

### Title:

Republic of the Philippines vs. The Sandiganbayan and Office of the Ombudsman

### Facts:

The case revolves around a subpoena directed at the Anti-Money Laundering Council (AMLC) by the Sandiganbayan, requesting the disclosure of bank records related to a criminal case, \*People v. P/Dir. General Jesus Versoza\*, in which former First Gentleman Jose Miguel T. Arroyo was charged with plunder due to the anomalous purchase of helicopters by the Philippine National Police from Lionair, Inc. Lionair's president testified that Arroyo was the real owner of the helicopters. The AMLC moved to quash the subpoena, arguing that the requested information was confidential under the Anti-Money Laundering Act (RA 9160). However, the Sandiganbayan denied this motion and its subsequent motion for reconsideration, leading the AMLC to file a petition for certiorari before the Supreme Court.

### Issues:

1. Whether the AMLC, being a non-covered institution under the Anti-Money Laundering Act, is prohibited by law to disclose confidential bank records.
2. Whether the Sandiganbayan committed grave abuse of discretion in denying the AMLC's Motion to Quash and Motion for Reconsideration.
3. Whether the required information was adequately described in the subpoena for the disclosures to be compelled.
4. Whether Lionair's written permission allows the disclosure of its transaction reports.

### Court's Decision:

The Supreme Court dismissed the AMLC's petition for certiorari, affirming the Sandiganbayan's resolutions. The Court clarified that the AMLC, not being a covered institution under RA 9160, is not prohibited from disclosing covered or suspicious transaction reports. Moreover, the Court pointed out that the Sandiganbayan's subpoena satisfied the requirements of definiteness, and Lionair, Inc.'s written permission sufficed for the disclosure of its transaction reports.

### Doctrine:

The Anti-Money Laundering Council, not being a covered institution under the Anti-Money Laundering Act, is not prohibited from disclosing covered or suspicious transaction reports. Moreover, a subpoena duces tecum requesting such disclosures satisfies the requirements of definiteness if it reasonably describes the documents demanded, and the account owner's

written permission allows for such disclosure, exempting the case from the bank secrecy laws.

**### Class Notes:**

- AMLC is not a covered institution under RA 9160 and can disclose transaction reports as part of its investigatory functions.
- Requirements for a subpoena duces tecum: relevance and definiteness.
- The written permission of the account owner is a valid exemption from bank secrecy laws for disclosure purposes.

**### Historical Background:**

The Anti-Money Laundering Act (RA 9160) establishes protocols to prevent money laundering activities within the Philippine financial system. The AMLC serves as the primary agency to investigate and prevent money laundering. This case underscores the balance between the confidentiality of financial transactions and the necessity of investigatory disclosure for combating money laundering.