

- (b) CODE OF CRIMINAL PROCEDURE, ENACTED BY LAW NO. 9024, 23 NOVEMBER 1939. E. GARCÍA CALDERÓN, "CONSTITUCIÓN, CÓDIGOS Y LEYES DEL PERÚ" (4TH EDITION, 1942), PP. 538, 541, 602. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 6. A citizen of Peru who, outside the territory of the Republic, commits an offence which is punishable both under Peruvian law and the law of the country in which it is committed, may be tried upon his return to Peru.

Article 7. An alien who, outside the territory of Peru, commits, as principal or accessory, an offence against the security of the State or an offence involving the counterfeiting of national coinage or paper money or the forgery of state documents, shall be tried in accordance with Peruvian laws if he has been arrested in Peru or if the Government obtains his extradition.

Article 8. A citizen of Peru who commits an offence outside the country or an alien who commits an offence in Peru shall not be liable to prosecution if he can prove that he was previously tried for the same offence and acquitted, or that he has served his penalty, or that it has been remitted, or that it is barred by a statute of limitations.

Article 19. Among examining magistrates of the same category jurisdiction to deal with an offence shall be determined by:

1. The place where the offence was committed;
2. The place where material evidence of the offence was discovered;
3. The place where the accused was arrested; and
4. The place of domicile of the accused.

Article 345. The Executive Power may deliver to the governments of foreign countries, on the condition of reciprocity, any individual accused or condemned by the courts or tribunals of the requesting country, provided that the crime or offence involved is among those specified in the Law of 23 October 1888, and that it was committed in its territory or in its territorial waters, aboard a merchant ship on the high seas, or aboard a warship, whatever its location at the time.

Note. A provision similar to that of article 345 of the Peruvian Code of Criminal Procedure may be found in article 1 of the Extradition Law of 23 October 1888. E. García Calderón, *Constitución, Códigos y Leyes del Perú* (4th edition, 1942), p. 1821.

45. Philippines

- (a) REVISED PENAL CODE, 8 DECEMBER 1930. G. B. GUEVARA, "COMMENTARIES ON THE REVISED PENAL CODE OF THE PHILIPPINES" (4TH EDITION, 1946), PP. 3-6.

Article 2. Application of its provisions.—Except as provided in the treaties and laws of preferential application, the provisions of this Code

shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offence while on a Philippine ship or airship.
2. Should forge or counterfeit any coin or currency note of the Philippines or obligations and securities issued by the Government of the Philippines.
3. Should be liable for acts connected with the introduction into these Islands of the obligations and securities mentioned in the preceding number.
4. While being public officers or employees should commit an offence in the exercise of their functions; or
5. Should commit any of the crimes against national security and the law of nations, defined in title one of book two of this Code.

Note. Article 324 of the Philippine Penal Code provides that:

“Any person who shall cause destruction by means of explosion, discharge of electric current, inundation, sinking or stranding of a vessel, intentional damaging of the engine of said vessel, taking up the rails from a railway track, maliciously changing railway signals for the safety of moving trains, destroying telegraph wires and telegraph posts, or those of any other system, and, in general, by using any other agency or means of destruction as effective as those above enumerated, shall be punished by *reclusión temporal* if the commission has endangered the safety of any person; otherwise, the penalty of *prisión mayor* shall be imposed.” G. B. Guevara, *Commentaries on the Revised Penal Code of the Philippines* (4th edition, 1946), p. 695.

(b) JUDICIARY ACT (REPUBLIC ACT NO. 296), 17 JUNE 1948. “LAWS AND RESOLUTIONS, FIRST CONGRESS, THIRD SESSION AND SECOND SPECIAL SESSION (1948)”, VOL. III, PP. 246, 259-260.

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Section 44. Original jurisdiction. — Courts of first instance shall have original jurisdiction:

(g) Over all crimes and offences committed on the high seas or beyond the jurisdiction of any country, or within any of the navigable waters of the Philippines, on board a ship or water craft of any kind registered or licensed in the Philippines in accordance with the laws thereof. The jurisdiction herein conferred may be exercised by the Court of first instance in any province into which the ship or water craft upon which the crime or offence was committed shall come after the commission thereof: *Provided*, That the court first lawfully taking cognizance thereof shall have jurisdiction of the same to the exclusion of all other courts in the Philippines; . . .

46. Poland

(a) PENAL CODE, ENACTED BY PRESIDENTIAL DECREE, 11 JULY 1932. “DZIENNIK USTAW” (1932), NO. 60, C. 571. PP. 1153-1154. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 3. (1) Polish penal law applies to all persons who commit offences in the territory of the Polish State or on board a Polish vessel or