

BOARD OF ARCHITECTURE
Board Resolution No.
Series of 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 afore-mentioned 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 organization 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 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;
- 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 and does not allow the foreign architect to engage in work for another project not covered by the permit;
 - 15) “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; this document is applicable to foreign architects who are holders of special/ temporary permits to practice architecture in the Philippines;
 - 16) “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;
 - 17) “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
 - 18) “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; the term is legally applicable to architects from countries with which the Philippines has valid reciprocal architectural practice arrangements;
 - 19) “Filipino Counterpart” the local Philippine architect (individual or natural person) or architectural firm, company, partnership corporation or association (juridical persons) that must work in association with a foreign architect (individual or natural person), partnership or corporation, on a project on Philippine soil;
 - 20) “Planning” refers to physical planning at site, community or urban level by an Architect;
 - 21) “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;
- 22) “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;
 - 23) “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;
 - 24) “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; this document is applicable to foreign architects who are holders of special/ temporary permits to practice architecture in the Philippines;
 - 25) “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;
 - 26) “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;
 - 27) “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;
 - 28) “Individual architectural practice” refers to the practice of architecture by a natural person duly registered and licensed by his/ her country of origin/ birth;
 - 29) “Group architectural practice” refers to the practice of architecture by a duly-registered juridical person i.e. an architectural firm, company, partnership, corporation or association consisting of two (2) or more natural persons duly registered and licensed individually (as natural persons) to practice the profession of architecture by his/ her country of origin/ birth;
 - 30) “Firm” shall refer to a private sector juridical entity such as a duly registered sole proprietorship, company, partnership, corporation or association and the like, which engages or employs foreign architects for their project/s; such entities may include registered architectural firms, other professional firms, construction, real estate development, and related types of firms;
 - 31) “Agency” shall refer to any office, authority, instrumentality or any public sector juridical entity and the like of the Philippine national and local governments, inclusive of government-owned and controlled corporations (GOCCs) and the like, which engage or employ foreign architects for their project/s;
 - 32) “Organization” shall refer to other private or public sector juridical entities not defined herein as Agency or Firm which may include institutions, such as schools, hospitals, research facilities, private non-governmental organizations (NGOs) and the like, which engage or employ foreign architects for their project/s; and
 - 33) “Individual” refers to a natural person who engages or employs foreign architects for his/her project/s.

GUIDELINE II. TEMPORARY/ SPECIAL PERMITS

SECTION 2. *Coverage of Temporary/ Special Permits.* – In full accordance with *Sec. 38, Art. IV of R.A. No. 9266*, 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:

- 1) 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;
- 2) 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;
- 3) 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 and the IAPOA; and
- 4) Firms, 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.

SECTION 3. *Period of Application for the Temporary/ Special Permit.* – Within one (1) month from the effective date of this Guidelines, all firms, agencies, organizations or individuals, whether public or private, who secure the services of a foreign architect who shall be engaged in the practice of the architectural profession, shall register with the Board and the Commission in the manner provided for herein. Such agencies, organizations or individuals, whether public or private and the foreign architect/s concerned shall neither commence nor continue to engage in the practice of the architectural profession until a valid *Temporary/ Special Permit* shall have been issued by the Board and the Commission in full accord with this Guidelines.

SECTION 4. *Application for Temporary/ Special Permit.* – The application for temporary/ special permit shall be accomplished in the form prescribed by the Board, in triplicate, and duly signed by the duly authorized representative/s of the applicant firms, agencies, organizations or individuals, whether public or private, in satisfaction of *Sec. 38, Art. IV of R.A. No. 9266*. The application form, hereto attached as Annex “A”, shall contain such information as may be required by the Board including, but not limited to, the following data:

- 1) the full name and nickname of the foreign architect for which the temporary/special permit is sought and who shall engage in the general practice of architecture or in undertaking any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266*; photocopies of the foreign architect's passport shall accompany the application;
- 2) the full name/s of the sole practitioner, partners, incorporators/directors/executive officers and the like who are registered/ licensed architects and who shall act as the Filipino counterpart architect, together with copies of their respective *Certificates of Registration*, current *Professional Identification ("ID") Cards* issued by the Commission and their *Professional Tax Receipts ("PTR")*; the full names of the said architects must match the names appearing in the *Certificates of Registration* and the *Professional Identification Cards*;
- 3) in case the Filipino counterpart is an architectural firm, submit the Certificate of Registration from the SEC in the case of companies, partnerships, corporations and associations and from the DTI in the case of sole proprietorships;
- 4) Complete and current/updated postal address/es, telephone/ telefax numbers, e-mail address/es, and website/s (if any) of the principal office, branch/es or sub-offices as applicable of the following entities:
 - a) agencies, organizations or individuals, whether public or private, who secure the services of a foreign architect;
 - b) the foreign architect; and
 - c) the local counterpart architect;
- 5) Statement as to the exact nature of the work of the foreign architect and the complete and current/updated postal address/es, telephone/ telefax numbers, e-mail address/es, of the office/s or premises where he/ she will be working and could be contacted by the Board or Commission if needed;
- 6) The names of the Directors and Executive Officers appearing in the *Articles of Incorporation* on file with the SEC and in the *General Information Sheet (GIS)* submitted annually to the SEC of the agencies, organizations or individuals, whether public or private, who secure the services of a foreign architect;
- 7) *Taxpayer Identification Number (TIN)* of the applicant firms, agencies, organizations or individuals, whether public or private, who secure the services of a foreign architect; and
- 8) Current Business Permit of the applicant firms, agencies, organizations or individuals, whether public or private, who secure the services of a foreign architect.

SECTION 5. *Renewal of Temporary/Special Permit.* – The temporary/special permit issued to a foreign architect shall be renewed by the applicant firms, agencies, organizations or individuals before its expiry date. Renewals of the *Temporary/Special Permit* must indicate changes in work scope that shall take place (or as applicable).

SECTION 6. *Action on Application for Temporary/Special Permit.* – The Board shall duly authenticate all applications for *temporary/special permit* received in the proper and complete form and, after having passed upon such applications shall, not later than twenty one (21) days after the application is filed, recommend approval or denial of the application, to the Commission.

SECTION 7. *Issuance of the Temporary/Special Permit.* – The Board subject to approval by the Commission shall issue to the applicant agencies, organizations or individuals the corresponding *Temporary/ Special Permit*, allowing the concerned foreign architect to legally engage in the general practice of architecture or to legally undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266* during the permitted period only. Unless sooner revoked, cancelled or withdrawn, said *Temporary/Special Permit* shall be valid for the period stated; and shall be renewed before expiry, upon full payment of the prescribed fees in full accord with this Guidelines.

SECTION 8. *Use of the Temporary/Special Permit.* - The *Temporary/Special Permit* number and the name of the foreign architect concerned shall be displayed in a prominent place on architectural documents, with the pertinent information as to his/ her role in the preparation of the architectural document/s.

SECTION 9. *Roster of Foreign Architects Issued Temporary/Special Permits.* – An official roster listing the names of the foreign architects holding *temporary/special permits* and their expiry dates, shall be kept current/ updated by the Board and the Secretary of the Commission. Copies of such a roster shall be made freely available to all concerned agencies involved in the review and approval of architectural documents and shall be made available to the public upon request and payment of the prescribed fee.

SECTION 10. *Services that can and cannot be Undertaken by Foreign Architects Holding Temporary/Special Permits.* – A foreign architect holding a *temporary/special permit* can gainfully and legally engage in the general practice of architecture and legally undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A.No. 9266*; among such services are the preparation of plans/ designs relating to architectural, site planning, physical planning, urban design and the like as well as assistance, coordination or supervision in the preparation of architectural plans and architectural documents for buildings and the like. While a foreign architect holding a *temporary/special permit* can act as a Consulting Architect or as an Architect in charge of construction (Aicc), he/ she cannot act as the Architect-of-record (Aor), as this position is reserved solely for the Filipino counterpart, who shall assume the full professional responsibility and the attendant civil liability for the architectural work, including the signing and sealing of architectural documents. A foreign architect holding a *temporary/special permit* can only engage in group architectural practice in the Philippines wherein he/ she shall be mandated to work closely with his/ her designated Filipino counterpart (individual or architectural firm). A foreign architect holding a *temporary/special permit* and who engages in individual architectural practice, without a legal Filipino counterpart-architect shall be deemed to be practicing in willful violation of R.A. No. 9266 and may be charged accordingly, without prejudice to other state actions.

