

POSITION PAPER (PART II) OF THE PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE (PRBOA) AS TO THE MATTER OF WHICH REGULATED TECHNOLOGICAL PROFESSIONAL MUST PREPARE, SIGN AND SEAL ARCHITECTURAL DOCUMENTS?

26 March 2007

A dispute that has raged for over a half century continues to this very day. To put it simply, should Philippine Civil Engineers (hereinafter the “CEs”) be allowed to prepare, sign and seal **architectural** documents?

1. What are architectural documents?

Generally speaking, the term **architectural** documents refer to **architectural** plans, designs, specifications and related documents normally prepared by Architects registered and licensed under Philippine law. **Architectural** documents form the most important part of any set of **building** plans which ordinarily include several classes of “**derivative**” plans/ designs.

By “**derivative**” plans/ designs, what is meant is that **all** the other types of “**building**” plans/ designs, particularly **all the classes of engineering** plans/ layouts/ designs, can commence **only after** the **architectural** plans and designs have been sufficiently evolved and refined. The **architectural** plans/ designs largely determine the content of all the subsequent or derivative plans/ layouts/ designs required to produce a complete set of “**building**” plans/ designs and documents.

The following are universally recognized as standard **architectural** documents or deliverables/ outputs prepared, signed and sealed by Architects in the Philippine setting:

- 1) **exterior perspective** (a drawing showing the completed building/ structure);
- 2) **site development plan** (showing the relationships between the property and the footprint and roof-print of a building/ structure and which may already include locations for both hard and soft landscape architectural elements and civil works elements like perimeter walls, roads, driveways and parking spaces);
- 3) **floor plans** (drawings showing the physical arrangement and relationships of the spaces to be built and forming part of the building or structure);

- 4) **sections** (longitudinal and cross; drawings showing the interior of the building/ structure including the roof cavity if present);
- 5) **elevations** (drawings showing the front, right side, rear and left side views of the building/ structure once completed);
- 6) **reflected ceiling plans** (drawings showing the arrangement of ceiling finishing elements);
- 7) **roof plans** (drawings showing the type of roof solution specified, including provisions for drainage);
- 8) **schedules of doors and windows** (drawings showing the detailed designs and finishing of all specified doors and windows);
- 9) **schedules of finishes, fixtures and hardware** (tables showing all finishing items to be introduced into the building/ structure);
- 10) **detailed architectural designs** [drawings showing details of both the architectural exterior and interiors, **fire exit/ safety systems** (including exits in full compliance with the provisions of PD 1185, otherwise known as the Fire Code of the Philippines), floor and wall patterns, ceiling treatment, roof structure, toilets, kitchens, cabinetry, store and utility rooms, rooms with special functions, stairs, balconies, provisions for disabled end-users (in full accordance with BP 344, the law on the the enhabncement of mobility for disabled persons), architectural interior (AI) perspectives and the like];
- 11) **space plans and furniture/ equipment layouts** (drawings showing fixed elements/ furnishings, furniture and equipment positions with respect to the building/ structure elements);
- 12) architectural **specifications** (documents which state the finishing materials/ equipment and construction methods to be introduced into the building/ structure; such documents may vary from outline through detailed technical versions);
- 13) architectural **cost estimates** (documents which state the cost of the architectural elements of a building/ structure; such documents from budgetary through detailed versions);
- 14) architectural **tender (bid) documents** (written part of the architectural documents required to bid a building project); and
- 15) architectural **contract documents** (written part of the architectural documents detailing the rights, obligations and roles/ responsibilities/ obligations/ liabilities of the building/ project owner, the professionals involved in the planning and design of the building, the general contractor and its subcontractors/ material suppliers, the project/ construction managers and other parties involved in the building/ project; these architectural documents, together with other such documents prepared by other professionals, are annexed to the main construction contract between the building owner and the general contractor).

2. What are “building” plans/ designs and documents?

Generally speaking, there are two main classes of documents that make up the “**building**” plans:

- 1) **architectural and allied** plans/ designs and related documents to be prepared only by registered/ licensed architects pursuant to multiple provisions under **RA 9266** (Architecture Act of 2004); and
- 2) various **engineering** plans/ designs and related documents to be prepared only by various registered/ licensed engineers pursuant to provisions under various engineering laws.

