

PHILIPPINES



The Philippines' anti-bribery and corruption laws address the offer of bribes to, and the receipt of bribes by, public officers.¹ Bribery in the private sector is not prohibited. Individuals, but not corporates, can be found liable for bribery offences. Generally, only acts undertaken in the Philippines are covered by the legislation, and domestic law does not prohibit the bribery of foreign public officials.

The Philippine National Police (PNP) through the Criminal Investigation and Detection Group (PNP-CIDG), and the National Bureau of Investigation (NBI) anti-graft section, are the entities primarily responsible for investigating corruption and money laundering.

THE LEGAL AND REGULATORY FRAMEWORK

1. WHAT ARE THE PRINCIPAL ANTI-CORRUPTION LAWS, CODES AND GUIDELINES IN THE PHILIPPINES?

The following laws are relevant to corruption and bribery:

- *Revised Penal Code (RPC)* (covers bribery of public officers);
- *Anti-Graft and Corrupt Practices Act (AGCPA)* (covers bribery of public officers);
- *Act Punishing the Receiving and Giving of Gifts for Public Officers and Employees, Presidential Decree 46 (PD 46)* (prohibits public officers from receiving gifts and entertainment and private individuals from offering the same);
- *Anti-Money Laundering Act (AMLA)* (prohibits money laundering and requires "covered institutions"² to report "covered"³ and "suspicious transactions"⁴);
- *Code of Conduct and Ethical Standards for Public Officers and Employees* (code of conduct for public officers prohibiting them from soliciting or accepting gifts, loans, favours or entertainment in connection with their duties); and
- *Act Declaring Forfeiture of Ill-Gotten Wealth of Public Officers and Employees* (applies to public officers who acquire manifestly disproportionate property/salaries giving rise to a presumption of corruption).

2. IS PUBLIC SECTOR AND PRIVATE SECTOR CORRUPTION PROHIBITED?

Philippine anti-corruption laws apply only to the corruption of public officers. Commercial bribery is not prohibited. However, Philippine laws generally prohibit the indirect bribery of public officers through (private) third parties, and in very limited circumstances, the AGCPA prohibits private individuals requesting or receiving gifts or advantages from other private individuals, though the indirect involvement of a public officer is required.⁵

The definition of "public officer" varies by Act but is cast relatively broadly and includes those performing public duties of any rank receiving compensation (even if only nominal) from the government. Individuals employed by a government owned or controlled corporation are generally included.

3. WHAT ARE THE MAIN ELEMENTS OF THE CORRUPTION OFFENCES IN THE PHILIPPINES?

RPC

Articles 210 and 211 cover direct and indirect bribery of public officers.

Direct bribery involves a public officer accepting a benefit, or an offer/promise of a benefit directly or through another person: (i) with a view to committing a crime; (ii) to commit an act connected with the performance of his/her official duties which is not a crime, but is unjust; or (iii) to refrain from doing something within his/her official duties. Indirect bribery concerns a public officer accepting a benefit given by reason of his/her office.

Pursuant to article 212, those who offer, promise or give a benefit to a public officer under circumstances that will make the public officer liable for direct bribery or indirect bribery, also commit an offence. If the offer is not accepted, the offence of attempting to bribe applies.

AGCPA

The AGCPA covers a series of offences by public officers. Some impose liability on the person giving the gift, employment or benefit. Persons who:

- give gifts or benefits in connection with a government contract where the public officer has to intervene;
- give gifts, or other material benefits to secure a government permit or licence;

- offer or give a public officer or a member of his/her family, employment in a private enterprise which has pending official business with the officer; or
- urge a public officer to divulge confidential information

may be liable under these offences, along with the public officer.

As stated above in question 2, in very limited circumstances, the *AGCPA* also prohibits private individuals from requesting or receiving gifts or advantages from other private individuals where a public officer is indirectly involved.⁶

PD 46

Under *PD 46*, it is unlawful for a private person to give, or a public officer or employee to receive, gifts or valuable things on any occasion, including Christmas, when the gift is given by reason of the public officer or employee's position. Included in the prohibition is the holding of parties or entertainment in honour of the officer or employee or of his/her immediate relatives.

Corrupt Intent

In relation to a number of specific bribery offences under the above laws, no corrupt intent is required.

4. WHAT ARE THE MAIN DEFENCES AND/OR EXCEPTIONS UNDER THE RELEVANT LEGISLATION?

Defences

There are no affirmative defences to the Philippine bribery offences.

De minimis exceptions

There is no prescribed monetary threshold in the *RPC*, *AGCPA*, or *PD 46*. The *AGCPA* and *PD 46* refer to "material benefits" and "valuable things" respectively in relation to certain offences, but there is no guidance on the meaning of these terms.

Section 14 of the *AGCPA*, however, provides that unsolicited gifts of small or insignificant value may be offered or given as ordinary gestures of gratitude or friendship in accordance with local customs or usage. Such gifts include plaques of appreciation or other small tokens. The *RPC* and *PD 46* contain no corresponding provision.

Outside the section 14 *AGCPA* exceptions and any specific requirement for materiality or value, the provision of any gift or benefit to a public officer by reason of his/her position or in connection with a transaction over which he/she has some control, is prohibited.

5. IS 'SUPPLY SIDE' AS WELL AS 'DEMAND SIDE' CORRUPTION PROHIBITED?

Yes, each of the *RPC*, the *AGCPA* and *PD46* prohibit the giving of bribes, as well as the receipt of bribes by public officers.

6. CAN CORPORATES AS WELL AS INDIVIDUALS BE FOUND LIABLE FOR CORRUPTION RELATED OFFENCES?

There is no provision under Philippine law which makes companies liable for criminal acts performed by their employees. Only the employee or officer who personally committed the criminal act (or a company officer who induced the commission of the crime) can be held liable.

7. DO ANTI-CORRUPTION LAWS IN THE PHILIPPINES HAVE EXTRA-TERRITORIAL EFFECT?

Generally, the Philippine anti-corruption laws do not have extra-territorial application. For completeness, under article 2(4) of the *RPC*, a public officer accepting a bribe abroad could be prosecuted in the Philippines, but there is no corresponding provision for persons who bribe a Philippine officer while abroad.

The Philippines has not enacted a law punishing corruption or bribery committed in relation to foreign public officials. Criminal liability of foreign public officials is covered by international conventions and treaties, but is not enforced in the Philippines.

LAW ENFORCEMENT BODIES AND THEIR POWERS/OBLIGATIONS

8. WHICH ARE THE MAIN LAW ENFORCEMENT BODIES RESPONSIBLE FOR COMBATING CORRUPTION IN THE PHILIPPINES AND WHAT ARE THEIR POWERS OF INVESTIGATION?

The investigation and prosecution of corruption in the Philippines tends to suffer from the layered and overlapping investigation system and clogged court dockets. Government efforts have intensified in recent years to prosecute corrupt public officers, and this has resulted in more cases being filed.

The main law enforcement bodies in charge of investigating corruption are:

- The Philippine National Police (**PNP**) through the Criminal Investigation and Detection Group (**PNP-CIDG**)
- The National Bureau of Investigation (**NBI**) through its anti-graft section

The PNP and the NBI investigate charges of corruption and money laundering, amongst other things, upon the complaint of a private individual or upon instruction of a government agency.

- The Presidential Anti-Graft Commission (**PAGC**)

The PAGC is tasked to support the president in coordinating and supervising the government's anti-corruption efforts and to investigate and hear certain administrative cases including those concerning government owned and controlled corporations.

- The Office of the Ombudsman

The Office of the Ombudsman is a constitutional body. It has a wide range of powers and functions, including the power to investigate and prosecute corruption and money laundering cases involving public officers (and anyone implicated with the public officer).

- The Anti-Money Laundering Council (**AMLC**)

The AMLC investigates covered and suspicious transactions by covered institutions, money laundering activities, and other violations of the *AMLA*.

9. SPECIFICALLY, WHAT POWERS OF ARREST, DETENTION AND/OR SEARCH AND SEIZURE DO THE RELEVANT AUTHORITIES HAVE?

Arrest

The PNP and the NBI may, without a warrant, arrest a person suspected of committing corruption or money laundering if he/she is

caught in flagrant breach. The arrested person may be temporarily detained by the PNP or the NBI for up to 36 hours, depending on the crime committed. In all other circumstances, and in relation to the PAGC, Ombudsman and AMLC, an arrest warrant is required.

Search and seizure

Search and seizure may generally only be conducted if there is a valid search warrant issued by a judge upon showing of probable cause.

The PNP and the NBI have a limited power to search a person without a warrant if they are suspected of committing corruption or money laundering and are caught committing the criminal act or are in flagrant breach.

