

**NPM No. 18-2010**

2 June 2010

**ATTY. MELVIN A. MATIBAG**  
*General Manager*  
**MANILA INTERNATIONAL AIRPORT AUTHORITY**  
MIAA Administration Building  
MIA Road, Pasay City

**Re: Qualification of the Chairman of the Bids and Awards Committee**

**Dear Atty. Matibag:**

We respond to your letter dated 11 May 2010 seeking clarification on the application of Section 11.2.2 (a) of the revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184, which provides that the Chairman of the Bids and Awards Committee (BAC) must be at least a third ranking permanent official of the procuring entity.

We understand that the corporate powers of the Manila International Airport Authority (MIAA) are exercised by and vested in its Board of Directors. However, it has a General Manager who holds the highest position in MIAA's *plantilla* and is directly responsible to the Board for the management, operation and administration of MIAA.

The question is where to reckon the ranking of MIAA officials for the purpose of determining compliance with Section 11.2.2 (a) of the IRR?

It is our considered opinion that MIAA's ranking should be determined from its General Manager, who is the first ranking permanent official of MIAA. The term "permanent" refers to a *plantilla* position within the procuring entity concerned.<sup>2</sup> It refers to the list of positions authorized to be created by the Department of Budget and Management. After careful examination of MIAA's *plantilla*,<sup>3</sup> it appears that the highest ranked permanent position is that of General Manager, followed by the Senior Assistant General Manager, and the Assistant General Managers as the second and third level positions, respectively.

<sup>2</sup> Section 11.2.2, IRR, last sentence.

<sup>3</sup> MIAA Staffing Pattern of Permanent Plantilla Positions as of June 2009 secured from the DBM.

Thus, the BAC Chairman may be selected from the foregoing. For guidance, however, please note that pursuant to Section 11.2.5 of the IRR and Commission on Audit Circular No. 2003-004 dated 30 July 2004, the following are prohibited from assuming membership in the BAC:

1. Head of the procuring entity;
2. Approving official; and
3. Chief Accountant and the personnel of the Accounting Unit who are tasked to approve payment of vouchers.

We hope to have provided sufficient guidance on the matter. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**RUBY U. ALVAREZ**  
*Executive Director III*