These Implementing Rules and Regulations (IRR) of RA 9266 were published in the Official Gazette on 15 November 2004 (pages 7709 through 7731, Vol. 100 No. 46), and took effect on 01 December 2004. The IRRs are only executive issuances and may still be periodically amended by other executive issuances from the PRC, the BOA or other pertinent agencies or by other IRRs of other laws (particularly those approved after 17 March 2004).

LEGEND:
PRBoA Matters
Firm Registration
Temporary/ Special Permit & Liability Insurance for Foreign Architects
CPD Providers
Legal & Illegal Practice
Signing and Sealing of Architectural Documents, Copyright & Ownership
ALE
Registration, Revocation & Reinstatement
Enforcement

Republic of the Philippines
Professional Regulation Commission
Manila
BOARD OF ARCHITECTURE
Board Resolution No. 07
Series of 2004

THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF 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

Pursuant to Section 7 (a), Article II and Section 41, Article V of Republic Act No. 9266, known as "The Architecture Act of 2004", the Board of Architecture hereby prescribes, adopts, and promulgates the following Rules and Regulations to carry out the provisions thereof.

RULE I
TITLE, POLICY STATEMENT, DEFINITION OF TERMS AND SCOPE OF PRACTICE

SECTION 1. Title.

This Rules and Regulations shall be known as "THE RULES AND REGULATIONS IMPLEMENTING THE PROVISIONS OF REPUBLIC ACT NO. 9266", otherwise known as "THE ARCHITECTURE ACT OF 2004". For brevity, it may be cited as "IRR of the Architecture Act of 2004".

SECTION 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.

This "IRR of the Architecture Act of 2004" shall be interpreted, construed, and carried out in the light of the Statement of Policy found in Section 2 of Republic Act No. 9266, as stated above.

SECTION 3. Definition of Terms.

As used in this "IRR of the Architecture Act of 2004", in R.A. No. 9266 or other laws, 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 R.A. No. 9266 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 R.A. No. 9266, 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 R.A. No. 9266, 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 R.A. No. 9266, who is professionally and academically qualified and with exceptional or recognized expertise or specialization in any branch of architecture;

(3) "General Practice of Architecture" 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 or 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 DTI AND/OR SEC and then with the Board of Architecture and PRC;

(7) "Authorship" refers to the author or authors of a set of architectural plans or specifications who are in charge of their preparation whether made by them personally or under their immediate supervision;

(8) "Board" refers to the Professional Regulatory Board of Architecture;

(9) "Commission" means the Professional Regulation Commission;

(10) "Service Agreement" means a duly notarized written contract or equivalent public instrument stipulating the scope of services and guaranteeing compensation of such services to be rendered by an architect registered and licensed under R.A. No. 9266;

Violation of the Service Agreement is a basis for a civil liability under Art. 1723 of the Civil Code unless he/she attempts and/or succeeds to interfere or contravene the legal and professional functions of the Architect-of-Record: the Consulting Architect.

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

(12) "Continuing Professional Development" refers to a sustaining and progressive learning process that maintains, enhances, or increases the knowledge and continuing ability of architects;

(13) "DTI" shall mean the Department of Trade and Industry;

(14) "SEC" shall mean the Securities and Exchange Commission;

(15) "Association" any formal grouping of two or more architects or architectural firms working in joint venture on a project basis.

(16) "Architectural Company" means a juridical entity that shall be synonymous with an Architectural Partnership (see definition of Architectural Partnership) registered with the SEC.

(17) "Architecture Corporation" means a group of professionals in architecture and allied professions, incorporated with Architects for the purpose of delivering professional service in architecture and allied professions; in case an existing Architectural Corporation does not comply with the 75% composition requirement, it shall comply and register again with the SEC and the BOA.

(18) "Architectural Documents" means an 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.

(19) "Architectural Interiors" means a detailed planning and design of the indoor/enclosed areas of any proposed building/structure, including retrofit or renovation work and which shall cover all architectural and utility aspects, including the architectural lay-outing of all building engineering systems found therein.

(20) "Architectural Partnership" means a group of two or more Architects duly registered with the SEC and then with the Board of Architecture.

(21) "Architectural Plans" means a 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 designations, door and window call-outs, the architectural layout of equipment, furnishings, 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 proposed 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.

(23) "Certificate of Registration" means a certificate bearing a registration number, issued to an individual, by the Professional Regulation Commission through the Board of Architecture, signifying that the individual has successfully passed the Licensure Examination and is registered to practice his/her profession as Architect.

(24) "Code of Ethical Conduct" means a document which forms part of the Architects' National Code which contains the norms and principles governing the practice of the profession of architecture in the highest standards of ethical conduct.

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

(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

(27) "Copyright (or Copyright Ownership)" shall refer to the intellectual proprietary rights retained by an Architect over any architectural documents/ work that he/she prepares unless there is a written stipulation to the contrary, copyright in a work of architecture shall include the right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original; however, the copyright in any such work shall not include the right to control the reconstruction or rehabilitation in the same style as the original of a building to which the copyright relates.

