

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

3991
HOUSE BILL NO. _____



Introduced by Representative **TYRONE D AGABAS**

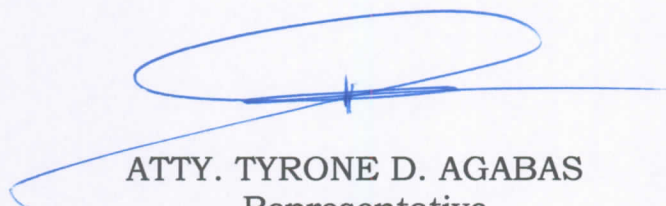
EXPLANATORY NOTE

This bill seeks to further promote entrepreneurship by strengthening, empowering, and enhancing the financing programs for micro, small and medium enterprises in the country. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. The bill is being filed on account of its significance in bolstering micro, small, and medium enterprises (MSMEs) as integral backbone of our economy.

The State recognizes the indispensable role of the private sector, encourages private enterprise, and provide incentives to needed investments (Section 20, Article II, 1987 Constitution). Recognizing the crucial role of MSMEs, Republic Act No. 6977 was passed to promote, develop and assist small and medium scale enterprises through the creation of a small and medium enterprise development council including the rationalization of government assistance programs and agencies to small and medium enterprises. Notwithstanding the enactment of Republic Act 66977 and its subsequent amendments, the lack of access to financing and allied support mechanisms has continued to hound the country's MSMEs thus effectively reducing their capability to an inclusive economic growth. In an effort to address this financial predicament, this bill, among others, will provide a mechanism for (a) strengthened access by MSMEs to the national government's procurement of goods and services inclusive of its bureaus, offices, and agencies, (b) guaranteed system for distressed enterprises, and (c) extended forms of financial assistance.

Consistent with the economic agenda of the government, this bill will help propel the Philippine economy especially in the countryside.

Accordingly, the approval of this bill is earnestly sought.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line and a small vertical tick mark.

ATTY. TYRONE D. AGABAS
Representative
6th District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 3991

Introduced by Representative **TYRONE D. AGABAS**

AN ACT
FURTHER PROMOTING ENTREPRENEURSHIP BY STRENGTHENING,
EMPOWERING, AND ENHANCING THE FINANCING PROGRAMS FOR
MICRO, SMALL AND MEDIUM ENTERPRISES, AMENDING FOR THE
PURPOSES REPUBLIC ACT NO. 6977, AS AMENDED, OTHERWISE KNOWN
AS THE “MAGNA CARTA FOR MICRO, SMALL, MEDIUM ENTERPRISES
(MSMEs)”

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. Section 2 of Republic Act No. 6977, as amended, is hereby
2 further amended to read as follows:

3 “SEC. 2. *Declaration of Policy.* – Recognizing that MSMEs have the
4 potential [for] **TO GENERATE** more employment [generation] and
5 **SPUR** economic growth and therefore can help provide a self-
6 sufficient industrial foundation for the country, it is hereby declared
7 the policy of the State to promote, support, strengthen and
8 encourage the growth and development of MSMEs in all productive
9 sectors of the economy particularly the rural/agri-based,
10 **MANUFACTURING, FINANCE AND SERVICES** enterprises. To
11 this end, the State shall recognize the specific needs of the MSMEs
12 and shall undertake to promote entrepreneurship, support
13 entrepreneurs, encourage the establishment of MSMEs and ensure
14 their continuing viability and growth and thereby attain countryside
15 industrialization by:

16 "x x x."

