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# AMENDMENTS TO FOREIGN EXCHANGE REGULATIONS

*BSP CIRCULAR NO. 794, April 18, 2013*

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Pursuant to Monetary Board Resolution Nos. 473 and 474 both dated 21 March 2013 and No. 596 dated 11 April 2013, the following provisions of the Manual of Regulations on Foreign Exchange Transactions issued under Circular No. 645 dated 13 February 2009, as amended, are revised as follows:

## "GENERAL POLICY ON FOREIGN EXCHANGE TRANSACTIONS

The regulations governing foreign exchange transactions are hereby consolidated in the Manual of Regulations on Foreign Exchange Transactions hereinafter referred to as the "Manual" which replaces Circular No. 1389 dated 13 April 1993, as amended.

The transactions of Authorized Agent Banks (AABs)/AAB-subsidiary/affiliate forex corporations (AAB-forex corps) must also comply with the provisions of existing laws, rules and regulations.

The sale of foreign exchange may be freely made: (1) between and among AABs; (2) by AAB-forex corps to AABs; and (3) by individuals/entities other than AABs/ AAB-forex corps: x x x

The rules herein prescribing the limits on foreign exchange that may be sold and the required documents to support the sale shall apply to sale of foreign exchange: (1) by AABs to individuals/entities that are not AABs; and (2) by AAB-forex corps to individuals/entities that are not AABs.

The seller/remitter of foreign exchange shall ensure that applicable Philippine taxes related to the: a) sale of foreign exchange; b) remittance of foreign exchange; and c) the underlying foreign exchange transaction have been paid and that the remittance is net of such taxes. For this purpose, the seller/remitter of foreign exchange shall require submission of receipt(s) evidencing payment of applicable taxes.

x x x"

"Section 2. Sale of Foreign Exchange to Residents by AABs and AAB-Forex Corps for Non-Trade Current Account Transactions with Non-Residents. AABs and AAB-forex corps may sell foreign exchange to residents to cover payments to non-resident beneficiaries for non-trade current account purposes (e.g., educational expenses, medical expenses, travel expenses and salaries of foreign expatriates), other than those relating to foreign/foreign currency loans and investments, without need for prior BSP approval, subject to the submission/presentation of the following to the foreign exchange selling institution:

1. For sale not exceeding USD120,000 or its equivalent in other foreign currency

   - Duly accomplished application to purchase foreign exchange using the prescribed format (Annex A);

2. For sale exceeding USD120,000 or its equivalent in other foreign currency

   - Duly accomplished application to purchase foreign exchange using the prescribed format (Annex A) supported by documents prescribed under Item A of Appendix 1 hereof.



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x x x”

“Section 3. Peso Accounts of, and Sale of Foreign Exchange to, Non- Residents

- Peso Accounts of Non-residents. All peso deposit accounts of non-residents, including foreign banks, opened/maintained with AABs operating in the Philippines, shall be funded only by:

- inward remittances of convertible[1] foreign exchange;

- peso income of non-residents from, or peso sales proceeds of, properties in the Philippines allowed to be owned under existing laws;

- onshore peso receipts of non-residents from residents for services rendered by the former to the latter, for which the resident would have been entitled to buy foreign exchange from AABs and AAB-forex corps for remittance to the non-resident service provider;

- peso receipts of expatriates working in the Philippines with contracts of less than one (1) year representing salary/allowance/other benefits; and

- onshore peso funds of: (i) foreign students enrolled for at least one semester in the Philippines; and (ii) non-resident Filipinos,

subject to the provisions of Appendix 1.1.

AABs shall continue to comply with their “Know Your Customer” policy.

- Sale of Foreign Exchange to Non-Residents

- Non-residents. Depository AABs may sell foreign exchange of up to USD60,000 per day for the balance of peso deposit accounts of nonresidents without need for prior BSP approval, subject to the submission of a duly accomplished application to purchase foreign exchange using the prescribed format (Annex A). Peso deposits funded by item 1 (a) above must have been used onshore as foreign direct investments or invested in eligible portfolio instruments and registered with BSP or custodian banks, subject to the provisions of Chapter II (Foreign Investments) hereof and related appendices/annexes, as may be applicable, to allow conversion to foreign exchange; otherwise, prior BSP approval shall be required.

