約を締結することに決定し、そのため、次のとおりそれぞれの全權委員を任命した。

日本國政府

フィリピン共和國駐在特命全權大使 湯川 盛夫

外務省 顧問 島 重信

外務省 經濟局長 大使 牛場 信彦

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TREATY OF AMITY, COMMERCE AND NAVIGATION BETWEEN
JAPAN AND THE REPUBLIC OF THE PHILIPPINES

The Government of Japan and the Government of the Republic of the Philippines,

Animated by the desire to maintain and strengthen the amicable relations existing between their respective countries, and

Desirous of facilitating and developing trade and commerce between the two countries on a mutually advantageous basis,

Have resolved to conclude a Treaty of Amity, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries,

The Government of Japan:

Morio Yukawa, Ambassador Extraordinary and Plenipotentiary to the Republic of the Philippines

Shigenobu Shima, Deputy Vice-Minister for Foreign Affairs

Nobuniko Ushiba, Ambassador, Director of the Economic Affairs Bureau, Ministry of Foreign Affairs

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フィリピン共和国政府

前下院議長	J. B. ラウレル・シニニ
上院外交委員会委員長	ロレンソ・スマロン
下院外交委員会委員長	ラモン・P・シトラ
上院外交委員会委員	ロヘリオ・デ・ラ・ロサ
下院外交委員会委員	アントニオ・V・ラキサ
日本国駐在特命全權大使	イヌエル・A・アデバ
商工次官	ベルフエクト・B・ラギオ
フィリピン賠償使節団団長	セサル・Z・ラヌーサ
中央銀行副総裁	アンドレス・V・カスティリヨ
公使	エンリケ・M・ガルシア

五八四

The Government of the Republic of the Philippines:

J. B. Laurel, Jr., Former Speaker, House of Representatives
Lorenzo Sumulong, Chairman, Senate Committee on Foreign Relations
Ramon P. Mitra, Chairman, Committee on Foreign Affairs, House of Representatives
Rogelio de la Rosa, Member, Senate Committee on Foreign Relations
Antonio V. Raguzar, Member, Committee on Foreign Affairs, House of Representatives
Mamuel A. Adeva, Ambassador Extraordinary and Plenipotentiary to Japan
Perfecto E. Lagio, Undersecretary of Commerce and Industry
Caesar Z. Lamaza, Career Minister, Chief of Mission, Philippine Reparations Mission
Andres V. Castillo, Deputy Governor of the Central Bank
Enrique M. Garcia, Career Minister

これらの全權委員は、互いにその全權委任状を示し、それが妥当であると認められた後、次の諸条を協定した。

第一條

いずれの一方の締約国の国民も、他方の締約国の領域への入国並びに同領域内における滞在、旅行及び居住に関するすべての事項について、いかなる第三国の国民に与えられる待遇よりも不利でない待遇を与えられる。

第二條

1 いずれの一方の締約国の国民及び会社も、他方の締約国の領域内において、税金の賦課、裁判所の裁判を受け、及び行政機關に対して申立てをする権利、契約の締結及び履行、財産権、法人への参加並びに一般にあらゆる種類の事業活動及び職業活動の遂行に関するすべての事項について、いかなる第三国の国民及び会社と与えられる待遇よりも不利でない待遇を与えられる。

2 1の規定にかかわらず、各締約国は、相互主義に基づき、又は二重課税の回避若しくは輸入の相互的保護のための協定により、租税に関する特別の利益を与える権利を留保する。

who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

ARTICLE I

Nationals of either Party shall be accorded treatment no less favorable than that accorded to nationals of any third country with respect to all matters relating to their entry into, sojourn, travel and residence within, the territories of the other Party.

ARTICLE II

1. Nationals and companies of either Party, within the territories of the other Party, shall be accorded treatment no less favorable than that accorded to nationals and companies of any third country with respect to all matters pertaining to the levying of taxes, access to the courts of justice and to administrative agencies, the making and performance of contracts, rights to property, participation in juridical entities, and generally the conduct of all kinds of business and professional activities.

2. Notwithstanding the provisions of paragraph 1 of the present Article, each Party reserves the right to accord special tax advantages on a basis of reciprocity or by virtue of agreements for the avoidance of double taxation or the mutual protection of revenue.

第三章

為替管理

1 いずれの一方の締約国の国民及び会社も、両締約国の領域の間に於ける支払、送金及び資金又は金銭証券の移転に關して、並びに他方の締約国の領域と第三国の領域との間に於ける支払、送金及び資金又は金銭証券の移転に關して、いかなる第三国の国民及び会社にも与えられる待遇よりも不利でない待遇を与えられる。

2 1の規定は、いずれか一方の締約国が、國際通貨基金協定の締約国として有するか又は有することがある権利及び義務に合致するような為替制限を課することを妨げるものではない。

3 いずれの一方の締約国も、他方の締約国のすべての商品の輸入に対し、又は当該他方の締約国の領域に仕向けられるすべての商品の輸出に対し、なんらの制限又は禁止をも課してはならない。ただし、すべての第三国の同様の商品の輸入又はすべての第三国への同様の商品の輸出が同様に制限され、又は禁止されている場合は、この限りでない。

4 3の規定にかかわらず、いずれの一方の締約国も、貨物の輸入及び輸出について、当該一方の締約国が、2の規定に基づいて当該時に課することができる為替制限と同等の効果を有する

ARTICLE III

1. Nationals and companies of either Party shall be accorded treatment no less favorable than that accorded to nationals and companies of any third country with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of the other Party and of any third country.

