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**SENATE**  
**P. S. Res No. 303**

RECEIVED BY: \_\_\_\_\_

Introduced by Senator Maria Lourdes Nancy S. Binay

**RESOLUTION**  
**DIRECTING THE PROPER SENATE COMMITTEES, TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE IMPLICATIONS OF THE  
TERMINATION OF RP-US VISITING FORCES AGREEMENT**

1 WHEREAS, the Republic of the Philippines and the United States entered into  
2 the Visiting Forces Agreement (VFA) for the purpose of strengthening international  
3 and regional security in the Pacific area and promoting their common security  
4 interests<sup>1</sup>;

5 WHEREAS, it was reported that the President of the Republic of the  
6 Philippines has expressed his intent to send notice to the United States terminating  
7 the VFA in light of the reported cancellation of Senator Ronald De la Rosa's United  
8 States visa<sup>2</sup>;

9 WHEREAS, the Supreme Court in the case of *Saguisag*<sup>3</sup> vs. *Executive*  
10 *Secretary*, in emphasizing the importance of the RP-US military agreements held:

11 No less than the 1987 Constitution demands that the "State shall  
12 protect the nation's marine wealth in its archipelagic waters, territorial  
13 sea, and exclusive economic zone, and reserve its use and enjoyment  
14 exclusively to Filipino citizens. "

<sup>1</sup> Preamble, RP-US Visiting Forces Agreement.

<sup>2</sup> Time.com, Philippines' Duterte Threatens to End U.S. Military Pact Over Senator's Entry Visa, January 24, 2020, <https://time.com/5770895/philippines-rodriago-duterte-visiting-forces-agreement/>.

<sup>3</sup>G.R. No. 212426, July 26, 2016.

15 No less than the 1987 Constitution states that the principal role of the  
16 military under the President as commander-in-chief shall be as  
17 protector of the people and the State to secure the sovereignty of the  
18 State and the integrity of the national territory.

19 To recall, the Philippines and the U.S. entered into the MDT in 1951  
20 with two things in mind, first, it allowed for mutual assistance in  
21 maintaining and developing their individual and collective capacities to  
22 resist an armed attack; and second, it provided for their mutual self-  
23 defense in the event of an armed attack against the territory of either  
24 party. The treaty was premised on their recognition that an armed  
25 attack on either of them would equally be a threat to the security of the  
26 other.

27 The EDCA embodies this very purpose. It puts into greater effect a  
28 treaty entered into more than 50 years ago in order to safeguard the  
29 sovereignty of the Philippines, and cement the military friendship of the  
30 U.S. and Philippines that has thrived for decades through multiple  
31 presidents and multiple treaties. While it is a fact that our country is  
32 now independent, and that the 1987 Constitution requires Senate  
33 consent for foreign military bases, troops, and facilities, the EDCA as  
34 envisioned by the executive and as formulated falls within the legal  
35 regime of the MDT and the VFA.

36 In the context of recent developments, the President is bound to  
37 defend the EEZ of the Philippines and ensure its vast maritime wealth  
38 for the exclusive enjoyment of Filipinos. In this light, he is obligated to  
39 equip himself with all resources within his power to command. With the  
40 MDT and VFA as a blueprint and guide, EDCA strengthens the Armed  
41 Forces of the Philippines and through them, the President's ability to  
42 respond to any potential military crisis with sufficient haste and greater  
43 strength.



44 WHEREAS, in 2013, during the typhoon Yolanda, the U.S. military efforts  
45 included more than 13,400 military personnel, 66 aircraft (including 10 C-130s to  
46 augment the Armed Forces Philippines' 3 aircraft along with 8 MV-22 Ospreys) and  
47 12 naval vessels. The United States delivered more than 2,495 tons of relief supplies  
48 and evacuated over 21,000 people. More than 1,300 flights were completed in  
49 support of the relief efforts for Operation Damayan to approximately 450 sites<sup>4</sup>;

50 WHEREAS, the fast-acting bilateral teamwork between the Armed Forces of  
51 the Philippines and the U.S. military was possible because of the Visiting Forces  
52 Agreement. Other countries wanted to immediately respond to the Philippines' call  
53 for help, but had to wait as their governments worked out legal agreements for their  
54 troops (foreign soldiers) to work in the Philippines<sup>5</sup>;

55 WHEREAS, it is imperative to inquire on the implications of the termination of  
56 the RP-US VFA to weigh the advantages and disadvantages of withdrawing from the  
57 said agreement taking into the national security requirements of the country and  
58 preservation of RP-US long-time alliance;

59 BE IT RESOLVED, AS IT IS HEREBY RESOLVED, directing the proper Senate  
60 committees, to conduct an inquiry, in aid of legislation, on the implications of the  
61 termination of RP-US VISITING FORCES AGREEMENT.

62 Adopted,

  
**MARIA LOURDES NANCY S. BINAY**  
Senator

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<sup>4</sup> US Embassy Website, Typhoon Yolanda, A Year Later: U.S. Embassy Manila Supports Filipino Resilience, <https://ph.usembassy.gov/typhoon-yolanda-a-year-later-u-s-embassy-manila-suports-filipino-resilience/>

<sup>5</sup> Ibid.