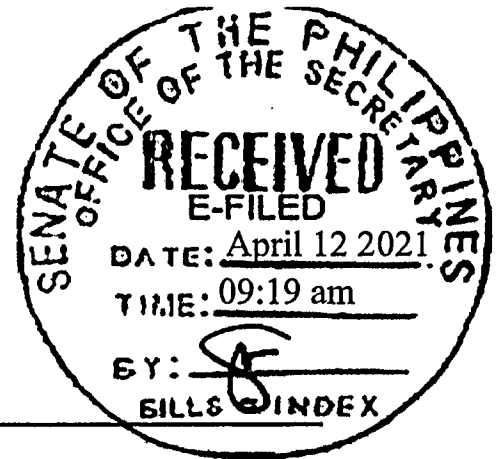


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P.S. Res. No. 694



Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION
URGING THE EXECUTIVE BRANCH OF THE PHILIPPINE
GOVERNMENT TO EXERT ALL LEGAL AND DIPLOMATIC ACTIONS ON
THE CHINESE GOVERNMENT IN ASSERTING PHILIPPINE
SOVEREIGNTY AND SOVEREIGN RIGHTS IN THE WEST PHILIPPINE
SEA FOLLOWING THE PHILIPPINE COAST GUARD REPORTEDLY
SPOTTING AROUND 220 CHINESE MILITIA VESSELS MOORED AT THE
JULIAN FELIPE REEF

1 WHEREAS, Article I of the 1987 Constitution is clear: “[t]he national territory
2 comprises the Philippine archipelago, with all the islands and waters embraced
3 therein, and all other territories over which the Philippines has sovereignty or
4 jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its
5 territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas.
6 The waters around, between, and connecting the islands of the archipelago, regardless
7 of their breadth and dimensions, form part of the internal waters of the Philippines”;

8 WHEREAS, Article II, Section 7 of the same mandates that, in the State’s
9 relations with other states, “the paramount consideration shall be national
10 sovereignty, territorial integrity, national interest, and the right to self-
11 determination”;

12 WHEREAS, Article XII, Section 2 of the same declares, in part, that “[t]he State
13 shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and
14 exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino
15 citizens”;

1 WHEREAS, the International Court of Justice has already proclaimed:
2 “[b]etween independent States, respect for territorial sovereignty is an essential
3 foundation of international relations”;¹

4 WHEREAS, the Permanent Court of Arbitration (PCA), in a landmark ruling in
5 2016, rejected China’s sweeping territorial claims over the South China Sea.² The
6 tribunal “concluded that, as between the Philippines and China, there was no legal
7 basis for China to claim historic rights to resources, in excess of the rights provided for
8 [...] by the Convention (UNCLOS), within the seas areas falling within the 'nine-dash
9 line”. The said arbitral award recognized the Philippines’ sovereign rights in its 200
10 nautical miles (NM) exclusive economic zone (EEZ) in the West Philippine Sea
11 (WPS);³

12 WHEREAS, China has repeatedly stressed that it does not recognize this ruling
13 as it has continued its maritime incursions and reclamation activities in the West
14 Philippine Sea;⁴

15 WHEREAS, since the ruling, China has figured in a number of maritime
16 incidents with the Philippine Coast Guard and even local fishermen in the disputed
17 territory;

18 WHEREAS, in December 2020, the US-based think tank Asia Maritime
19 Transparency Initiative (AMTI) reported that amid the COVID-19 pandemic, the
20 Chinese Coast Guard (CCG) aggressively increased its presence and frequency of
21 patrols in Scarborough Shoal and other areas in the disputed South China Sea;⁵

22 WHEREAS, on 7 March 2021, the Philippine Coast Guard, in a report to the
23 National Task Force West Philippine Sea (NTF-WPS), said that it had spotted 220

¹ I.C.J. Reports 1949, p. 35

² Santos, M. (12 July 2016). *PH wins arbitration case over South China Sea*. Retrieved 23 March 2021, from <https://globalnation.inquirer.net/140358/philippines-arbitration-decision-maritime-dispute-south-china-sea-arbitral-tribunal-unclos-itlos>

³ The South China Sea Arbitration (12 July 2021) *The Republic of the Philippines v The People's Republic of China*. Retrieved last 23 March 2021 from: <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/>

⁴ Phillips, T., Holmes, O., & Bowcott, O. (12 July 2016). *Beijing rejects tribunal's ruling in South China Sea case*. Retrieved 23 March 2021, from <https://www.theguardian.com/world/2016/jul/12/philippines-wins-south-china-sea-case-against-china>

⁵ ABS-CBN News. (6 December 2020). *China increased patrols in disputed sea during pandemic: report*. Retrieved 21 March 2021, from <https://news.abs-cbn.com/news/12/06/20/china-increased-patrols-in-disputed-sea-during-pandemic-report>

1 Chinese vessels it believed to be “manned by Chinese maritime militia personnel” at
2 the Juan Felipe Reef, approximately 175 nautical miles west of Bataraza, Palawan, and
3 well within the Philippines’ exclusive economic zone and continental shelf;⁶

4 WHEREAS, on 21 March 2021, after a recommendation from National Security
5 Adviser Hermogenes Esperon, Department of Foreign Affairs Secretary Teodoro
6 Locsin, Jr. filed another diplomatic protest against China over this new incident in the
7 WPS. Defense Secretary Delfin Lorenzana also expressed alarm over the incident by
8 stating that the presence of the Chinese vessels is a “clear provocative action of
9 militarizing the area” and called on the Chinese to “stop this incursion and
10 immediately recall these boats violating our maritime rights and encroaching into our
11 sovereign territory”;⁷

