

SEVENTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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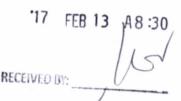
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## SENATE



Introduced by Senators Franklin M. Drilon, Sonny M. Angara, Paolo Benigno "Bam" Aquino IV, Leila M. De Lima, Joseph Victor G. Ejercito, Gregorio B. Honasan II, Risa Hontiveros, Panfilo M. Lacson, Loren B. Legarda, Francis "Kiko" Pangilinan, Ralph G. Recto, Vicente C. Sotto III, Joel Villanueva, and Juan Miguel "Migz" F. Zubiri

## RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT TERMINATION OF, OR WITHDRAWAL FROM, TREATIES AND INTERNATIONAL AGREEMENTS CONCURRED IN BY THE SENATE SHALL BE VALID AND EFFECTIVE ONLY UPON CONCURRENCE BY THE SENATE

WHEREAS, Article VII, Section 21 of the Constitution provides: "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.";

WHEREAS, Article II, Section 2 of the Constitution provides, in part, that the Philippines adopts the generally accepted principles of international law as part of the law of the land;

WHEREAS, Article 14 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, provides: "Penal laws and those of public security and safety shall be obligatory upon all who live or sojourn in the Philippine territory, subject to the principles of public international law and to treaty stipulations.";

WHEREAS, the power to bind the Philippines by treaty or international agreement is vested jointly by the Constitution in the President and the Senate;

WHEREAS, a treaty or international agreement ratified by the President and concurred in by the Senate becomes part of the law of the land and may not be undone without the shared power that put it into effect;

WHEREAS, the principle of checks and balances, historical precedent and practice accepted as law in most jurisdictions, and the Constitution's dictate for a shared treaty-making power require that a termination, withdrawal, abrogation or renunciation of a treaty or international agreement can only be done with the same authority that gave it effect – executive ratification with Senate concurrence: *Now, therefore, be it* 

RESOLVED BY THE SENATE, to express its sense that termination of, or withdrawal from, treaties and international agreements concurred in by the Senate shall be valid and effective only upon concurrence by the Senate.

Adopted,

LIN'M. DRILON FRAN Senator

BAM<sup>†</sup>AQUINO IV PAOLO BENIG

Senator

Senator

RISA HONTIVEROS Senator

PANFILOM Senator

LOREN B. LEGARDA Senator

FRANCIS N. RANGILINAN Senator

JUAN MIGUEL "MIGZ" F. ZUBIRI Senator

GREGORIO B. HONA Senator

JOSEPH VICTOR G. EJERCITO

Senator

SONNY M. ANGARA Senator

JOEL LANUEVA VICENTE C. SOTTO III

Senator

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