

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



Senate  
Office of the Secretary

SENATE

20 JAN 29 P 3:37

P.S. Res No. 305

RECEIVED BY: \_\_\_\_\_

Introduced by Senator Franklin M. Drilon

**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**

1 WHEREAS, Article VII, Section 21 of the Constitution provides: “No treaty or  
2 international agreement shall be valid and effective unless concurred in by at least two-  
3 thirds of all the Members of the Senate.”;

4 WHEREAS, Article II, Section 2 of the Constitution provides, in part, that the  
5 Philippines adopts the generally accepted principles of international law as part of the  
6 law of the land;

7 WHEREAS, the power to bind the Philippines by treaty or international  
8 agreement is vested jointly by the Constitution in the President and the Senate;

9 WHEREAS, the Supreme Court in *Saguisag v. Executive Secretary* (G.R. No.  
10 212426, January 12, 2016) recognized the shared power of the President and Senate in  
11 the sphere of foreign affairs;

12 WHEREAS, a treaty or international agreement ratified by the President and  
13 concurred in by the Senate becomes part of the law of the land and may not be undone  
14 without the shared power that put it into effect;

15 WHEREAS, the principle of checks and balances, historical precedent and  
16 practice accepted as law in most jurisdictions, and the Constitution’s dictate for a  
17 shared treaty-making power require that a termination, withdrawal, abrogation or  
18 renunciation of a treaty or international agreement can only be done with the same  
19 authority that gave it effect – executive ratification with Senate concurrence;

20 WHEREAS, recognizing the role of the Senate in the withdrawal, abrogation or  
21 renunciation of treaties, fourteen (14) senators co-signed and filed in the Seventeenth  
22 Congress P.S. Resolution No. 289 “Resolution Expressing the Sense of the Senate That

1 Termination Of, Or Withdrawal From, Treaties and International Agreements  
2 Concurred in by the Senate Shall Be Valid and Effective Only Upon Concurrence By  
3 the Senate;

4 WHEREAS, the Seventeenth Congress adopted twenty (20) resolutions  
5 concurring in the ratification of or accession to various treaties and international  
6 agreements which provides that the President of the Philippines may, with the  
7 concurrence of the Senate, withdraw from the Agreement: Now, therefore, be it

8 RESOLVED BY THE SENATE, to express its sense that termination of, or  
9 withdrawal from, treaties and international agreements concurred in by the Senate  
10 shall be valid and effective only upon concurrence by the Senate.

*Adopted,*

  
FRANKLIN M. DRILON  
Senator