SECTION 11. *Temporary/Special Permit Issued to Foreign Architects Only for One (1) Project.* – A *Temporary/Special Permit* is issued to a foreign architect for one (1) project alone. Should the applicant firm, agency, organization or individual desire to engage the same or other foreign architect for another project, a separate application shall be filed with the Board and separate permit fees shall also be paid.

SECTION 12. *Only Individual Foreign Architects to Hold Temporary/Special Permits.* – Only individual foreign architects (natural persons only) shall be issued and allowed to hold a *temporary/special permit*. The privilege is not to be granted to foreign architectural firms or entities that are in group architectural practice.

SECTION 13. *Applicability of Philippine Laws to the Practice of Architecture by Foreign Architects Holding Temporary/Special Permits.* – Philippine laws, especially R.A.No. 9266, its implementing rules and regulations (IRR) and its derivative regulations, not limited to the Code of Ethical Conduct and the Standards of Professional Practice, and R.A. No. 8981 and its IRR and derivative policies all apply to the local practice of the foreign architect holding a *temporary/special permit*. It shall be incumbent upon the Filipino counterpart-architect to thoroughly educate/ instruct/ advise the foreign architect as to the coverage and applicability of Philippine laws, particularly those that apply to the planning and design of buildings and their environs and those that apply to architectural practice.

GUIDELINE III. VOLUNTARY RETURN OF THE TEMPORARY/ SPECIAL PERMIT

SECTION 14. *Voluntary Return of Temporary/Special Permit.* – Foreign architects duly issued *temporary/special permits* by the Board and the Commission to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266* in the Philippines for a limited period of time, may voluntarily return their *temporary/special permits* by filing with the Board a notice in writing stating the reason/s therefor. The notice shall be duly authenticated and signed by the duly authorized representative of the applicant firms, agencies, organizations or individuals and/or by the foreign architect himself/herself. Upon approval/ acceptance of the returned *temporary/special permit*, the foreign architect's name shall be removed from the roster of foreign architects duly issued *temporary/special permits*, and both the applicant agency, organization or individual and the foreign architect shall be notified in writing thereon. A filed notice for the return of a *temporary/special permit* may not be withdrawn once it is under review by the Board.

SECTION 15. *Who May File the Notice of Voluntary Return of Temporary/Special Permit and Conditions for Filing.* – The applicant agencies, organizations or individuals or the foreign architect duly issued *temporary/special permits* may jointly or separately file the notice. In case only the applicant agencies, organizations or individuals shall file the notice, the foreign architect should first be properly notified of the fact by the applicant firms, agencies, organizations or individuals before the notice can be filed with the Board. A duly notarized certification that the foreign architect has already been properly notified shall first be executed by a duly authorized representative of the applicant agencies, organizations, or individuals.

SECTION 16. *Filing for the Suspension or Revocation of the Permit.* – Any natural or juridical person, including foreign entities, may file a complaint with the Board for the suspension or cancellation of *temporary/special permits* issued to foreign architects, particularly if the complaint involves the filing with the Board of fraudulent information as part of the application for *temporary/special permits* or if it involves the willful violation of R.A. No. 9266, its implementing rules and regulations including this Resolution and its derivative regulations.

SECTION 17. *Filing for Reinstatement.* – Any applicant agency, organization, or individual and/or foreign architect, who has filed a notice for the voluntarily return of *temporary/ special permits* with the Board which has been acted upon by the Board and the Commission, may file an application anew in full accord with this Guidelines.

