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**OFFICE OF THE SECRETARY**  
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**MEMORANDUM ORDER**  
**NO. 46**  
**SERIES OF 2024**

**SUBJECT : AMENDMENT TO MEMORANDUM ORDER NO. 36, SERIES OF 2023:  
GUIDELINES ON PREPARATION OF REQUESTS FOR LEASE OF  
VENUE**

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**I. BACKGROUND**

In light of Memorandum Order No. 36, Series of 2023, the presentment of three (3) Certificates of Unavailability of Facilities from Government Entities is a requirement in order for end-users to be allowed to procure the services of a privately-owned venue. However, upon examination of the policy considerations under the 2016 Revised Implementing Rules and Regulations (RIRR) of the Government Procurement Reform Act (RA 9184) for Negotiated Procurement – Lease of Venue, said Certificates of Unavailability are not strictly required.

**II. LEGAL BASIS**

Annex “H” of the 2016 RIRR of RA 9184 provides:

***“b) Policy Considerations***

*i. Publicly-owned vis-a-vis privately-owned real property and venue*

*It is preferred that government agencies lease publicly-owned real property or venue from other government agencies. If there is an available publicly-owned real property or venue that complies with the requirements of the Procuring Entity, it may enter into a contract of lease with the government-agency owner. In the event that the Procuring Entity would resort to privately owned real property or venue, the End-User unit shall justify that the same is more efficient and economical to the government. (Underscoring ours)”*

**III. CONCLUSION**

Based on the provision, a Justification from the end-user showing that the resort to a privately owned real property or venue would be more efficient and economical to the government is already deemed sufficient. As such, for purposes of expediency, the requirement of three (3) Certificates of Unavailability from Government Entities is hereby **dispensed with.**

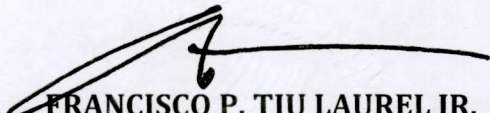
**IV. REPEALING CLAUSE**

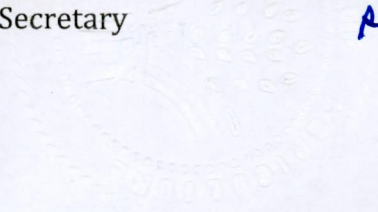
This Memorandum Order **repeals in part** Memorandum Order No. 36, Series of 2023, insofar as the need for three (3) Certificates of Unavailability of Facilities from Government Entities is concerned. All other provisions of said Memorandum Order shall remain valid.

**V. EFFECTIVITY CLAUSE**

This Order shall take effect immediately upon publication in the official website of DA and shall remain effective unless expressly repealed by another issuance.

Done this 29<sup>th</sup> of OCTOBER, 2024.

  
**FRANCISCO P. TIU LAUREL JR.**  
Secretary A



ASST. DIR.



DA-CO-AS-SO20241008-00239

