



FINANCING AND LENDING COMPANIES DIVISION

IN RE : **SUBMISSION OF LIST OF THIRD-PARTY SERVICE PROVIDERS IN COMPLIANCE WITH THE FINANCIAL PRODUCTS AND SERVICE PRODUCTS AND SERVICES CONSUMER PROTECTION ACT OF 2022 (R.A. NO. 11765) AND ITS IMPLEMENTING RULES AND REGULATIONS (SEC FCPA IRR)**

ORDER

WHEREAS, the Securities and Exchange Commission (SEC or Commission) exercises regulatory and supervisory authority over financing companies (FCs) and lending companies (LCs), pursuant to Republic Act No. 8556 or the "Financing Company Act of 1998" (FCA), and Republic Act No. 9474 or the "Lending Company Regulation Act of 2007" (LCRA);

WHEREAS, the Commission is mandated to carry out the State's policy under the FCA and the LCRA to, among others, regulate the establishment of FCs and LCs to place their operation on a sound, efficient and stable condition to derive the optimum advantages from them as an additional source of credit, and to prevent and mitigate, as far as practicable, practices prejudicial to public interest; and

WHEREAS, Rule 13, Section 2 of the SEC-FCPA IRR requires all Financial Service Providers (FSPs) to disclose and submit to the Commission a list of their authorized third-party service providers (TPSPs) engaged to perform debt collection, marketing, and/or customer transactions, specifically, the contact details of, and such other details associated with the TPSP, which shall include the names and registered mobile phone numbers of agents engaged to perform debt collection and/or marketing, and other information as may be required by the Commission;

WHEREFORE, ALL FINANCING and LENDING COMPANIES, hereto listed in the Annex, are hereby DIRECTED to provide within five (5) days from the mailing or publication hereof, whichever is applicable, the following information and the necessary documents supporting the same:

1. Names of the Agent(s);
2. Registered mobile phone number/s and email address/es used by employees in-charge of collection;
3. Certification that calls/texts with financial consumers are monitored, if any;
4. Sworn Certification for solidary liability;
5. Collection procedure;
6. Disciplinary actions for violation of procedure;
7. Certificate of trainings on collection process availed by the Agent/s, if any;
8. Incentives received based on the collection; and
9. Sworn Certification stating that all documents submitted and the information provided are true and correct.

The foregoing information and documents shall be submitted through: <https://forms.gle/pLFmFISTjwwWF1We8>, using the official email address that the company provided in its compliance with SEC Memorandum Circular (MC) No. 28,¹ Series of 2020 (MC 28).

For those companies engaging the services of a TPSP, they shall provide the following additional information:

- a. Name of the Third-Party Service Provider/s;
- b. Business Registration of the TPSP or any proof of registration, if applicable;
- c. Address of the TPSP;
- d. Name of the President, or Compliance Officer, or any duly authorized representative, and his/her official email address;

¹ Requirement for Corporations, Partnerships, Associations, and Individuals to Create and/or Designate E-mail Account Address and Cellphone Number for Transactions with the Commission. Details of MC No. 28 can be accessed at: <https://www.sec.gov.ph/wp-content/uploads/2020/10/2020MCNo28.pdf>

- e. Registered mobile phone numbers used by the TPSP and its Agents; and
- f. Monitoring procedure/initiatives of the company on TPSPs collection method, if any.

Submission of false, inaccurate, misleading and/or incomplete information/documents shall be deemed non-compliance of this Order.

Non-compliance with this Order shall be penalized in accordance with the FCPA and its IRR, existing SEC Memorandum Circulars, and other relevant regulations. Such penalties shall include, but is not limited to, suspension and/or revocation of authority to operate as a financing or lending company.

Let this Order be published once in a newspaper of general circulation and in the Commission's Website.

SO ORDERED.

08 June 2023, Makati City.



Nolivienne C. Ermitaño
Assistant Director

FOR LENDING COMPANIES PLEASE SCAN THIS CODE:



FOR FINANCING COMPANIES PLEASE SCAN THIS CODE:

