RULES AND REGULATIONS IMPLEMENTING SECTION 37, ARTICLE IV OF R.A. NO. 9266, KNOWN AS “THE ARCHITECTURE ACT OF 2004”, AND SECTION 37, RULE IV OF BOARD RESOLUTION NO. 07, SERIES O...

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WHEREAS, Section 37, Article IV of Republic Act (R.A.) No. 9266, known as “The Architecture Act of 2004”, which took effect on April 10, 2004, and Board Resolution No. 07, series of 2004, known as the “IRR of the Architecture Act of 2004”, which took effect on December 1, 2004, provide that a firm, company, partnership, corporation or association may be registered or licensed as such for the practice of architecture, subject to compliance with certain requirements;

WHEREAS, Section 25, Article IV of supra law and Section 25, Rule IV of supra Resolution state that no person shall practice architecture in the country, or engage in preparing architectural plans, specifications or preliminary data for the erection or alteration of any building located within Philippine boundaries or use the title “Architect” or display the word “Architect” together with another word, or display or use any title, sign, card, advertisement, or other device to indicate such person practices or offers to practice architecture, or is an architect, unless such a person shall have received from the Professional Regulatory Board of Architecture (the “Board”), a Certificate of Registration and be issued a Professional Identification Card in the manner hereinafter provided and shall thereafter comply with the provisions of this Act;

WHEREAS, Section 7, Article II of supra law and Section 7, Rule II of supra Resolution provide that some of the specific powers, functions and responsibilities of the Board are to:

1) prescribed and adopt the rules and regulations necessary for carrying out the provisions of the said Act;

2) monitor the conditions affecting the practice of architecture and adopt such measures as may be deemed proper for the enhancement and maintenance of high professional, ethical and technical standards of the profession;

3) discharge such other duties and functions as may be deemed necessary for the enhancement of the architectural profession, etc;

WHEREAS, Section 41, Article V of supra law and Section 41, Rule V of supra Resolution state that the Board, subject to approval of the Professional Regulation Commission (the “Commission”) and in coordination with the integrated and accredited professional organization of architects (the “IAPOA”), shall adopt and promulgate such rules and regulations to carry out the provisions thereof;

WHEREAS, the registration of firms, companies, partnerships, corporations or associations engaged in the practice of the architectural profession or in undertaking any part of the scope of architectural practice as defined under Sections 3.3. and 3.4 Article I of the said Act and Sections 3.(3) and 3.(4) of Rule I of the said Resolution shall enable the Board to attain the enhancement and maintenance of high professional, ethical and technical standards of the profession as mandated by the said Act;

WHEREAS, there is a clear need to protect the public against fraud, deception, or the consequences of negligence, ignorance and incompetence or malpractice in the practice of the architectural profession as well as

incidence of the illegal practice of architecture by many different entities, which may includes other professionals registered and licensed by the other Boards and the Commission;

WHEREAS, registration shall help the Commission and the Board in identifying and imposing the disciplinary sanctions on firms, companies, partnerships, corporations or associations engaged in the practice of the architectural profession in violation of the rules and regulations of the Board or non-adherence to the professional, ethical and technical standards of the architectural profession and assisting the prosecution office in the investigation of a criminal complaint against any of these juridical persons violation of the law, IRR, and these Rules and Regulations; and for

WHEREAS, in the formulation of the rules, the Board conducted consultations with the IAPOA, other associations of architects (provided for under Section 40, Article IV of the Act and Section 40, Rule IV of the same Resolution) and representatives of legitimate firms, companies, partnerships, corporations or associations engaged in the practice of the architectural profession;

NOW, THEREFORE, the Board RESOLVES, as it is hereby RESOLVED, to prescribe, adopt, and promulgate the following rules and regulations implementing Section 37, Article IV or R.A. No. 9266 and Section 37, Rule IV of Board Resolution No. 07, Series of 2004, known as the "IRR of the Architecture Act of 2004" (hereinafter-called the Implementing Rules and Regulations of Sec. 37), providing for the registration of firms, companies, partnerships, corporations or associations engaged in the general practice of the architectural profession or in undertaking any part of the scope of architectural practice as defined under Sections 3.3. and 3.4 of Article I of the same law and Sections 3.(3) and 3(4), Rule I of the same Resolution, and prescribing penalties for violation hereof.

RULE I. DEFINITION OF TERMS

SEC. 1. Terms Used - When used in this implementing rules and regulations, the following terms, shall have the meaning as indicated:

1) "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 or structure performed through the medium of 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 the directing head of an office or organization performing them;

2) "Scope of the Practice of Architecture" encompasses the provision of professional services in connection with the site and physical 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 designing and structural conceptualization;

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;

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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;

3) “Architect” means a natural person registered with the PRC and holding a valid PRC identification (ID) card, i.e., a Registered and Licensed Architect or RLA who may be practicing as an individual;

4) “Architectural Firm” means a sole proprietorship, a partnership, a corporation or an association registered with the proper government agencies, specifically the DTI, SEC and the PRC;

5) “Integrated and Accredited Professional Organization of Architects” (IAPOA) means the existing official national organization of all architects of the Philippines in which all registered Filipino architects shall be members without prejudice to membership in other voluntary professional associations;

6) “DILG” shall mean the Department of Interior and Local Government;

7) “DTI” shall mean the Department of Trade and Industry;

8) “GPPB” shall mean the Government Procurement Policy Board;

9) “SEC” shall mean the Securities and Exchange Commission;

10) “HLURB” shall mean Housing and Land Use Regulatory Board;

11) “LGUs” shall mean Local Government Units;

12) “Association” any formal grouping of two or more Architects or Architectural Firms working in joint venture on a project basis;

13) ”Architectural Company” means a juridical entity that shall be synonymous with an Architectural Partnership (see definition of Architectural Partnership) registered with the SEC;

14) “Architectural Corporation” means a group of professionals in architecture and allied professions, incorporated with Architects for the purpose of delivering professional service in architecture and allied professions; in case an existing Architectural Corporation does not comply with the 75% composition requirement, it shall comply and register again with the SEC and the Board;

15) “Architectural Entity” means a juridical entity that may be in the form of a registered association or a joint venture between local Architects/Architectural Firms or between local and foreign Architects/Architectural Firms; an Architectural Entity may or may not be directly engaged in the practice of architecture;

16) “Architectural Firm” specifically refers to juridical entities which may be specifically a sole proprietorship registered with the DTI and the Board and which may generally refer to companies, partnerships or corporations registered with the SEC and the Board;

17) “Architectural Partnership” means a group of two or more Architects duly registered with the SEC and then with the Board;

18) “Certificate of Registration” means a certificate bearing a registration number, issued to a registered individual (a natural person) or a firm or entity (a juridical person), by the Commission through the Board, signifying that the individual has successfully passed the Licensure Examination and is registered to practice his/her profession as Architect or that the Architectural Firm or Entity is qualified to engage in the general practice of the architectural profession or in undertaking any part of the scope of achitectural practice as defined under Sections 3.3 and 3.4 of R.A. No. 9266;

19) “Code of Ethical Conduct” means a document which forms part of the Architects’ National Code which contains the norms and principles governing the practice of the profession of architecture in the highest standards of ethical conduct; this document applies to all Architects, Architectural Firms and Entities;

20) “Foreign Architect” means an architect who is not a Filipino citizen nor an Architect registered and licensed in the Philippines, but who is duly registered and licensed in his/her home country as an architect;

21) “Foreign Architectural Firm, Partnership, Corporation or Entity” means an architectural firm or entity which is not registered in the Philippines, but which is duly registered as an architectural firm or entity in its home country;

22) “Filipino Counterpart” the local Philippine architect, partnership or corporation that must work in association with a Foreign Architect, partnership or corporation, on a project on Philippine soil;

23) “Professional Identification (ID) Card” a document bearing the registration number, date of issuance with an expiry date, due for periodic renewal, duly signed by the Chairperson of the PRC and issued to a Registered and Licensed Architect upon payment of the annual registration fees for three (3) years;

24) “Professional Firm Identification (ID) Card” a document bearing the registration number, date of issuance with an expiry date, due for periodic renewal, duly signed by the Chairperson of the PRC and issued to a Registered and Licensed Architectural Firm/Entity upon payment of the annual registration fees for three (3) years; the logo or company identifier of a registered architectural firm or entity shall be prominently shown in such an ID;

25) “Standards of Professional Practice” means a document embodied in the Architect’s National Code, which defines all aspects of professional service, prescribes basic fees and establishes the rights and obligations of both

the Architect and the client; this document shall be applicable to Architectural Firms and Entities;

26) “Sole Proprietorship” refers to the firm of an individual Architect practicing and delivering architectural services, duly registered with the DTI, Board and the Commission;

27) “Allied Technical or Technological Professionals” shall mean other or non-architect professionals registered and licensed by the Commission such as engineers, interior designers, environmental planners, landscape architects and the like who are engaged in the planning and design of the various components of buildings and their environs.

