

**EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA**

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**EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA**

The Government of the Republic of the Philippines and the Government of the United States of America,

Desiring to provide for more effective cooperation between the Contracting Parties in the repression of crime; and

Desiring to conclude a Treaty for the reciprocal extradition of offenders;

Have agreed as follows:

**ARTICLE 1  
OBLIGATION TO EXTRADITE**

The Contracting Parties agree to extradite to each other, pursuant to the provisions of this Treaty, persons whom the authorities in the Requesting State have charged with or convicted of an extraditable offense.

**ARTICLE 2  
EXTRADITABLE OFFENSES**

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting Parties by deprivation of liberty for a period of more than one year, or by a more severe penalty.

2. An offense shall also be an extraditable offense notwithstanding paragraph 1 of this Article if it consists of an attempt or a conspiracy to commit, aiding or abetting, counselling, causing or procuring the commission of or being an accessory before or after the fact to, any offense that is an extraditable offense pursuant to paragraph 1 and if it is punishable under the laws of the Requesting State by deprivation of liberty for a period of more than one year, or by a more severe penalty.

3. For the purposes of this Article, an offense shall be an extraditable offense:

(a) whether or not the laws in the Contracting Parties place the offense within the same category of offenses or describe the offense by the same terminology; or

(b) whether or not the offense is one for which United States federal law requires the showing of such matters as interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce,

such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

4. If the offense was committed outside of the territory of the Requesting State, extradition shall be granted in accordance with the provisions of this Treaty:

(a) if the laws in the Requested State provide for punishment of an offense committed outside of its territory in similar circumstances; or

(b) if the executive authority of the Requested State, in its discretion, decides to submit the case to its courts for the purpose of extradition.

5. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense specified in the request, even if the latter offense is punishable by less than one year's deprivation of liberty, provided that all other requirements of extradition are met.

### **ARTICLE 3**

#### **POLITICAL AND MILITARY OFFENSES**

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.

2. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:

(a) the murder or other willful crime against the person of a Head of State of one of the Contracting Parties, or a member of the Head of State's family;

(b) an offense for which both Contracting Parties have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and

(c) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

3. Extradition shall not be granted if the executive authority of the Requested State determines that the request was politically motivated, or that the offense is a military offense which is not punishable under non-military penal legislation.

### **ARTICLE 4**

#### **PRIOR PROSECUTION**

1. Extradition shall not be granted when the person sought has been tried and convicted or acquitted in the Requested State for the offense for which extradition is requested.

2. Extradition shall not be precluded by the fact that the competent authorities in the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested, or have decided to discontinue any criminal proceedings which have been initiated against the person sought for those acts.

**ARTICLE 5**  
**CAPITAL PUNISHMENT**

1. When the offense for which extradition is requested is punishable by death under the laws in the Requesting State, and the laws in the Requested State do not permit such punishment for that offense, extradition may be refused unless the Requesting State provides such assurances as the Requested State considers sufficient that if the death penalty is imposed, it will not be carried out.
2. In instances in which a Requesting State provides an assurance in accordance with paragraph 1 of this Article, the death penalty, if imposed by the courts of the Requesting State, shall not be carried out.

**ARTICLE 6**  
**EXTRADITION OF NATIONALS**

Extradition shall not be refused on the ground that the person sought is a citizen of the Requested State.

**ARTICLE 7**  
**EXTRADITION PROCEDURES AND REQUIRED DOCUMENTS**

1. All requests for extradition shall be submitted through the diplomatic channel.
2. All requests for extradition shall be supported by:
  - (a) documents, statements, or other types of information which describe the identity and probable location of the person sought;
  - (b) a statement of the facts of the offense and the procedural history of the case;
  - (c) a statement of the provisions of the law describing the essential elements of the offense for which extradition is requested;
  - (d) a statement of the provisions of law describing the punishment for the offense;
  - (e) a statement of the provisions of the law describing any time limit on the prosecution or the execution of punishment for the offense; and
  - (f) the documents, statements, or other types of information specified in paragraph 3 or paragraph 4 of this Article, as applicable.
- 3 In addition to the documents referred to in paragraph 2, a request for extradition of a person who is sought for prosecution shall be accompanied by such evidence as, according to the law of the Requested State, would provide probable cause for his arrest and committal for trial if the offense had been committed there and:
  - (a) a copy of the warrant or order of arrest issued by a judge or other competent authority; and
  - (b) a copy of the charging document.
4. A request for extradition relating to a person who has been convicted of the offense for which extradition is sought shall also be supported by: