



Department of Budget and Management
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

NPM No. 05-2011

7 March 2011

ATTY. DANTE XENON B. ATIENZA

Executive Director and

Chairman, Bids and Awards Committee

LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD

East Avenue, Quezon City

Dear Atty. Atienza:

We respond to your letter dated 15 February 2011, which we received on 21 February 2011, seeking clarification on the applicability of Government Procurement Policy Board (GPPB) Resolution No. 05-2010 approving the *Guidelines on the Procurement of Printing Services* (Guidelines) to the procurement for the Supply of Confirmation Certificates and Stickers of the Land Transportation Franchising & Regulatory Board (LTFRB).

As represented, the Invitation to Bid for the supply of Confirmation Certificates and Stickers, which was considered an accountable form by LTFRB was published on 3 January 2011. It was also represented that during the scheduled pre-bid conference on 9 February 2011, the Bids and Awards Committee (BAC) was informed of GPPB Resolution No. 05-2010 and its date of effectivity.

Please be advised that the aforementioned Guidelines, which took effect on 8 January 2011, was issued by the GPPB pursuant to the Veto Message for the General Appropriations Act of 2010 and serves as the prevailing policy on printing services. Under the Guidelines, the printing of accountable forms shall only be undertaken by the Recognized Government Printers, namely; National Printing Office, APO Production Unit, Inc., and *Bangko Sentral ng Pilipinas*, and through the procedures prescribed therein.

It is a consistent rule on statutory construction that statutes are to be construed as having only prospective operation, unless the purpose and intention of the legislature to give them a retroactive effect is expressly declared or is necessarily implied from the language used. In a long line of cases decided by the Supreme Court, it has been held that the principle of prospectivity applies to statutes, administrative rulings and circulars and judicial decisions.¹

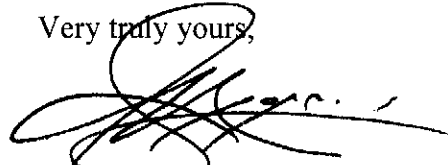
In this regard, considering that the said Guidelines took effect after the Invitation to Bid was published in a newspaper of general circulation and posted in the website of Philippine Government Electronic Procurement System, the procurement of printing services for the aforementioned accountable forms may not be covered by the Guidelines. As such, the

¹ Agpalo, Ruben E., *Statutory Construction*, 5th Ed., 2003, pp. 352-353.

procuring entities may continue with the ongoing public bidding based on the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dennis L. Nacario', written over a horizontal line.

DENNIS LORNE S. NACARIO
OIC-Executive Director III