

**NPM No. 074-2016**

15 November 2016



**Re: Disposal of Property and Other Assets of the Government**

Dear Madam/Sir:

This refers to your electronic mail (e-mail) inquiring whether the posting for auction for the disposal of confiscated cyanide by the EMB-DENR is allowed in the Philippine Government Electronic Procurement System (PhilGEPS) website under Republic Act (RA) No. 9184.


Please be advised that Section 8.1.1 of the revised Implementing Rules and Regulations (IRR) of RA 9184 provides that the PhilGEPS shall serve as the primary and definitive source of information on government procurement to promote transparency and efficiency. Accordingly, it is a single portal that serves as the primary source of information on **government procurement activities**.

In a previous opinion<sup>1</sup>, we clarified that disposal of government properties and procurement are two (2) distinct government transactions covered by different rules and regulations. The disposal of government property and assets is governed by other rules such as the Commission on Audit Circular No. 86-264, dated 16 October 1986, and Department of Budget and Management (DBM) National Budget Circular No. 425, dated 28 January 1992. It will be noted as well that under Section 4.5(f) of the 2016 revised IRR of RA 9184, it was clarified that the disposal of property and other assets of the government is not a procurement activity under the rules.

Accordingly, the posting of the opportunity to participate in the auction for the disposal of the confiscated cyanide in PhilGEPS is not a requirement under the procurement law and its associated rules. On the other hand, there is no harm to inquire from PhilGEPS if such posting can be performed for purposes of transparency.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and 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.

(sgd.)

*Executive Director* 

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<sup>1</sup> Non Policy Matter Opinion 165-2012 dated 28 December 2012.