



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 042-2016

22 September 2016

DR. GERARDO S. MANZO
Officer-In-Charge
PHILIPPINE HEART CENTER (PHC)
East Avenue, Quezon City

Re: Reference to Brand Names

Dear Dr. Manzo,

This refers to your letter requesting guidance relative to the procurement of medicines, specifically on the issue as to whether or not you may include or indicate the brand names together with the generic names in the preparation of the technical specifications.

In your letter, it was mentioned that you have been complying with the requirements of R.A. No. 9184 and its IRR as regards the conduct of public bidding and the rule on non-use of brand names, under Section 18. Nonetheless, PHC is still having issues on the procurement of specific drugs or branded medicines as prescribed by doctors for their patients.

Section 18 of the IRR of RA 9184 specifically provides that specifications for the procurement of goods shall be based on relevant characteristics and/or performance requirement and reference to brand names is not allowed. In a previous opinion,¹ we maintained that the quoted provision of the IRR must be complied with to the letter since it provides an absolute prohibition as regards reference to brand names. It is prudent for the Procuring Entity to judiciously prepare its "technical specifications" so that it is bound (including the bidders) by the technical parameters of the item to be procured rather than by its brand.

The prohibition on reference to brand names is without any exception or condition. It is strongly recommended, however, that procuring entities should augment its resources and capacitate its procurement personnel to be able to develop its capabilities in crafting detailed technical specifications involving the acquisition of the desired type or nature of the goods.

¹NPM 156-2012 dated December 21, 2012

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V

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