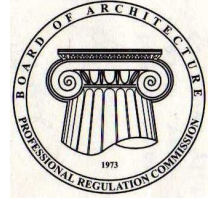




*Republic of the Philippines*  
*Professional Regulation Commission*  
*Manila*

*The Professional Regulatory*  
*Board of Architecture*  
*(PRBoA)*



Your Ref:

Our Ref: 07\_PRBoA-070

23 August 2007

**The National Housing Authority (NHA)**  
**Metropolitan Manila (NCR)**

ATTENTION : **THE HON. \_\_\_\_\_ LAXA**  
**General Manager**

SUBJECT : **URGENT PRBoA CALL FOR THE NATIONAL HOUSING AUTHORITY (NHA) TO FULLY IMPLEMENT/ ENFORCE R.A. No. 9266 (THE ARCHITECTURE ACT OF 2004) ON THE MATTER OF REQUIRING AND ACCEPTING ONLY THE SIGNATURES AND SEALS OF REGISTERED AND LICENSED ARCHITECTS (RLAs) ON ALL NHA SHELTER AND HOUSING PROJECTS TO FULLY COMPLY WITH LAW**

REFERENCES : 1) **Republic Act (R.A.) No. 9266** (Architecture Act of 2004) approved by Pres. Gloria Macapagal-Arroyo on 17 March 2004 and which took effect 10 April 2004, its Implementing Rules and Regulations (IRR) effective 01 December 2004 and derivative regulations; and 2) the apparent willful/ deliberate violations of provisions of **R.A. No. 9266**, its IRR and its derivative regulations as reported by Registered and Licensed Architects (RLAs) in Your jurisdiction; and

2) Letter of NHA Regional Director (Region V) Albert A. Perfecto dated 06 August 2007 for Archt. Hernani D. Aguilar, Building Official, Naga City

Dear GM Pamintuan  
(and the Other Responsible Executives of  
the National Housing Authority),

Warm greetings from the **Professional Regulatory Board of Architecture** (the "PRBoA")!

The PRBoA, a body under the **Professional Regulation Commission** (the "PRC") is tasked with implementing R.A. No. 9266 which states that **only Registered and Licensed Architects (RLAs) must sign and seal architectural plans and documents.**

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URGENT PRBoA CALL FOR THE NATIONAL HOUSING AUTHORITY (NHA) TO FULLY IMPLEMENT/ ENFORCE R.A. No. 9266 (THE ARCHITECTURE ACT OF 2004) ON THE MATTER OF REQUIRING AND ACCEPTING ONLY THE SIGNATURES AND SEALS OF REGISTERED AND LICENSED ARCHITECTS (RLAs) ON ALL NHA SHELTER AND HOUSING PROJECTS TO FULLY COMPLY WITH LAW  
dated 23 August 2007

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Yet despite the **full effectivity** of **R.A. No. 9266** since 10 April 2004 (over 3 years ago), certain civil engineers (hereinafter the "CEs") continue to prepare, sign and dry-seal **architectural** documents, plans, designs and specifications, particularly for shelter and housing projects under the NHA. These acts appear to be part of clear, unequivocal, continuing, orchestrated and willful violations of **Republic Act (R.A.) No. 9266 (Architecture Act of 2004)**, its **Implementing Rules and Regulations (IRR)** and derivative regulations (periodically promulgated or issued by the PRC and the PRBoA), **which are NOT covered by ANY temporary restraining order (TRO) nor writ of preliminary injunction (WPI) to date.**

The PRBoA fully believes that this **issue of signatory to architectural documents** is one of **national importance** because for the last several decades, the situation (of **non-RLAs/Architects** being allowed by national agencies such as the NHA and LGUs to sign and seal **architectural** documents) has already resulted in the **degenerative quality of our physical environment (both natural and built)** e.g. substandard and uncomfortable living spaces, overbuilding even on mandated open spaces, too much use of concrete, glass and metal surfaces that increase near-ground and ambient temperatures, incorrect building orientations, major National Building Code of the Philippines of 1977 (**P.D. No. 1096**) violations such as windows on firewalls, illegal structures within the road-right-of-way (RROW, which is part of the public domain) and the perennial lack of fire escapes, etc., improper grading coupled with the rampant cutting of trees (resulting in flooding even on higher elevations/ slopes), garish displays such as billboards all over the urban and rural landscapes, etc. to mention only a few. For the PRBoA, these are issues that relate to **public interest, safety and welfare** and are clearly attributable to a **non-RLA/architect's** apparent lack of training, focus and aptitude in the design and physical planning of buildings and their environs.

