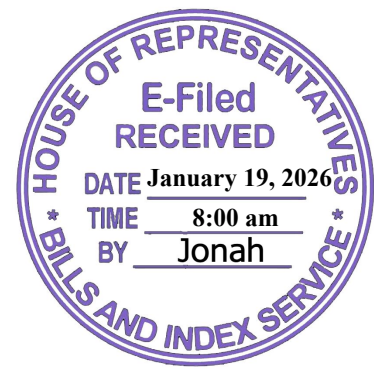


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7129

EXPLANATORY NOTE

Presidential Decree No. 1069, or the “Philippine Extradition Law,” was issued in 1977, shortly after the country entered into its first extradition treaty. Since then, it has remained unchanged despite major developments in international law, the growth of transnational crime, and the Philippines’ increasing network of extradition treaties, now numbering fourteen (14) countries.

After more than four decades of application, serious gaps in the law have become evident. P.D. No. 1069 applies only to incoming extradition requests and does not provide a statutory framework when the Philippines itself seeks the extradition of a fugitive from another State. It adopts a standard of “prima facie case” that is inconsistent with the “probable cause” standard used in most modern treaties. It is also silent on key matters that are now basic features of extradition practice, such as cases where the person sought is also facing criminal charges in the Philippines, voluntary surrender or simplified extradition, competing requests from multiple States, and the rule of specialty, which limits prosecution to the offense for which extradition was granted.

Moreover, while the law envisions speedy proceedings, the absence of clear and updated procedures has allowed delays that undermine the summary and specialized nature of extradition. These deficiencies weaken the country’s ability to meet its treaty obligations and to respond effectively to serious transnational crimes.

This bill seeks to update and strengthen the Philippine extradition framework by addressing these long-standing inadequacies. It provides a comprehensive and coherent legal structure that reflects current treaties, international standards, and Philippine jurisprudence, while ensuring that extradition proceedings remain efficient, fair, and consistent with due process.

By enacting this measure, Congress will reinforce the Philippines’ system of international legal cooperation in criminal matters and ensure that our laws are fully responsive to present-day realities. It will enable the State to meet its obligations to partner countries while preventing fugitives from using Philippine territory as a refuge.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7129

AN ACT

INSTITUTIONALIZING INTERNATIONAL COOPERATION THROUGH MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. This Act shall be known as the "Mutual Legal Assistance in Criminal Matters Act".

SEC. 2. Objective. This Act shall facilitate the widest range of assistance to be given and received by the Philippines in the investigation and prosecution of criminal offenses, or judicial proceedings related to criminal matters.

SEC. 3. Definition of Terms. For purposes of this Act:

- (1) Appropriate Authority refers to an official or office, other than the Central Authority of a foreign State, that has authority under the law of that State to make or receive a request for assistance in criminal matters.
- (2) Central Authority refers to an official or office so designated under this Act, treaty, convention or law of a foreign State to make or receive a request for assistance in criminal matters.
- (3) Competent Authority refers to an official or office having authority and function to execute the request for assistance referred by the Central Authority or appropriate authority, as the case may be.
- (4) Criminal investigation refers to any investigation –
 - (a) into an offense under the laws of the Philippines or a foreign State, as the case may be, which may include investigations by prosecutors and law enforcers; or
 - (b) for purposes of an ancillary matter, such as the restraining of dealing with, or the seizure, forfeiture or confiscation of, property in connection with an offense or the obtaining, enforcement or satisfaction of a confiscation order.
- (5) Criminal matter includes any investigation, prosecution or judicial proceeding in the Philippines or a foreign State relating to -
 - (a) any criminal offense;
 - (b) the determination of whether properties are proceeds or instrumentalities of crime;
 - (c) a possible confiscation order, whether or not based on an underlying criminal conviction;
 - (d) the freezing or seizure of proceeds or instrumentalities of crime; or
 - (e) an investigation carried out by an administrative investigative body with a view to referral for prosecution.
- (6) Criminal proceedings refer to a trial of a person for an offense under the laws of the Philippines or a foreign State, as the case may be, and includes any proceedings to determine whether a particular person should be tried for the offense.

- (7) Person deprived of liberty (PDL) refers to a detainee, inmate, or prisoner, or other person under confinement or custody in any other manner.
- (8) Proceeds refers to any property derived from or obtained, directly or indirectly, through the commission of an offense;
- (9) Requested State refers to the State that receives a request for assistance
- (10) Requesting State refers to the State that makes a request for assistance.

