

# THE AMLC's ASSET TRACING, SEIZURE AND MANAGEMENT

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**ASSET MANAGEMENT**



# LEGAL BASIS/MANDATE OF AMLC

01

# 1. Mandate of the AMLC

The **Anti-Money Laundering Council** is the financial intelligence unit (FIU) of the Philippines created pursuant to Republic Act No. 9160, as amended, 1) to protect the integrity and confidentiality of bank accounts and 2) to ensure that the Philippines shall not be used as a money laundering site for the proceeds of **unlawful activity**.

# Unlawful Activities



1. Kidnapping for ransom;
2. Violations of the Comprehensive Dangerous Drugs Act of 2002;
- 3. Violations of R.A. No. 3019;**
- 4. Plunder**
- 5. Robbery/Extortion**
6. Jueteng and Masiao
7. Piracy on the High Seas
8. Qualified Theft
9. Swindling/Estafa
10. Smuggling
11. Violation of Electronic Commerce Act
12. Hijacking (RA 6235), Destructive Arson, murder
13. Terrorism and conspiracy to commit terrorism
14. Terrorism Financing
15. Bribery and Corruption of Public Officers
16. Frauds and Illegal Exactions
- 17. Malversation**
18. Forgeries and Counterfeiting
19. Human Trafficking (RA 9208)
20. Violations of Revised Forestry Code of the Philippines
21. Violations of Philippine Fisheries Code of 1998
22. Violations of Philippine Mining Act of 1995
23. Violations of Wildlife Resources Conservation and Protection Act
24. Violations of National Caves and Caves Resources Management Protection Act
25. Carnapping
26. Illegal Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives
27. Violations of the Anti-Fencing Law
28. Illegal Recruitment (RA 8042, as amended)
29. Violations of the Intellectual Property Code of the Philippines
30. Violations of the Anti-Photo and Video Voyeurism Act of 2009
31. Child Pornography (RA 9775)
32. Child Abuse (RA 7610)
33. Violations of the Securities Regulations Code
34. Strategic Trade Management Act
35. NIRC violation
36. Felonies or offenses of similar nature that are punishable under the penal laws of the Philippines.



**02**

## **AMLC's ROLE AS AN FIU**

## 2. Require and Receive CTR or STR and to Investigate the same

### Covered Transaction Report (CTR)

Single transaction

One banking (business) day

Amount in excess of  
Php500,000.00  
or its foreign currency equivalent



CTR



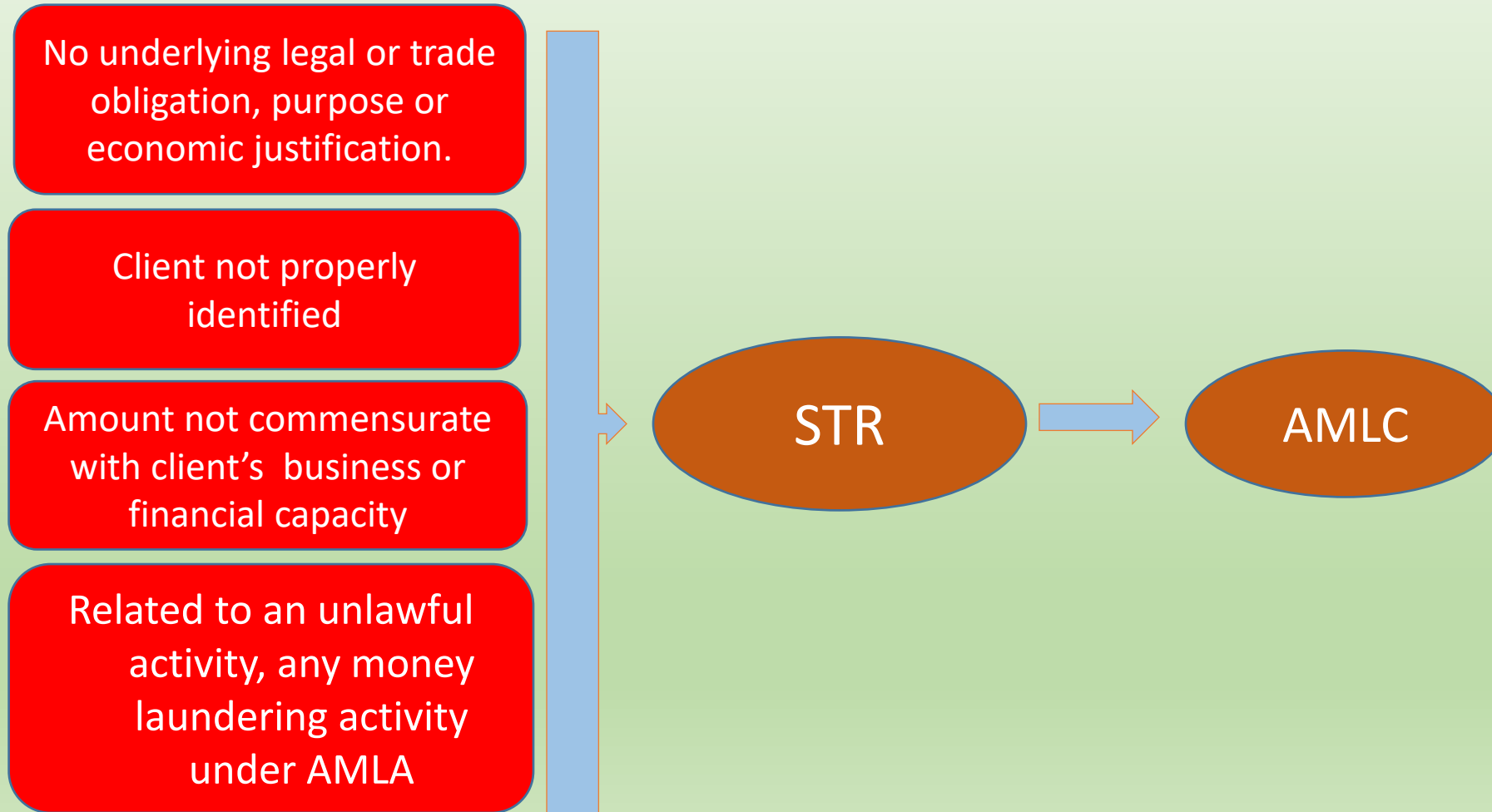
AMLC

**Within five (5) working days from the date of occurrence**  
*(unless the AMLC prescribes a diff period not exceeding 15 working days)*

**\*2016 RIRR**

## 2. Require and Receive CTR or STR and to Investigate the same

### Suspicious Transaction Report (STR)





# CTR Sample

NAME	ADDRESS	BIRTHDATE	BIRTHPLACE	ACCT_NO	NATIONALITY	INST NAME	ACCOUNT NO	TXN CODE	TXN DATE	PESO AMT
[REDACTED]	[REDACTED]	[REDACTED]	MANILA CITY	[REDACTED]	PHILIPPINES	[REDACTED]	[REDACTED]	CDEPK	20170512	606,144.00

## 2. Require and Receive CTR or STR and to Investigate the same

### Record Keeping



- 5 years from the date of transaction
- Exception: Until the money laundering case against a client is decided by a court with finality.



**03**

## **AMLC's ASSET TRACING TOOLS USE IN FINANCIAL INVESTIGATION**

## 3.1. Apply for Issuance of Subpoena

RA No. 9160 as amended by RA 11521,  
29 Jan. 2021

“(14) in the conduct of its investigation, the AMLC shall apply for the issuance of *subpoena ad testificandum* and/or *subpoena duces tecum* with any competent court;

## 3.2. Apply for SW and Seizure Order

RA No. 9160 as amended by RA 11521,  
29 Jan. 2021

“(13) in the conduct of its investigation, the AMLC shall apply for the issuance of a search and seizure order with any competent court;

### 3.3. Physical Surveillance

**It is a direct observation of people, vehicles, or activity taking place at some given location for the purpose of obtaining information. This will corroborate financial data and identify other targets and associates.**

## 3.4. Enlist the assistance of Other Government Agencies

RA No. 9160 as amended by RA 11521,  
29 Jan. 2021

“(10) to **enlist** the assistance of any branch, department, bureau, office, agency or instrumentality of the government, x x x in undertaking any and all *anti-money laundering operations*, x x x for the prevention, detection and investigation of money laundering offenses and prosecution of offenders;

## 3.4. Enlist the assistance of Other Government Agencies

**Land title** - Land Registration Authority, Registry of Deeds, City or Municipal Assessor's Office

**Registered business entity** - Department of Trade and Industry(DTI), Securities and Exchange Commission (SEC); Business Permit and Licensing Office (BPLO)

**Motor vehicles/vessels** - Land Transportation Authority (LTO) and MARINA

**Travel Records** - Bureau of Immigration



### 3.5. Issue Order to Determine the identity of the owner of Monetary Instrument

RA No. 9160 as amended

(2) to issue orders addressed to the appropriate Supervising Authority or the covered person to determine the true identity of the owner of any monetary instrument or property...

## 3.6. General Power

RA No. 9160 as amended by RA 9194,  
23 March 2003

“(7) to implement such measures as may be necessary and justified under this Act to counteract money laundering;

## 3.7 International Cooperation

- Request for Assistance
  - ❖ MLAT, ESW, ARIN-AP, EGMONT Group





**04**

**PROSECUTION THROUGH APPLICATION  
FOR BANK INQUIRY, FREEZE ORDER AND  
FORFEITURE**

## 4.1. Power to Freeze Assets thru Court of Appeals

RA No. 9160 as amended by RA 11521,  
29 Jan. 2021

“SEC. 10. *Freezing Monetary Instrument or Property.* –

“(a) Upon a verified *ex parte* petition by the AMLC and after determination that probable

cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Section 3(i) hereof, the Court of Appeals may issue a freeze order which shall be effective immediately, for a period of twenty (20) days. Within the twenty (20)-day period, the Court of Appeals shall conduct a summary hearing, with notice to the parties, to determine whether or not to modify or lift the freeze order, or extend its effectivity. The total period of the freeze order issued by the Court of Appeals under this provision shall not exceed six (6) months.

## 4.2. Power to Inquire into deposits or investment

RA No. 9160 as amended by RA 10167,  
6 Jan. 2012

AMLC may **inquire into** or **examine** any particular deposit or investment, including related accounts, with any banking institution or non-bank financial institution upon order of any competent court based on an ex parte application in cases of violations of this Act, when it has been established that there is probable cause that the deposits or investments, including related accounts involved, are related to an unlawful activity.

## 4.3. CIVIL FORFEITURE

Civil forfeiture refers to the non-conviction-based proceedings aimed at confiscating, in favor of the government, monetary instruments or properties related to an unlawful activity or ML offense.

Scope of Civil Forfeiture - Civil forfeiture may cover any monetary instrument or property that is in any way related to an unlawful activity or ML offense, including assets of equal value, such as those that may be the subject of a freeze order.

## 4.4. CRIMINAL FORFEITURE

- As an *accessory penalty*, the sentence of criminal forfeiture may be imposed only upon the accused.
- Only properties of the accused may be forfeited.
- Criminal forfeiture cannot be imposed upon a third person not liable for the offense charged.





**05**

# **ASSET MANAGEMENT**

## 5.1. Asset Management/Preservation

RA No. 9160 as amended by RA 10167,  
6 Jan. 2012

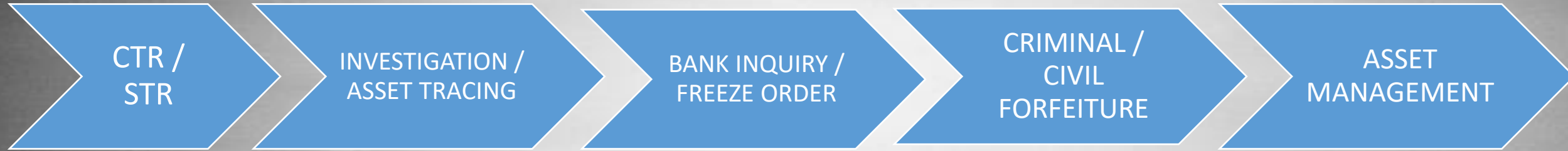
"(16) to preserve, manage or dispose assets pursuant to a freeze order, asset preservation order, or judgment of forfeiture. x x x

## 5.2. DISPOSITION OF ASSETS

Rule on Asset Preservation, Seizure and Forfeiture in Criminal Cases under RA No. 9160, as amended.

**Section 26.** *Turnover to the Bureau of Treasury.* – Except in cases where the law provides otherwise, after issuance of the forfeiture order, all forfeited properties shall be turned over within a reasonable period of time to the Bureau of Treasury.

# AMLC's Asset Tracing, Seizure and Management Mechanism



**THANK YOU.**

