



Republic of the Philippines
Professional Regulation Commission
Manila

**The Professional Regulatory
Board of Architecture
(PRBoA)**



URL : www.architectureboard.ph
(using the Yahoo search engine)
email: prboa.prc.gov.ph@gmail.com

Your Ref:

Our Ref: 07fe_BoA-125

26 February 2008

Republic of the Philippines
Department of Public Works & Highways (DPWH)
DPWH Headquarters Office Building
Bonifacio Drive, City of Manila

ATTENTION : **The Hon. HERMOGENES B. EBDANE, JR.**
Secretary

SUBJECT : **AWAITED ACTION OF THE DPWH AND ITS OFFICIALS IN
RESPONSE TO THE RECENTLY PROMULGATED MANILA RTC
BRANCH 22 DECISION AND IN FULFILMENT OF THE
DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE
R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004)**

REFERENCES: 1) Manila RTC Branch 22 (the "Court") **Decision**
promulgated 29 January 2008; 2) Secs. 3, 20, 20.2, 29,
32, 34, 35 and 44 of **R.A. No. 9266**; and 3) **R.A. No.
8981** (The PRC Modernization Act of 2000)

Dear Sir,

Warm greetings from the Professional Regulatory Board of
Architecture (**PRBoA**)!

The **PRBoA** is the entity under the Professional Regulation
Commission (**PRC**) primarily tasked to oversee the full implementation
and enforcement of **R.A. No. 9266** (in effect since 10 April 2004),
its **IRR** (in effect since 01 December 2004) and its derivative
regulations in effect and issued/approved by the **PRC** since the
1970s. **All of the provisions** of the foregoing are **in effect, valid
and subsisting** and are not covered by any TRO, any injunction nor
any pending question on constitutionality.

On 14 February 2008, the **PRBoA** received a copy of the Manila
RTC Branch 22 (the "Court") Decision (the "**Decision**"), the
dispositive portion of which stated the following:

- 1) **dismissal** of the 2005 **Petition** filed by the **PICE**, et. al.
against Your person;
- 2) **dissolution** of the 24 May 2005 **injunction** restraining You
and the **DPWH** from implementing **Secs. 302.3 and 302.4** of
the **2004 Revised IRR** (the "**R-IRR Sec.302 Injunction**") of
P.D. No. 1096 (the 1977 National Building Code of the



Professional Regulatory Board of Architecture (PRBoA)

AWAITED ACTION OF THE DPWH AND ITS OFFICIALS IN COMPLIANCE WITH THE RECENTLY PROMULGATED MANILA RTC BRANCH 22 DECISION AND IN FULFILMENT OF THE DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004) page 2 of 3

Philippines/ **NBCP**) which was harmonized in 2004 by the **DPWH** with **R.A. No. 9266**; and

- 3) **declaration** that the said **Secs. 302.3 and 302.4** are **valid and constitutional**.

The Decision also clearly stated the following:

- 1) that the Petitioner **PICE**, et. al., in seeking declaratory relief, possibly not limited to the TRO and injunction issued by the Court, presented to the Court the **unofficial and incorrect** i.e. intercalated **version** of **Section 302 of P.D. No. 1096**, which later became the one of the bases for the issuance of the 24 May 2005 **injunction** on the **Secs. 302.3 & 4** of the 2004 R-IRR ; and
- 2) that there was **forum shopping** in the filing of the Petition since an earlier case filed in a Quezon City court dealt with practically the same issues.

It has now been almost two (2) weeks since the **DPWH** receipt of a copy of said Decision and the **PRBoA** now eagerly awaits Your response to the Decision i.e. specifically the issuance of an Order from Your office **nullifying** your 26 September 2005 Order and the then **DPWH** OIC Bonoan's 16 April 2007 Order, both of which allowed civil engineers (**CEs**) to sign and seal **architectural** documents, in contravention of **Sec. 302 of P.D. No. 1096** and in violation of the specific provisions of **R.A. No. 9266** and **R.A. No. 8981**.

Both **DPWH** Orders have been consistently questioned by the **PRBoA** and the architectural community since there are **no TROs, no injunctions nor any pending constitutional question** on the **R.A. No. 9266** and **R.A. No. 8981**, national laws that remain valid, subsisting and enforceable by the **DPWH** despite the existence of the **R-IRR Sec. 302 Injunction**. In fact, two (2) **PRBoA** letters on the subject (and received at the **DPWH** last year) remain unanswered to date.

