SECOND DIVISION

[G.R. No. 200015. March 15, 2023]

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PETITIONER, VS. PHILIPPINE INSTITUTE OF CIVIL ENGINEERS, INC. AND LEO CLETO GAMOLO, RESPONDENTS.

G.R. No. 205846

UNITED ARCHITECTS OF THE PHILIPPINES, PETITIONER, VS. PHILIPPINE INSTITUTE OF CIVIL ENGINEERS, INC. AND LEO CLETO GAMOLO, RESPONDENTS.

D E C I S I O N

LEONEN, J.:

A repeal by implication is not favored in this jurisdiction. It will not be sustained unless it is convincingly and unambiguously apparent that the provisions of the two laws are irreconcilable and inconsistent. However, when the two laws are clearly repugnant and in conflict with one another, this Court is left without recourse but to concede that the earlier law has been impliedly repealed by the later law.[1]

This Court resolves the consolidated Petitions for Review on *Certiorari*[2] challenging the Court of Appeals' Decision,[3] which reversed the Regional Trial Court's Decision[4] upholding the validity and constitutionality of Section 302, paragraphs 3 and 4 of the Revised Implementing Rules and Regulations (2004 Revised Implementing Rules) of Presidential Decree No. 1096 or the National Building Code of the Philippines (National Building Code).

On March 17, 2004, President Gloria Macapagal-Arroyo signed Republic Act No. 9266 or the Architecture Act of 2004. The law took effect on April 10, 2004 after it was published in two newspapers of general circulation.[5]

On October 29, 2004, then Acting Secretary Florante Soriquez (Secretary Soriquez) of the Department of Public Works and Highways signed and promulgated the 2004 Revised Implementing Rules.[6] Among the amendments introduced was Section 302, which limits to architects the authority of preparing, signing, and sealing documents listed under Section

302(4).[7]

Leo Cleto Gamolo (Gamolo) and the Philippine Institute of Civil Engineers, Inc. (collectively, respondents) filed a Petition for Declaratory Relief, Injunction with Prayer for a Writ of Preliminary Prohibitory and/or Mandatory Injunction and Temporary Restraining Order[8] before the Regional Trial Court of Manila (Gamolo Petition), praying, among others, that: first, Section 302(3) and (4) of the 2004 Revised Implementing Rules be declared void; and second, civil engineers be authorized to prepare, sign, and seal the documents enumerated in Section 302(4) of the 2004 Revised Implementing Rules.[9]

In essence, the Gamolo Petition alleged that the 2004 Revised Implementing Rules violates Republic Act No. 544 or the Civil Engineering Law and the National Building Code insofar as it restricts civil engineers from practicing their profession. They maintained that under Republic Act No. 544 and the National Building Code, the practice of civil engineering includes the preparation, signing, and sealing of the documents listed under Section 302(4).[10]

Subsequently, respondents manifested before the Regional Trial Court of Manila that a similar case was instituted before the Regional Trial Court of Quezon City.[11] The case, filed by Felipe Cruz, Sr. and David M. Consunji (Cruz Petition), also assailed the validity of the 2004 Revised Implementing Rules.[12]

Later, the United Architects of the Philippines (UAP) filed a Motion for Leave to Intervene and Admit the Attached Answer/Comment m Intervention,[13] which was opposed by respondents.[14] The Regional Trial Court granted the motion after finding that UAP has a direct and immediate interest in the matter subject of litigation.[15]

In its January 29, 2008 Decision,[16] the Regional Trial Court of Manila dismissed the Petition and upheld the validity of the assailed provisions of the 2004 Revised Implementing Rules.[17] It ruled that there is nothing in Republic Act No. 544 which states that civil engineers are permitted to prepare, sign, and seal the documents listed under Section 302(4) of the 2004 Revised Implementing Rules.[18]

It rejected respondents' reliance on Section 302 of the National Building Code, noting that the version they cited is not the official version published in the Official Gazette and found in the Malacañang Records Office. It stressed that the Section 302 version published in Atty. Vicente Foz's (Atty. Foz) textbook titled "The National Building Code of the Philippines and its Revised Implementing Rules and Regulations," on which respondents relied, was

inconsistent with the version published in the Official Gazette:[19]

> Respondents stressed that petitioners neither have the authority to prepare, sign and seal architectural plans under the last paragraph of Section 302 of P.D. 1096. Under said law, the application for permits requires that the plans and specifications submitted should be prepared, signed and sealed by professionals specializing in their respective fields. As stated above, the official version of the National Building Code as published in the Official Gazette and as certified by the Malacañang Records Office, mentioned only two professionals, namely, mechanical and electrical engineers, while Atty. Vicente Foz' version mentions two additional professionals, "duly licensed architect or civil engineer in case of architectural and structural plans". The petitioners cannot validly invoke Section 302 of PD 1096 as the legal basis to justify the alleged authority of civil engineers to prepare, sign and seal architectural plans, said authority not having been expressly conferred under the official and correct version of the law. Neither may petitioners invoke Ministry Order No. 57, Implementing Rules and Regulations issued in 1976 since it is not supported by the very law it seeks to implement.[20]

It also noted that Section 302 of the National Building Code, Ministry Order No. 57, and Republic Act No. 544 invoked by respondents have been repealed or modified by Republic Act No. 9266, taking into consideration the irreconcilable inconsistency between these laws.[21]

Finally, the Regional Trial Court held that the institution of the Cruz Petition during the pendency of respondents' case constituted forum shopping as these cases are substantially identical with each other.[22]

Respondents moved for reconsideration, but it was denied by the Regional Trial Court on May 4, 2009.[23]

Dissatisfied, respondents appealed before the Court of Appeals.[24]

In its assailed January 5, 2012 Decision,[25] the Court of Appeals reversed the Regional Trial Court's ruling and declared Section 302(3) and (4) of the 2004 Revised Implementing Rules void:

> **WHEREFORE**, in view of all the foregoing, the appeal is hereby **GRANTED**. The appealed Decision, dated January 29, 2008 is hereby **REVERSED** and **SET ASIDE** and a new one entered as follows:
>
> a) Sections 302.3 and 4 of the Revised Implementing Rules and Regulations of the National Building Code are hereby declared null and void for being contrary to Republic Act 5414 and PD 1096 insofar as they prevent civil engineers from exercising their right to prepare, sign and seal plans and designs of buildings such as Vicinity Map/Location Plan, Site Development Plan, Perspective, Floor Plans, Elevations, Sections, Reflected Ceiling Plans and the like;
>
> b) Civil engineers are hereby declared to have the right to prepare, sign and seal plans and specifications enumerated in Section 302.4 of the Revised Implementing Rules and Regulations of the National Building Code for submission to Building Officials as provided for under Republic Act No. 544 and Presidential Decree No. 1096.
>
> **SO ORDERED.**[26] (Emphasis in the original)

The Court of Appeals decreed that the public works secretary exceeded its rulemaking power when it categorized certain documents as architectural in nature. It noted that the classification has no legal basis because there is no provision in Republic Act No. 545 or in Republic Act No. 9266 which indicates that the documents listed under Section 302(4) of the 2004 Revised Implementing Rules are architectural in nature.[27]

All the same, the Court of Appeals held that civil engineers are authorized to prepare, sign, and seal the documents categorized as architectural in nature. It stressed that since these documents pertain to plans on building design or structure, the preparation of these documents is covered by the practice of civil engineering defined under Section 2 in relation to Section 23 of Republic Act No. 544.[28]

The Court of Appeals also rejected UAP's reading of Sections 2 and 23 of Republic Act No. 544 that civil engineers can only prepare and sign documents for buildings and structures connected with waterworks or those intended for public gathering. It considered the other provisions of the law and found UAP's interpretation illogical:

> It is a cardinal rule in statutory construction that in interpreting the meaning and

> scope of a term used in the law, a careful review of the whole law involved, as well as the intendment of the law, must be made.
>
> In the present case, the Court notes Section 15 2(c) of RA 544 provides as follows:
>
> ....
>
> Clearly, considering that the said provision allows a person, not a registered civil engineer, to make plans and specifications for any building so long as it does not exceed the space requirements and to construct a residential house without the use of a civil engineer so long as it is made of light and wooden materials, it follows then that the general rule is that the plans and specifications for the construction of any building, including a residential house, may require the use of a civil engineer unless it is exempted from doing so. Hence, to this Court it is not correct to interpret the term "building", as it is being used in RA 544, to mean that buildings for residential purposes and those not intended for public gathering are outside the scope of the civil engineer's authority.
>
> Moreover, it does not make sense to the Court that civil engineers would not have the authority to prepare plans and specifications for residential buildings and structures not intended for public gathering or assembly when the civil engineer has the authority to prepare designs, plans and specifications for structures intended for public gathering or assembly such as theaters, shopping malls, office buildings, schools, airport terminals etc.. As it is, the Court finds no plausible and rational explanation as to why civil engineers would not have the expertise to prepare plans for residential buildings when it has the expertise to prepare plans for a large building such as a shopping mall.[29] (Citations omitted.)

