ПРЕСТУПЛЕНИЯ И ОТВЕТСТВЕННОСТЬ

CRIMES AND RESPONSIBILITIES

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ФИЛИППИНЫ: БОРЬБА С ТЕРРОРИЗМОМ

Аннотация. В статье излагается обновлённая информация о деятельности групп национальных угроз, поддерживающих терроризм на Филиппинах, в частности, Новой Народной армии (NPA), вдохновлённой идеологией марксистско-ленинско-маоистских групп, Абу Сайяфской группе (ASG). Анализируются их связи с Аль-Джемаа аль-Исламия Групп (JI) и другими иностранными террористами (OFT) и Движением Раджа Солаймана (RSM).

Ключевые слова: Филиппины, терроризм, национальные угрозы, марксистско-ленинско-маоистские группы, Новая Народная армия.

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PHILIPPINES: THE FIGHT AGAINST TERRORISM

I. Introduction

This report presents an update on the activities of domestic threat groups that espouse terrorism in the Philippines, particularly the Marxist-Leninist-Maoist-inspired New People's Army (NPA), Abu Sayyaf Group (ASG) and its links to the Al Jemaah Al Islam-

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iyah Group (JI) and other foreign terrorists (OFT) and the Rajah Solaiman Movement (RSM).

Communist Party of the Philippines/New People's Army (CPP/NPA)

The *Communist Party of the Philippines (CPP)* was established by Jose Maria Sison on December 26, 1968 when it split from the Jesus Lava-led Partido Komunisang Pilipinas (PKP). The CPP pursued Maoist-inspired insurrection unlike the Soviet-sponsored PKP which renounced armed rebellion and reconstituted to a legal political party.

The CPP formed the *New People's Army (NPA)* as its military arm on March 29, 1969 while the *National Democratic Front (NDF)* was formed on April 24, 1973 as its united front organization and serves as the political front. Since 1968, the CPP has been involved in an armed struggle with an objective of overthrowing the existing government to be replaced with a communist state.

CPP's Strategy of Protracted People's War

For more than four (4) decades since its establishment on December 26, 1968, the CPP, thru its military arm, the NPA, has been waging and adopting the strategic line of “**protracted people's war**” of Chairman Mao Zedong that is aimed at overthrowing the existing government through violent means and eventually replace it with a communist state. This Maoist strategy calls for the encircling of the cities from the countryside. Under this strategy is the establishment of a stable guerilla bases in the countryside where the revolutionary struggle advances towards the cities or urban centers to seize political power. With regard to this strategy, the CPP/NPA adopts two basic principles namely:

- (1) The seizure of political power through armed force is the general principle guiding the Philippine revolution; and
- (2) The people's war is carried out by gradually strengthening the revolutionary forces and encircling the cities from the countryside prior to final seizure of state power.

The protracted war would undergo three stages, namely:

1). **Strategic Defensive Stage** – This stage is the preliminary phase that will set the stage for the Party's ultimate goal of seizing state power. Efforts of the Party at this stage are geared towards subverting, paralyzing and neutralizing the government political infrastructure. This stage is characterized by sustained political mass work, alliance building, party building efforts, tactical offensives and other initiatives against the political-military advantage of the government. It is subdivided into two stages, namely, the early sub-stage and the advance sub-stage:

Early sub-stage – The main objective of this sub-stage is to position the CPP/NPA in the various strategic areas of the archipelago through the formation of guerilla zones and guerilla fronts. The NPA would then carry out the task of organizing the mass base. Limited guerilla actions and liquidations are also undertaken. Political struggles, which are sectoral in nature, are also developed in the town or urban centers.

Advance sub-stage – In this sub-stage, the CPP/NPA intensifies guerilla warfare and prepares the people for direct political involvement in the revolutionary war. Militarily, the CPP/NPA consolidates its existing guerilla zones/fronts and transforms them into guerilla bases directed towards the periphery of the urban or town centers.

2). *Strategic Stalemate* – This is characterized by the tilting balance of forces between the revolutionary forces and the government forces to almost an equality. The revolutionary forces in this stage may not have the military strength equal to the government. However, its deep-rooted political influence among the populace, resulting from the establishment of well-entrenched Party and mass organizations and the development of its sectoral revolutionary mass movements will cause the people to be deeply divided between the pro- and anti-government sides, thus, leading to a political disequilibrium.

