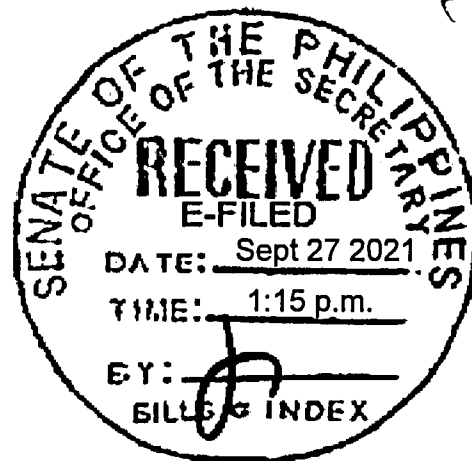


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

P.S. Res. No. 918

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
AMENDING SECTION 101, RULE XXXVI OF THE RULES OF THE
SENATE MAKING SENATE CONCURRENCE A CONDITION PRIOR TO
WITHDRAWAL FROM TREATIES AND INTERNATIONAL
AGREEMENTS TO WHICH IT GAVE ITS CONCURRENCE

1 WHEREAS, Article VII, Section 21 of the 1987 Constitution provides that
2 “[n]o treaty or international agreement shall be valid and effective unless concurred
3 in by at least two-thirds of all the Members of the Senate”;

4 WHEREAS, Article XVIII, Section 4 of the same also provides that “[a]ll
5 existing treaties or international agreements which have not been ratified shall not
6 be renewed or extended without the concurrence of at least two-thirds of all the
7 Members of the Senate;”

8 WHEREAS, the role of the Senate in treaty-making has been considered
9 essential since the drafting of the United States Constitution, from which our
10 Constitution was derived;

11 WHEREAS, on 2 March 2020, the Senate adopted Resolution No. 39, entitled
12 “Resolution Asking the Honorable Supreme Court of the Philippines to Rule on
13 Whether or not the Concurrence of the Senate is Necessary in the Abrogation of a
14 Treaty Previously Concurred in by the Senate;”

15 WHEREAS, earlier, on 13 February 2017, Proposed Senate Resolution No.
16 289, entitled “Resolution Expressing the Sense of the Senate that Termination of, or
17 Withdrawal from, Treaties and International Agreements Concurred in by the Senate
18 Shall be Valid and Effective Only Upon Concurrence by the Senate,” was introduced

1 by Senator Franklin Drilon and signed by thirteen (13) other Senators. Said
2 Resolution, however, was not adopted as it was not further calendared for agenda;

3 WHEREAS, on 15 March 2018, it was announced that the Philippines was
4 withdrawing from the Rome Statute and on the next day, the Notice of Withdrawal
5 from the International Criminal Court was submitted to the United Nations;

6 WHEREAS, Petitions were subsequently filed with the Supreme Court
7 questioning the constitutionality of the President's unilateral withdrawal from the
8 Rome Statute. One such petition was *Sen. Francis Pangilinan, et al. v. Alan Peter*
9 *Cayetano, et al.*, G.R. No. 238875;

10 WHEREAS, while the consolidated Petitions were dismissed by the Supreme
11 Court in its Resolution promulgated on 16 March 2021 for being moot, it was
12 categorically declared therein in the case of *Sen. Francis Pangilinan, et al. v.*
13 *Cayetano*, that **“Treaties where Senate concurrence for accession is**
14 **expressly premised on the same concurrence for withdrawal likewise**
15 **cannot be the subject of unilateral withdrawal. The imposition of Senate**
16 **concurrence as a condition may be made piecemeal, through individual**
17 **Senate resolutions pertaining to specific treaties, or through**
18 **encompassing legislative action, such as a law, a joint resolution by**
19 **Congress, or a comprehensive Senate resolution;”** (Emphasis supplied)

20 WHEREAS, withdrawal by our country from treaties and other international
21 agreements affects the rights and interests of Filipinos, in the same way that they are
22 affected upon our country's entry into said treaties and international agreements.
23 The Senate, consisting of the nationally elected representatives of the country, must
24 reserve its right to concur in the withdrawal from treaties, in the same way that, and
25 inasmuch as, it concurred in entering into said treaties;

26 WHEREAS, in the case abovementioned, the Supreme Court clearly expressed
27 that the Senate has the power to impose its concurrence as a prior condition to the
28 withdrawal from a treaty;

29 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, as it is hereby
30 Resolved, to amend Section 101, Rule XXXVI of the Rules of the Senate making
31 Senate concurrence a condition prior to withdrawal from treaties and international
32 agreements to which it gave its concurrence, to read as follows:

1 SEC. 101. When a treaty is received in the Senate for its
2 concurrence, the same shall be referred to the Committee on
3 Foreign Relations. After the Committee has reported the treaty
4 to the Senate, the Second Reading of the treaty shall take place
5 and during this period it shall be opened to general debate and
6 to amendments. After the close of the debate, the treaty shall
7 be voted upon and once approved shall pass to its Third
8 Reading.

9 Any action taken by the Senate on the treaty shall be set forth
10 in a resolution prepared by the Committee on Foreign
11 Relations. THIS RESOLUTION SHALL CONTAIN A
12 STATEMENT REQUIRING SENATE CONCURRENCE PRIOR
13 TO WITHDRAWAL FROM THE SAME TREATY. This
14 resolution shall be printed and distributed to the Senators as a
15 bill on Third Reading. x x x

Adopted,


LEILA M. DE LIMA