

CERTIFICATION, CONSENT AND WAIVER FOR U.S. PERSON

This is to certify that _____ is
(Name of judicial entity) (The "entity")

- a United States Person (U.S. Person)
"United States Person" as defined in the FATCA means:
- U.S. citizen (including dual citizen)
 - U.S. resident alien for tax purposes
 - 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.
 - A domestic partnership/corporation/company or association created or organized in the U.S. or under the laws of the U.S. A domestic trust
 - Any other person that is not a foreign person
- not a U.S. Person and have submitted copies of any the following documents to prove such status:

Failure to submit the required documents entitles the Bank (as defined below) to treat the Entity as a U.S. Person.

That, the entity maintains financial account(s)¹ (the Account 'irrespective of number) with BANK OF CHINA (HONG KONG) LIMITED – MANILA BRANCH, organized and existing under the laws of Hong Kong Special Administrative Region of the People's Republic of China and duly licensed to perform banking business in the Philippines, with office address at 28th Floor, The Finance Centre, 26th Street corner 9th Avenue, Bonifacio Global City, Taguig City (hereinafter referred to as the "Bank");

That, as a U.S. Person, the Entity 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 IA - Reciprocal ("IGA Model 1A – Reciprocal") signed between the Philippine Government and the US IRS, which require the Bank to report to the Philippine Bureau of Internal Revenue ("BIR") about financial accounts held by US taxpayers or held by foreign entities in which US taxpayers hold a substantial ownership interest, and the BIR to report the same to the US IRS;

This Certification, Consent and Waiver signifies:

- The Entity's consent and waiver of its right of confidentiality under bank secrecy laws including but not limited to Republic Act Number 1405 or the Law on Secrecy of Bank Deposits, of Republic Act Number 6426 or the Foreign Currency Deposit Act and Republic Act Number 8791 or the General Banking Law of 2000, as amended or updated from time to time;
- The entity's agreement and consent to the processing and updating of all information relative to its Account under Republic Act Number 10173 or the Data Privacy Act of 2012;

Forms for Juridical Entities

- 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/or processing of any and all information relating to my/its Account with the bank for purposes of compliance with FATCA; and
- the Entity's acknowledgement and consent for the Bank to report and 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 (the "Required Information"):
 - The Name, address and U.S. tax identification number (TIN)
 - In the case of any account holder that is a U.S. entity with one or more U.S. owners, the name, address and TIN of each substantial U.S. owner such entity;
 - In the case of any account holder that is a U.S. entity with one or more U.S. owners, the name, address and TIN of each substantial U.S. owner such entity;
 - The account number,
 - The year-end account balance or value; and
 - Gross receipts and gross withdrawals or payments from the account

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

If the bank is not already in possession of the Required Information, the Entity undertakes to provide the Bank such information.

Where it is indicated above that the entity is not a U.S. Person and the Entity has submitted the required documents in support thereof, the Entity hereby affirms and confirms the truth of such declaration. The Entity undertakes to inform the Bank in writing of any change in circumstance that will affect the accuracy of such declaration within thirty (30) calendar days from the occurrence of such change. Further, the Entity hereby acknowledges that the Bank shall operate the Account on the basis of such declaration. In the event that the Bank discovers that the Entity is a U.S. Person, then the Bank, its subsidiaries and affiliates, are hereby absolutely and unconditionally authorized to report and disclose to the BIR the Required Information. The Entity further undertakes to provide the Bank with such required information as may be requested by the Bank.

By signing this Certification, Consent and Waiver, the Entity hereby undertakes to indemnify and hold the Bank, its directors, stockholders, officers, employees, representatives, agents or relevant units of the Bank, 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 the Bank, its directors, stockholders, officers, employees, representatives, agents or relevant units of the Bank, arising from or in connection with the implementation of this Certification, Consent and Waiver or with any information provided by the Entity pursuant to the foregoing.

¹ The term means (as defined under the FATCA) with respect to the Foreign Financial Institution (FFI) (1) any depository account maintained by the FFI (2) any custodial customer account maintained by the FFI; and (3) a non-publicly traded debt or equity interest in the FFI.

The Entity represents, warrants and confirms that (1) it has read and understood this Certification, Consent and Waiver and (2) the undersigned is its duly authorized representative authorized to execute and deliver this Certification, Consent and Waiver and (2) the undersigned is its duly authorized representative authorized to execute and deliver this Certifications, Consent and Waiver for and on behalf of the Entity, as evidenced by the duly executed authorization, a copy which is attached hereto.

