



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

**NPM No. 98-2014**

30 October 2014

**F/CSUPT RODRIGO R. ABRAZALDO**  
*Chairman, Bids and Awards Committee (BAC)*  
**BUREAU OF FIRE PROTECTION (BFP)**  
Agham Road, Sitio San Roque,  
Brgy. Bagong Pag-asa,  
Quezon City

**Re: Section 23.2 Certification Requirement**

Dear F/CSupt. Abrazaldo:

This refers to your letter dated 22 October 2014 requesting for opinion on the certification requirement under Section 23.2 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

In the main, you requested for clarification on how the BAC should handle a case where a bidder submits an English translation of a foreign document accompanied by a certification that the same is accurate and issued by a notary public in the country where the document originated, and not by their country's embassy or consulate in the Philippines, claiming that the latter does not perform translation services nor certify translation documents written in their language and translated in English.

We reiterate that the Certification required in Section 23.2 of the IRR of RA 9184, which embodies the rules on certification and translation of foreign documents issued by foreign bidders, applies only when the equivalent eligibility requirements submitted by the foreign bidder are initially expressed in another foreign language, which was then translated in English. Thus, the translation with a corresponding certification of "Class A" and "Class B" documents is only needed 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>

Previously, we have issued opinions stating that Section 23.2 of the IRR speaks of certification which is necessary to verify the correctness of the translation from a foreign language to the English language, which differs from the function of authentication, that is, "the art of proving that something (as a document) is true or genuine, especially so that it may be admitted as evidence."<sup>2</sup>

It has come to our attention that there are foreign embassies and consulates in the Philippines that refuse to issue the certificate required under Section 23.2 of the IRR. As such,

<sup>1</sup> NPM No. 73-2012 dated 8 June 2012.

<sup>2</sup> Black's Law Dictionary, 8<sup>th</sup> Edition.

foreign bidders expressed difficulty in complying with the requirement due to “administrative and procedural limitations” in certain foreign embassies and consulates in the Philippines.

Upon confirmation with the Department of Foreign Affairs-Authentication Division (DFA-AD) on the existence of implementation issues relative to the certification requirement under Section 23.2 of the revised IRR, the GPPB issued GPPB Resolution No. 04-2014<sup>3</sup> approving the amendment of the last sentence of Sections 23.2 and 24.2 of the IRR of RA 9184, and other relevant provisions in the Philippine Bidding Documents as follows:

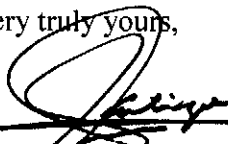
**“If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.”** (Emphasis supplied.)

The last sentence of Section 23.2 of the IRR of RA 9184 has now been amended and provides that the translation of eligibility requirements in English may now be done by any of the following: (1) the relevant foreign government agency, (2) the foreign government agency authorized to translate documents, or (3) a registered translator in the foreign bidder’s country. Such translation must be authenticated by the appropriate Philippine foreign service establishment/post in the foreign country, or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.

Accordingly, applying Sections 23.2 and 24.2 of the IRR of RA 9184, as amended, the authentication by the appropriate Philippine foreign service establishment/post in the foreign country, or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines of the translated documents in English shall suffice.

We hope 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 you have further questions, please do not hesitate to contact us.

Very truly yours,



**DENNIS S. SANTIAGO**  
*Executive Director*

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<sup>3</sup> Dated 8 April 2014, published on 4 November 2014.

02/05/15



Republic of the Philippines  
**Department of the Interior and Local Government**  
**Bureau of Fire Protection**  
**NATIONAL HEADQUARTERS**  
 Agham Road, Sitio San Roque, Brgy. Bagong Pag-asa, Quezon City

22 October 2014

**HON. FLORENCIO B ABAD**  
 Secretary, DBM and Chairperson of GPPB  
 Unit 2506, Raffles Corporate Center  
 F. Ortigas Jr. Road, Ortigas Center  
 Pasig City

23 OCT 2014  
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**ATTN: ATTY. DENNIS S. SANTIAGO**  
 Executive Director  
 Technical Support Office, GPPB

*Met,  
 Please prepare opinion.  
 The provision was revised  
 already. please refer APP to  
 the revised provision. DS*

Dear Sir:

Greetings!

The Bureau of Fire Protection (BFP) Bids and Awards Committee (BAC) would like to be enlightened on the certification requirement under Section 23.2 of the Revised IRR of RA 9184. The provision states:

*Subject to Section 37.1 of this IRR, in the case of foreign bidders, the foregoing eligibility requirements under Class "A" Documents may be substituted by the appropriate documents, if any, issued by the country of the foreign bidder concerned. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. A translation of the documents in English certified by the appropriate embassy or consulate in the Philippines must accompany the eligibility requirements under Class "A" and "B" Documents if they are in foreign language.*

In this regard, may we be enlightened on the following concerns:


1. How will the BAC treat a case wherein a bidder will submit an English translation of a foreign documents originally not written in the English language and attached thereto is a certification that the English translation of the same is accurate, issued by a notary public of the country where the document originates, with a claim that their country's embassy or consulate in the Philippines does not perform translation services nor certifies translation of documents written in their language and translated in the English language?
2. If the BAC insist on the certification requirement that must be duly issued by the proper embassy or consulate in the Philippines, though abiding the language of the law, is it not imposing an impossible condition, if indeed the proper embassy or consulate in the Philippines does not perform translation services nor certifies translation of

- documents written in their language and translated in the English language?
3. What if after post qualification, it was found out that the proper embassy or consulate in the Philippines does not render such services, what will be the proper course of action of the BAC?

May we be clarified/ enlighten as to this particular issue, as it would entail possible administrative action against members of the BAC who are just abiding the provisions of the law, once this is not fully address.

Your usual prompt action on this matter is highly appreciated and of great help for us to properly address this issue. Thank you!

Very truly yours,

  
**F/CSUPT RODRIGO R. ABRAZALDO**  
Chairman, BFP Bids and Awards Committee 