

LEGEND:
PRBoA Matters
Firm Registration
Temporary/ Special Permit & Liability Insurance for Foreign Architects
CPD Providers
Legal & Illegal Practice
Signing and Sealing of Architectural Documents, Copyright & Ownership
ALE
Registration, Revocation & Reinstatement
Enforcement

H. No. 5389
S. No. 2710

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;

(b) "Architect-in-charge of construction" means an architect registered and licensed under this Act, who is directly and professionally responsible and liable for the construction supervision of the project;

(c) "Consulting Architect" means the architect registered and licensed or permitted to practice under this Act, who is professionally and academically qualified and with exceptional or recognized expertise or specialization in any branch of architecture;

(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;

(5) "Structural Conceptualization" means the act of conceiving, choosing and developing the type, disposition, arrangement and proportioning of the

structural elements of an architectural work giving due consideration to safety, cost-effectiveness, functionality and aesthetics;

(6) "Architectural Firm" means a sole proprietorship, a partnership or a corporation registered with the proper government agencies;

(7) "Authorship" refers to the author or authors of a set of architectural plans or specifications who are in charge of their preparation, whether made by them personally or under their immediate supervision;

(8) "Board" refers to the Professional Regulatory Board of Architecture;

(9) "Commission" means the Professional Regulation Commission;

(10) "Service Agreement" means a duly notarized written contract or equivalent public instrument stipulating the scope of services and guaranteeing compensation of such services to be rendered by an architect registered and licensed under this Act;

(11) "Integrated and Accredited Professional Organization" means the existing official national organization of all architects of the Philippines in which all registered Filipino architects shall be members without prejudice to membership in other voluntary professional associations;

(12) "Continuing Professional Development" refers to a sustaining and progressive learning process that maintains, enhances, or increases the knowledge and continuing ability of architects;

(13) "DTI" shall mean the Department of Trade and Industry; and

(14) "SEC" shall mean the Securities and Exchange Commission.

ARTICLE II

PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE

SEC. 4. Creation and Composition of the Professional Regulatory Board.

- There is hereby created a Professional Regulatory Board of Architecture, hereinafter referred to as the Board, a **collegial** body under the **supervision and administrative control** of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a chairman and two (2) members appointed by the President of the Philippines from a list of three (3) recommendees chosen from a list of five (5) nominees for each position **submitted to** the Commission by the integrated and the accredited professional organization of architects. The Board shall be organized not later than six (6) months from the effectivity of this Act.

SEC. 5. Qualifications of Members of the Professional Regulatory Board.

- Each member shall, at the time of his/her appointment, possess the following qualifications:

(a) be a citizen and a resident of the Philippines;

(b) be a holder of a degree in Bachelor of Science in Architecture conferred by a school, college or university in the Philippines or abroad that is recognized and/or accredited by the Commission on Higher Education (CHED);

(c) be an architect with a valid Certificate of Registration and Professional Identification Card and active practitioner of architecture for at least ten (10) years on the date of his/her appointment;

(d) not be a member of the faculty of any school, college, university or review institution where a regular course or review course in architecture is taught, nor have pecuniary interest in such institution. No former member of the faculty of any school, institute, university or review center where architecture is taught can become a member of the Board unless he/she had officially resigned from such an institution and has completely stopped teaching, advising or reviewing activities for at least five (5) years prior to the nomination; and

(e) Has never been convicted of any crime involving moral turpitude.

