

OFFICIAL STATEMENTS OF THE PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE (PRBOA) CONCERNING THE SPECIAL ARCHITECTURE LICENSURE EXAMINATIONS (ALE) TO BE HELD IN THE KINGDOM OF SAUDI ARABIA (KSA) ON 20-21 December (Al-Khobar) & ON 24-25 December (Jeddah) AND ADMINISTERED TO ABOUT 120 EXAMINEES; AND OFFICIAL PRBOA STATEMENTS RE APPLICABILITY TO LOCAL EXAMINATIONS

I. On why the special examinations are being held in the KSA for the first time in Philippine architecture history:

- a) the conduct of the **special ALE** in the KSA is embodied in very recent official instructions coming from the **Professional Regulation Commission (PRC)** and addressed to the **Professional Regulatory Boards (PRBs)** of **civil/mechanical/ electrical engineering and architecture**; the decision to hold the special ALE was the PRC's, in response to a directive (from Pres. Gloria Macapagal-Arroyo/ PGMA during the last Labor Day celebrations), stating that licensure examinations for overseas foreign workers (OFWs) shall be conducted in the Middle East and Hong Kong; the PRC and the Department of Labor and Employment (DoLE) are both agencies having administrative and/ or oversight functions over the PRBoA; you may recall that the PRC was placed under the DoLE sometime in mid-2006; as the PRC sought the assistance of the DoLE Secretary for funding, Sec. Arturo Brion made representations with PGMA for a budget, which was granted;
- b) please note that Sec. 7. (d) of **R.A. No. 8981 (PRC Modernization Act of 2000)** states that part of the powers, functions and responsibilities of the **PRC** is "to administer and conduct the licensure examinations of the various regulatory boards in accordance with the rules and regulations promulgated by the Commission; determine and fix the places and dates of examinations; xxx adopt measures to preserve the integrity and inviolability of licensure examinations; appoint supervisors and room watchers from among the employees of the government and/or private individuals with baccalaureate degrees, who have been trained by the Commission for the purpose xxx (*emphasis and underscoring supplied*);
- c) please also note that Sec. 8 of **R.A. No. 9266 (Architecture Act of 2004)** states that the **PRBoA** shall be under the **administrative supervision** of the **PRC** (now under the **DoLE**); under the 1987 Administrative Code of the Philippines (E.O. No. 292 Chapter 8 Sec. 39), such a relationship is defined as follows: "Secretary's Authority. - (1) The (**DoLE**) Secretary shall have **supervision and control** over the bureaus, offices, and agencies under him, xxx" (*emphasis supplied*); hence the **PRBoA** must dutifully abide by official instructions emanating from the **PRC** and/or the **DoLE**;
- d) Sec. 7 (b) of R.A. No. 9266 as well as Sec. 7 (b) Rule II of its implementing rules and regulations (IRR), state that the **PRBoA** shall "supervise the xxx licensure xxx of architects", without any stated qualification nor limitation on the venue/s of the ALE, a matter that was likewise discussed between the **PRBoA** and the **PRC**; again, the decision to hold the **special ALE** in two (2) KSA

sites i.e. Jeddah and Al-Khobar were decisions already made by the **PRC before** it met with the **PRBoA**;

- e) Sec. 7 (f) of R.A. No. 9266 as well as Sec. 7 (f) Rule II of its IRR also state that the **PRBoA** shall "monitor the conditions affecting the practice of architecture and adopt such measures as may be deemed proper for the enhancement and maintenance of xxx standards of the profession."; based on information received by the **PRBoA**, there is definite need to find out if the **PRC** service can be extended to OFWs who have the academic and sub-professional training and/or work experience in architecture but are somehow prevented from taking the local ALE, in consonance with the directive of **PGMA**;
- f) the **PRBoA** made clear to the **PRC** that it was agreeing to the conduct of the **special** ALE only to **test the waters** (to see if it can work) and may eventually decide **against** holding it again if its conduct and results are less than satisfactory in the **PRBoA's** assessment; You must understand that the holding of these two (2) **special** ALEs are already equivalent to the holding of two (2) local ALEs i.e. in terms of extracted questions for instance, and all these can only mean additional work and spent resources for the **PRBoA**;
- g) in the **PRBoA's** preliminary assessment of current and past practices relating to the conduct of the local ALEs and of its review of the pertinent portions of the law and derivative regulations directly dealing with the preparation and conduct of the ALE, the **PRBoA** has determined that the holding of the ALE shall only require the participation of the schools of architecture in two (2) areas of ALE **preparation**, namely 1) the issuance of the **Transcript of Records (ToR)** marked "for Board examination purposes only"; and 2) the **optional** (non-mandatory) instruction of the prospective examinees taking the ALE;
- h) the **PRBoA** resolution concerning the manner of certifying the prospective examinee's work experience as required under the **Logbook on Diversified Experience in Architecture (LDEA)** has already been approved for publication in the Official Gazette by the **PRC** (reference **PRBoA** Resolution No. 2007-06, series of 2007 dated 13 November 2007 under **Annex 1**;
- i) that the **PRBoA** is currently preparing a separate memorandum to the PRC and a resolution (for IAPOA comment and eventual Official Gazette publication), covering the foregoing and succeeding matters, which may be made to apply to the January 2008 ALE (if time permits) and to subsequent local ALEs.

