

**11th UN Congress on Crime Prevention and Criminal Justice
Bangkok, April 18-25, 2005**

**PHILIPPINE STATEMENT
(High Level Segment)**

by

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Mr. President, let me begin by congratulating you and the members of your bureau on your election and assure you of my delegation's support. I would also like to thank Thailand for hosting the 11th UN Congress on Crime Prevention and Criminal Justice. This year marks fifty years of cooperative work on crime prevention that began in 1955 with the convening of the 1st Congress in Geneva.

PHILIPPINE INITIATIVES

Mr. President, crime prevention is one of the top priorities of the Philippine Government. Just last year, our President Gloria Macapagal Arroyo issued Memorandum Order No. 133 approving the 2004 National Crime Prevention Plan, entitled "National Anti-Crime Program of Action" which is a compendium of action programs and strategies for implementation by the five (5) components of the Criminal Justice System (CJS), the National Government Agencies (NGAs) concerned and all Local Government Units (LGUs). The objective of the Program of Action is to create an environment where Filipinos and their guests from here and abroad, including foreign investors and tourists, could freely and safely come and go and do their legitimate activities anytime, in the country without fear of crimes. The program is consistent with the UN Standards and Norms in Crime Prevention and Criminal Justice whose principal foundations are the principles of interdependence of peace and development, primacy of crime prevention, shared responsibility and insuperability of people power.

Mr. President, allow me now to highlight the progress made by the Republic of the Philippines with regard to crime prevention since the 10th UN Congress on the Prevention of Crime and the Treatment of Offenders in Vienna, 2000.

Money Laundering

With the Philippines' ratification of the UN Convention Against Transnational Organized Crime (UNTOC) and its related Protocols¹, the Philippine Congress, in 2001, enacted into law Republic Act No. 9160 (*Anti-Money Laundering Act of 2001*) [AMLA] and its subsequent amendment, in 2003. This legislation criminalized money laundering and created the Anti-Money Laundering Council (AMLC) as the Financial Intelligence Unit (FIU) of the Philippines. The AMLC has already started entering into Memorandum of Agreements (MOAs) with FIUs of other countries. These MOAs cover such matters as cooperation in transnational investigations and prosecutions of persons involved in money laundering and the exchange of financial intelligence related to money laundering, terrorism and terrorist financing.

The Philippine Supreme Court is also already considering the designation or establishment of Special Anti-Money Laundering Courts for the speedy and efficient trial of money laundering cases.

As a testimonial to the seriousness and determination of the Philippine Government in its fight against money laundering and terrorist financing, the Philippines was delisted last February 11, 2005 from the Financial Action Taskforce's (FATF) list of Non-Cooperative Countries and Territories (NCCT).

Human Trafficking

R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*) was signed into law in 2003, making the Philippines one of the few countries in Asia that have enacted an anti-trafficking legislation. The said law which penalizes and defines trafficking in persons also provides for institutional mechanisms for the protection and support of trafficked persons. It requires concerned government agencies to provide mandatory services (such as counseling, free legal services, educational assistance to a trafficked child) to trafficked persons to ensure their recovery, rehabilitation and reintegration into the mainstream of society. The law also established an Inter-Agency Council Against Trafficking (IACAT) composed of government agencies, non-government organizations and other civic organizations for the effective formulation of a comprehensive and integrated program to prevent and suppress the trafficking in persons.

Corruption

In keeping with the President's call for a collective front against graft and corruption, government agencies, non-government organizations (NGOs) and civil society groups have joined forces in investigating the morality, lifestyle, and nightlife of government officials to gather evidence of graft and corruption. The

¹ Protocol Against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

public provides the information, while the intelligence-gathering units of the coalition (e.g., National Bureau of Investigation [NBI] and the Intelligence Service of the Armed Forces of the Philippines [ISAFP]) investigate suspected officials.