(28) "CPD Providers" means an entities, agencies, organizations and the like that have been accredited/registered with the Board of Architecture of the Professional Regulation Commission to deliver seminars, lectures, and other continuing professional education modules for architects, other than the Integrated Accredited Professional Organization of Architects which is automatically accredited by the Board of Architecture as a CPD Provider.

(29) "Diversified Architectural Experience" a post-baccalaureate, pre-licensure experience of two (2) years required of a graduate of architecture prior to taking the licensure examination; consisting of a variation of experiences in the different phases of architectural service.

(30) "Foreign Architect" means an architect who is not a Filipino citizen nor an Architect registered and licensed in the Philippines, but who is duly registered and licensed in his/her home country as an Architect.

(31) "Filipino Counterpart" the local Philippine architect, partnership or corporation that must work in association with a foreign architect, partnership or corporation, on a project on Philippine soil.

(32) "Ownership" shall refer to proprietary rights to an architectural work such as plans, designs and other documents by a person/ juridical entity who commissions the Architect and whose ownership of an architectural work by such a person/ juridical entity shall only be confined to the use of the architectural documents for executing /implementing the work described therein for one (1) or the original project; ownership shall not apply to the use of a part of or of the entire architectural work/architectural documents to repetitions or to subsequent projects.

(33) "Planning" refers to physical planning at site, community or urban level by an Architect.

(34) "Physical Planner" refers to an Architect who specializes in the detailed physical planning of land or property on which vertical structures such as buildings and/or structures and horizontal developments such as rights-of-way, open spaces and recreational/ sports/ entertainment/ tourism and related facilities are to be proposed.

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

(36) "Professional" refers to a person whose name and registration/professional license number is entered in the Professional Regulation Commission registry book and computerized database as one legally authorized to practice his profession.

(37) "Professional Identification Card" a document bearing the registration number, date of issuance with an expiry date, due for periodic renewal, duly signed by the Chairperson of the PRC to a registered Architect upon payment of the annual registration fees for three (3) years.

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

(39) "Standards of Professional Practice" means a document embodied in the Architects National Code, which defines all aspects of professional service, prescribes minimum basic fees and establishes the rights and obligations of both the Architect and the client.

(40) "Sole Proprietorship" means an individual Architect practicing and delivering architectural services, duly registered with the DTI, BOA and the PRC.

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

(42) "Syllabi" the outlines embodying topics and concepts of major subjects prescribed in specific course of study to serve as basis for test questions in the licensure examinations.

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

(44) "Urban Design" physical and systemic design undertaken by an Architect on a community and urban plane, more comprehensive than, and an extension of the architecture of buildings, spaces between buildings, entourage, utilities and movement systems.

(45) Acronyms and Laws:

(a) ARCHITECTURE ACT OF 2004 – R.A. No. 9266
(b) BOA – Board of Architecture
(c) CHED – Commission on Higher Education
(d) CIAC – Construction Industry Arbitration Commission
(e) CPD – Continuing Professional Development
(f) DOLE – Department of Labor and Employment
(g) DTI – Department of Trade and Industry
(h) IAPOA – Integrated Accredited Professional Organization of Architects (the same as United Architects of the Philippines, Inc.)
(i) Intellectual Property Code of the Philippines – R.A. No. 8293
(j) PCAB – Philippine Contractors Accreditation Board
(k) PDCB – Philippine Domestic Construction Board
(l) PRB – Professional Regulatory Board (the same as BOA for the profession of architecture)
(m) PRC – Professional Regulation Commission
(n) PRC Modernization Act of 2000 – R.A. No. 8981
(o) SEC – Securities and Exchange Commission
(p) UAP – United Architects of the Philippines, Inc

RULE II
PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE: ORGANIZATION, POWERS AND FUNCTIONS

SECTION 4. Creation and Composition of the Professional Regulatory Board

There is hereby created a Professional Regulatory Board of Architecture, hereinafter referred to as the Board, a collegial body under the supervision and administrative control of the Professional

Regulation Commission, hereinafter referred to as the Commission, is composed of a chairman and two (2) members appointed by the President of the Philippines from a list of three (3) recommendees chosen from a list of five (5) nominees for each position submitted to the Commission by the integrated and the accredited professional organization of architects. The Board shall be organized not later than six (6) months from the effectivity of the Architecture Act of 2004.

SECTION 5. Qualifications of Members of the Professional Regulatory Board

Each Member shall, at the time of his/her appointment, possess the following qualifications:

(a) be a citizen and a resident of the Philippines;

(b) be a holder of a degree in Bachelor of Science in Architecture conferred by a school, college or university in the Philippines or abroad that is recognized and/or accredited by the Commission on Higher Education (CHED);

(c) be an architect with a valid Certificate of Registration and Professional Identification Card and active practitioner of architecture for at least ten (10) years on the date of his/her appointment;

(d) not be a member of the faculty of any school, college, university or review institution where a regular course or review course in architecture is taught, nor have pecuniary interest in such institution. No former member of the faculty of any school, institute, university or review center where architecture is taught can become a member of the Board unless he/she had officially resigned from such an institution and has completely stopped teaching, advising or reviewing activities for at least five (5) years prior to the nomination;

(e) has never been convicted of any crime involving moral turpitude; and

(f) not be an elective officer of the Integrated and Accredited Professional Organization of Architects and other Professional Organization of Architects.

