



Republic of the Philippines
Department of Education

REGION IV- A CALABARZON
CITY SCHOOLS DIVISION OF THE CITY OF TAYABAS

26 March 2026

DIVISION MEMORANDUM
No. 213 s. 2026

**DISSEMINATION OF DEPED ORDER NO. 005, S. 2026 TITLED
GUIDELINES ON THE IMPLEMENTATION OF EMERGENCY PROCUREMENT
PURSUANT TO REPUBLIC ACT NO. 12009 AND ITS IMPLEMENTING RULES
AND REGULATIONS, IN VIEW OF PROCLAMATION NO. 1077 DECLARING
A STATE OF NATIONAL CALAMITY DUE TO TYPHOON TINO**

To: Assistant Schools Division Superintendent
Chief Education Supervisors
Heads, Public Elementary and Secondary Schools
Heads, Unit/Section
All Others Concerned

1. This Office disseminates the **DepEd Order No. 005, s. 2026** titled **Guidelines on the Implementation of Emergency Procurement Pursuant to Republic Act. No. 12009 and its Implementing Rules and Regulations, in view of Proclamation No. 1077 declaring a State of National Calamity due to Typhoon Tino.**
2. This Order provides guidelines on the implementation of Negotiated Emergency Cases within DepEd pursuant to **Section 35.2 of the IRR of RA 12009.** It addresses the need to continuously undertake urgent and critical disaster response to, among other objectives, ensure public safety, met the basic subsistence needs of the people, implement post-disaster recovery measures to restore normalcy and improve facilities, and respond to requirements for which timely delivery is essential.
3. Enclosed is **DepEd Order No. 005, s. 2026** for your reference on the guidance.
4. Immediate dissemination of this Memorandum is desired.

For:

CELEDONIO B. BALDERAS JR.
Schools Division Superintendent

By:

HERBERT D. PEREZ
Assistant Schools Division Superintendent
Officer-in-Charge



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Website: <https://www.sdotayabascity.ph>

Encl.: As stated

References: DepEd Order No. 005, s. 2026

Section 35.2 of the IRR of RA 12009

To be indicated in the Perpetual Index
under the following subjects:

NATIONAL
CALAMITY

SGOD – dissemination of deped order no.005, s. 2026 titled guidelines on the implementation of emergency procurement pursuant to republic act. No 12009 and its implementing rules and regulation, in view of proclamation no. 1077 declaring a state of national calamity due to typhoon tino.
REC3233R-008332/March 26, 2026



Republic of the Philippines
Department of Education

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DepEd ORDER
No. 005, s. 2026

**GUIDELINES ON THE IMPLEMENTATION OF EMERGENCY PROCUREMENT
PURSUANT TO REPUBLIC ACT NO. 12009 AND ITS IMPLEMENTING RULES
AND REGULATIONS, IN VIEW OF PROCLAMATION NO. 1077 DECLARING
A STATE OF NATIONAL CALAMITY DUE TO TYPHOON TINO**

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary School Heads
All Others Concerned

1. The Department of Education (DepEd) issues the enclosed **Guidelines on the Implementation of Emergency Procurement Pursuant to Republic Act (RA) No. 12009 (New Government Procurement Act) and its Implementing Rules and Regulations (IRR), in view of Proclamation No. 1077 declaring a State of National Calamity due to Typhoon Tino.**
2. On November 6, 2025, President Ferdinand Marcos, Jr. issued Proclamation No. 1077 declaring a State of National Calamity for a period of one year due to Typhoon Tino. In view thereof, all concerned agencies and instrumentalities of the National Government are directed to continuously undertake urgent and critical disaster response measures to save lives, reduce health impacts, ensure public safety, and meet the basic subsistence needs of the affected population, and to implement post-disaster recovery measures to restore normalcy and improve facilities, livelihoods, and living conditions in disaster-stricken communities, in accordance with pertinent operational plans and directives.
3. This Order provides guidelines on the implementation of Negotiated Procurement-Emergency Cases within DepEd pursuant to Section 35.2 of the IRR of RA 12009. It addresses the need to continuously undertake urgent and critical disaster response to, among other objectives, ensure public safety, meet the basic subsistence needs of the people, implement post-disaster recovery measures to restore normalcy and improve facilities, and respond to requirements for which timely delivery is essential.
4. All Orders and other related issuances, rules, regulations, and provisions that are inconsistent with these guidelines are repealed, rescinded, or modified accordingly.