According to the Court of Appeals, that civil engineers are allowed to design buildings, and prepare, sign, and seal architectural documents is further supported by Sections 302 and 308 of the National Building Code.[30] It emphasized that while there are different versions of Section 302, particularly the version published in the Official Gazette and the copy stored in the National Library, "the version that renders the statute operable or the one that gives the statute sensible meaning and purpose"[31] should be controlling. Examining the two versions, it decreed that since "the version published in the Official Gazette contains a

clerical/typographical error or a misprint, resort must be made with the other official copies of the law, particularly the copy stored in the National Library."[32]

It disagreed with the Regional Trial Court that Republic Act No. 9266 modified or repealed Republic Act No. 544 and the National Building Code. It noted that no intent to repeal can be found in Republic Act No. 9266, and there appears no irreconcilable inconsistency between these laws to warrant repeal by implication.[33]

It also refused to rely on Republic Act No. 9266's explanatory note and legislative deliberations, holding that the view of the law's author and reasons for legislating a law "cannot be used as a justification to read a meaning that does not appear, nor is reflected, in the language of a statute[.]"[34]

Finally, it ruled that there was no forum shopping since the Cruz Petition was withdrawn by the parties and later dismissed by the Quezon City Regional Trial Court.[35]

Dissatisfied with the Court of Appeals' Decision, the Department of Public Works and Highways filed a Petition for Review before this Court.[36]

UAP moved for reconsideration[37] of the Court of Appeals Decision, but this was denied on February 13, 2013.[38]

Aggrieved, UAP also filed a Petition for Review before this Court.[39]

Petitioner UAP then moved[40] that its Petition be consolidated with that of petitioner Department of Public Works and Highways, which was granted by this Court in its June 8, 2013 Resolution.[41]

In its Memorandum,[42] petitioner Department of Public Works and Highways contends that the Court of Appeals erred in ruling that it had no legal basis in categorizing certain documents as architectural in nature. It insists that the plans and specifications listed under Section 302(4) of the 2004 Revised Implementing Rules are similar to those enumerated in Section 3.2.1 of Ministry Order No. 57 which have long been identified as architectural documents. It further stresses that respondents, in their Appellants' Brief before the Court of Appeals, have acknowledged that the architectural documents listed in Section 3.2.1 of Ministry Order No. 57 are identical to the documents specified in Section 302(4) of the 2004 Revised Implementing Rules.[43]

Petitioner Department of Public Works and Highways maintains that it is immaterial that

architectural documents were not defined in Republic Act No. 9266 since the Legislature is presumed to have enacted it with due regard to Section 3.2.1 of Ministry Order No. 57. It argues that the Legislature should have expressly indicated in the law if a different enumeration was being adopted.[44]

It further claims that the parties did not raise as an issue the definition of architectural documents and thus the Court of Appeals should not have ruled on it. It emphasizes that the patties agree as to what architectural documents mean and that the real question is whether civil engineers are authorized to prepare and sign these documents.[45]

It also assails the Court of Appeals' reliance on Republic Act No. 544,[46] contending that there is nothing in the law which authorizes civil engineers to prepare, sign, and seal architectural documents.[47]

According to petitioner Department of Public Works and Highways, the civil engineers' right to prepare, sign, and seal architectural documents was only recognized in Section 302 of the National Building Code, as printed in Atty. Foz's textbook., and Ministry Order No. 57. However, it stresses that the version appearing in Atty. Foz's textbook is not the correct version, as signed by former president Ferdinand Marcos (Marcos) and published in the Official Gazette. It avers that the official version referred only to mechanical and electrical engineers but made no mention of civil engineers.[48]

It disagrees with the Court of Appeals that the copy of the National Building Code stored in the National Library should prevail over the version published in the Official Gazette. It insists that the Court of Appeals erred in considering the version in the National Library given that it was not presented nor formally offered in evidence before the Regional Trial Court. It claims that the Court of Appeals cannot take judicial notice of the version in the National Library since it was not published in the Official Gazette.[49]

In any case, petitioner Department of Public Works and Highways insists that Republic Act No. 544 and the National Building Code have been impliedly modified or repealed by Republic Act No. 9266, taking into consideration the irreconcilable inconsistency between these laws.[50]

Citing the principle that a general legislation must give way to a special legislation on the same subject, petitioner Department of Public Works and Highways contends that Republic Act No. 9266, which governs the practice of architecture, should prevail over the National Building Code which deals with the practice of various professions relating to building

design, among others.[51]

Finally, it avers that civil engineers' right to substantive due process was not violated by the promulgation of the 2004 Revised Implementing Rules. It maintains that the latter was enacted pursuant to the State's police power and to ensure that only competent professionals can prepare the required documents for the issuance of a building permit.[52] On this note, it stresses that the 2004 Revised Implementing Rules was enacted to implement Republic Act No. 9266 which allegedly provides for the architect's exclusive right to prepare, sign, and seal architectural documents.[53]

For its part, petitioner UAP also contends that the Court of Appeals erred in nullifying Section 302(3) and (4) of the 2004 Revised Implementing Rules as it merely sought to implement Republic Act No. 9266.[54] Particularly, it argues:

First, Section 302(3) of the 2004 Revised Implementing Rules relating to Section 20(5) of Republic Act No. 9266 which states that "[a]ll 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 [Republic Act No.] 9266."[55]

Second, Section 302(3) also effectuates Section 25 of Republic Act No. 9266 granting architects "exclusive authority to prepare, sign, and seal architectural documents."[56]

Third, Section 302(3) carries out Section 20(2) of Republic Act No. 9266 enjoining government personnel charged with enforcing laws relating to the construction or alteration of buildings from accepting or approving "any architectural plans or specifications which have not been prepared and submitted in full accord with all the provisions of [Republic Act No.] 9266."[57]

Fourth, the list of architectural plans or drawings enumerated in Section 302(4)(a) of the 2004 Revised Implementing Rules was taken from the definition of architectural plans under Section 3(21) of Republic Act No. 9266.[58]

Finally, the documents identified as architectural interior or interior design under Section 302(4)(b) were based on Sections 3(21) and 3(4) of Republic Act No. 9266.[59]

In relation, petitioner UAP stresses that except for the alleged lack of definition of the term "architectural documents," the Court of Appeals failed to consider other vital provisions of

Republic Act No. 9266, particularly Section 3(21) and (4).[60]

It also notes that the enumerated architectural documents under Section 302(4) of the 2004 Revised Implementing Rules had already been included in the 1977 Implementing Rules and Regulations of the National Building Code.[61]

UAP further avers that Section 302(3) and (4) of the 2004 Revised Implementing Rules was enacted to implement the Legislature's intent of delineating "the functions of an architect and protect the architectural profession from practice by other professionals."[62] According to petitioner UAP, this intent is openly reflected in Republic Act No. 9266, which the Court of Appeals disregarded.[63]

It likewise emphasizes that the educational background of civil engineers is insufficient to permit them "to practice architecture, nor to prepare and certify architectural documents."[64] It asserts that as compared to a normal architecture course which has 10 semesters of "mainstream architecture," civil engineers do not take up "architectural design, planning or drafting."[65]

It claims that the Court of Appeals disregarded Republic Act No. 9266 when it decreed that civil engineers are allowed to prepare, sign, and seal architectural plans.[66] It stresses that Sections 2 and 23 of Republic Act No. 544, on which the Court of Appeals based its ruling, do not grant civil engineers the unqualified right to prepare architectural plans but limits it to certain building and structures.[67]

It maintains further that nothing in the official version of the National Building Code does it state that civil engineers are permitted to prepare, sign, and seal architectural plans.[68] It does not agree with the Court of Appeals that "the phrase licensed architect or civil engineer in case of architectural and structural plans"[69] was a typographical error, arguing that this interpretation would constitute an amendment of the law. Citing *Nagkakaisang Maralita ng Sitio Masigasig, Inc. v. Military Shrine Services,*[70] it emphasizes that the law's official version is the one published in the Official Gazette and not the alleged copy stored in the National Library.[71] It adds that the National Library version was not presented nor admitted as evidence before the Regional Trial Court, and therefore, cannot be considered on appeal.[72]

It also notes that the Court of Appeals broadly interpreted Section 308 of the National Building Code which has the effect of permitting civil engineers to prepare and sign any plan or document despite being remotely connected with building design.[73]

Petitioner UAP likewise insists that contrary to the Court of Appeals' finding, the civil engineers' alleged authority under Republic Act No. 544 and the National Building Code have been rescinded by Republic Act No. 9266's enactment.[74] It claims:

First, pursuant to Section 46 of Republic Act No. 9266, all laws inconsistent with it, including Republic Act No. 544 and the National Building Code, are deemed to have been repealed or modified.[75] On this note, it avers that Republic Act No. 9266's Section 20 conveys an exclusive grant of authority to architects to prepare, sign, and seal architectural plans and designs, which is irreconcilable with the authority granted to civil engineers under the National Building Code.[76]

Second, Section 12 of Republic Act No. 545 which recognizes the civil engineers' authority to prepare, sign, and seal architectural plans had been expressly repealed by Section 46 of Republic Act No. 9266.[77] It claims that the intention to repeal is further evidenced by Section 25 of Republic Act No. 9266, as well as the deliberations of Congress.[78]

Lastly, it contends that respondents cannot rely on Section 43 of Republic Act No. 9266 since the civil engineers' authority under Section 12 of Republic Act No. 545 was never meant to include the preparation, signing, and sealing of architectural documents as part of the practice of civil engineering. It stresses that Section 12 of Republic Act No. 545 was a mere special exemption granted to civil engineers due to the lack of architects after the war.[79]

In relation, it maintains that the interpretation of Section 43 of Republic Act No. 9266 cannot be deemed to negate the other provisions of the same statute, particularly, Sections 3 and 20.[80]

Petitioner UAP also argues that respondents committed forum shopping when it filed two similar cases before different tribunals.[81]

For their part, respondents contend that the Court of Appeals correctly invalidated Section 302(3) and (4) of the 2004 Revised Implementing Rules for violating existing laws. They counter that the assailed provision prohibits civil engineers from exercising their profession which under Republic Act No. 544 and the National Building Code includes the right to prepare, sign, and seal certain documents.[82] They raise the following arguments:

First, the authority of civil engineers under Sections 2 and 23 of Republic Act No. 544 to prepare plans, specifications, and estimates for buildings or structures should be

interpreted to include all kinds of buildings.

