Securities and Exchange Commission
PHILIPPINES

MARKETS AND SECURITIES REGULATION DEPARTMENT
SPECIAL HEARING PANEL

In the matter of:
R & L INVESTMENTS, INC.

SEC MSRD Case No. MSRD-MID-2020-3

JULIETO C. SULAPAS,

Respondent.
x--x

June 11, 2021

To: 6/11/21

Assistant Director Adan Evan O. Pascua
Markets and Regulation Department
Securities and Exchange Commission
Secretariat Building, PICC Complex,
Roxas Boulevard, Pasay City.

Julieto C. Sulapas
59 Cambridge Hampstead Place
Del Carmen St., Brgy. Nangka
Marikina City.

06-14-21

GREETINGS:

Please take notice that on June 11, 2021, a Decision, copy hereto attached, was issued in the above-entitled case, the original of which is now on file with the Commission.

MARLON G. FACUN
SHP Chairman

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE

SECURITIES AND EXCHANGE COMMISSION
PASAY CITY

MARKETS AND SECURITIES REGULATION DEPARTMENT

SPECIAL HEARING PANEL

In the matter of:
R & L INVESTMENTS, INC.

SEC MSRD Case No. MSRD-MID-2020-3

JULIETO C. SULAPAS,

Respondent.
x---x

DECISION

Before the Special Hearing Panel ("SHP") is a Formal Charge dated September 2020 of the Investigation and Review Committee ("IRC") composed of officers and personnel of the Markets and Securities Regulation Department ("MSRD") of the Securities and Exchange Commission ("Commission") charging Julieto Sulapas ("Sulapas") for violation of Section 26 of the Securities Regulation Code ("SRC") in relation to Section 54 of the SRC as follows:

ANTECEDENT FACTS AND STATEMENT OF THE CASE

On 14 November 2019, the Securities and Exchange Commission in SEC En Banc Case No. MP-2019-001 ordered the Capital Markets Integrity Corporation ("CMIC') to take over the operations of R&L Investments, Inc. ("R&L") pursuant to Section 33.1 (d) of the SRC and Rule 33.1.1.26.3 of the 2015 Implementing Rules and Regulations of the SRC ("2015 SRC Rules" or "SRC-IRR").

The Take Over Order was issued due to the deterioration of the financial condition of R&L rendering it incapable of meeting the demands of R&L's client security holders and the payment of their share proceeds.

The deterioration was brought about by the fraudulent scheme allegedly employed by the respondent that resulted in the loss of P700 Million worth of client shares of R&L.

Under the Order, the CMIC was also directed to determine the various violations of the provisions of the SRC and its Implementing Rules and Regulations possibly committed by R&L Investment Inc., its officers and employees and to submit its report and recommendation to the Markets and Securities Regulation Department for the purpose of instituting administrative or criminal action against the responsible persons. This does not, however, preclude the Commission from continuing its own examination, investigation, or filing of any action against respondent R&L Investment Inc. and its responsible officers and employees.

Consequently, the Commission directed the MSRD to conduct a thorough investigation of the incident to determine the various violations of the securities laws possibly committed and to institute, among others, the appropriate administrative charges against all the responsible persons, including R&L, its officers and employees.

Pursuant to the direction, MSRD created the IRC to conduct the investigation. Hence, subpoenas were issued by the IRC to herein Respondent, R&L Investments, Inc., ("R&L") and its officers and employees, Venture Securities, Inc. ("VSI" or "Venture Securities") and its officers and employees and Julieto Sulapas. The Respondent did not appear before the investigating body.

On 5 February 2020, the Special Hearing Panel composed of the undersigned was created to hear, resolve and decide matters relative to the case.

After conducting the investigation, the IRC formally instituted the Formal Charge dated September 2020 against the Respondent.

The basis of the formal charge were the relevant facts obtained from the investigation conducted by the MSRD, as follows:

1. Investigation has been commenced by the Securities and Exchange Commission in the light of the Take Over Order dated 14 November 2019 issued by the Commission En Banc docketed as SEC En Banc Case No. MP-2019-001 due to the deterioration of the financial condition of R&L Investments, Inc. render it incapable of meeting the demands of the latter's client security holders and the payment of their share proceeds;

2. The deterioration was brought about by the alleged fraudulent schemes employed by herein Respondent that resulted to the loss of approximately Php700 million worth of client shares of R&L;

3. Subpoenas were issued to R&L, Venture Securities, Inc. ("VSI"), Marlo Moron and the Respondent. The subpoena for the Respondent was personally served to his last known address above mentioned, but the service was unsuccessful as he no longer lives there. Despite diligent efforts to find Respondent, including calling his last known contact numbers, service remained unsuccessful as of this date;

4. As revealed in the documents submitted by R&L and Venture Securities, herein Respondent has accounts with both R&L and Venture Securities.

5. The Respondent had been giving instructions to Venture Securities to receive certain shares from his account with R&L thru EQ trades. These EQ Trade transfers are received and recorded by Venture Securities under the Respondent's account.

6. Based on the CMIC report dated 19 December 2019, it reveals that the Respondent gained approximately Php701,969,341 through his customer account with Venture Securities.

7. However, when the Respondent ledgers of R & L are compared to the Respondent's ledger in Venture Securities, it was discovered that the shares transferred to Venture does not exist or recorded in his R&L account as of the date of his requests. Therefore, the shares that were transferred to the Respondent account in Venture Securities came from the accounts of the other clients of R&L.

8. Herein Respondent also issued an Authorization in favor of Marlo Moron, an Office/Trading Floor Assistant (based on the list of officers and employees as of October 8, 2019 provided by CMIC) officer of R&L to allow him to give instructions to Venture Securities to transact over his accounts. It was revealed by Loreto Balabis, the salesperson of Venture Securities during the investigation that he admittedly processed most of Respondent's transactions in Venture Securities and in certain occasions, Marlo Moron himself orders the sale of stocks in the Respondent's account by virtue of his Authorization.

9. The abovementioned acts show that herein Respondent would have knowledge that his accounts in R&L and Venture Securities are being used in the unauthorized transfers of clients' shares from the former to the latter.

10. Further, a review of Respondent account ledger with Venture Securities disclosed that the transferred shares from R&L were sold via the PSE system. The corresponding cleared checks show the name of the Respondent as payee on the instruments.

11. It was also discovered that some of the proceeds were used to pay for the purchased shares from the market which shares were subsequently sold. The proceeds are then collected by the Respondent;

12. Thus, the said fraudulent acts committed by the Respondent constitute a violation of Section 26 of the SRC and Rule 26.1 of its 2015 SRC-IRR.

The Formal Charge was sent to the Respondent. Pursuant to the 2016 Rules of Procedure of the Commission, he was directed to submit his Answer within Fifteen (15) days from receipt hereof, otherwise, his failure to submit his answer within the required period would be considered as a waiver thereof.

Records of the case show that the Formal Charge was received by the Respondent on 07 September 2020. Respondent did not file his Answer to the Formal Charge.

On 15 April 2021, Complainant submitted a manifestation and motion requesting for the submission of the following additional documentary evidence:

1. Sinumpaang Salaysay of Respondent dated 17 September 2020.
2. Supplemental Affidavit of Respondent dated 08 March 2021.
3. Ledgers of Repondent account with Venture Securities, Inc. from 2012 to 2019;
4. The EQ trade Forms of Respondent with Venture Securities that were transferred from R&L Investments to Venture Securities vis EQ Trade to the Respondent Account.
5. The cleared checks issued by Venture Securities in the name of Respondent.

Per records, the manifestation with motion was received by Respondent Sulapas on April 16, 2021. The panel have not received the comments/opposition from the Respondent. There being no comment/opposition and considering that the additional documentary evidence appears to be relevant in the instant case, the panel in its Order dated 1 June 2021 granted the motion and the documents submitted are admitted.

On even date, the panel issued a resolution submitting the case for decision and Respondent Julieto C. Sulapas Sinumpaang Salaysay and Supplemental Affidavit is also considered as his Answer on the formal charge against him.

ISSUES

1. Whether or not the Respondent Sulapas violated Section 26 of the SRC in relation to Section 54 of the SRC.

RULING

In the case at bar, Complainant has sufficiently discharged the burden of demonstrating the commission of securities fraud in violation of SRC Section 26 in relation to Section 54 of the SRC.

