

MALACAÑANG
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 Headquarters 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.

By the President:


TEOFISTO T. GUINSONA, JR.
Executive Secretary
T.G.

