

MEMORANDUM No. 05

To : **ATTY. CARLOS G. ALMELOR**
Secretary, PR Boards

FROM : **PR Board of ARCHITECTURE (PRBoA)**

RE : **Proposed Interim PRC Acceptance and Processing of Applications of Foreign Architects Desirous of Being Issued Temporary/ Special Permits to Practice the Regulated Profession of Architecture in the Philippines for a Specified Period**

DATE : June 04, 2007

Dear Sir,

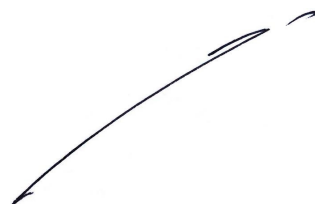
The provisions on the **issuance of temporary/ special permits to foreign architects** under both **R.A. No. 9266** and its **IRR** (reference also *Attachments 1* and *2* of this Memo) are already in full effect since 10 April 2004 and 01 December 2004 respectively, and are now in need of **immediate** implementation. Since the PRC is still presently unable to act on the draft of the covering PRBoA resolution i.e. pending the appointment of a second (2nd) Commissioner, the PRBoA proposes that an **interim PRC acceptance and processing of applications by foreign architects for the issuance of temporary/ special permits** commence the soonest, still in full compliance with both **R.A. No. 9266** and with its **IRR** i.e. covered by PRBoA Resolution No. 7, series of 2004.

While the submitted draft of the PRBoA resolution (to be later approved by the PRC) specifically addresses the issuance of temporary/ special permits to foreign architects, it shall only introduce refinements to the prescribed conditions and procedures already referred to in Section 38 of the IRR.

Should the PRC find merit in the PRBoA proposal, the pertinent application form is attached for PRC review (reference *Annex "A"* of this Memo). The PRBoA defers to the PRC on the matter of determining the appropriate charges/ fees for the said acceptance and processing of applications.

Thank You very much for the attention You shall give this matter.

Yours sincerely,



ARMANDO N. ALLÍ
Chairman

Received by:

Date:

ANNEX "A"

PROFESSIONAL REGULATION COMMISSION PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE

APPLICATION FOR THE ISSUANCE OF A TEMPORARY/ SPECIAL PERMIT TO PRACTICE ARCHITECTURE IN THE PHILIPPINES FOR A FOREIGN ARCHITECT FROM A COUNTRY WITH RECIPROCAL ARCHITECTURAL RELATIONS WITH THE PHILIPPINES

I. INFORMATION CONCERNING THE FOREIGN ARCHITECT

1A. Do You have an ASEAN or APEC Registry as an Architect?

YES NO

Note: You may still proceed with this application even if the answer is NO.

1B. Does Your country have reciprocal architectural practice relations with the Philippines?

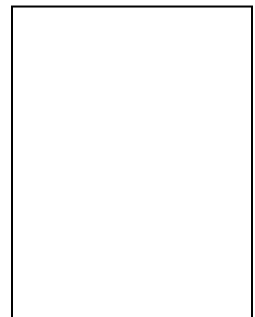
YES NO

1C. **Country of Origin**

1D. Passport Number : _____

1E. **Details of Registration as Architect in Country of Origin**

(Registration Number/ Expiry Date of Architect's License/ Name of Professional Association/
Contact Information on the Professional Association)



2A. **Full Name of the Foreign Architect:**

Passport Size Photo

2B. **Abbreviated Name of the Foreign Architect:**

3. Specialization/s : Pre-Design Space Planning Architectural Design Interiors

- Contract Documents
 Construction Supervision
 Project or Construction Management
 Site Planning
 Urban Planning/ Design
 Others, please specify _____

**II. INFORMATION CONCERNING THE APPLICANT
FIRM, AGENCY, ORGANIZATION OR INDIVIDUAL**

1A. Full Name of Firm, Agency, Organization or Individual:

1B. Abbreviated Name of Firm, Agency, Organization or Individual:

2. Category : Firm Agency Organization Individual

3. Full Names of Firm/Agency/Organization Partners/ Directors/ Trustees	Citizenship	Position in Firm/Agency/ Organization
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4A. SEC Certificate of Registration No. and Date (for Firm, Agency or Organization):

4B. DTI Certificate of Registration No. and Date (for Firm, Agency or Organization):

5. Business Permit No. and Date (for Firm, Agency or Organization) _____

6. TIN (for Firm, Agency Organization or Individual): _____

7. Complete and Current Address of Principal Office (for Firm, Agency Organization or Individual):

8. Tel: _____ Fax: _____ E-mail: _____

9. Name/Address of Branch(es) Sub-Office(s), if any:

10A. Name and Location of the Project in which the Foreign Architect shall be Involved:

