

GUIDELINES IMPLEMENTING SEC. 30, ART V OF RA 9053, KNOWN AS “THE PHILIPPINE LANDSCAPE ARCHITECTURE ACT OF 2000”, AND ART XIV, RULE 49 (G) OF BOARD RES. NO. 01, SERIES OF 2002, C...

PRC BOARD OF LANDSCAPE ARCHITECTURE BOARD RESOLUTION NO. 02, S. 2009, October 06, 2009

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8e7f6b2c8831/>

WHEREAS, Sec. 30, Art V of R.A. No. 9053, known as the “The Philippine Landscape Architecture Act of 2000”, and Art XIV, Rule 49 (G) of Board Res. No. 01, Series of 2002, cited as the “IRR of the Landscape Architecture Act of 2000”, provide that foreign nationals, who intend to perform Landscape Architectural services in the Philippines shall secure a special/temporary permit from the Professional Regulatory Board of Landscape Architecture (the “Board”), subject to the approval by the Professional Regulation Commission (the “Commission”) upon compliance with all legal and procedural guidelines;

WHEREAS, the issuance of special Temporary/Special Permits for foreign Landscape Architects to engage in the practice of the Landscape Architectural profession as defined under Sections 29 & 30 and Art. V of RA 9053 shall enable the board to nurture high professional, ethical and technical standards of the profession required under such law through interaction, their Landscape Architectural specialization, and technology transfers;

WHEREAS, there is clear, urgent, important need to protect the public against fraud, deception, or ignorance, negligence, and incompetence in the practice of the Landscape Architectural profession, or the illegal practice of the Landscape Architecture by foreign Landscape Architects and other entities, which may include other professionals/ non-professionals registered and licensed in other countries or states that may not have reciprocity in the said practice with the Philippines;

WHEREAS, the attainment of the foregoing objectives will enjoin the Board and the Commission in collaboration with the Department of Labor and Employment (DOLE) and the Bureau of Immigration and Deportation (BID) and other agencies to issue and promulgate guidelines for the effective implementation of the laws and rules and regulations aforementioned through identification and imposition of the corresponding sanctions and penalties on firms, agencies, organizations, or individuals that employ foreign Landscape Architects engaged in the practice of the Landscape Architectural profession who violate R.A. No. 9053 and Sec. 7, (j) and (l) and Sec. 16 of R.A. No. 8981 and the rules and regulations thereof and the Codes of Ethics and Technical Standards for Landscape Architects; and

NOW, THEREFORE, the Board RESOLVES, as it is hereby RESOLVED, to require all foreign Landscape Architects from countries/states with Landscape Architectural practice reciprocity with the Philippines who intend to practice the Landscape Architecture profession in the Philippines under Philippine projects, to file an application for and to secure a Temporary/Special Permit from the Board and the Commission, in accordance with Sec. 30, Art. V of R.A. No. 9053 and Art. XIV Rule 54 of Board Res. No. 01, series of 2002.

FURTHER RESOLVED, for the implementation of the afore-stated provisions of law and IRR, to promulgate the following procedure on the issuance of Temporary/Special Permits to foreign Landscape Architects for the

practice of Landscape Architecture in the Philippines under the derivative laws and rules and regulations:

GUIDELINES I

Definition of Terms

SECTION 1. Terms Used. – When used in this Guidelines, the following terms, consistent with Section 2, Articles II of R.A. No. 9053 and Art I, Rule 2 of Board Res. No. 01 Series of 2002 shall have the meaning as indicated:

(1) Landscape Architecture refers to the functional, orderly and esthetic arrangement, changing and development of natural scenery and land areas to produce the most desirable effect for human use and enjoyment of various outdoor spaces which consist of hardscape components and the softscape of plants such as gardens, sports fields, playgrounds, recreational grounds, camping sites, resorts, national and public parks, historical parks and squares, memorial parks, subdivisions, parks and parkways, zoological and botanical gardens, greenbelts, cemeteries, plazas, patios, yards, outdoor shopping and pedestrian malls, promenades, sidewalks, roads and walkway systems, traffic islands, easements and circles, roof and open interior gardens and courts and other open spaces; the protection, conservation and rehabilitation of the natural environment and scenery to enhance the ecological system and quality of life.

