



Republic of the Philippines
Supreme Court
Manila

A.M. No. 21-03-05-CA

**THE COURT OF APPEALS RULE OF PROCEDURE IN
CASES OF BANK INQUIRY INTO OR EXAMINATION OF
DEPOSIT AND INVESTMENT ACCOUNTS RELATING TO
AN UNLAWFUL ACTIVITY OR A MONEY LAUNDERING
OFFENSE UNDER REPUBLIC ACT NO. 9160, AS
AMENDED**

RESOLUTION

WHEREAS, pursuant to the Decision of the Supreme Court in *Subido Pagente Certeza Mendoza and Binay Law Offices vs. The Court of Appeals*, G.R. No. 216914, promulgated on 6 December 2016, the Court of Appeals (CA) was directed to draft rules based on the discussions in the said decision, to complement the existing A.M. No. 05-11-04-SC Rule of Procedure in Cases of Civil Forfeiture, Asset Preservation, and Freezing of Monetary Instrument, Property, or Proceeds Representing, Involving, or Relating to an Unlawful Activity or Money Laundering Offense under Republic Act No. 9160, as amended, for submission to the Committee on the Revision of the Rules of Court and eventual approval and promulgation of the Court *En Banc*;

WHEREAS, on 4 April 2017, the Court of Appeals created a Technical Working Group (TWG) that shall regularly meet to formulate, study and discuss the proposed inquiry rules of procedure and thereafter submit the same for the Court's consideration and approval;

WHEREAS, on 29 October 2020, Court of Appeals Clerk of Court Anita Jamerlan-Rey endorsed to the Office of the Clerk of Court, Supreme Court *En Banc*, the Court of Appeals Rule of Procedure in Cases of Bank Inquiry Into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or A Money Laundering Offense under Republic Act No. 9160, (as Amended), for approval of the Supreme Court *En Banc*;

WHEREAS, on 5 December 2020, the Court resolved to refer the proposed rule to the committee that will be created to review and study the Court of Appeals Rule of Procedure in Cases of Bank Inquiry Into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or A Money Laundering Offense under Republic Act No. 9160, (as Amended);

WHEREAS, pursuant to Memorandum Order No. 06-2021 dated 27 January 2021, the Special Committee on the Proposed Court of Appeals Rule of Procedure Relating to An Unlawful Activity or Money Laundering Offense under Republic Act No. 9160, as Amended, was created and constituted as follows:

Chairperson: **Hon. Diosdado M. Peralta**
Chief Justice

Vice Chairperson: **Hon. Alexander G. Gesmundo**
Associate Justice, Supreme Court

Members: **Hon. Ramon Paul L. Hernando**
Associate Justice, Supreme Court

Hon. Rodil V. Zalameda
Associate Justice, Supreme Court

Hon. Jose Midas P. Marquez
Court Administrator

Hon. Remedios A. Salazar-Fernando
Presiding Justice, Court of Appeals

Hon. Fernanda Lampas Peralta
Associate Justice, Court of Appeals

Hon. Japar B. Dimaampao
Associate Justice, Court of Appeals

Atty. Mel Georgie B. Racela
*Executive Director, Anti-Money Laundering
Council Secretariat*

Atty. Matthew M. David
*Director for Investigation and Enforcement
Department, AMLC Secretariat*

Atty. Romeo Raymond D. Santos
*Deputy Director of Litigation and Evaluation
Group, AMLC Secretariat*

Atty. Jesse Neil C. Eustaquio,
*Legal Officer, Litigation and Evaluation
Group, AMLC Secretariat*

Secretariat: **Atty. Jed Sherwin G. Uy**
Office of the Chief Justice

Atty. Camille Sue Mae L. Ting
Office of the Court Administrator

Atty. Venus B. Maglaya-Taloma
Division Clerk of Court, Court of Appeals

Atty. John Gilbert F. Macabales
Court Attorney, Court of Appeals

Atty. Reynaldo D. Vigonte
Court Attorney, Court of Appeals

Janice A. Pisuena
Stenographer

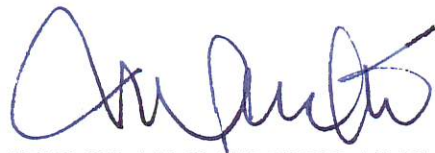
WHEREAS, on 4 February 2021, the Special Committee was convened to review and amend the Court of Appeals Rule of Procedure in Cases of Bank Inquiry Into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or A Money Laundering Offense under Republic Act No. 9160, (as Amended), in light of recent amendments to the said law;

