



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE GOVERNOR

CIRCULAR NO. 1104

Series of 2020

Subject: Amendments to Regulations on Submission of Report on Crimes/Losses for Non-Bank Financial Institutions

The Monetary Board, in its Resolution No. 1460 dated 13 November 2020, approved the amendments on the relevant sections of the Manual of Regulations for Non-Bank Financial Institutions (MORNBFI) covering the submission of report on crimes and losses.

Section 1. Section 161-P is hereby amended to read, as follows:

"161-P RECORD AND REPORTS

xxx

c. Manner of filing. xxx

Report on Crimes/Losses (RCL). Pawnshop Operators shall electronically submit an RCL within ten (10) calendar days from knowledge of the crime/incident.

Section 2. Section 162-S and Section 901-N are hereby amended, as follows:

"162-S REPORTS

xxx

Manner of filing. xxx

Report on Crimes/Losses (RCL). Non Stock Savings and Loans Associations shall electronically submit an RCL within ten (10) calendar days from knowledge of the crime/incident.

Sanctions and procedures for filing and payment of fines. x x x

901-N MONEY SERVICE BUSINESS OPERATIONS

xxx

Reports.

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a. *Required reports. x x x*

1. x x x

5. Report on Crimes/Losses (RCL) which shall be electronically submitted within ten (10) calendar days from knowledge of the crime/incident.

Section 3. Appendix P-8 shall be deleted and its provisions are hereby amended and incorporated in Section 161-P after the amended provisions under "Report on Crimes/Losses (RCL)" in Section 1 of this Circular to read as follows:

REPORTING AND NOTIFICATION GUIDELINES ON CRIMES/LOSSES

1. Pawnshops Operators shall report on the following matters to the Bangko Sentral:

a. Crimes whether consummated, frustrated or attempted against property/facilities (such as robbery, theft, swindling or estafa, forgery and other deceits) and other crimes involving loss/ destruction of property of the pawnshop when the amount involved in each crime is P20,000 or more.

Crimes involving Pawnshop personnel, regardless of amount and whether or not such crimes resulted in the loss/destruction of property of the pawnshop, shall likewise be reported to the Bangko Sentral.

b. Incidents involving material loss, destruction or damage to the pawnshop's property/facilities, other than arising from a crime, where the amount involved per incident is P20,000 or more.

c. Crimes and/or incidents other than crimes involving loss, destruction or damage to the pawnshop's pawned articles, regardless of amount.

d. *Definition of terms.* For the purpose of this regulation, the following definitions shall apply:

(1) *Swindling (Estafa)* - a crime committed by a person who defrauds another causing the latter to suffer damage by any of the following means:

- (a) with unfaithfulness or abuse of confidence;
- (b) by false pretense or fraudulent acts executed prior to or simultaneously with the commission of the fraud; or
- (c) through other fraudulent means and other forms of swindling, under Articles 315 to 317 of the Revised Penal Code, as amended.

(2) *Theft* - a crime committed by a person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent pursuant to

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Article 308 and other pertinent provisions of Chapter III, Title X of the Revised Penal Code, as amended.

- (3) *Robbery* - a crime committed by a person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything pursuant to Article 295 and other pertinent provisions of Chapter 1, Title X of the Revised Penal Code, as amended.
- (4) *Falsification* - a crime committed by a person who falsifies a document by
- (a) Counterfeiting or imitating any handwriting, signature or rubric;
 - (b) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
 - (c) Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
 - (d) Making untruthful statements in a narration of facts;
 - (e) Altering true dates;
 - (f) Making any alteration or intercalation in a genuine document which changes its meaning;
 - (g) Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or
 - (h) Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book and other acts falling under Articles 169, 171, 172 and 178 of the Revised Penal Code, as amended.
- (5) *Credit-card related crimes* – crimes arising through the use of credit cards.
- (6) *Other crimes that may cause loss to the Pawnshop* - crimes committed that cannot be appropriately classified under any of the above classifications.
- (7) *Negligence* - the failure to exercise the care which an ordinarily prudent person would use under the circumstances in the discharge of the duty then resting upon him.
- (8) *Non-crime related loss* – Incidents that may cause the Pawnshop to suffer a loss arising from fortuitous events.
- (9) *Insider* - person involved include proprietor/partners/directors, officers and employees of the Pawnshop.
- (10) *Outsider* - persons involved other than an insider.
- (11) *Perpetrator* - a person, whether an insider or outsider, who is responsible for the commission of crime either by direct participation, inducement or

cooperation, including accomplices and accessories as defined under Articles 18 and 19 of the Revised Penal Code, as amended.

