



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 69-2021**

**TO : ALL JUDGES, CLERKS OF COURT AND  
BRANCH CLERKS OF COURT OF THE SECOND  
LEVEL COURTS**

**SUBJECT: RULE ON ASSET PRESERVATION, SEIZURE,  
AND FORFEITURE IN CRIMINAL CASES  
UNDER REPUBLIC ACT NO. 9160 AS  
AMENDED**

In the Resolution dated 23 March 2021 in **A.M. No. 21-03-13-SC** (*Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases under Republic Act No. 9160 as Amended*), the Court *En Banc* **RESOLVED** to **APPROVE** the proposed "Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases under Republic Act No. 9160 as Amended." Said Resolution is appended as Annex "A".

Published in the *Philippine Daily Inquirer* and the *Manila Bulletin* on 15 May 2021, the Resolution **took effect on 31 May 2021**.

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

For your information, guidance, and strict compliance.

02 June 2021

  
**JOSE MIDAS P. MARQUEZ**  
Court Administrator



Republic of the Philippines  
Supreme Court  
Manila

A.M. No. 21-03-13-SC

**RULE ON ASSET PRESERVATION, SEIZURE, AND  
FORFEITURE IN CRIMINAL CASES UNDER  
REPUBLIC ACT NO. 9160 AS AMENDED**

**RESOLUTION**

**WHEREAS**, in the October 2019 Mutual Evaluation Report on the Philippines, the Asia Pacific Group found that neither prosecutors nor law enforcement agencies have a policy or practice of seeking confiscation orders at the point of conviction;

**WHEREAS**, at present, only the 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 (R.A.) No. 9160, As Amended, under A.M. No. 05-11-04-SC, effective 15 December 2005, has been promulgated by the Supreme Court;

**WHEREAS**, there are indeed no clear-cut rules that exist on the forfeiture of property that is the subject of the crime or offense, the proceeds or fruits of the crime or offense, and/or any property used as the means of committing an unlawful activity or money laundering offense under R.A. No. 9160, as amended;

**WHEREAS**, the preservation, seizure, and/or forfeiture of assets help in preventing and restraining the commission of crimes or offenses penalized under R.A. No. 9160, as amended, and other related penal laws;

**WHEREAS**, the Special Committee on the Proposed Rule on Criminal Confiscation and Forfeiture was created to make a report and recommendation for the issuance of rules on criminal confiscation and forfeiture to address the 2019 Mutual Evaluation Report per Memorandum Order No. 05-2021 dated 27 January 2021;

**WHEREAS**, the Special Committee on the Proposed Rule on Criminal Confiscation and Forfeiture is composed of the following members:

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. Raul B. Villanueva**  
*Deputy Court Administrator*

**Hon. Virgilio V. Macaraig,**  
*Executive Judge, RTC Manila, Br. 37*

**Atty. Deana P. Perez**  
*Deputy State Prosecutor, DOJ Task Force on  
Anti-Money Laundering*

**Atty. Tofel G. Austria**  
*Senior State Prosecutor, DOJ Task Force on  
Anti-Money Laundering*

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

**Atty. Matthew M. David**  
*Director for Investigation and Enforcement  
Department, Anti-Money Laundering  
Council Secretariat*

**Atty. Romeo Raymond D. Santos**  
*Deputy Director of Litigation and Evaluation  
Group, Anti-Money Laundering Council  
Secretariat*

**Atty. Jesse Neil C. Eustaquio**  
*Legal Officer, Litigation and Evaluation  
Group, Anti-Money Laundering Council  
Secretariat*

Secretariat: **Atty. Ralph Jerome D. Salvador**  
*Office of the Chief Justice*

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

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

**WHEREAS**, on 04 February 2021, the Special Committee on the Proposed Rule on Criminal Confiscation and Forfeiture met and agreed to create a Technical Working Group to revise, review and submit to the Special Committee a working draft of the proposed Rule on Preservation, Confiscation and Forfeiture in Criminal Cases;

**WHEREAS**, pursuant to Memorandum Order No. 13-2021 dated 23 February 2021, a Technical Working Group was created and constituted as follows:

