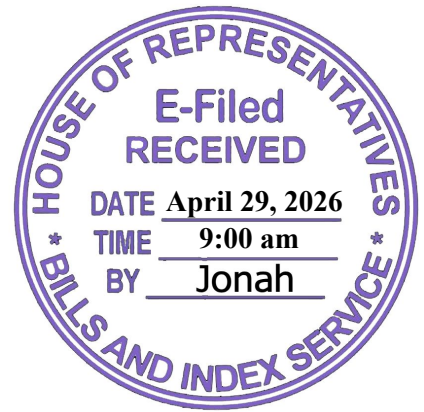




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 8998

Introduced by CIBAC Party-List Representative
EDUARDO “BRO. EDDIE” C. VILLANUEVA

EXPLANATORY NOTE

This bill seeks to strengthen the Anti-Money Laundering Council (AMLC) by amending Republic Act No. 9160 to protect and preserve the integrity of the financial system and ensure that the Philippines is not used as a site for laundering the proceeds from unlawful activities. It provides AMLC with operational independence to function as a Financial Intelligence Unit, specialized in anti-money laundering and counter-terrorism financing investigation, and acts as the anti-money laundering and counter-terrorism regulator and supervisor of the Philippines.

The bill addresses evolving crimes, which the current legal framework has not fully covered, such as cybercrimes, agricultural economic sabotage, and violations of the anti-POGO Act of 2025, among others. The bill likewise addresses the challenges of overseeing digital finance by bringing Virtual Asset Service Providers (VASPs) and virtual assets, such as cryptocurrencies used for payment or investment, under the AMLC to prevent their misuse in financial crimes. It enhances deterrence by increasing fines for law violations and includes a mechanism to raise them by 10% every five years to account for inflation. Additionally, the bill introduces stricter customer due diligence requirements to ensure a more resilient financial system. It grants AMLC the ability to issue administrative freeze orders, allowing forfeiture of assets of “equivalent value” when the original unlawfully acquired property has been concealed, destroyed, or moved outside the country, and ensuring that offenders do not benefit from their crimes by simply hiding the proceeds. Finally, the proposed bill ensures that the Philippines can continue to extend cooperation in transnational investigations and implement financial sanctions related to financing terrorism and proliferation of weapons of mass destruction, consistent with the United Nations Security Council resolutions.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


EDUARDO “BRO. EDDIE” C. VILLANUEVA



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HOUSE BILL NO. 8998

Introduced by CIBAC Party-List Representative
EDUARDO “BRO. EDDIE” C. VILLANUEVA

AN ACT
FURTHER STRENGTHENING THE ANTI-MONEY LAUNDERING COUNCIL,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9160, OTHERWISE
KNOWN AS “THE ANTI-MONEY LAUNDERING ACT OF 2001,” AS AMENDED

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 **SECTION 1.** Section 2 of Republic Act No. 9160, otherwise known as “The Anti-
2 Money Laundering Act of 2001”, as amended, is hereby amended to read as follows:
3

4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
5 State to protect and preserve the integrity **OF THE FINANCIAL SYSTEM**
6 ~~[and confidentiality of bank accounts]~~ and to ensure that the Philippines
7 shall not be used as a money laundering site for the proceeds of any
8 unlawful activity. Consistent with its foreign policy, the State shall extend
9 cooperation in transnational investigations and prosecutions of persons
10 involved in money laundering activities wherever committed, as well as in
11 the implementation of targeted financial sanctions related to the financing of
12 the proliferation of weapons of mass destruction, terrorism, and financing of
13 terrorism, pursuant to the resolutions of the United Nations Security Council.
14

15 **LIKEWISE, THE STATE SHALL MAINTAIN AN OPERATIONALLY**
16 **INDEPENDENT CENTRAL ANTI-MONEY LAUNDERING AND**
17 **COUNTER-TERRORISM FINANCING AUTHORITY THAT SHALL**
18 **FUNCTION AND OPERATE AS THE FINANCIAL INTELLIGENCE UNIT,**
19 **SPECIALIZED MONEY LAUNDERING AND TERRORISM FINANCING**
20 **INVESTIGATION AGENCY, AND ANTI-MONEY LAUNDERING AND**
21 **COUNTER-TERRORISM FINANCING REGULATOR AND SUPERVISOR**
22 **OF THE PHILIPPINES. IN LINE WITH THIS POLICY, AND**
23 **CONSIDERING ITS UNIQUE FUNCTIONS AND RESPONSIBILITIES**
24 **THAT AFFECT THE ECONOMY, PEACE AND ORDER, AND NATIONAL**
25 **SECURITY, AMONG OTHERS, THE ANTI-MONEY LAUNDERING**

1 **COUNCIL (AMLC) SHALL BE ENHANCED WITH EXPANDED**
2 **AUTHORITY, CAPABILITY, AND RESOURCES.**

3
4 **SEC. 2.** Section 3(a) of the same Act is hereby amended to read as follows:
5

6 “SEC. 3. *Definition.* – For purposes of this Act, the following terms are
7 hereby defined as follows:

8 (a) “Covered Persons”, natural or juridical, refer to:

- 9 (1) x x x;
10 (2) x x x;
11 (3) x x x;
12 (4) ~~jewelry dealers [in precious metals, who, as a business, trade in~~
13 ~~precious metals, for transactions in excess of One million pesos~~
14 ~~(P1,000,000.00)]~~;
15 (5) ~~[jewelry] dealers in~~ **PRECIOUS METALS AND** precious stones,
16 ~~[who, as a business, trade in precious stones, for transactions in~~
17 ~~excess of One million pesos (P1,000,000.00)]~~;
18 (6) **TRUST AND** company service providers which, as a business,
19 **OR MEANS OF LIVELIHOOD, PREPARE FOR, OR CARRY**
20 **OUT, TRANSACTIONS FOR THEIR CLIENTS** ~~[provide]~~ any of
21 the following **ACTIVITIES** ~~[services to third parties]~~:
22 (i) xxx;
23 (ii) xxx;
24 (iii) xxx; ~~[and]~~
25 (iv) xxx; **AND**
26 (v) **ACTING AS (OR ARRANGING FOR ANOTHER TO ACT**
27 **AS) A TRUSTEE OF AN EXPRESS TRUST OR**
28 **PERFORMING EQUIVALENT FUNCTION FOR**
29 **ANOTHER FORM OF LEGAL ARRANGEMENT.**
30 (7) persons who, **AS A BUSINESS OR MEANS OF LIVELIHOOD,**
31 **PREPARE FOR, OR CARRY OUT, TRANSACTIONS FOR**
32 **THEIR CLIENTS CONCERNING** ~~[provide]~~ any of the following
33 **ACTIVITIES** ~~[services]~~:
34 (i) managing of client money, securities or other assets;
35 (ii) management of bank savings or securities accounts;
36 (iii) organization of contributions for the creation, operation or
37 management of companies; ~~[and]~~
38 (iv) creation, operation or management of juridical persons or
39 arrangements, and buying and selling business entities;
40 **AND**
41 (v) **BUYING AND SELLING REAL ESTATE.**
42 **FOR THESE PURPOSES, LAWYERS AND ACCOUNTANTS**
43 **WHO PROVIDE THE FOREGOING FINANCIAL OR BUSINESS**
44 **ACTIVITIES UNDER SECTIONS 3(A)(6) AND 3(A)(7) OF THIS ACT**
45 **ARE COVERED PERSONS. THEY ARE REQUIRED TO COMPLY**
46 **WITH THE REQUIREMENTS OF THIS ACT, INCLUDING THE**
47 **REPORTING OF COVERED AND SUSPICIOUS TRANSACTIONS,**
48 **WITH REGARD ONLY TO THE TRANSACTIONS CONCERNING**
49 **THE COVERED ACTIVITIES UNDER SECTIONS 3(A)(6) AND**
50 **3(A)(7) OF THIS ACT. PROVIDED, THAT LAWYERS AND**

1 **ACCOUNTANTS ARE NOT REQUIRED TO REPORT SUSPICIOUS**
2 **TRANSACTIONS IF THE RELEVANT INFORMATION WAS**
3 **OBTAINED FROM THEIR CLIENTS IN PERFORMING THEIR TASK**
4 **OF DEFENDING OR REPRESENTING THEIR CLIENTS IN, OR**
5 **CONCERNING JUDICIAL, ADMINISTRATIVE, ARBITRATION OR**
6 **MEDIATION PROCEEDINGS.**

7 (8) ~~Casinos [including internet and ship-based casinos, with respect~~
8 ~~to their casino cash transactions related to their gaming~~
9 ~~operations]~~ **IN RELATION TO THEIR FINANCIAL**
10 **TRANSACTIONS WITH THEIR CUSTOMERS;**

11 (9) x x x;

12 (10) **ONLINE GAMBLING OPERATORS, REGARDLESS OF THEIR**
13 **LICENSE CLASSIFICATION OR NOMENCLATURE, [Offshore**
14 ~~gaming operators,]~~ as well as their service providers, supervised,
15 accredited or regulated by the Philippine Amusement and
16 Gaming Corporation (PAGCOR) or any government agency;
17 **AND**

18 (11) **VIRTUAL ASSET SERVICE PROVIDERS.”**

19 **SEC 3.** Section 3(b) is hereby amended to read as follows:

20 “SEC. 3. *Definition.* – x x x

21 (b) “Covered transactions” is a transaction in cash or other equivalent
22 monetary instrument involving a total amount in excess of Five
23 hundred thousand pesos (P500,000.00) within one (1) banking day;
24 **FOR COVERED PERSONS UNDER SECTIONS 3(A)(4) AND**
25 **3(A)(5), A TRANSACTION IN CASH OR OTHER EQUIVALENT**
26 **MONETARY INSTRUMENT EXCEEDING ONE MILLION PESOS**
27 **(PHP1,000,000.00);** for covered persons under Section 3(a)(8), a
28 single casino cash transaction involving an amount in excess of Five
29 million pesos (P5,000,000.00) or its equivalent in any other currency.

30 For covered persons under Section 3(a)(9) herein, a single cash
31 transaction involving in excess of Seven Million Five Hundred
32 thousand pesos (7,500,000.00) or its equivalent in any other
33 currency.”

34 **SEC. 4.** Section 3(i) of the same Act is hereby amended to read as follows:

35 “SEC. 3. *Definition.* – x x x

36 (i) “Unlawful Activity” refers to any act or omission or series or combination
37 thereof involving or having relation to the following **LAWS AND THEIR**
38 **RESPECTIVE AMENDMENTS:**

39 (1) x x x;

40 (2) x x x;

41 (3) x x x;

42 (4) x x x;

43 (5) x x x;

44 (6) Jueteng and Masiao punished as illegal gambling under
45 Presidential Decree No. 1602; **AND ALL ILLEGAL GAMBLING**
46 **ACTIVITIES DEFINED UNDER EXECUTIVE ORDER NO. 13,**
47

SERIES OF 2017 AND PUNISHABLE UNDER ARTICLES 195, 197, 198, AND 199 OF THE REVISED PENAL CODE;

- (7) x x x;
- (8) x x x;
- (9) x x x;
- (10) Smuggling under Republic Act No. ~~[s. 455 and 1937]~~ **10863, OTHERWISE KNOWN AS THE CUSTOMS MODERNIZATION AND TARRIFF ACT;**
- (11) x x x;
- (12) x x x;
- (13) Terrorism ~~[and], [e]~~ **Conspiracy to [e]Commit [t]Terrorism, AND PROVIDING MATERIAL SUPPORT TO TERRORISTS,** as defined and penalized under ~~[Sections 3 and 4 of Republic Act No. 9372]~~ **SECTIONS 4, 7, AND 12 OF REPUBLIC ACT NO. 11479, OTHERWISE KNOWN AS THE ANTI-TERRORISM ACT OF 2020;**
- (14) x x x;
- (15) x x x;
- (16) x x x;
- (17) x x x;
- (18) Violations of Sections 4 to 6 of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, **AS AMENDED;**
- (19) Violations of Sections ~~[78 to]~~ **68, 69, 70, 71, 77, AND 79** of Chapter IV of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended;
- (20) Violations of Sections 86 to ~~[106]~~ **107, 110, 111, 114, AND 126** of Chapter VI, of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, **AS AMENDED;**
- (21) x x x;
- (22) x x x;
- (23) x x x;
- (24) x x x;
- (25) x x x;
- (26) Violations of Sections 1 and 5 of Presidential Decree No. 1866, as amended, otherwise known as the Decree Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing In, Acquisition or Disposition of Firearms, Ammunition or Explosives, **AND SECTION 3 OF REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT;**
- (27) x x x;
- (28) x x x;
- (29) x x x;
- (30) x x x;
- (31) Violation of Section 4 **AND 6** of Republic Act No. ~~[9775]~~ **11930,** otherwise known as the ~~[Anti-Child Pornography Act of 2009]~~ **ANTI-ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN, AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS;**

- (32) Violations of Sections 5, 7, 8, 9, 10(c), (d) and (e), 11, 12, **12-D**, and 14 of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination, **AS AMENDED**;
- (33) x x x;
- (34) x x x;
- (35) Violation of Section 254 of Chapter II, Title X of the National Internal Revenue Code of 1997, as amended, where the deficiency basic tax due ~~[in the final assessment]~~ is in excess of Twenty-five million pesos (P25,000,000.00) per taxable year, for each tax type covered. ~~[and there has been a finding of probable cause by the competent authority: Provided, further That there must be a finding of fraud, willful misrepresentation or malicious intent on the part of the taxpayer]: Provided, [finally,]~~ That in no case shall the AMLC institute forfeiture proceedings to recover monetary instruments, property or proceeds representing, involving, or relating to a tax crime, if the same has already been recovered or collected, **OR IN THE PROCESS OF BEING RECOVERED OR COLLECTED** by the Bureau of Internal Revenue (BIR) in a separate proceeding; ~~[and]~~
- (36) ~~[Felonies or offenses of a similar nature that are punishable under the penal laws of other countries]~~ **VIOLATIONS OF SECTION 9 OF REPUBLIC ACT NO. 8484, OTHERWISE KNOWN AS THE ACCESS DEVICES REGULATION ACT OF 1998, AS AMENDED**;
- (37) **VIOLATIONS OF SECTION 4 OF REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE CYBERCRIME PREVENTION ACT OF 2012**;
- (38) **VIOLATIONS OF SECTIONS 1, 2, AND 2-A OF COMMONWEALTH ACT NO. 108, OTHERWISE KNOWN AS THE ANTI-DUMMY ACT, AS AMENDED BY PRESIDENTIAL DECREE NO. 715**;
- (39) **VIOLATIONS OF SECTIONS 7, 8, 9, 10, AND 11 OF REPUBLIC ACT NO. 12022, OTHERWISE KNOWN AS THE ANTI-AGRICULTURAL ECONOMIC SABOTAGE ACT**;
- (40) **FALSIFICATION OF DOCUMENTS UNDER ARTICLES 171 AND 172 OF THE REVISED PENAL CODE, AS AMENDED**;
- (41) **VIOLATIONS OF SECTION 11 OF REPUBLIC ACT NO. 11765, OTHERWISE KNOWN AS THE FINANCIAL PRODUCTS AND SERVICES CONSUMER PROTECTION ACT**;
- (42) **VIOLATIONS OF REPUBLIC ACT NO. 12312, OTHERWISE KNOWN AS THE ANTI-POGO ACT OF 2025**;
- (43) **VIOLATIONS OF SECTION 13(D) OF REPUBLIC ACT NO. 6969, OTHERWISE KNOWN AS THE TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTE CONTROL ACT**;
- (44) **VIOLATIONS OF SECTIONS 20(A), (B), (C), (D), (E), (F), (I), (N), (O), (P), (Q), (R), (T), AND (V) OF REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, AS AMENDED**;

- 1 (45) VIOLATIONS OF SECTION 9 OF REPUBLIC ACT NO. 7076,
2 OTHERWISE KNOWN AS THE PEOPLE'S SMALL-SCALE
3 MINING ACT; AND
4 (46) FELONIES OF A SIMILAR NATURE THAT ARE PUNISHABLE
5 UNDER THE PENAL LAWS OF OTHER COUNTRIES."

6 **SEC. 5.** Sections 3(l) (4) and (5) are hereby amended to read as follows:

7
8 "SEC. 3. *Definition.* – x x x

- 9 (l) For purposes of the covered persons under Sections 3(a)(8) and
10 3(a)(10), the following terms are hereby defined as follows:

- 11 (1) x x x;
12 (2) x x x;
13 (3) x x x;
14 (4) [~~Offshore gaming operator~~] "**ONLINE GAMBLING**
15 **OPERATOR**" refers to an entity engaged in offering online
16 games of chance or sporting events via the internet using a
17 network and software program, by themselves or through local
18 service providers; and
19 (5) "Service providers" refer to duly constituted business
20 [~~corporations~~] **ENTITIES** who provide components of [~~offshore~~
21 ~~gaming operations~~] **ONLINE GAMBLING OPERATIONS.**"

22 **SEC. 6.** A new Section 3(q) is hereby inserted to read as follows:

23
24 "SEC. 3. *Definition.* – x x x

- 25 (Q) **FOR PURPOSES OF THE COVERED PERSON UNDER SECTION**
26 **3(A)(11), THE FOLLOWING TERMS ARE HEREBY DEFINED AS**
27 **FOLLOWS:**

- 28 (1) "**VIRTUAL ASSET**" REFERS TO A DIGITAL
29 REPRESENTATION OF VALUE THAT CAN BE DIGITALLY
30 TRADED, OR TRANSFERRED, AND CAN BE USED FOR
31 PAYMENT OR INVESTMENT PURPOSES.
32 (2) "**VIRTUAL ASSET SERVICE PROVIDER**" REFERS TO ANY
33 PERSON WHO, AS A BUSINESS, CONDUCTS ONE OR
34 MORE OF THE FOLLOWING ACTIVITIES OR OPERATIONS
35 FOR OR ON BEHALF OF ANOTHER NATURAL OR
36 JURIDICAL PERSON:
37 (i) EXCHANGE BETWEEN VIRTUAL ASSETS AND FIAT
38 CURRENCIES;
39 (ii) EXCHANGE BETWEEN ONE OR MORE FORMS OF
40 VIRTUAL ASSETS;
41 (iii) TRANSFER (I.E., THE CONDUCT OF A TRANSACTION
42 ON BEHALF OF ANOTHER PERSON THAT MOVES A
43 VIRTUAL ASSET FROM ONE VIRTUAL ASSET
44 ADDRESS OR ACCOUNT TO ANOTHER) OF VIRTUAL
45 ASSETS;
46 (iv) SAFEKEEPING AND/OR ADMINISTRATION OF
47 VIRTUAL ASSETS OR INSTRUMENTS ENABLING
48 CONTROL OVER VIRTUAL ASSETS; AND

1 (v) **PARTICIPATION IN AND PROVISION OF FINANCIAL**
2 **SERVICE RELATED TO AN ISSUER'S OFFER AND/OR**
3 **SALE OF A VIRTUAL ASSET."**

4 **SEC. 7.** A new Section 3(r) is hereby inserted to read as follows:
5

6 "SEC. 3. *Definition.* – x x x

7 **(R) FOR PURPOSES OF SECTION 14(F), THE FOLLOWING TERMS**
8 **ARE HEREBY DEFINED AS FOLLOWS:**

9 (1) **"TRANSACTIONAL VIOLATION" REFERS TO AN ACT OR**
10 **OMISSION CONSTITUTING A VIOLATION OF ANY**
11 **APPLICABLE LAW, OR ANY REGULATION OR ORDER**
12 **ISSUED BY THE COUNCIL, OR ANY ORDER BY THE**
13 **EXECUTIVE DIRECTOR OR AUTHORIZED OFFICER OF THE**
14 **AMLC, WHICH IS CONSUMMATED AND CONCLUDED IN A**
15 **SINGLE INSTANCE OR OCCASION.**

16 (2) **"CONTINUING VIOLATION" REFERS TO AN ACT OR**
17 **OMISSION CONSTITUTING A VIOLATION OF ANY**
18 **APPLICABLE LAW, OR ANY REGULATION OR ORDER**
19 **ISSUED BY THE COUNCIL, OR ANY ORDER BY THE**
20 **EXECUTIVE DIRECTOR OR AUTHORIZED OFFICER OF THE**
21 **AMLC, IN WHICH THE VIOLATION PERSISTS OR LINGERS**
22 **OVER TIME FROM THE INSTANT THE PARTICULAR ACT**
23 **WAS COMMITTED OR OMITTED UNTIL THE VIOLATION IS**
24 **STOPPED."**

25 **SEC. 8.** Section 7 of the same Act is hereby amended to read as follows:
26

27 "SEC. 7. *Creation of the Anti-Money Laundering Council (AMLC).* – x
28 x x

29 (1) **to SERVE AS THE FINANCIAL INTELLIGENCE UNIT OF THE**
30 **PHILIPPINES WITH THE AUTHORITY TO** require, receive and
31 analyze covered or suspicious transactions reports from covered
32 persons;

33 (2) x x x;

34 (3) **to institute civil forfeiture proceedings, and all other remedial**
35 **proceedings DIRECTLY WITH THE COMPETENT COURT**, or
36 **through the Office of the Solicitor General;**

37 (4) x x x;

38 (5) x x x;

39 (6) **TO ISSUE, EX PARTE, AN ADMINISTRATIVE FREEZE**
40 **ORDER, AND** to apply before the Court of Appeals, *ex DE parte*,
41 for the freezing of any monetary instrument or property [~~alleged~~
42 ~~to be laundered, proceeds from, or instrumentalities used in or~~
43 ~~intended for use]~~ **THAT IS RELATED** in any **WAY TO AN**
44 **unlawful activity as defined in Section 3(i) hereof OR MONEY**
45 **LAUNDERING OFFENSE;**

46 (7) **to FORMULATE AND** implement such **RULES,**
47 **REGULATIONS, AND** measures as may be necessary and
48 justified under this Act to counteract money laundering;

- (8) x x x;
- (9) x x x;
- (10) x x x;
- (11) x x x ;
- (12) x x x;
- (13) x x x;
- (14) in the conduct of its ~~[investigation]~~ **INVESTIGATORY, PROSECUTORIAL, AND QUASI-JUDICIAL FUNCTIONS**, the AMLC shall ~~[apply for the issuance of]~~ **HAVE THE POWER TO ISSUE** subpoena ad testificandum and/or subpoena duces tecum ~~[with any competent court];~~
- (15) xxx;
- (16) to preserve, manage, or dispose assets pursuant to an **ADMINISTRATIVE FREEZE ORDER**, freeze order, asset preservation order, or judgement of forfeiture, **INCLUDING THE AUTHORITY TO PHYSICALLY POSSESS AND MANAGE MONETARY INSTRUMENTS AND PROPERTIES THAT ARE IN DANGER OF BEING LOST, REMOVED, MATERIALLY INJURED, WASTED, OR DISIPATED**: *Provided, however,* That pending their turnover to the national government, all expenses incurred in relation to the duties herein mentioned shall be deducted from the amount to be turned over to the national government;
- (17) **TO SERVE AS THE ANTI-MONEY LAUNDERING SUPERVISOR WITH THE AUTHORITY TO EXERCISE VISITATION, INSPECTION, AND EXAMINATION POWERS TO ENSURE COMPLIANCE BY ALL COVERED PERSONS, AND THEIR RESPONSIBLE DIRECTORS, OFFICERS, AND EMPLOYEES, WITH THE REQUIREMENTS OF THIS ACT, ITS IMPLEMENTING RULES AND REGULATIONS, AND OTHER ISSUANCES OF THE COUNCIL. PROVIDED, THAT THE AMLC MAY DEPUTIZE SUPERVISING AUTHORITIES TO CONDUCT THE ACTUAL COMPLIANCE CHECKING AND IMPOSITION OF ENFORCEMENT ACTIONS ON THE PERSONS AND ENTITIES UNDER THEIR RESPECTIVE PRUDENTIAL SUPERVISION, SUBJECT TO THE ESCALATION TO THE AMLC OF FINDINGS CONCERNING HIGH-RISK VIOLATIONS;**
- (18) **TO ENTER INTO ANY CONTRACT OR TRANSACTION FOR THE ACQUISITION, OWNERSHIP, POSSESSION, ADMINISTRATI, LEASE, DISPOSITION, OR ACCEPTANCE OF REAL OR PERSONAL PROPERTY IN ITS NAME, UNDER SUCH CONDITIONS IMPOSED BY THE COUNCIL;**
- (19) **TO DETERMINE AND IMPOSE SUPERVISORY, ACCREDITATION, AND OTHER ADMINISTRATIVE FEES;**
- (20) **TO SPEARHEAD THE NATIONAL COORDINATION MECHANISM TO IDENTIFY AND ASSESS THE MONEY LAUNDERING, TERRORISM FINANCING, AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION FINANCING RISKS OF THE PHILIPPINES, INCLUDING**

1 FORMULATION AND ADOPTION OF NATIONAL
2 STRATEGIES TO ADDRESS THE SAID RISKS; AND
3 (21) TO DELEGATE SUCH AUTHORITIES TO THE EXECUTIVE
4 DIRECTOR OR ANY OFFICER OR OPERATING UNIT OF THE
5 AMLC UNDER SUCH GUIDELINES THE COUNCIL MAY
6 DETERMINE.”

7 SEC. 9. A new Section 7-A is hereby inserted to read as follows:
8

9 “SECTION 7-A. *RESPONSIBILITY.* – THE GENERAL RULE AND
10 THE EXCEPTION THEREFROM ON THE LIABILITY OF PUBLIC
11 OFFICERS AS PROVIDED IN SECTION 38 AND 39 OF CHAPTER 9,
12 BOOK 1 OF THE REVISED ADMINISTRATIVE CODE OF 1987 SHALL
13 APPLY TO THE MEMBERS OF THE COUNCIL AND OTHER
14 PERSONNEL OF THE AMLC.

15 IN THE LAWFUL AND AUTHORIZED EXERCISE OF ITS POWERS
16 AND PERFORMANCE OF ITS OFFICIAL DUTIES AND FUNCTIONS,
17 THE AMLC, THE MEMBERS OF THE COUNCIL, AND ITS PERSONNEL,
18 SHALL BE PRESUMED TO HAVE ACTED IN GOOD FAITH.

19 UNLESS THE ACTIONS OR OMISSIONS IN RELATION THERETO
20 HAVE BEEN ADJUDGED TO HAVE BEEN PERFORMED IN EVIDENT
21 BAD FAITH, OR WITH GROSS NEGLIGENCE, THEY SHALL BE HELD
22 FREE AND HARMLESS FROM LIABILITY TO THE FULLEST EXTENT
23 PERMITTED BY LAW, AND THEY SHALL BE INDEMNIFIED FOR ANY
24 AND ALL LIABILITIES, LOSSES, CLAIMS, DEMANDS, DAMAGES,
25 DEFICIENCIES, COSTS, AND EXPENSES OF WHATSOEVER KIND
26 AND NATURE THAT MAY ARISE IN CONNECTION THEREWITH.”

27 SEC. 10. Section 8-A of the same Act is hereby amended to read as follows:
28

29 “Section 8-A. *Information Security and Confidentiality.* – THE
30 COUNCIL, AND THE OFFICERS AND STAFF OF the AMLC [~~and its~~
31 ~~Secretariat~~] shall securely protect information received or processed and
32 shall not reveal, in any manner, any information known to them by reason
33 of their office. THIS PROHIBITION SHALL ALSO APPLY TO ALL
34 RESPONSIBLE DIRECTORS, OFFICERS, AND EMPLOYEES OF
35 COVERED PERSONS, LAW ENFORCEMENT AGENCIES,
36 SUPERVISING AUTHORITIES, OTHER GOVERNMENT AGENCIES,
37 SUPPLIERS, SERVICE PROVIDERS, CONSULTANTS, TRAINEES,
38 DETAILED, SECONDED, OR ENLISTED PERSONNEL, AND OTHER
39 PERSONS AND ENTITIES WITH WHOM THE AMLC SHARED
40 CONFIDENTIAL INFORMATION OR FOR WHOM AN ACCESS WAS
41 GIVEN TO THE SAID INFORMATION, AS ALLOWED UNDER THE
42 SUCCEEDING PARAGRAPH. NEITHER MAY SUCH INFORMATION BE
43 PUBLISHED OR AIRED IN ANY MANNER OR FORM BY THE MASS
44 MEDIA OR SOCIAL MEDIA, ELECTRONIC MAIL, OR OTHER SIMILAR
45 DEVICES OR TECHNOLOGY, UNLESS ALLOWED WITHIN THE
46 PARAMETERS SET BY THE COUNCIL. This prohibition shall apply even
47 after their separation from the AMLC, OR RESPECTIVE OFFICES, OR

1 **AFTER THE LAPSE OF THEIR CONTRACT, ARRANGEMENT, OR**
2 **OTHER AGREEMENT WITH THE AMLC, AS THE CASE MAY BE.**

3 The AMLC shall formulate rules governing information exchange and
4 dissemination, the security and confidentiality of such information, including
5 procedures for handling, storage, and protection of, as well as access to
6 such information. **WHEN EXCHANGING AND DISSEMINATING**
7 **INFORMATION UNDER SUCH RULES, THE COUNCIL, AND THE**
8 **OFFICERS AND STAFF OF THE AMLC SHALL NOT BE DEEMED TO**
9 **HAVE VIOLATED THE PROVISIONS ON INFORMATION SECURITY**
10 **AND CONFIDENTIALITY HEREOF.”**

11 **SEC. 11.** A new Section 8-B is hereby inserted to read as follows:
12

13 **“SECTION 8-B. ISSUANCE OF INJUNCTIVE RELIEF AGAINST**
14 **AMLC ACTIONS. – NO COURT, OTHER THAN THE COURT OF**
15 **APPEALS AND THE SUPREME COURT, SHALL ISSUE ANY**
16 **TEMPORARY RESTRAINING ORDER OR INJUNCTION AGAINST THE**
17 **AMLC FOR ANY ACTION UNDER THIS ACT.**

18 **ANY RESTRAINING ORDER OR INJUNCTION ISSUED IN**
19 **VIOLATION OF THIS SECTION IS VOID AND OF NO FORCE AND**
20 **EFFECT.”**

21 **SEC. 12.** Section 9 of the same Act is hereby amended to read as follows:
22

23 *“SEC. 9. Prevention of Money Laundering: Customer Due Diligence,*
24 *Record-Keeping, Transaction Reporting, and Registration Requirements. –*

25 (a) Customer Identification. - Covered persons shall **CONDUCT**
26 **CUSTOMER DUE DILIGENCE BY** establishing and recording the
27 true identity of its clients based on official documents, **OR OTHER**
28 **RELIABLE, INDEPENDENT SOURCE DOCUMENTS, DATA OR**
29 **INFORMATION.** Provided, that for casinos, the requirement of
30 customer due diligence shall be performed for transactions
31 involving the amount in excess of One Hundred Fifty Thousand
32 Pesos (PHP150,000.00), or its equivalent in foreign currency.

33 **COVERED PERSONS** [They] shall maintain a system of
34 verifying the true identity of their clients and, in case of corporate
35 clients, require a system of verifying their legal existence and
36 organizational structure, as well as the authority and identification of
37 all persons purporting to act on their behalf.

38 **COVERED PERSONS SHALL EXAMINE THE BACKGROUND**
39 **AND PURPOSE OF ALL COMPLEX, UNUSUALLY LARGE**
40 **TRANSACTIONS, ALL UNUSUAL PATTERNS OF**
41 **TRANSACTIONS, WHICH HAVE NO APPARENT ECONOMIC OR**
42 **LAWFUL PURPOSE, AND OTHER TRANSACTIONS THAT MAY**
43 **BE CONSIDERED SUSPICIOUS. WHERE THE RISKS ARE**
44 **HIGHER, COVERED PERSONS SHALL CONDUCT ENHANCED**
45 **DUE DILIGENCE. FOR THESE PURPOSES, COVERED PERSONS**
46 **ARE AUTHORIZED TO COORDINATE WITH OTHER COVERED**
47 **PERSONS TO DETERMINE THE PRESENCE OF UNUSUAL OR**
48 **SUSPICIOUS TRANSACTIONS. THE PROVISIONS OF REPUBLIC**

1 **ACT NO. 1405, AS AMENDED; REPUBLIC ACT NO. 6426, AS**
2 **AMENDED; REPUBLIC ACT NO. 8367; AND REPUBLIC ACT NO.**
3 **10173, SHALL NOT APPLY DURING THE VERIFICATION**
4 **PROCESS WITH OTHER COVERED PERSONS.**

5 The provisions of existing laws to the contrary notwithstanding,
6 anonymous accounts, accounts under fictitious names, and all other
7 similar accounts shall be absolutely prohibited. Peso and foreign
8 currency non-checking numbered accounts shall be allowed. The BSP
9 may conduct annual testing solely limited to the determination of the
10 existence and true identity of the owners of such accounts.

11 (b) Record-Keeping. – x x x

12 (c) Reporting of Covered and Suspicious Transactions. – Covered
13 persons shall report to the AMLC all covered transactions and
14 suspicious transactions within five (5) working days from occurrence
15 thereof, unless the AMLC prescribes a different period not exceeding
16 fifteen (15) working days.

17 ~~[Lawyers and accountants acting as independent legal professionals~~
18 ~~are not required to report covered and suspicious transactions if the~~
19 ~~relevant information was obtained in circumstances where they are~~
20 ~~subject to professional secrecy or legal professional privilege.]~~

21 Should a transaction be determined to be both a covered transaction
22 and a suspicious transaction, the covered person shall be required to
23 report the same as a suspicious transaction.

24 x x x

25 (d) **REGISTRATION WITH THE AMLC. – COVERED PERSONS SHALL**
26 **REGISTER WITH THE AMLC IN ACCORDANCE WITH THE**
27 **GUIDELINES PRESCRIBED FOR SUCH PURPOSE. SUPERVISING**
28 **AUTHORITIES AND OTHER LICENSING OR BUSINESS**
29 **REGISTRATION AUTHORITIES OF COVERED PERSONS SHALL**
30 **PRESCRIBE REGISTRATION WITH THE AMLC AS A**
31 **REQUIREMENT FOR CONTINUED LICENSING AND/OR**
32 **OPERATIONS, AND, WHEN NECESSARY, TRANSACTING WITH**
33 **OTHER COVERED PERSONS.”**

34 **SEC. 13.** Section 10 of the same Act is hereby amended to read as follows:

35 **“SEC. 10. AUTHORITY TO SUSPEND TRANSACTIONS AND**
36 **Freezing of Monetary Instrument or Property. –**

37 (A) Upon ~~[a verified ex parte petition by the AMLC and after]~~ determination
38 that probable cause exists that any monetary instrument or property is
39 in any way related to an unlawful activity as defined in Section 3(i)
40 hereof, **THE COUNCIL** ~~[the Court of Appeals]~~ may issue, **EX PARTE,**
41 **an ADMINISTRATIVE** freeze order which shall be effective
42 immediately, for a period of twenty (20) days.

43 Within the ~~[twenty (20)-day period]~~ **NEXT WORKING DAY**
44 **FROM THE ISSUANCE OF THE ADMINISTRATIVE FREEZE**
45 **ORDER THE AMLC SHALL FILE A PETITION FOR ISSUANCE OF**
46 **A FREEZE ORDER BEFORE THE COURT OF APPEALS:**
47 **PROVIDED, THAT, THE TWENTY-DAY PERIOD OF THE**
48 **ADMINISTRATIVE FREEZE ORDER SHALL REMAIN EFFECTIVE**
49

1 UNTIL THE COURT OF APPEALS RESOLVES THE PETITION.
2 PROVIDED, FURTHER THAT, WITHIN THE PERIOD OF THE
3 ADMINISTRATIVE FREEZE ORDER, the Court of Appeals shall
4 conduct a summary hearing, with notice to the parties, to determine
5 whether or not to modify or lift the ADMINISTRATIVE freeze order or
6 extend its effectivity **BY ISSUING A FREEZE ORDER WHICH SHALL**
7 **BE EFFECTIVE FOR A PERIOD** ~~[The total period of the freeze order~~
8 ~~issued by the Court of Appeals under this provision shall]~~ not
9 exceeding six (6) months. ~~[This is without prejudice to an asset~~
10 ~~preservation order that the Regional Trial Court having jurisdiction~~
11 ~~over the appropriate anti-money laundering case or civil forfeiture case~~
12 ~~may issue on the same account depending on the circumstances of~~
13 ~~the case, where the Court of Appeals will remand the case and its~~
14 ~~records; Provided, That if there is no case filed against a person whose~~
15 ~~account has been frozen within the period determined by the Court of~~
16 ~~Appeals, not exceeding six (6) months, the freeze order shall be~~
17 ~~deemed ipso facto lifted; Provided, further, That this new rule shall not~~
18 ~~apply to pending cases in the courts. In any case, the court should act~~
19 ~~on the petition to freeze within twenty four (24) hours from filing of the~~
20 ~~petition. If the application is filed a day before a nonworking day, the~~
21 ~~computation of the twenty four (24) hour period shall exclude the~~
22 ~~nonworking days.]~~

23 ~~[The freeze order or asset preservation order issued under this~~
24 ~~Act shall be limited only to the amount of cash or monetary instrument~~
25 ~~or value of property that court finds there is probable cause to be~~
26 ~~considered as proceeds of a predicate offense, and the freeze order~~
27 ~~or asset preservation order shall not apply to amounts in the same~~
28 ~~account in excess of the amount or value of the proceeds of the~~
29 ~~predicate offense.]~~

30 A person whose ~~[account]~~ **MONETARY INSTRUMENT OR**
31 **PROPERTY** has been **THE SUBJECT OF AN ADMINISTRATIVE**
32 **FREEZE ORDER OR FREEZE ORDER** ~~[frozen]~~ may ~~[file a motion to~~
33 ~~lift the freeze order and the court must resolve this motion before the~~
34 ~~expiration of the freeze order]~~ **MOVE FOR ITS LIFTING BEFORE**
35 **THE COURT OF APPEALS.**

36 **THE ADMINISTRATIVE FREEZE ORDER OR THE FREEZE**
37 **ORDER SHALL INCLUDE THOSE MONETARY INSTRUMENT OR**
38 **PROPERTY HAVING EQUIVALENT VALUE TO THE MONETARY**
39 **INSTRUMENT OR PROPERTY FOUND TO BE RELATED IN ANY**
40 **WAY TO AN UNLAWFUL ACTIVITY OR MONEY LAUNDERING**
41 **OFFENSE, WHEN WITH DUE DILIGENCE, THE FORMER CANNOT**
42 **BE LOCATED, OR IT HAS BEEN SUBSTANTIALLY ALTERED,**
43 **DESTROYED, DIMINISHED IN VALUE OR OTHERWISE**
44 **RENDERED WORTHLESS BY ANY ACT OR OMISSION, OR IT HAS**
45 **BEEN CONCEALED, REMOVED, CONVERTED, OR OTHERWISE**
46 **TRANSFERRED, OR IT IS LOCATED OUTSIDE THE PHILIPPINES**
47 **OR HAS BEEN PLACED OR BROUGHT OUTSIDE THE**
48 **JURISDICTION OF THE COUNCIL AND THE COURT OF**
49 **APPEALS, OR IT HAS BEEN COMMINGLED WITH OTHER**
50 **MONETARY INSTRUMENT OR PROPERTY BELONGING TO**

1 EITHER THE RESPONDENT OR A THIRD PERSON OR ENTITY,
2 THEREBY RENDERING THE SAME DIFFICULT TO IDENTIFY OR
3 BE SEGREGATED FOR PURPOSES OF FREEZING.

4 THIS IS WITHOUT PREJUDICE TO AN ASSET
5 PRESERVATION ORDER THAT THE REGIONAL TRIAL COURT
6 HAVING JURISDICTION OVER THE APPROPRIATE MONEY
7 LAUNDERING CASE OR CIVIL FORFEITURE CASE MAY ISSUE
8 ON THE SAME MONETARY INSTRUMENT OR PROPERTY
9 DEPENDING ON THE CIRCUMSTANCES OF THE CASE, WHERE
10 THE COURT OF APPEALS WILL REMAND THE CASE AND ITS
11 RECORDS; PROVIDED, THAT IF THERE IS NO CASE FILED
12 AGAINST A PERSON WHOSE MONETARY INSTRUMENT OR
13 PROPERTY HAS BEEN FROZEN WITHIN THE PERIOD
14 DETERMINED BY THE COURT OF APPEALS, THE FREEZE
15 ORDER SHALL BE DEEMED IPSO FACTO LIFTED; PROVIDED,
16 FURTHER, THAT THIS RULE SHALL NOT APPLY TO PENDING
17 PETITIONS FOR FREEZE ORDERS.

18 THE PERSON WHOSE MONETARY INSTRUMENT OR
19 PROPERTY HAS BEEN FROZEN MAY WITHDRAW SUCH SUMS
20 AS THE AMLC DETERMINES REASONABLE FOR MONTHLY
21 FAMILY NEEDS AND SUSTENANCE, INCLUDING THE SERVICES
22 OF COUNSEL AND FAMILY MEDICAL NEEDS.

23 A COVERED PERSON OR GOVERNMENT AGENCY, OR ANY
24 OF ITS RESPONSIBLE DIRECTORS, OFFICERS, OR
25 EMPLOYEES, SHALL BE HELD FREE AND HARMLESS FROM
26 ANY ACCOUNTABILITY OR LIABILITY FOR ANY ACT DONE IN
27 COMPLIANCE WITH AN ADMINISTRATIVE FREEZE ORDER
28 FROM THE COUNCIL OR FREEZE ORDER FROM THE COURT OF
29 APPEALS.

30 No court shall issue a temporary restraining order or a writ of
31 injunction against any freeze order, except the Supreme Court.

32 (B) x x x

33 (C) THE AMLC, EITHER UPON ITS OWN INITIATIVE, OR AT THE
34 REQUEST OF A COVERED PERSON OR DOMESTIC OR FOREIGN
35 COMPETENT AUTHORITIES, IS HEREBY AUTHORIZED TO
36 ISSUE, EX PARTE, A TRANSACTION SUSPENSION ORDER,
37 UPON REASONABLE SUSPICION THAT A TRANSACTION OR
38 FUND IS UNUSUAL, WITHOUT CLEAR ECONOMIC PURPOSE,
39 FROM UNKNOWN OR ILLEGAL SOURCE, OR IN ANY WAY
40 RELATED TO AN UNLAWFUL ACTIVITY OR MONEY
41 LAUNDERING OFFENSE.

42 THE AUTHORITY TO TEMPORARILY SUSPEND
43 TRANSACTION OR FUND UNDER THIS SECTION SHALL BE
44 EXERCISED BY A DULY AUTHORIZED OFFICER OR OPERATING
45 UNIT OF THE AMLC.

46 THE TRANSACTION SUSPENSION ORDER SHALL BE
47 EFFECTIVE FOR A PERIOD OF FIFTEEN (15) WORKING DAYS
48 FROM RECEIPT THEREOF, UNLESS THE COUNCIL PRESCRIBES
49 ANOTHER PERIOD NOT EXCEEDING THIRTY (30) WORKING
50 DAYS. PROVIDED, THAT IF THERE IS NO ADMINISTRATIVE

1 FREEZE ORDER ISSUED BY THE COUNCIL OR A PETITION FOR
2 ISSUANCE OF FREEZE ORDER FILED BEFORE THE COURT OF
3 APPEALS, THE TRANSACTION SUSPENSION ORDER SHALL BE
4 DEEMED IPSO FACTO REVOKED WITHOUT NEED OF
5 CONFIRMATION FROM THE AMLC.

6 A PERSON WHOSE TRANSACTION OR FUND HAS BEEN
7 SUSPENDED MAY MOVE FOR THE REVOCATION OF THE
8 SUSPENSION ORDER SUBJECT TO THE RULES AND
9 REGULATIONS PRESCRIBED BY THE AMLC.

10 A COVERED PERSON, OR ANY OF ITS RESPONSIBLE
11 DIRECTORS, OFFICERS, OR EMPLOYEES, SHALL BE HELD
12 FREE AND HARMLESS FROM ANY ACCOUNTABILITY OR
13 LIABILITY FOR ANY ACT DONE IN COMPLIANCE WITH A
14 TEMPORARY SUSPENSION ORDER FROM THE AMLC.

15 NO COURT SHALL ISSUE A TEMPORARY RESTRAINING
16 ORDER OR A WRIT OF INJUNCTION AGAINST ANY
17 TRANSACTION SUSPENSION ORDER, EXCEPT THE COURT OF
18 APPEALS AND THE SUPREME COURT.”

19 **SEC. 14.** Section 11 of the same Act is hereby amended to read as follows:
20

21 “SEC. 11. *Authority to Inquire into Bank Deposits.* – Notwithstanding
22 the provisions of Republic Act No. 1405, as amended; Republic Act No.
23 6426, as amended; Republic Act No. 8791; **REPUBLIC ACT NO. 10173**;
24 and other laws, the AMLC may inquire into or examine any particular deposit
25 or investment, with any banking institution or non-bank financial institution
26 ~~[upon order of any competent court based on an ex parte application in~~
27 ~~cases of violations of this Act, when it has been established that there is],~~
28 **WHICH, BASED ON** probable cause, ~~[that the deposits or investments,~~
29 ~~including related accounts involved, are]~~ **MAY BE** related ~~[to an unlawful~~
30 ~~activity as defined]~~ **IN THE COMMISSION, PROCEEDS, OR**
31 **INSTRUMENTALITIES OF ANY UNLAWFUL ACTIVITY UNDER** Section
32 3(i) ~~[(1), (2) and (12)]~~ hereof; ~~[and felonies or offenses of a nature similar~~
33 ~~to those mentioned in Section 3(i)(1), (2) and (12), which are punishable~~
34 ~~under the penal laws of other countries, and terrorism and conspiracy to~~
35 ~~commit terrorism as defined and penalized under Republic Act No. 9372]~~ **IS**
36 **THE** subject of a money laundering investigation or prosecution; or **THE**
37 subject of a request for assistance from a foreign State.

38 ~~[The Court of Appeals shall act on the application to inquire into or~~
39 ~~examine any deposit or investment with any banking institution or non-bank~~
40 ~~financial institution within twenty four (24) hours from filing of the~~
41 ~~application.~~

42 ~~To ensure compliance with this Act, the Bangko Sentral ng Pilipinas~~
43 ~~may, in the course of a periodic or special examination, check the~~
44 ~~compliance of a covered person with the requirements of the AMLA and its~~
45 ~~implementing rules and regulations.~~

46 For purposes of this section, ‘related accounts’ shall refer to accounts,
47 the funds and sources of which originated from and/or are materially linked
48 to the monetary instrument(s) or property(ies) subject of the freeze order(s).

1 ~~A court order ex parte must first be obtained before the AMLC can~~
2 ~~inquire into these related accounts: Provided, That the procedure for the ex~~
3 ~~parte application of the ex parte court order for the principal account shall~~
4 ~~be the same with that of the related accounts.~~

5 ~~The authority to inquire into or examine the main account and the~~
6 ~~related accounts shall comply with the requirements of Article III, Sections~~
7 ~~2 and 3 of the 1987 Constitution which are hereby incorporated by~~
8 ~~reference.]~~

9 **THE AUTHORITY TO INQUIRE INTO DEPOSIT OR INVESTMENT**
10 **UNDER THIS SECTION SHALL BE EXERCISED BY A DULY**
11 **AUTHORIZED OFFICER OR OPERATING UNIT OF THE AMLC.**

12 **NO COURT BELOW THE COURT OF APPEALS SHALL HAVE**
13 **JURISDICTION TO ENJOIN THE AMLC FROM EXERCISING ITS**
14 **AUTHORITY TO INQUIRE INTO OR EXAMINE ANY DEPOSIT OR**
15 **INVESTMENT UNDER THIS ACT.**

16 **A COVERED PERSON, OR ANY OF ITS RESPONSIBLE**
17 **DIRECTORS, OFFICERS, OR EMPLOYEES, SHALL BE HELD FREE**
18 **AND HARMLESS FROM ANY ACCOUNTABILITY OR LIABILITY FOR**
19 **ANY ACT DONE IN COMPLIANCE WITH AN ORDER FROM THE AMLC**
20 **FOR AN INQUIRY OF A DEPOSIT, OR INVESTMENT.**

21 **TO ENSURE COMPLIANCE WITH THIS ACT, THE AMLC AND THE**
22 **SUPERVISING AUTHORITIES MAY, IN THE COURSE OF A PERIODIC**
23 **OR SPECIAL EXAMINATION OR INSPECTION, CHECK COMPLIANCE**
24 **OF A COVERED PERSON WITH THE REQUIREMENTS OF THE AMLA**
25 **AND ITS IMPLEMENTING RULES AND REGULATIONS.”**

26 **SEC. 15.** Section 12 of the same Act is hereby amended to read as follows:
27

28 “SEC. 12. *Forfeiture Provisions.* –

29 (A) Civil Forfeiture. – Upon determination by the **[AMLC] COUNCIL** that
30 probable cause exists that any monetary instrument or property is in
31 any way related to an unlawful activity as defined in Section 3(i) or a
32 money laundering offense under Section 4 hereof, the AMLC shall file,
33 **EX PARTE**, with the **COMPETENT** ~~[appropriate]~~ court **OR** through the
34 Office of the Solicitor General, a verified ~~[ex parte]~~ petition for
35 forfeiture. ~~[and the Rules of Court on Civil Forfeiture shall apply.]~~

36 The forfeiture shall include those other monetary instrument or
37 property having an equivalent value to that of the monetary instrument
38 or property found to be related in any way to an unlawful activity or a
39 money laundering offense, when with due diligence, the former cannot
40 be located, or it has been substantially altered, destroyed, diminished
41 in value or otherwise rendered worthless by any act or omission, or it
42 has been concealed, removed, converted, or otherwise transferred, or
43 it is located outside the Philippines or has been placed or brought
44 outside the jurisdiction of the court, or it has been commingled with
45 other monetary instrument or property belonging to either the ~~[offender~~
46 ~~himself]~~ **RESPONDENT** or a third person or entity, thereby rendering
47 the same difficult to identify or be segregated for purposes of forfeiture.

48 (B) Claim on Forfeited Assets. – x x x.

49 (C) Payment in Lieu of Forfeiture. – x x x

- 1 (D) x x x
2 (E) **LAWS ON PRESCRIPTION. — THE LAWS CONCERNING**
3 **ACQUISITIVE PRESCRIPTION AND LIMITATION OF ACTIONS**
4 **CANNOT BE INVOKED BY, NOR SHALL THEY BENEFIT THE**
5 **RESPONDENT, IN RESPECT OF ANY UNLAWFULLY ACQUIRED**
6 **MONETARY INSTRUMENT, PROPERTY, OR PROCEEDS, AND**
7 **THEIR FRUITS.**

8 **SEC. 16.** Section 14 of the same Act is hereby amended to read as follows:
9

10 “SEC. 14. *Penal Provisions.* – x x x.

- 11 (F) Imposition of Administrative Sanctions. The imposition of the
12 administrative sanctions shall be without prejudice to the filing of
13 criminal charges against the persons responsible for the violation.

14 After due notice and hearing, the AMLC shall, at its discretion,
15 impose sanctions, including **BUT NOT LIMITED TO** monetary
16 penalties, **RESTITUTION, SUSPENSION OR DISQUALIFICATION**
17 **FROM BEING A DIRECTOR, OFFICER, OR EMPLOYEE OF A**
18 **COVERED PERSON, REVOCATION OF AMLC REGISTRATION,**
19 **INCREASED MONITORING, INCLUSION IN A LIST OF AMLA**
20 **VIOLATORS AND ITS PUBLICATION, WARNING, OR**
21 **REPRIMAND, UPON ANY COVERED PERSON, AND ITS**
22 **DIRECTORS,** warning or reprimand, upon any covered person, its
23 directors, officers, employees or any other person for the violation of
24 this Act, its implementing rules and regulations, or for failure or refusal
25 to comply with AMLC orders, resolutions and other issuances. Such
26 monetary penalties shall be in amounts as may be determined by the
27 AMLC to be appropriate, which shall not be more than ~~[Five hundred~~
28 ~~thousand Philippine pesos (P500,000.00) per violation.]~~ **TWO**
29 **MILLION PHILIPPINE PESOS (PHP2,000,000.00) PER**
30 **TRANSACTIONAL VIOLATION, OR ONE HUNDRED THOUSAND**
31 **PHILIPPINE PESOS (PHP100,000.00) PER CALENDAR DAY FOR**
32 **VIOLATIONS OF CONTINUING NATURE.**

33 **RESIGNATION, TERMINATION, OR OTHERWISE**
34 **SEPARATION FROM OFFICE SHALL NOT EXEMPT SUCH**
35 **DIRECTOR, OFFICER, OR EMPLOYEE FROM ADMINISTRATIVE**
36 **SANCTIONS.**

37 **THE DECISION OF THE AMLC IN ADMINISTRATIVE CASES**
38 **SHALL BE FINAL AND EXECUTORY, AND MAY NOT BE**
39 **RESTRAINED OR SET ASIDE BY THE COURT, EXCEPT ON**
40 **PETITION FOR CERTIORARI ON THE GROUND OF GRAVE**
41 **ABUSE OF DISCRETION, OR LACK OR EXCESS OF**
42 **JURISDICTION OF THE AMLC. PROVIDED, THAT THE**
43 **AGGRIEVED PARTY SHALL FILE THE PETITION WITH THE**
44 **COURT OF APPEALS.**

45 **IN THE EXERCISE OF ITS QUASI-JUDICIAL FUNCTION, THE**
46 **AMLC SHALL HAVE THE POWER TO ISSUE SUBPOENA DUCES**
47 **TECUM AND SUMMON WITNESSES TO APPEAR IN THEIR**
48 **PROCEEDINGS AND WHEN APPROPRIATE, ORDER THE**
49 **EXAMINATION, SEARCH AND SEIZURE OF ALL DOCUMENTS,**

1 AND BOOKS OF ACCOUNTS OF ANY ENTITY OR PERSON
2 UNDER INVESTIGATION AS MAY BE NECESSARY FOR THE
3 PROPER DISPOSITION OF THE ADMINISTRATIVE CASES
4 BEFORE IT. FURTHER, THE AMLC SHALL HAVE THE
5 AUTHORITY TO PUNISH FOR CONTEMPT, BOTH DIRECTLY AND
6 INDIRECTLY, IN ACCORDANCE WITH THE PERTINENT
7 PROVISIONS OF AND PENALTIES PRESCRIBED BY THE RULES
8 OF COURT.

9 THE QUASI-JUDICIAL POWER OF THE AMLC SHALL BE
10 EXERCISED DIRECTLY BY THE COUNCIL OR THE DULY
11 AUTHORIZED HEARING OFFICER OR PANEL OF HEARING
12 OFFICERS OF THE AMLC, UNDER SUCH RULES AND
13 CONDITIONS TO BE DETERMINED BY THE COUNCIL. PROVIDED
14 FURTHER, THAT THE DECISION OF THE AUTHORIZED HEARING
15 OFFICER OR PANEL OF HEARING OFFICERS SHALL NOT BE
16 APPEALABLE TO THE COUNCIL.

17 The AMLC may promulgate rules on fines and penalties taking
18 into consideration the attendant circumstances, such as the nature
19 and gravity of the violation or irregularity.

20 THE FINES PRESCRIBED IN THIS SECTION SHALL BE
21 INCREASED BY TEN PERCENT (10%) EVERY FIVE YEARS TO
22 COMPENSATE FOR INFLATION AND TO MAINTAIN THE
23 DETERRENT FUNCTION OF SUCH FINES.”

24 SEC. 17. A new Section 15-A shall be inserted to read as follows:
25

26 “SEC. 15-A. *RETENTION AND USE OF FORFEITED ASSETS.* –
27 THE AMLC SHALL BE AUTHORIZED TO RETAIN AND USE THE
28 ASSETS FORFEITED FOR THE YEAR, PROVIDED, THAT IN NO CASE
29 SHALL SAID ANNUAL APPROPRIATION EXCEED ONE HUNDRED
30 FIFTY MILLION PESOS (P150,000,000.00).

31 THE FOREGOING FUNDS SHALL ACCRUE TO A TRUST FUND TO
32 BE MANAGED AND ADMINISTERED BY THE COUNCIL, AS A SPECIAL
33 ACCOUNT, IN ANY GOVERNMENT FINANCIAL INSTITUTION. THE
34 FUNDS SHALL BE USED EXCLUSIVELY TO AUGMENT THE AMLC’S
35 OPERATIONAL EXPENSES.”

36 SEC. 18. A new Section 22-A shall be inserted to read as follows:
37

38 “SEC. 22-A. *FUNDING SOURCE.* – THE FUNDS REQUIRED FOR
39 THE IMPLEMENTATION OF THIS ACT AND OTHER OPERATING
40 EXPENSES OF THE AMLC, SHALL BE TAKEN FROM:

- 41 (A) THE GENERAL APPROPRIATIONS ACT;
42 (B) AUTHORIZED RETAINED FORFEITED ASSETS; AND
43 (C) SUPERVISORY, ACCREDITATION, AND OTHER
ADMINISTRATIVE FEES COLLECTED, IF ANY.”

44 SEC. 19. *Implementing Rules and Regulations.* – Rules and regulations
45 necessary for the effective and efficient enforcement of the provisions of this Act shall
46 be formulated by the AMLC, and it shall be implemented within ninety (90) days from
47 the effectivity of this Act.

1
2 **SEC. 20. Separability Clause.** – If any portion or provision of this Act is declared
3 unconstitutional, the remainder hereof or any provisions not affected thereby shall
4 remain in force and effect.

5
6 **SEC. 21. Repealing Clause.** – Any law, presidential decree or issuance,
7 executive order, letter of instruction, rule, or regulation inconsistent with the provisions
8 of this Act is hereby repealed or modified accordingly.

9 **SEC. 22. Effectivity.** – This Act shall take effect immediately after its complete
10 publication in the Official Gazette or in a newspaper of general circulation.

11
12 *Approved,*