

EFFECTIVE INTERNATIONAL COOPERATION FOR COMBATING CORRUPTION IN THE PHILIPPINES: HANDS ACROSS THE SEA

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I. INTRODUCTION

Corruption is indeed a crime against humanity. It is considered as a crime against the poor, the rich, the powerful and the weak. It adversely affects every person living in the country. It brings nothing but chaos, discomfort, bad governance, poor public service, unstable security and a sluggish economy. It persists and subsists in most areas of the world particularly in developing countries. It bleeds the country's public coffers to the detriment of the welfare and common good of the people.

Experience will tell that through the employment of fraud, anomalous schemes and irregular activities, the billions of public funds allotted and spent by the government for a particular project sometimes end up in the hands of those who are called to implement the same. Worse, there are occasions where the proceeds of these corrupt practices reach the shores of another country.

II. THE PHILIPPINE SETTING: FIGHTING CORRUPTION AND INTERNATIONAL COOPERATION

In the Philippines, investigating graft and corruption is a complex and tough undertaking. There are literally hundreds and thousands of civil servants in the country, while there are only a small number of investigative and legal staff members performing the said difficult task. There are also numerous factors to consider when investigating corruption cases and these may include the scope of the government project, remoteness of the area, security conditions and so on.

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For purposes of academic discussion and considering the provisions of the Treaty and the fact that there are still pending cases before the courts of justice in the Philippines and in other countries, this Presentation Paper will not be able to fully disclose the names or identities of the concerned individuals and the requesting State. They will be identified in this Paper through some other names or designations. Further, the factual contents stated herein and in the succeeding sub-sections are based on the personal experience, observation, exchange of correspondence, electronic mails (e-mails) and messages with the concerned local and foreign counterparts and/or recollection of the Presenter during the fact-finding investigation stage and during the time when they were directed to provide assistance to the authorities of the requesting State.

A. The Office of the Ombudsman

Under Philippine laws, the Office of the Ombudsman, an independent¹ and constitutional body, was created primarily to fight graft and corruption within the bureaucracy. It acts and serves as the “protector” of the people; watchdog; mobilizer; official critic; and dispenser of justice. Among the powers, functions and duties of the Ombudsman² are to investigate, on its own or on complaint by any person, any act or

¹ Sec 5 Article XI, 1987 Philippine Constitution.

² Article XI, 1987 Constitution.

Section 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

- (1) Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.
- (2) Direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency or instrumentality thereof, as well as of any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties.
- (3) Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith.
- (4) Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.
- (5) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.
- (6) Publicize matters covered by its investigation when circumstances so warrant and with due prudence.
- (7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
- (8) Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

Republic Act (RA) No. 6770, also known as “The Ombudsman Act of 1989” provides the following:

Section 15. *Powers, Functions and Duties.* — The Office of the Ombudsman shall have the following powers, functions and duties:

- (1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of this primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases;
- (2) Direct, upon complaint or at its own instance, any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties;
- (3) Direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglect to perform an act or discharge a duty required by law, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith; or enforce its disciplinary authority as provided in Section 21 of this Act: provided, that the refusal by any officer without just cause to comply with an order of the Ombudsman to remove, suspend, demote, fine, censure, or prosecute an officer or employee who is at fault or who neglects to perform an act or discharge a duty required by law shall be a ground for disciplinary action against said officer;
- (4) Direct the officer concerned, in any appropriate case, and subject to such limitations as it may provide in its rules of procedure, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action;
- (5) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents;
- (6) Publicize matters covered by its investigation of the matters mentioned in paragraphs (1), (2), (3) and (4) hereof, when circumstances so warrant and with due prudence: provided, that the Ombudsman under its rules and regulations may determine what cases may not be made public: provided, further, that any publicity issued by the Ombudsman shall be balanced, fair and true;

omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient³ and to request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.⁴ In all cases of conspiracy between a public officer and a private person, the Office of the Ombudsman has jurisdiction to include such private person in the investigation and to proceed against such private person as the evidence may warrant.⁵

To insulate the Office from political influence or interference, Philippine laws provide certain constitutional safeguards and guarantees. These include the following:

- The appointment of the Ombudsman and his Deputies need no Congressional confirmation and is equivalent to the rank of chairman and members, respectively, of a Constitutional Commission⁶;
- The Ombudsman may be removed from office only by impeachment⁷;
- Prescribing for a fixed term of Office during which their salaries cannot be diminished⁸; and
- An independent office enjoying fiscal autonomy.⁹

The Office of the Ombudsman works on five (5) specific tasks, namely: investigation; administrative adjudication; prosecution; public assistance; and graft prevention. Regarding investigation, the Office has its own investigative arm,¹⁰ the Field Investigation Office (FIO), which conducts fact-finding investigation, case build-up, field inspection, surveillance, entrapment and other investigative activities on assigned cases.