Chairperson: **Hon. Raul B. Villanueva**  
*Deputy Court Administrator*

Vice Chairperson: **Atty. Jesse Neil C. Eustaquio**  
*Legal Officer, Litigation and Evaluation  
Group, Anti-Money Laundering Council  
Secretariat*

Members: **Atty. Deana P. Perez**  
*Deputy State Prosecutor, DOJ Task Force on  
Anti-Money Laundering*

**Atty. Tofel G. Austria**  
*Senior State Prosecutor, DOJ Task Force on  
Anti-Money Laundering*

**Atty. Matthew M. David**  
*Director for Investigation and Enforcement  
Department, Anti-Money Laundering  
Council Secretariat*

**Atty. Romeo Raymond D. Santos**  
*Deputy Director of Litigation and Evaluation  
Group, Anti-Money Laundering Council  
Secretariat*

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

**Atty. Jeffrey G. Gallardo**  
*Office of the Chief Justice*

**Atty. Justin Adriel E. Ordoyo**  
*Office of the Chief Justice*

Secretariat: **Atty. Josephine B. Arpafo**  
*Office of the Chief Justice*

**Atty. Kimberly Nayre-Santiago**  
*Office of the Deputy Court Administrator  
Raul B. Villanueva*

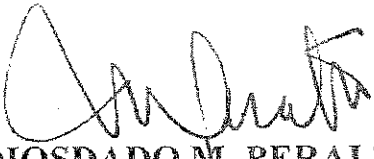
**WHEREAS**, the Technical Working Group conducted several meetings and submitted on 19 February 2021 the draft *Rule on Asset Preservation, Seizure and Forfeiture in Criminal Cases*, for further review, evaluation and consideration of the Special Committee;

**WHEREAS**, on 04 March, 11 March and 12 March of 2021, the Special Committee met to discuss and revise the said draft Rule, and agreed to propose to the Supreme Court the approval of the "*Rule on Asset Preservation, Seizure and Forfeiture in Criminal Cases Under Republic Act No. 9160 As Amended*;"

**NOW, THEREFORE**, acting on the recommendation of the Chairperson of the Special Committee, the Court resolves to APPROVE the proposed "*Rule on Asset Preservation, Seizure and Forfeiture in Criminal Cases Under Republic Act No. 9160 As Amended*;"

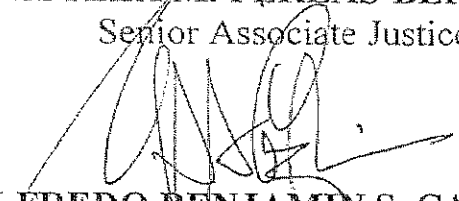
This Rule shall take effect on 31 May 2021 following its publication in two (2) newspapers of general circulation.

23 March 2021

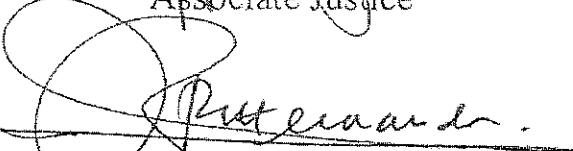
  
**DIOSDADO M. PERALTA**  
Chief Justice


  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice


  
**MARVIC M.V.F. LEONEN**  
Associate Justice


  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

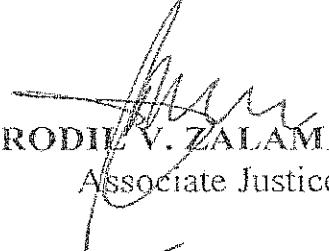
  
**ALEXANDER G. GESMUNDO**  
Associate Justice

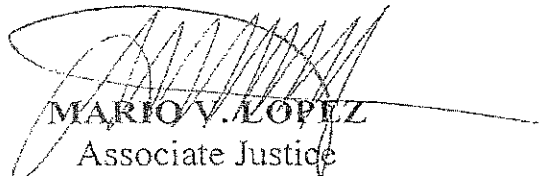
  
**RAMON PAUL L. HERNANDO**  
Associate Justice


  
**ROSMARI D. CARANDANG**  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice


  
**RODIE 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

**RULE ON ASSET PRESERVATION, SEIZURE, AND FORFEITURE  
IN CRIMINAL CASES UNDER REPUBLIC ACT NO. 9160, AS  
AMENDED**

**TITLE I  
GENERAL PROVISIONS**

**Section 1. Title.** – This Rule shall be known and cited as the “Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases under R.A. No. 9160, as amended.”