SECTION 6. Term of Office

The members of the Board shall hold office for a term of three (3) years after appointment or until their successors shall have been appointed and duly qualified. Any vacancy occurring within the term of a member shall be filled for the unexpired portion of the term only. Each member of the Board may be reappointed for one full term of three (3) years. Of the members of the Board first appointed under R.A. No. 9266, one (1) member shall be appointed and hold office as chairman for three (3) years, one (1) member for two (2) years, and one (1) member for one (1) year. Each member of the Board shall qualify by taking the proper oath prior to the performance of their duties: Provided, That the incumbent members of the Board shall continue to serve for the remainder of their term as members of the herein created Professional Regulatory Board of Architecture until a new Board shall have been properly organized: Provided, Further that the incumbent members of the Board may be appointed as members of the First Board.

SECTION 7. Powers and Functions of the Board

The Board shall exercise the following specific powers, functions and responsibilities:

(a) Prescribe and adopt the "IRR of the Architecture Act of 2004" for carrying out the provisions of R.A. No. 9266;

(b) Supervise the registration, licensure and practice of architects;

(c) Administer oaths in connection with the administration of R.A. No. 9266;

(d) Issue, suspend, revoke, or reinstate the Certificate of Registration and the Professional Identification Card for the practice of the architecture profession;

(e) Adopt an official seal of the Board;

(f) Monitor the conditions affecting the practice of architecture and adopt such measures as may be deemed proper for the enhancement and maintenance of high professional, ethical and technical standards of the profession;

(g) Prescribe and/or adopt the Code of Ethical Conduct and Standards of Professional Practice;

(h) Hear and decide administrative cases involving violations of R.A. No. 9266, the "IRR of the Architecture Act of 2004", the Code of Ethical Conduct and Standards of Professional Practice and for this purpose, to issue subpoena ad testificandum and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith; Provided, That the decision of the Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision. The decision of the Commission may be appealed to the Court of Appeals in accordance with the procedure under the Rules of Court;

(i) Prescribe guidelines for the Continuing Professional Development (CPD) program in consultation with the integrated and accredited professional organization of architects: Provided, That the attendance to said CPD shall not be a mandatory requirement for the renewal of a professional Identification Card;

(j) Prepare, adopt, issue or amend the syllabi of the subjects for examinations in consultation with the academe, determine and prepare questions which shall be within the scope of the syllabi of the subject for examination as well as administer, correct and release the results of the licensure examinations;

(k) Approve, issue, limit or cancel temporary or special permit to practice architecture;

(l) In coordination with the CHED, ensure that all higher educational instruction and offerings of architecture

comply with the policies, standards and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities; Provided, That, for the orderly implementation of this provision, the Board and the Commission may enter into a Memorandum of Agreement with the CHED.

(m) To adopt a program for the full computerization of the licensure examination; and

(n) Discharge such other duties and functions as may be deemed necessary for the enhancement of the architecture profession and the upgrading, development and growth of the architecture education.

The policies, resolutions, rules and regulations, issued or promulgated by the Board shall be subject to review and approval of the Commission. However, the Board's decisions, resolutions or orders rendered in administrative cases shall be subject to review only if on appeal.

SECTION 8. Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services

The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examination, examination questions, answer sheets, and other records and documents pertaining to licensure examination, administrative and other investigative cases conducted by the Board shall be under the custody of the Commission. The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of R.A. No. 9266.

SECTION 9. Grounds for Suspension or Removal of Members of the Board

The President of the Philippines, upon the recommendation of the Commission, after giving the concerned member an opportunity to defend himself in a proper administrative investigation to be conducted by the Commission, may suspend or remove any member on the following grounds:

(a) Neglect of duty or incompetence;

(b) Violation or tolerance of the violation of R.A. No. 9266, or its implementing rules and regulations or the Code of Ethical Conduct and Standards of Professional Practice;

(c) Final judgment of crimes involving moral turpitude; and

(d) Manipulation or rigging of the architecture licensure examination results, disclosure of secret and confidential information in the examination questions prior to the conduct of the said examination or tampering of grades.

The Commission in the conduct of the investigation shall be guided by Sec. 7(s) of R.A. No. 8981.

SECTION 10. Compensation and Allowances of the Board

The chairman and members of the Board shall receive compensation and allowances comparable to that being received by the chairman and members of existing regulatory Boards under the Commission as provided for in the General Appropriations Act.

SECTION 11. Annual Report

The Board shall submit an annual report to the Commission after the close of each year giving a detailed account of its proceedings during the year and making such recommendations as it may deem proper.

RULE III
EXAMINATION, REGISTRATION AND LICENSURE

SECTION 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.

SECTION 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 Sec. 27, Art. IV of R.A. No. 9266 as carried out by Sec. 27, Rule IV of this "IRR of the Architecture Act of 2004";

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

(c) He/she is a holder of the 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.