R.A. No. 9184 (*Government Procurement Reform Act*), which was enacted in 2003 redefined procedures in government purchasing. It has enhanced transparency, competitiveness and public accountability in government procurement. One important change in the system is the establishment of the Government Electronic Procurement System or E-Procurement System. This serves as the primary source of information in all government procurement. It has resulted in increased competition among suppliers and contractors and has also generated competitive prices and reduced procurement processing time. All these have resulted in at least 30 percent savings in the cost of government procurement.

Law Enforcement Measures

The Philippine government continues to be committed to working with the international community in law enforcement, and is taking its own domestic measures to enhance national synergy in the implementation of important criminal legislation.

Many recent domestic pieces of legislation — such as the trafficking in persons law and violence against women act — provide for the immediate establishment of a network and support arrangement that includes all the relevant domestic agencies. In the absence of legislation-mandated arrangements, we have in place a series of Memoranda of Agreements (MOAs) such as the one involving the fight against money laundering, where domestic agencies commit themselves to supporting the Anti-Money Laundering Council in implementing anti-money laundering legislation, including cooperation with foreign financial intelligence units.

The National Police Commission (NAPOLCOM) formulates an annual National Crime Prevention Plan (NCP) through the Technical Committee on Crime Prevention and Criminal Justice. This *ad hoc* interdisciplinary body composed of acknowledged experts representing the five (5) pillars of the Criminal Justice System (CJS) was established with the end in view of addressing the problems on criminality, terrorism, illegal drugs trafficking, and other forms of lawlessness.

Terrorism

While the Philippines still has to enact a definitive law against terrorism, the absence of such legislation, however, has not crippled our law enforcement agencies in the crusade against terrorism. The Philippines has made use full use of the provisions of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and/or destruction of property. Acts which constitute terrorism – murder, arson, hijacking – are all acts which are

defined under our existing laws. Thus, even without any law criminalizing terrorism, the Philippines is able to take jurisdiction over these "terrorist" acts.

Recognizing the importance of a domestic legislation which specifically criminalizes terrorism, the Philippine Congress is in the process of consolidating all the proposed bills on anti-terrorism. Said proposed measure will set in place effective legal mechanisms and measures to protect the people from terrorism, as well as strengthen the government's capability to effectively combat terrorist acts. It will also undermine the terrorists' capability to sustain their operations by allowing the government to look into their bank transactions and other financial activities and freeze them in accordance with our Anti-Money Laundering Law.

Knowing that terrorism can be facilitated through cyberspace, a bill entitled the "Cybercrime Prevention Act" has been introduced in Congress. It covers not only computers and computer networks but also mobile devices. It also seeks to create a Joint Cybercrime Investigation Unit which will include representatives from the National Bureau of Investigation (NBI), Philippine Center for Transnational Crime (PCTC) and Crimes Investigation and Detection Group (CIDG) of the Philippine National Police.

Judicial Reforms

The government has taken concrete steps to improve the judicial system. One of the fundamental steps taken was the preparation of the Action Program for Judicial Reform (APJR). This contains a wide-ranging set of reform projects aimed at enhancing performance for improved delivery of judicial services.

To decrease the caseload of criminal courts, the alternative dispute resolution (ADR) system was institutionalized through R.A. No. 9285 (*Alternative Dispute Resolution Act of 2004*). The implementation of this law is without prejudice to the ADR system earlier adopted by the Supreme Court. R.A. No. 8246. That law aims to make court litigation faster and more convenient by providing for additional divisions in the Court of Appeals. R.A. No. 8557 seeks to provide judiciary members with continuing legal education through the establishment of the Philippine Judicial Academy as a separate unit of the Supreme Court.

INTERNATIONAL COOPERATION

Mr. President, the Philippines is firmly committed to cooperate with the international community in building a safer and more secure world. The Philippines is a party to various multilateral treaties. These include the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), the 1999 UN International Convention for the Suppression of the Financing of Terrorism and the 2000 UN Convention Against Transnational Organized Crime (Palermo Convention). It has signed and ratified all of the twelve (12) international instruments against

terrorism. The Philippines is also a signatory to the UN Convention Against Corruption and ratification process is underway.