Investigators have a right to access information held by financial institutions (subject to confidentiality rules which may be trumped by court order).

10. DO THESE BODIES HAVE POWERS TO FREEZE PROPERTY WHICH MAY CONSTITUTE PROCEEDS OF A CORRUPTION OFFENCE PENDING CONCLUSION OF THEIR INVESTIGATION?

Only the AMLC has the power to apply *ex parte* to the Court of Appeals for a freezing order in relation to accounts where there is probable cause that "unlawful activity" is concerned. After a determination that probable cause exists, the freezing order will be issued by the Court of Appeals. The order should not exceed six months depending upon the circumstances of the case. If no case is filed against a person whose account has been frozen within the period determined by the court, the freezing order is lifted.

11. ARE THERE REQUIREMENTS TO KEEP THE FACT AND CONTENT OF AN INVESTIGATION CONFIDENTIAL? IS THERE A PROHIBITION AGAINST TIPPING OFF?

There are no specific provisions which require the PNP, NBI or Ombudsman to keep their investigations confidential.

The PAGC and its personnel must not disclose or make public any record or information in connection with any investigation when such disclosure would deprive the respondent of the right to a fair and impartial resolution. Only the chairperson of the PAGC may disclose any information to the public, provided such disclosures are balanced, fair and accurate.

In the context of money laundering, when reporting covered and/or suspicious transactions to the AMLC, covered institutions and their officers and employees are prohibited from communicating to any person, entity, or the media, the fact of or information about the report. The report must remain confidential and the AMLC is bound to secrecy also.

There is no express tipping off offence in the context of corruption investigations, but money laundering provisions may be relevant depending on the nature of the alleged corrupt acts.

Aside from the obligations on specific bodies/institutions described above, if it is found that a person hindered an investigation, for example by disclosing confidential information which compromised the investigation, and this in turn prejudices a prosecution, that person could be liable for criminal contempt.

12. DO THE POLICE AND OTHER LOCAL REGULATORY AUTHORITIES ASSIST THESE BODIES IN THEIR INVESTIGATIONS?

The various bodies may call upon the aid and support of any law enforcement agency, including the police, as well as government and government owned/controlled corporations. Assistance may be sought in relation to evidence pertinent to the investigation or to participate in the investigation itself.

13. HOW DO THESE BODIES INTERACT WITH OVERSEAS REGULATORS?

The Philippines is a party to the *UN Convention Against Corruption* pursuant to which it has agreed to cooperate with other countries in addressing anti-corruption issues.

The PNP and the NBI may, upon request of overseas regulators, investigate charges of corruption and money laundering. There is no equivalent provision permitting the PAGC or the Ombudsman to do the same. However, it is understood that in practice, they may also investigate charges of corruption and money laundering upon the request of overseas regulators.

The AMLC may accommodate requests for assistance from foreign states in the investigation or prosecution of money laundering offences, in the same way that it may make a request for assistance to any foreign state.

14. WHAT ARE THE SANCTIONS FOR NON-COMPLIANCE WITH AN INVESTIGATION?

The PNP and NBI have no powers to impose penalties for non-compliance with their investigations.

The PAGC has the authority to administratively adjudicate all cases falling within its jurisdiction. Non-compliance with an investigation constitutes a ground for administrative disciplinary action and may also be the basis for criminal liability. Penalties are recommended to the President for approval.

The AMLC has the power to impose administrative sanctions for the violation of laws, rules, regulations, orders and resolutions issued.

The Ombudsman has the power to punish for contempt.

Aside from the above powers bestowed on specific bodies, if it is found that a party hindered an investigation, he/she could be held liable for contempt if his/her conduct tends to impede or obstruct the administration of justice.

15. WHAT IS THE THRESHOLD FOR PROSECUTION IN THE PHILIPPINES?

If the evidence gathered during an investigation by the PNP or the NBI warrants prosecution, the PNP or the NBI endorses the case to the Department of Justice or the Ombudsman for preliminary investigation/prosecution.

The threshold for prosecution by the Department of Justice is the presence of probable cause. This has been defined as facts sufficient to engender a well-founded belief that a crime has been committed and that the respondent is probably guilty.

The Ombudsman generally investigates, and may in due course prosecute, cases where the act of a public officer appears to be illegal, unjust, improper or inefficient. This will turn on its facts.

The PAGC may administratively adjudicate all cases within its jurisdiction.

