

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Fifteenth Congress

Second Regular Session



RESOLUTION NO. 83

RESOLUTION CONCURRING IN THE RATIFICATION
OF THE TREATY BETWEEN THE REPUBLIC OF
THE PHILIPPINES AND THE PEOPLE'S REPUBLIC
OF CHINA CONCERNING MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS

WHEREAS, the Constitution, Article VII, Section 21, 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 Republic of the Philippines and the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters was signed on 16 October 2000 in Beijing;

WHEREAS, the Treaty aims to improve cooperation between the two countries in respect of mutual legal assistance in criminal matters on the basis of mutual respect for sovereignty and equality and mutual benefit;

WHEREAS, the Treaty provides a legal framework for mutual assistance by States in the investigation and prosecution of criminal offenses and in legal and judicial proceedings related to criminal matters, in accordance with the UN Convention Against Corruption (UNCAC) and the Convention for the Suppression of Financing of Terrorism;

WHEREAS, the assistance made possible under the Treaty includes the taking of testimony of witnesses, provision of documents and items of evidence, exchange of criminal records, execution of searches and seizures, location and identification of witnesses and tracing and confiscation of proceeds of crimes, as well as freezing of assets;

WHEREAS, the increasing frequency of transnational crimes, the country's fight against money laundering and corruption, as well as the transboundary nature of terrorism necessitates this Treaty as a vital tool in securing evidence, witnesses and proceeds of crimes which are beyond the country's physical and legal jurisdiction;

WHEREAS, the Treaty provides that it does not apply to: (a) the extradition of any person, and (b) the execution of criminal judgments, verdicts or decisions rendered in the Requesting Party except to the extent permitted by the laws of the Requested Party and the Treaty;

WHEREAS, Article 24 of the Treaty provides that it shall enter into force on the thirtieth day after the date of exchange of instruments of ratification;

WHEREAS, the President of the Philippines ratified the Treaty between the Republic of the Philippines and the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters on 23 December 2010 and has accordingly submitted it to the Senate for concurrence in accordance with the Constitution;

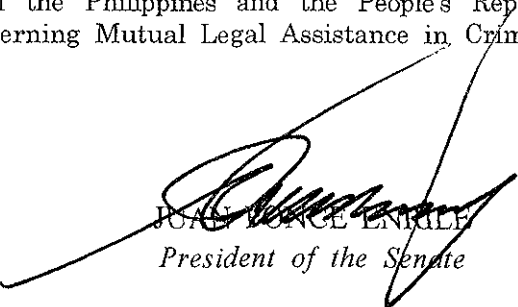
WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 23 February 2012, the following government agencies and nongovernment organizations endorsed the concurrence in the ratification of the Treaty between the Republic of the Philippines and the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters:

1. Department of Foreign Affairs (DFA);
2. Department of Justice (DOJ);
3. Department of the Interior and Local Government (DILG);
4. Philippine National Police (PNP);
5. Anti-Money Laundering Council (AMLC);
6. Overseas Workers Welfare Administration (OWWA);
7. Philippine Overseas Employment Administration (POEA);
8. Center for Migrant Advocacy Philippines (CMA);
and
9. Philippine Migrants Rights Watch.

Now, therefore, be it,


Resolved, That the Senate of the Philippines concur, as it hereby concurs, in the ratification of the Treaty between the Republic of the Philippines and the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters.

Adopted,



JUAN VICENTE ENRIQUE
President of the Senate

This Resolution was adopted by the Senate on May 8, 2012.



EMMA LIRIO-REYES
Secretary of the Senate