



Republic of the Philippines
Professional Regulation Commission
Manila



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

Your Ref:

Our Ref: 07_PRBoA-058

27 July 2007

Republic of the Philippines
Office of the DENR Secretary
DENR Head Office
Visayas Ave., Quezon City, Metro Manila

ATTENTION : **THE HON. JOSELITO ATIENZA**
Secretary

SUBJECT : **URGENT CALL/ REQUEST FOR DENR (AND DENR-EMB)
ASSISTANCE IN THE FULL IMPLEMENTATION AND
ENFORCEMENT OF R.A. No. 9266, known as "THE
ARCHITECTURE ACT OF 2004"**

REFERENCES : 1) Sec. 44 of **Republic Act (R.A.) No. 9266**, known as "The
Architecture Act of 2004", which was **approved** by Pres. Gloria
Macapagal - Arroyo on 17 March 2004 and which took **effect** on 10
April 2004 (repealing R.A. Nos. 1581 and 545), its Implementing
Rules and Regulations (IRR) which became effective 01 December 2004
and derivative regulations; and 2) the ongoing and apparently
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

Dear Sec. Atienza,

Warm greetings from the **Professional Regulatory Board of
Architecture** (the "PRBoA") and congratulations on Your recent
appointment!

Thank You also for Your inspiring speech in support of the
Philippine architects at the **United Architects of the Philippines
Honor Dinner** at the Manila Hotel in late April 2007. Hearing some of
Your words, the architects of this land have become more convinced
of the need to continue further with the struggle to finally attain
justice for the Filipino architects.

The PRBoA, a body under the administrative control and
supervision of 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**, 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.

Added to these are the 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, a 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 various LGUs nationwide (reference Annex 1), which 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, have already received varied reactions to date, some positive, some negative. There is, therefore, a need for the DILG and the DPWH (with sufficient guidance from the DENR) to help these LGUs comply fully with the law possibly through the issuance of a **DENR memorandum, special order or department order requiring that all Environmental Compliance Certificates (ECCs) to be issued by the DENR [or by the**

DENR-Environmental Management Bureau (EMB)] for all building or development projects nationwide must be based solely on architectural plans that have been prepared, signed and sealed by registered and licensed Philippine architects. As you very well know, the ECC is a requirement for the issuance of the building and/or development permit by our LGUs. Such a DENR-imposed condition shall greatly allow the architects to assist the DENR in its mandate of protecting the natural (and even the built) environment.

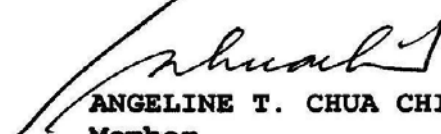
We hope that through Your active intervention and support, both the DILG and the DPWH shall also be prevailed upon to take the matter of the January 2004 Department of Justice (DoJ) opinion (covering R.A. Nos. 1581 and 545, the predecessor laws of R.A. No. 9266, reference Attachment 1 of Annex 1) seriously since both the DPWH and the DILG (and their agents) are the key offices of the executive branch of government currently implementing and enforcing the National Building Code of the Philippines or NBCP, known as P.D. No. 1096) in relation to R.A. No. 9266. The opinion's signatory is now the incumbent Ombudsman, who shall be furnished a copy of this letter.

Your and the DENR's 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

file: 07_PRBoA-058

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/ DPWH Secretary (Hon. Ronaldo Puno/ Hon. Hermogenes Ebdane); and
5) Office of the Executive Secretary (Hon. Eduardo R. Ermita).