RULE II. REGISTRATION

SEC. 2. Qualification for Registration - a firm, company, partnership, corporation or association may be registered or licensed as such for the practice of architecture, provided that:

1) only Filipino citizens properly registered and licensed as architects under R.A. No. 9266 may, among themselves, or together with allied technical or technological professionals, form and obtain registration as a firm, company, partnership, corporation or association for the practice of architecture;

2) registered and licensed architects shall compose at least seventy-five percent (75%) of the owners, shareholders, members, incorporators, directors, executive officers, as the case may be;

3) individual members of such a firm, company, partnership, corporation or association shall be responsible for their individual and collective acts as an entity and as provided by law; and

4) such a firm, company, partnership, corporation or association shall be registered with the Securities and Exchange Commission (the “SEC”) and the Board.

SEC. 3. Non-Registered and Non-Licensed Persons as 25% Owners and Managers of Architectural Firms or Entities for Registration - The remaining twenty five percent (25%) of architectural firms or entities to be registered may be composed of any of the following:

1) Filipino allied technical or technological professionals separately registered and licensed by the concerned boards and the Commission;

2) Filipino lawyers who are members of the Integrated Bar of the Philippines;

3) other Filipino professionals registered by the DTI and licensed by the HLURB, i.e., real estate brokers, appraisers or real estate consultants;

4) industrial partners or incorporators who may be non-registered professionals; or

5) capitalists, in general, who may include foreigners, relatives of the Registered and Licensed Architects who hold the 75% stake in the Architectural Firm or Entity, investors and the like;

SEC. 4. Period of Registration - Within six (6.0) months from the effectivity of this rules and regulations, firms, companies, partnerships, corporations or associations engaged in the practice of the architectural profession, shall register with the Board and the Commission in the manner provided for herein. Unless authorized by the board, such firms, companies, partnerships, corporations or associations shall neither commence nor continue to engage in the practice of the architectural profession until a valid Certificate of Registration shall have been issued by the Board and the Commission in full accord with this rules and regulations.

The Commission upon the recommendation of the Board shall have the power to require the immediate registration of firms or entities suspected to be operating in violation of Sec. 37 of R.A. No. 9266, its IRR and

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derivative regulations at anytime during this 6.0 month period.

SEC. 5. Application for Registration - The application for registration shall be accomplished in the form prescribed by the Board, in triplicate, and duly signed by the duly authorized representative/s of the applicant firm, company, partnership, corporation or association. The application form, hereto attached as Annex "A[*]", shall contain such information as may be required by the Board including, but not limited to, the following data:

1) the full and abbreviated names of the firm, company, partnership, corporation or association engaged in the general practice of architecture or in undertaking any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004;

2) the full name/s of the individual practitioner, partners, incorporators/ directors/executive officers and the like who are Registered and Licensed Architects or other professionals registered and licensed by the Commission as allowed under Section 37, Article IV of R.A. No. 9266, and Section 37, Rule IV of Board Res. No. 07, Series of 2004, together with copies of their respective Certificates of Registration, current Professional Identification ("ID") cards issued by the Commission and their Professional Tax Receipts ("PTR"); the full names must match the names appearing in the Certificates of Registration and the Professional ID cards;

3) Certificate of Registration from the SEC in the case of partnerships and corporations and from the DTI in the case of sole proprietorships;

4) Complete and latest or current postal address/es, telephone /telefax numbers, e-mail address/es, and website/s (if any) of the principal office, branch/es or sub-offices as applicable;

5) Statement as to the exact nature of relationship/s with other local or foreign architectural or other professional, consulting, constructing or development firms (if any and as applicable) and the complete and latest or current postal address/es, telephone/telefax numbers, e-mail address/es, and website/s (if any) of such other related firms, office/s, branch/es or sub-offices applicable;

6) In case of architectural corporations, the names of the Directors and Executive Officers appearing in the Articles of Incorporation on file with the SEC and in the General Information Sheet (GIS) submitted annually to the SEC;

7) Taxpayer Identification Number (TIN) of the applicant firm, company, partnership, corporation or association engaged in the general practice of architecture or in undertaking any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004; and

8) Current Business Permit.

