

RULE ON THE CIVIL FORFEITURE OF POGO-RELATED ASSETS PURSUANT TO SECTION 15 OF REPUBLIC ACT NO. 12312, ALSO KNOWN AS THE ANTI-POGO ACT OF 2025

A.M. No. 25-11-29-SC, April 15, 2026

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WHEREAS, Republic Act No. 12312, otherwise known as the "Anti-POGO Act of 2025," was signed into law on October 23, 2025, and declares it the policy of the state to ban offshore gaming operations in the Philippines;

WHEREAS, Section 2 of Republic Act No. 12312 declares that the state "recognizes that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are paramount for the meaningful enjoyment of democracy" and "values the dignity of every human person and guarantees full respect for human rights";

WHEREAS, Section 4 of Republic Act No. 12312 prohibits the establishment, operation, or conduct of offshore gaming in the Philippines, among other acts relating to offshore gaming operations;

WHEREAS, Section 15 of Republic Act No. 12312 provides that "[a]ll [Philippine offshore gaming operator (POGO)] buildings or other structures or facilities, materials, POGO gaming equipment, and POGO gaming paraphernalia used directly or indirectly in violation of this Act, and the proceeds of such illegal act or activity, shall be forfeited in favor of the government";

WHEREAS, the same Section 15 mandates the Supreme Court to formulate rules of procedure governing the civil forfeiture of any property, tool, instrument, proceeds, or any other asset used directly or indirectly for the commission of the acts prohibited under Section 4 of Republic Act No. 12312, as well as a summary procedure for the release of a portion of such assets during the pendency of the proceedings for operational support and victim protection;

WHEREAS, Section 5(5), Article VIII of the Constitution empowers the Supreme Court to promulgate rules concerning pleading, practice, and procedure in all courts;

WHEREAS, in line with Section 15 of Republic Act No. 12312, the Supreme Court, through Memorandum Order No. 118-2025 dated December 18, 2025, constituted a Technical Working Group (TWG) to draft the rules on the civil forfeiture of POGO-related assets, composed of the following:

Chairperson Hon. Raul B. Villanueva
Associate Justice, Supreme Court

Vice Chairpersons Hon. Emily R. Aliño-Geluz
Associate Justice, Court of Appeals

Hon. Mary Charlene V. Hernandez-Azura

Associate Justice, Court of Appeals

Members Hon. Rainelda H. Estacio-Montesa

Deputy Court Administrator for Regional Services, Office of the Court Administrator

Hon. Dennis Arvin L. Chan

Chief State Counsel, Department of Justice

Hon. Matthew M. David

Executive Director, Anti-Money Laundering Council

Hon. Clarisa M. Dao

Presiding Judge, Branch 174, Regional Trial Court, San Mateo, Rizal

Secretariat Atty. Ariadne Rauz F. Villanueva

Atty. Andrea Paola C. Herrera-Lim

Office of Associate Justice Raul B. Villanueva

Atty. Paul Rico G. Tan

Office of Chief Justice Alexander G. Gesmundo

Atty. Denis Andrew T. Flores

Office of Associate Justice Alfredo Benjamin S. Caguioa

Atty. Richard S.M. de Leon

Office of Associate Justice Ramon Paul L. Hernando

WHEREAS, the TWG accomplished its task and completed the drafting of the "Rule on the Civil Forfeiture of POGO-Related Assets," which it is now submitting for the consideration and approval of the Court;

NOW, THEREFORE, acting on the recommendation of the chairperson and members of the TWG, the Court En Banc resolves to ADOPT the "Rule on the Civil Forfeiture of POGO-Related Assets."

April 15, 2026, Manila, Philippines

(Sgd.) ALEXANDER G. GESMUNDO

Chief Justice

(Sgd.) MARVIC M.V.F. LEONEN

Senior Associate Justice

(Sgd.) ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

(Sgd.) RAMON PAUL L. HERNANDO

Associate Justice

(Sgd.) AMY C. LAZARO-JAVIER

Associate Justice

(Sgd.) HENRI JEAN PAUL B. INTING
Associate Justice

(Sgd.) RODIL V. ZALAMEDA
Associate Justice

(Sgd.) SAMUEL H. GAERLAN
Associate Justice

(Sgd.) RICARDO R. ROSARIO
Associate Justice

(On official leave but left a concurring vote)
JHOSEP Y. LOPEZ
Associate Justice

(Sgd.) JAPAR B. DIMAAMPAO
Associate Justice

(Sgd.) JOSE MIDAS P. MARQUEZ
Associate Justice

(Sgd.) ANTONIO T. KHO, JR.
Associate Justice

(On leave but left a concurring vote)
MARIA FILOMENA D. SINGH
Associate Justice

(Sgd.) RAUL B. VILLANUEVA
Associate Justice

EN BANC

A.M. No. 25-11-29-SC

RULE ON THE CIVIL FORFEITURE OF POGO-RELATED ASSETS
PURSUANT TO SECTION 15 OF REPUBLIC ACT NO. 12312, ALSO
KNOWN AS THE ANTI-POGO ACT OF 2025

TITLE I
GENERAL PROVISIONS

SECTION 1. Title. — This Rule shall be known and cited as the "Rule on the Civil Forfeiture of POGO-Related Assets," which is promulgated pursuant to Section 15 of Republic Act No. 12312, or the "Anti-POGO Act of 2025."