II. Whose signatures are required for the prospective examinee's logbook under law (also applicable to local examinations):

- a) the signature of the school heads/ deans on the **LDEA** should only be **optional** since the LDEA is not an academic document but a professional practice document;
- b) since the **LDEA** is a professional practice document (and should an additional certification box still be legally required for some reason or another), the **PRBoA** believes that said box should instead be signed by the president (or other responsible officer) of a chapter of the

integrated and accredited professional organization (IAPOA) having jurisdiction over the prospective examinee's place of residence or place of work, not of the school heads/ deans whom the examinees have probably not interacted with during the 2-year apprenticeship period; another possibility is the involvement of IAPOA officers with oversight functions on the UAP Graduate Auxiliary (UAPGA) organization; and

- c) as confirmed with an immediate past member of the PRBoA, the signature of the school heads and deans appear on the LDEA only to certify the school of origin of the examinee and has absolutely nothing to do with the work experience being separately attested to by the mentor-registered and licensed architects (RLAs) i.e. the primary entities in the LDEA whose signatures on the forms and affidavits are more appropriate for the document; please note that the foregoing statement is not a PRBoA attempt to diminish the professional status/ importance of the school heads/ deans, but only for the PRBoA to unequivocally state that the signature box for school heads/ deans may actually have no place in the LDEA, unless of course, the school heads/ deans themselves are the certifying mentor-RLAs; for the PRBoA, the TOR is sufficient in form and substance for the purpose of stating/ establishing where the prospective examinee was schooled.

III. On Diversified Experience:

- a) the two (2.0)-year diversified training period is not an academic activity to be supervised by the school heads/ deans; moreover, the law does not grant the school heads/ deans the privilege of passing over the statements of work experiences attested to by the mentor-RLAs; even if such a privilege were given by the IAPOA or by past PRBoAs, the fact that a separate certifying entity (apart from the mentor-RLA) has no basis in law (unless proven otherwise) makes such arrangements, if already practiced, verily null and void from the very beginning (void ab initio), and therefore potentially illegal;
- b) E.O. 292 Book II Chapter 1 Sec. 1. (8) states that "The powers expressly vested in any branch of the Government shall not be exercised by, nor delegated to, any other branch of the Government, except to the extent authorized by the Constitution"; under the existing regime of professional regulatory laws, the review and assessment of the prospective examinees' submitted documents is a regulatory function only of the national government and not by the private sector nor by lesser government offices; in fact and in practice, it is actually the PRC that scrutinizes these examinees' documents before it reaches the PRBoA;
- c) the potentially unauthorized third (3rd) party evaluation being done by some schools as well as the mandated interview and/ or review prior to the ALE are not required under the law nor countenanced under the IRR of R.A. No. 9266, and thus verily constitute additional impositions upon the prospective examinees i.e. also possibly constituting acts of school heads/ deans (as individual persons) or of the schools (as juridical persons) which may be readily challenged by any prospective examinee as unconstitutional and utterly bereft of legal basis, making the challenged party/

parties administratively, civilly and criminally liable under several valid and subsisting statutes;

