


NO. 11-6 11:21

SENATE

S. No. 336

NOV 11 1971 

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

OFFICE OF THE CLERK
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SENATE

S. No. 336

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Introduced by Senator Antonio "Sonny" 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 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 to
2 mean —

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

6 (b) The term "executive agreement" refers to an agreement embodying adjustments of detail
7 carrying out a law or a well-established national policy or tradition, or an agreement involving
8 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 or
14 any part of provisions thereof, which conflicts with or is contrary to the Constitution, shall have
15 no force and effect.

16
17 **SEC. 4. Exceptions.** - The following agreements do not need Senate concurrence:

- 1 a. Executive agreements concluded by the President in pursuance of an authorization contained
2 in a prior treaty that was concurred by the Senate;
- 3 b. Executive agreements concluded by the President after prior Congressional authorization;
- 4 c. Executive agreements concluded by the President based on his exclusive powers, such as his
5 power to receive ambassadors and recognize foreign governments, and to authorize the sending
6 of medical missions for humanitarian reasons, provided that the same is effected through the
7 Philippine National Red Cross and coordinated with the International Red Cross; and
- 8 d. The acts of the President in his power as Commander-in-Chief of the Armed Forces of the
9 Philippines, except when otherwise provided in Section 5 and 6.

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

12

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

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

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

25

26 **SEC. 6. *Authorization for the Provision of Any Other Forms of Military Assistance.***-
27 The provisions of Section 5 hereof shall also apply to international agreements involving other
28 forms of military assistance such as military equipment and munitions which may be requested
29 from the Philippine Government.

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

3

4 **SEC. 8. Separability Clause.-** Any law, presidential decree or issuance, executive order,
5 letter of 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. Effectivity.-** This Act shall take effect fifteen (15) days after its publication in at
9 least two (2) newspapers of general circulation.

Approved,