



Republic of the Philippines
Professional Regulation Commission
Manila

The Professional Regulatory
Board of Architecture
(PRBoA)
Office of the Chairman



Your Ref:

Our Ref: 07_PRBoA-077

28 September 2007

MR. MARIANITO A. GABISA, MNSA

Assistant Director (AD)
Bureau of Local Government Supervision (BLGS)
Department of Interior and Local Government (DILG)
A. Francisco Gold Condominium II Building
EDSA cor. Mapagmahal St., Diliman, Quezon City, NCR

**SUBJECT : VERY IMPORTANT CLARIFICATIONS/ RECTIFICATIONS ON
RECENT LETTERS DISSEMINATED BY THE PROFESSIONAL
REGULATORY BOARD OF CIVIL ENGINEERING (PRBoCE)
AND BY YOUR OFFICE**

REFERENCES/

LETTERS :

- 1) First (1st) Letter of DILG AD Gabisa dated 22 Aug '07 addressed to the Philippine Institute of Civil Engineers (PICE) President Juanito P. Abergas with cc: PRBoA Chairman Armando N. Alli (released from the DILG Central Records Section at 10:50 a.m. of 24 Aug '07; postmarked 31 Aug '07 at the Quezon City Central P.O.; received at the PRC on 06 Sep '07; and first read by PRBoA Chairman Alli at the PRC on 12 Sep '07);
- 2) Second (2nd) Letter of DILG AD Gabisa dated 22 Aug '07 addressed to the PRBoCE Chairman Angel L. Lazaro III with cc: PRBoA Chairman Armando N. Alli (released from the DILG Central Records Section at 8:15 a.m. of 28 Aug '07; postmarked 31 Aug '07 at the Quezon City Central P.O.; received at the PRC on 06 Sep '07; and first read by PRBoA Chairman Alli at the PRC on 12 Sep '07);
- 3) Letter of PRBoCE Chairman Angel L. Lazaro III dated 10 Sep '07 addressed to the DILG AD Gabisa with cc: PRC Chairperson Leonor T. Rosero, PRBoA Chairman Armando N. Alli, DPWH Secretary Hermogene B. Ebdane, Jr., PICE President Juanito P. Abergas & United Architects of the Philippines (UAP) Immediate Past President Edric Marco S. Florentino (received at the PRC on 11 Sep '07; and first read by PRBoA Chairman Alli at the PRC on 12 Sep '07); and
- 4) Third (3rd) Letter of DILG AD Gabisa dated 13 Sep '07 addressed to the Hon. Senator & Senate Minority Floor Leader Aquilino Q. Pimentel with cc: PRBoA Chairman Armando N. Alli, PRBoCE Chairman Angel L. Lazaro III and PICE President Juanito P. Abergas (released from the DILG Central Records Section at 9:50 a.m. of 19 Sep '07; postmarked 21 Sep '07 at the Quezon City CPO Mail Receiving Section; received at the PRC on 27 Sep '07; and first read by PRBoA Chairman Alli at the PRC on 02 Oct '07).

Dear Sir,

Warm greetings! The **PRBoA** and the **PRBoA** Chairman acknowledge receipt of the above-referenced letters and would now like to make the necessary clarifications and rectifications on certain matters adverted to in the last two (2.0) letters. It is the intention of the **PRBoA** and the **PRBoA** Chairman to set the records straight and to prevent the possibly deliberate misrepresentation and/ or disinformation contained in the said letters from clouding the issues at bar.

Anent Letter No. **3**, please be advised of the following:

- 1) the subject letter was issued by the PRBoCE Chairman Lazaro possibly in blatant violation of PRC procedures detailed under PRC Office Order No. 2007-193 dated 01 August 2007, which require among others that such a letter first undergo a review by the lawyer assigned to the PRBoCE, by the PRC Secretary of the Professional Regulatory Boards or **PRBs** (a 2nd lawyer) and by the Chief of the PRC Legal and Investigation Division (a 3rd lawyer); due to this major lapse on the part of the PRBoCE Chairman, the PRBoA has officially requested the PRC to sanction the said act/s of the PRBoCE Chairman and/or the other PRBoCE members (if involved) in the PRBoA Memorandum addressed to the PRC under the date **xx** September 2007; please also note that the PRBoA responses to the above-referenced letters had been deferred earlier to give way to a PRC investigation on the cited violation/s of PRC procedure;
- 2) the subject letter was apparently **not** released through the PRC Records Division but was instead sent directly by the PRBoCE, again in direct violation of PRC protocol/procedure; the two (2) foregoing incidents may illustrate the PRBoCE Chairman's little regard for the administrative control and supervision that the PRC is supposed to exercise over the PRBoCE and all other PRBs;
- 3) in the third (3rd) paragraph of Chairman Lazaro's letter, he states "**XXX . . . the proper implementation of RA 9266 is the subject of ongoing Civil Case No. 05-112502 filed in May 2005 by the PICE...XXX**"; please be advised that the case filed by the PICE against DPWH Sec. Ebdane and the injunction issued by the court merely covered the suspension of the implementation by the DPWH of **Secs. 302.3 and 302.4** of the 2004 Revised Implementing Rules and Regulations (**R-IRR**) of the National Building Code of the Philippines (**NBCP**) of 1977, otherwise known as Presidential Decree (**P.D.**) **1096**; **neither** the PICE case nor the injunction they sought were about R.A. No. 9266 (The Architecture Act of 2004), which was later invoked by the United Architects of the Philippines (UAP, as intervenor) because for the past fifty seven (57.0) years, there has been a **special law** governing the preparation, signing and sealing of **architectural documents and limiting such acts to only registered and licensed architects (RLAs)** i.e. R.A. 545 of 1950 R.A. No. 1581 of 1956 and R.A. 9266 of 2004, a fact that may be unclear to the court that issued the writ of preliminary injunction (the "injunction"); the May 2005 injunction did **not** refer at all **nor** does it apply to R.A. No. 9266, its Implementing Rules and Regulations (IRR) and derivative regulations, but is being made to appear as such, apparently upon the instigation of the PICE and by the PRBoCE, as well as possibly by their active supporters in local government units (LGUs, mainly through the

Municipal and City Engineers who double as Building Officials);

- 4) in the fourth (4th) paragraph of Chairman Lazaro's letter, he states "XXX The abovementioned provisions of the Revised IRR deal precisely on the subject of who are the signatories of building plans for building permit issuance.XXX" and in the fifth (5th) paragraph of Chairman Lazaro's letter, he states "XXX The PICE position is that according to RA 544 (Civil Engineering Law) consultation, design and preparation of plans and documents of buildings is within the scope of practice of civil engineering.XXX"; Secs. 302.3 and 302.4 (portions of a mere executive issuance) do **not** govern the practice of the regulated profession of architecture, only R.A. No. 9266 (a statute) does; moreover, the scope and application of the injunction is solely on Secs. 302.3 and 302.4 of the 2004 R-IRR i.e. containing a mere list of documents to be submitted as part of a building permit application; the PRBoCE Chairman would have us all believe that the restrained portions of a mere **executive issuance** (Secs. 302.3 and 302.4 of the P.D. 1096 R-IRR) carries more weight than a **statute** (R.A. No. 9266, a national and special law); if the intention of the PRBoCE (and/or its Chairman) and the PICE was to question the constitutionality of any provision of R.A. No. 9266, then the PICE should have made this very clear in their original (April & May 2005) applications for temporary restraining orders (TROs) and injunction; the PICE must also remember that they were party to the crafting of R.A. No. 9266, a fact that can well be borne out by 2002 through 2004 Congressional records; in exchange for the PICE support for the then architecture bill, the architects gave up structural design; lastly, the generic term "**building plans**" which the civil engineers (**CEs**) are appropriating actually have three (3.0) main components i.e. 1) **architectural documents** (prepared/signed/sealed by registered and licensed architects or **RLAs** under R.A. No. 9266, a **special law**), 2) **engineering documents** (prepared/signed/sealed by registered and licensed civil/structural, electrical electronics and communications, mechanical engineers and the like) and 3) **allied documents** (prepared/signed/sealed by registered and licensed interior designers, landscape architects, environmental planners and the like); the PRBoCE Chairman and the PICE would have us all believe that **CEs** have supposedly been made capable (through their academic preparation and licensure examination) of preparing all three (3.0) types of documents making up the building plans; please note that the **CEs** do **not** have a single academic unit of architecture to their credit (unless they separately took up B.S. Architecture) nor are standard architectural questions/ design problems part of the **CE** licensure examinations; a thorough reading of **R.A. No. 544** of 1950 (actually already amended by **R.A. No. 1582** of 1956, which clearly distinguished the roles of the CE and the architect), does **not** support the PICE position, which is only its self-serving interpretation of the CE law i.e. by **no** means the legal interpretation of the spirit and intent of R.A. Nos. 544 and 1582; please note that the PICE is only a regulated entity and is **not** the regulator empowered to interpret the law;
- 5) in the sixth (6th) paragraph of Chairman Lazaro's letter, he states "XXX Many of the arguments submitted by the UAP in