SEC. 6. Term of Office. - The members of the Board shall hold office for a term of three (3) years after appointment or until their successors shall have been appointed and duly qualified. Any vacancy occurring within the term of a member shall be filled for the **unexpired** portion of the term only. **Each member of the Board may be reappointed for one full term of three (3) years.** Of the members of the Board **first appointed** under this Act, one (1) member shall be appointed and hold office as **chairman for three (3) years**/one (1) member for two (2) years, and one (1) member for one (1) year. Each member of the Board shall qualify by taking the proper **oath** prior to the performance of their duties: Provided, That the incumbent members of the Board shall **continue to serve for the remainder of their term** as members of the herein created Professional Regulatory Board of Architecture **until a new Board shall have been properly organized.**

SEC. 7. Powers and Functions of the Board. - The Board shall exercise the following specific powers, functions and responsibilities:

(a) Prescribe and adopt the **rules and regulations necessary for carrying out the provisions of this Act;**

(b) Supervise the registration, licensure and **practice** of architects;

(c) **Administer oaths in connection with the administration of this Act;**

(d) **Issue, suspend, revoke, or reinstate** the Certificate of Registration and the Professional Identification Card for the **practice** of the architecture profession;

(e) Adopt an official seal of the Board;

(f) **Monitor the conditions affecting the practice** of architecture and **adopt such measures as may be deemed proper for the enhancement and maintenance of high professional, ethical and technical standards of the profession;**

(g) **Prescribe and/or adopt the Code of Ethical Conduct and Standards of Professional Practice;**

(h) **Hear and decide administrative cases involving violations of this Act, its implementing rules and regulations, the Code of Ethical Conduct and Standards of Professional Practice,** and for this purpose, to issue *subpoena ad testificandum* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith: *Provided*, That the decision of the Board shall, **unless appealed** to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision. The decision of the Commission may be **appealed to the Court of Appeals** in accordance with the procedure under the Rules of Court;

(i) **Prescribe guidelines for the Continuing Professional Development (CPD) program in consultation with** the integrated and accredited professional organization of architects: *Provided*, That the attendance to said CPD shall not be a mandatory requirement for the renewal of a professional license;

(j) **Prepare, adopt, issue or amend the syllabi of the subjects for examinations** by determining and preparing questions which shall be within the scope of the syllabi of the subject for examination as well as administer, correct and release the results of the licensure examinations;

(k) **Approve, issue, limit or cancel temporary or special permit** to practice architecture;

(l) In coordination with the CHED, ensure that all higher educational instruction and offerings of architecture comply with the **policies, standards and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities;**

(m) **To adopt a program for the full computerization of the licensure examination;** and

(n) **Discharge such other duties and functions** as may be deemed necessary for the **enhancement** of the architecture profession and the upgrading, development and growth of the architecture education.

The **policies, resolutions, rules and regulations, issued or promulgated by the Board shall be subject to review and approval** of the Commission. However, the Board's **decisions, resolutions or orders rendered in administrative cases shall be subject to review only if on appeal.**

SEC. 8. *Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services.*-The Board shall be under the **administrative supervision** of the Commission. All records of the Board, including applications for examination, and administrative and other investigative cases conducted by the Board shall be under the custody of the Commission. The Commission shall designate the Secretary of the Board and

shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 9. *Grounds for Suspension or Removal of Members of the Board.*- The President of the Philippines, upon the recommendation of the Commission, after giving the concerned member an opportunity to defend himself in a proper administrative investigation to be conducted by the Commission, may suspend or remove any member on the following grounds:

(a) Neglect of duty or incompetence;

(b) Violation or **tolerance** of the violation of this Act, or its implementing rules and regulations or the Code of Ethical Conduct and Standards of Professional Practice;

(c) Final judgment of crimes involving moral turpitude; and

(d) Manipulation or rigging of the architecture licensure examination results, **disclosure of secret and confidential information in the examination questions prior to** the conduct of the said examination or **tampering of grades**.

SEC. 10. *Compensation and Allowances of the Board.* - The chairman and members of the Board shall receive compensation and allowances comparable to that being received by the chairman and members of existing regulatory Boards under the Commission as provided for in the General Appropriations Act.

SEC. 11. *Annual Report.* - The Board shall submit an **annual report**; to the Commission **after** the close of each year giving a detailed account of its proceedings during the year and **making such recommendations as it may deem proper**.