**Section 2. Applicability.** – Except as otherwise provided by law, this Rule shall apply to all criminal actions before any court involving crimes or offenses defined as unlawful activity under Section 3(i), or money laundering offenses under Section 4, of Republic Act (R.A.) No. 9160, or the Anti-Money Laundering Act of 2001, as amended.

**Section 3. Definitions.** – For the purpose of this Rule, the following terms are hereby defined as follows:

- (a) *Asset preservation* is a remedy that the State or prosecution may avail when a criminal information is filed against a person charged with an unlawful activity, under Section 3(i), or a money laundering offense, under Section 4, of R.A. No. 9160, as amended, to hold and conserve specific property and forbid any transaction, withdrawal, deposit, transfer, removal, conversion, concealment, or other disposition thereof.
- (b) *Asset seizure* refers to the taking or bringing into *custodia legis*, upon issuance of a search warrant or a valid warrantless arrest in accordance with the Rules of Court and prevailing jurisprudence, of property subject of a crime or offense, the proceeds or fruits of a crime or offense, or any property used as the means of committing a crime or offense.
- (c) *Asset forfeiture* is the accessory penalty imposed upon a person convicted with finality of a crime or offense, divesting him or her of properties subject of the crime or offense, the proceeds or fruits of the crime or offense, or any property used as the means of committing a crime or offense, in favor of the State, without compensation, as a consequence of the commission of a crime or offense.
- (d) *Property* includes any thing or item of value, real or personal, tangible or intangible, or any interest therein or any benefit, privilege, claim or right with respect thereto.

(e) *Proceeds or fruits of the crime or offense* refer to property derived or realized from an unlawful activity or money laundering offense. The proceeds or fruits of the crime or offense may include all the assets and properties of the accused either owned or held by him or her or in the name of some other persons if the same shall be found to be manifestly out of proportion to his or her lawful income.

(f) *Covered person* is a person referred to under Section 3(a) of R.A. No. 9160, as amended.

**Section 4.** *Allegation of asset forfeiture in the information.* – The prosecution may pursue asset forfeiture by an allegation in the criminal information that it will proceed against the subject of the crime or offense, the proceeds or fruits of the crime or offense, or any property used as the means of committing a crime or offense.

A criminal information may be amended, with leave of court pursuant to Sec. 14, Rule 110, Revised Rules on Criminal Procedure, if during trial, other property not subject of the original information is shown to be the subject of the crime or offense, the proceeds or fruits of the crime or offense, or used as the means of committing the crime or offense charged.

## TITLE II ASSET PRESERVATION ORDER

**Section 5.** *Ex parte issuance of Provisional Asset Preservation Order.*  
– At any time after the filing of the criminal information alleging asset forfeiture as provided in Section 4 of this Rule, or in case where the information has not yet been filed but properties have been seized by virtue of a search warrant or a warrantless arrest as provided in Section 16 of this Rule, the prosecution may file a verified motion for the issuance of an asset preservation order against a specific property. Upon determination by the court that probable cause exists that the specific property alleged in the motion is the subject of the crime or offense, the proceeds or fruits of the crime or offense, or any property used as the means of committing a crime or offense charged, the court may issue an *ex parte* provisional asset preservation order effective immediately, forbidding any transaction, withdrawal, deposit, transfer, removal, conversion, concealment or other disposition of the specific property. Such order shall be effective for a period of twenty (20) calendar days from the respective dates of service on the accused or any person acting in his or her behalf, or the person in possession of the property of the accused, or in whose name the property of the accused is registered, and upon each covered person or government agency.

