



REPUBLIC OF THE PHILIPPINES
PROFESSIONAL REGULATION COMMISSION
Manila

**PROFESSIONAL REGULATORY BOARD OF REAL
ESTATE SERVICE
Resolution No. 02
Series of 2010**

**IMPLEMENTING RULES AND REGULATIONS
OF REPUBLIC ACT NO. 9646, KNOWN AS
THE “REAL ESTATE SERVICE ACT OF THE PHILIPPINES”**

Pursuant to Section 5, (J), Article II and Section 42, Article V of Republic Act No. 9646, “An **Act** regulating the Practice of Real Estate Service in the Philippines, Creating for the Purpose a Professional Regulatory Board of Real Estate Service, Appropriating Funds Therefor and for Other Purposes”, the Professional Regulatory Board of Real Estate Service, hereinafter called as the Board, after the review and approval by the Professional Regulation Commission, hereinafter referred to as the Commission, hereby adopts, issues, and promulgates this resolution embodying the following Implementing Rules and Regulations to carry out, administer, and enforce the provisions of R.A. No. 9646.

**RULE I
TITLE OF THE RULES, DECLARATION OF POLICY &
DEFINITION OF TERMS**

SECTION 1. Title - These Rules shall be known as “**THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9646**, known as the “Real Estate Service Act of the Philippines”, in short, the “IRR of R.A. No. 9646”, or merely the IRR.

SEC. 2. Declaration of Policy - The State recognizes the vital role of real estate service practitioners in the social, political, economic development and progress of the country by promoting the real estate market, stimulating economic activity and enhancing government income from real property-based transactions. Hence, it shall develop and nurture through proper and effective regulation and supervision a corps of technically competent, responsible and respected professional real estate service practitioners whose standards of practice and service shall be globally competitive and will promote the growth of the real estate industry.

The IRR shall be interpreted, construed, and carried out in the light of the above Declaration of Policy, which embodies the legislative intent in enacting R.A. No. 9646.

SEC. 3. Definition of Terms – As used in the IRR,, the following terms shall be understood to mean as follows:

- a. "Appraiser" also known as valuer, refers to a person who conducts valuation/appraisal; specifically, one who possesses the necessary qualifications, license, ability and experience to execute or direct the valuation/appraisal of real property.
- b. "Assessor" refers to an official in the local government unit, who performs appraisal and assessment of real properties, including plants, equipment, and machineries, essentially for taxation purposes. This definition also includes assistant assessors.
- c. "Real estate" refers to the land and all those items which are attached to the land. It is the physical, tangible entity, together with all the additions or improvements on, above or below the ground.
- d. "Real estate development project" means the development of land for residential, commercial, industrial, agricultural, institutional or recreational purposes, or any combination of such including, but not limited to, tourist resorts, reclamation projects, building or housing projects, whether for individual or condominium ownership, memorial parks and others of similar nature.
- e. "Real estate developer" refers to any natural or juridical person engaged in the business of developing real estate development project for his/her or its own account and offering them for sale or lease.
- f. "Real property" includes all the rights, interests and benefits related to the ownership of real estate.
- g. "Real estate service practitioners" shall refer to and consist of the following:
 - (1) Real estate consultant – a duly registered and licensed natural person who, for a professional fee, compensation or other valuable consideration, offers or renders professional advice and judgment on: (i) the acquisition, enhancement, preservation, utilization or disposition of lands or improvements thereon; and (ii) the conception, planning, management and development of real estate projects.
 - (2) Real estate appraiser – a duly registered and licensed natural person who, for a professional fee, compensation or other valuable consideration, performs or renders, or offers to perform services in estimating and arriving at an opinion of or acts as an expert on real estate values, such services of which shall be finally rendered by the preparation of the report in acceptable written form.
 - (3) Real estate assessor — a duly registered and licensed natural person who works in a local government unit and performs appraisal and assessment of real properties, including plants, equipment, and machineries, essentially for taxation purposes.
 - (4) Real estate broker - a duly registered and licensed natural person who, for a professional fee, commission or other valuable consideration, acts as an agent of a party in a real estate transaction to offer, advertise, solicit, list, promote, mediate, negotiate or effect the meeting of the minds on the sale, purchase, exchange, mortgage, lease or joint venture, or other similar transactions on real estate or any interest therein.
 - (5) Real estate salesperson - a duly accredited natural person who performs service for, and in behalf of a real estate broker who is registered and

licensed by the Professional Regulatory Board of Real Estate Service for or in expectation of a share in the commission, professional fee, compensation or other valuable consideration.

- h.* “Accredited and Integrated Professional Organization (AIPO)” – the national integrated organization of natural persons duly registered and licensed as Real Estate Service Practitioners that the Board, subject to the approval by the Commission, shall recognize or accredit as the one and only AIPO, pursuant to Sec. 34, Art. IV of R.A. No.9646.
- i.* “ *Interim Accredited Professional Organization (IAPO)*” – the professional organization accredited by the Commission only to operate and perform activities or acts prior to and until the recognition or birth of the AIPO as defined in *h.* above.

