



## RESOLUTION NO. 05-2025

### APPROVING THE CIRCULAR PROVIDING POLICY GUIDANCE ON SECTION 113 (TRANSITORY PROVISION) IN RELATION TO SECTION 115 (REPEALING CLAUSE) OF REPUBLIC ACT NO. 12009 AND ITS IMPLEMENTING RULES AND REGULATIONS

**WHEREAS**, Republic Act (RA) No. 12009, entitled the “New Government Procurement Act,” took effect on 13 August 2024, while its Implementing Rules and Regulations (IRR) took effect on 25 February 2025;

**WHEREAS**, Section 91 of the said Act authorizes the Government Procurement Policy Board (GPPB) as 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 112 of RA No. 12009 and its IRR provides, among others, that for a period of not later than ninety (90) days upon the approval of the IRR,<sup>1</sup> the standard forms for procurement shall be formulated and approved;<sup>2</sup>

**WHEREAS**, Section 113 of RA No. 12009 states the GPPB and all Head of Procuring Entities (HoPEs), Procuring Entities (PEs), and the Bids and Awards Committee (BAC) affected by RA No. 12009 shall be given a three (3)-year transitory period from the approval of the standard forms for procurement to fully comply with the requirements of the Act and its IRR;

**WHEREAS**, the GPPB-Technical Support Office (TSO) received inquiries from various Procuring Entities (PEs) and relevant stakeholders,<sup>3</sup> seeking guidance on the following: (i) the continued use of RA No. 9184 and its 2016 revised IRR after the IRR of RA No. 12009 took effect in order to effectively address gaps during the transitory period while awaiting the issuance of updated guidelines by the GPPB; (ii) the exact reckoning point of the three (3)-year transitory period under RA No. 12009; and (iii) the mandatory or permissive use of the new Standard Procurement Forms under RA No. 12009 *vis-à-vis* those developed under RA No. 9184;

**WHEREAS**, during the 3<sup>rd</sup> GPPB meeting on 14 May 2025, the GPPB approved the Standard Procurement Forms through its Resolution No. 03-2025, which were subsequently published on 23 June 2025, and shall take effect ninety (90) days from the date of publication;

**WHEREAS**, in the same meeting, the GPPB approved the issuance of policy guidance regarding the applicability of RA No. 9184 and its revised IRR in relation to the effectivity of RA No. 12009 and its IRR during the transitory period, as well as the reckoning date of the said 3-year transitory period;

**WHEREAS**, during the 4<sup>th</sup> GPPB meeting held on 30 July 2025, the GPPB approved the establishment of the Inter-Agency Technical Working Group<sup>4</sup> to provide subject matter expertise in the formulation and review of policies, rules and regulations related to government procurement;

<sup>1</sup> GPPB Resolution No. 02-2025 dated 4 February 2025 and published on 10 February 2025.

<sup>2</sup> GPPB Resolution No. 03-2025 dated 14 May 2025 and published on 23 June 2025.

<sup>3</sup> GPPB Recognized Trainers during their Retooling Program conducted on 03-07 March 2025, and the Commission on Audit auditors during their Alignment Workshop on RA No. 12009 and its IRR conducted on 14-17 July 2025.

<sup>4</sup> GPPB Resolution No. 04-2025 dated 30 July 2025

**WHEREAS**, during same meeting, the GPPB recognized the urgency of addressing the concerns regarding the transitory provisions of RA No. 12009, considering that the PEs require clear guidance in the conduct of their procurement activities following the enactment of the new law. Accordingly, the GPPB-TSO recommended that the drafted Circular be promptly routed to the Inter-Agency Technical Working Group (IATWG).

**WHEREAS**, during the 2<sup>nd</sup> IATWG meeting held on 10 September 2025, the drafted Circular was discussed and endorsed to the Board for consideration and approval. If no substantial comments are received within five (5) days from receipt thereof, the same may be approved by the GPPB *ad referendum*. However, should the GPPB-TSO, upon its assessment, determine that the drafted Circular would have substantial comments, the matter shall be elevated to the GPPB for discussion in a special meeting convened specifically for this purpose;

**WHEREAS**, considering that no substantial comments were raised by the GPPB members on the draft Circular, the GPPB-TSO finalized the same and the Resolution for approval by 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 the Circular attached hereto as **Annex "A"** which shall serve as policy guidance to the PEs regarding the following:

- a) The applicability of RA No. 9184 and its IRR after the effectivity of the IRR of RA No. 12009;
- b) The use of the guidelines and forms issued under RA No. 9184 and its IRR during the effectivity of RA No. 12009 and its IRR;
- c) The mandatory use of the new Standard Procurement Forms upon effectivity; and
- d) The reckoning point of the three (3)-year transitory period under RA No. 12009.

This Resolution shall take effect immediately.

**APPROVED** this 18 of September 2025 at Quezon City, Philippines.

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

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**DEPARTMENT OF ECONOMY, PLANNING,  
AND DEVELOPMENT**

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

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**DEPARTMENT OF NATIONAL  
DEFENSE**

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT**

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**DEPARTMENT OF TRANSPORTATION**

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**PROCUREMENT SERVICE - DBM**

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**PRIVATE SECTOR REPRESENTATIVE**



**CIRCULAR NO. 01-2025**  
**18 September 2025**

- TO : Heads of Departments, Bureaus, Offices, Agencies of the National Government; State Universities and Colleges; Government-Owned or -Controlled Corporations; Government Financial Institutions; Budget Officers and Heads of Accounting Units; Commission on Audit Auditors; and All Others Concerned**
- SUBJECT : Policy Guidance on Section 113 (Transitory Provision) in Relation to Section 115 (Repealing Clause) of Republic Act No. 12009 and its Implementing Rules and Regulations**

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**1.0 PURPOSE**

This Circular is issued pursuant to Section 91 of the Republic Act (RA) No. 12009, as covered by the Government Procurement Policy Board (GPPB) Resolution No. 05-2025.<sup>1</sup> It aims to provide policy guidance on Section 113 (Transitory Provision) in relation to Section 115 (Repealing Clause) of RA No. 12009 and its Implementing Rules and Regulations (IRR) on the applicability of RA No. 9184 and its IRR, as well as the guidelines and forms issued thereunder, following the effectivity of RA No. 12009 and its IRR.

**2.0 SCOPE AND APPLICATION**

- 2.1 This Circular shall apply to all Departments, Bureaus, Offices, Agencies of the National Government; State Universities and Colleges (SUCs); Government-Owned or -Controlled Corporations (GOCCs); Government Financial Institutions; Budget Officers and Heads of Accounting Units; Commission on Audit (COA) Auditors; and All Others Concerned.
- 2.2 This shall cover all procurement activities for Goods, Infrastructure Projects, and Consulting Services conducted after the effectivity of the IRR of RA No. 12009, including those undertaken during the three (3)-year transitory period indicated in Section 113 of RA No. 12009.
- 2.3 This shall likewise cover all procurement activities for which the Invitation to Bid, Request for Quotation or Request for Expression of Interest was published prior to the effectivity of the IRR of RA No. 12009, which shall be deemed as ongoing procurement activities.

**3.0 BACKGROUND**

- 3.1 RA No. 12009 was enacted on 20 July 2024 and took effect on 13 August 2024. On 04 February 2025, the GPPB approved its IRR which was published on 10 February 2025 and became effective on 25 February 2025.

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<sup>1</sup> Dated 18 September 2025.

