AMENDED RULES AND REGULATIONS

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Pursuant to the provisions of R.A. No. 3591, as amended, entitled "AN ACT ESTABLISHING THE PHILIPPINE DEPOSIT INSURANCE CORPORATION, DEFINING ITS POWERS AND DUTIES AND FOR OTHER PURPOSES", the following rules and regulations, as amended, governing the insurance of deposit liabilities of banks and banking institutions in the Philippines with the Philippine Deposit Insurance Corporation, hereinafter referred to as "PDIC", are hereby promulgated:

Part I
Definition of Terms

SECTION 1.01. As used in these Rules and Regulations:

a. Bank and Banking Institution — shall be synonymous and interchangeable and shall include banks, commercial banks, savings banks, mortgage banks, rural banks, development banks, cooperative banks, trust companies, branches and agencies in the Philippines of foreign banks and all other companies, corporations, partnerships performing banking functions in the Philippines.

b. Receiver — includes a receiver, liquidating agent, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a bank.

c. Insured Bank — means any bank the deposits of which are insured in accordance with the provisions of R.A. 3591, as amended.

d. Non-insured Bank — means any bank the deposits of which are not insured.

e. Deposit — means the unpaid balance of money or its equivalent received by a bank in the usual course of business and for which it has given or is obliged to give credit to a commercial, checking, savings, time, or thrift account or which is evidenced by passbook, check, and/or certificate of deposit, printed or issued in accordance with Central Bank rules and regulations and other applicable laws, together with such other obligations of a bank which consistent with banking usage and practices, the Board of Directors of PDIC shall find and shall prescribe by regulations be deposit liabilities of the bank: Provided, That any obligation of a bank which is payable at the office of the bank located outside of the Philippines shall not be a deposit for any of the purposes of R.A. No. 3591, as amended, or included as part of the total deposits or of the insured deposit: Provided, further, That subject to the approval of the Board of Directors any insured bank which is incorporated under the laws of the Philippines which maintains a branch outside of the Philippines may elect to include for insurance its deposit obligation payable only at such branch. (As amended by P.D. 1940, June 27, 1984)

f. Insured Deposit — means the net amount due to any depositor for deposits in an insured bank (after deducting offsets) less any part thereof which is in excess of P40,000.00. Such net amount shall be determined according to such regulations as the Board of Directors of PDIC may prescribed and in determining the amount due to any depositor there shall be added together all deposits, in the bank maintained in the same capacity and the same right for his benefit either in his own name or in the name of others. (As amended by P.D. 1451, Approved June 11, 1978 and further amended by P.D. 1897, Approved June 11, 1984)

g. Transfer Deposit — means a deposit in an insured bank made available to a depositor by PDIC as payment of insured deposit of such depositor in a closed bank and assumed by another insured bank.

h. Trust Funds — means funds held by an insured bank in a fiduciary capacity and includes without being limited to funds held as trustees, executor, administrator, guardian or agent.

i. Base Day — shall be the period of time from the closing of the books of the bank on the last business day immediately preceding the assessment base day according to the normal practice i.e., the usual and regular practice of the bank on business days with no deviation therefrom on base days. Holidays or other non-business days intervening between the preceding business day and the base day are a part of the base day. If the base day falls on a day when the bank is open for less than the normal number of banking hours, such as being open only until noon on Saturdays, that day shall nevertheless be used as a based day provided the bank is open for the transaction of all its business on such shorter business day.

j. Cash Item — means any instrument providing for the payment of money which the reporting bank in the regular course of business has received and in exchange therefor has given credit to a deposit account or has issued an instrument evidencing or constituting a deposit as defined in item (c) of this section, or has paid in cash in the regular course of business. Additionally the following requisite must concur:

- That the instrument is in the process of collection;

- That it is payable on presentation;

- That the payor or drawee of the instrument is not the reporting bank or a branch or office thereof; and

- That the instrument so received by the reporting bank is not in payment of or arising from the sale or other disposition of any of its assets.

