



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**

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. 05-2025.¹ 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.

¹ 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.²
- 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.

² *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,³ 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.

³ 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.

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AMENAH F. PANGANDAMAN

Chairperson