SEC. 4. Scope of Application. (1) This Act shall govern all processes relating to requests for mutual legal assistance made or received –

- (a) on the basis of a treaty or convention, provided that the provisions in the treaty or convention shall first be applied in the execution of the request; or

- (b) on the basis of reciprocity, in the absence of a mutual legal assistance treaty or convention, provided that the Requesting State gives assurances that it will assist the Philippines under similar manner when requested.

(2) This Act shall not limit the authority of a competent authority from making or receiving requests for information or to cooperate with a foreign State through informal manner.

(3) This Act shall not prevent the Central Authority from providing assistance to international criminal courts or tribunals established to prosecute crimes which concern the international community, or pursuant to binding resolutions issued by the United Nations Security Council.

(4) This Act shall not create any right on the part of any private person to receive, suppress or exclude any evidence or to impede the execution of any request for assistance.

(5) This Act shall not be used as a basis or authorization for the –

- (a) extradition, arrest or detention of any person;
- (b) enforcement of criminal judgment;
- (c) transfer of persons in custody to serve sentence; and
- (d) transfer of proceedings in criminal matters.

SEC. 5. Construction. This Act shall be liberally construed to attain its objective. It shall not be construed as to amend, modify or repeal the provisions of any mutual legal assistance treaties entered into by the Philippines, as well as relevant conventions to which the Philippines is a party. In case of conflict between the provisions of this Act and the applicable treaty or convention, the latter shall prevail.

SEC. 6. Types of Assistance. The types of assistance that may be given or received under this Act shall include-

- (1) taking of evidence or obtaining statements from persons;
- (2) making arrangements for persons to give evidence or facilitate the personal appearances of witnesses;
- (3) locating or identifying witnesses and suspects;
- (4) effecting the temporary transfer of PDLs to appear as witnesses;
- (5) effecting service of documents;
- (6) examining objects and sites;
- (7) providing or receiving information, original or certified true copies of relevant documents, evidentiary items and expert evaluations;
- (8) executing searches and seizures;
- (9) identifying or tracing proceeds of crime or property;
- (10) freezing, forfeiture or confiscation of property or instrumentality used in the commission of a crime in accordance with related laws, rules and regulations; or
- (11) any other type of assistance not contrary to Philippine laws, rules and regulations.

SEC. 7. Central Authority for the Philippines; Functions. (1) The Central Authority on all matters of mutual legal assistance shall be the Secretary of Justice, or the authorized State Counsels of the Legal Staff (Office of the Chief State Counsel).

(2) The Central Authority shall serve as the central contact point for matters of mutual legal assistance. It shall have the following functions –

- (a) make and receive requests for assistance;
- (b) determine the proper course of action;
- (c) execute or arrange for the execution of a request for assistance;
- (d) certify or authenticate, or arrange for the certification and authentication of, any documents or other materials given in response to a request for assistance;
- (e) administer such oath as may be necessary to implement the request for assistance;
- (f) take practical measures to facilitate the effective disposition of requests for assistance, where necessary;
- (g) negotiate and agree on conditions related to requests for assistance, as well as to ensure compliance with those conditions;
- (h) make any arrangements deemed necessary in order to transmit the evidentiary material gathered in response to a request for assistance to the competent authority of the Requesting State or to authorize any other authority to do so; and
- (i) carry out such other tasks necessary to attain the objective of this Act.

SEC. 8. Spontaneous Transmission of Information. Nothing in this Act shall prevent the Central Authority, or any competent authority, from spontaneously transmitting, within the limits allowed by law, rules and regulations, information relating to criminal matters to the Central Authority or appropriate authority in a foreign State without prior request, when the disclosure of such information might assist the foreign State in initiating or carrying out investigations or that might lead to a request for assistance by that State.

Prior to giving such information, the Central Authority may request that it be kept confidential or it be used subject to conditions.

SEC. 9. Limitation on the Use of Evidence Received. Any information or evidence received by the Requesting State shall not be used for a purpose other than those stated in the request. Nothing in this Section shall prevent the Requesting State from disclosing in its proceedings information or evidence that is exculpatory to the accused. The Central Authority of the Requested State shall, wherever possible, be notified in advance of any such disclosure.

CHAPTER II

REQUESTS TO THE PHILIPPINES (INCOMING REQUESTS)

Part I - General Provisions

SEC. 10. Requests for Assistance. A request for assistance to the Philippines shall be made by the Central Authority or appropriate authority of the Requesting State and shall be transmitted directly or through the diplomatic channel to the Central Authority of the Philippines.