SECTION 2. Scope and Applicability. — This Rule shall govern all proceedings for

- (a) the civil forfeiture of Philippine offshore gaming operator (POGO)-related assets; and
- (b) the provisional release of a portion of such assets during the pendency of civil forfeiture proceedings in favor of any branch, agency, or instrumentality of the government for operational support and victim protection.

The Rules of Court, as amended, shall apply suppletorily, whenever practicable and not inconsistent with this Rule.

SECTION 3. Nature of Civil Forfeiture Proceedings; Construction. — Civil forfeiture proceedings under this Rule shall be subject to expedited trial. The court shall adopt the most expeditious procedure consistent with due process and shall strictly limit pleadings, proceedings, and evidence to those necessary for the prompt resolution of the cases filed under this Rule.

This Rule shall be construed and interpreted liberally to the end that the objectives and principles of Republic Act No. 12312 are carried out and accomplished.

SECTION 4. Definition of Terms. — For purposes of this Rule, the following terms are defined:

(a) Administrative Oversight Committee (AOC) refers to the committee created under Section 11 of Republic Act No. 12312 to oversee the effective implementation of said Act,[1] and is composed of the following:

(i)

Presidential Anti-Organized Crime Commission or its organizational successor-in-interest as chairperson;

(ii)

Department of Justice;

(iii)

Department of Information and Communications Technology; and

(iv)

Department of the Interior and Local Government.

(b) Civil forfeiture refers to a judicial proceeding in rem involving the forfeiture of property in favor of the government, independent of a criminal case.[2]

(c) Offshore gaming refers to the offering of or participating in online games of chance or sporting events via the internet using a network and software or program operating in the Philippines, including in special economic, freeport, and tourism infrastructure and enterprise zones, and catered to offshore players.[3]

(d) Philippine offshore gaming operator or POGO refers to any person or entity organized in the Philippines or in

any foreign country who conducts offshore gaming operations in the Philippines by themselves or through the services of POGO service providers.[4]

(e) POGO-related assets refer to (i) properties, tools, instruments, or any other assets owned or controlled by POGOs and/or their service providers, such as POGO buildings or other structures or facilities, POGO materials, POGO gaming equipment, POGO gaming paraphernalia, and any other property directly or indirectly used in the commission of any of the prohibited acts under Republic Act No. 12312; and/or (ii) proceeds derived or realized from the commission of any such prohibited acts.

(f) POGO buildings or other structures or facilities refer to any structure, such as residential or commercial buildings or complexes, that hosts or houses any POGO operations, as well as other logistical, administrative, and support services for POGO operations.[5]

(g) POGO gaming content provider refers to any person or entity who supplies or manages gaming content for gaming websites, such as a gaming software or platform provider and a data or content streaming provider for POGOs.[6]

(h) POGO gaming equipment refers to any equipment, such as computers, computer systems, and information and communication technology devices, used remotely or directly in offshore gaming.[7]

(i) POGO gaming paraphernalia refers to any apparatus, furnishing, or accessory used or necessary in offshore gaming operations.[8]

(j) POGO materials refer to any property used in the commission of any of the acts prohibited under Section 4 of Republic Act No. 12312, apart from POGO buildings or other structures or facilities, POGO gaming equipment, and POGO gaming paraphernalia.

(k) POGO service provider refers to any person or entity that supplies support services, which are necessary facets of offshore gaming to POGOs. Support services may include customer service, information technology services, marketing, customer registration and verification, payment solutions, odds-making, office support, leasing of office space, and other similar services that are indispensable to offshore gaming operations in the Philippines.[9]

(l) Probable cause refers to the existence of such facts and circumstances leading to the conclusion that a property, tool, instrument, or any other asset was directly or indirectly used in the commission of any of the prohibited acts under Republic Act No. 12312, or that the proceeds were derived or realized from any prohibited activities, viewed from the standpoint of a reasonably discreet, prudent, or cautious person, and in light of the totality of circumstances.[10]

(m) Proceeds refer to amounts derived or realized from the commission of prohibited acts under Republic Act No. 12312, including but not limited to (i) all material results, profits, effects, and any amount realized from any prohibited act; (ii) all monetary, financial, or economic means, devices, documents, papers, or things used in or having any relation to any prohibited act; and (iii) all moneys, expenditures, payments, disbursements, costs, outlays, charges, accounts, refunds, and other similar items for the financing, operations, and maintenance of any prohibited act.[11]

(n) Prohibited acts under Republic Act No. 12312 refer to any of the following acts:

- (1) the establishment, operation, or conduct of offshore gaming in the Philippines;[12]
- (2) the acceptance of any form of betting for offshore gaming operations;[13]
- (3) acting as a POGO gaming content provider or POGO service provider;[14]

