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OF THE PHILIPPINES)
Second Regular Session)

5 SEP 15 P2:21

SENATE
P. S. R. No. 334

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE COMMITTEE ON FOREIGN RELATIONS AND THE
COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO CRIMINALIZE
CONDUCT SERIOUSLY PREJUDICIAL TO PHILIPPINE FOREIGN RELATIONS,
WHETHER BILATERAL OR MULTILATERAL, COMMITTED BY
UNAUTHORIZED FILIPINO NATIONALS

WHEREAS, it appears that on 10 September 2005, FBI special agents arrested in the United States a Filipino national, Michael Ray Aquino; and a naturalized American, Leandro Aragoncillo;

WHEREAS, Aquino is reportedly an undocumented alien in America who has overstayed his tourist visa; while Aragoncillo is reportedly an FBI intelligence analyst;

WHEREAS, it appears that Aquino and Aragoncillo have been accused in court on three criminal counts: conspiring to make unauthorized disclosures of classified information; acting in the United States as agents of a foreign government, without prior notification to the U.S. attorney general; and for Aragoncillo only, exceeding authorized access;

WHEREAS, the criminal complaint filed in the U.S. district court at New Jersey alleges that the two accused transmitted information to three Filipino "high-level national public officials," one of whom is no longer in office, and two of whom are incumbents;

WHEREAS, the identities of these three Filipino public officials are scheduled to be divulged when the classified documents are unsealed this coming 22 September 2005 in the New Jersey district court;

WHEREAS, the alleged involvement of at least five Filipino nationals, two of whom are alleged to be incumbent national public officials, raises grave concern about the impact of such allegations on RP-US diplomatic relations;

WHEREAS, assuming that there is probable cause against the alleged Filipino conspirators, the necessary conclusion is that the Philippine Penal Code should criminalize such conduct, imposing heavy penalties;

WHEREAS, higher penalties should be imposed on public officials involved, since unauthorized and illegal conduct of public officials that seriously jeopardize Philippine foreign relations with another state or states is tantamount to a crime against national security;

WHEREAS, the Penal Code criminalizes crimes against national security, including treason, espionage, and correspondence with a hostile country, which are punished with penalties ranging from *prision correccional* to death;

WHEREAS, it is necessary in a globalizing international community that crimes against national security should now include conduct by unauthorized Filipino nationals which seriously prejudice Philippine foreign relations, whether bilateral or multilateral;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Committee on Foreign Relations and the Committee on National Defense to conduct an inquiry, in aid of legislation, on the need to criminalize conduct seriously prejudicial to Philippine foreign relations, whether bilateral or multilateral, committed by unauthorized Filipino nationals, and to impose heavier penalties if the perpetrators are public officials.

Adopted,


MIRIAM DEFENSOR SANTIAGO