

**COMMENTARIES ON THE SUBJECT OF:
ISSUANCE, REISSUANCE, RENEWAL, SUSPENSION AND REVOCATION
OF CERTIFICATES OF REGISTRATION OF ARCHITECTS**

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- On Sec. 27,
RA 545** The Board of Architecture shall refuse to issue or renew a certificate of registration to the following persons:
1. convicted of any criminal offense involving moral turpitude.
 2. guilty of immoral or dishonorable conduct.
 3. of unsound mind
- On Sec. 28,
RA 545** The Board has the power, upon notice and hearing, to suspend and revoke any certificate of registration of an architect for the following causes:
1. conviction of any criminal offense involving moral turpitude, immoral and dishonorable conduct, and unsound mind.
 2. use of perpetration of any fraud or deceit in obtaining certificate of registration.
 3. gross negligence
 4. incompetency
 5. unprofessional or dishonorable conduct if he:
 - a) signed and sealed plans, specifications and other documents not prepared by him or under his immediate supervision.
 - b) has paid money, except regular fees, to secure certificate of registration.
 - c) falsely impersonated another practitioner other than himself.
 - d) has aided or abetted practice of architecture by persons not authorized, or by being a dummy of such persons for said purpose.
 6. such other acts and practices which the Board may motu proprio take cognizance of by proper resolution or order, as constituting sufficient cause for suspension or revocation of certificate of registration.
 - a) (Note: Res. No. 2 series of 1983 dated January 6, 1983, taking cognizance of certain acts and practices as unprofessional or dishonorable conduct and constitute sufficient cause for the reprimand, non-renewal, suspension or revocation of the certificate of registration of an architect). This resolution has been promulgated as part of the Rules and Regulations governing the practice of architecture.
- On Sec. 6f,
PD 223** The Board of Architecture has the power and responsibility, after due process, to suspend, revoke or reissue certificates of registration for causes provided for by law or by the rules and regulations promulgated therefor.

COMMENTARIES ON ART. 1723 OF THE REVISED CIVIL CODE
REGARDING ARCHITECTS OR
ENGINEERS LIABILITY FOR DAMAGES.
January 13, 1984

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"ARTICLE 1723 -- The engineer or architect who drew up the plan and specifications for a building is liable for damages within fifteen years from the completion of the structure, if the same should collapse by reason of a defect in those plans and specifications, or due to the defects in the ground. The contractor is likewise responsible for the damages if the edifice falls, within the same period, on account of defects in the construction or use of materials of inferior quality furnished by him, or due to any violation of the terms of the contract. If the engineer or architect supervises the construction, he shall be solidarily liable with the contractor.

Acceptance of the building after completion, does not imply waiver of any cause of action by reason of any defect mentioned in the preceding paragraph.

The action must be brought within 10 years following the collapse of the building."

From the above law, the following implications are clear:

1. Art. 1723 conforms to and reaffirms RA 545, particularly Sec. 25 and Sec. 14(c).
2. The collapse of a building is attributable to defective structural plans and specifications, defective construction, or improper supervision of construction. Defects in mechanical, electrical or sanitary plans will not cause the collapse of the building but can cause damage.
3. Responsibility and liability for damage due to defects in the structural plans and specifications rests upon the engineer or architect who drew up and signed such plans and specifications, defect in which has caused the collapse of the building.
4. Article 1723 clearly implies that only the engineer or architect prepares structural plans and specifications of buildings. Please note however, that since the word "architect" is specific, there is no doubt that the architect does prepare structural plans of buildings. Besides, the architectural and structural designing of buildings is the practice of architecture as defined by RA 545 Sec. 14(c). However, since the word "engineer" is not described, it can refer to civil, structural, mechanical, electrical, sanitary or other engineer.
5. Since the word "engineer" in Art. 1723 is not specific, in present practice however, it can be implied to refer to a "structural engineer." A structural engineer is a civil engineer who holds a specialty certificate of registration or recognition as such, issued by the Professional Regulation Commission. The word "engineer" therefore in Art. 1723 can be correctly described without contradiction as the structural engineer who prepared and signed the structural plans and specifications, and certainly not an ordinary civil engineer.
6. Either the engineer or architect may supervise construction and be held solidarily liable with the contractor. Again the word "architect" is specific while the word "engineer" is not but in present practice may however be implied to mean a civil engineer who possesses special knowledge of supervision or construction management of buildings and holds a PRC certificate of registration or recognition as such.

7. Structural design of buildings may not be qualified nor limited in scope for either the structural engineer or the architect. This concept is not supported by any existing law on universal practice. What is important is that professional responsibility and liability is assumed by the structural engineer or architect who prepared and signed the structural plans and specifications of the buildings.
8. Although defects in mechanical, electrical, or sanitary or other engineering plans and specifications will not cause the collapse of the building, damages to the building should be the responsibility and liability of the corresponding engineers who prepared and signed their respective plans and specifications for the building. These engineers should be solidarily liable with the contractor if they supervise the construction of their respective branches of the work.
9. Under Art. 1723, only one signatory is required for the plans and specifications for any branch of the work required for the completion of a building. He is either the architect or corresponding engineer for such branch of the work.