



Senate
Office of the Secretary

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

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SENATE
S. No. 1773

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

The proposed measure seeks to reassert such power, mandating Senate concurrence to international and executive agreements. The objective 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.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 REQUIRING SENATE CONCURRENCE FOR THE VALIDITY AND EFFECTIVITY OF
3 INTERNATIONAL AGREEMENTS AND EXECUTIVE AGREEMENTS

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

4 SECTION 1. *Definition of Terms.* - For the purpose of this Act, the term:

5 (A) "International agreement" refers to treaty, convention, act, general act, protocol,
6 or any agreement with an external entity, involving political issues or changes of national policy
7 and those involving international arrangements of a permanent character; and

8 (B) "Executive agreement" refers to an agreement embodying adjustment of detail
9 carrying out a law or a well-established national policy or tradition, or an agreement involving
10 arrangements of a more or less temporary nature.

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

14 SECTION 3. *Exceptions.* - The following agreements do not need Senate Concurrence:

15 (A) Executive agreements concluded by the President in pursuance of an authorization
16 contained in prior treaty;

17 (B) Executive agreements concluded by the President after prior Congressional
18 authorization;

1 (C) Executive agreements concluded by the President based on the President's
2 exclusive powers such as the power to receive foreign ambassadors and recognize foreign
3 governments, and to authorize the sending of medical missions of humanitarian reasons,
4 provided that the same is effected through the Philippine National Red Cross; and

5 (D) The acts of the President pursuant to the President's power as Commander-in-
6 Chief of the Armed Forces of the Philippines, except when otherwise provided in Sections 5 and
7 6.

8 All agreements negotiated by the President not covered by the foregoing shall require the
9 concurrence of a least two-thirds of all members of the Senate to be valid and effective.

10 SECTION 4. *Deployment of Philippine Military Troops.* - The deployment or assignment
11 of Philippine military troops to any foreign country, whether for peacekeeping missions or
12 combat operations and regardless of the size or number thereof, can be authorized by the
13 President only with the concurrence of the Senate. For this purpose, the President shall submit to
14 the Senate for its concurrence, the corresponding international agreement or document which
15 provided for the sending by the Philippine Government of *military troops to another country* for
16 such purposes as specified therein. The President shall keep the Senate regularly posted on the
17 status of such military contingents assigned abroad.

18 SECTION 5. *Military Assistance.* - The provisions of Section 4 hereof shall also apply to
19 international agreements involving other forms of military assistance, such as military equipment
20 and munitions which may be requested from the Philippine Government.

21 SECTION 6. *Separability Clause.* - If any provision or part hereof is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
23 valid and subsisting.

1 SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with any of the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 8. *Effectivity Clause.* - This Act shall take effect (15) days after its publication
5 in at least two (2) newspapers of general circulation.

Approved,