

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

7 JUL 24

SENATE
S. B. No. 1317

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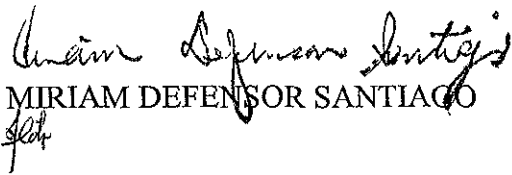
Introduced by Senator Miriam Defensor Santiago

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.

This bill is a consolidation of related bills submitted during the Tenth Congress before the Committee of Constitutional Amendments, Revision of Codes and Laws, of which the undersigned chaired.*



MIRIAM DEFENSOR SANTIAGO

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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AN ACT
MANDATING CONCURRENCE TO INTERNATIONAL AGREEMENTS AND
EXECUTIVE AGREEMENTS

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

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

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

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

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

SECTION 3. Any international agreement or executive agreement or any part or provision thereof, which conflicts with or is contrary to the Constitution shall have no force and effect.

SECTION 4. *Exceptions.* – The following agreements do not need Senate Concurrence:

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

1 (B) Executive agreements concluded by the President after prior Congressional
2 authorization;

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

8 (D) The acts of the President in his power as Commander-in-Chief of the Armed Forces
9 of the Philippines, except when otherwise provided in Sections 5 and 6.

10 All agreements negotiated by the President not covered by the foregoing shall be
11 confirmed by a least two-thirds of all members of the Senate.

12 SECTION 5. The deployment or assignment of Philippine military troops to any foreign
13 country whether for peacekeeping missions or combat operations and regardless of the size or
14 number thereof, can be authorized by the President only with the concurrence of the Senate.

15 For this purpose, the President shall submit to the Senate for its concurrence, the
16 corresponding international agreement or document which provided for the sending by the
17 Philippine Government of military troops to another country for such purposes as specified
18 therein. The President shall keep the Senate regularly posted on the status of such military
19 contingents assigned abroad.

20 SECTION 6. The provisions of Section 5 hereof shall also apply to international
21 agreements involving other forms of military assistance such as military equipment and
22 munitions which may be requested from the Philippine Government.

23 SECTION 7. *Separability Clause.* - If any provision or part hereof is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
25 valid and subsisting.

1 SECTION 8. *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, the provision of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 9. *Effectivity Clause.* - This Act shall take effect (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,