(2) Landscape Architect refers to a natural person who has been issued a certificate of registration/professional license and professional identification card by the Board of Landscape Architecture and the Commission.

(3) Practice of Landscape Architecture is the act of planning, designing, specifying, supervising and giving general administration and responsible direction to the functional, orderly and aesthetic arrangement and development of outdoor spaces which contribute to the enhancement and safeguarding of life, health, heritage and property as well as the promotion and enrichment of the quality of life. Practice of Landscape Architecture includes but is not necessarily limited to the following activities:

- (a) The act of planning sites and outdoor spaces;
- (b) Recommending on and formulating landscape development policies concerning visual resources, streetscapes, the rehabilitation of inner cities, slums and historic districts, parks and recreation items which are important components of development and planning codes, zoning ordinances and other studies;
- (c) Consultation, oral advice and direction, conferences, evaluation, investigation, estimates, appraisals and assessment and Landscape Architectural and operational programming;
- (d) Schematic design, design studies and development concepts and contract documents;
- (e) Preparation of preliminary technical, economic and financial feasibility studies of plans and projects, promotional services including the preparation of specialized studies such as environmental impact assessments (EIA);
- (f) Preparation of plans, specifications, bills of materials, cost estimates, general conditions and landscape work contract documents;
- (g) Construction and project management; giving general management, administration, supervision, coordination and responsible direction to the planning, designing, construction, reconstruction, direction, enlargement, renovation, repair, orderly removal or demolition, remodelling, alteration, preservation or restoration of landscape sites or structures including all their component sites and environs intended for private or public use;
- (h) All other works and activities which require the professional competence of Landscape Architects, including the teaching of Landscape Architecture subjects given in the licensure examinations for Landscape Architects; computer aided design (CAD); the scientific aesthetic and orderly coordination of all works and branches of the work, systems and processes necessary in order to enhance and safeguard life, health, heritage and property and the promotion and enrichment of the quality of life; the landscape design of engineered structure or any part thereof;
- (i) The planning, layout and utilization of spaces within and around buildings or structures including their sites;

environment, and urban design; site planning, outdoor space planning, Landscape Architecture detailing; landscape architecture lighting, laying out of associated mechanical, electrical, sanitary, plumbing, and other utility systems, equipment and fixtures, and

(j) Site programming, grounds maintenance and administration and Landscape Architectural conservation and restoration.

(4) Board refers to the Professional Regulatory Board of Landscape Architecture;

(5) Commission means the Professional Regulation Commission;

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

(7) “DFA” shall mean the Department of Foreign Affairs;

(8) DOLE shall mean the Department of Labor and Employment;

(9) GPPB means the Government Procurement Policy Board that implements RA 9184 (the Government Procurement Reform Act of 2003);

(10) Landscape Architectural Documents means landscape architectural drawings, specifications, and other outputs of a Landscape Architect that only a Landscape Architect can sign and seal consisting, among others, of site development plans, Landscape Architectural programs, perspective drawings, Landscape Architectural staking plans, elevations, sections, schedules, detailed drawings, technical specifications and cost estimates, and other instruments of service in any form;

(11) Landscape Architectural Plans means two (2) dimensional representations reflecting a proposed landscape development/redevelopment of spaces within and around buildings or structures showing landscape features or elements such as site furniture, outdoor lighting, ponds, pools, trellises, pergolas, outdoor circulation layouts and the like; the Landscape Architectural plan is the representation of the lateral section of a space within or around building or structures (running parallel to the ground) at a height from 1.0-1.5 meters above the finished ground level; the term may also collectively refer to other Landscape Architectural designs such as cross/longitudinal sections, elevations, planting plans; detailed sections and elevations showing Landscape Architectural designs, paving patterns, and other Landscape Architectural finishing schedules and the like;