In the event that a provisional asset preservation order is to be implemented by a covered person or government agency, the service of said order shall be effected first on said covered persons or government agency



prior to the accused or person in possession of the property of the accused, or in whose name the property of the accused is registered.

A copy of the provisional asset preservation order shall also be furnished by the court to the Anti-Money Laundering Council within five (5) calendar days from issuance thereof.

**Section 6. Summary hearing.** – The court shall schedule a hearing at a date and time within the twenty (20)-calendar day period at which the accused or any person acting in his or her behalf, or the person in possession of the property of the accused, or in whose name the property of the accused is registered, or the covered person or government agency may, for good cause, show why the provisional asset preservation order should be modified or lifted. The court shall determine within the same period whether the provisional asset preservation order should be modified or lifted, or an asset preservation order should be issued, which shall be valid during the entire duration of the proceedings.

A copy of the asset preservation order shall also be furnished by the court to the Anti-Money Laundering Council within five (5) calendar days from issuance thereof.

**Section 7. Issuance, form, and content of asset preservation order.** – The asset preservation order shall:

- (a) issue in the name of the People of the Philippines;
- (b) state the name of the court, the case number and title, and the subject order; and
- (c) require the Anti-Money Laundering Council or any of its deputized officers to serve a copy of the order upon the accused or any person acting in his or her behalf, or the person in possession of the property of the accused, or in whose name the property of the accused is registered, and upon the covered persons or government agencies, as the case may be.

**Section 8. Service and enforcement of asset preservation order.** – The provisional asset preservation order or asset preservation order shall be served by the Anti-Money Laundering Council or any of its deputized officers on the accused or any person acting in his or her behalf, the person in possession of the property of the accused, or the person whose name the property of the accused is registered, and on the covered persons or government agencies, as the case may be, in accordance with Section 5, Rule 13 of the Rules of Civil Procedure, as amended. The provisional asset preservation order or asset preservation order shall be enforceable anywhere in the Philippines.

**Section 9.** *Duties of a covered person and government agency upon receipt of a preservation order.* – Upon receipt of a provisional asset preservation order or an asset preservation order, the covered person or government agency, as the case may be, shall immediately preserve the property in accordance with the order of the court.

**Section 10.** *Report of the Anti-Money Laundering Council or its deputized officer, covered person or government agency.* – Within twenty-four (24) hours from receipt of a provisional asset preservation order or an asset preservation order, the Anti-Money Laundering Council or any of its deputized officers who served the order and the covered person or government agency shall submit by personal delivery to the court which issued the order a detailed written return specifying all the relevant information on the asset preserved, which should include but is not limited to the following:

- (a) For a covered person: The account numbers for financial accounts or description of monetary instrument, property, or proceeds involved;
- (b) For a government agency:
  - (1) Certificates of title numbers of registered real property and the volumes and pages of the registration books of the Register of Deeds where the same are registered;
  - (2) Registration in the Primary Entry Book and corresponding Registration Book in the Register of Deeds for unregistered real property;
  - (3) Registration with the Register of Deeds of the enabling master deed for a condominium project, certificate of title conveying a condominium and notice of assessment upon any condominium;
  - (4) Tax declarations for improvements built on land owned by a different party, together with the annotation of the contract of lease on the title of the owner of the land as registered in the Register of Deeds;
  - (5) Certificates of registration for motor vehicles and heavy equipment indicating the engine numbers, chassis numbers and plate numbers;
  - (6) Certificates of numbers for seacraft;
  - (7) Registration certificates for aircraft;

- (8) Commercial invoices or notarial identification for personal property capable of manual delivery, whichever are applicable;  
or
- (9) Any document evidencing ownership of the subject property, as well as control or possession thereof;
- (c) The names of account holders, personal property owners or possessors, or real property owners or occupants;
- (d) The prevailing value of the property at the time the assets were ordered seized and preserved;
- (e) All relevant information as to the nature of the property; and
- (f) The date and time when the provisional asset preservation order or asset preservation order was served.