With the recent dissolution of the **R-IRR Sec. 302 Injunction**, the dismissal of the **PICE** Petition and the Court's declaration that the erstwhile restrained sections of the **2004 Revised IRR of P.D. No. 1096** are actually **valid and constitutional**, there is now **no** legal impediment to the **DPWH's full implementation and enforcement of the said regulations**, which are congruous to the parallel implementation and enforcement of **R.A. No. 9266**.

Again Hon. Secretary, it has been almost 2 weeks since the **DPWH** received its copy of the Decision and the continuing delay in the issuance of the covering **DPWH** Order (to **fully implement and enforce** the formerly restrained regulations) only continues to give **undue advantage** to civil engineers (**CEs**) who **illegally** prepare, sign and seal **architectural** documents, as they have been **illegally** allowed to do so by the **DPWH** for the almost four (4) years that **R.A. No. 9266** has been in effect i.e. April 2004 to date.

The **PRBoA** hopes that the **DPWH** is able to issue the required Order to **fully implement and enforce Secs. 302.3 and 302.4 of the 2004 Revised IRR** the soonest. It may also be important to consider the inclusion of the following clarifications in the said Order:

- 1) that **architectural** documents must **not** be labeled/ accepted/ processed as civil/structural documents since



Professional Regulatory Board of Architecture (PRBoA)

AWAITED ACTION OF THE DPWH AND ITS OFFICIALS IN COMPLIANCE WITH THE RECENTLY PROMULGATED MANILA RTC BRANCH 22 DECISION AND IN FULFILMENT OF THE DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004) page 3 of 3

the sections/ regulations to be implemented/ enforced clearly define the distinctions between the 2 types of documents; and

- 2) that only registered and licensed architects (**RLAS**) shall review and approve **architectural** documents submitted as part of a building permit application, to the **total exclusion** of all other entities who may claim knowledge of architecture but are **not** RLAs.

Finally, it is quite important to advise You at this time that the **PRBoA** is only momentarily deferring the filing of **administrative and criminal complaints** against Your person (for multiple violations of **R.A. No. 9266, R.A. No. 8981, R.A. No. 6713, R.A. No. 3019** and the **Revised Penal Code**, among others), but only in deference to the 06 February 2008 Commission on Appointments (**CA**) request that the **DPWH** and the **PRBoA** first meet on 05 March 2008 (next week).

Hon. Secretary, Your subsequent actions on this letter will weigh heavily on the **PRBoA** decision to proceed with filing of the said complaints, as You are already clearly liable by the **PRBoA's** reckoning, for the violation of the afore-cited laws.

Thank You very much for the attention and consideration You shall give the foregoing matters.

Yours sincerely,

for the PRBoA

ORIGINAL SIGNED

Armando N. ALLÍ
Chairman

file: 08feb_BoA-125

cc : Office of the PRC Chairperson, PRC Legal and Investigation Division, PRC Secretary of the Professional Regulatory Boards (PRBs)

United Architects of the Philippines (UAP)-IAPOA



Republic of the Philippines
Professional Regulation Commission
Manila

The Professional Regulatory
Board of Architecture
(PRBoA)



URL : www.architectureboard.ph
(using the Yahoo search engine)
email: prboa.prc.gov.ph@gmail.com

Your Ref:

Our Ref: 07fe_BoA-126

22 February 2008

Republic of the Philippines
Department of Public Works & Highways (DPWH)
DPWH Headquarters Office Building
Bonifacio Drive, City of Manila

ATTENTION : **The Hon. HERMOGENES B. EBDANE, JR.**
Secretary

SUBJECT : **SUGGESTED TOPICS FOR DISCUSSION DURING THE 05 MARCH 2008 MEETING ARRANGED BY THE COMMISSION ON APPOINTMENTS (CA) AS THESE RELATE TO THE FULFILMENT OF DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004)**

REFERENCES: 1) 06 February 2008 Instruction by the Commission on Appointments (CA) for the **DPWH** and the **PRBoA** to meet on 05 March 2008; and 2) Secs. 3, 20, 20.2, 29, 32, 34, 35 and 44 of **R.A. No. 9266**

Dear Sir,

Warm greetings from the Professional Regulatory Board of Architecture (**PRBoA**)!

The **PRBoA** is the entity under the Professional Regulation Commission (**PRC**) primarily tasked to oversee the full implementation and enforcement of **R.A. No. 9266** (The Architecture Act of 2004, in effect since 10 April 2004), its **IRR** (in effect since 01 December 2004) and its derivative regulations in effect and issued/approved by the **PRC** since the 1970s. From April 2004 to date, all of the provisions of the foregoing were/are in full effect (valid and subsisting) and were/are **not** covered by any TRO, any injunction nor any pending legal question on constitutionality.

