

ORGANIZED CRIME

ORGANIZED CRIME is a transnational grouping of highly centralized enterprises run by criminals for the purpose of engaging in illegal activity, most commonly for monetary profit.

Any crime committed by a person occupying, in an established division of labor, a position designed for the commission of crimes providing that such division of labor includes at least one position for a corrupter, one position for a corruptee, and one position for an enforcer.

“Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.” United Nations Office on Drugs and Crime (UNODC)

White-collar crime has been defined by Edwin Sutherland as "a crime committed by a person of respectability and high social status in the course of his occupation" (1939).

The U.S. Congress defined white-collar crime as an illegal act or series of illegal acts committed by non-physical means and by concealment or guile, to obtain money or property, or to obtain business or personal advantage.

Transnational crime refers to crime that takes place across national borders. It also describes crimes that are not only international (that is, crimes that cross borders between countries), but crimes that by their nature involve border crossings as an essential part of the criminal activity. Transnational crimes also include crimes that take place in one country, but their consequences significantly affect another country.

Furthermore according to Article 3 para. 2 of UNTOC, an offence is “transnational” in nature if:

- (a) it is committed in more than one State;
- (b) it is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) it is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) it is committed in one State but has substantial effects in another State.”¹

Corporate Crime- Crimes of fraud, concealment, and misrepresentation continue to victimize all sorts of groups and individuals in society.

Explaining Organized Crime through Theories

1. Strain (structural strain) refers generally to the processes by which inadequate regulation at the societal level filters down to how the individual perceives his or her needs. Strain (individual strain) refers to the frictions and pains experienced by the individual as they look for ways to meet their needs (the motivational mechanism that causes crime).

Theories about the Causes of Organized Crime

Ethnic succession theory: Upon arrival in the United States, each ethnic group was faced with prejudicial and discriminatory attitudes that denied them legitimate means to success.

Organized crime affords those who commit it the rewards for relatively little risk..

Almost all mob members live in neighborhoods where they were constantly surrounded by criminals and criminal values.

Sutherland's **Differential Association** Theory suggests that people commit crime by learning in a social context through their interactions with others and communication with them. He believed criminal behaviour is learned by interaction with others, and this includes learning the techniques of committing the crime, and the motives, drives, rationalizations, and attitudes for committing it.

¹ https://www.unodc.org/documents/organized-crime/GPTOC/Issue_Paper_-_TOC_at_Sea.pdf

Social Disorganization Theories Of Crime

It basically refers to the failure of social institutions or social organizations (e.g., schools, business, policing, real estate, group networking) in certain communities and/or neighborhoods (although nothing prohibits such theories from being couched at the "macro" level to talk about all of society). It has its origins in the study of ecology, which is the examination of relations between an organism and its environment.

Cultural deviance theory is that conformity to the prevailing cultural norms of lower class society causes crime. Lower class subculture has a unique set of values and beliefs, which are invariably in conflict with conventional social norms. Criminality is an expression of conformity to lower class subcultural values. Members of the working class commit crimes as they respond to the cultural norms of their own class in an effort to deal with problems of social –middle class- adjustment.

Labeling theory: people become criminals when significant members of society label them as such and they accept those labels as a personal identity.

These labels imply a variety of behaviors and attitudes; labels thus help define not just one trait but the whole person.

Social Control Theory as represented in the work of Travis Hirschi- It proposes that exploiting the process of socialization and social learning builds self-control and reduces the inclination to indulge in behavior recognized as antisocial. Refers also as to those processes by which the community influences its members toward conformance with established norm of behavior.

Differential-opportunity theory observations that legitimate opportunities to pursue culturally approved goals are socially structured and unevenly distributed—especially by class. Differential-opportunity theory extends this notion of socially structured unequal access to delinquency and criminality.

Differential Identification A modification of differential association theory. In this view, people commit criminal or delinquent acts if they believe that it will lead to acceptance by and approval of these important people in their lives.

Mafia is a term used to describe a number of criminal organizations around the world. Derive from Arabic word denoting “Place of Refuge”.

The World History of Organized Crime travels the globe to get an insider's view of some of the most active, dangerous and diabolical criminal syndicates in existence. The five episodes focus on a different region, examining the conditions that helped create these groups, talking to law enforcement specialists about how they are being fought, and relating true stories of famous cases.