- (12) *Victim* - an insider or outsider other than the perpetrator, who is the aggrieved party to the crime and may as a result of the incident, suffered the loss.
 - (13) *Attempted crime* - a crime is attempted when the perpetrator commences the commission of the crime directly by overt acts and does not perform all of the acts of execution which should produce the crime by reason of some cause or accident other than his own desistance under Article 6 of the Revised Penal Code, as amended.
 - (14) *Frustrated crime* - a crime is classified as frustrated, when the perpetrator performs all the acts of execution which would produce the crime as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator under Article 6 of the Revised Penal Code, as amended.
 - (15) *Consummated crime* - a crime is consummated when all the acts necessary for the execution and accomplishment of the crime was performed. As a result, the Pawnshop may have suffered a loss, the recoverable portion of which should be deducted to arrive at the probable loss incurred by the Pawnshop.
 - (16) *Termination of the investigation* – an investigation is said to be terminated when all the material facts/information which are sufficient to support a conclusion relative to the matters involved have already been gathered and a finding/conclusion may be made based on the gathered information.
2. The following guidelines shall be observed in the preparation and submission of the report.
- a. The Branch or Head Office's RCL shall be submitted electronically to the Bangko Sentral in the email address to be provided by FSS within ten (10) calendar days from knowledge of the crime or incident through the Pawnshop's Head Office and shall be certified correct by the compliance officer or officer of equivalent rank and function. When the deadline falls on a non-business day, the report shall be submitted on the immediately following business day.

Supporting documents (e.g., (i) Notarized list of lost pawned articles, indicating the pawn ticket number, name of the pawner, date loan granted, brief description of pawn, and amount of loan; (ii) Police report on the investigation of the incident; (iii) Proof of notification in writing to all pawners concerned about the incident; and (iv) Proof of settlement of pawners' claim for lost pawned items due to the reported incident/crime) shall be made readily

available by the pawnshop during Bangko Sentral examination or as requested by the Bangko Sentral.

- b. Where a thorough investigation and evaluation of facts is necessary to complete the report, an initial report electronically submitted in the email address to be provided by FSS within the said deadline of ten (10) calendar days may be accepted: *Provided*, That a complete report is electronically submitted in the email address to be provided by FSS not later than twenty (20) calendar days from termination of investigation.

Moreover, an RCL with incomplete information shall be considered as erroneous report, and the Pawnshop concerned shall be required to submit an amended report, subject to applicable sanctions.

Section 4. Appendix S-3 shall be deleted and its provisions are hereby amended and incorporated in Section 162-S between the provisions under "Report on Crimes/Losses (RCL)" in Section 2 of this Circular, and the subtopic "Sanctions and procedures for filing and payment of fines." These provisions shall likewise apply, with modifications, to Money Service Businesses (MSBs), and shall be incorporated in Section 901-N before Item b "Delayed/erroneous/unsubmitted report." The said provisions shall read as follows:

- 1) For NSSLA

REPORTING AND NOTIFICATION GUIDELINES ON CRIMES/LOSSES

1. NSSLAs shall report on the following matters to the Bangko Sentral:

- a. Crimes whether consummated, frustrated or attempted against property/facilities (such as robbery, theft, swindling or estafa, forgery and other deceptions) and other crimes involving loss/ destruction of property of the NSSLA when the amount involved in each crime is P20,000 or more.

Crimes involving NSSLA personnel, regardless of amount and whether or not such crimes resulted in the loss/destruction of property of the NSSLA, shall likewise be reported to the Bangko Sentral.

