

PHILIPPINES

Legislation and Internal Cooperation

Terrorist acts are crimes, regardless of their motivation. The Philippine law enforcement community defines terrorism as “the premeditated use or threatened use of violence or means of destruction perpetuated against innocent civilians or non-combatants, or against civilian and government properties, usually intended to influence an audience” with the purpose of creating a state of fear to extort, coerce, intimidate or cause persons or groups to change their behavior. Terrorist methods are hostage-taking, piracy, sabotage, assassination, arson, armed attacks, threats, hoaxes, bombings and shootings. The criminal law requires the establishment of criminal intent, although knowledge can be sufficient under special laws. Two currently pending bills will deal with international terrorism and provide severe punishments: The “Act to Protect the State Against Aliens and Organizations Engaged in International Terrorism (Amending the Philippine Immigration Act of 1940)”, and “The Anti Terrorism Act.”

The Revised Penal Code addresses terrorism in articles on piracy, homicide, physical injuries, kidnapping and serious illegal detention, and robbery. The Revised Penal Code covers all terrorist acts that create fear and panic as crimes. Relevant are also the provisions that deal with crimes against national security, particularly treason, conspiracy and proposal to commit treason, misprision of treason, espionage, piracy and mutiny, and qualified piracy.

Prevention Measures

Measures to prevent terrorist acts are more intense intelligence operations, coordination and cooperation with the National Police (PNP), the National Bureau of Investigation (NI) and other agencies that deal with crime, strengthened intelligence exchanges with the military counterparts in foreign countries. Any credible reports on planned terrorist acts are publicized, and steps are taken to secure public places such as shopping malls, bus and railway stations, cinemas, hotels, office buildings and other sites. It is common to search bags and persons, and citizens are to be more vigilant to prevent terrorism. The Philippine Center on Transnational Crime (PCTC) is aiming at rapidly establishing a Transnational Crimes (TNC) Database.

Weapons Control and Weapons of Mass Destruction

Weapons are controlled by the following legal instruments: the Presidential Decree “Codifying laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of, Firearms, Ammunition or Explosives, or Instruments used in the Manufacture of Firearms, Ammunition or Explosives and Imposing Stiffer Penalties for Certain Violations therefore and for Relevant Purposes”, the Tariff and Customs Code, the Standard Operating Procedure on Control and Supervision of the Importation, Sale and Possession and Use of Explosives, the Standard Operating Procedure on licensing of Firearms, the Memorandum for the Secretary of Interior and Local Government recommending the phase-out of the use, manufacture or sale of *Paltik* (home-made) Firearms, and the PNP Circular on the Disposition of Captured, Confiscated, Surrendered and Deposited Firearms, Ammunition and Explosives.

The Revised Administrative Code contains specific requirements, such as on Annual Inspection of Firearms Held Under License, under which the Chief of the National Police (PNP) is to issue once a year directions to the Senior Inspector of the PNP of the various provinces to verify all arms in the possession of persons holding licenses and to report his findings. Other provisions of the same code on unlawful manufacture, dealing in, acquisition, disposition, or possession of firearms, parts of firearms, or ammunition therefore or instruments or implements used or intended to be used in the manufacture of firearms and ammunition, prohibit the import,

manufacture, dealing in, receiving, acquiring, buying, selling, disposal of, or possession of any firearm, detached parts of firearms or ammunition therefore, or any instrument or implement used or intended to be used in the manufacture of firearms, parts of firearms or ammunition. Licensing requirements are in the section entitled "License required for manufacturer or dealer in firearms": A person wishing to do business in or produce firearms has to apply to the President of the Philippines for a license, stating all relevant information. The President may approve or disapprove such application.