Sicily: With its long history of foreign occupations, the people of Sicily have created a culture of self-reliance, honor, and distrust for authority. With this in place, La Cosa Nostra emerged in the late 1800s and was able to put a stranglehold on their country that went virtually unthreatened until the late 1980s. It was then that Judge Giovanni Falcone began to prosecute and convict them with the aid of Tommaso Buscetta's testimony.

Russia: After the fall of the Soviet Union, Russia switched to a free market economy, opening the doors for the Red Mafia to take control of an estimated 40% of the nation's economy. As one of the most fearsome, violent, creative, and well-educated criminal organizations in the world, the Red Mafia has been difficult to locate and shut down.

China: This program examines the secretive history of the Triads, their traditions, their influence in America, and their main export - human cargo.

India: Located in Bombay, "Bollywood" is one of the most prolific and profitable film industries in the world. Unfortunately, it is also the target of the underground mob, which aided the industry previously when the government refused to help them with financing. The program also explores the roots of this mob and traces them back to the "Thugs" of the 19th century.

Colombia: Focused on the Cartels and, in particular, Pablo Escobar, this program explains how Colombia's most lucrative export – cocaine – shaped it into a country of violence and corruption. Using narco-terrorism and bribes, the Cartels quickly came to control Colombia, but even their dissolution didn't end the seemingly unstoppable flow of drugs.

Sicilian Mafia (based in Sicily)

The Sicilian Mafia formed in the mid-1800s to unify the Sicilian peasants against their enemies. In Sicily, the word Mafia tends to mean “manly.” The Sicilian Mafia changed from a group of honorable Sicilian men to an organized criminal group in the 1920s.

Camorra or Neapolitan Mafia (based in Naples)

The word “Camorra” means gang. The Camorra first appeared in the mid-1800s in Naples, Italy, as a prison gang. Once released, members formed clans in the cities and continued to grow in power. The Camorra has more than 100 clans and approximately 7,000 members, making it the largest of the Italian organized crime groups.

’Ndrangheta or Calabrian Mafia (based in Calabria)

The word “’Ndrangheta” comes from the Greek meaning courage or loyalty. The ’Ndrangheta formed in the 1860s when a group of Sicilians was banished from the island by the Italian government. They settled in Calabria and formed small criminal groups.

Sacra Corona Unita or United Sacred Crown (based in the Puglia region)

Law enforcement became aware of the Sacra Corona Unita in the late 1980s. Like other groups, it started as a prison gang. As its members were released, they settled in the Puglia region in Italy and continued to grow and form links with other Mafia groups. The Sacra Corona Unita is headquartered in Brindisi, located in the southeastern region of Puglia.

La Cosa Nostra

La Cosa Nostra is the foremost organized criminal threat to American society. Literally translated into English it means “this thing of ours.” It is a nationwide alliance of criminals—linked by blood ties or through conspiracy—dedicated to pursuing crime and protecting its members.

La Cosa Nostra, or the LCN as it is known by the FBI, consists of different “families” or groups that are generally arranged geographically and engaged in significant and organized racketeering activity. It is also known as the Mafia, a term used to describe other organized crime groups.

The LCN is most active in the New York metropolitan area, parts of New Jersey, Philadelphia, Detroit, Chicago, and New England. It has members in other major cities and is involved in international crimes.

History of La Cosa Nostra

Although La Cosa Nostra has its roots in Italian organized crime, it has been a separate organization for many years. Today, La Cosa Nostra cooperates in various criminal activities with different criminal groups that are headquartered in Italy.

Giuseppe Esposito was the first known Sicilian Mafia member to emigrate to the U.S. He and six other Sicilians fled to New York after murdering the chancellor and a vice chancellor of a Sicilian province and 11 wealthy landowners. He was arrested in New Orleans in 1881 and extradited to Italy.

New Orleans was also the site of the first major Mafia incident in this country. On October 15, 1890, New Orleans Police Superintendent David Hennessey was murdered execution-style. Hundreds of Sicilians were arrested, and 19 were eventually indicted for the murder. An acquittal generated rumors of widespread bribery and intimidated witnesses. Outraged citizens of New Orleans organized a lynch mob and killed 11 of the 19 defendants. Two were hanged, nine were shot, and the remaining eight escaped.