(4) the creation and operation of a POGO hub or POGO site in the Philippines;[15]

(5) the introduction, use, or possession of POGO gaming equipment or POGO gaming paraphernalia in the Philippines;[16]

(6) aiding, protecting, or abetting the conduct of any act or activity prohibited under Republic Act No. 12312, including the following:

(i) registering companies used to conceal offshore gaming operations;

(ii) providing any kind of spurious identification cards, birth certificates, passports, licenses, and permits in support of offshore gaming operations;

(iii) leasing, subleasing, using, or allowing the use of any house, building, tourism enterprise, or similar establishment; any vehicle or carrier by land, sea, or air; any computer systems, computer hardware, other computer-related devices, or any of its digital platforms or applications to commit prohibited activities under Republic Act No. 12312; or

(iv) facilitating, assisting, or helping in the exit and entry of persons from or to the country at international and local airports, territorial boundaries, and seaports, knowing that such persons are not in possession of required travel documents, or are in possession of tampered, fake, or fraudulently acquired travel documents, for the purpose of committing prohibited activities under Republic Act No. 12312;[17] and

(7) other similar acts falling under the conduct or offering of offshore gaming.[18]

TITLE II

CIVIL FORFEITURE

SECTION 5. Party To Institute Proceedings. — The Republic of the Philippines, through the law enforcement authorities and/or any of the government agencies directly involved or that participated in the seizure, taking into custody, or investigation of POGO-related assets, as represented by the Office of the Solicitor General or its deputized representative, may institute actions for the civil forfeiture of such POGO-related assets. Within three calendar days from the filing of the civil forfeiture case involving POGO-related assets, the concerned law enforcement authority or government agency shall furnish the AOC with a copy of the petition and submit to the court proof of such service to the AOC within the same period.

SECTION 6. Jurisdiction and Venue. — The petition for civil forfeiture shall be filed with the Regional Trial Court (RTC) having territorial jurisdiction over the area where all or a portion of the POGO-related assets is located; provided, that when a portion of the POGO-related assets is located outside the Philippines, the petition may be filed with the RTC of Manila or with the RTC having jurisdiction over the area where the portion of such POGO-related assets is located in the Philippines, at the option of the petitioner; provided, finally, that whichever court first takes cognizance of such case does so to the exclusion of all other courts.

SECTION 7. Contents of the Petition. — The petition shall be verified and shall state

(a) the name and address of the respondent;

(b) a detailed inventory of the POGO-related assets sought to be forfeited, containing their description with reasonable particularity and their respective locations;

(c) the specific prohibited acts under Republic Act No. 12312 invoked as grounds for the forfeiture of such POGO-related assets;

(d) the justification for the provisional release of a portion of the subject POGO-related assets, except POGO

gaming equipment and paraphernalia, pending the civil forfeiture proceedings, and the specific purposes involving operational support or victim protection for which such POGO-related assets shall be used, if sought by the petitioner in favor of any branch, agency, or instrumentality of the government;

(e) the names of the affiants whose statements, affidavits, and/or judicial affidavits will be presented to prove the petitioner's allegations. The statements, affidavits, and/or judicial affidavits shall be attached to the petition and form an integral part thereof, and those not attached to the petition shall not be considered;

(f) the documentary and other object evidence in support of the allegations in the petition; and

(g) the reliefs prayed for.

The verified petition shall be accompanied by a certificate of non-forum shopping, which should state that the petitioner has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other court, tribunal or quasi-judicial agency; if there is such other action or proceeding, the petitioner must state the status of the same; and if the petitioner should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals or different divisions thereof, or any other court, tribunal or quasi-judicial agency, the petitioner undertakes to report such fact within five calendar days thereafter to the court where the petition is filed.

An unverified petition or any defect in the verification shall not result in the dismissal of the case but shall be subject to correction or compliance upon order of the court. Noncompliance with such order shall then be a ground to dismiss the case without prejudice.

Any defect in the certification against forum shopping shall be a ground for the dismissal of the case without prejudice upon motion and after hearing.

SECTION 8. Manner of Filing of Petition and Other Initiatory Pleadings. — The filing of the petition and other initiatory pleadings as may be required herein shall be done in accordance with the relevant provisions of Rule 13-A of the Rules of Court, as amended, and shall be done by

(a) submitting personally the original document, plainly indicated as such, to the court;

(b) sending the document by registered mail; or

(c) sending the document by accredited courier.

In relation to Section 8(a), the clerk of court shall endorse the date and hour of filing of the petition. For instances covered by Section 8(b) or 8(c), the date of mailing of the petition and payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of filing, payment, or deposit in court. The envelope shall be attached to the record of the case.

After the petition has been filed through any of the three modes provided in this Section, the filing party shall simultaneously email the petition or initiatory pleading in digital file format to the court. Digital copies of the additional accompanying documents, such as annexes, appendices, or exhibits, shall likewise be emailed.

The term "digital file format," when used to refer to pleadings, papers, and other documents, shall mean the portable document format.