A cash item is deemed to be in the process of collection from the time it is either credited to a deposit account or paid by the reporting bank and until the reporting bank has received acceptable payment in the form of cash credit, draft or officer's check, or notice of dishonor;

A cash item is deemed to be payable on presentation when the payor or drawee is required to pay its forthwith upon presentation.

k. Cash Item Held for Clearing — refers to a cash item which was received by the reporting bank in the usual course of business on the base day before the closing of the books on that day and which is held at the time of said closing for clearance on the next business day in conformity with the normal practice of the reporting bank.

l. Cash Item Forwarded for Collection — refers to a cash item which was received by the reporting bank in the usual course of business on the base day before the closing of the books on that day and which is either sent for collection the same day or held at the close of business on that day to be sent for collection on the next business day.

m. Cash Item in Process of Collection — refers to a cash item received on any day preceding the base day which has remained uncollected as of the close of business on the base day for a period not in excess of fifteen (15) days from the time it was received by the reporting bank for collection in the regular course of business. This cash item is eligible for deduction only under the (bb) method.

n. Interbranch Item — is an item which is drawn against a deposit account maintained in the main office or a branch office of the reporting bank, which is received and paid or credited to a deposit account by an office of the reporting bank other than the office which carries the deposit account against which such item is drawn.

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o. Reciprocal Bank Balance — exists when the reporting bank has a deposit balance due to another bank and such reporting bank also has a deposit balance due from the same insured bank disregarding for this purpose, balances representing deposits of trust funds.

p. Semiannual Period — means a period beginning on January one of any calendar year and ending on June thirty on the same year or a period beginning on July one of any calendar year and ending on December thirty one of the same year.

Part II
Coverage of Deposit Insurance

SECTION 2.01. What Shall be Insured with PDIC — The deposit liabilities of any bank or banking institution which is engaged in the business of receiving deposits as herein defined, or which hereafter may engage in the business of receiving deposits shall be insured with the PDIC.

Deposits in savings and loan associations are eligible for insurance with PDIC in accordance with the provisions of Section 4(b) of R.A. No. 3779, as amended, in relation to the pertinent provisions of the PDIC Charter.

SECTION 2.02. Effective Date of Deposit Insurance — The date of effectivity of deposit insurance coverage shall be determined as follows:

a. For banks which were already engaged in the business of receiving deposits on August 4, 1969, the date of effectivity of their deposit insurance shall be on such date.

b. For banks which are authorized to accept deposits subsequent to August 4, 1969, the date of effectivity of their deposit insurance shall be the date they were granted authority to accept deposits.

Part III
Assessments

SECTION 3.01. Assessment Rate — Each insured bank shall pay to PDIC an assessment at the rate of one twelfth (½) of one per centum per annum on its assessment base. The semi-annual assessment for each insured bank shall be the amount of the product of one half (½) the annual assessment rate multiplied by the assessment base but in no case shall it be less than the amount of two hundred fifty (P250.00) pesos. (As amended by Memo Circular dated February 23, 1977 and further amended by P.D. 1940, June 27, 1984)

SECTION 3.02. Assessment Base — The assessment base shall be the amount of the liability of the bank for deposits according to the definition of the term "deposit" pursuant to Section 3(1) of R.A. 3591, as amended, and Section 1.01(c) of these Rules and Regulations without any deduction for indebtedness of depositors but subject to the deductions and exclusions authorized in Section 6, subsection (a), (1) and (2), of said Act and Sections 3.03 and 3.05 of these Rules and Regulations. In case a bank which is incorporated under the laws of the Philippines and which maintains a branch outside the Philippines elects to include for insurance its deposit obligations payable only at such branch, it shall include such deposit obligations as part of the "deposits" subject to assessment.

Deposits maintained in foreign currencies in an insured bank shall form part of the total deposit obligations said bank. For assessment purposes, such deposits shall be converted to their equivalent amount in pesos on the basis of the interbank rate obtaining on the applicable base day/s.