B. “PDAF Scam”

In 2013, the Office of the Ombudsman conducted fact-finding investigations against several members of the Legislative branch¹¹ of the government and other public officers in relation to the utilization of the Priority Development Assistance Fund (PDAF), also known

(7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government, and make recommendations for their elimination and the observance of high standards of ethics and efficiency;

(8) Administer oaths, issue subpoena and subpoena duces tecum, and take testimony in any investigation or inquiry, including the power to examine and have access to bank accounts and records;

(9) Punish for contempt in accordance with the Rules of Court and under the same procedure and with the same penalties provided therein;

(10) Delegate to the Deputies, or its investigators or representatives such authority or duty as shall ensure the effective exercise or performance of the powers, functions, and duties herein or hereinafter provided;

(11) Investigate and initiate the proper action for the recovery of ill-gotten and/or unexplained wealth amassed after 25 February 1986 and the prosecution of the parties involved therein.

The Ombudsman shall give priority to complaints filed against high-ranking government officials and/or those occupying supervisory positions, complaints involving grave offences as well as complaints involving large sums of money and/or properties.

³ Sec 13(1) Article XI, 1987 Philippine Constitution.

⁴ Sec 13(5) Article XI, 1987 Philippine Constitution.

⁵ Sec 22 Republic Act No. 6770.

⁶ Sec 9, 10 Article XI, 1987 Philippine Constitution; Sec 6 Republic Act No. 6770.

⁷ Sec 2 Article XI, 1987 Philippine Constitution.

⁸ Sec 11 Article XI, 1987 Philippine Constitution; Sec 7, Republic Act No. 6770.

⁹ Sec 14 Article XI, 1987 Philippine Constitution.

¹⁰ Sec 11 Republic Act No. 6770.

¹¹ Sec 1 Article VI provides that the legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives.

as the “pork barrel fund,” appropriated in Calendar Years (CYs) 2007 to 2009.

In general, the PDAF is a lump sum appropriation in the annual General Appropriations Act (GAA) intended to fund priority development programmes and projects of the government.¹² It represents the annual appropriation allotted to each member of the Legislature, which is composed of the House of Representatives and the Senate of the Philippines.

PDAF is designed to allow legislators to fund small-scale infrastructure or community projects which fall outside the scope of the national infrastructure programme. It covers funding for programmes and projects categorized as *soft projects*¹³ and *hard projects*¹⁴ or *Various Infrastructure including Local Projects* (VILP) of the Department of Public Works and Highways (DPWH). In other words, each member of the Senate or House of Representatives has the discretion to fund particular infrastructure or community development projects. During that time, Senators were allocated Php200 million, while Congressman (Representatives) were allocated Php70 million per district.¹⁵

The PDAF funds allocated were normally transferred to various government Implementing Agencies (IA), subject to the usual accounting mechanisms, procedures and audit requirements. The process of PDAF allocation, based on the investigation conducted, is as follows:

- The concerned Legislator will submit a project proposal to be funded by his PDAF to the concerned Offices in Congress (Appropriations Committee) and would then be transmitted to the Department of Budget and Management (DBM), through the Speaker of the House of Representatives or the Senate President.
- The DBM will issue a Special Allotment Release Order (SARO) allowing the expenditure of a particular amount of funds to the said proposed project as identified and submitted by the Legislator.
- The DBM will issue a Notice of Cash Allocation (NCA) to the National Treasurer to credit the account of the specific IA, as stated in the proposal.
- An endorsement letter will be issued by the Legislator to the IA endorsing the Non-Governmental Organization (NGO). The NGO will then submit a project proposal and supporting documents.

¹² DBM Website, “PDAF,” electronically published at <http://pdaf.dbm.gov.ph/index.php>, and last accessed on 19 September 2013.

