



ANTI-MONEY LAUNDERING COUNCIL

REGULATORY ISSUANCE NO. 2

Series of 2023

Subject : Amendments to Titles I and VI of the 2021 Anti-Money Laundering/Counter-Terrorism Financing Guidelines for Designated Non-Financial Businesses and Professions

By the authority vested upon the Anti-Money Laundering Council (AMLC) to implement measures as may be necessary and justified to counteract money laundering, in accordance with Section 7(7) of Republic Act No. 9160, also known as the Anti-Money Laundering Act of 2001, as amended, the Council, in its Resolution No. 242, dated 10 November 2023, approved the following:

Section 1. Title I, Section 2 of the 2021 Anti-Money Laundering/Counter-Terrorism Financing Guidelines for Designated Non-Financial Businesses and Professions (DNFBP Guidelines) is hereby amended to read as follows:

“Section 2. Scope. – These Guidelines shall apply to the following DNFBPs:

...

- b. Company service providers which, as a business, provide any of the following services to third parties:
 1. acting as a formation agent of juridical persons;
 2. acting as (or arranging for another person to act as) a director or corporate secretary of a company, a partner of a partnership, or a similar position in relation to other juridical persons;
 3. providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement; and
 4. acting as (or arranging for another person to act as) a nominee shareholder for another person;

For this purpose, “business” means engaging in or offering the foregoing services, whether to the public or select customers, on regular or continuing basis, whether for a fee or for free, or as means of livelihood.”

Section 2. Title VI, Section 43 of the 2021 DNFBP Guidelines is hereby amended to read as follows:

“Section 43. Reporting of Covered and Suspicious Transactions. –

DNFBPs shall file all CTRs and STRs, in accordance with the registration and reporting guidelines of the AMLC. STRs shall cover all transactions, whether completed or attempted.

Lawyers shall report to the AMLC any transaction or unlawful activity that is required to be reported under the AMLA and TFPSA, including CTRs and STRs, pursuant to Section 12, Canon 2 of the Code of Professional Responsibility and Accountability. Lawyers who are engaged in any of the covered services enumerated under Title I, Sections 2(b) and (c) hereof are required to file CTRs and STRs to the AMLC. The same rules apply to the transaction reporting requirements of accountants.

DNFBPs shall report to the AMLC all covered transactions within five (5) working days, unless the AMLC prescribes a different period not exceeding fifteen (15) working days, from the occurrence thereof.

DNFBPs shall promptly file STRs, including attempts thereof, to the AMLC within the next working day from the occurrence thereof.

For suspicious transactions, “occurrence” shall refer to the date of establishment of suspicion or determination of the suspicious nature of the transaction.

DNFBPs shall, through the duly designated approving authority and within the appropriate determination period provided under the ARRG, decide with finality whether to file an STR with the AMLC should the suspicion or suspicious nature of the transaction or activity be duly established or determined, or otherwise to document the non-filing thereof.

Should a transaction be determined to be both a covered transaction and a suspicious transaction, it shall be reported as a suspicious transaction.”

Section 3. Title VI, Section 47 of the 2021 DNFBP Guidelines is hereby amended to read as follows:

“Section 47. Safe Harbor Provision. - No administrative, criminal or civil proceedings shall lie against any person for having made a covered transaction or suspicious transaction report in the regular performance of his/her duties and in good faith, whether or not such reporting results in any criminal prosecution under the AMLA or any other Philippine law.

When disclosing or reporting covered and suspicious transactions to the AMLC, lawyers engaged in the services covered under Title I, Sections 2(b) and (c) hereof shall not be deemed to have violated the lawyer's duty of confidentiality, pursuant to Section 12, Canon 2 of the Code of Conduct of Professional Responsibility and Accountability."

Section 4. Title VI, Section 48 of the 2021 DNFBP Guidelines is hereby amended to read as follows:

"Section 48. Exemption from Reporting of Lawyers and Accountants Not Engaged in the Covered Services.— Lawyers and accountants who are: (a) authorized to practice their profession in the Philippines; and (b) engaged as independent legal or accounting professionals, as defined herein, are not required to file CTRs and STRs with regard to services not covered under Title I, Sections 2(b) and (c) hereof."

For this purpose, "independent legal or accounting professionals" refer to lawyers or accountants working in a private firm or as a sole practitioner who, by way of business or occupation, provides purely legal or accounting services to their clients.

"Purely legal or accounting service" refers to:

- (1) Rendition of purely litigation, notarial, legal counseling, and/or other services not covered under Title I, Sections 2(b) and (c) hereof that can only be undertaken by a lawyer, as a professional; or
- (2) Rendition of purely accounting, auditing and/or other services not covered under Title I, Sections 2(b) and (c) hereof that can only be undertaken by a certified public accountant, as a professional."

Section 5. Repealing Clause. All guidelines that are inconsistent with this regulatory issuance are hereby repealed, amended, or modified, accordingly.

Section 6. Effectivity. This regulatory issuance shall take effect immediately after the completion of its publication in the Official Gazette or in a newspaper of general circulation and filing before the Office of the National Administrative Register, University of the Philippines, Diliman, Quezon City.

For the AMLC:

ORIGINAL SIGNED
MATTHEW M. DAVID
Executive Director

10 November 2023