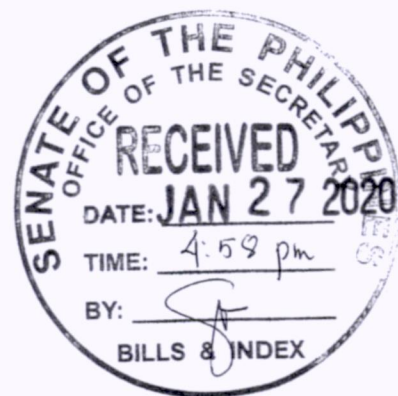


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
P.S. Resolution No. 299



Introduced by **SENATOR IMEE R. MARCOS**

RESOLUTION
EXPRESSING THE SENSE OF THE SENATE THAT THE VALIDITY AND
IMPLEMENTATION OF THE ENHANCED DEFENSE COOPERATION
AGREEMENT (EDCA) BETWEEN THE REPUBLIC OF THE PHILIPPINES AND
THE UNITED STATES OF AMERICA BE URGENTLY REVIEWED

WHEREAS, as stated in Article XVIII, Section 25 of the 1987 Constitution, "*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.*" Moreover, Article VII, Section 21 states 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, on 28 April 2014, as a supplement to the Visiting Forces Agreement (VFA), the United States and the Philippines agreed that the Enhanced Defense Cooperation Agreement (EDCA) stating that the Parties separately and jointly, by self-help and mutual aid, maintain and develop individual and collective capacity to resist armed attack in the effort to strengthen the bilateral relations between the two States through joint and combined military trainings, security cooperation exercises, humanitarian assistance and disaster relief, and other activities as may be agreed upon between both parties;

WHEREAS, in 2016, the Senate questioned the validity of the EDCA through a Resolution filed by Sen. Miriam Defensor-Santiago entitled, "*RESOLUTION EXPRESSING THE STRONG SENSE OF THE SENATE THAT ANY TREATY RATIFIED BY THE PRESIDENT OF THE PHILIPPINES SHOULD BE CONCURRED IN BY THE SENATE, OTHERWISE THE TREATY BECOMES INVALID AND INEFFECTIVE*" but the Supreme Court, in a decision, upheld the constitutionality of the EDCA between the U.S. and the Philippines that such is an executive agreement, not a treaty, despite the Constitutional requisite;

WHEREAS, on April 2019, the 35th annual "*Balikatan*" military exercises was conducted in Camp Aguinaldo wherein then Armed Forces of the Philippines Chief-of-Staff, Gen. Benjamin Madrigal said, "*Every year when our troops train together and hurdle developed scenarios, in a way we actually relive the times when Filipinos and American soldiers fought side by side in defense of peace, freedom and democracy*";

WHEREAS, the EDCA has made the United States troops a permanent presence in Philippine territory, clearly conflicting with the Constitutional mandates of sovereignty and treaty ratification;

WHEREAS, President Rodrigo Duterte's statement, "*I'm warning you, this is the first time. Pag hindi ninyo ginawa ang correction diyay (If you do not correct that), one, I will terminate the bases' Visiting Forces Agreement,*" would simply put the EDCA and the Mutual Defense Treaty in operation, depriving the Philippines of jurisdiction over errant American military personnel who commit crimes under the country's laws such as U.S. Serviceman Daniel Smith, as well as release convicts in custody such as U.S. Marine Joseph Scott Pemberton;

WHEREAS, the EDCA should be terminated because it indirectly allows the United States military to skirt the constitutional ban on foreign bases in the Philippines and makes the country a potential target of America's adversaries;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED,
expressing the sense of the Senate that the validity and implementation of the
Enhanced Defense Corporation Agreement (EDCA) between the Republic of the
Philippines and the United States of America be urgently reviewed.

Adopted,


IMEE R. MARCOS