

Senate: Abrogate Visiting Forces Agreement

PAGE A1 ◀

day for the approval of the resolution on third reading, according to the office of Santiago.

Santiago had earlier urged Malacañang to renegotiate or terminate the RP-US Visiting Forces Agreement (VFA), which is not giving the country any substantial benefit and violates the Constitution.

She also called for an investigation into a supplemental accord she dubbed as VFA 2 that was not submitted to the Senate for ratification.

Santiago, chair of the Legislative Oversight Committee on the Visiting Forces Agreement, said in her sponsorship speech that VFA 2 was invalid because it violated Senate Resolution No. 18, which concurred with VFA 1, but imposed the condition "that the President, alone by herself, has no power to bind the Philippines to any amendment of any provision of the VFA."

"Both VFAs were signed in 1998 by (then Foreign Affairs Secretary) Domingo Siazon and (former US Ambassador to the Philippines) Thomas Hubbard. VFA 2 provides that it entered into force simultaneously with VFA 1," the senator said.

She said that while VFA 1 did not provide for supplementary agreements, VFA 2 made such a provision.

"We hardly know anything about VFA 2, and as a result, we do not know what supplementary agreements have been negotiated with the US," she said, calling for a legislative probe into the status of VFA 2 and its supplementary agreements, if any.

Santiago said that while VFA 1 was already one-sided in favor of the US, VFA 2 is even worse because it grants certain privileges to the US, which are not granted to the Philippines.

She said among the "non-reciprocal" provisions of VFA 2 are those that state a US soldier may be detained in the US embassy, not in RP jails; US soldiers are exempt from passport and visa requirements; US government vehicles are exempt from registration; a mere declaration from a US officer that the US vessel does not pose a threat to the health of Filipinos automatically exempts the vessel from RP inspection; US troops are exempt from Philippine taxes; the US is not obliged to waive claims to the Philippine government for damages or death.

Santiago said the Senate resolution specifically underlined that US personnel were only authorized to engage in temporary visits, but the so-called Special Operating Forces were staying indefinitely.

Santiago said the VFA violated both constitutional law and international law.

"VFA is unconstitutional, because it was not concurred in by two-thirds of the US Senate. Further, it is void for vagueness because it fails to define the terms 'visit,' 'temporary' and 'activities,'" she said.

Santiago also said that the VFA violated the Vienna Convention on the Law of Treaties, particularly the doctrine of rebus sic stantibus providing that treaties are binding, only as long as there were no major changes in circumstances.

"The fundamental change of circumstance is that although US troops were ostensibly limited to military training exercises, today they are now embedded in (Philippine) combat troops, wearing uniforms and carrying firearms. The (Philippine) Constitution prohibits foreigners from engaging in combat operations, either in traditional warfare, or in unconventional warfare," she said.

Santiago said the VFA could have been purposely made confusing to the advantage of the US and that some US military officials themselves were quoted as saying that American troops were engaged in actual combat in the Philippines in the guise of military exercises.

She enumerated the other reasons for renegotiating or terminating the VFA, as follows:

1. It violates the Philippine Constitution, which provides that the US as the other contracting state should have recognized the VFA as a treaty, not as a mere executive agreement.

2. The VFA, to use a constitutional law term, is void for vagueness, in that it fails to define the crucial terms "visit", "temporary," and "activities."

3. The Supreme Court opinion in the 2009 case of Nicolas versus Romulo suffers from doctrinal confusion.

4. American military forces constitute so-called forward operating bases, thus circumventing the constitutional prohibition against foreign military bases.

5. Only the preamble, not the text, of the VFA mentions the

ancient Mutual Defense Treaty, which does not even provide for automatic US help in case of actual attack on the Philippines.

6. The alleged financial benefits under VFA for the most part constitute US military junk.

7. The VFA is a failure, because after 10 years, the Armed Force of the Philippines has not modernized sufficiently to keep up with our Asian neighbors, and the terrorist groups are still active.

8. VFA 2 violates the condition laid down in the Senate concurring resolution that there shall be no supplementary arrangement without Senate concurrence.

Santiago said the benefits of the VFA were illusory since the Philippines was not even among the top 10 military aid recipients of the US, as compiled by the Center for Public Integrity three years after the Sept. 11, 2001 terrorist bombings in the US.

The top 10 recipients of US military aids include Israel - \$9 billion; Egypt - \$6 billion; Pakistan - \$4.6 billion; Jordan - \$2.6 billion; Afghanistan - \$2.6 billion; Colombia - \$2 billion; Turkey - \$1 billion; Peru - \$445.8 million; Bolivia - \$320.6 million; and Poland - \$313 million.

Santiago said the VFA Commission produced the following list of financial aid from the US, as follows: foreign military financing since 1999 - \$250 million; foreign military sales 2001-2007 - \$76.5 million; excess defense articles 1999-2007 - \$76.7 million.

"The US calls the Philippines a major non-NATO (North Atlantic Treaty Organization) ally, but treats us like a shabby country cousin. In return for the VFA, what we receive is paltry, mostly in the form of Excess Defense Articles, in other words, US military junk," Santiago said.

Santiago cited a report quoting the Federation of American Scientists that said: "Not wanting to pay the cost of things or destroying the surplus, the US Department of Defense dispenses most of it for free, or at deep reduction through the excess defense articles (EDA) program."

"It is said that despite years of American military aid to the Philippines, the AFP remains the most poorly equipped in Asia. Paano, akala natin bibigyan tayo ng Amerikano ng pampagara, yon pala, ukay-ukay ang inabot natin ang mga bagay. (We thought the Americans would give us fine new clothes, but they've only given us thrift shop

Fed slows \$1.45T program to aid housing market

WASHINGTON—With the economy on the mend, the Federal Reserve on Wednesday said it is slowing the pace of a program to lower mortgage rates and prop up the housing market.