- Non-resident Tourists/Balikbayan. AABs and AAB-forex corps may sell foreign exchange to non-resident tourists or balikbayan to the extent of the amount shown to have been sold for pesos by the non-residents to said entities. Departing non-resident tourists or balikbayan may reconvert at airports or other ports of exit unspent pesos of up to a maximum of USD10,000 or its equivalent in other foreign currency calculated at prevailing exchange rates, without showing proof of previous sale of foreign exchange for pesos.”

“Section 4. Cross-Border Transfer of local and Foreign Currencies

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- Foreign Currency. Any person, who brings into or takes out of the Philippines foreign currency, as well as other foreign currency-denominated bearer monetary instruments, in excess of USD10,000 or its equivalent is required to declare the same in writing and to furnish information on the source and purpose of the transport of such currency or monetary instrument (Annex K). x x x”

“Section 18. Modes and Currency of Payment xxx

- Acceptable Currencies


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a. Payments for exports may be made in the following currencies:

1) U.S. dollar
2) Japanese yen
3) Pound sterling
4) Hong Kong dollar
5) Swiss franc
6) Canadian dollar
7) Singapore dollar
8) Australian dollar
9) Bahrain dinar
10) Kuwait dinar
11) Saudi riyal
12) Brunei dollar
13) Indonesian rupiah
14) Thai baht
15) United Arab Emirates dirham
16) Euro
17) Korean won
18) Chinese renminbi or yuan
19) Such other currencies that may be declared convertible by the BSP"

"Section 22. The BSP shall regulate foreign/foreign currency loans to ensure that principal and interest owed to creditors can be serviced in an orderly manner and with due regard to the economy's overall debt servicing capacity. x x x

- The required BSP approval shall be obtained as follows:

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- Resident companies/entities intending to obtain medium-and long-term foreign loans or issue bonds/notes/debt securities offshore shall submit to the BSP-IOD their annual foreign borrowings plan using the prescribed form (Annex D.3) as follows:

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- For statistical purposes, all foreign loans obtained by private sector entities, whether or not these are BSP-approved/registered, shall be regularly reported to the BSP-IOD, using the prescribed forms (Annexes E.1, E.2, E.3 and E.4) within the required deadline until the obligations are fully extinguished."

"Section 24. Loans Not Requiring Prior BSP Approval. The following loans may be granted without prior approval of the BSP:

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- Short-term loans of private exporters/importers from OBUs and foreign banks with branches in the Philippines: Provided, That:

xxx

f. The loans have been granted against BSP-approved short-term relending program of the creditor banks, including OBUs.[2]
g. The following reports shall be submitted to the BSP:


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- By the borrowers - monthly reports on transactions and status of their short-term loans within three (3) banking days after end of reference month using the prescribed form (Annex E.1);

- By the creditor OBU - Schedule 4A (Part I) & 4B (Part II) - Consolidated Report on Loans Granted by OBUs to Residents - to the "Statement of Assets and Liabilities" of OBUs.; and

- By the creditor foreign bank - Report on Short-Term Loans Granted to Residents by Foreign Banks (Annex F).

xxx

- Loans of resident private sector borrowers from FCDUs/EFCDUs/offshore sources that are not guaranteed by public sector entities or AABs to finance the Government's Public Private Partnership (PPP) projects. These loans may be granted without prior BSP approval until 28 December 2016. However, if financing for the PPP projects will be in the form of offshore issuances of peso-denominated instruments, the provisions of Section 31.2 shall apply. Borrowings to finance PPP projects shall continue to be subject to BSP registration if to be serviced using foreign exchange to be purchased from AABs and AAB-forex corps."

