

MEMORANDUM CIRCULAR NO. 2007 - 01
Series of 2007

To : **THESE DEPARTMENTS AND ALL THEIR ATTACHED AGENCIES AND OFFICES, GFIS AND GOCCS: PUBLIC WORKS AND HIGHWAYS, INTERIOR AND LOCAL GOVERNMENT, TRANSPORTATION AND COMMUNICATION, ENVIRONMENT AND NATURAL RESOURCES, JUSTICE, FOREIGN AFFAIRS, FINANCE, EDUCATION, BUDGET AND MANAGEMENT, TRADE AND INDUSTRY, HEALTH, ENERGY, AGRICULTURE, SCIENCE AND TECHNOLOGY, LABOR AND EMPLOYMENT, SOCIAL WELFARE DEVELOPMENT;**

THESE COMMISSIONS: CIVIL SERVICE, SECURITIES AND EXCHANGE, INSURANCE, CONSTRUCTION INDUSTRY ARBITRATION;

THESE BOARDS: GOVERNMENT PROCUREMENT POLICY, PHILIPPINE CONTRACTORS' ACCREDITATION, PHILIPPINE DOMESTIC COINSTRUCTION;

THESE AUTHORITIES: NATIONAL ECONOMIC DEVELOPMENT, METROPOLITAN MANILA DEVELOPMENT; SUBIC BAY METROPOLITAN; PHILIPPINE ECONOMIC ZONE; CAGAYAN ECONOMIC ZONE; AND

THESE OTHER GOVERNMENT BODIES WHICH MAY OR MAY NOT BE DIRECTLY CONCERNED WITH LAW ENFORCEMENT: NATIONAL BUREAU OF INVESTIGATION, PHILIPPINE NATIONAL POLICE, OFFICE OF THE OMBUDSMAN, OFFICE OF THE SOLICITOR GENERAL, OFFICE OF THE GOVERNMENT CORPORATE COUNSEL, ARMED FORCES OF THE PHILIPPINES;

SUBJECT : **ENFORCEMENT OF THE PROVISIONS OF R.A. NO. 9266, "THE ARCHITECTURE ACT OF 2004"; BOARD RESOLUTION NO. 07, SERIES OF 2004, THE "IRR OF THE ARCHITECTURE ACT OF 2004"; R.A. NO. 8981, THE "PRC MODERNIZATION ACT OF 2000"; PRC RESOLUTION NO. 01, SERIES OF 2001, THE IRR OF R.A. NO. 8981**

The Professional Regulation Commission (PRC) and the **Professional Regulatory Board of Architecture (PRBoA)**, for the effective enforcement of the provisions of **R.A. No. 9266**, Board Res. No. 07, Series of 2004, **R.A. No. 8981**, and PRC Res. No. 01, Series of 2001; and the prosecution of the violators thereof do hereby **seek, request or call on the assistance** of the above-mentioned constituted agencies, including officers of national, provincial, city or municipal government or of any political subdivision thereof **to require and accept only the signature and seal of registered/ licensed architects on ALL ARCHITECTURAL documents, not limited to ARCHITECTURAL plans, specifications, estimates and contract documents**, pursuant to Secs. 3, 20(2), 20 (5), 29, and 44, Arts. I, III, IV and V of R.A. No. 9266 and Secs. 3, 20, 29 and 44, Rules I, III, IV and V of Board Res. No. 07, Series of 2004 (reference attached excerpts from R.A. No. 9266 and its IRR), which are **not** covered by any injunction nor restraining order.

The Secretary of Justice, or his duly designated representative, shall act as legal adviser to the PRC and the PRBoA; and shall render legal assistance as may be necessary in carrying out the aforesaid laws and their respective IRRs.

The Memoranda of Agreement (MOAs) entered into, by, and between the PRC and some of the afore-stated agencies and the other MOAs that the other agencies may subsequently enter into with the PRC shall aid the concerned agencies in enforcing, implementing and carrying out the provisions of the above-stated laws and IRRs.

