

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION NO. 36

Introduced by

REP. ARLENE D. BROSAS (Gabriela Women's Party);
REPS. CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE, and EUFEMIA C. CULLAMAT (Bayan
Muna); REP. FRANCE L. CASTRO (ACT Teachers Partylist);
and REP. SARAH JANE I. ELAGO (Kabataan Partylist)

**A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF
REPRESENTATIVES TO TERMINATE THE VISITING FORCES AGREEMENT IN
LIGHT OF THE CASES OF ABUSES COMMITTED BY UNITED STATES OF
AMERICA MILITARY PERSONNEL AGAINST WOMEN, CHILDREN AND LGBT
COMMUNITY ON PHILIPPINE SOIL**

WHEREAS, the first Article of the Philippine 1987 Constitution declares Filipino sovereignty over ALL its territory while Section II of the Declaration of Principles and State Policies renounces war and adopts the policy of peace, equality, justice, freedom, cooperation, and amity with all nations;

WHEREAS, Art. XVIII, Sec. 25 of the 1987 Philippine Constitution states: "*After the expiration in 1991 of the Agreement between the Philippines and the United States of America concerning Military Bases, foreign military bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State.*";

WHEREAS, the Visiting Forces Agreement has time and again been questioned as to its constitutionality and subsequently, the Supreme Court, in February 11, 2009, promulgated a decision declaring the VFA constitutional, as an implementing agreement under the RP-US Mutual Defense Treaty;

WHEREAS, granting the declared constitutionality of the Visiting Forces Agreement by the Supreme Court. NOWHERE in the said promulgated decision did the Supreme Court state that where the Visiting Forces Agreement is in effect, territoriality is ceded by the Philippine government to the US government;

WHEREAS, the principle of territoriality implies to its full sovereignty of the Filipino people over all its land. INCLUDING territory under which Balikatan exercises are held or US soldiers under the Visiting Forces Agreement are temporarily located;

WHEREAS, Jeffrey (aka Jennifer) Laude, 26 years old, was found dead in a lodge in Brgy. East Tapinac, Olangapo City last October 11, 2014. Laude was allegedly killed by a US Marine soldier who was identified by the Philippine National Police as Private First Class Joseph Scott Pemberton of the US Marine Corps 2nd Battalion, 9th Marines who was on a rest and recreation break after a recently concluded Balikatan PHIBLEX exercises in Palawan;

WHEREAS, the death of Laude put to fore the question of sovereignty as, once again, as in the case of US Corporal Daniel Smith in the rape case of "Nicole", jurisdiction over the suspected perpetrator is under question;

WHEREAS, the Olongapo Regional Trial Court convicted the accused US soldier of homicide and sentenced him of six (6) to twelve (12) years of imprisonment;


WHEREAS, the pronouncement of guilt on 1 December 2015 raised again the issue of custody of PFC Pemberton pending the latter's appeal;

WHEREAS, the Visiting Forces Agreement (VFA) states that the custody of American soldiers who committed infractions of Philippine criminal law shall be mutually agreed upon by the States Parties. It is clear from the foregoing that the VFA essentially undermines Philippine sovereignty as it challenges the principle of territoriality in criminal offenses committed by US soldiers on Philippine soil;

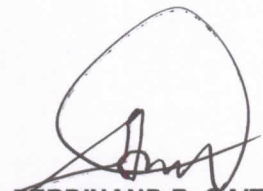
WHEREAS, recalling the rape of "Nicole" and now, the murder of Jeffrey (aka Jennifer) Laude, we must put an end to more women becoming victims of US military personnel whose presence in the Philippines are justified by the Visiting Forces Agreement;

NOW THEREFORE, be it resolved as it is hereby resolved, that the House of Representatives to terminate the Visiting Forces Agreement in the light of the cases of abuses committed by United States of America military personnel against women, children and the LGBT community on Philippine soil.

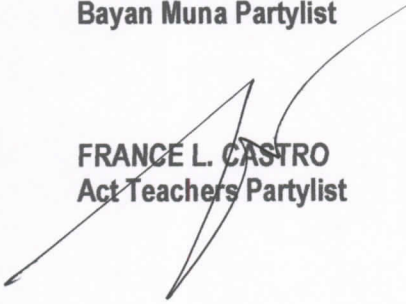
Adopted,


ARLENE D. BROSAS
Gabriela Women's Party


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