



## ENFORCEMENT AND INVESTOR PROTECTION DEPARTMENT

### SEC ADVISORY

**This is to inform the public that “SUNNY SMART ASIA/SUNNY SMART CORP. LTD.” is NOT AUTHORIZED TO SOLICIT INVESTMENTS FROM THE PUBLIC.**

Based on reports and information gathered by the Commission, individuals or groups of persons claiming to represent and are operating under the name “**SUNNY SMART ASIA/SUNNY SMART CORP.LTD**”, are enticing the public, through social media to invest in “**SUNNY SMART CORP.LTD**”.

As posted in its website ([www.sunnysmartasia.com/sunnysmartasia.com](http://www.sunnysmartasia.com/sunnysmartasia.com)), **SUNNY SMART ASIA/SUNNY SMART CORP.LTD.** claims that it is an advanced company from UK and partnered from PH that aims to create the most sustainable and profitable international business, bringing together all areas of the digital world. It further claims that at this stage of its development, it is a trusted company that allows stable and risk-free growth of financial assets both USD and PHP and the most stable digital currencies. The company business is based on trading cryptocurrency Stock and Forex. Its ATRADE software makes transactions on the largest crypto platforms in the world and is highly qualified. Each member of its large team has also passed the test of time and demonstrated their real business skills. It also claims that in order to achieve the most profitable level of AI Trading software, it also uses the most modern equipment and technology for its specialist. It alleges that the profit that it provides is a safe standard in 2011-2020, which helps to create a confident and secure future for each of their partner.



Interested investors will be asked to register through the link: <https://sunnysmartasia.com/register> after which they may then begin to choose from any of the following six (6) plans good for forty (40) days and fifty (50) days:

1. **Plan-1 Build** worth Php200.00 up to Php30,000.00
2. **Plan-2 Grow** worth Php50,000.00 up to Php100,000.00
3. **Plan-3 Accelerate** worth Php200,000.00 up to Php600,000.00
4. **Pro Plan-1 Sky** worth Php75,000.00 up to Php500,000.00
5. **Pro Plan-2 Power** worth Php600,000.00 up to Php5,000,000.00
6. **Special Plan** worth Php20,000.00 up to Php100,000.00 good for 40 days.

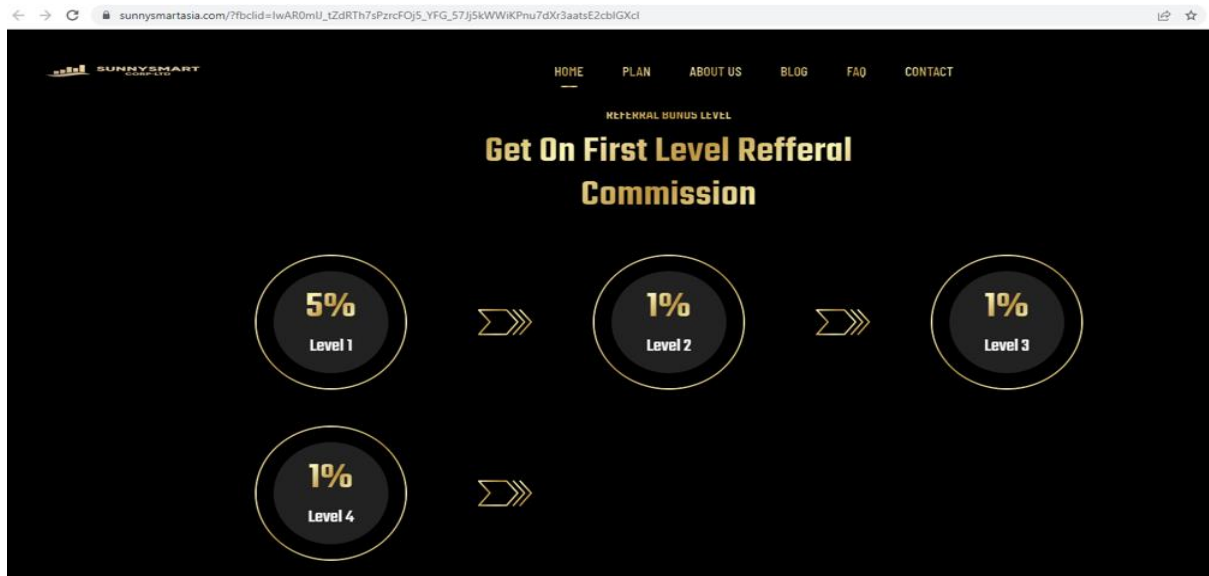
The screenshot displays the 'Our AI Investment Plan' section of the SunnySmart website. It features three plan cards with the following details:

Plan Name	Duration	Investment Range	Rate	Total Return
Plan-1 Build	40 DAYS	₱200 - ₱30000	2.8% EVERY DAY	112% + Capital
Plan-2 Grow	40 DAYS	₱50000 - ₱100000	2.9% EVERY DAY	116% + Capital
Plan-3 Accelerate	40 DAYS	₱200000 - ₱600000	3.1% EVERY DAY	124% + Capital

The screenshot displays the 'Our AI Investment Plan' section of the SunnySmart website, showing three additional plan cards:

Plan Name	Duration	Investment Range	Rate	Total Return
Pro Plan-1 Sky	50 DAYS	₱75000 - ₱500000	0.12% EVERY HOUR	144% + Capital
Pro Plan-2 Power	50 DAYS	₱600000 - ₱5000000	0.14% EVERY HOUR	168% + Capital
Special Plan	40 DAYS - 5 INVESTOR	₱20000 - ₱100000	3.3% EVERY DAY	132% + Capital

Investors can earn **2.8% up to 3.3%** daily depending on their chosen plan. An investor can also earn from **referral bonus 5% for 1<sup>st</sup> level and 1% for second level up to 4<sup>th</sup> level.**



In this regard, the public is made aware that an “investment contract” which is a kind of security, exists when there is an investment or placement of money in a common enterprise with a reasonable expectation of profits to be derived from the efforts of others which is prominent in the scheme of **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.**

As such, the Securities Regulation Code (SRC) requires that said offer and/or sale of securities must be duly registered with the Commission and that the concerned entity and/or its agents should have the appropriate registration and/or license to sell such securities to the public.

Further, the Financial Products and Services Consumer Protection Act (FCPA) also prohibits investment fraud which is defined under the law as any form of deceptive solicitation of investments from the public which includes Ponzi schemes and such other schemes involving the promise or offer of profits or returns sourced from the investments or contributions made by the investors themselves and the offering or selling of investment schemes to the public without a license or permit from the SEC.

The transactions entered by **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** through their online trading platform are considered “investment contracts” and must be registered with the Commission. The elements are all present as there is an investment of money into the common enterprise known as **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** with the expectation of profits depending on the amount of money invested. The profits are also realized without any action from the investor other than to invest their money in **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.**

Furthermore, the investment scheme of **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** has the characteristics of a “Ponzi Scheme”, promising exorbitant rates of return with little to no risk at all to the investors as exemplified in the case *People of the Philippines vs. Palmy Tibayan and Rico Z. Puerto (G.R. Nos. 209655-60, 14 January 2015)*. The offering and selling of investment contracts using the “Ponzi Scheme”, which is fraudulent and unsustainable, is NOT a registerable security. The Commission will not issue a License to Sell Securities to the public, persons or entities engaged in such business or scheme.

The records of the Commission show that **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** is **NOT REGISTERED** with the Commission either as a corporation or a partnership. Furthermore, **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** is **NOT AUTHORIZED** to solicit investments from the public since it has not secured prior registration and/or license from the Commission as prescribed under Sections 8 and 28 of the SRC.

Hence, the public is advised **NOT TO INVEST** or **STOP INVESTING** in any investment scheme being offered by any individual or group of persons allegedly for or on behalf of **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** and to exercise caution in dealing with any individuals or group of persons soliciting investments for and on behalf of it.

Those who act as salesmen, brokers, dealers, agents, representatives, promoters, operators, recruiters, uplines, influencers, endorsers, abettors and enablers of **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.** in soliciting, selling or convincing people to invest in the investment scheme being offered by said entity including solicitations and recruitment through the internet may be prosecuted and be held criminally liable under Section 28 of the SRC and Section 11 of the FCPA and for the two offenses, **both penalized with separate** maximum fines of Five Million pesos (P5,000,000.00) or a penalty of Twenty-one (21) years of imprisonment or both pursuant to Section 73 of the SRC.

Also, those who invite or recruit others to join or invest in such venture or offer investment contracts or securities to the public may incur criminally liability, or otherwise be sanctioned or penalized accordingly as held by the Supreme Court in the case of *Securities and Exchange Commission vs. Oudine Santos* (G.R. No. 195542, 19 March 2014).

Should you have any information on any recruitment or securities solicitation activities being undertaken by persons or group of persons claiming to represent **SUNNY SMART ASIA/SUNNY SMART CORP. LTD.**, you may send your reports to the **Enforcement and Investor Protection Department** through email at [epd@sec.gov.ph](mailto:epd@sec.gov.ph).

For the guidance of the public.

Makati City, 15 June 2023.