

# PHILIPPINE DEPOSIT INSURANCE CORPORATION

Public Assistance Department  
3/F SSS Bldg., 6782 Ayala Avenue corner V.A. Rufino St., Makati City 1226  
Tel. No. : (632) 8841-4141  
Toll free : 1-800-1-888-7342 or 1-800-1-888-PDIC  
Email : pad@pdic.gov.ph

## CONDITIONS OF BID

(For the 31 March 2023 Public Bidding)

**TO : ALL PROSPECTIVE BIDDERS**

Sealed bids shall be accepted by the Philippine Deposit Insurance Corporation (PDIC) thru the Real & Other Properties Acquired (ROPA) Disposal Committee (hereinafter referred to as the "Committee") on **30 March 2023 (Thursday) from 9:00 a.m. to 4:00 p.m. (PDIC Time/No Extension)** at **Unit 80, 8th Floor Landco Corporate Center, Pryce Business Park, J.P. Laurel Ave., Brgy. Bajada, Davao City** for the sale of properties enumerated and described in the Invitation to Bid for the 31 March 2023 Public Bidding, subject to the following terms and conditions:

### A. SUBJECT OF THE BID

Bids shall be for the sale of various acquired assets of the closed banks as enumerated and described in the Invitation to Bid. PDIC reserves the right to withdraw without prior notice any or all of the properties offered for sale any time before the deadline for submission of bids.

### B. BID AMOUNT

The amount of bid for each property shall not be lower than the minimum disposal price (MDP), as indicated in the Invitation to Bid. Otherwise, the bid shall automatically be disqualified.

### C. TERMS OF SALE

1. The sale shall be for CASH and on "As-Is-Where-Is" basis.

The sale of the properties is on "As-Is-Where-Is" basis. Their descriptions in the Invitation to Bid are based on documents in the custody of the closed bank, which might differ from the actual description, status and physical condition of the properties.

The term "As-Is-Where-Is" shall refer not only to the description and physical condition of the property and its contents or inclusions at the time of the bidding, if any is declared to be part of the sale, but also to the condition of the title of the property or other evidence of ownership and the extent and

state of whatever rights, interests and participation over the property the closed bank may have at the time of the bidding.

The term "As-Is-Where-Is" shall also include the winning bidder's assumption of all unpaid taxes, fees and/or expenses, such as, but not limited to, capital gains tax or creditable withholding tax, whichever is applicable, value added tax, documentary stamp tax, registration and transfer fees, association or condominium fees and/or assessments, and all other expenses and charges in order to, as applicable, cause the transfer of the title to the winning bidder.

PDIC shall not be liable in any way for the presence of any unauthorized person or illegal occupant on the property or removal of any structure, improvement, receptacle and waste, if any, it being clearly agreed upon that it shall be the responsibility of the winning bidder, at his/her/its own expense, to evict/clear said illegal occupant, structure, receptacle and waste from the premises. Identification, location and survey of the property shall be the responsibility of the winning bidder at his/her/its sole expense.

The bidder/s shall be responsible in taking steps to determine the actual condition, size, area, shape and other circumstances of the property.

2. **Currency.** All bids shall be expressed in Philippine currency only.

3. **Bid Deposit**

a. Each bid shall be accompanied by a deposit equivalent to at least ten percent (10%) of the submitted bid, which shall be in the form of cash or Manager's or Cashier's Check (or a combination thereof) issued by a universal or commercial bank payable to Philippine Deposit Insurance Corporation or PDIC. Bid deposit in the form of personal and/or corporate checks is not acceptable.

b. If the bid is declared as the winning bid, the bid deposit shall be applied to the purchase price. However, in the event the winning bidder fails to comply with any terms and conditions of the award, the bid deposit shall be forfeited in favor of the closed bank without need for further notice.

c. If the bid is a losing bid, the deposit shall be returned as soon as possible after the bidding without interest.

4. **Payment of Balance**

a. The bid deposit of the winning bidder shall be applied to the purchase price.

b. The winning bidder shall pay the balance of the bid price/purchase price, in full, within fifteen (15) calendar days from receipt of the Certificate of Award or on **17 April 2023 (Monday)**.

c. Payment may be made thru any PNB branch, using the Account Reference Number (ARN) and following the procedures stated in the Certificate of Award. Payment may also be made directly to the PDIC

Cashier counter at the 3/F SSS Bldg., Ayala Ave. corner V.A. Rufino St., Makati City.

- d. The checks representing partial / full payment of the bid price should be cleared by drawee bank; otherwise the award is automatically cancelled.
- e. If the winning bidder fails to pay in full the balance of the bid price within the prescribed period, the award shall automatically be cancelled and his/her/its bid deposit shall be forfeited in favor of the closed bank, without need for further notice.