There is therefore clear need to effect the soonest the nationwide implementation and enforcement of the provisions of **R.A. No. 9266** and its IRR, particularly the multiple sections that **limit the preparation, signing and dry-sealing of all architectural documents only to RLAs/Architects registered and licensed by the state.** Over the past three (3) months, the PRBoA has been communicating with some LGUs to make known its official **position** concerning said matter, particularly in the light of some LGUs' repeated references to a May 2005 court-issued injunction that does **not** apply to R.A. No. 9266 (reference **Annex 1** and its Attachments).

In full accord with **Sec. 44 (Enforcement of the Act)** of **R.A. No. 9266**, **the PRBoA hereby officially calls on/ requests the assistance of Your LGU to fully enforce the provisions of R.A. No. 9266, its IRR and its derivative regulations within Your jurisdiction, and to prosecute any person violating provisions of the same.**

An **Order** from Your office to all of the NHA Regional Directors may be a good start in attaining the primary objective of the NHA's lawful compliance with **R.A. No. 9266.**

Also in full accord with **Sec. 35 (Positions in Government Requiring the Services of Registered and Licensed Architects)** of **R.A. No. 9266** which took effect last 10 April 2007 and in line with the international/ universal definition of Architects/ Architecture (reference **Annex 2**), **the PRBoA hereby officially requests that on**

**the matter of preparing reviewing or processing of architectural documents, the NHA also appoint a RLA/Architect to a senior/responsible position at Your regional, national and other attached offices.**

Anent Director Perfecto's stated positions in his letter, please be advised that the CE law (R.A. No. 1582 of 1956, which amended R.A. No. 544 of 1950, does not state that CEs can sign nor seal architectural plans and documents. Only R.A. No. 9266 of 2004 and its predecessor laws R.A. Nos. 1582 of 1950 and 545 of 1950 say that only registered and licensed architects (RLAs) can prepare, sign and seal architectural plans and documents. Moreover, Sec. 302 of the 1977 National Building Code of the Philippines (P.D. No. 1096) does not mention that CEs can sign and seal architectural documents. All of these are clearly explained in our letters to LGUs (reference **Annex 1** and attachments).

Lastly, the PRBoA has already openly questioned the Orders issued by the DPWH in September 2006 (by Sec. Ebdane) and April 2007 (by OIC Bonoan) allowing the supposed *status quo* to persist i.e. signatures and seals of CEs on architectural plans and documents (reference **Annex 3**). It has already been more than two (2.0) calendar months since DPWH's official receipt of the said letter. To date, the DPWH is still unable to reply to the PRBoA request for the DPWH to justify its orders. The non-response of the DPWH on this matter has already been officially communicated to other members of the Cabinet and to the Offices of the Executive Secretary and the President as well as with the Office of the Ombudsman.

The PRBoA looks forward to Your kind attention and to Your prompt/ resolute action on this very urgent matter i.e. the NHA must require and accept only the signatures and seals of registered and licensed architects (RLAs) on all architectural plans and documents for shelter and housing projects of the NHA to fully comply with the law.

Your and the NHA's understanding and assistance will go a very long way in helping relieve the continuing/ decades-long injustice foisted on Philippine architects, presently **exacerbated by the flagrant, orchestrated and willful violations of R.A. No. 9266 for the nearly 3 years that it has been in full effect.**

Thank You very much for the attention and action the NHA shall accord this very urgent matter.

Yours sincerely,

**The Professional Regulatory Board of Architecture**  
(the "PRBoA")

**ARMANDO N. ALLI**  
Chairman

**ANGELINE T. CHUA CHIACO**  
Member

**MARIETTA B. SEGOVIA**  
Member

att : **Annex 1**) PRBoA Letter Addressed to All LGUs under the Subject: THE OFFICIAL PRBoA POSITION ON THE SIGNING OF ARCHITECTURAL DOCUMENTS BY REGISTERED/ LICENSED

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URGENT PRBoA CALL FOR THE NATIONAL HOUSING AUTHORITY (NHA) TO FULLY IMPLEMENT/ ENFORCE R.A. No. 9266 (THE ARCHITECTURE ACT OF 2004) ON THE MATTER OF REQUIRING AND ACCEPTING ONLY THE SIGNATURES AND SEALS OF REGISTERED AND LICENSED ARCHITECTS (RLAS) ON ALL NHA SHELTER AND HOUSING PROJECTS TO FULLY COMPLY WITH LAW  
dated 23 August 2007