17 SEC. 2. Section 4 of the same Act, as amended, is hereby further amended
18 to read as follows:

19 SEC. 4. *Eligibility for Government Assistance*, – To qualify for
20 assistance, counselling, incentives and promotion under this Act,
21 businesses falling under the above definition must be:

22 "x x x

23 "[Eligible MSMEs shall be entitled to a share of at least ten percent
24 (10%) of total procurement value of goods and services supplied to
25 the government, its bureaus, offices and agencies annually.] **THE
26 NATIONAL GOVERNMENT, ITS BUREAUS, OFFICES AND
27 AGENCIES SHALL ALLOCATE AT LEAST TEN PERCENT (10%)
28 OF ALL ITS PROCUREMENT OPPORTUNITIES FOR GOODS
29 AND SERVICES TO ELIGIBLE MSMEs IN ACCORDANCE WITH
30 THE PROVISIONS OF REPUBLIC ACT NO. 9184, OTHERWISE
31 KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM
32 ACT", AND ITS IMPLEMENTING RULES AND REGISTRATIONS.**

33 "The [Department of Budget and Management] **GOVERNMENT
34 PROCUREMENT POLICY BOARD (GPPB) shall FORMULATE
35 RULES FOR THE EFFECTIVE IMPLEMENTATION OF THIS
36 PROVISION AND** monitor the compliance of government
37 agencies on the required procurement for MSMEs and submit its
38 report to the MSMED Council on a semestral basis and to the
39 Congress of the Philippines, through its appropriate committees
40 on a yearly basis."

41 SEC. 3. Section 5 of the same Act, as amended, is hereby further
42 amended to read as follows:

SEC. 5. *Guiding Principles.* – To set the pace for MSME development, the State shall be guided by the following principles:

“x x x”

“(c) Coordination of government efforts. Government efforts shall be coordinated to achieve coherence in objectives. All appropriate offices, particularly those under the Departments of Trade and Industry, Finance, Budget and Management, Agriculture, Agrarian Reform, Environment and Natural Resources, Labor and Employment, Transportation [and Communications], INFORMATION AND COMMUNICATIONS TECHNOLOGY, Public Works and Highways, Science and Technology, Interior and Local Government and Tourism as well as the National Economic and Development Authority, Philippine Information Agency and the Bangko Sentral ng Pilipinas, through their national, regional and provincial offices shall, to the best of their efforts and in the coordination with local government units, provide the necessary support and assistance to MSMEs. **THE DEPARTMENT OF TRADE AND INDUSTRY SHALL BE THE LEAD AGENCY THEREFOR.**

“x x x”

SEC. 4. Section 6 of the same Act, as amended is hereby further amended to read as follows:

“SEC 6. *Micro, Small and Medium Enterprises Development Plan (MSMEDP).* – The President shall approve a six-year micro, small and medium enterprises development plan prepared by the Department of Trade and Industry (DTI) which shall form part of the [Medium Term] Philippine Development Plan ([MT]PDP). It shall be formulated in consultation with the private sector, validated and

71 updated semestrally. Such plan shall include a component on a
72 micro credit financing scheme.”

73 SEC.5. Section 7 of the same Act as amended, is hereby further amended
74 to read as follows:

75 “SEC. 7. *Micro Small and Medium Enterprises Development*
76 *(MSMED) Council.* – The existing Small and Medium Enterprise
77 Development Council, which was created by Republic Act No.
78 6977, as amended by Republic Act No. 8289 **AND REPUBLIC ACT**
79 **NO. 9501, AND FURTHER AMENDED BY REPUBLIC ACT NO.**
80 **10644**, shall be strengthened to effectively spur the growth and
81 development of MSMEs throughout the country, and to carry out the
82 policy declared in this Act and shall now be known as the Micro,
83 Small and Medium Enterprise Development (MSMED) Council. The
84 Council shall be attached to the Department of Trade and Industry
85 and shall be constituted within sixty (60) days after the approval of
86 this Act.

87 “x x x”

88 SEC. 6. Section 7-A of the same Act, as amended, is hereby further
89 amended to read as follows:

90 “SEC. 7-A. *Composition of the Micro, Small and Medium Enterprises*
91 *Development (MSMED) Council.* – The members of the Council
92 shall be the following:

- 93 “(a) The Secretary of Trade and Industry as Chair;
94 “(b) The Secretary of Agriculture;
95 “(c) The Secretary of the Interior and Local Government;
96 “(D) **THE SECRETARY OF FINANCE;**

97 “[(d)] (E) Three representatives from the MSME, [To
98 represent Luzon, Visayas, and Mindanao with a least one (1)
99 representative from the microenterprise sector] **TO BE**
100 **DESIGNATED BY A NATIONAL ORGANIZATION**
101 **REPRESENTING AND DOMINATED BY MSMEs; AND**

102 “[(e) One (1) representative from the women sector
103 designated by the Philippine Commission on Women;]

104 “[(f) One (1) representative for youth sector designated by
105 the National Youth Commission; and]

106 “[(g)](F) The Chairman of THE Small Business Corporation.