The following documents shall be submitted in support of the above requirements:

(1) Certificate of Live Birth in National Statistics Office (NSO) Security Paper
(2) Marriage Contract in NSO Security Paper for married female applicants
(3) College Diploma with indication therein of date of graduation and Special Order Number unless it is not required
(4) Baccalaureate Transcript of Records with indication therein of date of graduation and Special Order Number unless it is not required
(5) Accomplished Diversified Training (DT Form 001)
(6) Accomplished Diversified Training (DT Form 002)
(7) Architect-Mentor Affidavit

(8) Photocopy of Architect-Mentor's valid Professional Identification Card, Professional Tax Receipt and IAPOA number
(9) National Bureau of Investigation (NBI) Clearance
(10) Other documents the Board may require.

Fraudulent Applications of Candidate and Mentor – The Board may refuse to renew a professional identification card, or may suspend, or revoke, any certificate of registration obtained by false swearing or any misrepresentations made in applying for registration or examination and may refuse to renew or grant registration to any applicant whose application contains such false evidence or information.

SECTION 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

Part I: History of Architecture

A. Rationale and Description

1. Analysis of architectural manifestations from the beginning of civilization to contemporary periods of development;

2. Analysis of the influences of environmental, historical, and sociocultural factors and their relevance to the development of art, buildings, structures, as well as of human settlements.

Part II: Theory of Architecture

A. Rationale and Description

1. Understanding of the theories and principles of design and architectural design process;

2. Analysis of anthropometric, proxemic, and kinesthetic requirements of space in relation to architectural design;

3. Analysis of sociocultural and technological trends which are contributory to the development of contemporary architecture.

Part III: Architectural Practice

A. Rationale and Description

1. Understanding of the role, legal rights and obligations, and responsibilities of the architect

2. Analysis and application of the various statutes, codes, and regulations affecting the practice of architecture in the Philippines

3. Understanding of the various aspects of the professional practice of architecture, including

tools and techniques related to production, construction, resource allocation, and project management, as well as the efficient conduct of client and business relations for building design and construction projects.

Part IV: Theory and Principles of Planning

A. Rationale and Description

1. Analysis of the concepts and techniques in the general planning process, regional planning, land use planning, and human settlements planning

2. Understanding of the art and science of site planning with emphasis on ecological, socio-psychological, aesthetic, and functional basis of site planning.

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

Part I: Structural Design

A. Rationale and Description

1. Understanding of the fundamentals of mechanics, strength of materials, and theory of structures

2. General design, principles, and analysis of the structural elements of various types of construction materials and systems.

Part II: Building Materials and Methods of Construction

A. Rationale and Description

1. Understanding of the properties of building construction and finishing materials; their application and articulation; systems and methods of specifying and construction;

2. Application of the principles of design and construction methods of various types of materials used in construction.

Part III: Utilities

A. Rationale and Description

1. Understanding of the basic practices, principles, general design and installation, and/or construction of utilities required for a building or structure and its premises;

2. Analysis of utility, facility, and equipment requirements in relation to aesthetic, function, and strength of a building or structure and its premises.

(3) Urban Design and Architectural Interiors

Part I: Urban Design

A. Rationale and Description

1. Analysis of the concepts and techniques in the general planning process of the physical and systematic design on a community and urban plane on a more comprehensive manner.

2. Understanding of the art and science of urban design with emphasis on ecological, socio-psychological, aesthetic and functional basis of urban design.

Part II: Architectural Interiors

A. Rationale and Description

1. Understanding of the theories and principles of Architectural Interiors.

2. Analysis of anthropometric, proxemic, and kinesthetic requirements of space in relation to Architectural Interiors.

(4) Architectural Design and Site Planning

A. Rationale and Objectives

1. Application of logical approach to architectural interiors, urban design and site planning solutions to architectural and planning problems with emphasis on design methodology, quantitative and qualitative aspects of space, circulation, and interrelationships of space, structural and form envelopes, and building utilities and facilities.

2. Application of skills and ability to visualize architectural design problems and present solutions in appropriate graphical language.

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.

SECTION 15. Rating in the Licensure Examination

To be qualified as having passed the licensure examination for architects, a candidate must obtain a weighted general average of seventy percent (70%), with no grade lower than fifty percent (50%) in any given subject.

The Board may adopt its own internal procedures on the implementation of this provision.

SECTION 16. Report of Ratings

The Board shall submit to the Commission the ratings obtained by each candidate within thirty (30) calendar days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his/her given address using the mailing envelope submitted during the examination: Provided, That, the report of rating may be distributed to the successful examinees during their mass oathtaking as new registered and licensed architects.

SECTION 17. Oath

All successful candidates in the examination shall be required to take an oath of profession before any member of the Board, any government official authorized by the Commission pursuant to Sec. 7(k) of R.A. No. 8981 or any person authorized by law to administer oaths, prior to entering upon the practice of the profession.

SECTION 18. Issuance of Certificates of Registration and Professional Identification Card

A certificate of Registration and Professional Identification Card shall be issued to examinees who pass the licensure examination subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the chairperson of the Commission and the chairman and members of the Board, stamped with the official seal of the Board and the Commission, indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with R.A. No. 9266.