Section 11. Form of Request. (1) A request for assistance shall be in writing and affixed with the signature or seal of the Central Authority or appropriate authority of the Requesting State.

(2) In urgent situations, the request may be transmitted by any electronic means. The Requesting State shall confirm the request in writing within thirty (30) days from receipt thereof by the Central Authority of the Philippines.

(3) All requests, its supporting documents and any communication made pursuant to this Act, shall be in English or translated into the English language.

SEC. 12. Contents of Request for Assistance. (1) The request for assistance shall include the following –

- (a) the purpose of the request and the nature of the assistance being sought
- (b) identity of the person or authority that initiated the request, including the contact details of the person capable of responding to inquiries concerning the request;
- (c) a statement that the request is made in respect of a criminal matter;
- (d) a description of the nature of the criminal matter and its current status and a statement setting out a summary of the relevant facts and laws;
- (e) a description of the offense to which the request relates, including its maximum penalty;
- (f) a description of the facts alleged to constitute the offense and a statement or text of the relevant laws;
- (g) a description of the evidence, information or other assistance sought;
- (h) where necessary, any procedure that the Requesting State wishes to be followed in giving effect to the request, including details of the manner and form in which any information or thing is to be supplied to that State pursuant to the request; and
- (i) any statement requesting for confidentiality of the request.

(2) The request for assistance shall, subject to the type of assistance requested, also contain the following information-

- (a) the identity, nationality and location of the person or persons who are the subject of the investigation or criminal proceedings;
- (b) the identity and location of any person from whom evidence is sought;
- (c) the identity and location of a person to be served, that persons connection to the criminal proceedings. and the manner in which service is to be made;
- (d) information on the identity and whereabouts of a person to be located;
- (e) a list of the questions to be asked of a witness;
- (f) a description of the documents, records or items of evidence to be produced as well as a description of the appropriate person to be asked to produce them;
- (g) where the request relates to the production of electronic evidence, details of the preservation request made;
- (h) a description of the property, asset or article to which the request relates, including its location;
- (i) any court order relating to the assistance requested and a statement relating to the finality of that order;
- (j) specification of any time limit for the execution of the request, such as the date of the court hearing or appearance of the witness;
- (k) if request is marked as urgent, reason for the urgency or giving priority to the request;
- (l) where the attendance of a PDL is requested, the name of the person or authority who will have custody during the transfer, the place of custody of the PDL in the Requesting State, and the date of the PDL's return to the Philippines; and
- (m) any other information which can assist in the execution of the request.

(3) The Central Authority may request an undertaking or such other additional information that may assist in giving effect to the request or as may be required under any of its laws, rules and regulations.

SEC. 13 Grounds for Refusal. (1) A request for assistance shall be refused if the Central Authority has determined that –

- (a) the request relates to the investigation, prosecution or punishment of a person for an offense of a political nature or only under military law;

- (b) there is a substantial ground to believe that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex, membership in a particular social group, or where his or her position may be prejudiced for any of those reasons;
 - (c) the request relates to the investigation, prosecution or punishment of a person for an offense in a case where the person –
 - i. has been convicted, acquitted or pardoned by a competent court or other authority in the Philippines or any foreign State; or
 - ii. has undergone the punishment provided by the law of the Philippines or any foreign State, in respect of that offense or of another offense constituted by the same act or omission as the first-mentioned offense;
 - (d) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Philippines; or
 - (e) the provision of the assistance would require steps to be taken that would be contrary to the laws, rules or regulations of the Philippines.
- (2) A request for assistance may be refused by the Central Authority if –
- (a) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Philippines, would not have constituted an offense against the laws of the Philippines;
 - (b) the provision of assistance could prejudice a criminal matter in the Philippines;
 - (c) the Requesting State has failed to comply with any requirements of this Act;
 - (d) the Requesting State fails to undertake that
 - i. it will be able to comply with a future request of a similar nature by the Philippines for assistance in a criminal matter;
 - ii. the item requested will not be used for a matter other than the criminal matter in respect of which the request was made and the Philippines has not consented to waive such undertaking;
 - iii. or it will return to the Philippines, upon its request, any item obtained pursuant to the request upon completion of the criminal matter in respect of which the request was made;
 - (e) the provision of assistance would, or would be likely to prejudice the safety of any person, whether that person is within or outside the territory of the Philippines;
 - (f) the offense to which the request relates is –
 - i. punishable by a prison term of less than one (1) year; or
 - ii. if not punishable by imprisonment, a fine of less than five hundred thousand pesos (PhP500,000.00) or its equivalent amount in the currency of the Requesting State;
 - (g) the request involves instrumentalities or proceeds of crime amounting to less than one million pesos (PhP1 000000.00);
 - (h) the assistance requested could reasonably be obtained by other means;
 - (i) the provision of assistance would impose an excessive burden on the resources of the Philippines; or