(12) Special/Temporary Permit refers to a permit issued by the Commission through the Board, to a foreign Landscape Architect from a country with reciprocal relations with the Philippines insofar as the practice of Landscape Architecture is concerned, signifying the individual concerned has successfully passed the scrutiny by the Board and is subsequently allowed by the Commission to practice his/her profession as Landscape Architect in the Philippines for a limited period of time; the Special/Temporary/Permit can only be issued to an individual foreign Landscape Architect (a natural person) and not to foreign Landscape Architectural firms (juridical persons) and is issued solely for the practice of Landscape Architecture or any of its recognized branches; the document does not permit the holder to engage in any other profession regulated by the Commission, in non-regulated professions or in business of any kind; the Temporary/Special Permit cannot be issued to a foreign landscape architect from a country with which the Philippines has no reciprocal landscape architecture practice arrangements; the Temporary/ Special Permit is issued for one (1) project and does not allow the foreign Landscape Architect to engage in work for another project not covered by the permit;

(13) Code of Ethical Conduct means a document which forms part of the Landscape Architect’s National Code which contains the norms and principles governing the practice of the profession of Landscape Architecture in the

highest standards of ethical conduct; this document is applicable to foreign Landscape Architects who are holders of Special/ Temporary Permits to practice Landscape Architecture in the Philippines.

(14) Consulting Landscape Architect a registered and licensed Landscape Architect, who is academically and professionally qualified, and with exceptional or recognized expertise or specialization in any branch of Landscape Architecture; the Consulting Landscape Architect assumes no civil liability under Art 1723 of the Civil Code unless he/ she attempts and/or succeeds to interfere or contravene the legal professional functions of the Landscape Architect-of-Record; the Consulting Landscape Architect assumes the normal civil liability under the service agreement he/she signs with a Client;

(15) Contract Documents are the documents attached to the agreement identified therein as Contract Documents, including all additions, deletions, and modifications incorporated therein. These generally include the following documents:

- a) Special Provisions or Conditions
- b) General Conditions
- c) Drawings
- d) Specifications
- e) Other Bid Documents

(16) Foreign Landscape Architect means a Landscape Architect who is not a Filipino citizen nor a Landscape Architect registered and licensed in the Philippines, but who is duly registered and licensed in his/her home country as a Landscape Architect; the term is legally applicable to Landscape Architects from countries with which the Philippines has valid reciprocal Landscape Architectural practice arrangements;

(17) Filipino Counterpart the local Philippine Landscape Architect (individual or natural person) or Landscape Architectural firm, company, partnership, corporation or association (juridical persons) that must work in association with a foreign Landscape Architect (individual or natural person), partnership or corporation, on a project on Philippine soil;

(18) Planning refers to physical planning a site, community or urban level by a Landscape Architect;

(19) Physical Planner the detailed physical planning of land or property on which vertical structures such as buildings, monuments and/or structures and horizontal developments such as buildings, monuments and/or structures and horizontal developments such as rights-of-way, open spaces and recreational/sports/establishments/tourism and related facilities are to be proposed;

(20) Physical Planning the detailed physical planning of land or property on which vertical structures such as buildings, monuments and/or structures and horizontal developments such as right-of-way, open spaces and recreational/sports/entertainment/tourism and related facilities are to be proposed;

(21) Site Planning the detailed site development planning of all areas surrounding a building/structure and/or a group of buildings/structures but only within the property limits of the land on which such buildings/structures are to be erected;

(22) Technical Standards of Professional Practice means a document embodied in the Landscape Architect's National Code, which defines all aspects of professional service, prescribes minimum basic fees and establishes the rights and obligations of both the Landscape Architect and the Client; this document is applicable to foreign Landscape Architects who are holders of Temporary/Special Permits to practice landscape architecture in the Philippines;

(23) Specialization an expertise and special knowledge in the field of landscape architecture acquired by a Landscape Architect through formal education and training or through continuing professional development and experience, for which the Landscape Architect may be engaged as Consulting Landscape Architect;

