



ENFORCEMENT AND INVESTOR PROTECTION DEPARTMENT

SEC ADVISORY

This is to inform the public that **GERCELHOMES STAYCATION** NOT AUTHORIZED TO SOLICIT INVESTMENTS FROM THE PUBLIC.

This ADVISORY is prompted by reports and information gathered by the Commission that a certain person representing an entity named **GERCELHOMES STAYCATION** 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, **GERCELHOMES STAYCATION** offers accommodation with amenities to the public through its Facebook Page. It is a condominium unit with one (1) bedroom located in Azure North, NLEX cor. Jose Abad Santos Ave., Brgy. San Jose, San Fernando, Pampanga.

As posted online, **GERCELHOMES STAYCATION** is offering investments with a minimum capital of **PHP10,000,00 Pesos**. Investors may earn 10-20% monthly fixed income and a contract for a lock-in period of six (6) months. The way to receive profit is through bank transfer/deposit and post-dated cheques.

The public is being made aware that an "investment contract" 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 **GERCELHOMES STAYCATION**.

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.

Based on the Commission's database, **GERCELHOMES STAYCATION** is **NOT REGISTERED** as a Corporation, Partnership or One Person Corporation. Likewise, **GERCELHOMES STAYCATION** has not secured prior registration and/or license to solicit investments from the Commission prescribed under Section 8 and 28 of the Securities Regulation Code (SRC).

Further, the scheme employed by **GERCELHOMES STAYCATION**, shows indication of a possible "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.

As the above described scheme involves the sale of securities to the public, the Securities Regulation Code (SRC) requires that these securities are duly registered and that the concerned entities and/or its agents have appropriate registration and/or license to sell such securities to the public pursuant to Section 8 and 28 of the SRC.

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.

Moreover, R.A. No. 11765 or the Financial Products and Services Consumer Protection Act (FCPA) prohibits the commission of "Investment fraud", defined 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.

In view thereof, the public is hereby advised **NOT TO INVEST** or to **STOP INVESTING** in the investment scheme being offered **GERCELHOMES STAYCATION**, and its representatives.

Those who act as salesmen, brokers, dealers, agents, representatives, promoters, recruiters, uplines, influencers, endorsers, abettors, and enablers of **GERCELHOMES STAYCATION**, in selling 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 which are both penalized separately 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 any investment solicitation by any individual or group of individuals on behalf of **GERCELHOMES STAYCATION**, please send your report through email at epd@sec.gov.ph.

For the information and guidance of the public.

Makati City, 19 March 2024.