

Constitutional Considerations and the International Criminal Court

Franklin M. Ebdalin

48 ATENEO L.J. 382 (2003)

SUBJECT(S): CONSTITUTIONAL LAW, PUBLIC INTERNATIONAL LAW

KEYWORD(S): ICC STATUTE, ROME STATUTE

While the Philippines became the 124th State Signatory to the ICC Statute, which is in the nature of a treaty, the ratification by the President, whose own ratification must in turn be concurred in by the Senate is necessary in order for the treaty to be valid and effective. In this light, the Essay examines certain issues that need to be considered before the treaty may be ratified — the constitutionality of the ICC Statute, the death penalty, and the irrelevance of official capacity or absence of immunity from suit.

As a final note, the Author encourages the Philippines to find common ground between our Constitution and the Rome Statute by keeping in mind that “the values that the ICC seek to uphold, namely, justice and an end to impunity for those who wield their power destructively and wantonly.”