#### **D. QUALIFIED BIDDER**

1. Bids shall be accepted from Filipino citizens only, or from corporations or associations with at least sixty percent (60%) of the capital is owned by Filipino citizens, subject to limitations provided by law. For condominium units, foreigners may be allowed to bid, so long as his/her eventual ownership of the condominium unit subject of the bidding will not breach the requirement that 60% of the condominium project is owned by Filipinos.

#### **E. RESPONSIBILITIES OF BIDDERS**

1. Sealed bids will be accepted from direct buyers only. By submitting a bid, the bidder agrees to be bound by the provisions of the Conditions of Bid. Any bid received that is (or purports to be) conditional, including any alteration to the Conditions of Bid, shall be considered ineligible and shall be rejected.
2. Each bidder is responsible for the proper preparation and submission of his/her/its bid. PDIC or any of its officers or employees shall not be responsible for mistakes in the completion or submission of bids.
3. The PDIC, in its capacity as statutory receiver of closed banks, sells only whatever rights, interest and participation the closed banks may have on the properties, and the bidder is charged with full knowledge of the nature and extent of said rights, interest and participation. Supporting documents in the custody of PDIC may be examined upon request.
4. The bidder shall have the responsibility to conduct due diligence on the condition, status and ownership of the properties and, for this purpose, make the appropriate inquiries or verification with the applicable registries or government agencies and units, and other entities such as but not limited to the Provincial Agrarian Reform Office of the Department of Agriculture. The bidder shall have the responsibility to secure certified true copy of title and/or latest tax declaration from the Registry of Deeds or City/Municipal Assessor's Office, respectively.
5. The bidder represents and acknowledges that he/she/it has examined the property and verified its title and other documents relative thereto, including the determination with appropriate government offices that the property is not covered under the CARP and no Emancipation Patent or Certificate of

Land Ownership has been issued for the property, and shall hold PDIC and/or the closed bank free and harmless from liabilities arising from the sale of said property. The bidder is strongly advised to conduct ocular inspection of the property/ies he/she/it interested in.

6. The bidder represents and acknowledges to have full knowledge of any and all unpaid capital gains taxes, withholding taxes, documentary stamp taxes, transfer taxes, registration fees and holds himself/herself/itself solely liable for the payment thereof.
7. The bidder represents and acknowledges having full knowledge of any and all unpaid real property taxes, condominium or homeowners association dues, utility bills and other assessments due on the property and holds himself/herself/itself liable for the payment thereof.
8. The descriptions of the properties and the disclosures in the Invitation to Bid are based only on records available to PDIC. The bidder shall be responsible for taking steps to verify the actual physical condition, size or area of the property, the status of the title or other evidence of ownership, as well as the existence of any lien or encumbrance thereon.

#### **F. SUBMISSION OF BIDS**

1. Bidders/observers are advised to bring proper identification (ID) with photo which shall be required for entry to the bidding area. Bidders are also advised to come one (1) hour earlier than the 4:00 p.m. (PDIC time) deadline for submission of bids to allow enough time for registration. **PDIC RESERVES THE RIGHT TO LIMIT ATTENDEES/WITNESSES TO THE BIDDING VENUE.**
2. Only registered bidders or their duly authorized representatives with Special Power of Attorney / Secretary's Certificate are allowed to drop their bids and participate in the bidding.
3. Bidders or their duly authorized representatives must drop their bids at the designated bid box **starting at 9:00 a.m. (PDIC time) up to 4:00 p.m (PDIC time) on 30 March 2023.**
4. Bidders or their duly authorized representatives shall submit his/her/its bid in two (2) separately-sealed envelopes (colors white and brown) addressed to the PDIC ROPA Disposal Committee, and must have the bidder's or his/her/its authorized representative's signature across the flap.
5. The white envelope shall be marked as "BID PROPOSAL" while the brown envelope shall be marked as "BID DEPOSIT AND DOCUMENTS". The two envelopes shall be addressed to the ROPA Disposal Committee and stapled together.
6. The white envelope shall contain the duly signed and accomplished Bid Proposal.

7. The brown envelope shall contain the following documents:
- a. Duly signed Conditions of Bid;
  - b. Bid Deposit equivalent to at least ten percent (10%) of the submitted bid;
  - c. Copy of one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website) of the bidder
  - d. In case of individual bidders with representative:
    - d.1. copy of the duly notarized Special Power of Attorney (SPA) executed by the principal;
    - d.2. copy of the principal's one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website)
    - d.3. copy of the representative's one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website)

NOTE: Bids coming from organizations not registered with the Securities & Exchange Commission shall be considered as bids from individuals, i.e., bids of the persons signing the bid.