5. This Order shall take effect immediately upon its approval, issuance, and publication on the DepEd website. Certified copies of this Order shall be registered with the Office of the National Administrative Register (ONAR) at the University of the Philippines Law Center (UP LC), UP Diliman, Quezon City.

6. For inquiries or concerns, please contact the **Procurement Management Service**, 5th Floor, Mabini Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City, through email at procms.od@deped.gov.ph or at telephone numbers (02) 8633-7232 or 8636-6542.

7. Immediate dissemination of and strict compliance with this Order is directed.


ATTY. FATIMA LIPP D. PANONTONGAN
Undersecretary and Chief of Staff

Encl.:
As stated

Reference:
DepEd Order No. 004, s. 2024

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
CONTRACTS
EMERGENCY
POLICY
PROCUREMENT
PROGRAMS
PROJECTS





**GUIDELINES ON THE IMPLEMENTATION OF EMERGENCY PROCUREMENT
PURSUANT TO REPUBLIC ACT NO. 12009 AND ITS IMPLEMENTING RULES AND
REGULATIONS, IN VIEW OF PROCLAMATION NO. 1077 DECLARING
A STATE OF NATIONAL CALAMITY DUE TO TYPHOON TINO**

I. RATIONALE

In line with the State's policy under Section 2(p) of Republic Act (RA) No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010, the government is mandated to provide maximum care, assistance, and services to individuals and families affected by disasters, implement emergency rehabilitation projects to mitigate their impact, and facilitate the resumption of normal social and economic activities.

Pursuant to Sections 6(c) and 16 of the same Act, the President, upon the recommendation of the National Disaster Risk Reduction and Management Council (NDRRMC), is empowered to declare a state of calamity over affected areas. In this regard, following the devastation caused by Typhoon Tino (international name: Kalmaegi), which brought torrential rains, widespread flooding, and multiple landslides across various regions, resulting in loss of lives, destruction of property, and disruption of livelihoods, the NDRRMC issued Resolution No. 2, s. 2025, recommending the declaration of a State of National Calamity.

Thus, on November 6, 2025, President Ferdinand Marcos, Jr. issued Proclamation No. 1077, declaring a State of National Calamity for a period of one year from its issuance. The Proclamation directs all concerned National Government Agencies and instrumentalities to undertake urgent and critical disaster response operations, ensure public safety, and implement post-disaster recovery measures to restore normalcy and improve the living conditions of affected communities.

Relatedly, Section 35(b) of RA 12009, or the "New Government Procurement Act" and Section 35.2 of its Implementing Rules and Regulations (IRR), allow the utilization of Negotiated Procurement-Emergency Cases in situations where there is imminent danger to life or property during a state of calamity, when time is of the essence arising from natural or man-made calamities, or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities, and other public utilities.

This Order provides guidelines to implement Negotiated Procurement-Emergency Cases within the Department of Education (DepEd) during the effectivity of Proclamation No. 1077, in accordance with the provisions of RA 12009 and its IRR, hereby ensuring efficient acquisition of goods, infrastructure projects, and consulting services to implement post-disaster recovery measures to restore safe and functional learning environments, and to promote the continuity of basic education in the country.

II. SCOPE

These Guidelines shall cover the procurement of Goods, Infrastructure Projects, and Consulting Services needed by all Procuring Entities under DepEd resulting from or caused by the impact of Typhoon Tino in the country in order to restore normalcy, improve facilities and respond to requirements whose delivery is of the essence pursuant to Section 35.2 (a) of the IRR of RA 12009 covering a period of one year from the issuance of Proclamation No. 1077, or until 06 November 2026, unless earlier lifted by the President.

