

NPM No. 132-2015

27 November 2015

HON. JOSEPH Y. DELA CRUZ
Deputy Administrator
NATIONAL FOOD AUTHORITY (NFA)
 Philippine Sugar Center Bldg., North Avenue,
 Diliman, Quezon City

Re: Custodian of Procurement Records

Dear Deputy Administrator Dela Cruz:

This refers to the Honorable Deputy Administrator's letter, requesting opinion as to which office should take the custody of the original documents pertaining to successfully procured projects and other documents related to procurement undertaken by the Bids and Awards Committee.

As represented, the Accounting Services Department (ASD) and the Commission on Audit (COA) are requiring that the original copies, instead of certified copies of the supporting documents, should be attached to the Disbursement Voucher. The BAC, however, cannot accede to the request of ASD and COA as the original documents should be retained by the BAC Secretariat.

For your guidance, Section 14.1(d) of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 provides that the BAC Secretariat shall take custody of procurement documents and other records. And under National Archives of the Philippines (NAP) General Circular No. 2, dated 20 January 2009, the BAC shall retain procurement records in accordance with the following schedule:

Procurement Record	Authorized Retention Period
Annual Procurement Plans	Three (3) years
Bids and Awards Committee Files:	Five (5) years after contract of winner has been terminated/settled, others dispose after one (1) year
Abstracts	
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Pursuant to Clause 20.3 of the Instructions to Bidders and Bid Data Sheet of the Philippine Bidding Documents, the BAC has the discretion as to how many original documents and copies thereof should be submitted by bidders. Accordingly, if the BAC has required only one (1) original copy of bidding documents, the BAC Secretariat shall retain the same as its official custodian.

On the other hand, Section 3.1.1 of COA Circular No. 2009-001 dated 12 February 2009 provides that within five (5) working days from the execution of a contract by a government agency, a copy of said contract and its supporting documents shall be furnished to the Auditor of the agency concerned. However, please note that while the Circular requires the submission of a copy of the contract and its documents, the same Circular did not explicitly mandate the submission of the "original" copy of the relevant documents.

As suggested, to facilitate the payment of the project, the BAC Secretariat could provide certified true copies of said original documents. And when necessary, the BAC Secretariat may present the original copy for comparison, inspection and validation. Note that even Section 7, Rule 130 of the Rules of Court provides that when the original document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof.

We hope this opinion issued by 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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