2. The provisions of paragraph 1 of the present Article do not preclude either Party from imposing such exchange restrictions as are consistent with the rights and obligations that it has or may have as a contracting party to the Articles of Agreement of the International Monetary Fund.

3. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territories of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

4. Notwithstanding the provisions of paragraph 3 of the present Article, either Party may apply restrictions or controls on the importation and exportation of goods that have effect equivalent to exchange restrictions which the

制限又は統制をすることができらる。

第四條

1 すべての種類の関税及び課徴金で、輸入若しくは輸出について若しくはそれらに關連して課され、又は輸入品若しくは輸出品のための支払手段の國際的移転について課されるものに關し、それらの関税及び課徴金の賦課の方法に關し、輸入及び輸出に關連するすべての規則及び手續に關し、輸出貨物に対する内國税の適用に關し、輸入貨物について又はこれに關連して課されるすべての内國税その他すべての種類の内國課徴金に關し、並びに輸入貨物の國內における販売、販売のための提供、購入、分賣又は使用に影響を及ぼすすべての法令及び要件に關し、いづれか一方の締約國がいずれかの第三國を原産地とする產品又はいづれかの第三國に仕向けられる產品に對して与えているか、又は將來与えるすべての利益、特典、特權又は免除は、他方の締約國の領域を原産地とする同様の產品又は他方の締約國の領域に仕向けられる同様の產品に對し、即時に、かつ、無條件に与えられるものとする。

2 1の規定は、いづれか一方の締約國が内國漁業の產品に与える特別の利益には適用しない。

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said Party may at that time apply under the provisions of paragraph 2 of the present Article.

ARTICLE IV

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to the application of internal taxes to exported goods, and with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods, any advantage, favor, privilege or immunity which has been or may hereafter be granted by either Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of the other Party.

2. The provisions of paragraph 1 of the present Article shall not apply to special advantages accorded by either Party to products of its national fisheries.

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第五条

両締約国は、両国間の貿易を発展させ、及び経済關係を強化すること並びに、特にそれぞれの領域内における経済の発展及び生活水準の向上に資するため、科学及び技術に関する知識の交換及び利用を促進することを目的として、相互の利益のため、協力することを約束する。いずれの一方の締約国も、自立を基礎とする自国経済の健全なかつ均衡のとれた発展に役だつような他方の締約国の資本又は技術を自国の領域内に導入することを妨げてはならない。

第六条

1 いずれか一方の締約国の国旗を掲げる船舶で、国籍の証明のため当該締約国の法令により要求される書類を備えているものは、公海並びに他方の締約国の港、場所及び水域において、当該一方の締約国の船舶と認められる。

2 いずれの一方の締約国の商船も、他方の締約国の商船及び第三国の商船と均等の条件で、外国との通商及び航海のため開放されている他方の締約国のすべての港、場所及び水域に旅客及び積荷とともに入ることができる。これらの船舶は、当該他方の締約国の港、場所及び水域に在りて、すべての事項に關して、いずれかの第三国の同様の船舶に与えられる待遇よりも不利で

ARTICLE V

The two Parties undertake to cooperate for mutual benefit with a view to expanding trade and to strengthening economic relations between the two countries, and to furthering the interchange and use of scientific and technical knowledge, particularly in the interests of economic development and of the improvement of standards of living within their respective territories. Neither Party shall hamper the introduction into its territories of capital or technology of the other Party which will contribute to the sound and balanced development of its national economy on a self-sustaining basis.

ARTICLE VI

1. Vessels under the flag of either Party, and carrying the papers required by its law in proof of nationality shall be deemed to be vessels of that Party both on the high seas and within the ports, places and waters of the other Party.

