

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7840**



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

EXPLANATORY NOTE

Section 1 of Article III and throughout the various provisions of the Constitution guarantee every citizen's right to due process.

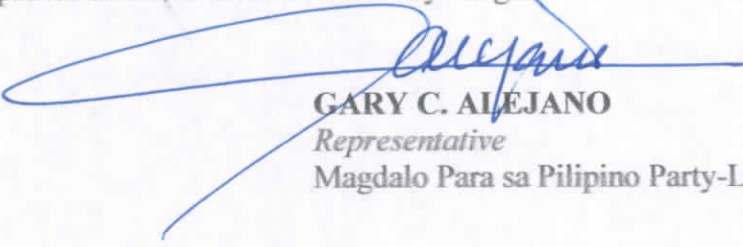
There is, however, no discernible respect for such deeply-held conviction in the immediate arrest of a Filipino citizen, a resident of his own country, by virtue of a request therefor by a foreign government or state pursuant to an Extradition Treaty, while the appropriate Court is still determining whether the accused is extraditable under any provisions of any such treaty.

There is, furthermore, no due process in the immediate seizure of any and all articles in his person, during arrest, upon request therefor by a foreign government or state without determining the relevance thereof to the charges for which the accused is sought to be extradited.

A Filipino has every right to reside in the Philippines. This representation finds no valid reason why a Filipino, whose extradition status is yet to be determined, be deprived of his liberty and property throughout this long and arduous proceeding. The presumptuousness of some that a Filipino citizen is in his own country simply to elude the reins of justice is without solid foundation.

It is of paramount importance then that certain provisions of PD 1069, violative of, or inconsistent with the foregoing doctrines and principles be amended.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7840**

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

**AN ACT RATIONALIZING EXTRADITION PROCEEDINGS AMENDING FOR THIS
PURPOSE PRESIDENTIAL DECREE NO. 1069, ALSO KNOWN AS THE "PHILIPPINE
EXTRADITION LAW"**

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

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.”

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

“**SECTION 6. Issuance of Summons, Hearing, Service of Notices** – (1) Immediately
upon receipt of the petition, the presiding 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
OF THE PHILIPPINES**, which may be served anywhere 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**

1 AFTER BEING PROPERLY SUMMONED AND DUE NOTICE THEREFOR HAVING
2 BEEN SERVED, OR WHEN HE/SHE IS BEING SOUGHT TO BE EXTRADITED ON
3 THE BASIS OF A FINAL CONVICTION BY A COURT OF THE REQUESTING 33
4 STATE OR GOVERNMENT.”

5
6 “(c) Upon receipt of the answer, or should the accused after having received the
7 summons fail to answer within the time fixed, the presiding judge shall hear the case or set
8 another date for the hearing thereof.”

9
10 SEC. 3.—Section 17 of PD 1069 is hereby amended to read as follows:

11
12 “Section 17. Seizure and Turn Over of Accused Properties. — If extradition is granted,
13 articles found in the possession of the accused who has been arrested may be seized upon order
14 of the court at the instance of the requesting state or government, **PROVIDED THAT SUCH**
15 **ARTICLES ARE ALLEGED TO HAVE INTIMATE RELATION TO OR ARE THE**
16 **PRODUCTS OF THE CRIME OR CRIMES FOR WHICH THE ACCUSED IS**
17 **SOUGHT TO BE EXTRADITED AND THERE IS REASONABLE GROUND TO BELIEVE**
18 **THIS TO BE TRUE**, and such articles shall be delivered to the foreign diplomat of the requesting
19 state or government who shall issue the corresponding receipt therefor.”

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

23
24 “Section 20. Provisional Arrest. — (a) In case of urgency, the requesting state may,
25 pursuant to the relevant treaty or convention and while the same remains in force, request for
26 the provisional arrest of the accused **WHO IS NOT A RESIDENT CITIZEN OF THE**
27 **PHILIPPINES**, pending receipt of the request for extradition made in accordance with Section
28 4 of this Decree.”

29
30 “(b) A request for provisional arrest shall be sent to the Secretary of the Department of
31 Foreign Affairs, or any official acting in his behalf, **WHO, AFTER BEING SATISFIED**
32 **WITH HIS EVALUATION THEREOF, SHALL TRANSMIT THE SAME** to the Director
33 of the National Bureau of Investigation, Manila, for execution.” [either through the diplomatic
34 channels or direct by post or telegraph.”]

35
36 SEC. 5. *Effectivity*—This Act shall take effect fifteen (15) days following its publication in at
37 least two (2) newspapers of general circulation.

38
39 *Approved,*