> *Section 26. Fraudulent Transactions. It shall be unlawful for any person, directly or indirectly, in connection with the purchase or sale of any securities to:*
>
> *26.1. Employ any device, scheme, or artifice to defraud;*
>
> *26.2. Obtain money or property by means of any untrue statement of a material fact of any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or*
>
> *26.3. Engage in any act, transaction, practice or course of business which operate as a fraud or deceit upon any person. [Emphasis ours.]*
>
> *xxx*
>
> *Section 54. Administrative Sanctions – 54.1. If, after due notice and hearing, the Commission finds that: (a) There is a violation of this Code, its rules, or its orders; (b) Any registered broker or dealer, associated person thereof have failed reasonably to supervise, with view of preventing violations, another person subject to supervision who commits any such violation; (c) Any registrant or any person has, in a registration statement or in other reports, applications, accounts, records or documents required by law or rules to be filed with the Commission, made any untrue statement of a material fact, or omitted to state any material fact required to be stated or necessary to make the statements therein not misleading; or, in the case of an underwriter, has failed to conduct an inquiry with reasonable diligence to ensure that a registration statement is accurate and complete in all material respects; or (d) Any person has refused to permit any lawful examinations into its affair, it shall in its discretion, and subject only to limitations hereinafter prescribed, imposed any or all of the following sanctions as may be appropriate in the light of the facts and circumstances:*
>
> *(i) Suspension, or revocation of any registration for the offering of securities;*
>
> *(ii) A fine of no less than Ten Thousand Pesos (P10,000.00) nor more than One Million Pesos (P1,000,000.00) plus not more than Two thousand pesos (P2,000.00) for each day of continuing violation;*
>
> *(iii) In the case of violations of Sections 19.2, 24, 26 and 27, disqualification from being an officer, member of the Board of Directors or persons performing similar functions, of an issuer required to file reports under Section 17 of this Code or any other act, rule or regulation administered by the Commission;*
>
> *(iv) In the case of a violation of Section 34, a fine of no more than three (3) times the profit gained or loss avoided as a result of the purchase, sale or communication prescribed by such Section, and*
>
> *(v) Other penalties within the power of the Commission to impose.*
>
> *54.2. The imposition of the foregoing administrative sanctions shall be without prejudice to the filing of criminal charges against the individuals responsible for the violation.*
>
> *54.3. The Commission shall have the power to issue writs of execution to enforce payment of the fees and other dues collectible under this Code.*

Rule 26.1 of the 2015 Implementing Rules and Regulations of the Securities Regulation Code provides:

26.1. It shall be unlawful for any person, directly or indirectly, in connection with the purchase or sale of any securities to: (i) employ any device, scheme or artifice to defraud; (ii) obtain money or property by means of any untrue statement of a material fact of any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (iii) engage in any act, transaction, practice or course of business which operates or would operate as a fraud or deceit upon any person.

Section 26 of the SRC makes it unlawful for any person in the offer or sale of any security "(1) to employ any device, scheme, or artifice to defraud, or (2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact . . ., or (3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any person."

A perusal of the Formal Charge will readily reveal that the Complainant is pointing to Sections 26(1) and 26(3) of the SRC as the provisions violated by the Respondent, it appearing that the allegations involve the employment of a device, scheme, or artifice to defraud and a transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

An examination of the records reveals that Respondent Sulapas violated SRC Section 26 in relation to SRC Section 54 pertaining to the VSI Sulapas account transactions based on the following attendant circumstances.

First, Respondent in his affidavits, although he basically denied having knowledge on the unauthorized securities transactions in his account, however, he respectively narrated his participation on how he received checks issued by VSI in his name, the check encashment, the fact of receiving commission money from the transactions of his VSI account and the turn-over of the proceeds of the check encashment to a certain Marlo Moron after deducting his commission:

Sulapas' Sinumpaang Salaysay

16. Na makalipas ang isang buwan, pinapunta ako ulit ni Mar sa kanya at may tseke daw ako. Pagdating ko ng PSE trading floor, may mga tseke nang dala si Mar at pinapirmahan niya sakin ang mga dokumento. Ventures Securities na yung *issuer* ng mga tseke. Tinanong ko si Mar kung bakit hindi na Golden Tower. Parang galit siya nung sumagot at sinabi niya na hindi raw maayos ang mga tao doon sa Golden Tower. Tapos tinuro ni Mar sakin saan puede mag *encash,* kaya nag-*encash* ako. Wala naman naging problema. Sinabihan niya ako na kumuha na lang daw ako ng parte ko doon sa pera. Sinasabi niya kung magkano kukunin ko, tapos yung iba sa kanya ko ibinigay. Ganun lang po palagi. Napansin ko din na palaki nang palaki yung halaga ng tseke at padami din sila nang padami;

17. Na Union Bank saka Bangko de Oro ang mga tseke na natatanggap ko. Hiwa-hiwalay sila at hindi isang tseke lang. Sasabihin lang ni Mar sakin kung magkano ang para sa akin, tapos ang iba ibibgay ko lang sa kanya. Nung palaki na ng palaki, inuutusan na ako ni Mar na i-*deposit* sa account yung pera. Sasabihin lang niya sa akin yung detalye ng account at kung saang bangko;

18. Na may pagkakataon na inutusan niya ako na pumunta ako sa Ventures para kunin ang tseke. Hanapin ko raw si "Krystel". Ginawa ko naman iyon, at paglabas nung Krystel, dala dala na niya ang tseke. Pinirmahan ko ang mga papeles, at pagkatapos ko mag-*encash,* sasabihin ni Mar kanino ko –deposit, at magkano dun yung para sa akin. Yung natitirang pera, ibibigay ko kay Mar;

19. Na palaki nang palaki ang halaga ng mga tseke na pinapa-*encash* sakin ni Mar. Minsan umabot na sa Php1,000,000 Dahil dito, sinabihan ako ni Union Bank na baka puede, kapag Php1,000,000 mahigit na yung tseke, itawag muna nang isang araw bago ako magpunta para mag-*encash* upang mahanda nila ang pera. Kaya sa pagkakaalam ko, tumatawag na si Venture Securities, at pagdating o sa Union Bank, handa na ang pera. Minsan inuutusan din ako ni Mar na bumili ng dollars, na sinusunod ko din naman. Puwede naman po kasi meron naman ako *account* dun;

20. Na nung nagtagal, humihingi na ako ng mas malaking bayad kasi andaming inuutos ni Mar sakin. Ako iyong nag-*de-deposit*, nakapila at naghihintay pa pag bibilangin sa bangko. Minsan inaabot na ako hanggang hapon, tapos wala pa akong pananghalian. Kaya humihingi ako na baka puede niya naman dagdagan. Sabi ni Mar sakin, tabla naman daw yun, pero sasabihan niya sa may-ari ng pera. Sabi niya, 2.5% na raw yung binibigay niya sa akin. Alam naman niya na nakakatakot yung ang laki laki ng halaga ng dala mong pera tapos lalakad-lakad pa;

Xxx

23. Na kapag na-*encash* ko na ang tseke at natapos ko na ang pinapagawa ni Mar, sasabihin niya lang sakin na kumuha ako sa pera nang ganitong halaga, minsan umaabot sa Php70,000. Inuutusan din ako ni Mar na bigyan ko din daw si Larry ng ganitong halaga. Doon ko pinupuntahan si Larry sa STI building sa baba ng opisina niya. Tinetext ko si Mar na andun na ako at siya naman mag-te-text kay Larry. Ibibigay ko na kay Mar yung naiwang pera;

Xxx

26. Na handa po ako na bukasan ang account ko sa Union Bank para linisin ang pangalan ko. Yung Union Bank account kop o kasi, inutusan ako ni Mar na buksan nung palaki na ng palaki ang halaga ng mga tseke. Hindi ko naman alam na di pala legal yung ginagawa naming. Wala naman po problema sakin na buksan iyon, kasi *maintaining balance* lang naman yung andun;

Xxx

30. Na wala po akong kinalaman sa mga nangyayari. Yung sinasabi po nila na ninakaw yung pera, wala po akong alam doon at wala naman po akong ninakaw. Iyong nakuha kopo ay bigay lang sa akin ni Mar bilang bayad nila sa mga pinapagawa nila sa akin. Hindi ko rin naisipan magtanong tungkol sa mga utos ni Mar kasi broker ko naman siya;