WHEREAS, on 9 March 2021, the Court of Appeals submitted the final draft of the Court of Appeals Rule of Procedure on Bank Inquiry Cases, which faithfully incorporates the suggestions of the Special Committee and the Anti-Money Laundering Council Secretariat's representatives;

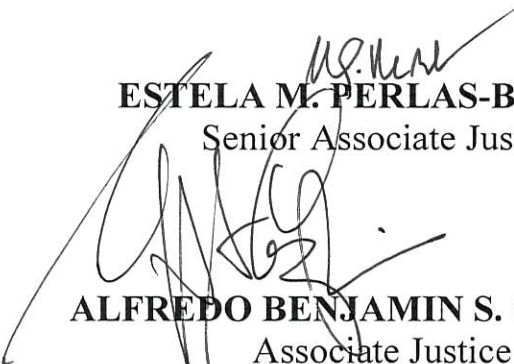
NOW, THEREFORE, the Court Resolved to **APPROVE** the "*Court of Appeals Rule of Procedure in Cases of Bank Inquiry Into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or A Money Laundering Offense under Republic Act No. 9160, (as Amended)*," which is hereto attached as an integral part of this resolution.

This Rule shall take effect on 31 May 2021 following its publication in two (2) newspapers of general circulation.

23 March 2021



DIOSDADO M. PERALTA
Chief Justice



ESTELA M. PERLAS-BERNABE
Senior Associate Justice



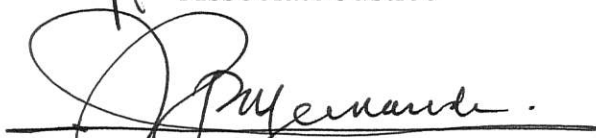
MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



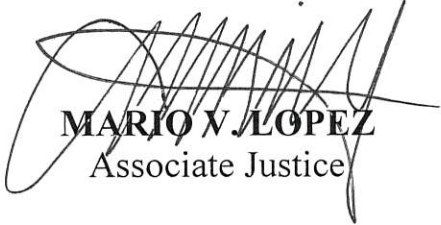
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



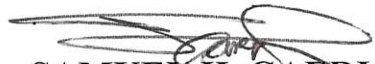
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



**REPUBLIC OF THE PHILIPPINES
COURT OF APPEALS
MANILA**

**Rule of Procedure in Cases of Bank Inquiry Into Or Examination of
Deposit and Investment Accounts Relating to an Unlawful Activity
Or A Money Laundering Offense under Republic Act No. 9160, as
Amended.**

SECTION 1. *Applicability* – This Rule shall apply to ex parte applications for authority to inquire into or examine, deposit or investment accounts with any banking institution or non-bank financial institution and their subsidiaries and affiliates, representing, involving or relating to an unlawful activity under Section 3(i) or a money laundering offense under Section 4 of Republic Act No. 9160, as amended, except in cases of unlawful activities as provided under Section 11 of the same Act.

The Revised Rules of Court and the 2009 Internal Rules of the Court of Appeals, as amended, shall apply suppletorily when not inconsistent with the provisions of this special rule.

SECTION 2. *Party to File Application* – The Republic of the Philippines, represented by the Anti-Money Laundering Council, through the Office of the Solicitor General, may file an ex parte application for bank inquiry before the Court of Appeals for authority to inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or non-bank financial institution and their subsidiaries and affiliates, when it has been established that there is probable cause that the deposits or investments involved, including related accounts, are in any way related to an unlawful activity or a money laundering offense under Republic Act No. 9160, as amended, except in cases of unlawful activities as provided under the same Act.

SECTION 3. *Venue* – The ex parte application shall be filed with the Court of Appeals in Manila in cases where the authority to inquire into or examine any particular deposit or investment, including related

accounts, involve a mix of banks with the Main office in Manila or Luzon and local banks which do not have offices in Luzon.

In cases where two or more local banks (without offices in Luzon are involved), but one or some have offices in the Visayas while the others are based in Mindanao, the application shall be filed with the Court of Appeals station where the main office of the local bank is located.

SECTION 4. *Form of the Application* – The ex parte application shall be verified and accompanied by a sworn certification of non-forum shopping personally signed by an authorized official of the Anti-Money Laundering Council, and as provided in the fourth paragraph of Section 3, Rule 46 of the Revised Rules of Court.

