

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5389



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Article II, Section 7 of the 1987 Constitution states that it is the policy of the State to pursue an independent foreign policy which gives primacy to the protection of our national sovereignty and territorial integrity, and the promotion of our national interest and right to self-determination.

Undoubtedly, it is essential for an archipelagic state like the Philippines to have a strong, independent foreign policy which would enable the country to protect and defend its sovereignty and national interest, and preserve its people and government's right to self-determination. The recent victory of the Philippines over the West Philippine Sea arbitration case and the current Administration's policy stance on national security and foreign relations, have strengthened the call for a more independent foreign policy.

The Department of Foreign Affairs (DFA) has been the sole source of foreign policy initiatives in the country. However, at this time when the country is facing various national security issues and territorial disputes, it is important that we explore these matters from various perspectives and dimensions. To institute an effective and holistic foreign policy, we have to invest not only in the capacity of the DFA, but we should also harness the country's qualified and capable bureaucracy.

It is in this light that this proposed bill seeks the creation of an independent body under the Office of the President to provide advice and recommendations on foreign policy formulations, and ensure a system of checks and balances with the DFA, as the primary agency on matters relating to foreign relations. This shall be known as the Foreign Policy Advisory Board or 'FPAB'.

It is hoped that thru the passage of this bill, we would be able to develop our own effective, holistic and truly independent long-term foreign policy system.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


GARY C. ALEJANO

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AN ACT
CREATING A FOREIGN POLICY ADVISORY BOARD AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Declaration of Policy.**- As enshrined in Article II, Section 7 of the 1987
2 Constitution, it is the policy of the State to pursue an independent foreign policy which gives
3 primacy to the protection of our national sovereignty and territorial integrity, and the promotion
4 of our national interest and right to self-determination.

5
6 **SEC. 2. Definition of Terms.** - For purposes of this Act, the followings terms shall mean:

- 7
8 a. Foreign Policy- It refers to the course or principle of action employed by the
9 Government in its interaction with other state and non-state actors;
10 b. DFA- It refers to the Department of Foreign Affairs; and
11 c. Board- It refers to the Foreign Policy Advisory Board or FPAB.

12
13 **SEC. 3. Creation of an Advisory Board.** - There is hereby created an agency to be
14 known as the Foreign Policy Advisory Board ("*FPAB*"). FPAB shall be an independent, senior-
15 level advisory body on foreign policy and shall have the same status as that of a national agency
16 attached to the Office of the President.

17
18 **SEC. 4. Purpose.** - The FPAB is created for the purpose of providing a credible and
19 continuous source of foreign policy advice, recommendation and/or insights for the President, as
20 product of an independent data and intelligence gathering, discussion, consultation and
21 assessment. The creation of this independent, senior advisory body is intended to be a part of the
22 system of checks and balances on foreign policy formulation, with the DFA acting as its
23 counterpart. Under this system, both the DFA and FPAB shall be the primary sources of foreign
24 policy advice to the President. This system would also ensure that foreign policy decisions
25 and/or initiatives would be made by the President only after hearing and/or considering the
26 perspectives, inputs and/or wise counsel not only of our career foreign service officers but also of
27 other senior-level leaders and advisers representing a wider array of backgrounds, experiences
28 and/or perspectives.

29
30 **SEC. 5. Composition of the Advisory Board.** - The Board, at its initial establishment,
31 shall be composed of a chair and eight (8) members who shall possess the following
32 qualifications:

- 33 a. Must be natural-born citizens of the Philippines;
34

- b. Must be at least forty (40) years of age at the time of his/her appointment;
- c. Must have previously served as a senior-level officer of the government and/or in the private sector, with at least fifteen (15) years length of service and/or experience in a responsible position of leadership.
- d. Must not have been a candidate for any elective position in any national and/or local elections, immediately preceding their appointment; and
- e. Must not hold any full-time government position or engaged in the full-time practice of any profession or in the active management or control of any business which in any way may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its sub-divisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries during their tenure.

