



Treaty Series No. 58 (1951)

## Exchanges of Notes

between the Government of the United Kingdom  
and the Government of the Republic of the Philippines  
regarding the transfer of the administration  
of the Turtle and Mangsee Islands to the  
Philippine Republic

Manila	{	19th September, 1946
		7th July, 1947
		24th September, 1947
		11th October, 1947
		16th December, 1947
		20th April, 1948

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of His Majesty  
July 1951*

LONDON  
HIS MAJESTY'S STATIONERY OFFICE  
FOURPENCE NET

**EXCHANGES OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES REGARDING THE TRANSFER OF THE ADMINISTRATION OF THE TURTLE AND MANGSEE ISLANDS TO THE PHILIPPINE REPUBLIC**

*Manila, 19th September, 1946, 7th July, 1947, 24th September, 1947, 11th October, 1947, 16th December, 1947, 20th April, 1948*

No. 1

*The Vice-President of the Republic of the Philippines to His Majesty's Chargé d'Affaires at Manila*

Sir, *Manila, 19th September, 1946.*

By the Convention concluded between the President of the United States of America and His Britannic Majesty under date of 2nd January, 1930, and in an Exchange of Supplementary Notes of the same date between the Secretary of State of the United States and the British Ambassador at Washington,<sup>(1)</sup> His Britannic Majesty's Government in the United Kingdom acknowledged the following groups of islands as comprised within the Philippine Archipelago:—

- (1) Sibaung, Boaan, Lihiman, Langaan, Great Bakkungaan, Taganak, and Baguan in the group of islands known as the Turtle Islands;
- (2) The Mangsee Islands.

It was agreed in the Exchange of Notes that the British North Borneo Company be left undisturbed in the administration of these islands unless or until the United States Government gives notice to His Majesty's Government of its desire that the administration of the islands should be transferred to it. The transfer of the administration shall be effected within one year after such notice is given on a day and in a manner to be mutually arranged.

Pursuant to the Notes adverted to, I have the honor, by the present Note, to give notice to your Government of the desire of my Government to take over the administration of the Turtle and the Mangsee groups of islands within the one-year period agreed upon from the date of this notification, and to request that you be so good as to transmit this notice to your Government and to acquaint me at the earliest opportunity with the wishes of your Government as to the day and the manner in which the transfer shall be effected.

Accept, &c.

ELPIDIO QUIRINO.

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No. 2

*His Majesty's Minister at Manila to the Acting Secretary of Foreign Affairs of the Republic of the Philippines*

Sir, *British Legation,  
Manila, 7th July, 1947.*

I have the honour to refer to the Note dated 19th September, 1946, which His Excellency The Vice-President handed to His Majesty's Chargé d'Affaires

<sup>(1)</sup> "Treaty Series No. 2 (1933)," Cmd. 4241.

on 2nd October, 1946, giving formal notice that the Government of the Philippines desired to take over the administration of the Turtle and Mangsee Islands in accordance with the terms of the Convention concluded on 2nd January, 1930, between His Britannic Majesty and the President of the United States of America.(1)

2. I have now been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to state, for the information of the Government of the Philippines, that it will be convenient to His Majesty's Government for the Government of the Philippines to assume the administration of these islands as soon as the necessary arrangements can be completed and the Government of the Philippines are in a position to assume responsibility.

3. His Majesty's Government attach great importance to the maintenance of a strong police force on the Turtle Islands and to the proper patrolling of the Mangsee Islands either from the mainland or from the police post situated in the islands, and I have the honour to enquire whether the Government of the Philippines would be prepared to give an assurance on this point.

4. I have also been instructed to enquire whether the Government of the Philippines would be prepared to pay compensation in respect of the capital cost of the lighthouse at Taganak. Since the authorities of British North Borneo have the experience of maintaining this lighthouse and could continue the responsibility without inconvenience, the Government of the Philippines might prefer that the North Borneo authorities should continue to be responsible for the maintenance of the lighthouse, which they would be prepared to do on the understanding that the Government of the Philippines would bear the maintenance costs involved. I have been instructed to explain that the Government of British North Borneo attach very special and real importance to the full and proper maintenance of this lighthouse.