For other instances not covered above, Section 35.2 (b) and (c) likewise allows use of Negotiated Procurement-Emergency Cases when time is of the essence arising from natural or man-made calamities, or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities, and other public utilities, respectively.

The instances or situations where Negotiated Procurement-Emergency Cases may be applied include the provision of immediate response and initial recovery steps to avoid loss of life, injury, disease, and other negative effects on human, physical, mental, and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation.

The use of Negotiated Procurement-Emergency Cases under the above conditions may cover, but are not limited to, the following programs:

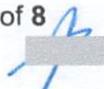
1. Flexible Learning Options such as Alternative Delivery Mode (ADM), Alternative Learning System (ALS), and Learning Resources (LRS);
2. Rehabilitation, Renovation, Repair of School Buildings, and Water and Sanitation Facilities;
3. School Desks, Furniture, and Fixtures;
4. School-Based Feeding Program (SBFP);
5. Temporary Learning Spaces (TLS); and
6. Dynamic Learning Packages (DLP).

III. DEFINITION OF TERMS

For these Guidelines, the following terms are defined as follows:

- a. **Negotiated Procurement-Emergency Cases** refers to a mode of procurement of Goods, Infrastructure Projects, and Consulting services, whereby the Procuring Entity directly negotiates a contract with a technically, legally, and financially capable supplier, contractor, or consultant.¹
- b. **Emergency Cases** refer to instances where Negotiated Procurement-Emergency Cases may be adopted:
 1. where there is imminent danger to life or property during a state of calamity;
 2. when time is of the essence arising from natural or man-made calamities; or
 3. other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities, and other public utilities
- c. **State of Calamity** refers to a condition involving mass casualty and/or major damage to property, disruption of means of livelihoods, roads, and the normal way of life of people in the affected areas as a result of the occurrence of a natural or human-induced hazard.²

¹ Section 35, Implementing Rules and Regulation, RA No. 12009 "New Government Procurement Act."



IV. POLICY STATEMENT

DepEd, as part of its commitment to ensure timely and effective disaster response and recovery, issues this Order to govern the implementation of emergency procurement measures pursuant to Proclamation No. 1077, s. 2025, and in accordance with Section 35 (b) of RA 12009, to enable the immediate acquisition of critical goods, infrastructure, and services to ensure the delivery of quality basic education, restore safe and conducive learning environments, and support the recovery of schools and learners in disaster-affected areas, or when time is of the essence or when immediate action is required.

V. PROCEDURE

A. Preparatory Requirements

1. The End-User (EU), Implementing Unit (IU), or any other appropriate bureau, committee, support or procuring unit shall prepare the Project Procurement Management Plan (PPMP) for the procurement project that will be subject to Negotiated Procurement - Emergency Cases for submission to the Bids and Awards Committee for its review, in accordance with Section 35.2.3 of the IRR of RA 12009. The sample Request Form is attached as **Annex A**, *Request for Approval of PPMP and Delegation of Authority to Conduct Procurement Activities through Negotiated Procurement - Emergency Cases*.
 - i. The request shall include the following:
 1. Appropriate supporting documents identifying the following:
 - a. The emergency sought to be addressed in relation to Proclamation No. 1077 or other emergency cases defined above;
 - b. The necessary Goods, Infrastructure Projects, or Consulting Services that has to be procured to address said emergency, including the Technical Specifications, Scope of Work, or Terms of Reference; and
 - c. A validation by the appropriate office in the Procuring Entity (PE) that there are funds in the budget to cover the procurement project.
 2. The EU, IU, any other appropriate bureau, committee support or procuring unit may include a request for a delegation of authority to conduct the Negotiated Procurement under Emergency Cases.
2. If the BAC finds the request to be sufficient in form and substance, it shall recommend the same to the Head of the Procuring Entity (HoPE) for approval and inclusion in the Annual Procurement Plan (APP).

²

Section 3(II), RA 10121 "Philippine Disaster Risk Reduction and Management Act of 2010."