In addition, the Philippines has, thus far, also concluded twelve (12) extradition treaties with several countries, nine (9) of which are already in force and effect. We also have seven (7) existing bilateral Mutual Legal Assistance Treaties (MLATs), four (4) of which have entered into force. On November 29, 2004, the Philippines, together with the Governments of Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Singapore and the Socialist Republic of Vietnam, signed the Treaty on Mutual Legal Assistance in Criminal Matters.

REAFFIRMING OUR COMMITMENT

Mr. President, we have made significant strides in crime prevention, individually and collectively, in the last fifty years. We have put in place national, regional and international legal and institutional frameworks to address the problem of crime. However, these will remain meaningless if not effectively implemented. My delegation therefore presents the following recommendations:

- 1) Domestic laws must be strengthened in line with the spirit enshrined in the UN Convention Against Transnational Organized Crime. States are urged to ensure that their domestic laws are harmonized with obligations made under international instruments to which they are parties to
- 2) International and regional cooperation and assistance have to be invigorated through treaties in Extradition and Mutual Legal Assistance especially with regard to investigation, prosecution and transfer of organized offenders to the place of commission of the crime. State parties may also consider setting guidelines for the simplification of procedure for the extradition.
- 3) Terrorist financing must be suppressed by tightening regulatory arrangements such as requiring financial institutions to report suspicious transactions or transactions which are related to terrorist activities
- 4) A system of incentives must be established by states to avoid corruption, such as but not limited to, providing better salaries for government officials and awarding or giving recognition to good behavior of public officials. There must also be public awareness campaign on the evils of corruption for the private sector.
- 5) National law enforcement machineries including the prosecutorial, judicial and legal systems of states must be improved so that persons in

authority shall be held accountable at all times. In this regard, governments would need to work closely with non governmental organizations and civil society to uphold the rule of law and ensure good governance, accountability and transparency.

- 6) We call on States which have not done so to enact and enforce an Anti Money Laundering law to control and effective action against money and property obtained by illegal means and to prevent offenses arising therefrom and also to prevent interference in the executive, economic and social sectors of the State, using money and property obtained by ill legal means;
- 7) We encourage the UNODC to continue providing technical and advisory assistance for combating terrorism to countries in need of such assistance. In this regard, we join the call to expand and strengthen the mandate of the UNODC, particularly its Terrorism Prevention Branch, so it could intensify its efforts in providing technical assistance to states in reviewing domestic legislation and procedures and strengthening capacity to implement laws, rules and regulations, particularly in terms of professional training of criminal justice officials. We urge delegations in this Congress to ensure that resources would be made fully available to the UNODC, particularly the Terrorism Prevention Branch, to accomplish such goals.
- 8) We call on governments to establish a system of sharing and exchanging information and best practices to combat scourge of terrorism, corruption other transnational organized crime
- 9) Finally, we urge the promotion of institutional cooperation and better coordination at the national, regional and international level among criminal justice functionaries. Periodical reviews of the dynamics and patterns of organized crime in the region may be made to improve channels of cooperation for a more practical exchange of information and data.

Mr. President, I wish to reiterate what has been said in our earlier statement that as we combat the dual scourge of transnational crime and terrorism in our respective countries, we must be mindful not only to provide care and assistance to victims, we must also take care to heal the wounds such evil wreaks upon the peace and harmony of our nations' social fabric. Our action is against criminality and terrorism, not against any particular creed, culture or ethnicity. We must therefore not only cooperate more closely on the governmental level, we must also closely enlist the leaders of our faiths, our civil society, all sectors of our society — on a national and international level, to demonstrate a cross-sectional solidarity against these challenges. Action towards these ends are an essential part of any strategy we adopt.

Thank you.