"Section 29. Servicing of Loans[3]

x x x"

"Section 31. Approval/Registration and Servicing of Other Financing Schemes/Arrangements

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- Offshore issuances of peso-denominated bonds/notes and similar debt instruments (whether to be settled in pesos or foreign currency) by both residents and non-residents require prior BSP approval, such as those involving–

- inward remittance of foreign exchange to the Philippines and sale thereof for pesos to AABs; and/or

- participation of a resident enterprise or any of its offshore offices, branches, subsidiaries and affiliates as issuer, guarantor or beneficiary, regardless of the use of proceeds.

The approval of said instruments shall be subject to the following conditions:

- the transaction shall not involve import or export of Philippine currency, whether physically or electronically; and

- compliance with pertinent rules and regulations of the BSP (including reportorial requirements) and other regulatory/government agencies/entities, including the approval by the Department of Finance (DOF) in the case of supranational issuers.

x x x"

"Section 32. General Policy. The BSP supports the country's policy to encourage inward foreign investments. Said investments need not be registered with the BSP unless the foreign exchange needed to service the repatriation of capital and the remittance of dividends, profits and earnings which accrue thereon shall be purchased from AABs or AAB-forex corps.

As a matter of policy, non-residents are not allowed to invest, whether directly or indirectly, in the Special Deposit Account (SDA) facility of the BSP.[4] "

"Section 33. Categories of Inward Foreign Investments. For purposes of registration, foreign investments may be


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in the form of: (1) direct investments in Philippine firms or enterprises; and (2) portfolio investments as enumerated in Section 35 hereof.”

“Section 35. Inward Foreign Portfolio Investments. Inward foreign portfolio investments shall refer to the following instruments:

- Peso-denominated securities issued onshore by the National Government and other public sector entities.

- Securities of resident enterprises listed at the Philippine Stock Exchange (PSE).

- Peso time deposits with an AAB with a maturity of at least ninety (90) days.

- Other peso-denominated debt instruments issued onshore by private resident firms (such as bonds/notes, bills payables, non-participating preferred shares) and not covered by Section 23.

x x x”

“Section 36. Registration with the BSP. The following inward foreign investments shall be registered with the BSP:

- Inward foreign direct investments under Section 34; and

- Inward foreign portfolio investments in other peso-denominated debt instruments under Item No. 4 of Section 35.

All applications[5] for registration of foreign direct investments (Annex W) under Section 34 shall be filed with the BSP within one (1) year from the date of inward remittance/actual transfer of assets to the Philippines. A Bangko Sentral Registration Document (BSRD) shall be issued by the BSP evidencing registration of such investments.”

“Section 37. Registration with Custodian Banks. Inward foreign investments in peso-denominated government securities, PSE-listed securities, and peso time deposits under Items 1, 2 and 3, respectively, of Section 35 shall be registered with an investor's designated custodian bank on behalf of the BSP. x x x”

“Section 40. Repatriation and Remittance Privileges

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- Registering banks for foreign investments may sell for outward remittance the equivalent foreign exchange of: (a) excess pesos funded with inward remittance of foreign exchange computed as follows: peso proceeds of foreign exchange inwardly remitted less the peso amount actually used for BSP-registered investment/s; plus (b) interest earned on the excess pesos, if any, subject to the following conditions:

- the investor shall comply with the prescribed documents under Item C.3 of Appendix 1 hereof;

- at least 50 percent of the funds brought in were invested in the country and duly registered with the BSP/custodian banks;

- such excess pesos should not have been utilized to fund any investment; and

- the outward remittance of the equivalent foreign exchange shall be reported to the BSP-IOD by the remitting AAB within two (2) banking days from the date of remittance, with copies of the prescribed supporting documents.

- The reporting requirements under Appendix 11 shall be complied with.


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The foreign exchange purchases may be made by the resident agent on behalf of the non-resident investor for direct remittance to the non-resident beneficiary on the day of purchase."

