

Attachment 6.

Provisions in RA 9266 that Limit the Preparation, Signing and Sealing of Architectural Documents and that Mandate their Enforcement

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;

(a) "Architect-of-record" means the architect registered and licensed under this Act, who is directly and professionally responsible for the total design of the project for the client and who shall assume the civil liability for the plans, specifications and contract documents he/she has signed and sealed;

(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
- (j) all other works, projects and activities which require the professional competence of an architect, including teaching of architectural subjects and architectural computer-aided design;

ARTICLE III EXAMINATION, REGISTRATION AND LICENSURE

SEC. 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) Each registrant hereunder shall, upon registration, obtain a seal of such design as the Board shall authorize and direct. Architectural plans and specifications prepared by, or under the direct supervision of a registered architect shall be stamped with said seal during the life of the registrant's certificate, and it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

(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.

(3) It shall be unlawful for any architect to sign his/her name, affix his/her seal or use any other method of signature on architectural plans, specifications or other documents made under another architect's supervision, unless the same is made in such manner as to clearly indicate the part or parts of such work actually performed by the former, and it shall be unlawful for any person, except the architect-of-record, to sign for any branch of work for any function of architectural practice, not actually performed by him/her. The architect-of-record shall be fully responsible for all architectural plans, specifications and other documents issued under his/her seal or authorized signature.

(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. 32. *Signing of Architectural Plans, Specifications and Other Contract Documents.* - It shall be unlawful for any architect to sign his/her name, affix his/her seal, or use any other method of signature on architectural plans, specifications or other contract documents made under another architect's supervision, unless the same is made in such manner as to **clearly indicate the part or parts of such work actually performed** by the former; and it shall be unlawful for **any** person, except the Architect-of-record to sign for any branch of the work, or any function or architectural practice, not actually performed by him/her. The Architect-of-record shall be fully responsible for **all** architectural plans, specifications, and other documents issued under his/her seal or authorized signature.

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

SEC. 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.**

SEC. 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.

**ARTICLE V
FINAL PROVISIONS**

SEC. 43. *Act Not Affecting Other Professionals.* -This Act shall not be construed to affect or prevent the practice of any other legally recognized profession.

*Very Important Note: This provision does not apply to Civil Engineers (CEs) as neither RA 544 nor RA 1582 state that CEs can prepare, sign or seal **architectural** plans, specifications and documents.*

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
House of Representatives*

Approved:

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