- (j) based on the circumstances of the case, including damages incurred, the assistance requested should not be granted.
- (3) The Central Authority shall not refuse a request on ground of fiscal matter and laws requiring financial institutions to maintain secrecy or confidentiality.
- (4) The Central Authority may postpone the execution of the request if its immediate execution would interfere with any ongoing proceeding relating to a criminal matter in the Philippines.
- (5) Before refusing a request or postponing assistance, the Central Authority shall
 - (a) inform the Requesting State of the reason for considering refusal or postponement; and
 - (b) consult with the Requesting State to determine whether assistance may be given subject to such terms and conditions as the Central Authority deems necessary.
- (6) If the Central Authority refuses assistance, it shall inform the Requesting State of the ground for refusal.

Section 14. Protection of Confidentiality. The fact that a request has been made, including the substance and supporting documents, shall be confidential, except to the extent necessary to execute the request. If the requirement of confidentiality cannot be complied, the Requesting State shall be promptly informed so it can determine whether the request should nevertheless be executed.

Section 15. Execution of Requests. A request for assistance shall be carried out in accordance with the provisions of this Act and other applicable Philippine laws, rules and regulations.

Section 16. Supplementary Application. The Revised Rules of Court and other special rules promulgated by the Supreme Court shall apply suppletorily in executing requests for assistance, when not inconsistent with the provisions of this Act.

Section 17. Proof of Orders. For purposes of executing requests for assistance –

- (a) any order made or judgment given by a court of the Requesting State that bears the seal of that court or officially signed by a judge, magistrate or officer of the court, shall be deemed admissible without further proof to have been duly sealed or signed by that person, as the case may be; and
- (b) a document, duly authenticated, that purports to be a copy of any order made or judgment given by a court of the Requesting State shall be admissible without further proof to be a true copy.

Part 2 - Rules Regarding Specific Types of Assistance

Section 18. Taking of Evidence for Criminal Proceedings; Production of Documents, Articles and other Items of Evidence. (1) The Central Authority may assist in the taking of evidence or production of documents upon determination that-

- (a) the request relates to a criminal matter in the Requesting State; and
- (b) there is reasonable ground to believe that the evidence can be taken or the documents, articles or other items of evidence can be produced in the Philippines.

(2) Where the evidence to be taken, or documents, articles or other items of evidence to be produced under this Section requires that it be taken or produced before the court, the Central Authority may file the application with the court, or authorize the competent authority to make such application. The application for an order under this paragraph shall be made ex parte.

(3) The taking of evidence or production of documents, articles or other items of evidence may be made even in the absence of the person to whom the criminal matter in the Requesting State relates, or of his or her legal representative, if any.

(4) If indicated in the request for assistance, the presence of the following in the proceedings may be permitted -

- (a) any person to whom the proceedings in the Requesting State relates or that person's legal representative; or
- (b) the authorized representative of the Requesting State.

Section 19. *Hearing by Video Conference.* (1) The Central Authority may authorize and assist in the taking of the testimony or statement of a witness or provide any other form of assistance by use of video conference, upon determination that -

- (a) the request relates to a criminal matter in the Requesting State: and
- (b) there is reasonable ground to believe that the person concerned could give evidence or provide assistance relevant to that criminal matter.

(2) The Central Authority, or the designated competent authority, shall assist in arranging for the hearing to take place by video conference.

Section 20. *Right to Decline to Give Evidence.* (1) A person required to give a sworn or affirmed testimony, or produce documents, records or other evidence under this Act may decline where the law of either the Philippines or the Requesting State allows the person to decline to do so in similar circumstances.

(2) If the person claims that there is a right to decline to give sworn or affirmed testimony, or produce documents, records or other evidence pursuant to this Act under the law of the Requesting State, that State shall, if so requested, provide a certification whether or not such right exists.

Section 21. *Voluntary Production of Evidence or Statement.* Notwithstanding Section 18 (Taking of Evidence for Criminal Proceedings; Production of Documents, Articles and other Items of Evidence) and Section 19 (Hearing by Video Conference) of this Act, the Central Authority or competent authority may obtain the evidence or information sought through voluntary production of the documents or articles or provision of voluntary statement or testimony.

