

[REPUBLIC ACT NO. 9266, March 17, 2004]

**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 specification 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 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 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 building or group of a 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;
 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 this Act;
 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; and
 14. "SEC" shall mean the Securities and Exchange Commission.

ARTICLE II

PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE

SEC. 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 to be 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 this Act.

SEC. 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; and
- e. Has never been convicted of any crime involving moral turpitude.

SEC. 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 this Act, 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.

SEC. 7. *Powers and Functions of the Board.* — The Board shall exercise the following specific powers, functions and responsibilities:

- a. Prescribe and adopt the rules and regulations necessary for carrying out the provisions of this Act;
- b. Supervise the registration, licensure and practice of architects;
- c. administer oaths in connection with the administration of this Act;
- d. Issue, suspend, revoke, or reinstate the Certificate of Registration and the Professional 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 this Act, its implementing rules and regulations, 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. Prescribed 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 license;
- j. Prepare, adopt, issue or amend the syllabi of the subjects for examinations by determining and preparing 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;
- 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, resolution, rules and regulations, issued or promulgated by the Board shall be subject to review and approval of the Commission. However, the Board's decision, resolutions or orders rendered in administrative cases shall be subject to review only if on appeal.