107 “A. *Advisory Unit.* – There shall be an Advisory Unit to the
108 Council, which shall consist of the following:

109 “(a) The Secretary of Science and Technology;

110 “(b) The Governor of the *Bangko Sentral ng Pilipinas*;

111 “(c) The President of the Land Bank of the Philippines;

112 “(d) The President of the Development Bank of the
113 Philippines

114 “(e) The Director General of the National Economic and
115 Development Authority

116 “(F) **THE EXECUTIVE DIRECTOR OF THE**
117 **COOPERATIVE DEVELOPMENT AUTHORITY;**

118 “(G) **A REPRESENTATIVE OF A NATIONAL**
119 **ORGANIZATION REPRESENTING AND**
120 **DOMINATED BY MSMEs;**

121 [(f)] (H) One (1) representative from the labor sector, to be
122 nominated by accredited labor groups;

123 [(g)] (I) A representative from the private banking sector
124 to serve [alternatively] **ALTERNATELY** between the
125 chamber of thrift banks, and the Rural Banker's
126 Association of the Philippines (RBAP);

127 [(h)] (J) A representative of the microfinance nongovernment
128 organizations (NGOs), **DESIGNATED BY THE**
129 **MICROFINANCE NGO REGULATORY COUNCIL;**

130 [(i)] (K) A representative of the University of the Philippines
131 Institute for Small Scale Industries (UP-ISSI); [and]

132 [(j)] (L) The President of the Credit Information
133 Corporation[.];

134 “(M) **ONE (1) REPRESENTATIVE FROM THE WOMEN**
135 **SECTOR DESIGNATED BY THE PHILIPPINE**
136 **COMMISSION ON WOMEN; AND**

137 “(N) **ONE (1) REPRESENTATIVE FROM THE YOUTH**
138 **COMMISSION.**

139 “(O) **A REPRESENTATIVE FROM NONSTOCK SAVINGS**
140 **AND LOAN ASSOCIATIONS DESIGNATED BY THE**
141 **ALLIANCE OF NON-STOCK SAVINGS AND LOAN**
142 **INSTITUTIONS, INC. (ANSI).**

143 “x x x”

144 SEC. 7. Section 7-B of the same Act, as amended, is hereby further
145 amended to read as follows:

146 “SEC. 7-B. *Powers and Functions.* – A. The MSMED Council
147 Council shall have the following powers, duties and functions:

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“x x x”

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“(h) To promote the productivity and viability of MSMEs IN DTI'S
TOP PRIORITY INDUSTRIES FOR DEVELOPMENT by way
of directing and/or assisting relevant government agencies
and institutions at the national, regional and provincial levels
towards the:

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“x x x”

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“(12) Through appropriate government agencies:

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“x x x”

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“(f) Set-up new MSME NEGOSYO centers and revitalize already
established MSME NEGOSYO centers to provide MSMEs in
the regions easier access to services such as, but not limited
to, the following:

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“x x x”

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“B. *Additional Functions of the MSMED Council*, - THE MSMED
Council shall have the following additional functions:

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“(a) Coordinating and Oversight Body for the MSME Negosyo
Center. – The MSMED Council, through the DTI, shall act as
the coordinating and supervising body for all the agencies
involved in the establishment and operation of the MSME
Negosyo Centers. Further, the MSMED Council shall monitor
and assess the progress of the Negosyo Centers, which shall
be included in its annual report submitted to the Congress.

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“(b) Provisions of a Compliance Guide. – For each rule or group
of related rules issued by any government agency for
compliance by MSMEs, The Council shall publish compliance

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174 guidelines which shall be written in plain language or in the
175 local dialect, if necessary.

