

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Nineteenth Congress

Third Regular Session



RESOLUTION NO. 138

RESOLUTION CONCURRING IN THE RATIFICATION OF
THE TREATY BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES AND THE
GOVERNMENT OF CANADA ON THE TRANSFER
OF SENTENCED PERSONS AND ON
COOPERATION IN THE ENFORCEMENT OF PENAL
SENTENCES

WHEREAS, Article VII, Section 21 of the Philippine Constitution states that, "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";

WHEREAS, the Treaty between the Government of the Republic of the Philippines and the Government of Canada on the Transfer of Sentenced Persons and on Cooperation in the Enforcement of Penal Sentences (Treaty) was signed on 22 May 2003 in Manila, Philippines;

WHEREAS, the Treaty, consisting of fifteen (15) articles, provides for the conditions and procedure by which a person sentenced in the territory of one State may be transferred to the territory of another State of which he or she is a citizen in order to serve therein the sentence imposed by the transferring State;

WHEREAS, the Treaty designates the Department of Justice (DOJ) as the Central Authority for the Philippines and the Solicitor General of Canada as the Central Authority for Canada;

WHEREAS, the Treaty provides that a sentenced person may be transferred when the act or omission on account of which the sentence has been imposed, would constitute a criminal offense according to the law of the receiving State, or would constitute a criminal offense if committed in its territory;

WHEREAS, the Treaty likewise provides that the transferring State shall retain exclusive jurisdiction over the judgments of its courts, the sentences imposed by them, as well as any procedure for the revision, modification, or cancellation of said judgments and sentences;

WHEREAS, the Treaty further provides that it shall enter into force on the date of the later written notification by either of the Parties, through diplomatic channels, indicating that the domestic requirements for its entry into force have been complied with;

WHEREAS, the President of the Philippines ratified the Treaty on 24 January 2023 and has submitted it to the Senate for concurrence, in accordance with the Constitution of the Philippines;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 16 April 2024, the following government agencies endorsed the concurrence to the ratification of the Treaty:

- (1) Department of Foreign Affairs;
- (2) Department of Justice; and
- (3) Commission on Human Rights:

Now, therefore, be it

Resolved by the Senate of the Philippines, To concur in the Philippine ratification of the Treaty between the Government of the Republic of the Philippines and the Government of Canada on the Transfer of Sentenced Persons and on Cooperation in the Enforcement of Penal Sentences.

Resolved, finally, That the President of the Philippines may, with the concurrence of the Senate, withdraw from the Treaty.

Adopted,



FRANCIS "CHIZ" G. ESCUDERO
President of the Senate

This Resolution was adopted by the Senate on September 3, 2024.



RENATO N. BANTUG Jr.
Secretary of the Senate