RULE II

PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE

SEC. 4. *Creation and Composition of the Board* – There is hereby created a Professional Regulatory Board of Real Estate Service, hereinafter referred to as the Board, under the supervision and administrative control of the Professional Regulation Commission (PRC), hereinafter referred to as the Commission, composed of a chairperson and four (4) members who shall be appointed by the President of the Philippines from the three (3) recommendees chosen by the Commission from a list of five (5) nominees per position submitted by the accredited and integrated professional organization of real estate service practitioners: *Provided*, That two (2) of the members of the Board shall represent the government assessors and appraisers, who are both in active government service.

The first Board shall be organized within six (6) months from the effectivity of R.A. No. 9646.

This provision shall be implemented in accordance with the guidelines of Executive Order No. 496, Series of 1991 on the selection, nomination, recommendation, and appointment of those who will fill up any vacancy in the Board.

SEC.5. *Powers and Functions of the Board.* – The Board is hereby vested the following specific powers and functions:

- (a) Provide comprehensive policy guidelines for the promotion and development of the real estate industry in relation to the regulation of the practice of the real estate service profession;
- (b) Conduct licensure examinations for the practice of the real estate service profession and prescribe the appropriate, syllabi of the subjects for examination with their tables of specifications;
- (c) Issue, suspend, revoke or reinstate, after due notice and hearing, certificates of registration or professional identification cards for the practice of real estate service;
- (d) Maintain a comprehensive and updated register of licensed real estate service professionals;

- (e) Monitor the conditions affecting the practice of real estate service and adopt such measures as may be proper for the enhancement of the profession and/or the maintenance of high professional, ethical and technical standards;
- (f) Adopt a national Code of Ethics and Responsibilities issued by the AIPO to be strictly observed by all licensed real estate service practitioners;
- (g) Hear or investigate any violation of R.A. No. 9646, the IRR and the Code of Ethics and Responsibilities for real estate service practitioners and issue subpoena and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith;
- (h) Safeguard and protect legitimate and licensed real estate service practitioners and, in coordination with the accredited and integrated professional organization (AIPO) of real estate service practitioners, monitor all forms of advertisements, announcements, signboards, billboards, pamphlets, brochures and others of similar nature concerning real estate and, where necessary, exercise its quasi-judicial and administrative powers to finally and completely eradicate the pernicious practices of unauthorized or unlicensed individuals;
- (i) Prescribe, in cooperation with the Commission on Higher Education (CHED) or the concerned state university or college, the essential requirements as to the curricula and facilities of schools, colleges or universities seeking permission to open academic courses or already offering such courses in real estate service, and to see to it that these requirements, including the employment of qualified faculty members, are properly complied with;
- (j) Promulgate, administer and enforce rules and regulations necessary in carrying out the provisions of R.A. No. 9646;
- (k) Supervise and regulate the registration, licensure and practice of real estate service in the Philippines;
- (l) Assess and fix the rate of reasonable regulatory fees;
- (m) Administer oaths and affirmations;
- (n) Adopt an official seal of the Board with the interpretation of its symbols attached to this Resolution and made an integral part thereof as Annex "A";
- (o) Evaluate periodically the status of real estate service education and profession, and recommend and/or adopt measures to upgrade and maintain its high standard;
- (p) Prescribe guidelines and criteria for the Continuing Professional Education (CPE) program for real estate service practitioners in consultation with the accredited and integrated professional organization of real estate service practitioners;
- (q) Screen, issue and monitor permits to organizations of real estate professionals in the conduct of seminars and accredit such seminars pursuant to the CPE program, as well as the instructors or lecturers therein, for the purpose of upgrading the quality and knowledge of the profession;
- (r) Monitor and supervise the activities of the accredited and integrated professional organization (AIPO) and other associations of real estate service practitioners; and

- (s) Discharge such other powers, duties and functions as the Commission may deem necessary to carry out the provisions of R.A. No. 9646.

The policies, resolutions and rules and regulations issued or promulgated by the Board shall be subject to the review and approval by the Commission. However, the Board's decisions, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review by the Commission only on appeal, in accordance with Republic Act No. 8981 and its Implementing Rules and Regulations.

SEC. 6. *Qualifications of the Chairperson and Members of the Board.* The Chairperson and the Members of the Board shall, at the time of their appointment, possess the following qualifications:

- (a) citizen and resident of the Philippines;
- (b) holder of a bachelor's degree related to real estate;
- (c) An active licensed practitioner of real estate service for at least ten (10) years prior to his/her appointment;
- (d) A bona fide member in good standing of the accredited and integrated professional organization of real estate service practitioners but not an officer or trustee at the time of his/her appointment;
- (e) Neither be a member of the faculty of an institute, school, college or university, nor have any pecuniary interest, direct or indirect, in any institution or association where review classes or lectures in preparation for the licensure examination are being offered or conducted; and
- (f) Of good moral character, and must not have been convicted by final judgment by a competent court of a criminal offence involving moral turpitude.

