

Title:

Paul Joseph Wright vs. Hon. Court of Appeals, et al.

Facts:

On February 19, 1993, the Government of Australia sought the extradition of Paul Joseph Wright, an Australian citizen, for a series of indictable crimes committed in Victoria, Australia. The Department of Foreign Affairs of the Philippines endorsed this request to the Department of Justice, which subsequently filed extradition proceedings at the Regional Trial Court (RTC) of Makati.

The charges against Wright included one count of Obtaining Property by Deception and thirteen counts of the same offense, one count of attempting to Obtain Property by Deception, and one count of Perjury under the Victorian Crimes Act of 1958.

The RTC of Makati ordered Wright's arrest on April 13, 1993. Wright filed an answer and contested the charges during the trial, asserting that he was not a fugitive from justice and was unaware of the crimes for which he was accused.

On June 14, 1993, the RTC granted the Australian Government's extradition request, finding that the charges were extraditable offenses under the Philippines-Australia Extradition Treaty. Wright appealed to the Court of Appeals, which affirmed the RTC's decision on September 14, 1993, and denied his Motion for Reconsideration on December 16, 1993.

Issues:

- 1) Whether the extradition treaty can be applied retroactively to crimes committed before its effectivity;
- 2) Whether the treaty's retroactive application violates the constitutional prohibition against ex post facto laws;
- 3) Whether there is a requirement that Wright must have a "pending criminal case" in Australia;
- 4) Whether the procedural requirements for extradition under the treaty were satisfied;
- 5) Whether the specific charges for which Wright is to stand trial in Australia must be specified in the RTC's decision.

Court's Decision:

The Supreme Court affirmed the decision of the Court of Appeals, holding that:

- 1) The treaty's provision allowing extradition for crimes committed before its effectivity does not constitute an ex post facto law since it does not criminalize past acts or increase

the punishment thereof.

2) The treaty is an agreement on cooperation, not a criminal statute, thus it does not affect the substantial rights of the accused.

3) There is no requirement under the treaty that a person be already facing a formal criminal charge before extradition is granted, merely that the person is “wanted for prosecution.”

4) The documentary requirements for the Treaty were satisfied, and certifications from appropriate government officials were in order.

5) There is no requirement in the Treaty to specify particular charges in the order for extradition.

Doctrine:

The doctrine reiterated in this case is that an extradition treaty, in itself, is not considered a penal statute nor does it serve as a criminal procedural framework. It functions mainly to outline the cooperation between contracting states in the extradition of individuals wanted for prosecution without violating the prohibition against ex post facto laws.

Class Notes:

- Essential elements in extradition include the existence of a treaty, the offenses being covered by the treaty, and the person sought being “wanted for prosecution”.
- Retroactive application of an extradition treaty does not violate the prohibition against ex post facto laws, which pertains to criminal legislation affecting the rights of the accused.
- Requirements for extradition documents (e.g., arrest warrants, statements of offense) are governed by the respective extradition treaties and must be met for a valid extradition request.
- An extradition treaty may enable extradition irrespective of when the offense was committed, provided it was a crime in the requesting state at the time of commission, and it is also an offense in the requested state were it to have been committed there.

Historical Background:

The Philippines-Australia Extradition Treaty, signed in 1988 and ratified by the Philippine Senate in 1990, was an expression of the two nations’ commitment to enhance cooperation in combating crime. The case of Paul Joseph Wright is a significant application of this treaty, highlighting its role in addressing international crime by facilitating the judicial process across national boundaries. Retroactive application of such treaties is often an essential feature, designed to ensure that pre-treaty offenses are not exempted from justice solely due to the timing of their commission.