There are also between 5 - 12 components or groups of documents that make up a complete set of **building** plans/ designs and related documents and these are:

- 1) **geodetic survey** plans to be prepared only by registered/ licensed geodetic engineers in accordance with specific laws covering the practice of geodetic engineering in the Philippines;
- 2) **architectural plans/ designs/ specifications** as enumerated in the previous section and which are to be prepared only by registered/ licensed Architects in accordance with specific laws covering the practice of architecture in the Philippines (mainly **RA 9266**, its IRR and derivative regulations);
- 3) **structural** plans/ designs/ specifications/ computations to be prepared generally by registered/ licensed CEs in accordance with specific laws covering the practice of civil engineering in the Philippines (mainly RA 544); **specialist CEs** called **structural engineers** are often called upon by Architects to undertake the preparation of such plans/ designs;
- 4) **electrical** plans/ layouts, designs, specifications and computations to be prepared only by registered/ licensed electrical engineers in accordance with specific laws covering the practice of electrical engineering in the Philippines;
- 5) **mechanical** plans/ layouts, designs and specifications [including heating/ ventilation and air-conditioning (HVAC), elevators/ escalators, fire protection system, etc.] to be prepared only by registered/ licensed mechanical engineers in accordance with specific laws covering the practice of mechanical engineering in the Philippines;
- 6) **plumbing** and/ or **sanitary** plans/ layouts, designs and specifications to be prepared only by registered/ licensed master plumbers or sanitary engineers in accordance with specific laws covering the separate practice of master plumbing or sanitary engineering in the Philippines;
- 7) **electronics & communications** plans/ layouts, designs and specifications to be prepared only by registered/ licensed electronics and communications engineers (ECEs) in accordance with specific laws covering the practice of electronics and communications engineering (ECE) in the Philippines;;
- 8) **allied** plans/ layouts, designs and specifications (including interior designs, furniture designs, landscape architecture designs, etc.) to be prepared only by

- registered/ licensed professionals in accordance with specific laws covering the practice of their respective professions in the Philippines (as applicable);
- 9) **civil works** plans, designs and specifications to be prepared only by registered/ licensed civil engineers in accordance with specific laws covering the practice of civil engineering in the Philippines (RA544);
 - 10) **specialized** plans, designs and specifications for other required building systems, e.g., kitchen, security, parking management, building automation, information and communications technology (ICT), graphics and signage designs, refrigeration, etc. to be prepared only by registered/ licensed professionals in accordance with specific laws covering the practice of their respective professions in the Philippines;
 - 11) **cost estimates** to be prepared only by registered/ licensed professionals in accordance with specific laws covering the practice of their respective professions in the Philippines;
 - 12) **tender (bid) documents** to be prepared only by the concerned professionals in accordance with specific laws covering the practice of their respective professions in the Philippines; and
 - 13) **contract documents** for use as support documents to the construction contract, to be prepared only by the concerned in accordance with specific laws covering the practice of their respective professions in the Philippines.

3. What is RA 9266 and what does it say about the practice of Architecture?

The law covering the practice of the profession of architecture in the Philippines include **Republic Act (RA) 9266 (The Architecture Act of 2004)** and its Implementing Rules and Regulations (IRR). The earlier versions of the law were RA 545 (the organic law on architecture approved in 1950) and RA 1581 (amended to the 1950 architecture law introduced in 1956).

The important **RA 9266** provisions are as follows:

3.1 On Architecture in General

SEC. 2. *Statement of Policy.* - The (Philippine) 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.