SEC. 7. *Term of Office.* The chairperson and the members of the Board shall hold office for a term of three (3) years from the date of their appointment and until their successor/s shall have been appointed: *Provided*, That the members of the first appointed Board shall hold office for the following terms: one (1) member as chairperson, to serve for three (3) years; two (2) members, to serve for two (2) years; and two (2) members, to serve for one (1) year.

The Chairperson and the Members of the Board may be reappointed for a second term but in no case shall he/she serve continuously for more than six (6) years. Any vacancy in the Board shall be filled for the unexpired portion of the term of the member who vacated the position. On the constitution of the first Board, the Chairperson and the Members of the Board shall automatically be registered and issued Certificates of Registration and Professional Identification Cards. Each member of the Board shall take the proper oath of office prior to the assumption of duty.

SEC. 8. *Compensation and Allowances of the Chairperson and Members of the Board.* The chairperson and the members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairman and the members of existing professional regulatory boards under the Commission, as provided for in the General Appropriations Act, the Salary Standardization Law, and the Joint Circular issued by the Commission and the Department of Budget and Management (DBM).

SEC. 9. *Removal of the Chairperson and Members of the Board.* The chairperson or any member of the Board may be suspended or removed by the President of the Philippines, upon the recommendation of the Commission and after due notice and hearing in a proper administrative investigation to be conducted by the Commission on the following grounds:

1. Neglect of duty,
2. Abuse of power,
3. Oppression,
4. Incompetence,
5. Unprofessional, unethical conduct,
6. Immoral or dishonourable conduct,
7. Commission or toleration of irregularities in the conduct of examination or tampering of the grades, or
8. For any final judgment or conviction of any criminal offence involving moral turpitude.

The Commission in the conduct of the investigation shall be guided by Sec. 7 (s) of R.A. No. 8981 and its rules on administrative investigation.

SEC. 10 *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* The Board shall be under the general supervision and administrative control of the Commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberations, administrative and other investigative cases involving real estate service practitioners, shall be kept by the Commission. The Commission shall designate the secretary of the Board at the office, Secretary, Professional Regulatory Boards and shall provide the secretariat and other support services to implement the provisions of R.A. No. 9646 subject to the usual government accounting and auditing rules and regulations.

SEC. 11. *Annual Report.* The Board shall, at the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted with the end-in-view of upgrading and improving the conditions affecting the practice of real estate service in the Philippines.

RULE III LICENSURE EXAMINATION AND REGISTRATION

SEC. 12. *Licensure Examination.* Every applicant seeking to be registered and licensed as a real estate service practitioner, except a real estate salesperson, shall undergo an examination to be given by the Board as provided for in **R.A. No. 9646**. Examinations for the practice of real estate service in the Philippines shall be given by the Board in such places and dates as the Commission may designate in the Master Schedules of Board Licensure Examinations for Professionals for the year as issued by the Commission.

SEC. 13. *Scope of Examination.* The licensure examination for the applicants for real estate brokers, real estate appraisers and real estate consultants shall cover, but not limited to, the following

(a) For real estate consultants:

1. fundamentals of real estate consulting;
2. Standards and ethics;
3. Consulting tools and techniques, which include project feasibility study and investment measurement tools;
4. Real estate finance and economics;
5. Real estate consulting and investment analyses;
6. Consulting for specific engagement, which includes consulting for commercial, industrial, recreation and resort and hotel properties, and consulting for government and corporate and financial institutions;
7. Land management system and real property laws; and
8. any other related subjects as may be determined by the Board;

(b) For real estate appraisers:

1. Fundamentals of real estate principles and practices;
2. Standards and ethics;
3. Theories and principles in appraisal;
4. Human and physical geography;
5. Methodology of appraisal approaches;
6. Valuation procedures and research;
7. Appraisal of machinery and equipment;
8. Practical appraisal mathematics;
9. Appraisal report writing;
10. Real estate finance and economics;
11. Case studies;
12. Land management system and real property laws; and
13. any other related subjects as may be determined by the Board; and

(c) For real estate brokers:

1. Fundamentals of property ownership;
2. Code of ethics and responsibilities;
3. Legal requirements for real estate service practice;
4. Real estate brokerage practice;
5. Subdivision development;
6. Condominium concept and other types of real estate holdings;
7. Real estate finance and economics;
8. Basic principles of ecology;
9. Urban and rural land use;
10. Planning, development and zoning;
11. Legal aspect of sale, mortgage and lease;
12. Documentation and registration;
13. Real property laws and taxation; and
14. any other related subjects as may be determined by the Board.