The American Mafia has evolved over the years as various gangs assumed—and lost—dominance over the years: the Black Hand gangs around 1900; the Five Points Gang in the 1910s and '20s in New York City; Al Capone's Syndicate in Chicago in the 1920s. By the end of the '20s, two primary factions had emerged, leading to a war for control of organized crime in New York City.

The murder of faction leader Joseph Masseria brought an end to the gang warfare, and the two groups united to form the organization now dubbed La Cosa Nostra. It was not a peaceful beginning: Salvatore Maranzano, the first leader of La Cosa Nostra, was murdered within six months.

Charles "Lucky" Luciano became the new leader. Maranzano had established the La Cosa Nostra code of conduct, set up the "family" divisions and structure, and established procedures for resolving disputes. Luciano set up the "Commission" to rule all La Cosa Nostra activities. The Commission included bosses from six or seven families.

Luciano was deported back to Italy in 1946 based on his conviction for operating a prostitution ring. There, he became a liaison between the Sicilian Mafia and La Cosa Nostra.

Other Historical Highlights:

1951: A U.S. Senate committee led by Democrat Estes Kefauver of Tennessee determined that a "sinister criminal organization" known as the Mafia operated in this nation.

1957: The New York State Police uncovered a meeting of major LCN figures from around the country in the small upstate New York town of Apalachin. Many of the attendees were arrested. The event was the catalyst that changed the way law enforcement battles organized crime.

1963: Joseph Valachi became the first La Cosa Nostra member to provide a detailed look inside the organization. Recruited by FBI agents, Valachi revealed to a U.S. Senate committee numerous secrets of the organization, including its name, structure, power bases, codes, swearing-in ceremony, and members of the organization.

Today, La Cosa Nostra is involved in a broad spectrum of illegal activities: murder, extortion, drug trafficking, corruption of public officials, gambling, infiltration of legitimate businesses, labor racketeering, loan sharking, prostitution, pornography, tax-fraud schemes, and stock manipulation schemes.

The Genovese Crime Family

Named after legendary boss Vito Genovese, the Genovese crime family was once considered the most powerful organized crime family in the nation. Members and their numerous associates engaged in drug trafficking, murder, assault, gambling, extortion, loansharking, labor racketeering, money laundering, arson, gasoline bootlegging, and infiltration of legitimate businesses.

Genovese family members are also involved in stock market manipulation and other illegal frauds and schemes as evidenced by the recent FBI investigation code named "Mobstocks." The Genovese crime family has its roots in the Italian criminal groups in New York controlled by Joseph Masseria in the 1920s. The family history is rife with murder, violence, and greed.

Early History—Masseria and Maranzano

Masseria sparked the so-called "Castellammarese War" in 1928 when he tried to gain control of organized crime across the country. The war ended in 1931 when Salvatore Maranzano conspired with Masseria's top soldier, Charles "Lucky" Luciano, to have Masseria killed. Maranzano emerged as the most powerful Mafia boss in the nation, setting up five separate criminal groups in New York and calling himself "Boss of Bosses."

Two of the most powerful La Cosa Nostra families—known today as the Genovese and Gambino families—emerged from Maranzano's restructuring efforts. Maranzano named Luciano the first boss of what would later be known as the Genovese family. Luciano showed his appreciation less than five months later by sending five men dressed as police officers to Maranzano's office to murder him.

Luciano, Costello, and Genovese

With Maranzano out of the way, Luciano became the most powerful Mafia boss in America and used his position to run La Cosa Nostra like a major corporation. He set up the LCN Commission, or ruling body, composed of seven bosses, and divided the different rackets among the families.

In 1936, Luciano was sentenced to 30 to 50 years in prison. Ten years later, he was released from prison and deported to Italy, never to return. When he was convicted, Frank Costello became acting boss because Genovese—then just an underboss—had fled to Italy to avoid a murder charge. His return to the states was cleared when a key witness against him was poisoned and the charges were dropped.

Costello led the family for approximately 20 years until May of 1957 when Genovese took control by sending soldier Vincent “the Chin” Gigante to murder him. Costello survived the attack but relinquished control of the family to Genovese. Attempted murder charges against Gigante were dismissed when Costello refused to identify him as the shooter.

In 1959, it was Genovese’s turn to go to prison following a conviction of conspiracy to violate narcotics laws. He received a 15-year sentence but continued to run the family through his underlings from his prison cell in Atlanta, Georgia.

