



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 025-2016

23 March 2016

[REDACTED]

Re: Newspaper Publication

Dear [REDACTED]

We respond to the DILG-ROVI's electronic mail inquiring whether in the requirement of publication of the Invitation to Bid (IB) in a newspaper of general nationwide circulation, the term "nationwide" pertains to major newspaper such as Philippine Star or the Philippine Daily Inquirer or it will suffice that the newspaper has regional counterparts like Sunstar Iloilo.

The provision under Section 21.2.1(a) of the IRR of RA 9184 mandating the Invitation to Bid/Request for Expression of Interest (ITB/REI) to be advertised at least once in one (1) newspaper of general nationwide circulation which has been regularly published for at least (2) years before the date of issue of the advertisement does not require that the advertisement should be in a newspaper of widest distribution and readership.¹ Advertisement in a published newspaper which has national distribution for general readership shall constitute sufficient compliance with the rules.²

The phrase "newspaper of general nationwide circulation" traced its origin from the provisions of the New Civil Code of the Philippines³. Article 2 thereof, as amended by Executive Order No. 200, series of 1987⁴, provides that laws shall take effect after fifteen days following the completion of their publication either in the Official Gazette or in a *newspaper of general circulation in the Philippines*, unless it is otherwise provided. In the case of *Fortune Motors (Phils.) Inc. v. Metropolitan Bank And Trust Co., et al.*⁵, the Supreme Court held that to be considered a *newspaper of general circulation* (without reference to the place of circulation), it is enough that the newspaper is published for the dissemination of local news and general information; that it has a bona fide subscription list of paying

¹ Procurement Manual for Local Government Units.

² *Ibid.*

³ RA 386 enacted on 18 June 1949.

⁴ Dated 18 June 1987.

⁵ G.R. No. 115068, November 28, 1996 citing *Bonnevie v. Court of Appeals* (125 SCRA 122, 1983), *Basa v. Mercado* (61 Phil. 63) and *Banta v. Pacheco* (74 Phil. 67).

On the other hand, the IRR of RA 9184 requires that the advertisement of the ITB/REI be made in a newspaper of general **nationwide** circulation, not just a newspaper of general circulation. Accordingly, the newspaper where the ITB/REI will be advertised must be of "nationwide" circulation, in addition to the above definition given by the Supreme Court. The term "nationwide" requires that the newspaper must be of national distribution as opposed to a newspaper of local or regional circulation.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,
(sgd.)

DENNIS S. SANTIAGO

Executive Director V *msy*