

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 23



Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

As professionals, architects have a primary duty of care to the communities they serve. Members of the architectural profession are dedicated to standards of professionalism, integrity, and competence, and thereby bring to society unique skills and aptitudes essential to the sustainable development of the built environment and the welfare of their societies and cultures. Principles of professionalism are established in legislation, as well as in codes of ethics and regulations defining professional conduct.

Given the public interest in a quality, sustainable built environment and the dangers and consequences associated with the development of that environment, it is important architectural services are provided by properly qualified professionals for the adequate protection of the public.

The passage of Republic Act No. 9266 ("R.A. 9266"), otherwise known as the Architecture Act of 2004, is a significant step in protecting and assuring the public that only Architects can offer and provide architectural services.

This bill seeks to strengthen the practice of the architecture profession in the country by amending specific provisions of R.A. No. 9266, the Architecture Act of 2004 and harmonizing it with other laws. This may be accomplished by including specific architectural terms that will distinguish the practice of architecture from other professions as well as require that architectural designs, plans and documents prepared exclusively and signed by an Architect are required before any building permit may be issued.

For the foregoing reasons, the approval of this bill is earnestly sought.


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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AN ACT STRENGTHENING THE ARCHITECTURE PROFESSION, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED NINE THOUSAND TWO HUNDRED SIXTY-SIX (R.A. No. 9266), OTHERWISE KNOWN AS THE "ARCHITECTURE ACT OF 2004"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 2 of Republic Act 9211, otherwise known as the Tobacco
2 Regulation Act of 2003, is hereby amended to read as follows:

3
4 **SECTION 2.** Policy.—It is the policy of the State to protect the populace
5 from hazardous products and promote the right to health and instill health
6 consciousness among them. ~~[It is also the policy of the State, consistent~~
7 ~~with the Constitutional ideal to promote the general welfare, to safeguard~~
8 ~~the interests of the workers and other stakeholders in the tobacco~~
9 ~~industry.]~~ For these purposes, the government shall institute a [balanced]
10 policy whereby the use, sale and advertisements of tobacco products
11 shall be regulated in order to promote a healthful environment and protect
12 the citizens from the hazards of tobacco smoke[, and at the same time
13 ensure that the interests of tobacco farmers, growers, workers and
14 stakeholders are not adversely compromised].

15
16 **SECTION 2.** Section 4 of the same Act is hereby amended by inserting new
17 paragraphs to read as follows and the same are hereby renumbered accordingly:

18
19 "Section 4. Definition of Terms - As used in this Act:

20
21 x x x

22
23 (V) "TOBACCO INDUSTRY" – REFERS TO ORGANIZATIONS,
24 ENTITIES, ASSOCIATIONS, AND INDIVIDUALS THAT WORK FOR
25 AND IN BEHALF OF THE TOBACCO INDUSTRY, SUCH AS BUT NOT

1 LIMITED TO TOBACCO MANUFACTURERS, WHOLESAL
2 DISTRIBUTORS, IMPORTERS OF TOBACCO PRODUCTS, TOBACCO
3 RETAILERS, FRONT GROUPS AND/OR ORGANIZATIONS,
4 INCLUDING BUT NOT LIMITED TO LAWYERS, SCIENTISTS AND
5 LOBBYISTS WHO WORK TO FURTHER THE INTERESTS OF THE
6 TOBACCO INDUSTRY; AND

7
8 (W) "UNECESSARY INTERACTIONS" – REFERS TO ALL
9 INTERACTIONS WITH THE TOBACCO INDUSTRY THAT IS NOT
10 STRICTLY NECESSARY FOR THE LATTER'S EFFECTIVE
11 REGULATION, SUPERVISION AND CONTROL."
12

13 **SECTION 3.** Section 29 of the same Act is hereby further amended to delete sub-
14 paragraph h. to read as follows:
15

16 **SECTION 29.** Implementing Agency. — An Inter-Agency Committee—
17 Tobacco CONTROL (IAC-Tobacco CONTROL), which shall have the
18 exclusive power and function to administer and implement the provisions of
19 this Act, is hereby created. The IAC-Tobacco CONTROL shall be chaired
20 by the Secretary of the [~~Department of Trade and Industry (DTI)~~]
21 DEPARTMENT OF HEALTH (DOH) with the Secretary of the [~~Department~~
22 ~~of Health (DOH)~~] DEPARTMENT OF EDUCATION (DEPED) as Vice
23 Chairperson. The IAC-Tobacco CONTROL shall have the following as
24 members:

- 25 a. Secretary of the Department of Agriculture (DA);
26
27 b. Secretary of the Department of Justice (DOJ);
28
29 c. Secretary of the Department of Finance (DOF);
30
31 d. Secretary of the Department of Environment and Natural Resources
32 (DENR);
33
34 e. Secretary of the Department of Science and Technology (DOST);
35
36 f. Secretary of the [~~Department of Education (DepEd)~~] DEPARTMENT
37 OF TRADE AND INDUSTRY (DTI); AND;

38 [~~g. Administrator of the national Tobacco Administration (NTA);]~~
39

40 [~~h. A representative from the Tobacco Industry to be nominated by the~~
41 ~~legitimate and recognized associations of the industry; and]~~
42

43
44 [~~i.] G. ONE (1) representative EACH from [a] AT LEAST THREE (3)~~
45 ~~nongovernment organizations (NGOS) involved in public health~~
46 ~~promotion, WITHOUT ECONOMIC AND/OR FIDUCIARY TIES TO THE~~
47 ~~TOBACCO INDUSTRY, OR DO NOT KNOWINGLY REPRESENT OR~~
48 ~~RECEIVE PAYMENT FROM ANY TOBACCO PRODUCT~~
49 ~~MANUFACTURER OR WHOLESALER, OR ANY PARENT, AFFILIATE~~

1 OR SUBSIDIARY OF A TOBACCO PRODUCT MANUFACTURER OR
2 WHOLESALER, OR ANY PERSON, INTEREST GROUP, ADVOCACY
3 ORGANIZATION, LAW FIRM, ADVERTISING AGENCY, OR OTHER
4 BUSINESS OR ORGANIZATION THAT REPRESENTS THE
5 INTERESTS OF THE TOBACCO INDUSTRY, nominated by DOH in
6 consultation with the concerned NGOs.”

7
8 THE DEPARTMENT SECRETARIES SHALL DESIGNATE THEIR
9 RESPECTIVE AUTHORIZED PERMANENT REPRESENTATIVE TO THE
10 IAC-TOBACCO CONTROL; PROVIDED, SAID PERMANENT
11 REPRESENTATIVE SHALL HAVE A RANK NOT LOWER THAN
12 ASSISTANT SECRETARY.

13
14 THE DEPARTMENT SECRETARIES SHALL DESIGNATE THEIR
15 RESPECTIVE AUTHORIZED PERMANENT REPRESENTATIVE TO THE
16 IAC-TOBACCO CONTROL; PROVIDED, SAID PERMANENT
17 REPRESENTATIVE SHALL HAVE A RANK NOT LOWER THAN
18 ASSISTANT SECRETARY.

19
20 IN ORDER TO FACILITATE COORDINATION AMONG MEMBERS OF
21 THE IAC-TOBACCO CONTROL, THE DEPARTMENT OF HEALTH AS
22 THE LEAD AGENCY SHALL PROVIDE THE SECRETARIAT. THE
23 SECRETARIAT SHALL ACT AS THE COORDINATING BODY OF THE
24 IAC-TOBACCO CONTROL AND SHALL PROVIDE THE FOLLOWING
25 FUNCTIONS SUCH AS, BUT NOT LIMITED TO, SETTING OF
26 MEETINGS, MANAGING OF IMPORTANT LOGISTICS AND
27 CIRCULATION OF INFORMATION AND DOCUMENTS AMONG
28 MEMBERS.

29
30 **SECTION 4.** A new provision is hereby inserted to be denominated as Section 29-
31 A to read as follows:

32
33 SECTION 29-A. PROTECTION OF THE IAC-T FROM TOBACCO
34 INDUSTRY INTERFERENCE. -ALL MEMBERS OF THE IAC-T ARE
35 PROHIBITED FROM INTERACTING WITH THE TOBACCO INDUSTRY,
36 EXCEPT WHEN STRICTLY NECESSARY FOR ITS EFFECTIVE
37 REGULATION, SUPERVISION AND CONTROL. ANY NECESSARY
38 INTERACTION MUST BE CONDUCTED PUBLICLY AND
39 TRANSPARENTLY, AND EFFORTS MUST BE TAKEN TO PREVENT OR
40 CORRECT ANY PERCEPTION OF PARTNERSHIP WITH THE
41 TOBACCO INDUSTRY.

42
43 ALL MEMBERS OF THE IAC-T ARE STRICTLY PROHIBITED FROM
44 ACCORDING PREFERENTIAL TREATMENT TO THE TOBACCO
45 INDUSTRY; SOLICITING OR ACCEPTING ANY GIFT, GRATUITY,
46 FAVOR, ENTERTAINMENT OR ANYTHING OF MONETARY VALUE
47 FROM THE TOBACCO INDUSTRY; FAILING TO DISCLOSE,
48 RETAINING, AND/OR ACQUIRING ANY FINANCIAL OR MATERIAL
INTEREST IN, OR OTHER POTENTIAL SOURCE OF CONFLICT OF

1 INTEREST WITH THE TOBACCO INDUSTRY; AND ACCEPTING
2 ANALOGOUS FAVORS FROM THE TOBACCO INDUSTRY.

3
4 **SECTION 5.** Section 31 of the same Act is hereby further amended to read as
5 follows:
6

7 **SECTION 31.** Compliance Monitoring.—Not later than one (1) year after
8 the date of the effectivity of this Act, and annually thereafter, the IAC-
9 Tobacco CONTROL shall submit to the President of the Philippines and to
10 both Houses of Congress a Compliance Monitoring Report on the
11 compliance of the manufacturers on all applicable laws and ordinances with
12 respect to the manufacture and distribution of tobacco products.

13
14 The report shall contain pertinent information on the methods, goals and
15 implementation program of said manufacturers with respect to the
16 requirements of this Act.

17
18 A SEPARATE REPORT SHALL BE SUBMITTED BY THE MEMBERS OF
19 THE IAC-TOBACCO CONTROL ENUMERATING THE MEASURES
20 ESTABLISHED TO LIMIT INTERACTIONS WITH THE TOBACCO
21 INDUSTRY AND ENSURE THE TRANSPARENCY OF THOSE
22 INTERACTIONS THAT OCCUR, AS WELL AS POLICIES
23 IMPLEMENTED TO PROTECT THEIR AGENCIES FROM TOBACCO
24 INDUSTRY INTERFERENCE.

25
26 **SECTION 6.** Section 32 of the same Act is hereby further amended by inserting a
27 new paragraph to read as follows:
28

29 **“SECTION 32.** Penalties.—The following penalties shall apply:

30
31 XXX

32
33 D. VIOLATION OF SECTIONS 29-A. - IF THE OFFENDER IS A PUBLIC
34 OFFICIAL, HE SHALL BE SUBJECT TO ADMINISTRATIVE
35 DISCIPLINARY ACTION PURSUANT TO RULE XIV (DISCIPLINE) OF
36 THE OMNIBUS RULES IMPLEMENTING BOOK V OF EO 292, AS MAY
37 BE AMENDED, MODIFIED, CHANGED, ADDED TO, DELETED FROM,
38 OR SUPERSEDED BY THE ENACTMENT OF ANY NEW LAW, WITHOUT
39 PREJUDICE TO THE CRIMINAL AND/OR CIVIL ACTIONS UNDER
40 EXISTING LAWS, RULES, AND REGULATIONS.

41
42 **SECTION 7.** A new provision is hereby inserted to be denominated as Section 36-
43 A to read as follows:
44

45 **SECTION 36-A. CITIZEN SUITS.** – FOR PURPOSES OF ENFORCING
46 THE PROVISIONS OF THIS ACT OR ITS IMPLEMENTING RULES AND
47 REGULATIONS, ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL,
48 CRIMINAL OR ADMINISTRATIVE ACTION IN THE PROPER COURTS
49 OR ADMINISTRATIVE BODY AGAINST ANY PUBLIC OFFICER WHO
50 WILLFULLY OR GROSSLY NEGLECTS THE PERFORMANCE OF AN

1 ACT SPECIFICALLY ENJOINED AS A DUTY BY THIS ACT, ITS
2 IMPLEMENTING RULES AND REGULATIONS, INCLUDING THE
3 TEMPLATE, GUIDELINES, OR OTHER REGULATIONS; OR ABUSES
4 HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY; OR, IN ANY
5 MANNER, IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT
6 OR ITS IMPLEMENTING RULES AND REGULATIONS.

7
8 THE ADMINISTRATIVE, CIVIL AND CRIMINAL ACTIONS ALLOWED
9 UNDER THIS SECTION SHALL BE CUMULATIVE AND CUMULATIVE
10 AND SHALL NOT PRECLUDE ANY OTHER PERSON FROM FILING A
11 SIMILAR ACTION.

12
13 THE COURT SHALL EXEMPT SUCH ACTION FROM THE PAYMENT
14 OF FILING FEES AND STATEMENTS LIKEWISE, UPON PRIMA FACIE
15 SHOWING OF THE NON-ENFORCEMENT OR VIOLATION
16 COMPLAINED OF, EXEMPT THE PLAINTIFF FROM THE FILING OF AN
17 INJUNCTION BOND FOR THE ISSUANCE OF PRELIMINARY
18 INJUNCTION. IN THE EVENT THAT THE CITIZEN SHOULD PREVAIL,
19 THE COURT SHALL AWARD REASONABLE ATTORNEY'S FEES,
20 MORAL DAMAGES AND LITIGATION COSTS AS APPROPRIATE.

21
22 **SECTION 8. *Repealing Clause.*** - All laws, decrees, presidential proclamations,
23 executive orders, rules and regulations or parts thereof inconsistent herewith, are hereby
24 repealed or modified accordingly.

25
26 **SECTION 9. *Separability Clause.*** - If any provision of this Act is held invalid or
27 declared unconstitutional, the other provisions which are not affected thereby shall remain
28 valid and subsisting.

29
30 **SECTION 10. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
31 complete publication in the Official Gazette or in two (2) newspapers of general circulation,
32 whichever comes first.

33
34 Approved,
35