

# A Critical Review of the Enhanced Defense Cooperation Agreement Between the Republic of the Philippines and the United States of America

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More than two decades have passed since the Philippines declined to renew its military bases agreement with the United States of America. Today, however, with the rise of maritime security issues in Southeast Asia and the rise of the People's Republic of China, the Philippines has once again entered into a foreign military presence agreement with the United States in the form of the Enhanced Defense Cooperation Agreement (EDCA).

Much has been said about the EDCA being the most pernicious of all the Philippines' arrangements with any foreign military presence in the country. This is the case despite the constitutional prohibition on allowing foreign military presence in Philippine soil absent a treaty duly concurred by at least two-thirds of all the members of the Philippine Senate. The charge, it has been said, was that the EDCA circumvented the constitutional proscription by masquerading itself as a "temporary" executive agreement that needs no ratification by the Senate. It was further avowed that despite the United States categorically stating that it does not wish to establish permanent military bases in the country, the EDCA is just a step towards the United States' preparation to contain China — if not for outright war.

This Article looks into the merits of the arguments against EDCA, and weighs whether or not its provisions truly contravene the Constitution. Using both legal and historical lenses of analysis, the Author concludes that the EDCA is nothing but a euphemism for the allowance of "foreign military bases, troops, or facilities" that are declared prohibited by Section 25, Article XVIII of the Constitution.