SECTION 18. *Conflict Resolution between the Applicant Agency, Organization or Individual and the Foreign Architect Holding the Temporary/Special Permit as Applicable to the Filing of the Notice of Return* – In case of conflict between the applicant firm, agency, organization or individual and the foreign architect on the matter of voluntary return of the *temporary/special permit* or of the need to cancel or reinstate the same, the Board shall schedule one (1) hearing, attended by one (1) Board member before issuing its decision. The Board's decision may be appealed with the Commission.

SECTION 19. *Cessation to Practice as a Foreign Architect Holding a Temporary/ Special Permit.* – Upon receipt from the Board of the written notice of its acceptance of the return of the *temporary/special permit*, the foreign architect shall immediately cease to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266*.

SECTION 20. *Publication of the Roster of Returned Temporary/Special Permits.* – The Board, *motu proprio*, may publish the roster of foreign architects with returned temporary/ special permits, and shall freely furnish copies of the roster to pertinent government regulatory agencies.

**GUIDELINE IV. EXISTING OR OPERATING FIRMS OR ENTITIES
THAT FAIL OR REFUSE TO APPLY FOR TEMPORARY/ SPECIAL
PERMITS FOR THEIR FOREIGN ARCHITECT/S**

SECTION 21. *Notice of Violation and Cessation of a Foreign Architect from the Practice of the Architectural Profession.* – Upon receipt from the Board of a written Notice of Violation that a foreign architect under its employ is not a holder of a *temporary/ special permit*, the recipient firm, agency, organization or individual must immediately take steps to file an application for the issuance of a *temporary/ special permit* with the Board and likewise take immediate steps to cause the foreign architect to cease to engage in the general practice of architecture or to undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266*. Failing thus, the recipient of the Board Notice of Violation may be charged accordingly by the state for violation of multiple provisions of R.A. No. 9266, particularly for the act of engaging in the illegal practice of architecture, in a manner prescribed under law.

SECTION 22. *Publication of Roster of Foreign Architects Who Do Not Hold Temporary/ Special Permits.* – The Board, *motu proprio*, may publish the roster of foreign architects who do not hold *temporary/ special permits* and who cannot legally engage in the general practice of architecture nor legally undertake any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266*, and shall freely furnish copies of such a roster to pertinent government regulatory agencies such as the HLURB and the GPPB or to line agencies such as the DPWH, DILG, DFA, DE and the like. Foreign architect from countries/states with which the Philippines has no reciprocity in architectural practice shall automatically become part of such a roster.

SECTION 23. *Coordination with the National and Local Governments on the Matter of Non-Complying Firms, Agencies, Organizations, Individuals or Foreign Architects.* – The Board shall make the necessary representations with the national and local governments for the necessary action/s to ensure full compliance with *Section 38, Article IV of R.A. No. 9266 and Section 38, Rule IV of Board Res. No. 07, series of 2004* by non-complying entities that continue to employ foreign architects who are not holders of *temporary/ special permits* to practice architecture. This may include Board's request to suspend or revoke the SEC, or DTI registrations, or HLURB licenses to sell, or business permits of such firms or entities.

GUIDELINE V. FEES AND PENALTIES

SECTION 24. *Permit Fee.* – The application for the issuance of a *temporary/special permit*, or its renewal or request for re-issuance, shall be accompanied by a fee of one hundred US dollars only (USD100.00) to be collected and charge by the Commission, or the fee that the Commission charges and collects as approved by the Office of the President.

SECTION 25. *Suspension or Cancellation of the Temporary/Special Permits.* – After due notice and hearing, the Board shall have the power to suspend, or cancel the *Temporary/ Special Permit* of the concerned foreign architect for cause, in full accord with this Guidelines.

