

PROFESSIONAL REGULATION COMMISSION (PRC)

Professional Regulatory)
Board of Architecture (PRBoA),)
Complainant) CASE NO. _____
) *MOTU PROPIO*
) ADMINISTRATIVE COMPLAINT
) FOR VIOLATIONS OF R.A. NO. 9266
vs.) Aiding or Abetting the Practice
) of Architecture by Any Person
) Not Duly Authorized to Practice
) Architecture in the
) Philippines; and
) Violation of Any Provision of
) R.A. No. 9266, its Implementing
) Rules and Regulations, the Code
) of Ethical Conduct and
) Standards of Professional
) Practice.
1) _____ Associates, Inc.)
2) Architect _____)
3) Architect John Doe No. 1)
4) Architect John Doe No. 1)
5) Architect John Doe No. 3)
6) Architect John Doe No. 4)
7) Architect John Doe No. 5)
8) Architect John Doe No. 6,)
Respondents)

JURISDICTION AND VENUE

Complainant brings this *motu proprio* **administrative** complaint against the named Respondents and alleges as follows: exclusive jurisdiction and venue are supported against the individual Respondents, as listed, based on the following grounds:

- 1) The practice of the regulated profession of architecture in the Philippines is governed in general by R.A. No. 8981 (The Professional Regulation Commission Modernization Act of 2000) implemented and enforced through the Professional Regulation Commission (hereinafter the "**PRC**") and specifically by R.A. No. 9266 (The Architecture Act of 2004) implemented and enforced

through the PRC and the Professional Regulatory Board of Architecture (hereinafter the "**PRBoA**");

- 2) Respondent No. 1 operates as an architectural firm in the Philippines and is subject to regulation by the PRC and the PRBoA under Article _ Sec. _ of R.A. No. 9266, its IRR and derivative regulations periodically promulgated by the PRC and/or the PRBoA i.e. resolutions, orders circulars and the like; and
- 3) Respondent Nos. 2 through 8 are known or are projected in public to be actively practicing as registered and licensed architects (hereinafter the "**RLAs**") in the Philippines as part of or in support of Respondent No. 1, and are all subject to regulation by the PRC and the PRBoA under Articles _ Secs. _ respectively of R.A. No. 9266, its IRR and derivative regulations periodically promulgated by the PRC and/or the PRBoA.

STATEMENT OF FACTS

Paragraph 1. Complainant is the national government entity empowered specifically under Art. II Sec. 7 and Art. V Sec. 44 of R.A. No. 9266 (The Architecture Act of 2004) to implement and effectively enforce the same (*Exhibit "A"*); R.A. No. 9266 which repealed R.A. No. 1581 of 1956 (which in turn amended R.A. No. 545 of 1950), was signed into law by Pres. Gloria Macapagal-Arroyo on 17 March 2004 and took effect 10 April 2004; the Implementing Rules and Regulations (IRR) of R.A. No. 9266 were published in the Official Gazette on 16 November 2004 and became effective on 01 December 2004; thereafter derivative regulations were periodically approved by the PRBoA and promulgated by the PRC in the form of Resolutions, Orders, Guidelines, Circulars and the like; the unamended or unrepealed rules, regulations and guidelines of the predecessor architecture laws have remained in force;

Paragraph 2. Named Respondent No. 1, Respondent No. 2 and Respondent Doe Nos. 3 - 8 (to be named later) are jointly practicing as an architectural firm (*Exhibit "B"*), and that violations of R.A. No. 9266 as hereinafter alleged were proximately caused by the individual and/or joint acts of Respondents, as enumerated in each cause of action. Respondents are named, numbered and abbreviated as follows:

Respondent No. **1**: _____ Associates, Inc. located at No. _____;

Respondent No. **2**: Architect _____, with office at _____ Associates, Inc. (Respondent No. 1) and with home address at _____ City, Metro Manila;
Respondent Doe Nos. **3 - 8**: with office at _____ Associates, Inc.

Paragraph 3. As it is the primary duty of the Complainant to effectively enforce the provisions of R.A. No. 9266 under its Art. V Sec. 44 and since the Respondents were constantly featured individually or jointly in media together with an unregistered person in the person of a certain _____ (aka _____) over the period January through July 2007 (*Exhibits "C"*) as practicing the regulated profession of architecture together, the Complainant has publicly called the attention of Respondents on at least _____ occasions, though _____ i.e. the broadsheet _____ (*Exhibits "D"*), that the illegal practice of architecture by an unregistered person who is openly aided and abetted by Respondents are acts in violation of R.A. No. 9266.

Paragraph 4. While Respondent No. 1 is portrayed in the newspaper articles as being in the business of providing architectural plans and designs (*Exhibits "C"*), its Securities and Exchange (SEC) registration papers belie such an assertion (*Exhibit "E"*). Moreover, the listed ownership and management of Respondent No. 1 clearly shows that it does not comply with the seventy five percent (75.0%) ownership requirement by RLAs under Art. IV Sec. 37 of R.A. No. 9266 (*Exhibit "F"*).

Paragraph 5. Respondent No. 1 is listed in the 2005 book "_____Houses in the Philippines" which feature the supposed works of Mr. _____ under Respondent No. 1 (*Exhibits "G"*).