"Section 41. Deposit of Peso Divestment/Sales Proceeds. Pending reinvestment or repatriation, peso divestment/sales proceeds of duly registered foreign investments, as well as related dividends, profits, and earnings may be deposited temporarily with any AAB. The eventual repatriation of such peso proceeds in equivalent foreign exchange, including interest earned (net of taxes), shall be remittable in full through any AAB without prior BSP approval in accordance with the procedures outlined in Appendix 11."

"Section 42. Reinvestment. Foreign investors may reinvest peso divestment/sales proceeds or remittable dividends/profits or earnings of duly registered investments. The reinvestments shall be registered with the BSP or the investors' designated custodian banks, as provided under Sections 36 and 37, if the foreign exchange needed to service the repatriation of capital and the remittance of dividends, profits and earnings which accrue thereon shall be purchased from AABs and AAB-forex corps."

"Section 44. Investments by Philippine Residents

1. General policy–

- Residents may invest in instruments enumerated in items 2 and 3 hereof, without prior BSP approval funded by:

(i)

their foreign currency deposit account/s (whether offshore or onshore); and/or

(ii)

FX purchased from AABs or AAB-forex corps up to USD60 million or its equivalent in other foreign currency per investor per year, or per fund per year for qualified investors (QIs).

- Investments by residents (except AABs) funded with foreign exchange purchased from AABs or AAB-forex corps in excess of the USD60 million limit per investor per year shall require prior approval by the BSP: Provided, That the purchase of foreign exchange for investments by managed or trusteed accounts (other than pooled funds) shall be considered as part of the foreign exchange purchases by the principal or trustor of such accounts for determining compliance with the limits.

- QIs may apply with the BSP for a higher annual investment limit. For purposes of this section, QIs shall be limited to the following: insurance and pre-need companies; collective/pooled funds, whether in a corporate or contractual structure, such as mutual funds, Unit Investment Trust Funds (UITFs) and variable insurance; public or private pension or retirement or provident funds and such other entities and funds as the BSP may determine as QIs on the basis of such factors as financial sophistication, size and regularity of financial transactions, net worth and size of assets being managed. The application of collective/pooled funds and pension, retirement and provident funds for a higher annual investment limit may be effected through its governing board or through its trustee.

- Investments of banks shall be subject to existing prudential regulations of the BSP and other applicable laws, rules and regulations.

- Foreign exchange received by residents as dividends/earnings or divestment proceeds from investments under this Section need not be inwardly remitted and sold for pesos.

- All foreign exchange purchases for investments by residents shall be directly remitted to the account (whether offshore or onshore) of the intended beneficiary (e.g., non-resident investee firm, fund manager, broker/dealer,


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and/or non-resident parent company/subsidiary).

- AABs and AAB-forex corps shall submit a monthly report (Annex V) to the BSP-IOD on the sale of foreign exchange for investments enumerated in this Section, within the required deadline.

- Applications to purchase foreign exchange for investments (Annex A) enumerated under this Section shall be supported by documents prescribed under Item C.4 of Appendix 1. Foreign exchange purchases shall be consolidated for purposes of determining compliance with the allowable limit prescribed in Item 1.a.ii.

2. Outward investments by residents –

- Debt and equity securities issued offshore by non-residents, including depositary receipts

- Offshore foreign currency-denominated mutual funds and UITFs

- Foreign currency-denominated intercompany loans to offshore parent companies/subsidiaries of residents with an original tenor of at least one (1) year

- Investments in real property abroad, including condominium units

3. Other investments by residents –

- Bonds/notes of the Republic of the Philippines or other Philippine resident entities issued offshore, including peso-denominated bonds/notes requiring settlement in foreign currency

- Instruments held for sale/trading by banks operating in the Philippines, namely: (i) bond/notes under item 3.a hereof; and (ii) debt securities issued by non-residents and payable in foreign currency, provided the required license/approval/clearance/other requirements of the Securities and Exchange Commission and other government agencies have been obtained/complied with. The AAB selling the securities shall also be the foreign exchange selling bank.