CIVIL ENGINEERS (CEs) AND OFFICIAL PRBOA CALL FOR LGUs TO FULLY IMPLEMENT/  
ENFORCE RA 9266

- Attachments1) copy of the January 2004 Department of Justice (DoJ) Legal Opinion - 3 pages;
- 2) copy of Sec. 302 of PD 1096 (The National Building Code of the Philippines) as signed by Pres. Ferdinand E. Marcos (FEM) in February 1977 (as certified by the Malacañang Records Office) - 1 page;
  - 3) copy of signature page of PD 1096 as signed by Pres. FEM in February 1977 (as certified by the Malacañang Records Office) - 1 page;
  - 4) copy of Sec. 302 of PD 1096 appearing in the published Official Gazette - 1 page; and
  - 5) copy of Secs. 302.3 and 302.4 of the 2004 Revised IRR of PD 1096 of 1977 - 2 pages.
  - 6) copy of the Writ of Preliminary Injunction Issued by Branch 22 of the Manila RTC in May 2005 - 3 pages;
- Annex 2)** copy of various international definitions of the common terms "architect", "architecture", "civil engineer" and "civil engineering" - 8 pages; and
- Annex 3)** PRBoA Letter to the DPWH (officially received by the DPWH June 17, 2005).
- Annex 4)** Letter of NHA Regional Director (Region V) Albert A. Perfecto dated 06 August 2007 for Archt. Hernani D. Aguilar, Building Official, Naga City

cc : Offices of the PRC Chairperson, Secretary of the Professional Regulatory Boards (PRBs) and Chief of the PRC Legal and Investigation Division  
United Architects of the Philippines (UAP), the integrated and accredited professional organization of architects (IAPOA) under R.A. No. 9266

file: 07\_PRBoA-070



Office of the President  
NATIONAL HOUSING AUTHORITY

Bicol Regional Office  
2<sup>nd</sup> Flr. Quillan Building, San Jose Street, Ligao City  
Tel. No. (052) 485-2955 Telefax No. (052) 837-1361  
City Hall Compound Naga City  
Telefax. No. (054) 473-6562

August 06, 2007

**ARCHITECT HERNANI D. AGUILAR**  
Building Official  
Naga City

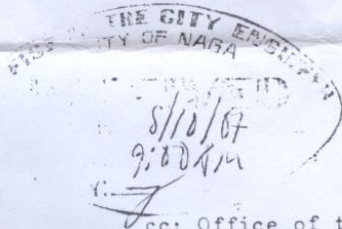
**SUBJECT : NHA PENDING APPLICATION FOR BUILDING PERMIT**

Sir:

With reference to your letter dated July 28, 2007, received by this office August 02, 2007, please be informed that we do not discount the fact that you are enforcing the Architecture Act of 2004, and neither do we say that you should not comply with it as "an applicable law of the land". This argument is beyond the point. If we are going to go back and explain that we too, as Civil Engineers, are exercising the rightful enforcement of the Civil Engineering Law, which is *not repealed* by the Architecture Code of 2004, we are still going back to the same arguments that made the PICE file for a Temporary Restraining Order and case against the implementation of the revised IRR of the National Building Code. These matters are better left with the courts and the legislative bodies for them to decide. So anchoring on the fact that you are exercising the Architecture Code and not the revised IRR of the National Building Code, is unacceptable for it all boils down to the same issue.

What we are trying to emphasize here is that your continued imposition of not letting Civil Engineers sign *plans and specifications* is causing delays to many projects, specifically for us, a government agency. And that you are doing this despite instructions from NBC Director Cuntapay and the Memorandum from then Acting Secretary Manuel Bonoan, "to process and issue necessary permits.....whether the design plans and/ or other pertinent documents were prepared, signed and *sealed by either a registered architect and/ or civil engineer* in the meantime that the issue is not yet resolved by the RTC branch 22 of the city of Manila."

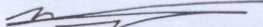
Furthermore, Republic Act 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees, obliges us to act promptly within fifteen working days from receipt of the letters and requests sent to our office. The fact that you have not acted on our application for months now is considerably failure on your part to perform your duty. Since no official letter or response on your part informing us as to the status of our application was received prior to your letter received August 02, 2007, should make us assume that our application has been approved.



cc: Office of the City Mayor  
UAP Camarines Chapter

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Truly yours,

  
**ENGR. ALBERT A. PERFECTO**  
Regional Director