



Republic of the Philippines
Professional Regulation Commission
Manila



**The Professional Regulatory
Board of Architecture
(PRBoA)**

Your Ref:

Our Ref: 07_PRBoA-053

24 July 2007

Republic of the Philippines
Office of the DPWH Secretary
2/F DPWH Head Office
Bonifacio Drive, City of Manila

ATTENTION : **THE HON. HERMOGENES EBDANE, JR.**
Secretary

SUBJECT : **URGENT CALL/ REQUEST FOR THE FULL IMPLEMENTATION
AND ENFORCEMENT OF R.A. No. 9266 (THE
ARCHITECTURE ACT OF 2004)**

REFERENCES : 1) Sec. 44 of **Republic Act (R.A.) No. 9266** (The Architecture Act of 2004) **approved** by Pres. Gloria Macapagal - Arroyo on 17 March 2004 and which took **effect** 10 April 2004 (repealing R.A. Nos. 1581 and 545), its Implementing Rules and Regulations (IRR) effective 01 December 2004 and derivative regulations; 2) the ongoing willful/ deliberate violations of provisions of R.A. No. 9266, its IRR and its derivative regulations by agents of the DPWH, agents of the DILG and agents of LGUs nationwide; and 3) REQUEST FOR JUSTIFICATION ON THE CONTINUED IMPLEMENTATION OF THE DPWH MEMORANDUM DATED 16 APRIL 2007 ALLOWING THE PREPARATION, SIGNING AND SEALING OF ARCHITECTURAL DOCUMENTS BY REGISTERED AND LICENSED CIVIL ENGINEERS (CES) DESPITE THE EFFECTIVITY OF R.A. NO. 9266 (received 17 June 2007 at the Office of the DPWH OIC Manuel Bonoan)

Dear Sec. Ebdane,

Warm greetings from the **Professional Regulatory Board of Architecture** (the "PRBoA")!

The PRBoA, a body under the **Professional Regulation Commission** (the "PRC") is tasked with implementing **R.A. No. 9266** which states that **only registered and licensed Architects** are allowed to sign and seal architectural plans and documents. Yet despite the **full effectivity** of **R.A. No. 9266** since 10 April 2004 (over 3 years ago) and despite the **non-applicability** of the court-issued May 2005 injunction to R.A. No. 9266, its IRR and its derivative regulations, registered and licensed Civil Engineers (the "CEs") continue to **practice architecture** through their preparation, signing and dry-sealing of architectural documents, plans, designs and specifications.

The PRBoA fully believes that the act of a registered and licensed CE signing and sealing architectural documents is a clear, unequivocal, continuing, orchestrated and willful violation of multiple provisions of **Republic Act (R.A.) No. 9266 (Architecture**

Act of 2004), its Implementing Rules and Regulations (IRR) and derivative regulations.

The PRBoA also believes that this **issue of signatory to architectural documents** is one of **national importance** because for the last several decades, the situation has already resulted in the **degenerative quality of our physical environment (both natural and built)** e.g. substandard and uncomfortable living spaces, overbuilding even on mandated open spaces, too much use of concrete, glass and metal surfaces that increase near-ground and ambient temperatures, incorrect building orientations, major National Building Code of the Philippines (P.D. No. 1096) violations such as windows and/or mounted billboard structures on firewalls, illegal and informal structures and/or settlements within private and public lands and within the road-right-of-way and rights-of-way/ easements (RROWS and ROWs, which all form part of the public domain), the perennial lack of fire escapes, violations of the law on accessibility for the disabled, etc., to mention only a few.

Add to these improper grading practices coupled with the rampant cutting of trees (resulting in flooding even on higher elevations/ slopes), garish displays such as billboards and incoherent signages all over the urban and rural landscapes, disregard for various forms of pollution control and energy savings, relative absence of tropical design & green architecture/sustainable building technologies, etc.

For the PRBoA, these are issues that relate to **public interest, safety and welfare** and are clearly attributable to a **non-architect's** apparent lack of training, focus and aptitude in the design and physical planning of buildings, open spaces and their environs (the "built environment").

To enable the 24,000 Filipino architects to truly help the government in building a new Philippines, there is therefore clear need to effect the soonest the full implementation and enforcement of the provisions of **R.A. No. 9266** and its IRR nationwide, particularly the sections that **limit the preparation, signing and dry-sealing of all architectural documents only to architects registered and licensed by the state.**

Our recent letter to the DPWH OIC, which has remained unanswered to date, is self-explanatory and very clear in its statement/s concerning the matter of the application of the court-issued May 2005 injunction i.e. which does **not** apply to R.A. No. 9266 nor to its IRR and its derivative regulations.

We also ask the DPWH to take the matter of the January 2004 Department of Justice (DoJ) opinion (covering R.A. 1581 and 545, the predecessor laws of R.A. No. 9266, reference Attachment 1 of Annex 1) seriously since it was the DPWH which requested that opinion (upon the prodding of the CEs) and since both the DPWH and the DILG are important parts of the executive branch of government, and as such should be properly guided in the implementation of both the National Building Code of the Philippines (NBCP, otherwise known as P.D. No. 1096) and R.A. no. 9266. The opinion's signatory is now the incumbent Ombudsman, who shall be furnished a copy of this letter.

In view of the foregoing, the PRBoA respectfully requests the official **recall** of your September 2006 order as well as the April 2007 order issued by the then DPWH OIC, which both allow the acceptance of the signatures and seals of CEs on architectural documents, a clear violation of the law. The PRBoA believes that

this singular act shall pave the way for the smooth implementation and enforcement of R.A. No. 9266 in all LGUs nationwide.

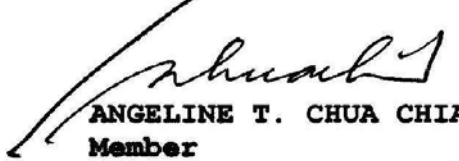
Your understanding and assistance will go a very long way in helping relieve the continuing/ decades-long injustice foisted on Philippine architects, presently exacerbated by the flagrant, orchestrated and willful violations of R.A. No. 9266 for the nearly 3 years that it has been in full effect.

Thank You very much.

Yours sincerely,



ARMANDO N. ALLÍ
Chairman



ANGELINE T. CHUA CHIACO
Member



MARIETTA B. SEGOVIA
Member

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annexes: PRBoA Letters (duly approved by the PRC) to 1) the various Local Government Units (LGUs) nationwide (sent by the PRC over the period April through July 2007); 2) the DPWH OIC Manuel Bonoan (received at the DPWH on 17 June 2007); and 3) the June 2007 PRBoA Memorandum (duly approved by the PRC) and issued by the PRC to all National and Local Government Agencies named

cc : 1) Office of the PRC Chairperson, Office of the PRC Secretary and the Office of the PRC Legal & Investigation Division;
2) Office of the Ombudsman (Hon. Merceditas Gutierrez);
3) Office of the Secretary of Justice (Hon. Raul Gonzales);
4) Office of the DILG Secretary (Hon. Ronaldo Puno); and
5) Office of the Executive Secretary (Hon. Eduardo R. Ermita).