176 “The Council shall prepare separate compliance
177 guideline guides covering groups or classes of similarly
178 affected MSMEs and shall cooperate with industry
179 associations to develop and distribute such compliance
180 guides. The publication of each compliance guide shall
181 include the posting of a guide in an easily identified location
182 on the website of the agency, and distribution of the guide to
183 known industry contacts, such as small entities, associations
184 or industry leaders affected by the rule. The issuing
185 government agency shall publish and disseminate the
186 compliance rules within ninety (90) days of issuance.

187 “(c) Conduct of Research on Women Entrepreneurship.— The
188 shall conduct research to support women entrepreneurship
189 including, but not limited to entrepreneurial behavior, barriers,
190 participation and cessation rates, discriminatory practices and
191 contribution to the national economy and growth.

192 “(d) Policy Formulation on Women Entrepreneurship – The
193 Council shall provide policy direction towards recognizing
194 women’s propensity in doing business as well as establish
195 linkages that will enable more opportunities for women to
196 engage in entrepreneurship.

197 “(e) Development of Entrepreneurial Education and Training. -
198 The MSMED Council shall develop, in coordination with the
199 Department of Education, TESDA and CHED, a course
200 curriculum or training program in entrepreneurship that will
201 promote entrepreneurial culture and competence.

Entrepreneurship shall be integrated in the curriculum of educational and training institutions in all levels.”

SEC. 8. Section 11-A. of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 11-A. *Composition of the Board of Directors and its Powers.* – The SB Corporation [corporate powers shall be vested on] **SHALL HAVE** a Board of Directors composed of [eleven (11)] **THIRTEEN (13)** members which shall include the following:

“a) The Secretary of Trade and Industry;

“b) The Secretary of Finance;

“c) **THE PRESIDENT OF THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS);**

“(D) **THE PRESIDENT OF THE SOCIAL SECURITY SYSTEM (SSS);**

“[c] (E) A private sector representative to be appointed by the President of the PHILIPPINES upon the recommendation of the MSMED Council;

“[d] (F) Seven (7) representatives of the SB Corporation common stock shareholders who shall be elected based on proportional distribution, in accordance with Section 24 of the of the Corporation Code; and

“[e] (G) The President of the SB Corporation as ex-officio member and to serve as vice chairman of the Board.

“The President shall appoint the chairman of the Board from among its members.

227 "All members of the board so appointed, except
228 for the ex-officio members, shall serve for a term of
229 three (3) years [without reappointment.] **AND MAY BE**
230 **REAPPOINTED TO ANOTHER TERM UNLESS**
231 **EARLIER REVOKED. IF THE TERM OF THE**
232 **INCUMBENT MEMBER HAS EXPIRED, THE**
233 **MEMBER SHALL CONTINUE TO FUNCTION IN A**
234 **HOLDOVER CAPACITY UNTIL A REPLACEMENT**
235 **HAS BEEN APPOINTED AND QUALIFIED. [The]**
236 **ANY person [so] appointed to replace a member who**
237 **has resigned, died, or been removed for cause shall**
238 **serve only for the unexpired portion of the term.**

239 "The Board of Directors shall have, among
240 others, the following specific powers and authorities:

241 " x x x"; and

242 "f) [Notwithstanding the provisions of Republic Act No.
243 6758 and Compensation Circular No.10, Series of
244 1989 issued by the Department of Budget and
245 Management, the Board shall have the authority to p]
246 Provide for the organizational structure, [and] staffing
247 pattern [of SB Corporation and to extend to the
248 employees and personnel thereof salaries, allowances
249 and fringe benefits similar to those extended to and
250 currently enjoyed by employees and personal of other
251 government financial institutions.]
252 **ANDCOMPENSATION OF EMPLOYEES AND**
253 **PERSONNEL OF THE SB CORPORATION, FOR**
254 **SUBMISSION TO THE GOVERNANCE**
255 **COMMISSION FOR GOCCs."**

SEC. 9. Section 11-B of the same Act, as amended, is hereby further amended, to read as follows:

"SEC 11-B Corporate Structure and Powers. –

"A. The SB Corporation shall:

"x x x"