They stress that it would be illogical to limit the civil engineers' authority to prepare plans for complex buildings and structures without including residential buildings.[83]

Second, the authority of civil engineers is likewise recognized in Section 3.2 of the 1977 Implementing Rules of the National Building Code which states that architectural and structural plans may be prepared by a licensed architect or civil engineer. They insist that the 1977 Implementing Rules should be regarded as contemporaneous construction of a law given by officials charged with enforcing it.[84]

Third, the Official Gazette version of Section 302 of the National Building Code has an obvious clerical error and therefore, the controlling version should be the one stored in the National Library.[85]

According to respondents, the authority of civil engineers to prepare, sign, and seal architectural documents is further evidenced by Section 308 of the National Building Code which provides that the inspection and supervision of construction work may be performed by the architect or civil engineer who prepared the design of the building.[86]

Fourth, under the National Building Code, as well as the Local Government Code, building officials who are tasked to approve building plans may either be architects or civil engineers. They claim that it would be irrational for civil engineers to have the authority to approve building plans and yet lack the right to prepare these documents.[87]

Fifth, Section 43 of Republic Act No. 9266 states that its provisions cannot affect or prevent the practice of other profession. It recognizes the Legislature's intent to respect the right of civil engineers to prepare, sign and seal the documents under Section 302(4) of the 2004 Revised Implementing Rules.[88]

Sixth, petitioner Department of Public Works and Highways had no legal basis in classifying the documents under Section 302(4) of the 2004 Revised Implementing Rules as architectural in nature. They maintain that these documents cannot be categorized as exclusively architectural for it can be prepared by either architects or civil engineers.[89]

Respondents aver that the functions of architects and civil engineers have long been overlapping,[90] in that both professionals are authorized to prepare, sign, and seal "Vicinity Map/Location Plan, Site Development Plan, Perspective, Floor Plans, Elevations, Sections,

Reflected Ceiling Plans and the like[.]"[91]

Seventh, the legality of the assailed provisions may be resolved without delving on the academic curriculum of civil engineers. Respondents assert that the competence of architects and civil engineers was not among the issues presented before the Court of Appeals.[92]

Eight, Republic Act No. 544 and the National Building Code were not repealed or modified by Republic Act No. 9266 since these laws cover different subject matters. They emphasize that Republic Act No. 9266 is a special law which regulates the practice of architecture and cannot be interpreted to limit the practice of a different profession like civil engineering.[93]

They also note while the National Building Code is a general law, it should prevail over Republic Act No. 9266 considering that the former specifically deals with building permit issuance.[94]

Respondents likewise oppose petitioners' reliance on Republic Act No. 9266's explanatory note and argue that the intent of the law's sponsor cannot be deemed to be the intent of all legislators.[95] They claim that the legislature should have expressly repealed or modified Republic Act No. 544 and the National Building Code if the objective was to divest civil engineers from preparing certain plans and documents.[96]

Finally, the Court of Appeals correctly decreed that respondents did not commit forum shopping since not all the elements of *litis pendentia* were established.[97]

Based on the parties' arguments, the issues for this Court's resolution are: first, whether respondents committed forum shopping; and second, whether Section 302(3) and (4) of the 2004 Revised Implementing Rules is valid.

Subsumed in the second issue are the following: first, whether the National Building Code authorizes civil engineers to prepare, sign, and seal architectural plans; second, whether Republic Act No. 544 permits civil engineers to prepare, sign and seal architectural plans; and finally, whether Republic Act No. 9266 modified or repealed Republic Act No. 544 and the National Building Code.

The Petitions are meritorious.

I

Forum shopping refers to a situation where litigants repeatedly avail of "several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court."[98]

Chua v. Metropolitan Bank and Trust Company[99] discussed three ways of committing forum shopping:

> Forum shopping can be committed in three ways: (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*); and (3) filing multiple cases based on the same cause of action, but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*).[100]

Forum shopping through *litis pendentia* "refers to the situation where two actions are pending between the same parties for the same cause of action, so that one of them becomes unnecessary and vexatious. It is based on the policy against multiplicity of suits."[101]

Villarica Pawnshop, Inc. v. Spouses Gernale[102] explained the requisites and underlying principle for this prohibition:

> The underlying principle of *litis pendentia* is the theory that a party is not allowed to vex another more than once regarding the same subject matter and for the same cause of action.
>
> This theory is founded on the public policy that the same subject matter should not be the subject of controversy in courts more than once, in order that possible conflicting judgments may be avoided for the sake of the stability of the rights and status of persons.
>
> The requisites of *litis pendentia* are: (a) the identity of parties, or at least such as

> representing the same interests in both actions; (b) the identity of rights asserted and relief prayed for, the relief being founded on the same facts; and (c) the identity of the two cases such that judgment in one, regardless of which party is successful, would amount to *res judicata* in the other.[103] (Citations omitted)

Jurisprudence dictates that "[t]here is identity of parties where the parties in both actions are the same, or there is privity between them, or they are 'successors-in-interest by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity.'"[104] This exists not only when the parties in the two cases are absolutely identical, but also when there is substantial identity in that "there is a community of interest between a party in the first case and a party in the second case albeit the latter was not impleaded in the first case."[105]

An examination of the Gamolo and Cruz Petitions reveals that the interests of the parties who filed the petitions are not intertwined. While it may be true that the parties in the two Petitions are all civil engineers or a corporation who has for its members civil engineers, there is no community of interest between them. Considering that there is no identity of parties in the two Petitions, we find that respondents did not commit forum shopping.

Further, granting for the sake of argument, that the simultaneous filing of the Gamolo and Cruz Petitions constituted forum shopping, this Court has the power to relax or suspend procedural rules due to compelling circumstances.

In *Banco De Oro Unibank, Inc. v. International Copra Export Corporation,*[106] we held:

> Nonetheless, if the strict application of procedural rules will tend to frustrate rather than serve the broader interest of substantial justice, this Court may exercise its "power to relax or suspend the rules or to except a case from their operation when compelling reasons so warrant[.]" This principle was highlighted in *Malixi*, where this Court opted to resolve the merits of the case despite petitioner's procedural lapses.[107] (Citations omitted)

The assailed provisions of the 2004 Revised Implementing Rules have far-reaching implications not only to the professions of architecture and civil engineering, but also to the society at large. It is in the interest of substantial justice that this Court resolve the question of the validity of these provisions.

II

Among the laws relied upon by respondents is Presidential Decree No. 1096 or the National Building Code of the Philippines. According to them, Sections 302 and 308 of the law grant civil engineers the authority to prepare, sign, and seal the required plans for the issuance of a building permit.[108]

Petitioners counter that nothing in the official version of Section 302 of the National Building Code does it indicate that civil engineers are authorized to prepare, sign, and seal the plans and documents mentioned therein.[109]

Notably, the parties in this case have presented different versions of Section 302 of the National Building Code.

The first version relied upon by respondents is the one printed in the book of Atty. Foz, which provides:

> Sec. 302. *Application of Permits*. In order to obtain a building permit, the applicant shall file an application therefore in writing and on the prescribed form from the Office of the Building Official. Every application shall provide at least the following information:
>
> (1) A description of the work to be covered by the permit applied for;
> (2) Certified true copy of the TCT covering the lot on which the proposed work is to be done. If the applicant is not the registered owner, in addition to the TCT, a copy of the contract of least shall be submitted;
> (3) The use or occupancy for which the proposal work is intended;
> (4) Estimated cost of the proposed work.
>
> To be submitted together with such application are at least five sets or corresponding plans and specifications prepared signed and sealed by a duly licensed architect or civil engineer in case of architectural and structural plans, mechanical engineer in case of mechanical plans, and by a registered electrical engineer in case or electrical plans, except in those cases exempted or not required by the Building Official under this Code.[110]

Another version is found in the records of the National Library, which contains the signatures of former president Marcos and Presidential Assistant Juan C. Tuvera. This copy of the National Building Code, certified by former presidential staff director Melquiades T. De La Cruz, states:

> Sec. 302. *Application of Permits*. In order to obtain a building permit, the applicant shall file an application therefore in a writing and on the prescribed form from the Office of the Building Official. Every application shall provide at least the following information:
>
> (1) A description or the work to be covered by the permit applied for;
> (2) Certified true copy of the TCT covering the lot on which the proposed work is to be done. If the applicant is not the registered owner, in addition to the TCT, a copy of the contract of lease shall be submitted;
> (3) The use or occupancy for which the proposal work is intended;
> (4) Estimated cost of the proposed work.
>
> To be submitted together with such application are at least five sets of corresponding plans and specifications prepared, signed and sealed by a duly licensed architect or civil engineer in case of architectural and structural plans, mechanical engineer in case of mechanical plans, and by a registered electrical engineer in case of electrical plans, except in those cases exempted or not required by the Building Official under this Code.[111]

A different version of the National Building Code was also published in the Official Gazette:

> Section 302. Application for permits.
>
> In order to obtain a building permit, the applicant shall file an application therefor in writing and on the prescribed form from the office of the Building Official. Every application shall provide at least the following information:
>
> (1) A description of the work to be covered by the permit applied for;
>
> (2) Certified true copy of the TCT covering the lot on which the proposed work is

> to be done. If the applicant is not the registered owner, in addition to the TCT, a copy of the contract of lease shall be submitted;
>
> (3) The use or occupancy for which the proposal work is intended;
>
> (4) Estimated cost of the proposed work.
>
> To be submitted together with such application are at least five sets of corresponding plans and specifications prepared, signed and sealed by a duly mechanical engineer in case of mechanical plans, and by a registered electrical engineer in case of electrical plans, except in those cases exempted or not required by the Building Official under this Code.[112]

The Court of Appeals harmonized these various versions of Section 302 and deduced that the Official Gazette version contained a typographical error. It added that since the Official Gazette version appears to be inaccurate, recourse must be made to the other official copy of the National Building Code stored in the National Library:[113]

> The Court is mindful that it has been argued in this case that the aforesaid statement as it appears, emphasized above, does not appear in the official version of the National Building Code, as published in the Official Gazette. Intervenors-appellees UAP allege that the last paragraph of Section 302, as published in the Official Gazette, only reads as follows:
>
> > "To be submitted together with such application are at least five sets of corresponding plans and specifications prepared, signed and sealed by a duly mechanical engineer in case of mechanical plans, and by a registered electrical engineer in case of electrical plans, except in those cases exempted or not required by the Building Official under this Code."
>
> However, a review of other official copies of the National Building Code, particularly the copy stored in the National Library, which also bears the signature of then President Ferdinand E. Marcos, would reveal the contrary. Obviously, therefore, the copy that was published in the Official Gazette

> contained a clerical or typographical error or a misprint as it renders the provision meaningless and inoperable since it left out the plans and specifications of the architect and the civil engineer.
>
> Should the copy of PD 1096 as it appears in the Official Gazette, flawed as it may be, be the controlling copy?
>
> The Court does not think so.
>
> Considering that the typographical error is manifestly obvious in view of the fact that the different official copies of the same law are totally opposed with one another, prudence dictates that the version that renders the statute operable or the one that gives the statute sensible meaning and purpose be the one preferred. To this Court, considering that the version published in the Official Gazette contains a clerical/typographical error or a misprint, resort must be made with the other official copies of the law, particularly the copy stored in the National Library.[114]

Contrary to the Court of Appeals' finding, the copy of the National Building Code published in the Official Gazette should be considered as the controlling and official version.

