

SENATE
P. S. R. No. _____

Introduced by Senators Miriam Defensor Santiago, Sonny M. Angara,
Pia S. Cayetano, Joseph Victor G. Ejercito, Jinggoy Ejercito Estrada,
Teofisto L. Guingona III, Manuel "Lito" M. Lapid, Ferdinand R. Marcos Jr.,
Sergio R. Osmeña III, Aquilino L. Pimentel III, Ralph G. Recto,
Ramon B. Revilla Jr., Cynthia A. Villar, and _____

RESOLUTION

1
2 EXPRESSING THE STRONG SENSE OF THE SENATE THAT ANY TREATY
3 RATIFIED BY THE PRESIDENT OF THE PHILIPPINES SHOULD BE
4 CONCURRED IN BY THE SENATE, OTHERWISE THE TREATY BECOMES
5 INVALID AND INEFFECTIVE

6 WHEREAS, the treaty known as RP-US EDCA (Enhanced Defense
7 Cooperation Agreement) is at present subject of Supreme Court proceedings on the
8 question of whether this treaty is valid and effective, considering that the Senate
9 has not concurred with the treaty;

10 WHEREAS, the Office of the President argues that the document is not a
11 treaty but is instead an executive agreement that allegedly does not require Senate
12 concurrence;

13 WHEREAS, the only constitutional ground for the position taken by the
14 Executive is the **mere** inclusion of the term "executive agreement" in the
15 Constitution which provides: "All cases involving the constitutionality of an....
16 executive agreement...." (Article 8, Section 4, para. 2) as one of items included in
17 the list of cases which the Supreme Court has power to decide;

18 WHEREAS, there is no other provision in the Constitution concerning a so-
19 called executive agreement, and there is no mention at all of its definition, its
20 requirements, the role of the Senate, or any other characteristic of, or protocol for,
21 any such so-called "executive agreement";

22 WHEREAS, "executive agreement" is a term wandering alone in the
23 Constitution, bereft of provenance and an unidentified constitutional mystery;