"The Philippine armed forces, police and intelligence officers monitor reports on alleged purchases and delivery of firearms by local threat groups, and undertake operations to seize these illegal shipments whenever possible." The Government is determined to implement the UN Program of Action of the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Suppression of Financing of Terrorism and Money-Laundering, and Freezing Assets

The Anti-Money Laundering Act addresses the illicit flow of funds, including such that could benefit terrorists and transnational crime, and defines the offense of money-laundering. It comprises 116 predicate crimes to the offense of money-laundering, among which are criminal acts that are typically carried out by terrorists.

Steps to implement the International Convention for the Suppression of the Financing of Terrorism will be made. The bank secrecy laws had to be amended to that purpose, which was accomplished through the Anti-Money Laundering law, enabling the Anti-Money Laundering Council (AMLC) "to seek court authority to inquire into bank deposits and investments in government bonds," which are covered by the Bank Secrecy Act, before any legal proceedings begin. Similar provisions can be found in the draft bill on anti-terrorism and terrorist financing. The Anti-Money Laundering Act also permits the AMLC to freeze accounts. Other accounts than the aforementioned types are only subject to administrative inquiries by the AMLC, but to greater control by the respective regulatory power, for instance the Securities and Exchange Commission (SEC) with respect to charitable, religious or cultural organizations, which can revoke registrations and file criminal complaints against an organization. More measures will be contained in the anti-terrorism and terrorist financing law.

International Cooperation

The Philippines is a signatory to eleven of the 12 international counter-terrorism instruments and supports the adoption of a Comprehensive Convention on International Terrorism that would supplement the Declaration on Measures to Eliminate International Terrorism. Such a regime should include a complete definition of acts of terrorism, that would cover hijacking and other acts against aircraft, vessels and vehicles, kidnapping and detention, the use of biological and/or chemical agents or radioactive materials, nuclear devices, explosives, firearms and other weapons, with the purpose of endangering many persons or causing damage to property, threats to do any of those acts, cyber-terrorism and any kind of assistance in the commission of terrorist acts. The state is also guided by other United Nations resolutions of the General Assembly and the Security Council.

Regionally, the country cooperates with other countries through ASEAN. These countries cooperate and exchange information, provide each other with legal assistance, strengthen border controls and financial controls. Philippine initiative is felt throughout the region and ASEAN also in the area of transnational organized crime. Of interest is also the ASEAN Declaration on Joint Action to Counter Terrorism of Heads of State and Government, which is likely to lead to a regional operational convention or agreement to combat terrorism.

The Philippines engages in early warning activities and information exchange with other countries, mainly through Interpol, as well as bilateral and regional agreements. Activities include

the use of Interpol's X-400 system blue and red notices, implementation of the Immigration Act, traditional intelligence activities carried out also by the Armed Forces and the Police, and information exchange between these bodies. Furthermore, the law enforcement agencies cooperate with foreign agencies. One such example is the Counter-Terrorist Force (CTF) created by the AFP, which conducts formal and informal exchanges with the relevant units of other countries. Intelligence exchanges now tend to increasingly include information on terrorism, specifically operational and tactical information on matters of urgent interests of other countries.

Extradition is based on the Presidential Decree on Prescribing the Procedure for the Extradition of Persons who have Committed Crimes in a Foreign Country facilitates the extradition of suspected terrorists to the countries of their origin with stricter laws and more severe penalties. Extradition treaties specify whether or not extradition of terrorists can be refused under the political offense exception. The Philippines has also signed agreements for the mutual assistance in legal and criminal matters with other countries. Measures include creating standard operating procedures for search and rescue, hotlines, sharing airline passenger lists, strengthened border controls, and joint training and exercises.