- b. Incidents involving material loss, destruction or damage to the NSSLA's property/facilities, other than arising from a crime, where the amount involved per incident is P20,000 or more.
- c. *Definition of terms.* For the purpose of this regulation, the following definitions shall apply:

(1) Swindling (*Estafa*) - a crime committed by a person who defrauds another causing the latter to suffer damage by any of the following means:

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- (a) with unfaithfulness or abuse of confidence;
 - (b) by false pretense or fraudulent acts executed prior to or simultaneously with the commission of the fraud; or
 - (c) through other fraudulent means and other forms of swindling, under Articles 315 to 317 of the Revised Penal Code, as amended.
- (2) *Theft* - a crime committed by a person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent pursuant to Article 308 and other pertinent provisions of Chapter III, Title X of the Revised Penal Code, as amended.
- (3) *Robbery* - a crime committed by a person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything pursuant to Article 295 and other pertinent provisions of Chapter 1, Title X of the Revised Penal Code, as amended.
- (4) *Falsification* - a crime committed by a person who falsifies a document by
- (a) Counterfeiting or imitating any handwriting, signature or rubric;
 - (b) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
 - (c) Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
 - (d) Making untruthful statements in a narration of facts;
 - (e) Altering true dates;
 - (f) Making any alteration or intercalation in a genuine document which changes its meaning;
 - (g) Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or
 - (h) Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book and other acts falling under Articles 169, 171, 172 and 178 of the Revised Penal Code, as amended.
- (5) *Credit-card related crimes* – crimes arising through the use of credit cards.
- (6) *Other crimes that may cause loss to the NSSLA* - crimes committed that cannot be appropriately classified under any of the above classifications.
- (7) *Negligence* - the failure to exercise the care which an ordinarily prudent person would use under the circumstances in the discharge of the duty then resting upon him.

- (8) *Non-crime related loss* – Incidents that may cause the NSSLA to suffer a loss arising from fortuitous events.
- (9) *Insider* - person involved include trustees, officers and employees of the NSSLA.
- (10) *Outsider* - persons involved other than an insider.
- (11) *Perpetrator* - a person, whether an insider or outsider, who is responsible for the commission of crime either by direct participation, inducement or cooperation, including accomplices and accessories as defined under Articles 18 and 19 of the Revised Penal Code, as amended.
- (12) *Victim* - an insider or outsider other than the perpetrator, who is the aggrieved party to the crime and may as a result of the incident, suffered the loss.
- (13) *Attempted crime* - a crime is attempted when the perpetrator commences the commission of the crime directly by overt acts and does not perform all of the acts of execution which should produce the crime by reason of some cause or accident other than his own desistance under Article 6 of the Revised Penal Code, as amended.
- (14) *Frustrated crime* - a crime is classified as frustrated, when the perpetrator performs all the acts of execution which would produce the crime as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator under Article 6 of the Revised Penal Code, as amended.
- (15) *Consummated crime* - a crime is consummated when all the acts necessary for the execution and accomplishment of the crime was performed. As a result, the NSSLA may have suffered a loss, the recoverable portion of which should be deducted to arrive at the probable loss incurred by the NSSLA.
- (16) *Termination of the investigation* – an investigation is said to be terminated when all the material facts/information which are sufficient to support a conclusion relative to the matters involved have already been gathered and a finding/conclusion may be made based on the gathered information.

2. The following guidelines shall be observed in the preparation and submission of the report.
- a. The Branch or Head Office's RCL shall be submitted electronically to the Bangko Sentral in the email address to be provided by FSS within ten(10) calendar days from knowledge of the crime or incident through the NSSLA's Head Office and shall be certified correct by the compliance officer or officer of equivalent rank.

and function. When the deadline falls on a non-business day, the report shall be submitted on the immediately following business day.

Supporting documents (e.g., police report on the investigation of the incident) shall be made readily available by the NSSLA during Bangko Sentral examination or as requested by the Bangko Sentral.