> Article 2 of the Civil Code[115] states:
>
> Article 2. Laws shall take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless it is otherwise provided.

In the landmark case of *Tañada v. Tuvera*[116] this Court elucidated on the significance of the publication requirement under Article 2 of the Civil Code. It was stressed that a law's publication is not only a vital component of due process[117] but also of the people's constitutional right to information on matters of public concern.[118] Publication of statutes is how the public is officially informed of the contents of a law. It notifies the public "of the various laws which are to regulate their actions and conduct as citizens. Without such notice and publication, there would be no basis for the application of the maxim '*ignorantia legis non excusat.*"'[119]

In the 1986 case of *Tañada*[120] this Court further emphasized that "the publication must be in full or it is no publication at all":[121]

> We agree that the publication must be in full or it is no publication at all since its purpose is to inform the public of the contents of the laws. As correctly pointed out by the petitioners, the mere mention of the number or the presidential decree, the title of such decree, its whereabouts (e.g., "with Secretary Tuvera"), the supposed date of effectivity, and in a mere supplement of the Official Gazette cannot satisfy the publication requirement. This is not even substantial compliance. This was the manner, incidentally, in which the General Appropriations Act for FY 1975, a presidential decree undeniably of general applicability and interest, was "published" by the Marcos administration. The evident purpose was to withhold rather than disclose information on this vital law.
>
> ....
>
> Laws must come out in the open in the clear light of the sun instead or skulking in the shadows with their dark, deep secrets. Mysterious pronouncements and rumored rules cannot be recognized as binding unless their existence and contents are confirmed by a valid publication intended to make full disclosure and give proper notice to the people. The furtive law is like a scabbarded saber that cannot feint, parry or cut unless the naked blade is drawn.[122] (Citation omitted)

Tañada was later applied in *Nagkakaisang Maralita ng Sitio Masigasig, Inc. v. Military Shrine Services*[123] which involved the issue of whether petitioners can rely on the handwritten addendum made by former president Marcos in Proclamation No. 2476, which addendum was not included in the published version of the law. This Court decreed that not having been published, the handwritten addendum "never had any legal force and effect":[124]

> Applying the foregoing ruling to the instant case, this Court cannot rely on a handwritten note that was not part of Proclamation No. 2476 as published.

> Without publication, the note never had any legal force and effect.
>
> Furthermore, under Section 24, Chapter 6, Book I of the Administrative Code, "[t]he publication of any law, resolution or other official documents in the Official Gazette shall be prima facie evidence of its authority." Thus, whether or not President Marcos intended to include Western Bicutan is not only irrelevant but speculative. Simply put, the courts may not speculate as to the probable intent of the legislature apart from the words appearing in the law. This Court cannot rule that a word appears in the law when, evidently, there is none. In *Pagpalain Haulers, Inc. v. Hon. Trajano,* we ruled that "[u]nder Article 8 of the Civil Code, [j]udicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines.' This does not mean, however, that courts can create law. The courts exist for interpreting the law, not for enacting it. To allow otherwise would be violative of the principle of separation of powers, inasmuch as the sole function of our courts is to apply or interpret the laws, particularly where gaps or *lacunae* exist or where ambiguities becloud issues, but it will not arrogate unto itself the task of legislating." The remedy sought in these Petitions is not judicial interpretation, but another legislation that would amend the law to include petitioners' lots in the reclassification.[125] (Citation omitted)

Accordingly, we rule that since the phrase "licensed architect or civil engineer in case of architectural and structural plans" was not included in the published version of the National Building Code, this proviso cannot be considered to have any legal effect nor part of the National Building Code.

II.A

Nonetheless, respondents insist that the published version of the National Building Code contains clerical or typographical error which this Court should correct "by supplying the omitted words."[126] They claim that should the published version not be rectified, even architects will be deemed prohibited from preparing, signing, and sealing plans for buildings since they were not mentioned in Section 302 of the National Building Code. They contend that this clerical or typographical error may be remedied by referring to the version of the law stored in the National Library as well as the implementing agency's

contemporaneous construction provided under the 1977 Implementing Rules.

Respondents' arguments are unmeritorious.

To reiterate, the controlling and official version of the National Building Code should be the one published in the Official Gazette. Its provisions cannot be supplanted by the contents of the other copy of the law which do not appear to have complied with the publication requirement.

Neither can respondents rely on the principle of contemporaneous construction. The principle was discussed in *Nestle Philippines, Inc. v. Court of Appeals:*[127]

> In the first place, it is a principle too well established to require extensive documentation that the construction given to a statute by an administrative agency charged with the interpretation and application of that statute is entitled to great respect and should be accorded great weight by the courts, unless such construction is clearly shown to be in sharp conflict with the governing statute or the Constitution and other laws. As long ago as 1903, this Court said in *In re Allen* that
>
> > "[t]he principle that the contemporaneous construction of a statute by the executive officers of the government, whose duty is to execute it, is entitled to great respect, and should ordinarily control the construction of the statute by the courts, is so firmly embedded in our jurisdiction that no authorities need be cited to support it."
>
> The rationale for this rule relates not only to the emergence of the multifarious needs of a modern or modernizing society and the establishment of diverse administrative agencies for addressing and satisfying those needs; it also relates to accumulation of experience and growth of specialized capabilities by the administrative agency charged with implementing a particular statute. In *Asturias Sugar Central, inc. v. Commissioner of Customs* the Court stressed that executive officials are presumed to have familiarized themselves with all the considerations pertinent to the meaning and purpose or the law, and to have formed an independent, conscientious and competent expert opinion thereon. The courts give much weight to contemporaneous construction because of the

> respect due the government agency or officials charged with the implementation of the law, their competence, expertness, experience and informed judgment, and the fact that they frequently are the drafters of the law they interpret.[128] (Citations omitted)

Generally, "[t]his contemporaneous construction will be upheld unless it is in clear conflict with the Constitution, the statute being interpreted, or other laws."[129]

Assuming, for the sake of argument, that Section 3.2 of the 1977 Implementing Rules constitutes as contemporaneous construction of the National Building Code, this Court may disregard this interpretation when it is in conflict with other laws. As will be discussed later, Section 3.2 of the 1977 Implementing Rules is in clear contradiction with the provisions of Republic Act No. 9266 insofar as it permits civil engineers to prepare, sign, and seal architectural plans.

II.B

Civil engineers are not without authority to prepare, sign, and seal plans. We agree with respondents that this authority is recognized under Section 308 of the National Building Code and Republic Act No. 544. We, however, clarify that this power has been modified by Republic Act No. 9266.

> Section 308 of the National Building Code states:
>
> SECTION 308. Inspection and Supervision of Work
>
> The owner of the Building who is issued or granted a building permit under this Code shall engage the services of a duly licensed architect or civil engineer to undertake the full time inspection and supervision of the construction work.
>
> Such architect or civil engineer may or may not be the same architect or civil engineer who is responsible for the design of the building.
>
> It is understood however that in either case, the designing architect or civil engineer is not precluded from conducting inspection of the construction work to check and determine compliance with the plans and specifications of the building

as submitted.

There shall be kept at the jobsite at all times a logbook wherein the actual progress of construction including tests conducted, weather conditions and other pertinent data are to be recorded.

Upon completion of the construction, the said licensed architect or civil engineer shall submit the logbook, duly signed and sealed, to the Building Official. He shall also prepare and submit a Certificate of Completion of the project stating that the construction of building conforms to the provisions or this Code as well as with the approved plans and specifications.

Meanwhile, Sections 2 and 23 of Republic Act No. 544 provide:

SECTION 2. *Definition of terms*.

(a) The practice of civil engineering within the meaning and intent of this Act shall embrace services in the form of consultation, design, preparation or plans, specifications, estimates, erection, installation and supervision of the construction of streets, bridges, highways, railroads, airports and hangars, port works, canals, river and shore improvements, lighthouses, and dry docks; buildings, fixed structures for irrigation, flood protection, drainage, water supply and sewerage works; demolition of permanent structures; and tunnels. The enumeration of any work in this section shall not be construed as excluding any other work requiring civil engineering knowledge and application.

....

SECTION 23. *Preparation of plans and supervision of construction by registered civil engineer.* — It shall be unlawful for any person to order or otherwise cause the construction, reconstruction, or alteration of any building or structure intended for public gathering or assembly such as theaters, cinematographs, stadia, churches or structures of like nature, and any other engineering structures mentioned in section two of this Act unless the designs, plans, and specifications of same have been prepared under the responsible charge of, and signed and sealed by a registered civil engineer, and unless the construction, reconstruction and/or alteration thereof are executed under the responsible

> charge and direct supervision of a civil engineer. Plans and designs of structures must be approved as provided by law or ordinance of a city or province or municipality where the said structure is to be constructed.