On the morning of 06 February 2008, the **PRBoA** transmitted to the CA Secretariat its official **opposition** to Your nomination as **DPWH** Secretary due to Your continued failure and/or refusal to implement **R.A. No. 9266**, a **statutory obligation** on Your part. During the early part of the CA hearing on the same morning, four (4) CA Members from the House of Representatives arranged a meeting between the **DPWH** and the **PRBoA** on 05 March 2008. In deference to the CA initiative, the **PRBoA** deferred the filing of **administrative and criminal complaints** against Your person (for multiple violations of **R.A. No. 9266**, **R.A. No. 8981**, **R.A. No. 6713**, **R.A. No. 3019** and the **Revised Penal Code**, among others), originally scheduled for 07 and 11 February 2008.



Professional Regulatory Board of Architecture (PRBoA)

SUGGESTED TOPICS FOR DISCUSSION DURING THE 05 MARCH 2008 MEETING ARRANGED BY THE COMMISSION ON APPOINTMENTS (CA) AS THESE RELATE TO THE FULFILMENT OF DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004) page 2 of 3

On 13/14 February, the **DPWH/PRBoA** received copies of the much-awaited Manila RTC Branch 22 Decision (the "**Decision**"), the dispositive portion of which stated the following:

- 4) **dismissal** of the 2005 **Petition** filed by the Philippine Institute of Civil Engineers (**PICE**), et. al. against Your person;
- 5) **dissolution** of the 24 May 2005 **injunction** restraining You and the **DPWH** from implementing **Secs. 302.3 and 302.4** of the **2004 Revised IRR** (the "**R-IRR Sec.302 Injunction**") of **P.D. No. 1096** (the 1977 National Building Code of the Philippines/ **NBCP**) which was harmonized in 2004 by the **DPWH** with **R.A. No. 9266**; and
- 6) **declaration** that the said **Secs. 302.3 and 302.4** (the **regulations**") are **valid and constitutional**.

As a result of the said Decision, there is now **no** legal impediment to the **DPWH's** full implementation and enforcement of the said **regulations**, which are congruous to the parallel implementation and enforcement of specific sections of **R.A. No. 9266**.

In consideration of the foregoing, we strongly suggest that the following make up the main topics for discussion during the 05 March meeting next week:

- 3) the issuance of a **DPWH** Order from Your office fully **implementing and enforcing** **Secs. 302.3 and 302.4** of the 2004 Revised IRR of **P.D. No. 1096** and **nullifying** Your 26 September 2005 Order and the then **DPWH** OIC Bonoan's 16 April 2007 Order, both of which allowed civil engineers (**CEs**) to sign and seal **architectural** documents, in contravention of **Sec. 302 of P.D. No. 1096** and in violation of the specific provisions of **R.A. No. 9266** and **R.A. No. 8981**; both **DPWH** Orders have been consistently questioned by the **PRBoA** and by the architectural community since there are **no TROs, no injunctions nor pending constitutional questions** on the **R.A. No. 9266** and **R.A. No. 8981**, national laws that remain valid, subsisting and enforceable by the **DPWH** (as part of its **statutory obligation**), despite the existence of the **R-IRR Sec. 302 Injunction**; the two (2) **PRBoA** letters on the subject (and received at the **DPWH** last year) remain unanswered to date;
- 4) **architectural** documents to be accepted/reviewed/processed by all **DPWH**-appointed Building Officials (**BOs**) nationwide must **not** be labeled as civil/structural documents since the regulations to be implemented/enforced clearly define the distinctions between the 2 types of documents; in relation to this topic, **BOs** nationwide must be mandated to prepare an updated list of projects and the signatories to architectural documents starting with the date of the anticipated **DPWH** Order implementing/enforcing the Court-upheld regulations and that the same shall be posted in a conspicuous place in the **LGUs** and shall be made available to the **PRBoA** and/or all **RLAs** upon request;
- 5) to comply with **Sec. 35 of R.A. No. 9266** (which took effect on 10 April 2007), only registered and licensed architects (**RLAs**) shall review and approve **all architectural** documents, to the **total exclusion** of all other entities who may claim knowledge of architecture but are **not** **RLAs** i.e. specially **not** the **CEs**; as such, all **architectural** sections/ divisions of the Offices of the Building Official (**OBO**) or of the Offices of the Muni-



Professional Regulatory Board of Architecture (PRBoA)

SUGGESTED TOPICS FOR DISCUSSION DURING THE 05 MARCH 2008 MEETING ARRANGED BY THE COMMISSION ON APPOINTMENTS (CA) AS THESE RELATE TO THE FULFILMENT OF DPWH'S STATUTORY MANDATE TO IMPLEMENT AND ENFORCE R.A. NO. 9266 (THE ARCHITECTURE ACT OF 2004) page 3 of 3