No court shall act upon any petition unless the filing is accompanied by the electronic transmittal required in this Section. If the electronic transmittal is not completed as required herein, the petition shall be deemed not filed, regardless of the completeness of the primary mode of its filing.

SECTION 9. Action on the Petition. — A petition filed in a multiple-sala RTC station shall be raffled without delay and may be the subject of a special raffle. Within 24 hours after receipt of the petition, the judge in a multiple-sala RTC station to whose court the case is raffled, or the judge of a single-sala RTC, shall act on the petition by determining probable cause based on the petition and its attachments.

For purposes of this section, the action of the court refers to the determination of probable cause and the issuance of appropriate procedural orders to proceed with the expedited trial on the civil forfeiture of POGO-related assets.

If the court finds no probable cause, it shall issue an order to that effect and dismiss the case, with or without prejudice. A copy of the dismissal order shall be furnished to the AOC within 24 hours from its issuance.

If the assets subject of the petition have already been confiscated or seized by the concerned law enforcement authority or government agency, the respondent may, upon finality of the dismissal order, file the appropriate motion for their release. The court shall resolve such motion within five calendar days from the time it is submitted for resolution.

Upon a finding of probable cause under this Section, and if the seized or confiscated POGO-related assets have not been provisionally released, the court may *motu proprio* direct an appropriate provisional asset preservation or control measure under Section 10 of this Rule, without notice, in order to prevent the transfer, concealment, conversion, disposal, or dissipation of the subject property or asset pending further proceedings.

SECTION 10. Provisional Preservation and Control of Assets. — Upon a finding of probable cause under Section 9 of this Rule, the court may, simultaneous with the issuance of the order directing the respondent to file a verified comment or opposition, or at any time thereafter during the pendency of the proceedings, issue an *ex parte* provisional preservation and control order, as may be necessary to prevent the concealment, transfer, conversion, encumbrance, or disposition of the POGO-related assets subject of the petition.

SECTION 11. Notice To File Comment or Opposition; Manner of Service. — Within 24 hours after finding probable cause, the court shall issue a notice directing the respondent to file a verified comment or opposition, not a motion to dismiss, within a non-extendible period of 20 calendar days from notice.

The notice shall state that if the respondent fails to file a comment or opposition within the period given, the court shall hear the case *ex parte* and render judgment as may be warranted by the facts alleged in the petition and its supporting evidence.

The notice to file the comment or opposition, together with a copy of the petition and its annexes, shall be served upon the respondent in the same manner as service of summons under Rule 14 of the Rules of Court, as amended.

If the whereabouts of the respondent are unknown or cannot be ascertained by diligent inquiry, service shall be effected by publication in a newspaper of general circulation under such grounds as provided under the same Rule 14. The respondent shall have 20 calendar days from the date of publication within which to file the comment or opposition.

SECTION 12. Contents of the Comment or Opposition. — The comment or opposition shall be verified and shall state

- (a) whether the respondent admits, denies, or specifically qualifies each material allegation of the petition;
- (b) the specific inaccuracies or falsities in the petitioner's statement of facts, if any;
- (c) the respondent's defenses in fact and in law, including the specific and pertinent provisions of the law and their applicability to the respondent;

(d) the names of the affiants whose judicial affidavits will be presented to prove the respondent's allegations. The judicial affidavits shall be attached to the comment or opposition and form an integral part thereof, and those not attached to the comment or opposition shall not be considered;

(e) the summary of the statements in the judicial affidavits; and

(f) the documentary and other object evidence in support of the allegations in the comment or opposition.

All defenses and objections shall be raised in the comment or opposition; otherwise, they shall be deemed waived, except for lack of jurisdiction over the subject matter.

The filing and service of the comment or opposition, and all subsequent pleadings and court issuances, shall be governed by Rule 13-A of the Rules of Court, as amended.

Failure to file a verified comment or opposition within the period prescribed under Section 11 shall authorize the court to proceed ex parte in accordance with this Rule.

SECTION 13. Effect of Failure To File Comment or Opposition. — Should the respondent fail to file a comment or opposition within the period given, the court shall, on its own initiative or upon the petitioner's manifestation that the period to file a comment or opposition has lapsed, hear the case ex parte and render such judgment as may be warranted by the facts alleged in the petition and its supporting evidence.

SECTION 14. Innocent Owner, Purchaser, or Creditor Defense. — No property shall be forfeited to the extent of the interest of an innocent owner, bona fide purchaser for value, or secured creditor, who establishes that he or she did not know and had no reason to know of the prohibited acts and did not consent to or participate therein.

SECTION 15. Proportionality. — Forfeiture shall be limited to POGO-related assets proven to be connected to the commission of prohibited acts under Republic Act No. 12312.

TITLE III

PRE-TRIAL AND TRIAL

SECTION 16. Pre-Trial, When Conducted; Notice. — If a comment or opposition has been filed, the court shall issue, within five calendar days from said filing, a notice of pre-trial, which shall be set not later than 15 calendar days from the filing of the comment or opposition.

