

MOFA 229

駐菲律賓臺北經濟文化辦事處

與

馬尼拉經濟文化辦事處間

刑事司法互助協定

行政院第334次

MOFA 229

駐菲律賓臺北經濟文化辦事處與馬尼拉經濟文化辦事處，下稱雙方；

基於相互尊重、互惠與共同利益，藉由刑事事務之司法互助，以增進雙方所屬領域內執法機關有效之合作；

根據雙方法令，同意訂立下列條款：

第一條 協助之範圍

一、 雙方應經由其所屬領域內之相關主管機關，依本協定及雙方內國法律之規定，提供有關偵查、追訴、犯罪防制及相關刑事司法程序中之相互協助。

二、 協助應包括：

（一）取得證言或供述；

（二）提供做為證據所用之文書、紀錄及物品；

（三）確定關係人之所在或確認其身分；

（四）送達文書；

（五）便利搜索及扣押之請求；

（六）驅逐出境；

（七）協助凍結及沒收資產或執行罰金之程序；及

（八）其他不違反受請求方所屬領域內法律之任何形式之協助。

三、 在請求方所屬領域內受偵查、追訴或進行司法程序之行

為，不論依受請求方所屬領域內之法律規定是否構成犯罪，雙方都應盡最大的努力提供協助。

四、本協定係僅供雙方間司法互助之用，並不因而使任何私人得以獲取、隱匿、排除證據或阻礙執行請求之權利。

第二條 協助之請求

一、任一方領域相關主管機關提出之請求，應被他方之中央聯絡管道/機關考量及協助。

二、雙方領域中央聯絡管道/機關係指

(一) 駐菲律賓臺北經濟文化辦事處：法務部或法務部所指定之人。

(二) 馬尼拉經濟文化辦事處：司法部或司法部指定之人。

三、雙方應直接彼此聯繫以實踐本協定。

第三條 拒絕或暫緩協助之事由

一、有下列情形之一者，得拒絕協助：

(一) 請求所涉犯行屬政治犯罪；

(二) 所涉行為係觸犯軍法而依受請求方所屬領域內普通刑法並不構成犯罪；

(三) 該請求之執行將有害於受請求方所屬領域內之安全、公共

秩序或類似重要利益；

(四) 依第十四條及第十八條規定所為之請求，其所涉行為在受請求方所屬領域內不構成犯罪者；或

(五) 執行請求所需踐行之程序不符合受請求方所屬領域內法律。

二、 若請求之立即執行會妨礙受請求方所屬領域內正在進行之偵查、追訴或其他刑事司法程序，則受請求方得暫緩(停止)協助。

三、 拒絕協助之請求前，雙方應彼此協商考量是否在受請求方所屬領域內之主管機關附加必要之條件後，再提供協助。如請求方接受該附加條件之協助，則該所屬領域內之主管機關應遵守該條件。

四、 受請求方如拒絕或暫緩執行協助，應將拒絕或暫緩執行之理由通知請求方。

第四條 請求之形式及其內容

一、 請求協助應以書面為之。但緊急情形時，得以言詞為之，並應於提出請求後十日內以書面確認之。除經請求得以英文為之外，請求協助應以受請求方所屬領域內所使用之語文提出。

二、 請求書應包括以下事項：

- (一) 執行與請求有關之偵查、追訴或司法程序之機關名稱；
- (二) 請求事項及偵查、追訴或司法程序性質之說明，包括請求事項涉及之特定刑事罪名及其刑責；
- (三) 所要尋找之證據、資料或其他協助之說明；及
- (四) 所要調查之證據、資料或其他請求協助項目目的之陳述。

三、 在必要及可能之程度內，請求亦應包括以下事項：

- (一) 提供證據者之身分及其處所；
- (二) 應受送達者之身分及處所、於司法程序中之關係及送達方式；
- (三) 受尋找人之身分及處所；
- (四) 受搜索之處所、人及應扣押物品之確切說明；
- (五) 取得及記錄證詞或陳述方式之說明；
- (六) 訊問證人或被告之問題清單；
- (七) 執行請求時，應行遵守之特別程序之說明；
- (八) 經要求在請求方所屬領域內出庭者可得之津貼及費用；及
- (九) 其他有助於受請求方執行請求之相關資料。

四、 如受請求方認為請求之內容不充足，以致不能執行時，可要求提供補充資料。

五、 協助之請求及其輔助文件無需任何形式之證明或認證。

第五條 請求之執行

- 一、 受請求方應執行請求或安排領域內所屬權責機關執行之。協助之請求及執行之方法應依受請求方所屬領域內法律為之。
- 二、 受請求方所屬領域內之主管機關，於請求方要求保密時，對於協助之請求及其內容，應盡力保密；如為執行該請求而無法保密時，受請求方應通知請求方，由請求方決定該請求是否仍應執行。
- 三、 受請求方應回復請求方就執行請求進度所提出之合理詢問。
- 四、 受請求方應將執行結果，立即通知請求方。如該請求遭拒絕時，受請求方應將拒絕理由以書面通知請求方。

第六條 費用

- 一、 受請求方應支付與執行請求有關之費用，但請求方應負擔下列費用：
 - (一) 依請求方所屬領域內之法令，支付本協定第十條規定之人員津貼或旅費；
 - (二) 有關人員按第八條第三項規定前往、停留和離開受請求方所屬領域之津貼或旅費；

(三) 設立及操作依本協定第十一條規定之視訊會議、電視聯繫、翻譯或謄寫程序之費用；

(四) 專家之費用及報酬；及

(五) 筆譯、翻譯及謄寫費用。

二、 如執行請求可能須支出額外之費用，雙方應彼此協商以決定為執行該請求之條件。

第七條 用途之限制

一、 請求方或所屬領域內主管機關在未經受請求方所屬領域內之主管機關書面同意前，不得將依本協定而取得之資料、文書或物件，使用於請求書所載以外用途。請求方之主管機關欲進一步使用該資料或證據時，應遵守此條件。

二、 受請求方對於依本協定而提供之資料及證據，得請求應予保密，或僅得依其所指定之條件使用。請求方如在該等指定條件下接受資料或證據，則請求方所屬領域內之主管機關應遵守之。

三、 若依據雙方各自法律，對於經由協助取得之資訊，如有義務使用或公開時，不應以本條之限制規定排除之。請求方應將前述情形，事先通知受請求方。

四、 依本條第一項、第二項或第三項規定，在請求方所屬領域

內已公開之資料或證據，得使用於任何用途。

第八條 受請求方所屬領域內之證言或證據

- 一、 受請求方所屬領域內之人經依本協定受請求自其取得證據者，必要時應強制其出庭、作證或提供包括文書、紀錄及物品在內之證物。受請求而為虛偽證言或供述者，無論以口頭或書面方式，須在受請求方所屬領域內，依該領域內之刑事法規定予以追訴及處罰。
- 二、 受請求方於受請求時，應先行提供有關依本條規定取得證言或證據之日期及地點之資料。
- 三、 受請求方所屬領域之主管機關在執行請求時，應准許請求中所指明之人在場，並依受請求方所屬領域之主管機關所同意之方式，准許其詢問作證或提供證據之人，並進行逐字紀錄。
- 四、 如第一項所指之人依請求方所屬領域內法律之規定主張豁免、無行為能力或特權時，應使請求方知悉該人之主張，俾使其所屬領域內主管機關解決之。
- 五、 依本條由受請求方所屬領域內取得之證據或證言，得依雙方各自之法律規定進行認證。

第九條 雙方所屬領域內之紀錄

- 一、受請求方受請求時，應對請求方提供其所屬領域內主管機關所持有得公開紀錄之副本，包括任何形式之文書或資料。
- 二、受請求方受請求時，得以對待其所屬領域內執法機關或司法機關相同的程度及條件，提供任何在其所屬領域內主管機關持有之不公開文書、紀錄或資料之副本。受請求方得依職權拒絕全部或部分依本項規定提出之請求。

第十條 在請求方所屬領域內作證

- 一、請求方請求某人在請求方所屬領域內應訊時，受請求方應要求該人至請求方所屬領域內相關機關應訊。請求方應表明其願支付費用之額度。受請求方應立即通知請求方有關該人之回應。
- 二、對於依本條規定，同意應訊之人：
 - (一)不得因該人於進入請求方所屬領域前之任何作為、不作為或有罪判決而予以起訴、羈押、傳喚或以其他形式限制其人身自由；
 - (二)不應強制該人在該請求所未涉及之任何其他偵查、追訴或司法程序中作證或協助，除非事先取得受請求方所屬領域

內主管機關與該人之同意；及

(三) 除藐視法庭及偽證外，該人不因其證言而遭受追訴。

三、 如請求方不能作出上述保證，則被要求應訊之人得拒絕接受該請求。

四、 依本條規定所賦予之安全維護行為，應於請求方通知受請求方，該人已毋需應訊七日後，或於該人離開請求方所屬領域而自願返回時，終止之。請求方認有正當理由時，得依職權延長該期間至十五日。

五、 拒絕依本條文提供證據之人，不應因此而受到請求方或受請求方所屬領域內任何法律制裁或法院及其他機關之強制處分。

第十一條 視訊訊問

一、 在受請求方所屬領域內之人，得藉由視訊訊問在請求方司法程序中作證。

二、 視訊訊問證人時，應在受請求方相關機關處理下進行。

三、 視訊訊問時，應在請求方權責機關監督下進行，而證據之取得如下：

(一) 依請求方或受請求方之國內法；及

(二) 依據雙方所同意保護證人之任何方法。

四、視訊訊問程序中時，受請求方之相關機關應負責：

- (一) 確保程序進行中有適當的翻譯；
- (二) 確定證人的身分；
- (三) 為保障證人的權利而於必要時中止；
- (四) 製作訊問的書面紀錄，紀錄應包括下列資料：
 - 1. 訊問的日期及地點；
 - 2. 被訊問人之身分；
 - 3. 其他參與訊問者之身分與功能；
 - 4. 具結之細節及訊問處所之科技狀況；及
- (五) 依本條進行訊問後，在實際可行之情況下儘速傳送訊問紀錄。

第十二條 人或證物之所在或其辨識

如請求方尋求在受請求方所屬領域內之人或證物之所在或其辨識時，受請求方所屬領域內之主管機關應盡其最大努力以確定其所在或辨識。

第十三條 文書送達

- 一、 受請求方所屬領域內之主管機關應盡最大努力以有效送達請求方所提出與任何協助之請求全部或部分有關之文書。
- 二、 請求方所請求送達之文書係要求特定人至請求方所屬領域內機關應訊時，應於指定應訊時間前之合理期間內提出協助送達該文書之請求。
- 三、 受請求方應依請求所指定之方式返還送達證明。

第十四條 搜索及扣押

- 一、 如依受請求方所屬領域內之法律，請求方所提出搜索、扣押及移轉證物之請求為正當時，受請求方即應促進與協助執行此等請求。
- 二、 受請求方應提供請求方所可能需要關於搜索結果、扣押地、扣押情況及依扣案證物其後進行之保管等相關資訊。
- 三、 受請求方得要求請求方同意遵守必要條件以保護第三人對於被移轉證物之權益。

第十五條 返還證物

受請求方得要求請求方，返還任何依本協定執行請求時所提供之證物，包括供證之文書、紀錄或物品。

第十六條 交換犯罪紀錄

倘受請求方所屬領域之公民在請求方受偵查或追訴時，受請求方受請求時，應提供該公民過去犯罪紀錄與判刑資料。

第十七條 驅逐出境

請求方之國民在請求方所屬領域內涉嫌犯罪，受請求方受請求時，應依雙方內國法及本協定第二十一條諮商結果，促使該國民驅逐出境。

第十八條 財產之限制處分及沒收

一、 雙方應基於受請求方之國內法律，彼此協助有關犯罪所得及犯罪工具之辨識、追查、限制處分、扣押及沒收等程序。上述協助得包括暫時凍結犯罪所得及犯罪工具以便進行後續之程序。

二、 除本協定第四條所規定者之外，有關限制處分或沒收之請求應另包括以下項目：

- (一) 要求合作調查之有關財產之細節；
- (二) 財產之所在及與本請求目的之關連性；
- (三) 財產與請求所涉犯行之可能關連性；及
- (四) 可能對財產有利益之第三人之細節；或

(五) 請求方權責機關所為之限制處分或沒收命令經認證之副

本及如未於命令本身指明時，發出此命令理由之聲明。

第十九條 資產分享

- 一、一方如其依本協定提供之協助對另一方沒收資產而有實體獲益或預期有實體獲益，得請求另一方分享資產。
- 二、基於雙方之國內法律，受請求方應協助相關主管機關基於請求方提供協助之程度，決定請求方分享資產之比例，但被沒收之財產價值過微或請求方之協助甚小時，得不予分享。
- 三、案件若有可確認之被害人時，雙方於分享資產時，應優先尊重被害人之權利；亦應尊重善意第三人在該被沒收財產上之權利。

第二十條 與其他協定之關係

本協定所規定之協助及程序，並不禁止任一方依其他瞭解備忘錄、協定、協議之條文，對他方提供協助。雙方亦得依任何可適用之協定、協議或實務做法，提供協助。

第二十一條 諮商

雙方於相互同意時，應諮商以促進本協定之有效執行、運用。雙方亦得同意採取有助於履行本協定所必要之實際方法。

第二十二條 生效與終止

- 一、 本協定應於雙方通知對方完成內國程序，自其後通知之日起第三十日生效。若任一方提出終止通知，在終止之通知生效前(生效日期如通知所載，但不早於通知寄出之日)，根據本協定已進行之合作或提出之請求仍繼續進行，直至請求方終止請求。如本協定已終止，根據本協定所取得之資訊、文件或其他相關證據將繼續依本協定第七條第二項規定保密。
- 二、 任一方得以書面通知他方後，終止本協定。該終止自收受通知後六個月生效。
- 三、 本協定適用於其生效後提出之任何請求，即使有關犯罪係發生於本協定生效之前。

為此，雙方代表各經合法授權於本協定簽字，以昭信守。

本協定於 2013 年 4 月 19 日在臺北以中文及英文簽署一式兩份，
兩種文本同一作準。

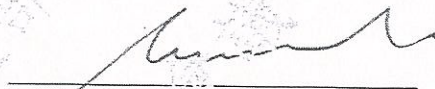
駐菲律賓臺北經濟文化辦事處

馬尼拉經濟文化辦事處



代表

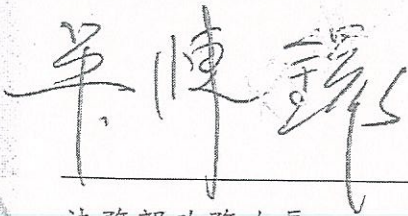
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代表

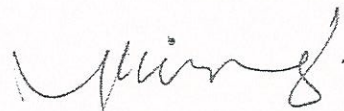
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見證人：



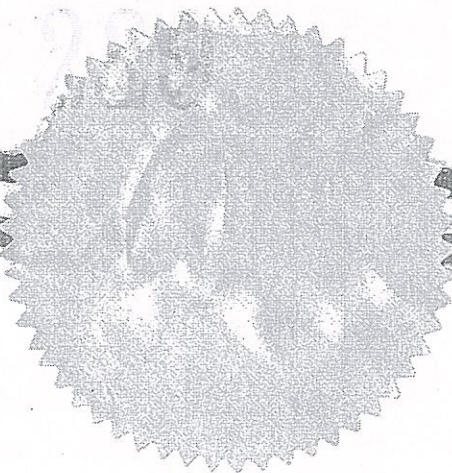
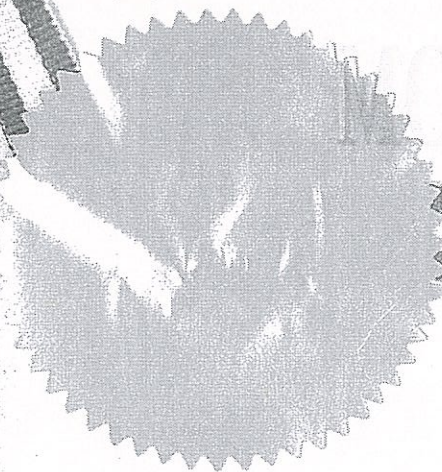
法務部政務次長

吳陳鏞



菲律賓司法部國家法律總署署長

巴勒斯



MOFA 229

Agreement on Mutual Legal Assistance in Criminal Matters

between

The Taipei Economic and Cultural Office in the Philippines

And

The Manila Economic and Cultural Office in Taiwan

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Agreement on Mutual Legal Assistance in Criminal Matters

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The Taipei Economic and Cultural Office in the Philippines

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The Taipei Economic and Cultural Office in the Philippines (TECO) and The Manila Economic and Cultural Office in Taiwan (MECO), hereinafter referred to as "The Parties";

Desiring to improve the effective cooperation of the law enforcement authorities of the territories represented by either Party through mutual legal assistance in criminal matters on the basis of mutual respect, reciprocity, and mutual benefit;

Adhering to their respective laws and regulations;

Have agreed as follows:

Article 1

Scope of Assistance

1. The Parties shall, in accordance with this Agreement and the laws of the territories that they represent, provide mutual legal assistance through the relevant authorities of the territories they represent, in connection with the investigation, prosecution, prevention of offenses and in proceedings related to criminal matters.
2. Assistance shall include:
 - a) taking the testimony or statements of persons;
 - b) providing documents, records, and articles of evidence;
 - c) locating or identifying persons;
 - d) serving documents;
 - e) facilitating requests for searches and seizures;
 - f) deportation;
 - g) assisting in proceedings related to immobilization and

- confiscation of assets or collection of fines; and
- h) any other form of assistance not contrary to the laws of the territory represented by the Requested Party.
3. The Parties shall make the best efforts to provide assistance even if the conduct that is the subject of the investigation, prosecution, or proceeding in the territory represented by the Requesting Party would not constitute an offense under the laws of the territory represented by the Requested Party.
4. This Agreement is intended solely for mutual legal assistance between the Parties. The provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2

Request for Assistance

1. Requests for assistance to the relevant authorities of the territory represented by either Party will be received by the other Party for its consideration and endorsement to its central channel/agency.
2. The central channel/agency for the territories represented by the Parties are:
- a) For TECO: the Ministry of Justice or persons designated by the Ministry of Justice.
 - b) For MECO: the Department of Justice or persons designated by the Department of Justice.

3. The Parties will communicate directly with each other for the purposes of this Agreement.

Article 3

Grounds for Refusal or Postponement of Assistance

1. Assistance may be refused if:
 - a) the request relates to a political offence;
 - b) the request relates to an offense under military law that would not be an offense under the ordinary criminal law of the territory represented by the Requested Party;
 - c) the execution of the request would prejudice the security, public order, or similar essential interests of the territory represented by the Requested Party;
 - d) the request is made pursuant to Article 14, and Article 18 and relates to conduct which, if committed in the territory represented by the Requested Party, would not be an offense in that territory; or
 - e) the execution of the request requires steps to be taken that would be inconsistent with the law of the territory represented by the Requested Party.
2. Assistance may be postponed if the immediate execution of the request would interfere with an ongoing investigation, prosecution or criminal proceedings in the territory represented by the Requested Party.
3. Before refusing a request for assistance, the Parties shall consult with each other to determine whether assistance may

be given subject to such terms and conditions as the authorities of the territory represented by the Requested Party deem necessary. If the Requesting Party accepts the assistance subject to those terms and conditions, the authorities of the territory represented by it shall comply with the conditions.

4. If the Requested Party refuses or postpones the execution of a request for assistance, it shall inform the Requesting Party of the reasons for such refusal or postponement.

Article 4

Form and Contents of Requests

1. A request for assistance shall be in writing. In urgent situations, a request may be made orally, but in such cases the request shall be confirmed in writing within ten (10) days. The request shall be in the language used in the territory represented by the Requested Party. Nevertheless, upon request, the same may be in the English language.
2. The request shall include the following:
 - a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
 - b) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including the specific criminal offenses that relate to the matter and any punishment that might be imposed for each offense;
 - c) a description of the evidence, information, or other assistance sought; and

- d) a statement of the purpose for which the evidence, information, or other assistance is sought.
3. To the extent necessary and possible, a request shall also include:
- a) information on the identity and location of any person from whom evidence is sought;
 - b) information on the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
 - c) information on the identity and whereabouts of a person to be located;
 - d) a precise description of the place or person to be searched and of the articles to be seized;
 - e) a description of the manner in which any testimony or statement is to be taken or recorded;
 - f) a list of questions to be asked of a witness or a defendant;
 - g) a description of any particular procedure to be followed in executing the request;
 - h) information as to the allowances and expenses to which a person asked to appear in the territory represented by the Requesting Party will be entitled; and
 - i) any other information that may be brought to the attention of the Requested Party to facilitate its execution of the request.
4. If the Requested Party considers the contents contained in the request not sufficient to enable the request to be dealt with, it

may request additional information.

5. No form of certification or authentication will be required for a request for assistance or its supporting documents.

Article 5

Execution of Requests

1. The Requested Party shall execute the request or arrange for its execution through the competent authorities of the territory it represents. Requests for assistance and the method of execution specified in the request shall be carried out in the manner provided for by the laws of the territory represented by the Requested Party.
2. The authorities of the territory represented by the Requested Party shall use their best efforts to keep confidential a request and its contents if such confidentiality is requested by the Requesting Party. If the request cannot be executed without breaching such confidentiality, the Requested party shall so inform the Requesting Party, which shall then determine whether the request should nevertheless be executed.
3. The Requested Party shall respond to reasonable inquiries by the Requesting Party on progress toward execution of the request.
4. The Requested Party shall promptly inform the Requesting Party of the outcome of the execution of the request. If the request is denied, the Requested Party shall inform the Requesting Party of the reasons for the denial in writing.

Article 6

Costs

1. The Requested Party shall pay the costs relating to the execution of the request, but the Requesting Party shall bear:
 - a) the allowances or expenses for the travel of persons under Article 10 of this Agreement in accordance with the laws and the regulations of the territory represented by the Requesting Party;
 - b) the allowances or expenses for persons who travel to and from, or stay in the territory represented by the Requested Party under Article 8(3) of this Agreement;
 - c) the costs of establishing and operating video conferencing or television links and the interpretation and transcription of such proceedings pursuant to Article 11 of this Agreement;
 - d) the expenses and fees of experts; and
 - e) the costs of translation, interpretation, and transcription.
2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Parties shall consult with each other to determine the terms and conditions under which the request can be executed.

Article 7

Limitations on Use

1. The Requesting Party or the authorities of the territory it represents may not use the information, documents or objects obtained pursuant to this Agreement for purposes other than those specified in the request without the previous written consent of the authorities of the territory represented by the Requested Party. The authorities of the Requesting Party shall comply with any conditions imposed in the further use of the information or evidence.
2. The Requested Party may request that information or evidence furnished under this Agreement be kept confidential or used only subject to such terms and conditions it may specify. If the Requesting Party accepts the information or evidence subject to such conditions, the relevant authorities of the territory represented by the Requesting Party shall comply with the conditions.
3. Nothing in this Article shall preclude the use or disclosure of information to the extent that there is an obligation to do so under the Parties' respective laws. The Requesting Party shall notify the Requested Party in advance of any such proposed disclosure.
4. Information or evidence that has been made public in the territory represented by the Requesting Party in accordance with paragraphs 1, 2 or 3 may thereafter be used for any purpose.

Article 8

Testimony or Evidence in the Territory Represented by the Requested Party

1. A person in the territory represented by the Requested Party from whom evidence is requested pursuant to this Agreement may be compelled, if necessary, to appear and testify or produce items, including documents, records, and articles of evidence. A person, who gives false testimony or statement, either orally or in writing, in execution of a request, shall be subject to prosecution and punishment in the territory represented by the Requested Party in accordance with the criminal laws of that territory.
2. Upon request, the Requested Party shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.
3. The authorities of the territory represented by the Requested Party shall permit the presence of such persons as specified in the request during the execution of the request and shall allow such persons to pose questions to the person giving the testimony or evidence and to make a verbatim transcript in a manner agreed to by the authorities of the territory represented by the Requested Party.
4. If the person referred to in paragraph 1 of this Article asserts a claim of immunity, incapacity, or privilege under the laws of the territory represented by the Requesting Party, the claim shall be made known to the Requesting Party for resolution by

the authorities of that territory.

5. Evidence produced in the territory represented by the Requested Party pursuant to this Article or that is the subject of testimony taken under this Article may be authenticated in accordance with the Parties' respective laws.

Article 9

Records of the Territories Represented by the Parties

1. The Requested Party shall, upon request, provide the Requesting Party with copies of publicly available records, including documents or information in any form, in the possession of departments and agencies of the authorities of the territory it represents.
2. The Requested Party may, upon request, provide copies of any documents, records, or information which are in the possession of a department or agency of the authorities of the territory represented by that Party, but which are not publicly available, to the same extent and under the same conditions as such copies would be available to the law enforcement or judicial authorities of the territory represented by the Requested Party. The Requested Party may in its discretion deny a request pursuant to this paragraph entirely or in part.

Article 10

Testimony in the Territory Represented by the Requesting Party

1. When the Requesting Party requests the appearance of a person in the territory it represents the Requested Party shall invite the person to appear before the appropriate authority of the territory represented by the Requesting Party. The Requesting Party shall indicate the extent to which the expenses will be paid. The Requested Party shall promptly inform the Requesting Party of the response of the person.
2. A person who consents to provide assistance pursuant to this Article:
 - a) shall not be prosecuted, detained, subject to service of process or of any other restriction of personal liberty in the territory represented by the Requesting Party for any acts, omissions or convictions which preceded such person's entry into the territory represented by the Requesting Party;
 - b) shall not be obliged to give evidence or assist in any investigation, prosecution, or proceeding other than that to which the request relates except with the prior consent of the authorities of the territory represented by the Requested Party and such person; and
 - c) shall not be subject to prosecution based on his testimony except that such person shall be subject to charges for contempt or perjury.

3. The person whose presence is requested may decline to comply with the request if the Requesting Party does not grant such assurances.
4. The safe conduct provided for under this Article shall cease seven (7) days after the Requesting Party has notified the Requested Party that the person's presence is no longer required or when the person, having left the territory represented by the Requesting Party, voluntarily returns. The Requesting Party may, in its discretion, extend this period up to fifteen (15) days if it determines that there is good cause to do so.
5. A person who does not consent to give evidence pursuant to this Article shall not, by reason thereof, be liable to any legal penalty or coercive measure by the courts or authorities of the territory represented by the Requesting or Requested Party.

Article 11

Examining Witness by Video Conference

1. A person within the territory of the Requested Party may give evidence in proceedings in the Requesting Party by video conference.
2. Where a witness is to be examined by video conference, the procedures shall be conducted before an appropriate authority in the Requested Party.
3. The examining shall be supervised by a competent authority of the Requesting Party and evidence shall be given:

- a) in accordance with the domestic law of the Requesting Party or the Requested Party; and
 - b) in accordance with any other measures for the protection of the witness which have been agreed between the Parties.
4. At the examining procedure the appropriate authority of the Requested Party shall be responsible for:
- a) ensuring there is appropriate interpretation of proceedings;
 - b) establishing the identity of the witness;
 - c) intervening, where necessary, to safeguard the rights of the witness;
 - d) drawing up a record of the examining which shall include the following information:
 - i. the date and place of the hearing;
 - ii. the identity of the person heard;
 - iii. the identities and functions of anyone else participating in the hearing;
 - iv. details of any oaths taken; and the technical conditions under which the examining took place; and
 - e) transmitting the record of the examining as referred to in this Article as soon as is practicable after the conclusion of the examining.

Article 12

Location or Identification of Persons or Items

If the Requesting Party seeks the location or identity of persons or items in the territory represented by the Requested Party, the authorities of the territory represented by the Requested Party shall use their best efforts to ascertain the location or identity of the persons or items.

Article 13

Service of Documents

1. The authorities of the territory represented by the Requested Party shall use their best efforts to effect service of any document relating, in whole or in part, to any request for assistance made by the Requesting Party.
2. The Requesting Party shall transmit any request for the service of a document requiring the appearance of a person before an authority in the territory represented by the Requesting Party within a reasonable time before the scheduled appearance.
3. The Requested Party shall return a proof of service in the manner specified in the request.

Article 14

Search and Seizure

1. The Requested Party shall facilitate and assist in the execution of a request for the search, seizure, and delivery of any item to the Requesting Party if the request includes the information justifying such action under the laws of the territory represented by the Requested Party.
2. The Requested Party shall provide such information as may be required by the Requesting Party concerning the result of any search, the place of seizure, the circumstances of seizure and the subsequent custody of the evidence seized.
3. The Requested Party may require that the Requesting Party agree to the terms and conditions deemed necessary to protect third party interests in the item to be transferred.

Article 15

Return of Items

The Requested Party may require the return of the items, including documents, records, or articles of evidence, furnished to the Requesting Party in the execution of a request for assistance under this Agreement.

Article 16

Exchange of Criminal Records

Upon request, the Requested party shall provide the Requesting party with the past criminal records and information of sentences, if any, in the territory of the Requested party of their citizens that are subject of investigation or prosecution in the territory of the Requesting party.

