



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF BUDGET AND MANAGEMENT  
GOVERNMENT PROCUREMENT POLICY BOARD  
Technical Support Office

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TSO NPM No. 12-2003

June 12, 2003

**MS. MARIA PAZ A. MAGSALIN**  
Assistant General Manager  
General Administrative Service  
Philippine Charity Sweepstakes (PCSO)  
PCSO Complex, E. Rodriguez St. Ave.  
Quezon City

**Re : Applicable Procurement Rules and Procedure Pending Approval  
of the IRR of R.A. 9184**

Dear Ms. Magsalin:

This refers to your letter dated May 27, 2003, which we received through facsimile on June 04, 2003, where the following queries were raised, to wit:

Whether or not the Philippine Charity Sweepstakes Office ("PCSO") should wait for the issuance of the Implementing rules and Regulations ("IRR") of Republic Act No. 9184 ("R.A. 9184"), otherwise known as the "Government Procurement Reform Act," before it commences with the application and implementation thereof

**Applicable Law Pending Finalization of the IRR of R.A. 9184**

R.A. 9184 was signed by President Gloria Macapagal Arroyo on **January 10, 2003**, and was published the following day or on **January 11, 2003**, in two (2) newspapers of general circulation namely, Manila Times and Malaya. In this regard, R.A. 9184 took effect on **January 26, 2003**, pursuant to Section 78 thereof, which we quote:

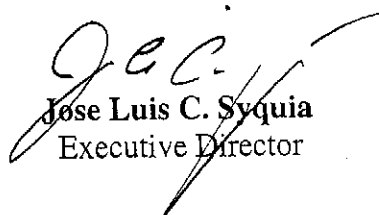
Sec. 78. *Effectivity Clause* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

It must be noted that although R.A. 9184 is already effective, the said law cannot be fully implemented unless and until its IRR has been finally approved by the President and published for dissemination. For this reason, we believe that the procedures embodied in existing laws, such as Executive Order No. 40, Series of 2001 ("E.O. 40"), and its IRR, shall still apply until the IRR of R.A. 9184 shall have been finally approved.

Accordingly, in order to prevent delay, inconvenience or hiatus in its procurement activities, we further believe that PCSO need not wait for the issuance of the IRR of R.A. 9184 and may proceed with the conduct of its procurement, applying the procurement rules and procedures embodied in E.O. 40 and its IRR. It is in this connection that we inform your office that during the 3<sup>rd</sup> Meeting of the Government Procurement Policy Board ("GPPB") on May 26, 2003, the members unanimously agreed that Government agencies are justified in applying E.O. 40 in the absence of the IRR of R.A. 9184, and that a provision should be included in the Transitory Clause of the draft IRR of R.A. 9184 that in cases where the invitations for bids were issued after the effectivity of R.A. 9184 but before the effectivity of its IRR, procuring entities may continue adopting the procurement procedures, rules and regulations provided in E.O. 40 and its IRR, or other applicable laws.

We trust that this clarifies matters.

Very truly yours,



**Jose Luis C. Syquia**  
Executive Director