At first glance, while civil engineers are authorized to prepare, sign, and seal plans, the authority is limited to designs, plans, and specifications relating to the construction of "building or structure intended for public gathering or assembly such as theaters, cinernatographs, stadia, churches or structures of like nature[,]" "streets, bridges, highways, railroads, airports and hangars, port works, canals, river and shore improvements, lighthouses, and dry docks; buildings, fixed structures for irrigation, flood protection, drainage, water supply and sewerage works[,]" and "demolition of permanent structures; and tunnels."

This interpretation is in consonance with the principle of *ejusdem generis* which this Court discussed in *National Power Corporation v. Angas:*[130]

> Under this doctrine, where general terms follow the designation of particular things or classes of persons or subjects, the general term will be construed to comprehend those things or persons of the same class or of the same nature as those specifically enumerated[.]
>
> The purpose of the rule on *ejusdem generis* is to give effect to both the particular and general words, by treating the particular words as indicating the class and the general words as including all that is embraced in said class, although not specifically named by the particular words. This is justified on the ground that if the lawmaking body intended the general terms to be used in their unrestricted sense, it would have not made an enumeration of particular subjects but would have used only general terms[.][131]

As correctly ruled by the Court of Appeals, Sections 2 and 23 should be read together with the other provisions of Republic Act No. 544, particularly Section 15, paragraph 2(c):

> SECTION 15. *Exemption from registration.*
>
> (1) Registration shall not be required of the following persons:

. . . .

(2) Any person residing in the Philippines may make plans or specifications for any of the following:

(a) Any building in chartered cities or in towns with building ordinances, not exceeding the space requirement specified therein, requiring the services of a civil engineer.

(b) Any wooden building enlargement or alteration which is to be used for farm purposes only and costing not more than ten thousand pesos.

(c) Provided, however, That there shall be nothing in this Act that will prevent any person from constructing his own (wooden or light material) residential house, utilizing the services of a person or persons required for that purpose, without the use of a civil engineer, as long as he does no[t] violate local ordinances of the place where the building is to be constructed.

This Court agrees with the Court of Appeals that in harmonizing these provisions, the authority of civil engineers to prepare, sign, and seal plans and specifications should be interpreted to apply to all buildings, including those that will be used for residential purposes and those not intended for public gathering. Section 15, paragraph 2(c) of Republic Act No. 544 implies that generally, "the plans and specifications for the construction of any building, including a residential house, may inquire the use of a civil engineer unless it is exempted from doing so."[132]

Notably, this inference is supported by Section 3.2 of Ministry Order No. 57 and Section 12 of Republic Act No. 545. These provisions also recognized that civil engineers were permitted to prepare, sign, and seal architectural plans. A perusal of these provisions reveals that civil engineers' authority was not limited to certain type of buildings or structures:

3.2 Five (5) sets or plans and specification prepared, signed and sealed

a) by a duly licensed architect or civil engineer, in case of architectural and structural plans;

b) by a duly licensed sanitary engineer or master plumber, in case of plumbing and sanitary installation plans;

c) by a duly licensed professional electrical engineer, in case of electric plans;

d) by a duly licensed professional mechanical engineer, in case of mechanical plans.

Meanwhile, Section 12 of Republic Act No. 545 provides:

SECTION 12. *Registration of architects required.* — In order to safeguard life, health and property, no person practice architecture (sic) in this country, or engage in preparing plans, specifications or preliminary data for the erection or alteration of any building located within the boundaries of this country, except in this last case when he is a duly registered civil engineer, or use the title "Architect", or display or use any title, sign, card, advertisement, other device to indicate that such person practices or offers to practice architecture, or is an architect, unless such person shall have secured from the examining body a certificate of registration in the manner hereinafter provided, and shall thereafter comply with the provisions of the laws of the Philippines governing the registration and licensing of architects.

The foregoing discussion notwithstanding, we find that the authority of civil engineers was modified by the enactment of Republic Act No. 9266.

III

Republic Act No. 9266 or the Architecture Act of 2004 was passed to provide "for a more responsive and comprehensive regulation for the registration, licensing and practice of architecture[.]" Among its declared policy is to recognize "the importance of architects in nation building and development."[133]

The law also provided for a definition of the general practice of architecture and its scope:

SECTION 3. *Definition of Terms.* — As used in this act, the following terms shall be defined as follows:

....

(3) "General Practice of Architecture" means the act of planning and architectural designing, structural conceptualization, specifying, supervising and

giving general administration and responsible direction to the erection, enlargement or alterations of buildings and building environments and architectural design in engineering structures or any part thereof; the scientific, aesthetic and orderly coordination of all the processes which enter into the production of a complete building structure performed through the medium of unbiased preliminary studies of plans, consultations, specifications, conferences, evaluations, investigations, contract documents and oral advice and directions regardless of whether the persons engaged in such practice are residents of the Philippines or have their principal office or place of business in this country or another territory, and regardless of whether such persons are performing one or all these duties, or whether such duties are performed in person or as directing head of an office or organization performing them;

(4) "Scope of the Practice of Architecture" encompasses the provision of professional services in connection with site, physical and planning and the design, construction, enlargement, conservation, renovation, remodeling, restoration or alteration of a building or group of buildings. Services may include, but are not limited to:

(a) planning, architectural conceptualization; designing and structural

(b) consultation, consultancy, giving oral or written advice and directions, conferences, evaluations, investigations, quality surveys, appraisals and adjustments, architectural and operational planning, site analysis and other pre-design services;

(c) schematic design, design development, contract documents and construction phases including professional consultancies;

(d) preparation of preliminary, technical, economic and financial feasibility studies of plans, models and project promotional services[;]

(e) preparation of architectural plans, specifications, bill of materials, cost estimates, general conditions and bidding documents;

(f) construction and project management, giving general management, administration, supervision, coordination and responsible direction or

> the planning, architectural designing, construction, reconstruction, erection, enlargement or demolition, renovation, repair, orderly removal, remodeling, alteration, preservation or restoration of buildings or structures or complex buildings, including all their components, sites and environs, intended for private or public use;
>
> (g) the planning, architectural lay-outing and utilization of spaces within and surrounding such buildings or structures, housing design and community architecture, architectural interiors and space planning, architectural detailing, architectural lighting, acoustics, architectural lay-outing of mechanical, electrical, electronic, sanitary, plumbing, communications and other utility systems, equipment and fixtures;
>
> (h) building programming, building administration, construction arbitration and architectural conservation and restoration;
>
> (i) all works which relate to the scientific, aesthetic and orderly coordination of all works and branches of the work, systems and processes necessary for the production of a complete building or structure, whether for public or private use, in order to enhance and safeguard life, health and property and the promotion and enrichment of the quality of life, the architectural design of engineering structures or any part thereof; and
>
> (j) all other works, projects and activities which require the professional competence of an architect, including teaching of architectural subjects and architectural computer-aided design.

Further, the law states that government employees charged with enforcing laws relating to building construction, shall only accept or approve architectural plans which have been prepared in accordance with its provisions, particularly, that the documents only carry the seal and signature of licensed architects:

> SECTION 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.

(1) Each registrant hereunder shall, upon registration, obtain a seal of such design as the Board shall authorize and direct. Architectural plans and specifications prepared by, or under the direct supervision of a registered architect shall be stamped with said seal during the life of the registrant’s certificate, and it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

(2) No officer or employee of this Republic, chartered cities, provinces and municipalities, now or hereafter charged with the enforcement of laws, 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) 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 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 work for any function of 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.

(4) Drawings and specifications duly signed, stamped or sealed as instruments of service, are the intellectual properties and documents of the architect, whether the object for which they are made is executed or not. 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.

Following this, petitioner Department of Public Works and Highways promulgated the assailed 2004 Revised Implementing Rules which states that only architects may prepare, sign, and seal architectural documents:

SECTION 302. Application for Permits. —

1. Any person desiring to obtain a building permit and any ancillary/accessory permit/s together with a Building Permit shall file application/s therefor on the prescribed application forms.

2. Together with the accomplished prescribed application form/s, the following shall be submitted to the OBO:

a. In case the applicant is the registered owner of the lot:
   i. Certified true copy of OCT/TCT, on file with the Registry of Deeds,
   ii. Tax Declaration, and
   iii. Current Real Property Tax Receipt.
b. In case the applicant is not the registered owner of the lot, in addition to the above[,] duly notarized copy of the Contract of Lease, or Deed of Absolute Sale.

3. Five (5) sets of survey plans, design plans, specifications and other documents prepared, signed and sealed over the printed names of the duly licensed and registered professionals (Figs. III.1. and III.2.):

a. Geodetic Engineer, in case of lot survey plans;
b. Architect, in case of architectural documents; in case of architectural interior/interior design documents, either an architect or interior designer may sign;
c. Civil Engineer, in case of civil/structural documents;
d. Professional Electrical Engineer, in case of electrical documents;

e. Professional Mechanical Engineer, in case of mechanical documents;
f. Sanitary Engineer, in case of sanitary documents;
g. Master Plumber, in case of plumbing documents;
h. Electronics Engineer, in case of electronics documents.

