



**APPROVING THE CIRCULAR ON THE CONDUCT OF PROCUREMENT ACTIVITIES
DURING THE ELECTION PERIOD FOR THE 2023 BARANGAY AND
SANGGUNIANG KABATAAN ELECTIONS**

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act,” took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 63 of RA No. 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 261, paragraphs (v) and (w) of Batas Pambansa (BP) Bilang 881, s. 1985 or the Omnibus Election Code of the Philippines prohibits certain transactions pertaining to the release, disbursement or expenditure of public funds, construction of public works, delivery of materials for public works, and issuance of treasury warrants and similar devices;

WHEREAS, Section 3 of RA No. 6679,¹ as amended by RA No. 10923,² mandates that the construction or maintenance of barangay-funded roads and bridges shall be prohibited for a period of ten (10) days immediately preceding the date of election;³

WHEREAS, the Commission on Elections (COMELEC) issued Resolution No. 10905 dated 03 May 2023 prescribing the Election Period from 28 August to 29 November 2023. This Resolution also provided the prohibited activities during the Election Period for the 2023 Barangay and Sangguniang Kabataan (SK) Elections, such as the release, disbursement, or expenditures of public funds from 19 October 2023 to 28 October 2023, and the construction or maintenance of barangay funded roads and bridges from 20 October 2023 to 29 October 2023, pursuant to Section 3 of RA No. 6679, as amended by Section 4 of RA No. 10923;

WHEREAS, the COMELEC further issued Resolution No. 10944 dated 09 August 2023, which provided the Rules and Regulations on the Prohibition against the Release, Disbursement, or Expenditures of Public Funds and Construction of Public Works, Delivery of Materials for Public Works, and Issuance of Treasury Warrants and Similar Devices under Section 261 (v) and (w) of the Omnibus Election Code in connection with the October 30, 2023 Barangay and SK Elections, particularly the prohibition against the release, disbursement, and expenditure of public funds for social services and development and the prohibition against construction or maintenance of barangay-funded roads and bridges;

WHEREAS, in previous Barangay and SK Elections, the GPPB issued guidelines and clarifications to guide government entities on the conduct of procurement activities during the election period with reference to the provisions of the Omnibus Election Code, RA No. 6679 and applicable COMELEC Resolutions;

¹ An Act to Amend Republic Act No. 6653 to Postpone the Barangay Elections to March 28, 1989, Prescribing Additional Rules Governing the Conduct of Barangay Election and for Other Purposes, approved on 04 November 1988.

² An Act Postponing the October 2016 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic Act No. 10656 Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes, approved on 15 October 2016.

³ Notwithstanding the provisions of Section 261, paragraphs (v) and (w) of the Omnibus Election Code dated 03 December 1985, RA No. 6679 originally banned the construction or maintenance of various roads and bridges for ten (10) days before a barangay election. However, as amended by RA No. 10923, this ban now only applies to the construction or maintenance of barangay-funded roads and bridges.

WHEREAS, during the meeting of the GPPB Inter-Agency Technical Working Group (IATWG) on 17 August 2023, the GPPB-TSO proposed the issuance of a Circular providing guidance on the conduct of procurement activities in relation to the 30 October 2023 Barangay and SK Elections. The IATWG subsequently instructed to route the said draft Circular for comments within three (3) working days, and in case the inputs or comments are not substantial in nature, the same shall be endorsed to the GPPB for approval;

WHEREAS, the GPPB-TSO received the comment⁴ of the Department of Transportation last 25 August 2023, which was duly incorporated into the draft Circular. Since the IATWG did not raise substantial comments, and considering the urgency of issuing the Circular for guidance on the conduct of procurement activities related to the 30 October 2023 Barangay and SK Elections, the GPPB-TSO recommended that the draft Circular, including this Resolution, be routed for comments from the GPPB members within three (3) working days, and if no substantial comments are received, the same shall be approved by the Members *ad referendum*. Otherwise, the matter should be elevated to the Board for discussion;

WHEREAS, considering that no substantial comments were raised by the Board members on the draft Circular, the GPPB-TSO finalized the Resolution and Circular for approval by the members of the Board *ad referendum*;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the **ISSUANCE** of a Circular to guide Procuring Entities on the conduct of procurement activities during the election period for the 2023 Barangay and SK Elections attached hereto as **Annex "A"**.

This Resolution shall take effect immediately.

APPROVED this 15th day of September 2023 at Pasig City, Philippines.

⁴ The Department of Transportation representative to the IATWG recommended that the title and purpose should be to provide guidelines, rather than clarification, on the COMELEC Resolutions.

Sgd.

GPPB, Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

Alternate to the Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

Sgd.

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

Sgd.

DEPARTMENT OF HEALTH

Sgd.

**DEPARTMENT OF INTERIOR AND LOCAL
GOVERNMENT**

Sgd.

DEPARTMENT OF NATIONAL DEFENSE

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

Sgd.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

DEPARTMENT OF TRADE AND INDUSTRY

Sgd.

DEPARTMENT OF TRANSPORTATION

Sgd.

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

Sgd.

