BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN NEW YORK CITY POLICE DEPARTMENT AND THE PHILIPPINE NATIONAL POLICE ON COOPERATION IN PREVENTING AND COMBATING TRANSNATIONAL CRIMES

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The New York City Police Department ("NYPD") and the Philippine National Police, ("PNP") hereinafter referred to as "the Parties";

DESIRING to further develop cooperation between the Parties in the spirit of partnership and in the framework in preventing and combating transnational crime;

CONCERNED by the increasing threat of transnational crime;

REALIZING the need for cooperation between the Parties for effective law enforcement in preventing and combating transnational crime;

PURSUANT to the prevailing laws and regulations in their respective countries, the Parties have reached the following understanding:

Article 1

DEFINITIONS

For the purpose of this Memorandum of Understanding, the following terms are defined as indicated:

1. "Transnational Crime" refers to crime that takes place in whole or in part across national borders, to include: illicit drug trafficking, terrorism, arms smuggling, human trafficking, maritime fraud, cyber crimes, money laundering, commercial crimes, bank offenses, credit card fraud, and the production, distribution and use of fraudulent travel documents.

2. "Intelligence Information" means information that tends to prove or disprove the existence of criminal activity, identify those engaged in criminal activity, identify their methods of operation, reveal evidence of the criminal activity, and is necessary for and the detection and prevention of transnational crime.

3. "Joint activities" means any activity engaged in jointly by the Parties in order to prevent detect and deter transnational crime.

Article 2

GENERAL PROVISIONS

It is in the interest of public safety for the citizens of New York and citizens of the Republic of the Philippines that the Parties enter into this Memorandum of Understanding in order to facilitate a cooperative approach to promote more effective law enforcement and prevent transnational crime.

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The implementation of this Memorandum of Understanding will respect the principles of sovereignty, territorial integrity, non-interference in internal affairs, equality, and mutual benefit to the Parties.

In deference to national sovereignty and principles of international law, neither Party will exercise in the other Party's territory any competence or function that exclusively belongs to the latter's authority.

This agreement cannot and is in no way meant to conflict with the provisions of any treaty negotiated between the governments of the United States and the Republic of the Philippines.

Article 3

OBJECTIVES

The objective of this Memorandum of Understanding is to promote cooperation between the Parties, particularly with respect to training and prevention of transnational crime.

Article 4

AREAS OF COOPERATION

The parties shall cooperate in preventing and combating transnational crime, in particular, criminal acts relating to:

1. Illicit Drug Trafficking;

2. Terrorism;

3. Arms Smuggling;

4. Human Trafficking;

5. Maritime Fraud;

6. Commercial Crime, Bank Offenses, and Credit Card Fraud;

7. Cyber-crime;

8. Money Laundering;

9. Fraudulent Travel Documents; and

10. Other types of crime not specifically addressed in this MOU that the Parties may subsequently determine to be necessary.

Article 5

FORMS OF COOPERATION

For the implementation of this Memorandum of Understanding, the Parties may:

1. Exchange criminal intelligence information and materials consistent with the terms of this Memorandum of Understanding in compliance with all relevant legislation and regulations and within the limits of their authority;

2. Undertake coordinated police activities in accordance with existing laws and regulations and within the limits of their authority to prevent and combat transnational crime;

3. Cooperate in capacity building, including the exchange of personnel for training and education;

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4. Establish a Joint Committee responsible for the implementation of this Memorandum of Understanding; and

5. Cooperate in other forms of activity as may be mutually agreed upon by the Parties.

Article 6

EXCHANGE OF INTELLIGENCE INFORMATION

The exchange of criminal intelligence information will be in accord with existing laws, rules and regulations governing or affecting the Parties. Unless otherwise indicated, the information shared will in all cases be considered confidential and therefore may not be disclosed to the public or media, or to other entities that do not have a need to know that information for a legitimate law enforcement purpose.