The ex parte application shall be filed in three (3) clearly legible copies, one original (properly marked) and two (2) copies with their annexes.

The Office of the Solicitor General and the Anti-Money Laundering Council shall submit, simultaneously with the ex parte application, soft copies (PDF format) of the same by USB, CD, DVD, or any other electronic storage device.

SECTION 5. *Contents of the Application* – The verified ex parte application shall contain the following allegations:

- (a) The account number, or any other specific description of the deposit or investment accounts sought to be inquired into or examined, the owner or holder of the deposit or investment accounts, the address of such owner or holder, the name of the banking institution or non-bank financial institution where such account is maintained, and their location, if known;
- (b) The grounds relied upon for the grant of an authority to inquire into or examine, the deposit or investment account; and
- (c) The supporting evidence showing the existence of probable cause that the subject deposit or investment accounts are in any way related to an unlawful activity or a money laundering offense under Republic Act No. 9160, as amended.

SECTION 6. *Direct Filing and Docketing* – To ensure the confidentiality of the ex parte application, it shall be filed directly with

the Presiding Justice of the Court of Appeals in Manila, or the Executive Justices in Cebu City or Cagayan de Oro City, shall be entered in the logbook specifically designed for the purpose, and assigned a docket number. In the absence of the Presiding Justice, or the Executive Justice concerned, the ex parte application shall be filed with the next available senior justice.

All compliances, incidents, and motions shall likewise be filed directly with the Presiding Justice, or the Executive Justice, or the next available senior justice as the case may be.

SECTION 7. *Separate Logbook* - There shall be a separate logbook under the custody and responsibility of a designated member of the staff of the Presiding Justice, or the Executive Justice concerned. The ex parte application shall be docketed in the logbook and the name of the assigned justice entered thereon.

SECTION 8. *Confidentiality; Prohibited Disclosure* - The logbook and the entries therein shall be kept strictly confidential and maintained under the responsibility of the Presiding Justice, or the Executive Justice concerned. No person, including court personnel, shall disclose, divulge or communicate to anyone, directly or indirectly, in any manner or by any means, the fact of the filing of the ex parte application for authority to inquire into, or examine, deposit and investment accounts, its contents and its entry in the logbook, or the fact of issuance by the court of a resolution in relation thereto, except to those authorized by the court. Any violation shall constitute contempt of court and ground for an administrative case.

SECTION 9. *Raffle* - The ex parte application shall be raffled immediately on the same day it is filed. The raffle shall be personally conducted by at least three (3) Chairpersons of the first ten (10) divisions in Manila, or the Executive Justices and the Chairpersons of the two (2) other divisions in Cebu City or Cagayan de Oro City. The ex parte application shall be raffled to a specific justice who is not on official leave of absence from among the members of the first ten (10) divisions in Manila, or of the three (3) divisions in Cebu City, or Cagayan de Oro City, for study and report.

To preserve the confidentiality of the raffle, the Presiding Justice or the Executive Justice concerned has the discretion to transfer the venue of the raffle and limit the clerical staff to be present therein.

SECTION 10. *Action by the Court of Appeals* - All members of the division of the court to which the assigned justice belongs shall resolve the ex parte application within twenty-four (24) hours from

receipt thereof. In the absence of any of the members of the division to which the assigned justice belongs, the Raffle Committee shall select a replacement via raffle from among the members of the first ten (10) divisions in Manila or the remaining members of the two (2) divisions in Cebu City or Cagayan De Oro City to resolve the ex parte application.

If the Court of Appeals finds no merit in the ex parte application, it shall dismiss the same, stating the specific reasons therefor.

When the unanimous vote of the three (3) justices of the division cannot be obtained, the Presiding Justice or the Executive Justice concerned shall designate two (2) justices by raffle from among the members of the first ten (10) divisions in Manila or the remaining two (2) divisions in Cebu City or Cagayan de Oro City, to sit with them forming a special division of five (5) justices. The concurrence of a majority of such special division shall be required for the pronouncement of a judgment or resolution.

An ex parte application shall remain with the justice to whom it is assigned and the members who participated therein until its final resolution.