This Circular supplements the PRC-BoA Memorandum Circular No. 2005 - 08 dated July 5, 2005. Strict compliance under law is required.

Manila, Philippines.
June 22, 2007

**The Professional Regulatory Board
of Architecture (PRBoA)**
of the Professional Regulation Commission (PRC)

(ORIGINAL SIGNED)
ARMANDO N. ALLÍ
Chairman
PRBoA

(ORIGINAL SIGNED)
ANGELINE T. CHUA CHIACO
Member
PRBoA

(ORIGINAL SIGNED)
MARIETTA B. SEGOVIA
Member
PRBoA

cc: Chairperson, Professional Regulation Commission (LT Rosero)

file: p07june22Memo_NatGov

att : Important Excerpts from R.A. No. 9266 and its IRR

Republic of the Philippines
Congress of the Philippines
Metro Manila
Twelfth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand three.

REPUBLIC ACT NO. 9266

AN ACT PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION FOR THE REGISTRATION, LICENSING AND PRACTICE OF ARCHITECTURE, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 545, AS AMENDED, OTHERWISE KNOWN AS "AN ACT TO REGULATE THE PRACTICE OF ARCHITECTURE IN THE PHILIPPINES," AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* - This Act shall be known as "The Architecture Act of 2004."

SEC. 2. *Statement of Policy.* - The State recognizes the importance of architects in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional architects whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through **regulatory measures, programs and activities that foster their professional growth and development.**

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall be defined as follows:

(1) "Architecture" is the art, science or profession of planning, designing and constructing **buildings** in their totality taking into account their environment, in accordance with the principles of utility, strength and beauty;

(2) "Architect" means a person professionally and academically qualified, registered and licensed under this Act with a Certificate of Registration and Professional Identification Card issued by the Professional Regulatory Board of Architecture and the Professional Regulation Commission, and who is responsible for advocating the fair and sustainable development, welfare and cultural expression of society's habitat in terms of space, forms and historical context;

(3) "General Practice of Architecture" means the act of planning and architectural designing, structural conceptualization, specifying, supervising and giving general administration and responsible direction to the **erection, enlargement or alterations of buildings and building environments** and architectural design in engineering structures or any part thereof; the scientific, aesthetic and orderly coordination of all the processes which enter into the production of a complete building or structure performed through the medium of unbiased preliminary studies of plans, consultations, specifications, conferences, evaluations, investigations, contract documents and oral advice and directions regardless of whether the persons engaged in such practice are residents of the Philippines or have their principal office or place of business in this country or another territory, and regardless of whether such persons are performing one or all these duties, or whether such duties are performed in person or as the directing head of an office or organization performing them;

(4) "Scope of the Practice of Architecture" encompasses the provision of professional services in connection with site, physical and planning and the design, construction, enlargement, conservation, renovation, remodeling, restoration or alteration of a **building or group of buildings**. Services may include, but are not limited to:

(a) planning, architectural designing and structural conceptualization;
(b) consultation, consultancy, giving oral or written advice and directions, conferences, evaluations, investigations, quality surveys, appraisals and adjustments, architectural and operational planning, site analysis and other pre-design services;
(c) schematic design, design development, contract documents and construction phases including professional consultancies;
(d) preparation of preliminary, technical, economic and financial feasibility studies of plans, models and project promotional services;

(e) preparation of **architectural** plans, specifications, bill of materials, cost estimates, general conditions and bidding documents;

(f) construction and project management, giving general management, administration, supervision, coordination and responsible direction or the planning, architectural designing, construction, reconstruction, erection, enlargement or demolition, renovation, repair, orderly removal, remodeling, alteration, preservation or restoration of **buildings or structures or complex buildings**, including **all** their components, sites and environs, intended for private or public use;