To conform to technological and modern developments, the Board may re-cluster, rearrange, modify, add to, or exclude any of the foregoing subjects and their syllabi with tables of specifications as may be necessary.

SEC. 14. *Qualification of Applicants for Examinations.* In order to be admitted to the licensure examination for real estate service, a candidate at the time of filing his/her application, shall establish to the satisfaction of the Board that he/she possesses the following qualifications:

- (a) A citizen of the Philippines,
- (b) A holder of a relevant bachelor's degree from a state university or college, or other educational institution duly recognized by the CHED: ***Provided***, That he/she has completed at least one hundred twenty (120) credit units of real estate subjects and training from accredited service providers, as may be determined by the Board; ***Provided, further***, that as soon as a course leading to a Bachelor's degree in Real Estate Service is implemented by the CHED, the Board shall make this course a requirement for taking the licensure examination,
- (c) Is of good moral character, and must not have been convicted of any crime involving moral turpitude,
- (d) An applicant for the licensure examination for real estate consultants must show proof that he/she has at least ten (10) years experience as a licensed real estate broker, or an assessor, or as a bank, or institutional appraiser, or an employed person performing real property valuation, or at least five (5) years experience as a licensed real estate appraiser.

All applications for examination shall be filed with the Board who shall assess and approve said applications and issue to the qualified examinees the corresponding permits or notices of admission to take such examination upon submission of the following documents:

1. Original and photocopy of Birth Certificate or Certificate of Live Birth (NSO) and / or valid Philippine passport, or any others proof of citizenship,
2. Original and photocopy of transcript of records and / or diploma with scanned picture,
3. Original and photocopy of notarized certification by employer of his/her years of experience or pre-requisite Certificate of Registration (COR) and / or Professional Identification Card (PIC) or DTI license (for real estate consultants),
4. Original and photocopy of NBI clearance,
5. Original and photocopy of duly notarized accredited seminar and / or training certificate,
6. Community tax certificate,
7. Four (4) colored passport size pictures with white background and complete nametag and other documents in accordance with the requirements set by the Commission.

SEC. 15. *Ratings in the Examination.* In order that a candidate may be deemed to have successfully passed the examination, he/she must have obtained an average of at least seventy-five percent (75%) in all subjects, with no rating below fifty percent (50%) in any subject. The Board may adopt its own internal procedure on the implementation of this provision.

The reports of ratings may be distributed to the successful examinees during their mass oath-taking.

SEC. 16. *Release of the Results of Examination.* The results of the licensure examination shall be released by the Board within ten (10) days from the last day of the examination. The result shall be published in a daily major newspaper of general circulation and PRC website.

SEC. 17. *Issuance of the Certificate of Registration and Professional Identification Card.* A certificate of registration shall be issued to examinees who pass the licensure examination for real estate service practice, subject to payment of fees prescribed by the Commission. The certificate of registration shall bear the signature of the chairperson of the Commission and the chairperson and the members of the Board, stamped with the official seal of the Commission, indicating that the person named therein is entitled to practice the profession with all the benefits and privileges appurtenant thereto. This certificate of registration shall remain in full force and effect until revoked or suspended in accordance with R.A. No. 9646.

A Professional Identification Card bearing the registration number, date of issuance and expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant upon payment of the required fees. The professional identification card shall be renewed every three (3) years and upon satisfying the requirements of the Board such as, but not limited to, attendance in the CPE program.

SEC. 18. *Refusal to Register.* The Board shall not register and issue a certificate of registration to any successful examinee who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation by the Board, or has been found to be psychologically unfit.

SEC. 19. *Revocation or Suspension of the Certificate of Registration and the Professional Identification Card or Cancellation of Special/Temporary Permit.* The Board may, after giving proper notice and hearing to the party concerned, revoke the certificate of registration and the professional identification card, or cancel the special/temporary permit of a real estate service practitioner, or suspend him/her from the practice of the profession on any of the following instances hereunder:

- (a) Procurement of a certificate of registration and/or professional identification card, or special/temporary permit by fraud or deceit;
- (b) Allowing an unqualified person to advertise or to practice the profession by using one's certificate of registration or professional identification card, or special/temporary permit;
- (c) Unprofessional or unethical conduct;
- (d) Malpractice or violation of any of the provisions of R.A. No. 9646, the IRR, and the Code of Ethics and Responsibilities for real estate service practitioners; and
- (e) Engaging in the practice of the profession during the period of one's suspension.

The rules on administrative investigation issued by the Commission shall govern the hearing or investigation of the case, subject to the applicable provisions of R.A. No. 8981, R.A. No. 9646, and the Rules of Court; *Provided*, That the suspension or revocation of the Certificate

of Registration and Professional Identification Card, or the cancellation of the Temporary/Special Permit of the respondent professional shall not prejudice his /her prosecution for criminal liabilities and the imposition of the penalties under R.A. No. 8981, R.A. No. 9646, under the Revised Penal Code, or any other special law.