2. Merchant vessels of either Party shall have liberty, on equal terms with merchant vessels of the other Party and of any third country, to come with their passengers and cargoes to all ports, places and waters of such other Party open to foreign commerce and navigation. Such vessels shall in all respects be accorded treatment no less favorable than that accorded to like vessels of

ない待遇を与えられ、また、保管場所の割当て、積卸しの施設の使用、水先人の役務並びに燃料、潤滑油、水及び食糧の補給その他すべての種類の技術上の便益に關して、当該他方の締約国の同様の船舶に与えられる待遇よりも不利でない待遇を与えられる。

3 いずれの一方の締約国の商船も、他方の締約国の領域に又はその領域から船舶で輸送することができるすべての貨物及び人を輸送する権利に關して、いずれかの第三国の同様の船舶に与えられる待遇よりも不利でない待遇を与えられる。また、これらの貨物及び人は、(a)すべての種類の関税及び課徴金、(b)税関事務並びに(c)獎勵金、関税の払いもどしその他の種の特権に關して、当該他方の締約国の商船で輸送される同様の貨物及び人に与えられる待遇よりも不利でない待遇を与えられる。

4 各締約国は、沿岸貿易に従事する権利を自国の船舶のみに留保することができる。もつとも、いずれの一方の締約国の商船も、常に他方の締約国の法令に従い、外国で積載した旅客若しくは積荷の全部若しくは一部を離揚げし、又は外国向けの旅客若しくは積荷の全部若しくは一部を積載する目的をもつて、当該他方の締約国の領域内のいずれかの港から他の港に向かつて

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any third country within the ports, places and waters of such other Party, and shall be accorded treatment no less favorable than that accorded to like vessels of such other Party with respect to technical facilities of all kinds, such as the allocation of berths, the use of loading and unloading facilities, pilotage services and supply of fuel, lubricating oils, water and food.

3. Merchant vessels of either Party shall be accorded treatment no less favorable than that accorded to like vessels of any third country with respect to the right to carry all goods and persons that may be carried by vessels to or from the territories of the other Party; and such goods and persons shall be accorded treatment no less favorable than that accorded to like goods and persons carried in merchant vessels of such other Party with respect to (a) duties and charges of all kinds, (b) the administration of the customs, and (c) bounties, drawbacks and other privileges of this nature.

4. Each Party may reserve to its own vessels the right to engage in the coasting trade. Merchant vessels of either Party may, nevertheless, proceed from one port to another within the territories of the other Party, either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination, always complying with the laws

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航海を続けることができる。

5 (1) いずれの一方の締約国も、他方の締約国の船舶に対し、艦、海上損害又は不可抗力による寄港の場合には、同様の場合に自国の船舶に与えると同じの援助、保護及び免除を与えるものとする。それらの船舶から救い上げられた物品は、国内消費のため搬入された場合を除くほか、すべての関税を免除される。ただし、国内消費以外の目的のため搬入された物品については、それが当該他方の締約国から搬出されるまでは、歳入の保護のための措置を執ることができる。

(2) いずれか一方の締約国の船舶が他方の締約国の沿岸で座礁し、又は難破した場合には、当該他方の締約国の当局は、もよりの地にある船舶所属国の権限のある領事官にそれを通告するものとする。

6 いずれか一方の締約国の権限のある当局が発給した船舶の積量測定に関する証書は、他方の締約国の権限のある当局によつて、同当局が発給した証書と同等のものと認められる。

第七条

この条約の規定は、いずれか一方の締約国が、

五九〇

and regulations of such other Party.

5. (1) In case of shipwreck, damage at sea or forced putting in, either Party shall extend to vessels of the other Party the same assistance and protection and the same exemptions as are in like cases accorded to its own vessels. Goods salvaged from such vessels shall be exempt from all customs duties, unless the goods are entered for domestic consumption; but goods not entered for domestic consumption may be subject to measures for the protection of the revenue pending their exit from the country.

(2) If a vessel of either Party has stranded or has been wrecked on the coasts of the other Party, the appropriate authorities of such other Party shall notify the occurrence to the nearest competent consular officer of the country to which the vessel belongs.

6. The certificates concerning tonnage measurement of vessels issued by the competent authorities of either Party shall be recognized by the competent authorities of the other Party as equivalent to the certificates issued by the latter.

ARTICLE VII

The provisions of the present Treaty shall not be interpreted as precluding either Party from adopting or executing measures relating to:

- (a) 公共の安全若しくは国防又は国際の平和及び安全の維持
 - (b) 核分裂性物質又はその生産原料である物質
 - (c) 武器、弾薬及び軍需品の取引並びに軍事施設に供給するため直接又は間接に行なわれるその他の貨物及び資材の取引
 - (d) 公衆道德の保護及び人、動物又は植物の生命又は健康の保護
 - (e) 金又は銀の貿易
- に關する措置を採用し、又は実施することを防げるものと解してはならぬ。

第八条

- 1 各締約国は、他方の締約国がこの条約の実施に關する事項について行なう申入れに対しては、好意的考慮を払い、かつ、その申入れに關する協議のため適當な機会を与えなければならぬ。
- 2 この条約の解釈又は適用に關する兩締約国間の紛争で外交交渉により満足に調整されないものは、兩締約国が他のなんらかの平和的手段による解決について合意しなかつたときは、国際司法裁判所に付託するものとする。

- (a) the public security or national defense or the maintenance of international peace and security;
- (b) fissionable materials or the materials from which they are derived;
- (c) traffic in arms, ammunition and implements of war and such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
- (d) the protection of public morals, and of human, animal or plant life or health; and
- (e) trade in gold or silver.