¹³ COA Website, Soft and Hard Projects,” electronically published at http://coa.gov.ph/GWSPA/2012/SAO_Report2012-03_PDAF.pdf, and last accessed on 19 September 2013. Commission on Audit (COA) – Special Audit Office (SAO) Report No. 2012-03 provides that soft projects cover both non-infrastructure and small infrastructure projects defined in the General Appropriation Act (GAA) to be implemented by PDAF. The non-infrastructure projects are scholarship, purchase of IT equipment, medical equipment and medical assistance to indigent patients in government hospitals, livelihood support, purchase of firetruck, firefighter equipment and patrol vehicle, specific pro-poor program and those categorized under forest management and historical, arts and culture. On the other hand, small infrastructure are the likes of water system, irrigation facilities, barangay rural electrification and construction/repair of police, jail and fire stations.

¹⁴ COA-SAO Report No. 2012-03 states that hard projects cover small infrastructure public works project such as road, bridges, flood control, school buildings, hospitals, health facilities, public market, multi-purpose building and pavement. These projects are reflected in the GAA under the DPWH locally funded nationwide lump sum appropriation with allocation for each district.

¹⁵ COA-SAO Report No. 2012-03.

- The Legislator, the head of the IA and the NGO President will enter into a Memorandum of Agreement (MOA) through which the NGO will agree to receive and disburse the fund and perform the intended project.
- The IA will issue Checks to the NGO and the NGO will, in turn, issue Official Receipts (OR).
- The NGO will implement the project.
- The NGO will submit Liquidation Reports and Accomplishment Reports stating the receipt of the funds and the completion of the project in accordance with the terms and conditions of the MOA.

Through misappropriation, falsification of documents, use of falsified documents and employment of anomalous and unlawful schemes and machinations, the billion-peso PDAF funds allotted by Legislators to the intended livelihood, developmental or farm related projects were converted or diverted for the personal benefits of the concerned Legislators, IA and NGO Officers.

C. PDAF Investigation

The Office of the Ombudsman conducted fact-finding investigation on the said PDAF anomalies in 2013. All Disbursement vouchers and liquidation documents supporting the release of PDAF Funds were obtained and analysed, including the Commission on Audit (COA) – Special Audit Office (SAO) Report. Field verifications were likewise conducted in several parts of the country where the alleged projects were implemented. Several personalities, witnesses and/or whistle-blowers from different parts of the country were subpoenaed and interviewed and their sworn statements were eventually taken. The concerned Municipal Mayors, agricultural officers and the intended farmer-beneficiaries, whose signatures were deliberately forged, were also interviewed and were made to execute sworn statements. Investigation likewise disclosed that the NGOs utilized in the transactions were purposely created upon the instruction of AAA as fund conduits for the project, and that no project was actually implemented in the intended or proposed areas.

In sum, owing to the vital pieces of evidence gathered, coupled with the sworn statements given by the concerned public officials, whistle-blowers, recipient farmers and other private individuals, the Ombudsman investigators recommended the filing of criminal complaints against the concerned Legislator, DBM officials, IA officers and NGO personnel including private individual AAA. Administrative charges were also levelled against those involved who are in still in the government service.

After the conduct of the requisite preliminary investigation, the Office of the Ombudsman resolved the cases and filed several criminal informations before the Sandiganbayan (Anti-Graft Court) for the non-bailable crime of plunder,¹⁶ violation of the

¹⁶ Republic Act No. 7080, as amended, states that any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1(d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by *reclusion perpetua* to death. Any person who participated with the said public officer in the commission of an offence contributing to the crime of plunder shall likewise be punished for such offence. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit of investment thereof forfeited in favor of the State.

anti-Graft and Corrupt practices law,¹⁷ malversation of public funds¹⁸ and other criminal charges against the concerned legislators (Senators or Congressman), IA officials, other public officers and private individuals in conspiracy with them.

¹⁷Republic Act 3019 provides the following:

Section 3. Corrupt practices of public officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offence;

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law;

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act;

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination;

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions;

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby;

(h) Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest;

(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group. Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong;

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled;

(k) Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the government.

¹⁸ Article 217 of the Revised Penal Code states that any public officer who, by reason of the duties of his office, is accountable for public funds or property, and shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property.

AAA was later on convicted of the heinous crime of Plunder by the Anti-Graft Court. In 2021, she was also convicted of graft and malversation charges.

D. Use of Informal Channels

From 2006 up to mid-2013, AAA, along with some family members and other associates, transferred proceeds derived from the anomalous PDAF transactions, on several occasions through wire transfers, to the territory of the requesting State. The said proceeds were used to acquire real property, business shares, expensive motor vehicles and pay for the living expenses of AAA's family members.

