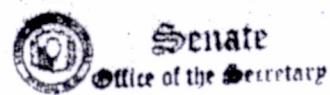


EIGHTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



20 FEB 10 P6:27

S E N A T E

RECEIVED BY: *[Signature]*

COMMITTEE REPORT NO. 43

FEB 10 2020

Submitted by the Committee on Foreign Relations on

Re : P.S. Res. No. 312

Recommending its approval with amendments.

Sponsor: Senator Aquilino "Koko" Pimentel III

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred Resolution 312, introduced by Senator Vicente C. Sotto III, Franklin Drilon, and Panfilo M. Lacson, entitled:

**"RESOLUTION
EXPRESSING THE SENSE OF THE SENATE FOR THE PRESIDENT TO
RECONSIDER HIS PLAN TO UNILATERALLY WITHDRAW FROM THE
VISITING FORCES AGREEMENT WITH THE UNITED STATES OF
AMERICA"**

has considered the same and has the honor to report it back to the Senate with the recommendation that the same be adopted with the following amendments:

1. On page 2, delete the last preambulatory clause;
2. On page 3, insert a new preambulatory clause after the 4th clause, to read, as follows:

"WHEREAS, THE SENATE COMMITTEE ON FOREIGN RELATIONS CONDUCTED A PUBLIC HEARING ON THE VISITING FORCES AGREEMENT LAST FEBRUARY 6, 2020 AND HAS STARTED ITS REVIEW OF THE SAME.

3. On the last page, the operative clause is hereby amended to read, as follows:

**"NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY
RESOLVED TO EXPRESS AS IT HEREBY EXPRESSES THE SENSE
OF THE SENATE TO EARNESTLY REQUEST THE PRESIDENT TO
RECONSIDER HIS PLANNED ABROGATION OF THE VISITING
FORCES AGREEMENT IN THE MEANTIME THAT THE SENATE IS
CONDUCTING A THOROUGH REVIEW OF THE SAME."**

4. On page 1, the title of the resolution is hereby amended to read, as follows:

**"RESOLUTION
EXPRESSING THE SENSE OF THE SENATE FOR THE PRESIDENT TO
RECONSIDER HIS PLAN TO WITHDRAW FROM THE VISITING
FORCES AGREEMENT WITH THE UNITED STATES OF AMERICA IN
THE MEANTIME THAT THE SENATE IS CONDUCTING A THOROUGH
REVIEW OF THE SAME"**

Respectfully submitted:



AQUILINO "KOKO" PIMENTEL III
Chairperson
Committee on Foreign Relations

Vice-Chairpersons:



RICHARD J. GORDON

FRANCIS "TOL" N. TOLENTINO



RONALD "BATO" DELA ROSA
W/ RESERVATIONS

EMMANUEL "MANNY" D. PACQUIAO

Members:

CHRISTOPHER LAWRENCE T. GO



PANFILO M. LACSON

MANUEL "LITO" M. LAPID



JOEL VILLANUEVA

RAMON BONG REVILLA, JR.

GRACE POE



WIN GATCHALIAN

FRANCIS "KIKO" PANGILINAN

Risa Hontiveros - Sarapul
RISA HONTIVEROS

*I join in opposing
the UNILATERAL withdrawal by the
Executive, while maintaining my
party, Akbayan's, fundamental
objection to the VFA.*

LEILA DE LIMA

Ex-Officio Members:

RALPH G. RECTO

President Pro-Tempore



JUAN MIGUEL "MIGZ" F. ZUBIRI

Majority Leader



FRANKLIN M. DRILON

Minority Leader

VICENTE C. SOTTO III

President

Senate of the Philippines

EIGHTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }

SENATE
P.S. Res. No. 312

Prepared by the Committee on Foreign Relations, Senators Vicente C. Sotto III, Panfilo M. Lacson, Franklin M. Drilon, and Aquilino "Koko" Pimentel III

RESOLUTION
EXPRESSING THE SENSE OF THE SENATE FOR THE PRESIDENT TO RECONSIDER HIS PLAN TO WITHDRAW FROM THE VISITING FORCES AGREEMENT WITH THE UNITED STATES OF AMERICA IN THE MEANTIME THAT THE SENATE IS CONDUCTING A THOROUGH REVIEW OF THE SAME

Whereas, on March 14, 1947, the Philippines and the United States of America forged a Military Bases Agreement which formalized, among others, the use of installations in the Philippine territory by United States military personnel. To further strengthen their mutual defense and security relationship, the Philippines and the United States entered into a Mutual Defense Treaty (MDT) on August 30, 1951. Under the treaty, the parties agreed to respond to any external armed attack on their territory, armed forces, public vessels, and aircraft;