In case of substitution or replacement of members, the 2009 Internal Rules of the Court of Appeals shall apply. The justice chosen as substitute or replacement in the regular raffle shall also act as substitute or replacement in Anti-Money Laundering cases, provided that the said justice is a member of the first ten (10) divisions in Manila or a member of the two (2) divisions in Cebu City or Cagayan de Oro City. Otherwise, another raffle shall be conducted and the substitute or replacement chosen from among the members of the first ten (10) divisions in Manila or members of the two (2) divisions in Cebu City or Cagayan de Oro City.

SECTION 11. Issuance, Form and Contents of the Bank Inquiry Order – The bank inquiry order shall:

- (a) Issue in the name of the Republic of the Philippines, represented by the Anti-Money Laundering Council;
- (b) Describe with particularity the deposit or investment account sought to be inquired into or examined, as well as the names of the account owners/holders;
- (c) Direct the concerned banking institution or non-bank financial institution to allow the Anti-Money Laundering Council, or its authorized personnel full access to all information, documents, and objects relating to the subject deposit or investment account within a specific period of time;

- (d) Forbid the banking institution or non-bank financial institution, or any of its directors, officers, and employees, from disclosing, divulging, or communicating, directly or indirectly, or in any manner, to the owners or holders of accounts inquired into, or to any other person, the fact that said accounts are being inquired into or examined, with warning that any violation thereof constitutes contempt of court; and
- (e) Direct the Office of the Solicitor General (OSG) to inform the court of the institution of a civil forfeiture proceedings within five (5) calendar days from its filing.

SECTION 12. Consolidation with the pending civil forfeiture case; exclusion of portions of the records – Prior to the transmittal of the records to the regional trial court, the court shall direct the Office of the Solicitor General, within a period of ten (10) calendar days from notice, to examine and exclude from the records the names and other pertinent information of persons not joined as parties to the civil forfeiture case.

Thereafter, the court shall forthwith transmit the case and the records to the regional trial court for consolidation with the pending civil forfeiture proceedings.

SECTION 13. Bank Inquiry Order –

- (a) Effectivity – A bank inquiry order shall be effective for a period of one hundred twenty (120) calendar days, reckoned from the date of receipt by the Anti-Money Laundering Council.
- (b) Extension – On motion of the Anti-Money Laundering Council and before the expiration of the one hundred twenty (120)-calendar day period, the court may, for good cause, extend the effectivity of the bank inquiry order for a period not exceeding one hundred twenty (120) calendar days.
- (c) A bank inquiry order shall have the same effect as that of a freeze order under Section 2 (d), Rule VI of the 2009 Internal Rules of the Court of Appeals.

SECTION 14. Service of Bank Inquiry Order – Copies of the bank inquiry order shall be served exclusively and personally on the Anti-Money Laundering Council and the Office of the Solicitor General not later than twenty-four (24) hours from its promulgation.

SECTION 15. *Duty of Banking Institution or Non-Bank Financial Institution Upon Receipt of the Inquiry Order* – The Anti-Money Laundering Council, or any of its authorized personnel, shall provide the concerned banking institution or non-bank financial institution with a copy of the bank inquiry order. Upon receipt of the copy of the bank inquiry order, the banking institution or non-bank financial institution shall give the Anti-Money Laundering Council, or any of its authorized personnel, full and immediate access to all information, documents, and objects pertaining to the said deposit or investment accounts being inquired into.

SECTION 16. *Confidentiality of the Bank Inquiry Order* – No officer or employee of the concerned banking institution or non-bank financial institution shall, at any time, disclose, divulge or communicate to the owner or holder of the accounts being examined, or to any other person, directly or indirectly, in any manner or by any means, the fact that the Court of Appeals issued a bank inquiry order, its contents and receipt by the banks, except to those authorized by the court. Any violation shall constitute contempt of court.

SECTION 17. *Supplemental Ex Parte Application* – Whenever (a) there are deposits or investment accounts that are discovered in the course of the inquiry or examination, or (b) occurrences or events that happened after the date of the filing of the previous ex parte application, the Anti-Money Laundering Council may file a supplemental ex parte application with the Court of Appeals which shall act thereon in accordance with Section 10 hereof.

The Anti-Money Laundering Council is directed to make a manifestation on the first page of the supplemental ex parte application that it is related to a previous one, indicating therein the Anti-Money Laundering Act (AMLA) case number.

A supplemental ex parte application shall be acted upon by the justice to whom the original ex parte application was assigned and the justices who participated therein.


