



EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

Senate Bill No. 1252

[Signature]

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

**AN ACT
REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY, AND
MAINTENANCE OF BUILDINGS, PROMOTING BUILDING RESILIENCE
VERSUS FIRE, FLOOD, STORM, EARTHQUAKE AND MULTIPLE HAZARDS,
ENACTING A NEW PHILIPPINE BUILDING ACT, THEREBY REPEALING
PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Weak infrastructure has been a major obstacle to the creation of safe and resilient communities in the Philippines. Considering the country is an archipelago located near the equator and along the Pacific Ring of Fire, it is vulnerable and exposed to earthquakes, typhoons and volcanic eruptions. Thus, improvements in building regulations and standards are imperative.

According to the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), the Philippines is visited by at least 20 tropical cyclones every year. In 2013, Tropical Storm Yolanda (Haiyan), one of the strongest tropical cyclones in the country, caused massive damage in Eastern Visayas and nearby areas. About 16,078,181 individuals were affected, a total of 1,140,332 houses were partially and totally destroyed, and almost P95.48 Billion worth of infrastructure, agriculture and school buildings were damaged.

The 2018 World Risk Report published by the United Nations University Institute of Environment and Human Security (UNU-EHS) affirmed the vulnerability of the Philippines by ranking it 3rd most disaster-prone country in the world with a Risk Index of 26.70 percent. Only Vanuatu and Tonga, which are both located in the Southern Pacific Ocean, had a higher Risk Index than the Philippines.

Further, in the 2018 Global Climate Risk Index which analyzes the quantifiable impacts of disasters both in terms of fatalities and economic losses, the Philippines ranked 5th in the list of countries most affected by natural disasters. In terms of the socioeconomic damage, a report cited that in the last ten years, (2007-2016), the estimated damage amounts to US\$19.16 Billion.

Moreover, the Philippine Institute of Volcanology and Seismology (PHIVOLCS) reported a comprehensive study in 2013 that covers earthquake damage scenarios and estimation results. The report includes some terribly alarming figures. If a worst-case scenario of a 7.2-magnitude earthquake from the West Valley Fault, also known as the "Big One" strikes, it projects that residential buildings will be most at risk, with at least 25.6 percent or 339,800 damaged buildings. There is a potential of 18,000 casualties from fire-related incidents, and 113,600 may be left injured. The direct human impact is estimated at 33,500 deaths, and 3.1 million homeless people.

In order to safeguard the public welfare and to mitigate the impact of disasters, this bill proposes to provide for all buildings and structures, a framework of minimum standards and requirements, mainstreaming disaster risk reduction and management, to regulate and control their location, siting, planning, design, construction, and maintenance.

In pursuit of these policies, the State should institutionalize a system that will provide for periodic review and flexible mechanisms in the updating of regulations and standards and which will strengthen the participation of relevant stakeholders, taking

into account the importance of allowing for continuing innovation in building design and construction.

This bill seeks to provide the effective regulation of planning, design, construction, occupancy, and maintenance of all public and private buildings and structures. In addition, safeguarding life and protecting people from injury, ensuring the people's health and well-being, protecting property from physical damage and loss, and minimizing disaster risk are the reference standards in attaining building resiliency.

This Act shall hold relevant stakeholders accountable in ensuring enforcement of and compliance with this act. Moreover, this bill proposes to establish sustainability standards for government-owned buildings, mitigating any negative environmental, economic, and social impacts.

The approval of this bill creates safe and resilient communities which can only be achieved through an improved Philippine Building Act.

In view of the foregoing, the approval of this bill is earnestly sought.



SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO



Senate
Office of the Secretary

EIGHTEENTH CONGRESS OF THE
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RECENT

1

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

AN ACT

REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY, AND MAINTENANCE OF BUILDINGS, PROMOTING BUILDING RESILIENCE VERSUS FIRE, FLOOD, STORM, EARTHQUAKE AND MULTIPLE HAZARDS, ENACTING A NEW PHILIPPINE BUILDING ACT, THEREBY REPEALING PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

Section 1. Short Title. – This Act shall be known as the “Philippine Building Act of 2019.”

Sec. 2. Declaration of Principles and Policies. – The State shall safeguard life, health, property, and public welfare, consistent with principles of sustainable development. Towards this end, it shall be the policy of the State to provide for all buildings and structures, a framework of minimum standards and requirements, mainstreaming disaster risk reduction and management, to regulate and control their location, siting, planning, design, construction, occupancy, and maintenance. In pursuit of these policies, the State shall institutionalize a system that will provide for periodic review and flexible mechanisms in the updating of regulations and standards

1 and will strengthen the participation of relevant stakeholders, taking into account the
2 importance of allowing for continuing innovation in building design and construction.

3

4 Sec. 3. *Objectives of the Act.* – The objectives of this Act are as follows:

5

6 a. To provide for the effective regulation of planning, design, construction,
7 occupancy, and maintenance of buildings and structures, the establishment
8 of a permitting process based on their classifications, and the setting of
9 reference standards to:

10

11 1. Safeguard life and protect people from injury;

12

13 2. Ensure the health and well-being of the people who use them,
14 without impinging on the safety of the general public or endangering
15 the environment;

16

17 3. Protect property from physical damage; and

18

19 4. Reduce and manage hazards, exposures, and vulnerabilities, thereby
20 minimizing disaster risk;

21

22 b. To promote the accountability of relevant stakeholders in ensuring
23 enforcement of and compliance with this Act, rules and regulations, and
24 reference standards; and

25

26 c. To establish sustainability standards for government-owned buildings,
27 mitigating any negative environmental, economic, and social impacts.

28

29 Sec. 4. *Scope and Application.* – This Act shall cover all private and public
30 buildings and structures, and their location, siting, planning, design, materials,

1 construction, use, occupancy, maintenance, addition, alteration, conversion,
2 rehabilitation, relocation, repair, retrofit, and demolition.

3

4 Sec. 5. *Interpretation.* – Nothing in this Act shall be interpreted to prevent local
5 government units, pursuant to local autonomy, from enacting local ordinances relating
6 to buildings or structures and their location, siting, and planning that will better
7 safeguard life, health, property, and public welfare, consistent with the objectives of
8 this Act.

9

10 Such local ordinances by local government units of contiguous jurisdictions shall
11 be harmonized for purposes of buildings that may straddle territories of local
12 government units.

13

14 Before such local ordinance shall take effect, concurrence by the National
15 Building Official shall be required through the review process specified in the
16 promulgated rules and regulations.

17

18 Every such local ordinance shall be published in manners that are clear to all
19 stakeholders, through measures that include but are not limited to those provided in
20 Section 69 of this Act.

