

H. No. 5389

S. No. 2710

Republic of the Philippines
Congress of the Philippines
Metro Manila
Twelfth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand three.

REPUBLIC ACT NO. 9266

AN ACT PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION FOR THE REGISTRATION, LICENSING AND PRACTICE OF ARCHITECTURE, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 545, AS AMENDED, OTHERWISE KNOWN AS "AN ACT TO REGULATE THE PRACTICE OF ARCHITECTURE IN THE PHILIPPINES," AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as "The Architecture Act of 2004."

SEC. 2. *Statement of Policy.* - The 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, 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 of Architecture and the Professional Regulation Commission, 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;

(b) "Architect-in-charge of construction" means an architect registered and licensed under this Act, who is directly and professionally responsible and liable for the construction supervision of the project;

(c) "Consulting Architect" means the architect registered and licensed or permitted to practice under this Act, who is professionally and academically qualified and with exceptional or recognized expertise or specialization in any branch of architecture;

(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. Services may include, but are not limited to:

(a) planning, architectural designing and structural conceptualization;

(b) consultation, consultancy, giving oral or written advice and directions, conferences, evaluations, investigations, quality surveys, appraisals and adjustments, architectural and operational planning, site analysis and other pre-design services;

(c) schematic design, design development, contract documents and construction phases including professional consultancies;

(d) preparation of preliminary, technical, economic and financial feasibility studies of plans, models and project promotional services;

(e) preparation of architectural plans, specifications, bill of materials, cost estimates, general conditions and bidding documents;

(f) construction and project management, giving general management, administration, supervision, coordination and responsible direction or the planning, architectural designing, construction, reconstruction, erection, enlargement or demolition, renovation, repair, orderly removal, remodeling, alteration, preservation or restoration of buildings or structures or complex buildings, including all their components, sites and environs, intended for private or public use;

(g) the planning, architectural lay-outing and utilization of spaces within and surrounding such buildings or structures, housing design and community architecture, architectural interiors and space planning, architectural detailing, architectural lighting, acoustics, architectural lay-outing of mechanical, electrical, electronic, sanitary, plumbing, communications and other utility systems, equipment and fixtures;

(h) building programming, building administration, construction arbitration and architectural conservation and restoration;

(i) all works which relate to the scientific, aesthetic and orderly coordination of all works and branches of the work, systems and processes necessary for the production of a complete building or structure, whether for public or private use, in order to enhance and safeguard life, health and property and the promotion and enrichment of the quality of life, the architectural design of engineering structures or any part thereof; and

(j) all other works, projects and activities which require the professional competence of an architect, including teaching of architectural subjects and architectural computer-aided design;

(5) "Structural Conceptualization" means the act of conceiving, choosing and developing the type, disposition, arrangement and proportioning of the structural elements of an architectural work giving due consideration to safety, cost-effectiveness, functionality and aesthetics;

(6) "Architectural Firm" means a sole proprietorship, a partnership or a corporation registered with the proper government agencies;

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ARTICLE III

EXAMINATION, REGISTRATION AND LICENSURE

SEC. 12. *Examination Required.* - All applicants for registration for the practice of architecture shall be required to undergo a licensure examination to

be given by the Board in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981.

SEC. 13. *Qualifications of Applicant for Examination.* - Any person applying for examination shall establish to the satisfaction of the Board that:

(a) He/she is a Filipino citizen or a citizen of a foreign country qualified to take the examination as provided for in this Act;

(b) He/she is of good moral character;

(c) He/she is a holder of a degree of Bachelor of Science in Architecture conferred by a school, college, academy or institute duly recognized and/or accredited by the Commission on Higher Education (CHED) and in addition has a specific record of at least two (2) years or equivalent of diversified architectural experience duly certified by a registered/licensed architect: *Provided, however,* That an applicant holding a Master's Degree in Architecture from a school, college, university or institute recognized by the government shall be credited one (1) year in his/her practical experience; and

(d) He/she has not been convicted of any criminal offense involving moral turpitude.

SEC. 14. *Subjects for Examination.* - The licensure examination for architects shall cover, but are not limited to, the following subjects:

(1) History and Theory of Architecture; Principles of Planning and Architectural Practice;

(2) Structural Design, Building Materials, and Architectural Specifications, and Methods of Construction and Utilities;

(3) Urban Design and Architectural Interiors; and

(4) Architectural Design and Site Planning.

The Board, subject to the approval of the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises to conform to technological changes brought about by continuing trends in the profession.

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SEC. 19. *Roster of Architects.*- **A roster showing the names and place of business of all registered professional architects shall be prepared and updated by the Board** and copies thereof shall be made available to any party as may be deemed necessary.

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.

(1) Each registrant hereunder shall, upon registration, obtain a seal of such design as the Board shall authorize and direct. Architectural plans and specifications prepared by, or under the direct supervision of a registered architect shall be stamped with said seal during the life of the registrant's certificate, and it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

(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; 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.

(3) It shall be unlawful for any architect to sign his/her name, affix his/her seal or use any other method of signature on architectural plans, specifications or other documents made under another architect's supervision, unless the same is made in such manner as to clearly indicate the part or parts of such work actually performed by the former, and it shall be unlawful for any person, except the architect-of-record, to sign for any branch of work for any function of 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.

(4) Drawings and specifications duly signed, stamped or sealed, as instruments of service, are the **intellectual properties and documents of the architect**, whether the object for which they are made is executed or not. It shall be unlawful for any person, without the consent of the architect or author of said documents to duplicate or to make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly or in whole.

