

Malacañang was advised by Minority Leader Aquilino Q. Pimentel, Jr. (PDP-Laban) today to address the objections and concerns of the Filipino people about the Japan-Philippines Economic Partnership Agreement (JPEPA) instead of pressuring the members of the Senate to ratify the treaty.

Reacting to President Gloria Macapagal-Arroyo's statement prodding the Senate to ratify the JPEPA upon its resumption of session next week, Mr. Pimentel said the senators would decide on the trade agreement on the basis of whether it is good and beneficial to the Filipino people, and not because they want to please or placate the Palace.

"Mrs. Arroyo can always ram through the ratification of JPEPA but we still have questions to be resolved like the employment of Filipino nurses and caregivers in Japan, the export of pollutants to the Philippines," he said.

Senator Pimentel maintained that the eight-man solid opposition group in the Senate will not vote as a bloc on the agreement.

The Constitution requires two-thirds of the present 23 members of the Senate to concur with a treaty before it is ratified and becomes effective. Aside from Mr. Pimentel, the Solid Minority Bloc is composed of Senators Rodolfo Biazon, Panfilo Lacson, Loren Legarda, Jamby Madrigal, Mar Roxas, Benigno Aquino III and Antonio Trillanes.

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Senator Pimentel said his vote on the bilateral treaty would be based on how the government addresses and resolves three main concerns, namely:

First, whether or not Japan will be allowed to export and dump toxic wastes into the country.

Second, whether Japanese investors will be given preferential treatment in doing business in the country to the disadvantage of Filipinos, including the right of the Japanese fishing vessels and factory ships to operate and catch fish and other marine products within its 200-mile exclusive economic zone.

On the proposal to forge a “side agreement” to resolve the issue that certain provisions in JPEPA may not conform to the Philippine Constitution, Mr. Pimentel said. Third, whether Filipino nurses and caregivers will be accorded treatment commensurate to their status as health professionals by receiving adequate and reasonable compensation, instead of being initially categorized as trainees.

Mr. Pimentel noted that the Philippine Nurses Association has vigorously opposed a requirement under JPEPA that Filipino nurses and caregivers should undergo training in the Japanese (Nippongo) language and should take the licensure test in this language.

On the proposal to forge a “side agreement” to resolve the issue that certain provisions in JPEPA may not conform to the Philippine Constitution, Mr. Pimentel said this would not necessarily amend the treaty itself, adding that this should be thoroughly discussed among the senators.

“Once a treaty is entered into, side agreements are of no moment. It is the treaty that will prevail,” he said.

According to Sen. Miriam Defensor-Santiago, chairperson of the Committee on Foreign Relations, the side agreement would be in the form of an exchange of notes between Manila and Tokyo to the effect that the JPEPA would be consistent with the constitutions of both countries.

Senator Pimentel said such side agreement would at best help guide in implementing the bilateral agreement.

Thus, he said the protocol earlier signed by the Japanese and Philippine governments regarding the prohibition on the export or transfer of toxic waste from one country is a good one.

“It will assuage our concerns that there may be all kinds of toxic wastes entering the Philippines,” Senator Pimentel said. # # #

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