

Republic of the Philippines
Congress of the Philippines
Senate
Pasay City

Eighteenth Congress

Third Regular Session

RESOLUTION No. 134

RESOLUTION CONCURRING IN THE ACCESSION TO
THE 1961 CONVENTION ON THE REDUCTION OF
STATELESSNESS

WHEREAS, the 1987 Philippine 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 *1961 Convention on the Reduction of Statelessness* (1961 Convention) was signed on 30 August 1961 in New York, United States of America, and entered into force on 13 December 1975;

WHEREAS, accession to the 1961 Convention affirms the Philippines' strong commitment to human rights, pursuant to Section 11, Article II of the 1987 Philippine Constitution, which provides that "[t]he State values the dignity of every human person and guarantees full respect for human rights" and the Universal Declaration of Human Rights, to which the country voted in favor of;

WHEREAS, the 1961 Convention establishes a system of common rules and provides detailed and concrete safeguards to ensure an appropriate response to the threat of statelessness;

WHEREAS, the 1961 Convention has laid down the measures to prevent and reduce statelessness in four (4) areas of concern: (a) statelessness among children; (b) statelessness due to renunciation of nationality; (c) statelessness due to deprivation of nationality; and (d) statelessness in the context of State succession;

WHEREAS, acceding to the 1961 Convention will complement and further demonstrate the commitment of the Philippines to its obligations under international human rights instruments, especially those that concern the affirmation of the right of all individuals to a nationality;

WHEREAS, the President of the Philippines ratified the 1961 Convention on 3 August 2021 and has accordingly submitted it to the Senate for concurrence, in accordance with the 1987 Philippine Constitution;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 10 December 2021, the following government agencies endorsed the concurrence to the accession of the 1961 Convention:

- (1) Department of Foreign Affairs
- (2) Department of Justice
- (3) Department of Social Welfare and Development

- (4) Commission on Filipinos Overseas
- (5) Commission on Human Rights
- (6) Council for the Welfare of Children
- (7) National Commission on Indigenous Peoples
- (8) National Security Council
- (9) Presidential Human Rights Committee Secretariat:

Now, therefore, be it

Resolved, That the Philippine Senate concur, as it hereby concurs, in the accession to the *1961 Convention on the Reduction of Statelessness* with the following declarations:

(a) The Republic of the Philippines maintains the grounds for the acquisition, loss and reacquisition of Philippine citizenship as provided under Article IV of the 1987 Philippine Constitution and relevant domestic laws;

(b) As to Article 2 of the 1961 Convention, the Republic of the Philippines declares that a foundling found in the Philippines, in the absence of evidence to the contrary, is presumed born to a Filipino parent, and therefore, a Filipino citizen;

(c) In accordance with paragraph 3, Article 8 of the 1961 Convention, the Republic of the Philippines retains the grounds for losing Philippine citizenship as provided for under Section 1 of Commonwealth Act No. 63 (s.1936), entitled: "*An Act Providing for the Ways in Which Philippine Citizenship May be Lost or Reacquired*," subject, however, to the provisions of Republic Act (R.A.) No. 9225 or the "*Citizenship Retention and Reacquisition Act of 2003*" and R.A. No. 8171, and other prevailing domestic laws; and

(d) While Article 12, paragraph 3 of the Convention provides that "[t]he provisions of Article 2 shall apply only to foundlings found in the territory of a Contracting State after

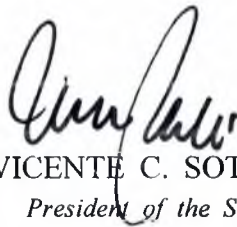
the entry into force of the 1961 Convention for that State," the Republic of the Philippines may apply Article 2 retroactively should it be more beneficial and conducive to the well-being of the foundling.

Resolved, further, That the Department of Social Welfare and Development and other concerned government agencies endeavor to register all the births of children born under disadvantaged situations in the country to avoid any possibility of being stateless, thus addressing it at its source.

Resolved, furthermore, That the Department of Foreign Affairs and the Department of Labor and Employment, through the Philippine missions abroad, assist our undocumented Filipinos and overseas Filipino workers, victimized by unfortunate circumstances, in order to prevent their risk of being stateless including their children born outside the country.

Resolved, finally, That the President of the Philippines may, with the concurrence of the majority of all members of the Senate, withdraw from the Treaty.

Adopted,



VICENTE C. SOTTO III
President of the Senate

This Resolution was adopted by the Senate on January 25, 2022.



MYRA MARIE D. VILLARICA
Secretary of the Senate