



Bangko Sentral ng Pilipinas

OFFICE OF THE GOVERNOR

CIRCULAR NO. 587
Series of 2007

**Subject: Revised Format of Report on Crimes and Losses,
and Other Related Policy Guidelines**

Pursuant to Monetary Board Resolution No. 1158 dated 11 October 2007, the following amendments to Subsection X162.4 of the Manual of Regulations for Banks (MORB) are hereby issued:

1. The existing BSP Form on Report on Crimes and Losses i.e., DCB I/II Form 6G (BSP 7-16-20), SES III Form 16, and RB/COB Form 21 (BSP 7-19-50 A) submitted by banks is hereby amended per attached report format (Annex "A") and renumbered SES Form 6G.
2. Subsection X162.4 (c) – Definition of Terms
For the purpose of this regulation, the following definitions shall apply:
 - a. Estafa - A crime committed by a person who defrauds another causing the latter to suffer damage by means of any of the following: (a) unfaithfulness or abuse of confidence, (b) false pretense or (c) fraudulent acts/means, under Articles 315 to 317 of the Revised Penal Code, as amended.
 - b. 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.
 - c. 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.
 - d. 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 Article 169, 171 and 172 of the Revised Penal Code, as amended.

- e. Credit-Card Related – Crimes arising through the use of credit cards.
- f. Other Crimes that may Cause Loss to the Bank – crimes committed that cannot be appropriately classified under any of the above classifications.
- g. 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 (People v. Aguilar, 2899-R, 18 October 1949).
- h. Non-Crime Related Loss – Incidents that may cause the bank to suffer a loss arising from fortuitous events.
- i. Insider – Person involved include stockholders, directors, officers and employees of the bank.
- j. Outsider – Persons involved other than an insider.
- k. 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.
- l. Victim – An insider or outsider other than the perpetrator, who is the aggrieved party to the crime and may as result of the incident, suffered the loss.
- m. Attempted Crime - A crime is attempted when the perpetrator commences the commission of the crime directly by overt acts but does not perform all of the acts of execution which constitute the crime by reason of some cause or act other than his own voluntary desistance under Article 6 of the Revised Penal Code, as amended.
- n. Frustrated Crime - A crime is classified as frustrated, when the perpetrator performs all the acts of execution which should 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.
- o. Consummated Crime – A crime is consummated when all the acts of execution which constitute the crime was performed. As a result, the bank may have suffered a loss, the recoverable portion of which should be deducted to arrive at the probable loss incurred by the bank.
- p. 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.

3. Renumbering of Subsection X162.4 (c) as Subsection X162.4 (d).
4. Subsection X162.4 (d.1) shall be amended to read as follows:

The Branch or Head Office unit's Report on Crimes and Losses shall be submitted to the BSP through the bank's head office unit and shall be certified correct by the Compliance Officer. The report shall be assigned a prescribed reference number by the bank using the format mm-yyyy-xxx with mm and yyyy as numeric code for the month and year of reporting, respectively and xxx as sequence no. (e.g., 01-2007-001) which shall be a continuing series until the end of the year.

The report shall be prepared using the new format in two (2) copies and shall be submitted to the Supervisory Data Center (SDC) and to the BSP Security Coordinator, thru the Director, Security, Investigation and Transport Department (SITD) within ten (10) calendar days from knowledge of the crime/incident.

The deadline for submission of the Report on Crimes and Losses under Appendix 6 (Reports Required of Banks) of the Manual of Regulations for Banks (MORB) is amended accordingly.

5. Subsection X162.4 (d.2) shall be amended to read as follows:

Where a thorough investigation and evaluation of facts is necessary to complete the report, an initial report submitted within deadline may be accepted: *Provided*, that a complete report is submitted not later than twenty (20) calendar days from termination of investigation.

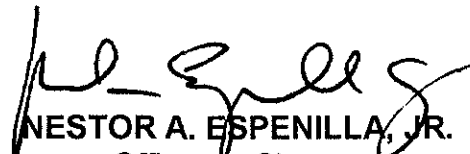
Moreover, final reports on crimes and losses with incomplete information as required under SES Form 6G shall be considered erroneous reports and the concerned bank shall be required to submit amended reports subject to penalties on late reporting for Category B reports under Subsection X162.2 of the MORB.

