

## CERTIFICATION, CONSENT, AND WAIVER

This is to certify that I/the Entity \_\_\_\_\_ (Name of individual cardholder/juridical entity) am:

- a U.S. Person<sup>1</sup> and will submit a copy of W-9 (Request for Taxpayer Identification Number and Certification) to the United States Internal Revenue Services (US IRS) through the Philippine Bureau of Internal Revenue (BIR) within seven (7) days from receipt of this letter or of the Statement of Account notice.
- not a U.S. Person and my personal information does not contain any U.S. indicia<sup>2</sup>; I am a \_\_\_\_\_ (Indicate Nationality) citizen.
- not a U.S. Person, notwithstanding the presence of any U.S. indicia in my personal information, and in support of this, I will submit copies of the following documents to RCBC Bankard Customer Service within seven (7) days from receipt of this letter or of the Statement of Account notice to prove such status.
- DS-4083, issued by the US Bureau of Consular Affairs to declare that US citizenship has been rescinded, if applicable, and
  - W-8BEN (Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding), and
  - Non-U.S. valid passport, or any similar documentation establishing non-U.S. citizenship

That I/the Entity maintain/s credit card account(s) (the "Account", irrespective of number) with RCBC Bankard Services Corporation, the servicing and card-issuing entity of RCBC, duly registered under the laws of the Republic of the Philippines, with head office address at 31/F Robinsons Equitable Tower, 4 ADB Avenue corner Poveda Street, Ortigas Centre, Pasig City 1605, Philippines (hereinafter referred to as "RBSC").

**FOR U.S. PERSONS:** RBSC is subject to the requirements of the United States Foreign Account Tax Compliance Act (FATCA) and the regulations of the United States Internal Revenue Services (US IRS), including all subsequent amendments or supplements thereto (collectively, FATCA/US IRS Regulations) and Intergovernmental Agreement Model 1 (IGA Model 1) agreed upon by and between the Philippine and US governments. The FATCA/US IRS Regulations and the IGA Model 1 require RBSC to report to the Philippine Bureau of Internal Revenue (BIR) information about financial accounts held by US Persons or held by foreign entities in which US Persons hold a substantial ownership interest.

This Certification, Consent, and Waiver signifies:

- a) my/the Entity's consent and waiver of my/its right of confidentiality under Philippine bank secrecy laws including but not limited to Republic Act Number 1405 or the Law on Secrecy of Bank Deposits, or Republic Act Number 6426 or the Foreign Currency Deposit

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<sup>1</sup> "United States Person" as defined in the FATCA means:

- a) U.S. citizen (including dual citizen)
- b) U.S. resident alien for tax purposes
- c) A person who has substantial presence in the U.S. "Substantial presence" is defined as more than 31 days in the current calendar year or a total of 183 days over the previous three years from the current tax year

<sup>2</sup> U.S. indicia as defined in the FATCA refer to any of the following:

- a) Designation of the account holder as a U.S. citizen or resident;
- b) U.S. place of birth;
- c) A current U.S. residence address or U.S. mailing address (including a U.S. post office box);
- d) A current U.S. telephone number (regardless of whether such number is the only telephone number associated with the account holder);
- e) Standing instructions to pay amounts from the account to an account maintained in the United States;
- f) A current power of attorney or signatory authority granted to a person with a U.S. address; or
- g) An "in-care-of" address or a "hold mail" address that is the sole address the FFI has identified for the account holder.

Act and Republic Act Number 8791 or the General Banking Law of 2000, as amended in each case, for the purpose of the RBSC's compliance with the reportorial requirements of the FATCA/US IRS Regulations;

- b) my/the Entity's agreement and consent to the processing and updating of all information relative to my/its Account under Republic Act Number 10173 or the Data Privacy Act of 2012;
- c) my/the Entity's consent and waiver of such rights and privileges under any other law of the Philippines which will require the issuance of a consent and/or waiver for the disclosure and/or processing of any and all information relating to my/its Account with RBSC for purposes of compliance with FATCA; and
- d) my/the Entity's acknowledgement and consent for RBSC to report and disclose to the BIR and for the BIR, in turn, to disclose to the US IRS, the following information (and/or such other information as may be required), relative to the Account pursuant to the FATCA/US IRS Regulations and IGA Model 1:
  - i. The name, address, and U.S. tax identification number (TIN)<sup>3</sup>;
  - ii. In the case of any account holder that is a U.S. entity with one or more U.S. owners of such entity;
  - iii. The account number;
  - iv. The year-end account balance or value; and
  - v. Gross receipts and gross withdrawals or payments from the account.

This Certification, Consent, and Waiver is given by me/the Entity only for purposes of compliance by RBSC with the FATCA.

**FOR NON-U.S. PERSONS:** Where I have answered that I am NOT a U.S. Person and have committed to submit the required documents in support thereof, I hereby affirm and confirm the truth of such declaration and the authenticity of the supporting documents to be submitted. I undertake to inform RBSC in writing of any change in circumstance that will affect the accuracy of such declaration or supporting documents within thirty (30) calendar days from the occurrence of such change. Further, I hereby acknowledge that RBSC shall operate the Account on the basis of such declaration. In the event that RBSC discovers that I am a U.S. Person, then RBSC is hereby absolutely and unconditionally authorized to report and disclose to the U.S. IRS the Required Information. I further undertake to provide RBSC with such Required Information as may be requested.

By signing this Certification, Consent, and Waiver, I/the authorized officers of the Entity hereby undertake/s to indemnify and hold RBSC, its officers, employees, representatives, agents, or relevant units, free and harmless from and against all liabilities, claims, demands, actions, proceedings, losses, expenses, and all other liabilities of whatsoever nature or description which may be suffered or incurred by RBSC, its officers, employees, representatives, agents, or relevant units, arising from or in connection with the execution of this Supplemental Certification, Consent, and Waiver.

By signing hereunder, I/the authorized officers of the Entity represent, warrant and confirm that (1) I/we have read and understood this Supplemental Certification, Consent, and Waiver and (2) the undersigned is/are the account holder/its duly authorized representative/s allowed to execute and deliver this Certification, Consent, and Waiver for and on behalf of the Entity, as evidenced by Annex "A".

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<sup>3</sup> US TIN may pertain to any of the following:

**For individuals:** (1) social security number (SSN), (2) individual taxpayer identification number (ITIN), or (3) adoption taxpayer identification number (ATIN).

**For juridical entities:** Employer identification number (EIN).

Signed:

Name and signature of Account Holder/Authorized Signatories of the Entity

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

## Annex "A"

[*Note:* If the RBSC client is a juridical entity, the authority of the signatory of the Certification, Consent, and Waiver (CCW) must be confirmed by:

1. *For Philippine entities:* a board resolution with a corporate secretary's certificate attesting that the signatory is so authorized by the Board of Directors;
2. *For foreign entities:* a certification issued in accordance with the applicable foreign law attesting that the signatory to the CCW is authorized to act and sign for and on behalf of the entity.

The certificate shall be attached as Annex A of the CCW.