- pal/ City Engineers, should be manned **only by RLAs**, whether on a part or full time basis; and
- 6) **Sec. 35** (*Positions in Government Requiring the Services of Registered and Licensed Architects*) of **R.A. No. 9266** state that within (3) years from its 10 April 2008 effectivity, **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 (**RLAs**); by virtue of the importance given to the repeal provision of **R.A. No. 9266** by the Decision, it would also be well for the **DPWH** to consider that **Sec. 35 of R.A. No. 9266** **repeals** the provision under **R.A. 7160** (The Local Government Code) that allows CEs holding the position of Municipal/City Engineer to simultaneously assume the post/discharge the functions of a Building Official (**BO**); and
- 7) to further comply with **Sec. 35 of R.A. No. 9266** and since no due process apparently took place, the **reinstatement** of **RLA** Hernani Aguilar (removed by Your Order in late December 2007) to the position of BO; as a result of Architect Aguilar's replacement by a non-RLA and CE-BO (a certain Engr. Palmiano), the CEs of Naga City continue to **illegally** prepare, sign and seal **architectural** documents, as they had been illegally allowed to do so by the **DPWH** elsewhere for the almost four (4) years that **R.A. No. 9266** has been in effect i.e. April 2004 to date; the **DPWH** cannot escape responsibility for such violations of law.

Finally, by way of additional information, at least one (1) of the four CA Members-Congressmen who arranged the 05 March meeting has already confirmed attendance/participation in the meeting. As the **PRBoA** may also be accompanied by its private counsel to the meeting, we strongly suggest that the **DPWH** counsel be also present.

Thank You very much for the attention and consideration You shall give the foregoing matters.

Yours sincerely,
for the PRBoA

ORIGINAL SIGNED
Armando N. ALLÍ
Chairman

file: 08feb_BoA-126

cc : Office of the PRC Chairperson, PRC Legal and Investigation Division, PRC Secretary of the Professional Regulatory Boards (PRBs)

United Architects of the Philippines (UAP)-IAPOA

Congressmen-Members of the Commission on Appointments/CA (The Honorables Zialcita, Gullas, Dimaporo, et.al.)



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URL : www.architectureboard.ph
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Your Ref:

Our Ref: 07fe_BoA-130

28 February 2008

Republic of the Philippines
Department of Public Works & Highways (DPWH)
DPWH Headquarters Office Building
Bonifacio Drive, City of Manila

ATTENTION : **The Hon. HERMOGENES B. EBDANE, JR.**
Secretary

SUBJECT : **REQUEST FOR THE DPWH TO PUBLISH THE ARCHITECTURAL
PERMIT FORM AND THE CERTIFICATE OF OCCUPANCY FORM
AND TO ISSUE A DEPARTMENT ORDER FOR ALL BUILDING
OFFICIALS TO UTILIZE THE SAID FORMS**

REFERENCES: 1) Manila RTC Branch 22 (the "Court") **Decision**
promulgated 29 January 2008; 2) Secs. 3, 20, 20.2, 29,
32, 34, 35 and 44 of **R.A. No. 9266** (The Architecture
Act of 2004); and 3) **R.A. No. 8981** (The PRC
Modernization Act of 2000)

Dear Sir,

Warm greetings from the Professional Regulatory Board of
Architecture (**PRBoA**)!

The **PRBoA** is the entity under the Professional Regulation
Commission (**PRC**) primarily tasked to oversee the full implementation
and enforcement of **R.A. No. 9266** (in effect since 10 April 2004),
its **IRR** (in effect since 01 December 2004) and its derivative
regulations in effect and issued/approved by the **PRC** since the
1970s. **All of the provisions** of the foregoing are **in effect, valid
and subsisting** and are **not** covered by any TRO, any injunction nor
any pending question on constitutionality to date.

Since the **DPWH** did **not** publish the attached **architectural**
permit form and **occupancy** permit form prepared by the then **DPWH**
Board of Consultants (reference attachments) in April 2005 and in
view of Your **statutory obligation** to assist in the full
implementation and enforcement of **R.A. No. 9266**, the **PRBoA** herein
officially requests the following from Your office:

- 7) the official **DPWH** publication of the attached
architectural and **occupancy** permit forms at least three
(3) times on a national broadsheet at the soonest date
possible; and



Professional Regulatory Board of Architecture (PRBoA)

REQUEST FOR THE DPWH TO PUBLISH THE ARCHITECTURAL PERMIT FORM AND THE CERTIFICATE OF OCCUPANCY FORM AND TO ISSUE A DEPARTMENT ORDER FOR ALL BUILDING OFFICIALS TO UTILIZE THE SAID FORMS

page 2 of 3

- 8) the issuance of a **DPWH** Department Order or Memorandum Circular instructing **all** duly appointed building officials and Offices of the Building Officials (OBOs) **nationwide** to officially use the said forms as part of the permitting process for all buildings and structures requiring the preparation, signing and sealing of **architectural** documents i.e. **architectural** plans, designs, drawings, specifications, estimates and the like.