21

22 Sec. 6. *Definition of Terms.* – As used in this Act:

23

24 a. *Accredited Certifier* refers to a person possessing experience and other
25 qualifications of a Building Professional, and accredited by the Office of the
26 National Building Official to issue certificates to confirm that a building or
27 structure that is more than 15 years of age meets the requirements of
28 Chapter VII of this Act, rules and regulations, and reference standards as
29 to structural stability and fire safety construction;

30

- 1 b. *Accredited Inspector* refers to a person possessing experience and other
2 qualifications of a Building Professional, and accredited by the Office of the
3 National Building Official, whose service is engaged by the Local Building
4 Official to inspect buildings or structures in accordance with this Act, rules
5 and regulations, and reference standards;
- 6
- 7 c. *Accredited Structural Peer Reviewer* refers to a person possessing
8 experience and other qualifications of a Building Professional, and
9 accredited by the Office of the National Building Official to provide
10 independent verification that the structural design of a proposed or new
11 building or structure complies with this Act, rules and regulations, and
12 reference standards;
- 13
- 14 d. *Accredited Testing Laboratory* refers to an establishment or institution
15 accredited by the Office of the National Building Official to perform tests to
16 determine if the building materials and components used in the construction
17 of a building or structure comply with Chapter VI of this Act, rules and
18 regulations, and reference standards;
- 19
- 20 e. *Addition* refers to any construction which increases the height and/or floor
21 area of an existing building or structure;
- 22
- 23 f. *Alteration* refers to any construction in an existing building or structure
24 involving changes in the materials used, partitioning, location or size of
25 openings, structural parts, existing utilities, and/or equipment but does not
26 increase the building height nor floor area;
- 27
- 28 g. *Ancillary Structure* refers to a structure intended to provide support to main
29 buildings or structures, which may include: bank and records vaults;
30 swimming pools; firewalls separate from the building or structure; towers;
31 silos; smokestacks; chimneys; commercial or industrial fixed ovens;

1 industrial kilns or furnaces; water or waste treatment tanks; septic vaults;
2 concrete and steel tanks; booths, kiosks, and stages; tombs, mausoleums,
3 and niches; and similar structures;

4

5 h. *Build Back Better* refers to planning, based on the evolving or evolved
6 disaster risks and ahead of disasters, to finance, design, and build after a
7 disaster or crisis with consideration of the need to further strengthen
8 disaster preparedness for response, take action in anticipation of events,
9 and ensure capacities are in place for effective response, recovery, and
10 reconstruction;

11

12 i. *Building* refers to any temporary or permanent structure, anchored to the
13 ground, for the shelter, enclosure, or support of persons, animals,
14 machinery, or chattels;

15

16 j. *Building Contractor* refers to a person duly registered and licensed by the
17 Philippine Contractors Accreditation Board, whose proposal has been
18 accepted and to whom was awarded the contract to execute the
19 construction; for this purpose, "contract" means an agreement, regardless
20 of titles such as prime contract, subcontract, or deed of assignment;

21

22 k. *Building Owner* refers to a person who orders construction work for a
23 building or structure by contract; or a person undertaking one's own
24 construction without engaging a Building Contractor therefor, as owner-
25 builder; or a person holding the legal right of possession or title to a building
26 or structure;

27

28 l. *Building Professional* refers to a person lawfully engaged in the design,
29 construction, or inspection of a building or structure, who is duly registered
30 and licensed by the Professional Regulation Commission (PRC), through a
31 professional regulatory law for each profession, to provide such services;

- 1
- 2 m. *Building Site* refers to the lot, which is described by technical descriptions
3 delineating boundaries of the property to be developed, over which the
4 Building Owner has a title or legal right to build; for design purposes, the
5 term shall also cover areas and spaces around the lot, the conditions of
6 which bear on the operability and safety of the building or structure;
- 7
- 8 n. *Construction* refers to any and all on-site work including but not limited to
9 preparation, excavation, foundation, and assembly or installation of
10 components, utilities, machinery, and equipment of building or structure;
- 11
- 12 o. *Conversion* refers to a change in the use or occupancy of an existing building
13 or structure or any portion/s thereof to another occupancy group or sub-
14 group that has different requirements under this Act;
- 15
- 16 p. *Demolition* refers to the systematic dismantling, destruction, or removal of
17 a building or structure, in whole or in part;
- 18
- 19 q. *Department* means the Department of Public Works and Highways (DPWH);
- 20
- 21 r. *Exposure* refers to people, property, systems, or other elements present in
22 hazard zones that are thereby subject to potential losses, or to the degree
23 to which the elements at risk are likely to experience hazard events of
24 different magnitudes;
- 25
- 26 s. *Fire Resistance Rating* refers to the time, in minutes or hours, that a building
27 material, assembly, or type of construction can withstand fire exposure as
28 determined by generally recognized and accepted testing methods;
- 29
- 30 t. *Hazard* refers to a dangerous phenomenon, substance, human activity, or
31 condition that may cause loss of life, injury or other health impacts, property

1 damage, loss of livelihood and services, social and economic disruption, or
2 environmental damage;

3

4 u. *Hazard Zone* refers to an area identified in generally recognized and
5 accepted hazard maps as exposed to natural hazards, such as floods, wind
6 storms, storm surges, landslides, volcanic eruptions, and earthquakes;

7

8 v. *Innovative Construction Technology* refers to a construction technology that
9 is emerging or being reintroduced locally or nationally in the field of
10 construction, with corresponding evidence of acceptable performance from
11 laboratory tests, field tests, and/or analytical studies to comply with Chapter
12 V and Chapter VI of this Act, rules and regulations, and reference standards;

13

14 w. *Locational Clearance* refers to the document issued by the planning and
15 development officer of the local government unit certifying that the
16 proposed construction has the appropriate traffic impact assessment (TIA),
17 is located in an appropriate zone, and does not violate the Comprehensive
18 Land Use Plan (CLUP), any zoning ordinance or regulation of the concerned
19 local government unit, nor other applicable laws, ordinances or regulations,
20 which document is submitted to the Local Building Official in support of an
21 application for a permit;

22

23 x. *Permit* refers to any of the permits that may be issued by the Local Building
24 Official as set forth in this Act;

25

26 y. *Reference Standards* refers to technical standards that the National Building
27 Official promulgates through rules and regulations in administering and
28 enforcing this Act; for this purpose, consistent with Section 40, existing
29 referral codes shall hereinafter be renamed and referred to accordingly as
30 “reference standards;”

- 1 z. *Rehabilitation* refers to the act or process of making possible a compatible
2 use for an existing building or structure through repair and/or alteration
3 while preserving those portions or features which convey its acknowledged
4 heritage significance;
- 5
- 6 aa. *Relocation* refers to the transfer of an existing building or structure or
7 portion/s thereof from original location or position to another, either within
8 the same site or to a different one;
- 9
- 10 bb. *Renovation* refers to any physical change made on an existing building or
11 structure to increase the value or improve the quality and/or aesthetics,
12 without addition to building height or floor area, nor alteration of structural
13 parts;
- 14
- 15 cc. *Repair* refers to remedial work done on any damaged or deteriorated
16 portion/s of an existing building or structure to restore its original condition;
- 17
- 18 dd. *Retrofit* refers to the construction of any new element or system, or the
19 alteration of any element or system, required to bring an existing building
20 or structure, or portion thereof, into conformance with this Act, rules and
21 regulations, and reference standards;
- 22
- 23 ee. *Secretary* refers to the Secretary of the Department of Public Works and
24 Highways;
- 25
- 26 ff. *Special Site* refers to a site that requires special rules and regulations to
27 mitigate potential adverse impacts of the site conditions;
- 28
- 29 gg. *Structure* refers to that which is built or constructed, an edifice, or building
30 of any kind, or any piece of work artificially built up or composed of parts
31 joined together in some definite manner, but shall not include streets,