- 3.2 Subsequently, the GPPB approved the new Standard Procurement Forms, which include the Philippine Bidding Documents, through Resolution No. 03-2025 dated 14 May 2025. Said forms were published on 23 June 2025 and shall take effect ninety (90) days thereafter, or on 21 September 2025.
- 3.3 Various Procuring Entities (PEs) sought guidance on the proper interpretation and implementation of the transitory provisions of RA No. 12009, particularly the following:
- a) The applicability of RA No. 9184 and its IRR after the effectivity of the IRR of RA No. 12009; and
  - b) The exact reckoning point of the three (3)-year transitory period under RA No. 12009.
- 3.4 These concerns primarily stem from the provisions of Sections 113 and 115 of RA No. 12009 and its IRR, *to wit*:

SEC. 113. *Transitory Provision.* - Prior to the effectivity of the IRR of this Act, the provisions of Republic Act No. 9184 and its IRR shall remain in force and effect in order to ensure continued implementation of programs, activities, and projects.

The GPPB and all HoPE, Procuring Entities and the BAC affected by this Act shall be given a three (3)-year transitory period from the approval of the standard forms for procurement, to fully comply with the requirements of this Act.

SEC. 115. *Repealing Clause.* - Republic Act No. 9184 otherwise known as the "Government Procurement Reform Act" and Commonwealth Act No. 138 are hereby repealed. All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Further, Sections 113 and 115 of the IRR of RA No. 12009 state that:

#### **Section 113. Transitory Provision**

113.1 Prior to the effectivity of this IRR, the provisions of RA No. 9184 and its IRR shall remain in force and effect in order to ensure continued implementation of programs, activities, and projects.

113.2 Procuring Entities are enjoined to leverage the Fit-for-Purpose and Proportional approaches afforded by the Act and this IRR.

113.3 The GPPB and all HoPEs, Procuring Entities and the BACs affected by this Act shall be given a three (3)-year transitory period from the approval of the standard forms for procurement, to fully comply with the requirements of the Act and its IRR.

### **Section 115. Repealing Clause**

Republic Act No. 9184 otherwise known as the "Government Procurement Reform Act" and Commonwealth Act No. 138 are hereby repealed. All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act and this IRR are hereby repealed, amended, or modified accordingly.

## **4.0 GENERAL CONSIDERATIONS**

To provide policy guidance on the subject matter, the following key points have been considered:

- 4.1 Repeal of a law means its complete abrogation by the enactment of a subsequent statute.<sup>2</sup>
- 4.2 While RA No. 12009 expressly repealed RA No. 9184 and its IRR, the inclusion of the transitory provision under Section 113 reflects the legislative intent to maintain continuity and stability in procurement operations during the transition to the new procurement framework.

Particularly, Section 113 authorizes the use of RA No. 9184 and its IRR prior to the effectivity of the IRR of RA No. 12009 to ensure the continued implementation of programs, activities, and projects. It further establishes the three (3)-year transitory period reckoned from the approval of the new Standard Procurement Forms to fully comply with the requirements of RA No. 12009 and its IRR.

Accordingly, with the express repeal of RA No. 9184, and the GPPB's issuance of the IRR of RA No. 12009, it follows that RA No. 12009, and its IRR are already effective.

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<sup>2</sup> Penera v. Commission on Elections, G.R. No. 181613, September 11, 2009, citing Black's Law Dictionary (6th Ed [1990]), p. 1299

- 4.3 As to the reckoning point of the transitory period, Section 113 of RA No. 12009 clearly provides that the GPPB and all Head of PEs (HoPEs), the PEs, and the Bids and Awards Committee (BACs) affected shall be given a three (3)-year transitory period from the approval of the Standard Procurement Forms to fully comply with the requirements of RA No. 12009. Hence, the transitory period commenced on 14 May 2025, the date when the GPPB approved the new Standard Procurement Forms under RA No. 12009.

## 5.0 POLICY IMPLICATIONS

The implications of the foregoing discussion are presented below for the guidance of all concerned.

### 5.1 **Applicability of RA No. 9184 and its IRR after the effectivity of the IRR of RA No. 12009**

RA No. 9184 and its IRR shall be applicable in all procurement projects published prior to the effectivity of the IRR of RA No. 12009 (*i.e.*, 25 February 2025).

