

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Eighteenth Congress

First Regular Session



RESOLUTION No. 37

RESOLUTION EXPRESSING THE SENSE OF THE
SENATE FOR THE PRESIDENT TO
RECONSIDER HIS PLAN TO WITHDRAW FROM
THE VISITING FORCES AGREEMENT WITH
THE UNITED STATES OF AMERICA IN THE
MEANTIME THAT THE SENATE IS
CONDUCTING A THOROUGH REVIEW OF THE
SAME

WHEREAS, on March 14, 1947, the Philippines and the United States of America forged a military bases agreement which formalized, among others, the use of installations in the Philippine territory by United States military personnel. To further strengthen their mutual defense and security

relationship, the Philippines and the United States entered into a Mutual Defense Treaty (MDT) on August 30, 1951. Under the treaty, the parties agreed to respond to any external armed attack on their territory, armed forces, public vessels, and aircraft;

WHEREAS, on September 16, 1991, the Philippine Senate rejected the proposed RP-US Treaty of Friendship, Cooperation and Security which, in effect, would have extended the presence of US military bases in the Philippines. With the expiration of the RP-US Military Bases Agreement, the periodic military exercises conducted between the two countries were held in abeyance. This notwithstanding, the defense and security relationship between the Philippines and the United States of America has continued pursuant to the MDT;

WHEREAS, the lapse of the RP-US Bases Agreement in 1992 and the decision not to renew it created a vacuum in US-Philippines defense relations, until it was replaced by the Visiting Forces Agreement (VFA);

WHEREAS, the VFA between the Philippines and the United States of America was entered into and came into force upon ratification of the Senate of the Philippines on May 27, 1999. Its primary goal is to facilitate the promotion of optimal cooperation between American and Philippine military forces in the event of an attack by a common foe;

WHEREAS, the VFA provides the "regulatory mechanism" by which "United States military and civilian personnel may visit temporarily in the Philippines in connection with activities approved by the Philippine Government". It contains provisions relative to entry and departure of American personnel, driving and vehicle registration, criminal jurisdiction, claims, importation and exportation, movement of vessels and aircraft, as well as the duration of the agreement and its termination. It is the VFA which gives continued relevance to the MDT;

WHEREAS, another agreement was entered into between the two countries in the form of the Enhanced Defense Cooperation Agreement (EDCA) on April 28, 2014, with the goal of supplementing the existing VFA through mutual

cooperation in developing their individual and collective capacity to resist armed attacks;

WHEREAS, President Rodrigo Roa Duterte has threatened to abrogate the VFA in response to the cancellation of the US visa of Senator Ronald "Bato" dela Rosa and other events involving the country's national integrity and sovereignty aggravated by a "series of disrespectful acts" of the United States, as expressed by the presidential spokesperson;

WHEREAS, we concede that by constitutional fiat and by the intrinsic nature of this office, the President, as head of State, is the sole organ and authority in the external affairs of the country being the chief architect of the nation's foreign policy in the conduct of the external affairs of the nation;

WHEREAS, fully recognizing the authority of the Chief Executive and without intending to disrespect a co-equal body, prior to unilaterally terminating the VFA, the Senate should be given the opportunity to conduct a review and assessment of the impact of the withdrawal on the country's security and economy, specifically with regard to intelligence information sharing, military aid and financing, and technical assistance extended by the United States relative to the continuing threats posed by domestic and foreign terrorist groups, and ultimately, to the stability and security in the Asia Pacific region;

WHEREAS, as a policy making body, the Senate should likewise give its view and opinion on the repercussions that the said unilateral withdrawal will entail to the existing MDT and the EDCA with the United States of America;

WHEREAS, the Senate Committee on Foreign Relations conducted a public hearing on the VFA last February 6, 2020, and has started its review of the same;

WHEREAS, pending before the Senate Committee on Foreign Relations, for further study, is proposed Senate Resolution No. 305, entitled: "Resolution Expressing the Sense of the Senate That Termination of, or Withdrawal From, Treaties and International Agreements Concurred in by the

Senate Shall be Valid and Effective Only Upon Concurrence by the Senate”;

WHEREAS, in the Seventeenth (17th) Congress, the Senate adopted twenty (20) Resolutions concurring in the ratification of or accession to various treaties and international agreements which provide that the President of the Philippines may, with the concurrence of the Senate, withdraw from the Agreement;

WHEREAS, a careful deliberation of these matters must be taken into account before finally arriving at a decision which will ultimately affect not only the security and economy of the Philippines but also that of our neighboring countries in the Asia Pacific Region: Now, therefore, be it

Resolved, as it is hereby resolved, To express as it hereby expresses, the sense of the Senate to earnestly request the President to reconsider his planned abrogation of the Visiting Forces Agreement in the meantime that the Senate is conducting a thorough review of the same.

Adopted,



VICENTE C. SOTTO III
President of the Senate

This Resolution was adopted by the Senate on February 10, 2020.



MYRA MARIE D. VILLARICA
Secretary of the Senate