



Republic of the Philippines
Professional Regulation Commission
Manila

The Professional Regulatory
Board of Architecture (PRBoA)
Office of the Acting PRBoA Chairman



Email Address: prboa.prc.gov.ph@gmail.com
URL/ website : www.architectureboard.ph
Mobiles : 0922.8415161 0928.3695508 **0916.3822826**

Your Ref:

Our Ref : 09jan2_PRBoA-221

02 January 2009

*(received at the Office of the DPWH Secretary
on 22 January 2009 and again on 10 February 2009)*

Republic of the Philippines

Department of Public Works and Highways (DPWH)

DPWH Central Office, Bonifacio Drive, City of Manila

ATTENTION : The Honorable **Hermogenes B. Ebdane, Jr.**
Secretary

SUBJECT : **RENEWED AND FINAL PRBOA CALL FOR THE DPWH TO
FULLY IMPLEMENT/ ENFORCE R.A. No. 9266 (THE
ARCHITECTURE ACT OF 2004)**

REFERENCE : Original of this letter sent through courier (LBC) Jan 2009

Dear Sir,

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

Since our 01 April 2008 meeting at Your office with our
respective counsels i.e. nine (9) months ago, the **PRBoA** (the
"Board") has patiently awaited the ruling of the Manila RTC Branch
22 (the "Court") on the motion for reconsideration (MR) filed by
the PICE in response to the Court's 29 January 2008 Decision.

The said Decision contained a very specific **Order lifting/
dissolving the May 2005 injunction** the Court issued **against Secs.
302.3 & 4 of the 2004 Revised** Implementing Rules and Regulations
(**IRR**) of **P.D. No. 1096**, otherwise known as the February 1977
National Building Code of the Philippines/ **NBCP**.

While the said Court ruling is subject to a pending MR, the
dissolution/ lifting of the injunction paved the way towards the
immediate implementation of the 2004 Revised IRR without
qualification since February, 2008. To date however, the DPWH still
has to implement **Secs. 302.3 & 4 of the 2004 Revised IRR**.

The foregoing are only in addition to the apparently willful
DPWH violations of **R.A. No. 9266** (The Architecture Act of 2004),
its 2004 IRR and derivative regulations. Over the past 3.0 years,
the acts of the DPWH only serve to **unduly favor** civil engineers
(CEs), making the responsible DPWH officials potentially answerable
to **graft** charges i.e. the DPWH still allows civil engineers (CEs)
nationwide to sign and seal **architectural** documents i.e.
architectural plans, designs, specifications and the like, when the
CEs clearly lack the legal and technical qualifications to perform
such a task, as prescribed under law.

With all due respect, the **Board/ PRBoA** would like to
officially remind the DPWH of the specifically **mandated** roles of
national and local government officials under **R.A. No. 9266**, to
wit:

**"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.**

Office of the Assistant Secretary (**AsSec**) to the Professional Regulatory Boards (**PRBs**), 3/F Professional
Regulation Commission (**PRC**) Main Building, PRC Compound, P. Paredes St., corner N. Reyes St., Sampaloc District
1008, City of Manila, Philippines (PH), P.O.Box 2038 Manila Telephones 02.735.1533(c/o Myrna Taruc) or c/o 02.314.0018



1. xxx Architectural plans and specifications prepared by, or under the direct supervision of a registered architect shall be stamped with said seal xxx.
2. No officer or employee of this Republic, Chartered cities, provinces and municipalities, now or hereafter charged with the enforcement of law, 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. xxx.
4. xxx. 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. 44. *Enforcement of the Act.* - It shall be the primary duty of the Commission and the Board to effectively enforce the provision(s) 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 legal adviser to the Commission and the Board and shall render legal 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, Board or the aforementioned officers of the law, (in) 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)*

The Board/ PRBoA would also like to officially remind the DPWH of other key/ applicable provisions of R.A. No. 9266 that deal with architectural documents submitted to the Offices of the Building Officials (OBOs) as part of building permit applications and of entities mandated by law to pass over architectural documents, to wit:

"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.

xxx

Very Important Clarificatory Note/s:

- 1) The architectural documents signed and sealed by a registered and licensed **Architect (RLA)** and submitted as part of the building permit application are the most important part of the building plans as these determine the three (3)-dimensional spatial solution to an **architectural** problem i.e. it is also the primary basis for all the engineering and allied plans and designs completing the building plans. The architectural plans and designs result from research work and other pre-design activities such as space planning and site analyses.



- 2) The foregoing documents are the **only** ones required under law for submission by a **RLA** in relation to the signing and dry sealing of **architectural** documents submitted as part of the building permit application to the LGU's Office of the Building Official (OBO).
- 3) Neither **R.A. No. 9266** nor **P.D. No. 1096** nor their IRRs state that a copy of the **RLA's** integrated and accredited professional organization of architects (IAPoA) certificate of membership is an **additional** requirement that must accompany **architectural** documents submitted as part of the building permit application to the LGU's OBO. This requirement unnecessarily restricts the practice of architecture by **RLAs**, without legal basis.
- 4) Even if the **DPWH** (by mere executive issuance/s) requires such an **additional** document, particularly if such issuances were promulgated by the **DPWH** without prior coordination/ consultation with the **PRBoA**, it is still the **PRBoA**, not the **DPWH**, which regulates the practice of **architecture** in the Philippines.