A Professional Identification Card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee of annual registration for three (3) years; Provided, That, the reissuance or renewal of the said card shall be subject to payment of the annual registration fees for another and every after three (3) years.

SECTION 19. Roster of Architects

A roster showing the names and place of business including other personal material and relevant data 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.

SECTION 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 registrants 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 R.A. No. 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.

(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 R.A. No. 9266 together with his/her professional identification card number and the date of its expiration.

The Board shall prescribe the design, size, and contents of the dry seal to be used in signing and sealing of architectural plans, drawings, specifications, contract documents and architectural permit prepared by or under his/her direct supervision.

SECTION 21. Indication of Certificate of Registration/ Professional Identification Card and Professional Tax Receipt

The architect shall be required to indicate the number of his/her Certificate of Registration and Professional Identification Card (PIC) with its date of issuance and the duration of validity, including the professional tax receipt number which the City/Municipal Treasurer shall issue to the registered architect upon presentation of his/her current PIC, on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

SECTION 22. Refusal to Issue Certificate of Registration and Professional Identification Card

The Board shall not register and issue a Certificate of Registration and Professional Identification Card to any person who has falsely sworn or misrepresented himself/herself in his/her application for examination or to any person convicted by a court of competent jurisdiction of a criminal offense involving moral turpitude or guilty of immoral and dishonorable conduct or to any person of unsound mind. In the event of refusal to issue certificate for any reason, the Board shall give the applicant a written statement setting forth the reasons for such action, which statement shall be incorporated in the record of the Board: Provided, however, That registration shall not be refused and a name shall not be removed from the roster of architects on conviction for a political offense or for an offense which should not, in the opinion of the Board, either from the nature of the offense or from the circumstances of the case, disqualify a person from practicing under R.A. No. 9266.

The Board in the written statement shall state the period for the deferment of the registration if the offense or act committed does not call for indefinite period and/or perpetual deprivation of the chance to register.

SECTION 23. Suspension and Revocation of Certificates of Registration, Professional Identification Card or the Special/Temporary Permit

The Board shall have the power, upon notice and hearing, to suspend or revoke the validity of a Certificate of Registration/Professional Identification Card, or shall cancel a special permit granted under R.A. No. 9266 to an architect, on any ground mentioned under Section 22 hereof for the use of or perpetuation of any fraud or deceit in obtaining a Certificate of Registration and Professional Identification Card or special/temporary permit; for gross negligence or incompetence; for unprofessional or dishonorable conduct; or for any cause specified hereunder; Provided, however, That such action of the Board shall be subject to appeal to the Commission whose decision shall be final if he/she:

(a) has signed and affixed or permitted to be signed or affixed his name or seal on architectural plans and designs, specifications, drawings, technical reports, valuation, estimates, or other similar documents or work not prepared by him/her or not executed under his/her immediate supervision; or

(b) has paid money except the regular fees provided for to secure a Certificate of Registration; or

(c) has falsely impersonated a practitioner, or former practitioner of alike or different name or has practiced under an assumed, fictitious or corporate name other than that of the registered; or

(d) has aided or abetted in the practice of architecture any person not duly authorized to practice architecture in the Philippines; or

(e) has openly solicited projects by actually undertaking architectural services without a valid service agreement guaranteeing compensation of services to be rendered and/or has actually allowed himself/herself to be exploited by undertaking architectural services without a valid service agreement, both acts being prejudicial to other architects registered and licensed under R.A. No. 9266 and inimical to the interests of the profession; or

(f) has violated any provision of R.A. No. 9266, its implementing rules and regulations, the Code of Ethical Conduct and Standards of Professional Practice.

The Board shall periodically examine the grounds for the revocation of the Certificate of Registration and Professional Identification Card and update these as necessary under the implementing rules and regulations.

Any person, firm or association, may prepare charges in accordance with the provisions of this section against any registrant, or the Board may motu proprio investigate and/or take cognizance of acts and practices constituting sufficient cause for suspension or revocation of the Certificate of Registration by proper resolution or order. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

The rules on administrative investigation issued by the Commission shall govern the hearing or investigation of the case,

subject to applicable provisions of R.A. No. 9266, R.A. No. 8981, and the Rules of Court.

SECTION 24. Re-issuance or Replacement of Revoked or Lost Certificates of Registration, Professional Identification Card or Special and Temporary Permit

The Board may, after the expiration of two (2) years from the date of revocation of a Certificate of Registration, Professional Identification Card or special/temporary permit, and upon application and for reasons deemed proper and sufficient, reinstate the validity of a revoked Certificate of Registration and in so doing may, in its discretion, exempt the applicant from taking another examination.

The Board shall issue a Resolution, subject to approval by the Commission, in granting a petition for reinstatement to the practice of architecture.

RULE IV
PRACTICE OF ARCHITECTURE
(SUNDRY PROVISIONS)

SECTION 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 R.A. No. 9266.

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 R.A. No. 9266, 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 and shall, therefore, be criminally liable under R.A. No. 9266 and this "IRR of the Architecture Act of 2004".