The Fed decided to stretch out its goal of buying \$1.45 trillion in mortgage-backed securities and debt issued by Fannie Mae, Freddie Mac and Ginnie Mae until the end of the first quarter of 2010. Originally, the central bank intended to complete buying those securities by the end of this year.

It marked the second time since August that the Fed has opted to slow some of its extraordinary support to revive the economy and spur Americans to boost spending. It shows that the Fed Chairman Ben Bernanke and his colleagues are increasingly confident the recovery will take hold.

In a more upbeat assessment, the Fed said: "Economic activity has picked up following its severe downturn." When the Fed last met in August, policymakers declared that economic activity was "leveling out."

Even with the pick up in economic activity, Fed policymakers predict inflation will remain "subdued for some time."

Factories are still operating well below capacity, one force that should keep a lid on inflation. Other factors keeping prices in check include the weak job market enabling employers to avoid wage increases, and cautious shoppers making companies wary of raising costs.

Even though the Fed will stretch out its purchases of mortgage securities, rates for home loans should remain low "in the 5 percent range" as long as the purchases continue, said Guy Cecala, publisher of Inside Mortgage Finance.

If the Fed hadn't extended its deadline, it would have faced pressure to buy more than \$600 billion in mortgage-backed securities by December, said Brian Bethune, an economist with IHS Global Insight. A sudden withdrawal from the market after such rapid purchasing could have caused major disruptions. Low inflation and bond yields also will keep mortgage rates low, he added. (AP)

Unemployment benefits . . .

PAGE A1 ◀

there will be no cost to the state at a time when Nevada is already facing huge shortfalls, including in the state unemployment fund," she said.

"This bill is a lifeline and it will aid those still struggling to find work in Las Vegas and other parts of the Silver State," she added.

Increasing unemployment in Nevada has triggered an increase in home foreclosure rates, shrinking any hope that the housing crisis will end and the economy will recover, a recent Associated Press analysis showed.

In past recessions in the US ,

the housing industry had helped get the economy back on track. Home builders built more lower-priced homes that enticed more buyers. Increased consumer spending had helped the economy recover during past downturns.

But continued unemployment in the country makes it difficult for homeowners to pay their monthly housing payments. Nevada has the highest home foreclosure rate in the nation at 6% as of July, data from CA-based listing service RealtyTrac showed.

Dwindling visitor volume of this tourist destination caused massive layoffs from the hotel and casino industry since the start of the year. City officials blamed the decline in visitors to the bad economy.

For his part, NV Senator Harry Reid said the August unemployment rate underscores the importance of ensuring the state is doing everything it can to create jobs by putting the \$2 billion in economic recovery funding to work.

"There is still a long road ahead toward full economic recovery, however, I will continue to do everything I can to strengthen our economy and create good-paying jobs in Nevada," he said in a statement. ■

Mayweather destroys . . .

PAGE A1 ◀

down," said Marquez. "He hurt me in that round, but not any other time. I don't want to make any excuses, but the weight was the problem. He's too fast."

Mayweather surrendered \$600,000 of his purse after weighing in two pounds over the contract catch weight of 144 pounds during the Friday weigh in. Marquez weighed in at 142 pounds.

Pacquiao's Reaction
The Pride of the Philippines Manny Pacquiao inherited May-

weather's pound-4-pound throne after Mayweather's sudden retirement two years ago.

But after watching Mayweather's stellar performance against Marquez, a foe that gave Pacquiao fits in two bouts, it's hard to argue that the American is not worthy of the reclaiming the title as the world's best boxer.

Pacquiao, who had predicted a Mayweather victory, was impressed with Mayweather's performance, according to the Philip-

pine Daily Inquirer.

"It was an impressive victory," said Pacquiao to the Inquirer. "But the fight was a mismatch. Marquez was too slow for Mayweather."

Ring Rankings

As of Tuesday September 22, Mayweather Jr. was second in Ring Magazine's pound-4-pound rankings. Pacquiao continues to remain up top but his throne will be challenged this November when he faces Miguel Cotto.

A win against the Puerto Rican Cotto, will then set up the match everyone has been dreaming of - Pacquiao vs. Mayweather Jr. (Joseph Pimentel / AJPress)

clothes)," Santiago said.

Santiago said an Aug. 21, 2009 report of the *New York Times* stated that US Defense Secretary Robert Gates had decided to keep an elite 600-troop counterinsur-

gency operation deployed in the Philippines.

"This unilateral statement, issued with the usual American military hubris, without consultation and without the consent

of the proper Philippine authorities, is no less than an act of provocation against our sovereign country. Please, (US) President (Barack) Obama, say it's not true," Santiago said. ■



REEVES & ASSOCIATES

A PROFESSIONAL LAW CORPORATION

The Leading & Most Trusted Immigration Law Firm in the U.S.



JEFF L. KHURGEL

FLOMY J. DIZA

NANCY E. MILLER*

MAY ZHANG

JOSEPH I. ELIAS

JEREMIAH JOHNSON

ROBERT L. REEVES*

THE FIRM'S PARTNERS

*CHOSEN BY THEIR PEERS AS SUPER LAWYERS FOR 2006, 2007, 2008 AND 2009

16 Attorneys Devoted Exclusively to the Practice of Immigration Law
It Doesn't Have to Cost More to Hire the Very Best.

free in-office
consultation

(702) 227-9888
www.reeves.com

LOS ANGELES - SAN FRANCISCO - LAS VEGAS - MANILA