

Republic of the Philippines  
Congress of the Philippines

Senate

Manila City

Sixteenth Congress

Third Regular Session



RESOLUTION No. 94

RESOLUTION CONCURRING IN THE RATIFICATION  
TO THE PROTOCOL RELATING TO AN  
AMENDMENT TO THE CONVENTION ON  
INTERNATIONAL CIVIL AVIATION (ARTICLE 3 *BIS*)

WHEREAS, the Constitution, Article VII, Section 21, states: "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate";

WHEREAS, the Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 3 *bis*) was adopted by consensus during the 25<sup>th</sup> Session of the International Civil Aviation Organization (ICAO) on 10 May 1984 in Montreal, Canada; to date, 144 countries have ratified the Protocol;

WHEREAS, the Protocol inserts an Article 3 *bis* to the original Convention, which relates to the use of weapons against civil aircraft in flight and interception of aircraft flying above a State's territory without authority;

WHEREAS, the Protocol, while recognizing the sovereignty of a State over its airspace, enjoins States from resorting to the use of weapons against civil aircraft so as not to endanger the safety of the aircraft and the lives of persons onboard;

WHEREAS, the Protocol enjoins Contracting Parties to take appropriate measures to prevent any aircraft from flying without authority over its territory to be used for any purpose inconsistent with the objectives of the Chicago Convention;

WHEREAS, the Protocol will contribute towards the vision of a comprehensive airspace security and will empower the Philippine government to prevent and prosecute the use of civil aircraft for unlawful purposes, subject to international laws;

WHEREAS, Article 3, Letter d, sub-paragraph 4 provides that it shall come into force in respect of the States which have ratified it on the date on which the one hundred and second instrument of ratification is deposited;

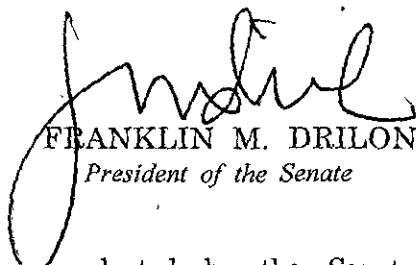
WHEREAS, the President of the Philippines ratified the Protocol on 5 May 2014 and has accordingly submitted it to the Senate for concurrence in its ratification, in accordance with the Constitution;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 5 March 2015, the following government agencies endorsed the concurrence in the ratification to the Protocol:

1. Department of Foreign Affairs;
2. Department of Transportation and Communications;
3. Department of National Defense;
4. Philippine National Police Aviation Security Group;  
and
5. Armed Forces of the Philippines: Now, therefore, be it


*Resolved*, That the Philippine Senate concur, as it hereby concurs, in the ratification to the Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 3 *bis*).

Adopted,



FRANKLIN M. DRILON  
*President of the Senate*

This Resolution was adopted by the Senate on August 10, 2015.



OSCAR G. YABES  
*Secretary of the Senate*

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