Among the members of the FPAB, at least two (2) should be former officers of the Armed Forces of the Philippines or the Philippine National Police with the rank of Brigadier or Chief Superintendent; two (2) others should be former senior diplomats of the country; while two (2) shall represent former Overseas Filipino Workers (OFW). The remaining two (2) shall come from the ranks of businessmen and professionals.

In the performance of its mandate and its functions, the Board shall be supported by a Secretariat headed by an Executive Director with the rank, benefits, compensation and privileges equivalent to that on an Assistant Secretary and such number of staff officers and employees as may be deemed appropriate, organized into divisions, sections and/or units as the FPAB may specify in the Implementing Rules and Regulations (IRR) of this Act.

SEC. 6. Term of Office. - The members shall be appointed by the President of the Republic of the Philippines to a fixed term of four (4) years, subject only to one (1) reappointment, from a list of nominees submitted by the Department of Foreign Affairs based on nominations made by the sectors they are supposed to represent. Of the first eight (8) members to be appointed by the President, four (4) shall serve an initial term of two (2) years while the rest will serve a full term of four (4) years; *Provided, That* if a member fails to complete his/her term, the person appointed to fill the vacancy shall serve only the unexpired portion of the vacated term whom he/she succeeds: *Provided finally, That* such service of the unexpired portion shall not be counted as a term.

The members shall elect among themselves the chair of the advisory board. The Chair shall have the same rank and privileges of a Department Secretary while the members shall have the same rank and privileges of the Undersecretaries of a department.

SEC. 7. Powers and Functions. - The Board shall have the following powers and functions:

- a. To define the priorities and strategic frameworks for the Philippine foreign policy;
- b. To identify trends that affect our national security interests;
- c. To assess global threats and opportunities and formulate the appropriate responses and/or interventions to ensure that the interest of the country is always protected;
- d. To review the effectivity and relevance of the existing Philippine foreign policy frameworks, plans and programs;

- 1 e. To provide advice and/or recommendations on foreign policy matters with respect to
2 the tools and capacities of the Department;
3 f. To conduct continuing data and information gathering as well as the review,
4 discussion, analysis and assessment thereof and provide the necessary feedback to the
5 President and other government offices, agencies and/or instrumentalities; and
6 g. To perform any and all other research functions and/or execute any project on issues
7 as may be prescribed or requested by the President and/or other responsible
8 government offices, agencies and/or instrumentalities.
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10 **SEC. 8. Meetings.** - The Board shall meet at least once a month or upon the call of the
11 Chair or majority of the members, as necessary during times of crisis. A majority of the members
12 of the Board shall constitute a quorum to do business.
13

14 **SEC. 9. Reporting.** - The Board shall provide its recommendations to the President
15 and/or the Department on a regular basis and whenever necessary. Further, the Board shall also
16 submit to the President as well as the President of the Senate and the Speaker of the House of
17 Representatives an annual report on its operations and accomplishments.
18

19 **SEC. 10. Appropriations.** - The amount necessary to implement the provisions of this act
20 shall be included by the Department of Budget and Management in the annual General
21 Appropriations Act (GAA).
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23 **SEC. 11. Implementing Rules and Regulations.** - The FPAB shall promulgate the
24 necessary Implementing Rules and Regulations (IRR) for the effective implementation of this
25 Act.
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27 **SEC. 12. Separability Clause.** - If any provision of this Act shall be held unconstitutional
28 or invalid, the other provisions not otherwise affected shall remain in full force and effect.
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30 **SEC. 13. Repealing Clause.** - All laws, executive orders, rules and regulations or parts
31 thereof, inconsistent with this Act are hereby repealed, amended, modified accordingly. The
32 provisions of this Act shall not be repealed, amended or modified, unless expressly so provided
33 in subsequent general or special laws.
34

35 **SEC. 14. Effectivity Clause.** - This Act shall take effect fifteen (15) days following its
36 complete publication in the Official Gazette or in any two (2) newspaper of general circulation in
37 the Philippines.

Approved,