- Equity securities issued by residents and listed abroad

x x x”

“Section 76. Secrecy of Deposits. Pursuant to Republic Act No. 6426, as amended, all foreign currency deposits are declared as and considered of an absolutely confidential nature and, except upon the written permission of the depositor, in no instance shall such foreign currency deposits be examined, inquired or looked into by any person, government official, bureau or office whether judicial, administrative or legislative, or any other entity whether public or private.

The absolutely confidential nature of foreign currency deposits under Republic Act No. 6426, as amended, shall not apply in instances expressly provided under other special laws, including the following:

- Directors, officers, stockholders, and related interests who contract a loan or any form of financial accommodation from their bank or related bank, and are required to execute a written waiver of secrecy of deposits of whatever nature in all banks in the Philippines, in accordance with Section 26 of Republic Act No. 7653 (New Central Bank Act);

- A covered institution that reports foreign currency deposits in covered transaction reports or suspicious transaction reports to the Anti-Money Laundering Council (AMLC), pursuant to Section 9(c) of Republic Act No. 9160, as amended (The Anti-Money Laundering Act of 2001);

- Upon order by the Court of Appeals, the AMLC may inquire into or examine foreign currency deposits,


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including related accounts, with any banking institution or non-bank financial institution in cases of violation of Republic Act No. 9160, as amended, when it has been established that the foreign currency deposits, including the related accounts involved, are related to an unlawful activity as defined in Section 3(i) of Republic Act No. 9160 or a money laundering offense defined under Section 4 thereof, pursuant to Section 11 of Republic Act No. 9160, as amended by Republic Act No. 10167;

- Without need of court order, the AMLC may inquire into or examine foreign currency deposits with any banking institution or non-bank financial institution when probable cause exists that a particular foreign currency deposit, including related accounts involved, with any banking institution or non-bank financial institution is related to:

- Section 3(i)(1), (2) and (12) of Republic Act No. 9160, as amended, (i.e., kidnapping for ransom, violation of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act, hijacking and other violations under Republic Act No. 6235, destructive arson and murder as defined under the Revised Penal Code, including those perpetrated by terrorists against noncombatant persons and similar targets);

- Felonies and offenses of a nature similar to those mentioned in Section 3(i)(1), (2) and (12) of Republic Act No. 9160, as amended, which are punishable under the penal laws of other countries; and

- Terrorism and conspiracy to commit terrorism as defined and penalized under Republic Act No. 9372 (Human Security Act of 2007). The inquiry into or examination of foreign currency deposits by the AMLC in the abovesaid instances are in accordance with Section 11 of Republic Act No. 9160, as amended by Republic Act No. 10167.

- The BSP may, to ensure compliance with Republic Act No. 9160, as amended, and in the course of periodic or special examination, check the compliance of a covered institution with the requirements of the Anti-Money Laundering Act and its implementing rules and regulations, pursuant to Section 11 of Republic Act No. 9160, as amended by Republic Act No. 10167;

- The BSP is authorized to inquire into or examine foreign currency deposits when it conducts an annual testing solely limited to the determination of the existence and true identity of the owners of foreign currency non-checking numbered accounts, pursuant to Section 9 of Republic Act No. 9160, as amended;

- The Philippine Deposit Insurance Corporation and the BSP are authorized to inquire into or examine foreign currency deposits and all information related thereto in case there is a finding of unsafe or unsound banking practices, in accordance with Section 8(8) of Republic Act No. 3591 (Philippine Deposit Insurance Corporation Charter), as amended;

- The Commissioner of the Bureau of Internal Revenue, as provided in Section 3 of Republic Act No. 10021 (Exchange of Information on Tax Matters Act), is authorized to inquire into the foreign currency deposits and other related information held by financial institutions of:

- decedent to determine his gross estate;

- any taxpayer who has filed an application for compromise of his tax liability by reason of financial incapacity to pay. In case a taxpayer files an application to compromise the payment of his tax liabilities, his application shall not be considered unless and until he waives in writing his privilege under Republic Act No. 6426, and such waiver shall constitute the authority of the Commissioner to inquire into the foreign currency deposits of the taxpayer; and

- a specific taxpayer or taxpayers subject of a request for the supply of tax information from a foreign tax authority pursuant to an international convention or agreement on tax matters to which the Philippines is a


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signatory or a party.