SECTION 3.03. Allowable Deductions from Deposit Liabilities — The following items are allowable deductions from reported total deposit liabilities in computing the assessment base:

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a. Reciprocal bank balances — For assessment purposes, the reporting bank may deduct from the total deposit liabilities the amount due from another insured bank not in excess of the balance due to such insured bank. For the purpose of computing the reciprocal bank balance deduction, the balance used must be subject to immediate withdrawal. This means that items in the process of collection must be excluded from the computation of both the "due to" and "due from" balances as shown on the books of the reporting bank. For instance, any outstanding unpaid draft credited to the "due from" account must be added back to the book balance to show the actual collected balance due from the other insured bank.

b. Interbranch item — This item may be deducted in its actual amount if it is not reflected in the books of the reporting bank on the base day as a charge against deposit liabilities.

c. Cash item — In computing the assessment base, cash item may be deducted under either of the two alternative methods describe in the following section without regard as to whether withdrawal has been made against the credit given to deposit accounts in the normal course of business.

However no deductions may be made or claimed:

- for each item after reporting bank has received payment or notice of dishonor thereof;

- for instruments received in payment of cash items previously paid or credited to deposit accounts and forwarded for collection;

- for instruments received in payment of clearings;

- for each item received by the reporting bank draws against deposits maintained in banks located outside the Philippines: Provided, That such items may be claimed as a deduction only when credited to a deposit liability; and

- by the issuing or drawee bank for drafts transferring its own funds.

Furthermore, an instrument providing for the payment of money which is paid or credited to a deposit account and which is received for the purpose of abnormally increasing deposits or reducing assessments with deductions on any assessment base day is not a cash item as defined in this Part as it is not received in the usual or regular course of business.

No two reporting banks may deduct the same cash item under the (aa) method for computing deductible cash items unless one of the banks normally and in the regular course of business is a collecting and check clearing agent of the other.

d. repealed under P.D. No. 1940.

e. Items included in the total deposit liabilities — Items or accounts which by their very nature are not assessable in accordance with these Rules and Regulations but which have been included in the total deposits liabilities may be claimed as deductions provided they are explained fully.

SECTION 3.04. Choice of Method in Computing Deductible Cash Items — An insured bank may at its option compute its deductible cash item by either of the following methods designated (aa) and (bb):

(aa) Method: — Under this method, a bank may deduct twice the amount of the total of the following:

1. "Cash items held for clearing" and

2. "Cash items forwarded for collection"

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both as defined in Section 1.01 (k) and (l) respectively, of these Rules and Regulations.

(bb) Method: — Under this method, a bank may deduct the actual amount of the total of the following:

1. "Cash items held for clearing";

2. "Cash items forwarded for collection"; and

3. "Cash items in process of collection

all as defined in Section 1.01 (k), (l), and (m), respectively, of these Rules and Regulations.

The reporting bank may select either of the two alternative methods (aa) or (bb) for claiming deductions for cash items: Provided, That the named method is used for both base days in the semi-annual assessment period.

SECTION 3.05. Exclusions from Deposit Liabilities — For assessment purposes, the following items may be excluded in computing the total liabilities:

a. Those deleted under PDIC Board Resolution No. 65, Minutes No. 3, dated June 6, 1985.

b. Deposit liabilities of a bank which are payable at an office of the bank located outside the Philippines unless the insured bank which is incorporated under the laws of the Philippines and which maintains a branch outside the Philippines has elected to include for insurance its deposit obligations payable only at such branch in which case such deposit liabilities should be included as part of the total deposit liabilities.

SECTION 3.06. Maintenance of Assessment Records — As a condition to the right to make any deduction or exclusion in determining the assessment base, each insured bank shall maintain such records as will readily permit verification of the correctness thereof.

SECTION 3.07. Time of Payment of Assessments — Each insured bank shall pay to the PDIC the amount of the semi-annual assessment due to PDIC as shown on its Certified Statement at the time such statement is filed.

