



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

**NPM No. 147-2012**

29 November 2012

**VADM EDMUND C. TAN**  
*Commandant*  
**OFFICE OF THE COMMANDANT**  
**PHILIPPINE COAST GUARD (PCG)**  
139 25<sup>th</sup> Street, Port Area,  
1018 Manila

**Re: Bids and Awards Committee (BAC) Chairmanship in the PCG**

Dear VADM Tan:

We respond to your letter addressed to Department of Budget and Management Secretary Florencio B. Abad, which was forwarded to our office on 15 August 2012 seeking advice on the propriety of the designation of the PCG's Chief of Coast Guard Staff (CCGS) as Chairman of the BAC pursuant to Section 11 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184. More specifically, the query is on determining the third ranking permanent official of the PCG.

As represented, the PCG has been appointing the CCGS as Chairman of the BAC upon determination that it is the third ranking permanent official following the Commandant as the first level official and two (2) Vice Commandants as the second level officials. However, confusion arose with the passage of RA 9993<sup>1</sup> since one of the Vice Commandant is ranked higher than the other. Under RA 9993, the Commandant heads the PCG (CPCG) holding the rank of Admiral, and he is assisted by two (2) Deputy Commandants – the Vice Commandant for Operations and the Vice Commandant for Administration. However, each of the two (2) Deputy Commandants occupies different ranks wherein one is a Vice Admiral and the other is a Rear Admiral. Thus, the PCG chain of command is as follows - the Admiral, the Vice Admiral, five (5) Rear Admirals, and the CCGS holding the rank of Commodore. Given the ranking pursuant to RA 9993, PCG now inquires on the propriety of designating the CCGS as BAC Chairman.

For your guidance, Section 11.2.2(a) of the revised IRR of RA 9184 is clear that the Chairman of the BAC must at least be a third ranking permanent official of the Procuring Entity (PE) with the term "permanent" referring to a *plantilla* position. As discussed in an opinion<sup>2</sup> issued by this office, it does not qualify whether the *plantilla* position should be contractual, regular or appointed; rather, the concern specifically refers to whether the position exists within the organizational structure of the PE. Thus, in the case of PCG, any

<sup>1</sup> Philippine Coast Guard Law approved on 12 February 2010.

<sup>2</sup> NPM No. 24-2009 dated 22 May 2009.

person who holds or is designated to hold a *plantilla* position existing within the organizational structure who possesses the required ranking may be designated as BAC Chairman, albeit subject to the disqualifications under the law.

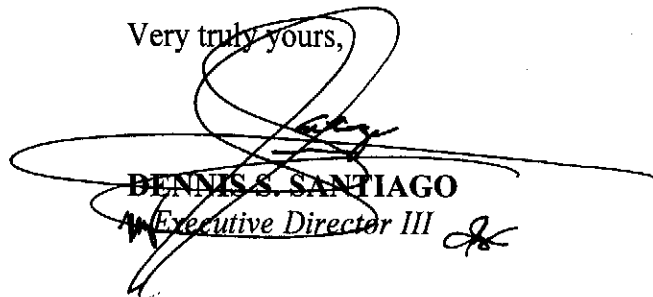
In addition, as we have explained in NPM No. 35-2011<sup>3</sup>, the deciding factor for BAC Chairmanship does not refer to the military rank of the officer concerned, but the *plantilla* position s/he occupies in the PE. We have opined therein that a Philippine Army Colonel, despite being fifth ranking under the Philippine Army's chain of command, may be designated as BAC Chairman if s/he is occupying a third ranking *plantilla* position within the Philippine Army.

Reckoning from the highest position in the *plantilla* position, the PE may identify which positions are qualified for membership in the BAC. Among the factors that may be considered in establishing the ranking are the organizational structure, salary grade allocation, nature of work, degree of responsibility, and classification and functional relationship of positions.<sup>4</sup>

Based on the foregoing, the designation of the BAC Chairman should not depend on the seniority lineal list, but rather, it should be based on the rank of the *plantilla* position s/he is holding in the PCG, reckoned from the highest position in its *plantilla*.

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 situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**BENNIS S. SANTIAGO**  
Executive Director III

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<sup>3</sup> Dated 28 December 2011.

<sup>4</sup> NPM 15-2011 dated 23 September 2011.