



ENFORCEMENT AND INVESTOR PROTECTION DEPARTMENT

SEC ADVISORY

This Advisory is prompted by inquiries, reports and information received by the Commission that individuals or group of persons representing an entity named **DIGITAL GUACAMOLE** is enticing the public to invest their money in the said entity with a promise of high monetary rewards or profits.

Based on the reports and information gathered and verified by the Commission, **DIGITAL GUACAMOLE**, thru its online platform via Tiktok, Telegram and Viber, is engaged in a scheme known as "**Tasking and Recharging**" wherein the public is offered online jobs wherein they are required to perform certain tasks with a promise of receiving monetary rewards or what they call commissions and once the task is completed, the investor will be given another task to perform for the same promise of receiving higher commissions where additional funding or recharging from the victim is necessary to withdraw their earnings.

Notably, a **Tasking and Recharging Scheme** involves the offering and sale of securities in the form of "investment contracts" as defined under Section 3.1 of the Securities Regulation Code. An investment contract exists in **Tasking and Recharging Scheme** as 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.

As such, the Securities Regulation Code (SRC) requires that said offer and 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.

However, a **Tasking and Recharging Scheme** has the characteristics of a "**Ponzi Scheme**" where monies from new investors are used in paying "fake profits" to prior investors and is designed mainly to favor its top recruiters and prior risk takers and is detrimental to subsequent members in case of scarcity of new investors.

Hence, the offering and selling of securities in the form of investment contracts using the "**Ponzi Scheme**" which is fraudulent and unsustainable, is NOT a registrable security. The Commission will not issue a License to Sell Securities to the Public to persons or entities that are engaged in this business or scheme.

Finally, R.A. No. 11765 otherwise known as the "Financial Products and Services Consumer Protection Act of 2022" (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 contribution made by the investors themselves and

the offering or selling of investment schemes to the public without a license or permit from the SEC.

In view thereof, the public is hereby advised to exercise caution in dealing with any individual or group of persons soliciting investments for and on behalf of **DIGITAL GUACAMOLE**. The public is further advised **NOT TO INVEST** or to **STOP INVESTING** in the investment scheme being offered by the subject entity or its representatives.

Those who act as salesmen, brokers, dealers or agents, representatives, promoters, recruiters, uplines, influencers, endorsers, abettors and enablers of **DIGITAL GUACAMOLE**, soliciting or convincing people to invest in the investment scheme being offered by the said entity including soliciting investments or recruiting investors through the internet may be held criminally liable under Section 11 of the FCPA and Section 28 of the SRC where both violations are separately penalized with a **maximum fine of Five Million Pesos (Php5,000,000.00) or imprisonment of Twenty One (21) years or both pursuant to Section 73 of the SRC** (*SEC vs. Oudine Santos, G.R. No. 195542, 19 March 2014*).

Furthermore, the names of all those involved will be reported to the Bureau of Internal Revenue (BIR) so that the appropriate penalties and/or taxes be correspondingly assessed.

Should you have any information regarding the operation of **DIGITAL GUACAMOLE**, please send your reports to the Enforcement and Investor Protection Department (EIPD) at email at epd@sec.gov.ph or you may visit the EIPD at the 9/F, The SEC Headquarters, 7907 Makati Avenue, Salcedo Village, Brgy. Bel-Air, Makati City.

For the information and guidance of the public.

Makati City, 19 March 2024.