10B Location and Contact Information on the Office in which the Foreign Architect shall Work:

11. Name and Information on the Filipino Counterpart Architect who shall be Involved:

11A. Full Name of Registered/ Licensed Architect	Architect Registration Certificate Number (and License Expiry Date)	Name of Architectural Firm (and Position in Firm)
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_____	_____	_____
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11B. PRC Registration Number of Architectural Firm (and Expiry Date of Architectural Firm License)

11C. Complete and Current Address of Filipino Counterpart Architect's Principal Office:

11D. Tel/s: _____ Telefax/es/ Fax/es: _____

E-mail/s: _____ Website/s or URL/s: _____

12. Statement as to the exact nature of work of the foreign architect for the Applicant Firm, Agency, Organization or Individual

13. Period of Requested Local Architectural Practice for the Foreign Architect:

_____ day/s

_____ week/s

_____ month/s (maximum at 4 months before a re-filing of this application is required)

CERTIFICATION

This is to certify that the foregoing entries/ information are true and correct on my own knowledge.

Name/ Signature of Duly-Authorized Representative Filing this Application

(attach the covering Resolution of the Applicant's Board of Directors/ Trustees or Applicant Firm's Secretary's Certificate (as applicable))

Position/s of Representative in the Applicant Firm/ Agency/ Organization:

Date of Signing:

ACKNOWLEDGEMENT

Republic of the Philippines) s.s.

City of _____)

Personally appearing before me is

_____ with

his/ her Community Tax Certificate No. _____ issued at

_____ on _____, known to me to be the same person who executed the foregoing instrument and acknowledges the same to be his/her free voluntary act and deed.

PRC Administering Officer

- Notes:
- 1) Attach Copies of Certificates/ Articles of Partnership or Incorporation/DTI Registration Certificate, current General Incorporation Sheet (GIS) and authorizations, which must all be signed or initialed by the duly authorized representative (for Firms/Agencies/Organizations);
 - 2) a maximum two (2)-page CV or resume of the foreign architect must accompany the application;
 - 3) a maximum two (2)-page information sheet on the applicant firm, agency or organization must accompany the application; or a maximum one-half (1/2)-page information sheet on the applicant individual must accompany the application;
 - 4) a maximum one (1)-page information sheet on the project must accompany the application;
 - 5) Use additional sheet/s if still needed, which must all be signed or initialed by the duly authorized representative and certified as true and correct;
 - 6) incomplete applications or attachments shall not be processed by the Board;
 - 7) "Firm" shall refer to a private sector juridical entity such as a duly registered sole proprietorship, company, partnership, corporation or association and the like which engage or employ foreign architects for their project/s; such entities may include registered architectural firms, other professional firms, construction, real estate development and related types of firms;
 - 1) "Agency" shall refer to any office, authority, instrumentality or any public sector juridical entity and the like of the Philippine national and local governments, inclusive of government-owned and controlled corporations (GOCCs) and the like, which engage or employ foreign architects for their project/s;
 - 2) "Organization" shall refer to other private or public sector juridical entities not defined herein as Agency or Firm and which may include institutions such as schools, hospitals, research facilities, private non-governmental organizations (NGOs) and the like, which engage or employ foreign architects for their project/s; and
 - 3) "Individual" refers to a natural person who engages or employs foreign architects for his/her project/s.
 - 4)

Important Excerpts from the IRR of Republic Act No. 9266 Applicable to the Issuance of Temporary/ Special Permits to Foreign Architects

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.

A foreign architect or any person not authorized to practice architecture in the Philippines, who shall stay in the country and perform any of the activities mentioned in Sections 3 and 4 of R.A. No. 9266, or any other activity analogous thereto, in connection with the construction of any building/structure/edifice or land development project, shall be deemed engaged in the unauthorized practice of architecture and shall, therefore, be criminally liable under R.A. No. 9266 and this "IRR of the Architecture Act of 2004".

SECTION 27. Reciprocity Requirements

A person who is not a citizen of the Philippines at the time he/she applies to take the examination shall not be allowed to take the licensure examination unless he/she can prove, in the manner provided by the Rules of Court that, by specific provision of law, the country of which he/she is a citizen, subject or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after passing an examination on terms of strict and absolute equality with citizens, subjects or nationals of the country concerned, including the unconditional recognition of prerequisite degrees/diplomas issued by the institutions of learning duly recognized for the purpose by the Government of the Philippines.