SEC. 20. *Registration Without Examination.* Upon application and payment of the required fees, the following shall be registered, and shall be issued by the Board and the Commission a certificate of registration and a professional identification card without taking the prescribed examination:

(a) Those whose, on the date of the effectivity of R.A. No. 9646 or as of 30 July 2009, are already licensed as real estate brokers, real estate appraisers or real estate consultants by the Department of Trade and Industry (DTI) by virtue of Ministry Order No. 39, as amended: *Provided*, that they are in active practice as real estate brokers, real estate appraisers, and real estate consultants, and that they have undertaken relevant Continuing Professional Education (CPE) or Continuing Education Program (CEP) to the satisfaction of the Board: *Provided, further, that* the following practitioners shall be allowed to register:

1. Any holder of a valid DTI license who has earned fifteen (15) Continuing Education Program (CEP) or CPE credit units;
2. Those who had failed to renew their DTI License prior to 30 July 2009 but who have earned twenty-four (24) CEP credit units from accredited service providers as per M.O. 39 or CPE credit units from CPE Council Accredited Provider from 2007 to July 30, 2011;
3. Those who had passed the 2009 & 2008 licensure examinations given by the DTI but who had failed to obtain their license upon the effectivity of the R.A. No. 9646 and who have earned fifteen (15) CEP or CPE credit units;
4. Those who had passed the 2007 licensure examinations given by the DTI but who had failed to obtain their license upon the effectivity of the R.A. No. 9646 and who have earned eighteen (18) CEP or CPE credit units;
5. Those who had passed the DTI licensure examinations in 2006 and prior years but who had failed to obtain their license upon the effectivity of R.A. No. 9646 and who have earned one hundred twenty (120) CEP or CPE credit units;

Provided, finally, that real estate practitioners falling under the above-described categories who fail to comply with the necessary CPE requirements within two (2) years after the effectivity of R.A. No. 9646, on or before 30 July 2011, shall be required to take the Board licensure examination for real estate service practitioners;

(b) Assessors and appraisers who, on the date of the effectivity of R.A. No. 9646 or as of 30 July 2009, hold permanent appointments and are performing actual appraisal and assessment functions for the last five (5) years, have passed the Real Property Assessing Officer (RPAO) examination conducted and administered by the Civil Service Commission (CSC) in coordination with the Department of Finance (DOF), and have undertaken relevant CPE to the satisfaction of the Board; and

(c) Assessors and appraisers who, on the date of the effectivity of R.A. No. 9646 or as of 30 July 2009, hold permanent appointments and have at least ten (10) years actual experience in real property appraisal or assessment and have completed at least one hundred twenty (120) hours of accredited training on real property appraisal conducted by national or

international appraisal organizations or institutions/entities, duly certified by the Department of Finance (DOF) or any other pertinent national government agencies or Government Owned and Controlled Corporations (GOCC) as the case may be, recognized by the Board and relevant CPE credit units to the satisfaction of the Board.

Those falling under categories (b) and (c) shall register with the Board after they shall have complied with the requirements for registration as real estate appraisers, and have completed twenty four (24) CPE credit units. *Provided*, that those seeking to be licensed to a new credential level shall be required to take the pertinent Board licensure examination for real estate service practitioners.

Those so exempt under the aforementioned categories shall file their application within two (2) years from the effectivity of Republic Act No. 9646 or until 30 July 2011. *Provided*, that the renewal of the professional identification card is subject to the provisions of Section 17, Art. III of R. A. No. 9646.

An applicant for registration without examination must submit the following documents:

1. Original and photocopy of Certificate of Live Birth / Birth Certificate (NSO), or valid Philippine passport, or any other proof of citizenship;
2. Original and photocopy of Certificate of Registration (COR) and / or Professional Identification Card (PIC) or DTI Licenses;
3. DTI Certification of Rating (for those who passed the examinations but failed to obtain their license),
4. Original and photocopy of NBI Clearance,
5. Duly notarized CEP/CPE Certification,
6. Civil Service Commission Certification, DOF, or any other national government agencies, or GOCC Certification (assessors or government appraisers), or any certification of accredited seminar/training provider,
7. Appointment papers and service records to prove appraisal or assessment experience (for assessors or government appraisers),
8. Original and photocopy of Marriage Certificate / Contract of Marriage (NSO) (if applicable),
9. Four (4) passport size colored photos with complete nametag in white background, original and photocopy of community tax certificate (CTC), and surety bond for Real estate brokers and private real estate appraisers.