**Section 11.** *Grounds for discharge of an asset preservation order.* – The accused or any person acting in his or her behalf, the person in possession of the property of the accused, or the person in whose name the property of the accused is registered, whose real or personal property has been preserved pursuant to an asset preservation order, may, within five (5) calendar days from receipt of the asset preservation order, file a motion, comment, or opposition, as the case may be, raising the grounds for its discharge. If in case the property belongs to a third-party not charged with a crime or offense, he or she is given ten (10) calendar days from knowledge that his or her property is subject to a preservation order within which to file a motion, comment, or opposition, as the case may be, raising the grounds for discharge.

For this purpose, the motion, comment or opposition shall: (a) identify the specific property sought to be discharged; (b) state the accused or third party's interest in such property; and (c) be subscribed under oath.

The following grounds for the discharge of the asset preservation order may be raised:

- (a) The order was improperly or irregularly issued or enforced;
- (b) Any of the material allegations in the motion, or any of the contents of any attachment to the motion thereto, or its verification, is false;
- (c) The property is not owned by the accused; and

- (d) The specific personal or real property ordered preserved is not in any manner connected with the alleged unlawful activity as defined in Section 3(i) of R.A. No. 9160, as amended.

A bond to discharge the asset preservation order, whether from the accused or a third-party not charged with a crime or offense, may be required at the discretion of the court, the amount of which shall be determined by the court based on the unique circumstances in each case.

The court shall resolve the motion and the corresponding comment or opposition within ten (10) calendar days from the time the motion is submitted for resolution.

**Section 12.** *Guidelines in serving an asset preservation order on perishable property, including property disproportionately expensive to keep.* – When the property preserved is perishable and liable to deteriorate in value and price by reason of delay in its disposition, or is disproportionately expensive to keep or store, the following guidelines are to be strictly followed:

- (a) The prosecution may file a verified motion praying for the release of the property to the accused or any person acting in his or her behalf, the person in possession of the property of the accused, or the person in whose name the property of the accused is registered, provided that the person deposits a cash bond equivalent to the value of the property as may be determined by the court. If the person refuses to pay the cash bond, the court shall order the sale of the property at public auction. The person shall be given a period of ten (10) calendar days from receipt of the verified motion within which to file a comment or objection thereto.
- (b) The court shall resolve the motion and corresponding opposition within ten (10) calendar days from the time the motion is submitted for resolution.
- (c) Should the court order the conduct of a public auction, the sale shall be conducted under the auspices of the clerk of court in the following manner:
- (1) Written notice must be given, before the sale, by posting the date, time, and place of the sale in three (3) public places, preferably in conspicuous areas of the municipal or city hall, post office and public market in the municipality or city where the property is located and where the sale is to take place, for such time as may be reasonable, considering the character and condition of the property; and

- (2) The proceeds shall be deposited with the clerk of court to be disposed of according to the final judgment of the court.

**Section 13.** *Guidelines in serving an asset preservation order on real estate property.* – When real estate property is ordered preserved, the following guidelines are to be strictly followed:

- (a) The preservation order shall be annotated in the certificate of title of the real property, or any other public document evidencing ownership of such property;
- (b) Real property shall not be physically seized before a final order of forfeiture;
- (c) The owners and occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, the said real property that is the subject of a pending forfeiture action; and
- (d) Notice of the asset preservation order shall be served in accordance with Section 8 of this Rule on the accused or any person acting in his or her behalf, the occupants of the real property of the accused, or the person in whose name the property of the accused is/are registered.
- (e) The court shall also cause the posting of a copy of the asset preservation order in a conspicuous place on the real property.

**Section 14.** *Designation of receiver.* – Upon verified motion filed by the prosecution, the court may order any person in control or possession of the preserved property to turn over the same to a receiver appointed by the court under such terms and conditions as the court may deem proper in the following instances:

- (a) When it appears that such property or fund is in danger of being lost, removed or materially injured;
- (b) When it appears that the property is in danger of being wasted or dissipated or materially injured;
- (c) After judgment, to preserve the property during the pendency of an appeal, or to dispose of it according to the judgment or to aid execution when the execution has been returned unsatisfied or the judgment obligor refuses to apply his property in satisfaction of the judgment, or otherwise to carry the judgment into effect; and

- (d) Whenever in other cases it appears that the appointment of a receiver is the most convenient and feasible means of administering or disposing of the property in litigation.