In 2014, in connection with the investigation of AAA and members of her extended family, the Philippines forwarded some documents coming from various agencies to the prosecutors of the requesting State. The purpose was to trace PDAF funds plundered from the Philippines relative to the implementation of several anomalous livelihood, developmental or community projects in the Philippines and which funds were then transferred to the territory of the requesting State.

In March 2016, the requesting State filed a civil complaint for forfeiture against various properties within its territory representing the proceeds of plunder offences committed in the Philippines. The requesting State seized the assets in question pending further litigation.

On 14 February 2018, relative to the efforts of the authorities of the requesting State to recover or seize assets of AAA within its territory, former Ombudsman Conchita Carpio Morales issued Office Order No. 114 series of 2018 designating and directing Ombudsman investigators to conduct investigative work to ascertain the specifics of the requested documents and to enable the Commission on Audit to retrieve them.

The authorities of the requesting State sent a list of required documents through electronic mail (e-mail). The requested documents consisted of PDAF and Department of Agrarian Reform (DAR) funded transactions involving some legislators (Senators and Congressman) as well as the NGOs owned and operated by AAA. It will be used in instituting cases against AAA before its courts.

Considering the long list of requested documents, the Ombudsman investigators and the COA Auditors had a hard time retrieving the same since some of them were issued sometime between CYs 2007 to 2010 and the documents were in the custody of several COA offices in various parts of the Philippines. Another challenging task was the need to verify and counter-check all the entries in the papers, records, disbursement vouchers and checks vis-à-vis the requested documents so as to avoid any error in obtaining the correct set of transactional documents to be forwarded to the requesting State.

On 27 March 2018, the initial set of voluminous PDAF transaction documents was forwarded and received by the Embassy Attaché of the requesting State. The same were immediately sent abroad to the handling prosecutors, lawyers and investigators for their information and guidance. The succeeding documents were sent in batches due to volume and difficulty in retrieving the needed documents from numerous concerned government repositories.

Clarifications and exchange of confidential information, correspondence, views and positions were likewise made through e-mails and telephone calls between Ombudsman

investigators and the foreign counterparts of the requesting State.

Sometime in April 2018, some federal agents and state attorneys of the requesting State arrived in the Philippines. Ombudsman investigators gave a briefing as to the nature of the PDAF and DAR transactions involved as well as the records, disbursement vouchers and liquidation documents. Arrangements were likewise made for them to meet and talk to the principal witnesses in various PDAF cases.

Due to the sensitivity and complexity of the task, the Ombudsman investigators constantly communicated with their foreign counterparts and Embassy staff, and regularly provided them with updates or progress on the status of the requested documents. They also explained the procedures and answered queries pertaining thereto.

After collating all the pieces of evidence from various official custodians of records in the Philippines and pending the formal and official request to be coursed through the Mutual Legal Assistance Treaty (MLAT) between the Philippines and the requesting State, one complete set of documents (most of which were mere photocopies), was forwarded by Ombudsman investigators to the Embassy Attaché office of the requesting State. Said documents were sent again for the information and appropriate action of the concerned prosecutors, state attorneys and federal agents handling the case in the requesting State's territory.

In January 2019, criminal informations and indictments were filed before the District Court of the requesting State for various offences such as Money-Laundering, Foreign Transportation of Money Taken by Fraud, International Money-Laundering, etc. against AAA and the members of her extended family.

In mid-2019, the Embassy Attaché coordinating with Ombudsman investigators concluded his detail in the Philippines. They were then advised to contact and coordinate their efforts with the incoming Attaché.

In January 2020, in anticipation of the incoming formal request of the requesting State through the MLAT, the Embassy Attaché of the requesting State brought to the Office of the Ombudsman copies of the final set of documents that needed to be certified by the official custodians of the records in the Philippines.

A copy of the Certification/Attestation of Authenticity of Foreign Public Documents (Treaty Form B) had been sent earlier by email. The Attestation Form states that the Official Producing the Record attests, on penalty of criminal punishment, that he holds a position with the Government of the Republic of the Philippines and that he is authorized by law to attest that the documents attached and described in the submission are true and accurate copies of the original official records which are recorded or filed in that office.