Each Party will take all reasonable measures to ensure the confidentiality of all intelligence information in accordance with the objectives of this Memorandum of Understanding.

Any intelligence information received within the framework of this Memorandum of Understanding will not be transferred to a third party without written approval of both Parties. In case of an emergency situation the disclosing Party will notify the other Party that it has or is about to disclose confidential information and no written consent will be required.

In the event that either Party becomes legally compelled by depositions, interrogatories, subpoena, civil investigative demand, or similar process to disclose any confidential information that was provided by the other Party, the compelled Party will provide the disclosing Party with a prior written notice of such requirement so that the disclosing Party may seek a protective order or other appropriate remedy. If such protective order or remedy is not obtained or if the disclosing Party waives in writing compliance with this term, the compelled Party agrees to furnish only that portion of the information which the compelled Party is advised by written opinion of counsel is legally required and to exercise reasonable efforts to obtain confidential treatment of such information.

Article 7

CONSULTATION

The Parties may conduct consultations at least once a year at a mutually agreeable time and place to be determined by the Parties. Consultations may be conducted by any senior officers designated and authorized by the Parties. The purpose of consultations will be:

1. To formulate policies and procedures to enhance counter terrorism measures and combat transnational crime;

2. To coordinate and monitor activities conducted within the framework of this Memorandum of Understanding; and

3. To evaluate policies, programs, and activities implemented for the purpose of enhancing and improving future programs.

Article 8

PUBLICATION TO THE MEDIA

Any publication to the media, individually or jointly, will be coordinated and agreed upon in advance of such publication in order to safeguard the interests of both Parties.

Approved publication to the media shall be for the limited purpose of enhancing public awareness regarding the

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efforts of both parties to prevent, detect , and deter the commission of criminal acts.

Article 9

FUNDING

Each Party will be responsible for any expenses incurred by that Party in the implementation of this Memorandum of Understanding.

Article 10

REFUSAL OF COOPERATION

In the event that the implementation of this Memorandum of Understanding violates the sovereignty of any Party, poses a threat to its security, prejudices its crucial interests or violates its laws and regulations, each Party can derogate some areas of this Memorandum of Understanding or suspend cooperation altogether after providing written notification detailing the conflict to the other Party.

Article 11

INTERNATIONAL OBLIGATION

The Provisions of this Memorandum of Understanding will not prejudice any international agreement to which the Republic of the Philippines or the United States is a party to.

Article 12

AMENDMENT

This Memorandum of Understanding may be revised or amended in writing by the mutual consent of the Parties. Such revision or amendment shall enter into force on such a date as may be determined by the Parties.

Article 13

SETTLEMENT OF DISPUTES

Any matter arising from the interpretation, application or implementation of this Memorandum of Understanding shall be resolved during consultations between members of the “Joint Committee”. In the event that an issue(s) cannot be resolved by the Joint Committee, that issue(s) shall be elevated to the Chief of the PNP and Commissioner of the NYPD for resolution.

Article 14

ENTRY INTO FORCE, DURATION, AND TERMINATION

1. This Memorandum of Understanding will enter into force on the date of its signing.

2. This Memorandum of Understanding shall remain in force for a period of five (5) years and may be renewed by mutual consent in writing by the Parties.

3. Either Party may terminate this Memorandum of Understanding at any time before its expiration by giving written notice to the other party at least three (3) months prior to such termination.

4. Termination of this MOU will not adversely affect any valid or subsisting arrangement concluded or entered

into pursuant to the same.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE in the City of New York, this 14 day of December, Two thousand and Twelve.

FOR THE:

FOR THE:

NEW YORK POLICE DEPARTMENT

PHILIPPINE NATIONAL POLICE

(Sgd.) RAYMOND W. KELLY

(Sgd.) PDG NICANOR A. BARTOLOME

Police Commissioner

Chief, PNP

Entry into Force: December 14, 2012

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