Paragraph 6. In 2003, Respondent No. 1 entered into a construction contract with the _____ (*Exhibit "H"*), a public document that has been duly notarized. Respondent No. 1 was represented by Mr. _____ who signed as the _____ on each and every page of the said contract. Of particular interest are provisions under the said contract i.e. Secs. ___ and ___ which clearly point to Respondent No. 1 as the party responsible for the preparation of the contract documents i.e. plans, designs and specifications.

Paragraph 7. Complainant is presently unaware of the true names and capacities of Respondents sued herein as DOE Nos. 3 to 8, inclusive, and therefore sues these Respondents in the interim by such fictitious

names. Complainant shall amend this complaint to allege their true names and capacities when ascertained. Complainant is informed and believes and thereon alleges that occurrences herein alleged, and that the violations of R.A. No. 9266 as herein alleged were proximately caused by their conduct.

FIRST CAUSE OF ACTION - AIDING OR ABETTING THE PRACTICE OF ARCHITECTURE
BY ANY PERSON NOT DULY AUTHORIZED TO PRACTICE ARCHITECTURE IN THE
PHILIPPINES

Vs. ALL Respondents

Paragraph 7. Complainant repeats and re-alleges paragraphs 3 - 6 and charges Respondents with the culpable violation of Art. III Sec. 23 (d) of R.A. No. 9266.

Paragraph 8. At all times herein mentioned, all Respondents knew, and intended, that their services together with those actively provided by the unregistered and unlicensed person (Mr. _____), would be offered to and subsequently acquired by the unsuspecting public, without informing the same that acts deemed violative of R.A. No. 9266, its IRR and derivative regulations are or are about to be committed.

Paragraph 9. As a proximate result of the individual or joint acts of the Respondents together with the unregistered and unlicensed person (Mr. _____), the public institutional image of the Complainant and of the architecture profession/legitimate RLA-practitioners in general was caused irreparable harm. Complainant was also directly prevented from attending to the more urgent business of addressing other institutionalized illegal practitioners i.e. including other regulated professionals who number in the tens of thousands. As a result, several of the Complainant's initiatives against these other illegal practitioners were either delayed or halted, adding to damages to the Complainant.

Paragraph 10. Complainant is informed and believes and alleges that it shall be further prevented from attending to its usual course of business in the future and will thereby sustain future setbacks in its implementation and enforcement initiatives as long as the problem of the Respondents' acts of aiding and abetting an unregistered and unlicensed person continues to persist and is not promptly addressed by the PRC.

Paragraph 11. Complainant is informed, believes and alleges that

Respondents knew fully well that the unregistered and unlicensed person (Mr. _____) who claims to be the "architect" of the Respondents' projects, is unable to assume the professional responsibilities attendant to being an RLA before the PRBoA and the PRC. As such, the unregistered and unlicensed person (Mr. _____) cannot be held administratively liable for violations of R.A. No. 9266 its IRR and derivative regulations not limited to the Code of Ethical Conduct and the Standards of Professional Practice, to which all RLAs must subscribe.

Paragraph 12. Complainant is informed, believes and alleges that Respondents knew fully well that the unregistered and unlicensed person (Mr. _____) who claims to be the "architect" of the Respondents' projects, is unable to assume the mandatory civil liability attendant to being an RLA and as defined under Art. 1723 of the Civil Code.

Paragraph 13. Complainant is informed, believes and alleges that Respondents have not warned their clients of the hazards or disadvantages of engaging and paying an unregistered and unlicensed person (Mr. _____). In doing the things aforementioned, Respondents have unduly and specifically compromised the interests of their clients and of the public in general.

**SECOND CAUSE OF ACTION - VIOLATION OF ANY PROVISION OF R.A. No. 9266,
ITS IMPLEMENTING RULES AND REGULATIONS, THE CODE OF ETHICAL CONDUCT AND
STANDARDS OF PROFESSIONAL PRACTICE**

Vs. ALL Respondents

Paragraph 7. Complainant repeats and re-alleges paragraphs 3 - 6 and charges Respondents with the culpable violation of Art. III Sec. 23 (f) of R.A. No. 9266.

Paragraph 8. Respondents have unduly and specifically compromised the standing of R.A. No. 9266 by engaging in clear, direct, willful, concerted, orchestrated and culpable acts that are violative of R.A. No. 9266 and its IRR, specifically Rules ___ and Secs. ___ respectively.

Paragraph 9. Respondents have unduly and specifically compromised the interests of their clients and of the public in general as part of a clear, direct, willful, concerted, orchestrated and culpable violation of the 2006 Code of Ethical Conduct.

Paragraph 10. Respondents have unduly and specifically compromised the social and professional standing of RLAs in general as part of a clear, direct, willful, concerted, orchestrated and culpable violation of the Standards of Professional Practice.

WHEREFORE, Complainant prays judgment on all counts against
Respondents enumerated above as follows:

1. For immediate cessation of operations and closure of Respondent No.1;
2. For the revocation of the registration certificate and license of Respondent No. 2;
3. For the suspension or revocation of the registration certificates and licenses of Respondent Nos. 3 to 8.
4. For such other and further relief/s as the PRC may deem proper.

Dated: _____

By: _____

PRBoA, Complainant