SEC. 21. *Reinstatement, Re-issuance or Replacement of Certificate of Registration, Professional Identification Card and Special/Temporary Permit.* The Board may, after the expiration of two (2) years from the date of revocation of a certificate of registration and/or professional identification card, and upon application and compliance with the required CPE units, and for reasons deemed proper and sufficient, reinstate any revoked certificate of registration and reissue a suspended professional identification card and in so doing, may, in its discretion, exempt the applicant from taking another examination; ***Provided, that*** the Board shall issue a resolution subject to the approval of the

Commission in granting a petition for reinstatement to the practice of real estate service profession. A new certificate of registration, professional identification card or special/temporary permit may be issued to replace lost, destroyed or mutilated ones, subject to the rules as may be promulgated by the Board and the Commission, upon payment of the required fees therefor.

- SEC. 22.** *Roster of Real Estate Service Practitioners.* The Board, in coordination with the AIPO of real estate service practitioners, shall prepare, update and maintain a roster of real estate service practitioners which shall contain the names of all registered real estate service practitioners, their residence and office addresses, license numbers, dates of registration or issuance of certificates, and other data which the Board may deem pertinent. Copies thereof shall be made available to the public upon request
- SEC. 23.** *Issuance of Special/Temporary Permit.* Upon application and payment of the required fees and subject to the approval of the Commission, the Board may issue special/temporary permit to real estate service practitioners from foreign countries whose services are urgently needed in the absence or unavailability of local real estate service practitioners for the purpose of promoting or enhancing the practice of the profession in the Philippines.
- SEC. 24.** *Foreign Reciprocity.* No foreign real estate service practitioner shall be admitted to the licensure examination, be given a certificate of registration or a professional identification car, be issued a Special/Temporary Permit, or be entitled to any of the privileges under R.A. No. 9646 and the IRR unless the country of which he/she is a citizen of specifically allows Filipino real estate service practitioners to practice within its territorial limits on the same basis as the citizens of such foreign country; *Provided,* That the guidelines therefor issued by the Commission, or by the Board subject to approval by the Commission, shall govern the provisions of the foregoing Sec. 23 and of the herein Sec. 24.

RULE IV PRACTICE OF REAL ESTATE SERVICE

- SEC. 25.** *Oath.* All successful examinees qualified for registration, all qualified applicants for registration without examination and accredited salespersons shall be required to take an oath before any member of the Board or any officer of the Commission duly authorized by the Commission to administer oaths prior to entering into the practice of real estate service in the Philippines *Provided,* That the mass oathtaking of the foregoing may be initiated and supervised by the Board in coordination with the AIPO.
- SEC. 26.** *Professional Indemnity Insurance/Cash or Surety Bond.* All real estate brokers and private real estate appraisers shall, in addition to the oath referred to in the preceding section, be required to post a professional indemnity insurance/cash or surety bond, in an amount to be determined by the Board, which in no case shall be less than Twenty thousand pesos (P20,000.00), without prejudice to the additional requirement of the client. It will be renewable every three (3) years.
- SEC. 27.** *Acts Constituting the Practice of Real Estate Service.* Any single act or transaction embraced within the provisions of Section 3(g), Rule II hereof, as performed by real estate service practitioners, shall constitute an act of engaging in the practice of real estate service.

SEC. 28. *Exemptions from the Acts Constituting the Practice of Real Estate Service.* The provisions of R.A. No. 9646 and the IRR shall not apply to the following:

- (a) Any person, natural or juridical, who shall directly perform by himself/herself the acts mentioned in Section 3 hereof with reference to his/her or its own property, except real estate developers who are regulated by and registered with the Housing and Land Use Regulatory Board (HLURB) pursuant to law and other resolutions/regulations such as but not limited to Presidential Decree (PD) 957, as amended, and Batas Pambansa Blg. 220 and their Implementing Rules and Regulations;
- (b) Any receiver, trustee or assignee in bankruptcy or insolvency proceedings;
- (c) Any person acting pursuant to the order of any court of justice
- (d) Any person who is a duly constituted attorney-in-fact for purposes of sale, mortgage, lease or exchange, or other similar contracts of real estate, without requiring any form of compensation or remuneration; and
- (e) Public Officers in the performance of their official duties and functions, except government assessors and appraisers.

SEC. 29. *Prohibition Against the Unauthorized Practice of Real Estate Service.* No person shall practice or offer to practice real estate service in the Philippines or offer himself/herself as real estate service practitioner, or use the title, word, letter, figure or any sign tending to convey the impression that one is a real estate service practitioner, or advertise or indicate in any manner whatsoever that one is qualified to practice the profession, or be appointed as real property appraiser or assessor in any national government entity or local government unit, unless he/she has satisfactorily passed the licensure examination given by the Board, except as otherwise provided in R.A. No. 9646 and the IRR is a holder of a valid certificate of registration and professional identification card or a valid special/temporary permit duly issued to him/her by the Board and the Commission; and, in the case of real estate brokers and private appraisers, they have paid the required bond as provided for in R.A. No. 9646.

SEC. 30. *Positions in Government Requiring the Services of Registered and Licensed Real Estate Service Practitioners.* Within three (3) years from the effectivity of RA No. 9646, all existing and new positions in the national and local governments, whether career, permanent, temporary or contractual, primarily requiring the services of any real estate service practitioner, shall be filled only by registered and licensed real estate service practitioners.

All incumbent assessors holding permanent appointments shall continue to perform their functions without need for re appointment and without diminution of status, rank and salary grade, and shall enjoy security of tenure. However, they may not be promoted to a higher position until they meet the qualification requirements of that higher position as herein prescribed. Nothing in R.A. No. 9646 and the IRR shall be construed to reduce any benefit, interest, or right enjoyed by the incumbents at the time of the enactment of R.A. No. 9646. The appointing authority shall exercise his power to appoint the assessor in accordance with the provisions of R.A. No. 9646 and the IRR only when a vacancy occurs.

SEC. 31. *Supervision of Real Estate Salespersons.* For real estate salespersons, no examination shall be given, but they shall be accredited by the Board, provided that they have completed at least two (2) years of college and have undergone training and

seminars of at least twelve (12) credit units in real estate brokerage. Those salespersons who are registered with the DTI/HLURB or other salespersons who are in the active practice for at least three (3) years, as may be certified by a licensed broker or a real estate developer, prior to the effectivity of R.A. No. 9646 may also be accredited by the Board until 30 July 2011. *Provided*, further, that in both cases, such Real Estate Salespersons must have undergone at least one hundred twenty (120) training hours in real estate brokerage, and have submitted original NSO certificate of live birth/ birth certificate, NBI clearance, certificate of educational attainment or its equivalent, notarized certificate of training or seminar and notarized certificate of their supervising licensed brokers, as may be required by the Board. Real estate salespersons shall be under the direct supervision and accountability of a real estate broker. As such, they cannot by themselves be signatories to a written agreement involving a real estate transaction unless the real estate broker who has direct supervision and accountability over them is also a signatory thereto. No real estate salesperson, either directly or indirectly, can negotiate, mediate or transact any real estate transaction for and in behalf of a real estate broker without first securing an authorized accreditation as real estate salesperson for the real estate broker, as prescribed by the Board. A real estate broker shall be guilty of violating R.A. No. 9646 or **the IRR** for employing or utilizing the services of a real estate salesperson when he/she has not secured the required accreditation from the Board prior to such employment.

No salesperson shall be entitled to receive or demand a fee, commission or compensation of any kind from any person, other than the duly licensed real estate broker who has direct control and supervision over him, for any service rendered or work done by such salesperson in any real estate transaction.

No violation of this provision shall be a cause for revocation or suspension of the certificate of registration of the real estate broker unless there was actual knowledge of such violation or the broker retains the benefits, profits or proceeds of a transaction wrongfully negotiated by the salesperson.

SEC. 32. *Corporate Practice of the Real Estate Service.*

- (a) No partnership or corporation shall engage in the business of real estate service unless it is duly registered with the Securities and Exchange Commission (SEC), and the persons authorized to act for the partnership or corporation are all duly registered and licensed real estate brokers, appraisers or consultants, as the case may be. The partnership or corporation shall regularly submit a list of its real estate service practitioners to the Commission and to the SEC as part of its annual reportorial requirements. There shall at least be one (1) licensed real estate broker for every twenty (20) accredited salespersons.
- (b) Divisions or departments of partnerships and corporations engaged in marketing or selling any real estate development project in the regular course of business must be headed by full-time registered and licensed real estate brokers.
- (c) Branch offices of real estate brokers, appraisers or consultants must be manned by a duly licensed real estate broker, appraiser or consultant as the case may be.

In case of resignation or termination from employment of a real estate service practitioner, the same shall be reported by the employer to the Board within a period not to exceed fifteen (15) days from the date of effectivity of the resignation or termination. Subject to the provisions of the Labor Code, a corporation or partnership may hire the services of registered and licensed real estate brokers, appraisers or consultants on commission basis

to perform real estate services and the latter shall be deemed independent contractors and not employees of such corporations.

SEC. 33. *Display of License in the Place of Business.* Every registered and licensed real estate service practitioner shall establish and maintain a principal place of business and such other branch offices as may be necessary, and shall conspicuously display therein the original and/or certified true copies of his/her certificate of registration and professional identification card as well as the certificates of registration and professional identification cards of all the real estate service practitioners employed in such office.

SEC. 34. *Accreditation and Integration of Real Estate Service Associations.* All real estate service associations shall be integrated into one (1) national organization, which shall be recognized by the Board, subject to the approval of the Commission, as the only accredited and integrated professional organization of real estate service practitioners pursuant to PRC Res. No. 2004-178, Series of 2004.

A real estate service practitioner duly registered with the Board shall automatically become a member of the accredited and integrated professional organization of real estate service practitioners, and shall receive the benefits and privileges appurtenant thereto; *Provided* That the Board, subject to approval by the Commission, shall issue a Resolution on the membership and payment of the fee therefor as a requirement fro the renewal of the Professional Identification Card. The automatic membership in the accredited and integrated professional organization of real estate service practitioners shall not be a bar to membership in other associations of real estate service practitioners.