3. To ensure the timely, strategic, and effective use of the subject modality, all offices concerned shall prioritize and act with urgency in the processing of documents related to the use of Negotiated Procurement-Emergency Cases, this includes but is not limited to the Procurement Planning and Management Division (PPMD) for PPMP review in the Central Office, the Policy and Programming Division in the Central Office for the validation of PPMP's inclusion in the Department's Work and Financial Plan (WFP), Budget Division for the validation of funding availability, BAC for the recommendation of delegation and inclusion in the APP, and the BAC Secretariat for consolidation in the APP and the preparation and routing of BAC Resolutions.

B. Procurement Procedure. - The following procedure shall be observed pursuant to Section 35.2.3 of the IRR of RA 12009:

1. Upon approval of the APP and related procurement documents, the BAC shall directly negotiate with a legally, technically, and financially capable supplier, contractor, or consultant.
2. In case delegation was requested, the HoPE may delegate the authority to directly negotiate with a legally, technically, and financially capable supplier, contractor, or consultant to the EU or IU, or any other appropriate bureau, committee, support or procuring unit in the PE.
3. The BAC or in case of approved delegation, the EU or IU, or any other appropriate bureau, committee, support or procuring unit, may directly negotiate with the supplier, contractor, or consultant in the PE's own records,³ those awarded by other PEs with similar projects, or those in the Government of the Philippines - Official Merchants Registry (GoP-OMR).

For this purpose, the BAC Secretariat Division of the Procurement Management Service (ProcMS) shall prepare a list of suppliers, contractors, or consultants contracted, or consultants engaged by the DepEd, at least for the last three years, for each of the major procurement projects and share the same with the BACs across the DepEd.

4. After conducting the negotiations with a **legally, technically, and financially capable supplier, contractor, or consultant**, the HoPE, upon recommendation of the BAC, EU, IU, or any other appropriate bureau, committee, support, or procuring unit authorized for the purpose, shall immediately award the contract to the supplier, contractor, or consultant.
5. In the case of Infrastructure Projects, the PE has the option to undertake the project through Negotiated Procurement or by Administration, or, in high security risk areas, through the Armed Forces of the Philippines (AFP).

C. Documentary Requirements. - The supplier, contractor, or consultant shall submit the following pursuant to Section 35.2.1 of the IRR of RA 12009 and Non-Policy Matter (NPM) No. 003-2020⁴:

1. Mayor's or Business Permit;

³ Non-Policy Matter (NPM) No. 003-2020 Re: Negotiated under Emergency Cases dated 23 March 2020

⁴ Ibid.

2. Income Tax Returns (Annual Income Tax Return of the preceding tax year or Business Tax Returns (Value Added Tax or Percentage tax return covering the previous six months);
3. Omnibus Sworn Statement (OSS);
4. Philippine Contractors Accreditation Board (PCAB) License (for Infrastructure Projects);
5. Net Financial Contracting Capacity (NFCC) for Infrastructure Projects with an Approved Budget for the Contract (ABC) above Five Hundred Thousand Philippine Pesos (PhP500,000.00); and
6. Documentary requirements shall be at the discretion of the BAC, EU, IU, or any other appropriate bureau, committee, support office, or procuring unit.

The documentary requirements, such as an expired Mayor's permit with Official Receipt for the renewal application and Unnotarized Omnibus Sworn Statement, are accepted as the basis for the award, and subject to the submission after the award of the Contract, but before payment.

The PE may, if necessary, require documentary requirements in addition to those stated above, as provided in the IRR.

VI. MONITORING

The implementation of this Order shall be closely monitored by the Office of the Undersecretary for Procurement through the ProcMS and the Office of the Undersecretary for Governance and Operations, to ensure the integrity, transparency, and efficient procurement of Goods, Infrastructure Projects, and Consulting Services under Negotiated Procurement-Emergency Cases.

Monitoring activities in the implementation of Negotiated Procurement-Emergency Cases shall include, but are not limited to, the review of the PPMP by the PPMD, in the case of the Central Office, reporting requirement/s by the BAC, in case of delegation, and assessment of the compliance of procurement activities with applicable laws, rules, and regulations.