1 highways, bridges and viaducts, railroads, canals, river and shore
2 improvements, dry docks, dams, irrigation, flood protection, tunnels,
3 transmission towers and lines, and structures regulated by other national
4 laws or competent national agencies;

5

6 hh. *Traditional Indigenous Family Dwelling* refers to a residential building or
7 structure intended for the use and occupancy by the family of the owner
8 only and constructed with native or local materials such as nipa, cogon,
9 bamboo, log, lumber, or stone, the estimated total cost of which does not
10 exceed the limit prescribed by the National Building Official through rules
11 and regulations;

12

13 ii. *Vulnerability* refers to the characteristics and circumstances of a community,
14 system or asset that make it susceptible to the damaging effects of a
15 hazard; vulnerability may arise from various physical, social, economic, and
16 environmental factors such as poor design and construction of buildings,
17 inadequate protection of assets, lack of public information and awareness,
18 limited recognition of risks and preparedness measures, and disregard for
19 sound environmental management; and

20

21 jj. *Zoning* refers to the division of a city or municipality into zones or sub-zones
22 and overlay zones according to present and potential uses of land to
23 maximize, regulate, and direct their use and development in accordance
24 with the Comprehensive Land Use Plan (CLUP).

25

26 Additional definitions shall be included in the implementing rules and
27 regulations and with the reference standards; *Provided*, that these shall be non-
28 redundant to, non-contradictory with, and only supplementary to, the definitions as
29 used in this Act.

30

31 **CHAPTER II**

CLASSIFICATION OF BUILDINGS

Sec. 7. *Classification System.* – A system of classification of buildings and structures in the Philippines as to: (a) type of construction according to fire resistance; (b) use or occupancy; and (c) required permitting process, is hereby adopted.

Sec. 8. Buildings Classified by Type of Construction According to Fire Resistance

7. – The building or structure shall be classified according to fire resistivity and resistance rating consistent with Republic Act No. 9514, or the Fire Code of the Philippines, and its Implementing Rules and Regulations, in consideration of the combination of features of fire safety constructions including but not limited to interior spaces, walls, barriers, doors, windows, vents, means of egress, and treatment of building components with flame retardant chemicals.

Sec. 9. Buildings Classified According to Use or Occupancy. – The building or structure shall be identified based on the use or occupancy and shall be classified as follows:

Group A. Assembly occupancies shall include all buildings and structures, or parts thereof, used for gathering together of 50 or more persons for any purpose, including but not limited to deliberation, worship, entertainment, eating, drinking, assembly, awaiting transportation, and instruction;

Group B. Business occupancies are those used for the transaction of business than those covered under Group M, Mercantile, including the keeping of
nts and records and similar purposes for office, professional, or service-type
ctions:

Group D. Disaster response occupancies are those permanent centers for emergency evacuation or for emergency operation:

1 Group E. Educational occupancies shall include buildings, or portions thereof,
2 used for the gathering of group of six (6) or more persons for purposes of instruction;

3
4 Group F. Factory and Industrial occupancies are those used for operations
5 including, but not limited to, product processing, fabricating, manufacturing,
6 assembling and disassembling, mixing, packaging, finishing or decorating, repairing,
7 and material recovery;

8
9 Group G. Agricultural and Biological occupancies are those used for the
10 production, harvesting, processing, storage, manufacture, preserving, transporting,
11 and distribution of agricultural and biological products or materials including, but not
12 limited to, silos and its components, agricultural and biosystems machinery and
13 equipment sheds, farm houses, green/screen houses, poultry houses, piggery houses,
14 slaughterhouses, agricultural and biological products storage/warehouses, buildings
15 and structures for poultry, livestock, fishery and forestry production and processing,
16 kiln drying and lumber treatment structure, and structures for farm equipment, farm
17 supplies, and agricultural waste utilization and management;

18
19 Group I. Institutional occupancies are those used to house one or more persons
20 under varied degrees of restraint or security where such occupants are mostly
21 incapable of self-preservation because of security measures not under the occupants'
22 control (Sub-group ID), or government buildings and quarters rendering civic or public
23 assistance and peace and order (Sub-group IG), or those in which care or supervision
24 is provided to persons who are mostly incapable of self-preservation without physical
25 assistance because of age, or physical or mental disability (Sub-group IH);

26
27 Group M. Mercantile occupancies are those used for the display and sale of
28 merchandise, and involves stocks of goods, wares, and merchandise incidental to such
29 purposes and accessible to the public;

30

1 Group R. Residential occupancies are those in which sleeping accommodations
2 are provided for normal residential or dwelling purposes and include all buildings
3 designed to provide sleeping accommodations, for example the socialized (Sub-group
4 RS) and economic (Sub-group RE) housing covered by Batas Pambansa Blg. 220;

5

6 Group S. Storage occupancies include all buildings or structures utilized
7 primarily for the storage or sheltering of goods, merchandise, products, vehicles, or
8 animals;

9

10 Group U. Utilities and Miscellaneous occupancies are those with an ancillary
11 character such as, but not limited to, those enumerated in Section 6 (g) Ancillary
12 Structure, or those which cannot be properly classified in any of the other occupancy
13 groups in this Section, such as, but not limited to billboards and commercial
14 signboards; and

15

16 Group Z. High-Hazard occupancies mean those with storage and handling of
17 flammable, highly combustible, or other materials that would constitute a physical or
18 health hazard, in quantities in excess of those allowed by regulations.

19

20 The National Building Official may determine, through rules and regulations,
21 sub-groups within Group A to Z. Any other use or occupancy not mentioned specifically
22 under this Section, or about which there is any question, shall, upon approval by the
23 National Building Official, be included in the group which it most nearly resembles
24 based on the associated hazard or risk to life, health, property, and public welfare.

25

26 In addition to permanent centers for refuge and evacuation as in Group D, any
27 building, structure, or portion thereof may be designated as a temporary evacuation
28 center provided it complies with the specific rules and regulations promulgated by the
29 National Building Official.

30

1 When a building or structure is of mixed occupancy or used for more than one
2 occupancy, the whole building or structure shall be subject to the most restrictive
3 requirement pertaining to any of the occupancy groups found therein, except as
4 otherwise provided in applicable rules and regulations.

5

6 For each group or sub-group of use or occupancy, the National Building Official
7 shall promulgate specific rules and regulations and reference standards in accordance
8 with this Act.