(24) Technology Transfer refers to contracts or arrangements involving the transfer of systematic knowledge for the manufacture of a product, the application of a process, or rendering of service including management contracts; and the transfer, assignment or licensing of all forms of intellectual property rights;

(25) Urban Design physical and systemic design undertaken by a Landscape Architect on a community or urban plane, more comprehensive than, and an extension of the Landscape areas of buildings, spaces between buildings, entourage, utilities and movement systems;

(26) Individual Landscape Architectural Practice refers to the practice of Landscape Architecture by a natural person duly registered and licensed by his/her country of origin/birth;

(27) Group Landscape Architectural Practice refers to the practice of Landscape Architecture by a duly-registered juridical person i.e., a Landscape Architectural firm, company, partnership, corporation or association consisting of two (2) or more natural persons duly registered and licensed individually (as natural persons) to practice the profession of Landscape Architecture by his/her country of origin/birth;

(28) Firm shall refer to a private sector juridical entity such as a duly registered sole proprietorship, company, partnership, corporation or association and the like, which engages or employs foreign Landscape Architects for their project/s; such entities may include registered Landscape Architectural firms, other professional firms, construction, real estate development, and related types of firms;

(29) Agency shall refer to any office, authority, instrumentality or any public sector juridical entity and the like of the Philippine national and local governments, inclusive of government-owned and controlled corporations (GOCCs) and the like, which engage or employ foreign Landscape Architects for their projects;

(30) Organization shall refer to other private or public sector juridical entities not defined herein as Agency or Firm which may include institutions, such as schools, hospitals, research facilities, private non-governmental organizations (NGOs) and the like, which engage or employ foreign Landscape Architects for their project/s; and

(31) Individual refers to a natural person who engages or employs foreign Landscape Architects for his/her projects.

GUIDELINE II

Temporary/Special Permits

SECTION 2. Coverage of Temporary/Special Permits. – In full accordance with Sec. 30 Art V R.A. No. 9053, foreign nationals who have gained entry into the Philippines to perform professional services as Landscape Architects or consultants in foreign-funded joint venture or assisted projects of the government, or employed or engaged by Philippine or foreign contractors or private firms shall, before assuming his/her duties, functions and responsibilities, secure a special/temporary permit from the Board, subject to the approval by the Commission, and the project to which he/she was commissioned, provided that certain conditions are satisfied as follows:

(1) That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within its territorial limits on the same basis as the subjects or citizens of such foreign country or state;

(2) That he/she is legally qualified to practice Landscape Architecture in his/her own country, and that his/her expertise is necessary and advantageous to our own country particularly in the aspects of technology transfer

and specialization;

(3) Foreign nationals shall be required to work with a Filipino counterpart, and professional fees, services, and expenses of documentation pertaining to the project shall be shared by both. Foreign and Filipino Landscape Architects shall jointly and severally bear all liabilities and taxes due the Philippine Government, if any, according to their participation in, or professional services rendered to the project, in accordance with the established implementing rules and regulations providing for the procedure and/or issuance of temporary/special permits to foreign Landscape Architects allowed by law to practice their profession in the Philippines by the Board and the IAPOLA; and

(4) That he/she shall obtain an employment permit from the Department of Labor and Employment: Provided, That the employment permit may be issued to a non-resident alien or to the applicant-employer after a determination of non-availability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the alien is desired: Provided, further, That the applicant's country of nationality observes reciprocal conditions for Filipino nationals;

(5) Firms, agencies, organizations or individuals, whether public or private who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulations Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules.

SECTION 3. Period of Application for the Temporary/Special Permit. – Within one (1) month from the effective date of this Guidelines, all firms, agencies, organizations, or individuals, whether public or private, who secure the services of a foreign Landscape Architect who shall be engaged in the practice of the Landscape Architectural profession, shall register with the Board and the Commission in the manner provided for herein. Such agencies, organizations or individuals, whether public or private and the foreign Landscape Architect/s concerned shall neither commence nor continue to engage in the practice of the Landscape Architecture profession until a valid Temporary/Special Permit shall have been issued by the Board and the Commission in full accord with this Guidelines.

