CHAPTER V

REVISION OF THE 1947 AGREEMENT

During the early years of Philippine independence the question of the criminal jurisdictional arrangements of the 1947 agreement attracted little attention. The attempts to revise these arrangements had their beginning in July 1953 and continued periodically through August 1965. Within this twelve year period, four phases of negotiation are distinguishable, each of which will be discussed in this chapter. In the background of the revision attempts were the general problems of Philippine security and sovereignty. These problems will be discussed briefly.

The Security-Sovereignty Dilemma

Of utmost importance to the Philippines from the granting of independence to the outbreak of the Korean War was the lack of a "formal guarantee" stating that in case of attack by outside aggressors the United States would come immediately to its aid. No such formal guarantee had been included in the 1947 agreement. The United States merely had given verbal assurance to the Filipinos that "any attack on them would be considered dangerous to American peace and safety."\(^1\) It was the failure to obtain a more definite commitment from the United States that led Liberal Congressman Atienza in March 1949 to demand a re-examination of United States-Philippine treaties. Apparently he had some doubt as to whether the United States would defend the Philippines if war were to occur with Russia.\(^2\) Two years later in early 1951, in the face of United Nations reversals in Korea and the increased attention of United States policy toward Europe and away from Asia, General Romulo stated that some Filipinos were beginning to wonder whether "we should re-examine our foreign policy, particularly that aspect of it which calls for close cooperation with the United States of America."\(^3\)

\(^1\) Taylor, p. 129.
\(^3\) Ibid., January 7, 1951, p. 12.
Although neither of these statements was aimed at breaking with the United States, the United States felt called upon to give firmer assurance of its intention to protect the Philippines. Initially this assurance was set forth verbally, first by Ambassador Cowen and later by President Truman. The President announced that “the whole world knows that the United States recognizes that an armed attack on the Philippines would be looked upon by the United States as dangerous to its own safety and that it would act accordingly.” The Filipinos were not satisfied completely with this verbal commitment. Senator Recto, among others, wanted something more than a United States obligation to “act accordingly.” In June he condemned United States policy as “vacillating” and reportedly demanded that “the Philippines require ironclad guarantees for its defense or adopt strict neutrality.”

The extent of the influence of such intense Philippine criticism on United States action is not known, but in August 1951 the Mutual Defense Treaty between the two states was announced. The preamble to the treaty states that one of its primary purposes is to declare publicly and formally their sense of unity and common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area...

Article IV of the treaty further states:

Each party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional process.

In May 1952 the Mutual Defense Treaty was ratified by both governments. Ratification was unanimously recommended by the Philippine Senate and consented to by a voice vote in the United States Senate. Even before ratification President Quirino stressed that the treaty as-

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4 See ibid., January 20, 1951, p. 3.
7 New York Times, June 16, 1951, p. 32.
9 See New York Times, March 2, 1952, p. 1; ibid., April 16, 1952, p. 1; ibid., May 13, 1952, p. 2; Congressional Record 2594 (1952). When the United States Senate consented to ratification on March 20, 1952, no discussion of the treaty took place. Eleven days later, on motions to reconsider the United States-Philippine treaty and the security treaty between Australia, New Zealand, and the United States (which also had been consented to on March 20), Senator Watkins briefly discussed the Philippine treaty. He withdrew his motion, however, and no further discussion of the treaty occurred in the United States Congress. See ibid., pp. 3227–3232.