

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

5 APR 13 P7:45

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SENATE
P.S. Res. No. 231

Introduced by Senators Francis N. Pangilinan and Aquilino Q. Pimentel, Jr.

A RESOLUTION

URGING THE DEPARTMENT OF FOREIGN AFFAIRS TO INVESTIGATE THE APPARENT VIOLATIONS OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND INTERNATIONAL PRINCIPLES OF RECIPROCITY COMMITTED BY THE UNITED STATES CUSTOMS SERVICE DURING THE DIPLOMATIC MISSION OF SENATOR LUISA P. EJERCITO ESTRADA TO THE UNITED STATES

WHEREAS, the United States of America and the Republic of the Philippines are signatories to the Vienna Convention on Diplomatic Relations, which recognizes the sovereign equality of States and aims to maintain international peace and security as well as promote friendly relations among nations through reciprocal grant of diplomatic privileges and immunities;

WHEREAS, Article 29 of the Vienna Convention on Diplomatic Relations provides that "[t]he person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity";

WHEREAS, Luisa P. Ejercito Estrada, a Senator and former First Lady of the Republic of the Philippines, traveled to the United States of America on 20 March 2005 on a diplomatic mission, bearing a diplomatic passport;

WHEREAS, in accordance with Article 10 of the Vienna Convention on Diplomatic Relations, the Consul General of the Consulate General of the Republic of the Philippines in the United States of America notified in writing the United States Customs Service on 18 March 2005 of the arrival of Senator Luisa P. Ejercito Estrada in San Francisco and requested port courtesies;

WHEREAS, visiting government officials with the rank of Deputy Cabinet Ministers and above shall not be subject to secondary screening in accordance with the Policies and Procedures on Courtesies for Senior Officials of Cabinet Rank at Airports in the United States and Airport Courtesies issued by the United States State Department;

WHEREAS, despite due notice to the United States Customs Service, Senator Luisa P. Ejercito Estrada was not accorded conventional diplomatic courtesies and privileges but was instead unreasonably subjected to harassing interrogation, subjected to secondary screening, and arbitrarily detained by the United States immigration authorities, particularly a certain Mr. Pangan;

WHEREAS, representatives of the Consulate General of the Republic of the Philippines in the United States of America who were supposed to assist Senator Luisa P. Ejercito Estrada were not allowed access beyond the carousel area despite the official written notification to the United States Customs Service;

WHEREAS, Article 39 of the Vienna Convention on Diplomatic Relations provides that "[e]very person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post";

WHEREAS, the acts of the United States Customs Service appear to be in violation of the provisions of the Vienna Convention on Diplomatic Relations and international principles on reciprocity;

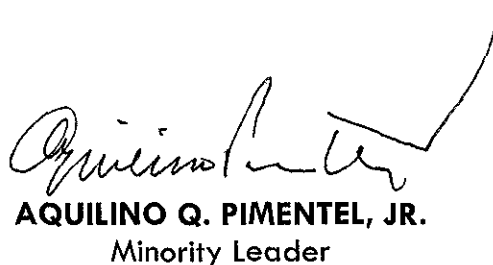
WHEREAS, such acts and disrespect towards a diplomat of the Republic of the Philippines should not be allowed and tolerated;

RESOLVED, AS IT IS HEREBY RESOLVED, That the Senate of the Philippines urges the Department of Foreign Affairs to investigate and make appropriate recommendations on the incident pertaining to the diplomatic mission of Senator Luisa P. Ejercito Estrada to the United States and the apparent violations of the provisions of the Vienna Convention on Diplomatic Relations and the international principles on reciprocity committed by the United States Customs Service.

Adopted,



FRANCIS N. PANGILINAN
Majority Leader



AQUILINO Q. PIMENTEL, JR.
Minority Leader