Civil Case 05-112502 are very similar and in some cases identical to the Official Position of the Board of Architecture.XXX"; please be advised that the PRBoA position has been crafted by the PRBoA and finalized only after the requisite review by the PRC; the PRBoA position is the result of a very careful study of the issues at bar and is **not** an adaptation of any UAP position; moreover, the PRBoA is a body independent of the UAP and to this day, **not** a single case document, other than a copy of the injunction, has been reviewed or is in the possession of the PRBoA, unless the same had been independently sourced by the PRBoA or its members; for instance, the Malacañang certification that the original Sec. 302 of P.D. 1096 (the other supposed legal basis of the CEs for signing and sealing architectural documents) does **not** state that CEs can sign architectural documents; the said document was originally secured by incumbent PRBoA member Marietta B. Segovia in 2005 (when she was still in private practice); the matter of the Official Gazette publication was independently sourced by the PRBoA Chairman in 2005 (while in private practice) from former members of the DPWH Board of Consultants; as can be gleaned from the foregoing, the PRBoA position is already the position taken by its members before they joined the PRBoA;

- 6) in the seventh (7th) paragraph of Chairman Lazaro's letter, he states "*XXX it is the position of the PICE that the real issue of the preliminary injunction is the proper implementation of RA 9266 and RA 544.XXX*"; if the same were indeed true, then the PICE should have laid the cards on the table from the very beginning i.e. with the filing of the petitions for TRO and injunction; what the PICE assailed was the R-IRR of P.D. 1096 and that was precisely what they got from the court i.e. an injunction on portions of the R-IRR and **not** on R.A. No. 9266; moreover, the PICE keeps on referring to R.A. No. 544 of 1950 when the said law had already been clearly amended by R.A. No. 1582 of 1956, which carry special provisions on the collaborative roles of the CE and the architect (which are mirrored in R.A. 1581 for the architects);
- 7) also in the seventh (7th) paragraph of Chairman Lazaro's letter, he states "*XXX This attempt of the Board of Architecture to implement RA 9266 in accordance with its self-serving interpretation is tantamount to pre-empting the decision of the RTC in Civil Case 05-112502 and substituting its own decision.XXX*"; The statement clearly betrays the PRBoA Chairman's understanding (or lack thereof) of what is going on. First, the full implementation and enforcement of a national law such as R.A. No. 9266, that is **not** barred by any TRO, injunction or constitutionality question is in consonance with the duties and responsibilities of the PRBoA and in compliance with law. Second, the stated PRBoA position had been cleared with the PRC before it was released for public scrutiny (and may therefore also be viewed as a PRC-supported position). Third, pre-empting the court's decision is farthest from the mind of the PRBoA since its intention is to clear the cloud over R.A. No. 9266, which the PICE and the PRBoA portray to be covered by the injunction when it is clearly **not** i.e. already admitted by the PRBoA Chairman in the second (2nd) sentence of paragraph 7 of his letter. If the PICE wanted an injunction on R.A. 9266 (if such were possible), then the injunction they sought should have

clearly stated thus. Fourthly, the PRBoA (which is part of the executive branch of government) clearly knows its limits and the PRBoCE Chairman's insinuation that the PRBoA can substitute its own decision for that of the court's clearly lacks logic i.e. the statement has no place in the letter; and