Valachi Sings—and Lombardo Leads

About this time, Joseph Valachi, a “made man,” was sent to the same prison as Genovese on a narcotics conviction. Labeled an informer, Valachi survived three attempts on his life behind bars. Still in prison in 1962, he killed a man he thought Genovese had sent to kill him. He was sentenced to life for the murder.

The sentencing was a turning point for Valachi, who decided to cooperate with the U.S. government. On September 27, 1963, he appeared before the U.S. Senate Permanent Subcommittee on Investigations and testified that he was a member of a secret criminal society in the U.S. known as La Cosa Nostra.

In 1969, several years after Valachi began cooperating with the FBI, Vito Genovese died in his prison cell. By then the Genovese family was under the control of Philip “Benny Squint” Lombardo. Unlike the bosses before him, Lombardo preferred to rule behind his underboss. His first, Thomas Eboli, was murdered in 1972. Lombardo promoted Frank “Funzi” Tieri, and later Anthony “Fat Tony” Salerno as his front men.

Throughout the 1980s, the Genovese family hierarchy went through several changes. Tieri, recognized on the street as the Genovese family boss in the late 1970s, was convicted for operating a criminal organization through a pattern of racketeering that included murder and extortion.

Salerno then fronted as boss until he had stroke in 1981. In 1985, Salerno and the bosses of the other four New York families were convicted for operating a criminal enterprise—the LCN Commission. Lombardo, his two captains in prison and his health failing, turned full control of the Genovese family over to Gigante—the man who tried to kill Costello 30 years earlier.

Fish on the Hook

In 1986, a second member turned against the Genovese family when Vincent “Fish” Cafaro, a soldier and right-hand-man to Anthony Salerno, decided to cooperate with the FBI and testify. According to Cafaro’s sworn statement, Gigante ran the family from behind the scenes while pretending to be mentally ill. Cafaro said this behavior helped further insulate Gigante from authorities while he ran the Genovese family’s criminal activities.

Gigante’s odd behavior and mumbling while he walked around New York’s East Village in a bathrobe earned him the nickname “the Odd Father.” After an FBI investigation, Gigante was convicted of racketeering and murder conspiracy in December 1997 and sentenced to 12 years. Another FBI investigation led to his indictment on January 17, 2002, accusing him of continuing to run the Genovese family from prison. He pled guilty to obstruction of justice in 2003. Gigante died in prison in December 2005 in the same federal hospital where Gambino family leader John Gotti had died in 2002.

Omerta is the code of the OC which have two major principle the following are;

1. Follow your superior
2. Keep silent

Asian Criminal Enterprises

Asian criminal enterprises have been operating in the U.S. since the early 1900s. The first of these groups evolved from Chinese tongs—social organizations formed by early Chinese-American immigrants.

There are two categories of Asian criminal enterprises

Traditional criminal enterprises include the Chinese triads (or underground societies) based in Hong Kong, Taiwan, and Macau as well as the Japanese Yakuza or Boryokudan.

Non-traditional criminal enterprises include groups such as Chinese criminally influenced tongs, triad affiliates, and other ethnic Asian street gangs found in several countries with sizeable Asian communities.

OC characteristics are:

Conspiracy -- fronts will be used to disguise the real operations; cover-up being an essential feature of conspiracy

Hierarchy -- planning, organizing, executing; three or more permanent levels of rank with a division of labor or specialization; Kelly (1986) calls these "interaction patterns", meaning they refer to specialized roles and statuses

Ideology of Economics -- it's just business, nothing personal; it's also accurate to say they have no ideology, no politics; in criminology, organized crime is the perfect "instrumental" crime because there's no emotional satisfaction derived from it

Perpetuity -- the organization is designed to last through time, beyond the lifespan of current members; being an organized criminal requires a "lifetime careerist orientation" (Kelly 1986)

Monopoly -- they often seek total control over a particular turf or industry, seeking goods or services that are presently illegal or quasi-illicit and that have such a demand that raising price won't matter; in criminology, they form a cartel (rather than a cabal); a cartel being organized around source and distribution of something and a cabal being organized around mutual trust

Strict discipline -- the group controls its members promptly and deadly; there's a code of silence, secrecy, extensive rules and regulations; extensive attempts will be made to insulate key members from identification by authorities

Restricted membership -- usually on ethnic, kinship, criminal record, or other grounds; applicants need a sponsor; not anyone can join

Immunity from prosecution -- the group is interested in corruption, putting the fix in on the criminal justice system; with patterned corruption being the norm and they will start where the law is weak or weakly administered

Organized Crime under Philippine Laws

The Philippines has specific criminal laws that deal squarely with specific crimes. These laws can be found in our Revised Penal Code and Special Penal Laws passed by the Congress of the Philippines. There is, however, no law that defines organized crime. Organized crime, therefore, is not regarded as a crime per se, likewise, an individual cannot be regarded as a criminal by mere association with an OCG.