SEC. 3. *Definition of Terms.* - As used in this Act (RA 9266), the following terms shall be defined as follows:

- (1) "Architecture" is the art, science or profession of planning, designing and constructing buildings in their totality taking into

- account their environment, in accordance with the principles of utility, strength and beauty;
- (2) "Architect" means a person professionally and academically qualified, registered and licensed under this Act with a Certificate of Registration and Professional Identification Card issued by the Professional Regulatory Board (PRB or "Board") of Architecture and the Professional Regulation Commission (PRC), and who is responsible for advocating the fair and sustainable development, welfare and cultural expression of society's habitat in terms of space, forms and historical context;
- (a) "Architect-of-record" means the architect registered and licensed under this Act, who is directly and professionally responsible for the total design of the project for the client and who shall assume the civil liability for the plans, specifications and contract documents he/she has signed and sealed;
- (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 or 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 the 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**. XXX . . . XXX;

3.2 On Prohibitions in the Practice of Architecture by Non-Architects

SEC. 29. *Prohibition in the Practice of Architecture and Penal Clause.* - Any person who shall practice or offer to practice architecture in the Philippines without being registered/licensed and who are not holders of temporary or special permits in accordance with the provisions of this Act XXX . . . XXX or otherwise

assume, use or advertise any title or description tending to convey the impression that he/she is an architect when he/she is not an architect, or any person whether Filipino or foreigner, who knowingly allows the use, adoption, implementation of plans, designs or specifications made by any person, firm, partnership or company not duly licensed to engage in the practice of architecture, or any person who shall violate any of the provisions of this Act, its implementing rules and regulations, 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.

SEC. 34. *Non-Registered Person Shall Not Claim Equivalent Service.* - Persons not registered as an architect shall not claim nor represent either services or work as equivalent to those of a duly qualified registered architect, or that they are qualified for any branch or function of architectural practice, even though no form of the title "Architect" is used.

SEC. 36. *Collection of Professional Fees.* - It shall be unlawful for any unregistered person to collect a fee for architectural services except as an employee collecting a fee as representative of a Registered Architect.

4. What does RA 9266 say about architectural documents?

4.1 RA 9266 Stipulation that only an Architect shall Sign and Seal Architectural Documents

SEC. 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.

- (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 (RA 9266);** 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 (referring to a registered/licensed architect).
- (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.

SEC. 32. *Signing of Architectural Plans, Specifications and Other Contract Documents.* - XXX . . . and **it shall be unlawful for any person, except the Architect-of-record to sign for any branch of the work, or any function or 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.

The Board shall make all the necessary rules and regulations with regards to the signing and sealing of drawings, specifications, reports, and other documents.

SEC. 44. *Enforcement of the Act.* - It shall be the **primary duty of the (Professional Regulation) Commission and the Board (of Architecture) to effectively enforce the provisions of this Act** (RA 9266). All duly constituted law enforcement agencies and officers of national, provincial, city or municipal government or of any political subdivision thereof, shall, upon the call or request of the Commission or the Board, render assistance in enforcing the provisions of this Act and to prosecute any person violating the provisions of the same. The Secretary of Justice or his duly designated representative shall act as legal adviser to the Commission and the Board and shall render legal assistance as may be necessary in carrying out the provisions of this Act.

Any person may bring before the Commission, Board or the aforementioned officers of the law, cases of illegal practice or violations of this Act committed by any person or party.

The Board shall assist the Commission in filing the appropriate charges through the concerned prosecution office in accordance with law and the Rules of Court.

Multiple provisions under **RA 9266** which took effect 10 April 2004 and its IRR which took effect 01 December 2004, state that only registered/ licensed Architects can prepare **architectural** documents.

4.2 Applicable Definitions Under the RA 9266 Implementing Rules and Regulations (IRR)

Applicable definitions under the IRR of **RA 9266** which was published 15 November 2004 in Volume 100 No. 46 of the Official Gazette and which took effect 01 December 2004, are as follows:

SEC. 3. *Definition of Terms.*

- (18) “**Architectural Documents**” means 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 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 designation, door and window callouts, the architectural layout of equipment, furnishing, furniture and the like, specifications, callouts, elevation references, drawing references and the like; the architectural plan is the representation of a lateral section for a building/ structure (running parallel to the ground) and at a height of from 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.
- (22) “**Building**” means a structure for the purpose and function of habitation and other uses.
- (26) “**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

4.3 Applicable RA 9266 IRR Stipulations on Architectural Documents

The IRR of RA 9266 fully support all the key provisions of RA 9266 limiting the preparation, signing and sealing of **architectural** documents only to Architects registered/ licensed under the law, i.e., Sections 3, 20, 29, 32, 34, 36, etc. as well as all the key provisions mandating all government employees and officers (national and LGU levels) to enforce RA 9266, i.e., Sec.20(2), 44, etc.