3). *Strategic Offensive* – Here, the political disequilibrium arising from the “strategic stalemate” will lead to a shifting of the center of gravity of political forces in favor of the CPP/NPA.

After 42 years, the NPA’s armed struggle remains at the “early sub-stage” of the Strategic Defensive Stage wherein they are still organizing mass base support in the countryside and developing its armed capability. In the process of building its organization, the NPA carries out terror operations to exact financial and material support from business establishments, notably the telecommunication, transportation and construction companies, mining companies, agri-business firms and other small-scale business enterprises. Individuals who openly defy the NPA are being killed.

For the period 01 January to 31 December 2010, the NPA terrorists figured in a total 413 atrocities, of which nine (9) were raids/attacks, 53 ambushes, 21 disarmings, 125 harassments, 94 liquidations, 29 kidnappings, six (6) bombings, 12 robberies/hold-ups and 64 arsons. On their extortion related-terror activities, the NPA terrorists have attacked/harassed/burned six (6) Globe Telecom cell sites, five (5) mining companies and 69 other businesses involved in logging, construction, transportation, trucking and farm plantations.

Relative to the CPP’s 42nd founding anniversary, the Central Committee’s message entitled “*Fulfill the requirements for the advance of the people’s war from the strategic defensive to the strategic stalemate*” pointed out three (3) tasks that should be carried out. These are the following:

- Step-up recruitment by forming more mass organizations in factories, schools, communities, villages and factories. These organizations and movements will be strengthened through propaganda and mobilization;
- Increase the number of NPA full-time fighters and develop and train them to be able to lead NPA units at various levels, people’s militia, self-defense forces and partisan units. The training program should focus on reconnaissance, sniping, producing and em-

playing command-detonated explosives. The NPA was also advised to wage only battles that they can win; and

- Advance alliance and united front work focusing on the anti-imperialist and anti-feudal mass movement and alliances.

Abu Sayyaf Group (ASG)

The Abu Sayyaf Group or ASG, which literally means “bearer of the sword”, was founded in 1991 by Abdurajak Abubakar Janjalani, a Filipino Islamic scholar who was among those who volunteered for training and fought with the so-called International Islamic Brigade in the then Soviet-occupied Afghanistan. He was killed during an encounter with Philippine government troops in December 1998. Khadaffy Janjalani, the younger brother of Abdurajak, has since taken over the leadership of the group and was later killed in an encounter in 2006.

The 386-strong bandit group equipped with 340 assorted armaments as of yearend 2010 has its forces mainly operating in the provinces of Sulu, Basilan and Tawi-Tawi and in Zamboanga City. The strength of the ASG posted a decrease of 1.3% as compared to the 2009 figure of 391. Firearms, on the other hand, have no significant change. The ASG continues to operate on territorial basis and cell groups. Radullan Sahiron heads the Sulu-based ASG while the Basilan-based ASG is under Khair Mundos with Furuji Indama and Nurhassan Jamiri as his deputy and operation officers, respectively. The leader of the Zamboanga City-based ASG is presently unidentified after the death of its former leader Abdulla Ajjula.k.a. Abu Termijie in 2009. The Tawi-Tawi based ASG is headed by Asman Wadjan.

From January to December 2010, a total of 92 incidents were recorded involving the ASG, 55 of which were initiated by the group. Broken down by activity, these include 14 harassments, 11 incidents each of ambush and kidnapping/illegal detention, six (6) incidents each of liquidation and bombing, three (3) arson and two (2) incidents each of raid/attack and kidnapping. The ASG figured in 30 encounters with government troops while the latter carried out seven (7) raid operations against the group. The capacity of the ASG to mount terror attacks was greatly bolstered by its association with the JI and other foreign terrorists that have based themselves in Mindanao. It finances its operations mainly through kidnapping-for-ransom, robbery, extortion and piracy. The ASG came into prominence in the 1990s with the bombing of MV Doulos. In 2000, it gained notoriety within and outside the country after it became involved in a series of kidnapping incidents victimizing foreign nationals in the island resort of Sipadan, Malaysia and in Dos Palmas, Palawan the following year.