ARTICLE VIII

1. Each Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other Party may make with respect to any matter affecting the operation of the present Treaty.
2. Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other pacific means.

フィリピンとの友好通商航海条約

第九条

- 1 この条約は、批准されなければならない。批准書は、できる限りすみやかにマニラで交換されるものとする。
- 2 この条約は、批准書の交換の日の後一箇月で効力を生ずる。この条約は、三年間効力を有し、その後は、3に定めるところにより終了するまで効力を存続する。

3 いずれの一方の締約国も、他方の締約国に対し六箇月前に文書による予告を与えることによつて、最初の三年の期間の終りに又はその後いつてもこの条約を終了させることができる。

第十条

この条約は、日本語、フィリピン語及び英語によるものとする。解釈に相違がある場合には、英語の本文による。

末文

用語

有力批准、効力発生、効力終了期間

以上の証書として、各全權委員は、この条約に署名・捺印した。

昭和三十五年十二月九日（フィリピン共和国独立第十五年十二月九日及び千九百六十年十二月九日に相当する。）に東京で、本書二通を作成した。

五九二

ARTICLE IX

1. The present Treaty shall be ratified, and the instruments of ratification shall be exchanged at Manila as soon as possible.
2. The present Treaty shall enter into force one month after the day of the exchange of the instruments of ratification. It shall remain in force for three years and shall continue in force thereafter until terminated as provided for in paragraph 3 of the present Article.
3. Either Party may, by giving a six-month written notice to the other Party, terminate the present Treaty at the end of the initial three-year period or at any time thereafter.

ARTICLE X

The present Treaty shall be in the Japanese, Filipino and English languages. In case of any divergence of interpretation, the English text shall prevail.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed therunto their seals.

DONE in duplicate at Tokyo, this ninth day of the twelfth month in the thirty-fifth year of Showa, corresponding to the ninth day of December in the fifteenth year of the Independence of the Republic of the Philippines

日本國のため

湯川 盛夫

島 重信

牛場 信彦

フィリピン共和国のため

J. B. Laurel, Jr.

Rogelio de la Rosa

Antonio V. Riquiza

Manuel A. Adora

Perfecto E. Lagulo

Caesar Z. Lanuza

Andres V. Castillo

Enrique M. Garcia

and to the ninth day of December, one thousand nine hundred and sixty.

FOR JAPAN:

M. Yukawa

S. Shima

N. Uehara

FOR THE REPUBLIC OF THE PHILIPPINES:

J. B. Laurel, Jr.

Rogelio de la Rosa

Antonio V. Riquiza

Manuel A. Adora

Perfecto E. Lagulo

Caesar Z. Lanuza

Andres V. Castillo

Enrique M. Garcia

フィリピンとの友好通商航海条約

議定書

日本国とフィリピン共和国との間の友好通商航海条約（以下「条約」という。）に署名するに当たつて、下名の全権委員は、各自の政府から正当に委任を受け、さらに、条約の不可分の一部と認められる次の規定を協定した。

永住の許可に関するすべての事項は、条約の範囲外であると了解される。

旅券・査証
1 第一条の規定に関し、いずれの一方の締約国も、他方の締約国が相互主義に基づき特別の取極によりいずれかの第三国の国民に対して与えているか、又は将来与える旅券及び査証に関する事項についての利益の享受を要求する権利を与えられないものと了解される。

会社の定
2 条約において「会社」とは、營利を目的とする事業活動に従事する社団法人、組合、会社その他の団体をいう。

不動産に
3 第三国に与える待遇よりも不利でない待遇の許与に関する第二条の規定に関し、いずれの一方の締約国も、不動産に関する権利及び自由職業に従事する権利の享有については、前記の待遇が相互主義に服すべきことを要求することができる。

五九四

P R O T O C O L

At the time of signing the Treaty of Amity, Commerce and Navigation between Japan and the Republic of the Philippines (hereinafter referred to as "the Treaty"), the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the Treaty:

1. It is understood that all matters relating to the permission for permanent residence shall be outside the scope of the Treaty.

2. With reference to Article I, it is understood that neither Party shall be entitled to claim the benefit of those advantages relating to matters concerning passports and visas which the other Party has accorded or may hereafter accord to nationals of any third country by virtue of special agreements on a basis of reciprocity.

3. As used in the Treaty, the term "companies" means corporations, partnerships, companies and other associations, engaging in business activities for gain.