(g) the planning, architectural lay-outing and utilization of spaces within and surrounding such **buildings or structures**, housing design and community architecture, architectural interiors and space planning, architectural detailing, architectural lighting, acoustics, architectural lay-outing of mechanical, electrical, electronic, sanitary, plumbing, communications and other utility systems, equipment and fixtures;

(h) **building** programming, building administration, construction arbitration and architectural conservation and restoration;

(i) all works which relate to the scientific, aesthetic and orderly coordination of all works and branches of the work, systems and processes necessary for the production of a complete building or structure, whether for public or private use, in order to enhance and safeguard life, health and property and the promotion and enrichment of the quality of life, the architectural design of engineering structures or any part thereof; and

**ARTICLE III
EXAMINATION, REGISTRATION AND LICENSURE**

(2) **No officer or employee of this Republic**, chartered cities, provinces and municipalities, now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings, **shall accept or approve any architectural plans or specifications which have not** been prepared and submitted in full accord with all the provisions of this Act; nor shall any payments be approved by any such officer for any work, the plans and specifications for which have not been so prepared and signed and sealed by the author.

(5) **All architectural** plans, designs, specifications, drawings and architectural documents relative to the construction of a building shall bear the seal and signature only of an architect registered and licensed under this Act together with his/her professional identification card number and the date of its expiration.

**ARTICLE IV
PRACTICE OF ARCHITECTURE**

SEC. 29. *Prohibition in the Practice of Architecture and Penal Clause.* - Any person who shall practice or offer to practice architecture in the Philippines without being registered/licensed and who are not holders of temporary or special permits in accordance with the provisions of this Act, or any person presenting or attempting to use as his/her own the Certificate of Registration/Professional Identification Card or seal of another or temporary or special permit, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a Certificate of Registration/Professional Identification Card or temporary or special permit, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended Certificate of Registration/Professional Identification Card or cancelled special/temporary permit, or any person who shall use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is an architect when he/she is not an architect, or **any** person whether Filipino or foreigner, who knowingly allows the use, adoption, implementation of plans, designs or specifications made by any person, firm, partnership or company **not** duly licensed to engage in the practice of architecture, or any person who shall violate any of the provisions of this Act, its implementing rules and regulations, the Code of Ethical Conduct and Standards of Professional Practice, or any policy of the Board and the Commission, shall be guilty of misdemeanor and charged in court by the Commission and shall, upon conviction be sentenced to a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five million pesos (P5,000,000.00) or to suffer imprisonment for a period not less than six (6) months or not exceeding six (6) years, or both, at the discretion of the Court.

**ARTICLE V
FINAL PROVISIONS**

SEC. 44. *Enforcement of the Act.* - It shall be the **primary duty of the Commission and the Board to effectively enforce** the provisions of this Act. **All duly constituted law enforcement agencies and officers of national, provincial, city or municipal government or of any political subdivision thereof, shall, upon the call or request of the Commission or the Board, render assistance in enforcing** the provisions of this Act **and to prosecute any person violating the provisions of the same.** The Secretary of Justice or his duly designated representative shall act as to the Commission and the Board and shall render legal **legal adviser** assistance as may be necessary in carrying out the provisions of this Act.

Any person may bring before the Commission, Board or the aforementioned officers of the law, cases of **illegal practice or violations of this Act committed by any person or party.**

The Board shall **assist** the Commission in filing the appropriate charges through the concerned **prosecution office** in accordance with law and the Rules of Court.

Approved,

(ORIGINAL SIGNED)
FRANKLIN M. DRILON
President of the Senate

(ORIGINAL SIGNED)
JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 5389 and Senate Bill No. 2710 was finally passed by the House of Representatives and the Senate on January 28, 2004 and January 29, 2004, respectively.

