

**NPM No. 76-2007**

3 December 2007

**DR. HONORATA M. PAGADUAN**  
*Training Director*  
**PAMANTASAN NG LUNGSOD NG MAYNILA**  
Intramuros, Manila

Re: **Section 5 (m) of the Implementing Rules and Regulations of  
Republic Act No. 9184**

Dear Dr. Pagaduan:

We respond to your letter dated 07 March 2007 requesting for legal interpretation of the phrase "Head of the Procuring Entity or its duly authorized representative" as provided in Section 5 (m) of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act (R. A.) 9184. You wish to know whether the Board of Regents of the Pamantasan ng Lungsod ng Maynila (PLM) may authorize its President to create the Bids and Awards Committee (BAC) and to sign procurement contracts.

Section 5 (m) of the IRR-A explicitly provides that for state universities and colleges, the Head of the Procuring Entity refers to the governing board or its duly authorized official. Pursuant to Section 5 (m) of the IRR-A, the head of the procuring entity of PLM is the Board of Regents.

Under R. A. 4196, the law that established the PLM, exercise of the corporate powers and the administration of said university are vested exclusively in the Board of Regents and the President of the university insofar as authorized by the said Board (Section 5, R. A. 4196).

Based on the foregoing, the Board of Regents, through a board resolution, may authorize the President to create the BAC or to sign procurement contracts, subject to the limitations provided under the law.

We trust that this clarifies matters. Should you have further questions, please do not hesitate to contact us.

Very truly yours,



**RUBY U. ALVAREZ**  
*Executive Director III*