Article 17

Deportation

Upon request, the Requested Party shall facilitate in the deportation of the nationals of the Requesting Party who are involved in crimes perpetrated within the territory of the Requesting Party in accordance with each Party's domestic laws and subject to consultation under Article 21 of this Agreement.

Article 18

Restraint, Forfeiture and Confiscation of Property

1. The Parties shall assist each other in proceedings involving the identification, tracing, restraint, seizure and confiscation of the proceeds and instruments of crime in accordance with the domestic laws of the Requested Party. This may include action to immobilize temporarily the proceeds or instruments pending further proceedings.
2. In addition to the provisions contained in Article 4 of this Agreement, a request for assistance in restraint or confiscation

proceedings shall also include:

- a) details of the property in relation to which co-operation is sought;
- b) the location of the property and its connection with the subjects of the request;
- c) the connection, if any, between the property and the offences; and
- d) details of any third party interests in the property; or
- e) a certified true copy of the restraint or confiscation order made by the competent authority and statement of the grounds on the basis of which the order was made, if they are not indicated in the order itself.

Article 19

Asset Sharing

1. One Party may make a request for asset sharing when its assistance in accordance with the provisions of this Agreement has materially led, or is expected to lead, to confiscation.
2. Subject to each Party's domestic laws, the Requested Party shall assist in the proceedings before the relevant authorities in the determination of the proportion of the assets to be shared in accordance with the extent of the assistance afforded by the Requesting Party, unless the value of the realized assets or the assistance rendered by the Requesting Party is *de minimis*.

3. In appropriate cases where there are identifiable victims, consideration of the rights of victims may take precedence over asset sharing between the Parties. The rights claimed by bona fide third parties over these assets shall be respected as well.

Article 20

Compatibility with Other Agreement

Assistance and procedures set forth in this Agreement shall not prevent either Party from granting assistance to the other Party through the provisions of other applicable MOUs, agreements or arrangements. The Parties may also provide assistance pursuant to any arrangement, agreement, or practice which may be applicable.

Article 21

Consultation

The Parties shall consult, at times mutually agreed to by them, to promote the most effective use of this Agreement. The Parties may also agree on such practical measures as may be necessary to facilitate the implementation of this Agreement.

Article 22

Effectivity; Termination

1. This Agreement shall become effective on the thirtieth day after the date of the last notification on the fulfillment by the Parties of their respective internal procedures. If either Party gives a termination notice, cooperation and assistance in accordance with this Agreement will continue with respect to all requests for assistance that were made, or information provided, before the effective date of notification (as indicated in the notice but no earlier than the date the notice is sent) until the Requesting party terminates the matter for which assistance was requested. In the event of the termination of this Agreement, information, documents or items of evidence obtained under this Agreement will continue to be treated confidentially in the manner prescribed under Article 7(2) of this Agreement.
2. Either Party may terminate this Agreement by means of written notice to the other Party. Termination shall take effect six (6) months following the date of receipt of such notification.
3. This Agreement applies to any request presented upon its effectivity even if the relevant offenses occurred before this Agreement becomes effective.

In WITNESS WHEREOF, the undersigned being duly authorized thereto, have signed this Agreement.

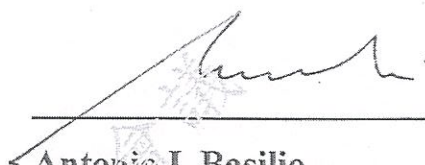
DONE on this 19th day of April, 2013 in the City of Taipei in duplicate in the Chinese and English languages, both versions being equally authentic.

Taipei Economic and
Cultural Office in the Philippines



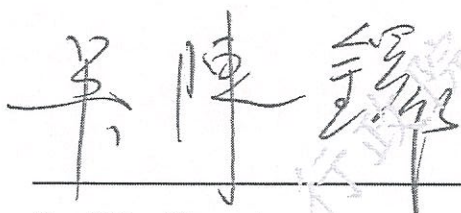
Raymond L. S. Wang
Representative

Manila Economic and
Cultural Office in Taiwan

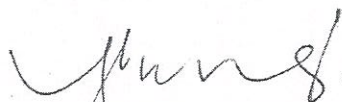


Antonio I. Basilio
Resident Representative

Witnessed by:



Dr. Wu Chen-huan
Deputy Minister
Ministry of Justice



Ricardo V. Paras III
Chief of State Counsel
Department of Justice