(ORIGINAL SIGNED)
OSCAR G. YABES
Secretary of the Senate

(ORIGINAL SIGNED)
ROBERTO P. NAZARENO
Secretary General of the House of Representatives

Approved:

(ORIGINAL SIGNED 17 MARCH 2004)
GLORIA MACAPAGAL-ARROYO
President of the Philippines

Republic of the Philippines
Professional Regulation Commission
Manila

BOARD OF ARCHITECTURE
Board Resolution No. 07
Series of 2004

THE **IMPLEMENTING RULES AND REGULATIONS (IRR)** OF
REPUBLIC ACT NO. 9266,

AN ACT PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION FOR THE REGISTRATION,
LICENSING AND PRACTICE OF ARCHITECTURE, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 545,
AS AMENDED, OTHERWISE KNOWN AS

"AN ACT TO REGULATE THE PRACTICE OF ARCHITECTURE IN THE PHILIPPINES,"
AND FOR OTHER PURPOSES

Pursuant to Section 7 (a), Article II and Section 41, Article V of Republic Act No. 9266,
known as "The Architecture Act of 2004", the Board of Architecture hereby prescribes, adopts,
and promulgates the following Rules and Regulations to carry out the provisions thereof.

RULE I

TITLE, POLICY STATEMENT, DEFINITION OF TERMS AND
SCOPE OF PRACTICE

SECTION 1. Title.

This Rules and Regulations shall be known as "THE RULES AND REGULATIONS IMPLEMENTING
THE PROVISIONS OF REPUBLIC ACT NO. 9266", otherwise known as "THE ARCHITECTURE ACT OF 2004".
For brevity, it may be cited as "IRR of the Architecture Act of 2004".

SECTION 2. Statement of Policy.

The State recognizes the importance of architects in nation building and development.
Hence, it shall develop and nurture competent, virtuous, productive and well-rounded
professional architects whose standards of practice and service shall be excellent,
qualitative, world-class and globally competitive through inviolable, honest, effective and
credible licensure examinations and through **regulatory measures, programs and activities that
foster their professional growth and development.**

This "IRR of the Architecture Act of 2004" shall be interpreted, construed, and
carried out in the light of the Statement of Policy found in Section 2 of Republic Act No.
9266, as stated above.

SECTION 3. Definition of Terms.

As used in this "IRR of the Architecture Act of 2004", in R.A. No. 9266 or other laws,
the following terms shall be defined as follows:

- (1) "Architecture" is the art, science or profession of planning, designing and
constructing buildings in their totality taking into account their
environment, in accordance with the principles of utility, strength and
beauty;
- (2) "Architect" means a person professionally and academically qualified,
registered and licensed under R.A. No. 9266 with a Certificate of Registration
and Professional Identification Card issued by the Professional Regulatory
Board of Architecture and the Professional Regulation Commission, and who is
responsible for advocating the fair and sustainable development, welfare and
cultural expression of society's habitat in terms of space, forms and
historical context;
- (3) "Board" refers to the Professional Regulatory Board of Architecture;
- (4) "Commission" means the Professional Regulation Commission;
- (5) "**Architectural Documents**" means an architectural drawings, specifications, and
other outputs of an Architect that only an Architect can sign and seal
consisting, among others, of vicinity maps, site development plans,
architectural program, perspective drawings, architectural floor plans,
elevations, sections, ceiling plans, schedules, detailed drawings, technical
specifications and cost estimates, and other instruments of service in any
form.
- (6) "**Architectural Plans**" means a two (2)-dimensional representations reflecting
a proposed development/redevelopment of an enclosed/ semi-enclosed or open
area showing features or elements such as columns, walls, partitions, ceiling,
stairs, doors, windows, floors, roof, room designations, door and window call-
outs, the architectural layout of equipment, furnishings, furniture and the
like, specifications callouts, elevation references, drawing references and
the like; the architectural plan is the representation of a lateral section
for a proposed building/ structure (running parallel to the ground) and at a
height of from 1.0 - 1.5 meters above the finished floor; the term may also
collectively refer to other architectural designs such as cross/ longitudinal
sections, elevations, roof plan, reflected ceiling plan; detailed sections and
elevations showing architectural interiors, detailed architectural designs,
door and window schedules, other architectural finishing schedules and the
like.
- (7) "**Building**" means a structure for the purpose and function of habitation and
other uses.
- (8) "**Contract Documents**" are the documents attached to the agreement identified
therein as Contract Documents, including all additions, deletions and
modifications incorporated therein. These generally include the following
documents:
 - a) Special Provisions or conditions
 - b) General Conditions
 - c) Drawings
 - d) Specifications
 - e) Other Bid Documents