The **PRBoA** hopes that the **DPWH** is able to issue the requested Department Order or Memorandum/Circular to **fully implement and enforce Secs. 302.3 and 302.4 of the 2004 Revised IRR** the soonest. The said regulations have already been declared as **valid and constitutional** by a competent court.

Finally, the foregoing must form part of the 05 March 2007 meeting between the **DPWH** and the **PRBoA** as requested/ arranged by the Commission on Appointments (**CA**).

Thank You very much for the attention and consideration You shall give the foregoing matters.

Yours sincerely,

for the PRBoA

ORIGINAL SIGNED
Armando N. ALLÍ
Chairman

att : a/s

cc : Office of the PRC Chairperson, PRC Legal and Investigation Division, PRC Secretary of the Professional Regulatory Boards (PRBs)

United Architects of the Philippines (UAP)-IAPOA

file: 08feb_BoA-130

TO BE ACCOMPLISHED BY THE PROCESSING AND EVALUATION DIVISION

BOX 7

RECEIVED BY _____	DATE _____
FIVE (5) SETS OF ARCHITECTURAL DOCUMENTS	
<input type="checkbox"/> 1. VICINITY MAP/LOCATION PLAN WITHIN A TWO-KILOMETER RADIUS <input type="checkbox"/> 2. SITE DEVELOPMENT PLAN <input type="checkbox"/> 3. PERSPECTIVE <input type="checkbox"/> 4. FLOOR PLANS <input type="checkbox"/> 5. ELEVATIONS, AT LEAST FOUR (4) <input type="checkbox"/> 6. SECTIONS, AT LEAST TWO (2) <input type="checkbox"/> 7. CEILING PLANS SHOWING LIGHTING FIXTURES AND DIFFUSERS	<input type="checkbox"/> 8. DETAILS OF RAMPS, PARKING FOR THE DISABLED, STAIRS, FIRE ESCAPES, CABINETS AND PARTITIONS <input type="checkbox"/> 9. SCHEDULE OF DOORS AND WINDOWS <input type="checkbox"/> 10. SCHEDULE OF FINISHES FOR FLOORS, CEILINGS AND WALLS <input type="checkbox"/> 11. ARCHITECTURAL INTERIOR <input type="checkbox"/> 12. SPECIFICATIONS <input type="checkbox"/> 13. COST ESTIMATE <input type="checkbox"/> 14. OTHERS (Specify) _____ _____ _____

BOX 8

PROGRESS FLOW					
	IN		OUT		PROCESSED BY:
	DATE	TIME	DATE	TIME	
ARCHITECTURAL DRAWINGS					
SPECIFICATIONS					
OTHERS (Specify)					

BOX 9

ACTION TAKEN:

PERMIT IS HEREBY ISSUED SUBJECT TO THE FOLLOWING:

1. That under Article 1723 of the Civil Code of the Philippines, the architect (and engineer) who drew up the plans and specifications for the building/structure is responsible for damages if within fifteen (15) years from the completion of the building/structure, the same should collapse due to defect in the plans or specifications or defects in the ground. The engineer or architect who supervises the construction shall be solidarily liable with the contractor should the edifice collapse due to defect in the construction or the use of inferior materials.
2. That the proposed architectural works shall be in accordance with the architectural plans filed with this Office and in conformity with the latest Architectural Code of the Philippines, the National Building Code and its IRR.
3. That prior to any construction activity, a duly accomplished prescribed **“Notice of Construction”** shall be submitted to the Office of the Building Official.
4. That upon completion of the construction, the licensed full-time inspector and supervisor/in-charge of construction works shall submit the entry to the logbook duly signed and sealed to the building official including as-built plans and other documents, and shall also accomplish the Certificate of Completion stating that the architectural works conform to the provision of the Architectural Code, the National Building Code and its IRR.
5. That this permit is null and void unless accompanied by the building permit.