In the absence of specific law in the Philippines against organized crime, the provision in the Revised Penal Code on conspiracy may find application. Conspiracy is not a felony per se but only a manner of incurring criminal liability.

Article 8 of the Revised Penal Code states that: "*A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.*" Thus, conspirators share equal criminal liabilities regardless of their levels of participation.

However, under Philippine Special Laws, there are crimes like Illegal recruitment, Trafficking in Persons and Estafa, which are punishable when committed by a syndicate. It becomes a syndicate when carried out by a group of three or more persons conspiring or confederating with one another.

Chapter Three

FRAUDS

Section One. — Machinations, monopolies and combinations

1. Art. 185. *Machinations in public auctions*
2. Art. 186. *Monopolies and combinations in restraint of trade.*
3. Art. 188. *Subsisting and altering trade-mark, trade-names, or service marks*
4. Art. 189. *Unfair competition, fraudulent registration of trade-mark, trade-name or service mark, fraudulent designation of origin, and false description.*
5. Section Two. — Bribery

Art. 210. *Direct bribery.*

Art. 211. *Indirect bribery.* — The penalties of prision correccional in its medium and maximum periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office. (As amended by Batas Pambansa Blg. 872, June 10, 1985).

Art. 212. *Corruption of public officials.*

— The same penalties imposed upon the officer corrupted, except those of disqualification and suspension, shall be imposed upon any person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles.

PRESIDENTIAL DECREE NO. 749

granting immunity from prosecution to givers of bribes and other gifts and to their accomplices in bribery and other graft cases against public officers.

Presidential Decree No. 1612

Also known as ANTI-FENCING LAW OF 1979

Section 5. Presumption of Fencing

Mere possession of any good, article, item, object, or anything of value which has been the subject of robbery or thievery shall be prima facie evidence of fencing.

What Is Fencing Law And How It Can Be Committed?

“Fencing” is the act of any person who, with intent to gain for himself or for another, shall buy receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell, or in any other manner deal in any article, item, object or anything of value which he knows, or should be known to him, to have been derived from the proceeds of the crime of robbery or theft. A “Fence” includes any person, firm, association corporation or partnership or other organization who/ which commits the act of fencing (Dizon-Pamintuan vs. People, GR 111426, 11 July 94).

Terrorism in the Philippines

conflicts based on political issues conducted by rebel organizations against the Philippine government, its citizens and supporters. Most terrorism in the country are conducted by Islamic terrorist groups. The most active terrorist groups in the Philippines are the Moro Islamic Liberation Front, Moro National Liberation Front, Abu Sayaf, Rajah Sulaiman Movement and Jemaah Islamiyah.

Types of terrorism

1. Civil disorder. A form of collective violence interfering with the peace, security, and normal functioning of the community.
2. Political terrorism. Violent criminal behavior designed primarily to generate fear in the community, or substantial segment of it, for political purposes.
3. Non-Political terrorism. Terrorism that is not aimed at political purposes but which exhibits “conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.”

4. Quasi-terrorism. the fleeing felon who takes hostages is a quasi-terrorist, whose methods are similar to those of the genuine terrorist but whose purposes are quite different.
5. Limited political terrorism. Genuine political terrorism is characterized by a revolutionary approach; limited political terrorism refers to “acts of terrorism which are committed for ideological or political motives but which are not part of a concerted campaign to capture control of the state.
6. Official or state terrorism. It may also be referred to as Structural Terrorism defined broadly as terrorist acts carried out by governments in pursuit of political objectives, often as part of their foreign policy.

The ASG was founded by a charismatic theologian, Ustadz Abdurajak Janjalani, a half-Christian (by parentage), who studied Islamic law in Saudi Arabia, received military training in Libya and fought and trained at a commando post near Khost, in Afghanistan, in a camp run by Islamic professor Abdur RabRasul Sayyaf (thus the name of the group). The group started as a *dawah* movement called *Harakatul Islamiya* with a publication entitled, *SuaraKasabunnalan*, in ethnic dialect, meaning, Voice of the Truth.

