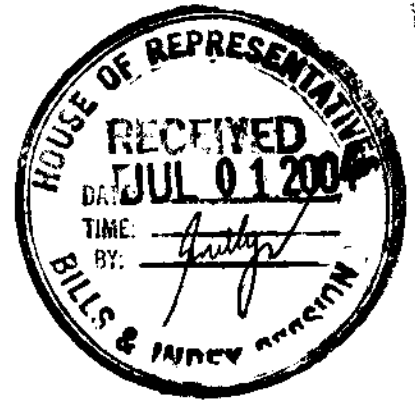


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 163



Introduced by Honorable Constantino G. Jaraula

EXPLANATORY NOTE

This bill was filed with the 12th Congress as House Bill No. 5254, with the following Explanatory Note:

"The controversy surrounding the Supreme Court decision annulling the RTC Order granting bail and canceling the bail bond of P1,000,000.00 for the provisional liberty of Cong. Mark Jimenez has generated so much hatred and emotionalism, rising to the crescendo of some members of the Supreme Court.

"It is imperative that the matter be approached coolly, dispassionately, and reasonably. This is no time to trifle with constitutional processes, and neither is it time to ignore or violate any constitutional provision or principle.

"The 'extradition proceeding' under which the legal issues that reached the Supreme Court were litigated was and is based on Presidential Decree No. 1069 issued on January 13, 1977, at the height of Martial Law or Rule. In fact, the authority to issue the same arose from the most contemptible 'Amendment No.6 of 1976'.

"Understandably, and immediately, there are infirmities that assail the fundamental law, the Constitution.

"Long embraced and long defended under our democratic system is the fundamental guarantee of DUE PROCESS, under Section 1 of Article III, and throughout the various provisions of the Constitution.

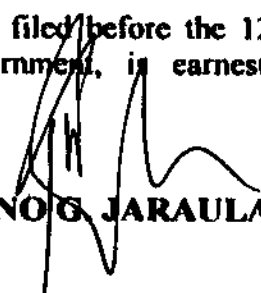
"I find no due process in the immediate arrest of a Filipino citizen, residing in his own country, by virtue of a request therefor by a foreign government or state pursuant to an Extradition Treaty, while the proper Court is still determining whether or not he/she is extraditable under the provisions of the said treaty. I find no due process in the immediate seizure of any and all articles in his person during his arrest, upon request therefor by a foreign government or state without determining the relevance thereof to the crime or crimes for which he/she is sought to be extradited. There are more.

"There is a substantial justification for treating a resident citizen of the Philippines differently from a foreigner, especially one who is a citizen from the requesting state. The Filipino has every right to reside in the Philippines. Why will he be deprived of his liberty or property throughout the period devoted to the determination of his being extraditable under a particular treaty, the proceeding for which may take some time?"

"And there is no logic or reason to assume or presume that the Filipino citizen is in his own country to avoid responsibility abroad or evade prosecution of any crime therein.

"Consequently, it is imperative that certain provisions of PD 1069, violative of or inconsistent with the foregoing doctrines and principles be amended. This is the principal objective of this Bill. And it may in fact prevent what others fear to happen – a constitutional crisis. It must therefore be acted upon with dispatch by this Twelfth Congress."

In view of the foregoing, approval of this bill, which was filed before the 12th Congress but was not acted upon at the time of its adjournment, is earnestly recommended.


CONSTANTINO G. JARAULA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 163

Introduced by Honorable Constantino G. Jaraula

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1069, KNOWN AS THE
"PHILIPPINE EXTRADITION LAW", RATIONALIZING THE EXTRADITION
PROCEEDINGS.

SECTION 1. Section 2, paragraph (a) of PD 1069 is hereby amended and shall read as follows:

"(a) "Extradition" -- The [removal of an accused from the Philippines] turn-over of the extraditable person or persons, pursuant to a treaty, to the designated authorities of the requesting state, with the object of placing him at the disposal of [foreign authorities to enable] the requesting state or government to hold him in connection with any criminal investigation directed against him or the execution of a penalty imposed on him under the penal or criminal law of the requesting state or government."

SECTION 2. Section 6, paragraph (1) of PD 1069 is hereby amended and shall read as follows:

"SECTION 6. Issuance of Summons; Temporary Arrest; Hearing, Service of Notices.- (1) Immediately upon receipt of the petition, the presiding judge of the proper court shall, as soon as practicable, summon the accused to appear and to answer the petition on the day and hour fixed in the order. He may issue a warrant for the immediate arrest of the accused, who is not a resident citizen of the Philippines, which may be served any where within the Philippines if it appears to the presiding judge that the immediate arrest and temporary detention of the alien accused will best serve the ends of justice.

"(b) In the case of a resident citizen of the Philippines no warrant of arrest shall issue before a final determination that such citizen is extraditable, except when he/she shall have failed to appear in person or through counsel, in any hearing after being properly summoned and due notice therefor having been served, or when he/she is being sought to be extradited on the basis of a final conviction by a court of the requesting state or government."

"(c) Upon receipt of the answer, or should the accused after having received the summons fail to answer within the time fixed, the presiding judge shall hear the case or set another date for the hearing thereof."

SECTION 3. Section 17 of PD 1069 is hereby amended and shall read as follows:

"Section 17. Seizure and Turn Over of Accused Properties. – If extradition is granted, articles found in the possession of the accused who has been arrested may be seized upon order of the court at the instance of the requesting state or government, provided that such articles are alleged to have intimate relation to or are the products of the crime or crimes for which the accused is sought to be extradited and there is reasonable ground to believe this to be true, and such articles shall be delivered to the foreign diplomat of the requesting state or government who shall issue the corresponding receipt therefor."

SECTION 4. Section 20, paragraphs (a) and (b) of PD 1069 are hereby amended and shall read as follows:

"Section 20. Provisional Arrest. – (a) In case of urgency, the requesting state may, pursuant to the relevant treaty or convention and while the same remains in force, request for the provisional arrest of the accused who is not a resident citizen of the Philippines, pending receipt of the request for extradition made in accordance with Section 4 of this Decree."

"(b) A request for provisional arrest shall be sent to the Secretary of the Department of Foreign Affairs, or any official acting in his behalf, who, after being satisfied with his evaluation thereof, shall transmit the same to the Director of the National Bureau of Investigation, Manila, for execution." [either through the diplomatic channels or direct by post or telegraph.]

Section 7. Effectivity. – This Act shall take effect fifteen (15) days after publication in at least two newspapers of general circulation.

Approved,