Republic of the Philippines
Department of Finance
Securities and Exchange Commission
SEC Bldg. EDSA, Greenhills, Mandaluyong City

SEC MEMORANDUM CIRCULAR NO. 4
Series of 2009

AMENDMENT TO THE CONSOLIDATED SCALE OF FINES
(SEC MEMORANDUM CIRCULAR NO. 6, SERIES OF 2005)

The Commission En Banc, in its meeting held on May 13, 2009, approved the amendment of the Consolidated Scale of Fines (SEC Memorandum Circular No. 6, Series of 2005) by deleting the word "Warning" as a penalty for the First Offense and including a sub-group for public companies engaged in the business of providing "health and educational" services after paragraph 3 of said Circular as follows:

> "However, if the violation of the SRC Rule 17.1 and its Implementing Rules and Regulations is committed more than three (3) times by any of the public companies enumerated below, the Commission may impose a fine, in lieu of suspension or revocation, equivalent to the basic penalty plus the daily penalty per current Scale and increments of P10,000.00 and P100.00 on the basic penalty and the daily penalty, respectively:
>
> i. Public companies engaged in the business of formal education as defined under Section 20 of Batas Pambansa Bilang 232 which includes preparatory grade or the one-year preparatory level prior to Grade I; elementary education, secondary and/or tertiary education; and
>
> ii. Public companies engaged in the business of health care services rendered by health care institutions as defined under Section 4 (o) (1), Article II of Republic Act 7875, excluding wellness centers and health care institutions engaged exclusively in out-patient psychotherapy and counseling for mental disorders, drug and alcohol abuse or dependency treatment, cosmetic surgery, home and rehabilitation services, optometric services, or normal obstetrical delivery.
>
> Attached as Annex "A" is a Table of penalties for public companies engaged in the business of education and health care services to the public."

The foregoing amendment shall take effect fifteen (15) days from publication in two (2) newspapers of general circulation in the Philippines

June 8, 2009, Mandaluyong City, Philippines.

FE B. BARIN
Chairperson

Annex "A"

Table of Penalties for Public Companies engaged in the Delivery of Education and Health Care Services to the Public.

SECTION 17.1; SRC RULE 17.1

VIOLATION	First Offense (MC No. 6, S. of 2005)	Second Offense (MC No. 6, S. of 2005)	Third Offense (MC No. 6, S. of 2005)	*Fourth Offense*	*Fifth Offense*	*Sixth Offense*	*Every Succeeding Offense*
LATE FILING OF CURRENT REPORT (SEC FORM 17-C)	Reprimand	P30,000.00 plus P200.00 per day of delay	P40,000.00 plus P400.00 per day of delay	*P50,000.00 plus P500.00 per day of delay*	*P60,000.00 plus P600.00 per day of delay*	*P70,000.00 plus P700.00 per day of delay*	*Additional P10,000.00 in the basic imposable penalty for the previous violation plus an additional P100.00 in the daily penalty*
INCOMPLETE CURRENT REPORT (SEC FORM 17-C) This shall be in addition to the penalty for late filing of the report per due date under the Rules	Reprimand	P10,000.00 plus P200.00 per day of delay of filing the amended report	P20,000.00 plus P400.00 per day of delay of filing the amended report	*P30,000.00 plus P500.00 per day of delay*	*P40,000.00 plus P600.00 per day of delay*	*P50,000.00 plus P700.00 per day of delay*	
LATE FILING OF QUARTERLY REPORT (SEC FORM 17-Q)	Reprimand	P50,000.00 plus P300.00 per day of delay	P60,000.00 plus P600.00 per day of delay	*P70,000.00 plus P700.00 per day of delay*	*P80,000.00 plus P800.00 per day of delay*	*P90,000.00 plus P900.00 per day of delay*	*Additional P10,000.00 in the basic imposable penalty for the previous violation plus an additional P100.00 in the daily penalty*
INCOMPLETE QUARTERLY REPORT (SEC FORM 17-Q) This shall be in addition to the penalty for late filing of the report per due date under the Rules	Reprimand/	P20,000.00 plus P300.00 per day of delay of filing the amended report	P40,000.00 plus P600.00 per day of delay of filing the amended report	*P50,000.00 plus P700.00 per day of delay*	*P60,000.00 plus P800.00 per day of delay*	*P70,000.00 plus P900.00 per day of delay*	
LATE FILING OF ANNUAL REPORT (SEC FORM 17-A)	Reprimand	P100,000.00 plus P500.00 per day of delay	P200,000.00 plus P1,000.00 per day of delay	*P210,000.00 plus P1,100.00 per day of delay*	*P220,000.00 plus P1,200.00 per day of delay*	*P230,000.00 plus P1,300.00 per day of delay*	*Additional P10,000.00 in the basic imposable penalty for the previous violation plus an additional P100.00 in the daily penalty*
INCOMPLETE ANNUAL REPORT (SEC FORM 17-A) This shall be in addition to the penalty for late filing of the report per due date under the Rules	Reprimand	P30,000.00 plus P500.00 per day of delay of filing the amended report	P60,000.00 plus P1,000.00 per day of delay of filing the amended report	*P70,000.00 plus P1,100.00 per day of delay*	*P80,000.00 plus P1,200.00 per day of delay*	*P90,000.00 plus P1,300.00 per day of delay*	