PERMIT ISSUED BY:

BUILDING OFFICIAL
 (Signature Over Printed Name)
 Date _____

SUBMITTED THE FOLLOWING AS REQUIRED

DATE SUBMITTED _____

- CERTIFICATE OF COMPLETION
- AS-BUILT PLANS/SPECIFICATIONS
- DAILY CONSTRUCTION WORKS LOGBOOK
- (SPECIFY) _____

A CERTIFICATE OF COMPLETION WAS SUBMITTED BY _____ (Name)
 A DULY LICENSED _____ (Professional) HIRED BY THE OWNER WHO
 UNDERTOOK THE FULL-TIME INSPECTION AND SUPERVISION OF CONSTRUCTION
 WORKS IN ACCORDANCE WITH SECTION 308, CHAPTER 3 OF THE NATIONAL
 BUILDING CODE, (PD 1096).

VERIFIED & COMPLIED AS TO THE FOLLOWING

LOCATIONAL/ZONING OF LAND USE	LINE AND GRADE (GEODETIC)	ARCHITECTURAL
CIVIL/STRUCTURAL	ELECTRICAL	MECHANICAL
SANITARY	PLUMBING	ELECTRONICS
INTERIOR DESIGN	ACCESSIBILITY	FIRE SAFETY
OTHERS (SPECIFY) _____		

THE CONSTRUCTION/ERECTION OF THE BUILDING/STRUCTURE COVERED BY
 BUILDING PERMIT NO. _____ ISSUED ON _____ HAS BEEN
 COMPLETED, FINALLY INSPECTED AND THE REQUIREMENTS REVIEWED AND FOUND
 SUBSTANTIALLY SATISFACTORY COMPLIED, THEREFORE THE "CERTIFICATE OF
OCCUPANCY" IS HEREBY RECOMMENDED FOR ISSUANCE.

CHIEF
INSPECTION AND ENFORCEMENT DIVISION
 (SIGNATURE OVER PRINTED NAME)
 DATE _____

CHIEF
PROCESSING AND EVALUATION DIVISION
 (SIGNATURE OVER PRINTED NAME)
 DATE _____

CITY/
PROVINCE

OFFICE

Certificate of Occupancy

NO
FE
OF
DA

THIS **CERTIFICATE OF OCCUPANCY** IS ISSUED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE (PD 1096)

NAME/OWNER _____
 NAME OF PROJECT _____
 USE OR CHARACTER OF OCCUPANCY _____
 LOCATED AT/ALONG _____

THE OWNER SHALL PROPERLY MAINTAIN THE BUILDING/STRUCTURE IN A SAFE AND SOUND CONDITION, BEING, STRUCTURAL STABILITY, ELECTRICAL, MECHANICAL, PLUMBING, AND FIRE-PROTECTIVE PROPER FOR THE INTENDED USE AND CHARACTER OF OCCUPANCY, AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE THEREOF TO ENSURE THAT THE CONSTRUCTION OF THE BUILDING/STRUCTURE IS IN ACCORDANCE WITH THE NATIONAL BUILDING CODE AND ITS INTENDED USE AS STATED ABOVE.

THE ARCHITECT OR ENGINEER OF RECORD FOR THE BUILDING/STRUCTURE IS AWARE THAT HE/SHE IS RESPONSIBLE FOR DAMAGES IF VISIBLE DEFECTS IN THE BUILDING/STRUCTURE, THE SAME SHOULD BE CORRECTED IMMEDIATELY. HE IS RESPONSIBLE FOR THE DESIGN OF THE BUILDING/STRUCTURE TO ENSURE THAT THE CONSTRUCTION OF THE BUILDING/STRUCTURE IS IN ACCORDANCE WITH THE NATIONAL BUILDING CODE AND ITS INTENDED USE AS STATED ABOVE.

THE BUILDING/STRUCTURE SHALL BE MAINTAINED IN A SAFE AND SOUND CONDITION AND SHALL BE INSPECTED BY THE DIVISION OF INSPECTION AND ENFORCEMENT OF THE NATIONAL BUILDING CODE AND YEARLY THEREAFTER.

A CERTIFIED COPY HEREOF SHALL BE MAINTAINED BY THE DIVISION OF INSPECTION AND ENFORCEMENT OF THE NATIONAL BUILDING CODE AND SHALL BE REMOVED WITHOUT AUTHORITY FROM THE OFFICE OF THE DIVISION OF INSPECTION AND ENFORCEMENT OF THE NATIONAL BUILDING CODE.



