

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:
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(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

aircraft. The territory of the State shall be deemed to include inland and coastal waters and the airspace above the territory.

(2) An offence shall be deemed to have been committed in the territory of the Polish State, or on board a Polish vessel or aircraft, if the criminal act or omission took place therein; or if the criminal effect was produced or was intended by the offender to be produced there.

Article 4. (1) Polish penal law applies to Polish nationals who commit offences abroad.

(2) Polish penal law likewise applies to aliens who committed an offence abroad while still nationals of the Polish State, or who have acquired Polish nationality after committing an offence abroad.

Article 5. Polish penal law applies to aliens who commit abroad an offence against the welfare or interests of the Polish State, or of a Polish national or corporation.

Article 6. (1) A person shall not be deemed to be criminally liable for an act committed abroad, unless the said act is defined as an offence by the law in force at the place of commission.

(2) In the event of a conflict between the two laws, the judge may in applying the Polish law take the difference into account in favour of the accused.

(3) Security measures shall be applied by the Polish court irrespective of the law of the place in which the offence was committed.

Article 7. The provisions of article 6 shall not apply to:

(a) Officials who commit offences while serving abroad;

(b) Persons who commit offences in a place not subject to the jurisdiction of any State.

Article 8. Irrespective of the provisions in force at the place of commission of the offence, and of the nationality of the offender, Polish penal law applies to persons who commit abroad the following offences:

(a) Offences against the internal or external security of the Polish State;

(b) Offences against public authorities or officials of the Polish State;

(c) False testimony before a public authority of the Polish State.

Article 9. Irrespective of the provisions in force at the place of commission of the offence, Polish penal law shall apply to Polish nationals or aliens whose extradition is not granted, who have committed abroad any of the following offences:

(a) Piracy;

(b) Counterfeiting coins, securities or bank notes;

(c) Slave trade;

(d) Traffic in women or children;

(e) The use of means calculated to create a general danger, with the intention of so doing;

(f) Traffic in narcotic drugs;

(g) Traffic in obscene publications;

(h) Other crimes envisaged by international agreements concluded by the Polish State.

Article 10. (1) Polish penal law applies, subject to the provisions of articles 6 and 7, to aliens who have committed abroad offences not mentioned in articles 5, 8 and 9, if the offender is present in the territory of the Polish State and his extradition has not been granted.

(2) Proceedings shall be initiated by order of the Minister of Justice.

Article 11. (1) Where a person is sentenced in the Polish State for an act for which he has been punished abroad, the Court shall at its discretion take the punishment undergone abroad into consideration in imposing its sentence.

(2) Polish courts may apply security measures or impose loss of rights as a security measure, in connexion with offences tried abroad, irrespective of the law of the place of commission of the offence.

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Note. Articles 215-221 of the Polish Penal Code provide for the punishment by imprisonment of persons creating a public danger by causing the sinking of a ship or a disaster with respect to means of communication on land, sea or in the air.

(b) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1928, REVISED VERSION PUBLISHED BY PROCLAMATION OF THE MINISTER OF JUSTICE, 16 JANUARY 1939. "DZIENNIK USTAW" (1939), NO. 8, C. 44, PP. 65, 67. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 26. (1) Territorial jurisdiction shall be vested primarily in the court of the district in which the offence is committed.

(2) Where an offence is committed in districts belonging to several courts, jurisdiction shall be vested in the court which first had cognizance of the offence.

(3) An offence shall be deemed to have been committed in the place where the criminal act took place, or where the criminal effect was produced or was intended by the offender to have been produced.

Article 27. (1) If at the time when proceedings were initiated, the place in which the offence was committed cannot be determined, jurisdiction shall be vested in the court in whose district:

(a) The offence was detected;

(b) The suspected person was apprehended;

(c) The suspected person resides;

depending on which of the courts was the first to take cognizance of the offence.

(2) The provisions of paragraph 1 shall apply *mutatis mutandis* to offences committed abroad which are subject to the jurisdiction of the Polish courts.

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