4. Architectural Documents

a. Architectural Plans/Drawings

i. Vicinity Map/Location Plan within a 2.00 kilometer radius for commercial, industrial, and institutional complex and within a halfkilometer radius for residential buildings, at any convenient scale showing prominent landmarks or major thoroughfares for easy reference.

ii. Site Development Plan showing technical description, boundaries, orientation and position of proposed building/structure in relation to the lot, existing or proposed access road and driveways and existing public utilities/services. Existing buildings within and adjoining the lot shall be hatched and distances between the proposed and existing buildings shall be indicated.

iii. Perspective drawn at a convenient scale and taken from a vantage point (bird’s eye view or eye level).

iv. Floor Plans drawn to scale of not less than 1:100 showing: gridlines, complete identification of rooms or functional spaces.

v. Elevations, at least four (4), same scale as floor plans showing: gridlines; natural ground to finish grade elevations; floor to floor heights; door and window marks, type of material and exterior finishes; adjoining existing structure/s, if any, shown in single hatched lines.

vi. Sections, at least two (2), showing: gridlines; natural ground and finish levels; outline of cut and visible structural parts; doors and windows properly labeled reflecting the direction of opening; partitions; built-in cabinets, etc.; identification of rooms and functional spaces cut by section lines.

vii. Reflected ceiling plan showing: design, location, finishes and specifications of materials, lighting fixtures, diffusers, decorations, air conditioning exhaust and return grills, sprinkler nozzles, if any, at scale or at least 1:100.

viii. Details, in the form of plans, elevations/sections:

(a) Accessible ramps
(b) Accessible stairs
(c) Accessible lifts/elevators
(d) Accessible entrances, corridors and walkways
(e) Accessible functional areas/comfort rooms
(f) Accessible switches, controls
(g) Accessible drinking fountains
(h) Accessible public telephone booths
(i) Accessible audio visual and automatic alarm system
(j) Accessible access symbols and directional signs

(k) Reserved parking for disabled persons

(l) Typical wall/bay sections from ground to roof

(m) Stairs, interior and exterior

(n) fire escapes/exits

(o) Built-in cabinets, counters and fixed furniture

(p) All types of partitions

ix. Schedule of Doors and Windows showing their types, designations/marks, dimensions, materials, and number of sets.

x. Schedule of Finishes, showing in graphic form: surface finishes specified for floors, ceilings, walls and baseboard trims for all building spaces per floor level.

xi. Details of other major Architectural Elements.

b. Architectural Interiors/Interior Design

i. Space Plan/s or layout/s of architectural interior/s.
ii. Architectural interior perspective/s.
iii. Furniture/furnishing/equipment/process layout/s.
iv. Access plan/s, parking plan/s and the like.
v. Detail design of major architectural interior elements.
vi. Plan and layout of interior, wall partitions, furnishing, furniture, equipment/appliances at a scale of at least 1:100.

vii. Interior wall elevations showing: finishes, switches, doors and convenience outlets, cross window sections with interior perspective as viewed from the main entrance at scale of at least 1:100.

viii. Floor/ceiling/wall patterns and finishing details.

ix. List of materials used.

x. Cost Estimates.

c. Plans and specific locations of all accessibility facilities of scale of at least 1:100.

d. Detailed design of all such accessibility facilities outside and around buildings/structures including parking areas, and their safety requirements all at scale of 1:50 or any convenient scale.

e. Fire Safety Documents

i. Layout plan of each floor indicating the fire evacuation route to safe dispersal areas, standpipes with fire hose, fire extinguishers, first aid kits/cabinets, fire alarm, fire operations room, emergency lights, signs, etc.

ii. Details of windows, fire exits with grilled windows and ladders.

iii. Details of fire-resistive construction of enclosures for vertical openings.

iv. Details of fire-resistive construction materials and interior decorative materials with fire-resistive/fire-retardant/fire-spread ratings

v. Other Related Documents

f. Other related documents

Respondents, however, question the enumeration of architectural documents, contending that it is neither based on Republic Act No. 545 nor in Republic Act No. 9266.[134]

The absence of a definition under the law was likewise observed by the Court of Appeals which then concluded "that the DPWH Secretary may have overstepped its rule making power when it labeled documents as 'architectural' in nature in the [2004 Revised Implementing Rules] absent any basis in law for such a qualification."[135]

Contrary to the Court of Appeals' assessment, we find that the classification made by the public works secretary was not without foundation.

At the outset, we agree with petitioner Department of Public Works and Highways that there is no dispute among the parties as to what plans are architectural documents. Prior to the enactment of Republic Act No. 9266 and the 2004 Revised Implementing Rules, respondents have not questioned the categorization of the documents listed in Section 3.2.1 of Ministry Order No. 57. Further, in their Memorandum, respondents acknowledged that the documents listed in Section 3.2.1 of Ministry Order No. 57 are similar to those enumerated under the 2004 Revised Implementing Rules.[136] For reference, Section 3.2.1 of Ministry Order No. 57 reads:

> 3.2 Five (5) sets of plans and specifications prepared, signed and sealed:
>
> a) by a duly licensed architect or civil engineer, in case of architectural and structural plans;
>
> ….
>
> 3.2.1 Architectural Documents:
>
> a) Location plan within a two kilometer radius for commercial, industrial and institutional complex, and within a half-kilometer radius for residential buildings, at any convenient scale, showing prominent landmarks or major thoroughfares for easy reference.
>
> b) Site development and/or location plan at scale of 1:200 M standard or any convenient scale for large scale development showing position of building in relation to lot. Existing buildings within and adjoining the lot shall be hatched, and distances between the proposed and existing buildings shall be indicated.
>
> c) Floor plans at scale of not less than 1:100M

d) Elevation (at least four) at scale of not less than 1:100M

e) Sections (at least two) at scale of 1:100M

f) Foundation Plan at scale of not less than 1:100M

g) Floor-framing plan at scale of not less than 1:100M

h) Roof-framing plan at scale of not less than 1:100M

i) Details of footing/column at any convenient scale

j) Details of structural members at any convenient scale[137]

Next, while it may be true that the laws provided no description of the term "architectural documents," petitioner Department of Public Works and Highways correctly argued that Congress is presumed to have enacted Republic Act No. 9266 bearing in mind the enumeration under Section 3.2.1 of Ministry Order No. 57.[138]

It has been held that "[i]n enacting a statute, the legislature is presumed to have deliberated with full knowledge of all existing laws and jurisprudence on the subject."[139] Following this, it is but logical to infer that the legislature enacted Republic Act No. 9266 cognizant of Ministry Order No. 57.

Finally, a review of the Implementing Rules and Regulations of Republic Act No. 9266, promulgated by the Professional Regulatory Board of Architecture (Board of Architecture) under the Professional Regulatory Commission, shows that the definition of both architectural documents and plans are similar to those identified under the assailed 2004 Revised Implementing Rules. Section 3 of Republic Act No. 9266's Implementing Rules provides:

SECTION 3. Definition of Terms. —

As used in this "IRR of the Architecture Act of 2004[,"] in R.A. No. 9266 or other laws, the following terms shall be defined as follows:

. . . .

> (18) "Architectural Documents" means an (sic) architectural drawings, specifications, and other outputs of an Architect that only an Architect can sign and seal consisting, among others of vicinity maps, site development plans, architectural program, perspective drawings, architectural floor plans, elevations, sections, ceiling plans, schedules, detailed drawings, technical specifications and cost estimates, and other instruments of service in any form.
> . . . .
>
> (21) "Architectural Plans" means a two (2)-dimensional representations reflecting a proposed development/redevelopment of an enclosed/semi-enclosed or open area showing features or elements such as columns, walls, partitions, ceiling, stairs, doors, windows, floors, roof, room designations, door and window call-outs, the architectural layout of equipment, furnishings, furniture and the like, specifications call-outs, elevation references, drawing references and the like; the architectural plan is the representation of a lateral section for a proposed building/structure (running parallel to the ground) and at a height of from (sic) 1.0-1.5 meters above the finished floor; the term may also collectively refer to other architectural designs such as cross/longitudinal sections, elevations, roof plan, reflected ceiling plan; detailed sections and elevations showing architectural interiors, detailed architectural designs door and window schedules, other architectural finishing schedules and the like.

Accordingly, we hold that the public works secretary did not exceed its authority when it categorized the documents listed under Section 302(4) of the 2004 Revised Implementing Rules as architectural.

IV

The repeal of a statute is a matter of legislative intent. The lawmakers may expressly include a repealing clause in the statute, particularly identifying the "law or laws, and portions thereof,"[140] which they intend to repeal. It may also be inferred when the provisions of a new statute is irreconcilably inconsistent with the terms of the prior law.[141] *Javier v. Commission on Elections*[142] expounded on this:

> A repeal may be express or implied. An express repeal is one wherein a statute

> declares, usually in its repealing clause, that a particular and specific law, identified by its number or title, is repealed. An implied repeal, on the other hand, transpires when a substantial conflict exists between the new and the prior laws. In the absence of an express repeal, a subsequent law cannot be construed as repealing a prior law unless an irreconcilable inconsistency and repugnancy exist in the terms of the new and the old laws.[143] (Citations omitted.)

Notably, only Republic Act No. 545, as amended, was expressly repealed by Republic Act No. 9266. The repealing clause made no mention of Republic Act No. 544 nor the National Building Code:

> SECTION 46. *Repealing Clause*. — Republic Act No. 545, as amended by Republic Act No. 1581 is hereby repealed and all other laws, orders, rules and regulations or resolutions or part/s thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

This notwithstanding, when the provisions of Republic Act No. 9266 are irreconcilably inconsistent with that of previous laws, particularly Republic Act No. 544, this Court is duty bound to recognize the Legislature's implied intention to repeal the prior law.

As a rule, repeals by implication are frowned upon. This is based on the presumption that a law was enacted by the legislature with full knowledge of "existing laws on the subject and not to have enacted conflicting statutes:"[144]

> Well settled is the rule that repeals of laws by implication are not favored, and that courts must generally assume their congruent application. The two laws must be absolutely incompatible, and a clear finding thereof must surface, before the inference of implied repeal may be drawn. The rule is expressed in the maxim, *interpretare et concordare legibus est optimus interpretendi,* i.e., every statute must be so interpreted and brought into accord with other laws as to form a uniform system of jurisprudence. The fundament is that the legislature should be presumed to have known the existing laws on the subject and not to have enacted conflicting statutes. Hence, all doubts must be resolved against any implied repeal, and all efforts should be exerted in order to harmonize and give effect to all laws on the subject.[145] (Citations omitted.)

