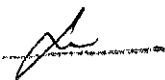


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 MAR -5 P4:03

SENATE
P.S. Reso. No. 319

RECEIVED BY: 

Introduced by Senator Lacson

RESOLUTION

DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO CONDUCT AN INVESTIGATION INTO THE SIGNING OF AN AGREEMENT FOR A JOINT MARINE SEISMIC UNDERTAKING IN THE SOUTH CHINA SEA, INCLUDING THE DISPUTED SPRATLY ISLANDS, WITH THE PEOPLE'S REPUBLIC OF CHINA ALLEGEDLY IN EXCHANGE FOR US\$8 BILLION IN OFFICIAL DEVELOPMENT ASSISTANCE FROM THE CHINESE GOVERNMENT, WITH THE END IN VIEW OF PROVIDING REMEDIAL LEGISLATIONS THAT WILL FURTHER PROTECT OUR INTEREST IN THE SAID ISLANDS.

Whereas, Article I of the Philippine Constitution provides that "the national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippine has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimension, form part of the internal waters of the Philippines;

Whereas, Article II, Section 3 of the said Constitution states in part that "the Armed Forces of the Philippines is the protector of the people and the state. Its goal is to secure the sovereignty of the state and the integrity of the national territory."

Whereas, included in the coverage of the national territory of the Philippines is the disputed Spratly Islands, a group of islands off the coast of Palawan, which the government is claiming on the basis not only of its geographical proximity but also of its prior rights and title. Other claimants of the said islands are China, Vietnam, Taiwan, Indonesia and Malaysia;

Whereas, in 1978, our government formally annexed the said islands to the Philippines and placed it under the administration of the Province of Palawan, as a consequence of which, security forces from the Armed Forces of the Philippines were deployed in some parts of the islands;

Whereas, because of said competing claims, the Spratly Islands dispute remains one of the region's flashpoints as evidenced by the Mischief reef incident in 1995 and 1998;

Whereas, cognizant of the need to promote peaceful, friendly and harmonious environment in the South China Sea for the enhancement of peace, stability, economic growth and prosperity in the region, the Government of the People's Republic of China and the member states of the ASEAN signed the Declaration on the Conduct of the Parties in the South China Sea on November 2002;

Whereas, despite the existence of this Agreement, two state-owned oil companies of the Philippines and the People's Republic of China, i.e., the Philippine National Oil Corporation and the China national Offshore Oil Corporation signed an agreement for a Joint Marine Seismic Undertaking (JMSU) in the South China Sea on September 1, 2004 over the objection raised by then Acting DOJ Secretary Merceditas Gutierrez on the ground that the area of undertaking was within the Philippine 200 nautical mile exclusive economic zone. Similar objection was likewise raised by the Department of Foreign Affairs;

Whereas, under the said agreement, the area of undertaking covers a total area of One Hundred Forty-Two Thousand and Eight Hundred Eighty-Six (142,886) square kilometers which in an article published in the Far Eastern Economic Review was described, to wit., "the designated zone, a vast swathe of ocean off Palawan in the Southern Philippines, thrusts into the Spratlys and abuts Malampaya, a Philippine producing gas field. About one-sixth of the entire area, closest to the Philippine coastline, is outside the claims by China and Vietnam";

Whereas, by signing the said agreement, the Philippines has broken ranks with the Association of Southeast Asian Nations, which was dealing with China as a block on the South China issue;

Whereas, Vietnam after learning of the said agreement, immediately voiced concern, declaring that the agreement, concluded without consultation, was not in keeping with the spirit of the 2002 Asean-China Declaration on the Conduct of the Parties in the South China Sea but subsequently joined the Philippines and China, thru its state-owned Petro-Vietnam and forged a Tripartite Agreement for Joint Marine Seismic Undertaking in the Agreement Area in the South China Sea on March 14, 2005;

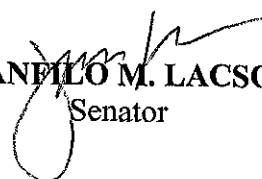
Whereas, according to an article written by Mr. Barry Wain of the Far Eastern Economic Review, the Philippines "has made breathtaking concessions in agreeing to the area for study, including parts of its own continental shelf not even claimed by China and Vietnam. Through its actions, Manila has given certain legitimacy to China spurious "historic claim" to most of the South China Sea;"

Whereas, on the February 23, 2008 issue of the Malaya, it was reported that President Arroyo and former Speaker Jose De Venecia may have committed treason/betrayal of the public trust of the highest order if the Philippine government signed the so-called Spratlys' Deal with Beijing in exchange for loans attended by bribery and corruption;

Whereas, these are serious accusations as it involve no less than the our territorial integrity and national security which we, as citizens and nationals, are bound to defend and protect;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved to direct the Committee on National Defense Security to investigate, in aid of legislation the Joint Marine Seismic Undertaking entered into by the Arroyo government that effectively conceded to China even areas of our own continental shelf to the detriment of our national territory and security, with the end in view of determining the constitutionality and propriety of said undertaking and at the same providing remedial legislation that can further protect our interest in the Spratly Islands.

Adopted,


PANFILO M. LACSON
Senator