Section 22. *Locating or Identifying a Person.* (1) The Central Authority may authorize and assist in locating or identifying a person who is believed to be in the Philippines, upon determination that

- (a) the request relates to a criminal matter in the Requesting State; and
- (b) there is reasonable ground to believe that the person could give evidence or provide assistance relevant to the criminal matter.

(2) The competent authority shall use its best efforts to locate or identify the person to whom the request relates, and shall advise the Central Authority of the Philippines of the outcome of those efforts.

Section 23. *Requests for Attendance of Persons in the Requesting State.* The Central Authority may authorize and assist in arranging the attendance in the Requesting State of a

person in the Philippines for the purpose of giving evidence or providing assistance in that State upon determination that -

- (a) the request relates to a criminal matter in the Requesting State;
- (b) there is reasonable ground to believe that the person concerned could give evidence or provide assistance relevant to that criminal matter;
- (c) the person concerned has freely consented to attend as requested; and
- (d) the Requesting State has given the required undertaking under Section 26 (Undertaking Required from the Requesting State) of this Act.

Section 24. Requests for Attendance of a Convicted Person Deprived of Liberty by Final Judgment. (1) The Central Authority may authorize and assist in arranging the attendance in the Requesting State of a PDL for the sole purpose of giving evidence or providing assistance in the Requesting State upon determination that -

- (a) the PDL has been convicted by final judgment;
- (b) the request relates to a criminal matter in the Requesting State;
- (c) there is reasonable ground to believe that the PDL could give evidence or provide assistance relevant to that criminal matter;
- (d) the PDL has freely consented to attend as requested; and
- (e) the Requesting State has given the undertakings specified in Section 26 (Undertaking Required from the Requesting State) of this Act.

(2) Where assistance is authorized in accordance with paragraph (1) of this Section, the Central Authority may direct the release of the PDL from the detention for the sole purpose of giving evidence or providing assistance in the Requesting State. Arrangements may likewise be made for the PDL to travel to the Requesting State escorted by a police or custodial officer of the Philippines.

(3) The authorization under paragraph (1) of this Section shall be sufficient authority for the release of the PDL from the detention facility.

(4) The PDL who has been transferred to a Requesting State shall remain in custody while being taken to or from any place, or being kept in detention.

Section 25. Requests for Attendance of a Person Deprived of Liberty Who is a Detainee; Court Order. - (1) The Central Authority, or the designated competent authority, shall secure an order from a court for the temporary release of the PDL from the detention for the sole purpose of giving evidence or providing assistance in the Requesting State upon determination that -

- (a) the PDL is a detainee;
- (b) the request relates to a criminal matter in the Requesting State;
- (c) there is reasonable ground to believe that the PDL could give evidence or provide assistance relevant to that criminal matter;
- (d) the PDL has freely consented to attend as requested; and
- (e) the Requesting State has given the undertakings specified in Section 26 (Undertaking Required from the Requesting State) of this Act.

(2) Where assistance is authorized in accordance with paragraph (1) of this Section, and pursuant to the order from the court, the Central Authority shall direct the competent authority to take custody of the PDL for the sole purpose of giving evidence or providing assistance in the Requesting State. Arrangements may likewise be made for the PDL to travel to the Requesting State escorted by a police or custodial officer of the Philippines.

(3) The PDL who has been transferred to a Requesting State shall remain in custody while being taken to or from any place, or being kept in detention.

Section 26. *Undertaking Required from the Requesting State.* In addition to the undertakings as provided under Section 43 (Safe Conduct Assurances) of this Act, in case the person requested to testify in the Requesting State is a PDL, the Requesting State shall -

- (a) make appropriate arrangements for that purpose;
- (b) not release the person from custody without the prior written approval of the Central Authority;
- (c) return the PDL to the Philippines as soon as practicable after giving evidence or providing assistance; and
- (d) consider such other matters as may be requested by the Central Authority.

Section 27. *Credit of Time Spent.* Where a PDL in the Philippines is transferred to the Requesting State pursuant to a request for assistance, the time spent in custody in the Requesting State shall be credited in the service of their sentence consisting of deprivation of liberty. The PDL who testified, as requested, shall also be entitled to good conduct allowances and such other privileges as if the PDL is serving sentence in the Philippines.