4. With reference to the provisions of Article II, paragraph 1, relative to the grant of treatment no less favorable than that accorded to any third country, either Party may require that such treatment shall be dependent on reciprocity with respect to the enjoyment of rights on immovable property

5 条約のいかなる規定も、著作権及び工業所有権に関して、いかなる権利をも許し、又はいかなる義務をも課するものとなしてはならない。

6 いずれの一方の締約国の国民及び会社の財産並びに当該国民及び会社が直接又は間接に利益を有する財産も、他方の締約国の領域内において、公共のためを除くほか、収用し、又は使用してはならず、また、正当な補償なくして収用し、又は使用してはならないことが確認される。

7 条約の規定は、裁判所の裁判を受け、及び行政機関に対して申立てをする権利を除くほか、いずれか一方の締約国が、第三国の国民がその所有又は管理について直接又は間接に支配的利益を有する他方の締約国の会社に対して条約に定める利益を拒否することを妨げるものと解してはならない。

8 第三条の規定は、いずれか一方の締約国が、商業的性質を有しない慣習上の理由により、又は詐欺的な若しくは不正な慣行を防止するため、制限又は禁止をすることを妨げるものではない。ただし、その制限又は禁止は、他方の締約国の通商に対してほしきままに差別をするものであつてはならない。

9 両締約国の政府は、相互の貿易の拡大がそれぞれの国内の生

フィリピンとの友好通商航海条約

and of the right to practice the professions.

5. Nothing in the Treaty shall be construed so as to grant any right or impose any obligation in respect of copyright and industrial property right.

6. It is confirmed that property of nationals and companies of either Party, as well as property in which such nationals and companies have direct or indirect interests, shall not be taken within the territories of the other Party except for a public purpose, nor shall such property be taken without just compensation.

7. Except with respect to access to the courts of justice and to administrative agencies, the provisions of the Treaty shall not be interpreted as precluding either Party from denying the advantages of the Treaty to any company of the other Party in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest.

8. The provisions of Article III, paragraph 3, shall not preclude either Party from imposing restrictions or prohibitions on customary grounds of a non-commercial nature, or in the interest of preventing deceptive or unfair practices, provided that such restrictions or prohibitions do not arbitrarily discriminate against the commerce of the other Party.

9. The Governments of the two Parties expect that the

フィリピンとの友好通商航海条約

産者に対し重大な損害を与えることなく、又は与えるおそれなく達成されることを期待する。もつとも、いずれか一方の締約国の製品が他方の締約国の同様の製品又は直接的競争製品の生産者に重大な損害を与え、又は与えるおそれがある条件で当該他方の締約国の領域に輸入されていることについて合理的な疑念があるときは、輸出締約国の政府は、輸入締約国の政府の要請により、協議に入るものとし、また、協議の上、その権限内において、前記の損害を防止し、又は救済するために適当な措置を執るものとする。

10

(1) 条約のいかなる規定も、日本国に対し、千九百四十六年七月四日にマニラで署名され、千九百五十五年九月六日にワシントンで改正された貿易及び関係事項に関するフィリピン共和国とアメリカ合衆国との間の協定又は両国間のその他の協定、条約若しくは協約に基づいて、フィリピン共和国が、もつぱら、

(a) 同国の領域内で公益事業並びに天然資源の処分、開発及び利用その他の事業活動を営むことに關して、アメリカ合衆国の国民及び会社に対し、又は

五九六

expansion of mutual trade will be achieved without serious injury being caused or threatened to their domestic producers. If, nevertheless, there is reasonable evidence that any manufactured goods of either Party are being imported into the territories of the other Party under such conditions as to cause or threaten serious injury to its domestic producers of like or directly competitive manufactured goods, the Government of the exporting Party shall, at the request of the Government of the importing Party, enter into consultation, and, upon such consultation, the Government of the exporting Party shall adopt adequate measures within its power to prevent or remedy the injury.

10. (1) Nothing in the Treaty shall be construed so as to entitle Japan to claim the benefit of those rights and privileges which are or may hereafter be accorded by the Republic of the Philippines exclusively to:

(a) nationals and companies of the United States of America with respect to their carrying on, within the territories of the Republic of the Philippines, business activities such as the operation of public utilities and the disposition, exploitation, development and utilization of natural resources, or

(b) 関税及び課徴金に関して、アメリカ合衆国の産品に対して

与えているか、又は将来与える権利及び特権の享受を要求する権利を与えるものと解してはならない。

(2) 条約のいかなる規定も、フィリピン共和国に対し、日本国が、もつばら、(a) 千九百五十一年九月八日にサン・フランシスコ市で署名された日本国との平和条約第二条の規定に基づいて日本国がすべての権利、権原及び請求権を放棄した地域に原籍を有する者に対し、又は (b) 同平和条約第三条に掲げるいずれかの地域に対する行政、立法及び司法に関し同条後段に掲げる事態が継続する限り、同地域の原住民及び船舶並びに同地域との貿易に対して与えているか、又は将来与える権利及び特権の享受を要求する権利を与えるものと解してはならない。

以上の証換として、各全権委員は、この議定書に署名調印した。

フィリピンとの友好通商航海条約

(b) products of the United States of America with respect to customs duties and charges,

by virtue of the Agreement between the Republic of the Philippines and the United States of America concerning Trade and Related Matters, signed at Manila on July 4, 1946, and revised at Washington on September 6, 1955, or any other agreement, treaty or convention between the two countries.