ARTICLE III EXAMINATION, REGISTRATION AND LICENSURE

SEC. 12. *Examination Required.* - All applicants for registration for the practice of architecture shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981.

SEC. 13. *Qualifications of Applicant for Examination.* - Any person applying for examination shall establish to the satisfaction of the Board that:

(a) He/she is a Filipino citizen or a citizen of a foreign country qualified to take the examination as provided for in this Act;

(b) He/she is of good moral character;

(c) He/she is a holder of a degree of Bachelor of Science in Architecture conferred by a school, college, academy or institute duly recognized and/or accredited by the Commission on Higher Education (CHED) and in addition has a specific record of at least two (2) years or equivalent of diversified architectural experience duly certified by a registered/licensed architect: *Provided, however,* That an applicant holding a Master's Degree in Architecture from a school, college, university or institute recognized by the government shall be credited one (1) year in his/her practical experience; and

(d) He/she has not been convicted of any criminal offense involving moral turpitude.

SEC. 14. *Subjects for Examination.* - The licensure examination for architects shall cover, but are not limited to, the following subjects:

(1) History and Theory of Architecture; Principles of Planning and Architectural Practice;

(2) Structural Design, Building Materials, and Architectural Specifications, and Methods of Construction and Utilities;

(3) Urban Design and Architectural Interiors; and

(4) Architectural Design and Site Planning.

The Board, subject to the approval of the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises to conform to technological changes brought about by continuing trends in the profession.

SEC. 15. *Rating in the Licensure Examination.* - To be qualified as having passed the licensure examination for architects, a candidate must obtain a weighted general average of seventy percent (70), with no grade lower than fifty percent (50) in any given subject.

SEC. 16. *Report of Ratings.* - The Board shall submit to the Commission the ratings obtained by each candidate within thirty (30) calendar days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his/her given address using the mailing envelope submitted during the examination.

SEC. 17. *Oath.* - All successful candidates in the examination shall be required to take an oath of profession before any member of the Board, any government official authorized by the Commission or any person authorized by law to administer oaths, prior to entering upon the practice of the profession.

SEC. 18. *Issuance of Certificates of Registration and Professional Identification Card.* - A Certificate of Registration and Professional Identification Card shall be issued to examinees who pass the licensure examination subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the chairperson of the Commission and the chairman and members of the Board, stamped with the official seal, indicating that the person named therein is entitled to the practice

of the profession with all the privileges appurtenant thereto. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A Professional Identification Card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee.

SEC. 19. Roster of Architects.- A roster showing the names and place of business of all registered professional architects shall be prepared and updated by the Board and copies thereof shall be made available to any party as may be deemed necessary.

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.

(4) Drawings and specifications duly signed, stamped or sealed, as instruments of service, are the **intellectual properties and documents of the architect**, whether the object for which they are made is executed or not. It shall be unlawful for any person, without the consent of the architect or author of said documents to duplicate or to make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly or in whole.

(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.

SEC. 21. Indication of Certificate of Registration/ Professional Identification Card and Professional Tax Receipt. - The architect shall be required to indicate his/her Certificate of Registration and Professional Identification Card, its date of issuance and the duration of validity, including the professional tax receipt number, on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 22. Refusal to Issue Certificate of Registration and Professional Identification Card. - The Board shall not register and issue a Certificate of Registration and Professional Identification Card to any person who has falsely sworn or misrepresented himself/herself in his/her application for examination or to any person convicted by a court of competent, jurisdiction of a criminal offense involving moral turpitude or guilty of immoral and dishonorable conduct or to any person of unsound mind. In the event of refusal to issue certificate for any reason, the Board shall give the applicant a written statement setting forth the reasons for such action, which statement shall be incorporated in the record of the Board: Provided, however, That registration shall not be refused and a name shall not be removed from the roster of architects on conviction for a political offense or for an offense which should not, in the opinion of the Board, either from the nature of the offense or from the circumstances of the case, disqualify a person from practicing under this Act.