5. What does the 2004 Revised IRR of PD 1096 (National Building Code) say about architectural documents?

5.1 Stipulation that only an Architect shall Sign and Seal Architectural Documents Under Sec. 302.3 (subject of the questioned court-issued injunction dated 24 May 2005)

SEC. 302. Application for Permits.

1. Any person desiring to obtain a **building permit** XXX . . . XXX shall file applications therefore on the prescribed application forms.
2. XXX . . . XXX
3. Five (5) sets of survey plans, design plans and specifications and other documents prepared, **signed and sealed over the printed names of the duly licensed and registered professionals**:
 - a. XXX . . . XXX;
 - 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. XXX . . . XXX.

Listing of Architectural Documents Under Sec. 302.4 (subject of the questioned court-issued injunction dated 24 May 2005)

Following is a list of architectural documents appearing under Sec. 302.4 of the Revised IRR of PD 1096 which took effect 02 May 2005. The definitions are omitted for brevity.

4. Architectural Documents

- a. Architectural Plans/ Drawings
 - i. Vicinity Map/ Location Plan . . . XXX.
 - ii. Site Development Plan . . . XXX.
 - iii. Perspective . . . XXX.
 - iv. Floor Plans . . . XXX.
 - v. Elevations, at least four (4) . . . XXX.
 - vi. Sections, at least two (2) . . . XXX.
 - vii. Reflected Ceiling Plan . . . XXX.
 - viii. Details, in the form of plans, elevations/ sections:
 1. XXX
 2. XXX
 - ix. Schedule of Doors and Windows . . . XXX.
 - x. Schedule of Finishes . . . XXX.
 - xi. Details of Other Major Architectural Elements.

- b. Architectural Interiors/ Interior Design
 - i. Space Plan/s or layout/s of architectural interiors.
 - 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 . . . XXX.
 - vii. Interior wall elevations . . . XXX.
 - viii. Floor/ ceiling/ wall patterns and finishing details . . . XXX.
 - ix. List of materials used.
 - x. Cost estimates.
- c. Plans and specific locations of all accessibility facilities . . . XXX.
- d. Detailed design of all such accessibility facilities outside and around buildings/ structures . . . XXX.
- e. Fire Safety Documents
 - i. XXX
 - ii. XXX
- f. Other related documents.

6. What has the Government done to Address the CE claim that they too can prepare architectural documents?

The CEs are of the position that the provision under the 1977 National Building Code or NBC (otherwise known as **PD 1096**) supposedly allowing CEs by themselves to also sign and seal **architectural** plans and specifications should be retained i.e. *status quo*. This supposed/ alleged provision never existed as confirmed by officially certified documents issued by the Malacanang Records Office i.e. Sec. 302 of the 1977 PD 1096 as signed in February 1977 by then President FE Marcos; as such, it could not be revised nor amended by mere executive issuances such as the supposed DPWTC Ministry Order No. 57, a mere executive issuance which does not have the power of law nor the power to amend PD 1096. The matter of this “illegal insertion” in PD 1096 supposedly allowing CEs to prepare, sign and seal architectural documents was therefore corrected under Secs. 302.3 and 302.4 of the 2004 **Revised** Implementing Rules and Regulations (IRR) of the 1977 National Building Code of the Philippines (NBCP), which was fully harmonized with **RA 9266** and which took effect 01 May 2005.

Compared to the special professional laws, RA 9266 and RA 1582, the 1977 NBCP (PD 1096) is a **general** law. Sections 302.3 and 302.4, while the subject of an injunction issued by the court on the basis of potential misrepresentations and the incorrect invocation of legal bases, aside from completely ignoring laws on the practice of architecture, is merely **a listing of documents required to support an application for a building permit application**. The questioned sections do **not** cover specifically cover

the matter of regulated professional practice i.e. covered by RA 9266 for Architects and RA 1582 (the amended RA 544 of the CEs).