5. In their examination of this whole question it has occurred to His Majesty's Government that the Government of the Philippines might, on reconsideration, arrive at the conclusion that these islands are so far from the nearest Philippine administrative base that, without prejudice to Philippine sovereignty, it would be in the best interests of both the Government of the Philippines and the Government of British North Borneo for the latter to remain responsible for the administration of the islands. The Government of British North Borneo would be prepared to continue this responsibility either on the present basis or in association with such immigration, customs, police or other control officers as the Philippine authorities might wish to station on the islands. Should this suggestion not commend itself to the Government of the Philippines, His Majesty's Government would be glad to learn in advance when the Government of the Philippines propose to assume administration of the islands and the details of the officers who would be proceeding there for that purpose.

6. The position of His Majesty's Government in this matter was explained in these terms to His Excellency The Vice-President when he was in London recently, and it was agreed with him that, in view of the detailed technical problems involved, it would be very useful for His Majesty's Government and the Government of the Philippines to set up a joint committee to consider and report on the various questions relating to the administration of the Turtle and Mangsee Islands. It was agreed that the

(1) "Treaty Series No. 2 (1933)," Cmd. 4241.

establishment of such a committee might be accomplished by an early exchange of notes.

7. His Majesty's Government would appreciate the early observations of the Government of the Philippines on the points raised above.

Accept, &c.

L. H. FOULDS.

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No. 3

*The Vice-President of the Republic of the Philippines to His Majesty's  
Minister at Manila*

Excellency,

*Manila, 24th September, 1947.*

With reference to your Note of 7th July, 1947, regarding the transfer of the Turtle and Mangsee Islands to the Republic of the Philippines in accordance with the Notes of 1930 exchanged between the United Kingdom and the United States of America,<sup>(1)</sup> I have deferred replying to the points mentioned in your Note pending the investigation conducted by the committees appointed by our respective Governments to investigate and report on the technical problems involved in the transfer of said islands. I have now received the report of the Philippine Committee who conferred with the British Committee at Sandakan and made an ocular inspection of the Turtle Islands. Upon a study of the report and the whole situation, I wish to inform you that it is the decision of my Government to take over immediately the administration of the Turtle and Mangsee Islands.

My Government takes note of the importance attached by His Majesty's Government to the maintenance of a strong police force in the Turtle Islands and to the proper patrolling of the Mangsee Islands and is prepared to give an assurance that an adequate combined station-patrol police force will be maintained immediately for the Turtle Islands and a patrol force for the Mangsee Islands. Such combination force will consist of an adequate permanent force stationed at Taganak, equipped with an armed patrol boat which will operate from Jolo. This force will subsequently be augmented as soon as future circumstances and the financial facilities of the Philippine Government will so warrant.

In connection with the lighthouse at Taganak, it appears that the same has been severely damaged, that it has not been in operation since its destruction during the war, and that while useful to North Borneo it has practically no utility for the Philippines. It is the view of my Government that when the United States undertook in the Notes of 1930 to consider favorably the question of the payment of the capital expenditure incurred in the construction of the lighthouse, the undertaking presupposed that the lighthouse be in working condition at the time of the transfer of the islands and that its operation be also necessary or will provide some public benefit to the United States or its successor, the Philippines. My Government, however, realizes the utility of the lighthouse to North Borneo which marks the entrance to Sandakan harbor, and will be glad to accommodate His Majesty's Government in the matter in a manner consistent with its own interests. I am glad to advise, therefore, that my Government will be agreeable to leasing the site absolutely needed for the lighthouse in Taganak to the State of North Borneo at a token rental of P. 1.00 per annum, for as long a period as North Borneo needs and desires to use the lighthouse, the same to be removable by North Borneo