Xxx

32. Na dati po sa PSE ako pumupunta pero nung lumaon sa Venture na, dun kay Krystel ng Venture. Binibigyan po ako ng utos kung saang account ko ide-*deposit* ang pera. Pagka-*deposit* ko ng pera, sasabihin ni Mar sakin na sakin na yung ganitong halaga, at kay Mar na yung natitira;

33. Na sa pagkakatanda ko, yung pinkamalaking halaga ng tseke na pina-*encash* ko, mga Php16,000,000. Akala ko nga bibigyan ako ng malaking bayad doon, pero sabi ni Mar Php200,000 lang yung para sa akin dun;

Xxx

44. Na aaminin ko na natutuwa ako na nakakatanggap ako ng pera. Noong unang beses na sinabi ni Mar na may "pinasabay" siya, akala ko legal yun. Ang pagkakaintindi ko sa "pinasabay" ay baka nag-*invest* din si Mar at sinabay lang niya sa akin, tapos binigyan niya lang ako parte ng kinita niya;

45. Na hindi rin ako nagtanong kung bakit gsanun kalaki ang mga tseke na natatanggap ko pero hindi naman sakin napupunta yung buong pera, kasi nagtiwala lang po ako kasi kay Mar. Yung ibang mga nagyari, wala na ako alam dun;

46. Na, sa mga nangyari, ang alam ko si Mar ang may pakana. Bibibigyan lang niya ako, kaya naisip ko na baka kumita siya at binibigyan lang niya ako ng balato. Hindi ko kinuwestiyon kung bakit nakapanalan sakin ang mgs tseke, maliban lang nung nagpalit ng *issuer* mula sa Golden Tower papunta sa Venture;

xxx

Sulapas Supplemental Affidavit

xix. Na nuong unang nag-abot sa akin ng tseke si Marlo, naisip ko na iyon ay mula sa pinabili ko na shares sa kanya na hindi ko mabenta. Sabi ni Marlo ay nalugi raw pero hindi ko alam kung bumili siya o nagkaroon ng ibang transaksyon kasi wala naman siyang binigay sa akin. Binigyan lang niya ako ng tseke na pina-*encash* ko naman. Nagsimula napo akong magkaroon ng hinala nuong napapadalas na siyang magpa-*encash* sa akin. Naiasip ko na baka yung pera ko ay ginamit niyang pambili para sa sarili niyang shares na pinapasabay niya at binibigyan na lang niya ako ng porsyento;

xxx

xxvi. Na may mga pagkakataon na walang instruksyon sa akin si Marlo kung saan ako magde-*deposit*. Sa mga ganitong pagkakataon, nagpapa-*encash* na lang ako ng tseke at binibigay ko ang pera kay Marlo. Ang buong halaga ay binibigay ko kay Marlo, pagkatapos makuha and aking bayad o "butal";

xxvii. Na ang natatanggap ko lang na halaga ay ayon sa sinasabi ni Marlo sa akin. Nasa 3% ang pinakamalaking parte na natanggap ko. Yung iba nasa 1.5% yung porsyento ko. Kapag walang sinabi ni Marlo sa akin kung magkano ang aking prosyento sa pera, kumukuha ako ng 3% bago ko binibigay kay Marlo Moron. Mga sampung beses na walang binanggit na halaga sa akin si Marlo, kaya 3% yung kinukuha ko. Kapag naman sobrang laki ng halaga ng tseke ay pinapakiusapan ako ni Marlon a mas mababa sa 3% ang kunin kong porsyento. Kapag nakikiusap ako na lakihan ang parte ko sa pera, sinasabi ni Marlo sakin na, "*Tabla lang yung may-ari niyan eh;*" Humigit kumulang nasa P5,000,000 po ang total na nakuha ko sa mga transaksyon.

xxx

xxxviii. Na nakatanggap ako ng mga nasa Php5,000,000.00 lahat-lahat mula sa mga transaksyon kasama si Marlo Moron;

From the foregoing, Respondent cannot feign ignorance that he has no knowledge on the unauthorized securities transactions of his account as he himself admitted that he received checks issued by VSI in his name in numerous instances and personally encashed them and that he received commission money from the transactions. Those facts are suspicious in itself, and should have alerted him that there are irregular transactions pertaining to his account. His claim of ignorance is unnatural to be believable and contrary to human experience. In this situation, the more natural thing for him to do after knowing that he will receive checks amounting to millions of pesos is to conduct an actual inquiry and verification of the circumstances of the issuance of checks or to refuse to receive them. Instead of doing these, he even asks for a higher amount of commission.

Second, as observed in the account ledger of Mr. Sulapas (SU026) submitted during the investigation and the EQ trade Forms of Mr. Sulapas with VSI, there were Three Hundred Seventy Nine (379) unauthorized EQ Trade transactions in the Sulapas Account from R&L to VSI consisting of One Hundred Sixty Seven (167) Stock Credit Memo. Indeed, the fraudulent acts of Sulapas in violation of Section 26 of the SRC were clearly shown in his account ledger and EQ Trade Forms. In several occasions, Sulapas allowed the fraudulent transfers of shares of stocks, which he did not own but owned by other clients of R&L, from his account in R&L to his account in VSI and were sold and traded for his benefit. As part of the scheme, these unauthorized transfers were concealed by Moron through forging the securities balances reports that were generated by the PDTC system.

The shares transferred from R&L to VSI via EQ Trade to the Sulapas Account are as follows:

DATE	Date 2	TXN	REF	Ledger Reference	STOCK	SHARES	TRANSFER
5/30/12	Wednesday, 30 May 2012	SCM	5422	CLG91619769	PXP	52,500	R&L
6/28/12	Thursday, 28 June 2012	SCM	5562	CLG91682704	OV	50,000,000	R&L
7/10/12	Tuesday, 10 July 2012	SCM	5579	CLG91708880	BLOOM	300,000	R&L
8/ 6/12	Monday, 6 August 2012	SCM	5654	CLG91766336	CAL	250,000	R&L
8/24/12	Friday, 24 August 2012	SCM	5677	CLG91798999	MAB	50,000,000	R&L
8/24/12	Friday, 24 August 2012	SCM	5677	CLG97644751	MA	50,000,000	R&L
10/ 5/12	Friday, 5 October 2012	SCM	5751	CLG97680604	MA	50,000,000	R&L
10/ 5/12	Friday, 5 October 2012	SCM	5751	CLG0000091887622	MAB	20,000,000	R&L
11/26/12	Monday, 26 November 2012	SCM	5959	CLG92002330	SMC	30,000	R&L
2/ 6/13	Wednesday, 6 February 2013	SCM	6108	CLG092194196	ICT	100,000	R&L
5/21/13	Tuesday, 21 May 2013	SCM	6396	CLG092499288	PGOLD	200,000	R&L
6/18/13	Tuesday, 18 June 2013	SCM	6421	CLG092595422	NIKL	300,000	R&L
6/18/13	Tuesday, 18 June 2013	SCM	6421	CLG092595423	FPH	50,000	R&L
7/ 3/13	Wednesday, 3 July 2013	SCM	6437	CLG92653691	PGOLD	200,000	R&L
7/ 5/13	Friday, 5 July 2013	SCM	6438	CLG92661845	PGOLD	200,000	R&L
7/24/13	Wednesday, 24 July 2013	SCM	6460	CLG0000092706183	PGOLD	100,000	R&L
9/20/13	Friday, 20 September 2013	SCM	6581	CLG92856036	PX	500,000	R&L
5/16/14	Friday, 16 May 2014	SCM	7112	CLG93537924	GTCAP	10,000	R&L
6/24/14	Tuesday, 24 June 2014	SCM	7149	CLG93656344	NIKL	300,000	R&L
6/24/14	Tuesday, 24 June 2014	SCM	7149	CLG93656343	APC	3,000,000	R&L
6/24/14	Tuesday, 24 June 2014	SCM	7149	CLG93656342	MA	100,000,000	R&L
11/ 7/14	Friday, 7 November 2014	SCM	7794	CLG094065164	IS	22,000,000	R&L
11/13/14	Thursday, 13 November 2014	SCM	7844	CLG094082807	IS	30,000,000	R&L
11/28/14	Friday, 28 November 2014	SCM	7879	CLG094127975	IS	40,000,000	R&L
12/19/14	Friday, 19 December 2014	SCM	7940	CLG094202353	IS	40,000,000	R&L
3/19/15	Thursday, 19 March 2015	SCM	8070	CLG094487483	NIKL	600,000	R&L
3/25/15	Wednesday, 25 March 2015	SCM	8071	CLG094512831	AGI	200,000	R&L