A foreign citizen, whether he studied in the Philippines or not, who desires to take the licensure examination for Architects through reciprocity shall initiate the establishment of reciprocity between his country/state and the Philippines by presenting/submitting a letter or any document signed and under official seal by the appropriate official of his country/state requesting the Chairman of the Board Architecture to allow the foreign applicant to take the licensure examination of the Board that by express provision of the law of his country/state, Filipino citizens shall be allowed to take the licensure examination for Architects and to register as Architect in his country/state on terms of strict and absolute equality with the citizens or subjects of said country or state including the unconditional recognition of prerequisite degrees issued by institutions of higher learning duly recognized or established by the Government of the Republic of the Philippines attaching/appending thereto an authentic or authenticated official copy of said law officially translated in the English language.

If the letter/document and the copy of the law submitted by the applicant is satisfactorily to the Board, the foreign applicant shall be allowed to take the licensure examination for Architects by requiring him to file an application to take the licensure examination and by submitting the following documents that shall accompany the application:

- a. The original or certified copy of any official document issued by the Bureau of Immigration and Deportation allowing the applicant to enter and reside in the Philippines;
- b. Present his passport for examination and for photocopying of pertinent information about the applicant;
- c. Original or authenticated copy of transcript of records or equivalent document of the course for licensure examination issued by the institution of higher learning where he studied, duly authorized or accredited by his country/state; and
- d. Other documents which may be required to be submitted by the Board.

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

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

SECTION 38. Coverage of Temporary/Special Permits

Foreign nationals who have gained entry in the Philippines to perform professional services as architects or consultants in foreign-funded or assisted projects of the government or employed or engaged by Filipino or foreign contractors or private firms, shall, before assuming the duties, functions and responsibilities as architects or consultants, secure a special/temporary permit from the Board subject to approval of the Commission, to practice his/her profession in connection with the project to which he/she was commissioned: Provided, That a foreign national or foreign firm, whose name or company name, with the title architect, architectural consultant, design consultant, consultant or designer appears on architectural plans, specifications and other related construction documents, for securing building permits, licenses and government authority clearances for actual building project construction in the Philippines and advertisements and billboards for marketing purposes, shall be deemed practicing architecture in the Philippines, whether the contract for professional services is consummated in the Philippines or in a foreign country. Provided, further, That the following conditions are satisfied as follows:

- (a) That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within their territorial limits, on the same basis as the subjects or citizens of such foreign state or country;
- (b) That he/she is legally qualified to practice architecture in his/her own country, and that his/her expertise is necessary and advantageous to our country particularly in the aspects of technology transfer and specialization;
- (c) That foreign nationals shall be required to work with a Filipino counterpart and shall also be responsible for public utilities and taxes due to the Philippine government, relative to their participation in, or professional services rendered to the project, in accordance with the established implementing rules and regulations providing for the procedure for the registration and/or issuance of temporary/special permits to foreign architects allowed by law to practice their profession in the Philippines by the Board of Architecture and the accredited professional organization; and
- (d) Agencies, organizations or individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules.

The following procedures for the registration and/or issuance of temporary/special permits to foreign architects are hereby prescribed:

- 1.0 A visa and work permit by appropriate government agencies shall be required.
- 2.0 Within thirty (30) calendar days after the commission/appointment date, the commissioning party shall be responsible to secure the Temporary/Special Permit from Board subject to approval by the PRC. DOLE upon compliance with the qualifications required and receipt of a copy of the said Temporary/Special Permit - shall issue the employment permit.
- 3.0 In the absence of a bilateral agreement, the foreign national shall submit documentary proof or evidence allowing Filipino architects to practice the profession in their home country without any limitation.
- 4.0 Technology transfer and/or specialization must be identified and substantiated consistent with his expertise.
- 5.0 A Filipino counterpart shall be the architect-of-record, with his duties, functions and responsibilities duly defined in a covering agreement.
- 6.0 Advertisements and billboards for marketing/promotion purposes shall prominently display the name of the architect-of-record. Failure to comply shall be subject to penalties in accordance with the rules promulgated by PRC.
- 7.0 Upon issuance of the temporary/special permit, the foreign national may become member of the United Architects of the Philippines, Inc. subject to the rules and procedures of UAP membership.

SECTION 39. Liability Insurance of a Person or Entity Allowed to Practice under a Temporary/Special Permit

Foreign nationals, including former Filipinos wanting to engage in the general practice of architecture as defined in Section 3 (c) of R.A. No. 9266 must secure locally their professional liability insurance or malpractice insurance or their acceptable equivalent in bond form commensurate with the nature and magnitude of their project involvement and their compensation the implementing rules and regulations for such a requirement for practice shall be implemented by the Board in consultation with the integrated and accredited professional organization of architects within six (6) months from the effectivity of R.A. No. 9266. *Nothing follows.*