

Department of Public Works and Highways v. Philippine Institute of Civil Engineers and Leo Cleto Gamolo

G.R. No. 205846

December 21, 2023

Supreme Court of the Philippines

Facts

- On March 17, 2004, Republic Act No. 9266 (Architecture Act of 2004) was signed by President Gloria Macapagal-Arroyo, taking effect on April 10, 2004.
- On October 29, 2004, the Department of Public Works and Highways (DPWH) promulgated the 2004 Revised Implementing Rules and Regulations (IRR) of Presidential Decree No. 1096 (National Building Code), limiting to architects the authority of preparing, signing, and sealing certain documents under Section 302.
- Leo Cleto Gamolo and the Philippine Institute of Civil Engineers (respondents) filed a Petition for Declaratory Relief and Injunction before the Regional Trial Court (RTC) of Manila. They sought to void Section 302(3) and (4) of the 2004 Revised IRR and to recognize civil engineers' authority to deal with documents listed therein.
- A similar petition by Felipe Cruz, Sr., and David M. Consunji was filed in the RTC of Quezon City.
- The United Architects of the Philippines (UAP) filed a Motion for Leave to Intervene, which was granted by the RTC of Manila.

Procedural History

1. **RTC Decision (January 29, 2008):** The court dismissed the petition, upheld the validity of the assailed provisions, and rejected the reliance on Section 302 of the National Building Code cited by respondents. It noted discrepancies between the official version published in the Official Gazette and the version cited by respondents.
2. **Appeal:** The respondents appealed to the Court of Appeals (CA).
3. **CA Decision (January 5, 2012):** The CA reversed the RTC ruling, declaring Section 302(3) and (4) void and affirming civil engineers' right to the documents in question.
4. **Motion for Reconsideration:** UAP's motion for reconsideration was denied (February 13, 2013).
5. **Petition for Review:** DPWH and UAP filed petitions before the Supreme Court, consequently consolidated.

****Issues****

1. ****Whether respondents committed forum shopping.****
2. ****Validity of Section 302(3) and (4) of the 2004 Revised Implementing Rules.****

Subcategories:

- Authority of civil engineers under the National Building Code (PD 1096).
- Authority under Republic Act No. 544.
- Possible repeal or modification by Republic Act No. 9266.

****Court's Decision****

****1. Forum Shopping:****

The court found no forum shopping as the parties in the Gamolo and Cruz petitions lacked community interest. Even if there was forum shopping, the importance of the legality of the 2004 Revised IRR warranted resolution on its merits.

****2. Validity of Section 302(3) and (4) of the 2004 Revised Implementing Rules:****

****Authority under the National Building Code and Republic Act No. 544:****

- The court emphasized the official version published in the Official Gazette should be the controlling document. The alleged clerical errors or missing terms "licensed architect or civil engineer in case of architectural and structural plans" were not legally binding.
- Ruling that both laws did permit civil engineers to handle certain documents, this authority was later restricted by Republic Act No. 9266.

****Assessment of Republic Act No. 9266:****

- The court noted that Republic Act No. 9266 exclusively grants architects the authority to prepare, sign, and seal architectural documents.
- Section 20(5) of Republic Act No. 9266 restricts signing architectural plans to licensed architects, proving an intention by the Legislature to limit roles formerly inclusive of civil engineers as per Republic Act No. 544.

****Doctrine****

- Repeal by implication occurs when newer statutes are irreconcilably inconsistent with older statutes.

- Generalia specialibus non derogant: specific provisions prevail over general provisions within the same legislative framework.
- Publication in the Official Gazette is necessary for laws or Republic acts to have legal effect.

****Class Notes****

- ****Forum Shopping:**** Defined as multiple cases based on the same cause of action in different courts.
- ****Repeal:**** Two types - express and implied. Implied repeals occur through irreconcilable inconsistencies, not favored unless clear conflict.
- ****Legislative Intent:**** Newer laws can modify old laws covering the same subject matter.
- ****Publication:**** Laws must be published entirely to be effective, per Tañada v. Tuvera.

****Historical Background****

- The case is situated within the ongoing professional conflict between architects and civil engineers over jurisdictional boundaries in building design and construction roles.
- Legislative updates and implementing rules, such as the Architecture Act of 2004, seek to clarify and secure professional scopes of work in light of evolving industry practices and standards.

****Outcome****

The Supreme Court reinstated the RTC decision upholding the validity of Section 302(3) and (4) of the 2004 Revised IRR. The preparation, signing, and sealing of architectural documents were deemed exclusive to registered and licensed architects.