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29 February 2008

Republic of the Philippines
Department of Public Works & Highways (DPWH)
DPWH Headquarters Office Building
Bonifacio Drive, City of Manila

ATTENTION : **The Hon. HERMOGENES B. EBDANE, JR.**
Secretary

SUBJECT : **REQUEST FOR DPWH ACTION TO CAUSE THE
RECTIFICATION OF GLARING ERRORS OR OMISSIONS IN
THE DPWH-PERMITTED VICENTE FOZ VERSION OF THE
NATIONAL BUILDING CODE BEING SOLD OVER THE
COUNTER AT THE NATIONAL BOOKSTORE**

REFERENCES: Published statements that the Philippine Law Gazette
version **published-edited** by Vicente Foz is 1) approved
by the **DPWH** (cover page and first page); and 2) with
the express permission of the **DPWH** (cover page and
first page)

Dear Sir,

Warm greetings from the Professional Regulatory Board of
Architecture (**PRBoA**)!

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Commission (**PRC**) primarily tasked to oversee the full implementation
and enforcement of **R.A. No. 9266** (in effect since 10 April 2004),
its **IRR** (in effect since 01 December 2004) and its derivative
regulations in effect and issued/approved by the **PRC** since the
1970s. **All of the provisions** of the foregoing are **in effect, valid
and subsisting** and are not covered by any TRO, any injunction nor
any pending question on constitutionality.

On 14 February 2008, the **PRBoA** received a copy of the Manila
RTC Branch 22 (the "**Court**") Decision (the "**Decision**"), which stated
in part that the Vicente Foz version of Presidential Decree (**P.D.**)
No. 1096 (The National Building Code of the Philippines/ **NBCP**),
currently being sold over the counter at National Bookstore branches
nationwide, is **unofficial and incorrect**, particularly its Section
302 (page 7) which contains an **intercalation** i.e. insertion
supposedly permitting civil engineers (**CEs**) to prepare, sign and
seal **architectural** documents, a clear violation of valid and
subsisting laws.



Professional Regulatory Board of Architecture (PRBoA)

REQUEST FOR DPWH ACTION TO CAUSE THE RECTIFICATION OF GLARING ERRORS OR OMISSIONS IN THE DPWH-PERMITTED VICENTE FOZ VERSION OF THE NATIONAL BUILDING CODE BEING SOLD OVER THE COUNTER AT THE NATIONAL BOOKSTORE page 2 of 3

In addition, Section 304 (Issuance of Building Permit), Sub-section 5 (Terms and Conditions) of the accompanying 2004 Implementing Rules and Regulations (IRR) of the Foz version of the **NBCP** (on its page 31) also clearly omitted the following key provision that was published by the **DPWH** (on page D4 of the Manila Standard dated 01, 08 and 15 April 2005):

- b) "The permit shall be accompanied by the various applicable ancillary and accessory permits, plans and specifications signed and sealed by the **corresponding** design professionals who shall be responsible for the **comprehensiveness** and correctness of the plans in compliance to the Code and its IRR and to **all applicable** referral codes and **professional regulatory laws.**"
(emphases and underscoring supplied)

It is quite clear from the foregoing that the Foz version of the **NBCP** misleads the general public and the government (particularly its regulators) insofar as the spirit and intent of **P.D. No. 1096** and its **2004 Revised IRR** are concerned. The foregoing **intercalation and omission** in the Foz version are clear manifestations of the document's bias in favor of the **CEs**, thereby allowing the same to prepare, sign and seal **architectural** documents in clear violation of effective professional regulatory laws such as **R.A. No. 9266** (The Architecture Act of 2004)

In view of the foregoing, the **PRBoA** officially requests the **DPWH** to take immediate and decisive action to cause the rectification of the said **intercalation and omission** in the supposedly **DPWH**-authorized/permited version of the **NBCP**. The requested **DPWH** action should **not** be limited to the possible withdrawal of the stated **DPWH** approval/ permission (extended to the publication of the said document) and/or the correction or pullout of the inaccurate copies of the said document from National Bookstore branches nationwide.

The **DPWH** must also require Mr. Foz and the National Bookstore to publish a national public notice, clarification and apology for the misleading contents of their document.

Failing this, the **DPWH** may be impleaded in future legal actions that the **PRBoA** or other architectural entities may take to address the attendant administrative, criminal and civil liabilities of the parties concerned attendant to the intercalation/omission in the publication and in the distribution and sale of said material/documents.

Thank You very much for the attention and consideration You shall give the foregoing matters.