Whereas, on September 16, 1991, the Philippine Senate rejected the proposed RP-US Treaty of Friendship, Cooperation and Security which, in effect, would have extended the presence of US military bases in the Philippines. With the expiration of the RP-US Military Bases Agreement, the periodic military exercises conducted between the two countries were held in abeyance. This notwithstanding, the defense and security relationship between the Philippines and the United States of America has continued pursuant to the MDT;

Whereas, the lapse of the US-Philippine Bases Agreement in 1992 and the decision not to renew it created a vacuum in US-Philippine defense relations, until it was replaced by the Visiting Forces Agreement (VFA);

Whereas, the VFA between the Philippines and the United States of America was entered into and came into force upon ratification of the Senate of the Philippines on May 27, 1999. Its primary goal is to facilitate the promotion of optimal cooperation between American and Philippine military forces in the event of an attack by a common foe;

Whereas, the VFA provides the "regulatory mechanism" by which "United States military and civilian personnel may visit temporarily in the Philippines in connection with activities approved by the Philippine Government." It contains provisions relative to entry and departure of American personnel, driving and vehicle registration, criminal jurisdiction, claims, importation and exportation, movement of vessels and aircraft, as well as the duration of the agreement and its termination. It is the VFA which gives continued relevance to the Mutual Defense Treaty;

Whereas, another agreement was entered into between the two countries in the form of the Enhanced Defense Cooperation Agreement (EDCA) on April 28, 2014 with the goal of supplementing the existing VFA through mutual cooperation in developing their individual and collective capacity to resist armed attacks;

Whereas, President Rodrigo Roa Duterte has threatened to abrogate the VFA in response to the cancellation of the US visa of Senator Ronald de la Rosa and other events involving the country's national integrity and sovereignty aggravated by a "series of disrespectful acts" of the United States, as expressed by the presidential spokesperson;

Whereas, we concede that by constitutional fiat and by the intrinsic nature of this office, the President, as head of State, is the sole organ and authority in the external affairs of the country being the chief architect of the nation's foreign policy in the conduct of the external affairs of the nation;

Whereas, fully recognizing the authority of the Chief Executive and without intending to disrespect a co-equal body, prior to unilaterally terminating the VFA, the Senate should be given the opportunity to conduct a review and assessment of the impact of the withdrawal on the country's security and economy, specifically with regard to intelligence information sharing, military aid and financing, and technical assistance extended by the United States relative to the continuing threats posed by domestic and foreign terrorist groups, and ultimately, to the stability and security in the Asia Pacific region;

Whereas, as a policy making body, the Senate should likewise give its view and opinion on the repercussions that the said unilateral withdrawal will entail to the existing MDT and the EDCA with the United States of America;

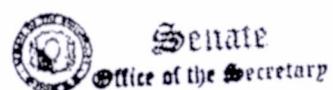
WHEREAS, THE SENATE COMMITTEE ON FOREIGN RELATIONS CONDUCTED A PUBLIC HEARING ON THE VISITING FORCES AGREEMENT LAST FEBRUARY 6, 2020 AND HAS STARTED ITS REVIEW OF THE SAME.

Whereas, a careful deliberation of these matters must be taken into account before finally arriving at a decision which will ultimately affect not only the security and economy of the Philippines but also that of our neighboring countries in the Asia Pacific region. **NOW, THEREFORE, BE IT RESOLVED**,

AS IT IS HEREBY RESOLVED to express as it hereby expresses the sense of the Senate to earnestly request the President to reconsider his planned abrogation of the Visiting Forces Agreement in the meantime that the Senate is conducting a thorough review of the same.

Adopted,

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINE
First Regular Session



20 FEB -3 P254

SENATE
P.S. Res. No. 312

RECEIVED 10 3/12 1991

Introduced by VICENTE SOTON, PANFILO LACSON
FRANKLIN DRILON

**RESOLUTION
EXPRESSING THE SENSE OF THE SENATE FOR THE PRESIDENT
TO RECONSIDER HIS PLAN TO UNILATERALLY WITHDRAW
FROM THE VISITING FORCES AGREEMENT WITH THE UNITED
STATES OF AMERICA**

WHEREAS, on March 14, 1947, the Philippines and the United States of America forged a Military Bases Agreement which formalized, among others, the use of installations in the Philippine territory by United States military personnel. To further strengthen their mutual defense and security relationship, the Philippines and the United States entered into a Mutual Defense Treaty (MDT) on August 30, 1951. Under the treaty, the parties agreed to respond to any external armed attack on their territory, armed forces, public vessels, and aircraft;