SECTION 4. Application for Temporary/Special Permit. – The application for temporary/special permit shall be accomplished in the form prescribed by the Board, in triplicate, and duly signed by the duly authorized representative/s of the applicant firms, agencies, organizations or individuals, whether public or private, in satisfaction of Sec 30, Art V of R.A. No. 9053. 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 name and nickname of the foreign Landscape Architect for which the temporary/special permit is sought and who shall engage in the general practice of Landscape Architecture or in undertaking any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053; photocopies of the foreign Landscape Architect's passport shall accompany the application;

2) The full name/s of the practitioner, partners, incorporators/director/executive officers and the like who are registered/licensed Landscape Architects and who shall act as the Filipino counterpart Landscape Architect, together with copies of their respective Certificates of Registration, current Professional Identification ("ID") issued by the Commission and their Professional Tax Receipts ("PTR"); the full names of said Landscape Architects must match the names appearing in the Certificates of Registration and Professional Identification Cards;

3) In case the Filipino counterpart is a Landscape Architectural firm, submit the Certificate of Registration from the SEC in the case of companies, partnerships, corporations and associations and from the DTI in the case of sole proprietorships;

4) Complete and current/updated 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 of the following entities:

- (a) agencies, organizations or individuals, whether public or private, who secure the services of a foreign Landscape Architect;
- (b) the foreign Landscape Architect; and
- (c) the local counterpart Landscape Architect;

5) Statement to the exact nature of the work of the foreign Landscape Architect and the complete and current/updated postal address/es, telephone/telefax numbers, e-mail address/es, of the office/s or premises where he/she will be working and could be contacted by the Board or Commission if needed;

6) 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 of the agencies, organizations, or individuals, whether public or private, who secure the services of a foreign Landscape Architect;

7) Taxpayer Identification Number (TIN) of the applicant firms, agencies, organizations or individuals, whether public or private, who secure the services of a foreign Landscape Architect;

8) Current Business Permit of the applicant firms, agencies, organizations or individuals, whether public or private, who secure the services of a foreign Landscape Architect.

SECTION 5. Renewal of Temporary/Special Permit. – The temporary/special permit issued to a foreign Landscape Architect shall be renewed by the applicant firms, agencies, organizations or individuals before its expiry date. Renewals of the Temporary/Special Permit must indicate changes in work scope that shall take place (or as applicable).

SECTION 6. Action on Application for Special/Temporary Permit. – The Board shall duly authenticate all applications for temporary/special permit received in the proper and complete form and, after having passed such applications shall, not later than twenty-one (21) days after the application is filed, recommend approval or denial of the application, to the Commission.

SECTION 7. Issuance of Temporary/Special Permit. – The Board subject to approval by the Commission shall issue to the applicant agencies, organizations or individuals the corresponding Temporary/Special Permit, allowing the concerned foreign Landscape Architect to legally engage in the general practice of Landscape Architecture or to legally undertake any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053 during the permitted period only. Unless sooner revoked, cancelled or withdrawn, said Temporary/Special Permit shall be valid for the period stated; and shall be renewed before expiry, upon full payment of the prescribed fees in full accord with this Guidelines.

SECTION 8. Use of Temporary Special Permit. – The Temporary/Special Permit number and the foreign Landscape Architect concerned shall be displayed in a prominent place on Landscape Architectural documents, with the pertinent information as to his/ her role in the preparation of the Landscape Architectural document/s.

SECTION 9. Roster of Foreign Landscape Architects Issued Temporary/Special Permits. – An official roster listing the names of the foreign Landscape Architects holding temporary/special permits and their expiry dates, shall be kept current/updated by the Board and the Secretary of the Commission. Copies of such a roster shall be made freely available to all concerned agencies involved in the review and approval of Landscape Architectural documents and shall be made available to the public upon request and payment of the prescribed fee.