Bibliography

Legislation and Internal Cooperation

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2. Presidential Memorandum No. 121 on Philippine Government's Policy on terrorism with emphasis on hostage taking situations, including definition of, 31 October 2001
3. "Crisis Management Manual", updated 15 November 2000
4. "Hostage Negotiation Manual"
5. Revised Penal Code or Republic Act 3815 on provisions on crimes against national security, 08 December 1930, Articles 114, 115, 116, 117, 122, 123, 248, 249, 262-266, 267, 293-302
6. Republic Act No. 6235 entitled An Act Prohibiting Certain Acts Inimical to Civil Aviation, 19 June 1971
7. Presidential Decree No. 532 entitled The Anti-Piracy/Anti-Robbery Law of 1974, an amendment to Article 122 (Piracy and Mutiny on the High Seas or in Philippine Waters) of the Revised Penal Code, 08 August 1974
8. Executive Order No. 246 Reconstituting the National Action Committee on Anti-Hijacking (updating EO Nos. 393 dated 24 January 1990 and 452 dated 05 April 1991) as the National Action Committee on Anti-Hijacking and Anti-Terrorism (NACAHT), 18 May 1995
9. Administrative Order No. 344 creating the National Organizing Committee for the World Forum to combat international drug trafficking, money laundering, terrorism and organized crime
10. Executive Order No. 30 providing logistical support to NACAHT, 30 September 1998
11. Presidential Decree No. 1829, Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders, 16 January 1981
12. Batas Pambansa Bilang No. 39, An Act Regulating the Activities and Requiring the Registration of Foreign Agents in the Philippines, 07 September 1979
13. Executive Order No. 110, Directing the PNP to Support the Armed Forces of the Philippines (AFP) in Internal Security Operations for the Suppression of Insurgency and other Serious Threats to National Security, 15 June 1999
14. Executive Order No. 145, Amending EO No. 386 dated 19 December 1989, Establishing a National Crime Information System (NCIS), Providing the Mechanisms Therefore and for other Similar Purposes, 27 August 1999
15. Anti-Deadly Arrow Law, Republic Act No. 3553
16. Commonwealth Act No. 616 – An Act to Punish Espionage and Other Offenses Against National Security

Weapons Control and Weapons of Mass Destruction

1. Republic Act No. 6235 entitled “An Act Prohibiting Certain Acts Inimical to Civil Aviation”, 19 June 1971
2. Presidential Decree No. 1866 as amended by Republic Act No. 8294, Codifying laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of, Firearms, Ammunition or Explosives, or Instruments used in the Manufacture of Firearms, Ammunition or Explosives and Imposing Stiffer Penalties for Certain Violations therefore and for Relevant Purposes
3. Tariff and Customs Code of 1978 (Presidential Decree No. 1464 as amended)
4. Revised Administrative Code (RAC), Sections 878 (Basic Firearms Law), 883, 897,
5. Standard Operating Procedure No. 04, Control and Supervision of the Importation, Sale and Possession and Use of Explosives, 19 April 1991
6. Standard Operating Procedure No. 13, Licensing of Firearms, 19 September 1991
7. Memorandum for the Secretary or Interior and Local Government recommending the phase-out of the use, manufacture or sale of *Paltik* (home-made) Firearms
8. PNP Circular No. 5, Disposition of Captured, Confiscated, Surrendered and Deposited Firearms, Ammunition and Explosives, 05 September 1994

Laws Pertaining To Biology

1. Republic Act No. 6969 : Toxic Substances and Hazardous and Nuclear Wastes Control Act, 26 October 1990

International Cooperation

1. PD 1069 – Prescribing the Procedure for the Extradition of Persons who have Committed Crimes in a Foreign Country

Suppression of Financing of Terrorism and Money-Laundering, and Freezing Assets

1. Republic Act No. 8799, the Securities Regulation Code
2. Republic Act No. 9160, An act Defining the Crime of Money Laundering, Providing Penalties therefore and for other Purposes (September 2001), otherwise known as the Philippine Anti-Money Laundering Act, Sections 4
3. Senate Bill No. 264 {entitled “An Act to Protect the State Against Aliens and Organizations Engaged in International Terrorism (Amending the Philippine Immigration Act of 1940)}, and Senate Bill No. 1353 {entitled, “The Anti Terrorism Act”}, and House Bill 3802 entitled “An Act Defining Terrorism, Providing Penalties Therefor and for Other Purposes”
4. Bank Secrecy Act