SECTION 26. *Specific Violations of This Resolution/ This Guidelines.* – Among the specific violations of this Resolution/this Guidelines are:

- 1) engaging in the practice of architecture in the Philippines without a *Special/ Temporary Permit* or without having conformed to the provisions of R.A. No. 9266;
- 2) presenting or attempting to use as his/ her own the *Special/Temporary Permit* of another foreign architect;
- 3) giving any false or forged evidence of any kind to the Board and the Commission;

- 4) attempting to use a revoked or suspended *Special/Temporary Permit*;
- 5) using or advertising any title or description tending to convey the impression that the foreign architect is legally engaged in the general practice of architecture or legally capable of undertaking any part of the scope of architectural practice as defined under *Section 3.3 and 3.4, Article I of R.A. No. 9266*, without holding a valid *Special/Temporary Permit*;
- 6) employing foreign architects from countries with which the Philippines has no reciprocal architectural practice arrangements; and
- 7) violating any of the provisions of R.A. Nos. 9266 and 8981 and their implementing rules and regulations and of this Guidelines.

SECTION 27. *Penal Provisions.* – Consistent with *Section 29, Article IV of R.A. No. 9266*, any person (natural or juridical) who shall violate any of the provisions of R.A. No. 9266 (specifically *Section 36*), its implementing rules and regulations (particularly under this Resolution), 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/or the Board, or by any person 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. Violation of Section 7 (k) and (l) of R.A. No. 8981 shall be punishable under Sec. 16 of the said law.

GUIDELINE VI. SEPARABILITY CLAUSE, REPEALING CLAUSE, AND EFFECTIVITY

SECTION 28. *Separability Clause.* – If any provisions or portions of this set of guidelines are declared not constitutional or not valid, the remainder thereof shall not be affected by such declaration.

SECTION 29. *Repealing Clause.* – Any provisions of the rules and regulations, codes, orders, resolutions or measures, policies or parts thereof issued by the Board and/or the Commission pursuant to R.A. No. 9266 and the IRR thereof, R.A. No. 8981 and the IRR thereof which are inconsistent with this Board Resolution, or Guidelines, are hereby superseded, repealed, or amended accordingly.

SECTION 30. *Effectivity.* – This Guidelines shall take effect after fifteen (15) days following the complete and full publication thereof in the Official Gazette or any newspaper of general circulation in the Philippines.

Done in the City of Manila, this th day of , 2008.

ARMANDO N. ALLI

Chairman

ANGELINE T. CHUA CHIACO

Member

MARIETTA B. SEGOVIA

Member

ATTESTED:

CARLOS G. ALMELOR

Secretary

Professional Regulatory Boards

Approved as part of the Rules and Regulations governing the practice of Architecture, this th day of , 2008, in the City of Manila.

LEONOR TRIPON-ROSE

Chairperson

RUTH RAÑA PADILLA

Commissioner

O-COM/PRB-ARC/D-SRB
ANA/CGA/mst

NILO L. ROSAS

Commissioner

Form No. 02

ANNEX "A"

No.

October 2007

Date:

**PROFESSIONAL REGULATION COMMISSION
PROFESSIONAL REGULATORY BOARD OF ARCHITECTURE**

**REVISED APPLICATION FORM FOR THE ISSUANCE OF A TEMPORARY/SPECIAL PERMIT
(TSP) FOR A FOREIGN ARCHITECT (FA) TO PRACTICE ARCHITECTURE IN THE
PHILIPPINES**

A. INFORMATION CONCERNING THE APPLICANT FIRM/S AGENCY, ORGANIZATION OR INDIVIDUAL (to be filled up by the Philippine-Registered Firm or Individual hiring the Foreign Architect)

1. Name of Firm, Agency, Organization or Individual:

1.a Full Name

1.b Abbreviated or Commonly Known Name

2. Category:

2.a Firm/s

- () Sole Proprietorship
() Partnership/Company
() Corporation
() Association

Abbreviated or Commonly Known Name of the Associated Firms:

() Joint Venture

Abbreviated of Commonly Known Name of the Joint Venture Firms:

() Others

2.b Organization (Non-government Entity)2.c Agency (Government Entity)2.d Individual

3. Full Name of Partners/ Directors/Trustees	Citizenship	Professional License No.	Issuing Authority	Position in Firm/ Agency/Organization
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4. Certificate of Registration

4.a DTI Registration No. _____ Date _____
(Sole Proprietorship)