SEC. 23. Suspension and Revocation of Certificates of Registration, Professional Identification Card or the Special/Temporary Permit. - The Board shall have the power, upon notice and hearing, to suspend or revoke the validity of a Certificate of Registration/Professional Identification Card, or shall cancel a special permit granted under this Act to an architect, on any ground mentioned under Section 22 hereof for the use of or perpetuation of any fraud or deceit in obtaining a Certificate of Registration and Professional Identification Card or special/temporary permit; for gross negligence or incompetence; for unprofessional or dishonorable conduct; or for any cause specified hereunder: *Provided, however,* That such action of the Board shall be subject to appeal to the Commission whose decision shall be final if he/she:

(a) has signed and affixed or permitted to be signed or affixed his name or seal on architectural plans and designs, specifications, drawings, technical reports, valuation, estimates, or other similar documents or work not prepared by him/her or not executed under his/her immediate supervision; or

(b) has paid money except the regular fees provided for to secure a Certificate of Registration; or

(c) has falsely impersonated a practitioner, or former practitioner of alike or different name or has practiced under an assumed, fictitious or corporate name other than that of the registered; or

(d) has aided or abetted in the practice of architecture (by) any person not duly authorized to practice architecture in the Philippines; or

(e) has openly solicited projects by actually undertaking architectural services without a valid service agreement guaranteeing compensation of services to be rendered and/or has actually allowed himself/herself to be exploited by undertaking architectural services without a valid service agreement, both acts being prejudicial to other architects registered and licensed under this Act and inimical to the interests of the profession; or

(f) has violated any provision of this Act, its implementing rules and regulations, the Code of Ethical Conduct and Standards of Professional Practice.

The Board shall periodically examine the grounds for the revocation of the Certificate of Registration and Professional Identification Card and update these as necessary under the implementing rules and regulations.

Any person, firm or association, may prepare charges in accordance with the provisions of this section against any registrant, or the Board may *motu proprio* investigate and/or take cognizance of acts and practices constituting sufficient cause for suspension or revocation of the Certificate of Registration by proper resolution or order. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

SEC. 24. Re-issuance or Replacement of Revoked or Lest Certificates of Registration. Professional Identification Card or Special and Temporary Permit. - The Board may, after the expiration of two (2) years from the date of revocation of a Certificate of Registration, Professional Identification Card or special/temporary permit, and upon application and for reasons deemed proper and sufficient, reinstate the validity of a revoked Certificate of Registration and in so doing may, in its discretion, exempt the applicant from taking another examination.

A new Certificate of Registration or Professional Identification Card, temporary/special permit to replace those which have been lost, destroyed, or mutilated, may be re-issued, subject to the rules promulgated by the Board and the Commission, upon payment of the required fees.

ARTICLE IV PRACTICE OF ARCHITECTURE

SEC. 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 this Act.

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 this Act, 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.

SEC. 26. *Vested Rights: Architects Registered When this Law is Passed.* - All architects registered at the time this law takes effect shall automatically be registered under the provisions hereof, subject, however, to the provisions herein set forth as to future requirements.

Certificate of Registration held by such persons in good standing shall have the same force and effect as though issued after the passage of this Act.

SEC. 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.

SEC. 28. *Continuing Professional Development (CPD).* - To promote public interest and to safeguard life, health and property, all practicing architects shall maintain a program of continuing professional development. The integrated and accredited professional organization shall have the responsibility of developing a continuing professional development program for architects. Other entities or organizations may become CPD providers upon accreditation by the Board.

SEC. 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 this Act, 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 this Act, 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.

SEC. 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 this Act to undertake/perform any service under the general practice of architecture as defined under this Act, 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.

SEC. 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 this Act by having a representative or employee seek architectural work in their behalf, unless and until, such persons have duly qualified and are duly registered/licensed, otherwise, both those represented and the representative, the employer and the employee shall be deemed guilty of violation of this Act. **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.

