

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 23, 2000

OPENING OF THE SESSION

At 3:38 p.m., the Senate President, Hon. Blas F. Ople, called the session to order.

The President. The 64th session of the Second Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Teresa Aquino-Oreta.

Everybody rose for the prayer.

PRAYER

Senator Aquino-Oreta.

Come Holy Spirit,
Replace the tension within us with a holy relaxation.
Replace the turbulence within us with a sacred calm.
Replace the anxiety within us with a quiet confidence.
Replace the fear within us with a strong faith.
Replace the bitterness within us with the sweetness of grace.
Replace the darkness within us with a gentle light.
Replace the coldness within us with loving warmth.
Replace the night within us with Your light.
Replace the winter within us with Your spring.
Straighten our crookedness.
Fill our emptiness.
Dull the edge of our pride.
Sharpen the edge of our humility.
Light the fire of our love.
Quench the flame of our lust.
Let us see ourselves as You see us,
That we may see You as You have promised,
And be fortunate according to Your word.
Blessed are the pure of heart, for they shall see You.
Amen.

The President. The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

Senator Teresa Aquino-Oreta Present

Senator Robert Z. Barbers **
Senator Rodolfo G. Biazon Present
Senator Renato L. Compañero Cayetano Present
Senator Anna Dominique M.L. Coseteng Present
Senator Franklin M. Drilon Present
Senator Juan Ponce Enrile Present
Senator Juan M. Flavie Present
Senator Teofisto T. Guingona Jr. Present
Senator Gregorio B. Honasan **
Senator Robert S. Jaworski Present
Senator Loren B. Legarda-Leviste Present
Senator Ramon B. Magsaysay Jr. Present
Senator John Henry R. Osmeña Present
Senator Sergio R. Osmeña III Present
Senator Aquilino Q. Pimentel Jr. Present
Senator Ramon B. Revilla **
Senator Raul S. Roco Present
Senator Miriam Defensor Santiago Present
Senator Vicente C. Sotto III **
Senator Francisco S. Tatad Present*
The President Present

The President. With 17 senators present, there is a quorum.

The Majority Leader is recognized.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF STUDENTS FROM EMILIO AGUINALDO COLLEGE OF MANILA

Senator Drilon. Mr. President, before we approve the *Journal* of the previous session, may we first acknowledge the presence of the students from the Emilio Aguinaldo College of Manila. There are about 50 of them in the hall. Can we recognize them for the record? *[Applause]*

The President. The Senate warmly welcomes the delegation of students from Emilio Aguinaldo College of Manila.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF STUDENTS FROM MALABON COMMUNITY COLLEGE

Senator Drilon. Likewise, Mr. President, may we recognize the students from the Malabon Community College. They are also in the hall right now. *[Applause]*

* Arrived after the roll call

** On official mission

Senator Guingona. That is true.

Senator Enrile. Since the distinguished gentleman is exercising his prerogative to postpone it, next time when I am asked to yield, I might not yield at all.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for one minute.

The Presiding Officer [Sen. Flavier]. The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 4:35 p.m.

RESUMPTION OF SESSION

At 4:36 p.m., the session was resumed.

The Presiding Officer [Sen. Flavier]. The session is resumed. Senator Enrile is recognized.

Senator Enrile. Mr. President, I just made that remark not really to challenge the prerogative of the distinguished Minority Leader but just to indicate to the Chamber that a sponsor of a bill is under no obligation to yield to any interpellator if he does not want. The interpellator has a prerogative to ask questions, but it is also my prerogative not to yield if I think that the demand is unreasonable. I just want to put that into the *Record*. But I will yield to the distinguished Minority Leader.

SUSPENSION OF CONSIDERATION OF S. NO. 1862

Senator Drilon. In that case, Mr. President, I move that we suspend consideration of Senate Bill No. 1862 under Committee Report No. 167.

We wish to make of record that after Senator Guingona, Senators Cayetano, Roco and Serge Osmeña also manifested their intention to avail themselves of the period of interpellations.

The Presiding Officer [Sen. Flavier]. Is there any objection? *[Silence]* There being none, the motion is approved with the manifestation of the Majority Leader.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for one minute.

The Presiding Officer [Sen. Flavier]. The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 4:37 p.m.

RESUMPTION OF SESSION

At 4:38 p.m., the session was resumed.

The Presiding Officer [Sen. Flavier]. The session is resumed. The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 1355--Landscape Architecture Act

Senator Drilon. Mr. President, I move that we consider Senate Bill No. 1355 as reported out under Committee Report No. 12.

The Presiding Officer [Sen. Flavier]. Is there any objection? *[Silence]* There being none, the motion is approved.

Consideration of Senate Bill No. 1355 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 1355, entitled

AN ACT REGULATING THE PRACTICE OF LANDSCAPE ARCHITECTURE IN THE PHILIPPINES

The following is the whole text of the bill:

Senate Bill No. 1355

AN ACT REGULATING THE PRACTICE OF LANDSCAPE ARCHITECTURE IN THE PHILIPPINES

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

ARTICLE I TITLE

SECTION 1. Title. - This Act shall be known as the "Philippine Landscape Architecture Act of 2000."

ARTICLE II DEFINITION OF TERMS

SEC. 2. *Definition of Terms.* - (a) Practice of Landscape Architecture - The practice of Landscape Architecture is the act of planning, designing, specifying, supervising and giving general administration and responsible direction to the functional, orderly and aesthetic arrangement, changing and development of natural scenery and land areas to produce the most desirable effect for human use and enjoyment of various outdoor spaces which consist of landscape components and the softscape of plants such as gardens, sports fields, playgrounds, recreational grounds, camping sites, resorts, national and public parks, historical parks, and squares, memorial parks, subdivisions, parks and parkways, zoological and botanical gardens, greenbelts, cemeteries, plazas, patios, yards, outdoor shopping and pedestrian malls, promenades, sidewalks, roads and walkway systems, traffic islands, easements and circles, roof and open interior gardens and courts, and other open spaces; the protection, conservation and rehabilitation of the natural environment and scenery to enhance the ecological system and quality of life, such as, but not limited to:

- (1) The act of planning sites and outdoor spaces;
- (2) Recommending on and formulating landscape development policies concerning visual resources, streetscapes, the rehabilitation of inner cities, slums and historical districts, parks and recreation items which are important components of area development plans at the local, regional and national levels and as components of area development and planning codes, zoning ordinances and other studies;
- (3) Consultation, oral advice and direction, conferences, evaluation, investigation, estimates, appraisals and assessment and landscape architectural and operational programming;
- (4) Schematic design, design studies and development concepts, and contract documents;
- (5) Preparation of preliminary technical, economic and financial feasibility studies of plans and project promotional services including preparation of specialized studies such as environmental impact assessments (EIA).
- (6) Preparation of plans, specifications, bills of materials, cost estimates, general conditions and landscape work contract documents;
- (7) Construction and project management; giving general management, administration, supervision, coordination, and responsible direction to the planning, designing, construction, reconstruction, direction, enlargement, renovation, repair, orderly removal or demolition, remodeling, alteration, preservation or restoration of landscape sites or structures including all their component sites and environs intended for private or public use;
- (8) The practice of landscape architecture shall also include all other works, projects and activities which require the professional competence of landscape architects, including teaching of landscape architecture subjects given in the licensure examinations for landscape architects; computer-aided design; the scientific, aesthetic and orderly coordination of all works and branches of the work, systems and processes necessary in order to enhance and safeguard life, health and property and the promotion and enrichment of the quality of life; the landscape architecture design of engineered structure or any part thereof;
- (9) The planning, layout and utilization of spaces within and around buildings or structures including their sites; environment and urban design, site planning, outdoor space planning, landscape architectural detailing, landscape architectural lighting, laying out of associated mechanical, electrical, sanitary, plumbing and other utility systems, equipment and fixtures; and
- (10) Site programming, grounds maintenance and administration and landscape architectural conservation and restoration;

(b) Landscape Architect - refers to a natural person technically qualified to practice landscape architecture and who has been issued a valid certificate of registration and a valid professional license as such by the Board of the Landscape Architecture created under this Act and the Professional Regulation Commission.

ARTICLE III BOARD OF LANDSCAPE ARCHITECTURE

SEC. 3. *Creation and Composition of a Board of*

Landscape Architecture. - There is hereby created a Board of Landscape Architecture, hereinafter called the Board under the administrative control and supervision of the Professional Regulation Commission, hereinafter called the Commission, to be composed of a Chairperson and two (2) members to be appointed by the President of the Philippines from a list forwarded by the Commission. Such a list shall have five (5) nominees for each position, chosen, ranked in the order of preference and submitted by the integrated and duly accredited national association of landscape architects in the Philippines. The Board shall be organized not later than six (6) months from the effectivity of this Act.

SEC. 4. *Qualifications of Members of the Board.* - A member of the Board shall, at the time of his appointment, possess the following qualifications:

(a) Natural born citizen and resident of the Philippines;

(b) Must be at least thirty-five (35) years of age;

(c) Holder of the degree of Bachelor of Landscape Architecture or related degrees like architecture, environmental planning and horticulture, with at least sixty (60) units of landscape architecture, conferred by a school, academy, college or university in the Philippines or abroad that is recognized and/or accredited by the Commission on Higher Education (CHED);

(d) A registered landscape architect with a valid certificate of registration and a valid professional license and an active practitioner of landscape architecture for not less than ten (10) years prior to appointment except the first Chair and members of the Board who shall be issued with the said certificate and license pursuant to this Act;

(e) Must not, for a period of two (2) consecutive years prior to appointment, be a member of the faculty of any school, academy, institute, college or university where a regular course in landscape architecture is being taught, nor have pecuniary interest in or administrative supervision over any such institutions of learning;

(f) Must not, for a period of two (2) consecutive years prior to appointment, be connected with a review center or with any group or association where review classes or lectures in preparation for the licensure

examination are offered or conducted at the time of appointment; and

(g) Has never been convicted of any criminal offense involving moral turpitude.

SEC. 5. *Term of Office.* - The members of the Board shall hold office for a term of three (3) years after their appointment or until their successors shall have been appointed and qualified. 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 Chairperson for three (3) years, one (1) member for two (2) years; and one (1) member for one (1) year: *Provided*, that if reappointed, the member shall only hold office for a term equivalent to his initial appointment. Each member of the Board shall qualify by taking the proper oath prior to entering upon the performance of his duties.

SEC. 6. *Compensation of the Board Members.* - The Chairperson and members of the Board shall receive compensation comparable to the compensation received by existing Regulatory Boards with the Professional Regulation Commission and as may be provided for in the General Appropriations Act.

SEC. 7. *Vacancy and Removal of Board Members.* - Any vacancy occurring in the membership of the term of a Member shall be filled for the unexpired portion of the term only. The President upon recommendation of the Commission, after giving the concerned member an opportunity to defend himself in a proper administrative investigation to be conducted by the Commission, may remove any member of the Board on the following grounds:

(a) Neglect of duty or incompetence;

(b) Violation or tolerance of the violation of this Act or the Code of Ethics for Landscape Architecture;

(c) Final judgment involving any criminal offense; and

(d) Manipulation or rigging of the landscape architecture licensure examination, results, disclosure of secret and confidential information on the examination questions prior to the conduct of the said examinations or tampering of grades.

SEC. 8. *Powers and Duties of the Board.* - The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval of the Commission. However the Board's decisions, resolutions or orders rendered in administrative cases which are not interlocutory shall be subject to review only if on appeal. The Board shall exercise the following powers, functions, duties and responsibilities:

(a) To promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;

(b) To supervise the registration, licensure and practice of professional landscape architects in the Philippines;

(c) To administer oaths in connection with the administration of this Act;

(d) Issue, suspend, revoke, or reinstate the certificate of registration or professional license for the practice of the landscape architecture profession;

(e) To adopt an official seal of the Board;

(f) Monitor the conditions affecting the practice of landscape architecture and adopt such measure as may be deemed proper for the enhancement and maintenance of high professional, ethical and technical standards of the profession;

(g) To prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of the landscape architecture profession;

(h) To hear and try administrative cases involving violation of this Act, its Implementing Rules and Regulations, the Code of Ethics for Professional Landscape Architects and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith;

(i) Prescribe guidelines in the Continuing Professional Education (CPE) program in coordination with accredited association(s) for professional architects;

(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 through full computerization give and correct the licensure examination subjects except landscape architectural design and planning, and release the examination results;

(k) Approve, issue, limit or revoke temporary license to practice Landscape Architecture;

(l) In coordination with the Commission on Higher Education (CHED), ensure that all higher educational instruction and offerings of landscape architecture comply with the policies, standards and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities; and

(m) Discharge such other duties and functions as may be deemed necessary for the enhancement of the landscape architecture profession and the upgrading, development and growth of landscape architecture education in the Philippines.

SEC. 9. *Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applicants for examination, administrative and other investigate cases conducted by the Board shall be under the custody of the Commission. The Commission shall designate the secretary of the Board and shall provide the Secretariat and other support services to implement the provisions of this Act.

SEC. 10. *Implementing Rules and Regulations.* - Within ninety (90) days from the approval of this Act, the Board, with the approval of the Commission, shall adopt and promulgate such rules and regulations to carry out the provisions of this Act as approved by the Commission, which shall be effective fifteen (15) days following their publication in the *Official Gazette* or in two (2) major daily newspapers of general circulation whichever comes earlier.

SEC. 11. *Annual Report.* - The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines through the Professional Regulation Commission, giving a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of landscape architecture in the Philippines.

ARTICLE IV
EXAMINATION, REGISTRATION AND LICENSE

SEC. 12. *Examination Required.* - Except as otherwise specifically allowed in this Act, all applicants for registration for the practice of landscape architecture shall be required to undergo and pass a written technical examination as provided for in this Act subject to the payment of fees prescribed by the Commission.

SEC. 13. *Qualifications of Applicant for Examination.* - Every applicant for examination shall, prior to admission, establish the following requisites to the satisfaction of the Board:

(a) Citizen of the Philippines or citizen of a foreign country/state with which the Philippines has reciprocity in the practice of landscape architecture;

(b) Graduate of a baccalaureate or postgraduate degree in Landscape Architecture from an academic institution recognized by the Commission on Higher Education (CHED) of the Philippines or accredited with either the International Federation of Landscape Architects or the American Society of Landscape Architects;

(c) Or in lieu of the preceding, a graduate of a baccalaureate degree in Architecture from an academic institution having at least twenty (20) units of landscape architecture design courses or with at least five (5) years experience in the field of landscape architecture; or a graduate of a baccalaureate degree in Horticulture from an academic institution having at least forty (40) units of landscape architecture design subjects or at least five (5) year experience in the field of landscape architecture: *Provided*, That this shall apply within ten (10) years after the passage of this Act; and

(d) He has not been convicted of any crime involving moral turpitude.

SEC. 14. *Scope of Examination.* - The examination for Landscape Architecture shall basically cover the following subjects:

- (1) Landscape Architectural Design and Planning;
- (2) Ecology and Nature Conservation;
- (3) Landscaping Technology and Materials;

(4) Planting Design and Interior Plantscaping;

(5) Professional Practice and Ethics; and

(6) History of Landscape Architecture and Theory of Design.

The said subjects and their syllabi may be amended by the Board so as to conform to technological changes brought about by continuing trends in the profession.

SEC. 15. *Rating in the Board Examinations.* - To be qualified as having passed the Board examination for landscape architects, a candidate must obtain a weighted general average of seventy-five percent (75%), with no grades lower than sixty percent (60%) in any given subject. However, an examinee who obtains a weighted general average rating of seventy-five (75%) percent or higher but obtains a rating below sixty (60%) percent in any given subject must take a special examination in the subject or subjects where he obtained a grade below sixty percent (60%) within two (2) years from the date of his last examination: *Provided*, That if the examinee still fails to pass the subject after two (2) attempts, he must take the entire board examinations again: *Provided, further*, That if in the removal examination, the examinee gets a much lower grade such that if his weighted general average is recomputed seventy-five percent (75%), the examinee must take the entire board examinations again. The subject/s retaken must have each a rating of no less than seventy percent (70%) in order to qualify as having passed the examination.

SEC. 16. *Report of Ratings.* - The Board shall submit to the Commission the ratings obtained by each candidate within fifteen (15) days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his given address using the mailing envelope submitted during the examination.

SEC. 17. *Oath.* - All successful candidates in the examination shall be required to take an oath of profession before the Board or the Professional Regulation Commission, prior to entering upon the practice of the landscape architecture profession.

SEC. 18. *Certificate of Registration and Professional License.* - A certificate of registration shall be issued to applicant who pass the examination for landscape architects subject to payment of registration fees.

The Certificate of Registration of professional landscape architects shall bear the signatures of the Chairperson of the Commission, the Chairperson and members of the Board stamped with the official seal, indicating that the person named therein is entitled to practice the profession with all the privileges allowed under this Act. The certificate shall remain in full force unless withdrawn, suspended or revoked under the provisions of this Act.

A professional license bearing the registration number, date of issuance, expiry date and duly signed by the chairperson of the Commission shall likewise be issued to every registrant who has paid the required fees until the revocation of his certificate of registration or his suspension from the practice of landscape architecture either after an administrative investigation or removal for cause of his name from the roster of landscape architects: *Provided, however,* That the Commission, as a ministerial matter, shall issue the proper identification card, upon payment of the appropriate amount, renewable every three (3) years.

SEC. 19. Seal and Use of Seal. - A duly licensed landscape architect shall affix the seal approved by the Board of Landscape Architecture on all plans, drawings, specifications, and all other contract documents prepared by or under his direct supervision.

(a) Each registrant shall, upon registration, obtain the seal of such design as the Board of Landscape Architecture may adopt. Plans and specifications prepared by, or under the supervision of a registered landscape architect, shall be stamped with the said seal during the validity of the professional license. No person shall stamp or seal any document with the seal of a registrant after his professional license has expired or lost its validity unless he has been reinstated to the practice and/or unless his license has been renewed.

(b) No officer or employee of the government, chartered cities and municipalities now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of the landscape, shall accept or endorse any landscape plans or specifications which have not been prepared and submitted in full accord with the provisions of this Act, nor shall any payment be approved by any such officer for any work, the plans and specifications of which have not been so prepared, signed and sealed by a duly licensed landscape architect: *Provided,* That the cost of construction or alteration of the landscape shall

be more than Three hundred fifty thousand pesos (P350,000.00).

(c) No landscape architect shall sign his/her name, affix his/her seal or use any other method of signature on plans, specifications or other documents made by or under another landscape architect's supervision unless the same is made in such manner as to clearly indicate the part of such work or any function of landscape architecture practice not actually performed by him/her. The landscape architect in charge shall be fully responsible for all plans, specifications, and other documents issued under his/her seal or authorized signature. The Board shall formulate, adopt and promulgate all necessary rules and regulations for the effective implementation of the provisions relating to the design of the seal, the signing and sealing of drawings, specifications, report and other documents by landscape architects.

(d) Drawings and specifications duly signed, stamped or sealed as instruments of service are the property and documents of the landscape architect, whether the project for which they were made is executed or not. No person without the written consent of the landscape architect or author of said documents shall duplicate or make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly or in whole.

(e) All drawings, specifications and other documents to be used for the construction, renovation or refurbishing of landscape works shall be signed and sealed by a licensed landscape architect.

Violation of any of the foregoing shall be ground for administrative and/or criminal action.

SEC. 20. Indication of License and Professional Tax Receipt. - The Landscape Architect shall be required to indicate his professional License number, the duration of validity, including the professional tax receipt number on the documents he signs, uses or issues in connection with the practice of his profession.

SEC. 21. Refusal to Issue Certificates of Registration and Professional License. - The Board of Landscape Architecture shall refuse to register and/or issue a certificate of registration and a professional license to any person who has been convicted by final judgement of a court of competent jurisdiction of any criminal offense involving moral turpitude, guilty of immoral or

dishonorable conduct or judicially declared of unsound mind. It shall issue a written statement setting forth in detail the reasons for such action, a copy of which shall be incorporated in the records of the Board. A party whose rights are adversely affected by such action of the Board may apply for relief with the Court of Appeals after having exhausted administrative remedies.

SEC. 22. *Suspension and Revocation of Certificates, Cancellation of Temporary/Special Permits.* - The Board shall have the power, upon due notice and hearing, to revoke or suspend the certificate of registration of a landscape architect, or to cancel a temporary/special permit for any cause specified in the preceding Sections, or for the use of perpetuation of any fraud or deceit in obtaining a certificate of registration, or for incompetence, negligence or gross ignorance or for abetment of the illegal practice of landscape architecture, or chronic inebriety or habitual use of drugs; violation of the provisions of this Act, its implementing Rules and Regulations and/or in violations of Policies of the Board including the Code of Ethics for Landscape Architects: *Provided, however,* That such action of the Board shall be subject to appeal to the Commission whose decision shall be final but without prejudice to the right of the aggrieved party to apply with the Court of Appeals for appropriate relief.

SEC. 23. *Reissuance of Revoked/Suspended Certificates and Licenses.* - The Board may, after the expiry of two (2) years from the date of revocation or suspension of a professional license, for reason of equity and justice or when the cause of revocation/suspension has disappeared or and for other reasons it may deem sufficient, entertain an application for a new professional license from a person whose license has been revoked or suspended. In doing so, it may in its discretion, exempt the applicant from the necessity of undergoing an examination. It may also replace certificates of registration and licenses which have been lost after payment of the required fees.

ARTICLE V

PRACTICE OF LANDSCAPE ARCHITECTURE

SEC. 24. *Vested Rights: Automatic Registration of Practicing Landscape Architects.* - All practicing Landscape Architects who are registered at the time this Act takes effect, shall automatically be registered.

SEC. 25. *Registration Without Examination.* - Any

of the following persons may register as Landscape Architects without examinations:

(a) All Landscape Architects who have taken at least sixty (60) academic units of Landscape Architecture and have been practicing for ten (10) years prior to effectivity of this law;

(b) All registered architects who have been practicing Landscape Architecture for ten (10) years prior to effectivity of this law and who can show the proof of practice.

SEC. 26. *Practice Not Allowed for Firms and Corporations.* - The practice of landscape architecture is a professional service, admission to which is based on an individual's qualifications. No firm, company, partnership, association or corporation may be licensed as such for the practice of landscape architecture: *Provided, however,* That persons properly licensed and registered as landscape architects may among themselves, or with persons properly registered and licensed in any of the fields related to landscape architecture such as town/urban planning, civil engineering, architecture and interior design and forestry may form and obtain registration with the Securities and Exchange Commission for a firm, partnership, association or corporation using the terms such as 'Landscape Architects', 'landscape Architects and Planners', 'Architects and Landscape Architects', or any such appropriate term but nobody shall be a member, partner or associate unless he is a duly registered and licensed design professional and the members who are landscape architects shall only render work and services proper for a landscape architect as defined in this Act. Such partnerships or corporation shall serve as vehicles for licensed professionals to practice their professions.

SEC. 27. *Professional Responsibility.* - The individual partners, stockholders or members shall be personally and jointly responsible and liable to the partnership or corporation for their respective acts in the practice of their respective professions. The partnership or corporation shall be responsible and liable for all other contractual obligations of the partnership or corporation. The Managing Partner of the partnership or the President of the Corporation, or their authorized representatives, shall be authorized to enter into contracts for such services. However, only a partner or stockholder who is a registered, licensed professional in a particular profession shall be responsible for and sign plans and documents involving the practice of his profession.

SEC. 28. *Registration.* - Partnerships or corporations formed under this Act shall be registered with the Board of Landscape Architecture and any of the other related professional boards within the Professional Regulation Commission. Partnerships or corporations may be registered with a particular professional regulatory board only if it has partners, stockholders or members who are registered licensed professionals in that profession. The partnership or corporation can be used as a vehicle for practice only of the professions where it is registered.

SEC. 29. *Transitory Provisions.* - Partnerships or corporations offering landscape architectural services by itself or together with any other allied design and planning services, which are members of organizations comprising the Confederation of Filipino Consulting Organizations, the umbrella organization of consultants recognized by the National Economic Development Authority, are given two (2) years from the approval of this Act to comply with the requirements of this Act. They shall however register with the appropriate professional regulatory boards of the Professional Regulation Commission on a provisional status.

SEC. 30. *Integration of the Landscape Architecture Profession.* - The landscape architecture profession shall be integrated into one (1) national organization, which shall be recognized by the Board and accredited by the Commission as the one and only one integrated and accredited association of landscape architects. A landscape architect duly registered with the Board shall automatically become a member of the integrated national organization and shall receive the benefits and privileges provided for in this Act and the Board's bylaws upon payment of the required fees and dues. Membership in the integrated organization shall not be a bar to membership in other associations of landscape architects.

SEC. 31. *Foreign Reciprocity.* - No foreign landscape architect shall be registered and issued a certificate of registration and a professional license to practice the landscape architecture profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless he can prove in the manner provided by the Rules of Court or by specific provisions of law or regulations, that the country of which he is a subject or citizen, in the spirit of reciprocity, specifically permits Filipino landscape architects to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

SEC. 32. *Coverage of Temporary/Special Permits.*

- Foreign nationals who have gained entry in the Philippines to perform professional services as landscape architects or consultants in foreign-funded, joint venture or assisted projects of the government, or employed, or engaged by Philippine or foreign contractors or private firms shall, before assuming his duties, functions and responsibilities, secure a special temporary permit from the Professional Regulation Commission through the Board of Landscape Architecture, and the Department of Labor and Employment to practice his profession in connection with the project to which he was commissioned, provided that certain conditions are satisfied as follows:

(a) That he is a citizen or subject of a country which specifically permits Filipino professional to practice his profession within its territorial limits on the same basis as the subjects or citizens of such foreign country or state;

(b) That he is legally qualified to practice landscape architecture in his own country, and that his expertise is necessary and advantageous to our own country particularly in the aspects of technology transfer and specialization; and

(c) Foreign nationals shall be required to work with a Filipino counterpart, and professional fees, services, and expenses of documentation pertaining to the project shall be shared by both.

(d) That he shall obtain an employment permit from the Department of Labor and Employment: *Provided*, That the employment permit may be issued to a nonresident alien or to the applicant employer after a determination of the nonavailability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the alien is desired: *Provided, further*, That the applicant's country of nationality observes reciprocal conditions for Filipino nationals.

Foreign and Filipino landscape architects shall jointly and severally bear all liabilities and taxes due the Philippine government, if any, according to their participation in, or professional services rendered to the project.

SEC. 33. *Appropriations.* - Such sums as may be necessary to carry out the provision of this Act shall be included in the General Appropriations Act of the year following its enactment and thereafter.

ARTICLE VI FINAL PROVISIONS

SEC. 34. Enforcement. - The Professional Regulation Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the concerned provisions of this Act, enforce its implementing rules and regulations as adopted by the Board, conduct investigations for the Board on complaints against violators of this Act, its rules and regulations including violations of the Code of Conduct of Landscape Architecture and other policies of the Board.

SEC. 35. Illegal Practice of Landscape Architecture and Penalties. - No person shall practice landscape architecture in the Philippines or use the title 'Landscape Architect' or words, letters, figures, signs and cards or other means to indicate in any manner whatsoever that he is qualified to perform the work of a landscape architect such as by the use of titles such as 'Landscape Consultant', 'Landscape Designer', 'landscape Engineer', 'Landscape Artist', 'Landscape Agriculturist', 'Landscape Horticulturist', 'Landscape Planner', 'Land Planner', 'Site Planner' or similar terms that suggest the work of a landscape architect, unless he has been issued a certificate of registration and a professional license or a temporary permit by the Board of Landscape Architecture and the Commission.

Any person who shall practice or offer to practice landscape architecture in the Philippines without being registered or exempted from registration, or without a certificate of registration and a professional license or a temporary permit in accordance with the provisions of this Act; or any person presenting or attempting to use as his own the certificate of registration or professional license or seal of another; or any person who shall give any false or forged evidence of any kind to the Board or any of its members in obtaining a certificate of registration or professional license; or any person who shall falsely impersonate any registrant with like or different name; or any person who shall attempt to use a revoked or suspended certificate of registration or an invalid or expired professional license; or any person who shall use or advertise any title or description tending to convey the impression that he is a landscape architect when he is not; or any person who shall violate any provisions of this Act and of its rules and regulations and the Code of Ethics of the profession, shall upon conviction by the court, suffer penalties.

The penalties for the mentioned illegal practices shall be a fine of not less than Fifty thousand pesos (P50,000.00) nor more than Two hundred thousand pesos (P200,000.00) or imprisonment of not less than six (6) months nor more than three (3) years or both at the discretion of the court: *Provided*, That if the violation is committed by an alien, he shall be immediately deported after payment of fine or service of sentence without any further proceedings.

SEC. 36. Separability Clause. - If any clause, provision, paragraph or part thereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 37. Repealing Clause. - All laws, decrees, executive orders and other administrative issuances and part thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

SEC. 38. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in a major daily newspaper of general circulation in the Philippines, whichever is earlier.

Approved,

Senator Drilon. Mr. President, to sponsor the measure, may I ask that Sen. Anna Dominique Coseteng be recognized.

The Presiding Officer [Sen. Flavio]. Sen. Anna Dominique Coseteng is recognized.

SPONSORSHIP SPEECH OF SENATOR COSETENG

Senator Coseteng. Thank you, Mr. President.

Mr. President and honorable colleagues:

As chairperson of the Committee on Civil Service and Government Reorganization, it is my honor to sponsor and seek the approval of Senate Bill No. 1355 under Committee Report No. 12, entitled "An Act Regulating the Practice of Landscape Architecture in the Philippines," authored by the Senate President, Senator Aquino-Oreta and the members of the committee.

Mr. President, it will probably come as a surprise to many who

will learn for the first time that professionals called "landscape architects" even exist. Since 1971, when the University of the Philippines at Diliman opened a degree program in landscape architecture, landscape architects have been part of our professional pool of resources. Unlike other technical professionals, however, they have long been neglected.

There is no law which regulates the practice of landscape architecture in the country. As a result, our own landscape architects have found themselves in an unprotected situation where foreign consultants openly practice in violation of the guarantees enshrined in the Constitution providing for the protection of our own professionals. Even worse, Filipino landscape architects have to contend with encroachments by some allied design professionals and other unskilled individuals who call themselves "landscape architects" or by some other similar designation due to the lack of any.

Many mistakenly subscribe to the myth that landscape architecture is merely a specialization of building architecture largely because of a quirk of history which allowed in the middle 1980s the licensing of landscape architects in the country through the Board of Building Architecture. But building architects share little common ground with landscape architects. A comparative analysis of building architecture curricula in major institutions nationwide show that less than five percent of courses are shared with landscape architects—a reason, in the spirit of self-determination, the practice of landscape architecture is best left in the hands of and regulated by landscape architects themselves through their own independent Board. To date, there are no more Specialty Boards existing in the Professional Regulation Commission (PRC) except that for landscape architecture, a situation which the PRC also wishes to eliminate. And to correct this, an enabling law which our landscape architects have long been working for passage since the Eighth Congress would have to be in place.

Mr. President, our colleagues in the Lower House had seen the merits of this bill and passed on third and final reading last year the House version of the bill seeking to accord landscape architects their rightful place as professionals and contributors to the national patrimony.

It is an irony then that our landscape architects remain neglected and unprotected in this country, and yet overseas, in international circles, landscape architecture enjoys considerable reputation and acknowledgment. In its International Standard Classification of Occupations, the International Labor Organization (ILO) of the United Nations recognizes landscape architecture as a distinct occupational category separate from and independent of building architecture. The ILO briefly states what landscape architects do, as follows:

The planning and design of the layout of land areas for such projects as parks and other recreational facilities; roads; commercial, residential and industrial sites and public buildings; consults with clients, architects and engineers on the overall program; studies site conditions such as the nature of soils, vegetation, rock features, drainage and the location of buildings; designs the landscape; harmonizes improvements with existing land features, buildings and proposed structures; prepares working drawings, specifications and cost estimates for landscaping and other related site development works.

Those who consider that landscape architects are glorified gardeners or landscapers engaged in beautification alone are victims of prevailing myths. Consider the historical records. The planning of the cities of Manila and Baguio commissioned by the Philippine Commonwealth government, incorporated established landscape architecture principles laid down more than 100 years ago by Frederick Olmsted who first coined the term "landscape architecture." And while our cities have evolved from this initial definite sense of order, we no longer recognize this discipline in today's chaos. Our landscape architects continue to bravely make attempts to put some order, sometimes in futility, in their own little ways. They have sought to humanize our spaces, most of which are dominated by the artless infrastructure designed more for vehicles rather than for people in an age given to a culture of heavy engineering and formless space.

We need not look far for fine examples of planned landscapes. The Luneta and its environs as a pedestrian destination before and after the war was the handiwork of landscape architects. Initially done by Daniel Burnham during the Commonwealth and later articulated by Filipino landscape architects, the Luneta has become part of our collective heritage. The restoration of the open spaces in the Walled City of Intramuros, Fort Santiago, plans for a revitalized Manila Zoo and the historic trading hub that is now the Tutuban Center, the Arrocero Forest Park, Paco Park and a number of other pocket parks so dear to our memories, and the rehabilitation of the Roxas Boulevard streetscape, among others, have been the work of Filipino landscape architects. So, too, have places along the Manila Bay waterfront, such as the various institutions which make up the Cultural Center, exhibition grounds of the reclamation area, and the landscape master planning of Metro Manila's premier financial district, the Ayala Center.

In spite of the odds working against our landscape architects such as policy shifts in government, the usual budgetary constraints of projects, the overwhelming colonial mentality of some property developers for things foreign, or simply the lack of awareness of their existence, our landscape architects have

given their best in bringing life to these places which many generations can be proud of.

While Metro Manila has outgrown itself in a bid to redefine a new standard in 21st century urban living, in new townships such as the Fort Bonifacio Global City, the Filinvest Corporate Center, the Rockwell Center, and even in Cebu's Ayala Center, Filipino landscape architects have contributed and continue to contribute to the form and function of these prime landmarks.

Moving through the tree-lined avenues and parkways of these planned developments reflect the homegrown talents in intelligent, insightful design, and the practical use of resources and materials which aim to harmonize structures into the landscape. So valuable is the contribution of landscape design in influencing a site's acceptability and market value that many of our local property developers, including property developers overseas, retain the services of landscape architects as staffs or consultants.

Beyond the commerce of land, landscape architects have made their mark as well in institutional space. Their capability in creating the desired ambiance for places of learning and discovery while working around natural constraints and givens is seen in their master planning of the University of the Philippines campus in Los Baños. The entire University of the Philippines system has tapped its faculty in landscape architecture to draw up short and long-term land development policies which seek to further reinforce the institutional character of its campuses nationwide. The Asian Institute of Management campus in Makati was also designed by our local landscape architects.

To say, however, that landscape architecture is only for the upscale and the privileged is a myth. On many occasions, landscape architects have been commissioned to render services for projects of great social relevance and impact. A number of sites and services, improvement projects such as Barrio Escopa, the resettlement sites of the Dagat-Dagatan foreshore, and the Bataan Refugee Processing Center, among others, have directly benefited from the participation of Filipino landscape architects.

Filipino landscape architects working through research grants from foreign-aid agencies have even rendered professional inputs in the intelligent layout and site selection for resettlement sites for underprivileged communities in the countries of Thailand and Sri Lanka.

