



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

NPM No. 104-2014

3 November 2014

HON. CASIMIRO A. YNARES III, M.D.

City Mayor

OFFICE OF THE CITY MAYOR

CITY GOVERNMENT OF ANTIPOLO

City Hall, Antipolo City

**Re: Philippine Government Electronic Procurement System
(PhilGEPS) Posting**

Dear Mayor Ynares:

This refers to your letter addressed to Honorable Chairperson Ma. Gracia M. Pulido-Tan of the Commission on Audit, which was furnished to this office, requesting information on whether the City Government of Antipolo is exempted from the posting requirements under Republic Act (RA) No. 9184 and its Implementing Rules and Regulations (IRR).

Please be advised that all procuring entities are mandated to fully use the PhilGEPS in the conduct of procurement activities. The mandatory character of PhilGEPS posting is emphasized in Section 21.2.1 of the IRR, which provides:

Except as otherwise provided in Sections 21.2.2 and 54.2 of this IRR, and for the procurement of common-use goods and supplies, the Invitation to Bid/Request for Expression of Interest **shall** be posted continuously in the PhilGEPS website, the website of the procuring entity concerned, if available, and the website prescribed by the foreign government/foreign or international financing institution, if applicable, for seven (7) calendar days starting from the date of advertisement. (Emphasis supplied.)

The use of the word “shall” makes the registration and the posting of the Invitation to Bid in the PhilGEPS website mandatory, unless falling under the exceptions expressly stated in the foregoing provisions. The word “shall” means ought to, must, obligation used to express a command or exhortation used in laws, regulations or directives to express what is mandatory.¹ In common or ordinary parlance, the term “shall” is a word of command, one which has a compulsory meaning, and is generally imperative or mandatory, unless the contrary intent appears.² Thus, failure to comply with the posting requirement is considered a defect in the procurement process.

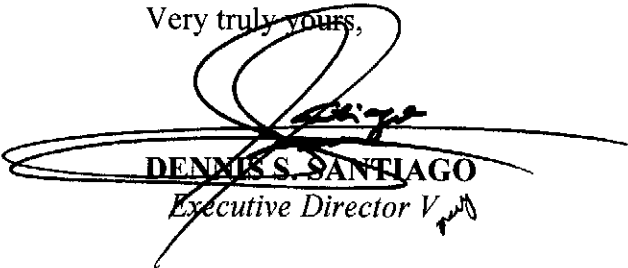
We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is being issued on the basis of particular facts and situations.

¹ NPM No. 37-2012 dated 19 April 2012, citing *Baranda v. Gustilo*, 165 SCRA 757 (1988).

² *Id.*, citing *Gonzales v. Chavez*, 205 SCRA 816 (1992).

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

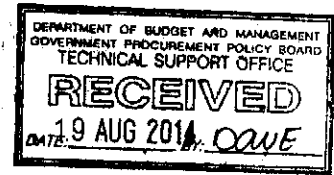
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Republic of the Philippines
 Province of Rizal
 City Government of Antipolo
OFFICE OF THE CITY MAYOR

*Govt. Account Policy Board
 Ortigas, Pasig City*

23 June 2016



HON. MA. GRACE M. PULIDO-TAN
 Chairperson
 Commission on Audit
 Commonwealth Avenue, Quezon City

*Jan/ [redacted]
 please prepare Reply Note
 for compliance of requirements
 as to PhilGESP posters. T.M.S.S*

Dear Chairperson Pulido-Tan:

Greetings!

Please permit us to follow-up the attached letters dated 30 September 2013 and 6 August 2013 pertaining to the Philippine Government Electronic Procurement System letter dated 30 August 2013 addressed to Ms. Ma. Teresa E. Lasquety, Provincial Treasurer of the Province of Rizal regarding the Publication of Bids Notices of procurement projects conducted by this City Government of Antipolo.

Basically we are requesting information as to whether or not the City Government of Antipolo, Rizal is exempted from the mandates under Republic Act No. 9184, more so on the Philippine Government Electronic Procurement System posting requirements.

May we, therefore, respectfully reiterate our earlier requests for your comment and/or recommendation on the matter and initiate the necessary investigation, if any, against erring officials responsible therefor in the interest of transparency, efficiency and economical governance.

Thank you.

Very truly yours,

[Signature]
 CASIMIRO A. YNARES III, M.D.
 City Mayor

- Encl. : A/S
- Cc : Commissioner Heidi L. Mendoza
 Commission on Audit, Quezon City
- Commissioner Rowena V. Guanzon
 Commission on Audit, Quezon City
- The Hon. Budget and Management
 Malacanang, Manila
- The Hon. Secretary
 Department of Interior and Local Government
 EDSA, Quezon City
- The Hon. Ombudsman
 Agham Road, Quezon City
- Government Procurement Policy Board
 Ortigas Center, Pasig City



August 30, 2013

MS. MA. TERESA E. LASQUETY
Provincial Treasurer
Office of the Provincial Treasurer
Provincial Government of Rizal

Private Mail

Dear Ms. Lasquety:

This is with reference to your letter dated August 22, 2013 which was received by our office on August 27, 2013, requesting for certification as to the PhilGEPS publication of Bids Notices for the following procurement projects conducted by City of Antipolo:

1. Reference No. 2150608
2. Reference No. 2150643
3. Reference No. 1724367
4. Reference No. 1723449
5. Reference No. 1744378
6. Reference No. 1891661
7. Reference No. 1899615
8. Reference No. 1895728
9. Reference No. 19420549
10. Reference No. 19451210

Based on the information acquired from PhilGEPS database, the procurement projects with Reference Numbers 2150608, 2150643, 1724367, 1723449 and 1895728 appear in our database while Reference Number 1891661 displayed a blank result or no project has been posted.