"B. For this purposes, the SB Corporation [subject to compliance with the rules and regulations to be issued by the *Bangko Sentral ng Pilipinas (BSP)* and the Securities and Exchange Commissions,] shall have the following functions and duties:

"a) Source and adopt development initiative for globally competitive MSMEs in finance and business technologies;

"b) [To] [e] Extend all forms of financial assistance, **EXCEPT AND SUBSIDIES, to eligible MSMEs[.], AND NOT TO RETAIL LENDING IN AREAS WHERE PRIVATE BANKS ARE NOT ABLE TO SERVE, SUBJECT TO CONSULTATION WITH THE PRIVATE BANKS;** [SB Corporaton may also engage in wholesale lending. The SB Corporation shall be given two (2) years from the effectivity of this Act to comply with this requirement:]

"(c) Guarantee loans obtained by qualified MSMEs under such terms and conditions adopted by the SB Corporation Board of Directors, **AS WELL AS ESTABLISH A GUARANTEE SYSTEM FOR DISTRESSED ENTERPRISES AS INSURANCE AGAINST EXTRAORDINARY DISASTERS;**

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"X X X;

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"(f) Apply for, receive and accept grants and donations
from sources within and outside the country; [and]

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"(g) Hold, own, purchase, acquire, sell, mortgage, dispose
or otherwise invest or re-invest in stocks , bonds,
treasury bills, debentures, securities and similar forms
of indebtedness of the government, its agencies and
instrumentalities or any government financial
institution[.]; AND

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"(H) **SUBMIT AN ANNUAL REPORT TO THE MSMED
COUNCIL, THE CONGRESS OF THE PHILIPPINES
AND THE GOVERNANCE COMMISSION FOR
GOCCs ON PERFORMANCE AND FINANCIAL
CONDITION OF THE CORPORATION.**

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**"THE SB CORPORATION SHALL BE
EXEMPT FROM SECURING PRIOR
AUTHORIZATION FOR ENGAGING IN QUASI-
BANKING ACTIVITIES AND SHALL NOT BE
SUBJECT TO BSP SUPERVISION AND
REGULATION FOR SUCH ACTIVITIES. "**

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SEC. 10. A new subsection is hereby inserted after Section 11-B of the
same Act, as amended, and numbered as Section 11-C to read as follows:

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**"SEC.11-C. STRATEGIC MANAGEMENT OF THE SB
CORPORATION. – THE BOARD OF THE SB CORPORATION,
THROUGH ITS CHAIRMAN, SHALL BE FULLY RESPONSIBLE
AND ACCOUNTABLE FOR THE PERFORMANCE OF THE
CORPORATION'S MANDATE. TO ENSURE THIS, THE BOARD**

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311 **SHALL BE CONSTITUTED AS A MANAGING BOARD, LED BY**
312 **ITS CHAIRMAN, TO CONCEPTUALIZE THE STRATEGIC PLANS**
313 **AND POLICIES OF THE CORPORATION.**

314 **“THE SB CORPORATION SHALL ADOPT A BALANCED**
315 **SCORECARD APPROACH, SUBJECT TO THE REVIEW AND**
316 **APPROVAL OF THE GOVERNANCE COMMISSION FOR GOCCs,**
317 **IN ITS STRATEGIC MANAGEMENT TO ENABLE IT TO MANAGE**
318 **ITS FINANCIAL PERFORMANCE WHILE PURSUING THEIR**
319 **PUBLIC POLICY OBJECTIVES OF SUPPORTING MICRO,**
320 **SMALL AND MEDIUM ENTERPRISES DEVELOPMENT.”**

