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Republika ng Pilipinas
PAMBANSANG PANGASIWAAN NG PATUBIG
(National Irrigation Administration)
Lungsod ng Quezon

MC No. 35, s. 1994

MEMORANDUM CIRCULAR

T O : THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS,
DEPARTMENT MANAGERS, STAFF HEADS, REGIONAL
IRRIGATION MANAGERS, OPERATION/PROJECT MANAGERS,
IRRIGATION SUPERINTENDENTS, PROVINCIAL IRRIGATION
OFFICERS, AND ALL OTHERS CONCERNED
National Irrigation Administration

SUBJECT : Memorandum Circular No. 94, s. 1994 from the
Office of the President dated 31 May 1994.

Quoted hereunder in full is Memorandum Circular No. 94,
s. 1994 for your information and guidance.

"MALACANANG
MANILA

MEMORANDUM CIRCULAR NO. 94

ENJOINING ALL GOVERNMENT AGENCIES TO RECOGNIZE AND
RESPECT THE PRIVILEGES AND IMMUNITIES OF THE
ASIAN DEVELOPMENT BANK AND ITS STAFF

It has been brought to the attention of the Government
of the Republic of the Philippines that there have been a
series of incidents involving the privileges and immunities
of the Asian Development Bank (ADB) and its staff, including
the filing of criminal actions.

Article 50 of the Agreement Establishing the Asian
Development Bank ("Charter") and Article III of the
Agreement between the Asian Development Bank and Government
of the Republic of the Philippines Regarding the Head-
quarters of the Asian Development Bank ("Headquarters Agreement")
establish the immunity of the ADB from every form of legal
process (including search and seizure, subpoenas, summonses,
and other legal processes); and Article 55 (i) of the Charter
and Section 45 (a) of the Headquarters Agreement establish the
immunity of the ADB staff from every form of legal process
(including arrest, search and seizure, subpoenas, summonses,
and other legal processes) with respect to acts performed by
the ADB staff in their official capacity, except in cases
where the ADB explicitly waives such immunity.

Such immunity is consistent with the decision of the
Supreme Court of the Republic of the Philippines in *WHO vs.*
Aquino, No. L-35131, November 29, 1972, 48 SCRA 241.

The Charter and the Headquarters Agreement, which are international treaties executed by the Executive Branch of the Government of the Republic of the Philippines and ratified by the Senate of the Republic of the Philippines, are incorporated as part of the law of the Republic of the Philippines.

Accordingly, all departments, bureaus, offices, agencies and instrumentalities of the Government of the Republic of the Philippines, including government-owned or controlled corporations, regulatory agencies, and local government units, are hereby enjoined to recognize and respect the privileges and immunities of the ADB and its staff.

DONE in the City of Manila, this 31st day of May in the year of Our Lord, nineteen hundred and ninety-four.

(SGD.) FIDEL V. RAMOS

By the President:

(SGD.) TEOFISTO T. GUINGONA, JR.
Executive Secretary"

Be guided accordingly.

(SGD.) APOLONIO V. BAUTISTA
Administrator

18 July 1994