9

10 Sec. 10. *Buildings Classified According to Required Permitting Process.* –
11 Buildings and structures shall be classified based on the required permitting process
12 as follows:

13

14 a. *Deemed-to-Satisfy Structures or Class P1 Structures* are buildings or
15 structures belonging to sub-group/s under Group R, Residential, either
16 traditional indigenous family dwellings regardless of number of floors, or
17 individually constructed dwellings for up to three (3) families, with
18 maximum total gross floor area limit for each case as prescribed by the
19 National Building Official through rules and regulations, but shall exclude
20 such structures under any government-approved mass housing project
21 developed by the government, non-government organization, or private
22 developer. These Deemed-to-Satisfy or Class P1 Structures shall comply
23 with Simplified Reference Standards as prescribed by the National Building
24 Official under a simplified permitting process.

25

26 b. *Regular Structures or Class P2 Structures* are buildings or structures that do
27 not fall under either one of the classifications of Deemed-to-Satisfy
28 Structures and Special Structures. Regular Structures shall require the
29 regular permitting process.

30

1 c. *Special Structures* or *Class P3 Structures* are buildings or structures that are
2 distinguished by special physical attributes in terms of size, span, or form,
3 and/or by nature of use or occupancy. These structures shall be any of the
4 following:

- 5
- 6 1. Buildings and other structures exceeding 75 meters in height or
7 a higher height threshold as prescribed based on rules and
8 regulations by the National Building Official;
 - 9
 - 10 2. Long span structures exceeding 30 meters in span or a longer
11 span threshold as prescribed based on rules and regulations by
12 the National Building Official;
 - 13
 - 14 3. Buildings and other structures with two (2) or more floor levels,
15 and in any single floor level exceeding 25,000 square meters of
16 gross floor area;
 - 17
 - 18 4. Buildings and other structures with gross floor area exceeding
19 40,000 square meters;
 - 20
 - 21 5. Facilities belonging to Group D, Disaster response;
 - 22
 - 23 6. Hospitals belonging to a sub-group under Group I, Institutional,
24 that need to provide higher than the minimum level of services in
25 terms of functional capacity as classified by competent national
26 agency on healthcare facilities;
 - 27
 - 28 7. Facilities belonging to Group Z, High-Hazard;
 - 29
 - 30 8. Structures that have non-regular structural form as classified in
31 structural reference standards; and

1
2 9. Buildings and other structures using very advanced structural
3 calculation method in design as classified in structural reference
4 standards.

5
6 Accordingly, the permitting process for these Special or Class P3 Structures
7 shall require a peer review of the structural stability.

8
9 For buildings and structures that have non-regular structural form (sub-class
10 (8) in this Section) or using very advanced structural calculation method in design
11 (sub-class (9) in this Section), the peer review shall be conducted by an Accredited
12 Structural Peer Reviewer duly qualified for such specific sub-classes, respectively.

13
14 *Provided*, that prior certification for innovative construction technology
15 according to Section 29 of this Act shall be deemed to satisfy the requirement of
16 structural peer review. Provided further, that the Office of the National Building Official
17 shall establish and/or accredit competent government agencies in charge of
18 certification of innovative construction technologies as provided for in Section 29.

19
20 The act of reviewing does not pass on the responsibility and the liability of the
21 Building Professional for design to the Accredited Structural Peer Reviewer on the
22 structural integrity of the building, without prejudice to administrative charges under
23 applicable professional regulations. Provided, that should the Building Owner opt,
24 under applicable laws and professional regulations, to lawfully disengage the
25 previously engaged Building Professional for design and to engage as new Building
26 Professional for design an Accredited Structural Peer Reviewer who has been
27 previously engaged as peer reviewer according to this Section, a new independent
28 Accredited Peer Reviewer shall be required.

29
30 Sec. 11. *Buildings and Structures.* – For purposes of this Act, structures shall
31 include buildings, ancillary structures, and other structures as defined in this Act.

1

2 Sec. 12. *Requirements for Each Type of Construction According to Fire*
3 *Resistance Rating.* – The National Building Official shall prescribe standards for each
4 type of construction according to fire resistivity and fire resistance rating as allowed
5 under this Act correspondingly for each group or sub-group of use or occupancy, and
6 promulgate rules and regulations and reference standards therefor, in general terms
7 of structural system, exterior walls and openings, interior walls and enclosures, floors,
8 exits and stairs construction, and roofs, among other elements.

9

10 Sec. 13. *Changes in Use or Occupancy and/or Type of Construction According*
11 *to Fire Resistance Rating.* – No change shall be made in the use or occupancy and/or
12 type of construction according to fire resistivity and fire resistance rating of any
13 building or structure which would place the building or structure in a different
14 occupancy group or different type of construction, unless such building or structure is
15 made to comply with the requirements for the new occupancy group or type of
16 construction; provided, that the change may be approved by the Local Building Official
17 upon determination that the new use or occupancy and/or type of construction poses
18 less risk to life, health, property, and public welfare, according to rules and regulations
19 promulgated by the National Building Official.

20

21

CHAPTER III

22

LOCATION, SITING, AND ZONING REQUIREMENTS

23

24 Sec. 14. *General Requirements for Location, Siting, and Zoning.* – The site upon
25 which will be constructed any building or structure shall be sanitary, hygienic, and
26 accessible, and shall not pose high hazard for the intended use or occupancy, as
27 determined by competent and appropriate authorities and certified through a
28 locational clearance and other clearance/s or certificate/s as prescribed by applicable
29 laws and regulations. It shall not obstruct existing easement or right-of-way of the
30 national government and all local government units, as well as departments,
31 regulatory agencies, instrumentalities, government owned and controlled

1 corporations, and implementing units of the same, in accordance with existing laws
2 and rules and regulations.

3

4 *Sec. 15. Protection of the Site Environment.* Any proposed construction,
5 including its location, siting, and use, shall take into account the environment and its
6 conservation and protection. – It shall not gravely affect the heritage and
7 environmental significance of the site; and shall not harm nor aggravate the state of
8 the neighborhood, environment, and natural resources surrounding it. No
9 construction, its location, siting, and use shall be allowed without complying with the
10 applicable heritage, environmental, and natural resources laws and regulations, as
11 determined by competent and appropriate authorities and certified through a
12 locational clearance and other clearance/s or certificate/s as prescribed by applicable
13 laws and regulations.

14

15 *Sec. 16. Protection of the Public.* – Any proposed construction shall not cause
16 harm to the general public nor infringe on public spaces.

17

18 *Sec. 17. Requirements in Hazard Zones and Special Sites.* – The Building Owner
19 and Building Professional shall ensure that the proposed construction, its location,
20 siting, and use, will not increase the vulnerabilities of the people who will occupy the
21 building and their neighborhood on account of the hazard zone or special site. Within
22 hazard zones as established in the CLUP and/or hazard maps published by the national
23 government, risk mitigation and adaptation requirements and/or measures shall be
24 incorporated in the rules and regulations and reference standards as promulgated by
25 the National Building Official.

26

27 *Sec. 18. Resilience.* – Buildings and structures damaged structurally by a
28 disaster or crisis shall adhere to principles of building back better in post-disaster or
29 post-crisis recovery and reconstruction.

