

**NPM No. 002-2022**

30 March 2022

**HEADS OF PROCURING ENTITIES**

**Re: Qualification of a designated Vice President in State Universities and Colleges, as the Chairperson of the Bids and Awards Committee**

**Dear Sir/Madam:**

We are issuing this opinion in response to verbal queries received during procurement trainings on the qualification of a designated Vice-President (VP) in State Universities and Colleges (SUCs)<sup>1</sup> in the Bids and Awards Committee (BAC) under Republic Act (RA) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR).

Section 11.2.2 (a) of the 2016 revised IRR of RA No. 9184 requires the BAC Chairperson to be at least a third ranking permanent official of the Procuring Entity (PE). The qualification of a designated VP in an SUC to undertake the role of a BAC Chairperson is therefore hinged on it being considered a third ranking permanent. In this regard, the Organization and Staffing Standards of SUCs approved by the Department of Budget and Management (DBM) is instructive in determining which position is considered as third ranking.

In a letter dated 09 March 2020,<sup>2</sup> the DBM, through Assistant Secretary Chua noted the hierarchy of positions in an SUC, as follows:

<b>Rank</b>	<b>SUC</b>
1 <sup>st</sup>	Board of Trustees
2 <sup>nd</sup>	SUC President IV, Salary Grade (SG) 30 SUC President III, SG 29 SUC President II, SG 28 SUC President I, SG 27
3 <sup>rd</sup>	SUC Vice President IV, SG 28 SUC Vice President III, SG 27 SUC Vice President II, SG 26 SUC Vice President I, SG 25

Based thereon, a designated VP in an SUC is considered a third-ranking official as the same occupies the third highest position in the SUC. Being designated thereto within a fixed term does not contravene the “permanent” qualification requirement under Section 11.2.2 of the 2016 revised IRR of RA No. 9184, as the same refers to the position being part of the *plantilla* of the agency and not the nature of the appointment.

Moreover, DBM and Commission on Higher Education (CHED) Joint Circular (JC) No. 01, series of (s.) 2003<sup>3</sup> provides that no new *plantilla* position of VP shall be created and instead designations may be made in accordance with the classification of the SUCs.<sup>4</sup>

<sup>1</sup> Section 11 of RA No. 9184. xxx The BAC and its Composition. – xxx It shall be chaired by **at least a third ranking permanent official of the procuring entity other than its head**, and its composition shall be specified in the IRR. xxx

<sup>2</sup> In response to the GPPB-TSO Letter dated 27 November 2019 addressed to Sec. Wendel E. Avisado through Assistant Secretary Myrna S. Chua

<sup>3</sup> SUC Leveling Instrument and Guidelines for the Implementation thereof dated 29 May 2003.

<sup>4</sup> Item 6 of DBM-CHED JC No. 01, s. 2003.

Relatedly, Item 3 of DBM-CHED JC No. 02, s. 2003,<sup>5</sup> directs the designation to VP positions instead of creating regular VP positions and issuing permanent appointments, since this will extend the chance for those qualified and inclined for such work. It further gives the SUC Board of Trustees the flexibility for developing promising SUC employees, such as professors, for higher responsibilities. The same policy<sup>6</sup> was echoed in CHED Memorandum Order No. 12, s. 2018.<sup>7</sup>

Rules should be interpreted not only in a way that gives breath to the intent of its crafters but also such that it will not result in unreasonable consequences. In this case, the above rules on the designation to VP positions in SUCs merit full consideration and should not be read independently in the determination of the third ranking permanent requirement for a BAC Chairperson. Otherwise, no VP position in SUCs would qualify despite it being a third ranking position in the approved organizational structure of the SUCs.

Accordingly, a designated as VP in an SUC is considered a third ranking permanent official of the PE during the period of the said designation.

For the information and guidance of all.

**ROWENA CANDICE M. RUIZ**  
*Executive Director V*

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<sup>5</sup> Allowable Number of Vice President Positions in SUCs dated 28 July 2003.

<sup>6</sup> Item 7 of CHED Memorandum Order No. 12, s. 2018.

<sup>7</sup> 2016 SUC Levelling Results, SUC Levelling Benefits, and SUC Levelling Appeal Procedures, dated 22 June 2018.