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MEMORANDUM CIRCULAR NO. 08, S. 2020
Fiscal Year 2020-2021

September 9, 2020

TO : THE UAP GENERAL MEMBERSHIP
THRU : ALL CHAPTER PRESIDENTS
SUBJECT : CALLING FOR YOUR SUPPORT ON THE STRICT IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF REPUBLIC ACT NO. 9266

Greetings from the UAP National Board of Directors!

In 2004, Congress enacted Republic Act No. 9266 otherwise known as "The Architecture Act of 2004". It is an important piece of legislation which, among others, defines the scope of, and regulates, the practice of architecture and more importantly limits the practice of architecture only to us duly licensed Architects.

The Architecture Act of 2004 is clear and categorical – only architects can prepare and sign architectural documents. There are no ifs or buts about it. The law does not provide for any exception. **Only architects. No one else can prepare or sign architectural documents.**

This exclusivity is clear from the plain language of Architecture Act of 2004. Section 20(5) of the said law provides that "[a]ll 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." It is important at this juncture that we remind ourselves that there is NO PENDING CASE questioning the validity of R. A. No. 9266. This statutory exclusivity remains unchallenged.

Further, to ensure that the exclusivity given to architects is actually implemented, Section 20[2] provides that building officials cannot accept or approve "any architectural plans or specifications which have not been prepared and submitted in full accord with" it, i.e., architectural plans which are not signed by architects.

Thus, when Congress enacted the Architecture Act of 2004, providing that only architects can prepare and sign architectural documents (Section 20), Congress was obviously referring to "architectural documents" as the term was generally understood under the 1977 IRR of the National Building Code that was then in effect, i.e., Location Plan, Site Development Plan, Floor Plans, Elevation, Sections, Details and



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the like. It is a basic rule of statutory construction that when Congress enacts a law, it is presumed to be aware of the existing laws or rules relating to the same subject matter and must have taken them into account. If Congress had a different idea of what "architectural documents" refer to (other than Location Plan, Site Development Plan, Floor Plans, Elevation, Sections, Details and the like), it would have so stated in the law.

Congress mandated that only architects can sign architectural plans and documents. Congress prohibited government officials from accepting architectural documents not signed by architects, and the DPWH Secretary carried out the prohibition in 2005.

It should also be noted that PICE itself agreed to jointly support, with UAP, the enactment of laws to amend the 1950 laws governing civil engineering (R.A. 544) and architecture (R.A. 545), precisely with the intention of eliminating any overlaps between the two professions. PICE jointly declared with UAP that they shared a common objective: "To define and distinguish more clearly the scopes of practice of architecture and civil engineering to minimize, if not eliminate any undesirable overlaps, thereby enhancing their collaborative efforts for the good of common project." [refer to Annex A for the Joint Support].

As previously reported to you, the Supreme Court has already given due course to the Petition for Certiorari we have filed in 2013, and this means that the issues and arguments raised in UAP's Petition are substantial and meritorious enough to warrant the Court's consideration. While we refrain to discuss the merits of our case no matter how confident we are in our cause, your leadership would like to express its full faith and confidence in the integrity and wisdom of the Supreme Court. We invite everyone to patiently await the final resolution of the Highest Court in the Land.

In the meantime, and until we hear the final word from the Supreme Court, may we kindly request all the Chapter Presidents to collaborate with your respective LGUs concerning the full implementation of RA 9266 and its implementing rules and regulations.

You may also coordinate with our UAP Task Force RA 9266 for your further queries and or request for documents and additional information:

Arch. Medeliano T. Roldan, Jr., FUAP
Chairman, Task Force RA 9266
Email Address: uap@united-architects.org; secgen@united-architects.org

For your information and guidance.

Very truly yours,


ARCH. RENATO A. HERAY, FUAP, PALA, ASEAN ARCH, FRIA
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