The parties shall be directed to file with the court and serve on the adverse party their respective pre-trial briefs, in a manner consistent with Rule 13-A of the Rules of Court, as amended, at least three calendar days before the scheduled pre-trial.

The notice of pre-trial shall be served on counsel, or on the concerned party if the latter has no counsel. The counsel served with such notice is charged with the duty of notifying the party represented by said counsel.

SECTION 17. Contents of a Pre-Trial Brief. — The pre-trial brief shall contain the following:

(a) a full and complete statement of the respective claims of the parties with a citation of the applicable laws and authorities, if any;

(b) a statement of the admitted facts and proposed stipulations of facts;

(c) a statement of factual and legal issues;

(d) a list of testimonial, documentary, and other object evidence offered in support of the parties' claims or defenses, and their markings, if any; and

(e) a summary of the status, condition, location, and/or state of the assets subject of the case, if applicable.

Failure of a party to file a pre-trial brief or to comply with its required contents shall have the same effect as failure to appear at the pre-trial.

SECTION 18. Pre-Trial, Nature and Purpose. — The pre-trial, which is mandatory, shall be held on the date indicated in the notice. The following matters shall be considered during the pre-trial:

- (a) the possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;
- (b) the simplification of the issues;
- (c) the necessity or desirability of formal and/or substantial amendments to the pleadings;
- (d) the advisability of a preliminary reference of issues to a commissioner;
- (e) the specific trial dates for continuous trial; and
- (f) such other matters as may aid in the prompt disposition of the action.

The rules on pre-trial under Rule 18 of the Rules of Court, as amended, shall apply to the pre-trial proceeding, unless inconsistent with this Rule.

SECTION 19. Effect of Failure To Appear at the Pre-Trial. — The failure of the petitioner and counsel to appear at the pre-trial without valid cause despite notice shall result in the dismissal of the petition. The dismissal shall be without prejudice, unless otherwise ordered by the court.

A similar failure on the part of the respondent and counsel to appear at the pre-trial shall be a cause to allow the petitioner to present its evidence *ex parte* and entitle the petitioner to judgment as may be warranted by the facts alleged in the petition and its supporting evidence.

A representative may appear on behalf of a party but must be fully authorized through a special power of attorney or a board resolution, as the case may be, to, among others, (1) submit issues to a commissioner; (2) enter into stipulations or admissions of facts and documents; and (3) agree on such other matters as may aid in the prompt disposition of the action. An authority that fails to include all these acts shall be ineffective, and the party represented shall be deemed absent.

SECTION 20. Pre-Trial Order. — Immediately upon the termination of the pre-trial and the issues having been joined, the court shall issue a pre-trial order, which shall recite in detail the matters taken up and the actions thereon.

The court may, in the same pre-trial order, declare the case submitted for judgment if, on the basis of the pleadings and their attachments, as well as the stipulations and admissions made by the parties, judgment may be rendered without the need of further presenting any other evidence. In this event, the court shall render judgment within 30 calendar days from issuance of the order. The court's order submitting the petition for judgment on the pleadings or summary judgment shall not be subject to an appeal, motion for reconsideration, or a petition for certiorari, prohibition, or mandamus.

SECTION 21. Prohibited Procedures and Pleadings. — To expedite the civil forfeiture proceedings under this Rule, the rules on mediation and other alternative modes of dispute resolution shall not apply.

The following pleadings, motions, or petitions shall not be allowed:

- (a) motion to dismiss the petition, except on the ground of lack of jurisdiction over the subject matter;

- (b) motion to hear and/or resolve affirmative defenses;
- (c) motion for a bill of particulars;
- (d) motion for new trial, for reconsideration of a judgment on the merits, or for reopening of proceedings;
- (e) petition for relief from judgment;
- (f) petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court;
- (g) motion to declare the respondent in default;
- (h) memoranda;
- (i) rejoinder;
- (j) motion to intervene and complaint-in-intervention;
- (k) motion to admit additional judicial affidavits, or present other evidence, except on the ground of force majeure or acts of God; and
- (l) demurrer to evidence.

SECTION 22. Trial. — The petitioner shall have 30 calendar days to complete its evidence presentation. On the last day of its presentation of evidence, the petitioner shall orally offer its evidence. The respondent shall then make its oral comments on the offer, and thereafter, the court shall immediately resolve the offer of evidence of the petitioner. The ruling shall be embodied in the written order that the court will issue in the same hearing.

The respondent shall also have 30 calendar days to complete its evidence presentation. On the last day of its presentation of evidence, the respondent shall orally offer its evidence. The petitioner shall then make its oral comments on the offer, and thereafter, the court shall immediately resolve the offer of evidence of the respondent. The ruling shall also be embodied in the written order that the court will issue in the same hearing.

At the trial, the testimonies of witnesses shall consist of the duly subscribed written statements given to law enforcement agents, or the affidavits or counter-affidavits submitted before the investigating officer, if any, or their judicial affidavits, which shall serve as their direct testimonies, subject to additional direct examination and cross-examination. If determined by the court to be necessary, redirect and recross-examination questions may be allowed.

