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**Republic of Korea
and
Philippines**

Treaty between the Republic of Korea and the Republic of the Philippines on mutual legal assistance in criminal matters. Seoul, 3 June 2003

Entry into force: *17 November 2008 by notification, in accordance with article 24*

Authentic texts: *English and Korean*

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**République de Corée
et
Philippines**

Traité entre la République de Corée et la République des Philippines relatif à l'entraide judiciaire en matière pénale. Séoul, 3 juin 2003

Entrée en vigueur : *17 novembre 2008 par notification, conformément à l'article 24*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY BETWEEN
THE REPUBLIC OF KOREA
AND THE REPUBLIC OF THE PHILIPPINES
ON MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS**

The Republic of Korea and the Republic of the Philippines
(hereinafter referred to as "the Parties");

DESIRING to improve the effectiveness of both countries in the
prevention, investigation, prosecution and suppression of crime through
cooperation and mutual legal assistance in criminal matters;

HAVE AGREED as follows:

Article 1

Scope of Application

1. The Parties shall, in accordance with the provisions of this Treaty,
grant each other the widest possible measure of mutual legal assistance in
criminal matters.
2. For the purposes of this Treaty, "criminal matters" means
investigations, prosecutions or proceedings relating to any offense the
punishment of which at the time of the request for assistance, falls within
the jurisdiction of the competent authorities of the Requesting Party.
3. Criminal matters also include matters connected with offenses against
a law related to taxation, customs duties, foreign exchange control or
other revenue matters, but not in connection with non-criminal
proceedings relating thereto.
4. Assistance shall include:
 - (a) taking evidence or statements from persons;
 - (b) providing information, documents, records and articles of
evidence;
 - (c) locating or identifying persons or items;
 - (d) serving documents;
 - (e) executing requests for search and seizure;

- (f) making arrangements for persons to give evidence or assist in criminal investigations, prosecutions, or proceedings in the Requesting Party;
 - (g) tracing, restraining, forfeiting and confiscating the proceeds and instrumentalities of criminal activities; and
 - (h) other assistance deemed necessary by the Requesting Party and consistent with this Treaty as well as the law of the Requested Party.
5. Assistance granted under this Treaty does not include:
- (a) the extradition, or the arrest or detention for that purpose, of any person;
 - (b) the execution in the Requested Party of criminal judgments imposed in the Requesting Party except to the extent permitted by the law of the Requested Party and this Treaty;
 - (c) the transfer of persons in custody to serve sentences; and
 - (d) the transfer of proceedings in criminal matters.

Article 2

Assistance under Other Treaties or Arrangements

This Treaty shall not affect any existing obligations between the Parties, whether pursuant to other treaties or arrangements, nor prevent the Parties from providing assistance to each other pursuant to such other treaties or arrangements.

Article 3

Central Authorities

1. Each Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.

2. For the Republic of Korea, the Central Authority shall be the Minister of Justice or an official designated by that Minister. For the Republic of the Philippines, the Central Authority shall be the Secretary of Justice or an official designated by that Secretary.
3. Each Party shall notify the other of any change of its Central Authority.
4. The Central Authorities shall communicate with each other directly or through the diplomatic channel for the purposes of this Treaty.

Article 4

Form, Language, and Content of Requests

1. A request shall be made in writing except that the Requested Party may accept a request in another form in urgent situations. In any such situation, the request shall be confirmed in writing within thirty (30) days from receipt of the request unless the Requested Party agrees otherwise.
2. A request, any supporting documentation and any communications made pursuant to this Treaty, shall be in the language of the Requesting Party and be accompanied by a translation into the language of the Requested Party.
3. A request for assistance shall include:
 - (a) the name of the person, agency or authority that initiated the request;
 - (b) the purpose of the request and the nature of the assistance sought;
 - (c) a description of the nature of the criminal matter, including facts alleged to constitute the offenses and a statement or text of the relevant laws and applicable penalties;
 - (d) a statement indicating the current status of the investigation or proceeding; and
 - (e) a statement specifying any time frame within which compliance with the request is desired.