Mr. President, there are other indirect ways by which the underprivileged is served by the work of landscape architects. Before the Second World War, a team of landscape architects commissioned by the Quezon government initiated the planning of what was to be our national parks system, an effort to protect

our natural resources which was stopped short by the war and has since been left forgotten.

Under the Aquino administration, the Philippine Association of Landscape Architects held dialogues and made representations with the Department of Environment and Natural Resources regarding its capacity to contribute technical staff support for the integrated protected area in a bid to help conserve biological diversity through careful site layout and activity zoning. Unfortunately, such projects funded by bilateral agreements more often dictate the participation of foreign consultants rather than local landscape architects. Efforts by landscape architects concerning method and technique have had far-reaching consequences.

In the 1969 Environmental Consciousness Movement, a landscape architect pioneered the overlay method of environment impact assessment which has been one of the established methods of reviewing projects for their positive and negative impacts on society and the environment. This decision-making tool is one of the assessment methods currently used worldwide.

So important is landscape architecture to our built and natural environment that it is taught in at least 184 academic institutions in 42 countries which include, among others, institutions of proven academic excellence such as Cornell and Harvard, Sheffield and Melbourne, Tsukuba, Trisakti and Chulalongkorn, among others.

Compared to other countries which have had a long tradition in the appreciation of landscapes as a cultural resource, landscape architecture is a new profession in our country. Yet our Filipino landscape architects have made sufficient gains in the aesthetics of our environment.

Beginning in the 1970s, some have held middle management and policy-making functions in government agencies such as the Environment Management Bureau (EMB), the Housing and Land Use Regulatory Board (HLURB), the former Metro Manila Commission (MMC), the National Power Corporation (NPC), the National Parks Development Commission (NPDC), the Philippine Tourism Authority (PTA), among others. They help foreign governments and property developers realize cultural, recreational and educational value for outdoor space and help instill a sense of pride and belonging for sites that would have otherwise remained insignificant and unnoticed.

It is ironic that many landmark projects overseas have benefited from expert design competence by Filipino landscape architects. The Temasek University and Changi Airport Terminals 1 and 2 all in Singapore, the Royal Istana Palace in

Brunei, the 20-Year Strategic Greenery Program for the entire Kuwait Urban Area, some private estates of California's Beverly Hills are just a few of a long list of works overseas by Filipino landscape architects.

The potential for landscape architecture in this country is truly immense. This is the reason foreign consultants have maintained their presence here even during the height of the Asian crisis. It is, however, our local professionals who should be given prime consideration as it is they who have a better grasp and understanding of our local conditions. We owe it to them to provide the opportunity to realize their potentials to the fullest.

Mr. President, we need landscape architects who can help humanize our outdoor spaces. Whereas road and highway alignments abroad call for landscape architects very early in the project to help select the best scenic and safest routes, our current culture of roads design is overly heavy on engineering and extremely poor in aesthetics. Our road engineers hardly benefit from collaborative work with landscape architects largely because they may not know even of their existence. Neither do most of our local government officials—our mayors, governors and some agency directors.

Given the stability and recognition by way of an enabling Act, property developers, local governments and agencies of government can engage the services of local landscape architects for expert technical advice at competitive rates without any foreign reserve component. This would not be possible with foreign consultants. Empowered local government units could access to resource data bases through Geographic Information Systems (GIS) and could quickly avail of information in spatial contexts. Because of such ease and convenience, opportunities for intelligent land planning and landscape design open up promising development options more sensitive to cultural nuances, which may never have otherwise been considered. A level playing field can be created for local landscape architects to remain in the country to further contribute to projects requiring local expertise.

Working with adequate protection and recognition, our local landscape architects would be in a better position to do what they

do best—to creatively formulate solutions and advocate positions on issues on the related concerns of transportation, land use, housing, waste management, tourism, and other allied fields.

In view of the foregoing, Mr. President and honorable colleagues, the passage of this bill is urgently sought.

Thank you, Mr. President.

The Presiding Officer [Sen. Flavier]. The Majority Leader is recognized.

Senator Drilon. Mr. President, we thank our colleague, Sen. Anna Dominique Coseteng for that exhaustive sponsorship of Senate Bill No. 1355.

SUSPENSION OF CONSIDERATION OF S. NO. 1355

To enable our colleagues to review carefully the proposed measure together with the sponsorship speech, I move that we suspend consideration of Senate Bill No. 1355 under Committee Report No. 12.

The Presiding Officer [Sen. Flavier]. Is there any objection? *[Silence]* There being none, the motion is approved.

ADJOURNMENT OF THE SESSION

Senator Drilon. Mr. President, there being no other matters to take up, I move that we adjourn the session until Monday, February 28, 2000, at three o'clock in the afternoon, with the notice to our colleagues that we will vote on Third Reading on Senate Bill No. 1554 (STOP for Health Act) and Senate Bill No. 1830 (Road User's Charge).

The attendance of our colleagues is therefore earnestly requested by this representation.

The Presiding Officer [Sen. Flavier]. Is there any objection? *[Silence]* There being none, the session is adjourned until Monday, February 28, 2000, at three o'clock in the afternoon.

It was 4:55 p.m.