**Section 15.** *Decision of acquittal to include release of properties.* – Upon acquittal of the accused, and if the evidence duly support it, the court shall include in its decision the lifting of any asset preservation order on the property of the accused, and the release of any property seized by virtue of a search warrant or valid warrantless search and seizure in *custodia legis*, and of any proceeds deposited with the clerk of court under Section 12(2), Title II of this Rule.

### TITLE III ASSET SEIZURE

**Section 16.** *Seizure of properties.* - Property that is the subject of an unlawful activity or money laundering offense, the proceeds or fruits of a crime or offense, or used as the means of committing a crime or offense, seized by virtue of a search warrant or warrantless arrest, shall be disposed of in accordance with the Rules on Criminal Procedure.

However, if the seized properties are in danger of dissipation, destruction or deterioration, the prosecution may apply before the court that issued the search warrant for an *ex parte* provisional asset preservation order under Section 5, Title II of this Rule, while if the properties are seized by virtue of a warrantless arrest, the application may be filed before the designated court having jurisdiction over the place where the arrest and seizure occurred.

If after the issuance of an *ex parte* provisional asset preservation order, a criminal information is consequently filed, the records of the search warrant including the records of the proceedings in the issuance of the *ex parte* provisional preservation order, shall be consolidated with the records of the criminal case where the information is filed. For warrantless arrest cases, the records of the proceedings in the issuance of an *ex parte* provisional preservation order shall be consolidated with the records of the criminal case where the information is filed. In both cases, the consolidations shall be effected through the issuance of a *subpoena duces tecum*, unless the court which issued the *ex parte* provisional preservation order is the same court where the information is filed.

### TITLE IV FORFEITURE ORDER

**Section 17.** *Decision of conviction to include asset forfeiture of property with proof during trial.* – The court shall include in its decision the forfeiture of the property of the convicted person proven during trial of the

case for the unlawful activity or money laundering offense to be the subject of the crime or offense, the proceeds or fruits of the crime or offense, or any property used as the means of committing the crime or offense.

Articles which are not subject of lawful commerce shall be subject to forfeiture and destruction.

**Section 18.** *Motion for issuance of forfeiture order.* – After conviction by the trial court, the proceeds or fruits proven as subjects of the crime or offense may be covered by an asset preservation order. Once the conviction becomes final, the Anti-Money Laundering Council or any of its deputized officers, assisted by counsel, may move for the issuance of a forfeiture order attaching supporting evidence therefor, against the property subject of the crime or offense. The trial court shall furnish the Anti-Money Laundering Council with a copy of the final decision within five (5) calendar days upon receipt from the appellate court.

In the event the conviction of the accused by the trial court is not appealed and becomes final, the trial court shall furnish the Anti-Money Laundering Council with a copy of said decision within five (5) calendar days from date of finality.

**Section 19.** *Comment or Opposition.* - The convicted person, registered owner or possessor of the property may file a verified comment or opposition within ten (10) calendar days from service of the motion or order of the court for the forfeiture of his or her property. If no comment or opposition is filed within the reglementary period, the court shall submit the motion for resolution.

**Section 20.** *Summary Hearing on the Forfeiture of Preserved Property.*<sup>22</sup> – The court shall immediately schedule a summary hearing upon receipt of the comment or opposition, during which the convicted person may for good cause show why the forfeiture order should not be issued. The court shall resolve the motion within ten (10) calendar days from its submission for resolution.

