



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF BUDGET AND MANAGEMENT

PROCUREMENT POLICY BOARD  
Technical Support Group

NPM No. 02-2003

February 5, 2003

**MS. LOURDES M. JOSE**

Head, BAC Secretariat Unit, PPD  
Philippine Amusement and Gaming Corporation (PAGCOR)  
PAGCOR HOUSE, 1330 Roxas Blvd., Ermita, Manila

Re : Effectivity and Implementation of R.A. 9184

Dear Ms. Jose:

We reply to your letter dated January 28, 2003, which we actually received on even date. In your letter, you sought to be clarified on the following, to wit:

- a) *Effectivity and implementation of Republic Act No. 9184 ("R.A. 9184"), otherwise known as the Government Procurement Reform Act; and*
- b) *Application of Executive Order No. 40, series of 2001 ("E.O. 40") and its Implementing Rules and Regulations ("IRR").*

**Effectivity and Implementation of R.A. 9184**

Republic Act No. 9184 ("R.A. 9184"), otherwise known as the Government Procurement Reform Act ("GPRA") was signed by President Gloria Macapagal-Arroyo on **January 10, 2003**, and the same was published the following day or on **January 11, 2003**, in two (2) newspapers of general circulation namely, Manila Times and Malaya. The GPRA took effect on **January 26, 2003** pursuant to Section 78 thereof, which we quote:

Sec. 78. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

On the other hand, although there are self-executing provisions in the GPRA, the same cannot be fully implemented unless and until the IRR therefor has been finally

approved by the President and published for dissemination. Meantime, procurement laws, rules and regulations which are valid, effective and applicable prior to the passage of the GPRA shall still apply.

**Applicability of E.O. 40 and its IRR**

Considering that the IRR of GPRA is not yet approved, the law, as already stated, may not yet be fully implemented. For this reason, we believe that the procedures embodied in E.O. 40 and its IRR shall still apply until the IRR of the GPRA shall have been finally approved. Thus, pending the approval of the IRR of the GPRA, PAGCOR may still apply the procedures embodied in E.O. 40 and its IRR in the conduct of its procurement.

Additionally, per your request, we shall furnish you a copy of the IRR of the GPRA soon as it is available.

We trust that this clarifies matters.

Very truly yours,

  
**JOSE LUIS C. SYQUIA**  
Executive Director

Recd by:  
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Copy furnished:

**MS. CARMENCITA A. ESPINOSA**  
Managing Head, Procurement and Property Department  
PAGCOR