# BDB LAW Advisory



## ADVISORY ON DOMESTIC INVESTMENTS THAT DO NOT REQUIRE PRIOR APPROVAL



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INSURANCE COMMISSION CIRCULAR LETTER NO. 2022-23 Guidelines on Domestic Investments that Do Not Require Prior Approval

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#### INSURANCE COMMISSION CIRCULAR LETTER 2022-23

### Guidelines on Domestic Investments that Do Not Require Prior Approval

This Circular provides for the local investment placements not requiring prior approval from the Insurance Commissioner.

GENERAL RULE	All securities and investments shall require prior approval.	
EXCEPTIONS	The following investments will not require the prior approval provided they comply with the conditions and limitations set forth in the Insurance Code.	Applicable Sections
	1.1 For Life and Non-Life Insurance Companies and Mutual Benefit Associations (MBA):	
	1.1.1. Loans upon security of any of the following"	204 (a), (b)
	<ul> <li>a. First mortgage or deeds of trust of real estate, condominiums and cultivated agricultural land;</li> </ul>	and 205
	b. Purchase money mortgages, lease purchase	204 (c)
	agreements;	204 (d)
	<ul> <li>Bonds/instruments of indebtedness, whether PHP or Foreign Currency- Denominated, of Government of the Philippines or its political subdivisions;</li> </ul>	204 (e)
	<ul> <li>Obligations issued or guaranteed by commercial banks, universal banks, offshore banking units, investment houses or other financial intermediaries duly registered with the Bangko Sentral ng Pilipinas (BSP);</li> </ul>	
	e. Pledges of shares of stocks, bonds or other instruments of indebtedness specified in Section 209;	204 (h)
	<ul> <li>f. Chattel mortgages over equipment not more than three (3) years old;</li> </ul>	204 (i)
	1.1.2. Real/personal property acquired by reason of loan;	206 (a)

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1.1.3. Real properties which are actually/currently used as a main place of business and/or branch offices provided that the subject property is free from any liens or encumbrances;	206 (b)(1)
1.1.4. Bonds or other instruments of indebtedness, whether PHP or Foreign Currency-Denominated, of the Government of the Philippines or its political subdivisions;	206 (b)(2)
1.1.5. Bonds or other instruments of indebtedness, whether PHP or Foreign Currency-Denominated, of government- owned or controlled corporations and entities including the BSP;	206 (b)(3)
1.1.6. Equity securities issued by an institution included in the Philippine Stock Exchange Index;	206 (b)(5) and (b)(6)
1.1.7. Equity securities not included under Sections 1.1.5 and 1.1.6, provided, however, that the issuer or the issue obtained a minimum credit rating of Baa by Philratings, BBB by the Credit Rating and Investor Services Philippines, Inc. (CRISP) or an equivalent from a local Credit rating agency accredited by the Securities and Exchange Commission (SEC);	206 (b)(5) and (b)(6)
1.1.8. Listed Equity Securities of other Financial Institutions covered under Section 207 of the Amended Insurance Code, provided, however, that the subject institution obtained a minimum composite rating of "3" from the BSP's Supervisory Assessment Framework (SAFr);	207(1) 206 (b)(4)
1.1.9. PHP-Denominated Corporate Debt Securities listed in the Philippine Dealing Exchange;	206 (b)(4)
1.1.10. Debt securities not included under Section 1.1.9, provided, however, that the issuer or the issue obtained a minimum credit rating of Baa by Philratings, BBB by CRISP or an equivalent from a local Credit-rating agency accredited by the SEC;	
<ul><li>1.1.11. Debt Securities fully secured with</li><li>a. First mortgage or deeds of trust of real estate,</li></ul>	204 (a),(b) and 205
condominiums cultivated agricultural land;	

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<ul> <li>b. Purchase money mortgages, lease purchase agreements;</li> </ul>	204 (c)
c. Bonds/instruments of indebtedness, whether PHP or Foreign Currency-Denominated, of Government of the Philippines or its political subdivisions;	204 (d)
<ul> <li>Obligations issued or guaranteed by commercial banks, universal banks, offshore banking units, investment houses or other financial intermediaries duly registered with the BSP;</li> </ul>	204 (e)
<ul> <li>e. Pledges of shares of stocks, bonds or other instruments of indebtedness specified in Section 209;</li> </ul>	204 (h)
f. Chattel mortgages over equipment not more than three (3) Years old;	204 (i)
1.1.12. Placements in Philippine Stock Exchange (PSE) listed Real Estate Investment Trust and PSE-listed Exchange Traded Fund (ETF) approved by their respective regulatory agencies, provided, however, that for ETF, only those linked with composite stock market indices and those managed by a fund manager with at least three (3) years of solid experience in fund management shall be allowed;	202(j)
1.1.13. Investments in Mutual Funds duly registered with the SEC and local Unit Investment Trust Fund (UITF) approved by the BSP, provided, however, that the underlying securities are all PHP-denominated;	202(j)
1.1.14. Investment Management Agreements (IMAs) with institutions duly licensed by the BSP with a satisfactory SAFr / Trust Rating of "3", provided, however, that the following provisions shall be incorporated in the IMA:	
a. All investments under the Agreement shall be registered in the name of the company;	

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	All investments shall be in accordance with the provisions of the Amended Insurance Code and applicable circulars and regulations issued by the Insurance Commission; and Investmentriskexposures should be clearly defined and measured in accordance with the Risk-Based Capital	
in Exe Inves	framework; 5. Securities issued by registered enterprise as defined ecutive Order No. 226, otherwise known as the Omnibus tment Code of 1987;	206(b)(7) 206(b)(8)
	<ol> <li>Certificates, notes and other obligations issued by ses or receivers of any institution;</li> </ol>	204(g)
depo certif or l inter howe comp or is Philra	7. Placements of monetary instruments such as cash sits, time deposits, special savings accounts, deposit icates, fixed income securities with maturity of 365 days ess or other similar instruments of financial mediaries or other private institutions provided, ever, that such institution obtained a minimum posite rating of 3 from the BSP'S SAFr or that such issue suer obtained a minimum credit rating of PRS 3 by atings, BI by CRISP or an equivalent from a local trating agency accredited by the SEC;	204
1.2 <b>F</b>	or Life Insurance Companies and MBAS:	201
1.2.1	. Policy loans	

Source: Circular Letter 2022-23