

[REPUBLIC ACT NO. 11521, January 29, 2021]

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

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

SECTION 1. Section 2 of Republic Act No. 9160, as amended, is hereby amended to read as follows:

"SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and preserve the integrity and confidentiality of bank accounts and to ensure that the Philippines shall not be used as a money laundering site for the proceeds of any unlawful activity. Consistent with its foreign policy, the State shall extend cooperation in transnational investigations and prosecutions of persons involved in money laundering activities wherever committed, as well as in the implementation of targeted financial sanctions related to the financing of the proliferation of weapons of mass destruction, terrorism, and financing of terrorism, pursuant to the resolution of the United Nations Security Council."

SEC. 2. Section 3 of the same Act is hereby amended as follows:

"SEC. 3. *Definitions.* - For purposes of this Act, the following terms are hereby defined as follows:

"(a) Covered persons', natural or juridical refer to:

"(1) x x x;

"(9) Real estate developers and brokers;

"(10) Offshore gaming operation, as well as their service providers, supervised, accredited or regulated by the Philippine Amusement and Gaming Corporation (PAGCOR) or any government agency;

"(b) 'Covered transactions' is a transaction in cash or other equivalent monetary instrument involving a total amount in excess of Five hundred thousand pesos (P500,000.00) within one (1) banking day; for covered persons under Section 3(a) (8), a single casino cash transaction involving an amount in excess of Five million pesos (P5,000,000.00) or its equivalent in any other currency.

"For covered persons under Section 3(a)(9) herein, a single cash transaction involving an amount in excess of Seven million five hundred thousand pesos

(P7,500,000.00) or its equivalent in any other currency.

"(b-1) 'Suspicious transactions' are transactions with covered persons, regardless of the amounts involved, where any of the following circumstances exist:

"1. There is no underlying legal or trade obligation, purpose or economic justification;

"2. The client is not properly identified;

"3. The amount involved is not commensurate with the business or financial capacity of the client;

"4. Taking into account all known circumstances, it may be perceived that the client's transaction is structured in order to avoid being the subject of reporting requirements under the Act

"5. Any circumstance relating to the transaction which is observed to deviate from the profile of the client and/or the client's past transactions with the covered person;

"6. The transaction is in any way related to an unlawful activity or offense under this Act that is about to be, is being or has been committed; or

"7. Any transaction that is similar or analogous to any of the foregoing.

"x x x

"(i) 'Unlawful activity' refers to any act or omission or series or combination thereof involving or having relation to the following:

"(1) x x x;

"(33) Fraudulent practice 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 pesos (P25,000,000.00) per taxable year, for each tax type covered and there has been a finding of probable cause by the competent authority: *Provided, further,* That there must be a finding of fraud, willful 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 and offenses of a similar nature that are punishable under the penal laws of other countries.

"x x x.

"(4) 'Offshore gaming operator' refers to an entity engaged in offering online games of chance or sporting events via the internet using a network and software program, by themselves or through local service providers.

"(5) 'Service providers' refer to duly constituted business corporations who provide components of offshore gaming operations to offshore gaming operators.

"x x x.

"(m) 'Real estate developer' refers to any natural or juridical person engaged in the business of developing real estate development project for the account of the developer and offering them for sale or lease.

"(n) 'Real estate broker' refers to a duly registered and licensed natural person who, for a professional fee, omission or other valuable consideration, acts as an agent of a party in a real estate transaction to offer, advertise, solicit, list, promote, mediate, negotiate, or effect the meeting of the minds on the sale, purchase, exchange, mortgage, lease or joint venture, or other similar transaction on real estate or any interest therein.

"(o) 'Targeted financial sanctions' refer to both asset freezing and prohibition to prevent funds or other assets from being made available, directly or indirectly, for the benefit of any individual, natural or legal persons or entity designated pursuant to relevant United Nations Security Council resolution and its designation processes.

"(p) 'Proliferation financing' refers when a person:

"(1) Makes available an asset; or

"(2) Provides a financial service; or

"(3) Conducts a financial transaction; and the person knows that, or is reckless as to whether, the asset, financial service or financial transaction is intended to, in whole or in part, facilitate proliferation of weapons of mass destruction in relation to UN Security Council Resolution Number 1718 Of 2006 and 2231 of 2015."

SEC. 3. Section 7 of the same Act is hereby amended to read as follows:

"SEC. 7. *Creation of Anti-Money Laundering Council (AMLC)*. - The Anti-Money Laundering Council is hereby created and shall be composed of the Governor of the Bangko Sentral ng Pilipinas as Chairman, the Commissioner of the Insurance Commission and the Chairman of the Securities and Exchange Commission, as members. The AMLC shall act unanimously in the discharge of its functions as defined hereunder:

"(1) to investigate suspicious transactions and covered transactions deemed suspicious after determination by AMLC, money laundering activities and other