(2) Nothing in the Treaty shall be construed so as to entitle the Republic of the Philippines to claim the benefit of those rights and privileges which are or may hereafter be accorded by Japan exclusively to: (a) persons who originated in the territories to which all right, title and claim were renounced by Japan in accordance with the provisions of Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, or (b) the native inhabitants and vessels of, and trade with, any area set forth in Article 3 of the said Treaty of Peace, so long as the situation set forth in the second sentence of the said Article continues with respect to the administration, legislation and jurisdiction over such area.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Protocol and have affixed thereto their seals.

フィリピンとの友好通商航海条約

昭和三十五年十二月九日（フィリピン共和国独立第十五年十二月九日及び千九百六十年十二月九日に相当する。）に東京で、日本語、フィリピン語及び英語により本書二通を作成した。解釈に相違がある場合には、英語の本文による。

日本国のために

湯川 盛夫

島 重信

牛場 信彦

フィリピン共和国のために

J. B. ラウレル・ジュニア

ロヘリオ・デ・ラ・ロサ

アントニオ・V・ラキサ

マヌエル・A・アデバ

ペルフェクト・E・ラギオ

五九八

DONE in duplicate, in the Japanese, Filipino and English languages, at Tokyo, this ninth day of the twelfth month in the thirty-fifth year of Showa, corresponding to the ninth day of December in the fifteenth year of the Independence of the Republic of the Philippines and to the ninth day of December, one thousand nine hundred and sixty. In case of any divergence of interpretation, the English text shall prevail.

FOR JAPAN:

M. Yukawa

S. Shima

N. Uenibe

FOR THE REPUBLIC OF THE PHILIPPINES:

J. B. Laurel, Jr.

Rogelio de la Rosa

Antonio V. Reguiza

Manuel A. Adeva

Perfecto E. Lagulo

セザール・Z・ラヌザ

アンドレス・V・カステイリヨ

エンリケ・M・ガルシア

Caesar Z. Lanuza

Andres V. Castillo

Enrique M. Garcia

KASUNDUAN SA PAG-UNAMUAN, PANGANGALAKAL AT PANGARATAN
NG HAPON AT NG REPUBLIKA NG PILIPINAS

Ang Pamahalaan ng Hapon at ang Pamahalaan ng Republika
ng Pilipinas,

Sa masiglang pagmamalas na mapanatili at mapatibay ang
pag-unawaan ng kani-kanilang mga bansa, at

Sa nats na mapaluwag at mapagayabong ang kalakalan ng
dalawang bansa, batay sa magkatingong kapakinabangan,

Ay nagpasiyang magkari ng isang Kasunduan sa Pag-
unawaan, Pangangalakal at Pangaratan at sa gayong
hangerin ay hinirang na kanilang mga Lakanugos,

Pamahalaan ng Hapon:

Korio Yukawa, Lakanugong Di-pangkaranlwan sa
Republika ng Pilipinas

Shigenobu Shima, Kinatawang Pangalawang Kalihim
sa Kapakanang Banyaga

Nobuhiko Ushida, Lakanugos, Patnugot ng Kawanihan
ng Kapakanang Pangkabuhayan, Kagawaran ng
Kaugnayang Banyaga

Pamahalaan ng Republika ng Pilipinas:

J. B. Laurel, Jr., Dating Espiker, Kapunungan ng
mga Kinatawan

Lorenzo Sumulong, Tagapangulo, lupon ng Senado
sa Kaugmang Baryaga

Ramon P. Mitra, Tagapangulo, lupon sa Kapakanang
Baryaga, Kapunungan ng mga Kinatawan

Rogelio de la Rosa, Kagawad, lupon ng Senado sa
Kaugmang Baryaga

Antonio V. Ragulza, Kagawad, lupon sa Kapakanang
Baryaga, Kapunungan ng mga Kinatawan

Manuel A. Adawa, Lakanrugong Di-pangkaranian sa
Hapon

Perfecto E. Lagio, Pangalawang Kalihim ng
Pangangalakel at Industriya

Caesar Z. Lanza, Kalakanrugo, Puno ng Misyon ng
Pilipinas sa Bayad-Pinsala

Andres V. Castillo, Pangalawang Tagapamahala ng
Bangko Sentral

Enrique M. Garcia, Kalakanrugo

Na, pagkapagpatalastasan ng kant-kantlang lubos
na kapangyarihang napatunay ang nasa ayos ay nagkayari
sa mga sumusunod na Artikulo:

ARTIKULO I

Ang mga taong-bansa ng alin mang Panig ay pakikitunguhang di-kulang sa pakikitungong kaloob sa mga taong-bansa ng alin mang pangatlong bansa tungod sa lahat ng mga bagay-bagay na ukol sa kanilang pagpasok, pagtutali, paglalakbay at paninirahan sa loob ng mga lupaing-sakop ng kabilang Panig.