SEC. 35. *Code of Ethics and Responsibilities for Real Estate Service Practitioners.* The Board shall adopt and promulgate the Code of Ethics and Responsibilities for real estate service practitioners which shall be prescribed and issued by the accredited and integrated professional organization (AIPO) of real estate service practitioners.

SEC. 36. *Continuing Professional Education (CPE) Program.* The Board shall develop, prescribe and promulgate guidelines on CPE upon consultation with the accredited and integrated professional organization of real estate service practitioners, affiliated association of real estate service practitioners and other concerned sectors, and in accordance with such policies as may have been prescribed by the Board, subject to the approval of the Commission. The Board shall create a CPE Council that shall be composed of a chairperson coming from the Board, a member from the accredited and integrated professional organization of real estate service practitioners and a member from the academe.

SEC. 37. *Enforcement Assistance to the Board.* The Board shall be assisted by the Commission in carrying out the provisions of R.A. No. 9646 and the IRR and other policies. The lawyers of the Commission shall act as prosecutors against illegal practitioners and other violators of R.A. No. 9646 and the IRR. The duly constituted authorities of the government shall likewise assist the Board and the Commission in enforcing the provisions of R.A. No. 9646 and the IRR..

SEC. 38. *Indication of the Certificate of Registration, Professional Identification Card/License Number, Privilege Tax Receipt (PTR) Number, and Accredited Integrated Professional Organization (AIPO) Number.* Real estate service practitioners shall be required to indicate the certificate of registration, professional identification card, PTR number, and AIPO membership and /or receipt number, and the date of

issuance and the duration of validity on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

RULE V PENAL AND FINAL PROVISIONS

SEC. 39. *Penal Provisions.* Any violation of R.A. 9646, including violations of this IRR, shall be meted the penalty of a fine of not less than one hundred thousand pesos (P100,000.00) or imprisonment of not less than two (2) years, or both such fine and imprisonment upon the discretion of the court. In case the violation is committed by an unlicensed real estate service practitioner, the penalty shall be double the aforesaid fine and imprisonment.

In case the violation is committed, by a partnership, corporation, association or any other juridical person, the partner, president, director or manager who has committed or consented to or knowingly tolerated such violation shall be held directly liable and responsible for the acts as principal or as a co-principal with the other participants, if any.

SEC. 40. *Appropriations.* The chairperson of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of R.A. No. 9646 and the IRR the funding of which shall be included in the annual General Appropriations Act and thereafter.

SEC. 41. *Transitory Provision.* Within ninety (90) days from the effectivity of R.A. No. 9646, the DTI - Bureau of Trade Regulation and Consumer Protection (BTRCP) shall transfer all pertinent records, documents and other materials to the Professional Regulatory Board of Real Estate Service.

SEC. 42. *Implementing Rules and Regulations.* Within six (6) months after the effectivity of **R.A. No. 9646**, the Commission, together with the Board and the accredited and integrated professional organization of real estate service practitioners, the Department of Finance, and the CHED, shall prepare the necessary rules and regulations, including the Code of Ethics and Responsibilities for real estate service practitioners, needed to implement the provisions of R.A. No. 9646. The Board shall issue and promulgate a resolution for the IRR subject to review and approval by the Commission.

Nothing in R.A. No. 9646 and the IRR shall be construed or interpreted to effect or prevent the practice of any other profession legally regulated by any other professional regulatory law.

SEC. 43. *Separability Clause.* If any clause, sentence, paragraph or part of the IRR shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part thereof.

SEC. 44. *Repealing Clause.*

1. Sections 3(e) and (ee) of Act No. 2728, as amended by Act No. 3715 and Act No. 3969, Sections 472 and 473 of the Local Government Code of 1991 (Republic Act No. 7160), and pertinent provisions of the Civil Service Law are hereby modified accordingly.

2. All laws, decrees, executive orders, department or memorandum orders and other administrative issuances or parts thereof which are inconsistent with the provisions of R.A. No. 9646 and / or the IRR are hereby modified, superseded or repealed accordingly.

SEC. 45. *Effectivity.* The IRR shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or in a major daily newspaper of general circulation in the Philippines.

Done in the City of Manila this 21st day of July, 2010

[SGD.] EDUARDO GUTIERREZ-ONG
Chairman

[SGD.] RAMON C.F. CUERVO III
Member

[SGD.] BANSAN C. CHOA
Member

[SGD.] RAFAEL M. FAJARDO
Member

[SGD.] FLORENCIO C. DINO II
Member

ATTESTED BY:

[SGD.] CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

[SGD.] NICOLAS P. LAPEÑA, JR
Chairman

[SGD.] ANTONIO S. ADRIANO
Commissioner

[SGD.] NILO L. ROSAS
Commissioner