- c. Where a thorough investigation and evaluation of facts is necessary to complete the report, an initial report electronically submitted in the email address to be provided by FSS within the said deadline of ten (10) calendar days may be accepted: *Provided*, That a complete report is electronically submitted in the email address to be provided by FSS not later than twenty (20) calendar days from termination of investigation.

Moreover, an RCL with incomplete information shall be considered as erroneous report, and the NSSLA concerned shall be required to submit an amended report subject to penalties on late reporting for Category B reports under Section 162-S.

2) For MSB

REPORTING AND NOTIFICATION GUIDELINES ON CRIMES/LOSSES

1. MSBs shall report on the following matters to the Bangko Sentral:
 - a. Crimes whether consummated, frustrated or attempted against property/facilities (such as robbery, theft, swindling or estafa, forgery and other deceits) and other crimes involving loss/ destruction of property of the MSB when the amount involved in each crime is P20,000 or more.

Crimes involving MSB personnel, regardless of amount and whether or not such crimes resulted in the loss/destruction of property of the MSB, shall likewise be reported to the Bangko Sentral.

- b. Incidents involving material loss, destruction or damage to the MSB's property/facilities, other than arising from a crime, where the amount involved per incident is P20,000 or more.
- c. *Definition of terms.* For the purpose of this regulation, the following definitions shall apply:

(1) Swindling (*Estafa*) - a crime committed by a person who defrauds another causing the latter to suffer damage by any of the following means:

- (a) with unfaithfulness or abuse of confidence;
- (b) by false pretense or fraudulent acts executed prior to or simultaneously with the commission of the fraud; or

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- (c) through other fraudulent means and other forms of swindling, under Articles 315 to 317 of the Revised Penal Code, as amended.
- (2) *Theft* - a crime committed by a person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent pursuant to Article 308 and other pertinent provisions of Chapter III, Title X of the Revised Penal Code, as amended.
- (3) *Robbery* - a crime committed by a person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything pursuant to Article 295 and other pertinent provisions of Chapter 1, Title X of the Revised Penal Code, as amended.
- (4) *Falsification* - a crime committed by a person who falsifies a document by
- (a) Counterfeiting or imitating any handwriting, signature or rubric;
 - (b) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
 - (c) Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
 - (d) Making untruthful statements in a narration of facts;
 - (e) Altering true dates;
 - (f) Making any alteration or intercalation in a genuine document which changes its meaning;
 - (g) Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or
 - (h) Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book and other acts falling under Articles 169, 171, 172 and 178 of the Revised Penal Code, as amended.
- (5) *Credit-card related crimes* – crimes arising through the use of credit cards.
- (6) *Other crimes that may cause loss to the MSB* - crimes committed that cannot be appropriately classified under any of the above classifications.
- (7) *Negligence* - the failure to exercise the care which an ordinarily prudent person would use under the circumstances in the discharge of the duty then resting upon him.
- (8) *Non-crime related loss* – Incidents that may cause the MSB to suffer a loss arising from fortuitous events.

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- (9) *Insider* - person involved include proprietor/partners/directors/ principal officers and other personnel directly involved in Money Service Business Operations.
- (10) *Outsider* - persons involved other than an insider.
- (11) *Perpetrator* - a person, whether an insider or outsider, who is responsible for the commission of crime either by direct participation, inducement or cooperation, including accomplices and accessories as defined under Articles 18 and 19 of the Revised Penal Code, as amended.
- (12) *Victim* - an insider or outsider other than the perpetrator, who is the aggrieved party to the crime and may as a result of the incident, suffered the loss.
- (13) *Attempted crime* - a crime is attempted when the perpetrator commences the commission of the crime directly by overt acts and does not perform all of the acts of execution which should produce the crime by reason of some cause or accident other than his own desistance under Article 6 of the Revised Penal Code, as amended.
- (14) *Frustrated crime* - a crime is classified as frustrated, when the perpetrator performs all the acts of execution which would produce the crime as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator under Article 6 of the Revised Penal Code, as amended.
- (15) *Consummated crime* - a crime is consummated when all the acts necessary for the execution and accomplishment of the crime was performed. As a result, the MSB may have suffered a loss, the recoverable portion of which should be deducted to arrive at the probable loss incurred by the MSB.
- (16) *Termination of the investigation* – an investigation is said to be terminated when all the material facts/information which are sufficient to support a conclusion relative to the matters involved have already been gathered and a finding/conclusion may be made based on the gathered information.
2. The following guidelines shall be observed in the preparation and submission of the report.
- a. The Branch or Head Office's R C L shall be submitted electronically to the Bangko Sentral in the email address to be provided by FSS within ten(10) calendar days from knowledge of the crime or incident through the MSB's Head Office and shall be certified correct by the compliance officer or officer of equivalent rank and function. When the deadline falls on a non-business day, the report shall be submitted on the immediately following business day.