Should any affiant or witness fail to testify, his or her statement or affidavit shall not be considered as competent evidence for the party who submitted the statement or affidavit, but the adverse party may utilize the same for any admissible purpose.

The petition will be considered submitted for resolution immediately after the court has ruled on the offer of evidence of the respondent and the latter has rested its case. Otherwise, if there is no evidence presented for the respondent, and with the petitioner resting its case, the petition should already be resolved.

SECTION 23. Failure of Parties' Witnesses To Appear. — The failure of any witness for the parties to appear during trial shall be deemed a waiver of the right to present such witness, unless, for compelling reasons, the judge allows another resetting. Any resetting for purposes of presenting an absent or unavailable witness shall be done within the 30-day period allotted for each party to present their evidence, as much as practicable.

SECTION 24. No Cancellation or Postponement of Hearings. — Hearings set for the presentation of evidence by the parties cannot be canceled or postponed, except for the following grounds:

- (a) acts of God;
- (b) force majeure; or
- (c) duly substantiated physical inability of the witness to appear and testify.

TITLE IV

JUDGMENT AND APPEAL

SECTION 25. Rendition of judgment. — The court shall render and promulgate judgment not later than 30 calendar days from the court's action on the last presenting party's offer of evidence.

The court shall not resort to a clarificatory procedure to gain additional time for the rendition of its judgment.

The court shall grant the petition if there is a preponderance of evidence in favor of the petitioner, declare the POGO-related assets subject of the petition forfeited, and adjudge such other reliefs as may be warranted. Any declaration of forfeiture, which is immediately executory, shall be subject to the rights of innocent owners, bona fide purchasers for value, or secured creditors under Section 14 and shall conform to the proportionality requirement under Section 15 of this Rule.

If prior to the judgment the court issued a release order pursuant to Title V of this Rule, the judgment shall likewise include a ruling on the use and disposition of any released POGO-related assets, such as but not limited to the continued use of the POGO-related assets by any branch, agency, or instrumentality of the government for operational support, victim protection, or whatever purpose the State may deem appropriate. Such use, disposition, liquidation, transfer, or remittance shall be subject to applicable government accounting, disposal, and audit rules and regulations.

If the court finds that the confiscated or seized assets are lawfully owned or possessed by the respondent, and are not in any manner connected to the prohibited acts under Republic Act No. 12312, it shall order the return or restitution thereof, without prejudice to the rights and welfare of the identified victims.

Upon finality of the judgment, all provisional preservation and control measures issued under Section 10 shall either be lifted, made permanent, or converted into appropriate implementation orders consistent with the judgment.

SECTION 26. No Prior Charge, Pendency, or Conviction Necessary. — No prior criminal charge, pendency, or conviction for any prohibited acts under Republic Act No. 12312 is necessary for the commencement or the resolution of a petition for civil forfeiture under this Rule.

The judgment in a civil forfeiture proceeding under this Rule shall be without prejudice to the institution or continuation of any criminal action involving the same POGO-related assets.

SECTION 27. Separate Criminal Proceedings. — Any criminal case arising from or involving the prohibited acts under Republic Act No. 12312 shall not prejudice the filing of a separate petition for civil forfeiture. Such petition shall proceed independently of such criminal prosecution.

Civil forfeiture, being an action in rem directed against any property or asset, and criminal forfeiture, being a consequence of conviction of an accused, the resolution of one shall not constitute res judicata over the other, nor shall it give rise to double jeopardy.

SECTION 28. Service of Judgment. — The court's judgment shall be served in the manner provided under Rule 13-A of the Rules of Court, as amended. A certified copy of the judgment issued shall be served upon the AOC, the parties or persons acting on their behalf, and the appropriate government agency or instrumentality as the

court may direct.

SECTION 29. Appeal. — An aggrieved party may appeal in the same manner as prescribed in the Rules of Court, as amended, the judgment of forfeiture or denial thereof, or any order declaring lack of probable cause, to the Court of Appeals by notice of appeal within 15 calendar days from notice of the judgment. The notice of appeal shall be filed with the RTC that rendered the judgment, and a copy thereof shall be served upon the adverse party.

An appeal shall not stay the execution of the judgment of forfeiture unless the appellate court orders otherwise for compelling reasons.

TITLE V

PROVISIONAL RELEASE OF POGO-RELATED ASSETS PENDING PROCEEDINGS

SECTION 30. Nature and Scope. — During the pendency of the civil forfeiture proceedings, the court may authorize the provisional release of a portion of the POGO-related assets subject to the petition for operational support of any branch, agency, or instrumentality of the government and/or for victim protection, as prayed for in the petition or through a separate verified motion filed by the petitioner. This excludes POGO gaming equipment and POGO gaming paraphernalia, which, under Section 15 of Republic Act No. 12312, shall be destroyed by the seizing authority.

No destruction of POGO gaming equipment or paraphernalia shall occur prior to the final judgment of forfeiture. Any exception based on exigent public safety consideration must be specifically authorized by the court after notice and hearing, with full forensic preservation (including imaging, hashing, and chain of custody documentation) and a detailed destruction protocol approved by the court.