- d) the matter of review before the ALE is entirely optional on the part of the prospective examinee and was apparently never a mandatory requirement (unless proven otherwise) under the present architecture law nor under the predecessor laws i.e. R.A. 1581 of 1956 and R.A. No. 545 of 1950, nor under their respective IRRs nor under the derivative regulations approved by the PRC; that the PRC does not regulate review schools/ centers is already a clear indication as to the potentially unnecessary nature of such an exercise; also, the prospective examinees are afforded by the state ample chances of taking and retaking the ALE since each ALE is also a learning experience for the unsuccessful examinees; to deny a first time ALE taker the right to take the ALE means forever depriving that person a chance to pass the ALE;
- e) if the schools (and school heads/ deans) really feel that their students/ graduates may be sub-par, the solution is **not** to let the prospective examinees graduate in the first place; after granting them their B.S. Architecture degrees, the school heads/ deans and schools should not take steps to bar the prospective examinees from taking the ALE later (or long after they graduate and finish their 2-year apprenticeship period); this continuing practice can only help breed more illegal practitioners from the ranks of disenfranchised architecture graduates; please also note that the PRBoA has already drafted a separate resolution (likewise circulated in the uapnational e-group for comment) to help curb the illegal practice of architecture by such entities who openly albeit unknowingly aid unregistered persons and professionals who are non-RLAs;
- f) Sec. 13 (c) of R.A. No. 9266 as well as Sec. 13 (c) Rule III of its IRR, state that the specific record of diversified architectural experience shall be for at least two (2) years or equivalent i.e. a minimum of **three thousand eight hundred and forty hours (3,840.0 hrs)**; as such, if the minimum 3,840.0 hours were logged by the prospective examinee over say a 1.5 year period **after** graduation or even much sooner (assuming he/she works double shift and/or even on weekends), and is thereafter duly certified by a qualified mentor-**RLA**, the prospective examinee need **not** wait two (2) full years before taking the local ALE; and
- g) school policies (whether the institutions are public or private) can only subscribe to the dictates of law and can never go beyond or against its spirit and intent; insofar as the requirements for taking the ALE are concerned, we can neither add nor take away from what is clearly and plainly stated in R.A. No. 9266, its IRR and the derivative regulations approved by the PRC pursuant to said law.

IV. Other Statements/ Clarifications:

- a) as to whether the **PRBoA** will be "*considering the experience acquired abroad or xxx their (the prospective examinees') prior employment in the Philippines xxx for their xxx work experience?*", the **PRBoA's** answer is in the affirmative, especially in cases where all 3,840.0 hours were logged

abroad, provided a Philippine mentor-**RLA** who knows the prospective examinee certifies the stated work experience in accordance with **PRBoA** Resolution No. 2007-06, series of 2007 dated 13 November 2007 (reference **Annex 1**).

- b) as to "How would be the overall conduct of the examinations xxx Will its be the same as those being given out here?", the **PRBoA**'s answer is in the affirmative, the only difference being that the number of examination days shall be two (2) instead of three (3) i.e. whereby all the questions for days 1 and 2 of the local ALE shall be given out in one (1) day; the same security procedures apply, with senior PRC officials performing oversight functions during the conduct of the **special** ALE.
- c) as to "How will the result of the special examination affect the xxx performance rating of architectural academic institutions?", the **PRBoA**'s position is that it would be in the architectural schools' best interest to always provide quality instruction and to take steps **not** to allow low-performers (or those lacking aptitude) to advance to higher years or even to graduate; it is **not** for the schools to worry about them long after they have been issued diplomas and transcripts; the diplomas should already be their passports to self determination and the schools may need to consider that the prospective examinees are already considered alumni (with an acknowledged **sub-professional** status by virtue of their apprenticeship under mentor-**RLAs**), and **not** anymore plain students under the school heads/ deans' control.
- d) as to "How can the schools expedite issuance of documents xxx when the lead time allotted makes it impossible for the institutions to issue such in time xxx", the **PRBoA**'s position, as clearly enunciated by standing **PRC** policy, is that **no** prospective examinee shall be allowed to take the special ALE **without** the **TOR** marked "for Board examination purposes only" and **without** the **LDEA** affidavit signed by a mentor-**RLA** (as qualified/ defined under **PRBoA** Resolution No. 2007-06, series of 2007); generally speaking, prospective examinees who are unable to submit the minimum required documents as of the date/s set by the **PRC** shall **not** be allowed to take the **special** ALE; assuming however that unqualified entities still manage to take the **special** ALE in the KSA, the results of the examination may still be invalidated or withheld for cause.
- e) Should the schools of architecture (through the Council of Deans and Heads of Architectural Schools in the Philippines or **CODHASP**) wish to dialogue with the **PRBoA** (and possibly with the **PRC** if needed), concerning the foregoing matters, the **PRBoA** shall be most happy to attend the meeting (with arrangements c/o the **CODHASP** and/or the **IAPOA**), so that these and related issues could be better presented, ventilated and discussed and resolved reasonably.
- f) however, the **PRBoA** hastens to add that such a dialogue can only be possible sometime **after** the release of the local ALE results in February 2008 i.e. with **PRBoA en banc** if need be, depending on the availability of all the **PRBoA** members (some of whom shall conduct school inspections after the local ALE results release). In the interim, the **PRBoA** shall be occupied

with preparations for the January 2008 local ALE as well as with checking the **special** ALE results.

- g) the foregoing **PRBoA** statements/ clarifications may be likened to an opinion issued by other agencies/ offices under executive branch of government, partaking however of the quasi-judicial and quasi-legislative powers of the **PRC**.

Annexes follow.