SECTION 26. Vested Rights. Architects Registered When This Law is Passed

All architects registered at the time this law takes effect shall automatically be registered under the provisions hereof, subject, however, to the provisions herein set forth as to future requirements.

Certificates of Registration and Professional Identification Cards held by such persons in good standing shall have the same force and effect as though issued after the passage of R.A. No. 9266.

SECTION 27. Reciprocity Requirements

A person who is not a citizen of the Philippines at the time he/she applies to take the examination shall not be allowed to take the licensure examination unless he/she can prove, in the manner provided by the Rules of Court that, by specific provision of law, the country

of which he/she is a citizen, subject or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after passing an examination on terms of strict and absolute equality with citizens, subjects or nationals of the country concerned, including the unconditional recognition of prerequisite degrees/diplomas issued by the institutions of learning duly recognized for the purpose by the Government of the Philippines.

A foreign citizen, whether he studied in the Philippines or not, who desires to take the licensure examination for Architects through reciprocity shall initiate the establishment of reciprocity between his country/state and the Philippines by presenting/submitting a letter or any document signed and under official seal by the appropriate official of his country/state requesting the Chairman of the Board Architecture to allow the foreign applicant to take the licensure examination of the Board that by express provision of the law of his country/state, Filipino citizens shall be allowed to take the licensure examination for Architects and to register as Architect in his country/state on terms of strict and absolute equality with the citizens or subjects of said country or state including the unconditional recognition of prerequisite degrees issued by institutions of higher learning duly recognized or established by the Government of the Republic of the Philippines attaching/appending thereto an authentic or authenticated official copy of said law officially translated in the English language.

If the letter/document and the copy of the law submitted by the applicant is satisfactorily to the Board, the foreign applicant shall be allowed to take the licensure examination for Architects by requiring him to file an application to take the licensure examination and by submitting the following documents that shall accompany the application:

a. The original or certified copy of any official document issued by the Bureau of Immigration and Deportation allowing the applicant to enter and reside the Philippines;

b. Present his passport for examination and for photocopying of pertinent information about the applicant;

c. Original or authenticated copy of transcript of records or equivalent document of the course for licensure examination issued by the institution of higher learning where he studied, duly authorized or accredited by his country/state; and

d. Other documents which may be required to be submitted by the Board.

SECTION 28. Continuing Professional Development (CPD)

To promote public interest and to safeguard life, health and property, all practicing architects shall maintain a program of continuing professional development. The integrated and accredited professional organization shall have the responsibility of developing a continuing professional development program for architects. Other entities or organizations may become CPD providers upon accreditation by the Board.

A program of Continuing Professional Development (CPD) shall be maintained through an overall CPD program for architects developed by the United Architects of the Philippines, Inc. Such a program shall be

formulated by the Continuing Professional Education (CPE) Council for Architects based on the existing guidelines of the Professional Regulation Commission with levels of compliance and proficiency evaluation as a rating factor. Accreditation of CPD/CPE providers by the Board of Architecture shall be based on the said guidelines.

SECTION 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 R.A. No. 9266, 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 R.A. No. 9266, 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.

Government employees and employees of private firms or persons/entities who are not registered and licensed architects shall not perform architectural works in the performance of their official function without the direct supervision of a licensed architect. Such activity shall constitute unauthorized practice of architecture which shall be penalized in accordance with Section 29 of R.A. No. 9266.

Any public official who shall order or cause a non-architect to perform activities which constitute practice of architecture shall be administratively liable and shall be guilty of misdemeanor and shall upon conviction be sentenced in accordance with Section 30 of R.A. No. 9266.

Penalties for Violations of Section 7 – sub-paragraph (L) by Heads of Government Agencies or Officers of Private Entities/Institutions as per R.A. No. 8981.

Any head of a government agency or officer(s) of a private firm/institution who violates Section 7 – sub-paragraph (L) of R.A. No. 8981 shall be punished by imprisonment of not less than six (6) months and one (1) day to not more than six (6) years, or a fine of not less than Fifty Thousand Pesos (P50,000.00) to not more than Five Hundred Thousand Pesos (P500,000.00) or both at the discretion of the court.

SECTION 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 R.A. No. 9266 to undertake/perform any service under the general practice of architecture as defined under R.A. No. 9266, 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.

SECTION 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 R.A. No. 9266 by having a representative or employee seek architectural work in their behalf, unless and until, such persons have duly qualified and duly registered/licensed, otherwise, both those represented and the representative, the employer and the employee shall be deemed guilty of violation of R.A. No. 9266. 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.

SECTION 32. Signing and Sealing of Architectural Plans, Specifications, Architectural Permit 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 shall be unlawful for any person, except 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.

The authorized signature, official seal, PTR, PRC registration number and the IAPOA membership number and Official Receipt (O.R.) number of the Architect-of-record stamped on architectural plans, specifications, architectural permit and other related contract documents signify his/her assumption of the mandated fifteen (15) year civil liability under Article 1723 of the Civil Code. The Architect-of-record should be limited to architectural documents of a project and its liability does not extend to the professional responsibility nor civil liability of the other signing (sealing) professionals Including the Architect-in-charge of construction (AICC) and the Consulting Architect (CA) unless these are under his/her direct employ. This rule shall apply to both architects in government as well as architects employed by private firms.

For architectural documents prepared by architectural firms, the Board of Architecture Registry Number and the SEC or DTI Registry Numbers should be prominently displayed on all architectural documents.

SECTION 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.

SECTION 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.

SECTION 35. Positions in Government Requiring the Services of Registered and Licensed Architects

Within three (3) years from the effectivity of R.A. No. 9266, 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.

In order to provide a safety net intended to ensure that the legislative intent shall be fully implemented, the following sub-rules are so prescribed:

1. All national and local agencies including Government Owned and Controlled Corporations (GOCC's) are prohibited to collapse existing plantilla positions for architects for the purpose of recreating the same to non-architect positions.

2. All existing plantilla positions in the national and local government whose job description includes the practice of architecture as defined under R.A. 9266, shall be automatically reclassified as Architect positions and shall be accorded the salary pertaining to the latter in accordance with salary standardization law.

3. The government architect-of-record shall collect from the concerned national or local agency including Government Owned and Controlled Corporations (GOCC's) an incentive pay to cover civil liabilities in the equivalent amount of 1.5 % of the project cost of every project provided it shall not exceed 50% of his annual salary which shall be paid upon full completion of the project. The amount intended for the architect who prepared and signed the drawings and specifications shall be included in the Program of Work.

SECTION 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.

SECTION 37. Limitation to the Registration of a Firm, Company, Partnership, Corporation or Association

The practice of architecture is a professional service, admission to which shall be determined upon the basis of individual personal qualifications. However, a firm, company, partnership, corporation or association may be registered or licensed as such for the practice of architecture under the following conditions:

a) Only Filipino citizens properly registered and licensed as architects under R.A. No. 9266 may, among themselves, or together with allied technical professionals, form and obtain registration as a firm, company, partnership, association or corporation for the practice of architecture;

b) Registered and licensed architects shall compose at least seventy-five percent (75%) of the owners, shareholders, members, incorporators, directors, executive officers, as the case may be;

c) Individual members of such firm, partnership, association or corporation shall be responsible for their individual and collective acts as an entity and as provided by law;

d) Such firm, partnership, association or corporation shall be registered with the Securities and Exchange Commission and the Board.

The Board subject to approval by the Commission shall issue a certificate of registration to such firm, company, partnership, corporation or association upon grant of registration.

SECTION 38. Coverage of Temporary/Special Permits

Foreign nationals who have gained entry in the Philippines to perform professional services as architects or consultants in foreign-funded or assisted projects of the government or employed or engaged by Filipino or foreign contractors or private firms, shall, before assuming the duties, functions and responsibilities as architects or consultants, secure a special/temporary permit from the Board subject to approval of the Commission, to practice his/her profession in connection with the project to which he/she was commissioned: Provided, That a foreign national or foreign firm, whose name or company name, with the title architect, architectural consultant, design consultant, consultant or designer appears on architectural plans, specifications and other related construction documents, for securing building permits, licenses and government authority clearances for actual building project construction in the Philippines and advertisements and billboards for marketing purposes, shall be deemed practicing architecture in the Philippines, whether the contract for professional services is consummated in the Philippines or in a foreign country. Provided, further, That the following conditions are satisfied as follows:

(a) That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within their territorial limits, on the

same basis as the subjects or citizens of such foreign state or country;

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

(c) That foreign nationals shall be required to work with a Filipino counterpart and shall also be responsible for public utilities and taxes due to the Philippine government, relative to their participation in, or professional services rendered to the project, in accordance with the established implementing rules and regulations providing for the procedure for the registration and/or issuance of temporary/special permits to foreign architects allowed by law to practice their profession in the Philippines by the Board of Architecture and the accredited professional organization; and

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

The following procedures for the registration and/or issuance of temporary/special permits to foreign architects are hereby prescribed:

1.0 A visa and work permit by appropriate government agencies shall be required.

2.0 Within thirty (30) calendar days after the commission/appointment date, the commissioning party shall be responsible to secure the Temporary/Special Permit from Board subject to approval by the PRC. DOLE upon compliance with the qualifications required and receipt of a copy of the said Temporary/Special Permit - shall issue the employment permit.

3.0 In the absence of a bilateral agreement, the foreign national shall submit documentary proof or evidence allowing Filipino architects to practice the profession in their home country without any limitation.

4.0 Technology transfer and/or specialization must be identified and substantiated consistent with his expertise.

5.0 A Filipino counterpart shall be the architect-of-record, with his duties, functions and responsibilities duly defined in a covering agreement.

6.0 Advertisements and billboards for marketing/promotion purposes shall prominently display the name of the architect-of-record. Failure to comply shall be subject to penalties in accordance with the rules promulgated by PRC.

7.0 Upon issuance of the temporary/special permit, the foreign national may become member of the United Architects of the Philippines, Inc. subject to the rules and procedures of UAP membership.

SECTION 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 R.A. No. 9266 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 R.A. No. 9266.

RULE V
FINAL PROVISIONS

SECTION 40. Integration of the Architecture Profession

The Architecture profession shall be integrated into one (1) national organization which shall be accredited by the Board, subject to the approval by the Commission, as the integrated and accredited professional organization of architects: Provided, however, That such an organization shall be registered with the Securities and Exchange Commission, as a non-profit, non-stock corporation to be governed by by-laws providing for a democratic election of its officials. An architect duly registered with the Board shall automatically become a member of the integrated and accredited professional organization of architects and shall receive the benefits and privileges provided for in R.A. 9266 upon payment of the required fees and dues. Membership in the integrated and accredited professional organization of architects shall not be a bar to membership in other associations of architects.

Pursuant to Board Resolution No. 3, Series of 2004, the United Architects of the Philippines, Inc. is the existing integrated and accredited professional organization of registered architects, duly accredited by the Board subject to approval by the Commission and registered with the Securities and Exchange Commission (SEC) as a non-profit, non-stock corporation governed by Bylaws providing for a democratic election of its officials

1.a. An architect duly registered with the PRC shall automatically become a member of the UAP and shall receive the benefits and privileges provided for and described in its by-laws upon payment of required fees and dues. The UAP shall keep an updated official registry of its bonafide members indicating membership and annual dues official receipt number.

1.b. Bona fide members of the UAP practicing the architectural profession shall be required to provide their official IAPOA membership number and receipt number together with their PRC registration number and professional tax receipt (PTR) on official documents prepared by them for purposes of obtaining governmental regulatory permits and licenses.

1.c. The functions, duties and responsibilities of the UAP as the IAPOA shall be the following:

a) Nominations to the vacancy of positions to the BOA;

b) Responsibility of preparing a program of CPD;

c) Endorsement of the practice of foreign nationals to be issued temporary/special permit;

d) Recommendation of compliance with liability insurance under a temporary/special permit;

e) Monitoring compliance and endorsing to/or filing a complaint with the Board and/or Commission for violation of the R.A. No. 9266, this IRR, Code of Ethics, Standards of Professional Practice and other policies of the Board and of the Commission and with other agencies for violation of other relevant laws, regulations and the like; and

f) Some other functions, duties and responsibility as may be prescribed by the BOA from time to time.

SECTION 41. Implementing Rules and Regulations

Within sixty (60) days after the effectivity of R.A. No. 9266, the Board, subject to the approval of the Commission and in coordination with 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 R.A. No. 9266 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.

SECTION 42. Appropriations

The Chairperson of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of R.A. No. 9266, the funding of which shall be included in the annual General Appropriations Act.

The amount necessary to carry out the initial implementation of R.A. No. 9266 shall be charged against the current year's appropriations of the Professional Regulation Commission. Thereafter, such sums as may be necessary for the continued implementation of R.A. No. 9266 shall be included in the succeeding General Appropriations Act (GAA).

SECTION 43. Act Not Affecting Other Professionals

R.A. No. 9266 shall not be construed to affect or prevent the practice of any other legally recognized profession.

SECTION 44. Enforcement of the Act

It shall be the primary duty of the Commission and the Board to effectively enforce the provisions of R.A. No. 9266 and this "IRR of the Architecture Act of 2004". 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 R.A. No. 9266 and this "IRR of the

Architecture Act of 2004", 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 R.A. No. 9266 and this "IRR of the Architecture Act of 2004".

Any person may bring before the Commission, Board or the aforementioned officers of the law, cases of illegal practice or violations of R.A. No. 9266 and this "IRR of the Architecture Act of 2004" committed by any person or party.

SECTION 45. Separability Clause

If, for any reason, any section or provision of the herein "IRR" or application of such rules and regulations or provision to any person or circumstances is declared unconstitutional or invalid, the remainder of this "IRR of the Architecture Act of 2004", or application of such provisions to other persons or circumstances, shall not be affected by such declaration.

SECTION 46. Repealing Clause

Any provisions of the rules, regulations, codes, orders, resolutions, measures, and other policies or parts thereof issued and promulgated pursuant to R.A. No. 545 (as amended by R.A. No. 1581), P.D. No. 223 (as amended), R.A. No. 8981, and other laws which are inconsistent with this "IRR of the Architecture Act of 2004" are hereby superseded, repealed or amended accordingly.

SECTION 47. Effectivity

The herein "IRR of the Architecture Act of 2004" shall be, upon approval by the Commission, be effective after fifteen (15) days following its full and complete publication in the Official Gazette or in two (2) major newspapers of general circulation.

Done in the City of Manila this 15th day of September 2004.

EUGENE G. GAN
Chairman

FERNANDO L. SANTOS
Member

MIGUEL R. CALUZA
Member

ATTESTED TO:

CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

ANTONIETA FORTUNA-IBE
Chairperson

AVELINA A. DE LA REA
Commissioner

LEONOR TRIPON-ROSERO
Commissioner

file: aaif/2005/The IRR of RA 9266

LEGEND:

PRBoA Matters

Firm Registration

Temporary/ Special Permit & Liability Insurance for Foreign Architects

CPD Providers

Legal & Illegal Practice

Signing and Sealing of Architectural Documents, Copyright & Ownership

ALE

Registration, Revocation & Reinstatement

Enforcement