3/25/15	Wednesday, 25 March 2015	SCM	8071	CLG094512832	MER	20,000	R&L
4/10/15	Friday, 10 April 2015	SCM	8088	CLG094552996	GTCAP	29,000	R&L
4/14/15	Tuesday, 14 April 2015	SCM	8090	CLG0000094563963	CHIB	200,000	R&L
5/11/15	Monday, 11 May 2015	SCM	8157	CLG094654505	NIKL	600,000	R&L
5/13/15	Wednesday, 13 May 2015	SCM	8164	CLG09465655	NIKL	400,000	R&L
6/4/15	Thursday, 4 June 2015	SCM	8183	CLG094743272	NIKL	100,000	R&L
6/10/15	Wednesday, 10 June 2015	SCM	8190	CLG094761172	NIKL	200,000	R&L
7/9/15	Thursday, 9 July 2015	SCM	8221	CLG094856271	NIKL	400,000	R&L
10/15/15	Thursday, 15 October 2015	SCM	8412	CLG0000095182424	GTCAP	7,000	R&L
12/29/15	Tuesday, 29 December 2015	SCM	8583	CLG95399102	CHIB	300,000	R&L
1/13/16	Wednesday, 13 January 2016	SCM	8595	CLG095433563	MER	14,000	R&L
2/26/16	Friday, 26 February 2016	SCM	8659	CLG095570074	BLOOM	1,000,000	R&L
2/26/16	Friday, 26 February 2016	SCM	8659	CLG095570075	PX	200,000	R&L
2/26/16	Friday, 26 February 2016	SCM	8659	CLG095570081	MER	11,000	R&L
2/26/16	Friday, 26 February 2016	SCM	8659	CLG095570077	FPH	45,000	R&L
6/20/16	Monday, 20 June 2016	SCM	8843	CLG095985699	LR	1,000,000	R&L
6/22/16	Wednesday, 22 June 2016	SCM	8872	CLG95998864	CYBR	5,000,000	R&L
6/22/16	Wednesday, 22 June 2016	SCM	8872	CLG95998865	PX	200,000	R&L
6/29/16	Wednesday, 29 June 2016	SCM	8905	CLG096018307	APC	8,000,000	R&L
7/12/16	Tuesday, 12 July 2016	SCM	8927	CLG96063001	FGEN	300,000	R&L
7/22/16	Friday, 22 July 2016	SCM	9043	CLG096106357	SMC	30,000	R&L
7/22/16	Friday, 22 July 2016	SCM	9043	CLG096106284	ALI	100,000	R&L
7/22/16	Friday, 22 July 2016	SCM	9043	CLG096106283	EW	250,000	R&L
7/22/16	Friday, 22 July 2016	SCM	9043	CLG096106285	DD	100,000	R&L
7/22/16	Friday, 22 July 2016	SCM	9043	CLG096106282	NIKL	500,000	R&L
9/2/16	Friday, 2 September 2016	SCM	9162	CLG96265097	DDPR	100,000	R&L
9/6/16	Tuesday, 6 September 2016	SCM	9166	CLG096273897	SMC2D	130,000	R&L
10/25/16	Tuesday, 25 October 2016	SCM	9365	CLG96446490	MWIDE	300,000	R&L
11/9/16	Wednesday, 9 November 2016	SCM	9446	CLG96492824	SHLPH	500,000	R&L
11/22/16	Tuesday, 22 November 2016	SCM	9470	CLG096537748	SHLPH	200,000	R&L
11/24/16	Thursday, 24 November 2016	SCM	9475	CLG096547097	SHLPH	300,000	R&L
12/6/16	Tuesday, 6 December 2016	SCM	9492	CLG095679479	SHLPH	500,000	R&L

12/ 8/16	Thursday, 8 December 2016	SCM	9496	CLG096587912	SHLPH	800,000	R&L
12/13/16	Tuesday, 13 December 2016	SCM	9499	CLG096599482	SHLPH	700,000	R&L
12/29/16	Thursday, 29 December 2016	SCM	9597	CLG96653656	SHLPH	200,000	R&L
1/20/17	Friday, 20 January 2017	SCM	9630	CLG096714452	SHLPH	100,000	R&L
2/13/17	Monday, 13 February 2017	SCM	9664	CLG96783917	SHLPH	200,000	R&L
6/ 6/17	Tuesday, 6 June 2017	SCM	9960	CLG097180217	SHLPH	100,000	R&L
6/21/17	Wednesday, 21 June 2017	SCM	9971	CLG97232380	DD	100,000	R&L
6/21/17	Wednesday, 21 June 2017	SCM	9971	CLG97232378	AT	500,000	R&L
8/11/17	Friday, 11 August 2017	SCM	10137	CLG093794754	CHIB	100,000	R&L
8/17/17	Thursday, 17 August 2017	SCM	10141	CLG097411016	CHIB	100,000	R&L
8/23/17	Wednesday, 23 August 2017	SCM	10147	CLG097423880	CHIB	300,000	R&L
8/30/17	Wednesday, 30 August 2017	SCM	10154	CLG097442927	NIKL	1,000,000	R&L
9/13/17	Wednesday, 13 September 2017	SCM	10160	CLG097479573	PPC	500,000	R&L
9/29/17	Friday, 29 September 2017	SCM	10196	CLG97543862	DD	100,000	R&L
10/ 4/17	Wednesday, 4 October 2017	SCM	10202	CLG097556805	NIKL	500,000	R&L
10/11/17	Wednesday, 11 October 2017	SCM	10213	CLG097579093	CHIB	200,000	R&L
10/18/17	Wednesday, 18 October 2017	SCM	10227	CLG 97598968	CHIB	300,000	R&L
11/ 2/17	Thursday, 2 November 2017	SCM	10232	CLG97644751	AC	7,000	R&L
11/14/17	Tuesday, 14 November 2017	SCM	10256	CLG97680604	AC	7,000	R&L
11/24/17	Friday, 24 November 2017	SCM	10262	CLG97716704	AC	2,000	R&L
11/24/17	Friday, 24 November 2017	SCM	10262	CLG97716703	CHIB	200,000	R&L
12/ 4/17	Monday, 4 December 2017	SCM	10265	CLG097737974	GTPPA	7,000	R&L
12/ 6/17	Wednesday, 6 December 2017	SCM	10266	CLG097751816	8990P	80,000	R&L
12/13/17	Wednesday, 13 December 2017	SCM	10268	CLG097776108	MPI	500,000	R&L
12/19/17	Tuesday, 19 December 2017	SCM	10277	CLG09798011	MER	30,000	R&L
12/20/17	Wednesday, 20 December 2017	SCM	10278	CLG097804305	SMC	40,000	R&L
12/20/17	Wednesday, 20 December 2017	SCM	10278	CLG097804304	DNL	400,000	R&L
12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814364	MWIDE	200,000	R&L