(1) "Treaty Series No. 2 (1933)," Cmd. 4241.

upon termination of the lease or paid for at its current value by the Republic of the Philippines should the latter need and desire to retain the same. Under this arrangement, the State of North Borneo would be able to operate a service that it needs and would give its proper authorities the necessary access to and in Taganak for the operation and maintenance of the lighthouse at their expense. At the same time, the arrangement will keep the Philippine Government from the situation of maintaining a service that it does not need, which will be difficult to justify to the people. I trust that upon consideration of all the circumstances, His Majesty's Government will agree that such arrangement will be a proper and equitable disposal of the matter.

In accordance with my Government's decision to take over the administration of the Turtle and Mangsee Islands, and pursuant to the contents of your Note of 7th July, 1947, I hereby inform you that the Government of the Philippines will assume the administration of the Turtle and Mangsee Islands on 2nd October, 1947. A committee headed by the Provincial Governor of Sulu and accompanied by the District Officer who will be appointed as the local administrator of the Turtle Islands and a police force will proceed to the islands on 2nd October, 1947, to hold appropriate ceremonies to inaugurate the assumption of the administration of the islands by the Republic of the Philippines. The District Officer and the police force will remain in the islands for their administration.

It will be appreciated if early notification be given to this Department that the foregoing arrangements are convenient to His Majesty's Government.

Accept, &c.

ELPIDIO QUIRINO.

No. 4

*His Majesty's Minister at Manila to the Vice-President of the Republic of the Philippines*

*British Legation,*

*Manila, 11th October, 1947.*

Your Excellency,

With reference to your Note of 24th September on the subject of the Turtle and Mangsee Islands, I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to state, for the information of the Government of the Philippines, that His Majesty's Government agree that the transfer of the administration of the said islands shall take place on Thursday next, 16th October, 1947, on the understanding that this transfer is without prejudice to the outstanding points, enumerated below, which require further discussion:—

- (1) Taganak Lighthouse: the position and obligations of the Government of the Philippines under the Exchange of Notes of 2nd January, 1930, between the United States Government and His Majesty's Government,<sup>(1)</sup> and the proposals of the Government of the Philippines in this connexion.
- (2) The interests of the landowners in the islands with particular reference to the titles granted by the Government of British North Borneo prior to the arrangement of 1907.
- (3) The establishment of adequate police posts in both the Turtle and the Mangsee Islands.

I avail, &c.

L. H. FOULDS.

(1) "Treaty Series No. 2 (1933)," Cmd. 4241.

No. 5

*The Vice-President of the Republic of the Philippines to His Majesty's  
Minister at Manila*

Excellency,

*Manila, 16th December, 1947.*

I have the honor to refer to His Excellency's Note of 16th October, 1947,<sup>(2)</sup> regarding the Turtle Islands, and to inform you that the District Officer and Police Force who will administer the islands have assumed their duties in Taganak on 22nd October, 1947.

This Department will appreciate your confirmation that although the officials appointed to administer the islands have assumed their duties on a subsequent date, the transfer became effective on 16th October, 1947, in accordance with the Note of this Department of 24th September, 1947, and the Note of the British Legation, dated 11th October, 1947.

Accept, &c.

ELPIDIO QUIRINO.

No. 6

*His Majesty's Minister at Manila to the Vice-President of the  
Republic of the Philippines*

*British Legation,*

Your Excellency,

*Manila, 20th April, 1948.*

With reference to your Note of 16th December, 1947, on the subject of the Turtle and Mangsee Islands, I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to confirm, for the information of the Government of the Philippines, that the transfer of the administration of the said islands became effective on 16th October, 1947, on the understanding that this transfer is without prejudice to the outstanding points, enumerated below, which require further discussion:—

[As in sub-paragraphs Nos. 1, 2 and 3 of No. 4.]

I avail, &c.

L. H. FOULDS.

(<sup>2</sup>) Not Printed.

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