

# Republic of Panama

## Superintendency of Banks of Panama

**RESOLUTION SBP-BAN-R-2023-01341**

13 October 2023

**THE SUPERINTENDENT OF BANKS,**  
In exercise of his legal powers, and

### WHEREAS:

**ATLAS BANK (PANAMÁ), S.A.** is a corporation organized and existing according to the laws of the Republic of Panama, registered in the Mercantile Section of the Public Registry, on Folio 155634281.

**ATLAS BANK (PANAMÁ), S.A.** is the holder of a General Banking License granted by means of Resolution SBP 0214-2016, dated 7 December 2016, issued by the Superintendency, which authorizes the bank to engage in the banking business anywhere in the Republic of Panama, as well as transactions that are concluded, consummated, or have an effect in Panama or abroad, and to carry any other activities the Superintendency may authorize.

By means of **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, and based on the provisions of Article 132(1), (2), and (7) of the Banking Law, the Superintendency of Banks ordered the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ), S.A.** for **THIRTY (30) DAYS** extendable. The term indicated expires on 15 October 2023.

Based on the report submitted by the **INTERIM ADMINISTRATOR** of **ATLAS BANK (PANAMÁ), S.A.**, it was noted that the circumstances affecting the bank, outlined in the recitals of Resolution SBP-BAN-R-2023-01296, dated 15 September 2023, remain.

After the detailed analysis of the business model, the categories of transactions, the quality of assets, and the structure of liabilities of **ATLAS BANK (PANAMÁ), S.A.** to identify the most viable options that solve the risk of losing assets, it was determined that:

- **ATLAS BANK (PANAMÁ), S.A.** lacks income-generating productive assets to cover its expenses, and it is even less capable of generating unexpected loss-absorbing buffers beyond the value of its accounting assets.
- From the liquidity perspective, the ratio of liquid assets to deposits with the public, according to the regulatory liquidity ratio calculation, is 4%, and when compared to the average monthly expenses, they barely cover five months of operations. In any scenario, it is evident that **ATLAS BANK (PANAMÁ), S.A.** must be recapitalized and receive fresh resources to restore its liquidity to prudential levels.
- Acting as **INTERIM ADMINISTRATOR** has entailed the assessment of alternative proposals submitted by shareholders, attached to a conceptual framework within which viable formulas must be developed. These formulas should involve the contribution of additional assets to improve the liquidation scenarios.

Based on the points previously supported and given the exceptional grounds to initiate an orderly dismantling of expenses and generate a definitive period to assess the new solution formulas that shareholders can provide, the Interim Administrator has requested the Superintendency to extend the period established in **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, which ordered the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ) S.A.**

Article 133 of the Banking Law authorizes the Superintendent to decide, due to exceptional reasons and upon the prior reasoned request of the **INTERIM ADMINISTRATOR**, to extend the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL**.

The Superintendent has evaluated the report submitted by the **INTERIM ADMINISTRATOR**, considering that the extension of the requested period will enable safeguarding the objectives of the measure established by means of **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023 fundamentally the protection of the rights of the bank depositors.

The 30-day period established in **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, ordering the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ), S.A.**, during which the cessation of operations and the processes in which the bank is a part of is maintained, expires on 15 October 2023, at 2:00 p.m. (a non-business day). Therefore, it is appropriate to establish that this Resolution provides for the **EXTENSION** requested by the **INTERIM ADMINISTRATOR**, which will come into force on Monday, October 16, 2023, at 2:00 p.m., in accordance with the provisions of Article 68 of Law 38 of 2000, on General Administrative Procedure, which states:

*“The terms are suspended during the days when, for some reason, the respective office must remain closed, except for those that are set for years or months. **However, when the last day of the term corresponds to a non-business day, it is understood to be extended until the following business day.**”*

In view of the foregoing, the Superintendent of Banks

#### **RESOLVES:**

**ONE: EXTEND** for thirty (30) days, starting from the expiration of **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ), S.A.**, a corporation organized and existing according to the laws of the Republic of Panama, registered in the Mercantile Section of the Public Registry, on Folio 155634281. It is also the holder of a General Banking License granted by means of Resolution SBP 0214-2016, dated 7 December 2016, based on the grounds established in Article 132(1), (2), and (7), pursuant to Article 133 of the Banking Law.