30

1 The National Building Official shall cause to integrate disaster risk reduction
2 and management measures in the rules and regulations and reference standards for
3 planning, design, and reconstruction of buildings and structures.

4

The National Building Official shall promulgate specific rules and regulations and reference standards for temporary post-disaster or post-crisis structures.

7

CHAPTER IV

DESIGN REQUIREMENTS

10

Sec. 19. *General Requirements for Design.* – The design of all buildings and structures shall comply with the requirements prescribed by this Act, rules and regulations, and reference standards; provided, that there shall be specific levels of standards and technical requirements for socialized housing (residential occupancy Sub-group RS) and economic housing (residential occupancy Sub-group RE) structures as provided by Batas Pambansa Blg. 220.

17

18 Provided further, that Group G, Agricultural and Biological occupancies shall
19 consider biosystems design requirements for the protection of persons, animals,
20 crops, and the environment.

21

Buildings and structures on or in special sites shall consider special design requirements and risk mitigation measures called for by the specific site conditions.

24

25 Sec. 20. *Stability.* – All buildings and structures shall be designed to be
26 structurally stable against anticipated combinations of loads and effects so as to
27 safeguard people and property from physical harm or damage.

28

29 Subject to the provisions of Articles 684 to 686 of Republic Act No. 386, or Civil
30 Code of the Philippines, on lateral and subjacent support, the design and quality of

1 materials used structurally in excavation, footings, and in foundations shall conform
2 to prescribed reference standards and accepted engineering practice.

3

4 Sec. 21. *Protection from Fire.* – All buildings and structures shall be designed
5 to safeguard persons and properties from any harm or damage caused by fire in
6 accordance with Republic Act No. 9514, or the Fire Code of the Philippines, and its
7 Implementing Rules and Regulations.

8

9 All fire safety constructions as defined by the Fire Code of the Philippines shall
10 be designed in accordance with specific rules and regulations and reference standards
11 under this Act.

12

13 Sec 22. *Protection from Moisture and Surface Water.* – All buildings shall be
14 designed to provide adequate resistance to penetration by, and the accumulation of,
15 excessive moisture and surface water.

16

17 Sec. 23. *Protection from Other Hazards.* – All buildings and structures shall be
18 designed to safeguard persons and properties from other site-specific multiple
19 hazards.

20

21 Sec. 24. *Safety of Users or Occupants.* – All buildings and structures shall be
22 designed to safeguard its users or occupants from harm, injury, or loss.

23

24 Sec. 25. Ingress, Circulation, and Egress. – Safe access into, circulation within,
25 and egress from the buildings, including emergency exits, shall be provided for
26 persons and vehicles.

27

28 Sec. 26. *Energy and Energy Efficiency.* – The design of buildings and structures
29 shall include, wherein required, practices and technologies that maximize energy
30 efficiency.

31

1 The National Building Official shall promulgate specific rules and regulations
2 applicable to buildings and structures exceeding a threshold total gross floor area,
3 depending on the classification of use or occupancy.

4

5 *Sec. 27. Services and Facilities.* – All building services and facilities, their
6 equipment and installations, shall be designed to be adequate, safe, and efficient, to
7 promote the wellbeing of the users or occupants and the general public.
8 Constructability and ease of maintenance of the services and facilities shall be highly
9 considered in the design.

10

11 As required by the occupancy group, buildings and structures shall be designed
12 to provide services and facilities including but not limited to the following: light and
13 ventilation; water supply; drainage; wastewater disposal; solid waste management;
14 pest and vermin control; power and fuel supply; communication facilities; conveyance
15 and parking facilities; and fire lane and fire hydrants.

16

17 *Provided,* that the carriageways, sidewalks, and all parts of road right-of-way
18 for public roads adjoining a building site shall not be used to meet the requirements
19 of parking facilities for the building as required by this Act, rules and regulations, and
20 reference standards. *Provided further,* that queuing areas, driveways, ramps,
21 entrances to, and exits from parking facilities for a building shall not encroach on the
22 road right-of-way nor obstruct the movement of pedestrians and vehicles on the public
23 roads adjoining the building.

24

25 *Provided, finally,* that telecommunication facilities such as, but not limited to,
26 in-building solutions and fiber-optic cabling for high-capacity and high-speed
27 requirements shall be mandatory in buildings owned by the national government and
28 all local government units, as well as departments, regulatory agencies,
29 instrumentalities, and implementing units of the same.

30

31

1

2 **CHAPTER V**

3 **CONSTRUCTION REQUIREMENTS**

4

5 Sec. 28. *General Requirements for Construction.* – The construction of all
6 buildings and structures shall comply with the requirements prescribed by this Act,
7 rules and regulations, and reference standards.

8 Use of materials, pieces of equipment, plants, and tools, and selection of
9 personnel shall conform to reference standards on materials, methods, and practices,
10 in order to ensure quality of material and quality of workmanship. Builders shall
11 promote quality of construction as one of the essential links to the reduction of the
12 vulnerability of the building or structure to hazards.

13

14 Sec. 29. *Innovative Construction Technologies.* – All innovative construction
15 technologies used in building construction shall comply with any special tests or
16 requirements as prescribed by the National Building Official pursuant to the policies
17 and objectives of this Act. These technologies shall be installed by qualified personnel
18 and supervised by technically competent professionals.

19

20 The proponent of such innovative construction technology may apply for a
21 certification by the competent national agency according to the rules and regulations
22 prescribed by the National Building Official. Buildings and other structures using an
23 innovative construction technology with prior certification shall be deemed to satisfy
24 the requirement of structural peer review.

25

26 Provided, that innovative technologies appropriate for socialized and economic
27 housing, which are low-cost housing as covered by Batas Pambansa Blg. 220, shall be
28 subject for accreditation by the Accreditation of Indigenous Technologies for Housing
29 (AITECH) Committee or its successor agency.

30

1 Provided further, that the Office of the National Building Official shall establish
2 and accredit another competent national agency to be in charge of accreditation of
3 innovative technologies, including so-called smart and/or green technologies, that are
4 for applications other than socialized or economic housing.

5

6 Provided finally, that nothing in this Act shall be interpreted to prevent the
7 National Building Official from causing the establishment and accreditation of a unified
8 competent national agency to be in charge of accreditation of innovative technologies
9 for various construction applications.

10

11 *Sec. 30. Safety and Protection During Construction.* – All buildings shall be
12 constructed or demolished without causing any harm or injury to the construction
13 workers and the public.

14

15 Sec. 31. *Protection of Property During Construction.* – All and any public or
16 private property above or below the ground shall be protected from any damage by
17 any work being done under the permit. The protection shall be maintained while such
18 work is being done and shall not obstruct the normal functioning of any such property.

19

20 Sec. 32. *Phased or Incremental Construction.* – All uncompleted portions of
21 buildings subject to phased or incremental construction shall be protected and shall
22 not pose harm to the public. Any additional or incremental work shall not compromise
23 the safety and wellbeing of the users or occupants.

24

25 Sec. 33. *Construction and Demolition Waste Management.* – All buildings shall
26 be constructed with proper management of construction and demolition waste.