SECTION 10. Services that can and can Not be Undertaken by Foreign Landscape Architects Holding

Temporary/Special Permits. – A foreign Landscape Architect holding a temporary/special permit can gainfully and legally engage in the general practice of Landscape Architecture and legally undertake any part of the scope of Landscape Architectural practice as defined under Sec. 2., Art II of R.A. No. 9053; among such services are the preparation of Landscape Architectural plans/designs relating to Landscape Architecture, site planning, physical planning, urban design and the like as well as assistance, coordination or supervision in the preparation of Landscape Architectural plans and Landscape Architectural documents for (buildings and the like). While a foreign Landscape Architect holding a temporary/special permit can act as a Consulting Landscape Architect or as a Landscape Architect in charge of construction (LAicc), he/she can not act as the Landscape Architect-of-record (LAor), as this position is reserved solely for the Filipino counterpart, who shall assume the full professional responsibility and the attendant civil liability for the landscape architectural work, including the signing and sealing of Landscape Architectural documents. A foreign Landscape Architect holding a temporary/special permit can only engage in group Landscape Architectural practice in the Philippines wherein he/she shall be mandated to work closely with his/her designated Filipino counterpart (individual or Landscape Architectural firm). A foreign Landscape Architect holding a temporary/special permit and who engages in individual Landscape Architectural practice, without a legal Filipino counterpart-Landscape Architect shall be deemed to be practicing in willful violation of R.A. No. 9053 and may be charged accordingly, without prejudice to other state actions.

SECTION 11. Temporary/Special Permit Issued to Foreign Landscape Architects Only for One (1) Project. – A Temporary/Special Permit is issued to a foreign Landscape Architect for one (1) project alone. Should the applicant firm, agency, organization or individual desire to engage the same or other foreign Landscape Architect for another project, a separate application shall be filed with the Board and separate permit fees shall also be paid.

SECTION 12. Only Individual Foreign Landscape Architects to Hold Temporary/ Special Permits. – Only individual foreign Landscape Architects (natural persons only) shall be issued and allowed to hold a temporary/special permit. The privilege is not to be granted to foreign Landscape Architectural firms or entities that are in group Landscape Architectural practice.

SECTION 13. Applicability of Philippine Laws to the Practice of Landscape Architecture by Foreign Landscape Architects Holding Temporary/Special Permits. – Philippine laws, especially R.A. No. 9053, its implementing rules and regulations (IRR) and its derivative regulations, not limited to the Code of Ethical Conduct and the Technical Standards of Professional Practice for Landscape Architects, and R.A. No. 8981 and its IRR and derivative policies all apply to the local practice of the foreign Landscape Architect holding a temporary/special permit. It shall be incumbent upon the Filipino counterpart-Landscape Architect to thoroughly educate/instruct/advise the foreign Landscape Architect as to the coverage and applicability of Philippine laws, particularly those that apply to the planning and design of the environs of buildings and those that apply to the Landscape Architectural practice.

GUIDELINE III

Voluntary Return of the Temporary/Special Permit

SECTION 14. Voluntary Return of the Temporary/Special Permit. – Foreign Landscape Architects duly issued temporary/special permits by the Board and the Commission to engage in the general practice of Landscape Architecture or to undertake any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053 in the Philippines for a limited period of time, may voluntarily return their temporary/special permits by filing with the Board a notice a writing stating the reason/s therefor. The notice shall be duly authenticated and signed by the duly authorized representative of the applicant firm, agencies, organizations or individuals and/or by the foreign Landscape Architect himself/herself. Upon approval/acceptance of the returned temporary/special permits, and both the applicant agency, organization or individual and the foreign Landscape

Architect shall be notified in writing thereon. A filed notice for the return of a temporary/special permit may not be withdrawn once it is under review by the Board.