Mecano v. Commission on Audit[146] discussed the different kinds of implied repeal:

> Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part or the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.
>
> There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, [t]he later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.
>
> Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot he enforced without nullifying the other.[147] (Citations omitted)

Here, while it may be true that Republic Act No. 9266 and Republic Act No. 544 cover different subject matters, in that one governs the practice of architecture while the other relates to the practice of engineering, these laws both contain provisions regarding the preparation, signing, and sealing of plans relating to building construction.

As discussed, Republic Act No. 544 provides for the authority of civil engineers to prepare, sign, and seal various plans, which includes architectural documents.

However, Section 20, paragraph 5 of Republic Act No. 9266 states that "[a]ll architectural plans, designs, specifications, drawings, and architectural documents relative to the construction of a building shall bear the seal and signature only of" a registered and licensed architect.

The language of Republic Act No. 9266 reveals an intention on the part of the legislature to

provide for a limitation on the civil engineers' authority to prepare, sign, and seal documents relating to building construction. Taking into consideration the irreconcilable conflict between the two laws, this Court recognizes that Republic Act No. 9266 has impliedly repealed Republic Act No. 544 insofar as it permits civil engineers to prepare, sign, and seal architectural documents.

Yet, respondents invoke Section 43 of Republic Act No. 9266 which allegedly evinces the Legislature's intent to respect the vested rights of other recognized professions, such as civil engineers. It reads:

> SECTION 43. *Act Not Affecting Other Professionals.* — This Act shall not be construed to affect or prevent the practice of any other legally recognized profession.

Settled is the rule in statutory construction that "[a] special and specific provision prevails over a general provision irrespective of their relative positions in the statute."[148] The principle was explained in *Commissioner of Customs v. Court of Tax Appeals*:[149]

> *Generalia specialibus non derogant*. Where there is in the same statute a particular enactment and also a general one which in its most comprehensive sense would include what is embraced in the former, the particular enactment must be operative, and the general enactment must be taken to affect only such cases within its general language as are not within the provisions of the particular enactment. It is a principle in statutory construction that where two statutes are of equal theoretical application to a particular case, the one specially designed for said case must prevail over the other.[150] (Citations omitted)

Section 20 is a specific provision in Republic Act No. 9266 which specifically deals with practice of architecture as well as preparation, signing, and sealing of architectural plans. Meanwhile, Section 43 is a general provision which provides for the rule on respect for the practice of other professions. Applying the principle of *generalia specialibus non derogant*, the mandate under Section 20 prevails over the general enactment enshrined in Section 43.

ACCORDINGLY, the Petitions are **GRANTED**. The January 5, 2012 Decision and February 13, 2013 Resolution of the Court of Appeals in CA-G.R. CV No. 93917 are **REVERSED** and

SET ASIDE. The January 29, 2008 Decision of the Regional Trial Court upholding the validity and constitutionality of Section 302, paragraphs 3 and 4 of the Revised Implementing Rules and Regulations of Presidential Decree No. l 096 is **REINSTATED**.

The Court hereby **RESOLVES** that:

1. Only registered and licensed architects may prepare, sign, and seal the following architectural documents:

    a. Architectural Plans/Drawings

        i. Vicinity Map/Location Plan within a 2.00 kilometer radius for commercial, Industrial, and Institutional complex and within a half-kilometer radius for residential buildings, at any convenient scale showing prominent landmarks or major thoroughfares for easy reference.

        ii. Site Development Plan showing technical description, boundaries, orientation and position of proposed building/structure in relation to the lot, existing or proposed access road and driveways and existing public utilities/services. Existing buildings within and adjoining the lot shall be hatched and stances between the proposed and existing buildings shall be indicated.

        iii. Perspective drawn at a convenient scale and taken from a vantage point (bird's eye view or eye level).

        iv. Floor Plans drawn to scale of not less than 1:100 showing: gridlines, complete identification of rooms or functional spaces.

        v. Elevations, at least four (4), same scale as floor plans showing: gridlines; natural round to finish grade elevations; floor to floor heights; door and window marks, type of material and exterior finishes; adjoining existing structure/s, if any, shown in single hatched lines.

        vi. Sections, at least two (2), showing: gridlines; natural ground and finish levels; outline of cut and visible structural parts; doors and windows properly labeled reflecting the direction of opening; partitions; built-in cabinets, etc.; identification of rooms and functional spaces cut by section lines.

        vii. Reflected ceiling plan showing: design, location, finishes and specifications of materials, lighting fixtures, diffusers, decorations, air conditioning exhaust and return grills, sprinkler nozzles, if any, at scale of at least 1:100.

        viii. Details, in the form of plans, elevations/sections:

            a) Accessible ramps
            b) Accessible stairs
            c) Accessible lifts/elevators

d) Accessible entrances, corridors and walkways
e) Accessible functional areas/comfort rooms
f) Accessible switches, controls
g) Accessible drinking fountains
h) Accessible public telephone booths
i) Accessible audio visual and automatic alarm system
j) Accessible access symbols and directional signs
k) Reserved parking for disabled persons
l) Typical wall/bay sections from ground to roof
m) Stairs, interior and exterior
n) Fire escapes/exits
o) Built-in cabinets, counters and fixed furniture
p) All types of partitions

ix. Schedule of Doors and Windows showing their types, designations/marks, dimensions, materials, and number of sets.

x. Schedule of Finishes, showing in graphic form: surface finishes specified for floors, ceilings, walls and baseboard trims for all building spaces per floor level.

xi. Details of other major Architectural Elements.

b. Plans and specific locations of all accessibility facilities of scale of at least 1:100.

c. Detailed design of all such accessibility facilities outside and around buildings/structures including parking areas, and their safety requirements all at scale of 1:50 or any convenient scale.

d. Fire Safety Documents

i. Layout plan of each floor indicating the fire evacuation route to safe dispersal areas, standpipes with fire hose, fire extinguishers, first aid kits/cabinets, fire alarm, fire operations room, emergency lights, signs, etc.

ii. Details of windows, fire exits with grilled windows and ladders.

iii. Details of fire-resistive construction of enclosures for vertical openings.

iv. Details of fire-resistive construction materials and interior decorative materials with fire-resistive/fire retardant/fire-spread ratings

v. Other Related Documents

e. Other related documents; and

2. Only registered and licensed architects, or interior designer may prepare, sign, and seal the following architectural interior/interior design documents:

a. Space Plan/s or layout/s of architectural interior/s.
b. Architectural interior perspective/s.
c. Furniture/furnishing/equipment/process layout/s.
d. Access plan/s, parking plan/sand the like.
e. Detail design of major architectural interior elements.
f. Plan and layout of interior, wall partitions, furnishing, furniture, equipment/appliances at a scale of at least 1:100.
g. Interior wall elevations showing: finishes, switches, doors and convenience outlets, cross window sections with interior perspective as viewed from the main entrance at scale of at least 1:100.
h. Floor/ceiling/wall patterns and finishing details.
i. List of materials used.
j. Cost Estimates.

SO ORDERED.

Lazaro-Javier, M. Lopez, J. Lopez and *Kho, Jr.,* JJ., concur.

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[1] **Commissioner of Internal Revenue v. Rio Tuba Nickel Mining Corporation,** 279 Phil. 144, 155 (1991) [Per J. Fernan, Third Division]. See also **The United Harbor Pilots' Association of the Philippines, Inc. v. Association of International Shipping Lines, Inc.,** 440 Phil. 188, 199 (2002) [Per J. Sandoval-Gutierrez, *En Banc*].

[2] *Rollo* (G.R. No. 205846), pp. 9-56; *Rollo* (G.R. No. 200015), p. 9-54.

[3] *Rollo* (G.R. No. 200015) pp. 56-93. The January 5, 2012 Decision in CA-G.R. CV No. 93917 was penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Noel G. Tijam (now a retired Justice of this Court) and Edwin D. Sorongon of the Ninth Division, Court of Appeals, Manila.

[4] *Id*. at 347-377. The January 29, 2008 Decision was penned by Presiding Judge Marino M. Dela Cruz, Jr. of Branch 22, Regional Trial Court, Manila.

[5] *Id*. at 1097.

[6] *Id*. at 349.

[7] Revised Implementing Rules and Regulations of the National Building Code of the Philippines, (October 29, 2004) states:

SECTION 302. *Application for Permits.* –

1. Any person desiring to obtain a building permit and any ancillary/accessory permit/s together with a Building Permit shall file application/s therefor on the prescribed application forms.

2. Together with the accomplished prescribed application form/s, the following shall be submitted to the OBO:

a. In case the applicant is the registered owner of the lot:

i. Certified true copy of OCT/TCT, on file with the Registry of Deeds,

ii. Tax Declaration, and

iii. Current Real Property Tax Receipt.

b. In case the applicant is not the registered owner of the lot, in addition to the above, duly notarized copy or the Contract of Lease, or Deed of Absolute Sale.

3. Five (5) sets of survey plans, design plans, specifications and other documents prepared, signed and sealed over the printed names of the duly licensed and registered professionals (Figs. III.1. and III.2.):

a. Geodetic Engineer, in case of lot survey plans;

b. Architect, in case of architectural documents; in case of architectural interior/interior design documents, either an architect or interior designer may sign;

c. Civil Engineer, in case or civil/structural documents;

e. Professional Mechanical Engineer, in case of mechanical documents;

f. Sanitary Engineer, in case of sanitary documents;

g. Master Plumber, in case of plumbing documents;

h. Electronics Engineer, in case of electronics documents.