321 SEC. 11. Section 12 of the same Act, as amended, is hereby further
322 amended to read as follows:

323 **“ SEC. 12. *Capitalization and Funding of the SB Corporation.*- The**
324 **SB Corporation shall have an authorized capital stock of Ten Billion**
325 **pesos (P 10,000,000,000.00). The initial capital of One billion pesos**
326 **(P1,000,000,000.00) shall be established from a pool of funds to be**
327 **contributed in the form of equity investments in common stock by the**
328 **Land Bank of the Philippines (LBP), the Development Bank of the**
329 **Philippines (DBP), in the amount of Two hundred million pesos**
330 **(P200,000,000.00) each. The Social Security System (SSS) and**
331 **the Government Service Insurance System (GSIS) shall also set**
332 **aside Two hundred million pesos (P200,000,000.00) each for the SB**
333 **Corporation. Authorized capital stock of the [a] Small [b] Business**
334 **[c] Corporation shall be divided into 80,000,000 common shares**
335 **and 20,000,000 preferred shares with a par value of One hundred**
336 **pesos (P100.00) per share: *Provided*, That the common shares**
337 **which have been issued, including those issued against the assets**
338 **of the KKK Guaranty Fund consolidated under the [a] Small [b]**
339 **Business [c] Corporation by virtue of Executive Order No., Series**

of 2000 and Executive Order No. 19, Series of 2001 and including those already subscribed, shall form part of the capitalization of the corporation; *Provided, further,* That holders of preferred shares issued under Republic Act No. 6977, as amended, shall have the option to convert the same into common shares. Additional equity funding shall come from trust placements of excess and unused funds of existing government agencies, bilateral and multilateral official development assistance funds, subscriptions from government owned or controlled corporations **AND THE NATIONAL GOVERNMENT THROUGH THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM)**, and investments of private financial institutions and corporations; *Provided, finally,* That any investment from the private sector shall only be in the form of preferred shares.

“THE NATIONAL GOVERNMENT SHALL PROVIDE FOR THE FULL CAPITALIZATION OF THE SB CORPORATION WITHIN A PERIOD OF FIVE (5) YEARS FROM THE APPROVAL OF THIS ACT.

[To allow for capital build-up, SB Corporation shall be given a five (5) year grace period of dividend commitments beginning on the date of effectivity of this amendment. Thereafter, it] **THE SB CORPORATION** may [only] declare as dividend not more than thirty percent (30%) of its net income and the rest withheld as retained earnings”

SEC. 12. Section 13 of the same Act, as amended, is hereby deleted.

“[SEC. 13. THE SB Corporation shall be subject to the supervision and examination of the *Bangko Sentral ng Pilipinas* taking into consideration its developmental objectives.”]

SEC. 13. Section 14 of the same Act, as amended, is hereby renumbered as Section 13, and further amended to read as follows:

369 “SEC. [14]13. *Venture Capital and Micro Finance Trust Fund.*- The
370 SB Corporation may set aside an amount of money to encourage
371 the setting up of a venture capital and micro finance trust fund for
372 the purpose of promoting business opportunities available to MSME
373 sector. The Venture Capital Fund shall be used mainly for venture
374 capital finance especially in technology-oriented industries. The
375 micro finance trust fund shall be used to provide collateral-free fixed
376 and working capital loans to micro and small enterprises run by
377 those emerging out of poverty. **A SEED AMOUNT OF AT LEAST**
378 **TEN PERCENT (10%) OF THE ADDITIONAL EQUITY**
379 **CONTRIBUTION OF THE NATIONAL GOVERNMENT TO THE**
380 **CAPITALIZATION OF THE SMALL BUSINESS CORPORATION**
381 **BUT NOT MORE THAN FIVE HUNDRED MILLION PESOS**
382 **(P500,000,000.00) SHALL BE SET ASIDE TO FUND THE**
383 **VENTURE CAPITAL AND MICRO FINANCE TRUST FUND.”**

384 SEC. 14. Section 15 of the same Act, as amended, is hereby renumbered
385 as Section 14, and further amended to read as follows:

386 “SEC. [15]14. *Mandatory Allocation of Credit Resources to Micro,*
387 *Small and Medium Enterprises.* – For the period of **ANOTHER** ten
388 (10) years from the date of the effectivity of this amendatory Act, all
389 lending institutions as defined under *Bangko Sentral ng Pilipinas*
390 rules, whether public or private, shall set aside at least eight percent
391 (8%) for micro and small enterprises and at least two percent (2%)
392 for medium enterprises of their total loan portfolio based on their
393 balance sheet as of the end of the previous quarter, and make it
394 available for MSME credit as herein contemplated.