Section 28. *Penalty not to be Imposed for Refusal to Consent.* The person requested to give evidence or provide assistance, pursuant to Section 23 (Requests for Attendance of Persons in the Requesting State), Section 24 (Requests for Attendance of a Convicted Person Deprived of Liberty by Final Judgment) and Section 25 (Requests for Attendance of a Person Deprived of Liberty Who is a Detainee; Court Order) of this Act shall not be subject to any penalty or liability under the law or otherwise prejudiced in law by reason only of his or her refusal or failure to attend as requested.

Section 29. *Assistance in Arranging Service of Process.* (1) The Central Authority may provide assistance in effecting service of process, upon determination that -

- (a) the request relates to a criminal matter in the Requesting State;
- (b) there is reasonable ground to believe that the person to be served is in the Philippines; and
- (c) where the request relates to the service of summons to appear as a witness in the Requesting State, such request should be transmitted to the Central Authority not later than thirty (30) days prior to the scheduled appearance, and that the Requesting State has given the required undertaking set forth in Section 26 (Undertaking Required from the Requesting State) and Section 43 (Safe Conduct Assurances) of this Act.

(2) The Central Authority shall direct a competent authority to make arrangements for the service of process, and in such case, the competent authority shall -

- (a) use its best efforts to have the process served -
 - i. in accordance with the procedure indicated in the request; or
 - ii. in accordance with the law, rules and regulations of the Philippines, if the procedure indicated in the request would be unlawful or inappropriate, or if no procedure is indicated;
- (b) forward to the Central Authority, for transmission to the Requesting State-
 - i. a certification as to the service thereof, if served; or
 - ii. a statement of the reasons which prevented the service, if not served.

Section 30. *Assistance in Search and Seizure.* (1) The Central Authority may provide the assistance in obtaining an evidentiary item from the Philippines, upon a determination that -

- (a) the request relates to a criminal matter in the Requesting State;
- (b) there is reasonable ground to believe that the evidentiary item subject of the request is relevant to the criminal matter in the Requesting State; and
- (c) the evidentiary item is located in the Philippines.

(2) The Central Authority, or the competent authority, may file an application for the issuance of a search warrant pursuant to the Revised Rules of Criminal Procedure, Provided that a search warrant shall not issue except upon probable cause based on the request from the Requesting State that the evidentiary item subject of the application is relevant to the criminal matter in the Requesting State,

For purposes of this Section, probable cause may be determined based on the sworn statements and any supporting documents submitted by the Requesting State, which should be authenticated by the principal diplomatic or consular officer of the Philippine Embassy or consulate having jurisdiction over the Requesting State.

(3) In cases where the evidentiary item requested can be obtained without a search warrant the request for assistance shall be implemented in accordance with Section 18 (Taking of Evidence for Criminal Proceedings; Production of Documents, Articles and other Items of Evidence) or Section 21 (Voluntary Production of Evidence or Statement) of this Act.

(4) In the implementation of the warrant obtained pursuant to this Section, the provisions of the Revised Rules of Criminal Procedure on searches and seizures shall be applied *mutatis mutandis*.

Section 31. Delivery, Custody and Disposal of Evidentiary Items Seized. (1) Upon seizure of the evidentiary item subject of the request, and in addition to the return on the search warrant required under the Revised Rules of Criminal Procedure, the officer seizing the property shall immediately notify the Central Authority.

(2) The evidentiary item seized shall be kept in the custody of the competent authority for a period of one month from its seizure pending a directive in writing from the Central Authority of the Philippines on the manner in which the item is to be dealt with. Upon justifiable ground, as determined by the Central Authority, the said one month period may be extended. If no directive is given prior to the expiration of the above period, the competent authority may arrange for the return of the evidentiary item to the person from whose possession it was seized.

Section 32. Rights of Third Persons. if a person claims a legitimate interest over the evidentiary item seized. its turn over shall be subject to the condition that the Requesting State gives the guarantee to return them without costs after the conclusion of the proceedings.

Section 33. Request for Obtaining an Order for Freezing, Restraining or Seizure. (1) The Central Authority may provide the assistance in obtaining an order for freezing, restraining and seizing of assets, upon determination that -

- (a) the request relates to properties -
 - i. which are proceeds, instrumentalities of crime, or terrorist property;
 - ii. which belong to a person who unlawfully benefitted from criminal activity; or
 - iii. which will satisfy a pecuniary penalty order; and
- (b) there is reasonable ground to believe that any or all of the properties to which the request relates are located in the Philippines.

(2) If the request is granted, the Central Authority or the competent authority shall apply with a court for the issuance of a freeze, restrain or seizure order pursuant to the laws of the Philippines.

Section 34. Request for Obtaining an Order for Enforcement of Freezing, Seizure and Confiscation Orders. (1) The Central Authority may provide assistance in obtaining an order to enforce freezing, seizure and confiscation orders, upon determination that -

- (a) the request relates to property or properties -
 - i. which are proceeds, instrumentalities of crime, or terrorist property;

- ii. which belong to a person who unlawfully benefitted from criminal activity; or
 - iii. which will satisfy 2 pecuniary penalty order: and
- (b) in the case of –
- i. an order for freezing or seizure, the order is in force in the Requesting State at the time of filing of the application with the court; or
 - ii. an order for confiscation, the order is in force in the Requesting State, and not subject to further appeal, at the time of filing of the application with the court.
- (c) there is reasonable ground to believe that some or all of the properties to which the request relates are located in the Philippines.

(2) If the request is granted, the Central Authority or competent authority shall file an application with the court for the issuance of an order for the recognition and enforcement of the freezing, seizure or confiscation order of the Requesting State, pursuant to the laws of the Philippines. The authenticated copy of the order of the Requesting State shall be submitted in support of the application.

Part 3 - Rules on Persons Deprived of Liberty in Transit

Section 35. Custody of Persons in Transit. (1) A PDL in a third State (transferring State) who has consented to give evidence or provide assistance in relation to a criminal matter in another foreign State (receiving State). may be transported through the territory of the Philippines (transit State), upon prior notice by the Central Authority of the receiving State to the Central Authority of the Philippines.

(2) This Section shall not apply where air transport is used for transit and no landing in the territory of the Philippines is scheduled.

Section 36. Request for Transit. Where a PDL is being transferred from a third State to a receiving State through the territory of the Philippines (transit State), the Central Authority of the receiving State shall request the Central Authority of the Philippines to permit the transit of said PDL through its territory. This Section shall not apply where air transport is used for transit and no landing in the territory of the Philippines is excluded.

Section 37. Allowability of Transit. (1) The Central Authority of the Philippines shall, in accordance with the relevant provisions of this Act and the applicable mutual legal assistance treaty with the receiving State, examine the request for transit made by the receiving State.

(2) The Central Authority of the receiving State shall be informed of the decision of the Central Authority of the Philippines through the same channels for which the request for transit was made.

Section 38. Unscheduled Landing. In the event that the flight of the PDL being transferred by air from the transferring State to the receiving State has made an unscheduled landing in the Philippines, the PDL shall be held in custody for a maximum period of forty-eight (48) hours. Within the said period, the transit request shall be submitted to the Central Authority of the Philippines.

Section 39. Transit Costs. Costs incurred by reason of transit through the territory of the Philippines shall be borne by the receiving State, including costs for the transfer of PDL that were not completed.

Section 40. Escape from Custody in Transit. (1) Any law enforcement officer may, without warrant, arrest a PDL who escaped while in transit in the Philippines under Section 35 (Custody of Persons in Transit) and Section 38 (Unscheduled Landing) of this Act.

(2) The PDL shall be returned to custody in accordance with the direction of the Central Authority of the Philippines.

(3) Any PDL who escapes while in transit in the Philippines shall be blacklisted from entering the Philippine territory.

CHAPTER III **REQUESTS BY THE PHILIPPINES (OUTGOING REQUESTS)**

Part I - General Provisions

Section 41. *Determination by the Central Authority for the Philippines.* (1) A request for assistance by the Philippines may be made only by the Central Authority.

(2) The request shall comply with the required forms and contents of a request as provided under Section 11 (Form of Request) and Section 12 (Contents of Request for Assistance) of this Act; Provided that in urgent requests, the requesting law enforcement or prosecution authority may send an advance copy of the request. The official request shall be submitted within fifteen (15) days from receipt by the Central Authority of the advance copy.

(3) A request for assistance that falls within the grounds for refusal as provided under Section 13 (Grounds for Refusal) of this Act shall be returned to the requesting law enforcement or prosecution authority stating the grounds for refusing the request for assistance.

(4) A determination of the Central Authority with regard to the making of a request for assistance shall be final.

Section 42. *Protection of Confidentiality.* The Central Authority shall include a request for the protection of the confidentiality of the request for assistance that it may submit to a Requested State, including its contents or any document that may be submitted in support thereof.