ARTIKULO II

1. Ang mga taong-bansa at mga samahan ng bawat Panig, sa loob ng mga lupaing-sakop ng kabilang Panig, ay pakikitunguhang di-kulang sa pakikitungong kaloob sa mga taong-bansa at mga samahan ng alin mang pangatlong bansa tungod sa lahat ng mga bagay-bagay na ukol sa pagpapalawig ng mga buwis, paglipit sa mga hukuman at mga dalugang pampangasiwaan, paggawa at pagganap ng mga kasunduan, mga karapatan sa ari-arian, pakikilahok sa mga entidad huridika, at tamang pagpapalakad ng lahat ng uri ng mga gawain pangkalakel at propesyonal.

2. Ano man ang natatadhana sa saknong 1 ng Artikulong Ito, ang bawat Panig ay nagtatan ng karapatang magkaloob ng mga tangking kabitang pamuwis na batay sa makatugong pagbibigayon o sa bisa ng mga kasunduan upang malwasan ang ulit na buwis o pagtatangkilikan sa kita ng pamahalaan.

ARTIKULO III

1. Ang mga taong-bansa at mga samahan ng bawat Panig

ay pakikitungang di-kulang sa pakikitungong kaloob sa mga taong-bansa at mga samahan ng alin mang pangatlong bansa tungod sa mga pagbabayaran, padalanan ng salapi at paglilipatan ng pananalapi o mga kasulatang pampanalapi ng mga lupelng-sakop ng dalawang Panig gaya rin ng mga lupelng-sakop ng kabilang Panig at ng alin mang pangatlong bansa.

2. Ang mga tadhana ng saknong 1 ng Artikulong Ito ay hindi humahadlang sa alin mang Panig na magtakda ng ano mang pagpipigil sa palitan ng pananalapi na kaalinsunod ng mga karapatan at sagiting tinataglay o tataglayin bilang Kapang sa mga Artikulo ng Kasunduan ng Panalepiang Pansabansaan.

3. Ang alin mang Panig ay hindi mawaring magtakda ng mga pagpipigil o pagbabawal sa pag-angkat ng ano mang kalakal sa mga lupelng-sakop ng kabilang Panig, maliban kung ang pag-angkat ng katulad na kalakal ng, o ang pag-luluwas ng katulad na kalakal say, lahat ng pangatlong bansa ay tatakdan ng gayon ding pagpipigil o pagbabawal.

4. Ano man ang mga natatadhana sa saknong 3 ng Artikulong Ito, ang alin mang Panig ay maaaring maglapat ng mga pagpipigil o pagsupil sa pag-angkat at pagluluwas ng mga kalakal na ang bise ay katumbas ng pagpipigil sa palitan ng pananalapi na maaaring ilapat sa panahong yaon ng nagsabing Panig sa ilalim ng mga tadhana ng saknong 2 ng Artikulong Ito.

ARTIKULO IV

1. Tungod sa mga pabuwis sa adwana at ano mang uri ng pebeyad na ipinapatay sa o hinggil sa pag-angkat o paglu-luwas o ipinapatay sa paglilipatan ng mga buwad sa angkat at luwas, at tungod sa parang ng pagpapatay ng mga buwis sa adwana at mga pebeyad, at tungod sa lehat ng mga tun-tunin at kailanganing may kinalaman sa angkat at luwas, at tungod sa paglalapat ng mga buwis na panloob o ano mang uri ng ibang pebeyad na panloob na ipinapatay sa o may kinalaman sa mga kalakal na inangkat, at tungod sa lehat ng mga batas, alituntunin at kinakailangang ukol sa pagbibiling panloob, pagtitinda, pamimili, pamumundod o paggamit ng mga kalakal na inangkat, ang ano mang kahigtan, biyaya, bigay-tangal o kalilwayan na ginawad o iginawad pa ng alin mang Panig sa alin mang kalakal na mula o patungo sa alin mang pagtatlong bansa ay agad at walang pasubaling ipagkakaloob sa katulad na kalakal na mula o patungo sa mga lupang-sakop ng kabilang Panig.
2. Ang mga tedmana ng sakrong I ng Artikulong Ito ay sumasaklaw sa mga tungtong kahigtang ipinagkakaloob ng alin mang Panig sa mga bunga ng sariling pangstdang pam bansa.

ARTIKULO V

Ang dalawang Panig ay magtutulungan sa magkatugong kapakinabangan sa tungtonging magpalawak ng kalakalan at magpalakas sa kanilang kaugayang pangkapamahayan, at

magpaulad ng palitan at gamit ng karunungan pang-egham, lalo na sa kapakanan ng kaunlarang pangkabu-
yan at ng pagpapabuti ng pamantayan ng pamamahay sa
loob ng kanikaniang mga lupang-sakop. Ang alin mang
Panig ay hindi hanaplang sa pagpasok sa sailing
mga lupang-sakop ng puhunan o kaaghaman ng kabilang
Panig na makasamag sa mahusay et timbang na pagpapam-
lad ng kaniyang kapamahayang pambansa na batay sa pa-
nariling panunustos.