**Section 21.** *Payment and other reliefs in lieu of Forfeiture.* – Where the court has issued a forfeiture order and said order cannot be enforced because the property cannot, with due diligence, be located, or it has been substantially altered, destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly attributable to the offender, or it has been concealed, removed, converted or otherwise transferred to prevent the same from being found or to avoid forfeiture thereof, or it is located outside the Philippines or has been placed or brought outside the jurisdiction of the court, or it has been commingled with another property belonging to either the accused himself or herself or a third person

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<sup>22</sup> Modified from Section 12, Rule on Civil Forfeiture.

or entity, thereby rendering the same difficult to identify or be segregated for purposes of forfeiture, the court may, instead of enforcing the order of forfeiture of the property or part thereof or interest therein, accordingly order the convicted person to pay an amount equal to the current value of said property, and adjudge such other reliefs as may be warranted.

**Section 22. *Service and Enforcement of Judgment.*** – A certified copy of the forfeiture order issued shall be served upon the parties or persons acting in behalf of the convicted person, possessor, or registered owner of the property, and upon the covered person or government agency as the court may direct, copy furnished the Anti-Money Laundering Council.

**Section 23. *Factors to be considered in the issuance of a forfeiture order.*** – In determining whether or not to issue a forfeiture order, the court may consider the following factors:

- (a) The value of the properties owned by the convicted person, possessor, or registered owner thereof is not commensurate with the lawful business, or financial or earning capacity of the convicted person;
- (b) The properties or transactions of the convicted person indicate a clear deviation from his or her profile or previous properties or transactions; and
- (c) The transactions of the convicted person have no apparent underlying obligation, purpose or economic justification.

The court is not precluded from considering other factors not enumerated herein in determining whether or not to issue a forfeiture order.

**Section 24. *Motion for declaration by third-party claimant.*** – Where the court has issued an order of forfeiture, a third-party owner of the property ordered forfeited who was not held liable for the crime or offense, not been impleaded nor has intervened claiming an interest therein, may apply, by verified motion, attaching supporting evidence, for a declaration that the said property legitimately belongs to him or her, and for its segregation or exclusion from the forfeiture order. The verified motion shall be filed with the court which rendered the forfeiture order within fifteen (15) calendar days from service of the forfeiture order, in default of which the said order shall be executory and bar all other claims. The prosecution may file its comment within fifteen (15) calendar days from service of the motion.

The court may, without hearing, issue an appropriate order approving any claim either admitted or not contested by the State. Upon the filing of a comment or opposition contesting the claim, the court shall set a hearing



within fifteen (15) calendar days from notice to the parties. The court shall issue a final order on the contested claim within fifteen (15) calendar days from submission for resolution thereof.

For purposes of this section, the order of forfeiture shall be published in a newspaper of general circulation by the Anti-Money Laundering Council or any of its deputized officers within ten (10) calendar days from its receipt thereof.

**Section 25. *Asset Management.*** – All expenses incurred in the proceedings for the preservation, custody, maintenance, seizure, and forfeiture of the subject properties pending their disposition, as well as expenses for publication and court costs, shall be deducted from the amount to be turned over to the National Government.

**Section 26. *Turnover to the Bureau of Treasury.*** – Except in cases where the law provides otherwise, after issuance of the forfeiture order, all forfeited properties shall be turned over within a reasonable period of time to the Bureau of Treasury.

## TITLE V COMMON PROVISIONS

**Section 27. *Parallel Forfeiture.*** – Pursuit of asset forfeiture under this Rule shall proceed independently of proceedings for civil forfeiture against the same property. The asset forfeiture following a conviction will apply only to those properties not recovered in a parallel civil forfeiture case, and vice versa.

**Section 28. *Intervention by the Anti-Money Laundering Council.*** – The Anti-Money Laundering Council may intervene if, among other reasons, the case is of significant interest to its mandate, or upon request by the prosecution, in proceedings for asset preservation, seizure, and forfeiture.

**Section 29. *Suppletory Application.*** – The Revised Rules of Court, 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*), the Revised Penal Code, as amended, and other penal laws shall apply suppletorily to this Rule.

**Section 30. *Transitory provision.*** – This Rule shall apply to all pending criminal cases.

**Section 31. *Effectivity.*** – This Rule shall take effect on 31 May 2021, following its publication in a newspaper of general circulation.