

Guzman & Acain

Ver. 2020



**RELIABILITY, COMPETENCY,
ACCESSIBILITY**

Our Competitive Advantage



INTRODUCTION

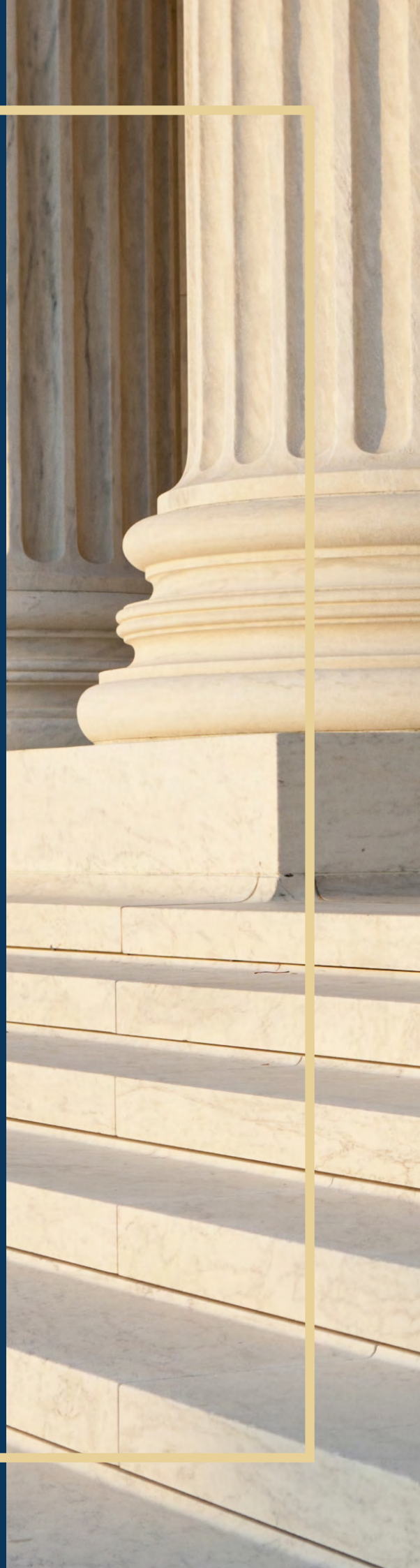
The Law Firm GUZMAN ACAIN is a full service law firm based in Makati City, Philippines. The Law Firm was established in 2002 by Partners Alexander Llanes Acain Jr., Valentino Rodelio R.L. Guzman and former law partner Raul John Y. Tañedo. The Law Firm is dedicated to legal excellence, probity, the integrity of the legal profession, and client success.

For the past 20 years, the lawyers at Guzman Acain have provided strategic legal advise to key industries in the Philippines and overseas as well in many fields including aviation, banking and finance, construction, real estate, tourism and hospitality, gambling and gaming, among others.

Co-founding Partner Atty. Alexander Llanes Acain, Jr. is an international commercial lawyer who has been heavily exposed to international business transactions. He has advised various companies overseas on major commercial transactions in Europe, Asia-Pacific, Middle-East and Africa.

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ABOUT OUR LAW FIRM

"The satisfaction of our client is very important to us. A mutually beneficial relationship between the lawyer and client is the key to success. We treat our clients as our partners."

The practice areas of the Firm focus on Corporations, Aviation, Energy and Natural Resources, Financial Services, Real Estate, Construction, Technology, Travel and Hospitality, Family law, Immigration, Criminal Law, Labor and Employment, Intellectual Property, Cybercrime, and Fraud. We counsel clients on local and global business, regulatory and litigation matters. Our lawyers are also international legal advisors who have rendered legal services to corporate clients outside of the Philippines pertaining to cross-border business transactions in Real Estate, Technology, Aviation Finance, and Commercial Aviation Contracts such as Aircraft Purchase Agreements, Operating Leases, and Sales and Leaseback.

WHY CHOOSE US?

Through the years since we established our Law Firm in 2002, our Reliability, Competency and Accessibility have become our Firm's competitive advantage.

