

Attachment 6a.

Provisions in the Implementing Rules and Regulations (IRR) of RA 9266 that Limit the Preparation, Signing and Sealing of Architectural Documents and that Mandate their Enforcement

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 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;
 - (a) "**Architect-of-record**" means the architect registered and licensed under R.A. No. 9266, 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**" 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 or 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;
- (18) "**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.
- (21) "**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.
- (22) "**Building**" means a structure for the purpose and function of habitation and other uses.
- (26) "**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
- (33) "**Planning**" refers to physical planning at site, community or urban level by an Architect.
- (34) "**Physical Planner**" refers to an Architect who specializes in the detailed physical planning of land or property on which vertical structures such as buildings and/or structures and horizontal developments such as rights-of-way,

- open spaces and recreational/ sports/ entertainment/ tourism and related facilities are to be proposed.
- (35) "Physical Planning" the detailed physical planning of land or property on which vertical structures such as buildings, monuments and/or structures and horizontal developments such as rights-of-way, open spaces and recreational/ sports/ establishments/ tourism and related facilities are to be proposed.
- (36) "Professional" refers to a person whose name and registration/professional license number is entered in the Professional Regulation Commission registry book and computerized database as one legally authorized to practice his profession.
- (38) "Site Planning" the detailed site development planning of all areas surrounding a building/structure and/or a group of buildings/structures but only within the property limits of the land on which such buildings/structures are to be erected.
- (44) "Urban Design" physical and systemic design undertaken by an Architect on a community and urban plane, more comprehensive than, and an extension of the architecture of buildings, spaces between buildings, entourage, utilities and movement systems.

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) 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 registrants 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 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.

The Board shall prescribe the design, size, and contents of the dry seal to be used in signing and sealing of **architectural** plans, drawings, specifications, contract documents and architectural permit prepared by or under his/her direct supervision.

RULE IV
PRACTICE OF ARCHITECTURE (SUNDRY PROVISIONS)

SECTION 25. Registration of Architects Required

No person shall practice architecture in this country, or engage in preparing **architectural** plans, specifications or preliminary data for the erection or alteration of any building located within the boundaries of this country, or use the title "Architect", or display the word "Architect" together with another word, or display or use any title, sign, card, advertisement, or other device to indicate such person practices or offers to practice architecture, or is an architect, **unless** such person shall have received from the Board a Certificate of Registration and be issued a Professional Identification Card in the manner hereinafter provided and shall thereafter comply with the provisions of R.A. No. 9266.

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 31. Liability of Representatives of **Non**-Registered Persons

It shall be unlawful for **any** person or firm or corporation to seek to avoid the provisions of R.A. No. 9266 by having a representative or employee seek architectural work in their behalf, unless and until, such persons have duly qualified and duly registered/licensed, otherwise, both those represented and the representative, the employer and the employee shall be deemed guilty of violation of R.A. No. 9266. Solicitation of architectural work shall be construed as offering to practice architecture and shall be unlawful for any non-registered and unlicensed persons to do so.

SECTION 32. Signing and Sealing of **Architectural** Plans, Specifications, Architectural Permit 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 shall be unlawful for any person, except 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.

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 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.

*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.*

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.

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:

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