Kidnappings remain the major lifeblood of the ASG. Apart from this ASG has also been gradually getting back into conducting bombing operations. Despite being relentlessly pursued by government troops, the ASG remains potent notwithstanding the exten-

sive operations against them. The group maintains its association with like-minded groups like the MILF, JI and OFTs where they reciprocally benefit in terms of logistical and operational needs.

However, ASG activities have been relatively sporadic for some time especially since the demise of its topmost leaders. Nevertheless, recruitment and conduct of small-scale specialized trainings continue where some have reportedly been coordinated with other threat groups. This year, the efforts of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) resulted in several neutralization of the ASG's members significant among which are:

- ASG sub-leader *Albader Parad* who was killed in an encounter in Brgy. (village) Karawan, Indanan, Sulu by elements of the Marine Battalion Landing Team (MBLT) 4 of the AFP on February 21, 2010;

- ASG sub-leader *Abdul Gafur Jumdailla.k.a. GAFZ, a.k.a. GAFFUR* who was killed in an operation in Maimbung, Sulu by joint elements from DIPO-WM and PNP-SAF Seaborne on September 5, 2010; and,

- ASG member *Patta Hoyah Jahala.k.a. Abu Najer* who was arrested on November 3, 2010 in a raid in Brgy. Culiati, Quezon City by joint elements of PACER, LRU-SAF and 300th AISG, PAF. He was involved in the Lamitan siege in Basilan in June 2001 and the hostage-taking incident in Golden Harvest plantation in Lantawan, Basilan also on the same month.

Meanwhile, ASG leader Mohammad Hatta Haipewas sentenced on 19 December 2010 to 23 years in prison by a Washington D.C., U.S.A. court over the kidnapping for ransom of 16 tourists including four (4) Americans in Lake Sebu, South Cotabato in December 1994. Haipewas indicted before a US court in 2000 for said crime. He was arrested in Malaysia on 24 August 2006 under its Internal Security Act and was repatriated to the Philippines on 20 May 2009. He was extradited to the United States on 29 August 2009. He pleaded guilty on 28 July 2010.

In other developments, the bombing in Jolo, Sulu on December 25, 2010 was believed to be the handiwork of the ASG. The incident resulted in the wounding of 11 people. Subsequently, a case for multiple frustrated murder and damage to property was filed against some members of the group who were implicated in the said explosion.

The ASG continues to map out operations which include kidnappings, bombings, and attacks on civilians and government forces/installations, public places, infrastructures and other establishments.

Al Jemaah Al Islamiyah/Other Foreign Terrorists (JI/OFTs)

Indonesian JI members accounted for are placed at four (4). Their names and respective current locations are:

1. JAAFAR/JATAR/JAFAR – monitored in Sulu;

2. SAAD – co-located with QAYYIM in Sulu;
3. OMAIR/UMAIR – Camp Jabal Quba; and
4. SAHAL – Butig, Lanaodel Sur.

Apart from the JI, other Southeast Asian militants exist in Mindanao. Most of these trainees return to their countries of origin after their short duration training. These individuals have been categorized as “other foreign terrorists” (OFTs) and are geographically dispersed in Central Mindanao and Sulu. This group is mostly comprised of Indonesian militant groups such as the Darul Islam (DI) factions, KOMPAK and the LaskarJundullah (LJ). It neither has an acknowledged leader nor an organizational structure.

There are three (3) main camps for Indonesians in the Cararao Complex, however, it is not known whether the Indonesians are JI members or members of other groups from Indonesia. Camp Hudeibiah is located in Sitio Sumpitan, Brgy.Tugaig, Barira, Maguindanao and is headed by a certain Abdul Malik Yamen. Camp Jabal Quba is described to be located near Butig Lake and is headed by a certain Abu Yasser Taya. Meanwhile, Camp Ulo Ambal is located in the northeastern part of Camp Hudeibiah in Butig, Lanao del Sur and is headed by a certain Solaiman Muhammad a.k.a.Basir/Basyir/Solaiman. These Indonesians are conducting improvised explosive device (IED) training particularly in Butig, Lanao Del Sur. Suspected Indonesian JI members/foreign militant jihadists have been monitored in the company of the ASG in Sulu. Likewise, they have been monitored with the MILF at the latter’s camp in Central Mindanao. Accordingly, they were conducting training for the MILF. The training also delved on sniping techniques, scuba diving and commando assault operations.