PHILIPPINE SPACE AGENCY

PRIVATE SECTOR REPRESENTATIVE



CIRCULAR 01- 2023

15 September 2023

TO Heads of Departments, Bureaus, Offices, and Agencies of the National Government including State Universities and Colleges, Government-Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units, including Bidders

SUBJECT Guidelines on the Conduct of Procurement Activities during the Election Period for the 30 October 2023 Barangay and Sangguniang Kabataan Elections

1.0 PURPOSE

- 1.1** This Circular is issued to provide guidance of Procuring Entities (PEs) relative to the conduct of procurement activities during the 2023 Barangay and Sangguniang Kabataan (SK) Elections from 28 August to 29 November 2023 (Election Period) pursuant to Commission on Election (COMELEC) Resolution No. 10905 dated 03 May 2023⁵ and COMELEC Resolution No. 10944 dated 09 August 2023,⁶ including the Procurement Projects and Activities that are prohibited under Section 3 of Republic Act (RA) No. 6679,⁷ as amended,⁸ and Section 261(v) and (w) of the Omnibus Election Code.⁹
- 1.2** This also serves to remind government agencies that the election ban is not intended to paralyze the operations of the government, but to insulate government procurement from political partisan activities, such as those involving new projects designed to influence the public, during the upcoming 30 October 2023 Barangay and SK Elections.

2.0 SCOPE

All Departments, Bureaus, Offices, and Agencies of the National Government, including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units.

3.0 Definition of Terms

⁵ Revised Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the October 30, 2023 Synchronized Barangay and Sangguniang Kabataan Elections.

⁶ Rules And Regulations on the Prohibition Against the Release, Disbursement, Or Expenditures of Public Funds and Construction of Public Works, Delivery of Materials for Public Works, And Issuance of Treasury Warrants and Similar Devices Under Sections 261 (v) and (w) of the Omnibus Election Code in Connection with the October 30, 2023 Barangay and Sangguniang Kabataan Elections.

⁷ An Act to Amend Republic Act No. 6653 to Postpone the Barangay Elections to March 28, 1989, Prescribing Additional Rules Governing the Conduct of Barangay Elections and for other Purposes.

⁸ RA No. 10923, An Act Postponing the October 16 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose RA No. 9164, as Amended by RA No. 9340, and Republic Act No. 10656 Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes.

⁹ Batas Pambansa Bilang 881, series of 1985.

- 3.1 Expenditure** - The term "expenditure" includes the payment or delivery of money of anything of value, or a contract, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.¹⁰
- 3.2 Public Works** - refers to "infrastructure projects" as defined under Section 5(k) of RA No. 9184 or the Government Procurement Reform Act. It shall refer to the construction, improvement, rehabilitation, repair, restoration, or maintenance of roads and bridges, railways, airports, seaports, communication facilities, irrigation, flood control, and drainage, water supply, sanitation, sewerage, and solid waste management systems, shore protection, energy/power, and electrification facilities, national buildings, school buildings, hospitals buildings, and other related construction projects of the government.
- 3.3 Social Welfare Projects** - This refers to activities or projects undertaken by the Department of Social Welfare and Development and other agencies performing similar functions.
- 3.4 Housing-Related Projects** - This refers to activities or projects undertaken by the National Housing Authority, Social Housing Finance Corporation, and other government agencies implementing Housing-Related Projects.
- 3.5 Routine, Normal or Administrative Expenses** – This refers to expenses required for the day-to-day operations of the government entity, such as salaries, light, heat, and power.

4.0 General Conditions

- 4.1** PEs are allowed to proceed with the commencement and completion of Procurement Activities during the Election Period. However, the release, disbursement, and expenditure of public funds by the PEs pursuant to COMELEC Resolution Nos. 10905 and 10944, specifically the issuance of a Notice of Award, are prohibited for the following Procurement Projects (Prohibited Projects):
- a. Starting 19 October 2023 until 28 October 2023, all kinds of Public Works and Housing-related Projects, except those provided in Section 4.2.1 and Section 4.2.3 of this Circular respectively;
 - b. Starting 15 September to 30 October 2023, Social Welfare Projects of national, regional, provincial, and local government units and those of government-owned or controlled corporations and their subsidiaries, except for Assistance to Individuals in Crisis Situations, the distribution of which is prohibited from 20 to 30 October 2023, except those provided in Section 4.2.2 of this Circular;
 - c. Starting 20 October 2023 to 30 October 2023, Social Welfare Projects for those that will be implemented by the barangay, except those provided in Section 4.2.2 of this Circular; and
- 4.2** The following Procurement Projects are exempted from the application of the prohibition provided in Item 4.1 of this Circular, thus:

¹⁰ Section 94, Article XI of Batas Pambansa Bilang 881 or the Omnibus Election Code of the Philippines.
GPPB Resolution No. 11-2023, dated 15 September 2023

4.2.1 For Public Works

- a. Maintenance of existing and/or completed public works where no additional laborers are employed;
- b. Work undertaken by contract through public bidding or negotiated contract awarded before 19 October 2023;
- c. Preparatory works or the payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment before 19 October 2023;
- d. Ongoing projects commenced before the campaign period and are listed as authorized public works or projects by the COMELEC;
- e. Projects under foreign agreements or ongoing foreign-assisted projects submitted to the COMELEC; and
- f. Emergency work necessitated by the occurrence of a public calamity but limited to the restoration of the damaged facility;

4.2.2 For Social Welfare Projects

- a. Routing and Normal Expenses; and
- b. Such other expenses as may be authorized by the COMELEC after due notice and hearing.

4.2.3 For Housing-Related Projects

- a. Administrative Expenses; and
- b. Such other expenses authorized by the COMELEC after due notice and hearing.

5.0 Construction or maintenance of barangay-funded roads and bridges which shall be prohibited from 20 October 2023 to 29 October 2023 or a period of ten (10) days immediately preceding the date of the election.

6.0 Submission of Documents and Request for Exemption

The submission of the list of exemptions to the COMELEC is subject to the Commission's rules and regulations. Should a PE wish to award Procurement Projects which are covered by the Prohibited Projects, they may direct their request for exemption to the COMELEC for resolution.

7.0 For guidance and compliance.

8.0 This Circular shall take effect immediately.

Sgd.

AMENAH F. PANGANDAMAN
GPPB Chairperson