The AMLC is empowered to institute civil forfeiture proceedings and all other remedial proceedings through the Office of the Solicitor General and to cause the filing of complaints with the Department of Justice or the Ombudsman for the prosecution of money laundering offences.

16. WHAT SENTENCES/FINES MAY THE RELEVANT AUTHORITIES IMPOSE ON COMPANIES AND INDIVIDUALS?

Corruption and/or money laundering offences are prosecuted before the courts. Persons convicted by the court may be subject to imprisonment, a fine, and sometimes confiscation/forfeiture of assets. Below is a summary of the sentences available under the principal statutes, and the powers of the various bodies to hand down administrative penalties.

RPC

The applicable punishment depends on the nature of the offence and whether the act in question was carried out.

In relation to direct bribery, where the recipient commits a criminal act or a non-criminal act, both the offeror and the recipient may be imprisoned between eight and 12 years and fined up to three times the value of the bribe. Where the bribe involves a non-criminal act which is not in fact carried out, imprisonment is reduced to two to four years and the fine is limited to twice the value of the bribe. Those who offer and receive bribes in exchange for an officer refraining from doing an official act may be imprisoned between four and eight years and fined at least three times the value of the bribe.

In relation to indirect bribery, those who give and receive gifts by reason of the officer's office may be imprisoned for between two and six years (no fine).

In relation to all the direct/indirect bribery offences, those who offer/solicit a bribe which is not accepted face less severe penalties (imprisonment ranging from one month to over two years, and reduced fines).

Confiscation is also possible under the *RPC*, as well as disqualification orders against public officers.

AGCPA

Public officers and private individuals in breach may face imprisonment between one and ten years, perpetual disqualification (in the case of public officers) and confiscation of assets in certain circumstances.

PD 46

Those in breach face a maximum five years imprisonment, perpetual disqualification (in the case of public officers) and suspension or removal from office.

AMLA

Persons found guilty of money laundering offences generally face imprisonment and fines. Corporates and other entities may have their licences revoked, and public officers may also be disqualified from office.

Administrative sanctions

The PNP and the NBI do not have power to impose administrative sanctions.

The Office of the Ombudsman may impose administrative sanctions, and the AMLC also has power to impose administrative sanctions for violation of laws, rules, regulations, orders and resolutions.

The PAGC does not have the power directly to impose sanctions; but is empowered to recommend administrative penalties to the President.

ISSUES TO CONSIDER WHEN FACED WITH SUSPECTED CORRUPTION AND/OR AN INVESTIGATION

17. WHAT REPORTING OBLIGATIONS ARE TRIGGERED BY SUSPECTED CORRUPTION?

There are no laws imposing obligations on persons to disclose information regarding corruption. Therefore, no liability, criminal or civil, may be imposed upon a person who refuses to disclose corruption offences.

However, certain institutions (for example, banks) are required to report covered and suspicious transactions to the AMLC within five working days of occurrence. Failure to comply is punishable with imprisonment and a fine under section 14 of the *AMLA*.

18. WHAT PROTECTIONS ARE AVAILABLE WHEN RESPONDING TO AN INVESTIGATION?

Legal representation

A person arrested by the PNP or the NBI has the right to remain silent, to counsel of his/her own choice, to be informed of such rights, and, in case of waiver of his/her rights, to be assisted by counsel in making a waiver.

Privilege against self-incrimination

Persons compelled to testify and produce evidence after claiming privilege against self-incrimination may not be prosecuted based on the evidence they provide. In practice, witnesses may be granted immunity from prosecution in exchange for testifying before a criminal court (see question 19 below).

It should be noted that witnesses called before the Ombudsman may not invoke privilege against self-incrimination to avoid testifying or producing documents/communications. However, they cannot face criminal prosecution based on the evidence they have been compelled to provide.

Legal privilege

Legally privileged communications and documents are protected from disclosure in proceedings before law enforcement and regulatory authorities. Lawyer-client privilege should be raised at the earliest opportunity, to avoid any argument of deemed waiver.

19. ARE THERE ANY PROTECTIONS AND/OR REWARDS FOR INFORMERS/WHISTLEBLOWERS?

Presidential Decree 749 affords immunity from criminal prosecution in certain circumstances to those who voluntarily testify against public officers and individuals implicated in corruption-related offences.