27

CHAPTER VI

BUILDING MATERIALS

1 Sec. 34. *General Requirements for Materials.* – All building materials and
2 components shall comply with the requirements prescribed by this Act, rules and
3 regulations, and reference standards.

4

The use of building materials and components must be safe for the health of users or occupants and must not cause any substantive negative impact to the environment such as, but not limited to, air, water, and soil.

8

9 Provided, that product standards promulgated by competent national agency
10 shall be harmonized with or incorporated together with the reference standards under
11 this Act.

12

13 Sec. 35. *Selection of Materials.* – Building materials and components shall be
14 selected following a set of criteria including but not limited to strength, fire resistivity,
15 moisture resistance, durability, and sustainability, according to rules and regulations
16 and reference standards promulgated by the National Building Official.

CHAPTER VII

OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS

21

21 See. 30. General Requirements for Occupancy, Maintenance, and Abatement.

22 All Building Owners shall use and maintain the building in accordance with the

23 requirements prescribed by this Act, rules and regulations, and reference standards.

24 The use and maintenance of the building must be safe for the health of users,

25 occupants, and the general public, and shall not cause any substantive negative

26 impact to the environment such as, but not limited to, air, water, and soil.

27

Sec. 37. *Maintenance, Inspection, and Assessment of Buildings and Reporting to the ONBO.* – All buildings shall undergo regular maintenance and inspection in accordance with each building's maintenance strategy. There shall be rules and regulations to guide the preparation, approval, and implementation of appropriate

1 maintenance strategies for buildings and structures, promulgated by the National
2 Building Official. The Building Owner shall perform periodic maintenance and
3 inspection; the Local Building Officials and/or Accredited Inspectors shall conduct
4 inspection as appropriate according to rules and regulations. The Office of the
5 National Building Official shall establish a system for monitoring, reporting, and
6 evaluating maintenance and inspection activities.

7

8 The Office of the National Building Official shall assist Building Owners of
9 structures falling within the classification Deemed-to-Satisfy or Class P1 Structures
10 and Regular or Class P2 Structures in conducting a simplified or regular inspection of
11 their buildings.

12

13 For buildings and structures with occupancies falling under Group A, Group D,
14 Group E, or Group Z, there shall be periodic inspections by Local Building Officials
15 and/or Accredited Inspectors subject to specific rules and regulations promulgated by
16 the National Building Official.

17

18 The Office of the National Building Official shall coordinate with relevant
19 government agencies that regulate business operations in buildings and structures;
20 structural stability clearance from the Office of the Local Building Official shall be a
21 prerequisite for the issuance or renewal of business permits or permits to operate, for
22 new occupancy or occupancy after 15 years from the date of completion of the
23 building or structure.

24

25 Mandatory inspection and assessment by an Accredited Certifier as to structural
26 stability and fire safety construction shall be commissioned by the Building Owner at
27 the 15th year from date of completion of the building and every 15 years thereafter
28 in the case of Special or Class P3 Structures. In cases of addition, alteration,
29 conversion, rehabilitation, relocation, repair, and/or retrofit requiring more recent
30 structural stability assessment and corresponding certification and clearance, the date
31 of reckoning of 15 years for purposes of this Section shall be counted from the

1 completion date of the latest building permit that involved the most recent structural
2 stability clearance under this Act. The National Building Official shall promulgate rules
3 and regulations and reference standards for mandatory inspection and assessment of
4 buildings as to structural stability and fire safety construction, specific to the various
5 building classifications; provided, that Accredited Certifiers need not be engaged for
6 Deemed-to-Satisfy or Class P1 Structures and Regular or Class P2 Structures.

7

8 The National Building Official shall promulgate specific rules and regulations for
9 mandatory inspection and assessment of all buildings as to structural stability and fire
10 safety construction after regional catastrophic events such as, but not limited to,
11 widely destructive earthquakes and typhoons. The determination of an event that is
12 catastrophic as to warrant mandatory assessment of all buildings in a geographic area
13 shall be made by the National Building Official in consultation and coordination with
14 other government agencies.

15

16 The Office of the National Building Official through the Offices of Local Building
17 Official shall maintain a computerized national database of permits and other periodic
18 data about all buildings and structures, including but not limited to reports on
19 maintenance, inspection, and/or assessment.

20

21 *Sec. 38. Special Provision for Buildings Completed More than 15 Years Prior to
the Effectivity of this Act.* –To ensure the safety of the people and to reduce risks,
22 Special or Class P3 Structures and buildings and structures with occupancies falling
23 under Group A and Group E, that were completed in 2004 or earlier, are mandated to
24 have an assessment of the design based on the requirements in Chapter IV of this Act
25 as specified in rules and regulations, as to structural stability and fire safety
26 construction, and the Building Owners are to submit the certifications or findings of
27 appropriate Building Professionals, serving as Accredited Certifiers, to the concerned
28 Local Building Officials regarding the state of such buildings and structures and their
29 safety and/or need for retrofit.

31

1 Within three (3) months from the effectivity of this Act, the Department through
2 the Office of the National Building Official, in consultation with relevant agencies and
3 stakeholders, shall implement a phased approach to prioritize compliance of Building
4 Owners in hazard zones, such as but not limited to those near earthquake fault lines
5 or in coastal zones affected by sea level rise, or in hazard zones or areas otherwise
6 identified in hazard maps, or those used for assemblies in large numbers and/or by
7 vulnerable users or occupants.

8

9 The National Building Official, in coordination with other concerned agencies,
10 shall develop and administer incentive schemes, such as those allowed by the disaster
11 risk reduction and management funds, to support immediate voluntary retrofit by the
12 Building Owners requiring modifications for the safety of the users or occupants and/or
13 the general public.

14

15 Sec. 39. *Abatement of Dangerous and Ruinous Buildings.* – When any building
16 or structure is found or declared to be dangerous or ruinous, the Local Building Official
17 shall order its repair, vacation, or demolition depending upon the degree of danger to
18 life, health, property, and public welfare. This is without prejudice to further action
19 that may be taken under the provisions of Articles 482 and 694 to 707 of the Civil
20 Code of the Philippines and other existing laws.

21

22 For purposes of this Section, dangerous or ruinous buildings are buildings or
23 structures determined by the Local Building Official to be structurally unstable; or not
24 provided with safe egress; or which constitute a fire hazard; or are otherwise
25 dangerous to human life; or which in relation to existing use, constitute a hazard to
26 life safety, health, or public welfare because of inadequate maintenance, dilapidation,
27 obsolescence, or abandonment; or which otherwise contribute to the pollution of the
28 site or the community to an intolerable degree.

29

30 Abatement and/or rehabilitation of buildings and structures covered under
31 Republic Act No. 10066, or the National Cultural Heritage Act of 2009, shall be

1 coordinated with the National Commission for Culture and the Arts (NCCA) prior to
2 any action of abatement.