A newly filed ex parte application related to a previous one shall have a separate docket number but shall be referred after raffle to the former Ponente and the justices who participated in the original ex parte application for appropriate action.


SECTION 18. *Remedy from a Resolution Denying an Ex Parte Application for Bank Inquiry* – A resolution denying an ex parte application for bank inquiry can only be reviewed through a Petition for Certiorari to the Supreme Court under Rule 65 of the Revised Rules of Court.

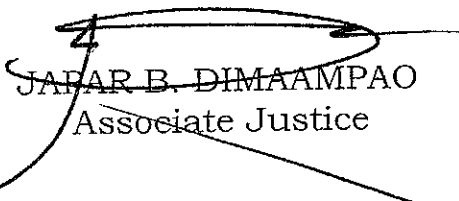
SECTION 19. Cost and Fees – The Republic of the Philippines, through the Anti-Money Laundering Council, represented by the Office of the Solicitor General, is exempted from the payment of costs and other lawful fees prescribed in the Rules of Court.


SECTION 20. Transitory Provision – This Rule shall apply to all pending ex parte application for bank inquiry cases.


SECTION 21. Effectivity – This Rule shall take effect on 31 May 2021, following its publication in a newspaper of general circulation in the Philippines not later than 15 May 2021.

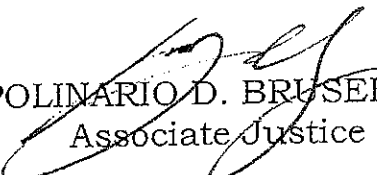

REMEDIOS A. SALAZAR-FERNANDO
Presiding Justice



FERNANDA LAMPAS PERALTA
Associate Justice



JAFAR B. DIMAAMPAO
Associate Justice

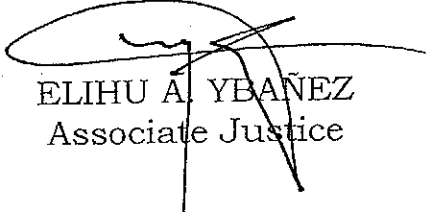

MARIFLOR P. PUNZALAN CASTILLO
Associate Justice

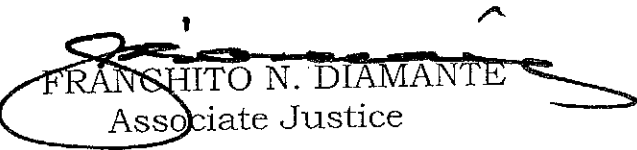

RAMON M. BATO, JR.
Associate Justice



APOLINARIO D. BRUSELAS, JR.
Associate Justice


RAMON R. GARCIA
Associate Justice


MARLENE GONZALES-SISON
Associate Justice


ELIHU A. YBAÑEZ
Associate Justice


FRANCHITO N. DIAMANTE
Associate Justice


MANUEL M. BARRIOS
Associate Justice

DANTON O. BUESER
Associate Justice

EDWIN D. SORONGON
Associate Justice

RAMON A. CRUZ
Associate Justice

MYRA V. GARCIA-FERNANDEZ
Associate Justice

EDUARDO B. PERALTA, JR.
Associate Justice

NINA G. ANTONIO-VALENZUELA
Associate Justice

VICTORIA ISABEL A. PAREDES
Associate Justice

ZENAIDA T. GALAPATE-LAGUILLES
Associate Justice

PEDRO B. CORALES
Associate Justice

MARIA ELISA SEMPIO DIY
Associate Justice

MARIE CHRISTINE AZCARRAGA-JACOB
Associate Justice

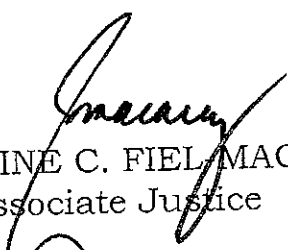
MARIA PILOMENA D. SINGH
Associate Justice

PABLITO A. PEREZ
Associate Justice


RAFAEL ANTONIO M. SANTOS
Associate Justice

GERMANO FRANCISCO D. LEGASPI
Associate Justice

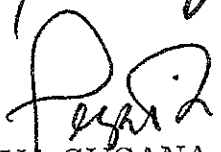
RONALDO ROBERTO B. MARTIN
Associate Justice