- Without a court order, the Anti-Money Laundering Council is authorized to inquire into or examine foreign currency deposits with any banking institution or non-bank financial institution and their subsidiaries and affiliates, for purposes of investigating any property or funds that are in any way related to financing of terrorism or acts of terrorism, as well as property or funds of any person or persons in relation to whom there is probable cause to believe that such person or persons are committing or attempting or conspiring to commit, or participating in or facilitating the financing of terrorism or acts of terrorism as defined in Republic Act No. 10168 (Terrorism Financing Prevention and Suppression Act of 2012), pursuant to Section 10 of said law.

Additionally, the Commission on Audit, pursuant to its mandate under Section 2(1) Article IX-D of the 1987 Constitution, is authorized to examine and audit government deposits or funds and properties, owned or held in trust by, or pertaining to the Government or any of its subdivisions, agencies or instrumentalities, subdivisions, government-owned and -controlled corporations with original charters. The Presidential Commission on Good Government, in accordance with its statutory authority under Section 3(e), Executive Order No. 1, S. 1986, in the conduct of its investigations to recover ill-gotten wealth, may issue subpoena requiring the production of books, records, and other statement of accounts and other documents."

"Section 91. Tenor/Maturity and Settlement

a. Forward Sale of Foreign Exchange (whether deliverable or non-deliverable)

The tenor/maturity of such contracts shall not be longer than:

(i)

the maturity of the underlying foreign exchange obligation;

(ii)

the approximate due date or settlement of the foreign exchange exposure. For deliverable foreign exchange forward contracts, the tenor/maturity shall be co-terminus with the maturity of the underlying obligation or the approximate due date or settlement of the foreign exchange exposure. This shall not preclude pretermination of the contract due to prepayment of the underlying obligation or exposure: Provided, That for the prepayment of foreign/foreign currency loans, Section 29 hereof shall be complied with.

x x x"

"Section 92. Reserved

(As amended by Circular No. 790 dated 6 March 2013)"

"Section 101. Reportorial Requirements. The following reports are required to be submitted to the BSP by AABs, OBUs, and AAB-forex corps when applicable:

xxx

G. CUSTODIAN BANKS/REMITTING AABs

A-2

REPORT OF REMITTING AUTHORIZED AGENT BANKS ON CAPITAL REPATRIATION AND REMITTANCE OF EARNINGS OF BSP-REGISTERED FOREIGN DIRECT INVESTMENTS (ANNEX X), TOGETHER WITH SUPPORTING DOCUMENTS UNDER ITEMS C.1(b) AND C.2 OF APPENDIX 1 AND APPENDIX 11)


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DAILY, WITHIN TWO (2) BANKING DAYS FROM DATE OF ACTUAL REMITTANCE

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"Glossary of Terms

FOR PURPOSES OF THIS MANUAL, the following definitions are adopted:

x x x

Parent Company shall refer to an entity which owns more than fifty percent (50%) of the voting stock of another entity

x x x

Subsidiary shall refer to an entity more than fifty percent (50%) of the voting stock of which is owned by another entity (known as the parent company)

x x x"

The following Appendices to and Annexes of the FX Manual have likewise been revised/included:

- Appendix 1: Minimum Documentary Requirements for the Sale of Foreign Exchange for Non-Trade Purposes (Attachment 1)

- Appendix 1.1: Minimum Documentary Requirements for the Opening of Peso Deposit Account by Non-residents (Attachment 2)

- Appendix 2: List of Regulated Import Commodities and Administering Agencies/Bureaus (Attachment 3)