- e. In case of duly registered single proprietorship:
  - e.1. Copy of the current Department of Trade and Industry registration and/or official receipt;
  - e.2. Copy of the current Mayor's Business Permit and/or official receipt;
  - e.3. Copy of one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website) of the proprietor;
  - e.4. If the proprietor shall be represented by another individual in the bidding, the following shall likewise be submitted:
    - i. Copy of duly notarized Special Power of Attorney (SPA) executed by the proprietor; and
    - ii. Copy of the representative's one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website).
- f. In case of duly registered corporations, associations, partnerships or other forms of organization:

- f.1. Copy of the latest Articles of Incorporation, Partnership, or Cooperation, as the case may be;
  - f.2. Copy of the latest Certificate of Registration or Certificate of Filing, as issued by the Securities and Exchange Commission or the Cooperative Development Authority;
  - f.3. Copy of the current Mayor's Business Permit and/or official receipt;
  - f.4. Copy of Secretary's Certificate executed by the Corporate Secretary, or its equivalent, certifying to the Board decision/s designation of an authorized representative to participate in the PDIC public bidding, the specific property to submit a bid on, as well as the bid amount that representative may submit;
  - f.5. Copy of the Corporate Secretary's one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website);
  - f.6. Copy of the representative's one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website).
- g. In case of government agencies, government corporations, local government units, and other government institutions:
- g.1. Copy of Certification on Existence of Appropriation and Availability of Funds;
  - g.2. Copy of Certificate or Resolution, or its equivalent, indicating the person authorized to submit a bid in behalf of the government institutions, the specific property to submit a bid on, as well as the bid amount that representative may submit;
  - g.3. Copy of one (1) current government-issued ID (as enumerated in the PDIC Assets for Sale website) of the signatory to the Certificate or Resolution mentioned in (e.2);
  - g.4. Copy of the representative's one current (1) government-issued ID (as enumerated in the PDIC Assets for Sale website).
- h. In case the bid submitted is for an agricultural property, in addition to the bid documents mentioned in the preceding paragraphs, the bidders must also submit the following:
- h.1. Sworn Affidavit of Aggregate Landholdings stating that the bidder's aggregate agricultural landholdings, including the property/ies to be acquired during the PDIC bidding, shall not exceed the five (5)-hectare limit provided under Republic Act No. 6657, as amended.

If the Bidder is an agrarian cooperative, a sworn affidavit by the duly authorized representative of the cooperative indicating

therein the number of members and stating that the aggregate agricultural landholdings of the cooperative, including the property to be acquired, shall not exceed the allowable landholding ceiling, which is the number of members multiplied by five (5) hectares;

- h.2. Certification by the Provincial Agrarian Reform Office (PARO) where the property is located that the property to be acquired during the PDIC bidding is not covered under the Comprehensive Agrarian Reform Program and no Emancipation Patent/ Certificate of Land Ownership Awards has been issued for the property.

### **G. OPENING OF BIDS**

1. Modification/alteration/withdrawal/cancellation of bids shall not be allowed once a bid has been dropped in the designated bid box.

### **H. EVALUATION OF BIDS**

1. If there are several bidders for the same property, all the white envelopes containing the bids for the said property shall first be opened to determine the highest bidder/bid price.
2. The Committee shall then examine the bid documents of the highest bidder contained in the brown envelope to determine if his/her/its bid is a complying bid. If such bid is not a complying bid, the Committee shall proceed to successively evaluate the documents in the brown envelope of the next highest bid until a complying bid is reached. Upon declaration by the Committee of a winning bid, all opened or unopened brown envelopes of the losing bidders shall be returned.

A complying bid is the bid that meets the minimum disposal price, accompanied by the required bid deposit in cash, Manager's or Cashier's Check (or a combination thereof), and meets all the other conditions stated herein. Any bid below the minimum disposal price, not accompanied by the required amount and/or form of bid deposit shall be disqualified automatically.

3. In the event of a tie for the highest bid, the bid documents of the tied bidders shall be examined to determine if these are complying bids. The Committee shall resort to an open bidding (viva voce) on the same day to be participated in by the complying tied bidders only.
4. If there is only one bidder for a property, the Committee shall declare the lone bid as the winning bid, if found to be a complying bid.

In cases where the documents submitted by a lone bidder as required under Section F are deficient or defective, the Committee, may at its discretion, declare the bid most advantageous and conditionally award the property to

the lone bidder subject to the completion or correction of the deficiency or defect. The bidder shall complete or correct the deficiency or defect not later than 5:00 p.m. (PDIC time) of the working day following the bidding date; otherwise, the bid shall be declared as non-complying and the bid deposit shall be forfeited.