Omar Patek was arrested in Pakistan. Abdulla Ali a.k.a. Muawiyah/Anjala is monitored to have been with Salahudin Hassan’s group in Central Mindanao while Zulkipli bin Hira.k.a. Marwan was killed in January 25, 2015 in Mamasapano, Maguindanao.

In a meeting in one of the MILF camps in Central Mindanao, JI and rogue MILF members discussed the fabrication of IEDs. Discussion also includes the probable financial support coming from abroad.

Terror groups in the country have recently pledged allegiance to Dawlatul Islamiya led by Isnilon Hapilonas the Amir recognized by ISIS in the Philippines.

Rajah Solaiman Movement (RSM)

The Rajah Solaiman Movement, an active balik-Islam group espousing the idea of the islamization of Luzon, was discovered in 2002. As of yearend 2010, around 20 members were included in the list of RSM members. Most of the known active members of the group have been captured and the others cannot be located or have been inactive.

Members of RSM have been pursued and arrested by government forces for being involved in known bombing incidents and for planning to conduct bombings in Metro Manila. Also, the RSM and around seven (7) of its members were included in the United

Nations Security Council Resolution 1267 sanctions list. To implement the UN action, the United States' Department of State designated RSM and Ahmad Santos as specially designated global terrorists. The seven (7) other members were also mentioned under Executive Order 13224 by the US Treasury Department.

Notably, Ricardo Ayeras a.k.a. Abdul Kareem, along with RSM leader Hilarion Santos a.k.a. Ahmad Santos, Pio De Vera and Malik Alimuddin, were acquitted by the Regional Trial Court (RTC), Branch 66, Makati City for the charge of rebellion due to lack of evidence. However, Santos, De Vera and Alimuddin were not released due to other pending cases against them. Likewise, Dino Amor Rosalejos Pareja a.k.a. Abu Jihad/Khalil Pareja/Al Luzoni, who was acquitted on the same offense, was released.

Outside the Philippines, the ASG, along with the JI and the RSM, are designated as "Foreign Terrorist Organizations" by the US State Department and the US Department of Treasury. FTOs are foreign organizations designated as such by the Secretary of State in accordance with Section 219 of the Immigration and Nationality Act (INA), as amended.

II. Laws/Legislation

As a policy of the State to protect life, liberty and property from acts of terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people and to make terrorism a crime against the Filipino people, against humanity and against the law of nations, Republic Act No. 9372, properly known as the Human Security Act of 2007, was passed on July 2007. This law, often referred to as the "*Anti-Terror Law*" or "*Anti-Terrorism Law*", allows the surveillance, wiretapping and financial investigation of individuals connected to terrorist organizations. It is one of the most primary anti-terrorism laws that brings the Philippines in line with its Southeast Asian neighbors battling Islamist militants. It is aimed at tackling militants in the southern Philippines.

Section 2 of the aforesaid law clearly states the State Policy as follows:

"It is declared a policy of the State to protect life, liberty, and property from acts of terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against the law of nations.

In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic,

military, and legal means duly taking into account the root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities. Such measures shall include conflict management and post-conflict peace-building, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Nothing in this Act shall be interpreted as a curtailment, restriction or diminution of constitutionally recognized powers of the executive branch of the government. It is to be understood, however that the exercise of the constitutionally recognized powers of the executive department of the government shall not prejudice respect for human rights which shall be absolute and protected at all times”¹.

