

NINETEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Third Regular Session }

24 OCT -9 P4:00

SENATE

S. No. 2847

RECEIVED



Introduced by Senator Francis "TOL" N. Tolentino

AN ACT
CREATING THE NATIONAL FOREIGN RELATIONS COUNCIL, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In our system of government, the President, being the head of state, is regarded as the sole organ and authority and the country's top diplomat when it comes to external or foreign nations. As the chief architect of foreign policy, the President acts as the country's mouthpiece with respect to international affairs. Hence, the President is vested with the authority to deal with foreign states and governments, extend or withhold recognition, maintain diplomatic relations, enter into treaties, and otherwise transact the business of foreign relations. In the realm of treaty-making, the President has the sole authority to negotiate with other states.¹

However, to ensure a healthy system of checks and balances necessary in the nation's pursuit of political maturity and growth, the president's power is not absolute but is checked by the Constitution.²

Conversely, pertinent Sections of Article VII of the Constitution state that:

SECTION 16. The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards.

¹ Pimentel vs Executive Secretary, G.R. No. 158088, July 06, 2005

² Pangilinan vs Cayetano, G.R. No. 238875, March 16, 2021.

SECTION 21. No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.

Moreover, Section 23 of Article VI of the Constitution also provides that :

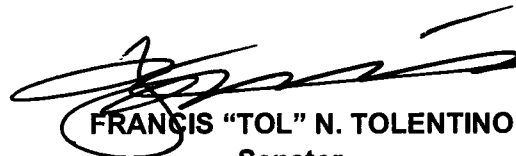
SECTION 23. (1) The Congress, by a vote of two-thirds of both Houses in joint session assembled, voting separately, shall have the sole power to declare the existence of a state of war.

(2) In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.'

In line with the shared function of the executive and legislative in the field of foreign relations, this proposed measure seeks to create a National Foreign Relations Council to be composed of senior officials from the executive and the legislative branches of the government to serve as an advisory body to the President similar to the National Security Council which was created during the Quirino Administration through Executive Order (EO) No. 330, dated 01 July 1950 and reorganized by EO No. 115, series of 1986 by former President Corazon Aquino.

Considering the various challenges facing our country, it is high time that the executive and the legislative branches of government be united and have one voice in the field of foreign relations. To this representation, the creation of the National Foreign Relations Council will result in better and cohesive policies relative to the conduct of our foreign relations which will redound to the benefit of the Filipino people.

As such, approval of this Act is earnestly requested.


FRANCIS "TOL" N. TOLENTINO
Senator

24 OCT -9 P4:00

SENATE

S. No. 2847

Introduced by Senator Francis "TOL" N. Tolentino

AN ACT
CREATING THE NATIONAL FOREIGN RELATIONS COUNCIL, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* - This Act shall be known as the "National Foreign Relations
2 Council".

3 Sec 2. *Declaration of Policy.* - The State shall pursue an independent foreign policy. In
4 its relations with other states the paramount consideration shall be national sovereignty,
5 territorial integrity, national interest, and the right to self-determination. Towards this end, a
6 national policy coordinating and advisory body on foreign relations is hereby created with the
7 sole function of coordinating, formulating and advising the needed policies relative to the
8 conduct of the country's foreign relations.

9 Sec. 3. *Composition and Functions.* - To effectively implement this policy, the National
10 Foreign Relations Council is hereby created and shall be composed of the following:

- 11 a. President as Chairperson;
- 12 b. Vice-President;
- 13 c. Senate President;
- 14 d. Speaker of the House of Representatives;
- 15 e. Chairperson, Senate Committee on Foreign Relations;
- 16 f. Chairperson, House Committee on Foreign Affairs;
- 17 g. Secretary of Foreign Affairs;
- 18 h. Secretary of National Defense; and

1 i. National Economic Development Authority Secretary

2 The Council shall serve as an advisory body to the President and shall be the lead
3 agency of the government for coordination and formulation of policies, relating to or with
4 implications in the field of foreign relations.

5 Membership in the Council of the members of the legislature shall be an extension of
6 their legislative functions. Membership in the Council of the members of the Cabinet shall be
7 in an ex officio capacity.

8 The Chairman and members of the Council who are government officials shall serve
9 in the Council without any additional emoluments, allowances, or pay, by virtue of and in
10 connection with the positions they have been elected to or appointed to, as the case may be.

11 Sec. 4. *Meetings.*- The President shall preside over the meetings of the Council.

12 The Council shall meet at least once every quarter but may be convened by the
13 President on special meetings as may be necessary. The members of the Council shall be
14 duly notified of any meeting in advance. The first meeting of the Council shall take place within
15 one (1) month from the effectivity of this Act, at a time and place to be designated by the
16 President.

17 Sec. 5. *Secretariat.* - The Council shall have a permanent Secretariat which shall be
18 under the supervision and control of the Executive Director. The Executive Director shall be
19 assisted by a Deputy who, like the Executive Director, shall be appointed by, and serve at the
20 pleasure of, the President. The Executive Director shall have the same duties and privileges
21 of a department undersecretary. The Executive Director and the deputy shall be experts in the
22 field of foreign relations and shall be a person of proven probity, honesty and integrity.

23 The Executive Director shall ensure that policies adopted by the Council are effectively
24 and efficiently implemented;

25 Sec. 6. *Personnel.* - In conjunction with the Secretary of the Department of Budget
26 and Management, the Executive Director is hereby authorized to organize the Secretariat,
27 prepare its plans, budget, staff and personnel; Provided, That the said budget and staffing
28 pattern and the rules and regulations shall be effective only upon the approval of the President.

29 Sec 7. *Appropriations.* - The amount necessary to implement the provisions of this
30 Act shall be included in the General Appropriations Act of the year following its enactment into
31 law and thereafter.

32 Sec. 8. *Separability Clause.* - In case any provision hereof is declared unconstitutional,
33 the other provisions not so declared and affected shall remain in force and effect.

34 Sec 9. *Repealing Clause.* - All laws and executive orders which are inconsistent with
35 the provisions of this Act are hereby repealed or amended accordingly.

1 Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in
2 the Official Gazette.

Approved,