Conforme,

Signature over Printed Name

Account Name: _____

Date: _____

FOREIGN ACCOUNT TAX COMPLIANCE ACT (FATCA)

This is to inform you about the Foreign Account Tax Compliance Act (FATCA), enacted by the United States government in 2010 as part of the Hiring Incentives to Restore Employment (HIRE) Act, it is an important development in U.S. effort to combat tax evasion by U.S. persons holding investments in offshore accounts.

Under FATCA, certain U.S. taxpayers holding financial assets outside the United States must report those assets to the IRS. In addition, FATCA will require foreign financial institutions to report directly to the IRS certain information about financial accounts held by U.S. taxpayers, or by foreign entities in which U.S. taxpayers hold a substantial ownership interest.

The FATCA requires certain U.S. taxpayers holding foreign financial assets with an aggregate value exceeding \$50,000 to report certain information about those assets on Form 8938 that must be attached to the U.S. taxpayer's annual tax return. Reporting applies for assets held in taxable years beginning after March 18, 2010. For most U.S. taxpayers this started in the 2011 tax return they filed during the 2012 tax filing season. Failure to report foreign financial assets on Form 8938 will result in a penalty of \$10,000 (and a penalty up to \$50,000 for continued failure after IRS notification). Further, underpayments of tax attributable to non-disclosed foreign financial assets will be subject to an additional substantial understatement penalty of 40 percent.

Through the Intergovernmental Agreement Model IA - Reciprocal ("IGA Model 1A – Reciprocal") signed between the Philippine Government and the US IRS, foreign financial institutions ("FFIs") in the Philippines, like BANK OF CHINA (HONG KONG) LIMITED – MANILA BRANCH, are required to report to the Philippine Bureau of Internal Revenue ("BIR") certain information about financial accounts held by U.S. taxpayers, or by foreign entities in which U.S. taxpayers hold a substantial ownership interest, and the BIR is obligated to report the same to the U.S. IRS. The FFI is obligated to:

1. Undertake certain identification and due diligence procedures with respect to its account holders;
2. Report to the BIR on its accountholders who are U.S. persons or foreign entities with substantial U.S. ownership;
3. Withhold and pay over to the IRS 30-percent of any payments of U.S. source income, as well as gross proceeds from the sale of securities that generates U.S. source income, made to:
 - e. Non-participating FFIs
 - f. Individual accountholders failing to provide sufficient information to determine whether or not they are U.S. person, or
 - g. Foreign entity accountholders failing to provide sufficient information about the identity of its substantial U.S. owners.

In this regard, as your bank of choice, we would like to:

1. Declare, by written declaration, whether or not you are U.S. person
2. If you are a U.S. Person, to sign a waiver on the secrecy of the bank deposits under Republic Act Number 1405 or the Law on Secrecy of Bank Deposits, of Republic Act Number 6426 or the Foreign Currency Deposit Act and Republic Act Number 8791 or the General Banking Law of 2000, as amended or updated from time to time, provide your US TIN and to allow BANK OF CHINA (HONG KONG) LIMITED – MANILA BRANCH to disclose to the U.S. IRS the following information and such other information as may be required by FACTA, the IGA Model 1A, or any of their amendments or supplements, laws, and BIR orders, rules or regulations, as may be updated from time to time:
 - h. The Name, address and US tax identification number (TIN) of each account holder that is a specified US person;
 - i. In the case of any account holder that is a US entity with one or more US owners, the name, address and TIN of each substantial US owner of such entity;
 - j. The Account Number;
 - k. The year-end account balance or value (initially 2013 and 2014); and
 - l. Gross receipts and gross withdrawals or payments from the account.

Please note the specific provision of the FATCA on non-declaration:

"If foreign law would prevent the FFI from reporting the required information absent a waiver from the account holder, and the account holder fails to provide a waiver within a reasonable period of time, the FFI is required under section 1471 (b)(1)(F) to close the account."

Conforme:

Signature over Printed Name

Account Name: _____

Date: _____

FOREIGN ACCOUNT TAX COMPLIANCE ACT (FATCA)
BANK OF CHINA (HONG KONG) LIMITED – MANILA BRANCH