12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814363	CLC	500,000	R&L
12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814365	DD	100,000	R&L
12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814411	NIKL	500,000	R&L
12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814630	TEL	4,000	R&L
12/22/17	Friday, 22 December 2017	SCM	10300	CLG097814976	PX	1,000,000	R&L
12/29/17	Friday, 29 December 2017	SCM	10308	CLG097828973	SMC	30,000	R&L
1/12/18	Friday, 12 January 2018	SCM	10320	CL097867979	CHIB	500,000	R&L
1/26/18	Friday, 26 January 2018	SCM	10338	CLG0000097918626	CHIB	500,000	R&L
2/27/18	Tuesday, 27 February 2018	SCM	10364	CLG0000098022794	CHIB	200,000	R&L
3/7/18	Wednesday, 7 March 2018	SCM	10379	CLG098057820	EW	100,000	R&L
3/7/18	Wednesday, 7 March 2018	SCM	10379	CLG098057819	FGEN	150,000	R&L
3/7/18	Wednesday, 7 March 2018	SCM	10379	CLG098057821	MBT	50,000	R&L
3/7/18	Wednesday, 7 March 2018	SCM	10379	CLG098057818	PXP	300,000	R&L
3/20/18	Tuesday, 20 March 2018	SCM	10382	CLG098095124	APC	5,000,000	R&L
3/20/18	Tuesday, 20 March 2018	SCM	10382	CLG098095125	BLOOM	300,000	R&L
3/20/18	Tuesday, 20 March 2018	SCM	10382	CLG098095126	BPI	50,000	R&L
3/20/18	Tuesday, 20 March 2018	SCM	10382	CLG098095128	GTCAP	2,000	R&L
3/27/18	Tuesday, 27 March 2018	SCM	10393	CLG098127312	CHIB	100,000	R&L
3/27/18	Tuesday, 27 March 2018	SCM	10393	CLG098127313	MBT	60,000	R&L
4/3/18	Tuesday, 3 April 2018	SCM	10394	98139006 FROM R & L	AEV	40,000	R&L
4/3/18	Tuesday, 3 April 2018	SCM	10394	98139159 FROM R & L	DMC	300,000	R&L
4/3/18	Tuesday, 3 April 2018	SCM	10394	98139002 FROM R & L	EAGLE	200,000	R&L
4/17/18	Tuesday, 17 April 2018	SCM	10436	CLG098181661	BPI	50,000	R&L
4/18/18	Wednesday, 18 April 2018	SCM	10438	98184504 FROM R & L	CHIB	100,000	R&L
4/18/18	Wednesday, 18 April 2018	SCM	10437	CLG098184499	OPM	200,000,000	R&L
4/18/18	Wednesday, 18 April 2018	SCM	10437	CLG098184503	PCOR	300,000	R&L
4/18/18	Wednesday, 18 April 2018	SCM	10437	CLG098184507	PRF2A	3,000	R&L
4/26/18	Thursday, 26 April 2018	SCM	10445	CLG098212986	AUB	50,000	R&L

4/26/18	Thursday, 26 April 2018	SCM	10445	CLG098212988	BDO	20,000	R&L
4/26/18	Thursday, 26 April 2018	SCM	10445	CLG098211323	BEL	700,000	R&L
4/27/18	Friday, 27 April 2018	SCM	10446	CLG098215991	ALCPB	20,000	R&L
4/27/18	Friday, 27 April 2018	SCM	10446	CLG098215989	COSCO	200,000	R&L
4/27/18	Friday, 27 April 2018	SCM	10446	CLG098215990	PNX3A	25,000	R&L
4/27/18	Friday, 27 April 2018	SCM	10446	CLG098215992	PNX3B	10,000	R&L
5/ 8/18	Tuesday, 8 May 2018	SCM	10466	CLG098242243	PHEN	1,500,000	R&L
5/ 8/18	Tuesday, 8 May 2018	SCM	10466	CLG098242247	PNB	20,000	R&L
5/ 8/18	Tuesday, 8 May 2018	SCM	10466	CLG098242244	SHNG	1,000,000	R&L
5/ 8/18	Tuesday, 8 May 2018	SCM	10466	CLG098242246	URC	15,000	R&L
5/10/18	Thursday, 10 May 2018	SCM	10468	CLG098250551	BPI	30,000	R&L
5/10/18	Thursday, 10 May 2018	SCM	10468	CLG098250550	EW	100,000	R&L
5/25/18	Friday, 25 May 2018	SCM	10475	CLG098294565	CYBR	4,000,000	R&L
5/25/18	Friday, 25 May 2018	SCM	10475	CLG098294567	GTPPB	3,000	R&L
5/25/18	Friday, 25 May 2018	SCM	10475	CLG098294566	MPI	300,000	R&L
5/31/18	Thursday, 31 May 2018	SCM	10477	CLG098310878	BPI	20,000	R&L
5/31/18	Thursday, 31 May 2018	SCM	10477	CLG098310878	SM	1,800	R&L
6/ 4/18	Monday, 4 June 2018	SCM	10479	CLG98320988 FROM R & L INVESTMENT	ALI	35,000	R&L
6/11/18	Monday, 11 June 2018	SCM	10543	CLG098348080	AC	1,500	R&L
6/11/18	Monday, 11 June 2018	SCM	10543	CLG098348079	ACPB	4,000	R&L
6/11/18	Monday, 11 June 2018	SCM	10543	CLG098348075	BSC	5,000,000	R&L
6/11/18	Monday, 11 June 2018	SCM	10543	CLG098348077	DMC	100,000	R&L
6/11/18	Monday, 11 June 2018	SCM	10543	CLG093848186	RWM	250,000	R&L
6/26/18	Tuesday, 26 June 2018	SCM	10552	CLG098392390	FBP2	2,000	R&L
7/10/18	Tuesday, 10 July 2018	SCM	10570	CLG098439045	MBT	70,000	R&L
7/27/18	Friday, 27 July 2018	SCM	10581	CLG9841878 FROM R&L	OV	90,100,000	R&L
7/27/18	Friday, 27 July 2018	SCM	10581	CLG98481863 FROM R&L	PPC	120,000	R&L
7/27/18	Friday, 27 July 2018	SCM	10581	CLG9841862 FROM R&L	TUGS	200,000	R&L
7/27/18	Friday, 27 July 2018	SCM	10581	CLG98481879 FROM R&L	WLCON	100,000	R&L
8/ 2/18	Thursday, 2 August 2018	SCM	10587	CLG98498879	ACR	700,000	R&L
8/ 2/18	Thursday, 2 August 2018	SCM	10587	CLG98498882	AGI	80,000	R&L
8/ 2/18	Thursday, 2 August 2018	SCM	10587	CLG98498881	CLC	170,000	R&L
8/ 2/18	Thursday, 2 August 2018	SCM	10587	CLG98498883	CNPF	50,000	R&L
8/ 2/18	Thursday, 2 August 2018	SCM	10587	CLG98498884	MWP	10,000	R&L

8/2/18	Thursday, 2 August 2018	SCM	10587	CLG98498880	PX	200,000	R&L
8/6/18	Monday, 6 August 2018	SCM	10593	CLG98509911	TFHI	4,000	R&L
8/7/18	Tuesday, 7 August 2018	SCM	10594	CLG098511904	LTG	50,000	R&L
8/9/18	Thursday, 9 August 2018	SCM	10601	CLG098533170	MBT	17,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537816	CHP	200,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537820	GSMI	30,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537831	MAXS	100,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537815	MRSGI	300,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537817	PBB	100,000	R&L
8/16/18	Thursday, 16 August 2018	SCM	10602	CLG098537818	SCC	30,000	R&L
8/24/18	Friday, 24 August 2018	SCM	10820	CLG098556767	8990P	9,000	R&L
8/24/18	Friday, 24 August 2018	SCM	10820	CLG098556766	AP	15,000	R&L
8/24/18	Friday, 24 August 2018	SCM	10820	CLG098556765	CPM	400,000	R&L
8/30/18	Thursday, 30 August 2018	SCM	10887	CLG98568947 FROM R & L	CHIB	40,000	R&L
8/30/18	Thursday, 30 August 2018	SCM	10887	CLG98569089 FROM R & L	PAX	700,000	R&L
8/30/18	Thursday, 30 August 2018	SCM	10887	CLG98568986 FROM R & L	PSB	14,000	R&L
8/30/18	Thursday, 30 August 2018	SCM	10887	CLG98569090 FROM R & L	PXP	100,000	R&L
8/31/18	Friday, 31 August 2018	SCM	10889	CLG98572615 FROM R&L	AT	300,000	R&L
8/31/18	Friday, 31 August 2018	SCM	10889	CLG98572616 FROM R& L	NIKL	200,000	R&L
9/6/18	Thursday, 6 September 2018	SCM	10893	CLG098590326	BDO	100,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626811 FROM R&L	FLI	400,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626809 FROM R&L	FPH	10,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626807 FROM R&L	MWC	25,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626806 TO R&L	PCOR	50,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626808 FROM R&L	PGOLD	15,000	R&L
9/19/18	Wednesday, 19 September 2018	SCM	10899	CLG98626810 FROM R&L	SM	1,000	R&L
9/28/18	Friday, 28 September 2018	SCM	10910	CLG98657387 FROM R&L	SHLPH	5,000	R&L
9/28/18	Friday, 28 September 2018	SCM	10910	CLG98657389	SM	2,000	R&L
10/5/18	Friday, 5 October 2018	SCM	10918	CLG98678907 FROM R&L	ABA	1,500,000	R&L

