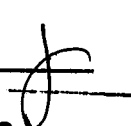




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SENATE
P.S.R. No. 761

RECEIVED 

Introduced by Senators Pangilinan, Recto, Drilon, Aquino IV, Hontiveros,
Trillanes, Ejercito, and De Lima

**RESOLUTION EXPRESSING THE GRAVE CONCERN OF THE SENATE OVER THE
INCREASING MILITARIZATION BY THE PEOPLE'S REPUBLIC OF CHINA IN THE
WEST PHILIPPINE SEA AND SOUTH CHINA SEA, AND URGING THE DEPARTMENT
OF FOREIGN AFFAIRS TO FILE A DIPLOMATIC PROTEST AGAINST THE SAME**

WHEREAS, on 12 July 2016, an arbitral tribunal of the Permanent Court of Arbitration ruled in favor of the Republic of the Philippines (RP) in its historic case against the People's Republic of China (PRC) over the West Philippine Sea. The tribunal "concluded that, as between the Philippines and China, there was no legal basis for China to claim historic rights to resources, in excess of the rights provided for [...] by the Convention (United Nations Convention on the Law of the Sea or UNCLOS), within the sea areas falling within the 'nine-dash line.'" The arbitral award affirms the Philippines' rights to 200 nautical miles (NM) exclusive economic zone (EEZ) in the West Philippine Sea;¹

WHEREAS, earlier this month, news reports, citing US intelligence sources, said PRC has installed anti-ship cruise missiles and surface-to-air missile systems on Fiery Cross (Kagitingan) Reef, Subi (Zamora) Reef, and Mischief (Panganiban) Reef – all of which are Philippine-claimed reefs in the Spratly archipelago. The Philippines has sovereignty over Kagitingan and Zamora Reefs, as well as exclusive sovereign rights over Panganiban Reef as decided by the Permanent Court of Arbitration. The anti-ship cruise missiles (YJ-12B) can strike surface vessels within 295 NM, while the surface-to-air missiles (HQ-9B) can strike aircraft, drones, and cruise missiles within 160 NM. It was also reported that PRC has installed military jamming equipment in the South China Sea, which disrupts communications and radar systems;²

WHEREAS, on 18 May 2018, the People's Liberation Army Air Force (PLAAF) of PRC announced that it deployed bomber planes to one of its outposts in the Paracel Islands, an area claimed by Vietnam and Taiwan. According to the Asia Maritime Transparency Initiative of the Center for Strategic and International Studies, almost the entire Philippines falls within the radius of the bombers;³

WHEREAS, in a statement, Acting Chief Justice Antonio T. Carpio said the Government of the Philippines must file a protest against the expansion of military presence of PRC in the West Philippine Sea and South China Sea. Carpio added that "failure to formally protest means the Philippines is acquiescing or consenting to the militarization, and worse, to the claim of China that all the islands, waters, and resources within the nine-dash line form part of Chinese territory." He further stated that "[a]ny self-

¹ The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China. 12 July 2016. Available at <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>. Accessed on 23 May 2018.

² China quietly installed defensive missile systems on strategic Spratly Islands in hotly contested South China Sea. 02 May 2018. Available at <https://www.cnn.com/2018/05/02/china-added-missile-systems-on-spratly-islands-in-south-china-sea.html>. Accessed on 23 May 2018.

³ China Lands First Bomber on South China Sea Island. 18 May 2018. Available at <https://amti.csis.org/china-lands-first-bomber-south-china-sea-island/>. Accessed on 23 May 2018.

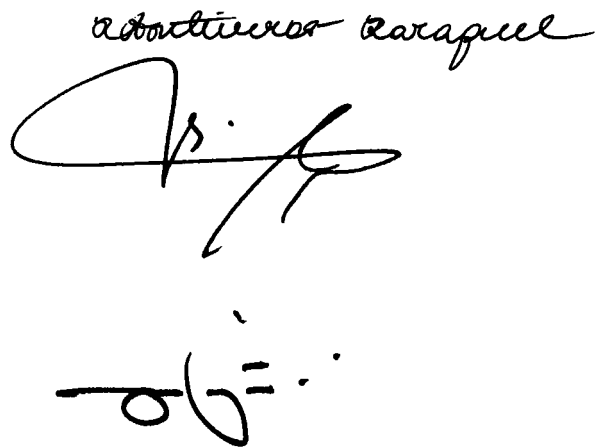
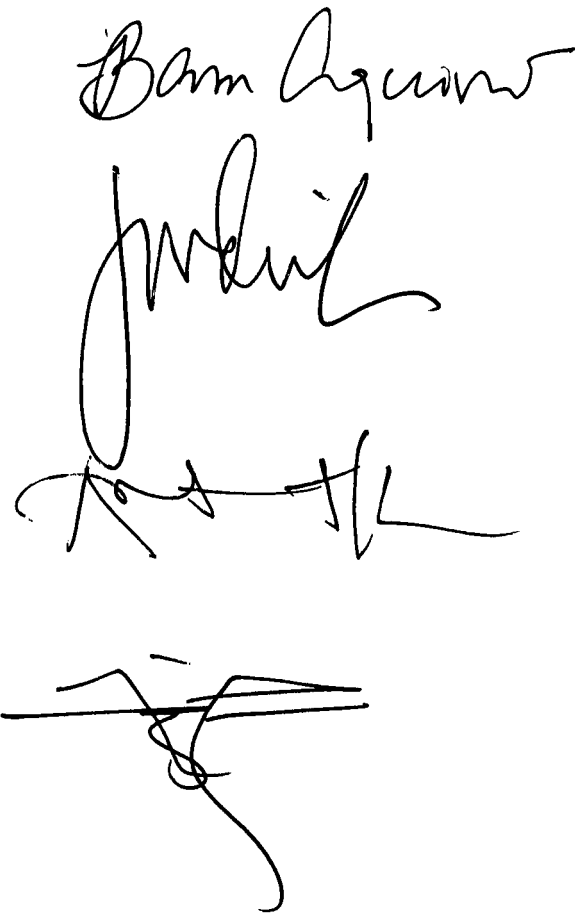
respecting sovereign state will immediately formally protest such encroachment on its sovereignty and sovereign rights. The Philippines must do no less. A formal protest is recognized by the United Nations Charter as a peaceful and legitimate response”;⁴

WHEREAS, the Government of the Philippines must defend the country's territories against the alarming expansion of military presence of PRC in the West Philippine Sea and South China Sea. It must not allow PRC to continue posing a threat to Philippine interests in the West Philippine Sea and the security of the region;

WHEREAS, existing mechanisms pursued by the Government of the Philippines have not been adequate to prevent these actions by the PRC, and the filing of a diplomatic protest is well within the rights of the Government and upholds the primacy of diplomacy over the use of force under international law. Should the Government refuse or fail to file a diplomatic protest, such refusal or failure may be interpreted as an abandonment of our claim over the West Philippine Sea, which has been upheld by the Permanent Court of Arbitration;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to express the grave concern of the Senate over the increasing militarization by the People's Republic of China in the West Philippine Sea and South China Sea, and urge the Department of Foreign Affairs to file a diplomatic protest against the same.

Adopted,



⁴ Palace won't antagonize China over West Philippine Sea – Roque. 23 May 2018. Available at <https://www.philstar.com/headlines/2018/05/23/1817841/palace-wont-antagonize-china-over-west-philippine-sea-roque>. Accessed on 23 May 2018.

This is aligned
with my own
PSR No. 744
LEILA M. DE LIMA
urging the
President to
take decisive
and firm
positions over
the developments
in the WPS and
South China
Sea.