

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



24 AUG 13 12:09

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SENATE

P.S. Resolution No. **1146**

Prepared by the Committee on Foreign Relations

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"

1 **WHEREAS**, Article VII, Section 21 of the 1987 Philippine Constitution states
2 that, "No treaty or international agreement shall be valid and effective unless
3 concurred in by at least two-thirds of all the Members of the Senate";

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

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

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

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

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

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

13 **WHEREAS**, the President of the Philippines ratified the Treaty on 24 January
14 2023 and has submitted it to the Senate for concurrence, in accordance with the
15 Constitution of the Philippines;

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

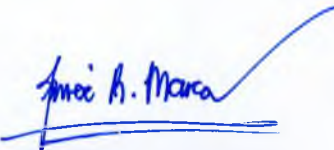
- 19 1. Department of Foreign Affairs;
- 20 2. Department of Justice; and
- 21 3. Commission on Human Rights.

22 ***Now, therefore, be it***

23 **RESOLVED**, That the Senate of the Philippines concur, as it hereby concurs,
24 in the Philippine ratification of the *Treaty between the Government of the Republic of*
25 *the Philippines and the Government of Canada on the Transfer of Sentenced Persons*
26 *and on Cooperation in the Enforcement of Penal Sentences*.

27 **RESOLVED, finally**, That the President of the Philippines may, with the
28 concurrence of the Senate, withdraw from the Treaty.

Adopted,


IMEE R. MARCOS