The Evolution of Terrorism

Pre-Modern Terrorism

Over 2,000 years old, in many cultures

Differing legal/military responses:

- Roman law on *bella* against *legitimus hostis*, but *guerra* against *latrunculi*

Fundamentally religious in nature:

- Thugs (Hinduism)

- Zealots (Judaism)

- Assassins (Islam)

The Four Waves of Terrorism

1. The Anarchist Wave (1880s-1920s)
2. The Anti-Colonial Wave (1920s-1960s)
3. The New Left Wave (1960s-1990s?)
4. The Religious Wave (1979-present)

The Rise of Suicide Terrorism

Innovation: the birth of the suicide bomber

- Hizballah (Lebanon)

- Al-Qa'ida (worldwide)

- HAMAS (Israel/Palestine)

- LTTE (Sri Lanka)

The concept of *shahid* in Islamic radicalism

Why suicide terrorism is so effective, why it and will stay with us

Law in the Philippines is R.A 9372

AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM

Section 1. Short Title. - This Act shall henceforth be known as the "Human Security Act of 2007."

Sec. 3. Terrorism. - Any person who commits an act punishable under any of the following provisions

a. Article 122, (Piracy in General and Mutiny in the High Seas or in the Philippine Waters);

b. Article 134, (Rebellion or Insurrection);

c. Article 134-a, (Coup d' Etat), including acts committed by private persons;

d. Article 248, (Murder);

e. Article 267, (Kidnapping and Serious Illegal Detention);

f. Article 324, (Crimes Involving Destruction), or under:

1. Presidential Decree No. 1613, (The Law on Arson);

2. Republic Act No. 6969, (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);

3. Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);

4. Republic Act No. 6235, (Anti-Hijacking Law);

5. Presidential Decree No. 532, (Anti-Piracy and Anti-Highway Robbery Law of 1974); and

6. Presidential Decree No. 1866,

MONEY LAUNDERING

The term "money laundering" does not derive, as is often said, from Al Capone having used laundromats to hide ill-gotten gains. It is more likely to mean that dirty money is made clean. At some point in the process there must be a switch between the two; necessarily the art is to keep that switch hidden.

What is money laundering?

illegal or dirty money is put through a cycle of transactions (or washed) so it comes out the other end as legal or clean money allowing criminals to maintain control over criminal proceeds.

An act amending republic act no. 9160, otherwise known as the "anti-money laundering act of 2001"

"(b) 'Covered transaction' is a transaction in cash or other equivalent monetary instrument involving a total amount in excess of Five hundred thousand pesos (P500,000.00) within one (1) banking day."

Sec. 2. Sec. 3 of the same Act is further amended by inserting between paragraphs (b) and (c) a new paragraph designated as (b-1) to read as follows:

"(b-1) 'Suspicious transaction' are transactions with covered institutions, regardless of the amounts involved, where any of the following circumstances exist:

- "1. there is no underlying legal or trade obligation, purpose or economic justification;
- "2. the client is not properly identified;
- "3. the amount involved is not commensurate with the business or financial capacity of the client;
- "4. taking into account all known circumstances, it may be perceived that the client's transaction is structured in order to avoid being the subject of reporting requirements under the Act;
- "5. any circumstance relating to the transaction which is observed to deviate from the profile of the client and/or the client's past transactions with the covered institution;
- "6. the transaction is in any way related to an unlawful activity or offense under this Act that is about to be, is being or has been committed; or

"SEC. 4. Money Laundering Offense.

"(a) Any person knowing that any monetary instrument or property represents, involves, or relates to, the proceeds of any unlawful activity, transacts or attempts to transact said monetary instrument or property.

"(b) Any person knowing that any monetary instrument or property involves the proceeds of any unlawful activity, performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraph (a) above.

"(c) Any person knowing that any monetary instrument or property is required under this Act to be disclosed and filed with the Anti-Money Laundering Council (AMLC), fails to do so."

SEC. 10. Freezing of Monetary Instrument or Property

— The Court of Appeals, upon application ex parte by the AMLC and after determination that probable cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Sec. 3(i) hereof, may issue a freeze order which shall be effective immediately. The freeze order shall be for a period of twenty (20) days unless extended by the court."