(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.

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ARTICLE IV PRACTICE OF ARCHITECTURE

SEC. 25. *Registration of Architects Required.* - No person shall practice architecture in this country, or engage in preparing architectural plans, specifications or preliminary data for the erection or alteration of any building located within the boundaries of this country or use the title "Architect," or display the word "Architect" together with another word, or display or use any title, sign, card, advertisement, or other device to indicate such person practices or offers to practice architecture, or is an architect, unless such person shall have received from the Board a Certificate of Registration and be issued a Professional Identification Card in the manner hereinafter provided and shall thereafter comply with the provisions of this Act.

A foreign architect or any person not authorized to practice architecture in the Philippines, who shall stay in the country and perform any of the activities mentioned in Sections 3 and 4 of this Act, or any other activity analogous thereto, in connection with the construction of any building/structure/edifice or land development project, shall be deemed engaged in the unauthorized practice of architecture.

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, or any person presenting or attempting to use as his/her own the Certificate of Registration/Professional Identification Card or seal of another or temporary or special permit, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a Certificate of Registration/Professional Identification Card or temporary or special permit, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended Certificate of Registration/Professional Identification Card or cancelled special/temporary permit, or any person who shall use in connection with his/her name 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. 30. *Prohibition in the Practice of Architecture.* - **Any** person or entity, whether public or private, Filipino or foreigner, who/which shall entice, compel, coerce, require or otherwise force an architect registered and licensed under this Act to undertake/perform any service under the general practice of architecture as defined under this Act, without first executing a written contract/service agreement, shall be guilty of a misdemeanor and shall, upon conviction be sentenced to a fine of not less than Two hundred thousand pesos (P200,000.00) or to suffer imprisonment for a period not exceeding six (6) years, or both, at the discretion of the Court.

SEC. 31. *Liability of Representatives of Non-Registered Persons.*- It shall be unlawful for any person or firm or corporation to seek to avoid the provisions of this Act by having a representative or employee seek architectural work in their behalf, unless and until, such persons have duly qualified and are duly registered/licensed, otherwise, both those represented and the representative, the employer and the employee shall be deemed guilty of violation of this Act. **Solicitation of architectural work** shall be construed as

offering to practice architecture and shall be unlawful for **any** non-registered and unlicensed persons to do so.

SEC. 32. *Signing of Architectural Plans, Specifications and Other Contract Documents.* - It shall be unlawful for any architect to sign his/her name, affix his/her seal, or use any other method of signature on architectural plans, specifications or other contract documents made under another architect's supervision, unless the same is made in such manner as to **clearly indicate the part or parts of such work actually performed** by the former; 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. 33. *Ownership of Plans, Specifications and Other Contract Documents.* - Drawings and specifications and other contract documents duly

signed, stamped or sealed, as instruments of service, are the **intellectual property** and documents of the architect, whether the object for which they are made is executed or not. It shall be unlawful for any person to duplicate or to make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly or in whole, without the written consent of architect or author of said documents.

All architects shall incorporate this provision in all contract documents and other instruments of service.

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. 35. *Positions in Government Requiring the Services of Registered and Licensed Architects.* - Within three (3) years from the effectivity of this Act, all existing and proposed positions in the local and national government, whether career, permanent, temporary or contractual and primarily requiring the services of an architect shall be filled only by registered and licensed architects.

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SEC. 39. *Liability Insurance of a Person or Entity Allowed to Practice under a Temporary/Special Permit.* - Foreign nationals, including former Filipinos wanting to engage in the general practice of architecture as defined in Section 3 (c) of this Act **must secure locally their professional liability insurance or malpractice insurance or their acceptable equivalent in bond form** commensurate with the nature and magnitude of their project involvement and their compensation(.) **the implementing rules and regulations for such a requirement for practice shall be implemented by the Board in consultation** with the integrated and accredited professional organization of architects within six (6) months from the effectivity of this Act.

ARTICLE V FINAL PROVISIONS

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SEC. 41. *Implementing Rules and Regulations.* - Within sixty (60) days after the effectivity of this Act, the Board, subject to the approval of the Commission **and in coordination with** the integrated and accredited professional organization, shall adopt and promulgate such **rules and regulations, Code of Ethical Conduct and Standards of Professional Practice, to carry out the provisions of this Act** and which shall be effective fifteen (15) days following their publication in the *Official Gazette* or in two (2) major daily newspapers of general circulation.

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SEC. 44. *Enforcement of the Act.* - It shall be the **primary duty of the Commission and the Board** to **effectively enforce** the provisions of this Act.

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 to the Commission and the Board and shall render legal **legal adviser** 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.

SEC. 45. *Separability Clause.* - If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 46. *Repealing Clause.* - Republic Act No, 545, as amended by Republic Act No. 1581 is hereby repealed and all other laws, orders, rules and regulations or resolutions or part/s thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 47. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,
(ORIGINAL SIGNED)
FRANKLIN M. DRILON
President of the Senate

(ORIGINAL SIGNED)
JOSE DE VENECIA, JR.
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 5389 and Senate Bill No. 2710 was finally passed by the House of Representatives and the Senate on January 28, 2004 and January 29, 2004, respectively.

(ORIGINAL SIGNED)
OSCAR G. YABES
Secretary of the Senate

(ORIGINAL SIGNED)
ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

Approved:
(ORIGINAL SIGNED 17 MARCH 2004)

GLORIA MACAPAGAL-ARROYO
President of the Philippines