

**[ PRC BOARD OF ARCHITECTURE BOARD  
RESOLUTION NO. 03, S. OF 2008, January 28,  
2008 ]**

**GUIDELINES IMPLEMENTING SEC. 38, ART. IV OF R.A. NO. 9266,  
KNOWN AS "THE ARCHITECTURE ACT OF 2004", AND SEC. 38,  
RULE IV OF BOARD RES. NO. 07, SERIES OF 2004, CITED AS THE  
"IRR OF THE ARCHITECTURE ACT OF 2004", THE COVERAGE OF  
TEMPORARY/SPECIAL PERMITS FOR ISSUANCE TO FOREIGN  
ARCHITECTS AND FOR OTHER PURPOSES**

WHEREAS, *Sec. 38, Art. IV of R.A. No. 9266*, known as "The Architecture Act of 2004", and *Sec. 38, Rule IV of Board Res. No. 07, series of 2004*, cited as the "IRR of the Architecture Act of 2004", provide that foreign national, who intends to perform architectural services in the Philippines shall secure a special/temporary permit from the Professional Regulatory Board of Architecture (the "Board"), subject to approval by the Professional Regulation Commission (the "Commission") upon compliance with all legal and procedural guidelines;

WHEREAS, the issuance of *Temporary/Special Permits* for foreign architects to engage in the practice of the architectural profession as defined under *Sections 3.3 and 3.4, Article I of R.A. No. 9266*, shall enable the Board to nurture high professional, ethical, and technical standards of the profession required under such law through interaction, their architectural specialization, and technology transfers;

WHEREAS, there is clear, urgent, important need to protect the public against fraud, deception, or ignorance, negligence, and incompetence in the practice of the architectural profession, or the illegal practice of architecture by foreign architects and other entities, which may include other professionals/non-professionals registered and licensed in other countries or states that may not have reciprocity in the said practice with the Philippines;

WHEREAS, the attainment of the foregoing objectives will enjoin the Board and the Commission in collaboration with the Department of Labor and Employment (DOLE) and the Bureau of Immigration and Deportation and other agencies to issue and promulgate guidelines for the effective implementation of the laws and rules and regulations aforementioned through identification and imposition of the corresponding sanctions and penalties on firms, agencies, organizations or individuals that employ foreign architects engaged in the practice of the architectural profession who violate R.A. No. 9266 and Sec. 7, (j) and (l) and Sec. 16 of R.A. No. 8981 and the rules and regulations thereof and the Codes of Ethics and Technical Standards for architects; and

WHEREAS, in the formulation of these guidelines, the Board consulted with the IAPOA, other associations of architects (provided for under *Section 40, Article V of R.A. No. 9266*) and representatives of legitimate firms, agencies, organizations or

individuals who employ foreign architects to engage in the practice of the architectural profession;

NOW, THEREFORE, the Board RESOLVES, as it is hereby RESOLVED, to require all foreign architects from countries/states with architectural practice reciprocity with the Philippines who intend to practice the architectural profession in the Philippines under Philippine projects, to file an application for and to secure a *Temporary/Special Permit* from the Board and the Commission, in accordance with *Sec. 38, Art. IV of R.A. No. 9266* and *Sec. 38, Rule IV of Board Res. No. 07, series of 2004*.

FURTHER, RESOLVED, for the implementation of the afore-stated provisions of law and IRR, to promulgate the following Guidelines, providing for the procedure on the issuance of Temporary/Special Permits to foreign architects for the practice of architecture in the Philippines under the derivative laws and rules and regulations:

### **GUIDELINE I. DEFINITION OF TERMS**

*SECTION 1. Terms used* - When used in this Guidelines, the following terms, consistent with Section 3, Article I of R.A. No. 9266 and Section 3, Rule I of Board Res. No. 07, Series of 2004 shall have the meaning as indicated:

1) "*Architect*" means a person professionally and academically qualified, registered and licensed under R.A. No. 9266 with a Certificate of Registration and Professional Identification (ID) Card issued by the Professional Regulatory Board of Architecture (the "Board") and the Professional Regulation Commission (the "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 (Aor)*" 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 (Aicc)*" 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;

2) "*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 organizations performing them;

3) "*Scope of the Practice of Architecture*" encompasses the provision of professional services in connection with the site and physical 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;

4) "*Board*" refers to the Professional Regulatory Board of Architecture;

5) "*Commission*" means the Professional Regulation Commission;

6) "*Integrated and Accredited Professional Organization of Architects (IAPOA)*" 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;

7) "*DFA*" shall mean the Department of Foreign Affairs;

8) "*DOLE*" shall mean the Department of Labor and Employment;

9) "*GPPB*" means the Government Procurement Policy Board that implements RA 9184 (The Government Procurement Reform Act of 2003);

10) "*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;

11) "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;

12) "*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 lay-out of equipment, furnishings, furniture and the like, specifications call outs, 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;

13) "*Building*" means a structure for the purpose and function of habitation and other uses;

14) "*Special/Temporary Permit*" refers to a permit issued by the Commission through the Board, to foreign architect from a country with reciprocal relations with the Philippines insofar as the practice of architecture is concerned, signifying that the individual concerned has successfully passed scrutiny by the Board and is subsequently allowed by the Commission to practice his/her profession as Architect in the Philippines for a limited period of time; the Special/Temporary Permit can only be issued to an individual foreign architect (a natural person) and not to foreign architectural firms (juridical persons) and is issued solely for the practice of architecture or of any of its recognized branches; the document does not permit the holder to engage in any other profession regulated by the Commission, in non-regulated professions or in businesses of any kind; the *Temporary/ Special Permit* cannot be issued to a foreign architect from a country with which the Philippines has no reciprocal architectural practice arrangements; the *Special/Temporary Permit* is issued only for one (1) project