Yours sincerely,
for the PRBoA

ORIGINAL SIGNED
Armando N. ALLÍ
Chairman

file: 08feb_BoA-135

cc : Office of the PRC Chairperson, PRC Legal and Investigation Division, PRC Secretary of the Professional Regulatory Boards (PRBs)
United Architects of the Philippines (UAP)-IAPOA



Republic of the Philippines
Professional Regulation Commission
Manila

**The Professional Regulatory
Board of Architecture
(PRBoA)**



URL : www.architectureboard.ph
(using the Yahoo search engine)
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Your Ref:

Our Ref: 07fe_BoA-137

02 March 2008

Republic of the Philippines
Department of Public Works & Highways (DPWH)
DPWH Headquarters Office Building
Bonifacio Drive, City of Manila

ATTENTION : **The Hon. HERMOGENES B. EBDANE, JR.**
Secretary

SUBJECT : **UPDATE OF SUGGESTED AGENDA FOR THE 05 MARCH 2008
MEETING ARRANGED BY THE COMMISSION ON
APPOINTMENTS (CA)**

REFERENCES: Meeting between the **DPWH** Secretary and the **PRBoA**
arranged by the **CA** on 06 February 2008

Dear Sir,

Warm greetings from the Professional Regulatory Board of
Architecture (**PRBoA**)!

Anent the 05 March 2008 **DPWH** meeting with the **PRBoA**, we are
suggesting the following as the key topics/ areas for discussion:

- 1) Your recall/ nullification of the 26 September 2005 **DPWH** Order (signed by You as **DPWH** Secretary) and of the 16 April 2007 **DPWH** Order (signed by then Sec. Manuel Bonoan as **DPWH** OIC) allowing civil engineers (**CEs**) to prepare, sign and seal **architectural** documents i.e. **architectural** plans, designs, drawings, specifications, estimates and the like, which violate **R.A. No. 9266** (The Architecture Act of 2004);
- 2) Your issuance of a new Order fully implementing and enforcing **Sections 302.3 and 302.4** of the **2004 Revised Implementing Rules and Regulations (R-IRR)** of **P.D. No. 1096** (the 1977 National Building Code of the Philippines/**NBCP**), to comply with the recent **Decision** of Manila RTC Branch 22 stating that the said regulations are **valid and constitutional**, and which are effective and to be carried out immediately;
- 3) **DPWH** compliance with its **statutory mandate** to fully implement and enforce **R.A. No. 9266**, particularly its Section 35 which mandate that all national and local gov-



Professional Regulatory Board of Architecture (PRBoA)

UPDATE OF THE SUGGESTED AGENDA FOR THE 05 MARCH 2008 MEETING ARRANGED BY THE COMMISSION ON APPOINTMENTS (CA) page 2 of 2

ernment positions requiring the expertise of registered and licensed architects (**RLAs**) e.g. Building Officials, shall be filled only by **RLAs**; the said provision and the repeal provision under **R.A. No. 9266** repeal the provision under **R.A. No. 7160** (The Local Government Code) previously allowing **CEs** to assume the function of Building Officials simultaneous with their function as Municipal/City Engineers;

- 4) the mandatory review of **all architectural** documents forming part of building permit applications submitted to the Offices of Building Officials (**OBOs**) nationwide, only by **RLAs** i.e. **CEs** currently reviewing **architectural** documents in their capacity as Building Officials (**BOs**) or as **OBO** staff have neither the aptitude nor training nor the capability for the task;
- 5) the reinstatement of Architect Hernani Aguilar (removed by Your Order in late December 2007) as Building Official of Naga City;
- 6) the national publication by the **DPWH** of the **architectural permit** and **occupancy permit** forms;
- 7) the pressing need for the **DPWH** to immediately address the **incorrect/ unofficial** version of the **NBCP** published/edited by Vicente Foz (supposedly with **DPWH** authority/ permission and being sold openly at National Bookstore branches nationwide), particularly its **intercalation** on **Section 302 of P.D. No. 1096** (addressed in the Manila RTC Branch 22 **Decision**) and the **omitted** portion of **Section 304** (Issuance of Building Permit), **Sub-section 5** (Terms and Conditions), **paragraph b**) of the **2004 Revised IRR** (originally published by the **DPWH** in April 2005); and
- 8) the filing of **administrative and criminal** complaints against Your person by the **PRBoA** should You continue to fail or refuse to perform Your **statutory obligations** under **R.A. No. 9266** and other laws that are valid and subsisting.

During the meeting, the **PRBoA** shall be accompanied by its private counsel and we suggest that You be accompanied by Yours as well. Thank You very much for the attention and consideration You shall give the foregoing matters.

Yours sincerely,
for the PRBoA

ORIGINAL SIGNED
Armando N. ALLÍ
Chairman

file: 08feb_BoA-137

cc : Office of the PRC Chairperson, PRC Legal and Investigation Division, PRC Secretary of the Professional Regulatory Boards (PRBs)

United Architects of the Philippines (UAP)-IAPOA