SECTION 3.08. Filing of Certified Statements — The Certified Statements required to be filed by insured banks in accordance with Section 6(b) of R.A. No. 3591, as amended, shall be filed with PDIC upon the forms, and in the manner, and pursuant to the herein instructions prescribed by the Board of Directors of PDIC. The form of certified statements will be mailed by PDIC to the insured banks or may be obtained from PDIC upon request. Every insured bank shall file a certified statement with PDIC as follows:

a. PDIC Form No. 202 : First certified statement — This form shall be accomplished by the newly insured bank and filed with PDIC upon the expiration of the first semi-annual period in which it becomes an insured bank. This form shows the deposit liabilities less the authorized deductions for only one base day, either June 30 or December 31, whichever date is applicable. When any of said base days is a holiday or a non-business day, the preceding business day shall be used. It also shows the computation of the assessment base and the amount of the assessment due the PDIC. It must be signed under oath by an authorized officer of the bank, the original and copy forwarded to PDIC on or before July 31 or January 31, as the case may be, and a copy or copies retained in the bank's files.

b. PDIC Form No. 201 : Regular certified statement — This form shall be accomplished by every insured bank and filed with PDIC on or before January 31, and July 31 of each year by every insured bank, except newly insured banks which must submit their First Certified Statement on PDIC Form No. 202. PDIC Form No. 201 shows the deposit liabilities less authorized deductions for the two base days in each semi-annual period. The base days are March 31 and June 30 for the six (6) month period ending June 30, and September 30 and December 31 for the six (6) month period ending December 31. When any of said base days is a non-business day or a holiday, the

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preceding business day shall be used. The form shows the computation of the assessment base and the amount of the assessment due the PDIC. It must be signed under oath by an authorized officer of the bank, the original and a copy forwarded to PDIC, and a copy or copies retained in the bank's files. (As amended by Executive Order No. 890, dated April 8, 1983)

SECTION 3.09. Submission of Reports of Condition, etc — Whenever required by the Board of Directors of PDIC, insured banks shall file reports of condition, reports of earnings and dividends, summaries of deposits and such other reports as may be required, upon the forms and in the manner and pursuant to the instructions prescribed by the Board of Directors from time to time. The form of such reports and instructions for completing the same will be furnished to all such banks by or may be obtained upon request from PDIC.

Part IV
Payment of Insured Deposits

SECTION 4.01. Payment of Insured Deposits in Closed Banks — Whenever an insured bank closes on account of insolvency, PDIC shall make payments of insured deposits therein. An insured bank shall be deemed to have been closed on account of insolvency when ordered closed by the Monetary Board of the Central Bank of the Philippines pursuant to Section 29 of R.A. 265, as amended. The Board of Directors of PDIC shall appoint one or more Claim Agents with the power and authority to investigate and examine claims for insured deposits for the purpose of making immediate payment thereof in accordance with the provisions of R.A. No. 3591, as amended. Claimants for insured deposits shall, to such Claim Agents, appropriate proof of claims in the form and manner prescribed by or the Board of Directors of PDIC, deliver any passbook or other records issued by the bank evidencing the insured deposit, assign their claims for insured deposits to PDIC to the extent required by law, and furnish proper identification. Disputed claims which cannot be adjusted in the field are to be referred to the Head Office for determination. In cases where PDIC is not satisfied as to the validity of claims for insured deposit, it may require the final determination and adjudication of a court of competent jurisdiction before paying such claims. (As amended by P.D. No. 1940, June 27, 1984)

SECTION 4.02. Form of Payment — PDIC may make payment of the insured deposits either (1) by cash or its equivalent or (2) by making available to each depositor a transfer deposit in another insured bank in an amount equal to the insured deposit of the depositor.

The insurance of such transfer deposit shall be separate from that of other deposits of the depositor in the transferee bank, and shall be maintained therein until the right of claim it has prescribed according to law or until it is claimed or consolidated with the other deposits of such depositor with the consent of the latter.

In making such payments, PDIC shall exercise its statutory authority provided for in Section 11(c) of R.A. No. 3591, as amended.

SECTION 4.03. was repealed under P.D. 1940.

SECTION 4.04. Payment Not to Exceed P40,000.00 to Each Depositor. — Each depositor of a closed insured bank shall be entitled to payment covering the net amount due him from such bank for deposits (after deducting offsets) not in excess of P40,000.00. In establishing the amount due any depositor, there shall be added together all deposits maintained in the said closed insured bank in the same capacity and in the same right for his benefit either in his own name or in the name of others. (As amended by P.D. No. 1451, June 11, 1978 and further amended by P.D. No. 1940, June 27, 1984)

SECTION 4.05. Insurance of Deposits Maintained in Currencies Other than the Philippine Peso — Deposit obligations in foreign currency of any insured bank are likewise insured.