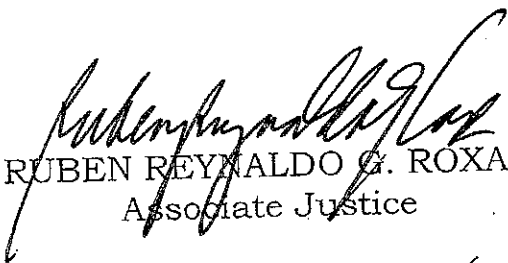
GERALDINE C. FIEL MACARAIG
Associate Justice



GABRIEL T. ROBENIOL
Associate Justice




PERPETUA SUSANA T. ATAL-PAÑO
Associate Justice



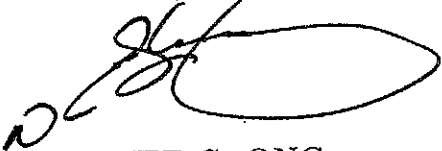
RUBEN REYNALDO G. ROXAS
Associate Justice



LOUIS P. ACOSTA
Associate Justice




TITA MARILYN B. PAYOYO-VILLORDON
Associate Justice




WALTER S. ONG
Associate Justice



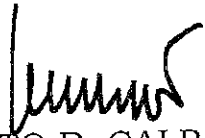
EMILY R. ALINO-GELUZ
Associate Justice




FLORENCIO M. MAMAUAG, JR.
Associate Justice



ALFREDO D. AMPUAN
Associate Justice



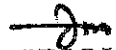
CARLITO B. CALPATURA
Associate Justice



ANGELENE MARY W. QUIMPO-SALE
Associate Justice




BONIFACIO S. PASCUA
Associate Justice



RAYMOND REYNOLD R. LAUIGAN
Associate Justice


**COURT OF APPEALS
VISAYAS STATION**



GABRIEL T. INGLES
Executive Justice




PAMELA ANN ABELLA MAXINO
Associate Justice

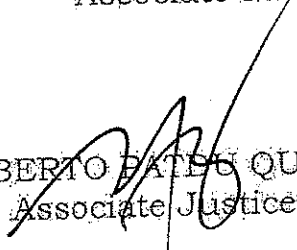


MARILYN B. DAGURA-YAP
Associate Justice

DOROTHY P. MONTEJO-GONZAGA
Associate Justice



LORENZA REDULLA BORDIOS
Associate Justice



ROBERTO PATIS QUIROZ
Associate Justice



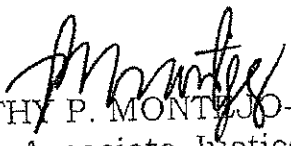
BAUTISTA GLER CORPIN, JR.
Associate Justice

**COURT OF APPEALS
VISAYAS STATION**

GABRIEL T. INGLES
Executive Justice

PAMELA ANN ABELLA MAXINO
Associate Justice

MARILYN B. LAGURA-YAP
Associate Justice



DOROTHY P. MONTENEGRO-GONZAGA
Associate Justice

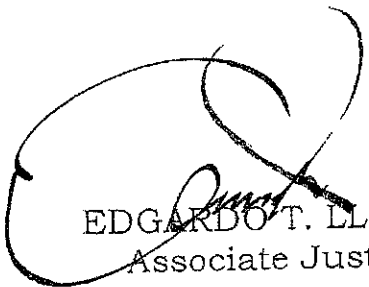
LORENZA REDULLA BORDIOS
Associate Justice

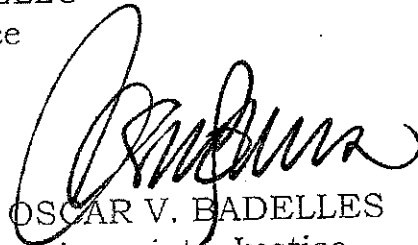
ROBERTO PATDU QUIROZ
Associate Justice

BAUTISTA GLER CORPIN, JR.
Associate Justice


**COURT OF APPEALS
MINDANAO STATION**


EDGARDO A. CAMELLO
Executive Justice


EDGARDO T. LOREN
Associate Justice

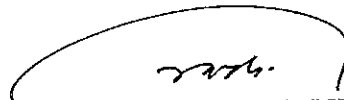

OSCAR V. BADELLES
Associate Justice


EVALYN M. ARELLANO-MORALES
Associate Justice


LOIDA S. POSADAS-KAINULUGAN
Associate Justice


LILY V. BITON
Associate Justice


RICHARD DANILOT MORDENO
Associate Justice


ANISAH B. AMANODIN-UMPA
Associate Justice