

**APPROVING THE CIRCULAR ON THE CONDUCT OF PROCUREMENT ACTIVITIES
DURING THE ELECTION PERIOD FOR THE 12 MAY 2025 NATIONAL AND LOCAL
ELECTIONS**

WHEREAS, Republic Act (RA) No. 12009, otherwise known as the “New Government Procurement Act”, took effect on 13 August 2024;

WHEREAS, in accordance with Section 91 of RA No. 12009, the Government Procurement Policy Board (GPPB) shall be the central body that sets strategic direction and makes policy decisions regarding all matters affecting public procurement, having due regard to the country’s regional and international obligations, and is tasked to lead the nation’s efforts in advancing public procurement reforms;

WHEREAS, Section 113 of RA No. 12009 states that prior to the effectivity of the Implementing Rules and Regulations (IRR) of the Act, the provisions of RA No. 9184 and its IRR shall remain in force and effect to ensure the continued implementation of programs, activities, and projects;

WHEREAS, Section 63 of RA No. 9184 and its IRR mandates the GPPB to protect national interest in all matters affecting public procurement and formulate or amend procurement policies, rules and regulations, if necessary;

WHEREAS, Paragraph (v) of Section 261 of Batas Pambansa Bilang 881 or the Omnibus Election Code of the Philippines (OEC) proscribes the release, disbursement, or expenditure of public funds by any public official or employee, including barangay officials and those of government-owned and controlled corporations and their subsidiaries, subject to certain exceptions;

WHEREAS, Paragraph (b) of Section 94 of the OEC defines “expenditure” as payment or delivery of money or 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 which can be assessed based on the rates prevailing in the area;

WHEREAS, Paragraph (w) of Section 261 of the OEC prohibits the construction of public works, delivery of materials for public works, and issuance of treasury warrants and similar devices forty-five (45) days before the date of the regular election, except for projects or works exempted under Section 261 (v) of the OEC;

WHEREAS, the Commission on Elections (COMELEC) issued Resolution No. 10999 dated 24 May 2024, prescribing the election period from 12 January 2025 to 11 June 2025 (Election Period). The Resolution also provided the prohibited activities during the Election Period for the 2025 National and Local Elections, such as the release, disbursement, or expenditures of public funds, and the construction of public works, delivery of materials for public works from 28 March 2025 to 11 May 2025;

WHEREAS, the COMELEC subsequently issued Resolution No. 11060 dated 13 September 2024, prescribing the Rules and Regulations on the Prohibition Against the Release, Disbursement, or Expenditure of Public Funds for Social Services and Housing-Related Projects, and Issuance of Treasury Warrants and Similar Devices under Section 261(v) and (w) of the OEC in connection with the 12 May 2025 National and Local Elections

and Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) Parliamentary Elections;

WHEREAS, Section 31 of COMELEC Resolution No. 11060 provides that the conduct of procurement activities during election period shall be subject to the guidelines of the GPPB;

WHEREAS, in previous National and Local Elections, the GPPB issued Resolutions and Circulars¹ to guide Procuring Entities (PEs) regarding the prohibited activities during the Election Period;

WHEREAS, during the GPPB Year-End Meeting on 18 December 2024, the GPPB-Technical Support Office (TSO) proposed the issuance of a Circular to provide guidance to PEs regarding the conduct of procurement activities during the Election Period for the 12 May 2025 National and Local Elections;

WHEREAS, the GPPB-TSO further recommended that the draft Circular be routed for comments of the GPPB members, and if no substantial comments are received, the same shall be approved by the Members *ad referendum*. Otherwise, the substantial matters involving the draft Circular shall be elevated to the Board for discussion. Should there be subsequent issuances from the COMELEC, the GPPB-TSO shall likewise present these to the Board for consideration;

WHEREAS, the GPPB Alternate Chairperson noted that, with the new membership of the GPPB under RA No. 12009, members will be given time to evaluate if there are substantive matters relating to government procurement and to provide their comments, if any. Further, the GPPB may consider issuing an advisory in the future regarding election-related issuances from the COMELEC;

WHEREAS, after careful review and deliberation, the GPPB resolved to adopt the recommendation of the GPPB-TSO to issue the subject Circular, reminding PEs of the procurement activities that are prohibited from 28 March 2025 to 11 May 2025 in accordance with COMELEC Resolution Nos. 10999 and 11060, subject to the comments of the GPPB members, and if no objections are raised by any Board member on the draft Circular, the GPPB-TSO shall finalize the Resolution and Circular for approval by the members of the Board *ad referendum*. Otherwise, the same shall be raised to the Board for further discussion;

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 PEs on the conduct of procurement activities during the election period for the 2025 National and Local Elections attached hereto as **Annex "A"**.

