



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**IN RE: FYNAMICS LENDING
INC. OPERATING
PONDOPESO ONLINE
LENDING APPLICATION**

NPC 19-910
*For violation of the
Data Privacy Act of 2012*

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ORDER

On 01 October 2020, the Commission conducted a Clarificatory Hearing pursuant to Section 21 of NPC Circular No. 16-04. Respondent Fynamics Lending, Inc. and the individual respondents ML, CW, and BBS were represented by Atty. LAQ and Atty. EAT from the Gonzales & Quismorio Law Offices, while the individual respondents KF, JCG and HAD were represented by Atty. FG from the law firm of Gorosin, Garcia & Associates.

During the Clarificatory Hearing, counsels for Fynamics Lending, Inc. were ordered to submit the following documents to the Commission:

1. The diagram of the organizational structure of Fynamics Lending, Inc. that was supposed to be attached as Annex "A" of the Affidavit of MTA, attached as Annex "B" of the Compliance filed by Fynamics Lending, Inc. on 20 February, 2020;
2. Board Resolutions, if any, discussing the following matters:
 - Authorizing ML, President, on behalf of Fynamics Lending, Inc., to enter into the Master Service Agreement with Asiapac dated 12 October 2018 ; and
 - Appointing the officers of Fynamics Lending, Inc. or authorizing the President to make appointments for the positions of General Manager, General HR Manager, and other officers of Fynamics Lending, Inc.
3. Documentation on the current status of the Master Service Agreement between Fynamics Lending, Inc. and Asiapac;
4. Details surrounding the presentation attached as Annex "E" of the Compliance filed by Fynamics Lending, Inc. on 20 February, 2020, such as: who delivered the presentation, to whom it was delivered, when it was delivered, etc.;

5. Documentation on the number of complaints filed with Fynamics Lending, Inc. in relation to the collection practices of Asiapac;
6. Documentation on the number of Asiapac employees terminated as a result of the complaints filed with Fynamics Lending, Inc.;
7. Details on the utilization, if any, by Fynamics Lending, Inc. of the following provisions in the Master Service Agreement dated 12 October 2018;
 - Article VI, Section 2. *Unprofessional Practices in the Performance of the Service and Breach of the Contract; Penalties.*
 - Article VIII, Section 3(d). *Duration of the Agreement and Termination; Termination; Performance evaluation yields an unsatisfactory result.*
8. Documentation of the issue relayed by Fynamics Lending, Inc. regarding alleged scammers who represent themselves to the public as agents of Pondopeso, including any notices issued to the public informing them of this issue; and
9. Information on the background of individual respondents ML, CW, and BBS.

The Commission hereby **ORDERS** Respondent Fynamics Lending, Inc. to submit the above documents within **FIFTEEN DAYS (15)** from the date of the Clarificatory Hearing.

Failure to comply with this Order shall cause the Commission to adjudicate the issues on the basis of the evidence on record.

SO ORDERED.

City of Pasay, Philippines
01 October 2020.

Sgd.
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

WE CONCUR:

(On Official Business)
RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

Sgd.
JOHN HENRY D. NAGA
Deputy Privacy Commissioner

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GONZALES AND QUISMORIO LAW OFFICES
*Counsel for Respondents Fynamics Lending, Inc.,
ML, CW, and BBS*

GOROSIN GARCIA & ASSOCIATES
*Counsel for Respondents KF, JCG
and HAD*

COMPLAINTS AND INVESTIGATION DIVISION
ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
National Privacy Commission