

## Turning the Esoteric into the Exoteric: the Baselines-Bill Issue - MabuhayRadio

Written by Senator Pimentel's Press Office

Thursday, 05 June 2008 01:56 - Last Updated Thursday, 05 June 2008 01:59

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(Privilege Speech of Sen. Nene Pimentel, Senate, June 4, 2008)

The issue here is not whether or not the proponents of the bills to define our baselines are holders of masteral or doctoral degrees in international law – public or private.

If such degrees were required before a senator of the land may propose bills dealing with international law, I doubt if 1/24th of the Senate would qualify.

Happily, the issue is only one of procedure. And in this regard, all senators can have their say.

Which should come first, the Commission to Study or the bill to define the baselines of our territory in accordance with the United Nations Convention of the Law on the Sea?

RulesAs backgrounders, may I recall that in enacting laws, our legislature usually starts with bills proposing certain legislative measures. That is what the Rules provide:

- (a) Bills are filed;
- (b) The bills are referred to the committees;
- (c) The Committees will hear the bills;
- (d) The Committees submit committee reports to the plenary of the Senate for its consideration.

In the hearing of the bills in committee, resource persons and experts are called to dissect, scrutinize and suggest possible changes. The committee if it believes that the suggestions are good would accept the proposals after which committee reports are made and are reported to the plenary for discussion, debate and final legislative action.

That is what the Rules provide and I suppose that what was in the minds of the proponents when they filed separate bills to define the baselines of our national territory.

They wanted to have the bills processed according to our Rules, namely: hearings are conducted, resource persons and experts are heard, a committee report follows for final action through debate and discussion on the floor of the Senate.

I assume good faith on the part of the proponents.

Reverse ProcedureSenator Santiago wants to reverse the process. She wants a Commission to be formed to study and recommend the course of action that we should take regarding the definition of the baselines of the country.

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She urges us to pass the Joint Resolution to create a commission to help define our baselines.

I was one of those she asked to sign the Resolution and I did.

But even as I signed her proposal to enact a Joint Resolution, I did not give up my right to ask questions of her whenever the resolution is brought up for discussion. She brought up the issue yesterday in a privilege statement. But out of consideration for other matters in the agenda, she asked not to be interpolated.

Had we been allowed to interpolate her, we would have brought up the issues that I have started to discuss in the opening lines of this statement.

Study Commissions That said, may I recall that there were, at least, two major pieces of legislation in the old days of our legislature where commissions were created to propose amendments to existing laws for the guidance of legislatures, namely:

- (a) The panel to revise the Penal Code in the '30s, and
- (b) The commission to revise the Civil Code in the '50s.

Not Unusual Therefore, what is proposed by Senator Santiago even if it is not the usual procedure in legislation, it is not the first time that such a procedure was suggested in the halls of congress.

If it is not that unusual, what is wrong with it?

There is nothing inherently wrong with the senator's proposal.

Unravel the Esoteric But considering the circumstances under which the proponents of the baselines bills are acting and under which the Senate has to act, we believe that the better part of prudence dictates that we should get the proper committee to act on the bills as the Rules provide. By following the strictures of UNCLOS and by following our rules, we may be able to unravel the mysteries of esoteric with the help of experts so that they would now become exoteric, mundane matters understood even by the hoi polloi.

Without Force In brief, there is nothing that inhibits us from asking experts in international law to help us do our job. And from using our common sense to define our baselines as best we can.

If we overextend our boundaries, I am sure there are procedures in international law sanctioned by the UN that can settle the matter without the use of force.

But are we more bound by the Treaty of Paris than by the UNCLOS?

Are unilateral declarations on our part defining our baselines binding on other nations now that UN has been formed and that UNCLOS has been ratified by more than a majority of the nations of composing the UN?

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Indeed, these are matters that experts as well as non-experts can answer. And the venue for raising those questions in the first instance is the proper committee where hearings are done.

To repeat, there is nothing that requires us to all be knowledgeable on the same level as PhDs on any matter that we discuss. Otherwise, the Constitution would have foolishly required those degrees to be a part of the qualification of those who stand for election to the Senate.

I submit that despite our individual deficiencies in education, articulation, attitudes and interests, the views of all the members of the Senate are equally entitled to be heard – regardless of whether they are sound or unsound. That is one virtue that one has live with if we want our country to remain committed to the principles of democracy. # # #

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