

By MALOU MANGAHAS

Just in the nick of time, a Manila trial court on Friday issued a new 20-day freeze order (also called provisional asset preservation order or PAPO) on over 200 bank accounts, 144 real estate properties, 110 high-caliber firearms, and 77 top-line motor vehicles of 30 Ampatuan clan members and their associates.

The 33-page order signed by Executive Judge Marino M. Dela Cruz, Jr. of the Regional Trial Court Branch 22-Manila, placed the Ampatuan's assets under PAPO "effective immediately, forbidding any transaction, withdrawal, deposit, transfer, removal, conversion, concealment, or other disposition of the subject bank accounts, real properties, motor vehicles and firearms" in the next 20 days.

The court has ordered a summary hearing on the asset preservation order on Dec. 7, Wednesday, at 9 a.m. and 2 p.m.

This new freeze order – the third to be issued against the Ampatuans since June 2011 – was prompted by the filing last Thursday, Dec. 1, of a petition for the civil forfeiture of the Ampatuan assets – with an urgent plea for a freeze order – by the Anti-Money Laundering Council (AMLC), through the Office of the Solicitor General.

A copy of the new freeze order was also sent to 30 banks and financial institutions that are also named as respondents in the AMLC petition.

In May 2011, the AMLC had filed an ex-parte motion for a freeze order on the Ampatuan assets with the Court of Appeals. A division of the appellate court had promptly issued a provisional freeze order, and thereafter, a six-month freeze order that expired last Friday, Dec. 2.

In the new freeze order, Judge Dela Cruz of RTC Branch 22 said that, "the court finds from the allegations of the herein verified petition, which is sufficient in form and substance, and the supporting documents... probable cause (underscoring supplied) that the bank accounts, real properties, motor vehicles, and firearms, subject of the instant petition are elated to an unlawful activity, particularly Plunder and/or violation of the Anti-Graft and Corrupt Practices Act..., which warrant the issuance of a Provisional Asset Preservation Order (PAPO)."

A copy of the court order that the PCIJ obtained said that the petitioner, AMLC, had raised concern that, "there is imminent certainty that the bank accounts of the defendants, with the ease provided by advanced banking technology, and the subject real and personal properties will be removed, transferred, concealed, or disposed of, to place them beyond the reach of the law, thereby rendering any favorable judgment in the present case ineffectual and the efforts of the Government to implement the law futile."

The court, in issuing the freeze order, referred to a volume of annexed reports and documents as basis, including the Evaluation Report on the Lifestyle Check conducted by the Office of the

Ombudsman in August 2010, a Special Audit Report on the Autonomous Region in Muslim Mindanao (ARMM) by the Commission on Audit, certifications from the Philippine National Police-Firearms and Explosives Office, certificates of property title, and bank returns.

Based on these reports and documents, the court enumerated the various assets of the Ampatuans and their associates covered by its 20-day freeze order:

BANK ACCOUNTS. Over 200 bank accounts that the 30 Ampatuan clan members and their associates have opened with at least 30 banks and financial institutions in Cotabato City, Davao City, and Metro Manila.

The Ampatuans had opened more than half of their accounts with Banco de Oro Unibank, Inc., and a few dozen others with the Land Bank of the Philippines and the Development Bank of Philippines, both depository banks of government funds.

The rest of the accounts are with practically all the country's major banks – Philippine National Bank, Metropolitan Bank and Trust Co., BPI Family Savings Bank, Allied Banking Corp., EastWest Banking Corp., RCBC Savings Bank, Rizal Commercial Banking Corp., Philippine Savings Bank, Planters Development Bank, Security Banking Corp., Union Bank of the Philippines, United Coconut Planters Bank, Standard Chartered Bank, Sterling Bank of Asia, Equicom Savings Bank, and the Coop Bank of Cotabato.

The financial institutions include the Toyota Financial Services Corp., Equitable Card Network, and MetroBank Card Corp.

A number of accounts had been listed with Equitable Banking Corp., and Equitable PCIBank that had since been acquired by and networked under Banco de Oro.

At least 44 bank accounts with P79.03 million in assets of the Maguindanao Electric Co., including 14 with Land Bank and 30 with PNB, had also been put on hold.

Six accounts in the name of the "Provincial Government of Maguindanao" with the PNB had also been placed under freeze order.

By many accounts, the Ampatuans supposedly preferred to deal in cash and had allegedly hoarded millions in pesos and dollars in vaults at their homes.

Curiously, most of the bank accounts listed in the names of Andal senior, Zaldy, and Andal Junior and their spouses are to worth just small amounts of several hundred thousand pesos to a couple of million pesos at most, according to the AMLC petition.

The fat bank accounts in the AMLC list are those in the names of Bai Sandra Sinsuat Ampatuan Sema, who is said to have a total of P28.49 million in 14 bank accounts (including one with a P10.17-million balance), and of spouses Delia and Aladin Sumail, joint holders of 36 bank accounts with P112.35 million in assets. Delia Sumail is also listed as the owner of 16 other bank accounts with P49.4 million in assets.

All these banks and financial institutions, also respondents in the AMLC's civil forfeiture petition, received copies of the new freeze order on the Ampatuan assets.

MOTOR VEHICLES. At least 77 mostly four-wheel drive and sports-utility vehicles, a majority listed to be owned by Ampatuan patriarch, Andal Senior, and sons Datu Unsay Andal Junior and Sajid. A number of the vehicles in the AMLC list had no named owners.

GUNS. At least 110 mostly high-caliber firearms, including 23 registered in the name of Andal Senior. The rest are in the names of his sons Zaldy, 25 firearms; Andal Junior, 18; Anwar, 15; and Sajid, 14; and other Ampatuan relatives and allies.

HOUSES, LOTS. At least 144 various real properties (mansions, land, and other house and lots), in upscale subdivisions in Davao City and Cotabato City, and Dasmarinas Village in Makati City, and in Maguindanao province.

The real properties have been registered in the names of the Ampatuans, their spouses and other close relatives, and business and political associates.

One property stands out as an odd entry – a huge house on No. 1841 Tamarind Road in exclusive Dasmarinas Village in Makati City, that the AMLC listed to be owned by Atty. Redemberto R. Villanueva/Delia Sumail in the PAPO annexes. This, the petition said, is according to Transfer Certificate Title 006-201-000068 on the property.

Sumail, a businesswoman based in Mindanao, is said to be a close associate of the Ampatuans.

Villanueva is a Manila-based lawyer and one of the defense counsels of Zaldy Ampatuan in the multiple murder case that had been filed against the clan for the Maguindanao Massacre of Nov. 23, 2009, which killed 58 persons, including 32 media workers.

While on visits to Manila as governor of ARMM and until his suspension shortly after the massacre, Zaldy had frequented the Dasmarinas Village house, giving rise to speculations that he could be its real owner.

Meanwhile, at least 13 bank accounts of Villanueva had also been put under the court's new freeze order, on petition of the AMLC. – Malou Mangahas/ Philippine Center for Investigative Journalism