

# [ **PRESIDENTIAL DECREE NO. 1799, January 16, 1981** ]

## **AMENDING FURTHER SECTION 6 OF PRESIDENTIAL DECREE NO. 902-A**

**WHEREAS**, it is the policy of the Government to encourage and preserve the confidentiality of deposits in banking institutions;

**WHEREAS**, it is necessary that the powers granted to the Securities and Exchange Commission to appoint management committees and receivers for all corporations do not overlap with the power of supervision and regulation granted by law to other government agencies and that the power of the Commission to issue subpoena duces tecum and other related powers should not impinge on the policy of confidentiality of bank deposit's;

**NOW, THEREFORE, I, FERDINAND E. MARCOS**, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order the amendment of Presidential Decree No. 902-A, as amended, as follows:

**SECTION 1.** Subparagraphs c), d) and h) of Section 6 of Presidential Decree No. 902-A, as amended, are hereby further amended to read as follows:

"c) To appoint one or more receivers of the property, real and personal, which is the subject of the action pending before the Commission in accordance with the pertinent provisions of the Rules of Court in such other cases whenever necessary in order to preserve the rights of the parties-litigants and/or protect the interest of the investing public, and creditors: Provided, however, That the Commission may, in appropriate cases, appoint a rehabilitation receiver of corporations, partnerships or other associations not supervised or regulated by other government agencies who shall have, in addition to the powers of a regular receiver under the provisions of the Rules of Court, such functions and powers as are provided fur in the succeeding paragraph d) hereof: *Provided, further*, That the Commission may appoint a rehabilitation receiver of corporations, partnerships or other associations management committee or rehabilitation receiver, board or body may overrule or revoke the actions of the previous management and board of directors of the entity or entities under management notwithstanding any provision of law, articles of incorporation or by-laws to .the contrary.

"The management committee, or rehabilitation receiver, board or body shall not be subject to any action, claim or demand for, or in connection with, any act done or omitted to be done by it in good faith in the exercise of its functions, or in connection with the exercise of its power herein conferred."

"h) To issue subpoena duces tecum and summon witnesses to appear in any proceedings of the Commission and in appropriate cases order the examination, search and seizure of all documents, papers, files and records, tax returns, and books of accounts of any entity or person under