4.b SEC Registration No. _____ Date _____
(Partnership, Corporation, Foundation & Joint Venture)

5. Business Permit No. and Date _____

6. Taxpayer Identification Number (TIN) _____

7. Complete and Current Address of the Principal Office _____

8. Tel: _____ Fax: _____ E-mail: _____

9. Name/Address of Branch(es) Sub-Office(s), if any

10. Project where Foreign Architect shall be involved:

10.a Name of project: _____

10.b Location of project: _____

10.c Location of Office where Foreign Architect shall work: _____

10.d Tel. No. of Office _____

11. Statement as to the exact nature of work of the Foreign Architect

12. Period of Requested Local Architectural Practice for the Foreign Architect:

_____ days/s (from _____ 20__ through _____ 20__)

_____ week/s (from _____ 20__ through _____ 20__)

_____ month/s (from _____ 20__ through _____ 20__)

13. Expiry Date of the Temporary/Special Permit for the Foreign Architect (to be filled up by PRC)

Note: The Temporary/Special Permit for the Foreign Architect shall be generally renewable and/or subject for renewal based on project duration. A re-filing of this

application is required seven (7.0) calendar days before expiry date. A minimum 25% surcharge shall be imposed for late re-filing.

INFORMATION CONCERNING THE FOREIGN ARCHITECT

1. Do you have an ASEAN or APEC Registry as an Architect?

1.a ASEAN Yes No

1.b APEC Yes No

Note: You may still proceed with this application even if the answer is NO.

2. PERSONAL INFORMATION

2.a Full Name: _____

2.b Abbreviated or Commonly Known Name: _____

3. Specialization/s:

- | | |
|--|---|
| <input type="checkbox"/> Pre-Design | <input type="checkbox"/> Urban Planning/Design |
| <input type="checkbox"/> Site Planning | <input type="checkbox"/> Contract Documents |
| <input type="checkbox"/> Space Planning | <input type="checkbox"/> Construction Supervision |
| <input type="checkbox"/> Architectural Design | <input type="checkbox"/> Project or Construction Management |
| <input type="checkbox"/> Architectural Interiors | <input type="checkbox"/> Others, please specify _____ |

4. Country/state of Origin

4.a Country/state of birth _____

4.b Country/state where the professional certificate and/or license to practice architecture was first issued _____

4.c Other Country/ies/states where professional certificate and/or license to practice architecture has been issued _____

4.d Country/state where the professional has practiced architecture in the last 12 months _____

5. Passport Number & Issuing Country/state: _____

6. Details of Registration of Architect

6.a Country/state _____

6.b Registration Number _____

6.c Expiry Date of Architect's License _____

6.d Name of Professional Association _____

6.e Address/E-mail Address & Tel. No. of Professional Association _____

7. Does his/her country/state have reciprocal architectural practice relations with the Philippines?

(To be filled up by PRC) YES NO

C. INFORMATION CONCERNING THE FILIPINO COUNTERPART

1. PRC-Registered Name and Information of the Filipino Counterpart Architect

- 1.a Full Name of the RLA or Registered and Licensed Architect (name appearing in the Professional Identification Card (PIC))

- 1.b Certificate of Registration No. _____ Date of Registration _____
- 1.c PIC Expiry Date _____
- 1.d IAPOA No. _____ Date _____
- 1.e Name of Architectural Firm _____
- 1.f Position/s in Firm _____
- 1.g Complete and Current Address of Firm _____
Tel. Nos., e-mail _____
- 1.h Complete and Current Address of Individual _____
Tel. Nos., e-mail _____
- 2. PRC-Registered Name and Information if the Filipino Counterpart is an Architectural Firm
 - 2.a Full Name of Registered Architectural Firm _____
 - 2.b Certificate of Registration No. _____ Date of Registration _____
PIC Expiry Date _____
 - 2.c Complete and Current Address of Architectural Firm's Principal Office

 - 2.d Tel/s _____ Telefax/es/Fax/es _____
E-mail/s _____ Website/s or URL/s _____

CERTIFICATION

This certifies that the foregoing information/entires are true and correct on my own knowledge

