


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

OFFICE OF THE SECRETARY

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SENATE
P.S.R. No. 179

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
EXPRESSING THE SENSE OF THE PHILIPPINE SENATE THAT THE
UNFORTUNATE RECENT MANILA HOSTAGE EVENT SHOULD BE
SETTLED UNDER INTERNATIONAL LAW WITHOUT NEED OF
PROVOCATIVE STATEMENTS FROM A CERTAIN OFFICIAL OF THE
HONGKONG ADMINISTRATIVE REGION

WHEREAS, the Philippine Constitution provides that the Philippines “adopts the generally accepted principles of international law as part of the law of the land;”

WHEREAS, the Philippines accordingly adopts certain doctrines of international law in trying to resolve the recent Manila hostage event;

WHEREAS, the first doctrine is the doctrine of state responsibility, which provides that the state is responsible for the acts of its officials if they fail to protect the rights of people and to perform certain duties of the state;

WHEREAS, under this doctrine of state responsibility, the issue is whether there has been a breach of duty on the part of the Philippine government, which arises if there is a finding that Filipino officials failed to do an act which they are bound to perform; in other words, if there is a finding that Filipino officials incurred liability for a delictual act;

WHEREAS, in addition to the doctrine of state responsibility, the Philippines also recognizes under international law the doctrine of exhaustion of local remedies, which provides that before international proceedings can be

instituted, the remedies provided by the local state should first be exhausted, normally by availing of remedies before a Philippine judicial court;

WHEREAS, the 1961 Vienna Convention on Diplomatic Relations seeks to promote **friendly** relations among nations;

WHEREAS, in the same vein, the 2006 International Law Commission Draft Articles on Diplomatic Protection provides for “diplomatic action or other means of **peaceful** settlement;”

WHEREAS, President Aquino recently told media that he had received a letter which he considered to be insulting from a certain official of the Hong Kong administrative region concerning the recent Manila hostage event;

WHEREAS, the head of a mere administrative region in China overstepped protocol by insisting that his telephone call and his letter should be received directly by the President of the Philippines, when those communications should have been directed to the Secretary of Foreign Affairs of the Philippines;

WHEREFORE, BE IT HEREBY RESOLVED that this Resolution express the sense Philippine Senate that the unfortunate recent Manila hostage event should be settled under international law without need of provocative statements from a certain official of the Hong Kong administrative region

Adopted,


MIRIAM DEFENSOR SANTIAGO