

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Eighteenth Congress

First Regular Session



RESOLUTION No. 39

RESOLUTION ASKING THE HONORABLE SUPREME COURT OF THE PHILIPPINES TO RULE ON WHETHER OR NOT THE CONCURRENCE OF THE SENATE IS NECESSARY IN THE ABROGATION OF A TREATY PREVIOUSLY CONCURRED IN BY THE SENATE

WHEREAS, Section 21, Article VII of the 1987 Constitution provides that: "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, Section 25, Article XVIII of the 1987 Constitution states: “After the expiration in 1991 of the Agreement between the Republic of the Philippines and the United States of America concerning military bases, foreign military bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting state”;

WHEREAS, the text of the 1987 Constitution is clear as regards the required concurrence of the Senate for the validity of a treaty or international agreement;

WHEREAS, there is obviously a *lacuna legis* - an absence of any explicit provision in the 1987 Constitution - as to whether or not the concurrence of the Senate is necessary for the termination of any treaty earlier concurred in by the Body;

WHEREAS, considering the urgency of the determination of the purely legal question of whether or not the concurrence of the Senate is necessary in the abrogation of a treaty previously concurred in by the Senate, now is the most opportune time for this august body to obtain from the Honorable Supreme Court its declaration on this legal question;

WHEREAS, the ambiguity on the concurrence of the Senate in the abrogation of treaty involves an issue of transcendental importance that impacts on the country's constitutional checks and balances. It presents a constitutional issue that seriously affects the country's legal system as well as the country's relations with the international community: Now, therefore, be it

Resolved, as it is hereby resolved, To ask the Honorable Supreme Court of the Philippines to rule on whether or not the concurrence of the Senate is necessary in the abrogation of a treaty previously concurred in by the Senate.

Adopted,



VICENTE C. SOTTO III

President of the Senate

This Resolution was adopted by the Senate on March 2, 2020.



MYRA MARIE D. VILLARICA

Secretary of the Senate