- 8) in the eighth (8th) paragraph of Chairman Lazaro's letter, he states "XXX The PICE has filed petitions of Contempt with the PRC Manila against the XXX . . . Board of Architecture, and Board of Architecture Chairman Architect Armando N. Alli. XXX"; The statement is clearly **not** borne by facts, as to date, the PRBoA has **not** received a copy of any complaint filed by the PICE. If there were such complaints, the PRBoA and/or the PRBoA Chairman shall gladly respond with its/ his own countercharges against both the PICE and the PRBoCE. Such a development shall be most welcome as many more public documents can be made available by the PRBoA for the courts' scrutiny to prove to all and sundry that the PICE and PRBoCE claims that the CEs can prepare, sign, seal **architectural** documents are completely bereft of basis.

Anent Letter No. 4, please be advised of the following:

- 1) in the third (3rd) paragraph of Your letter to Sen. Pimentel, You state "XXX . . . the above-said request cannot be favorably acted upon, in view of its on-going resolution . . . XXX.; The statement, which appears to be the official DILG position, clearly gives weight to a judicial process that is **not** about R.A. 9266, its IRR and derivative regulations. Please be advised that since neither the PICE case nor the May 2005 injunction that the PICE secured are about R.A. 9266, the architects have filed a motion to lift the injunction in December 2005 (almost 2.0 years ago, and still awaiting resolution to date). Per advice received, the supposed decision in the case should have been promulgated at about March 2006 (more than 1.5 years ago); and
- 2) also in the third (3rd) paragraph of Your letter to Sen. Pimentel, You state "Per information gathered, the proper implementation of R.A. No. 9266 is the subject of Civil Case No. 05-112502 . . . XXX . . ., where the Board of Architecture is the intervening party."; The statement merely echoes the third (3rd) paragraph of Chairman Lazaro's letter dated 10 September 2007, for which the pertinent PRBoA comments can be found in the earlier part of this letter. The PRBoA strongly suggests that You revisit the documents transmitted to the DILG earlier as the matter of the case and the injunction and their **non**-application to R.A. No. 9266 are clearly explained in the said documents. Finally, please be advised that the United Architects of the Philippines, the integrated and accredited professional organization of architects (**UAP-IAPOA**, a private entity), **not** the **PRBoA** (a distinct public entity) is the intervenor in the case filed by the PICE.

Since the PRBoA has already clearly established that there is **no TRO, no injunction and no constitutionality question on R.A. No. 9266**, the PRBoA reiterates its earlier official call on the DILG for the department to assist in the implementation and enforcement of Republic Act No. 9266 (The Architecture Act of 2004), its implementing rules and derivative regulations, primarily by advising Municipal and City Engineers under DILG supervision (and acting as

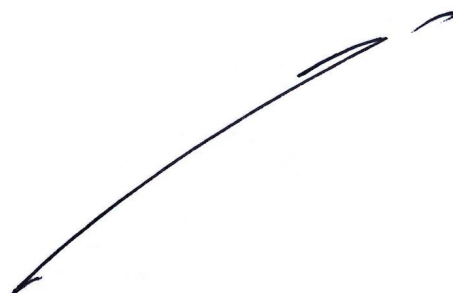
DPWH Building Officials), to accept only **architectural** documents signed and sealed by registered and licensed architects (**RLAs**) as part of the documentary requirements submitted for building permit issuance.

As there is clearly **no** impediment to the implementation of R.A. No. 9266, the DILG must now assist both the PRBoA and the PRC in its implementation.

Thank You very much for the consideration You shall give this important matter.

Yours sincerely,

for the PRBoA

A handwritten signature in black ink, appearing to read 'Armando N. ALLÍ', written in a cursive style.

Armando N. ALLÍ
Chairman

cc:

- 1) Senator Aquilino Q. Pimentel, Jr.
- 2) PRC Chairperson Leonor T. Rosero,
- 3) PRBoCE Chairman Angel L. Lazaro III PhD,
- 4) DPWH Secretary Hermogene B. Ebdane, Jr.,
- 5) Philippine Institute of Civil Engineers (PICE) President Juanito P. Abergas
- 6) United Architects of the Philippines (UAP) *Immediate Past* President Edric Marco S. Florentino
- 7) UAP-IAPOA President Medeliano Roldan, Jr.

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