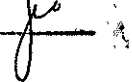


SIXTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )



'13 AUG 15 A8:39

SENATE  
Senate Bill No. 1290

RECEIVED BY: 

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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#### EXPLANATORY NOTE

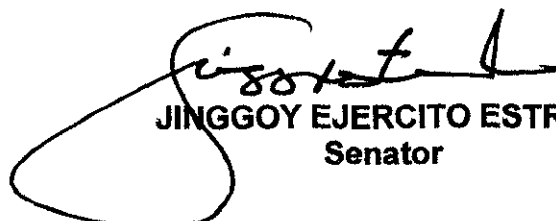
There is a need to amend Section 17 of Republic Act No. 9851, also known as the "*Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity*" to correct the erroneous surrender of the Philippine state's jurisdiction over suspected or accused persons under the said law in cases when another state or an international court is already conducting investigation on or undertaking prosecution of the crime.

In response to this, this measure amends the said law by giving to the Philippine authorities the full jurisdiction over suspected or accused persons covered under the said law, regardless of an ongoing investigation or prosecution of another court or international tribunal.

This is to be consistent with the general rule that the primary jurisdiction over such persons will be given to the concerned state at all times, unless it is unwilling or unable to investigate or prosecute, in which case the International Criminal Court will assume jurisdiction.

This measure was submitted in the Fifteenth Congress by the Committees on Justice and Human Rights, and Foreign Relations. However, it was overtaken by events and was not enacted into law.

The immediate passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator



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SENATE

Senate Bill No. 1290

RECEIVED BY: *Jic*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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AN ACT  
AMENDING SECTION 17 OF REPUBLIC ACT NO. 9851, ALSO KNOWN AS  
THE "PHILIPPINE ACT ON CRIMES AGAINST INTERNATIONAL  
HUMANITARIAN LAW, GENOCIDE, AND OTHER CRIMES AGAINST  
HUMANITY"

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

1 **SECTION 1.** Section 17 of Republic Act No. 9851, also known as the "Philippine  
2 Act on Crimes Against International Humanitarian Law, Genocide, and Other  
3 Crimes Against Humanity" is hereby amended as follows:  
4

5 "Section 17. Jurisdiction. – The State shall exercise jurisdiction over persons,  
6 whether military or civilian, suspected or accused of a crime defined and  
7 penalized in this Act, regardless of where the crime is committed, provided, any  
8 one of the following conditions is met:  
9

10 (a) The accused is a Filipino citizen;  
11

12 (b) The accused, regardless of citizenship or residence, is present in the  
13 Philippines; or,  
14

15 (c) The accused has committed the said crime against a Filipino citizen.  
16

17 [In the interest of justice, the relevant Philippine authorities may dispense with  
18 the investigation or prosecution of a crime punishable under this Act if another  
19 court or international tribunal is already conducting the investigation or  
20 undertaking the prosecution of such crime. Instead, the] PHILIPPINE authorities  
21 may surrender or extradite suspected or accused persons in the Philippines to  
22 the appropriate international court, if any, or to another State pursuant to the  
23 applicable extradition laws and treaties.  
24

25 No criminal proceedings shall be initiated against foreign nationals suspected or  
26 accused of having committed the crimes defined and penalized in this Act if they  
27 have been tried by a competent court outside the Philippines in respect of the  
28 same offense and acquitted, or having been convicted, already served their  
29 sentence.  
30  
31

1 **SEC. 2. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations, or  
2 parts thereof inconsistent with this Act are hereby repealed or amended  
3 accordingly.  
4

5  
6 **SEC. 3. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
7 publication in at least two (2) newspapers of general circulation.  
8

9  
10  
11  
12  
13 *Approved,*