The Ombudsman may likewise grant immunity from criminal prosecution to any person whose testimony or whose possession and production of documents or other evidence may be necessary to determine the truth in any hearing, inquiry or proceeding being conducted by the Ombudsman or under his/her authority.

20. IS IT POSSIBLE TO ENTER INTO A SETTLEMENT TO RESOLVE AN ENFORCEMENT ACTION/PROSECUTION?

Plea bargaining is allowed by the *Rules of Court* when a criminal case is filed. At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offence which is necessarily included in the offence charged. After arraignment but before trial, the accused may still be allowed to plead guilty to the lesser offence after withdrawing his/her plea of not guilty.

21. IS THERE A RIGHT OF APPEAL AGAINST AN ENFORCEMENT ACTION/PROSECUTION?

Criminal cases relating to bribery and corruption are filed with the court having jurisdiction over the offence. An appeal may be made to the appropriate appellate court. The appeal may reach the Supreme Court as the court of last resort, whose decision on the matter is final.

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SyCip Salazar Hernandez & Gatmaitan is the largest law firm in the Philippines. The firm offers a broad and integrated range of legal services, from all aspects of commercial law and practice to litigation, from matters involving constitutional issues to those dealing with family relations.

The firm has an active client base made up of, among others, top foreign and local corporations, international organisations and governments.

ENDNOTES

1. Certain provisions in the English translations refer to "public officials" but they are understood to mean public officers. This chapter refers to public officers.
2. Defined in the AMLA as banks, offshore banking units, quasi-banks, trust entities, non-stock savings and loan associations, pawnshops, foreign exchange dealers, money changers, remittance agents, electronic money issuers and other financial institutions which under special laws are subject to the *Bangko Sentral ng Pilipinas* (BSP) supervision and/or regulation, including their subsidiaries and affiliates wherever they are located.
3. A transaction in excess of PHP 500,000 per banking day.
4. This is defined in section 2 of the AMLA and comprises the standard elements found in anti-money laundering legislation.
5. Section 4 of the AGCPA prohibits private individuals who are relatives or close personal friends of a public official from capitalising, exploiting or taking advantage of such relations by directly or indirectly requesting/receiving a gift, material or pecuniary advantage from another person having some business, transaction, application, request or contract with the government, in which the public official has to intervene.
6. See endnote 5 above.



CHECKLIST¹

PRINCIPAL ANTI-CORRUPTION OFFENCES AND THEIR SCOPE	
RPC	<ul style="list-style-type: none"> ▫ Direct bribery: public officer accepts an offer or a promise or receives a benefit by himself/herself/through another person: <ul style="list-style-type: none"> (i) with a view to committing some crime or (ii) in consideration of the execution of an act (connected with the performance of his/her official duties) which does not constitute a crime, but which is unjust or (iii) to refrain from doing something which is his/her official duty to do ▫ Indirect bribery: public officer accepts benefit given by reason of his/her office ▫ Corruption of public officers: any person who offers or promises or gives a benefit to a public officer under circumstances that will make the public officer liable for direct bribery or indirect bribery <p>Sanction: Max 12 years imprisonment and fine 3 times the value of the bribe (plus disqualification of public officers, confiscation of assets in certain circumstances)</p>
AGCPA	<ul style="list-style-type: none"> ▫ Creates series of offences concerning public officers ▫ Certain of these offences prohibit acts by private individuals including: <ul style="list-style-type: none"> - giving gifts or other material benefits in connection with a government contract where the public officer has to intervene - giving gifts, or other material benefits to secure a government permit or licence - offering a public officer or a member of his/her family, employment in a private enterprise which has pending official business with the officer - urging a public officer to divulge confidential information ▫ Also prohibits private individuals that have family or close personal relations with any public officer from capitalising, exploiting or taking advantage of such relations by directly or indirectly requesting or receiving any present or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public officer has to intervene <p>Sanction: Max 10 years imprisonment, perpetual disqualification (in the case of public officers), confiscation of assets in certain circumstances</p>
PD 46	<p>Unlawful for a private person to give and a public officer or employee to receive gifts or valuable things on any occasion, including Christmas, when the gift is given by reason of the public officer or employee's official position</p> <p>Sanction: Max 5 years imprisonment, perpetual disqualification (in the case of public officers) and suspension or removal from office</p>
Affirmative defences?	None