1

RELIABILITY. We are committed to excellence and integrity of the legal profession. Client success is very important us. Our primary objective is to provide results oriented and cost-effective legal services.

2

COMPETENCY. Our lawyers have deeper knowledge, skills and understanding about Philippine Laws and experienced in both local and international law practice. We prefer using innovative solutions to legal problems as opposed to traditional methods.

3

ACCESSIBILITY. Our office is located in the heart of Makati City, Philippines. We are using a high-technology Law Office infrastructure that would make us easily accessible to communicate with our clients. We are present in various social media platforms.

WE ARE NOT STRANGERS TO MULTI-BILLION-DOLLAR TRANSACTIONS

We have represented and advised a National Airline in the middle-east in 2018 in the multi-billion-dollar Purchase Agreement with AIRBUS for the purchase of 25 Airbus A320Neo Family Aircraft. We have also represented and advised the same client in the multi-million-dollar Purchase Agreement with EMBRAER S.A. Brazil for the Purchase of E-192 E2 Jets.

We have also represented and advised a client in Budapest, Hungary in the construction and real estate development of vacation houses in Level, Gyor-Moson-Sopron, Hungary. We have also represented and advised a company in the Maldives in the long term lease agreement with the government of Maldives of an Atoll in Vodamula, Maldives.

The photo below was taken at the Farnborough Airshow UK 2018 on the occasion of the [Airbus announcement and formal signing of multi-billion dollar Purchase Agreement](#) for 25 A320 Neo Aircraft between Airbus and Kuwait National Airways. *From left to right: Fouad Attar, head of Airbus commercial, Africa & Middle East; Eric Schulz, Airbus Chief Commercial Officer; Rakan Al-Tuwaijri, Chief Executive Officer of Golden Falcon Aviation; Alexander Acain Esq. Guzman Acain Philippines Co-Founding Partner and Said Bouhia, Airbus Sales Director for Middle-East.*



WHAT WE OFFER



LEGAL REPRESENTATION

Immigration Litigation, Civil and Criminal Law Litigation, Family Law Litigation, Tax Litigation, Labor Law, and Corporate Dispute.



DISPUTE RESOLUTION

Arbitration, Alternative Dispute Resolution, Appointment as Arbitrator.



LEGAL SUPPORT

Immigration Visas, Formation and Registration of Corporations, Regulatory Compliance, Government Accreditation, Licenses, Business Permits, and Product Registration.



REAL ESTATE TRANSACTIONS

Travel and Hospitality, Island Property Acquisition, Hotel and Resort Joint Venture, Office Leasing and Build-out.



PAYMENT INVESTIGATION

Fraud, White Collar Crime Investigation, Cybercrime, Anti-Money Laundering, Collection of Sum of Money.



HELP IN TRANSACTIONS

Negotiation, Draft and Review of various commercial Contracts and documents.

Co-Founding Partner Alexander Llanes Acain, Jr. is with the lawyers of aircraft lessor [AERCAP](#) during the international negotiations held overseas for the operating lease and sale and lease back transactions involving narrow-body commercial aircraft.



From formation of corporations, corporate entities and special purpose vehicles, financing and acquisition, mergers and acquisitions, the lawyers at Guzman Acain have represented and advised corporate clients both local and foreign and have represented clients in the negotiation and execution of various commercial transactions in the Philippines and overseas.

Guzman Acain also advises clients in securing patents, trademarks and copyrights and instituting programs to prevent the loss of trade secrets, assist in exploiting intellectual property rights through licensing, joint venture and technology transfer agreements. We also enforce our clients' patent, trademark and copyright rights and investigate and defend them against infringement assertions by others. In addition to counseling clients on the identification, maintenance, and protection of their trade secrets and other confidential information, we also counsel clients concerning the validity and valuation of intellectual property when faced with potential acquisition, threat of infringement claims or infringement by others.



CORPORATE LAW

Corporate and Transactional, Project Finance, Tax, Real Estate Acquisition



EMPLOYMENT LAW

Employment Law Consultancy, Labor Dispute, Collective Bargaining



INDUSTRY SPECIFIC

Aviation, Construction, Telecommunications, Real Estate, Gaming, Travel & Hospitality, Pharmaceuticals, Energy & Natural Resources, Business Process Outsourcing, Intellectual Property



Corporate and Transactional, Business Formation and Incorporation .



