

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF
CUBA ON THE TRANSFER OF SENTENCED PERSONS**

The Government of the Republic of the Philippines and the Government of the Republic of Cuba having been duly authorized to conclude this Agreement,

Desiring to cooperate in the transfer of sentenced persons to facilitate their reintegration into society,

Have agreed as follows:

**ARTICLE 1
DEFINITIONS**

For the purposes of this Agreement:

- a. "Transferring Party" means the Party from whose jurisdiction the sentenced person may be, or has been, transferred;
- b. "Receiving Party" means the Party to whose jurisdiction the sentenced person may be, or has been, transferred;
- c. "Sentenced Person" means any person who has been sentenced by a court in the jurisdiction of the transferring Party;
- d. "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court in the course of the exercise of its criminal jurisdiction.

**ARTICLE 2
GENERAL PRINCIPLES**

A Sentenced Person may be transferred from the jurisdiction of the Transferring Party to the jurisdiction of the Receiving Party in accordance with the provisions of this Agreement in order to serve the Sentence imposed to him.

**ARTICLE 3
CENTRAL AUTHORITIES**

1. Each party shall establish a Central Authority.
2. The Central Authority for the Republic of the Philippines shall be the Department of Justice. The Central Authority for the Republic of Cuba shall be the Ministry of Justice. Either Party may change its Central Authority in which case it shall notify the other of the change.

3. Requests for transfer shall be conveyed through the Central Authority as may be notified from time to time by one Party to the other.

4. The Central Authorities shall process requests for transfer in accordance with the provisions of this Agreement.

ARTICLE 4 CONDITIONS FOR TRANSFER

A Sentenced Person may be transferred only on the following conditions:

a. The conduct on account of which the Sentence has been imposed would constitute a criminal offense according to the law of the Receiving Party if it had been committed within the jurisdiction of its courts;

b. Where the Republic of Cuba is the Receiving Party, the Sentenced Person is a citizen of Cuba and is permanently domiciled in Cuba;

c. Where the Republic of the Philippines is the Receiving Party, the Sentenced Person is a citizen of the Philippines;

d. The sentence imposed on the Sentenced Person is for a period of three (3) years or more of which at least one (1) year remains to be served at the time of the request for transfer;

e. The Sentenced Person must be a national or a citizen of the recipient State, and in the case of Cuba, the sentenced person must have permanent residence in the said territory;

f. The judgement is final and no further proceedings relating to the offense is pending in the Transferring Party;

g. The Transferring and Receiving Parties and the Sentenced Person all agree to the transfer, provided that where either Party considers it necessary, the Sentenced Person's consent may be given by a person entitled to act on his behalf.

ARTICLE 5 PROCEDURE FOR TRANSFER

1. The Parties shall inform Sentenced Persons of their right to transfer under this Agreement.

2. A request for transfer may be made by the Transferring Party or the Receiving Party to the other Party. If the Sentenced Person wishes to be transferred, he must express it in writing to the Transferring Party or the Receiving Party, which shall consider such an expressed wish against the criteria set out in Article 4 before deciding whether to request a transfer.

3. Subject to the provisions of Paragraph (1) of Article 8, the Transferring Party shall provide the Receiving Party with the following information in any request for transfer:

a. The facts upon which the conviction and Sentence were based and the text of the legal provisions creating the offense;