PRINCIPAL ANTI-CORRUPTION OFFENCES AND THEIR SCOPE

De minimis/customary exceptions?	<ul style="list-style-type: none"> No prescribed monetary threshold in the <i>RPC</i>, <i>AGCPA</i> or <i>PD46</i> Unsolicited gifts of small or insignificant value may be offered or given as ordinary gestures of gratitude or friendship in accordance with local customs or usage (section 14, <i>AGCPA</i>) <i>AGCPA</i> and <i>PD 46</i> refer to "material benefits" or "valuable things" in relation to certain offences
Is both supply (active bribery) and demand (passive bribery) prohibited?	Yes – <i>RPC</i> (direct and indirect bribery); <i>AGCPA</i> (limited offences); <i>PD 46</i>
Are corporates as well as individuals covered?	No – only the responsible employee/officer(s) may be criminally liable
Do anti-corruption regulations have extra-territorial effect?	<ul style="list-style-type: none"> Generally no but article 2(4) of the <i>RPC</i> covers offences by public officers whilst abroad No laws covering bribery of foreign public officials

LAW ENFORCEMENT BODIES AND THEIR POWERS/OBLIGATIONS

Philippine National Police (PNP) through the Criminal Investigation and Detection Group (PNP-CIDG)	<ul style="list-style-type: none"> May investigate charges of corruption and money laundering upon the complaint of a private individual or upon instruction of any government agency Power to arrest, detain, search and seize, usually with a warrant
National Bureau of Investigation (NBI) through its Anti-Graft Section	Same as above
Presidential Anti-Graft Commission (PAGC)	<ul style="list-style-type: none"> Main task is to support the president in coordinating and supervising the government's anti-corruption efforts Has the power to investigate and hear administrative cases against government owned and controlled corporations May arrest, detain, search and seize only with a warrant
Office of the Ombudsman	<ul style="list-style-type: none"> Investigates and prosecutes corruption cases involving public officers, when the act/omission appears to be illegal, unjust, improper or inefficient Power to investigate any serious misconduct in office allegedly committed by officers removable by impeachment, for the purpose of filing a verified complaint for impeachment, if warranted May arrest, detain, search and seize only with a warrant Investigates and initiates proper action for the recovery of ill-gotten and/or unexplained wealth, and the prosecution of the parties involved Power to punish for contempt
Anti-Money Laundering Council (AMLC)	<ul style="list-style-type: none"> Investigates suspicious transactions, money laundering activities, and other violations of the <i>AMLA</i> Empowered to institute civil forfeiture proceedings and all other remedial proceedings through the Office of the Solicitor General and to cause the filing of complaints with the Department of Justice or the Ombudsman for the prosecution of money laundering offences May arrest, detain, search and seize only with a warrant May apply to court for a freezing order
Duty of confidentiality?	<ul style="list-style-type: none"> No specific provisions requiring PNP, NBI or Ombudsman to keep investigations confidential PAGC and AMLC are bound by certain restrictions Tipping off offence in the context of money laundering If a person discloses information which in turn hinders an investigation, they may be liable for contempt

LAW ENFORCEMENT BODIES AND THEIR POWERS/OBLIGATIONS

Do domestic police/regulatory authorities assist one another/overseas regulators?	Yes
Sentences/fines which may be imposed	Persons convicted face imprisonment (up to 12 years), fines (up to 3 times the value of the bribe), disqualification in the case of public officers, confiscation of assets

ISSUES TO CONSIDER WHEN FACED WITH SUSPECTED CORRUPTION AND/OR AN INVESTIGATION

Reporting/obligation to whistleblow?	<ul style="list-style-type: none"> ◦ No laws imposing obligations on persons to disclose information regarding corruption ◦ Money laundering reporting obligations
Protections available?	<ul style="list-style-type: none"> ◦ Right to remain silent ◦ Right to lawyer of one's own choosing ◦ Privilege against self-incrimination ◦ Legal privilege
Protections/rewards for informers/whistleblowers?	May be granted immunity from criminal prosecution or monetary rewards and other incentives
Sanctions for non-compliance with investigation	<ul style="list-style-type: none"> ◦ Administrative disciplinary action ◦ Contempt
Can I enter into a settlement to counter enforcement/prosecution?	Yes, plea bargaining or pleading to a lesser offence is allowed in cases covered by the <i>RPC</i>
Right of appeal?	Yes, conviction in the lower courts may be appealed to the Court of Appeals and the Supreme Court

ENDNOTE

1. This is a checklist only summarising key points. Please consult the chapter and/or contact Herbert Smith Freehills for more information.