Corporate Litigation, Arbitration, and Alternative Dispute Resolution.



Negotiation, Draft and Review of various types of Commercial Contracts.



Immigration, Taxes, Tax Remedies, Tax Amnesty, Labor and Employment Law Consultancy, Collective Bargaining.



Cross-border transactions, Project Finance.



Aircraft Purchase Agreement, Aircraft Leases, Aviation Finance.



MEET THE TEAM

Meet the Partners and lawyers who are the pillars of the Law Firm.

Alexander Llanes Acain Jr. is a co-founding partner. Valentino R.L. Guzman is also a co-founding partner of the Firm. Ronan Y. Villagonzalo is the latest addition to our pool of lawyer consultants whose knowledge, expertise and new innovative skills will surely be an asset to the Firm.

PARTNERS OF THE FIRM



VALENTINO R. L. GUZMAN

A legal advisor and litigation lawyer for more than 28 years. Admitted to the practice of law in 1992. Placed 20th in 1991 Bar Examinations.

Web Profile: <https://gtalawphil.com/new/team/val-guzman>



ALEXANDER LLANES ACAIN JR.

More than 23 years of experience in local and international commercial law practice. Admitted to the practice of law in 1997. He has also advised international law firm Jones Day on matters pertaining to Philippine Laws on Information Technology and Telecommunications.

Web Profile: <https://gtalawphil.com/new/team/alex-acain>

Let's Talk

Our legal team consists of highly experienced and tech-savvy lawyers, delivering the expertise demanded by our clients, thinking out of the box and disruptors of the status quo.



OUR HISTORY

2002

FOUNDING OF THE LAW FIRM

After gaining experience from working at well-established law firms in Makati City, founding Partners Valentino R.L. Guzman, Raul John Y. Tañedo, and Alexander Llanes Acain Jr. established the Law Firm under the Firm name GUZMAN TAÑEDO & ACAIN LAW OFFICES with address at 316 Mile Long Building, Amorsolo Street, Legaspi Village, Makati City.

2004

ESTABLISHED ONLINE PRESENCE

We have registered our domain name www.gtalawphil.com. Thereafter, we published our website on the same year which design we still keep and maintain up to this day for posterity. Our website is one of the pioneer websites for lawyers in the Philippines.

2017

CHANGED LAW FIRM NAME AND MOVED TO A NEW OFFICE LOCATION

We changed our Law Firm name to GUZMAN ACAIN LAW OFFICES. We also transferred to a new office location at Suite 614 6/F CityLand Pasong Tamo Tower, 2210 Don Chino Roces Avenue, Makati City. We have also introduced our new logo after our new name.

2018

INTRODUCED A NEW LOGO FOR ONLINE USE

We have introduced our new logo which we will use online, in our website and email signatures.

CASE STUDY

A foreign investor contacted us for legal advice and opinion in 2008. They wanted to acquire an island property in Busuanga, Palawan, Philippines, where they will construct a five-star Resort and Spa. Also, they will solely undertake the construction of the resort. The issues that were submitted to us for our consideration and legal opinion are as follows: (1) Are they able to acquire the island directly as foreign investors? (2) Granting that they cannot buy the island instantly as foreign investors, what are the legal protection that we can propose to protect their investments, which are legally defensible? (3) Whether as foreign investors, can they construct the island resort by themselves?