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Supporting documents (e.g., police report on the investigation of the incident) shall be made readily available by the MSB during Bangko Sentral examination or as requested by the Bangko Sentral.

- b. Where a thorough investigation and evaluation of facts is necessary to complete the report, an initial report electronically submitted in the email address to be provided by FSS within the said deadline of ten (10) calendar days may be accepted: *Provided*, That a complete report is electronically submitted in the email address to be provided by FSS not later than twenty (20) calendar days from termination of investigation.

Moreover, an RCL with incomplete information shall be considered as erroneous report, and the MSB concerned shall be required to submit an amended report subject to penalties on late reporting for Category B reports under Section 901-N.

Section 5. Appendices P-7, S-2 and N-1 of the MORNBF, are amended/added, as shown in Annex A of this Circular.

Section 6. NSSLAs, Pawnshops, and MSBs shall electronically submit RCL using the old form to the following email address: fss-somd@bsp.gov.ph, until revised.

Section 7. Effectivity. This circular shall take effect fifteen (15) calendar days after its publication either in the Official Gazette or in a newspaper of general circulation.

FOR THE MONETARY BOARD:



BENJAMIN E. DIOKNO
Governor

27 November 2020

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Appendix P-7

LIST OF REPORTS REQUIRED FROM PAWNSHOPS

(Appendix to Section 161-P)

Category	Form No.	MOR Ref.	Report Title	Frequency	Submission Deadline	Submission Procedure
Xxx						
B	Unnumbered	161-P	Report on Crimes/Losses	As crime/incident occurs	<p>Initial</p> <p>Final</p>	<p>Soft copy to the appropriate supervising department of the Bangko Sentral"</p> <p>Within ten (10) calendar days from knowledge of the crime/incident</p> <p>Within twenty (20) calendar days from termination of investigation</p>

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Appendix S-2

LIST OF REPORTS REQUIRED FROM NON STOCK SAVINGS AND LOAN ASSOCIATIONS

(Appendix to Sec. 162-S)

Category	Form No.	MOR Ref.	Report Title	Frequency	Submission Deadline	Submission Procedure
Xxx						
B	Unnumbered	162-S	Report on Crimes/Losses	As crime/incident occurs	<p>Initial</p> <p>Final</p>	<p>Soft copy to the appropriate supervising department of the "Bangko Sentral"</p> <p>Within ten (10) calendar days from knowledge of the crime/incident</p> <p>Within twenty (20) calendar days from termination of investigation</p>

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Appendix N-1

LIST OF REPORTS REQUIRED FROM QUASI BANKS AND MONEY SERVICE BUSINESSES

[Appendix to Section 4192Q (2008 – 4162Q) and 901N]

Category	Form No.	MOR Ref.	Report Title	Frequency	Submission Deadline	Submission Procedure
Xxx						
B	Unnumbered	901-N	Report on Crimes/Losses	As crime/incident occurs	<p>Initial</p> <p>Final</p>	<p>Within ten (10) calendar days from knowledge of the crime/incident</p> <p>Within twenty (20) calendar days from termination of investigation</p> <p><i>Soft copy to the appropriate supervising department of the Bangko Sentral"</i></p>

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