ARTIKULO VI

1. Ang mga sasakyang-dagat sa ilalim ng batawat ng
bawat Panig, at may taglay na mga kasulatang takda ng sa-
riling batas bilang patunay ng kabansaan, ay ipalalagay
na mga sasakyang-dagat ng naturang Panig sa laot o sa
loob man ng mga dunggan, pook at dagatan ng kabilang
Panig.

2. Ang mga sasakyang-dagat na pangkalakal ng bawat
Panig, kapantay ng mga sasakyang-dagat na pangkalakal
ng kabilang Panig at ng alin mang pangatlong bansa, ay
magkakaroon ng layang magdala ng mga lulang tao at ka-
lakal sa lahat ng mga dunggan, pook at dagatan ng kina-
lulugang kabilang Panig na bukas sa kalakalan at panda-
ragatang banyaga. Ang mga naturang sasakyang-dagat ay
pakikitunguhan sa lahat ng kalagayan ng di-kulang sa
pakikitungong keloob sa katulad na sasakyang-dagat ng
alin mang pangatlong bansa sa loob ng mga dunggan, pook

at dagatan ng kinaukulang kabilang Panig, at pakikitunguhang di-nulang sa pakikitungong kalooob sa katulad na sasakyang-dagat ng kinaukulang kabilang Panig tungod sa ano samag uri ng paluwag sa mga alituntunin, gaya ng paglalaan ng mga sadaran, mga paluwag sa pag-iinulan at pag-iinunsad, palingkurang pampilotage at tustos ng panggatong, mga langis na lubrikante, tubig at pagkain.

3. Ang mga sasakyang-dagat na pangkalakal ng bawat Panig ay pakikitunguhang di-kulang sa pakikitungong kalooob sa katulad na mga sasakyang-dagat ng alin mang pag-iitong bansa tungod sa karapatanang magiulan ng lahat ng kalakal at taong masaring maiulan ng mga sasakyang-dagat na patungo o galing sa mga lupatng-sakop ng kinaukulang kabilang Panig; at ang mga naturang kalakal at tao ay pakikitunguhang di-kulang sa pakikitungong ka-loob sa mga katulad na kalakal at taong iulan ng mga sasakyang-dagat na pangkalakal ng kinaukulang kabilang Panig tungod sa: (a) mga pabuwis sa adwana at lahat ng uri ng pabuwis, (b) pangangasiwa sa adwana, at (k) mga kadyeyaan, sauling-buwis at mga ibang bigay-tanging may ganitong uri.

4. Bawat Panig ay masaring magaan ng karapatan sa kalakalang pamaybay-dagat para sa mga seriling sasakyang-dagat. Gayon man, ang mga sasakyang-dagat na pangkalakal ng bawat Panig ay masaring magpalipat-lipat sa mga duungan sa loob ng mga lupatng-sakop ng kinaukulang

kablang Panig, maging sa hangering maglunsad ng kabuuan o ng bahagi ng kanilang mga sakay na tao o julang-kalakal na mula sa kablang-dagat, o magiulan man ng kabuuan o ng bahagi ng mga sakay na tao o julang-kalakal na patungo sa baryaga, na laging alinsunod sa mga batas at alituntunin ng kinaukulang kablang Panig.

5. (1) Kapag may nabagdag, napinsalaan sa laot o sandilitang napedhong, ang alin mang Panig ay magkakaalob sa sasakyang-dagat ng kablang Panig ng tulong at sanggatang at paglilives na ipinagkakaalob sa mga sariling sasakyang-dagat na nasa mga gayong ding kalagayan. Ang mga kalakal na masasagip sa mga naturang sasakyang-dagat ay magiging liles sa lahat ng mga pabuwis sa aduana, maliban kung ang mga kalakal ay ipinapasok upang gamitin sa bansang kinababagani ngunit ang mga kalakal na hindi ipinasok sa gayong gamit ay maaaring masaklaw ng mga palakad na ukol sa pangangalaga ng kita ng pamahalaan habang hindi pa inilalabas sa bansa.

(2) Kung ang isang sasakyang-dagat ng alin mang Panig ay napadpad o nabagdag sa mga baybay-dagat ng kablang Panig, ang mga nauukol na may-kapangyarihan ng naturang kablang Panig ay magbibigay-alan hinggil sa nangyari sa pinakamalapit na may-kapangyarihang pinamong konsular ng bansang may-ari ng sasakyang-dagat.

6. Ang mga katibayang ukol sa timbang ng mga sasakyang-dagat na ginawa ng nauukol na may-kapangyarihan ng alin mang Panig ay kikiilalanin ng nauukol na may-kapang-