



REPUBLIC OF THE PHILIPPINES
SECURITIES AND EXCHANGE COMMISSION
SEC Building, EDSA, Greenhills
Mandaluyong City

In the Matter of
**H-FACTOR TRADING &
MARKETING CORP.**

CED Case No. 02-2748

Compliance & Enforcement Dept (CED),
Movant.

X-----X

ORDER

This resolves the *Motion To Declare Cease And Desist Order Permanent* filed on 15 April 2003 by CED.

On 6 March 2003, the Commission issued a Cease and Desist Order (CDO) directing H-Factor Trading & Marketing Corporation, its officers, directors, agents, representatives, conduits, assigns and any and all persons claiming and acting for and in their behalf and under their authority are hereby ordered to immediately **CEASE AND DESIST**, under pain of contempt, from further offering, soliciting, and accepting investments from the public, to **REFUND** to the investors all investments the company has so far solicited and accepted, and to **SHOW CAUSE** why this Cease and Desist Order (CDO) be not made permanent.

H-Factor received its copy of the CDO on 7 March 2003.

As stated in the CDO, H-Factor has five (5) days from receipt thereof to file a formal request for lifting of the CDO.

Records indicate that H-Factor, up to this date, has not filed any motion for the lifting of the CDO.

On 15 April 2003, the CED filed the instant motion praying that the CDO of 6 March 2003 against H-Factor be declared permanent.

The instant motion is impressed with merit.

Section 64.3 of the Securities Regulation Code provides that "any person against whom a cease and desist order was issued may, within five (5) days from receipt of the order, file a formal request for a lifting thereof."

Records show that H-Factor did not file with the Commission a motion or a request for the lifting of the CDO issued against it. That can only mean a waiver on H-Factor's part to avail itself of such remedy. Furthermore, Article 6, Rule I, Part 3 of SEC Circular No. 4 (2001) provides that if the respondent fails to file a motion to lift CDO within five days from receipt thereof, the Director of CED shall file with the Commission a motion to make the CDO permanent. Thus, in view of the instant motion filed by CED, the CDO issued on 6 March 2003 may now be rendered permanent.

Moreover, the unrefuted evidence before this Commission clearly demonstrate that H-Factor is guilty of flagrantly violating the SRC and the rules and regulations issued thereunder. As discussed in the CDO of 6 March 2003, H-Factor engaged in public solicitation of investment contracts without the requisite registration from the Commission. It is therefore to best interest of the public that respondent company be permanently enjoined from engaging in such activity.

WHEREFORE, premises considered, the instant motion is **GRANTED**. The CDO of 6 March 2003 against H-Factor Trading and Marketing Corp. is rendered **PERMANENT**.

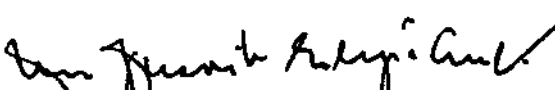
SO ORDERED.

Mandaluyong City, 22 April 2003.


LILIA R. BAUTISTA
Chairperson


FE ELOISA GLORIA
Commissioner


JOSELIA J. POBLADOR
Commissioner


MA. JUANITA E. CUETO
Commissioner


JESUS E.G. MARTINEZ
Commissioner