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SENATE

P. S. RES. NO. 779

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Introduced by **SENATORS LEILA M. DE LIMA, PAOLO BENIGNO AQUINO IV, RISA HONTIVEROS, FRANCIS "KIKO" PANGILINAN, ANTONIO "SONNY" F. TRILLANES IV, and FRANKLIN M. DRILON**

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**RESOLUTION  
DIRECTING THE APPROPRIATE SENATE COMMITTEE  
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,  
ON THE LANDING OF CHINESE MILITARY AIRCRAFTS  
IN THE PHILIPPINES, WITH THE END IN VIEW  
OF ENACTING MEASURES THAT STRENGTHEN NATIONAL SECURITY  
AND SAFEGUARD THE TERRITORIAL INTEGRITY OF THE COUNTRY**

1 WHEREAS, Article II, Section 3 of the 1987 Constitution states, in part,  
2 that "(t)he Armed Forces of the Philippines is the protector of the people and the State.  
3 Its goal is to secure the sovereignty of the State and the integrity of the national  
4 territory.";

5 WHEREAS, Article XVIII, Section 25 of the same provides that "(a)fter the  
6 expiration in 1991 of the Agreement between the Republic of the Philippines and the  
7 United States of America concerning Military Bases, foreign military bases, troops, or  
8 facilities shall not be allowed in the Philippines except under a treaty duly concurred  
9 in by the Senate and, when the Congress so requires, ratified by a majority of the votes  
10 cast by the people in a national referendum held for that purpose, and recognized as a  
11 treaty by the other contracting State";

12 WHEREAS, Section 2(f) of Executive Order No. 112, s. 1999 provides for the  
13 role of the Department of National Defense as the "implementor of the country's  
14 international defense and security commitments based on defense and security  
15 treaties, cooperation agreements, international covenants, protocols and other similar  
16 arrangements";

1           WHEREAS, the Agreement between the Government of the Republic of the  
2 Philippines and the Government of Australia concerning the Status of Visiting Forces  
3 of Each State in the Territory of the Other State, otherwise known as the “Status of  
4 Visiting Forces Agreement (SOVFA)”, was ratified on 24 July 2012 through Senate  
5 Resolution No. 100;

6           WHEREAS, Article III, Section 2 of the Mutual Logistics Support Agreement  
7 between the United States of America Department of Defense and the Philippine  
8 Department of National Defense provides for “...the reciprocal provision of logistic  
9 support, supplies, and services between the military forces of one Party by the other  
10 Party in return for either cash payment or the reciprocal provision of logistic support,  
11 supplies, and services to the military forces of the other Party”;

12           WHEREAS, Article 7 of the SOVFA between the Philippines and Australia  
13 provides for the movement of forces, vessels, aircraft and motor vehicles, stating in  
14 part that “(t)he visiting force and its aircraft, vessels and vehicles have freedom of  
15 ingress to and egress from land and sea areas, air space and facilities subject to the  
16 Receiving State’s right to prescribe the routes. Vessels of the visiting force may visit  
17 ports with the Receiving State’s consent, with movement in accordance with  
18 international practice. Members of the visiting force have freedom of movement for  
19 the purpose of lawful activities”;

20           WHEREAS, there is no similar treaty or agreement between the Republic of  
21 the Philippines and the People’s Republic of China;

22           WHEREAS, a Chinese military plane landed at the Davao City International  
23 Airport last 8 June 2018, allegedly to refuel. The Australia-bound plane's request to  
24 land was supposedly "received, processed and cleared" by Philippine government  
25 agencies, according to President Rodrigo Duterte's special assistant, Christopher  
26 "Bong" Go<sup>1</sup>;

27           WHEREAS, the same report cited the military saying it had no other  
28 information about the plane except that it was here for refurbishment<sup>2</sup>;

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<sup>1</sup> ABS-CBN News. 10 June 2018. “Gov’t confirms Chinese military plane landed in PH to refuel”. Retrieved from <http://news.abs-cbn.com/news/06/10/18/govt-confirms-chinese-military-plane-landed-in-ph-to-refuel>

<sup>2</sup> *Ibid.*

1           WHEREAS, on 12 June 2018, Senator Antonio “Sonny” F. Trillanes IV said it  
2 was not the first time a Chinese plane landed there, citing an unnamed source from  
3 the Philippine Military Academy, and further raising questions on whether protocols  
4 were followed and whether there is an apparent attempt to conceal the incident from  
5 the public.<sup>3</sup>;