On the other hand, the procurement projects with Reference Numbers 1744378 and 1899615 as indicated in your letter are assigned numbers of other procurement projects belonging to different procuring entities, not the City of Antipolo. Furthermore, the Reference Numbers 19420549 and 19451210 displayed blank result it contains an eight digit numbers was assigned by the PhilGEPS system. Notice abstracts of the opportunities are attached to this letter and below is the summary of findings generated from our database:

- | | |
|------------------|--|
| 1. Reference No. | : 2150608 |
| Procuring Entity | : CITY OF ANTIPOLO, RIZAL |
| Title | : Various Medicines for the City Health Office |



Republic of the Philippines
 Province of Rizal
 City of Antipolo
OFFICE OF THE CITY MAYOR

Receiving Copy
 1. OMB Stamp
 2. DLS. PFM 8/23/13
 3. COA Stamp

August 6, 2013

CITY OF ANTIPOLO
 RECEIVED
 RECEIVED BY: *AdR*
 DATE: 8/23/13 TIME: 9:50
 DOC. NO. A-08730096698

HON. MA. GRACIA M. PULIDO-TAN
 Chairperson
 Commission on Audit
 Commonwealth Avenue, Quezon City

Dear Chairman

Greetings!

We refer to the basic provisions of RA No. 9184 We were made to understand that " All procuring entities are required to post all procurement opportunities, results of bidding and related information in the PHILGEPS, bulletin board and that procuring entities shall post the invitation to bid for goods and infrastructure projects xxx. " (Section 8.2 a & b of RIRR of R.A. 9184, also known as the Government Procurement Reform Act of 2003).

However, based on the information we gathered from the Philippine Government Electronic Procurement System, Procurement Service, Department of Budget and Management, shows as follows:

July 10, 2013

MS. MA. TERESA E. LASQUETY
 Provincial Treasurer
 Office of the Provincial Treasurer
 Provincial Government of Rizal

Dear Ms. Lasquety,

This is with reference to your letter dated July 23, 2013 which was received by our office on July 14, 2013, requesting for certification as to the PhilGEPS publication of Bid Notices and Awards for the following procurement projects conducted by City of Antipolo:

1. Reference No. : 2149818
 Title : Installation of Street Lights, City Wide, Antipolo City
 Awardee : San Guillermo Construction and Trading Corp.
2. Reference : 2073850
 Title : Proposed City Multi Purpose Room and Museum
 Awardee : E. Pascual Construction

Based on the information and acquired from PhilGEPS database, the procurement project with Reference No. 2149818 had matched the reference number provided in your letter. However, no Award Notice was posted for the said procurement project. On the other hand, the procurement project with Reference Number 2073850 as indicated in your letter is associated to another procurement project of a different procuring entity. Notice Abstracts of the opportunities are attached to this letter and below is a summary of the findings obtained from our database:

1. Reference No. : 2149818
 Procuring Entity: CITY OF ANTIPOLO, RIZAL
 Title : Invitation to Bid
 Status : Closed; No Award Notice is posted

July 25, 2013

MS. MA. TERESA E. LASQUETY
Provincial Treasurer
Office of the Provincial Treasurer
Provincial Government of Rizal

Dear Ms. Lasquety:

This is with reference to your letter dated July 23, 2013 which was received by our office on July 24, 2013, requesting for certification as to the PEGEPS Allocation of 2013 Notices and Awards for the following procurement projects contained in the City of Antipolo:

- Reference No.: 2149818
Title : Installation of Streetlights, City Wide, Antip. to City
Awardee : San Guillermo Construction and Trading Corp.
- Reference No.: 2073850
Title : Proposed City Multi Purpose Room and Museum
Awardee : E. Pascual Construction

Based on the information acquired from PEGEPS database, the procurement project with Reference Number 2149818 had matched the reference number provided in your letter. However, no Award Notice was posted for the said procurement project. On the other hand, the procurement project with Reference Number 2073850 as indicated in your letter is associated to another procurement project of the same procuring entity. Notice Abstracts of the opportunities are attached to this letter and below is a summary of the findings obtained from our database:

- Reference Number : 2149818
Procuring Entity : CITY OF ANTIPOLO, RIZAL
Title : Invitation to Bid
Status : Closed; No Award Notice is posted
- Reference Number : 2073850
Procuring Entity : UNIVERSITY OF NORTHERN PHILIPPINES
Title : Office Supplies & Consumables (Publications Service Office)
Status : Awarded