

Status of Forces Agreements: Philippine Perspectives

Arturo C. Corona

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The Article provides a comparative analysis of the criminal jurisdiction arrangements provided in the 1947 Agreement Concerning Military Bases and in the 1965 Agreement Relating to Criminal Jurisdiction, amending Article XIII of the 1947 Agreement. The parties to the said agreements are the Philippines and the United States.

As an introduction, the Author gives a rundown of the events that transpired in the Philippines prior to the signing of the two agreements. He cites several laws such as the Hare-Haws-Cutting Act, the Tydings-Mc-Duffie Law, the National Defense Act and the Agreement Concerning Military Bases. As a transition, the Author narrates the negotiations that happened in implementing the Agreement Concerning Military Bases, particularly the negotiations regarding criminal jurisdiction.

After this, the Author makes a comparison and an analysis of the 1947 and the 1965 agreements. In this, he takes notice of substantial differences in the criminal jurisdiction arrangements. His analysis of the substantial differences includes the change of the basis in determining jurisdiction from situs to status and the introduction in the 1965 Arrangement of a provision that enabled the Philippines to assume some form of control over Filipinos serving as civilian security guard employees of the United States armed forces.

The Author concludes the Article by giving several recommendations to serve as framework for a new agreement.