Relatedly, the relevant rules under Sections 92 and 93 of the IRR of RA No. 12009 shall be observed, to wit:

#### **Section 92. Administrative Liability of Public Officers**

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All criminal actions filed before the effectivity of the Act and its IRR shall be governed by the laws in force at the time the offenses were committed; Provided, That judicial decisions and orders issued prior to the effectivity of the Act and this IRR shall remain valid.

#### **Section 93. Jurisdiction**

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Notwithstanding Article 22 of the Revised Penal Code or any law to the contrary, the administrative, civil, and/or criminal liability of any person, corporation, or any other entity for any unlawful act committed prior to the effectivity of the Act shall not be diminished, modified, or affected in any way by its enactment.

### 5.2 **Use of the guidelines and forms issued under RA No. 9184 and its IRR during the effectivity of RA No. 12009 and its IRR**

- 5.2.1 The PEs shall continue to use the guidelines and forms issued under RA No. 9184 and its IRR until the necessary guidelines, forms and requirements under the relevant provisions of RA No. 12009 and its IRR have been issued by the GPPB.

However, the PEs may revise said forms to conform to the relevant provisions of RA No. 12009 and its IRR.

5.2.2 In all cases, the policy under Section 2 of the IRR of RA No. 12009 shall apply, particularly that, “[i]n case of doubt in the application, interpretation, and construction of any of the provisions under RA No. 12009 and this IRR, the same shall be resolved in favor of government procurement.”

### 5.3 **Mandatory use of the new Standard Procurement Forms upon effectivity**

5.3.1 The use of the new Standard Procurement Forms, covered by GPPB Resolution No. 03-2025 dated 14 May 2025, shall be mandatory ninety (90) days after publication,<sup>3</sup> or on **21 September 2025**.

5.3.2 In the interim, after the issuance of the new Standard Procurement Forms but pending the effectivity thereof (*i.e.*, from **23 June 2025 to 20 September 2025**), the PEs **may** still use the forms issued under RA No. 9184 and its IRR in accordance with item 4.2 hereof. Alternatively, the PEs may opt to adopt the new Standard Procurement Forms to reflect the pertinent provisions of RA No. 12009 and its IRR.

### 5.4 **Reckoning point of the three (3)-year transitory period under RA No. 12009**

The transitory period is reckoned from the approval by the GPPB of the new Standard Procurement Forms on 14 May 2025. Accordingly, the GPPB, and all the HoPEs, the PEs and the BACs are given until 15 May 2028 to fully comply with the requirements of RA No. 12009 and its IRR.

## 6.0 **MANAGING THE TRANSITION**

Recognizing the importance of the PEs’ and stakeholders’ support and operational readiness, the following strategic interventions shall be undertaken to ensure a seamless transition to RA No. 12009:

6.1 The PEs and relevant stakeholders are enjoined to begin capacity development efforts to familiarize themselves with the new procurement framework. This involves, among others, engaging with available capacity building initiatives offered through both in-person sessions and digital platforms.

6.2 The GPPB-Technical Support Office (TSO) shall continue to provide guidance and clarifications through its established mechanisms, which will eventually include an online automated process as prescribed in Section 91 of RA No. 12009 and its IRR.

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<sup>3</sup> 23 June 2025.

6.3 The GPPB, through its TSO, shall continue to closely coordinate and conduct policy dialogues with the PEs, and the Department of Budget and Management, COA, and other relevant oversight bodies to facilitate a smooth transition to RA No. 12009 and support a unified and consistent approach across all agencies.

## **7.0 REVIEW**

The GPPB may review, amend, or issue supplementary guidance as necessary during the transitory period to address emerging implementation concerns.

## **8.0 EFFECTIVITY**

This Circular shall take effect immediately upon publication in the Official Gazette or a newspaper of general circulation.

**9.0** For guidance and compliance.

SGD

**AMENAH F. PANGANDAMAN**

Chairperson