RULE III

EXAMINATION, REGISTRATION AND LICENSURE

SECTION 20. Seal, Issuance and Use of Seal

A duly licensed architect shall affix the seal prescribed by the Board bearing the registrant's name, registration number and title "Architect" on all architectural plans, drawings, specifications and all other contract documents prepared by or under his/her direct supervision.

(1) **No officer or employee of this Republic**, chartered cities, provinces and municipalities, now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings, **shall accept or approve any architectural plans or specifications which have not been prepared and submitted in full accord with all the provisions of R.A. No. 9266**; nor shall any payments be approved by any such officer for any work, the plans and specifications for which have not been so prepared and signed and sealed by the author.

(5) **All architectural** plans, designs, specifications, drawings and architectural documents relative to the construction of a building shall bear the seal and signature only of an architect registered and licensed under R.A. No. 9266 together with his/her professional identification card number and the date of its expiration.

RULE IV

PRACTICE OF ARCHITECTURE
(SUNDRY PROVISIONS)

SECTION 29. Prohibition in the Practice of Architecture and Penal Clause

Any person who shall practice or offer to practice architecture in the Philippines without being registered/licensed and who are not holders of temporary or special permits in accordance with the provisions of R.A. No. 9266, or any person presenting or attempting to use as his/her own the Certificate of Registration/Professional Identification Card or seal of another or temporary or special permit, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a Certificate of Registration/Professional Identification Card or temporary or special permit, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended Certificate of Registration/Professional Identification Card or cancelled special/temporary permit, or any person who shall use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is an architect when he/she is not an architect, or any person whether Filipino or foreigner, who knowingly allows the use, adoption, implementation of plans, designs or specifications made by any person, firm, partnership or company not duly licensed to engage in the practice of architecture, or **any person who shall violate any of the provisions of R.A. No. 9266, its implementing rules and regulations, the Code of Ethical Conduct and Standards of Professional Practice, or any policy of the Board and the Commission**, shall be guilty of misdemeanor and charged in court by the Commission and shall, upon conviction be sentenced to a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five million pesos (P5,000,000.00) or to suffer imprisonment for a period not less than six (6) months or not exceeding six (6) years or both, at the discretion of the Court.

Government employees and employees of private firms or persons/entities who are not registered and licensed architects shall **not** perform architectural works in the performance of their official function without the direct supervision of a licensed architect. Such activity shall constitute unauthorized practice of architecture which shall be penalized in accordance with Section 29 of R.A. No. 9266.

Any public official who shall order or cause a non-architect to perform activities which constitute practice of architecture shall be administratively liable and shall be guilty of misdemeanor and shall upon conviction be sentenced in accordance with Section 30 of R.A. No. 9266.

Penalties for Violations of Section 7 - sub-paragraph (L) by Heads of Government Agencies or Officers of Private Entities/Institutions as per R.A. No. 8981.

Any head of a government agency or officer(s) of a private firm/institution who violates Section 7 - sub-paragraph (L) of R.A. No. 8981 shall be punished by imprisonment of not less than six (6) months and one (1) day to not more than six (6) years, or a fine of not less than Fifty Thousand Pesos (P50,000.00) to not more than Five Hundred Thousand Pesos (P500,000.00) or both at the discretion of the court.

SECTION 30. Prohibition in the Practice of Architecture

Any person or entity, whether public or private, Filipino or foreigner, who/which shall entice, compel, coerce, require or otherwise force an architect registered and licensed under R.A. No. 9266 to undertake/perform any service under the general practice of architecture as defined under R.A. No. 9266, without first executing a written contract/service agreement, shall be guilty of a misdemeanor and shall, upon conviction be sentenced to a fine of not less than Two hundred thousand pesos (P200,000.00) or to suffer imprisonment for a period not exceeding six (6) years, or both, at the discretion of the Court.