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. 33. *Ownership of Plans, Specifications and Other Contract Documents.* - Drawings and specifications and other contract documents duly signed, stamped or sealed, as instruments of service, are the **intellectual property** and documents of the architect, whether the object for which they are made is executed or not. It shall be unlawful for any person to duplicate or to make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly or in whole, without the written consent of architect or author of said documents.

All architects shall incorporate this provision in all contract documents and other instruments of service.

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. 35. *Positions in Government Requiring the Services of Registered and Licensed Architects.* - Within three (3) years from the effectivity of this Act, all existing and proposed positions in the local and national government, whether career, permanent, temporary or contractual and primarily requiring the services of an architect shall be filled only by registered and licensed architects.

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.

SEC. 37. *Limitation to the Registration of a Firm, Company, Partnership, Corporation or Association.* - The practice of architecture is a professional service, admission to which shall be determined upon the basis of individual personal qualifications. However, a firm, company, partnership, corporation or association may be registered or licensed as such for the practice of architecture under the following conditions:

(a) **Only Filipino citizens properly registered and licensed as architects under this Act may, among themselves, or together with allied technical professionals,** form and obtain registration as a firm, company, partnership, association or corporation for the practice of architecture;

(b) Registered and licensed architects shall compose at least seventy-five percent (75) of the owners, shareholders, members, incorporators, directors, executive officers, as the case may be;

(c) Individual members of such firm, partnership, association or corporation shall be responsible for their individual and collective acts as an entity and as provided by law;

(d) Such firm, partnership, association or corporation shall be registered with the Securities and Exchange Commission **and** the Board.

SEC. 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.**

SEC. 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 this Act **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 this Act.

ARTICLE V FINAL PROVISIONS

SEC. 40. *Integration of the Architecture Profession.* - The Architecture profession shall be **integrated into one (1) national organization which shall be accredited by the Board**, subject to the approval by the Commission, as the integrated and accredited professional organization of architects: *Provided, however,* That such an organization shall be registered with the Securities and Exchange Commission, as a **non-profit, non-stock corporation** to be governed by **by-laws providing for a democratic election of its officials**. An architect duly registered with the Board shall **automatically** become a member of the integrated and accredited professional organization of architects and shall receive the benefits and privileges provided for in this Act upon payment of the required fees and dues. Membership in the integrated and accredited professional organization of architects shall **not** be a bar to membership in **other** associations of architects.

SEC. 41. *Implementing Rules and Regulations.* - Within sixty (60) days after the effectivity of this Act, the Board, subject to the approval of the Commission **and in coordination with** the integrated and accredited professional organization, shall adopt and promulgate such **rules and regulations, Code of Ethical Conduct and Standards of Professional**

Practice, to carry out the provisions of this Act and which shall be effective fifteen (15) days following their publication in the *Official Gazette* or in two (2) major daily newspapers of general circulation.

SEC. 42. *Appropriations.* - The Chairperson of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

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.

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.

SEC. 45. *Separability Clause.* - If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 46. *Repealing Clause.* - Republic Act No, 545, as amended by Republic Act No. 1581 is hereby repealed and all other laws, orders, rules and regulations or resolutions or part/s thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 47. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

(ORIGINAL SIGNED)

(ORIGINAL SIGNED)

FRANKLIN M. DRILON

President of the Senate

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)

(ORIGINAL SIGNED)

OSCAR G. YABES

Secretary of the Senate

ROBERTO P. NAZARENO

*Secretary General
House of Representatives*

Approved:

(ORIGINAL SIGNED 17 MARCH 2004)

GLORIA MACAPAGAL-ARROYO

President of the Philippines

LEGEND:

PRBoA Matters

Firm Registration

Temporary/ Special Permit & Liability Insurance for Foreign Architects

CPD Providers

Legal & Illegal Practice

Signing and Sealing of Architectural Documents, Copyright & Ownership

ALE

Registration, Revocation & Reinstatement

Enforcement