

S. No. 3009  
H. No. 4275

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fiftieth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.



[ REPUBLIC ACT NO. 10167 ]

AN ACT TO FURTHER STRENGTHEN THE ANTI-MONEY LAUNDERING LAW, AMENDING FOR THE PURPOSE SECTIONS 10 AND 11 OF REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001", AS AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Section 10 of Republic Act No. 9160, as amended, is hereby amended to read as follows:

"SEC. 10. *Freezing of Monetary Instrument or Property.* – Upon verified *ex parte* petition by the AMLC and after determination that probable cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Section 3(i) hereof, the Court of Appeals may issue a freeze order, which shall be effective immediately. The freeze order shall be for a period of twenty (20) days unless extended by the court. In any case, the court should act on the petition to freeze within twenty-four (24) hours from filing of the petition. If the application is filed a day before a nonworking day, the computation of the twenty-four (24)-hour period shall exclude the nonworking days."

"A person whose account has been frozen may file a motion to lift the freeze order and the court must resolve this motion before the expiration of the twenty (20)-day original freeze order."

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

SEC. 2. Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. *Authority to Inquire into Bank Deposits.*  
– Notwithstanding the provisions of Republic Act No. 1405, as amended; Republic Act No. 6426, as amended; Republic Act No. 8791; and other laws, the AMLC may inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or non-bank financial institution upon order of any competent court based on an *ex parte* application in cases of violations of this Act, when it has been established that there is probable cause that the deposits or investments, including related accounts involved, are related to an unlawful activity as defined in Section 3(i) hereof or a money laundering offense under Section 4 hereof; except that no court order shall be required in cases involving activities

defined in Section 3(i)(1), (2), and (12) hereof, and felonies or offenses of a nature similar to those mentioned in Section 3(i)(1), (2), and (12), which are punishable under the penal laws of other countries, and terrorism and conspiracy to commit terrorism as defined and penalized under Republic Act No. 9372."

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

"To ensure compliance with this Act, the Bangko Sentral ng Pilipinas may, in the course of a periodic or special examination, check the compliance of a covered institution with the requirements of the AMLA and its implementing rules and regulations."

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

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


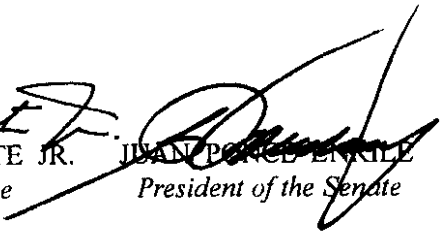

"The authority to inquire into or examine the main account and the related accounts shall comply with the requirements of Article III, Sections 2 and 3 of the 1987 Constitution, which are hereby incorporated by reference."

SEC. 3. *Separability Clause.* - If any provision of this Act or the application thereof to any person or circumstance is held to be void, or unconstitutional, any other provision not affected thereby shall remain in full force and effect.


SEC. 4. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof as are inconsistent with this Act are hereby repealed, amended or modified accordingly: *Provided*, That the penal provisions shall not apply to acts done prior to the effectivity of the AMLA on October 17, 2001.


SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,

  
 FELICIANO BELMONTE JR.   
*Speaker of the House* *President of the Senate*  
 *of Representatives*


This Act which is a consolidation of Senate Bill No. 3009 and House Bill No. 4275 was finally passed by the Senate and the House of Representatives on June 6, 2012.

  
 MARILYN B. BARUA-YAP  
*Secretary General*  
*House of Representatives*

  
 EMMA LIRIO-REYES  
*Secretary of the Senate*

Approved:

JUN 18 2012

  
 BENIGNO S. AQUINO III  
*President of the Philippines*



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