3

4 **CHAPTER VIII**
5 **ADMINISTRATION**

6

7 Sec. 40. *National Building Official (NBO): Powers, Obligations, and Functions.*

8 – The Secretary of the Department shall have the duty to ensure that all laws relating
9 to building design and construction are faithfully executed and is primarily charged
10 with the administration and enforcement of the provisions of this Act, rules and
11 regulations, and reference standards.

12

13 The Secretary shall ensure harmonization of rules and regulations and
14 reference standards between government-funded and non-government funded
15 buildings and structures, consistent with the objectives of this Act.

16

17 As the National Building Official, the Secretary shall have the following general
18 powers, obligations, and functions:

19

20 a. Issue and promulgate rules and regulations to implement the provisions of
21 this Act, upon recommendation of the Building Regulations and Standards
22 Council, and ensure compliance with policies, plans, standards, and
23 guidelines formulated. The Building Regulations and Standards Council shall
24 be formed in accordance with the provisions of this Act;

25

26 b. Approve and/or take final action on changes and/or amendments to
27 reference standards based on recommendations of the Building Regulations
28 and Standards Council. For this purpose, existing referral codes shall
29 hereinafter be renamed and referred to accordingly as "reference
30 standards;"

31

- c. Appoint Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- d. Designate Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- e. Create the Office of the Local Building Official in case of clustered municipalities, as set forth in this Act, and exercise administrative as well as technical supervision and control;
- f. Appoint the Regional Building Appeals Boards, as provided for by this Act, and exercise administrative supervision over them;
- g. Prescribe and fix the schedule of fees, appeal bonds, and other charges that the National Building Official and Local Building Officials shall collect in the exercise of their regulatory functions;
- h. Inspect at reasonable times any building or structure, covered by this Act, rules and regulations, and reference standards; provided, that in case of a single-family dwelling, an inspection must be upon the consent of the occupant or upon lawful order from the proper court;
- i. Issue appropriate orders, including cease and desist order and demolition order, against any person or entity to prevent injury to the public and compel compliance with the provisions of this Act, rules and regulations, and reference standards;
- j. Impose fines, penalties, and other administrative sanctions for failure or refusal to comply with, or violation of any provision of this Act, rules and regulations, and reference standards, or any order, instruction, or ruling;

1
2 k. Enlist the aid and support of, and/or deputize any and all enforcement
3 agencies of the government in the implementation of his powers and
4 functions under this Act, rules and regulations, and reference standards;
5 and

6
7 l. Exercise such other powers and perform such functions as may be needed
8 to carry out the objectives of this Act, rules and regulations, and reference
9 standards.

10
11 Sec. 41. *Building Regulations and Standards Council (BRSC)*. – A Building
12 Regulations and Standards Council is hereby created to assist the National Building
13 Official in reviewing and recommending rules and regulations and reference standards
14 to accomplish the objectives of this Act.

15
16 a. Members. The Building Regulations and Standards Council shall be
17 composed of the following:

- 18
19 1. Undersecretary for Technical Services of the Department as Chair;
- 20
21 2. Full-time Commissioner of the Housing and Land Use Regulatory
22 Board (HLURB) as Vice-Chair;
- 23
24 3. Commissioner of the Professional Regulation Commission (PRC) in
25 charge of supervision of regulatory boards of building professionals;
- 26
27 4. Chief of the Bureau of Fire Protection (BFP);
- 28
29 5. Undersecretary of the Department of Trade and Industry (DTI) in
30 charge of supervision of product standards and/or contractor
31 accreditations;

6. Undersecretary of the Department of Science and Technology (DOST) for disaster risk reduction and climate change;
 7. President of a national association of local building officials;
 8. President of a national association of building developers, national association of building owners, national association of building managers, or national association of building administrators;
 9. President of a PRC-accredited national professional organization of building professionals;
 10. President of a national association of building contractors;
 11. High-ranking regular faculty member from a recognized higher education institution involved in the training of building professionals; and
 12. Two (2) representatives-at-large coming from any concerned sectors whose participation is deemed by the National Building Official as timely and complementary to those of other members enumerated.

24 Each from a list of nominees submitted by their respective sectors, all
25 representatives from the private, academic, or non-government sectors, enumerated
26 above from (7) to (11), shall be appointed by the National Building Official for a term
27 of three (3) years; *provided*, that each said member, during his/her term in the
28 Council, shall remain a certified member-in-good-standing of the association,
29 organization, or institution that has been originally represented. In case of substitution
30 or replacement of a member representing a specific sector, the new member shall
31 serve for the remainder of the three-year term.

For these sectors enumerated above from (7) to (11), a different association, organization, or institution other than the one currently represented shall be given preference by the National Building Official in the next full three-year term appointment, in order to practice a rotation of representation from among the various associations, organizations, or institutions in each sector.

7
8 Representatives-at-large, enumerated above as (12), shall serve *ex-officio* if
9 officials and representatives of government agencies, or shall serve for a term of three
10 (3) years without immediate reappointment within one (1) year if coming from the
11 private, academic, or non-government sectors.

12
13 In the absence or temporary incapacity of the Undersecretary for Technical
14 Services of the Department, the Full-time Commissioner of the HLURB shall act as the
15 Chair of the Council.

16
17 In the absence or temporary incapacity of the Undersecretary for Technical
18 Services of the Department and the Full-time Commissioner of the HLURB, the Officer-
19 in-Charge (OIC) Undersecretary for Technical Services of the Department shall act as
20 the Chair of the Council.

21
22 A simple majority of the members of the Council shall constitute a quorum. The
23 presence of either the Chair or Vice-Chair of the BRSC is indispensable in counting the
24 quorum.

25
26 a. Duties and Responsibilities. The Building Regulations and Standards Council
27 shall have the following duties and responsibilities:

1 new ones in line with the provisions of this Act and rules and
2 regulations;

3

4 2. Formulate and recommend policies and strategies, for design and
5 construction, with reference to global standards, and taking into
6 account local conditions;

7

8 3. Formulate a system of accreditation of qualified Building
9 Professionals as Accredited Certifiers, Accredited Structural Peer
10 Reviewers, and/or Accredited Inspectors, and qualified
11 establishments or institutions as Accredited Testing Laboratories;

12

13 4. Collect relevant information, conduct research, and support
14 studies on all matters relating to design and construction, such
15 as, but not limited to, the performance and results achieved of
16 the standards in mainstreaming disaster risk reduction and
17 management in building planning, design, construction,
18 occupancy, and maintenance;

19

20 5. Submit recommendations, including rules and regulations and
21 reference standards, to the National Building Official for approval;

22

23 6. Submit an annual report to the National Building Official; and

24

25 7. Perform such other functions that the National Building Official
26 may authorize or assign as may be necessary in carrying out the
27 objectives of this Act.

28

29 b. Technical Working Groups (TWGs). To support the BRSC in the performance
30 of its duties and responsibilities, the National Building Official shall

1 constitute Technical Working Groups (TWGs) composed of relevant
2 stakeholders.

3

4 c. Secretariat. The BRSC shall have its Secretariat personnel separate from the
5 Office of the National Building Official, to assist in the operation of the
6 Council and TWGs.