6. Subsection X162.4 (d.3) shall be amended to read as follows:

Proof of submission of the report shall be determined by the date of postmark, if the report was sent by mail or by the date received, if handcarried to the Supervisory Data Center (SDC) and Security, Investigation and Transport Department (SITD).

This Circular shall take effect fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

FOR THE MONETARY BOARD:


NESTOR A. ESPENILLA, JR.
Officer-in-Charge

26 October, 2007
Att: A/S

SES Form 6G
(Revised (2007))

Deadline : Not later than ten (10) calendar days from knowledge of crime/incident & complete report not later than twenty (20) calendar days from termination of investigation
Submission : SDC & SITD

Instruction: Do not leave any item blank. If an item is not applicable, please indicate NA or Not Applicable.

Please fill-up with format mm-yyyy-xxx.
Reference No:

(Name of Financial Institution)

REPORT ON CRIMES AND LOSSES

Name and Location of Office

Name of Branch/Department:	Complete Address (Include zip code):
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Type of Report

Relevant Dates

☐ Initial ☐ Follow-up (indicate the initial ref. no.) _____ ☐ Final (indicate the initial ref. no.) _____	Date of Occurrence From _____ To _____ Date of Knowledge _____ Date of Termination of Investigation _____
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Nature of Crime/Loss

Outcome: ☐ Consummated ☐ Attempted/Frustrated	Classification: <table> <tr> <td>☐ Estafa</td> <td>☐ Robbery</td> <td>☐ Other Crimes (specify) _____</td> </tr> <tr> <td>☐ Theft</td> <td>☐ Negligence</td> <td>☐ Non-Crime Related Loss</td> </tr> <tr> <td>☐ Falsification</td> <td>☐ Credit-Card Related</td> <td>(specify) _____</td> </tr> </table>	☐ Estafa	☐ Robbery	☐ Other Crimes (specify) _____	☐ Theft	☐ Negligence	☐ Non-Crime Related Loss	☐ Falsification	☐ Credit-Card Related	(specify) _____
☐ Estafa	☐ Robbery	☐ Other Crimes (specify) _____								
☐ Theft	☐ Negligence	☐ Non-Crime Related Loss								
☐ Falsification	☐ Credit-Card Related	(specify) _____								

Brief Description of the Crime/Incident

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Amount Involved

☐ Actual (Final) ☐ Estimated (Initial) Amount Involved _____ (Please leave blank the spaces below if crime is only attempted/frustrated.) Recoverable _____ Probable Loss _____	☐ Insured ☐ Not Insured Amount Insured _____ Kind of Insurance/Bond/Surety _____
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Person/Entity/Property Involved

(If the space provided below is not enough, use a separate sheet as attachment.)

☐ Perpetrator/s:☐ Insider:

Name (Last, First, Middle, Maiden Name)	TIN	Officer [O] or Non-Officer [NO]	Position Complete Designation	Home/Last Known Address(es)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

☐ Outsider:

Name

Remark (e.g., Client, Client's representative, walk-in customer)

Action(s) Taken on Involved Outsider: _____

Property Involved _____

☐ Victim/s: (Use a separate sheet if needed)☐ Insider:

Name (Last, First, Middle, Maiden Name)	TIN	Officer [O] or Non-Officer [NO]	Position Complete Designation	Home/Last Known Address(es)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

☐ Outsider:

Name

Remark (e.g., Client, Client's representative, walk-in customer)

Action(s) Taken/Sanction(s) Imposed on Involved Bank Personnel:

(If the space provided below is not enough, use a separate sheet as attachment.)

Name

(Last, First, Middle, Maiden Name)

☐

Preventive Suspension

Effective Date

Reason(s) Cited in the Decision

☐

Termination/Dismissal

☐

Others (specify under "Other Relevant Information" below)

Committee/officer approving the sanction _____

If a case was filed against the involved Bank personnel:

Case Type _____ Case Number _____

Status of the Case _____

Court Judgment (if convicted, state whether final and executory or not) _____

Other Relevant Information

(Include involved persons who are secondarily liable for the execution of the crime due to his negligence and non-adherence to bank policies, disposition of the case, violation of internal control policies, and/or steps taken to prevent recurrence of the crime/incident)

Certified Correct:

(Signature of Compliance
Officer over Printed Name)

(Date of Report)