10/ 5/18	Friday, 5 October 2018	SCM	10918	CLG98678910 FROM R&L	BDO	5,000	R&L
10/ 5/18	Friday, 5 October 2018	SCM	10918	CLG98678911 FROM R&L	BPI	5,000	R&L
10/ 5/18	Friday, 5 October 2018	SCM	10918	CLG98678908 FROM R&L	FNI	250,000	R&L
10/ 5/18	Friday, 5 October 2018	SCM	10918	CLG98678909 FROM R&L	MEG	100,000	R&L
10/12/18	Friday, 12 October 2018	SCM	10921	CLG98695758 FROM R&L	DNL	70,000	R&L
10/12/18	Friday, 12 October 2018	SCM	10921	CLG98695760 FROM R&L	FBP2	500	R&L
10/12/18	Friday, 12 October 2018	SCM	10921	CLG98695759 FROM R&L	MBT	10,000	R&L
10/25/18	Thursday, 25 October 2018	SCM	10932	CLG98731026 FROM R&L	COSCO	70,000	R&L
10/25/18	Thursday, 25 October 2018	SCM	10932	CLG98731025 FROM R&L	MPI	100,000	R&L
10/25/18	Thursday, 25 October 2018	SCM	10932	CLG98731024 FROM R&L	MRC	1,500,000	R&L
11/ 8/18	Thursday, 8 November 2018	SCM	10934	CLG98760856 FROM R&L	MBT	20,000	R&L
11/ 9/18	Friday, 9 November 2018	SCM	10936	CLG98768007 FROM R&L	PNB	30,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783650	EEI	60,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783653	GSMI	15,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783654	ICT	7,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783651	MWIDE	60,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783652	PBB	40,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783656	SLF	1,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783649	SSP	300,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783655	URC	4,000	R&L
11/15/18	Thursday, 15 November 2018	SCM	10939	CLG98783648	V	400,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810760 FROM R&L INVESTMENT	AUB	20,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810755 FROM R&L INVESTMENT	CLC	100,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810758 FROM R&L INVESTMENT	CNPF	30,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810757 FROM R&L INVESTMENT	EW	50,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810759 FROM R&L INVESTMENT	RLC	25,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810754 FROM R&L INVESTMENT	SSI	150,000	R&L
11/23/18	Friday, 23 November 2018	SCM	10970	CLG98810756 FROM R&L INVESTMENT	VLL	70,000	R&L

11/29/18	Thursday, 29 November 2018	SCM	10973	CLG098826503	SMC	30,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856485	ACPB2	900	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856483	DD	40,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856481	NIKL	300,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856479	OPM	50,000,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856480	OPMB	50,000,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098857364	PAL	50,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098857365	SLF	350	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098857363	SOC	1,000,000	R&L
12/ 7/18	Friday, 7 December 2018	SCM	10978	CLG098856482	TUGS	120,000	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868579	AC	400	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868578	ALCPB	4,000	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868577	CEB	5,000	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868573	LC	5,020,000	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868575	MAC	30,000	R&L
12/11/18	Tuesday, 11 December 2018	SCM	10981	CLG98868576	SHLPH	10,000	R&L
12/12/18	Wednesday, 12 December 2018	SCM	10983	CLG098873690	CHIB	400,000	R&L
12/19/18	Wednesday, 19 December 2018	SCM	10994	CLG98897711	CHIB	150,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927854	PX	300,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927868	ALCO	500,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927850	NI	300,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927889	GEO	2,000,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927851	BLOOM	60,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927852	AGI	40,000	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11004	CLG098927853	PRF2A	500	R&L
1/ 3/19	Thursday, 3 January 2019	SCM	11006	CLG98930648	BC	1,000,000	R&L
1/ 7/19	Monday, 7 January 2019	SCM	11007	CLG098936703	PNB	10,000	R&L
1/ 7/19	Monday, 7 January 2019	SCM	11007	CLG098936704	JFC	3,000	R&L

1/10/19	Thursday, 10 January 2019	SCM	11010	CLG98949537	LC	4,000,000	R&L
1/10/19	Thursday, 10 January 2019	SCM	11010	CLG98949538	LPZ	100,000	R&L
1/10/19	Thursday, 10 January 2019	SCM	11010	CLG98949539	PXP	60,000	R&L
1/10/19	Thursday, 10 January 2019	SCM	11010	CLG98949451	SECB	3,000	R&L
1/10/19	Thursday, 10 January 2019	SCM	11010	CLG98949540	BDO	5,000	R&L
1/11/19	Friday, 11 January 2019	SCM	11012	CLG98954421	ISM	100,000	R&L
1/11/19	Friday, 11 January 2019	SCM	11012	CLG98954420	VUL	150,000	R&L
1/11/19	Friday, 11 January 2019	SCM	11012	CLG98954419	IRC	200,000	R&L
1/18/19	Friday, 18 January 2019	SCM	11014	CLG098981007	CHIB	15,000	R&L
1/18/19	Friday, 18 January 2019	SCM	11014	CLG098981006	ABS	15,000	R&L
1/18/19	Friday, 18 January 2019	SCM	11014	CLG098981003	RLT	1,000,000	R&L
1/22/19	Tuesday, 22 January 2019	SCM	11018	CLG098989857	AEV	6,000	R&L
1/29/19	Tuesday, 29 January 2019	SCM	11019	CLG99013847	LMG	100,000	R&L
1/29/19	Tuesday, 29 January 2019	SCM	11019	CLG99013849	GLO	200	R&L
1/29/19	Tuesday, 29 January 2019	SCM	11019	CLG99013845	APC	700,000	R&L
1/29/19	Tuesday, 29 January 2019	SCM	11019	CLG99013846	BRN	400,000	R&L
1/29/19	Tuesday, 29 January 2019	SCM	11019	CLG099013860	PSB	5,820	R&L
3/7/19	Thursday, 7 March 2019	SCM	11029	CGL99138274	PCOR	50,000	R&L
3/7/19	Thursday, 7 March 2019	SCM	11029	CLG99138273	SBS	60,000	R&L
3/7/19	Thursday, 7 March 2019	SCM	11029	CLG99138272	MA	100,000,000	R&L
3/7/19	Thursday, 7 March 2019	SCM	11029	CLG99138271	UPM	100,000,000	R&L
3/7/19	Thursday, 7 March 2019	SCM	11029	CLG99138270	MAB	150,000,000	R&L
3/8/19	Friday, 8 March 2019	SCM	11030	CLG99141582	GTPPB	400	R&L
3/8/19	Friday, 8 March 2019	SCM	11030	CLG99141583	SM	400	R&L
3/8/19	Friday, 8 March 2019	SCM	11030	CLG99141581	GTPPA	420	R&L
3/8/19	Friday, 8 March 2019	SCM	11030	CLG99141580	OPMB	25,000,000	R&L
3/15/19	Friday, 15 March 2019	SCM	11033	CLG99162384	RWM	60,000	R&L
3/15/19	Friday, 15 March 2019	SCM	11033	CLG99162382	PHEN	280,000	R&L
3/15/19	Friday, 15 March 2019	SCM	11033	CLG99162383	EEI	60,000	R&L
3/15/19	Friday, 15 March 2019	SCM	11033	CLG99162381	BHI	6,000,000	R&L
3/15/19	Friday, 15 March 2019	SCM	11033	CLG 99162385	JGS	6,000	R&L

