

SENATE

Jt. Res. No. 9

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

**JOINT RESOLUTION
CREATING A CONGRESSIONAL COMMISSION ON
NATIONAL TERRITORY**

WHEREAS, the Constitution of 1935 has ordained that the National Territory is comprised of the essential features of the territory set forth in Article III of the Treaty of Paris concluded between the United States and Spain on 10 December 1898, together with all the islands embodied in the treaty concluded between the United States and Spain on 7 November 1900 and the treaty concluded between the United States and Great Britain on 2 January 1930;

WHEREAS, the Constitution of 1973 as well as the present Constitution have assumed continuity in defining the National Territory based on the said treaties in particular in providing that "the limits of which are set forth in Article III of [the said Treaty of Paris]," thus implying that the said Treaty of Paris has formed the constitutional basis of the boundaries of the Republic of the Philippines;

WHEREAS, the Republic of the Philippines has become a party to the United Nations Convention on the Law of the Sea (UNCLOS), giving rise to discrepancies in the definition of National Territory as established by constitutional mandate and resulting in confusion as to the identification of the boundaries of the Philippine State;

WHEREAS, there is a serious lack of assessment of the impact of the UNCLOS on the National Territory, particularly in regard to national security and environmental risks;

WHEREAS, in signing and ratifying the UNCLOS, the Philippine delegation submitted a formal Declaration which has the effect of affirming the supremacy of the Philippine Constitution over the UNCLOS and that the Convention shall not be construed as amending any pertinent national laws, which Declaration encountered opposition from a number of parties to the UNCLOS;

WHEREAS, the legal force of the UNCLOS may appear to be a doubt in regard to the Republic of the Philippines in the light of a seemingly conditional character of the concurrence Resolution No. 121 of the Batasang Pambansa taking into account the said Declaration which was considered by a number of UNLAWY parties or violators of Article 309 of the UNCLOS which prohibits reservations;

WHEREAS, the Republic of the Philippines has continued to maintain claims to territorial sovereignty which have remained unresolved, without significant action or plan for settlement;

WHEREAS, altogether these considerations combine to generate uncertainties affecting fundamental State interests;

WHEREAS, it is imperative that decisive measures be taken towards achieving final resolution to all questions relating to National Territory;

Now, Therefore, be it

Resolved by the Senate and House of Representatives of the Philippines assembled, That a Congressional Commission on National Territory be created jointly by the Senate and the House of Representatives to be composed of five (5) Members of House of Representative and five (5) Members of the Senate to be designated respectively by the Speaker of the House and the President of the Senate, who shall endeavor to have the various regions of the country represented. The Commission shall undertake a national review and assessment of National Territory and identify the fundamental problems, in preparing a program of action for resolving them. Towards these objectives, the Commission shall deal with the following problems, among others: (1) analysis of the full impact of the UNCLOS, beginning with constitutional issues; (2) areas of possible conflict or incompatibility between the said Treaty of Paris and related treaties and the UNCLOS; (3) identification of the boundaries of the Philippine State; (4) effectiveness of Resolution No. 121 of the Batasang Pambansa concurring in the UNCLOS; (5) implementation of the UNCLOS; (6) prospect for an extended continental shelf; (7) assessment of the Philippine claims to Kalayaan Island Group, the Scarborough Shoal, and Sabah in North Borneo vis-à-vis competing claims.

Resolved, further, That to carry out its purposes and objectives, the Commission shall have the following functions and powers:

- (a) Prescribe and adopt the guidelines that will govern the national review and assessment;
- (b) Approve the work plan for the conduct of the comprehensive review and assessment of the National Territory;
- (c) Approve the budget for the programs of the Commission and all disbursements therefrom, including compensation of all personnel;
- (d) Hold hearings, receive testimonies, reports and consultations with experts;
- (e) Pass upon the recommendations of the technical secretariat which it shall organize, to be headed by an executive director, to provide the necessary technical, management and staff services;
- (f) Report on its findings and make recommendations on actions to be taken by Congress and the pertinent departments concerned with the National Territory;
- (g) Secure from any department, bureau, office, or instrumentality of the Government such assistance as may be needed, including technical information, preparation and production of reports and the submission of recommendations or plans as it may require;
- (h) Hire and appoint such employees and personnel whether temporary, contractual, or on consultancy, subject to applicable rules;

(i) Summon by *subpoena* any public official or private citizen to testify before it, or require by *subpoena duces tecum* to produce before it such records, reports or other documents as may be necessary in the performance of its functions; and

(j) Generally, to exercise all the powers necessary to attain the purposes for which it is created.

Resolved, further, That the head of the Senate Committee on Foreign Relations shall become its Chairperson while the head of the House of Representatives Committee on Foreign Relations shall be the Vice-chairperson. The Chairperson may establish standing committees from among the members. The Commission may use resource persons from the public and private sectors as may be needed. The members of the Commission shall receive no compensation, but traveling and other necessary expenses shall be allowed.

Resolved, finally, That the Commission shall accomplish its mandate within twelve (12) months from its organization and that in order to carry out the objectives of this Resolution, the initial sum of PhP 25,000,000.00 shall be charged against the current appropriations of the Senate of the Philippines. Thereafter, such amount as may be necessary for its continued operation shall be included in the annual General Appropriations Act.

Adopted, _____

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO