

TRAFFIC



JULY 2025

FINANCIAL INVESTIGATION & ANTI-MONEY LAUNDERING GUIDELINES

**TO TACKLE WILDLIFE AND ENVIRONMENTAL CRIME IN
THE PHILIPPINES**

*Rainer P. Dela Fuente,
Ben Brock, Serene C.L. Chng*

ABOUT US

TRAFFIC is a leading non-governmental organisation working globally to ensure that trade in wild species is legal and sustainable, for the benefit of the planet and people.

Reproduction of material appearing in this report requires written permission from the publisher.

The designations of geographical entities in this publication, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of TRAFFIC or its supporting organisations concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

PUBLISHED BY:

TRAFFIC Southeast Asia Regional Office
Suite 12A-01, Level 12A, Tower 1, Wisma AmFirst
Jalan Stadium SS7/15, Petaling Jaya, Malaysia.

SUGGESTED CITATION

Dela Fuente, R.P., Brock, B., & Chng, S.C.L. (2025)
Financial Investigation and Anti-Money Laundering
Guidelines to tackle wildlife and environmental
crime in the Philippines. TRAFFIC Southeast Asia,
Petaling Jaya, Malaysia.

© TRAFFIC 2025. Copyright of material published in
this report is vested in TRAFFIC.

UK Registered Charity No. 1076722

DESIGN

Haziq Salim



This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.



ACKNOWLEDGEMENTS

Special thanks are extended to all those who assisted the authors in writing this publication, in particular mentors from the Anti-money Laundering Council (AMLC), colleagues from AML Consulting Ph and AML Research Centre Asia-Pacific and friends who made this work possible. Participants of the July 2024 Financial Investigations Training are thanked for valuable discussions which have strengthened this guideline. Michael Jaldon, Myka Allam, Emerson Y. Sy, Stephanie Pendry, Fred Ellis and Marcus Cornthwaite from TRAFFIC are also thanked for helpful comments on earlier versions. The lead author especially thanks his wife Atty. Dania Beramo and their children Rioux Daniele and Raion Damien Dela Fuente, and their family.

The U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs is thanked for generously funding the project under which this work was produced.

CONTENTS |

EXECUTIVE SUMMARY	4
1. BACKGROUND: ENVIRONMENTAL CRIMES RISK ASSESSMENT	5
2. TERMS AND DEFINITIONS	6
3. AML LEGAL FRAMEWORK	9
4. MODES OF COMMITTING MONEY LAUNDERING IN THE PHILIPPINES	12
5. ELEMENTS OF MONEY LAUNDERING	13
6. PREDICATE OFFENSES /CRIMES	14
7. SPECIFIC ENVIRONMENTAL CRIMES COVERED BY THE AMLA (AS AMENDED)	15
8. MONEY LAUNDERING OFFENSES AND THEIR PENALTIES	17
9. FOLLOW-THE-MONEY PRINCIPLES AND FINANCIAL INVESTIGATIVE TECHNIQUES	18
10. EVIDENCE GATHERING AND CASE ORGANISATION	22
11. DOCUMENTS AND INFORMATION RELEVANT TO ML INVESTIGATION FOR CASE DEVELOPMENT AND PROSECUTION	24
12. DATA PRIVACY, INTELLIGENCE AND EVIDENCE	25
13. INVESTIGATION AND PROSECUTION OF ENVIRONMENTAL CASES IN THE PHILIPPINES	26
14. BUILDING A CASE FOR COURT	27
15. GLOBAL EXAMPLES AND BEST PRACTICES	30
16. CONCLUSION AND RECOMMENDATIONS	32
ANNEXES	33
A: PREDICATE CRIMES UNDER AMLA	33
B: ENVIRONMENTAL CRIMES COVERED BY AMLA	35
C: DOCUMENTS FOR FINANCIAL INVESTIGATIONS	42
D: SAMPLE INVESTIGATION REPORT	46
E: SAMPLE FREEZE ORDER	47
F: SAMPLE PROVISIONAL ASSET PRESERVATION ORDER	49
G: SAMPLES DOCUMENTS FOR INVESTIGATIONS	51
IMAGE CREDITS	59

EXECUTIVE SUMMARY

Wildlife and environmental crimes, like most crimes, are motivated by money.

Almost all will involve a transaction or purchase before, during or after the crime even if it is not directly related to the commission of the crime. These transactions leave an indelible record in financial systems that investigators can use. Financial investigation can be used to provide intelligence and evidence of criminality such as identity, properties, vehicles, lifestyle and movements of offenders, co-conspirators, and victims. It can also support seizure and confiscation of assets acquired through crime, with a view to returning the proceeds to victims or confiscating assets so that they can no longer benefit the offender.

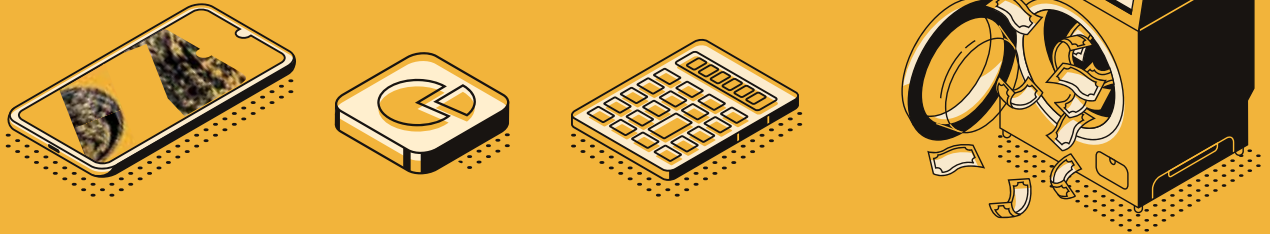
Money laundering is the process of disguising the origin or source of illegally gained financial assets so they can be used without detecting the illegal activity that produced them; i.e. the criminal transforms the monetary proceeds derived from criminal activity into funds that appear to have been legally acquired. To place, layer, and integrate the proceeds of these environmental crimes into the legitimate financial system, criminals exploit vulnerabilities.

The Philippine government enacted legislation in 2013 that made environmental crimes predicate offences for money laundering. A predicate offence is a crime that acts as a trigger to enable the use of anti-money laundering legislation. At the time of publication, there has still not been a successful money laundering conviction in the Philippines for crimes predicated on breaking environmental laws. Similarly, few environmental cases have been investigated, yet the threat posed by these crimes is rated “high” in the Philippine National Money Laundering and Terrorist Financing (ML/TF) Risk Assessment which considers the impact of these violations to the environment and the people.

It is recognised that the limited understanding of Philippine anti-money laundering regulations and possible pathways of leveraging financial investigation to complement standard law enforcement poses challenges. These guidelines aims to encourage and support the use of follow-the-money principles and anti-money laundering legislation by wildlife and environmental enforcement officers by providing a practical review of the Philippine legal framework relating to anti-money laundering (AML) applied to environmental crimes and providing practical guidance on its application. It also seeks to increase synergy and cooperation among government agencies in charge of enforcing environmental laws and anti-money laundering regulations.

¹ 1st and 2nd National Money Laundering and Terrorist Financing (ML/TF) Risk Assessment of Philippines has been conducted as a self-assessment by Philippine Authorities (links: <http://www.amlc.gov.ph/images/PDFs/NRAREport.pdf> and <http://www.amlc.gov.ph/images/PDFs/NRAREport20152016.pdf>); A Risk Assessment on the Philippines' Exposure to External Threats based on Submitted Suspicious Transaction Reports from the AMLC (link: <http://www.amlc.gov.ph/images/PDFs/AMLC%20EXTERNAL%20THREATS%20STUDY.pdf>).

BACKGROUND: ENVIRONMENTAL CRIMES RISK ASSESSMENT



The Philippines is one of 17 mega-diverse countries, which hosts more than 52,000 species of plants and animals². However, economic pressures combined with widespread illegal activity, including the trade in wildlife and wildlife parts, leads to losses in natural resources of tens of millions of PHP per year. To illustrate, a 2017 study calculated PHP26,451,345 (then USD570,148) worth of reptiles offered for sale online in the Philippines in just three months³.

In the Philippines, violations of the Forestry Code R.A. 7161, Mining Act R.A. 7942, Wildlife Resources Act R.A. 9147, National Caves Act R.A. 9072, and Fisheries Code R.A. 8440 were added to the list of predicate offenses for money laundering in 2013. Since then, there have been numerous environmental cases filed in Philippine courts – ranging from illegal mining, fishing, wildlife trade, and forestry law violations. Unfortunately, no consistent information regarding the proceeds generated from these crimes is available. One factor is that the concerned government agencies⁴ do not regularly gather data on the criminal proceeds. Another factor is that government prosecutors do not pursue the filing of money laundering cases as long as the predicate crime is already filed in court – as such, court filing is already counted as an accomplishment to be reflected in the prosecutors’ regular performance metric.

As per the Philippine government’s risk assessment, the number of environmental cases compounded by the amount of criminal proceeds and the absence of money laundering investigation meant the threat posed by environmental crimes was assessed as “high risk”⁵. There is, therefore, an opportunity for closer coordination and cooperation between concerned Philippine government agencies and the country’s Financial Intelligence Unit, the Anti-Money Laundering Council (AMLC), to improve motivation and capacity to investigate and prosecute perpetrators of these crimes through “follow-the-money” principles and Financial Investigation techniques.

² 1st and 2nd Philippine Clearing House Mechanism (CBD), <http://www.philchm.ph/status-of-philippine-biodiversity-2/endemism-2/>

³ Utilization of Facebook to Trade Live Reptiles in the Philippines, 2018: <https://www.traffic.org/publications/reports/utilisation-of-facebook-to-trade-live-reptiles-in-the-philippines/>

⁴ Such as the Department of Environment and Natural Resources (DENR), National Bureau of Investigation (NBI), and the Philippine National Police (PNP).

⁵ 1st and 2nd National Money Laundering and Terrorist Financing (ML/TF) Risk Assessment of Philippines has been conducted as a self-assessment by Philippine Authorities (links: <http://www.amlc.gov.ph/images/PDFs/NRARReport.pdf> and <http://www.amlc.gov.ph/images/PDFs/NRARReport20152016.pdf>); A Risk Assessment on the Philippines’ Exposure to External Threats based on Submitted Suspicious Transaction Reports from the AMLC (link: <http://www.amlc.gov.ph/images/PDFs/AMLC%20EXTERNAL%20THREATS%20STUDY.pdf>).

TERMS & DEFINITIONS



1. AML Anti-Money Laundering

2. Anti-Money Laundering Act of 2001, as amended (AMLA)

also known as Republic Act No. 9160 (as amended), is the law enacted to combat money laundering, terrorist and proliferation financing in the Philippines. It was signed into law on 29 September 2001 and took effect on 17 October 2001.

3. Anti-Money Laundering Council (AMLC) refers to the financial intelligence unit created by virtue of the AMLA.

4. CFT / CTF Countering the Financing of Terrorism / Countering Terrorism Financing

5. Client

refers to any person or entity that keeps an account or otherwise transacts business with a Covered Person and includes the following:

- Any person or entity on whose behalf an account is maintained, or a transaction is conducted, as well as the beneficiary of said transactions;
- Beneficiary of a trust, an investment fund or a pension fund;
- A company or person whose assets are managed by an asset manager;
- A grantor of a trust and
- Any insurance policyholder, whether actual or prospective.

6. CPF Combatting Proliferation Financing

7. Covered Person, natural or juridical

- Persons or entities regulated by the Bangko Sentral ng Pilipinas (BSP) such as banks, money service businesses (foreign exchange dealers, money changers, remittance and transfer companies), pawnshops, and other financial institutions;
- Persons or entities regulated by the Insurance Commission (IC), which includes insurance companies and pre-need companies;
- Persons or entities regulated by the Securities and Exchange Commission (SEC) which provide financial products and services, such as: securities dealers, brokers, investment houses, and those dealing in currency, commodities or financial derivatives;
- Jewellery dealers in precious metals and stones;
- Casinos, whether land-based, ship-based or internet-based;
- Real estate developers and brokers; and
- Offshore gaming operators and their service providers, regulated by the Philippine Amusement and Gaming Corporation (PAGCOR), Cagayan Economic Zone Authority (CEZA), Aurora Pacific Economic Zone and Freeport Authority (APECO), or any government agency.

8. Financing

- **Financing of terrorism** – a crime committed by a person who wilfully provides financial or material support to (1) carry out or facilitate the commission of any act of terrorism; (2) a terrorist organisation, association, or group; or (3) an individual terrorist.
- **Proliferation financing** – (short for “Proliferation of Weapons of Mass Destruction Financing”) is committed when a person wilfully (1) makes available an asset; or (2) provides a financial service; or (3) conducts a financial transaction to facilitate proliferation of weapons of mass destruction in relation to United Nations Security Council (UNSC) Resolution Nos. 1718 (2006) and 2231 (2015).

9. Forfeiture Refers to a court order transferring in favor of the government, after due process, ownership of property or funds representing, involving, or relating to money laundering and/or financing terrorism.

10. Freeze Refers to the blocking or restraining of specific property or funds from being transacted, converted, concealed, moved, or disposed of without affecting the ownership thereof.

11. Monetary instrument

- Coins or currency of legal tender of the Philippines or of any other country;
- Credit instruments, including bank deposits, financial interest, royalties, commissions and other intangible property;
- Drafts, checks, and notes;
- Stocks or shares, participation or interest in a corporation, or in a commercial enterprise or profit-making venture and evidenced by a certificate, contract, instrument;
- Participation or interest in any non – stock, non-profit corporation;
- Securities or negotiable instruments, bonds, commercial papers, deposit certificates, and other money market instruments;
- Contracts or policies of insurance, life or non-life, and contracts of suretyship, pre-need plans; and
- Other similar instruments where title thereto passes to another by endorsement, assignment, or delivery.

12. Monetary instrument or property related to an unlawful activity

- All proceeds from an unlawful activity;
- All monetary, financial or economic means, devices, accounts, documents, papers, items or things used in or having any relation to an unlawful activity;
- All money, expenditures, payments, disbursements, costs, outlays, charges, accounts, refunds and other similar items for the financing operations and maintenance of any unlawful activity; and
- For purposes of freeze order and bank inquiry, related and materially linked accounts.

13. Money Laundering (ML)

is a crime committed by any person who, knowing that any monetary instrument or property represents, involves, or relates to the proceeds of any unlawful activity:

- a. transacts;
- b. converts, transfers, disposes of, moves, acquires, possesses or uses;
- c. conceals or disguises the true nature, source, location, disposition, movement or ownership of or rights;
- d. attempts or conspires to commit money laundering offenses referred to in paragraphs a, b, or c above;
- e. aids, abets, assists in or counsels the commission of the money laundering offenses referred to in paragraphs a, b, or c above;
- f. performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraphs a, b, or c above;
- g. deliberately not submitting covered and suspicious transactions to the AMLC.

Typical Stages of Money Laundering:

- **Placement** – the physical disposal of cash or assets derived from illegal activities.
- **Layering** – separating illicit proceeds from their source by creating complex layers of financial transactions designed to disguise the audit trail and provide anonymity or to obscure the source of the funds.
- **Integration** – the provision of apparent legitimacy to criminally-derived wealth. If the layering process has succeeded, integration schemes place the laundered proceeds back into the economy in such a way that they can be spent or transferred within the financial system appearing to be normal business funds.



14. Predicate Offense Refers to a crime which is a component of another criminal activity. Under the AMLA, there are 36 predicate offenses to money laundering (see ANNEX A for full list.)

15. Proceeds of crime Countering the Financing of Terrorism / Countering Terrorism Financing

16. Transactions

Covered transaction (CT) refers to a single transaction in cash or other equivalent monetary instrument involving a total amount in excess of the thresholds within one (1) business day. The following are the thresholds:

- Default threshold (banks, insurance companies, and those not covered by items 2 to 4 below: **exceeding PHP500,000.00 or its forex equivalent;**
- Jewellery dealers and dealers in precious metals/stones: **exceeding PHP1,000,000.00**
- Casinos: **exceeding PHP5,000,000.00 cash transaction**
- Real estate developers and brokers: **exceeding PHP7,500,000.00 cash transaction**

Suspicious Transaction (ST) refers to any transaction, regardless of the amount, which should be reported to the AMLC due to the presence of red flags or suspicious indicators as described below:

- No underlying legal or trade obligation, purpose or economic justification;
- Client is not correctly identified;
- The amount involved is not commensurate with the business or financial capacity of the client;
- Structuring or splitting of transactions.
- Deviation from the profile of the client and/or the client's past transactions with the Covered Person;
- Transaction is related to an unlawful activity or any money laundering activity or offense that is about to be, is being or has been committed;
- Any transactions that are similar, identical or analogous to any of the preceding.

17. Typologies Refer to specific methods or patterns used in money laundering activities, also known as tactics or modus operandi.

ANTI-MONEY LAUNDERING LEGAL FRAMEWORK



The primary Anti-Money Laundering (AML) legislation in the Philippines is **Republic Act (RA) No. 9160**, formally known as the **Anti-Money Laundering Act of 2001** (AMLA), which was enacted on 18 September 2001.

The AMLA was passed following the creation of the Financial Action Task Force (FATF), an international body which sets the internationally accepted standards to combat money laundering (ML), terrorism financing (TF), and proliferation of weapons of mass destruction as well as its financing (PF). These FATF Recommendations were thus adopted in installments in the Philippines by way of legislation through the AMLA.⁶ The AMLA was enacted primarily:

- 1 To protect and preserve the integrity and confidentiality of bank accounts in the Philippines;
- 2 To ensure that the Philippines shall not be used as a money laundering site or conduit for the proceeds of any unlawful activity, and
- 3 To fulfill the Philippines' obligation/commitment to preventing transnational crimes by creating a mechanism to freely exchange information with other countries without risk of violating laws on data privacy.

To mitigate money laundering risks, regulatory authorities have enforced a set of regulations, laws, and procedures. Covered persons must fulfil anti-money laundering regulations in order to meet regulatory compliance standards.

Blacklisted: Before AMLA R.A.9160

While the Philippines is now recognised as having a robust framework of laws, regulations and operational measures to tackle illicit financial flows, in June 2000, the FATF placed the Philippines in its list of Non-Cooperative Countries and Territories (NCCT list or also known as the Blacklist) for various reasons, including:

- No existing any-money laundering law;
- Absence of a Philippine Financial Intelligence Unit (FIU);
- Stringent bank deposit secrecy law; and
- Absence of a system for reporting suspicious transactions.

Inclusion in the Blacklist has a negative impact on the concerned country's economy and the cost of doing business. Individuals and entities from Blacklisted countries are considered high risk and automatically subjected to "enhanced due diligence" measures, which usually lead to additional costs and justification before a financial transaction can be completed. This entails higher interest rates, higher processing fees, additional paperwork, and delays in the processing of transactions.

With the enactment of the AMLA and the subsequent amendments to it, the Philippines was removed from this Blacklist and was no longer subject to strict FATF monitoring since February 2005. During the following years the Philippines has been included in and upgraded from the FATF Grey List multiple times as it worked through various deficiencies in its anti-money laundering and counter-terrorist financing frameworks⁷.

The FATF 'Grey List' identifies countries that are actively working with the FATF to address strategic deficiencies in their regimes to counter money laundering, terrorist financing, and proliferation financing. When the FATF places a jurisdiction under increased monitoring, it means the country has committed to resolve swiftly the identified strategic deficiencies within agreed timeframes and is subject to increased monitoring⁸. As of May 2025, the Philippines is no longer part of the FATF Grey List.

⁶ Image credit/taken from: <https://www.fatf-gafi.org/en/home.html>

⁷ Anti-Money Laundering Council (AMLC). Philippine AMLC/TF Compliance Chronology. Available at: <http://www.amlc.gov.ph/images/PDFs/PH%20AMLCTF%20COMPLIANCE%20CHRONOLOGY.pdf> [Accessed 9 December 2024].

⁸ <https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html>

The Grey List status prompted a series of amendments to the AMLA to result in:



Creates the AMLC

- Creation of the Anti-Money Laundering Council (AMLC) as the Philippines' Financial Intelligence Unit (FIU);

Criminalizes ML

- Criminalisation of money laundering by identifying the elements of the offense as well as the specific punishable acts and providing for the corresponding penalties

Imposes compliance requirements

- Imposition of compliance requirements to Covered Persons, such as:
 - Proper identification, verification, and risk profiling of clients, formally known as "Know-Your-Client" (KYC) / Customer Due Diligence (CDD) measures;
 - Reporting transactions that exceed or breach thresholds, known as "Covered Transaction Reporting", or are tagged as suspicious, known as "Suspicious Transaction Reporting"; and
 - Retention or safekeeping of records within a period of five (5) years from transaction date, known as the "recordkeeping" obligation

Provides for international & domestic cooperation

- Creating a legal mechanism (through information exchange) for international and domestic cooperation. Information gathered under this mechanism can only be used for intelligence gathering/case build-up. It cannot be used in court as formal evidence (inadmissible as evidence in a court of law)

Provides for legal tools

- Provision of legal tools to combat ML/TF/PF (such as, but not limited to bank inquiry, freeze order, forfeiture of dirty money or property)

Relaxes strict bank deposits secrecy laws

- Relaxation of the "Secrecy of Bank Deposits Law⁴" in the Philippines, with the AMLA's addition of exemptions or exclusions to the former

Identifies and defines 36 predicate offenses to ML.

- Identification of thirty-six (36) predicate crimes/offenses (as of September 2023) to ML, which is considered an exclusive or "closed" list. This highlights the nature of ML as a derivative offense or one entirely dependent on the existence of a prior unlawful activity

The Philippines has made substantial strides in strengthening its anti-money laundering and counter-terrorist financing framework in recent years, culminating in the Financial Action Task Force's acknowledgment in January 2025 that all action-plan requirements had been met and formally confirmed the country's removal from the Grey List.

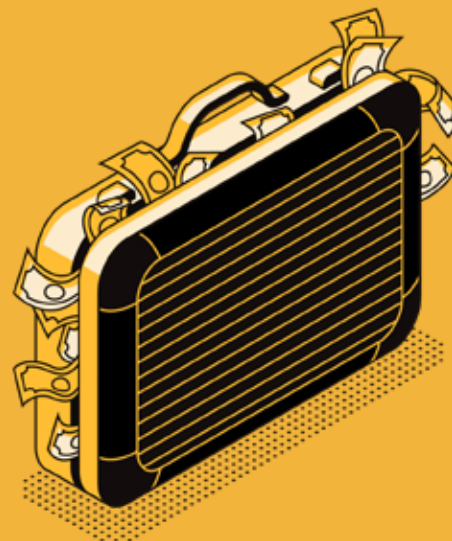
As of the date of publication in July 2025, the money laundering laws in the Philippines have not yet been codified or compiled into one uniform document. Thus, it is important to correlate the latest amendments with the affected provisions in the prior laws to ensure consistency and clarity.

R.A. No. 9160 (2001)	R.A. No. 9194 (2003)
↓	
R.A. No. 10167 (2012); R.A. No. 10168 (2012)	
↓	
R.A. No. 10365 (2013)	
↓	
R.A. 10967 "Casino Law" (2017)	
↓	
R.A. No. 11479 (2020)	
↓	
R.A. No. 11521 (2021)	

⁸ <https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html>

⁹ Republic Act No. 1405, formally known as "An Act Prohibiting Disclosure of or Inquiry into, Deposits with any Banking Institution and Providing Penalty Therefore."

MODES OF COMMITTING MONEY LAUNDERING IN THE PHILIPPINES



Under the expanded definition of ML under Section 4 of the AMLA (as amended), there are now seven (7) methods of committing money laundering:

1

Transacting (ex. over-the-counter deposit/withdrawal with banks, purchase of real property from a developer, remitting money through a remittance agent, placing bets in a casino)

2

Converting, transferring, disposing, moving, acquiring, possessing, or using (ex. converting ransom money from PHP into USD, acquiring properties with the use of the laundered funds)

3

Concealing or disguising (ex. using fictitious names, fake IDs; creating dummy corporations to simulate transactions which can be used to justify the movement of funds);

4

Attempting or conspiring to commit money laundering, which means that even at the preparatory stage, it is already punishable under the AMLA, as amended (ex. planning the commission of a money laundering offense and doing preparatory steps to accomplish it);

5

Aiding, abetting, assisting in, and counselling. This often involved advising another as to how to effectively launder funds (ex. advising a third party as to how to successfully launder funds or stay undetected by the authorities);

6

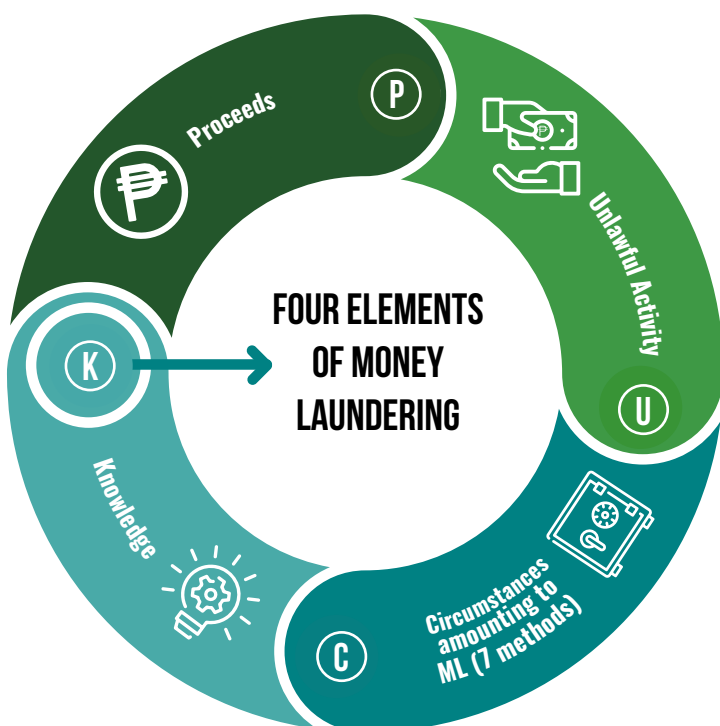
Facilitating. The concept of “willful blindness” is applied in this scenario. This pertains to instances wherein a covered person will deliberately ignore or disregard red flags/alerts/suspicious indicators, which enables the criminal to successfully launder illicit proceeds. (ex. Intentionally/disregarding ignoring red flags/suspicious indicators regarding a client and proceeding with the transaction);

7

Intentionally not submitting a Covered Transaction Report (CTR) or Suspicious Transaction Report (STR) to the AMLC

ELEMENTS OF MONEY LAUNDERING

In Philippine criminal law for a crime to be committed, all of the elements as provided in the law must be present. Under Section 4 of the AMLA (as amended), there are four (4) elements of money laundering:



CIVIL LIABILITY:

can result in the return of whatever is unlawfully taken to its rightful owner to compensate the victim.

CRIMINAL LIABILITY:

involves the penalty of imprisonment, in some instances combined with a monetary penalty, to punish or deter criminal behavior.

EXAMPLES

“Transacting or attempting to transact” penalty: 7 to 14 years imprisonment plus fine of PHP 3 million (but not more than 2x the value of monetary instrument or property.)

“Facilitation” penalty: 4 to 7 years imprisonment plus fine ranging from PHP 1.5 million to PHP 3 million.

Note:

1. Code: **P** – **U** – **C** – **K**
2. If knowledge absent, only civil liability

- Element 1:** Unlawful activity/predicate crime/predicate offense;
- Element 2:** Proceeds or the dirty money;
- Element 3:** Any of the seven (7) circumstances /modes of committing ML enumerated under the AMLA (as amended); and
- Element 4:** Knowledge

Of the four elements to be criminally liable for ML, the last item is often the most challenging element to prove and is normally established with documentary and circumstantial evidence. If the fourth element-knowledge is absent, the accused can probably only face a civil liability.

PREDICATE OFFENSES / CRIMES



Under Section 3(i) of the AMLA (as amended), there are **36** predicate crimes (Annex A). Money laundering by its nature is a derivative offense. It cannot stand independently and therefore depends on prior unlawful activity. **If the predicate crime is dismissed, there is no ML.** The 36 predicate offenses can be classified into 12 major subgroups. Those in **bold** are likely to be associated with wildlife crimes.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Corruption-related crimes 2. Drug trafficking 3. Human trafficking/exploitation-related crimes 4. Environmental crimes 5. Property crimes 6. Crimes with violence | <ol style="list-style-type: none"> 7. Fraud crimes 8. Illegal numbers game 9. Terrorism-related crimes 10. Tax evasion 11. Proliferation of Weapons of Mass Destruction 12. Felonies or offenses of a nature similar to the preceding |
|---|---|

For 12., the “*same conduct approach*” is used, which means that for the offense to be considered a predicate crime to money laundering, both the Philippines and the other jurisdiction should **criminalise the conduct or activity underlying the offense**, regardless of whether both countries place the offense within the same category, or call the offense under the same name.

It was only in 2013, through Republic Act No. 10365: Anti-Money Laundering Act, that violations of the Forestry Code R.A.7161, Mining Act R.A.7942, Wildlife Resources Act R.A.9147, National Caves Act R.A.9072, and Fisheries Code R.A.8440 were made predicate offenses to money laundering.

Exclusion of Illegal Logging in the List of Predicate Offenses

The current state of legislation only includes Sections 78 and 79 of the Revised Forestry Code. This only includes: (a) unlawful Occupation or Destruction of Forest Lands and Grazing Lands; and (b) unauthorized pasturing of livestock. The AMLA (as amended) did not include the Revised Forestry provision on illegal logging covered by Section 77 (Cutting, Gathering and/or Collecting Timber, or Other Forest Products Without License) as one of the predicate crimes to money laundering.

SPECIFIC ENVIRONMENTAL CRIMES COVERED BY THE AMLA (AS AMENDED)



Environmental Crimes Covered by the AMLA with the Specific Punishable Acts (refer to Annex B for the complete legal provisions)

1. Violations of the Revised Forestry Code

- a. Unlawful occupation or destruction of forest lands and grazing lands
- b. Unauthorized pasturing of livestock

2. Violations of the Fisheries Code

- a. Unauthorized fishing
- b. Poaching in Philippine waters
- c. Fishing through explosives, noxious or poisonous substances, and/or electricity
- d. Use of fine mesh net
- e. Use of active fishing gear in the municipal waters and all bays and other fishery management areas
- f. Coral exploitation and exportation
- g. Muro-ami¹⁰ or any act which disturb coral reefs and other fishing habitat
- h. Use of superlights
- i. Conversion of mangroves into fishponds or other purposes
- j. Fishing in overfished areas or during closed season
- k. Fishing in fishery reserves, refuges and sanctuaries
- l. Fishing or taking of rare, threatened or endangered species.
- m. Capture, exportation or importation of spawners of other fishery species
- n. Violation of catch ceilings
- o. Aquatic pollution
- p. Failure to comply with minimum fishing safety standards
- q. Failure to conduct a yearly report on all fishponds, fish pens and fish cages
- r. Gathering of sexually-mature shellfishes or below minimum size or above maximum quantities
- s. Obstruction to navigation or flow and ebb of tide in any stream, river, lake or bay
- t. Construction and operation of fish corrals/traps, fish pens and fish cages
- u. Commercial fishing vessel operators employing unlicensed fisherfolk or fishworker or crew
- v. Obstruction of defined migration paths
- w. Obstruction to fishery Law enforcement officer

¹⁰ Fishing technique employed on coral reefs in Southeast Asia using encircling nets together with pounding devices.

3. Violations of the Mining Act

- a. False application, declaration, or statement relating to mines, mining operations or mineral agreements, financial or technical assistance agreements and permits.
- b. Illegal exploration
- c. Theft of minerals
- d. Destruction of mining structures
- e. Mines arson
- f. Willful damage to a mine
- g. Illegal obstruction to permittees or contractors

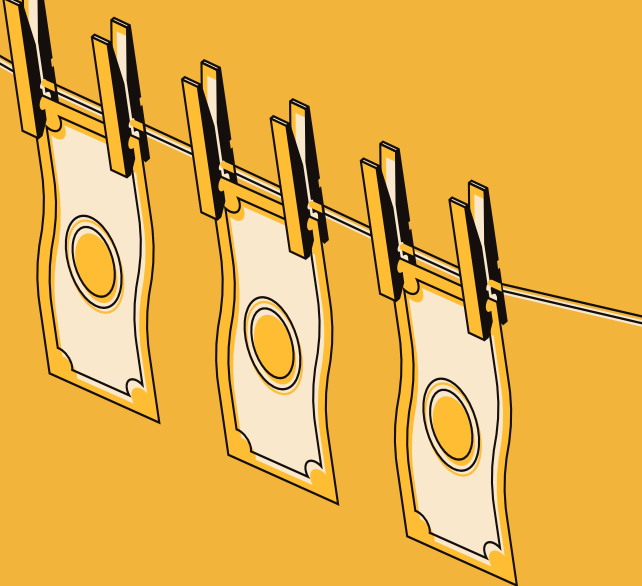
4. Violations of the Wildlife Act

- a. Exploitation of wildlife resources and their habitats
- b. Effecting any of the following acts in critical habitats:
 - I. dumping of waste products detrimental to wildlife;
 - II. squatting or otherwise occupying any portion of the critical habitat;
 - III. mineral exploration and/or extraction;
 - IV. burning;
 - V. logging; and
 - VI. quarrying
- c. Trading of wildlife
- d. Collecting, hunting or possessing wildlife, their by-products and derivatives
- e. Gathering or destroying of active nests, nest trees, host plants and the like
- f. Transporting of wildlife.

5. Violation of Caves Act

Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resource.

MONEY LAUNDERING OFFENSES AND THEIR PENALTIES



Money laundering offenses carry relatively severe penalties which can offer a valuable incentive to use against predicate crimes that are less prioritized in the courts, such as environmental crimes. Incorporating money laundering charges into a suitable investigation offers opportunities to deliver greater disruption against established criminals than pursuing the predicate crime alone.

The penalties are not only the length of the prison term or the amount of the monetary penalty upon conviction. This can also refer to the provisional remedies or legal tools available before criminal conviction (such as freeze order, provisional/asset preservation, and civil forfeiture) and its immediate effect on the finances of the criminal subject of the investigation.

The penalties for the violation of the AMLA (as amended) are described under Section 14 of the law. Here is a summary of the money laundering offenses and their corresponding penalties:

Transacting or attempting to transact	Penalty: 7 to 14 yrs imprisonment + fine PHP3 million but not more than 2x the value of monetary instrument or property.
Facilitation	Penalty: 4 to 7 yrs imprisonment + fine ranging from PHP1.5Million to PHP3Million.
Not reporting /disclosing with the AMLC	Penalty: 6 mos. to 4 yrs imprisonment or a fine ranging PHP100,000.00 to PHP500,000.00, or both .
Penalties for Failure to Keep Records	Penalty: 6 mos. to 1 yr or a fine ranging from PHP100,000.00 to PHP500,000.00, or both
Malicious Reporting	Penalty: 6 mos. to 4 yrs imprisonment and a fine ranging from Php100,000.00 to Php500,000.00, provided that the offender shall not be entitled to benefits of Probation Law.
Breach of Information Security & Confidentiality	Penalty: 3 to 8 yrs imprisonment and a fine ranging from PHP500,000.00 to PHP1,000,000.00
Administrative Sanctions	This includes monetary penalties, warning or reprimand, upon the Company, its Directors, Officers, employees or any other person. This shall be without prejudice to the filing of criminal charges against the responsible person.

FOLLOW-THE-MONEY PRINCIPLES AND FINANCIAL INVESTIGATIVE TECHNIQUES



Financial investigations are inquiries into the financial affairs related to a criminal activity, to identify, analyze, and interpret the financial information relevant for criminal proceedings¹¹. It is commonly defined as an analysis of “where the money comes from, how it moves and is used”. It is formally defined as the “process of examining a person’s or organisation’s financial records to identify whether a crime has been committed, or to help with a legal case.”¹²

A step-by-step procedure of how financial investigations are performed:



Sample investigation report, freeze order and asset preservation order are attached herewith as Annexes C, D, and E, respectively.

¹¹ https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/financial-investigations_en (Last accessed: 25 November 2023)

¹² <https://dictionary.cambridge.org/us/dictionary/english/forensic-accounting> (Last accessed: 24 November 2023)

Many senior (principal) criminals manage their risk of arrest and prosecution by giving criminal tasks that have a high risk of detection to junior criminals, including roles such as operating as a courier or 'mule' to carry contraband across borders or selling small amounts of illegal drugs to users on the streets. Criminal groups strongly tend not to trust junior criminals with handling their criminal assets due to suspicion that they may be stolen.

Therefore, unlike illicit commodities, the profits and business costs of a criminal enterprise tend to stay firmly in the hands of the senior criminals. This means that financial investigations, or following-the-money investigative techniques can offer a unique opportunity to identify and investigate senior criminals within a group's hierarchy.

Not only can financial investigation be used to benefit criminal investigations, it can be cost-effective. It provides a less resource-intensive means of gathering intelligence and evidence. For not only can financial investigation be used to benefit criminal investigations, it provides a less resource-intensive means of gathering intelligence and evidence. For instance, offenders' movements can be determined by examining financial data, rather than using mobile surveillance (ECORYS, 2015) which can be more costly (Wood, 2017).

Financial investigations can enhance investigations by:

- Providing additional reliable documentary evidence;
- Producing high-quality objective evidence, such as bank records;
- Leading to the discovery of additional evidence, such as previously-unknown businesses used by the criminal or subjects to conceal the proceeds of the crime;
- Leading to the discovery of assets which may be subjected to forfeiture in favour of the government to remove a financial benefit from the offender resulting in increased financial risk/loss to the criminal;
- Connecting the hierarchy of an organised crime group;
- Identifying previously unknown witnesses or subjects as well as related accounts;
- Promoting cooperation (exchange of valuable information) between the prosecutor, the investigator, and international law enforcement agencies or LEAs in foreign jurisdictions;
- Leading to residences and safe houses; and
- Leading to other corroborative evidence, circumstantial evidence, direct evidence and documentary evidence



As a starting point in the financial investigation process, it is important to first recognize what are considered **investigative sparks**: information, events or documents of interest which triggers the start of a formal inquiry or systematic examination of the suspect, entity, or transaction. This is the primary catalyst which sets the investigation in motion. Provided below are the documents and instances considered triggers for the financial investigation process:



Referrals by domestic supervisory/regulatory authorities



Suspicious Transaction Reports



Covered Transaction Reports



Referrals by foreign jurisdictions, agencies or other Financial Intelligence Units (FIUs), such as FinCEN (USA), AUSTRAC (Australia), etc



Newspaper or media reports



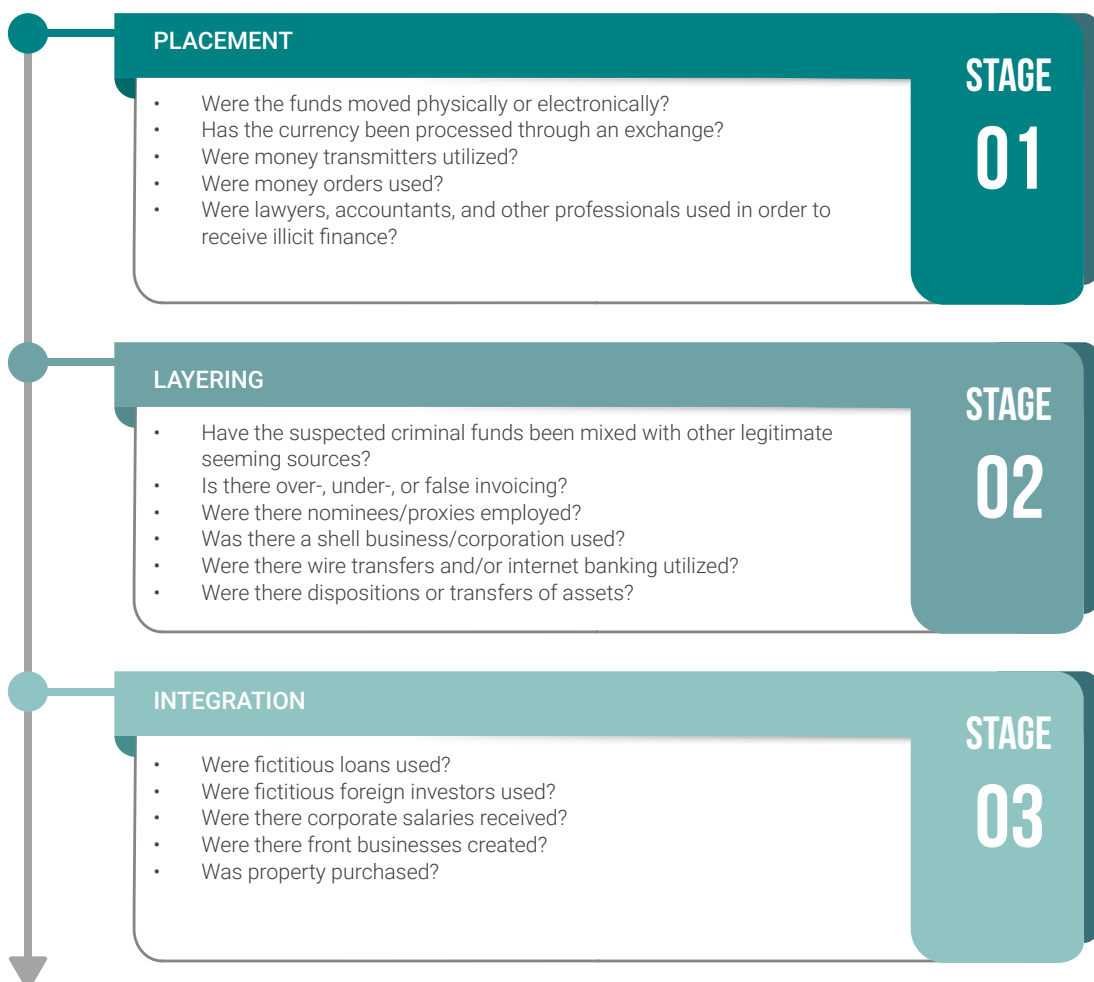
Other reports, referrals or complaints similar, analogous or identical to any of the foregoing as may be determined by the AMLC

Request for Information (RFI) from other government agencies normally contains the following information to be acted upon by the AMLC:

1. Full name (or other identifiers) of the subject under investigation;
2. Unlawful activity allegedly committed, which should fall under any of the 36 predicate offenses enumerated under the AMLA (as amended);
3. Allegation that illicit proceeds were derived; and
4. Money laundering (including any attempt) was committed by the subject.

Written RFI to be transmitted to the AMLC Secretariat, 5th Floor EDPC Building, Bangko Sentral ng Pilipinas Complex, Malate, Manila.

A financial investigation can identify each money laundering stage (placement, layering and integration). Illustrated below are guide questions which can be asked by the investigator for each stage of the money laundering process. The purpose of each question is to extract details as well as establish the “money trail” as the proceeds flow through the financial system or make use of various available financial products and services.



EVIDENCE GATHERING AND CASE ORGANIZATION



Intelligence Collection Plan

At the earliest points in an investigation, it is useful for the investigating staff to pull together all the material that they have regarding the case and to organise these pieces of information into a storyline, highlighting the sequential steps of the hypothetical criminal activity. This can be useful to identify the knowns and unknowns in the case and allow prioritization of collection for additional material. However, an investigator must be careful not to pursue one idea at the exclusion of other possibilities and be willing to change the hypothesis as more intelligence emerges.

a. Planning Evidence Collection

Once there is a clear intelligence picture it is necessary to build the investigation evidentially, to collect the required proof that can be admitted in court that will demonstrate how and why the accused subject committed the crime. As recommended by FATF in “Best Practices on Beneficial Ownership for Legal Persons” (FATF, 2019), investigators should prioritize mapping out areas such as asset ownership, transaction networks, and relationships that may reveal connections to illicit activities.

b. Collaborating with Financial Intelligence Units (FIUs)

Financial Intelligence Units (FIUs) play a pivotal role in evidence collection by centralizing financial activity data and sharing insights with investigators. FATF’s “Guidance on National Money Laundering and Terrorist Financing Risk Assessment” (FATF, 2013) suggests collaboration with FIUs to access Suspicious Transaction Reports (STRs) and identify financial behaviours indicative of criminal activity.

c. Gathering Documentary Evidence from Financial Institutions

Obtaining records from financial institutions, such as bank statements, wire transfers, and loan documents, is often essential for tracing illicit flows. According to the World Bank’s “Financial Investigations: A Financial Investigator’s Guide to Conducting a Money Laundering and Terrorist Financing Investigation” (World Bank, 2008), the chain of custody is vital for ensuring evidence integrity. Using standardized forms and templates, investigators can document data consistently, enhancing its reliability and admissibility in court. This practice is crucial when tracing complex transactions that may span multiple jurisdictions or financial institutions.

d. Witness Statements and Insider Testimonies

Witness statements and insider testimonies add depth and perspective to the evidence. FATF’s “Operational Plan to Detect and Combat Money Laundering and Financial Crime” (FATF, 2017) underscores the importance of witness statements in corroborating financial evidence and providing insight into criminal networks. Insider testimonies, in particular, can reveal methodologies and structures that might not be visible from financial records alone. Ensuring witness credibility and maintaining their security throughout the investigation is essential to protect both the witnesses and the integrity of their testimony.

e. Organising Evidence Chronologically and Thematically

Effective case organisation is essential to present a coherent narrative. Organizing evidence into logical categories—such as transactions, asset movements, and key dates—facilitates the creation of a timeline that can support the prosecutor's case. As described in “Effective Case Management for Law Enforcement Investigations” by FATF (FATF, 2019), categorising evidence chronologically highlights criminal patterns over time, which helps to demonstrate intent and sustained criminal behaviour. Additionally, thematic organisation, such as grouping by assets and operational methods, strengthens the connection between financial transactions and criminal acts.

f. Documenting the Chain of Custody

In the Philippines, demonstrating the chain of custody in criminal investigations is essential to maintain evidence integrity and uphold admissibility in court. Under Section 21 of Republic Act No. 9165, known as the Comprehensive Dangerous Drugs Act of 2002, strict protocols must be followed when handling evidence. This includes documenting every person who comes in contact with the evidence, from collection through transport, storage, and presentation in court. This process ensures that the evidence remains untampered and provides clear accountability.

The Philippine National Police (PNP) Manual on Anti-Illegal Drugs Operations and Investigation outlines specific steps for securing, labelling, and recording all pieces of evidence, such as using evidence bags and ensuring proper documentation at each stage. Investigators must also produce sworn affidavits describing the chain of custody, bolstering transparency and accountability.

g. Creating Visual Aids and Summaries

Visual aids, such as flow charts, timelines, and diagrams, clarify complex financial information, making it more accessible to the court. TRAFFIC's “Guidelines for Combatting Illegal Wildlife Trade through Financial Investigation” (TRAFFIC, 2020) advocate using visual summaries to map relationships between suspects, financial institutions, and assets. These aids are particularly useful in demonstrating unusual clusters of transactions, significant asset transfers, and links to other cases. Visual aids help distil complex financial activity into a clear, understandable format that facilitates judicial comprehension and strengthens the prosecution's argument.

h. Anticipating Defence Strategies

Preparation for potential defences is critical for case success. The World Bank's “Prosecuting Money Laundering Cases: A Guide for Practitioners” (World Bank, 2016) advises investigators to anticipate common defences, such as claims of unintentional involvement or business justifications for suspicious financial patterns. Preparing counterarguments with well-documented evidence helps counteract these strategies. Documentation showing knowledge of illicit activity—such as internal communications or records of repetitive suspicious transactions—can effectively refute defences of ignorance or oversight, enhancing the robustness of the prosecution.

i. Leveraging Expert Testimony

Expert testimony strengthens the understanding and interpretation of financial evidence. FATF's “Money Laundering and Terrorist Financing Vulnerabilities of Legal Professionals” (FATF, 2019) recommends engaging experts in forensic accounting, financial analysis, or relevant industries (e.g., wildlife trafficking) to provide context and expertise in court. Expert witnesses clarify complex financial behaviour patterns, such as layering or integration in money laundering schemes, reinforcing the investigation's findings. Thorough preparation of experts ensures alignment with case evidence and supports a cohesive narrative for the court.

DOCUMENTS AND INFORMATION RELEVANT TO ML INVESTIGATION FOR CASE DEVELOPMENT AND PROSECUTION



PROCESS OF FINANCIAL ANALYSIS AND INVESTIGATION

As a general rule, financial analysis and investigation involve transactions (direct or indirect) that are established to create a network of financial movements. This gives the financial investigator a view into the activity of the subject and, with the help of the additional information can show a suspect's movements, relationships and activities.

A few common analytical techniques that can help a financial investigator make sense of multiple transactions:

1. Cross-Match Analysis

- **Purpose:** To trace or backtrack the same financial amounts moving between accounts, across banks, or financial institutions on the same dates. This technique often reveals the flow of illicit funds by identifying matching "debit" and "credit" entries.
- **Application in Wildlife Crime Investigations:** Help trace transactions linked to wildlife trafficking by identifying patterns in how funds move through the banking system.

2. Link Analysis

- **Purpose:** To evaluate the flow of funds to and from related accounts, whether inward or outward. This method focuses on how different entities are financially connected.
- **Application in Wildlife Crime Investigations:** Useful for discovering relationships between traffickers, intermediaries, and buyers by following the money trail to both direct and related accounts. This helps in understanding the broader financial networks involved.

3. Network Analysis

- **Purpose:** To visualise relationships between entities (people, companies, accounts, etc.) by forming a web or graph, which helps uncover patterns, clusters, and hidden connections.
- **Application in Wildlife Crime Investigations:** Can reveal organised crime networks involved in trafficking and how different players (suppliers, middlemen, financiers) are interconnected. This visualisation aids in identifying the most critical nodes or players in the network.

4. Velocity of Funds Analysis

- **Purpose:** To measure the speed and frequency with which funds move between accounts. By analysing the swiftness and distribution frequency of financial transactions, unusual or suspicious activity can be highlighted.
- **Application in Wildlife Crime Investigations:** Fast-moving funds with frequent transfers can indicate attempts to obscure the origins of illicit money. This analysis can be useful in identifying money laundering patterns linked to illegal wildlife trafficking. and the integrity of their testimony.

These analytical methods can provide a comprehensive view of the financial aspects of criminal activity.

DATA PRIVACY, INTELLIGENCE AND EVIDENCE



In terms of data privacy, the collection of personal data from a covered person and the sharing thereof to law enforcement and other government agencies, pursuant to the provisions of the AMLA (as amended), its IRR and issuances of the AMLC, are exempt for the consent requirement. This applies when obtaining information provided by banks and other financial institutions necessary to comply with the AMLA (as amended) and within the bounds authorised by the law.¹³

Sharing of collected information with various law enforcement agencies and government agencies shall only be for fact-finding (case building) or for intelligence gathering purposes – these pieces of information cannot be used as evidence in court.

Data sharing between government agencies for the purpose of a public function or provision of a public service is not prohibited, provided that the function or service is consistent with and necessarily required under the general mandate of the agencies concerned. Information to be shared should only be to the minimum extent necessary to achieve the specific and legitimate purpose, function, or activity, and should not be used to circumvent the requirements under the Philippine Constitution. Also important to note that the authority to collect information given to the AMLC under the law is for the purpose of ensuring that the Philippines shall not be used as a money laundering site for the proceeds of any unlawful activity. Any processing outside this purpose should be justified by the Constitution or a relevant law.¹⁴



¹³ These should relate to a covered or suspicious transaction report or to a request of assistance from a foreign State related to proceeds of an unlawful activity as supported by substantial evidence.

¹⁴ Privacy Policy Office Advisory Opinion No. 2017-52 dated 11 September 2017. National Privacy Commission

INVESTIGATION AND PROSECUTION¹⁵ OF ENVIRONMENTAL CASES IN THE PHILIPPINES¹⁶



2018 to 2020 Data¹⁷ on Environmental Crimes

Financial institution, such as banks, are required to report financial activity that seems suspicious to the AMLA in a Suspicious Transaction Report (STRs). Between 2018 and 2020, a total of 211 STRs connected to violation of environmental laws for a total value of PHP61.4 million was reported. Below is a breakdown of the STRs generated for the said period according to the environmental crime involved.

Table 7. 2018 to 2020 STRs generated per environmental violation

ENVIRONMENTAL CRIMES	2018	2019	2020	Total	%
VIOLATIONS OF THE WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT	18	137	1	156	73.93
VIOLATIONS OF THE PHILIPPINE FISHERIES CODE OF 1998	0	37	0	37	17.54%
VIOLATIONS OF THE PHILIPPINE MINING ACT OF 1995	13	3	0	16	7.58%
VIOLATIONS OF THE REVISED FORESTRY CODE OF THE PHILIPPINES	2	0	0	2	0.95%
VIOLATIONS OF THE NATIONAL CAVES AND CAVE RESOURCES MANAGEMENT ACT	0	0	0	0	0.00%
Grand Total	33	177	1	211	100.00%

About 74% of the total reported suspicious transactions for environmental crimes STRs relate to violations of the Wildlife Conservation Act. Further analysis reveal that these transactions consist of “illegal exportation of a critically endangered wood and smuggling of live gliders, cockatoos, and birds of paradise.” For the previous years, the same observation is also noted – with violations of the Wildlife Conservation Act recognised as the top environmental violation, attributed to illegal exportation of wildlife resources.

¹⁵ The prosecution for the predicate crime / unlawful activity can proceed independently or instituted simultaneously with the money laundering case. As a matter of practicality, however, the proceedings for the predicate crime / unlawful activity is given priority over the actual money laundering case. Government prosecutors await the actual filing of the case with the court before the formal money laundering case is instituted. This reflects the derivative nature of the money laundering offense which highlights its existence as fully dependent on the existence of a prior unlawful activity.

SEC. 6 of the AMLA (as amended): Prosecution of Money Laundering.

(a) Any person may be charged with and convicted of both the offense of money laundering and the unlawful activity as herein defined.

(b) Any proceeding relating to the unlawful activity shall be given precedence over the prosecution of any offense or violation under this Act without prejudice to the freezing and other remedies provided.

¹⁶ National Risk Assessment – Philippines 2011-2014

¹⁷ An Assessment of the Philippines' Exposure to External and Internal Threats Based on Suspicious Transaction Reports for 2018 to 2020. Anti-Money Laundering Council. Link: <http://www.amlc.gov.ph/images/PDFs/ASSESSMENT%20OF%20PH%20EXPOSURE%20TO%20EXTERNAL%20AND%20INTERNAL%20THREATS%20BASED%20ON%202018%20TO%202020%20STRS.pdf> (last accessed: 25 November 2023)

BUILDING A CASE FOR COURT, A STEP-BY-STEP GUIDE



Building a financial investigation for prosecution involves several procedural steps to ensure that all evidence is legally obtained and properly documented. The key steps in the investigative process toward bringing a case to court are:

1. Pre-Search Determination of Probable Cause: Search Warrant

Objective: Before launching an investigation or executing a search warrant, investigators must establish probable cause to justify legal actions. This involves gathering initial information, complaints, or intelligence suggesting criminal activity.

Steps:

- Collect preliminary evidence through surveillance, informants, or public data.
- File an affidavit showing probable cause before a court, requesting a search warrant to seize records or assets.

Legal Framework: The **Philippine Rules of Court (Rule 126)** guides the issuance of search warrants. Probable cause is critical to prevent evidence from being challenged in court due to illegal searches.

2. Law Enforcement Operations

Objective: Once the search warrant is obtained, law enforcement officers carry out operations to seize relevant financial evidence (bank records, digital evidence, business documents).

Steps:

- Coordinate with relevant law enforcement agencies, such as the **Philippine National Police (PNP) or National Bureau of Investigation (NBI)**.
- Ensure proper handling of seized evidence, maintaining the chain of custody, presence of at least two (2) witnesses, and documenting the search process.

Best Practice: Use video recordings of search operations and detailed inventory lists of all items seized, ensuring accountability, and preventing legal challenges.

3. Request for Information (RFI) transmitted to the AMLC

Objective: A request for financial intelligence is submitted to the **Anti-Money Laundering Council (AMLC)**, seeking access to financial records and reports.

Steps:

- Law enforcement agencies file an RFI with the AMLC, specifying the individuals or entities involved in the investigation and the predicate crime involved.
- The AMLC gathers relevant financial intelligence, including identification documents, Suspicious Transaction Reports (STRs) and Covered Transaction Reports (CTRs).

Legal Basis: Under the **Anti-Money Laundering Act (AMLA) of 2001**, as amended, law enforcement can access financial data by requesting assistance from the AMLC.

4. AMLC Database Search: CTR and STR Search

Objective: The AMLC conducts a database search to identify transactions flagged by financial institutions as suspicious or over the reporting threshold.

Steps:

- The AMLC reviews data from its CTR/STR database, looking for transactions that suggest money laundering or the integration of illicit funds.
- Financial analysis tools are used to track large or suspicious deposits, withdrawals, and transfers.

Example: Many small deposits from multiple accounts, followed by immediate transfers, could indicate smurfing—a common money laundering technique.

5. Determination of Probable Cause to File a Petition for Bank Inquiry

Objective: Based on the financial data and intelligence gathered, the AMLC must assess whether probable cause exists to request a deeper investigation into bank accounts.

Steps:

- AMLC analysts prepare an initial investigation report detailing evidence of suspicious financial activity.
- A legal review is conducted to establish if the findings meet the legal threshold for filing a petition for bank inquiry.

Legal Basis: Section 11 of the AMLA, as amended, allows the AMLC to file a petition for bank inquiry if probable cause is established, subject to court approval.

6. Securing AMLC Resolution for Filing a Petition for Bank Inquiry

Objective: The AMLC must secure an internal resolution authorizing the filing of a petition for bank inquiry to obtain detailed banking records.

Steps:

- The AMLC's Financial Intelligence Unit (FIU) finalizes an internal report recommending the filing of a petition for bank inquiry.
- A resolution is passed within the AMLC allowing the petition to be filed before a court.

Best Practice: Ensure the resolution includes clear documentation of probable cause, citing relevant CTRs, STRs, and other financial evidence.

7. Secure Court Order for Bank Inquiry

Objective: Once the AMLC resolution is in place, a formal petition is submitted to the court to obtain a bank inquiry order.

Steps:

- File the petition with the Regional Trial Court (RTC), including the AMLC resolution and supporting documents.
- The court reviews the petition and, if satisfied, issues an order allowing the bank inquiry.

Legal Basis: The **AMLA**, as amended, allows court-ordered bank inquiries, provided probable cause is proven.

¹⁸ <https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/Best-Practices-Beneficial-Ownership-Legal-Persons.pdf.coredownload.inline.pdf>

¹⁹ https://www.traffic.org/site/assets/files/21914/wildlifemoneytrails_final.pdf

²⁰ https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Operational%20Issues_Financial%20Investigations%20Guidance.pdf.coredownload.pdf

8. Bank Records Received by the AMLC and Processed for the Preparation of Investigation Report (IR)

Objective: Once the court grants the bank inquiry, the AMLC receives detailed bank records for further analysis.

Steps:

- The AMLC reviews and analyzes the bank records, focusing on patterns of suspicious transactions, sudden large deposits, or connections to known illicit networks.
- Financial forensic experts analyse the flow of funds, using tools like **link analysis** or **network analysis** to map relationships between accounts.

Best Practice: Cross-reference bank data with other sources of intelligence (e.g., phone records, business transactions) to establish a comprehensive understanding of financial activities.

9. Investigation Report (IR) Shared with Law Enforcement Agencies (LEAs)

Objective: The final Investigation Report (IR) is prepared by the AMLC and shared with law enforcement agencies for the preparation of charges.

Steps:

- The AMLC compiles all findings into a formal investigation report, outlining the financial flow, involved individuals, and evidence of illicit activities.
- The report is handed over to the PNP, NBI, or other relevant LEAs for integration into the criminal case being built.

Best Practice: The IR should include detailed explanations of the findings, visuals of financial flows, and documentation of all steps taken to ensure the evidence's integrity.



²¹ <https://www.traffic.org/publications/reports/case-digest-an-initial-analysis-of-the-financial-flows-and-payment-mechanisms-behind-wildlife-and-forest-crime/>

²² <https://star.worldbank.org/publications/asset-recovery-handbook-guide-practitioners-second-edition>

GLOBAL EXAMPLES AND BEST PRACTICE



The following examples are some best practices to consider in pursuing financial investigations with links to the guidance documents from leading authorities as these can provide a wealth of knowledge for financial investigators:



Inter-agency co-operation: Best practice in financial investigations for combating wildlife crime includes enhancing inter-agency cooperation and improving information sharing. Proven methods from other types of crime can be adapted, such as establishing wildlife crime task forces and working groups that foster trust and collaboration. Assigning liaison officers improves communication efficiency across agencies, while training enforcement agencies (EAs) and law enforcement agencies (LEAs) on anti-money laundering (AML) and counter-financing of terrorism (CFT) regimes helps integrate financial investigations with traditional wildlife crime approaches (ECOFEL, Financial Investigations into Wildlife Crime, 2021)



Follow the Money, Not Just the Crime Scene: Financial investigations are key to identifying networks behind criminal activities, so following financial trails helps uncover facilitators and broader criminal enterprises. According to the FATF, tracing illicit financial flows often reveals key actors and enablers, leading to more effective disruption of criminal networks. “The use of financial investigations should be incorporated in all investigations of major crimes” (FATF, Best Practices on Beneficial Ownership for Legal Persons, 2019).¹⁸



Use Cross-Border Collaboration: Many financial crimes span multiple jurisdictions, making international cooperation essential. Working closely with counterparts abroad can significantly enhance investigation outcomes. Tracing and identifying profits that have been illegally acquired from wildlife and timber trafficking will likely involve multi-jurisdictional investigations, requiring evidence to be gathered along the wildlife and timber supply chain, as well as from different jurisdictions where the illicit proceeds may be located, where the suspects reside and where relevant bank accounts and companies may be registered (TRAFFIC Wildlife Money Trails, 2023).¹⁹

¹⁸ <https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/Best-Practices-Beneficial-Ownership-Legal-Persons.pdf.coredownload.inline.pdf>

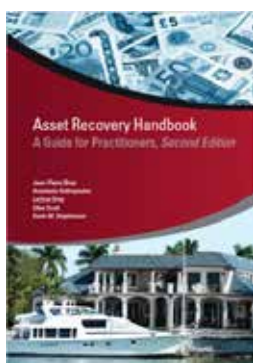
¹⁹ https://www.traffic.org/site/assets/files/21914/wildlifemoneytrails_final.pdf



Analyse Suspicious Transaction Reports (STRs) Early: Reviewing STRs submitted by financial institutions at the outset of an investigation can provide vital leads and insights into the financial behaviour of suspects. As FATF notes, “Suspicious transaction reports are often valuable starting points for tracing financial networks connected to criminal enterprises” (TRAFFIC, Guidance on Financial Investigations and Financial Intelligence, 2012).²⁰



Consider the Role of Corruption: Best practices in financial investigations related to corruption in illegal wildlife trade (IWT) involve tracking bribery patterns and identifying vulnerable points in regulatory processes. Corruption risks are prevalent at multiple stages, including bribing officials to obtain illegal hunting permits, falsifying timber documents, and enabling illegal cross-border movement. Bribes are often paid to customs officers, law enforcement, and politically exposed persons to overlook or halt investigations, as well as to airline and CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) officials to facilitate transport and export permits (Financial Flows and Payment Mechanisms Behind Wildlife and Forest Crime, 2021).²¹



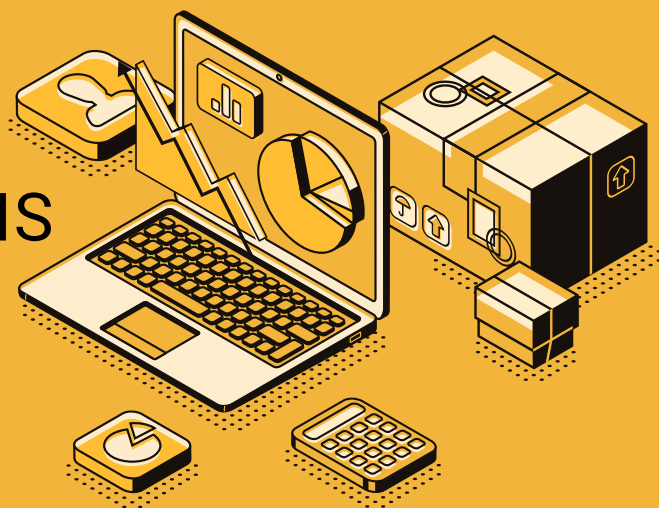
Prioritise Asset Seizure and Recovery: Effective financial investigations should aim not only to prosecute offenders but also to seize and recover illicit gains. FATF underscores that “Asset recovery has a strong deterrent effect and is a key tool in depriving criminals of the proceeds of crime” (World Bank, Asset Recovery Handbook, 2020).²²

²⁰ https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Operational%20Issues_Financial%20Investigations%20Guidance.pdf.coredownload.pdf

²¹ <https://www.traffic.org/publications/reports/case-digest-an-initial-analysis-of-the-financial-flows-and-payment-mechanisms-behind-wildlife-and-forest-crime/>

²² <https://star.worldbank.org/publications/asset-recovery-handbook-guide-practitioners-second-edition>

CONCLUSION AND RECOMMENDATIONS



Enforcement activities for environmental law violators are typically limited to arrest and criminal prosecution. While the arrest of violators is an accomplishment and a performance metric for law enforcers and government prosecutors, rarely do we see initiatives to further unearth the financial aspect of the crime to uncover the wider criminal infrastructure. This limited approach on environmental law enforcement misses valuable opportunities to identify and disrupt the broader criminal network. Also critical in this approach is the synergy or cooperation among government agencies in charge of enforcing environmental laws and anti-money laundering regulations.

With the above discussion on Philippine AML regulations as well as investigative procedures, we recommend the following to strengthen the legal response to wildlife crime in the Philippines, increase the number of ML cases investigated, identify and recover more illicit assets, and increase the number of money launderers prosecuted.

Utilize deputization mechanism to reinforce LEA engagement

Wildlife LEAs and the AMLC are encouraged to execute a formal document to enlist Deputized AMLC Financial Investigators (DAFIs) (as Section 7 (10) of the AMLA (as amended)), and consider deputizing AMLC officers as DENR enforcers. The AMLC has already deputized the Bureau of Customs (BOC) personnel as financial investigators. This arrangement increases LEAs' capacity to prevent, detect, and investigate money laundering/terrorist financing offenses. With the deputization of AMLC as DENR enforcers, the environmental agencies can utilize them to implement enforcement efforts that involve violations of environmental laws with money laundering operations.

Conduct Capacity Building for Wildlife LEAs

This guideline is the first step to equipping wildlife LEAs with basic practical knowledge on the AMLA (as amended), AMLC's mandate, follow-the-money principles, and financial investigative techniques. Further training workshops can serve to delve more deeply into financial investigation techniques and increase synergies between wildlife LEAs, AMLC and the private financial sector.

Increase Referral of Environmental Cases to AMLC

Wildlife LEAs are urged to refer to the AMLC for any cases involving significant financial aspects. The AMLC can then advise on the prioritization of identifying ML cases and conduct ML investigations in parallel. Referrals and information sharing can be facilitated by bilateral or multi-lateral agreements, such as the MOA between AMLC and PCSDS.

Include Illegal Logging in the List of Predicate Crimes under AMLA

The AMLA (as amended) currently does not include the Revised Forestry provision on illegal logging covered by Section 77 (Cutting, Gathering and/or Collecting Timber, or Other Forest Products Without License)²³ as a predicate crime. Illegal logging is the most prevalent environmental law violation. Statistics for hotspots and illicit proceeds generated from these activities are readily available and will complement the financial as well as the legal tools available for the successful investigation and prosecution of the perpetrators. Subsequent amendments to the AMLA will benefit from the inclusion of illegal logging in the updated list of predicate crimes to money laundering.

²³ SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License. – Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

ANNEX A:

Predicate Crimes under the AMLA (as amended)

1. Kidnapping for ransom under Article 267 of Act No. 3815, otherwise known as the Revised Penal Code, as amended;
2. Sections 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, and 16 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002;
3. Section 3 paragraphs B, C, E, G, H, and I of Republic Act No. 3019, as amended; otherwise known as the Anti-Graft and Corrupt Practices Act;
4. Plunder under Republic Act No. 7080, as amended;
5. Robbery and extortion under Articles 294, 295, 296, 299, 300, 301, and 302 of the Revised Penal Code, as amended;
6. Jueteng and Masiao punished as illegal gambling under Presidential Decree No. 1602;
7. Piracy on the high seas under the Revised Penal Code, as amended and Presidential Decree No. 532;
8. Qualified theft under Article 310 of the Revised Penal Code, as amended;
9. Swindling under Article 315 and "Other Forms of Swindling" under Article 316 of the Revised Penal Code, as amended;
10. Smuggling under Republic Act Nos. 455 and 1937, as amended, of the Tariff and Customs Code of the Philippines;
11. Violations under Republic Act No. 8792, otherwise known as the Electronic Commerce Act of 2000;
12. Hijacking and other violations under Republic Act No. 6235; destructive arson and murder, as defined under the Revised Penal Code, as amended, including those perpetrated by terrorists against non-combatant persons and similar targets;
13. Terrorism and conspiracy to commit terrorism as defined and penalised under Sections 3 and 4 of Republic Act No. 9372;
14. Financing of terrorism under Section 4 and offenses punishable under Sections 5, 6, 7 and 8 of Republic Act No. 10168, otherwise known as the Terrorism Financing Prevention and Suppression Act of 2012
15. Bribery under Articles 210, 211 and 211-A of the Revised Penal Code, as amended, and Corruption of Public Officers under Article 212 of the Revised Penal Code, as amended;
16. Frauds and Illegal Exactions and Transactions under Articles 213, 214, 215 and 216 of the Revised Penal Code, as amended;
17. Malversation of Public Funds and Property under Articles 217 and 222 of the Revised Penal Code, as amended;
18. Forgeries and Counterfeiting under Articles 163, 166, 167, 168, 169 and 176 of the Revised Penal Code, as amended;
19. Violations of Sections 4 to 6 of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 as amended;
20. Violations of Sections 78 to 79 of Chapter IV, of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended;
21. Violations of Sections 86 to 106 of Chapter VI, of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998;
22. Violations of Sections 101 to 107, and 110 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995;
23. Violations of Section 27(c), (e), (f), (g) and (i), of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act;
24. Violation of Section 7(b) of Republic Act No. 9072, otherwise known as the National Caves and Cave Resources Management Protection Act;
25. Violation of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act of 2002, as amended;

26. Violations of Sections 1, 3 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;
27. Violation of Presidential Decree No. 1612, otherwise known as the Anti Fencing Law;
28. Violation of Section 6 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022;
29. Violation of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines;
30. Violation of Section 4 of Republic Act No. 9995, otherwise known as the Anti Photo and Video Voyeurism Act of 2009;
31. Violation of Section 4 of Republic Act No. 9775, otherwise known as the Anti Child Pornography Act of 2009;
32. Violations of Sections 5, 7, 8, 9, 10(c), (d) and (e), 11, 12 and 14 of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination;
33. Fraudulent practices and other violations under Republic Act No. 8799, otherwise known as the Securities Regulation Code of 2000;
34. Violation of Section 9 (a)(3) of Republic Act No. 10697, otherwise known as the "Strategic Trade Management Act", in relation to the proliferation of weapons of mass destruction and its financing pursuant to United Nations Security Council Resolution Numbers 1718 of 2006 and 2231 of 2015";
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 Philippine Pesos (PHP25,000,000.00) 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 misrepresenting 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 by the Bureau of Internal Revenue (BIR) in a separate proceeding; and
36. Felonies or offenses of a similar nature to aforementioned unlawful activities that are punishable under the penal laws of other countries. In determining whether or not a felony or offense punishable under the penal laws of other countries is "of similar nature", as to constitute an unlawful activity under the AMLA, the nomenclature of said offense or felony need not be identical to any of the unlawful activities listed above.

ANNEX B:

Environmental Crimes Covered by the AMLA (as amended)

1. Violations of Sections 78 to 79 of Chapter IV, of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended

SECTION 78. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands. – Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others, any forest land or grazing land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or grazing land or part thereof, or causes any damage to the timber stand and other products and forest growth found therein, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land or grazing land, or refuses to vacate the area when ordered to do so, pursuant to the provisions of Section 53 hereof shall, upon conviction, be fined in an amount of not less than five hundred pesos (P500.00), nor more than twenty thousand pesos (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment to ten (10) times the rental fees and other charges which would have accrued had the occupational and use of the land been authorized under a license agreement, lease, license or permit: Provided, That in the case of an offender found guilty of making kaingin, the penalty shall be imprisonment for not less than two (2) nor more than four (4) years and a fine equal to eight (8) times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of production of the occupied area as determined by the Bureau: Provided, further, That the maximum of the penalty prescribed herein shall be imposed upon the offender who repeats the same offense and who commits the same offense and double the maximum of the penalty upon the offender who commits the same offense for the third time.

In all cases the Court shall further order the eviction of the offender from the land and the forfeiture to the government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Bureau, said vehicles, domestic animals, equipment and improvements shall be sold at public auction, the proceeds of which shall accrue to the Development Fund of the Bureau.

In case the offender is a government official or employee, he shall, in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

SECTION 79. Pasturing Livestock. – Imprisonment for not less than six (6) months nor more than two (2) years and a fine equal to ten (10) times the regular rentals due, in addition to the confiscation of such livestock and all improvement introduced in the area in favor of the government, shall be imposed upon any person, who shall, without authority under a lease or permit, graze or cause to graze livestock in forest lands, grazing lands and alienable and disposable lands which have not as yet been disposed of in accordance with the Public Land Act; Provided, That in case the offender is a corporation, partnership or association, the officers and directors thereof shall be liable.

2. Violations of Sections 86 to 106 of Chapter VI, of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998

Section 86. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. – No person shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in Philippine waters without a license, lease or permit.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

It shall be unlawful for any commercial fishing vessel to fish in bays and in such other fishery management areas which may hereinafter be declared as over-exploited.

Any commercial fishing boat captain or the three (3) highest officers of the boat who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Ten thousand pesos (P10,000.00) whichever is higher, and imprisonment of six (6) months, confiscation of catch and fishing gears, and automatic revocation of license.

It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters. Any municipal fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of Five hundred pesos (500.00).

Section 87. Poaching in Philippine Waters. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie evidence that the vessel is engaged in fishing in Philippine waters.

Violation of the above shall be punished by a fine of One hundred thousand U.S. Dollars (US\$100,000.00), in addition to the confiscation of its catch, fishing equipment and fishing vessel: Provided, That the Department is empowered to impose an administrative fine of not less than Fifty thousand U.S. Dollars (US\$50,000.00) but not more than Two hundred thousand U.S. Dollars (US\$200,000.00) or its equivalent in the Philippine Currency.

Section 88. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity. –

1. It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in Philippine waters with the use of electricity, explosives, noxious or poisonous substance such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the Department, subject to such safeguards and conditions deemed necessary and endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of electricity, poisonous or noxious substances to catch, take or gather fish or fishery species: Provided, further, That the use of poisonous or noxious substances to eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro-fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute prima facie evidence, that the same was used for fishing in violation of this Code. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or by electricity shall constitute prima facie evidence that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

2. Mere possession of explosive, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to two (2) years.
3. Actual use of explosives, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from five (5) years to ten (10) years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.
4. Dealing in, selling, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from six (6) months to two (2) years.
5. In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited.

Section 89. Use of Fine Mesh Net. — It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be fixed by the Department: Provided, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios, and alamang and such species which by their nature are small but already mature to be identified in the implementing rules and regulations by the Department.

Violation of the above shall subject the offender to a fine from Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) or imprisonment from six (6) months to two (2) years or both such fine and imprisonment at the discretion of the court: Provided, That if the offense is committed by a commercial fishing vessel, the boat captain and the master fisherman shall also be subject to the penalties provided herein: Provided, further, That the owner/operator of the commercial fishing vessel who violates this provision shall be subjected to the same penalties provided herein: Provided, finally, That the Department is hereby empowered to impose upon the offender an administrative fine and/or cancel his permit or license or both.

Section 90. Use of Active Gear in the Municipal Waters and Bays and Other Fishery Management Areas. — It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.

Violators of the above prohibitions shall suffer the following penalties:

1. The boat captain and master fisherman of the vessels who participated in the violation shall suffer the penalty of imprisonment from two (2) years to six (6) years;
2. The owner/operator of the vessel shall be fined from Two thousand pesos (P2,000.00) to Twenty thousand pesos (20,000.00) upon the discretion of the court.
 - If the owner/operator is a corporation, the penalty shall be imposed on the chief executive officer of the Corporation.
 - If the owner/operator is a partnership the penalty shall be imposed on the managing partner.
3. The catch shall be confiscated and forfeited.

Section 91. Ban on Coral Exploitation and Exportation. — It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Violations of this provision shall be punished by imprisonment from six (6) months to two (2) years and a fine from Two thousand pesos (P2,000.00) to Twenty thousand pesos (20,000.00), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition. The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

Section 92. Ban on Muro-Ami Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. — It shall be unlawful for any person, natural or juridical, to fish with gear method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. "Muro-Ami" and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer a penalty of two (2) years to ten (10) years imprisonment and a fine of not less than One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) or both such fine and imprisonment, at the discretion of the court. The catch and gear used shall be confiscated.

It shall likewise be unlawful for any person or corporation to gather, sell or export white sand, silica, pebbles and any other substances which make up any marine habitat.

The person or corporation who violates this provision shall suffer a penalty of two (2) years to ten (10) years imprisonment and a fine of not less than One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) or both such fine and imprisonment, at the discretion of the court. The substance taken from its marine habitat shall be confiscated.

Section 93. Illegal Use of Superlights. — It shall be unlawful to engage in fishing with the use of superlights in municipal waters or in violation of the rules and regulations which may be promulgated by the Department on the use of superlights outside municipal waters.

Violations of this provision shall be punished by imprisonment from six (6) months to two (2) years or a fine of Five thousand pesos (P5,000.00) per superlight, or both such fine and imprisonment at the discretion of the courts. The superlight, fishing gears and vessel shall be confiscated.

Section 94. Conversion of Mangroves. — It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

Violation of the provision of this section shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or a fine of Eighty thousand pesos (P80,000.00): Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender should also be required to restore or compensate for the restoration of the damage.

Section 95. Fishing in Overfished Area and During Closed Season. — It shall be unlawful to fish in overfished area and during closed season.

Violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or fine of Six thousand pesos (P6,000.00) and by forfeiture of the catch and cancellation of fishing permit or license.

Section 96. Fishing in Fishery Reserves, Refuge and Sanctuaries. — It shall be unlawful to fish in fishery areas declared by the Department as fishery reserves, refuge and sanctuaries.

Violation of the provision of this section shall be punished by imprisonment of two (2) years to six (6) years and/or fine of Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) and by forfeiture of the catch and the cancellation of fishing permit or license.

Section 97. Fishing or Taking of Rare, Threatened or Endangered Species. — It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Department.

Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or a fine of One hundred and twenty thousand pesos (P120,000.00) and forfeiture of the catch, and the cancellation of fishing permit.

Section 98. Capture of Sabalo and Other Breeders/Spawners. — It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or “sabalo” and such other breeders or spawners of other fishery species as may be determined by the Department: Provided, that catching of “sabalo” and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines to be promulgated by the Department.

Violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or a fine of Eighty thousand pesos (P80,000.00) and forfeiture of the catch, and fishing equipment used and revocation of license.

Section 99. Exportation of Breeders, Spawners, Eggs or Fry. — Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished by imprisonment of eight (8) years, confiscation of the same or a fine equivalent to double the value of the same, and revocation of the fishing and/or export license/permit.

Section 100. Importation or Exportation of Fish or Fishery Species. — Any importation or exportation of fish or fisheries species in violation of this Code shall be punished by eight (8) years of imprisonment, a fine of Eighty thousand pesos (P80,000.00) and destruction of live fishery species or forfeiture of non-live fishery species in favor of the department for its proper disposition: Provided, That violator of this provision shall be banned from being members or stock holders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.

Section 101. Violation of Catch Ceilings. — It shall be unlawful for any person to fish in violation of catch ceilings as determined by the Department. Violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) and forfeiture of the catch, and fishing equipment used and revocation of license.

Section 102. Aquatic Pollution. — Aquatic pollution, as defined in this Code shall be unlawful.

Violation of the provision of this section shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or a fine of Eighty thousand pesos (P80,000.00) plus an additional fine of Eight thousand pesos (P8,000.00) per day until such violation ceases and the fines paid.

Section 103. Other Violations. — The following fisheries activities shall also be considered as a violation of this Code:

- a. Failure to Comply with Minimum Safety Standards. — The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided in this Code, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest port or landing point. The license to operate the commercial fishing vessel shall be suspended until the safety standard has been complied with.
- b. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages. — The FLA of the holder who fails to render a yearly report shall be immediately cancelled: Provided, That if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties: (1) first offense, a fine of Five hundred pesos (P500.00) per unreported hectare; (2) subsequent offenses, a fine of One thousand pesos (1,000.00) per unreported hectare.
- c. Gathering and Marketing of Shell Fishes. — It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell fish which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species.
- d. Obstruction to Navigation or Flow and Ebb of Tide in any Stream, River, Lake or Bay. — It shall be unlawful for any person who causes obstruction to navigation or flow or ebb of tide.
- e. Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages. — It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit.

Subject to the provision of subparagraph (b) of this section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two thousand pesos (P2,000.00) to Ten thousand pesos (P10,000.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court: Provided, That the Secretary is hereby empowered to impose upon the offender an administrative fine of not more than Ten thousand pesos (P10,000.00) or to cancel his permit or license, or to impose such fine and to cancel his permit or license, in the discretion of the Secretary: Provided, further, That the Secretary, or his duly authorized representative, and law enforcement agents are hereby empowered to impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: Provided, finally, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under this Code, shall be subject to a fine of not more than Ten thousand pesos (P10,000.00) or imprisonment of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the court.

Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed.

Section 104. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk or Fishworker or Crew. — The owner/operator of a commercial fishing vessel employing unlicensed fisherfolk or fishworker shall be fined Five hundred pesos (P500.00) each for every month that the same has been employed and/or One thousand pesos (P1,000.00) for every month for each unlicensed crew member who has been employed. any, and dismantling of obstruction shall be at his own expense and confiscation of same.

Section 105. Obstruction of Defined Migration Paths. — Obstruction of any defined migration paths of anadromous, catadromous and other migratory species, in areas including, but not limited to river mouths and estuaries within a distance determined by the concerned FARMCs shall be punished by imprisonment of seven (7) years to twelve (12) years or a fine from Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) or both imprisonment and fine at the discretion of the court, and cancellation of permit/license, if any, and dismantling of obstruction shall be at his own expense and confiscation of same.

Section 106. — The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades, obstructs or hinders any fishery law enforcement officer of the Department to perform his duty, shall be fined Ten thousand pesos (P10,000.00). In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled.

3. Violations of Sections 101 to 107, and 110 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995.

Section 101. False Statements — Any person who knowingly presents any false application, declaration, or evidence to the Government or publishes or causes to be published any prospectus or other information containing any false statement relating to mines, mining operations or mineral agreements, financial or technical assistance agreements and permits shall, upon conviction, be penalized by a fine of not exceeding Ten thousand pesos (P10,000.00).

Section 102. Illegal Exploration — Any person undertaking exploration work without the necessary exploration permit shall, upon conviction, be penalized by a fine of not exceeding Fifty thousand pesos (P50,000.00).

Section 103. Theft of Minerals — Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from Ten thousand pesos (P10,000.00) to Twenty thousand pesos (P20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership.

Section 104. Destruction of Mining Structures - Any person who willfully destroys or damages structures in or on the mining area or on the mill sites shall, upon conviction, be imprisoned for a period not to exceed five (5) years and shall, in addition, pay compensation for the damages which may have been caused thereby.

Section 105. Mines Arson — Any person who willfully sets fire to any mineral stockpile, mine or workings, fittings or a mine, shall be guilty of arson and shall be punished, upon conviction, by the appropriate court in accordance with the provisions of the Revised Penal Code and shall, in addition, pay compensation for the damages caused hereby.

Section 106. Willful Damage to a Mine — Any person who willfully damages a mine, unlawfully causes water to run into a mine, or obstructs any shaft or passage to a mine, or renders useless, damages or destroys any machine, appliance, apparatus, rope, chain, tackle, or any other things used in a mine, shall be punished, upon conviction, by the appropriate court, by imprisonment not exceeding a period of five (5) years and shall, in addition, pay compensation for the damages caused thereby.

Section 107. Illegal Obstruction to Permittees or Contractors — Any person who, without justifiable cause, prevents or obstructs the holder of any permit, agreement or lease from undertaking his mining operations shall be punished, upon conviction by the appropriate court, by a fine not exceeding Five thousand pesos (P5,000.00) or imprisonment not exceeding one (1) year, or both, at the discretion of the court.

Section 110. Other Violations — Any other violation of this Act and its implementing rules and regulations shall constitute an offense punishable with a fine not exceeding Five thousand pesos (P5,000.00).

4. Violations of Sections 101 to 107, and 110 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995.

Section 27. Illegal Acts. — Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts:

- a. killing and destroying wildlife species, except in the following instances;
 - i. when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - ii. when the wildlife is afflicted with an incurable communicable disease;
 - iii. when it is deemed necessary to put an end to the misery suffered by the wildlife;
 - iv. when it is done to prevent an imminent danger to the life or limb of a human being; and
 - v. when the wildlife is killed or destroyed after it has been used in authorized research or experiments.
- b. inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- c. effecting any of the following acts in critical habitat(s)
 - i. dumping of waste products detrimental to wildlife;
 - ii. squatting or otherwise occupying any portion of the critical habitat;
 - iii. mineral exploration and/or extraction;
 - IV. burning;
 - V. logging; and
 - VI. quarrying
- d. introduction, reintroduction or restocking of wildlife resources;
- e. trading of wildlife;
- f. collecting, hunting or possessing wildlife, their by-products and derivatives;
- g. gathering or destroying of active nests, nest trees, host plants and the like;
- h. maltreating and/or inflicting other injuries not covered by the preceding paragraph; and
- i. transporting of wildlife.

5. Violation of Section 7(b) of Republic Act No. 9072, otherwise known as the National Caves and Cave Resources Management Protection Act

Section 7. Prohibited Acts — The following shall be considered Prohibited Acts.

- a. Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resource;

ANNEX C:

Documents that might be used to conduct financial investigation and substantially develop cases, and the corresponding purpose/reason for which it is collected (or what it seeks to prove)

Document Type (see Annex G for sample of these documents)	What it Seeks to Establish or Prove? (Purpose)
Common Documents Available (Relatively "easy to access" documents)	
Signature Cards	To identify as to who can sign for the account.
Bank statements / passbook	This contains a history of all transactions in the subject account.
Cancelled or negotiated checks	This can be treated as evidences of disbursements; used to trace ultimate disposition; provide leads to previously-undisclosed assets purchased using the checks; or create leads to third parties/ principals/co-conspirators.
Deposit/withdrawal slips	This is direct evidence of items/amounts deposited or withdrawn; a trace to initial source, evidence of receipts; lead to previously undisclosed assets sold or used to fund the deposits; or even lead to third parties, principals/co-conspirators who funded the deposits.
Credit and debit memos	Create leads to unusual transactions, loan proceeds or repayments, wire transfers in or out, purchases of bank checks, traveler's checks or money orders, purchase or redemption of time deposits or securities, payments or receipts from other accounts with the same banks or financial institutions. This can also lead: (i) to previously undisclosed assets used to fund credit, memo or purchased with funds reflected in debit memo; (ii) to 3rd parties, principals, or co-conspirators who funded credit memos or who received funds reflected by debit memos.
Bank Checks (Cashier's, Manager's, Treasury, Traveler's, or Money Orders)	<p>This can identify source items (checks, debit memos, cash-in tickets, wires-in, etc.) used to purchase the bank checks. These can also be used to trace to initial source; and evidence of disbursements.</p> <p>Other vital purpose of the identified document:</p> <ul style="list-style-type: none"> • leads to previously undisclosed assets used

Document Type (see Annex G for sample of these documents)	What it Seeks to Establish or Prove? (Purpose)
	to purchase the instruments <ul style="list-style-type: none"> • leads to third parties, principals, or co-conspirators who provided the funds to purchase the instruments • trace to ultimate disposition • as evidence of receipts
Bank checks, credit memos, cash-out tickets, wires out, etc. purchased with cashed-in CTDs using the “follow the money” formula.	This creates a paper trail/trace up until the ultimate disposition of the funds; provide evidence of redemption and disbursement; leads to previously undisclosed assets purchased with the proceeds; leads to 3rd parties, principals, or co-conspirators who received the proceeds; or records reflecting interest earned, roll-overs, or reinvestments and withdrawals.
Screenshots of e-money transactions / fund or wire transfers from seized computers and mobile phone devices.	This corroborates the financial transactions reflected in the bank or telecom statement of account. This can also identify the recipient of the amount transferred and purpose of the transaction by linking this with the mobile phone or chat messages of the apprehended criminals or suspects.
Common Documents Available (Relatively “easy to access” documents)	
Board of Directors (BOD) Resolution / authorization; Partnership Resolution; Owner’s Sworn Statement / Affidavit / Special Power of Attorney	This may indicate the names of related companies or persons who control the account (ultimate beneficial owner). This may also provide previously undisclosed relationships with other persons or entities, or may provide evidence of beneficial ownership of the account.
Applications for purchase of Manager’s Check (MC), Cashier’s Check (CC), Demand Deposit (DD), or Telegraphic Transfer (TT)	These documents may show who purchased the instruments; leads to third parties, principals, or co-conspirators who purchased the instruments for the subject.
Retained copies of negotiated MC, CC, Treasury and Traveler’s Checks	These are evidence of receipts and disbursements; may show where the documents were negotiated; leads to undisclosed bank accounts where instruments were negotiated/deposited; leads to previously undisclosed assets purchased with the instrument; endorsements may also provide leads to previously undisclosed relationships with other persons or entities.


Document Type (see Annex G for sample of these documents)	What it Seeks to Establish or Prove? (Purpose)
Certificates of Time Deposit (CTDs—Open and Closed) Copies of CTDs (Survivorship Agreement) or for Corporate CTDs (Board Resolutions or Partnership Authorization)	This may reveal previously-undisclosed relationships with other persons or entities; may also contain a list of other corporate officers, Board Members or partners; or may even reveal evidence of beneficial ownership of the CTD.
Fund source items (such as checks, debit memos, cash-in tickets, wires in, etc.) used to fund the Certificate of Time Deposit (CTD)	This may create a paper trail/trace to the initial source of funds; provide evidence of funding; may lead to previously undisclosed assets used to buy the CTD; or lead to 3rd parties, principals, or co-conspirators who provided the funds to buy the CTD.
Correspondences between the bank and regulators (BSP, AMLC, PDIC or Law Enforcement Agencies/Officials)	May provide previously unknown leads or evidence relating to the investigation.
Credit cards including monthly billing statements, application forms for credit cards (Know-Your-Client documents)	May reveal previously undisclosed assets purchased via credit cards; may reveal previously undisclosed credit cards; may also reveal credit card extensions and/or co-makers; or establish proof of high -value purchases, credit limits, travel records, payors, and other adverse records (late or non-payment, delinquencies).
Loan records (current, paid, past-due and restructured), loan application forms (KYC docs), and other related financial records.	This may provide a starting point for net worth or expenditures method of proof; provide leads to previously undisclosed assets and liabilities listed on the Financial Statements (FS); this may also reveal large discrepancies in income or net worth between what is listed on the FS and what is documented elsewhere in the case.
Loan ledger sheets	Summarizes loan amount, payments, and interest charged.
Loan amortization schedules	Indicates the normal loan repayment and interest accrual schedule for a given loan over a given term with a given interest rate (compare this with actual terms and repayments for unusual transactions).
Items evidencing loan releases (or loan disbursements), which may include Manager's Checks (MC), credit memos, cash-out tickets, wires out, etc.	This may indicate the loan was used for something other than its stated purpose; may also indicate the loan proceeds were paid to a previously undisclosed person or entity; or may provide evidence of beneficial ownership of the loan or assets purchased using the proceeds of the loan.

Document Type (see Annex G for sample of these documents)	What it Seeks to Establish or Prove? (Purpose)
Items evidencing loan repayments include personal checks, debit memo, cash-in tickets, wires-in, etc.	This may reveal hidden accounts or assets used to make repayments on the loan; may reveal 3rd parties making payments on the loan; may reveal sudden increases in wealth used to repay the loan; or may provide evidence of beneficial ownership of the loan.
Real estate mortgage (REM), chattel mortgages, or other security instruments for loans Utilities payments, electricity, gas, water as well as subscription services such as additional TV services and internet provision.	May reveal previously undisclosed assets that are used as security for the loans. Service and utilities payments could identify additional residences, or residences that the suspect may regularly sleep at such as partner's properties.
Collateral agreements or documents pertaining to collateral given for the loan	This may reveal 3rd parties, example co-maker or one who produced collateral (accommodation mortgagor); or may reveal previously undisclosed assets used to collateralize the loan.
Safe Deposit Box (SDB) records (open and closed), and SDB contracts	Identification information on persons having access to the box
Corporate Board Resolution, minutes or partnership information related to the SDB	This may reveal previously undisclosed relationship with other persons or entities; or may reveal evidence of beneficial ownership of the SDB.
SDB Entry records	This can be compared with surveillance notes to document currency payments made from the box to 3rd parties (purchase of high value object, metals and stones, luxury cars, etc.); or this can be compared with surveillance notes to document probable cause for search, seizure or forfeiture.
Teller's blotter, proofsheets, journals and tapes	This is normally used as a last resort in tracing transactions and to document currency transactions.
Wire Transfers Docs (Chips, Fed Wire, SWIFT, or other money transfer or message)	Wire Transfers Docs (Chips, Fed Wire, SWIFT, or other money transfer or message)

ANNEX D:

Sample Investigation Report

1. Profiles of Subjects (Individuals / Entities)

		
NAME:		
DATE OF BIRTH:		
PLACE OF BIRTH:		
ADDRESS:		
CIVIL STATUS:		
GENDER:		
CITIZENSHIP:		
HEIGHT		
WEIGHT		
DECLARED	GROSS	ANNUAL
INCOME		
ESTIMATED INCOME		
MOBILE TELEPHONE NO.		
TAX IDENTIFICATION NO. (TIN)		
HIGHEST	EDUCATIONAL	
ATTAINMENT:		
FATHER'S NAME:		
MOTHER'S NAME:		
SIBLING/S:		

2. Predicate Crime

- Should be at least one (1) of the 36 predicate offenses under the AMLA (as amended)

3. Investigative Trigger/s

- Referrals from law enforcement agencies, other governments
- Criminal complaint filed in court
- Suspicious transaction reports
- Credible news sources

4. Action Taken by the Government

- Database search
- Gathering of financial information and records about the subjects
- Initial validation of information
- Surveillance

5. Initial results of inquiry


- Legal remedies availed (Freeze Order/Provisional or Asset Preservation Order)
- Preparation of subject's financial profile based on the inquiry

6. Bank inquiry observations/findings

7. Recommendations/Conclusion

ANNEX E:

SAMPLE FREEZE ORDER



Republic of the Philippines
Court of Appeals
Manila

SPECIAL THIRD DIVISION

IN RE: EX PARTE CA-G.R. AMLA CASE NO. [REDACTED]
PETITION FOR ISSUANCE
OF FREEZE ORDER

Members:

REPUBLIC OF THE
PHILIPPINES, represented
by the ANTI-MONEY
LAUNDERING COUNCIL
(AMLC),

Petitioner.