Name/Signature of the Foreign Architect Date of Signing

Name/Signature of Duly-Authorized Representative Filing this Application Date of Signing

Position/s of Representative in the Applicant Firm/s/Agency/Organization hiring the foreign architect

(Attach the covering Resolution of the Applicant's Board of Directors/Trustees or Applicant Firm's Secretary's Certificate as applicable)

Name/Signature/Dry seal of the Counterpart Architect/ Representative of the Counterpart Architectural Firm Date of Signing

PRC registration Number of the Counterpart Architect/ (or PRC Registration Number of the Counterpart Architectural Firm) Date of Expiry

ACKNOWLEDGEMENT

Republic of the Philippines) s.s.
City of _____)

Personally appearing before me are:

1. _____, the Duly-Authorized Representative Filing this Application; and Community Tax Certificate No. _____ issued at _____ on _____, and
2. _____, the Counterpart Architect or Representative of the Counterpart Architectural Firm with their respective Community Tax Certificate No. _____ issued at _____ on _____, and
known to me to be the same person who executed the foregoing instrument and acknowledges the same to be his/her free voluntary act and deed.

PRC Administering Officer

Notes:

1. The following documents must accompany the application
 - a. Copies of Copies of Certificates/Articles of Partnership or Incorporation/DTI Registration Certificate, current General Incorporation Sheet (GIS) and authorizations, which must all be signed or initialed by the duly authorized representative (for Firms/Agencies/Foundations/Organizations);
 - b. a maximum two (2)-page CV or resume of the foreign architect;
 - c. a maximum two (2)-page information sheet on the applicant firm, agency or organization; or a maximum one-half (1/2)-page information sheet on the applicant individual;
 - d. a maximum one (1)-page information sheet on the project;
 - e. additional sheet/s if still needed, must all be signed or initialed by the duly authorized representative and certified as true and correct;
2. Incomplete applications or attachments shall not be processed by the Board;
3. Definitions
 - a. "Firm" shall refer to a private sector juridical entity such as a duly registered sole proprietorship, company, partnership, corporation or association and the like which engage or employ foreign architects for their project/s. Such entities may include registered architectural firms, other professional firms, construction, real estate development and related types of firms;
 - b. "Agency" shall refer to any office, authority, instrumentality or any public sector juridical entity and the like of the Philippine national and local governments, inclusive of government-owned and controlled corporations (GOCCs) and the like, which engage or employ foreign architects for their project/s;
 - c. "Organization" shall refer to other private or public sector juridical entities not defined herein as Agency or Firm which may include institutions such as schools, hospitals, research facilities, private non-governmental organizations (NGOs) and the like, which engage or employ foreign architects for their project/s;
 - d. "Individual" refers to a natural person who engages or employs foreign architects for his/her project/s;

- e. "Foreign Architect" Sec. 38 of R.A. No. 9266 and its IRR refers to foreign nationals and provides that the following conditions are satisfied as follows:
 - ei. 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;
 - e2. 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;
 - e3. 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
 - e4. 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 Regulatory Board of Architecture (PRBoA) and Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules.
4. The following procedure for the registration and/or issuance of temporary/special permits to foreign architects are hereby prescribed:
- a. A visa and work permit by appropriate government agencies shall be required.
 - b. 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 his/her compliance with the qualifications required and receipt of a copy of the said Temporary/Special Permit, shall issue the employment permit.
 - c. 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/state without any limitation for Board evaluation.
 - d. Technology transfer and/or specialization must be identified and substantiated consistent with his expertise.
 - e. A Filipino counterpart shall be the architect-of-record, with his/her duties, functions and responsibilities duly defined in a covering agreement and under law.
 - f. Advertisements and billboards for marketing/promotion purposes shall prominently display the name of the architect-of-record. Failure to comply therewith shall be subject to penalties in accordance with the rules promulgated by PRBoA and/or PRC.
 - g. Upon issuance of the temporary/special permit, the foreign national may become a member of the United Architects of the Philippines, Inc. subject to the rules and procedure on UAP membership.