Prior to **RA 9266**'s approval, the Department of Justice (**DoJ**) upon the CEs representation with the DPWH in late 2003, conducted a close scrutiny of the civil engineering law (RA 544, as amended by RA 1581) and compared the same with the organic and amended architecture laws (**RA 545/ RA 1581**). The DoJ comparison resulted in a very interesting and decades-overdue interpretation that clearly and unequivocally stated that **only** Architects shall sign and seal **architectural** documents. The DoJ opinion should have finally settled the CEs' long-held claim once and for all i.e. that CEs by themselves are supposedly allowed under Philippine law to prepare, sign and seal **architectural** documents. Both the **DoJ legal opinion** dated 09 January 2004 and the multiple provisions of **RA 9266** have thereafter been used as the legal bases for harmonizing Secs. 302.3 and 302.4 under the 2004 Revised IRR of the 1977 NBC (PD 1096).

CEs by themselves **cannot** prepare, sign and seal **architectural** documents as nowhere is it stated in their law (RA 1581/ RA 544) that they are allowed to prepare such documents. Neither is it stated under their law that they can prepare, sign and seal **other** types of engineering deliverables e.g. mechanical, electrical, ECE plans/ designs/ specifications, etc. although these likewise form part of "**building**" plans. In fact, the major amendatory provision under Sec. 25 of RA 1582 explicitly segregates the practices and liabilities of the CE and the Architect in a project/ firm.

The term "plans and specifications" in RA 1582/ RA 544 pertains mainly to civil engineering services (including "buildings" forming part of engineering structures) and quite possibly even for buildings for public gatherings only but **not/ never** to **architectural** plans and designs for all other types of buildings nor to **architectural** and other recognized engineering services for that matter. **RA 9266**, a **special** law, also repeals provisions in their laws that are in conflict with **RA 9266**. Hence, CEs by themselves **cannot** and must **not** sign and seal **architectural** plans, designs and specifications.

The Philippine CE license was never and will never be a license to practice the two (2) regulated professions of civil engineering and architecture! Nor are CEs allowed by their law to practice other regulated professions allied to architecture (interior design, landscape architecture, environmental planning) nor other regulated engineering professions!

7. Are CEs qualified at all to prepare architectural documents?

When CEs gain the right to practice civil engineering after passing their licensure examination, their license does **not** cover **architectural** practice as nowhere in the subjects of their licensure examination is **architectural plan preparation and design**

included. Contrast this with the **Architecture Licensure Examination (ALE)**, which is **one hundred percent (100%)** about the planning and design of **buildings** and their environs. The same **cannot** be said about the CE licensure examinations where the structural design for **buildings** is only a fraction of the total subjects for examination.

In all likelihood, Philippine CEs would **not** have a single academic unit of **architecture** in their 181-unit course and quite possibly a maximum of only 14 units (7.7% of total courses taken) touching on structural design of buildings/ structures. In stark contrast, the B.S. Architecture graduate would have taken at least seventy seven (77) academic units of mainstream architecture courses aside from another twenty seven (27) units in the engineering and allied design fields (for a total of 104 units or 57.5% of the B.S. Architecture course devoted exclusively to the planning and design of **buildings** and their environs).

Unlike architecture graduates, the graduate CE students also do **not** undergo a **two (2)-year apprenticeship period** under practicing Architects (covering **building** plan and design preparation) prior to taking their **Architecture Licensure Examination (ALE)**.

All told, Philippine CEs **fail** to satisfy the three (3) elemental requisites to practice architecture in the Philippines: 1) a B.S. Architecture degree; 2) a two (2)-year immersion in **diversified training** related to the architectural planning, design and construction of **buildings**; and 3) an Architect's Certificate of Registration and a renewable license all issued by the Professional Regulation Commission (PRC after aspiring architects hurdle the ALE.

Philippine CEs have therefore **not** been academically prepared, have **not** been sub-professionally trained/ prepared (for 2 full years prior to taking the ALE) and have **not** passed the State licensure examination for Architects. Clearly, CEs by themselves are **not** qualified under law to prepare, sign and seal **architectural documents** nor to render any regulated form of **architectural** services.