12 WHEREAS, on 22 March 2021, Malacañang downplayed the incident with
13 Presidential Spokesperson Harry Roque describing the Philippines’ as having a “close
14 friendship” with China and that “friends and neighbors can talk everything out”;⁸

15 WHEREAS, on the same day, the Chinese Embassy in the Philippines flatly
16 denied the presence of Chinese militia vessels in Julian Felipe Reef and claimed that
17 they were just fishing vessels. The Chinese Embassy further elaborated that “Niu'e Jiao
18 (Julian Felipe Reef) is a part of China's Nansha Qundao” and that Chinese fishing
19 vessels have been fishing in its adjacent waters for many years”. Finally, the statement
20 decried the speculation as “unnecessary irritation” and hoped that the “situation could
21 be handled in an objective and rational matter”;⁹

22 WHEREAS, it cannot be overemphasized that the increasing presence and
23 unrelenting intrusion of militia vessels within our territory expose our country to

⁶ Mangosing, F. (21 March 2021). *Over 200 Chinese vessels moored at West Philippine Sea reef*. Retrieved 23 March 2021, from <https://globalnation.inquirer.net/194406/over-200-chinese-vessels-moored-at-west-philippine-sea-reef>

⁷ CNN Philippines Staff. (21 March 2021). *Locsin files diplomatic protest over presence of Chinese vessels at reef in West PH Sea*. Retrieved 23 March 2021, from <https://www.cnnphilippines.com/news/2021/3/21/Chinese-vessels-West-Philippine-Sea.html>

⁸ ABS-CBN News. (22 March 2021). *As Chinese vessels swarm West PH Sea, Palace says: Friends can talk everything out*. Retrieved 23 March 2021, from <https://news.abs-cbn.com/news/03/22/21/as-chinese-vessels-swarm-west-ph-sea-palace-says-friends-can-talk-everything-out>

⁹ CNN Philippines Staff. (22 March 2021). *Chinese Embassy denies presence of militia in West PH Sea*. Retrieved 23 March 2021, from [https://cnnphilippines.com/news/2021/3/22/chinese-embassy-deny-vessels-julian-felipe-reef.html#:~:text=Metro%20Manila%20\(CNN%20Philippines%2C%20March,those%20were%20just%20fishing%20vessels](https://cnnphilippines.com/news/2021/3/22/chinese-embassy-deny-vessels-julian-felipe-reef.html#:~:text=Metro%20Manila%20(CNN%20Philippines%2C%20March,those%20were%20just%20fishing%20vessels)

1 further geopolitical risks and destruction of marine resources that only serve to eclipse
2 our international triumph from the PCA and diminish our claim over the WPS;

3 WHEREAS, all acts that are or tend to be prejudicial to the national security or
4 vital interests of the State must be thoroughly and conscientiously reviewed and dealt
5 with – lest a perilous precedent of equating tolerance with surrender be assumed by
6 foreign forces;

7 WHEREAS, the convenient excuse of diplomatic ties should never be
8 whimsically and capriciously raised without first fully assessing the extent and far-
9 reaching implications of matters that concern our national sovereignty and security;

10 WHEREAS, international principle of peaceful co-existence demands mutual
11 respect for each other's territorial integrity and sovereignty, mutual non-aggression
12 and non-interference in each other's affairs;

13 WHEREAS, necessary measures must be undertaken to ensure that our
14 territory is afforded utmost security from threats of invasion and subjugation;

15 WHEREAS, the State is mandated to at all times assert our sovereignty over the
16 entire archipelago in order to protect our national interest and national security, and
17 to perpetually put premium on our nation's welfare;

18 WHEREAS, the serious repercussions of tolerating acts that amount to
19 threatening our national sovereignty and security must never be watered down with
20 nonchalant and reckless statements that paint the picture as less dangerous than what
21 it actually is;

22 WHEREAS, relying solely on diplomatic protests have proven to be ineffective
23 thus far as the Chinese government continues to downplay such incidents by playing
24 deaf, dumb, and blind to its unsanctioned incursions and reclamation activities in the
25 West Philippine Sea;

26 WHEREAS, moreover, these denials by China are coupled with assertions of
27 their alleged rights over areas on which the sovereign rights of our country are
28 internationally recognized;

29 WHEREAS, the Duterte administration's refusal to strongly invoke our
30 sovereign rights over the West Philippine Sea and opting instead to adopt a policy of

1 appeasement towards Chinese militarization may result in condoning the continued
2 unlawful actions of the Chinese Government that assault our sovereignty in the WPS;

3 WHEREAS, silence and softness, if not inaction on the part of our President on
4 a clear breach of our sovereignty only serves to weaken our territorial integrity for
5 future generations;

6 WHEREAS, in order for the State to fulfill its mandate of protecting and
7 upholding Philippine sovereignty, it is imperative that the government exhaust any
8 and all legal remedies, including invoking the 2016 PCA ruling, in order to be more
9 forceful in asserting our sovereign rights in the West Philippine Sea;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the
11 Executive Branch of the Philippine Government to exert all legal and diplomatic
12 actions on the Chinese Government in asserting Philippine sovereignty and sovereign
13 rights in the West Philippine Sea following the Philippine Coast Guard reportedly
14 spotting around 220 Chinese militia vessels moored at the Julian Felipe Reef.

Adopted,


LEILA M. DE LIMA