This Resolution shall take effect immediately.

APPROVED this 18th day of December 2024 at Quezon City, Philippines.

¹ These include the following:

- a) GPPB Resolution No. 12-2009 dated 27 November 2009 (May 2010 National and Local Elections);
- b) Annex A of GPPB Resolution No. 12-2009 entitled Guidelines on the Conduct of Procurement Activities from March 26 to May 10, 2010;
- c) GPPB Circular No. 04-2012 dated 23 November 2012 (May 2013 National and Local Elections);
- d) GPPB Resolution No. 21-2015 dated 18 August 2015 (May 2016 National and Local Elections);
- e) GPPB Circular No. 08-2015 dated August 18, 2015 (May 2016 National and Local Elections);
- f) GPPB Resolution No. 03-2019 dated 07 February 2019 (May 2019 National and Local Elections);
- g) GPPB Circular No. 01-2019 dated February 07, 2019 (May 2019 National, and Local Elections)
- h) GPPB Resolution No. 20-2021, dated 2 December 2021 (May 2021 National and Local Elections); and
- i) GPPB Circular No. 03-2021, dated 02 December 2021 (May 2021 National and Local Elections).

SGD

GPPB, Chairperson
DEPARTMENT OF BUDGET AND MANAGEMENT

SGD

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

SGD

**DEPARTMENT OF NATIONAL
DEFENSE**

DEPARTMENT OF EDUCATION

SGD

**DEPARTMENT OF INTERIOR AND LOCAL
GOVERNMENT**

DEPARTMENT OF TRANSPORTATION

SGD

PROCUREMENT SERVICE - DBM

PRIVATE SECTOR REPRESENTATIVE



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

CIRCULAR 01- 2024

18 December 2024

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 12 May 2025 National and Local Elections

1.0 PURPOSE

- 1.1** This Circular is issued to provide guidance to the Procuring Entities (PEs) relative to the conduct of procurement activities during the 2025 National and Local Elections from 12 January 2025 to 11 June 2025 (Election Period) pursuant to the Commission on Election (COMELEC) Resolution Nos. 10999 dated 24 May 2024,¹ and 11060 dated 13 September 2024,² including the Procurement Projects and Activities that are prohibited under Section 261(v) and (w) of the Omnibus Election Code (OEC).³
- 1.2** This also serves to remind the 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 12 May 2025 National and Local 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

- 3.1 Expenditure** - The term "expenditure" includes the payment or delivery of money or 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

¹ Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 12, 2025 National and Local Elections and BARMM Parliamentary Elections.

² Rules and Regulations on the Prohibition Against the Release, Disbursement, or Expenditure of Public Funds for Social Services and Housing-Related Projects, and Issuance of Treasury Warrants and Similar Devices under Sections 261(v) and (w) of the Omnibus Election Code in connection with the May 12, 2025 National and Local Elections and BARMM Parliamentary Elections.

³ Batas Pambansa Bilang 881, series of 1985.

value of the use of which can be assessed based on the rates prevailing in the area.⁴

- 3.2 Public Works** - refers to “infrastructure projects” as defined under Section 5(o) of Republic Act No. 12009 or the New Government Procurement Act. It shall include the construction, improvement, rehabilitation, demolition, repair, restoration, or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, 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 and Services** - refers to the services rendered by the government to provide aid, support, or assistance to the disadvantaged, distressed or vulnerable persons or sectors of society.
- 3.4 Housing-Related Projects** - refer to activities or projects undertaken by the Department of Human Settlements and Urban Development and any other office of the government performing functions similar to the said department.
- 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. 10999 and 11060, specifically the issuance of a Notice of Award, are prohibited for the following Procurement Projects (Prohibited Projects) starting 28 March 2025 (Friday) until 11 May 2025 (Sunday):
 - a. 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. Social Welfare and Services 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 2 May 2025 to 12 May 2025, except those provided in Section 4.2.2 of this Circular;
 - c. Housing-Related Projects, except those provided in Section 4.2.3 of this Circular; and
- 4.2** The following Procurement Projects are excepted from the application of the prohibition provided in Item 4.1 of this Circular, thus:
 - 4.2.1 For Public Works**
 - a. Maintenance of existing and/or completed public works where no additional laborers are employed;

⁴ Section 94, Article XI of Batas Pambansa Blg. 881 or the OEC.

- b. Work undertaken by contract through public bidding or negotiated contract awarded before 28 March 2025;
- 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 28 March 2025;
- 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 and Services 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 Submission of Documents and Request for Exemption

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

6.0 For guidance and compliance.

7.0 This Circular shall take effect immediately.

SGD
AMENAH F. PANGANDAMAN
GPPB Chairperson