3/15/19	Friday, 15 March 2019	SCM	11033	CLG 99162386	GTCAP	800	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182458	ACR	200,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG099918240	ELI	600,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG099182441	ISM	120,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182442	CLI	80,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182457	ZHI	1,500,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182459	MPI	100,000	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182460	ACPB	600	R&L
3/22/19	Friday, 22 March 2019	SCM	11040	CLG0999182443	AP	9,000	R&L
3/26/19	Tuesday, 26 March 2019	SCM	11041	CLG99190537	COL	15,000	R&L
4/ 4/19	Thursday, 4 April 2019	SCM	11083	CLG99219596	SMC2D	5,000	R&L
4/ 4/19	Thursday, 4 April 2019	SCM	11083	CLG99219592	LC	2,800,000	R&L
4/ 4/19	Thursday, 4 April 2019	SCM	11083	CLG99219593	PHA	500,000	R&L
4/ 4/19	Thursday, 4 April 2019	SCM	11083	CLG9920647	CHIB	60,000	R&L
4/ 4/19	Thursday, 4 April 2019	SCM	11083	CLG99219595	ANI	18,000	R&L
4/ 5/19	Friday, 5 April 2019	SCM	11084	CLG099222492	SMPH	7,000	R&L
4/ 5/19	Friday, 5 April 2019	SCM	11084	CLG099222491	CHP	130,000	R&L
4/ 5/19	Friday, 5 April 2019	SCM	11084	CLG099222490	MVC	150,000	R&L
4/ 5/19	Friday, 5 April 2019	SCM	11084	CLG099222489	APX	180,000	R&L
4/ 5/19	Friday, 5 April 2019	SCM	11084	CLG099222488	APO	400,000	R&L
4/15/19	Monday, 15 April 2019	SCM	11087	CLG099243699	PNB	12,000	R&L
4/15/19	Monday, 15 April 2019	SCM	11087	CLG099243697	STI	500,000	R&L
4/15/19	Monday, 15 April 2019	SCM	11087	CLG099243698	PX	150,000	R&L
4/16/19	Tuesday, 16 April 2019	SCM	11088	CLG099247884	SOC	300,000	R&L
4/16/19	Tuesday, 16 April 2019	SCM	11088	CLG099247887	GMAP	60,000	R&L
4/16/19	Tuesday, 16 April 2019	SCM	11088	CLG099247886	NIKL	100,000	R&L
4/16/19	Tuesday, 16 April 2019	SCM	11088	CLG099247885	IRC	200,000	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259934	SHLPH	7,000	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259930	OM	450,000	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259931	PRIM	180,000	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259932	FGEN	10,000	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259935	FB	2,400	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259936	FBP2	350	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259937	TEL	300	R&L
4/23/19	Tuesday, 23 April 2019	SCM	11090	CLG099259948	SHNG	80,000	R&L
4/25/19	Thursday, 25 April 2019	SCM	11092	CLG099267890	GTPPA	350	R&L
4/25/19	Thursday, 25 April 2019	SCM	11092	CLG099267889	MAXS	20,000	R&L
4/25/19	Thursday, 25 April 2019	SCM	11092	CLG099267888	HLCM	25,000	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288138	MRSGI	85,000	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288135	CPG	450,000	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288140	AUB	3,000	R&L

5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288236	PAX	250,000	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288141	SMC	2,500	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288237	BC	200,000	R&L
5/ 3/19	Friday, 3 May 2019	SCM	11100	CLG099288238	PIZZA	15,000	R&L
5/ 7/19	Tuesday, 7 May 2019	SCM	11101	CLG099297289	ALI	350,000	R&L
5/20/19	Monday, 20 May 2019	SCM	11107	CLG99309574	ALI	17,000	R&L
5/23/19	Thursday, 23 May 2019	SCM	11114	CLG099355765	GTCAP	500	R&L
5/23/19	Thursday, 23 May 2019	SCM	11115	CLG099355764	LTG	12,000	R&L
5/23/19	Thursday, 23 May 2019	SCM	11116	CLG099355763	WPI	300,000	R&L
5/23/19	Thursday, 23 May 2019	SCM	11117	CLG099355762	COAL	650,000	R&L
5/30/19	Thursday, 30 May 2019	SCM	11119	CLG	PCOR	50,000	R&L
6/ 3/19	Monday, 3 June 2019	SCM	11126	CLG099391981	PSB	980	R&L
6/ 3/19	Monday, 3 June 2019	SCM	11126	CLG099391980	JFC	1,000	R&L
6/ 3/19	Monday, 3 June 2019	SCM	11126	CLG099391979	PNB	10,000	R&L
6/ 3/19	Monday, 3 June 2019	SCM	11126	CLG099391978	BPI	20,000	R&L
6/ 3/19	Monday, 3 June 2019	SCM	11126	CLG099391977	RFM	50,000	R&L
6/19/19	Wednesday, 19 June 2019	SCM	11139	CLG99442233	RCI	1,100,000	R&L
6/19/19	Wednesday, 19 June 2019	SCM	11139	CLG99442234	SMC	8,000	R&L
6/19/19	Wednesday, 19 June 2019	SCM	11139	CLG99442235	BPI	6,000	R&L
6/25/19	Tuesday, 25 June 2019	SCM	11145	CLG099457033	PNB	80,000	R&L
6/27/19	Thursday, 27 June 2019	SCM	11146	CLG099468110	GREEN	200,000	R&L
6/28/19	Friday, 28 June 2019	SCM	11147	CLG 099470469	PRF3A	2,000	R&L
7/ 2/19	Tuesday, 2 July 2019	SCM	11149	CLG099479096	ALCPC	20,000	R&L
7/16/19	Tuesday, 16 July 2019	SCM	11151	CLG99523860	RCI	1,500,000	R&L
7/31/19	Wednesday, 31 July 2019	SCM	11160	CLG099570566	JFC	2,000	R&L
7/31/19	Wednesday, 31 July 2019	SCM	11160	CLG099570564	PNB	20,000	R&L
7/31/19	Wednesday, 31 July 2019	SCM	11160	CLG099570565	DD	15,000	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587589	SLI	100,000	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587547	JFC	2,000	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587546	CEI	1,000,000	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587590	X	150,000	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587591	STR	11,600	R&L
8/ 6/19	Tuesday, 6 August 2019	SCM	11175	CLG099587588	NRCP	180,000	R&L

8/7/19	Wednesday, 7 August 2019	SCM	11176	CLG099591631	CHP	100,000	R&L
8/7/19	Wednesday, 7 August 2019	SCM	11176	CLG099591633	MPI	65,000	R&L
8/7/19	Wednesday, 7 August 2019	SCM	11176	CLG099591632	NIKL	90,000	R&L
8/13/19	Tuesday, 13 August 2019	SCM	11178	CLG99606370	BDO	15,000	R&L
9/12/19	Thursday, 12 September 2019	SCM	11202	CLG99699878	JFC	3,000	R&L
9/12/19	Thursday, 12 September 2019	SCM	11202	CLG99699886	PNB	10,000	R&L
9/17/19	Tuesday, 17 September 2019	SCM	11203	CLG99710907	RCI	300,000	R&L
9/18/19	Wednesday, 18 September 2019	SCM	11204	CLG99714767	ANS	20,000	R&L
9/18/19	Wednesday, 18 September 2019	SCM	11204	CLG99714766	RWM	25,700	R&L
9/18/19	Wednesday, 18 September 2019	SCM	11204	CLG99714768	BDO	3,000	R&L
9/20/19	Friday, 20 September 2019	SCM	11205	CLG996722761	BSC	700,000	R&L
9/20/19	Friday, 20 September 2019	SCM	11205	CLG99722762	SMC	4,000	R&L
10/9/19	Wednesday, 9 October 2019	SCM	11239	CLG99774482	PX	700,000	R&L
10/14/19	Monday, 14 October 2019	SCM	11268	CLG99785553	AXLM	500,000	R&L
10/15/19	Tuesday, 15 October 2019	SCM	11269	CLG99788560	HOME	100,000	R&L
10/18/19	Friday, 18 October 2019	SCM	11273	CLG099798550	HOME	100,000	R&L
10/22/19	Tuesday, 22 October 2019	SCM	11276	CLG99806853	PPG	30,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831061	PCOR	40,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831062	PGOLD	7,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831054	AGI	15,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831060	PX	90,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831056	PAL	6,200	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831089	MEG	60,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831055	JFC	900	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831057	ICT	2,000	R&L
10/31/19	Thursday, 31 October 2019	SCM	11353	CLG99831059	TBGI	1,300,000	R&L

Lastly, the One Hundred Thirty Five (135) checks issued by VSI to Respondent name which was cleared by the drawee bank and encashed by Respondent only show that he received the proceeds for the sale of the shares transferred to his VSI account via unauthorized EQ Trades for R&L to VSI.

