

Republic of the Philippines
Congress of the Philippines
Senate
Pasay City

Fourteenth Congress

First Regular Session

RESOLUTION No. 39

RESOLUTION CONCURRING IN THE RATIFICATION OF
THE TREATY ON THE TRANSFER OF SENTENCED
PERSONS BETWEEN THE REPUBLIC OF THE
PHILIPPINES AND THE KINGDOM OF SPAIN

WHEREAS, the Treaty on the Transfer of Sentenced Persons between the Republic of the Philippines and the Kingdom of Spain was signed on 18 May 2007 in Madrid, Spain;

WHEREAS, the Treaty, consisting of twenty-three (23) articles, provides for the conditions and procedures whereby a person sentenced in the territory of one Party may be transferred to the territory of the other Party of which he or she is a citizen in order to serve the sentence imposed on him or her;

WHEREAS, the Treaty, shall be applied only on the following conditions: a) if the acts or omissions on account of which the sentence has been imposed are punishable in the administering State, although the definition thereof may not be identical; b) if the sentenced person is a

national of the administering State at the time of the request for transfer; c) if the judgment is final and there are no legal proceedings relating to the offense or any other offense is pending in the sentencing State; d) if the transfer is consented to by the sentenced person or, in the event of incapacity, by his legal representative; e) if the part of the sentence still to be served at the time of the receipt of the request is at least one year; and f) if the sentenced person has satisfied payment of fines, court costs, civil indemnities and/or pecuniary sanctions of all kinds for which he is liable under the terms of the sentence or has provided sufficient security to ensure payment thereof to the satisfaction of the sentencing State, unless the sentenced persons has been declared insolvent;


WHEREAS, Article 23, paragraph 1 of the Treaty provides that it shall enter into force thirty (30) days after the date on which the Contracting States have notified each other in writing that their respective requirements for the entry into force of this Treaty have been met;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on November 16, 2007, concerned government agencies, such as the Department of Foreign Affairs, Department of Justice, Bureau of Corrections, and the Public Attorney's Office have expressed their support in the ratification of the Treaty;


WHEREAS, pursuant to Section 21, Article VII of the 1987 Philippine Constitution, "*No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate*": Now, therefore, be it

Resolved, That the Senate of the Philippines concur, as it hereby concurs, in the ratification of the Treaty on the Transfer of the Sentenced Persons between the Republic of the Philippines and the Kingdom of Spain.

Adopted,


MANNY VILLAR
President of the Senate

This Resolution was adopted by the Senate on November 26, 2007.


EMMA LIRIO-REYES
Secretary of the Senate
