

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



Senate
Office of the Secretary

'13 JUL 22 P2:11

SENATE

S. No. 1006

RECEIVED BY: *[Signature]*

Introduced by Senator Antonio "SONNY" F. Trillanes IV

Explanatory Note

Among the powers of the President of the Philippines as the Chief Executive of the land, is to act on behalf of our country in its dealing and relations with other countries. As such, he exercises the treaty-making power. This power is not, however, absolute because Article VII, Section 21 of the Constitution provides that, *"No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate."*

The primary objective of the above-cited constitutional provision is to ensure that any international commitment made by the President, whether under bilateral or multilateral arrangements, does not go against our national security and interests, and that Philippine sovereignty is at all times upheld.

This bill is, therefore, being introduced to re-assert the power and to discharge the responsibility of the Legislature, acting through the Senate, as vested under the Constitution, to review any international agreement providing for the deployment abroad of Filipino troops, whether for peacekeeping missions or combat operations, and regardless of the size or number thereof.

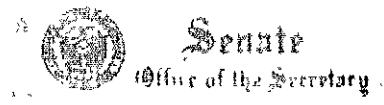
The bill will also cover international agreements involving other forms of military assistance such as military equipment and munitions which may be requested from the Philippines.

On the other hand, the sending of medical missions to a war-torn country for humanitarian reasons, whether composed of Philippine government personnel or private volunteer groups, is not covered under the bill, provided the same is effected through the Philippine National Red Cross and coordinated with the International Red Cross.

In light of the foregoing considerations, the immediate approval of this bill is earnestly requested.

ANTONIO "SONNY" F. TRILLANES IV
Senator

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**AN ACT
REQUIRING THE CONCURRENCE OF THE SENATE OF THE PHILIPPINES IN
ANY INTERNATIONAL AGREEMENT PROVIDING FOR THE DEPLOYMENT
ABROAD OF PHILIPPINE MILITARY TROOPS WHETHER FOR PEACEKEEPING
MISSIONS OR COMBAT OPERATIONS PURSUANT TO ARTICLE VII, SECTION 21
OF THE CONSTITUTION**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Definition of terms.*** - The terms, as used in this Act, shall be understood
2 to mean-

3 (a) The term "international agreement" refers to a treaty, convention, act, general act,
4 protocol, or any agreement with an external entity, involving political issues or changes of
5 national policy and those involving international agreements of a permanent character; and

6 (b) The term "executive agreement" refers to an agreement embodying adjustments of
7 detail carrying out a law or a well-established national policy or tradition, or an agreement
8 involving arrangements of a more or less temporary nature.

9
10 **SEC. 2. *Concurrence.*** - No international agreement or executive agreement shall be
11 valid and effective unless concurred in by at least two-thirds of all members of the Senate.

12
13 **SEC. 3. *Declaration of Nullity.*** - Any international agreement or executive agreement
14 or any part of provisions thereof, which conflicts with or is contrary to the Constitution, shall
15 have no force and effect.

1 **SEC. 4. *Exceptions.*** - The following agreements do not need Senate concurrence:

2 a. Executive agreements concluded by the President in pursuance of an authorization
3 contained in a prior treaty that was concurred by the Senate;

4 b. Executive agreements concluded by the President after prior Congressional
5 authorization;

6 c. Executive agreements concluded by the President based on his exclusive powers, such
7 as his power to receive ambassadors and recognize foreign governments, and to authorize the
8 sending of medical missions for humanitarian reasons, provided that the same is effected
9 through the Philippine National Red Cross and coordinated with the International Red Cross;
10 and,

11 d. The acts of the President in his power as Commander-in-Chief of the Armed Forces of
12 the Philippines, except when otherwise provided in Section 5 and 6.

13 All agreements negotiated by the President not covered by the foregoing shall be
14 confirmed by at least two-thirds of all members of the Senate.

15
16 **SEC. 5. *Authorization of the Deployment of Philippine Military Troops.*** - The
17 deployment or assignment of Philippine military troops to any foreign country whether for
18 peacekeeping missions or combat operations and regardless of the size or number thereof, can
19 be authorized by the President of the Philippines only with the concurrence of the Philippine
20 Senate in accordance with the provisions of Article VII, Section 21 of the Constitution.

21 For this purpose, the President shall submit to the Senate for its concurrence, the
22 corresponding international agreement or document which provides for the sending by the
23 Philippine Government of military troops to another country for such purposes as specified
24 therein.

25 Upon concurrence by the Senate to any such international agreement involving the
26 deployment of Philippine military troops to another country, the President shall keep the Senate
27 regularly posted on the status of such military contingents assigned abroad.

1 **SEC. 6. *Authorization for the Provision of Any Other Forms of Military Assistance.*** -

2 The provisions of Section 5 hereof shall also apply to international agreements involving other
3 forms of military assistance such as military equipment and munitions which may be requested
4 from the Philippine Government.

5
6 **SEC. 7. *Repealing Clause.*** - If any part hereof, is held invalid or unconstitutional, the
7 remainder of the law, or the provision not otherwise affected shall remain valid and subsisting.

8
9 **SEC. 8. *Separability Clause.*** - Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
11 with the provisions of this Act is hereby repealed, modified or amended accordingly.

12
13 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
14 at least two (2) newspapers of general circulation.

Approved,