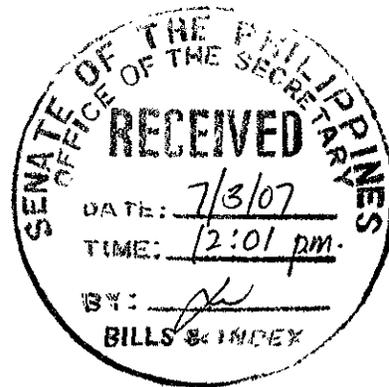


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. NO. 752

Introduced by Senator Antonio 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 abovesited 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.

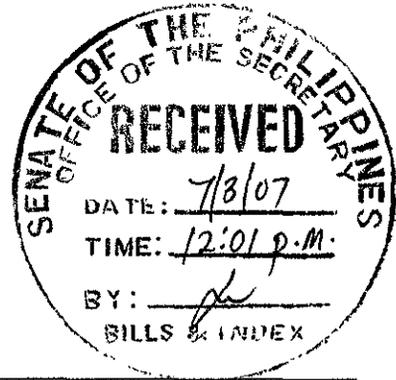
On the other hand, the sending of medical missions to a war-torn country for humanitarian reasons, whether composed of Philippine government personnel or private volunteer groups, is not covered under the bill, provided the same is effected through the Philippine National Red Cross and coordinated with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

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

ANTONIO F. TRILLANES IV
Senator

SENATE

S. NO. 752



Introduced by Senator Antonio F. Trillanes IV

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 the House of Representatives of the Philippines in congress assembled:

1 **SECTION 1.** Definition of terms:

2
3 **(a)** The term “international agreement” refers to a treaty, convention, act,
4 general act, protocol, or any agreement with an external entity, involving political issues
5 or changes of national policy and those involving international agreements of a
6 permanent character; and

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

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

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

18
19 **SEC. 4.** Exceptions. – The following agreements do not need Senate concurrence:

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

3
4 b. Executive agreements concluded by the President after prior
5 Congressional authorization;

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

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

15
16 All agreements negotiated by the President not covered by the foregoing shall be
17 confirmed by at least two-thirds of all members of the Senate.

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

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

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

31
32 **SEC. 6.** The provisions of Section 5 hereof shall also apply to international
33 agreements involving other forms of military assistance such as military equipment and
34 munitions which may be requested from the Philippine Government.

1 **SEC. 7.** If any part hereof, is held invalid or unconstitutional, the remainder of the
2 law, or the provision not otherwise affected shall remain valid and subsisting.

3

4 **SEC. 8.** Any law, presidential decree or issuance, executive order, letter of
5 instruction, administrative order, rule or regulation contrary to or inconsistent with the
6 provisions of this Act is hereby repealed, modified or amended accordingly.

7

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

Approved,