SECTION 15. Who May File the Notice of Voluntary Return of Temporary/Special Permits and Conditions for Filing. – The applicant agencies, organizations, or individuals or the foreign Landscape Architect duly issued temporary/special permits may jointly or separately file the notice. In case only the applicant agencies, organizations, or individuals shall file the notice, the foreign Landscape Architect should first be properly notified of the fact by the applicant firms, agencies, organizations or individuals before the notice can be filed with the Board. A duly notarized certification that the foreign Landscape Architect has already been properly notified shall first be executed by a duly authorized representative of the applicant agencies, organizations, or individuals.

SECTION 16. Filing for the Suspension or Revocation of the Permit. – Any natural or juridical person, including foreign entities, may file a complaint with the Board for the suspension or cancellation of temporary/special permits issued to foreign Landscape Architects, particularly if the complaint involves the filing with the Board of fraudulent information as part of the application for temporary/special permits or if it involves the willful violation of R.A. No. 9053, its implementing rules and regulations including this Resolution and its derivative regulations.

SECTION 17. Filing for Reinstatement. – Any applicant agency, organization, or individual and/or foreign Landscape Architect, who has filed a notice for the voluntary return of temporary/special permits with the Board which has been acted upon by the Board and the Commission, may file an application anew in full accord with this Guidelines.

SECTION 18. Conflict Resolution Between the Applicant Agency, Organization or Individual and the Foreign Landscape Architect Holding the Temporary/Special Permit as Applicable to the Filing of the Notice of Return. – In case of conflict between the applicant firm, agency, organization or individual and the foreign Landscape Architect on the matter of voluntary return of the temporary/special permit or of the need to cancel or reinstate the same, the Board shall schedule one (1) hearing, attended by one (1) Board member before issuing its decision. The Board's decision may be appealed with the Commission.

SECTION 19. Cessation to Practice as a Foreign Landscape Architect Holding a Temporary/Special Permit. – Upon receipt from the Board of the written notice of its acceptance of the return of the temporary/special permit, the foreign Landscape Architect shall immediately cease to engage in the general practice of Landscape Architecture or to undertake any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053.

SECTION 20. Publication of the Roster of Returned Temporary/Special Permits. – The Board, motu proprio, may publish the roster of foreign Landscape Architects with returned temporary/special permits, and shall freely furnish copies of the roster to pertinent government regulatory agencies.

GUIDELINE IV

Existing or Operating Firms or Entities That Fail or Refuse to Apply for Temporary/Special Permits for Their Foreign Landscape Architect/s

SECTION 21. Notice of Violation and Cessation of a Foreign Landscape Architect from the Practice of the Landscape Architectural Profession. – Upon receipt from the Board of a written Notice of Violation that a foreign Landscape Architect under its employ is not a holder of a temporary/special permit, the recipient firm, agency organization or individual must immediately take steps to file an application for the issuance of a temporary/special permit with the Board and likewise take immediate steps to cause the foreign Landscape

Architect to cease to engage in the general practice of Landscape Architecture or to undertake in any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053. Failing thus, the recipient of the Board Notice of Violation may be charged accordingly by the state for the violation of multiple provision of R.A No. 9053, particularly for the act of engaging in illegal practice of Landscape Architecture, in a manner prescribed under law.

SECTION 22. Publication of Roster of Foreign Architects Who Do Not Hold Temporary/Special Permits. – The Board, *motu proprio*, may publish the roster of foreign Landscape Architects who do not hold temporary/special permits and who can not legally engage in the general practice of Landscape Architecture nor legally undertake any part of the scope of Landscape Architectural practice as defined under Sec. 2, Art II of R.A. No. 9053, 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, DFA, DE and the like. Foreign Landscape Architect from countries/state with which the Philippines has no reciprocity in Landscape Architectural practice shall automatically become part of such a roster.

SECTION 23. Coordination with the National and Local Governments on the Matter of Non-Complying Firms, Agencies, Organizations, Individuals or Foreign Landscape Architects. – The Board shall make the necessary representations with the national and local governments for the necessary action/s to ensure full compliance with Section 29 & 30, Art. V of R.A. 9053 and Art. XII, Rule 49 of Board Resolution No. 01 Series of 2002 by non-complying entities that continue to employ Foreign Landscape Architects who are not holders of temporary/special permits to practice Landscape Architecture. This may include the Board's request to suspend or revoke the SEC, or DTI registrations or HLURB licenses to sell, or business permits of such firms or entities.