On the other hand, terrorism is defined under Section 3 thereof as follows:

“Any person who commits an act punishable under any of the following provisions of the Revised Penal Code:

a. Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine Waters);

b. Article 134 (Rebellion or Insurrection);

c. Article 134-A (Coup d' Etat), including acts committed by private persons;

d. Article 248 (Murder);

e. Article 267 (Kidnapping and Serious Illegal Detention);

f. Article 324 (Crimes Involving Destruction) or under

1. Presidential Decree No. 1613 (The Law on Arson);

2. Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);

3. Republic Act No. 5207 (Atomic Energy Regulatory and Liability Act of 1968);

4. Republic Act No. 6235 (Anti-Hijacking Law);

5. Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974); and

6. Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunitions or Explosives)

thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No.

¹ Section 2, Republic Act No. 9372.

4103, otherwise known as the Indeterminate Sentence Law, as amended”.

Under Philippine law, for a person to be liable for the crime of terrorism, the following requirements must be complied with, to wit:

A. The accused (maybe a single individual or a group) must commit any of the enumerated crimes mentioned under R.A. No. 9372;

B. There results a condition of widespread and extraordinary fear and panic among the populace (the extent and degree of fear and panic, including the number of people affected in order to meet the term “populace”, are questions of facts to be determined by the courts and on a case to case basis); and

C. The purpose of the accused must be to coerce the government to give into an unlawful demand (the word “demand” is too broad as to cover not only political, criminal or monetary demands but also those which may be categorized as social or economic. This, however, is qualified by the word “unlawful”).

Section 58 of the same law enumerates the persons who may be liable for terrorism, *viz*:

“Subject to the provisions of an existing treaty of which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply:

(1) to individual persons who commit any of the crimes defined and punished in this Act within the terrestrial domain, interior waters, maritime zone, and airspace of the Philippines;

(2) to individual persons who, although physically outside the territorial limits of the Philippines, commit, conspire or plot to commit any of the crimes defined and punished in this Act inside the territorial limits of the Philippines;

(3) to individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes on board Philippine ship or Philippine airship;

(4) to individual persons who commit any of said crimes within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity;

(5) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes against Philippine citizens or persons of Philippines descent, where their citizenship or ethnicity was a factor in the commission of the crime; and

(6) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes directly against the Philippine government”.

Meanwhile, on 20 June 2012, the Philippine Congress enacted Republic Act No. 10168 or more properly known as “An Act Defining the Crime of Financing of Terrorism, Providing Penalties Therefor and for Other Purposes”. This law defines the term “terrorist” and enumerates what the “terrorist acts” are.

As expressly provided under the said law, a “terrorist” refers to any natural person who:

- (1) commits, or attempts, or conspires to commit terrorist acts by any means, directly or indirectly, unlawfully and willfully;
- (2) participates, as a principal or as an accomplice, in terrorist acts;
- (3) organizes or directs others to commit terrorist acts; or
- (4) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act¹.

On the other hand, terrorist acts refer to the following:

- (1) Any act in violation of Section 3 or Section 4 of the Human Security Act of 2007;
- (2) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act;
- (3) Any act which constitutes an offense under this Act, that is within the scope of any of the following treaties of which the Republic of the Philippines is a State party:
 - (a) Convention for the Suppression of Unlawful Seizure of Aircraft (done at The Hague on 16 December 1970);
 - (b) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (done at Montreal on 23 September 1971);
 - (c) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (adopted by the General Assembly of the United Nations on 14 December 1973);

¹Section 3.

(d) International Convention against the Taking of Hostages (adopted by the General Assembly of the United Nations on 17 December 1979);

(e) Convention on the Physical Protection of Nuclear Material (adopted at Vienna on 3 March 1980);

(f) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (done at Montreal on 24 February 1988);

(g) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (done at Rome on 10 March 1988);

(h) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (done at Rome on 10 March 1988); or

(i) International Convention for the Suppression of Terrorist Bombings (adopted by the General Assembly of the United Nations on 15 December 1997).

Meanwhile, the same law defines a terrorist organization, association or a group of persons as referring to any entity owned or controlled by any terrorist or group of terrorists that: (1) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and willfully; (2) participates as an accomplice in terrorist acts; (3) organizes or directs others to commit terrorist acts; or (4) contributes to the commission of terrorist acts by a group of persons acting with common purpose of furthering the terrorist act where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act”¹.