SEC. 35. Positions in Government Requiring the Services of Registered and Licensed Architects. - Within (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. xxx

Very Important Clarificatory Note/s:

- 1) **Sec. 35 of R.A. No. 9266** took effect on **10 April 2007**. Thus, the review and processing by the LGU OBO of the signed and sealed architectural documents submitted to the OBO by registered and licensed Architects (RLAs) as part of the building permit application, must be performed only by RLAs under LGU employ.
- 2) In the preparation of **architectural** documents, the primary minimum local laws and regulations being faithfully complied with by **RLAs** include Rules VII and VII (**architectural** rules) of the 2004 Revised IRR of P.D. No. 1096, B.P. No. 344 (Accessibility for the Disabled) and P.D. No. 1185 (Fire Code). International practices and codes are also observed on a need basis.
- 3) Other state-regulated professionals, particularly civil engineers (CEs) are **not** allowed under law to review and process **architectural** documents since they do **not** possess the technical and legal qualifications to perform such a task.

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.**" (emphases and underscoring supplied)

Very Important Clarificatory Note/s:

- 1) The said provision of **R.A. No. 9266** does **not** specifically apply to civil engineers (CEs) since absolutely **nothing** in **R.A. No. 1582** (the amended CE law of 1956) states that CEs can prepare, sign and seal **architectural** documents i.e. **architectural** plans, designs, drawings, specifications, documents, etc.; and
- 2) **Sec. 24 of R.A. No. 1582** states that "The practice of **civil engineering** is a professional service, admission to which must be determined upon individual, personal qualifications. xxx Provided, however, That persons properly registered and licensed as civil engineers may, among themselves or with a person or persons properly registered and licensed as architects, form, and obtain registration of, a firm, partnership or association using the term "Engineers" or "**Engineers and Architects**," but, nobody shall be a member or partner of such firm, partnership or association unless he is duly licensed civil engineer or architect, and the members who are civil engineers shall only render work and services proper for a civil engineer, as defined in this Act, and the members who are architects shall also only render work and services proper for an architect, as defined in the law regulating the practice of architecture; xxx (emphases and underscoring supplied).



In light of the foregoing, the PRBoA hereby renews its 2007 and 2008 official appeal for the DPWH to fully implement/enforce the cited provisions of the special law R.A. No. 9266 (The Architecture Act of 2004) to ensure that the signing/sealing of ALL architectural documents for ANY building (public or private) nationwide (and filed as part of building permit applications received/ accepted/ reviewed/ processed/ approved by Offices of Building Officials/ OBOs nationwide), shall only be performed by registered/ licensed Architects (RLAs).

To aid the DPWH in fully complying with the foregoing, please refer to the attached copy of R.A. No. 9266 (Attachment B, with highlighted provisions for reference) as well as to its 2004 IRR and to the various derivative regulations on architectural practice (in effect since 2004), as posted at the Latest Publications section of the PRBoA website (www.architectureboard.ph).

The PRBoA likewise trusts that the DPWH must now also fully and finally comply with: 1) the January 2008 Court Order lifting/dissolving the May 2005 injunction on Secs. 302.3 & 4 of the 2004 Revised IRR of P.D. No. 1096 (the 1977 NBCP); and 3) the 2004 Revised IRR of P.D. No. 1096 in its entirety, at the soonest possible time. The same are regulations that the DPWH alone is presently mandated to implement and enforce.

The DPWH is therefore enjoined to immediately recall, and render ineffective, all previous DPWH orders, memoranda, circulars and the like, that are fully inconsistent with the Court Order and with R.A. No. 9266. Otherwise, certain remedies allowed by law may be availed of by the PRBoA and/or by the UAP-IAPoA and/or by any private RLA, and as such, the following natural and juridical persons may be held jointly or severally liable for possible administrative and/or criminal violation/s of R.A. No. 9266 and P.D. No. 1096, among other laws, and the Rules of Court:

- 1) the responsible officials of the national government and/or the LGUs who continue to fail or refuse to comply with a lawful Court Order and with the multiple provisions of R.A. No. 9266, a valid and subsisting special law, its IRR and derivative regulations; and
- 2) the national and/ or LGU officials who may have accepted, reviewed, processed and approved the architectural documents for various building project/s nationwide (without possessing/ satisfying the legal qualifications to carry out such tasks), particularly if such architectural documents do not comply with the specific requirements under R.A. No. 9266 and P.D. No. 1096.

Inasmuch as this communication is sent for the DPWH's final information, appreciation and action, the PRBoA looks forward to an official DPWH reply within the fifteen (15) working day period prescribed under R.A. 6713 (Code of Ethical Conduct for Government Officials and Employees).

Thank You very much for the prompt attention that shall be accorded this communication.

Yours sincerely,
For the PRBoA
ORIGINAL SIGNED
Armando N. ALLÍ
Acting Chairman

cc : Office of the President, Presidential Management Staff, Office of the Executive Secretary, Department of Interior and Local Government (DILG) Sec, Department of Justice (DoJ) Sec, Department of Labor and Employment (DoLE) Sec, Offices of the PRC Chairman & PRC Commissioners, PRC Legal & Investigation Division, Office of the PRC PRB Secretary, PRC Regional Offices, The Civil Service Commission, The Philippine Anti-Graft Commission and The Office of the Ombudsman (Merceditas Gutierrez)

att : a/s

file: 09jan2_PRBoA-221