8. What training and skillset are required to prepare architectural documents?

The following are universally recognized as standard **architectural** documents or deliverables/ outputs prepared, signed and sealed by Architects in the Philippine setting and the minimum training and skillset required to prepare such documents:

- 1) **exterior perspective** requires a lecture course in manual perspective drawing and subsequent training in applicable software;
- 2) **site development plan** requires up to six (6) lecture courses on physical planning and subsequent training in applicable software;
- 3) **floor plans, sections, elevations, reflected ceiling plans, roof plans, schedules of doors and windows, schedules of finishes, fixtures and hardware and the like** requires parts of up to ten (10) full laboratory courses plus up to twelve (12) lecture courses in pre-design preparation and architectural plan and design preparation and subsequent training in applicable software plus a mandatory two (2)-year diversified training;

- 4) **detailed architectural designs and full compliances with PD1096 (NBCP), PD 1185 (Fire Code) and BP 344 (Law on the Mobility of Disabled Persons and their respective IRRs** requires parts of up to ten (10) full laboratory courses plus up to twelve (12) lecture courses in pre-design preparation and architectural plan and design preparation and subsequent training in applicable software plus a mandatory two (2)-year diversified training;
- 5) **space plans and furniture/ equipment layouts, architectural specifications, architectural cost estimates** requires parts of up to twelve (12) lecture courses, subsequent training in applicable software plus a mandatory two (2)-year diversified training; and
- 6) **architectural tender (bid) documents, architectural contract documents** requires parts of up to twelve (12) lecture courses and subsequent training in applicable software plus a mandatory two (2)-year diversified training.

9. Why should Architects be the only regulated professionals to prepare, sign and seal architectural documents?

Multiple provisions under the **2004 Architecture Act (Republic Act or RA 9266)** are very clear in stating that **only registered/ licensed Architects shall sign and seal any and all architectural plans, specifications and related contract documents (there are no ifs and buts and those who persist in the illegal practice of architecture must be ready to face the consequences under said law)**. Under Section 29, the penalties may range from **PhP One Hundred Thousand (P100,000.00) to PhP Five Million (P5,000,000.00) or imprisonment of from six (6) months to six (6) six years or a combination of both**.

The **structural** design of buildings is a specific subject in the **architecture licensure examination (ALE)** where examinees are required to compute sizes and reinforcements of the structural elements in a building. Therefore those who pass the **ALE** have also gained the legal and inalienable right to prepare structural plans and designs, basically for small buildings/ structures (say 1 – 4 or 5 storeys). Yet in a *modus vivendi* with the CEs (apparently in exchange for CE support for RA 9266), the official representatives of Philippine Architects agreed to limit the Architects' work to architectural plan/ design preparation and to do mere **conceptual structural design** i.e. where the Architects shall only indicate or suggest the locations and architectural configurations of structural supports, reserving the structural computations, structural design analysis and structural drawings to CEs or the specialist CEs i.e. structural engineers. This agreement was apparently intended to sustain the harmonious relationship among regulated professionals so that there shall be no more overlapping of roles in the building trade and construction industry.

While this arrangement has already been enshrined in **RA 9266** i.e. the Architects **gave up** structural design of small buildings/ structures, many CEs still maintain their desire to practice architecture by preparing, signing and sealing **architectural** documents. If the Architects agree to what the said CEs want, the Architects would have lost their right to practice limited structural design in exchange for nothing.

The intention of **RA 1582/ RA 544** and **RA 1581/ RA 545** is clear in that civil structures (or buildings of a purely engineering nature) and some buildings for public gatherings are for registered/ licensed CEs to plan and design (excluding **architectural** plan and design preparation) while other structures, particularly **buildings** which are settings for various indoor-outdoor human (or other) activities and which require the **academic orientation, the sub-professional training and the professional expertise/ knowhow** of Architects, are **solely** for **registered/ licensed Architects** to plan and design. Again, **nowhere** is it stated in either law that CEs by themselves can prepare **architectural** plans, designs, specifications and related contract documents.