Smuggling

is the clandestine transportation of goods or persons past a point where prohibited, such as out of a building, into a prison, or across an international border in violation of applicable laws or other regulations.

ILLEGAL RECRUITMENT

R.A. 8042

Any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring of workers which includes referrals, contract services, promising or advertising for employment, locally or abroad, *whether for profit or not*. Any person or entity which in any manner, offers or promises, for a fee, employment to at least one person, shall be deemed engaged in recruitment and placement.

Human Trafficking in person

refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

REPUBLIC ACT NO. 9208

An act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other purposes.

Elements of TRAFFICKING in PERSONS

ACTS :Recruiting, Transporting, Transferring, or Harboring, or Receipt of persons with or without consent or knowledge within or across national borders

MEANS: Threat or use of Force, Other forms of Coercion, Abduction, Fraud or Deception Abuse of power or position, Taking Advantage of the vulnerability of the person, or The Giving or Receiving of payments or benefits to achieve the consent

PURPOSE :Exploitation, Prostitution of others or other forms of Sexual Exploitation, Forced labor, or services, Slavery, Servitude or Removal or sale of organs.

THREE (3) CATEGORIES OF TRAFFICKING:

- a. Acts of Trafficking in Persons;
- b. Acts that Promote Trafficking in Persons; and,
- c. Qualified Trafficking in Persons.

TRAFFICKING IN PERSONS DISTINGUISHED FROM HUMAN SMUGGLING

TRAFFICKING IN PERSONS

1. Usually involves coercion
2. Characterized by subsequent exploitation after the illegal entry of a person into a foreign country
3. Considered a Human Rights issue

HUMAN SMUGGLING

1. Usually does not involve coercion
2. Characterized by facilitating, for a fee, the illegal entry of a person into foreign country
3. Considered a migration concern
4. What is Illegal Recruitment?
5. any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring of workers which includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a nonlicense or nonholder of authority contemplated under Article 13 (f) of Presidential Decree No. 442, as amended , otherwise known as the Labor Code of the Philippines

What are the Classifications of Illegal Recruitment?

- I. Simple IR – involves less than three (3) victims or recruiters
- II. IR involving economic sabotage:
 - a. Large Scale – committed against three (3) or more persons individually or as a group
 - b. Syndicated – committed by a group of three (3) or more persons conspiring or confederating

PRESIDENTIAL DECREE No. 1689 INCREASING THE PENALTY FOR CERTAIN FORMS OF SWINDLING OR ESTAFA
Republic Act No. 3019 Anti-Graft and Corrupt Practices Act;

Republic Act No.8484 Illegal Accessed of Devices

AN ACT REGULATING THE ISSUANCE AND USE OF ACCESS DEVICES, PROHIBITING FRAUDULENT ACTS COMMITTED RELATIVE THERETO, PROVIDING PENALTIES AND FOR OTHER PURPOSES

Section 9. *Prohibited Acts*

- (a) producing, using, trafficking in one or more counterfeit access devices;
- (b) trafficking in one or more unauthorized access devices or access devices fraudulently applied for;
- (c) using, with intent to defraud, an unauthorized access device;
- (d) using an access device fraudulently applied for;
- (e) possessing one or more counterfeit access devices or access devices fraudulently applied for;and ect.

Computer Crime, or **cybercrime** -refers to any crime that involves a computer and a network, where the computers may or may not have played an instrumental part in the commission of a crime.

Netcrime refers, more precisely, to criminal exploitation of the Internet. Issues surrounding this type of crime have become high-profile, particularly those surrounding hacking, copyright infringement, child pornography, and child grooming. There are also problems of privacy when confidential information is lost or intercepted, lawfully or otherwise.

6. Drug Trafficking

The illegal drug trade is a global black market in the cultivation, manufacture, distribution and sale of those substances which are subject to drug prohibition laws.