As regards the unlawful act of financing terrorism, Section 4 of Republic Act No. 10168 expressly states that:

“Any person who, directly or indirectly, willfully and without lawful excuse, possesses, provides, collects or uses property or funds or makes available property, funds or financial service or other related services, by any means, with the unlawful and willful intention that they should be used or with the knowledge that they are to be used, in full or in part: (a) to carry out or facilitate the commission of any terrorist act; (b) by a terrorist organization, association or group; or (c) by an individual terrorist,

¹ Supra.

shall be guilty of the crime of financing of terrorism and shall suffer the penalty of reclusion temporal in its maximum period to reclusion perpetua and a fine of not less than Five Hundred Thousand Pesos (Php 500,000.00) nor more than One Million Pesos (Php1,000,000.00).

“Any person who organizes or directs others to commit financing of terrorism under the immediately preceding paragraph shall likewise be guilty of an offense and shall suffer the same penalty as herein prescribed.

“For purposes of this Act, knowledge or intent may be established by direct evidence or inferred from the attendant circumstances.

“For an act to constitute a crime under this Act, it shall not be necessary that the funds were actually used to carry out a crime referred to in Section 3(j)”¹.

III. Law Enforcement Agencies

The Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) work hand-in-hand, being entrusted with internal security and terrorism in the country.

To further ensure the effectiveness of the government's drive against kidnapping and illegal drugs, former President Gloria Macapagal-Arroyo organized the Police Anti-Crime Emergency Response (PACER) unit on July 12, 2002. The unit adopted the cohesive military-style tactics to go after kidnappers and drug dealers including their financial and support network.

To address the growing threat on terrorism, Executive Order No. 62 was signed by the President creating the Philippine Center on Transnational Crime (PCTC) to serve as a nerve center, a think tank and a central database for the monitoring, detecting and investigating of transnational crimes, as well as formulating national programs and policies, both tactical and strategic, geared towards the prevention of said crimes and recommending of measures for the enactment of legislation that will strengthen responses and provide immediate intervention in the prevention, detection and apprehension of transnational criminals.

On 29 September 2001, the Philippine Congress enacted Republic Act No. (R.A. No. 9160), otherwise known as the Anti-Money Laundering Act of 2001, which took effect on 17 October 2001. R.A. No. 9160 criminalized money laundering in the Philippines. It likewise created the Philippines' Financial Intelligence Unit (FIU) – the Anti-Money Laundering Council (AMLC).

¹ Section 4, *supra*.

The AMLC is composed of the following: the Governor of the Bangko Sentralng Pilipinas (BSP) (Central Bank of the Philippines), as Chairman; and the Commissioner of the Insurance Commission (IC) and the Chairman of the Securities and Exchange Commission (SEC), as members. The Council requires and receives suspicious transaction reports and issues orders to investigate and examine these transactions involving the proceeds of an unlawful activity. It is also responsible in imposing administrative sanctions for the violation of relevant laws, rules, regulations and orders and resolutions.

Other law enforcement agencies involved in combating terrorism form part of the Anti-Terrorism Council (ATC) which shall implement the Human Security Act of 2007 and shall be responsible for the proper and effective implementation of the anti-terrorism policy of the country. The ATC is mandated to formulate and adopt comprehensive, adequate, efficient, and effective anti-terrorism plans, programs, and counter-measures to suppress and eradicate terrorism in the country and to protect the people from acts of terrorism. It is chaired by the Executive Secretary; with the Secretary of Justice, the Secretary of Foreign Affairs, the Secretary of National Defense, the Secretary of the Interior and Local Government, the Secretary of Finance and the National Security Adviser as its other members. Meanwhile, the National Intelligence Coordinating Agency (NICA) serves as the Secretariat of the ATC. Considering the importance of the ATC's functions, the National Bureau of Investigation (NBI), the Bureau of Immigration (BI), the Office of Civil Defense (OCD), the Intelligence Service of the Armed Forces of the Philippines (ISAFP), the Anti-Money Laundering Council (AMLC), the Philippine Center on Transnational Crime (PCTC) and the Philippine National Police's intelligence and investigative elements serves as support agencies thereat.