SECTION 31. Contents of the Motion for Release; Opposition. — The verified motion for the release of a portion of the POGO-related assets shall

- (1) identify the specific properties, tools, instruments, proceeds, or assets sought to be released; and
- (2) state the purpose for the release of the properties, tools, instruments, proceeds, or assets.

The respondent may file an opposition to the motion within a non-extendible period of five calendar days from receipt of the motion. With or without said opposition, the motion shall be deemed submitted for resolution after the lapse of the five-day period provided herein and shall be decided by the court within a period of 10 calendar days from submission.

No other submissions shall be considered by the court in the resolution of the motion.

SECTION 32. Period To Act on the Motion; Substantial Evidence Required. — The court shall resolve the motion, together with any opposition thereto, if any, within 10 calendar days from the time the motion is submitted for resolution.

Any order granting the provisional release of POGO-related assets shall be supported by substantial evidence on the propriety or necessity of such release.

SECTION 33. Resolution of Prayer for Release if Included in the Petition. — If the prayer for release was included in the petition, the court shall proceed to act thereon immediately and resolve such prayer, together with any opposition thereto, if any, within 10 calendar days from the time it is submitted for resolution.

SECTION 34. Release Order. — If the court finds the motion or prayer for release meritorious, it shall issue a release order containing a detailed inventory of the POGO-related assets to be released, directing the release of the

same to the petitioner, and providing guidance as to the use and disposition of the released assets and the preservation and maintenance thereof. Within 10 calendar days from receipt of the release order, the petitioner shall submit its compliance with the said directives. The use, management, maintenance, and disposition of such released assets shall be subject to applicable government accounting, disposal, and audit rules and regulations.

The release order shall operate as a partial modification of any provisional preservation or control measures previously issued under Section 10 with respect to the assets specifically authorized for release.

Any misuse, unauthorized disposition, or deviation from the purposes stated in the release order shall constitute contempt of court and may result in the revocation of the release order and the reimposition of provisional preservation measures.

TITLE VI

CLAIMS AGAINST FORFEITED POGO-RELATED ASSETS BY NON-PARTIES TO THE CIVIL FORFEITURE PROCEEDINGS

SECTION 35. Posting of the Judgment of Forfeiture. — Upon the issuance of the judgment of forfeiture and within 48 hours from the release of its judgment, the court shall immediately cause its posting for a continuous period of seven calendar days in three public places, preferably in conspicuous areas of the municipal or city hall, post office, and public market in the municipality or city where the forfeited POGO-related assets are located.

If the judgment involves POGO-related assets classified as real property, the court shall also cause the posting of a copy of the judgment in a conspicuous place on such real property involved.

The posting required under this Section shall be deemed completed upon the lapse of the period of posting.

In addition, and without prejudice to the sufficiency of posting the notice in line with the Rules of Court, as amended, the court shall cause the judgment of forfeiture to be posted on the official websites of the Supreme Court, the Office of the Court Administrator, and the AOC for at least seven calendar days, with a summary describing the forfeited property and claim process for non-parties.

SECTION 36. Notice To File Claims. — Where the court has issued a judgment of forfeiture of POGO-related assets and has caused the posting of such judgment pursuant to the immediately preceding section, any person who has not been impleaded, claiming an interest therein, may apply, by verified petition, for a declaration that the same legitimately belongs to him or her and for the segregation or exclusion of the POGO-related asset corresponding thereto. The verified petition shall be filed with the RTC that rendered the judgment of forfeiture within 15 calendar days from the time that the posting of the said judgment of forfeiture pursuant to the immediately preceding section is deemed completed.

The claimant shall establish by preponderance of evidence his or her lawful ownership or superior right over the POGO-related assets.

Claims not filed within the period provided herein shall be barred.

SECTION 37. How To File a Claim; Contents. — The petition of the claimant shall be verified and shall state

- (a) the factual and legal basis of the claim;
- (b) the names of the affiants whose judicial affidavits will be used to prove the claim. The judicial affidavits shall be attached to the petition and form an integral part thereof. Judicial affidavits not attached to the petition shall not be considered; and
- (c) the documentary and other object evidence in support of the claim.

The claimant shall file the petition with the RTC that rendered the judgment, pay the docket and other lawful fees, and attach proof of service of a copy of the said petition upon the petitioner.

SECTION 38. Effect of Noncompliance With Requirements. — The court may dismiss the claim outright if it is insufficient in form and substance and/or is manifestly filed for delay. Otherwise, the court shall issue a notice to the petitioner to file its comment on the claim.

SECTION 39. Notice To File a Comment; Contents. — Within a non-extendible period of 15 calendar days after receipt of the notice, the petitioner shall file a comment specifically admitting or denying the claim and setting forth the substance of the matters relied upon to support the admission or denial. If the petitioner has no knowledge sufficient to enable it to admit or deny specifically, it shall state such want of knowledge. A copy of the comment shall be served on the claimant.