10. What does it take to become an Architect in the Philippines?

The preparation of **architectural** plans, designs and specifications require **stock knowledge** and **high-value skillsets** of a broad menu of **architectural** specializations that are first taught and learned only in **architectural** schools, to wit:

- 1) the arts and humanities for architecture students;
- 2) the social sciences for architecture students;
- 3) space planning/ management;
- 4) anthropometrics;
- 5) metrication;
- 6) architectural and site programming (including space-time-motion studies);
- 7) architectural elements and composition (including scale and proportion);
- 8) architectural concepts, practices and history;
- 9) architectural design theories (including the psychology of space);
- 10) the use and psychology of color;
- 11) tropical and environmental design;
- 12) international graphic and design standards for architecture and site planning (including knowledge of architectural drafting conventions/ techniques);
- 13) building types;
- 14) architectonics and structural design for buildings;
- 15) architectural specification writing (specifically including the type/ quality/ behavior/ appropriateness of finishing materials/ processes);
- 16) architectural interiors;
- 17) architectural lighting and acoustics;
- 18) end-user security and safety;
- 19) planning and building laws;
- 20) site development planning;
- 21) urban design;
- 22) building utility systems;
- 23) project coordination (which requires a broad understanding of allied professional services including all the engineering disciplines related to building design/ interior design/ landscape architecture/ environmental planning);
- 24) contract documentation;
- 25) architectural ethics and responsibilities of the architect;

- 26) visualization/ perspective/ rendering/ model construction and presentation techniques;
- 27) the language of architecture and architectural drawing/ drafting;
- 28) professional laws and ethics;
- 29) design for disabled persons; and
- 30) a host of other specializations and sub-specializations which Philippine **CEs** do **not** possess simply because they were **never** trained nor officially examined by the state to become Architects.

It was never easy becoming an Architect in the Philippines because the aspiring architecture student/ graduate must study/ train to be an Architect and at the same time to understand the work of engineers and allied professionals i.e. to someday become the **master builder** (the English translation of the ancient Greek word “*architekton*”), the **one, true and prime building professional** and the **official representative/ protector of the Clients’ interests**.

Philippine Architects have also **not** been trained nor are they allowed under **RA 9266** (and earlier architecture laws) to be Contractors/ Developers and that is why their loyalty to their Clients, to the **upholding of public interest** and to their profession and their professional ethics largely remain unquestioned.

11. What is the effect of allowing CEs to sign and seal architectural documents?

While it is much faster to become a CE in this country, i.e., possibly more than ninety thousand (90,000) registered/ licensed CEs as compared to only twenty two thousand (22,000) registered/ licensed Architects to date, said situation does **not** mean that registered/ licensed CEs can also practice as registered/ licensed Architects simply because of their vastly superior number and the implied capability to service more clients. It only means that CEs outnumber Architects because it is so much **faster** (and requires less material resources) to become a registered/ licensed CE than to become a registered/ licensed Architect in the Philippines. Again however, we have to stress the fact that the three (3) primary requirements under **RA 545/ RA 1581 and RA 9266** for one to qualify for practice as an Architect are qualifications which CEs simply do **not** possess.

The many thousands of CEs moonlighting as Architects and the assumption of the Offices of the Municipal/ City Engineers of the functions of the Office of the Building Official since 1991 by virtue of the implementation of RA 7160 (the Local Government Code) are two (2) of the major causes of the generally **poor quality** of Philippine building and housing plans/ designs since such CEs may **not** completely comprehend and may **not** be competent to do the work of registered/ licensed Architects and yet they continue to practice as “Architects”/ and approve architectural documents prepared, signed and sealed by CEs under their **very mistaken belief** that their CE law (RA 1582/ RA544) allows them to prepare **architectural** documents i.e. the primary component of

the practice of architecture as defined under all architectural laws passed from 1950 through 2004.

Interestingly, the acknowledged father of both RA 7160 and RA 9266, the good **Senator Aquilino Q. Pimentel, Jr.**, has consistently maintained the primacy and sole vested right of the Architects to the acts of preparing, signing and sealing **architectural** documents.

