


THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUL 14 P3:19

SENATE  
S. B. NO. 1432

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

Among the powers of the President of the Philippines as Chief Executive of the Land is to act on behalf of our country in its dealings and relations with other countries. As such, he exercises the treaty-making power. This power is not, however, absolute because Article 7, Section 21 of the Constitution provides that "no treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of the Members of the Senate."

The proposed measure seeks to reassert such power, mandating Senate concurrence to international and executive agreements. The objective is to ensure that any international commitment made by the President, whether under bilateral or multilateral arrangements, does not go against our national security and interests.

This bill is a consolidation of related bills submitted during the Tenth Congress before the Committee of Constitutional Amendments, Revision of Codes and Laws, of which the undersigned chaired.

  
MIRIAM DEFENSOR SANTIAGO

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AN ACT  
MANDATING CONCURRENCE TO INTERNATIONAL AGREEMENTS AND  
EXECUTIVE AGREEMENTS

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled*

SECTION 1. *Definition of Terms.*

(a) The term "international agreement" refers to treaty, convention, act, general act, protocol, or any agreement with an external entity, involving political issues or changes of national policy and those involving international arrangements of a permanent character, and

(b) the term "executive agreement" refers to an agreement embodying adjustment of detail carrying out a law or a well-established national policy or tradition, or an agreement involving arrangements of a more or less temporary nature.

SECTION 2. No international agreement or executive agreement shall be valid and effective unless concurred in by at least two-thirds of all members of the Senate.

SECTION 3. Any international agreement or executive agreement or any part or provision thereof, which conflicts with or is contrary to the Constitution shall have no force and effect.

SECTION 4. *Exceptions.* - The following agreements do not need Senate Concurrence:

a. Executive agreements concluded by the President in pursuance of an authorization contained in prior treaty;

b. Executive agreements concluded by the President after prior Congressional authorization;

c. Executive agreements concluded by the President based on his exclusive powers such as his power to receive foreign ambassadors and recognize foreign governments, and to authorize the sending of medical missions of humanitarian reasons, provided that the same is effected through the Philippine National Red Cross; and

d. The acts of the President in his power as Commander-in-Chief of the Armed Forces of the Philippines, except when otherwise provided in Sections 5 and 6.

All agreements negotiated by the President not covered by the foregoing shall be confirmed by a least two-thirds of all members of the Senate.

SECTION 5. The deployment or assignment of Philippine military troops to any foreign country whether for peacekeeping missions or combat operations and regardless of the size or number thereof, can be authorized by the President only with the concurrence of the Senate.

For this purpose, the President shall submit to the Senate for its concurrence, the corresponding international agreement or document which provided for the sending by the Philippine Government of military troops to another country for such purposes as specified therein. The President shall keep the Senate regularly posted on the status of such military contingents assigned abroad.

SECTION 6. The provisions of Section 5 hereof shall also apply to *international* agreements involving other forms of military assistance such as military equipment and munitions which may be requested from the Philippine Government.

SECTION 7. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 9. *Effectivity Clause.* - This Act shall take effect (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

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