Based on the foregoing, it is clear that Respondent Julieto C. Sulapas violated Section 26 in relation to Section 54 of the SRC and the 2015 SRC Rules. Respondent's acts and deeds show that he participated in the fraudulent scheme of transferring shares securities owned by other client of R&L to his account in Ventures Securities. He allowed himself and his accounts in R&L and Venture Securities to be used as a tool in the commission of the fraudulent scheme that resulted in the loss of large number securities that belonged to the clients of R&L.

Thus, the Respondent should not get away from the consequences of his intentional deceitful acts which resulted to the prejudice and damage of R & L ' s investors in the present case. It is worthy to mention that transactions involving securities are impressed with public interest, and are thus subject to public regulation. In the case of *Securities and Exchange Commission v. Honorable Court of Appeals et al.*, [1], the Honorable Supreme Court held:

> "Stock market transactions affect the general public and the national economy. The rise and fall of stock market indices reflect to a considerable degree the state of the economy. Trends in stock prices tend to herald changes in business conditions. Consequently, securities transactions are impressed with public interest and are thus subject to public regulation. In particular, the laws and regulations requiring payment of traded shares within specified periods are meant to protect the economy from excessive stock market speculations, and are thus mandatory." *(Underscoring supplied)*

Here, the evidence presented by the complainant and the statement of Respondent in his Affidavits are facts sufficient enough to support a conclusion that the Respondent violated SRC Section 26 paragraphs 1 and 3 in relation to Section 54 of the SRC.

PENALTIES TO BE IMPOSED

Notwithstanding the provision of SEC Memorandum Circular No. 6, series of 2005 (MC 6, s. 2005 or Circular), the Commission, in its discretion, has the power to impose other alternative penalties as provided for under Sec. 54.1 of the SRC.

The pertinent portion of Sec. 54.1 of the SRC is herein reproduced:

> Sec. 54.1 – If after due notice and hearing, the Commission finds that: (a) **there is a violation of this Code, its rules**, or its orders (b) xxx xxxxxx (c) xxx xxxxxx (d) xxx xxxxxx, it ***shall*, in its *discretion*,** and subject only to the limitations hereinafter prescribed, ***impose any or all of the following sanctions* as may be appropriate in light of the facts and circumstances**:
>
> (i) Suspension, or revocation of any registration for the offering of securities;
>
> (ii) A fine of no less than Ten Thousand pesos (P10,000.00) nor more than One Million Pesos (P1,000,000.00) plus not more than Two Thousand Pesos (P2,000.00) for each day of continuing violation;
>
> (iii) In the case of a violation of Sections 19.2, 20, 24, 26 and 27, disqualification from being an officer, member of the Board of Directors, or persons performing similar

[1] G.R. Nos. 106425 & 106431-32, (July 21, 1995)

functions, of an issuer required to file reports under Section 17 of this Code or any other act, rule or regulation administered by the Commission;

(iv) In the case of a violation of Section 34, a fine of no more than three (3) times the profit gained or loss avoided as a result of the purchase, sale or communication proscribed by such Section; and

(v) Other penalties within the power of the Commission to impose. (emphasis supplied)

In the implementation of the foregoing and in order to give effect to the intent of the SRC, the Commission adopted SRC Rule 54.1 which mirrors the above-mentioned provision of law, thus:

Sec. 54.1 – If after due notice and hearing, the Commission finds that: (a) **there is a violation of this Code, its rules**, or its orders (b) xxx xxxxxx (c) xxx xxxxxx (d) xxx xxxxxx, it ***shall*, in its *discretion***, and subject only to the limitations hereinafter prescribed, ***impose any or all of the following sanctions* as may be *appropriate in light of the facts and circumstances***:

54.1.1 Suspension, or revocation of any registration for the offering of securities;

54.2.2. A fine of no less than Ten Thousand pesos (P10,000.00) nor more than One Million Pesos (P1,000,000.00) plus not more than Two Thousand Pesos (P2,000.00) for each day of continuing violation;

54.1.3. In the case of a violation of Sections 19.2, 20, 24, 26 and 27, disqualification from being an officer, member of the Board of Directors, or persons performing similar functions, of an issuer required to file reports under Section 17 of this Code or any other act, rule or regulation administered by the Commission;

54.1.4. In the case of a violation of Section 34, a fine of no more than three (3) times the profit gained or loss avoided as a result of the purchase, sale or communication proscribed by such Section; and

54.1.5. Other penalties within the power of the Commission to impose. (emphasis supplied)

On the basis of the above-quoted provisions, it is clear that the Code gives the SEC flexibility based on its discretion to impose various kinds of sanctions since not all sanctions apply in every case and the SEC is empowered to select the sanction appropriate to the facts and circumstances of each situation.

The Commission may thus impose any of the above-mentioned alternative penalties against a Company and any person found administratively liable for violating any provision of the SRC and its IRR. If fine alone is the penalty to be imposed, the maximum shall be Php1,000,000.00.

To emphasize, the phrase "***in its discretion*, and subject only to the limitations hereinafter prescribed, *impose any or all of the following sanctions* as may be appropriate in light of the facts and circumstances**" operates to confer discretion to SEC to select the sanction appropriate to the facts and circumstances of each case. Applying Section 54.1, therefore, it does not prohibit the Commission to impose sanction based on its discretion.

Thus, it could be said that the appropriate penalty under Sec. 54.1 of the SRC may be applied as an alternative penalty on the penalty imposed under MC 6, s.2005, which was issued purposely to rationalize the penalties to be imposed by the Commission to insure strict compliance with the Code and its IRR.

Likewise, under the same provision of the Circular it states that the imposition of the foregoing penalties shall be without prejudice to the imposition of other administrative sanctions or to the filing of criminal charges against the person/s responsible for the violation.

The clear tenor and intention of Memorandum Circular is not to remove the application of SRC Section 54 as an alternative penalty, but to lay down a rule of preference in the application of the penalties provided for in the SRC.

The pursuit of this purpose clearly does not foreclose the possibility of applying Section 54 for violators of any of the provision of the SRC. Neither does it defeat the legislative intent behind the law.

Hence, the Memorandum Circular establishes a rule of preference in the application of the administrative monetary penalty provision of SRC such that where the circumstances of both the offense and the offender clearly indicate good faith or a clear mistake of fact without taint of bad faith or negligence, otherwise, the imposition of a fine under the SRC should be considered as the more appropriate penalty. Needless to say, the determination of whether the circumstances warrant the imposition of a fine under the SRC provision rests solely upon the Commission. Should the Commission decide that any of the provision under Section 54 of the SRC is the more appropriate penalty, Memorandum Circular No. 6 Series of 2005 ought not to be deemed a hindrance.

It is, therefore, understood that SEC Memorandum Circular No. 6 Series of 2005 does not remove the imposition of any of the penalty provided for under Section 54 of the SRC as an alternative penalty for violations of any of the provision of the SRC and its IRR.

WHEREFORE, premises considered, the panel finds that the Respondent violated the above-mentioned pertinent provisions of the SRC and is hereby imposed the following administrative sanction:

1. a fine of One Million Pesos (P1,000,000.00) for violation of Section 26 paragraphs 1 and 2 of the SRC in relation to Rule 26.1 of the SRC Rules and Section 54 of the SRC;
2. Disqualification from being a registered person pursuant to Sections 28 and 29 of the SRC; and
3. Disqualification from being an officer, member of the Board of Directors or person performing similar functions pursuant to Section 54.1 of the SRC.

Finally, this Decision is without prejudice to any further action that the Investigation and Review Committee of MSRD may institute on the basis of evidence that it may, now or hereafter secure, including among others, to institute further action to charge responsible persons on the actual count or occurrences of violations committed.

SO ORDERED.

11 June 2021.

MARLON G. FACUN
Chairman

EMMA A. VALENCIA
Member

ERWIN EDWARD P. MENDINUETO
Member

Copy furnished:

ASSISTANT DIRECTOR ADAN EVAN O. PASCUA
Markets and Securities Regulation Department
Securities and Exchange Commission
Secretariat Building, PICC Complex,
Roxas Boulevard, Pasay City

JULIETO C. SULAPAS
59 Cambridge Hampstead Place
Del Carmen St., Brgy. Nangka
Marikina City