**TWO: MAINTAIN THE APPOINTMENT** of **JAIME DE GAMBOA GAMBOA**, holder of personal identification card No. N-21-2195, as **INTERIM ADMINISTRATOR** authorized by this act to exclusively exercise the **LEGAL REPRESENTATION** of **ATLAS BANK (PANAMÁ), S.A.** before customers, authorities, and third parties, on behalf of the Superintendency, with the powers and duties the Superintendency determines. These powers and duties include, without prejudice to others to be later determined, those mentioned in paragraph **FOUR** of the operative part of **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023.

**THREE: MAINTAIN** in effect the recitals and the operative part of **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, including the suspension of all banking operations of **ATLAS BANK (PANAMÁ), S.A.**, as provided in paragraph **TWO**, unless it contradicts this Resolution.

**FOUR: NOTIFY** the public by posting a **NOTICE** for a duration of **FIVE (5) business days** in a public and visible location at the main establishment of **ATLAS BANK (PANAMÁ), S.A.** and its branch offices. The notice will contain the text of this Resolution, which orders the **EXTENSION** of the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** and the appointment of the **INTERIM ADMINISTRATOR**.

The **NOTICE** mentioned in this paragraph will coincide with the entry into force of the **EXTENSION** of the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL**, as stipulated herein.

**FIVE: ORDER** the posting of an authenticated copy of this Resolution in a public and visible place at the main establishment of **ATLAS BANK (PANAMÁ), S.A.**, during the period of the **EXTENSION** of the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL**.

**SIX: ORDER** the **PUBLICATION** of this Resolution in a newspaper with broad national circulation for **FIVE (5) business days**, once the **NOTICE** mentioned in paragraph **FOUR** of this Resolution has been posted.

**SEVEN: ORDER** the Public Registry to make the relevant marginal notations for the **EXTENSION** of the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ), S.A.**, a corporation registered in the Mercantile Section of the Public Registry of Panama on Folio 155634281, as well as for the appointment of **JAIME DE**

**GAMBOA GAMBOA**, holder of personal identification card No. N-21-2195, as the Legal Representative of the bank, serving as **INTERIM ADMINISTRATOR** of the bank.

Request the Public Registry, in accordance with the Proviso of Article 44 of the Banking Law, to report any intended registration to be made concerning **ATLAS BANK (PANAMÁ), S.A.** that may contravene the law by not having prior authorization from the Superintendency.

**EIGHT:** This Resolution shall become effective at **2:00 p.m.** on **16 October 2023**, as it corresponds to the business day following the expiration of the term provided for in **Resolution SBP-BAN-R-2023-01296**, dated 15 September 2023, in accordance with the provisions of Article 68 of Law 38 of 2000 and Article 134 of the Banking Law.

It is established that the **EXTENSION** of the **SEIZURE OF ADMINISTRATIVE AND OPERATING CONTROL** of **ATLAS BANK (PANAMÁ), S.A.** occurs continuously.

**NINE:** Pursuant to Article 135 of the Banking Law, this Resolution may be appealed to the Third Chamber of the Supreme Court of Justice, which has full authority over administrative matters.

The filing of an appeal against this Resolution does not suspend the Administrative Act because the seizure protects a public interest.

**LEGAL GROUNDS:** Article 16(l)(4); Article 131 and following articles of the consolidated text of Decree Law 9 of 1998, amended by Decree Law 2 of 2008, and adopted by means of Executive Decree 52 of 2008 (Banking Law); Article 68 of Law 38 of 2000.

Given in Panama City this thirteenth (13<sup>th</sup>) day of October, twenty twenty-three (2023).

**FOR COMMUNICATION, PUBLICATION, AND ENFORCEMENT.**

**THE SUPERINTENDENT OF BANKS,**

(signed)  
Amauri A. Castillo