The concerned offices shall ensure that all procurements undertaken through the procedures set forth in this Order are properly documented, justified, and aligned with the objectives of Proclamation No. 1077 and Section 35 (b) of RA 12009. Any findings of non-compliance, unjust delay, or fraud shall be immediately reported to the BAC and the abovementioned offices for appropriate action.

VII. REPEALING AND SEPARABILITY CLAUSE

All other decrees, orders, instructions, rules, regulations, or parts thereof which are inconsistent with this Order are likewise repealed or modified accordingly. The provisions of this Order and any succeeding guidelines pertaining to the new Programs, Activities, and Projects (PAPs) funded under existing line items shall supersede the aforementioned issuances.

If any provision of this Order is found by a court or competent jurisdiction to be void or unenforceable, in whole or in part, such provision shall be deemed deleted from this Order, but the remaining provisions thereof shall remain in full force and effect.

VIII. EFFECTIVITY

This Order shall take effect immediately upon issuance and publication on the DepEd website and shall remain effective and in force unless superseded by subsequent issuances. Certified copies shall be registered with the Office of National Administrative Register (ONAR) at the University of the Philippines Law Center (UP LC), UP Diliman, Quezon City.

IX. REFERENCES

The government issuances related to Negotiated Procurement on Emergency Cases are the following:

- a. RA 12009 titled, "*New Government Procurement Act*" and its Implementing Rules and Regulations (IRR);
- b. RA 10121 titled, "*Philippine Disaster Risk Reduction and Management Act of 2010*" and its IRR; and
- c. Proclamation No. 1077 titled, "*Declaring a State of National Calamity Due to Typhoon 'Tino'*" (06 November 2025).

ANNEX A

MEMORANDUM

ATTENTION : **CONCERNED BIDS AND AWARD COMMITTEE/S**

FROM : **REQUESTING OFFICE / UNIT**

SUBJECT : **Request for Approval of PPMP and Delegation of Authority [if requested] to Conduct Procurement Activities through Negotiated Procurement - Emergency Cases**

DATE : XX November 202X

- 1.0 This is to request for the approval of the Procurement Project Management Plan (PPMP) for its inclusion in the Annual Procurement Plan due to: [choose one]
- a. the Declaration of the State of National Calamity⁵ under Proclamation No. 1077 [if due to Typhoon Tino]
 - b. [cite specific calamity other than Typhoon Tino] pursuant to Section 35.2 (b) or when time is of the essence arising from natural or man-made calamities; or
 - c. [cite specific causes] pursuant to Section 35.2 (c) other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities, and other public utilities or

The PPMP is attached as Annex "A".

- 2.0 [In case delegation is being requested] Moreover, pursuant to Section 35.2.3.a of IRR of RA No. 12009 which provides that:

The HoPE may delegate to either the BAC or the End-User or Implementing Unit or any other appropriate bureau, committee, support or procuring unit the authority to directly negotiate with a legally, technically, and financially capable supplier, contractor, or consultant for procurement undertaken through any of the allowable instances of Negotiated Procurement (Emergency Cases) under this Section.

- 3.0 [add specific justification, connecting the need for the procurement project with any of the instances under Section 35.2].
- 4.0 The Requesting Unit respectfully requests the delegation of authority to conduct procurement activities through Negotiated Procurement - Emergency Cases covered by the PPMP mentioned above.

PROCUREMENT PROGRAM/PROJECT	ABC
XX	PhPXX

- 5.0 Attached to this request are the following:

⁵ Proclamation No. 1077 dated 06 November 2025.

5.1 Technical Specifications/Scope of Work/Terms of Reference
5.2 XX

- 6.0 The Requesting Unit commits to exercise the delegated authority with due diligence and to ensure strict compliance with RA No. 12009 and its IRR.
- 7.0 In view of the foregoing, we respectfully request the approval of the PPMP and the granting of the authority to conduct procurement through Negotiated Procurement-Emergency Cases.
- 8.0 Thank you for your consideration.