### **I. VIVA VOCE BIDDING**

1. The viva voce bidding shall start not later than one and a half hours after the main bidding. The Chairperson shall designate a Bid Master who shall conduct the viva voce bidding.
2. The starting bid price in the viva voce bidding shall be the tied price plus one percent (1%) or Php1,000.00, whichever is higher.
3. A bidder shall raise his/her hand if he/she wants to make a bid at the new price announced by the Bid Master.

The minimum amount to be added to the last bid price shall not be less than 1% or P1,000, whichever is higher.

4. The process continues until the last bid is declared the winning bid in the open bidding after the Bid Master has counted 3 times from the announcement of the last bid price and declares the bidding closed.
5. In case of a tie and one of the tied bidders is not present, or his/her/its designated representative is unable to decide if the bidder is interested to participate in the viva voce bidding, the Committee shall award the property to the bidder present during the bidding at the starting bid price specified in Section I.2.
6. The winning bidder in the viva voce bidding shall pay an additional bid bond/deposit equivalent to at least 10% of the difference between the last bid price and the tied bid. The additional bid deposit shall be paid not later than 5:00 p.m. (PDIC time) of the following working day. Failure to pay the additional bid bond/deposit shall result in the cancellation of the award and forfeiture of his/her/its bid bond/deposit in favor of closed bank.
7. All other provisions in the Conditions of Bid for the main bidding shall apply to the viva voce bidding.

### **J. WINNING BIDDER**

1. The Committee shall issue a Certificate of Award to the winning bidder on the day of the bidding.
2. A Deed of Absolute Sale or any other conveyance document covering the property sold shall be executed within ten (10) working days from receipt of full payment of the purchase price.



3. The winning bidder shall respect the leasehold rights existing on the property, if any, including the required period of notice of termination of the lease contract.
4. The winning bidder shall undertake the responsibility of acquiring and maintaining peaceful possession and enjoyment of the property without seeking the assistance of PDIC.

#### **K. TAXES, FEES AND EXPENSES**

1. The winning bidder shall assume the payment of appropriate taxes, fees, charges and expenses in connection with the sale of the property and the transfer of the ownership to himself/herself/itself including, but not limited to capital gains tax or creditable withholding tax, whichever is applicable, value added tax, documentary stamp tax, notarial fees, registration expenses, legal and research fund fees, entry fees and such other fees and expenses incidental to the execution and registration of the Deed of Absolute Sale.
2. All accrued taxes and charges on the property, and those accruing after receipt of the Certificate of Award, such as, but not limited to, realty taxes, condominium or homeowners association dues, electric and water bills, as well as special assessments, shall be for the account of the winning bidder.
3. For real estate properties whose titles are not yet transferred in the name of closed bank, consolidation of the title shall be undertaken by the winning bidder and expenses for the same shall be for his/her/its account.

#### **L. OTHER CONDITIONS**

1. The holding of the bidding on the published date shall be cancelled in case of a declaration of a non-working day or due to fortuitous events. In which case, the bidding shall be held on the next working day at the same time and venue. If there are any bids registered and submitted prior to the declaration of a non-working day and before the opening of bids, these shall be returned unopened immediately after the announcement of the suspension of work.
2. Violation of or non-compliance with the above conditions shall disqualify a bid, unless otherwise provided under Section H.4.
3. The decision of the Committee shall be final and not subject to appeal.

#### **M. PROCESSING OF PERSONAL DATA**

The bidder and/or his/her/its duly authorized representative with Special Power of Attorney / Secretary's Certificate hereby gives his/her consent to the processing of his/her personal data, in the manner deemed necessary by PDIC, such as, but not limited to, the flashing on screen of the bid documents the supporting documents, reading aloud inside the bidding venue the document details, during the evaluation of the bids.

It is hereby understood and acknowledged that: (a) the processing by the PDIC of personal data is in pursuance of its mandate as required by existing laws, rules and regulations; (b) personal data collected shall be used only for the purposes of disposal of assets of PDIC; (c) processing of personal data is pursuant to the principles of transparency, legitimate purpose and proportionality; and (d) organizational, physical and technical measures are in place to protect personal data in accordance with the Data Privacy Act of 2012, its Implementing Rules and Regulations and other issuances of the National Privacy Commission.

## **ROPA DISPOSAL COMMITTEE**

I read, understood and conform to the Conditions of Bid for the **31 March 2023** Public Bidding:

---

*Bidder's/Representative's Signature Over Printed Name*  
Note: for Representatives, please indicate the name of your principal or organization being represented.