

PROFESSIONAL REGULATION COMMISSION (PRC)

Registered and)	
Licensed Architect (RLA),)	
Complainant	)	CASE NO. _____
	)	CRIMINAL COMPLAINT
	)	FOR VIOLATIONS OF R.A. NO. 9266
vs.	)	the Practice
	)	of Architecture by Any Person
	)	Not Duly Authorized to Practice
	)	Architecture in the
	)	Philippines; and
	)	Violation of Any Provision of
	)	R.A. No. 9266, its Implementing
	)	Rules and Regulations, the Code
	)	of Ethical Conduct and
	)	Standards of Professional
	)	Practice.
1) _____, Inc.)	
2) _____)	
3) John Doe No. 1)	
4) John Doe No. 1)	
5) John Doe No. 3)	
6) John Doe No. 4)	
7) John Doe No. 5)	
8) John Doe No. 6,)	
Respondents)	

JURISDICTION AND VENUE

Complainant brings this **criminal** complaint against the named Respondents and alleges as follows: exclusive jurisdiction and venue are supported against the individual Respondents, as listed, based on the following grounds:

- 1) The practice of the regulated profession of architecture in the Philippines is governed in general by R.A. No. 8981 (The Professional Regulation Commission Modernization Act of 2000) implemented and enforced through the Professional Regulation Commission (hereinafter the "**PRC**") and specifically by R.A. No. 9266 (The Architecture Act of 2004) implemented and enforced

through the PRC and the Professional Regulatory Board of Architecture (hereinafter the "PRBoA");

- 2) Respondent No. 1 operates as an architectural firm in the Philippines and is subject to regulation by the PRC and the PRBoA under Article _ Sec. _ of R.A. No. 9266, its IRR and derivative regulations periodically promulgated by the PRC and/or the PRBoA i.e. resolutions, orders circulars and the like; and
- 3) Respondent Nos. 2 through 8 are known or are projected in public to be actively practicing as registered and licensed architects (hereinafter the "RLAs") in the Philippines as part of or in support of Respondent No. 1, and are all subject to regulation by the PRC and the PRBoA under Articles _ Secs. _ respectively of R.A. No. 9266, its IRR and derivative regulations periodically promulgated by the PRC and/or the PRBoA.

STATEMENT OF FACTS

Paragraph 1. Complainant is private entity empowered specifically under Art. IV Secs. 25, 29, 31, 32 and 44 of R.A. No. 9266 (The Architecture Act of 2004) to sue for violations of R.A. No. 9266 (*Exhibit "A"*);

Sec. 25 of R.A. No. 9266 states:

"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." (emphases supplied);

Sec. 29 of R.A. No. 9266 states:

"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.**" (*emphases supplied*);

Sec. 31 of R.A. No. 9266 states:

"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." (*emphases supplied*);

Sec. 32 of R.A. No. 9266 states:

"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." (emphases supplied);

Sec. 44 of R.A. No. 9266 states:

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." (emphases and underscoring supplied);

R.A. No. 9266 which repealed R.A. No. 1581 of 1956 (which in turn amended R.A. No. 545 of 1950), was signed into law by Pres. Gloria Macapagal-Arroyo on 17 March 2004 and took effect 10 April 2004; the Implementing Rules and Regulations (IRR) of R.A. No. 9266 were published in the Official Gazette on 16 November 2004 and became effective on 01 December 2004; thereafter derivative regulations were periodically approved by the PRBoA and promulgated by the PRC in the form of Resolutions, Orders, Guidelines, Circulars and the like; the unamended or unrepealed rules, regulations and guidelines of the predecessor architecture laws have remained in force;

Paragraph 2. Named Respondent No. 1, Respondent No. 2 and Respondent Doe Nos. 3 - 8 (to be named later) are jointly practicing as an architectural firm (*Exhibit "B"*), and that violations of R.A. No. 9266 as hereinafter alleged were proximately caused by the individual and/or joint acts of Respondents, as enumerated in each cause of action. Respondents are named, numbered and abbreviated as follows:

Respondent No. **1**: _____, Inc. located at No. _____;

Respondent No. **2**: Architect _____, with office at _____, Inc. (Respondent No. 1) and with home address at _____ City, Metro Manila;

Respondent Doe Nos. **3 - 8**: with office at _____, Inc.

Paragraph 3. As an RLA, it is also the duty of the Complainant to assist in effectively monitoring the implementation/ enforcement of provisions of R.A. No. 9266. Since the Respondents were constantly featured individually or jointly in media together i.e. unregistered persons in the persons of _____ (aka _____), _____ (aka _____) and _____ (aka _____) over the period January through July 2007 (*Exhibits "C"*), as practicing the regulated profession of architecture together, the Complainant has publicly called the attention of Respondents on at least _____ occasions, though _____ i.e. the broadsheet _____ (*Exhibits "D"*), that the illegal practice of architecture by an unregistered person are acts in violation of R.A. No. 9266.