- Appendix 3: Prohibited Commodities (Attachment 4)

- Appendix 3.1: Section 101 of the Tariff and Customs Code (Attachment 5)

- Appendix 10: Procedures and Documentation Requirements for the Registration of Inward Foreign Investments (Attachment 6)

- Appendix 10.2: Guide/Instructions for Filling Out the Certificate of Inward Remittance (CIR) Form (Attachment 7)

- Appendix 10.3A: Sworn Certification (Suggested Format for Stock Corporation/Investee Firm, Attachment 8)

- Appendix 10.3B: Sworn Certification for foreign direct investments in branches, representative offices, Regional Headquarters/Regional Operating Headquarters (Attachment 9)

- Appendix 11: Procedures for Repatriation of Capital and Remittance of Dividends/Profits/Earnings (Attachment 10)

- Appendix 15.1: Sworn Certification of Compliance with the FCDU/EFCDU Cover Requirements (Attachment 11)

- Appendix 18: Guidelines and Minimum Documentary Requirements for Foreign Exchange Forward and Swap Transactions (Attachment 12)

- Appendix 19: Implementing Guidelines on the Computation of Open Foreign Exchange Positions of AABs and


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Reporting Requirement under FX Form 1 (Attachment 13)

- Appendix 20: Processing Fees on Foreign Exchange Transactions Payable to the Bangko Sentral ng Pilipinas (BSP) (Attachment 14)

- Annex A: Application to Purchase Foreign Exchange (Attachment 15)

- Annex D.2: Application Form for Approval or Registration of Foreign Loans of Private Sector Entities (Attachment 16)

- Annex D.3: Foreign Borrowings Plan (Attachment 17)

- Annex E.1: Report on short-term foreign borrowings (Attachment 18)

- Annex E.2: Report on foreign borrowings for medium- and long-term loans (Attachment 19)

- Annex E.3: Loan Profile (Attachment 20)

- Annex E.4: Loan Disbursement and Amortization Schedules (Attachment 21)

- Annex K: Foreign Currency and Other Foreign Exchange-Denominated Bearer Monetary Instruments Declaration Form (Attachment 22)

- Annex O: Details of Accounts Excluded in the Computation of Net Foreign Exchange Position (Attachment 23)

- Annex V: Monthly Report on Foreign Exchange Sales by Authorized Agent Banks for Investments Under Section 44 of the FX Manual (Attachment 24)

- Annex W: Application for Foreign Direct Investments (Attachment 25)

- Annex X: Report of Remitting Authorized Agent Banks on Capital Repatriation and Remittance of Earnings of BSP-Registered Foreign Direct Investments (Formerly Statement of Remittance Report, Attachment 26)

Repealing Clause. This Circular supersedes/amends/modifies the provisions of existing circulars, memoranda and/or other regulations that are inconsistent herewith.

Effectivity. This Circular shall take effect 15 calendar days after its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

**FOR THE MONETARY BOARD:**

(SGD.) NESTOR A. ESPENILLA, JR.
Officer-In-Charge

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[1] Refers to convertible currencies as indicated in the BSP reference exchange rate bulletin.

[2] The creditor banks' relending program for private sector borrowers should indicate their proposed credit limit, together with a list of prospective borrower/s.

[3] Under Circular No. 741 dated 17 November 2011, unregistered private sector foreign loans with maturities falling due from December 2011 to February 2012 were temporarily allowed to be paid using foreign exchange to be purchased from AABs and/or AAB-forex corps.

[4] Pursuant to BSP Memorandum No. 2012-034 dated 13 July 2012


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[5] For existing unregistered foreign direct investments that are recorded in the investee firm's books and whose foreign exchange funding were inwardly remitted or assets were transferred more than one (1) year from 18 April 2013, a grace period of two (2) years from 18 April 2013 is allowed during which applications for registration of such investments may be filed with the BSP. After said period, the BSP will no longer register these investments

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