SEC. 6. Renewal of Registration - The registration of a firm, company, partnership, corporation or association shall be renewed every three (3) years. Renewals of Registration must indicate changes that have taken place since the last registration (if any or as applicable).

SEC. 7. Required Submission of Information on Changes in Ownership and Management - For all architectural firms, companies, partnerships, corporations or associations that shall undergo changes in ownership and management, information on such changes shall be submitted to the Board in the same form as Annex "A" but identified as "Change in Ownership and Management", duly notarized and submitted within one (1) month of the effectivity of such change/s. A copy of the current/updated GIS, duly notarized, shall also be submitted to the Board.

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SEC. 8. Action on Application - The Board shall duly evaluate all applications for registration received in the proper and complete form and shall, not later than twenty one (21) days after the application is filed, recommend for approval, holding or denial, of the application to the Commission.

SEC. 9. Issuance of the Certificate of Registration - The Commission shall, upon the recommendation of the Board, issue to the applicant architectural firm, company, partnership, corporation or association the corresponding Certificates of Registration, allowing such entities to legally engage in the general practice of architecture or to legally undertake any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266, and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004. Unless sooner revoked, cancelled or withdrawn, said Certificate of Registration shall be valid for three (3) years; and shall be renewed every three (3) years thereafter, upon full payment of the prescribed fees in full accord with this rules and regulations.

SEC. 10. Display of the Certificate of Registration - The Certificate of Registration shall be displayed in a prominent place within the operating premises of the registered Architectural Firm, company, partnership, corporation or association.

SEC. 11. Roster of Registered Architectural Firms, Companies, Partnerships, Corporations and Associations - An official Roster listing the names of the registered Architectural Firms, companies, partnerships, corporations or associations shall be kept current/updated by the Board and the Commission. Copies of such Roster shall be published in a major newspaper of national circulation and made freely available to all concerned agencies involved in the review and approval of architectural documents and to the public upon request and payment of the prescribed fee.

RULE III. VOLUNTARY WITHDRAWAL OF ARCHITECTURAL FIRM REGISTRATION OR REINSTATEMENT

SEC. 12. Withdrawal of Registration - Architectural Firms, companies, partnerships, corporations or associations, duly registered by the Board and the Commission to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under Section 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004, may voluntarily withdraw their registration by filing with the Board a petition in writing stating the reason/s therefor. The petition shall be duly authenticated and signed by the duly authorized representative of the Architectural Firm or Entity, requesting voluntary withdrawal. Upon approval, the petitioner’s name shall be removed from the Roster of duly registered Architectural Firms or Entities, and petitioner shall be notified in writing of the withdrawal of registration.

SEC. 13. Cessation to Practice as an Architectural Firm or Entity - Upon receipt from the Board of written notice of the withdrawal or registration, the petitioner shall cease to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266.

SEC. 14. Publication of the Withdrawn Registration - The Board may motu proprio, publish the Roster of architectural firms or entities, registrations of which have been cancelled or withdrawn, and shall freely furnish copies of the Roster to pertinent government regulatory agencies.

SEC. 15. Filing for Reinstatement - Any Architectural Firm or Entity which has voluntarily withdrawn its registration may register anew by filing an application in full accord with this rules and regulations.

RULE IV. EXISTING OR OPERATING ARCHITECTURAL FIRMS OR ENTITIES THAT FAIL OR REFUSE TO REGISTER

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SEC. 16. Cessation from the Illegal Practice of the Architectural Profession - Upon receipt from the Board of a written notice of non-registration as an Architectural Firm or Entity and of engaging in the illegal practice of architecture at anytime after the effectivity of this Resolution, the recipient must immediately cease to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004, or be charged accordingly by the state for violation of multiple provisions of the foregoing law, in a manner prescribed under law.