Paragraph 4. While Respondent No. 1 is portrayed in the newspaper articles as being in the business of providing architectural plans and designs (*Exhibits "C"*), its Securities and Exchange (SEC) registration papers belie such an assertion (*Exhibit "E"*). Moreover, the listed ownership and management of Respondent No. 1 clearly shows that it does not comply with the seventy five percent (75.0%) ownership requirement by RLAs under Art. IV Sec. 37 of R.A. No. 9266 (*Exhibit "F"*).

Paragraph 5. Respondent No. 1 is listed in the 2005 book "_____Houses in the Philippines" which feature the supposed works of Mr. _____ under Respondent No. 1 (*Exhibits "G"*).

Paragraph 6. In 2003, Respondent No. 1 entered into a construction contract with the _____ (*Exhibit "H"*), a public document that has been duly notarized. Respondent No. 1 was represented by Mr. _____ who signed as the _____ on each and every page of the said contract. Of particular interest are provisions under the said contract i.e. Secs. __ and __ which clearly point to Respondent No. 1 as the party responsible for the preparation of the contract documents i.e. plans, designs and specifications.

Paragraph 7. Complainant is presently unaware of the true names and capacities of Respondents sued herein as DOE Nos. 3 to 8, inclusive, and therefore sues these Respondents in the interim by such fictitious names. Complainant shall amend this complaint to allege their true names and capacities when ascertained. Complainant is informed and believes and thereon alleges that occurrences herein alleged, and that the violations of R.A. No. 9266 as herein alleged were proximately caused by their conduct.

**FIRST CAUSE OF ACTION - THE PRACTICE OF ARCHITECTURE BY ANY PERSON NOT
DULY AUTHORIZED TO PRACTICE ARCHITECTURE IN THE PHILIPPINES**

Vs. ALL Respondents

Paragraph 7. Complainant repeats and re-alleges paragraphs 3 - 6 and charges Respondents with the culpable violation of Art. IV Secs. 25, 29, 31 and 32 of R.A. No. 9266.

Paragraph 8. At all times herein mentioned, all Respondents knew, and intended, that their services as unregistered and unlicensed persons (Mssrs. _____, _____ and _____), would be offered to and subsequently acquired by the unsuspecting public, without informing the same that acts deemed violative of R.A. No. 9266, its IRR and derivative regulations are or are about to be committed.

Paragraph 9. As a proximate result of the individual or joint acts of the Respondents as unregistered and unlicensed person (Mr. _____, Mr. _____ and Mr. _____), the public institutional image of the Complainant and of the architecture profession/legitimate RLA-practitioners in general was caused irreparable harm.

Paragraph 10. Complainant is informed, believes and alleges that Respondents knew fully well that their being unregistered and unlicensed persons (Mr. _____, Mr. _____ and Mr. _____) who claim to be the "architect", are unable to assume the professional responsibilities attendant to being an RLA before the PRBoA and the PRC. As such, the unregistered and unlicensed person (Mr. _____, Mr. _____ and Mr. _____) cannot be held administratively liable for violations of R.A. No. 9266 its IRR and derivative regulations not limited to the Code of Ethical Conduct and the Standards of Professional Practice, to which all RLAs must subscribe.

Paragraph 11. Complainant is informed, believes and alleges that Respondents knew fully well that their status as unregistered and unlicensed persons (Mr. _____, Mr. _____ and Mr. _____) who claim to be "architects", are unable to assume the mandatory civil liability attendant to being an RLA and as defined under Art. 1723 of the Civil Code.

Paragraph 12. Complainant is informed, believes and alleges that Respondents have not warned their clients of the hazards or

disadvantages of engaging and paying an unregistered and unlicensed person (Mr. _____, Mr. _____ and Mr. _____). In doing the things aforementioned, Respondents have unduly and specifically compromised the interests of their clients and of the public in general.

SECOND CAUSE OF ACTION - VIOLATION OF ANY PROVISION OF R.A. No. 9266,
ITS IMPLEMENTING RULES AND REGULATIONS

Vs. ALL Respondents

Paragraph 13. Complainant repeats and re-alleges paragraphs 3 - 6 and charges Respondents with the culpable violation of Art. IV Secs. 25, 29, 31 and 32 of R.A. No. 9266.

Paragraph 14. Respondents have unduly and specifically compromised the standing of R.A. No. 9266 by engaging in clear, direct, willful, concerted, orchestrated and culpable acts that are violative of R.A. No. 9266 and its IRR, specifically Rules ___ and Secs. ____ respectively.

Paragraph 15. Respondents have unduly and specifically compromised the interests of their clients and of the public in general as part of a clear, direct, willful, concerted, orchestrated and culpable violation of the 2006 Code of Ethical Conduct.

Paragraph 16. Respondents have unduly and specifically compromised the social and professional standing of RLAs in general as part of a clear, direct, willful, concerted, orchestrated and culpable violation of the Standards of Professional Practice.

WHEREFORE, Complainant prays judgment on all counts against
Respondents enumerated above as follows:

1. For immediate cessation of operations and closure of Respondent No.1;
2. To criminally charge Respondents before the appropriate agency/venue/s for multiple criminal violations of R.A. No. 9266; and
3. For such other and further relief/s as the PRC may deem proper.

Dated: _____

By: _____

RLA, Complainant