Section 43. *Safe Conduct Assurances.* The person requested to give evidence or provide assistance in the Philippines in accordance with this Act shall not be subject to –

- (a) service of process;
- (b) be detained, prosecuted, or punished;
- (c) civil proceedings;
- (d) give evidence or provide assistance in any criminal proceedings other than to which the request relates; or
- (e) any other restriction of personal liberty, by reason of any acts or omissions which preceded his or her departure from the Requested State, subject to Section 47 (Special Provisions Relating to Transferred Person Deprived of Liberty) of this Act.

Part 2 - Rules Regarding Specific Types of Assistance

Section 44. *Assistance in Locating or Identifying Persons.* Where the Central Authority has reasonable ground to believe that there is a person in a foreign State who could give evidence on provide assistance relevant to a criminal matter in the Philippines, it may request assistance from that State in locating or identifying that person.

Section 45. *Assistance in Obtaining Evidence for Use in the Philippines.* (1) Where the Central Authority has reasonable ground to believe that evidence or information relevant to a criminal matter in the Philippines may be obtained in a foreign State, it may request assistance from that State to obtain that evidence or information.

(2) Any evidence or information received from the Requested State pursuant to a request made under paragraph (1) of this Section may be presented as evidence as if produced by the person himself or herself at the hearing of that criminal matter to which the request relates.

Section 46. Assistance in Arranging Attendance of Persons. (1) Where the Central Authority has reasonable ground to believe that a person in a foreign State could give evidence or provide assistance relevant to a criminal matter in the Philippines, it may request assistance from that State in arranging the attendance of the person in the Philippines.

(2) Where the person in the Requested State consents to travel to the Philippines to give evidence or provide assistance, the Central Authority shall make arrangements with the Requested State for the -

- (a) travel of that person to the Philippines;
- (b) custody of a person while in the Philippines, in case of a PDL;
- (c) return of that person to the Requested State; and
- (d) other relevant matters.

Section 47. Special Provisions Relating to Transferred Person Deprived of Liberty. (1) Where a PDL in a Requested State is to be brought to the Philippines pursuant to a request for assistance, the PDL shall, while in the Philippines, be kept in such facility as the Central Authority of the Philippines orders in writing.

(2) The order given by the Central Authority of the Philippines pursuant to paragraph (1) of this Section shall be sufficient authority for the detention of the PDL in accordance with the terms of the order.

(3) A PDL who escapes from custody while in the Philippines pursuant to a request made under this Section shall be taken into custody without any further order or proceeding.

Section 48. Issuance of Visa or Travel Document. For the purpose of allowing a person from Requested State to enter the Philippines, the Bureau of Immigration shall issue a temporary visa, whenever required, after the Central Authority of the Philippines has issued a written notice that the attendance of the person is necessary for the purpose of giving evidence or providing assistance.

Section 49. Service of Process. The Central Authority may, in connection with a criminal matter in the Philippines, request a foreign State to effect service of any process on any person in that State.

Section 50. Enforcement of Confiscation. Where the Central Authority has reasonable ground to believe that any or all of the properties relevant to a criminal matter are located in a foreign State, it may request that State for the enforcement of a freezing, restraining, seizure, or confiscation order issued by a court in the Philippines.

Chapter IV

MISCELLANEOUS PROVISIONS

Section 51. Costs. The Requested State shall pay all the costs relating to the execution of the request, except for the following which shall be paid by the Requesting State -

- (a) fees and reasonable expenses of expert witnesses;
- (b) expenses incurred for the attendance of persons in the Requesting State;
- (c) costs for the transfer of PDLs;
- (d) costs of establishing and operating video conferencing and the interpretation and transcription of such proceedings; and
- (e) such other costs as may be agreed upon.

Section 52. *Appropriations.* The amount of at least twenty million pesos (PhP 20,000000.00) to implement the provisions of this Act shall be charged against the current year's appropriation of the Department of Justice (DOJ). Thereafter, such amount as is necessary shall be included in the annual General Appropriations Act.

Section 53. *Repealing Clause.* Section 23 of Republic Act No. 10175 or the Cybercrime Prevention Act of 2012, insofar as it designates the Office of the Cybercrime as the Central Authority on all matters relating to international mutual assistance is hereby repealed.

All laws, presidential decrees, executive issuances, rules and regulations, or part thereof which are contrary to, or inconsistent with, the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 54. *Implementing Rules and Regulations.* The DOJ, in consultation with competent authorities, shall issue the necessary implementing rules and regulations within one hundred eighty (180) days from the effectivity of this Act.

Section 55. *Separability Clause.* If any part, section or provision of this Act is declared unconstitutional or invalid, other provisions not affected thereby shall remain in full force and effect.

Section 56. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,