SECTION 40. Effect of Failure To File a Comment. — Should the petitioner fail to comment on the claim within the period provided, the court, on its own initiative, or upon manifestation by the claimant that the period for filing a comment has already lapsed, shall act on the claim and make a ruling as may be warranted by the facts alleged in the claim and its supporting evidence, limited to the relief sought by the claimant.

SECTION 41. Disposition of Admitted or Uncontested Claim. — The court may, without hearing, issue within 15 calendar days from receipt of the petitioner's comment admitting the claim or the lapse of the period for filing the same, whichever is earlier, an appropriate order resolving any claim admitted or not contested by the petitioner.

SECTION 42. Disposition of Contested Claims. — The court shall issue an order on the contested claim within 30 calendar days from submission by the petitioner of its comment.

SECTION 43. Clarificatory Hearing and Reception of Additional Evidence. — For admitted or uncontested claims, and for contested claims, should the court find it necessary to clarify certain material facts, it may, within the period to dispose of admitted or uncontested, or even of contested claims, issue an order specifying the matters to be clarified, hold a summary hearing to receive additional evidence, and/or require the parties to submit additional evidence, within 10 calendar days from receipt of said order. Judgment shall be rendered within 15 calendar days after the last clarificatory hearing or receipt of the last additional evidence, or the expiration of the period for submitting the same. The court shall not resort to the clarificatory procedure to gain time for the disposition of the claim.

SECTION 44. Appeal. — An appeal to the Court of Appeals on the order of the court on the contested claim may be taken in the manner prescribed in the Rules of Court, as amended.

TITLE VII

COMMON PROVISIONS

SECTION 45. Transitory Provision. — This Rule shall apply to petitions for the civil forfeiture of POGO-related assets already in the possession, custody, and/or control of the law enforcement authorities or government agencies that are not the subject of any pending forfeiture proceedings. For POGO-related assets that are currently the subject of court proceedings, the court may opt to apply the provisions of this Rule if their application will better serve the ends of justice.

SECTION 46. Effectivity. — This Rule shall take effect after 15 calendar days following its complete publication in two newspapers of general circulation in the Philippines and upon its publication on the website of the Supreme Court.

[1] Republic Act No. 12312, sec. 11, par. 3, states that the AOC shall have the following powers and functions:

(a)

[e]nsure the proper and effective implementation of the provisions of the Act;

(b)

[m]aintain a secure, [real-time], and interoperable [information-sharing] system among concerned agencies. The shared data shall be used solely for implementation, monitoring, and enforcement of this Act;

(c)

[e]nsure the speedy investigation and prosecution of all persons accused or detained for the crimes punishable under this Act[] and monitor the progress of their cases;

(d)

[c]oordinate with and enlist the assistance of any branch, department, bureau, office, agency, or instrumentality of government, including government-owned or -controlled corporations, and local government units, as well as the business sector and [non-governmental] organizations, in the implementation of this Act;

(e)

[c]onduct regular audits of the [Philippine Amusement and Gaming Corporation], special economic zone authorities, the [Tourism Infrastructure and Enterprise Zone Authority], Freeport authorities, investment promotion agencies, and other relevant government agencies to check, among others, [whether] only outbound data are being transmitted by their respective internet service providers. The AOC shall submit an annual audit report to Congress; and

(f)

[p]erform all other powers and functions related to the efficient and effective prevention and suppression of the acts herein prohibited.

[2] See *Republic v. Heirs of Spouses Molinyawe*, 784 Phil. 899, 916-917 (2016) [Per J. Mendoza, Second Division], citing *Marcos, Jr. v. Republic*, 686 Phil. 980, 996-997 (2012) [Per J. Sereno, Second Division].

[3] Republic Act No. 12312, sec. 3(f).

[4] Republic Act No. 12312, sec. 3(g).

[5] With reference to Republic Act No. 12312, sec. 3(h).

[6] Republic Act No. 12312, sec. 3(b).

[7] Republic Act No. 12312, sec. 3(c).

[8] Republic Act No. 12312, sec. 3(d).

[9] Republic Act No. 12312, sec. 3(a).

[10] See *People v. Montilla*, 349 Phil. 640, 659-660 (1998) [Per J. Regalado, En Banc]; *Allado v. Diokno*, 302 Phil. 213, 227-229 (1994) [Per J. Bellosillo, First Division]. With reference to the Rules on the Anti-Terrorism Act of 2020 and Related Laws (A.M. No. 22-02-19-SC), Rule I, sec. 3(l).

[11] With reference to 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 No. 9160, as Amended (A.M. No. 05-11-04-SC), Title IV, sec. 18(c).

[12] Republic Act No. 12312, sec. 4(a).

[13] Republic Act No. 12312, sec. 4(b).

[14] Republic Act No. 12312, sec. 4(c).

[15] Republic Act No. 12312, sec. 4(d).

[16] Republic Act No. 12312, sec. 4(e).

[17] Republic Act No. 12312, sec. 4(f).

[18] Republic Act No. 12312, sec. 4.

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