IV. Information/Intelligence Sharing and Best Practices

Case Management and Intelligence System (CMIS): This is part of the RP-AU CT Capacity Building Project. The CMIS is a completely integrated database system which has the capability to store and manage criminal and terrorism-related cases. The system interconnects subordinate units of the PNP as well as the PCTC and the NBI. The project is a major milestone in the strong relationship and coordination existing between the PNP, NBI, PCTC and Australian Federal Police (AFP) in the field of countering crime and terrorism.

PNP Bomb Data Center (PBDC): In parallel with the CMIS, the PBDC was established to provide the necessary technical expertise in the investigation of bomb blasts and related incidents. It maintains a databank of all post-blast investigation reports, technical data, photographs and other pertinent documents. The center also operates a research and development center and conducts training and other skills and competency building activities.

PNP Forensic Explosives Laboratory: To complement and support the efforts of the Bomb Data Center, the capability of the PNP Crime Laboratory was enhanced with the

donation from Australia of forensic equipment for explosives testing. The unit now has a special laboratory dedicated to chemical analysis of explosive materials among others.

Area Police Intelligence Fusion Centers: Its creation was intended to bolster the system of coordination, mutual support and cooperation and integration of efforts between and among the PNP intelligence units and their counterparts in the AFP and other law enforcement agencies.

Multi-National Operational Support Team (MNST): It is based in Jakarta, Indonesia and was conceptualized during the Regional Law Enforcement Heads of Counter-Terrorism Conference attended by Police Director Robert C Delfin, then Director for Intelligence, in Semarang, Central Java, Indonesia on July 1-2, 2004. It is composed of representatives from the Philippines, Indonesia, Malaysia, Singapore, Thailand and Australia. The purpose is to address the development of a concept for a multi-national team that will provide operational support in the areas of technical, investigative, analytical cooperation among its members in the provision of assistance to one another with respect to terrorism issues and incidents.

ASEANAPOL Database System Project: The project was launched during the ASEANAPOL Conference in May 2006 and is now fully operational. The electronic ASEANAPOL Database System Project or eADS is a central database system similar in concept to the one being maintained by INTERPOL. The major stakeholders are the ten (10) national police forces of ASEANAPOL which will be sharing equally all the expenses that may be incurred in the development and maintenance of the project.

On the other hand, to ensure a holistic response to the terrorist threat, the PNP adopts a three-tiered defense system. It is the PNP's basic action framework against terrorism with three (3) distinct phases or components: intelligence, target hardening and incident management.

The "intelligence phase" adopts a dual approach: the broad and the focused approaches. The broad approach employs the local government executives and community leaders in partnership with local police forces. This is most valuable in proactive measures like identifying potential targets, reporting suspicious persons and material, unusual movements (such as unusual delivery of large amount of ammonium nitrate) and other clandestine activities in the communities.

The "target hardening phase" is aimed at making it difficult for the terrorist to succeed in hitting their targets. Once the potential terrorist target is identified, government agencies, the private sector as well as the community work closely together to set up a security umbrella within the internal and external environs of the target.

In the "incident management phase" the sequence of actions to be undertaken in case of a terrorist attack is determined in order to mitigate the effects of attacks and return to normalcy. In like manner, this involves partnership among the security forces, local government units (LGU) and the community. In this aspect, the LGUs take the lead role.

The national government has also enunciated various directives, instructions and issuances to address the problem.

Former President Gloria Macapagal-Arroyo outlined a 16-point counter-terrorism course of action which includes the following:

1. Organization of a whole counter-terrorism enterprise and delineation of clear areas of responsibility and accountability with the Cabinet Oversight Committee under the Executive Secretary to oversee and supervise the anti-terror campaign;
2. Efficient and effective anticipation of events through intelligence and intelligence fusion which involves the consolidation and sharing of information from all sources relevant to the country's response in the war against terrorism;
3. Strengthen the country's internal focus on terrorism through the active participation of local government units down to the barangay level to prevent, interdict and contain terrorist acts;
4. Cleaning the government of terrorist and criminal coddlers;
5. Holding accountable all private groups abetting or aiding terrorists;
6. Synchronization of internal efforts with the global outlook to be spearheaded by the Department of Foreign Affairs (DFA);
7. Combined policy of tactical counterforce with the set of strategic legal measures. The Department of Justice (DOJ) to set up a special team to serve the special requirements of the war on terrorism including the speedy prosecution, deportation and extradition of suspects;
8. Strengthen the peace process to isolate terrorist groups from the moderates;
9. Pursuit of broader inter-faith dialogues to promote Christian and Muslim solidarity;
10. Recognition of the political, social and economic underpinnings of terrorism. The President urged the conduct of special community development projects in areas where extreme poverty make its residents vulnerable to the courtship of terrorist groups;
11. Vigilance of all law enforcement agencies and local government units, particularly against the movements of suspected persons, firearms, explosives, raw materials of explosives, toxic materials and biological materials;
12. Close coordination on preparations and actions in the event of catastrophic terrorist attacks, even if remote;
13. Comprehensive security plan for critical infrastructures including power plants, power transmissions and distribution facilities, oil and gas depots, key public works infrastructures, vital communications facilities, public and private buildings and facilities in the nerve center of commerce and industry;
14. Protection of the security, welfare and interests of OFWs;
15. Continued modernization of the AFP/PNP taking into consideration the threats of terrorism; and

16. Media support in the implementation of policies and programs, to enlighten the public on the rationale behind their actions, and in promoting consensus and even constructive criticism.

As a Charter Member of the United Nations and as part of the international coalition against terrorism, the Philippines actively implemented the United Nations Security Resolution No. 1368 passed last September 12, 2001.

V. International/Regional Cooperation

Significantly, the PNP is a major player in the implementation of various counter terrorism programs. Highlighting some of the programs related to these initiatives are the following:

a) “Memorandum of Agreement (MOA) on Border Cooperation” between the Royal Malaysia Police and the Philippine National Police signed on 14 December 1996. The MOA tackles the following concerns, namely: border crossing issues, the recognition of possible entry points, exchange of information and joint anti-crime projects;

b) The “Memorandum of Understanding (MOU) between the Philippine Law Enforcement Community (LEC) and the Australian Federal Police (AFP)”, which was formalized on 14 July 2003, enables both parties to cooperate fully on issues related to transnational crimes. The Australian government has embarked on a three (3)-year counter-terrorism capacity building project on the following broad priorities: 1.) Capacity building of our law enforcement agencies; 2.) Strengthening Philippine border control capability; and 3.) Enhancing port security; and

c) The “Memorandum of Understanding (MOU) on Cooperation in Preventing and Combating Transnational Crimes” between the INP and the PNP which expired in 2010 is now in the process of renewal.

VI. Conclusion

Terrorism analysts stated that there are three (3) essential tasks to defeat terrorism – tasks which we have steadfastly pursued in the past in this part of Asia. To our credit, our individual counter-terrorism efforts have given positive results which in effect delivered a serious blow on the capability of various terrorist groups operating in the country. The following are our various significant accomplishments along with these essential tasks:

- The first task, the need to bring the top leadership or the core leadership of these terrorist groups to justice. This has been accomplished to a great extent in our country with the capture and the elimination of some of the top leaders of these groups. In addition, we also neutralized a good number of their followers, filed appropriate cases to some of them and put them behind bars.

- Second, the need to eliminate safe havens from which terrorists can communicate and recruit. To recall, JI started its operation in 1995 which during that time enjoyed safe

havens in various parts of Central Mindanao. That is no longer the case today. Through aggressive military and police works, we managed to eliminate these safe havens including traditional areas where they roam with impunity.

- Third, the need to address the underlying problems that give rise to terrorism. Along this line, our national government continues to implement development projects in the affected areas. Of significance also is the effort to have a lasting peace in Mindanao by way peace negotiations with some rebel groups.

Our task on the aspect of integrated counter-terrorism operations and regional cooperation to address global terrorism is far from over but we are going towards this direction and we are steadily making progress. The government's war against terrorism may not have completely eliminated these groups promoting terrorism in the country. Nevertheless, by integrating the implementation of our respective counter-terrorism strategies and cooperation, we have reduced it to a considerable extent.