WHEREAS, on September 16, 1991, the Philippine Senate rejected the proposed RP-US Treaty of Friendship, Cooperation and Security which, in effect, would have extended the presence of US military bases in the Philippines. With the expiration of the RP-US Military Bases Agreement, the periodic military exercises conducted between the two countries were held in abeyance. This notwithstanding, the defense and security relationship between the Philippines and the United States of America has continued pursuant to the MDT;

WHEREAS, the lapse of the US-Philippine Bases Agreement in 1992 and the decision not to renew it created a vacuum in US-Philippine defense relations, until it was replaced by the Visiting Forces Agreement (VFA);

WHEREAS, the VFA between the Philippines and the United States of America was entered into and came into force upon ratification of the Senate of the Philippines on May 27, 1999. Its primary goal is to facilitate the promotion of optimal cooperation between American and Philippine military forces in the event of an attack by a common foe;

WHEREAS, the VFA provides the "regulatory mechanism" by which "United States military and civilian personnel may visit temporarily in the Philippines in connection with activities approved by the Philippine Government." It contains provisions relative to entry and departure of American personnel, driving and vehicle registration, criminal jurisdiction, claims, importation and exportation, movement of vessels and aircraft, as well as the duration of the agreement and its termination. It is the VFA which gives continued relevance to the Mutual Defense Treaty;

WHEREAS, another agreement was entered into between the two countries in the form of the Enhanced Defense Cooperation Agreement (EDCA) on April 28, 2014 with the goal of supplementing the existing VFA through mutual cooperation in developing their individual and collective capacity to resist armed attacks;

WHEREAS, a news report came out that the US visa of Senator Ronald Dela Rosa was cancelled which the latter confirmed on January 22, 2020;

WHEREAS, President Rodrigo Roa Duterte has threatened to abrogate the VFA in response to the cancellation of the US visa of Senator Ronald de la Rosa and other events involving the country's national integrity and sovereignty aggravated by a "series of disrespectful acts" of the United States, as expressed by the presidential spokesperson;

WHEREAS, we concede that by constitutional fiat and by the intrinsic nature of his office, the President, as head of State, is the sole organ and authority in the external affairs of the country being the chief architect of the nation's foreign policy in the conduct of the external affairs of the nation;

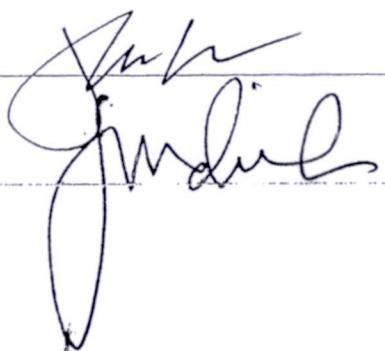
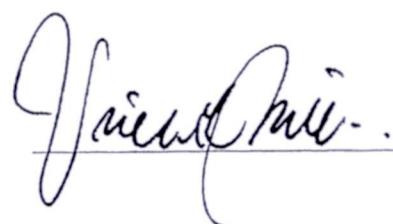
WHEREAS, fully recognizing the authority of the Chief Executive and without intending to disrespect a co-equal body, prior to unilaterally terminating the VFA, the Senate should be given the opportunity to conduct a review and assessment of the impact of the withdrawal on the country's security and economy, specifically with regard to intelligence information sharing, military aid and financing, and technical assistance extended by the United States relative to the continuing threats posed by domestic and foreign terrorist groups, and ultimately, to the stability and security in the Asia Pacific region;

WHEREAS, as a policy making body, the Senate should likewise give its view and opinion on the repercussions that the said unilateral withdrawal will entail to the existing MDT and the EDCA with the United States of America;

WHEREAS, a careful deliberation of these matters must be taken into account before finally arriving at a decision which will ultimately affect not only the security and economy of the Philippines but also that of our neighboring countries in the Asia Pacific region.

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY
RESOLVED** to express as it hereby expresses the sense of the Senate to earnestly
request the President to reconsider his planned abrogation of the Visiting Forces
Agreement in the meantime that the Senate is conducting a review and impact
assessment with the end in view of ensuring the continued safety and security of
the Philippines and the Asia Pacific and maintain the existing balance of power
within the region.

Adopted,

A handwritten signature in black ink, appearing to read "John Gualberto". The signature is fluid and cursive, with "John" on top and "Gualberto" below it.A handwritten signature in black ink, appearing to read "Vicente Sotto III". The signature is fluid and cursive, with "Vicente" on top and "Sotto III" below it.