395 “Compliance of this provision shall be:

396 “(a) actual extension of loans to eligible MSMEs; or

397 “x x x; or

398 “(f) subscribe/purchase of liability instruments as may be
399 offered by the SB Corporation. **THE SAME SHALL**
400 **NOT BE DEEMED AS QUASI-BANKING**
401 **OPERATIONS, AND SHALL NOT REQUIRE A**
402 **QUASI-BANKING LICENSE FROM THE BSP; OR**

403 “(G) **LOANS TO MSME VALUE CHAIN ACTORS WHO**
404 **ALLOW MSMEs TO PARTICIPATE IN ORGANIZED**
405 **OR FORMAL VALUE CHAINS. VALUE CHAIN**
406 **ACTORS INCLUDE, AMONG OTHERS, TRADERS,**
407 **SUPPLIERS, PROCESSORS, AGGREGATORS**
408 **WHO CONDUCT LINKED SEQUENCE OF VALUE**
409 **ADDING ACTIVITIES INVOLVED IN BRINGING A**
410 **PRODUCT TO FINAL CONSUMERS.**

411 “The *Bangko Sentral ng Pilipinas*, **IN**
412 **CONSULTATION WITH THE MSMED COUNCIL AND**
413 **THE SECRETARY OF TRADE AND INDUSTRY**, shall
414 formulate rules for the effective implementation of this
415 provision: *Provided*, That the purchase of government
416 notes, securities and other negotiable instruments shall
417 not be deemed compliance with the forgoing
418 provisions: *Provided, further*, That the *Bangko Sentral*
419 *ng Pilipinas*, **IN CONSULTATION WITH ALL**
420 **STAKEHOLDERS, shall establish [an] A**
421 **MEANINGFUL** incentive [program] **SYSTEM** to
422 encourage [lending to micro, small, and medium
423 industries beyond the mandatory credit allocation to
424 said enterprises,] **COMPLIANCE WITH THIS**
425 **PROVISION**, such as possible reduction in the bank’s
426 reserve requirement[.]: **PROVIDED, FINALLY, THAT**
427 **THE BANGKO SENTRAL NG PILIPINAS SHALL**

428 **ALIGN ITS REGULATIONS ON THE PENALTIES**
429 **FOR BANKS AND OTHER ENTITIES, FOR**
430 **NONCOMPLIANCE WITH THE PROVISION FOR**
431 **MANDATORY LENDING.**

432 “The MSMED council shall set up the
433 appropriate system to monitor all loan applications of
434 MSMEs in order to account for the absorptive capacity
435 of the MSME sector. **EACH LENDING INSTITUTION**
436 **SHALL DESIGNATE A CHIEF COMPLIANCE**
437 **OFFICER WHO WILL PREPARE AND SIGN THE**
438 **REPORT ON COMPLIANCE AND**
439 **NANCOMPLIANCE WITH THE MANDATORY**
440 **CREDIT ALLOCATION, FOR SUBMISSION TO THE**
441 **BANGKO SENTRAL NG PILIPINAS.** The Bangko
442 Sentral ng Pilipinas shall furnish to the MSMED
443 Council on a quarterly basis comprehensive reports on
444 the banks’ compliance[,] **AND** noncompliance [and
445 penalties of] **WITH** the above provisions on the
446 mandatory credit allocation for MSMEs[.], **AND SHALL**
447 **SUBMIT AN ANNUAL REPORT, SIGNED BY AN**
448 **OFFICER WITH THE RANK OF AT LEAST A**
449 **MANAGING DIRECTOR ON THE AMOUNTS OF THE**
450 **PENALTIES FOR NONCOMPLIANCE WITH THE**
451 **MANDATORY LENDING PROVISION OF THIS ACT.**

452 “Lending institutions which are not qualified to
453 acquire or hold lands of the public domain in the
454 Philippines shall be permitted to bid and take part in
455 sales of mortgaged real property in case of judicial or
456 extra-judicial foreclosure, as well as avail of
457 receivership, enforcement and other proceedings,

solely upon default of a borrower, and for a period not exceeding five (5) years from actual possession: *Provided*, That in no event shall title to the property be transferred to such lending institution. If the lending institution is the winning bidder, it may, during said five (5) year period, transfer its rights to a qualified Philippine national, without prejudice to a borrower's rights under applicable laws."