SEC. 17. Publication of Roster of Non-Registered Architectural Firms or Entities - The Board may motu proprio, publish in a major newspaper of national circulation the Roster of non-registered architectural firms or entities that cannot legally engage in the general practice of architecture nor legally undertake any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004, and shall freely furnish copies of such a Roster to pertinent government regulatory agencies such as the HLURB and the GPPB or to line agencies such as the DPWH, DILG and the like.

SEC. 18. Coordination with the DTI, SEC, DILG and LGUs on the Matter of Non-Complying Firms or Entities - The Board shall make the necessary representations with the SEC, the DTI, DILG, other agencies and the LGUs for the necessary action/s to ensure full compliance with Section 37, Article IV of R.A. No. 9266 and Section 37, Rule IV of Board Res. No. 07, Series of 2004, by non-complying firms and entities that hold registration certificates from the SEC and the DTI or business permits from the LGUs. This may include Board’s request to suspend or revoke the SEC or DTI registration or business permits of such firms or entities.

RULE V. FEES AND PENALTIES

SEC. 19. Registration Fee - The application for initial registration, renewal or request for reinstatement shall be accompanied by a fee of one thousand five hundred pesos (P1,500.00) only plus a one-time national publication fee of one thousand pesos (P1,000.00) only.

SEC. 20. Suspension or Revocation of Certificates - After due notice and hearing, the Board shall have the power to suspend or revoke the Certificate of Registration of the concerned Architectural Firm or Entity for cause, in full accord with this rules and regulations.

SEC. 21. Causes or Grounds for Revocation or Suspension of Certificates - The specific violations of this rules and regulations are:

1) engaging in the practice of architecture in the Philippines without complying with the provisions of R.A. No. 9266 or Board Res. No. 07, Series of 2004;

2) presenting or attempting to use as its own the Certificate of Registration of another registered Architectural Firm or Entity or impersonating any registered Architectural Firm or Entity;

3) giving any false or forged evidence of any kind to the Board, the Commission, the DTI or SEC;

4) attempting to use a revoked or suspended Certificate of Registration of a previously registered Architectural Firm or Entity;

5) using or advertising any title or description tending to convey the impression that the Architectural Firm or Entity is legally engaged in the general practice of architecture or legally capable of undertaking any part of the scope of architectural practice as defined under Sections 3.3 and 3.4, Article I of R.A. No. 9266 and Sections 3.(3) and 3.(4), Rule I of Board Resolution No. 07, Series of 2004, without holding a valid Certificate of Registration;

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and

6) violating any of the provisions of this implementing rules and regulations.

SEC. 22. Penal Provisions - Pursuant to Section 29, Article IV of R.A. No. 9266 and Section 29, Rule IV of Board Res. No. 07, Series of 2004, any person (natural or juridical) who shall violate any of the provisions of Section 37, Article IV of R.A. No. 9266, Section 37, Rule IV of Board Res. No. 07, Series of 2004, known as the "IRR of the Architecture Act of 2004", the Code of Ethical Conduct and Standards of Professional Practice, or any policy of the Board and the Commission, shall be guilty of misdemeanor and charged in court by the Commission and shall, upon conviction be sentenced to a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five million pesos (P5,000,000.00) or to suffer imprisonment for a period not less than six (6) months or not exceeding six (6) years, or both, at the discretion of the Court.

RULE VI. CLAUSE AND EFFECTIVITY

SEC. 23. Separability Clause - If any section or provision of this Rules and Regulations may be declared unconstitutional or invalid, such declaration shall not affect or invalidate any other section or provision thereof.

SEC. 24. Effectivity. This Rules and Regulations shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or any newspaper of general circulation in the Philippines.

Adopted: 08 Oct. 2007

(SGD.) ARMANDO N. ALLI
Chairman

(SGD.) ANGELINE T. CHUA CHIACO
Member

(SGD.) MARIETTA B. SEGOVIA
Member

ATTESTED TO:

(SGD.) CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

(SGD.) LEONOR TRIPON-ROSERO
Chairperson

(SGD.) RUTH RAÑA-PADILLA
Commissioner

(SGD.) NILO L. ROSAS
Commissioner

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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