We have proposed to the foreign investor the creation of the "principal corporation" that will directly acquire the island. The ownership of the corporation will be partly Filipino and also foreign-owned in compliance with Philippine Constitutional requirements. The foreign investors have local Filipino partners, so we did not see any problem with the ownership of the island. We have advised the signing of various Letter-Agreements to reflect the parties' real intention and to protect the investments of the foreign investor. The foreign investor also operates a chain of Hotels and Resorts overseas. So we proposed the registration of the existing Hotel and Resort company abroad and registered it as a Philippine Branch Office in the Securities and Exchange Commission (SEC). After the SEC registration, we proposed that the Philippine Branch Office of the foreign hotel and resort company executes a long-term lease agreement with the principal corporation. We have also advised that the principal corporation undertake the construction of the resort and should sign a Cost-Plus agreement with the foreign hotel company. We have also recommended that the local corporation applies for a construction license with the Philippine Contractor's Accreditation Board (PCAB) to undertake the construction of the resort. We also implemented and caused the issuance of various regulatory compliance and licenses such as water rights, environmental permits, Forest Land Use Agreement for Tourism purposes (FLAG-T) and Construction permits and licenses.

Going forward, the island property is now Huma Island Resort and Spa – a high-end and internationally acclaimed Maldivian inspired beach resort in the island of Palawan, Philippines. (www.humaisland.com)



This Photo is Huma Island Resort and Spa in the island of Busuanga, Palawan. (www.humaisland.com). The Law Firm advised the investors and assisted them in acquiring the island, established corporate vehicles and turned it into a five star island hotel and resort.



THE INTERVIEW

Co-founding partner Alexander Llanes Acain Jr. answers questions from foreign investors and individuals on various legal matters pertaining to doing business in the Philippines and the Law Firm's areas of practice.

Q

We are a foreign company and wanted to setup a construction company in the Philippines. Can we own 100% of the company? Can we be issued a construction license as a foreign company in the Philippines?

A

Yes, you can own 100% of the construction company so long as you will exclusively cater to private construction contracts. Private construction contracts used to be included in the Foreign Investment Negative List A with 40% foreign and 60% Filipino. This has already been deleted in the existing Foreign Investment Negative List. However, for the issuance of construction licenses, the Philippine Contractor's Accreditation Board (PCAB) requires that the Construction company should be owned 60% Filipino and 40% foreign for a regular license. For special foreign construction license for 100% foreign owned companies, a Certification from the appropriate Tendering Agency is required showing that that the project is foreign financed/and that international bidding is required, or the participation of foreign contractors is allowed under the terms of the Bilateral Agreement entered into by and between the Philippine Government and the International Financing Institution; or a Certification that the project is to be implemented in accordance with the Expanded BOT Law or RA No. 7718, or other laws of similar nature, and that other requirements, under existing laws, have been waived in the loan agreement, if any.

Q

Is there a legal way to avoid the inward remittance requirement of US\$200,000.00?

A

Yes. If your operations will qualify as an Export Market Enterprise, you may submit an application that you will do business under the Foreign Investment Act as an Export Market Enterprise so you will be exempted from the remittance requirement. If you will be incorporating a local company and wanted to own the majority of the equity, you will also be exempted from the US\$200,000.00 inward remittance requirement.

Q

We would like to inquire whether Foreign Banks are allowed to operate in the Philippines?

A

Yes. We have Republic Act 10641 which was approved on July 15, 2014. This law allows the Monetary Board of the Bangko Sentral ng Pilipinas to authorize foreign banks to operate in the Philippine banking system through any one of the following modes of entry: (i) by acquiring, purchasing or owning up to one hundred percent (100%) of the voting stock of an existing bank; (ii) by investing in up to one hundred percent (100%) of the voting stock of a new banking subsidiary incorporated under the laws of the Philippines; or (iii) by establishing branches with full banking authority.

Q

May we know whether a foreign corporation can fully own a renewable energy company that will engage in power generation ?

A

Yes. Under Republic Act 9136 or the Electricity Industry Reform Act, power generation in contestable markets are no longer considered a public utility. Also, President Rodrigo Duterte recently signed E.O. 65 exempting power generation in contestable markets as not subject to foreign ownership restriction. But i believe, we have to look into this very closely whenever you decide to setup shop in Philippines because of the probability that Political climate may change in the future. However, there are other good alternatives that will insure and legally guarantee your full ownership and the protection of your investments in the power sector. Please visit us in our Office and we will discuss.



GUZMAN ACAIN LAW FIRM

The Law Firm is dedicated to legal excellence, probity, the integrity of the legal profession, and client success.

Guzman&Acain

GET IN TOUCH

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