

Title: Saguisag v. Executive Secretary et al. (Enhanced Defense Cooperation Agreement)

Facts:

The Enhanced Defense Cooperation Agreement (EDCA) was signed by Philippine Defense Secretary Voltaire Gazmin and US Ambassador to the Philippines Philip Goldberg on April 28, 2014, during US President Barack Obama's state visit to the Philippines. The EDCA, with a term of ten years and renewable unless terminated, allows the US to station military troops and conduct operations in identified "Agreed Locations" within Philippine territory without establishing a permanent military base. It also stipulates that nuclear weapons may not be stored or positioned in the country. This agreement followed the 1998 Visiting Forces Agreement (VFA) and the 1951 Mutual Defense Treaty (MDT) between the US and the Philippines.

Petitioners, including former senators and activists, challenged the constitutionality of the EDCA, arguing it was a treaty requiring Senate ratification under Section 25, Article XVIII of the 1987 Philippine Constitution. This constitutional provision mandates that foreign military bases, troops, or facilities can only be allowed under a treaty duly concurred in by the Senate. Following its filing, the Supreme Court ruled to dismiss the petitions, upholding the EDCA as an executive agreement not requiring Senate ratification.

Petitioners filed a Motion for Reconsideration on February 3, 2016, contesting both procedural and substantive grounds of the Court's decision.

Issues:

1. Whether the EDCA classifies as an executive agreement or a treaty requiring Senate ratification under the 1987 Philippine Constitution.
2. If EDCA's provisions introduce new obligations that go beyond the scope of the existing MDT and VFA between the US and the Philippines.
3. Whether the EDCA allows the establishment of de facto foreign military bases in the Philippines, necessitating adherence to Section 25, Article XVIII of the 1987 Constitution.

Court's Decision:

The Supreme Court denied the Motion for Reconsideration, reiterating its original decision that the EDCA is an executive agreement not requiring Senate ratification. The Court reasoned that EDCA implements the existing MDT and VFA, agreements that had been previously concurred in by the Senate. Furthermore, the Court found that the EDCA does not establish new bases but allows access to Agreed Locations for cooperative security

initiatives. The Court dismissed claims that the EDCA creates new obligations or that it serves as a basing agreement tantamount to the reintroduction of US military bases in the Philippines.

Doctrine:

The Enhanced Defense Cooperation Agreement (EDCA), as an executive agreement, does not require Senate ratification under the 1987 Philippine Constitution. Executive agreements can implement existing treaties or legislative acts without needing further legislative concurrence.

Class Notes:

- The Philippine Supreme Court distinguishes between treaties, which require Senate ratification, and executive agreements, which do not, based on their scope and purpose.
- Executive agreements that implement existing treaties or laws do not introduce new international obligations and thus do not need Senate ratification.
- Section 25, Article XVIII of the 1987 Constitution specifies conditions under which foreign military bases, troops, or facilities are allowed in the Philippines, emphasizing the role of treaties and, by implication, Senate concurrence.

Historical Background:

The case reflects the ongoing debate in the Philippines regarding the presence and role of foreign military forces in the country, a topic with deep historical roots dating back to the American colonial period and the subsequent presence of US military bases. The EDCA, while framed within the context of modern defense cooperation, recalls past controversies over sovereignty, constitutional mandates, and the Philippines' strategic security interests. It underscores the evolving nature of military alliances in response to contemporary security challenges and geopolitical shifts, particularly in the Asia-Pacific region.