Among the common practices violative of the National Building Code of the Philippines (PD 1096) and that are generally ascribed to some CEs, quite possibly due to their apparent lack of understanding of architecture and environmental/ urban design are : 1) windows on firewalls; 2) non-compliance with setback and yard requirements; 3) inclusion or appropriation of portions of public areas such as sidewalks in the completed construction project; 4) constricted parking and driveway/ ramp spaces if these are provided at all; 5) non-application of tropical design and environmentally-enhancing/ mitigating features for buildings and grounds (including the absolute lack or destruction of trees or plant material and the general lack of open, unpaved ground that allows for surface water percolation); 6) construction outside property limits; 7) poor finishing material selection/ specification resulting in physical damage to property or discomfort to end-users; 8) lack of properly-planned fire escape systems; 9) poorly positioned/ sited or poorly sized/ proportioned signages or signage structures that cause distraction, urban blight and pose a constant danger to the general public; and 10) a host of other common violations.

Many CEs practicing architecture are also apparently quite deficient in their knowledge of the provisions of BP344 (Accessibility Law) which mandates plan/ design provisions for the disabled sector, both inside and outside buildings/ structures and of the required compliances with the Fire Code (PD 1185).

Such commonplace violations should **not** be foisted on the unsuspecting public whose very lives are potentially compromised by allowing such CEs to sign and seal improperly prepared **architectural** documents without the benefit of a registered Architect's participation/ scrutiny.

12. What should be the resolution of the issue?

The irregular and potentially illegal practice of Philippine CEs preparing, signing and sealing architectural documents (plans, designs, specifications, etc.) must end now! It is not only the prudent thing to do but it shall be consistent with the 2004 DoJ opinion and with the multiple provisions under RA 9266 (The Architecture Act of 2004) and its IRR.

The National Building Code of the Philippines (PD 1096) is also a general (and older) law that must defer to the stipulations of the specific (and more recent/ special) law i.e. RA 9266. Moreover, RA 1582/ RA 544 (The Civil Engineering law) is a 50 to 54 year old law and may not anymore be attuned to the requirements of

modern-day building projects, which have become more complex and therefore requires very specialized skill sets from the engaged regulated professionals.

After more than a half century, laws have finally been harmonized to correct the perennial injustice suffered by Philippine Architects. The three (3) branches of the Philippine government have already spoken clearly and unequivocally in aid of the Architects i.e. that only Architects shall prepare, sign and seal architectural documents. These are: 1) the legislative and executive branches through RA 9266, 2) the executive branch through the IRR of RA 9266 (effective 101 Dec 2004), the 2004 Revised IRR of PD 1096 (effective 01 May 2005), various new laws pertaining to the procurement of architectural services for public sector projects and the January 2004 DoJ legal opinion; and 3) the judiciary through the recent QC RTC order dismissing the claim of some CEs that they too can sign and seal architectural documents.

Philippine Architects have always respected the profession of civil engineering and Philippine CEs. However, what some CEs have for the profession of Architecture and for Philippine Architects now appears to be much less than respect. Philippine CEs and Architects can co-exist and continue to collaborate but such a co-existence should be based on mutual respect and compliance with the dictates of law.

In fact, in a project setting, the Architects only demand that they prepare, sign and seal architectural documents in full conformity with Philippine law. The CEs are free to do all of the other activities in a project setting ranging from structural to civil works engineering plan/ design preparation to actual project implementation where the CEs either function as the constructor, sub-constructor or as the project or construction manager.

The CEs have no other excuse except their bullheadedness and misguided notion that they are the “prime professional” for buildings. Architectural documents are the primary components of the building plan as everything else is derived from the architectural plan/ design. There is clearly no overlap in practice. The supposed overlap only exists in the minds of CEs. It is crystal clear from the foregoing discussions that CEs are not professionally qualified to prepare, sign and seal architectural documents as they lack the requisite academic and sub-professional preparation and more importantly, the CEs do not comply with the legal requirements to practice architecture.

The CEs must finally abide with the true spirit and intent of the laws of the land and leave the practice of the regulated profession of architecture to the Architects! Failing this, the PRC must compel the CEs to comply with the dictates of law. The law may be harsh but it is the law!

Attachments 1 through 3 follow.