6           WHEREAS, on 11 June 2018, Senator Panfilo “Ping” M. Lacson referred to the  
7 international protocols to be complied with by a foreign military aircraft prior to  
8 entering another country’s airspace, saying, that “[f]or one, a request through proper  
9 diplomatic channels is made beforehand, and the same is forwarded to the defense  
10 department who will either approve or reject such request,” further stating that there’s  
11 no reason for government officials not to make the request public<sup>4</sup>;

12           WHEREAS, on 24 June 2018, the government allowed another Chinese aircraft  
13 to land and refuel, again in President Duterte’s hometown Davao City, prompting  
14 Presidential Spokesman Harry Roque to assure the public that the necessary protocols  
15 were followed in the latest “technical” stop of the foreign plane<sup>5</sup>;

16           WHEREAS, the successive occurrence of Chinese military planes making  
17 “technical” stops in Davao City raises the question of whether or not the Constitution’s  
18 proscription against the presence of foreign troops in the country unless covered by a  
19 treaty duly ratified by the Senate is being violated by the Duterte Administration,  
20 considering that the Philippines has no existing treaty with the People’s Republic of  
21 China on the use of Philippine military and civilian facilities by Chinese military  
22 aircraft;

23           WHEREAS, the circumstances of the Chinese military aircraft landing in Davao  
24 City, of all airports in the Philippines, is giving rise to speculations that the use by the  
25 Chinese military of Davao City airport’s facilities is a personal favor granted by the  
26 President to China without the knowledge of the Armed Forces of the Philippines, the  
27 latter being completely ignorant and clueless of the details of the presence of foreign  
28 military aircraft in one of the country’s gateways, as well as of any agreement entered

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<sup>3</sup> Elemia, Camille. 12 June 2018. “China plane only refueling in Davao? ‘Very obvious lie,’ says Trillanes”. Rappler. Retrieved from <https://www.rappler.com/nation/204760-trillanes-china-military-plane-refueling-davao-lie>

<sup>4</sup> Ager, Maila. 11 June 2018. “Lacson questions landing of Chinese military plane on PH soil”. Inquirer. Retrieved from <http://globalnation.inquirer.net/167721/lacson-questions-landing-chinese-military-plane-ph-soil>

<sup>5</sup> Kabiling, Genalyn. 24 June 2018. “Another Chinese plane allowed to refuel in Davao City”. Manila Bulletin. Retrieved from <https://news.mb.com.ph/2018/06/24/another-chinese-plane-allowed-to-refuel-in-davao-city/>

1 into by the President with China regarding the use of Davao International Airport by  
2 the Chinese military;

3 WHEREAS, in the absence of a treaty between the Philippines and another  
4 country, there is a need to clarify the role of the DND and the AFP in approving,  
5 monitoring, and overseeing the transit, passage, presence, and use of Philippine  
6 facilities by foreign military aircraft, and whether or not the approval or acquiescence  
7 of the President alone to the presence of such foreign military aircraft, troops, or naval  
8 vessels within Philippine territory is enough to permit or allow such presence, instead  
9 of considering it as a serious breach of national security and defense protocols  
10 constituting a grave and imminent threat to national sovereignty and territorial  
11 integrity, especially in light of China's aggressive island-building and militarization of  
12 the West Philippine Sea as well as domination and control over Scarborough Shoal;

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the  
14 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the  
15 landing of Chinese military aircrafts in the Philippines, with the end in view of enacting  
16 measures that strengthen national security and safeguard the territorial integrity of  
17 the country.

Adopted,

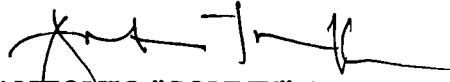
  
SEN. LEILA M. DE LIMA

  
SEN. PAOLO BENIGNO AQUINO IV

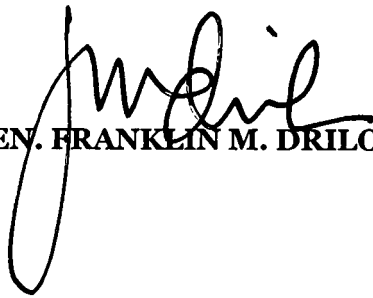
  
SEN. RISA HONTIVEROS



**SEN. FRANCIS "KIKO" PANGILINAN**



**SEN. ANTONIO "SONNY" F. TRILLANES IV**



**SEN. FRANKLIN M. DRILON**