Acting on the said request, the Ombudsman referred the same to the COA for distribution and certification of documents by different custodians in various parts of the country. However, with the declaration of the global pandemic in March 2020, the transmission and receipt of the needed Attestation of Authenticity and of the required documents to various official custodians were affected and delayed.

There were instances where it took several months before the said documents had reached their destinations or the intended official custodian of records. Communication and logistical problems also set in as the pandemic slowed down every aspect of human activity. Thus, the Ombudsman investigators and COA auditors communicated from time to time and took turns in finding ways to expedite the transmission, receipt and safe return of said required documents and the needed Certification/Attestation form.

E. Formal Request through MLAT

In March 2020, pursuant to the Mutual Legal Assistance in Criminal Matters treaty, the Central Authority of the requesting State sent its formal request to the Central Authority of the Republic of the Philippines and incorporated by reference its earlier requests for assistance. It asked that the requesting State continue to investigate AAA and her family members for embezzling and stealing funds from the Philippine government and then laundering the same in the territory of the requesting State. Further, as a formal request, it was stated that the prosecutors of the requesting State needed the certification of documents already provided by the Ombudsman.

The documents requested are relevant in the civil and criminal matters pending in the requesting State which require, among others, proof that (1) PDAF funds were contractually obligated for development and poverty alleviation projects in the Philippines which were implemented by the NGOs owned and controlled by AAA; (2) NGOs officers falsely represented that the projects had been completed, when in truth and in fact, they had not; (3) the money was diverted to the requesting State for the benefit of AAA and other members of her family, and the diverted funds were used to acquire real and personal assets in the territory of the requesting State; (4) AAA was aware that the said assets came from the proceeds of some form of unlawful activity in the Philippines; (5) AAA attempted to liquidate the said assets and repatriate the said funds; and (6) AAA sought to conceal the disposition of the liquidated assets.

In June 2020, the Office of the Ombudsman was officially informed by the Philippine Department of Justice (PH DOJ), being the Central Authority of the treaty, of the need to certify or authenticate the documents previously provided to the requesting State in order for both the civil and criminal cases to proceed therein.

In September 2020, and considering the advance information provided by the requesting State, the Office of the Ombudsman submitted to the PH DOJ the complete set of documents together with the fully accomplished Certification/Authentication Forms of the concerned records custodian of documents.

III. ISSUES/CHALLENGES

- Lack of awareness on the MLAT mechanism for investigating or prosecuting a crime;
- Lack of trainings or technical capability;
- Difficulty in communication or in contacting concerned personnel or staff during the pandemic;
- Transportation and logistical concerns during the pandemic;
- Coordination, communication and familiarity with the concerned authorities/officials of the requesting State Party or foreign counterparts;

- Location, time zone difference and language barrier;
- Lack of legislative act on mutual assistance on criminal matters.

IV. CONCLUSION

Combating graft and corruption does not only rest on the shoulders of one country. It is a responsibility that must be shared by all countries particularly in a situation where there are transborder transactions of the proceeds of corrupt activities or when there is an attempt to hide, conceal or launder the same beyond a country's territorial jurisdiction. With the advent of modern technologies coupled by the collective effort and active participation and cooperation between and among countries, investigating corruption cases is no longer an arduous task. The invaluable assistance and collective endeavour extended by MLAT State parties will pave the way for the fruitful and effective prosecution and recovery of the proceeds of unlawful activities.

In summary, it can be said that international cooperation is crucial in the success of the investigation and prosecution of corruption cases involving anomalous transborder transactions. The mutual assistance rendered and the efforts exerted by all concerned investigators, state lawyers and federal agents, despite the onslaught of the pandemic and the difficulty in transportation and communication, in collating the pieces of evidence needed in instituting the necessary civil, criminal and forfeiture cases in the requesting State is a clear testament to the spirit and achievements of MLAT. This is, in essence, the "Hands Across the Sea."

V. RECOMMENDATIONS

In view of the obtaining circumstances and considering the success despite the limitations caused by the pandemic, it is recommended that the following courses of action be considered:

1. Multi-sectoral cooperation to combat graft and corruption among concerned authorities of MLAT State parties;
2. Capacity-building measures to help graft investigators and lawyers acquire technical expertise in investigating and prosecuting corruption cases;
3. International cooperation be strengthened and constant communication, professional networking and/or coordination among various State agencies be maintained;
4. The continuous use of all available informal channels between State parties in investigating and prosecuting transnational crimes and corruption be institutionalized;
5. Enactment of law or strengthening of the provisions of MLATs.