

NPM No. 18-2007

20 July 2007

MR. JUANITO L. BELDA

Chief, Procurement and Supply Division

TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY

East Service Road, South Luzon Expressway

Fort Bonifacio, Taguig City

Re: Procurement of Printing Services

Dear Mr. Belda:

This refers to your letter dated 21 June 2006 requesting for clarification on the following issues:

1. Are printing services classified as goods under Section 5 (k) of the Implementing Rules and Regulations-Part A (IRR-A) of Republic Act No 9184 (R. A. 9184)?
2. Can a procuring entity acquire printing services through shopping if it is below the required limit or ceiling?

The term "Goods" is defined under Section 5 (k) of IRR-A of R. A. 9184, as follows:

k) **Goods.** Refer to all items, supplies, materials and general support services, except consulting services and infrastructure projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the procuring entity for such services. **The term "related" or "analogous services" shall include, but not be limited to, lease or purchase of office space, media advertisements, health maintenance services, and other services**

essential to the operation of the procuring entity. (Emphasis supplied)

We believe that, based on the enumeration of what constitutes “related” or “analogous services”, printing services should be considered as goods. Applying the well-established principle of *ejusdem generis*, where a general word or phrase follows an enumeration of particular and specific words of the same class, the general word or phrase is to be construed to include persons, things, or cases akin to those specifically mentioned (Statutory Construction by Ruben Appalo – Fifth Edition 2003, Vera vs. Cuevas, 90 SCRA 379, 31 May 1979).

Anent the second query, it bears stressing that under Section 52 (b) of IRR-A, shopping may be resorted to only if procuring entities will be acquiring readily available off-the-shelf goods or ordinary/regular office supplies and/or equipment.

As clarified under GPPB Resolution No. 12-2006 dated 14 June 2006, ordinary or regular office supplies, in the context of Section 52 (b) of the IRR-A, refer to supplies, commodities or materials which, depending on the procuring entity’s mandate and nature of operations, are necessary in the transaction of its official businesses; and consumed in the day-to-day operations of said procuring entity. However, in the same resolution, GPPB specifically excluded from the meaning of ordinary or regular office supplies, services such as repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services.

In sum, although printing services fall within the definition of goods, it cannot be considered as ordinary or regular office supplies and/or equipment. Hence, it cannot be procured through Shopping under Section 52 (b) of the IRR-A.

We hope to have clarified the matter. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,

RUBY U. ALVAREZ
Executive Director III