

## Treating of Treaties

Jacinto D. Jimenez

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The Article discusses the relevance that treaties play in the country's desire to form alliances with other countries. It opens by looking into the process of creating treaties as provided by the Constitution, starting from the treaty-making power of the President and ending with judicial review. It also examines the possible remedies in case there is a conflict between treaties and law — should the last one in point of time prevail, as was held by Philippine jurisprudence or should the courts uphold the supremacy of the treaty over the law, in accordance with the generally accepted principles of international law?

The Article then proceeds by looking into the role of treaties during the Commonwealth Era, which also calls for the discussion of the political status of the Philippines during the said period. This analysis was done by examining both the American and the Philippine jurisprudence. The Article also tackles the Military Bases Agreement that the Philippines entered into with the United States, more particularly, the validity of the grant to the American Military authorities of criminal jurisdiction over certain cases. This discussion was made in light of the judicial power granted to Philippine courts by the Constitution and the string of judicial decisions made on the issue.

The Article then proceeds by discussing another mode of regulating the country's foreign relations — executive agreements. Unlike treaties, executive agreements do not need the concurrence of the Senate, although emphasis must be placed on the fact that no agreement contrary to an existing law could be entered into. The root of the controversy however, is the silence of the Constitution on the power of the President to enter into executive agreements. This issue was discussed through a string of judicial decisions.

In the end, the Author pointed out that since the President can bind the whole country by entering into various treaties and agreements, the people simply have to hope that his conscience is geared towards the common good.