SEC. 15. Sections 16, 17 and 18 of the same Act, as amended, are hereby renumbered ad Sections 15, 16 and 17, respectively, to read as follows:

"SEC. [16] 15. Micro, Small, and Medium Enterprise Week. – x x x."

"SEC. [17]16. Presidential awards for Outstanding MSME. – x x x."

"SEC.[18]17. Congressional Oversight Committee. – x x x."

SEC. 16. Section 19 of the same Act, as amended, is hereby renumbered as Section 18, and further amended, to read as follows:

"SEC. [19]18 *Penalty Clause*. – The **BANGKO NG SENTRAL NG PILIPINAS** shall impose administrative sanctions and other penalties on the lending institutions for non[-] compliance with THE provisions of this Act [including a fine of not less than Five hundred thousand pesos (P500,00.00)]. **THE MINIMUM PENALTY FOR NONCOMPLIANCE IS SET AT FIVE HUNDRED THOUSAND PESOS (P500,000.00) AND THE MAXIMUM PENALTY FIVE MILLION PESOS (5,000,000,000.00) IN PROPORTION TO THE BANK'S OR OTHER ENTITY'S LEVEL OF COMPLIANCE: PROVIDED, THAT A SMALLER PENALTY IS SET AT ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR SMALLER BANKS' NONCOMPLIANCE. AS USED IN THIS ACT, SMALL BANKS SHALL BE DEFINED AS BANKS WITH**

CAPITALIZATION OF NOT MORE THAN FIVE HUNDRED MILLION PESOS (P500,000,000.00): *PROVIDED, FURTHER*, THAT THE DEFINITION OF SMALL BANKS SHALL BE REGULARLY REVIEWED BY THE MSMED COUNCIL: *PROVIDED, FINALLY*, THAT THE AFOREMENTIONED PENALTIES SHALL NOT BE IMPOSED ON NEWLY-ESTABLISHED DOMESTIC AND FOREIGN BANKS WITHIN ONE (1) YEAR FROM THE DATE THEY COMMENCED THEIR OPERATIONS.

“Penalties on noncompliance shall be directed to the development of the MSME sector. Ninety percent (90%) of the penalties collected should go to MSMED Council Fund, while the remaining ten percent (10%) should be given to the BSP to cover for administrative expenses.

“THE MSMED COUCIL SHALL SUBMIT TO THE CONGRESS OF THE PHILIPPINES AN ANNUAL REPORT ON THE STATUS OF THE PENALTIES REMITTED AND HOW THE SAME WERE USED OR ARE BEING USED IN RELATION TO THE IMPLEMENTATION OF SERVICES TO MSMEs IN THE AREAS OF CAPACITY BUILDING, TECHNOLOGY INFORMATION, COLLECTION AND DISSEMINATION, AND OTHER ENTERVENTIONS FOR MSME DEVELOPMENT GROWTH AND SUSTAINABILITY.”

SEC. 17. *Implementing Rules and regulations (IRR).* – The Department of Trade and Industry, through the Bureau of Micro, Small and Medium Business Development and in consultation with the *Bangko Sentral ng Pilipinas* and other concerned government agencies, nongovernment organization and private sector agencies involved in the promotion of MSMEs , shall formulate the implementing rules and regulations (IRR)

necessary to implement the provisions of this Act within ninety (90) days from the approval of this Act: *Provided*, That the IRR shall be reviewed yearly: *Provided, further*, That the IRR shall be approved by the MSMED Council. The IRR issued pursuant to this section shall take effect thirty (30) days after its publication in a national newspaper of general circulation.

SEC. 18. *Separability Clause*. – The provisions of this Act are hereby declared to be separable. If any provision of this Act shall be held unconstitutional, the remainder of this Act not otherwise affected shall remain in full force and effect.

SEC. 19. *Repealing Clause*. – All laws, executive orders, rules and regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 20. *Effectivity*. – This Act shall take effect within fifteen (15) days from its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,