

pegged at twelve percent (12%) per annum until June 30, 2013, and then at six percent (6%) per annum until full satisfaction.”

**GOVERNMENT OF HONG KONG SPECIAL  
ADMINISTRATIVE REGION VS. MUÑOZ**

EN BANC

G.R. No. 207342

November 7, 2017

GOVERNMENT OF HONGKONG SPECIAL  
ADMINISTRATIVE REGION, represented by the  
PHILIPPINE DEPARTMENT OF JUSTICE,  
Petitioner

vs.

JUAN ANTONIO MUÑOZ, Respondent

R E S O L U T I O N

BERSAMIN, *J.*:

**Facts**

In an earlier decision, the Supreme Court denied the Petitioner Government of Hong Kong’s petition for certiorari and ruled that “respondent Juan Antonio Muñoz could only be extradited to and tried by the HKSAR for seven (7) counts of conspiracy to defraud, but not for the other crime of accepting an advantage as an agent. This, because conspiracy to defraud was a public sector offense, but accepting an advantage as an agent dealt with private sector bribery; hence, the dual criminality rule embodied in the treaty of extradition has not been met.” Petitioners filed this Motion for Reconsideration to have the court rule that the extradition for the crime of accepting advantage as an agent be also allowed, citing *B v. The Commissioner of the Independent Commission Against Corruption*, a ruling of the Court of Final Appeal of the HKSAR. The Supreme Court ruled that it cannot take judicial notice of the ruling of the foreign court, and the same was not alleged and proved. Thus, the Supreme Court denied the Motion for Reconsideration.

**Ruling**

“Under the rule of specialty in international law, a Requested State shall surrender to a Requesting State a person to be tried only for a criminal offense specified in their treaty of extradition. Conformably with the dual criminality rule embodied in the extradition treaty between the Philippines and the Hong Kong Special Administrative Region (HKSAR), however, the Philippines as the Requested State is not bound to extradite the respondent to the jurisdiction of the HKSAR as the Requesting State for the offense of accepting an advantage as an agent considering that the extradition treaty is forthright in providing that surrender shall only be granted for an offense coming within the descriptions of offenses in its Article 2 insofar as the offenses are punishable by imprisonment or other form of detention for more than one year, or by a more severe penalty according to the laws of both parties.

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The Court DENIES the petitioner’s motion for reconsideration for its lack of merit considering that the basic issues being thereby raised were already passed upon and no substantial arguments were presented to warrant the reversal of the decision promulgated on August 16, 2016.

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ACCORDINGLY, the Court DENIES the motion for reconsideration with finality.”