

Title: Suzette Nicolas y Sombilon v. Alberto Romulo et al.

Facts:

This case revolves around the rape of Suzette S. Nicolas by Lance Corporal Daniel J. Smith, a member of the United States Marine Corps, and the ensuing custody battle under the Visiting Forces Agreement (VFA) between the Republic of the Philippines and the United States.

1. **Incident and Complaint**: On November 1, 2005, inside a van in the Subic Bay Freeport Zone, Olongapo, Suzette S. Nicolas was allegedly raped by LCpl. Daniel Smith with accomplices. Nicolas filed charges under Article 266-A of the Revised Penal Code.
2. **Custody under VFA**: Pursuant to the VFA, the U.S. was granted custody of Smith during the trial, which was transferred from the RTC of Zambales to the RTC of Makati.
3. **Trial and Conviction**: Following the trial, on December 4, 2006, the RTC of Makati found Smith guilty of rape and sentenced him to reclusion perpetua. Chad Carpentier, Dominic Duplantis, and Keith Silkwood were acquitted. The court ordered Smith's detention at Makati City Jail pending further orders.
4. **Romulo-Kenney Agreements**: Subsequently, agreements were made between Philippine and U.S. authorities (Romulo-Kenney Agreements of December 19 and 22, 2006) transferring Smith to U.S. custody. On December 29, 2006, Smith was moved to a U.S. facility.
5. **Court of Appeals**: The matter was elevated to the CA, which dismissed the petition on January 2, 2007, declaring the issue moot.
6. **Supreme Court**: Various petitions were filed before the Supreme Court challenging the constitutionality of VFA and the Romulo-Kenney Agreements, resulting in the present action.

Issues:

1. **Constitutionality of VFA**: Whether the Visiting Forces Agreement between the Philippines and the United States is constitutional.
2. **Validity of Romulo-Kenney Agreements**: Whether the agreements transferring custody of LCpl. Daniel Smith are in accordance with the VFA.

Court's Decision:

1. **\*\*Constitutionality of VFA\*\***: The Supreme Court upheld the constitutionality of VFA. The court reasoned that the VFA, duly concurred by the Philippine Senate and recognized as an international agreement (treaty), complied with the requirement of Article XVIII, Section 25 of the Constitution.
2. **\*\*Romulo-Kenney Agreements\*\***: The Supreme Court declared that the Romulo-Kenney Agreements were not in accordance with the VFA. The VFA provides that detainees post-conviction must be in facilities agreed upon by Philippine and U.S. authorities and under Philippine custody. Hence, the transfer to U.S. custody at the Embassy was inconsistent with the VFA. The court ordered negotiations for appropriate detention facilities under Philippine authorities.

#### Doctrine:

The doctrine upheld in this case establishes that international agreements involving foreign military forces in Philippine territory must be recognized as valid treaties under both domestic and international law for compliance with constitutional requirements. Specifically, post-conviction custody must remain under Philippine jurisdiction as per the VFA provisions.

#### Class Notes:

1. **\*\*Criminal Law\*\***: Article 266-A and 266-B of the Revised Penal Code regarding the crime of rape.
2. **\*\*International Relations\*\***: Understanding the Visiting Forces Agreement (VFA) and its implications on sovereignty and custody of foreign military personnel.
3. **\*\*Constitutional Law\*\***: Article XVIII, Section 25 of the Philippine Constitution limits the presence of foreign military bases, troops, or facilities to agreements recognized as treaties.
4. **\*\*Treaty Implementation\*\***: The decision underscores the necessity of congruence in treaty implementation across jurisdictions.
5. **\*\*Due Process and Sovereignty\*\***: The decision also reaffirms the principle of exclusive jurisdiction and control over convicted persons.

#### Historical Background:

The VFA, signed as an implementing agreement of the RP-US Mutual Defense Treaty (1951), allows for joint military exercises aimed at enhancing defense capabilities. The previous US-Philippine relations involved lengthy negotiations over base rights, underscoring national sovereignty concerns.

This case emerges against the backdrop of historical concerns regarding the presence of US military bases in the Philippines, which had long led to heated debates and bolstered constitutional clauses aimed at safeguarding national autonomy and jurisdiction over criminal acts occurring within Philippine territory involving foreign military personnel.