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Deposit insurance coverage and payment for insured deposits maintained in foreign currencies in a closed insured bank shall be determined in accordance with the following rules:

- The deposits in foreign currency shall be converted into its equivalent amount in Philippine pesos at the interbank rate obtaining on the date the bank was closed on of insolvency, and the insurance coverage shall extend to such computed amount, but in no case to exceed P40,000.00 for each depositor; and

- The liability of PDIC to each depositor shall be payable in Philippine pesos in the amount of insurance coverage as computed above. (As amended by P.D. No. 1897, June 11, 1984)

SECTION 4.06. Subrogation of PDIC to All Rights of Depositors upon Payment of Insured Deposits — Upon payment of the insured deposits, PDIC shall be subrogated to all rights of the depositor against a closed insured bank to the extent of such payment. Such subrogation shall include the right on the part of PDIC after the allocation of the amount to satisfy the uninsured portion of the deposits of the bank's depositors to receive the same dividends and payments from the proceeds of the assets of such closed bank and recoveries on account of stockholders' liability as would have been payable to the depositor on a claim for insured deposit, but such depositor shall retain his claim for any uninsured portion of his deposit: Provided, That the rights of the Corporation by virtue of the above mentioned subrogation shall be preferred as against other unsecured creditors of the bank. (As amended by P.D. 1940, June 27, 1984)

Part V
Termination of Insured Status of
Insured Banks

SECTION 5.01. repealed by Executive Order No. 890 dated April 8, 1983.

SECTION 5.02. repealed by Executive Order No. 890 dated April 8, 1983.

SECTION 5.03. repealed by Executive Order No. 890 dated April 8, 1983.

SECTION 5.04. Termination of Insured Status of an Insured Bank for Failure and/or Refusal to Pay Assessment — Should any insured bank fail or refuse to pay any assessment required to be paid by such bank under any provision of R.A. 3591, as amended, and should the bank not correct such failure or refusal within thirty (30) days after written notice has been given by PDIC to an officer of the bank, citing Section 6(h) of said Act, and stating that the bank has failed or refused to pay as required by law, the insured status of such bank shall be terminated by the Board of Directors of PDIC.

a. Publication of notice to depositors of insured bank — Upon the termination of the insured status of the bank, PDIC shall cause the publication in two (2) consecutive issues of a local newspaper of general circulation of notice to the depositors of the delinquent insured bank to the effect that the insurance of their deposits will terminate upon the expiration of the first full semi-annual period following the date of the last publication of notice to the depositors. The cost of such publication shall be chargeable to the bank.

b. Remedies of PDIC against delinquent insured bank — PDIC shall be entitled to recover from any insured bank the amount of any unpaid assessment lawfully payable by such insured bank to PDIC in a suit brought in any court of competent jurisdiction. Any insured bank which fails or refuses to pay the required assessment may be compelled to pay such assessment by mandatory injunction or other appropriate remedy in a suit brought for such purpose by PDIC against the bank and any of its officer or officers thereof in any court of the Philippines of competent jurisdiction. These remedies provided for in subsection (f) and (g) of Section 6 of R.A. 3591, as amended, shall be in addition to any other legal remedies available to PDIC against the insured bank.

SECTION 5.05. Resumption of Insured Status — The insurance of a bank whose insured status has been terminated for any of the causes provided by law may be resumed pursuant to law by the Board of Directors of PDIC upon a finding that the cause for termination has ceased to exist. In which case, effects of resumption of its insured status shall be such as provided for in the law.