[REDACTED] Acting Chairperson

[REDACTED]

Promulgated:

[REDACTED]

-----X-----X

RESOLUTION

WHEREFORE, premises considered, the *Ex-Parte Petition For Issuance of Freeze Order* is **GRANTED**. Accordingly, a **FREEZE ORDER** is hereby issued **EFFECTIVE IMMEDIATELY** directing the following concerned covered banking institutions and government agencies to desist from allowing any transaction, withdrawal, transfer, removal, conversion, concealment, or other disposition of the bank accounts and all related accounts as well as real properties, wherever they may be found, registered under the name of [REDACTED] to wit:

Bank Accounts:

No.	Account Name	Account Number	Inst. Name
1.	[REDACTED]	[REDACTED]	[REDACTED]
2.	[REDACTED]	[REDACTED]	[REDACTED]
3.	[REDACTED]	[REDACTED]	[REDACTED]

Real Properties:

No.	Owner	Address	Title	Land area
1.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

This **FREEZE ORDER** shall be valid for a period of **SIX (6) MONTHS** unless extended by the Court, upon motion of the applicant.²¹

Pursuant to Rule 10 (E) (2), (3), and (4) of the Revised Implementing Rules and Regulations, if the related accounts cannot be determined within twenty-four (24) hours from receipt of this Freeze Order due to the volume and/or complexity of the transactions, or any other justifiable factors, the concerned covered banking institutions and government agencies are directed to submit to this Court and the Anti-Money Laundering Council (AMLAC), a supplemental return thereof, within twenty-four (24) hours from the freezing of the said accounts.

The concerned covered banking institutions and government agencies are likewise directed to immediately furnish a copy of the notice of the **FREEZE ORDER** upon [REDACTED] or any holder of the monetary instrument or property or related accounts subject thereof. They are further ordered to submit to this Court and the AMLC, by personal delivery, a written detailed return on the **FREEZE ORDER**

SO ORDERED.

ORIGINAL SIGNED

[REDACTED]
Associate Justice

ANNEX F:

Sample Provisional Asset Preservation Order

REPUBLIC OF THE PHILIPPINES NATIONAL CAPITAL JUDICIAL REGION REGIONAL TRIAL COURT	
<div style="background-color: black; width: 200px; height: 40px; margin: 5px auto;"></div>	
REPUBLIC OF THE PHILIPPINES Represented by the ANTI-MONEY LAUNDERING COUNCIL, Petitioner.	
- versus -	AMLC CASE NO. <div style="background-color: black; width: 80px; height: 15px; display: inline-block;"></div> For Civil Forfeiture
<div style="background-color: black; width: 250px; height: 280px; margin: 10px auto;"></div>	
Respondents.	
X-----X	
ORDER	
Before this court is a Verified Ex-Parte Petition (With Application for Provisional Asset Preservation Order and Asset Preservation Order) filed on <div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> by petitioner Anti-Money Laundering Council (AMLC) through the Office of the Solicitor General (OSG) against respondents <div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div>	

WHEREFORE, pursuant to Section 11 A.M. No. 05-11-04-SC, a **PROVISIONAL ASSET PRESERVATION ORDER (PAPO)** is hereby issued against herein respondents **effective IMMEDIATELY**, forbidding any transaction, withdrawal, transfer, removal, conversion, concealment or other disposition of the monetary instruments and proceeds subject matter of this case, effective for a period of **TWENTY (20) DAYS** from service to respondents, their agents, employees and all individuals acting in their behalf, upon each covered bank/financial institution and concerned government agency in accordance with law, to wit:

- [REDACTED]
- [REDACTED]
- [REDACTED]

The Anti-Money Laundering Council (AMLC) is directed to cause the immediate implementation of this order through the proper authorities.

Within twenty-four (24) hours from receipt of the Provisional Asset Preservation Order (PAPO), the Sheriff and the banks/financial institutions shall submit by personal delivery to this Court, a detailed written return specifying all the relevant information on all the subject monetary instruments and proceeds subject of the PAPO (See Sec. 16 of the Rule of Procedure in Cases of Civil Forfeiture, Asset Preservation, and Freezing of Monetary Instrument, Property or Proceeds Representing Involvement in

Relating to an Unlawful Activity or Money Laundering Offense under Republic Act No. 9160, as amended)

Set Summary Hearing on the Asset Preservation on [REDACTED] at [REDACTED]

SO ORDERED.

Manila, Philippines, [REDACTED]

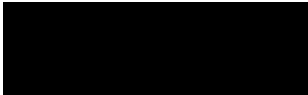
[REDACTED]
Presiding Judge

ANNEX G:

SAMPLES OF DOCUMENTS AND INFORMATION RELEVANT TO ML INVESTIGATION FOR CASE DEVELOPMENT AND PROSECUTION

The example material provided are intended to illustrate concepts and does not imply any actual or suspected criminality or AML/CFT control weakness on the part of the institutions or individuals referenced.

Signature card

	CIF NO.	<input type="text"/>
	CUSTOMER NO.	<input type="text"/>

UNIVERSAL SPECIMEN SIGNATURE CARD
CUSTOMER NAME <i>(Last Name, First Name, Middle Name)</i>
Please sign alike three (3) times within the space provided. Use only black ink in signing.
1.
2.
3.
<p>By affixing my specimen signature. I hereby authorize _____ to disburse funds as well as honor other related banking transactions on the basis hereof, in relation to my accounts and/or business accounts to which I am a signatory that I/we maintain in the Bank as well as all other accounts we may establish in the future. I likewise hereby acknowledge receipt of and agree to be bound by the appropriate Terms and Conditions governing the operation of each of my/our aforementioned accounts.</p> <p>The term "account" in its singular or plural form shall refer to deposit loan, money market, Trust, Treasury, credit card, and other financial accounts which the client has or may enter into with _____</p>

Bank Statement of Account



For Sep 10 - Oct 25, 2023
Account Number
XXXX-XXXX-XXXX

Account Summary

Balance P 1,500.00
Withdrawals P 17,500.00
Deposits P 19,000.00

Your Branch

xxxxxxxxxxxxxxxxx CITY

Date	Details	Withdrawals	Debit	Deposits	Balance
September 10, 2023	Fund Transfer			9,000.00 P	9,000.00 P
September 10, 2023	ATM Withdrawal	3,000.00			6000.00 p
September 25, 2023	Fund Transfer			1,000.00 P	7,0000 P
September 25, 2023	ATM Withdrawal	1,500.00			5,500.00 p
October 10, 2023	Fund Transfer			5,000.00 P	10,500 P
October 10, 2023	ATM Withdrawal	5,000.00			5,500.00 P
October 25, 2023	Fund Transfer			4,000.00 P	9,500.00 P
October 25, 2023	ATM Withdrawal	8,000.00			1,500.00 p
Closing Balance		Total			1,500.00 P

Note: Have you checked your statement today? It's easy to find out more information about each of your transactions by logging on to the XYZBANK App. Should you have any questions on fees or see an error please contact us on the details below. Cheque proceeds are available when cleared.

XYZ BANK INC.,
X/F XXXXXBLDG
XXXX COR XXXXX
XXXXXXXXXXXXXXXXX CITY
Tel+XXX XXXX-XXXX



ABC-abc-1234

Cancelled checks

DOCUMENTARY STAMPS PAID

ACCOUNT No. XXXXXXXX-XXXX-XX	ACCOUNT NAME JOHN DELA CRUZ	CHECK No. XXXXXXXXXXXX	BRSTN XXXXXX XXXX
DATE 02-30-2024		PESOS 8,000.00	
PAY TO THE ORDER OF Zx Pharmacy Inc.		EIGHT THOUSAND PESOS ONLY	
I/We allow the electronic clearing of this check and hereby waive the presentation for payment of this original to XYZBank.			
XYZ BANK XXXXXXXXXXXX BRANCH XXXXXXXXXX AVENUE, COR, XXXXX RD XXXXXXXXXXXXXXXXXXXX CITY		CANCELLLED CANCELLLED	
XXXXXXXX-XXXXXX-XXXXXX-XXXXXX-XXXXXX			

Withdrawal slips

WITHDRAWAL SLIP

WITHDRAWAL SLIP	I/We hereby authorize _____ whose signature appears below to withdraw the amount indicated from my/our account.		ACCOUNT NAME XXXXXXXXXXXXXXXXXXXX	DATE 06/23/22
	I/We declare under the penalty of perjury that my/our co-depositor(s) is/are still living		ACCOUNT NUMBER XXXXXXXXXXXXXXXXXXXX	BRANCH OF ACCOUNT (for interbranch withdrawal)
	1. _____		Check one (1) applicable box below. Please use separate withdrawal slip for each type of currency	
	2. _____		<input checked="" type="checkbox"/> PESO <input type="checkbox"/> JPY <input type="checkbox"/> Others: _____	
	SIGNATURE OF DEPOSITOR(S)		<input type="checkbox"/> EURO <input type="checkbox"/> US \$	
SIGNATURE OF REPRESENTATIVE		Received from XYZ BANK the sum of (in words) <u>thirty Three Thousand pesos</u> only		
Proceeds Received by:		(in figures) <u>P 33,000.00</u>		
		Verified by: _____ Approved by: _____		
Teller's Validation T2 2LDN 23 JUNE 2022 11:23:10 3967-83669-60 DELA CRUZ JUAN 1970 ABCD P33,000.00 THIS WITHDRAWAL IS SUBJECT TO THE TERMS AND CONDITIONS COVERING THIS ACCOUNT				

54

CLIENT'S COPY

Credit Memo

CREDIT MEMO XXXXXXXXXX

Any Questions Please Call:
Tel: 800-662-6785

Bill To: XXXXXXXX
COMPANY XYZ
1234 MAIN STREET
ANYTOWN, USA

Ship To:
COMPANY XYZ
1234 MAIN STREET
ANYTOWN, USA

PO Number: Variant config credit

Final Destination: USA
Ship To PO Number:

Invoice Date	Invoice Due Date	Payment Terms	Original Invoice	Original Sales Order	Sales Group
02/06/2018	02/06/2018	Due immediately	XXXXXXXXXX	XXXXXXXX	Sr. Mgr. Con-South

SF # UYN Credit for two missing pieces that were not received by customer

Item	Material	Description	Qty/Unit	Net Price	Extended Value
02	02-500	CR44-150-C SHIP ASM	2 EA	1,000.00	2,000.00

If material does arrive delayed please notify customer service

Subtotal

Surcharge

Shipping and handling

Sales Tax: 8.000 %

Total Amount (\$USD)

1,000.00

1.00

1.00

1.00

1,003.00

Manager's check

MANAGER'S CHECK

XXX

CHECK No. XXXXXXXXXX
BRSTN

DATE 02-28-2024

PAY TO THE ORDER OF [REDACTED] ₱ 999,999.00

PESOS ***Nine hundred, ninety nine thousand, nine hundred, and ninety nine ONLY***
I/We allow the electronic clearing of this check and hereby waive the presentation for payment of this original to XYZBank.

XYZ BANK

[REDACTED]

[REDACTED]

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

[REDACTED]

DOCUMENTARY STAMPS PAID

Wire transfer documents

Payment Remittance Advice

Nov 27, 2023

This is an automatic email from our Accounts Payable System. Please do not reply to this email address.

Remitting Party	ABC Services Inc 123 Ortigas Center PH 1605	Vendor Name To Payee	XYZ Corp. 345 Rizal Street Ermita Manila PH 1002
		Bank Name	MABUHAY BANK AND TRUST CO
		Bank No.	000223344
		Branch No.	MPHMM
		Bank BIC Code	MPHMM
		Bank Account	654-654-654
		IBAN	

The following payment has been remitted.

Payment Reference Number	123456
Payment Date	Nov 24, 2023
Payment Currency	PHP
Payment Amount	47,500.00

Remittance Detail						
Document Reference Number	Document Date	Document Amount	Document Currency	Amount Withheld	Discount Taken	Amount Paid
XYZ07JUL2023	Jul 7, 2023	50,000.00	PHP		.00	47,500.00
Total					.00	47,500.00

Please note that from the day you received this notification, it usually takes 2-3 days for the payment to be reflected in your bank account.

CONFIDENTIALITY NOTICE This e-mail message and any attachments are only for the use of the intended recipient and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, any disclosure, distribution or other use of this e-mail message or attachments is prohibited. If you have received this e-mail message in error, please delete and notify the sender immediately. Thank you.



Thank you for using AAA
Mobile Banking

Reference No.

XX_XX-000000000-000000

Send Money Type

To an Unenrolled AAA Account

From Account

XXXXXXXXXXXXXX

Amount

PHP 3,500.00

Destination Account

JOHN DOE

Message to Receiver

XXXXXXXXXXXXXX

SEND ANOTHER

Transaction Details

Transfer from 0907[REDACTED] to 0920[REDACTED]

Date & Time Dec 12, 2023 2:31pm
Amount PHP 3,500.00

Reference Number XXXXXXXXXXXXXXXX [QR]

OKAY

J*** D*** C.
XXXXXXXXXXXX 0920 XXXXXXX
Sent via GCASH

Amount 10,000.00

Total Amount Sent **₱10,000.00**

Ref No. XXXXXXXXX Dec 05, 2023 11:05 AM

Download Share Receipt

IMAGE CREDITS

Cover	Original photo Emerson Y. Sy, Design Haziq Salim/TRAFFIC
2	Holger Kleine Dreamstime
4	Zoonar GmbH Alamy
6	Jittawit Tachakanjanapong / Alamy
8	EVERFOCAL Unsplash
9	Dizain777 Dreamstime
13	Namhwi Kim Dreamstime
14	Freepik
19	Emerson Y. Sy
22	Liza Del Rosario
24	Freepik
25	Freepik
27	Original photo Emerson Y. Sy, Design Haziq Salim/TRAFFIC
29	Freepik
30	Freepik
31	Freepik

TRAFFIC is a leading non-governmental organisation working to ensure that trade in wild species is legal and sustainable for the benefit of the planet and people.

Empowering law enforcement authorities to recognize the use of AML laws to counter and investigate wildlife trafficking in the Philippines is an objective under the project "Taking Charge: Strengthening Criminal Justice Response To Wildlife Crime in the Philippines". This document was funded by the United States Department of State Bureau of International Narcotics and Law Enforcement Affairs. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.

For further information contact:

TRAFFIC SOUTHEAST ASIA

Suite 12A-01, Level 12A, Tower 1, Wisma Amfirst. Jalan Stadium SS 7/15, Kelana Jaya 47301 Petaling Jaya, Selangor, Malaysia