REPUBLIC ACT NO. 9165 June 7, 2002

AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Illegal acts

Section 4. *Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.*

Section 6. *Maintenance of a Den, Dive or Resort. –*

Section 7. *Employees and Visitors of a Den, Dive or Resort*

Section 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals*

Drug Syndicates in the Philippines

1. Binondo-based Chinese syndicates
2. Bamboo Gang-based in Taiwan
3. The 14k Gang-based in Hong Kong
4. Green Gang of the Chinese Triad

GAMBLING AND BETTING

- Presidential Decree No. 449 Cockfighting Law of 1974. This law took effect on May 9, 1974. It governs the establishment, operations, maintenance and ownership of cockpits.
- Presidential Decree No. 483 Penalizes betting, game-fixing or point shaving and machinations in sports contests. It took effect on June 13,1974.
- Presidential Decree No. 519 Outlaws pinball and slot machines and other similar devices and nullifies all existing permits and/or licenses to operate the same. It took effect on July 23, 1974.
- Presidential Decree No. 1602
- Jueteng and Masiao punished as illegal gambling

PROSTITUTION

Prostitution is the act or practice of providing sexual services with another person in return for payment. Persons who execute such activity are called prostitutes. Prostitution is one of the branches of the sex industry. Estimates place the annual revenue generated from the global prostitution industry to be over \$100 billion.

TYPES OF PROSTITUTES

1. CALL GIRL
2. HUSTLER
3. DOOR KNOCKER
4. FACTORY GIRL

Art. 202. *Vagrants and prostitutes; penalty.*

1. Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;
2. Any person found loitering about public or semi-public buildings or places or tramping or wandering about the country or the streets without visible means of support;
3. Any idle or dissolute person who lingers in houses of ill fame; ruffians or pimps and those who habitually associate with prostitutes;
4. Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;
5. Prostitutes.

REPUBLIC ACT No. 6539 AN ACT PREVENTING AND PENALIZING CARNAPPING

Section 1. This Act shall be known and may be cited as the "*Anti-Carnapping Act of 1972.*"

Section 2. *Definition of terms.* The terms "carnapping", "motor vehicle", "defacing or tampering with", "repainting", "body-building", "remodeling", "dismantling", and "overhauling", as used in this Act, shall be understood, respectively, to mean

"**Carnapping**" is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things.

"**Motor Vehicle**" shall mean any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

ORGANIZED CRIME IN THE PHILIPPINES"

- **Francisco Group** which is formerly the Dragon or the Kuratong Baleleng Group, now led by Manuel Francisco, with 66 members armed with assorted type of high powered firearms and operates in the cities of Cagayan De Oro, Pagadian and Dipolog, and other neighboring cities and municipalities in the Mindanao (in southern Philippines), Cebu in Visayas (in Central Philippines), and Metro Manila in Luzon (in northern Philippines). The group is engaged in robbery/hold-up, carnapping, illegal drugs trafficking, and smuggling of rice and sugar.
 - **Pentagon Group** headed by Tahir Alonto with around 168 armed members, engaged primarily in KFR and operates in Mindanao. This group is a creation of the Moro Islamic Liberation Front (MILF). It was organized not only to generate funds for the latter through illegal means but also insulate the MILF from accusations that its members are involved in purely criminal acts. Its leader, Tahir Alonto is the former planning and operations office of the BIAF and the nephew of MILF's Chairman Al Haj Murad. Relatedly, there are other members of the group who are listed as members of the MILF.
 - **Lexus Group** , a carnapping group with around 37 members operating in NCR, and Regions 3 and 4, all in Luzon.
 - **Rex "Wacky" Salud Group** with 30 members operating in Cebu, engaged in illegal gambling and the Vicviv Yu Group with 16 members operating in Central Visayas and also engaged in illegal gambling.
- Interpol

Interpol acts as a central repository for professional and technical expertise on transnational organized crime and as a clearinghouse for the collection, collation, analysis and dissemination of information relating to organized crime and criminal organizations. It also monitors the organized crime situation on a global basis and co-ordinates international investigations

EXECUTIVE ORDER NO. 62

Creating The Philippine Center On Transnational Crime To Formulate And Implement A Concerted Program Of Action Of All Law Enforcement, Intelligence And Control Of Transnational Crime

SECTION 2. COMPOSITION AND LEADERSHIP

The Center shall be headed by the Executive Director to be appointed by the President and shall have the following Directorates

1. Directorate for Operations;
2. Directorates for Plans and Programs;
3. Directorate for Research;
4. Directorate for technology Management;
5. Directorate for Administration and Finance; and
6. Other Directorates that may be created as the situation demands.

OFFENSE RECOVERED

1. illicit trafficking of narcotic drugs and psychotropic substances;
2. money laundering;
3. terrorism;
4. arms smuggling;
5. trafficking in persons;
6. piracy; and
7. other crimes that have an impact on the stability and security of the country.