



Republic of the Philippines
Professional Regulation Commission
Manila

The Professional Regulatory
Board of Architecture
(PRBoA)



Your Ref:

Our Ref: 07_PRBoA-084

12 October 2007

HON. LEONOR TRIPON-ROSERO

Chairperson
Professional Regulation Commission (PRC)
City of Manila

SUBJECT : **REQUESTED RECTIFICATIONS AND UPDATES ON THE PRC LETTER TO THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) DATED 05 SEPTEMBER 2007**

REFERENCES: 01 October 2007 DOLE Letter (signed by M. Carmelita M. Pineda, Chief of Staff, Secretary of Labor & Employment) addressed to the PRBoA Chairman (received and read by the undersigned 10 October 2007)

Dear Madam,

Warm greetings!

We refer to the **PRC** letter dated 05 September 2007 and addressed to the DOLE and request that the following rectifications be made:

- 1) Anent the **PRC** statement in the second (2nd) paragraph that "*there are some provisions of the above-mentioned laws which are the **subject of an injunction** before the Regional Trial Court of **Quezon City**, the **Professional Regulatory Board of Architecture** filed a petition to lift the said injunction x x x.*" (emphasis supplied), please be advised that the following rectifications need to be made:
 - a) there is **NO** TRO **nor** injunction issued by any Philippine court on **any** provision of R.A. No. 9266 (The Architecture Act of 2004), its implementing rules and regulations (IRR) and its derivative regulations approved by the PRC; in fact, the PRC itself authorized the publication by the United Architects of the Philippines (UAP-IAPOA) and the **PRBoA** of full-page broadsheet advertisements last December 2006, clearly stating that "**there is NO writ of preliminary injunction on R.A. No. 9266**"; the said publication is now the subject of a petition for indirect contempt filed by the Philippine Institute of Civil Engineers (PICE)

- against the officers of the UAP-IAPOA (docketed as civil case no. 07-117001);
- b) the injunction was issued **only** against the implementation and enforcement by the DPWH Secretary of **Secs. 302.3 and 302.4** of the **2004** Revised Implementing Rules and Regulations (R-IRR) of the **1977** National Building Code of the Philippines (otherwise known as **P.D. No. 1096**), which contain a list of documents to be submitted as part of the application for a building permit;
 - c) the subject injunction (**not** applicable to **any** provision of R.A. No. 9266, its IRR and derivative regulations) was issued on 24 May 2005 by Judge Mariano de la Cruz of the Manila Regional Trial Court (RTC) Branch 22 (**not** Quezon City), upon the representation/s (or quite possibly the misrepresentation/s) made by the PICE in its petition for TRO/ injunction filed against the DPWH Secretary (docketed as civil case no. 05-112502); at about the same time, a separate petition docketed as civil case no. Q05-55273) dealing with practically similar issues was filed by other civil engineers (CEs) vs. the DPWH Secretary in a Quezon City court, but which was later dropped by the CEs;
 - d) the Professional Regulatory Board of Architecture (PRBoA) **never** filed any petition to lift the injunction issued in civil case no. 05-112502 for the simple reason that it is **not** a part to the case; its is the UAP-IAPOA (a **private** entity acting as intervenor), that filed the December 2005 motion to lift the injunction.
- 2) Anent the **PRC** statement in the third (3rd) paragraph that *"the Board of Architecture sought the opinion of the Department of Justice for the full implementation of the said law and its IRR, but the same **has not been resolved** by the Department of Justice."* (emphasis supplied), please be advised of the following update/s:
- a) the **DoJ** wrote the **PRBoA** Chairman a letter dated 05 September 2007 (same date as the PRC letter to DOLE), denominated as **Opinion No. 52, s. 2007** (reference **Annex "A"** of this letter), which apparently updates, supplements or complements its January 9, 2004 opinion (reference **Annex "B"** of this letter);
 - b) the twelfth (12th) paragraph (on page 3) of the subject **DoJ** letter states *"Undeniably, the resolution of the issues raised herein primarily falls within the jurisdiction of the Professional Regulation Commission, a government agency beyond the revisory authority of the Department of Justice does not pass upon matters over which another office or agency has primary jurisdiction (Sec. of Justice Op. 75, s. 2006) and those the resolution of which pertains to offices that are beyond the revisory and/or supervisory authority of this Department (Ibid, Op.No. 32, current series; and No. 26, s. 2006."*

It is clear from the **DoJ** letter that the PRC must now resolve the matter of the legal/ rightful signatory to **architectural** documents, subject of the **PRBoA position paper** submitted to the PRC earlier this year.

The **PRBoA** would now like to request the appropriate PRC action in accordance with the **DoJ** letter. We trust that the appropriate consultations shall be made by the PRC with the concerned Professional Regulatory Boards of Architecture and Civil engineering (**PRBoA** and **PRBoCE**). The PRBoA reiterates that it is already too late for the PRBoCE to invoke the *subjudice* principle because for the past two (2) years, the **PRBoCE** has kept its positions posted on the PICE website i.e. positions that not only attempt to expand the scope and application of the injunction but also preempt the decision of the court.

The PRBoA reiterates its continuing call for the **PRC** to compel the **PRBoCE** to face the **PRBoA** to attempt to resolve the seemingly unresolvable issue/s concerning the **sole, legal and rightful signatory to architectural documents** (not limited to **architectural** plans, specifications, estimates, contract documents and the like).

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

Yours sincerely,
for the PRBoA

ORIGINAL SIGNED
Armando N. ALLÍ
Chairman

file: 07_PRBoA-084