4. Architectural Documents

a. Architectural Plans/Drawings

i. Vicinity Map/Location Plan within a 2.00 kilometer radius for commercial, Industrial, and Institutional complex and within a half-kilometer radius for residential buildings, at any convenient scale showing prominent landmarks or major thoroughfares for easy reference.

ii. Site Development Plan showing technical description, boundaries, orientation and position of proposed building/structure in relation to the lot, existing or proposed access road and driveways and existing public utilities/services. Existing buildings within and adjoining the lot shall be hatched and stances between the proposed and existing buildings shall be indicated.

iii. Perspective drawn at a convenient scale and taken from a vantage point (bird’s eye view or eye level).

iv. Floor Plans drawn to scale of not less than 1:100 showing: gridlines, complete identification of rooms or functional spaces.
v. Elevations, at least four (4), same scale as floor plans showing: gridlines; natural round to finish grade elevations; floor to floor heights; door and window marks, type of material and exterior finishes; adjoining existing structure/s, if any, shown in single hatched lines.
vi. Sections, at least two (2), showing: gridlines; natural ground and finish levels; outline of cut and visible structural parts; doors and windows properly labeled reflecting the direction of opening; partitions; built-in cabinets, etc.; identification of rooms and functional spaces cut by section lines.
vii. Reflected ceiling plan showing: design, location, finishes and specifications of materials, lighting fixtures, diffusers, decorations, air conditioning exhaust and return grills, sprinkler nozzles, if any, at scale of at least 1:100.

[8] *Rollo* (G.R. No. 200015), pp. 94-103.

[9] *Id*. at 102-103.

[10] *Id*. at 98-99.

[11] *Id*. at 350.

[12] *Rollo* (G.R. No. 205846), pp. 335-352.

[13] *Id*. at 138-147.

[14] *Rollo* (G.R. No.200015) p. 351.

[15] *Rollo* (G.R. No. 205846) pp. 149-150. The November 17, 2005 Order was penned by Judge Marino M. Dela Cruz, Jr. of Branch 22, Regional Trial Court, Manila.

[16] *Rollo* (G.R. No. 200015). pp. 347-377.

[17] *Id*. at 377.

[18] *Id*. at 363.

[19] *Id*. at 357-358, 363-365.

[20] *Id*. at.363-364.

[21] *Id*. at 364-374.

[22] *Id*. at 374-377.

[23] *Id*. at 378-381. The May 4, 2009 Order was penned by Presiding Judge Marino M. Dela Cruz, Jr. or Branch 22, Regional Trial Court, Manila.

[24] *Id*. at 57.

[25] *Id*. at 56-93.

[26] *Id*. at 91-92.

[27] *Id*. at 73- 74.

[28] *Id*. at 74-76.

[29] *Id*. at 76-78.

[30] *Id*. at 79-81.

[31] *Id*. at 82.

[32] *Id*.

[33] *Id*. at 86-89.

[34] *Id*. at 88.

[35] *Id*. at 89-91.

[36] *Id*. at 9-52.

[37] *Rollo* (G.R. No. 205846), pp. 828-867.

[38] *Id*. at 100-101. The February 13, 2013 Resolution in CA-G.R. CV No. 93917 was penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Noel G. Tijam (now a retired Justice of this Court) and Edwin D. Sorongon of the Former Ninth Division, Court of Appeals, Manila.

[39] *Id*. at 9-54.

[40] *Id*. at 911-913.

[41] *Rollo* (G.R. No. 200015), p. 800.

[42] *Id*. at 1096-1124.

[43] *Id*. at 1101-1103.

[44] *Id*. at 1104.

[45] *Id*. at 1103-1104.

[46] *Id*. at 1104-1105

[47] *Id*. at 1108.

[48] *Id*. at 1108-1110.

[49] *Id*. at 1110-1111.

[50] *Id*. at 1112-1115.

[51] *Id*. at 1116.

[52] *Id*. at 1119-1120.

[53] *Id*. at 1116-1117, 1121.

[54] *Rollo* (G.R. No. 205846), pp. 1033-1037.

[55] *Id*. at 1041.

[56] *Id*. at 1042.

[57] *Id*.

[58] *Id*.

[59] *Id*. at 1038-1042.

[60] *Id*. at 1042-1044.

[61] *Id*. at 1045.

[62] *Id*. at 1047.

[63] *Id*. at 1049.

[64] *Id*. at 1050.

[65] *Id*.

[66] *Id*. at 1051-1055.

[67] *Id*. at 1055-1058.

[68] *Id*. at 1058-1060.

[69] *Id*. at 1060.

[70] 710 Phil. 317 (2013) [Per J. Sereno, First Division].

[71] *Rollo* (G.R. No. 205846), pp. 1061-1062.

[72] *Id*. at 1062.

[73] *Id*. at 1062-1064.

[74] *Id*. at 1064-1073.

[75] *Id*. at 1066.

[76] *Id*. at 1066-1067.

[77] *Id*. at 1068-1069.

[78] *Id*. at 1069-1072.

[79] *Id*. at 1072.

[80] *Id*. at 1073.

[81] *Id*. at 1073-1077.

[82] *Rollo* (G.R. No. 200015), pp. 1200-1201.

[83] *Id*. at 1205-1208.

[84] *Id*. at 1208-1210.

[85] *Id*. at 1210-1212.

[86] *Id*. at 1212-1214.

[87] *Id*. at 1214.

[88] *Id*. at 1200-1202.

[89] *Id*. at 1202-1204.

[90] *Id*. at 1214-1217.

[91] *Id*. at 1214.

[92] *Id*. at 1216-1217.

[93] *Id*. at 1219-1221.

[94] *Id*. at 1219-1220.

[95] *Id*. at 1220-1221.

[96] *Id*. at 1221.

[97] *Id*. at 1222-1225.

[98] **Chua v. Metropolitan Bank & Trust Company,** 613 Phil. 143, 153 (2009) [Per J. Chico-Nazario, Third Division].

[99] *Id*.

[100] *Id*. at 153-154.

[101] **Grace Park International Corporation v. Eastwest Banking Corporation,** 791 Phil. 570, 577-578 (2016) [Per J. Perlas-Bernabe, First Division].

[102] 601 Phil. 66 (2009) [Per J. Austria-Martinez, Third Division].

[103] *Id*. at 78.

[104] **Cagayan de Oro Coliseum, Inc. v. Court of Appeals,** 378 Phil. 498, 519 (1999) [Per J. Ynares-Santiago, First Division). (Citation omitted)

[105] **Sempio v. Court of Appeals,** 348 Phil. 627, 636 (1998) [Per J. Puno, Second Division]. (Citation omitted)

[106] G.R. Nos. 218485-86, April 28, 2021 [Per J. Leonen, Third Division].

[107] *Id*.

[108] G.R. No. 200015), pp. 1210-1214.

[109] *Id*. at 1108-1111.

[110] *Id*. at 358.

[111] *Id*. at 393-394.

[112] Presidential Decree No. 1096 (1977).

[113] *Rollo* (G.R. No. 200015), p. 82.

[114] *Id*. at 81-82.

[115] As amended by Executive Order No. 200 (1987).

[116] 220 Phil. 422 (1985) [Per J. Escolin, *En Banc*]; 230 Phil. 528 (1986) [Per J. Cruz, *En Banc*].

[117] **Tañada v. Tuvera,** 220 Phil. 422,434 (1985) [Per J. Escolin, *En Banc*].

[118] **Tañada v. Tuvera,** 230 Phil. 528, 534 (1986) [Per J. Cruz, *En Banc*].

[119] **Tañada v. Tuvera,** 220 Phil. 422, 432-433 (1985) [Per J. Escolin, *En Banc*].

[120] 230 Phil. 528 (1986) [Per J. Cruz, *En Banc*].

[121] *Id*. at 536.

[122] *Id*. at 536-538.

[123] 710 Phil. 317 (2013) [Per J. Sereno, First Division].

[124] *Id*. at 326.

[125] *Id*. at 326-327.

[126] *Rollo* (G.R. No.200015), p. 1212.

[127] 280 Phil. 548 (1991) [Per J. Feliciano, First Division].

[128] *Id*. at 556-557.

[129] **Republic v. Provincial Government of Palawan, G.R. No. 170867** (Resolution), January 21, 2020 (Per J. Leonen, *En Banc*].

[130] 284-A Phil. 39 (1992) [Per J. Paras, Second Division].

[131] *Id*. at 45-46.

[132] *Rollo* (G.R. No. 200015), p. 78.

[133] Republic Act No. 9266, sec. 2 provides:
SECTION 2. *Statement of Policy*. — The State recognizes the importance of architects in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional architects whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their professional growth and development.

[134] *Rollo* (G.R. No.200015), pp. 1202-1204.

[135] *Id*. at 73.

[136] *Id*. at 210.

[137] *Id*. at 68-69.

[138] *Id*. at 1104.

[139] **Anak Mindanao Party-list Group v. Ermita,** 558 Phil. 338, 355 (2007) [Per J. Carpio Morales, *En Banc*]. (Citation omitted)

[140] **Mecano v. Commission on Audit,** 290-A Phil. 272, 279 (1992) [Per J. Campos, Jr., *En Banc*].

[141] *Id*. at 280.

[142] 777 Phil. 700 (2016) [Per J. Brion, *En Banc*].

[143] *Id*. at 725.

[144] **Hagad v. Gozo-Dadole,** 321 Phil. 604, 614 (1995) [Per J. Vitug, *En Banc*].

[145] *Id*. at 613-614.

[146] 290-A Phil. 272 (1992) [Per J. Campos, Jr. *En Banc*].

[147] *Id*. at 280-281.

[148] **City of Manila v. Colet,** 749 Phil. 598, 649 (2014) [Per J. Leonardo-De Castro, *En Banc*].

[149] 232 Phil. 641 (1987) [Per J. Gancayco, First Division].

[150] *Id*. at 645-646.

Date created: November 30, 2023