



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

**NPM No. 79-2012**

3 July 2012

**MS. HELEN Y. SO**  
*Operations Manager*  
**DEN-TRONIX INTERNATIONAL TRADING (DEN-TRONIX)**  
#35 Don Ramon St. Talayan Village,  
Quezon City

**Re: Translation of Foreign Documents**

Dear Ms. So:

This is in response to your letter seeking our opinion on whether a foreign document translated and authenticated by the China Council for the Promotion of International Trade (CCPIT) and authenticated by the Philippine Consulate General (Philippine Consulate) in Shanghai, China, should be further re-authenticated by the Embassy of the People's Republic of China (PRC) based in the Philippines in order to comply with the requirements of Republic Act (RA) 9184 and its Implementing Rules and Regulations (IRR).

It is represented that Den-Tronix participated in a scheduled public bidding of the Bureau of Fire Protection (BFP)-Region 3. It is likewise represented that during the pre-bid conference, a supplier dictated to the Bids and Awards Committee (BAC) that the foreign bidder should cause the authentication of his submitted foreign equivalent document before its consulate in the Philippines, even though it is already translated in English language and authenticated by an agency in PRC, and authenticated by the Philippine Consulate.

For your guidance, Section 23.2 of the IRR embodies the rules on translation and certification of foreign documents issued by foreign bidders.<sup>1</sup> The certification required in said provision applies only when the equivalent eligibility requirements submitted by the foreign bidder are initially expressed in another foreign language, which has been duly translated to English. Thus, in a previous opinion<sup>2</sup>, we have reiterated the need for the translation with a corresponding certification of "Class A" and "Class B" documents if such eligibility documents are expressed in a foreign language other than English. Conversely, in case the foreign documents are originally written in English, the required certification coming from the appropriate embassy or consulate is not necessary.

<sup>1</sup> NPM No. 066-2009 dated 29 December 2009.

<sup>2</sup> NPM No. 73-2012 dated 8 June 2012.

We wish to emphasize that Section 23.2 of the IRR speaks of certification, which refers to a certificate attesting to the truth of some statement or event<sup>3</sup>. This differs from the function of authentication that is an attestation made by a proper officer by which he certifies that a record is in due form of law, and that the person who certifies it is the officer appointed so to do.<sup>4</sup>

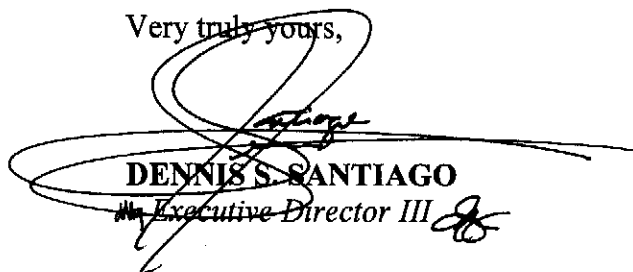
Authentication is an important function in determining the genuineness of documents. The authentication functions/services of the Department of Foreign Affairs (DFA) are performed consistent with the 1963 Vienna Convention on Consular Relations. Therefore, when the DFA duly authenticates certain acts, deeds or documents, the receiving embassies or consulates or any other foreign legal entities are, in effect, assured that aforesaid documents are in order or have been legalized in accordance with proper procedure.<sup>5</sup>

In the case of Den-Tronix, its assertion that translation and authentication of its foreign document by CCPIT and further authentication by the Philippine Consulate are sufficient is misplaced. Section 23.2 of the IRR of RA 9184 expressly requires that a foreign document that has been translated to the English language should be certified by the appropriate embassy or consulate in the Philippines. Assuming *arguendo* that CCPIT is the appropriate agency that has jurisdiction and authority to translate and authenticate documents in the PRC, Den-Tronix still needs to have the same certified by the PRC embassy in the Philippines in accordance with the rules.

Moreover, although the Philippine Consulate has authenticated the Certification of CCPIT, such authentication merely certified that the signatory of the document was duly commissioned and qualified at the time he affixed his signature and seal. Likewise, the Philippine Consulate General declares that it assumes no responsibility to the annexed document, which is the English translated version of the foreign eligibility document. Hence, it is incumbent upon Den-Tronix to have its English translated foreign eligibility document certified by the embassy or consulate of the PRC in the Philippines in order to comply with the requirement of Section 23.2 of the IRR.

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular circumstances as presented. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**DENNIS S. SANTIAGO**  
Executive Director III

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<sup>3</sup> *Id.*, citing Random House Webster's Unabridged Dictionary, Second Edition.

<sup>4</sup> *Id.*, citing <http://thelawdictionary.org/letter/a/page/73/> last accessed on 3 July 2012.

<sup>5</sup> *Id.*, citing <http://dfa.gov.ph/main/index.php/consular-services/authentication> last accessed on 3 July 2012.