Part VI
Advertisement of Membership

SECTION 6.01. Mandatory Requirements with Regard to the Official Sign and Display — (a) Insured banks to display official sign — Each insured bank shall continuously display an official sign as hereinafter prescribed at each teller's window or counter where insured deposits are usually and normally received in its principal place of business and in all its branches.

b. Official sign — The official sign shall be eight inches by four inches (8"x4") in size and shall be of the following design:

PDIC Seal

PDIC Seal

Deposits Insured
by
Philippines Deposit Insurance
Corporation
Maximum Deposit insurance for Each
Depositor
P40,000.00

PDIC shall provide at cost official signs of uniform material which an insured bank may display. No insured bank shall display official signs other than those provided by PDIC. An insured bank may either procure the standard signs from the PDIC or may use any other sign of the same size, wording, and appearance which shall have been approved in writing by PDIC as conforming to the requirements of this section. Such approval will be given only in individual case where the standard sign does not harmonize with the bank's counters and fixtures or where it cannot be adequately displayed because of the type of construction of the bank's counters and fixtures. The Board of Directors of PDIC may grant a temporary exemption from its provisions to a particular bank upon its written application setting forth the facts.

SECTION 6.02. Mandatory Requirements with Regard to the Official Advertising Statement and for Emblem and Manner of Use. — (a) Insured banks to include official advertising statement and/or emblem in all their advertisements — Each insured bank shall, not later than thirty (30) days after the first day of its operations as an insured bank, include the official advertising statement and/or emblem as hereinafter prescribed in all of its advertisements. An insured bank may be exempted from this requirement only upon prior written approval of the PDIC. In cases where the advertising copy not including the official advertising statement and/or emblem is on hand on the date the requirement of this section becomes operative, the insured bank may cause the official advertising statement and/or emblem to be included by the use of rubber stamp or similar reasonable substitute when an insured bank has billboard advertisements outstanding which are required to include the official advertising statement and/or emblem, it shall cause the official advertising statement and/or emblem to be included therein as soon as it is consistent with its contractual obligations.

b. Official advertising statement. — The official advertising shall be in substance as follows: "Member of the Philippine Deposit Insurance Corporation (Maximum Deposit Insurance For Each Depositor P40,000.00)".

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Further, the following rules shall be observed in the use of advertising statement/emblems:

- Whenever the official advertising statement appears in any printed advertisement of any insured bank, the prints should not be smaller than the smallest letter of the advertisement but in any case no less than 10 pts. type [in] bodini bold or its equivalent.

- In case of television and/or film strip advertisements, the official advertising statement or PDIC emblem must be shown for at least three (3) seconds, and at the same instance, mention of deposits being insured with PDIC must be made.

- In case of radio advertisements of any insured bank, a particular mention of the official advertising statement must be made.

c. Emblem — The emblem shall be of the following design:

See (NAR) VOL. III NO. 4 / OCTOBER - DECEMBER 1992 p. 412.

d. Short title — The following title is hereby approved for use of insured banks on sign or plates attached to the outside of the bank premises. "Member of PDIC."

e. Use of emblem or short title — Any insured bank may use the emblem in any of its advertisements and on any of its bank's supplies. The short title cannot be substituted for the official advertising statement in the types of advertisements required to include the latter. Any insured bank, may, in addition to the requirements of these Rules and Regulations and or R.A. No. 3591, as amended, amplify the official advertising statement. For example, as an addition to the official advertising statement, any insured bank may, at its option, use the following in any of its advertisements: "Deposits in this bank are insured with maximum insurance of P40,000.00 for each depositor."

f. Official advertising statement and/or emblem in a dialect or language other than english — The official advertising statement and/or emblem may be translated in any other dialect, Provided, that the translation has had the prior written approval of the PDIC.

Part VII
Penal Provisions

SECTION 7.01. Penal Provisions — Violations of any of the provisions of R.A. No. 3591, as amended, and/or these Rules and Regulations shall subject the offender to the penalties imposed under Sections 9(c), 16(a), (b), (c) and 17 or R.A. No. 3591, as amended, insofar as the same may be applicable without prejudice to the right of PDIC to avail itself of other remedies under any other existing laws: Provided, That in the case of Section 9(c), 16(a) and (c), and 17, the Board of Directors of the PDIC shall determine the amount of penalty which shall in no case exceed P100.00 for each day that such violation continues.

Adopted: 12 Mar. 1969

(SGD.) VITALIANO N. NAÑAGAS II
President

Re-issued: April 1, 1992, per Board Res. No. 92-04023

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[*] See also Regulatory Issuance No. 92-3 on III NAR 3, p. 66.

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