GUIDELINE V

Fees and Penalties

SECTION 24. Permit Fee. – The application for the issuance of a temporary/ special permit, or its renewal or request for the re-issuance shall be accompanied by a fee of Ten Thousand Pesos (P10,000.00) to be collected and charged by the Commission, or the fee that the Commission charges and collects as approved by the Office of the President.

SECTION 25. Suspension or Cancellation of the Temporary/Special Permits. – After due notice and hearing, the Board shall have the power to suspend, or cancel the Temporary/Special Permit of the concerned foreign Landscape Architect for cause, in full accord with this Guidelines.

SECTION 26. Specific Violations of This Resolution/Guidelines. – Among the specific violations of this Resolution/Guidelines are:

- 1) engaging in the practice of Landscape Architecture in the Philippines without a Temporary/Special Permit or without having conformed to the provisions of R.A. No. 9053;
- 2) presenting or attempting to use as his/her own the Temporary/Special Permit of another foreign Landscape Architect;
- 3) giving any false or forged evidence of any kind to the Board and the Commission;
- 4) attempting to use a revoked or suspended Temporary/Special Permit;
- 5) using or advertising any title or description tending to convey the impression that the foreign Landscape Architect is legally engaged in the general practice of Landscape Architecture or legally capable of undertaking any part of the scope of Landscape Architectural practice as defined under Section 2, Art II of R.A. No. 9053, without holding a valid Temporary/Special Permit;
- 6) employing foreign Landscape Architects from countries with which the Philippines has no reciprocal Landscape Architectural practice arrangements; and

7) violating any of the provisions of R.A. No. 9053 and 8981 and their implementing rules and regulations and of this Guidelines.

SECTION 27. Penal Provisions. – Consistent with Section 33, Art VI of R.A. No. 9053, any person (natural or juridical) who shall violate any of the provisions of R.A. No. 9053, its implementing rules and regulations (particularly under this Resolution), the Code of Ethical Conduct and Technical Standards of Professional Practice, or any policy of the Board and the Commission, shall be guilty of misdemeanour and charged in court by the Commission and/or the Board, or by any person and shall, upon conviction be sentenced to a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) or to suffer imprisonment for a period not less than six (6) months nor more than three (3) years or both, at the discretion of the Court. Violation of Section 7 (k) and (l) of R.A. No. 8981 shall be punishable under Sec 16 of the said law.

GUIDELINE VI

Separability Clause, Repealing Clause and Effectivity

SECTION 28. Separability Clause. – If any provisions or portions of this set of guidelines are declared not constitutional or not valid, the remainder thereof shall not be affected by such declaration.

SECTION 29. Repealing Clause. – Any provisions of the rules and regulations, codes, orders, resolutions or measures, policies or part thereof issued by the Board and/or the Commission pursuant to R.A. No. 9053 and the IRR thereof. R.A. No. 8981 and the IRR thereof which are consistent with this Board Resolution, or Guidelines, are hereby superseded, repealed, or amended accordingly.

SECTION 30. Effectivity. – This Guidelines shall take effect after fifteen (15) days following the complete and full publication thereof in the Official Gazette or any newspaper of general circulation in the Philippines.

(SGD.) CARLITO B. PESONS

Chairman

(SGD.) CECILIA HERRAS-TENCE Member

(SGD.) CYNTHIA M. SUNDIANG

Member

ATTESTED:

(SGD.) CARLOS G. ALMELOR

Secretary, Professional Regulatory Boards

Approved as part of the Rules and Regulations governing the practice of Landscape Architecture.

(SGD.) NICOLAS P. LAPEÑA, JR.

Chairman

(SGD.) RUTH RAÑA PADILLA

Commissioner

(SGD.) NILO L. ROSAS

Commissioner

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.