

[CIRCULAR NO. 1012, September 19, 2018]

**BANGKO SENTRAL NG PILIPINAS (BSP) REVISED RULES OF
PROCEDURE ON ADMINISTRATIVE CASES INVOLVING
DIRECTORS AND OFFICERS OF BSP-SUPERVISED FINANCIAL
INSTITUTIONS**

*Adopted: 12 September 2018
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The Monetary Board, in its Resolution No. 1371 dated 16 August 2018, approved the following Revised Rules of Procedure on Administrative Cases Involving Directors and Officers of BSP-Supervised Financial Institutions, pursuant to Section 37 of Republic Act No. 7653 (The New Central Bank Act), and Sections 16 and 66 of Republic Act No. 8791 (The General Banking Law of 2000).

RULE I. GENERAL PROVISIONS

Section 1. Title. - These Rules shall be known as the ***Bangko Sentral ng Pilipinas (BSP) Revised Rules of Procedure on Administrative Cases Involving Directors and Officers of BSP - Supervised Financial Institutions.***

Section 2. Applicability. - These Rules shall apply to administrative cases filed with the Office of Special Investigation (OSI), BSP, involving directors and officers of BSP-supervised financial institutions in relation to Section 37 of Republic Act No. 7653 (The New Central Bank Act) and Section 16 of Republic Act No. 8791- (The General Banking Law of 2000).

These Rules shall also apply to administrative cases arising out of the fact- finding investigation conducted by OSI.

Complaints against BSP-supervised financial institutions, as a juridical entity, shall not be covered by these Rules.

Supervisory and enforcement actions shall also not be covered by these Rules.

Section 3. Nature of Proceedings. - The proceedings under these Rules shall be summary in nature and shall be conducted without necessarily adhering to the technical rules of procedure and evidence applicable to judicial trials.

In the absence of applicable provision in these Rules, and pursuant to the summary nature of these proceedings, the pertinent provisions of the Rules of Court may be applied suppletorily.

Section 4. Appearance of Counsel. - The parties, if they so desire, may be assisted or represented by counsel.

Section 5. Confidentiality of Proceedings. - Proceedings under these Rules shall be confidential and shall not be disclosed to third parties, except to the extent as may be provided under existing laws. All communications relating to these proceedings shall be made in writing, copy furnished the other party.

RULE II - DEFINITION OF TERMS

Section 6. Adoption - The terms as defined in the Manual of Regulations are hereby adopted in these Rules.

RULE III - PLEADINGS AND NOTICES

Section 7. Complaint. - The complaint shall be in writing, and subscribed and sworn to by the complainant. No anonymous complaint shall be entertained.

Section 8. Where to File. - The complaint shall be filed with OSI, in as many copies as there are respondents, including two (2) copies for OSI.

Section 9. Contents of the Complaint. - The complaint shall contain the ultimate facts of the case, and shall include the following:

- a. The full name and address of the complainant;
- b. The full name and address of the respondent;
- c. The position of the respondent, in the BSP-Supervised Financial Institution;
- d. A specification of the charges against the respondent;
- e. A statement of the material facts;
- f. A statement as to whether or not a similar complaint has been filed with the
BSP, the Supreme Court, the Court of Appeals, any other tribunal or agency;
- g. Except for complaints arising from factual investigation conducted by the OSI or the Financial Supervision Sector (FSS), a statement that the complaint was previously referred to BSP's Financial Consumer Protection Department (FCPD), FSS, for appropriate action of the Financial Institution where the bank officer or director complained of belongs, with a copy of the response of said Financial Institution that failed to settle or resolve the complaint, or upon the lapse of thirty (30) calendar days from referral of the complaint by the FCPD to the Financial Institution in case of the latter's failure or refusal to respond.

The complaint shall include copies of documents and sworn statements of witnesses, if any, in support of the complaint.

Section 10. Action on the Complaint. - Upon a determination that the complaint is sufficient in form and substance, and complies with Rule III, Section 9 of these Rules, OSI shall issue a notice requiring the respondent to file a sworn answer to the complaint.

However, if the complaint fails to comply with the immediately preceding section, OSI shall dismiss the complaint, without prejudice, or take such appropriate action