SECTION 32. Signing and Sealing of **Architectural** Plans, Specifications, Architectural Permit and Other Contract Documents

The Board shall make all the necessary rules and regulations with regards to the signing and sealing of drawings, specifications, reports, and other documents.

The authorized signature, official seal, PTR, PRC registration number and the IAPOA membership number and Official Receipt (O.R.) number of the Architect-of-record stamped on architectural plans, specifications,

architectural permit and other related contract documents signify his/her assumption of the mandated fifteen (15) year civil liability under Article 1723 of the Civil Code. The Architect-of-record should be limited to architectural documents of a project and its liability does not extend to the professional responsibility nor civil liability of the other signing (sealing) professionals Including the Architect-in-charge of construction (AICC) and the Consulting Architect (CA) unless these are under his/her direct employ. This rule shall apply to both architects in government as well as architects employed by private firms.

For architectural documents prepared by architectural firms, the Board of Architecture Registry Number and the SEC or DTI Registry Numbers should be prominently displayed on all architectural documents.

SECTION 34. Non-Registered Person shall not Claim Equivalent Service

Persons **not** registered as an architect shall **not** claim nor represent either services or work as equivalent to those of a duly qualified registered architect, or that they are qualified for any branch or function of architectural practice, even though no form of the title "Architect" is used.

SECTION 36. Collection of Professional Fees

It shall be unlawful for **any** unregistered person to collect a fee for architectural services except as an employee collecting a fee as representative of a Registered Architect.

RULE V

FINAL PROVISIONS

SECTION 41. Implementing Rules and Regulations

Within sixty (60) days after the effectivity of R.A. No. 9266, the Board, subject to the approval of the Commission and in coordination with integrated and accredited professional organization, shall adopt and promulgate such rules and regulations, Code of Ethical Conduct and Standards of Professional Practice, to carry out the provisions of R.A. No. 9266 and which shall be effective fifteen (15) days following their publication in the Official Gazette or in two (2) major daily newspapers of general circulation.

SECTION 43. Act Not Affecting Other Professionals

R.A. No. 9266 shall not be construed to affect or prevent the practice of any other legally recognized profession.

SECTION 44. Enforcement of the Act

It shall be the primary duty of the Commission and the Board to effectively enforce the provisions of R.A. No. 9266 and this "IRR of the Architecture Act of 2004". All duly constituted law enforcement agencies and officers of national, provincial, city or municipal government or of any political subdivision thereof, shall, upon the call or request of the Commission or the Board, render assistance in enforcing the provisions of R.A. No. 9266 and this "IRR of the Architecture Act of 2004", and to prosecute any person violating the provisions of the same.

The Secretary of Justice or his duly designated representative shall act as legal adviser to the Commission and the Board and shall render legal assistance as may be necessary in carrying out the provisions of R.A. No. 9266 and this "IRR of the Architecture Act of 2004".

Any person may bring before the Commission, Board or the aforementioned officers of the law, cases of illegal practice or violations of R.A. No. 9266 and this "IRR of the Architecture Act of 2004" committed by any person or party.

SECTION 47. Effectivity

The herein "IRR of the Architecture Act of 2004" shall be, upon approval by the Commission, be effective after fifteen (15) days following its full and complete publication in the Official Gazette or in two (2) major newspapers of general circulation.

Done in the City of Manila this 15th day of September 2004.

EUGENE G. GAN
Chairman

FERNANDO L. SANTOS
Member

MIGUEL R. CALUZA
Member

ATTESTED TO:

CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

ANTONIETA FORTUNA-IBE
Chairperson

AVELINA A. DE LA REA
Commissioner

LEONOR TRIPON-ROSERO
Commissioner