7

8 d. Procedures. The National Building Official, in consultation with relevant
9 stakeholders, shall prescribe, based on rules and regulations, the
10 procedures of the Building Regulations and Standards Council, ensuring the
11 periodic review of reference standards every five (5) years and the
12 participation of the relevant stakeholders including, but not limited to,
13 building officials, building developers, building owners, building managers
14 or administrators, building professionals and professional organizations,
15 building contractors, and higher education institutions, in setting
16 performance standards for design and construction.

17

18 e. The BRSC budget shall be included in the annual budget of the Department.

19

20 Sec. 42. *Office of the National Building Official (ONBO)*. – The Office of the
21 National Building Official, within the Department, is hereby created to provide
22 sufficient technical, legal, administrative, and support personnel to the National
23 Building Official in the exercise of his powers and the performance of his duties.

24

25 This Office, headed by a Director, who shall be a registered and licensed
26 professional, be member of good standing of the duly accredited national organization
27 of the profession, and have at least five (5) years of diversified and professional
28 experience in building design, construction, and regulation, shall be placed under the
29 supervision of the Undersecretary for Technical Services. It shall comprise highly
30 qualified personnel eligible to act as building professionals, scientists, or technicians

1 who possess diversified and professional experience in the field of building design and
2 construction, and lawyers.

3

4 The Office of the National Building Official shall provide assistance to the
5 National Building Official in the institutional strengthening of Offices of Local Building
6 Official, capacity building of Local Building Officials, data management, monitoring
7 and evaluation, and establishing and maintaining linkages with concerned institutions.
8 A mandatory continuing education and training program shall be pursued for the Local
9 Building Officials and their staff, as well as the staff of the Office of the National
10 Building Official.

11

12 The Office of the National Building Official shall coordinate the Regional Building
13 Appeals Boards.

14

15 The Office of the National Building Official shall formulate plans, programs, and
16 projects on building planning, design, construction, occupancy, and maintenance
17 pursuant to this Act in consideration of global best practices and the exposure of the
18 country to multiple hazards. It shall plan and implement a computerized national
19 database of buildings and structures, for purposes of Section 37 and other provisions
20 of this Act and rules and regulations. It shall also be in-charge of the implementation
21 of a system of accreditation of qualified Building Professionals as Accredited Certifiers,
22 Accredited Structural Peer Reviewers, and/or Accredited Inspectors, and qualified
23 establishments or institutions as Accredited Testing Laboratories.

24

25 Sec. 43. *Regional Building Appeals Boards (RBABs)*. – A Regional Building
26 Appeals Board with appropriate personnel is hereby created in Regional Offices of the
27 Department and placed under the administrative supervision of the National Building
28 Official; provided, that an RBAB may be created by the National Building Official to
29 serve a group of adjacent regions. The RBAB shall be chaired by a member of the
30 Philippine Bar, and assisted by two technical personnel of the Department sitting as
31 the other members of the Board and by support staff, all of whom are appointed by

1 the National Building Official. It shall have exclusive appellate jurisdiction to review
2 decisions of the Local Building Officials, or resolve appeals and/or complaints after the
3 same shall have been acted upon, or not given due course, by the respective Local
4 Building Officials within their region. In case of appeal for reconsideration by an
5 aggrieved party on the same matter, the decision of the RBAB shall be subject to
6 review by the National Building Official pursuant to Section 60 of this Act.

7

8 *Sec. 44. Offices of the Local Building Official (OLBOs) and Local Building*
9 *Officials (LBOs).* – Cities and first-class municipalities shall create and operate a
10 separate Office of the Local Building Official headed by a Local Building Official who
11 shall be appointed by and accountable to the National Building Official. The Local
12 Building Official shall be appointed by the National Building Official from a list of at
13 least three (3) qualified recommendees of the mayor, subject to civil service law and
14 rules and regulations. The Local Building Official shall be responsible for carrying out
15 the provisions of this Act, rules and regulations, and reference standards within the
16 territorial jurisdictions. Notwithstanding the foregoing, the National Building Official
17 shall have complete supervision and control over the Local Building Official.

18

19 Depending upon their needs and in order to improve their frontline services,
20 second to sixth-class municipalities may create and operate a separate Office of the
21 Local Building Official upon request to and approval by the National Building Official.
22 These municipalities, if adjacent and accessible to each other, may also opt to request
23 the National Building Official to create and operate an Office of the Local Building
24 Official to serve the clustered municipalities, which office shall be under the National
25 Building Official. This cluster Office shall be located at a municipality within the cluster
26 as determined by the National Building Official. Each cluster of municipalities may
27 recommend to the National Building Official the appointment of one Local Building
28 Official for such cluster from a list of at least three (3) qualified recommendees of the
29 mayors of the cluster, subject to civil service law and rules and regulations.

30

1 Absent a request to and/or approval by the National Building Official for either
2 a separate or a cluster Office of the Local Building Official, the municipal engineers of
3 the second to sixth-class municipalities shall be designated by the National Building
4 Official to act, in concurrent capacity, as the Local Building Officials in their respective
5 territorial jurisdictions. For purposes of this Chapter and this Section, the Office of the
6 Municipal Engineer in such second to sixth-class municipalities shall be referred to also
7 as Office of the Local Building Official.

8

9 The concerned local government unit shall provide the funding for and operate
10 the separate Office of the Local Building Official; the Office of the National Building
11 Official shall fund and operate cluster Offices of the Local Building Official. The sharing
12 and use of fees and fines among the offices shall be in conformity with Section 46 of
13 this Act.

14

15 Sec. 45. *Special Jurisdictions.* – There shall be Local Building Officials for special
16 jurisdictions such as the Armed Forces of the Philippines (AFP), the Philippine
17 Economic Zone Authority (PEZA), the Department of Agriculture (DA), and other
18 government agencies, as explicitly provided for by the applicable laws, who shall
19 regulate the design and construction of buildings or structures under their jurisdiction
20 and/or their registered locators and enterprises. These Local Building Officials in
21 special jurisdictions shall likewise be designated by and accountable to the National
22 Building Official.

23

24 Said Local Building Officials shall be designated by the National Building Official
25 from a list of at least three (3) qualified recommendees of the head of their agency,
26 subject to civil service law and rules and regulations.

27

28 46. *Sharing and Use of Fees and Fines.* – Out of the total collection derived
29 from fees, permit fees, fines, and other charges, the Office of the Local Building Official
30 shall retain 15% thereof and deposit in a special account created by the Local
31 Treasurer, to answer for its maintenance and other operating expenses. The Office of

1 the Local Building Official shall cause to remit five percent (5%) to the National
2 Building Official. The remaining 80% shall accrue to the general fund of the local
3 government unit or the agency with special jurisdiction, which created and operated
4 the Office.

5

6 However, in the case of the cluster Office of the Local Building Official, it shall
7 retain 15% thereof and deposit in a special account created by the Local Treasurer,
8 to answer for its maintenance and other operating expenses, cause to remit 65% to
9 the National Building Official, and cause to divide the remaining 20% between or
10 among the clustered municipalities in proportion to the total fees and fines originating
11 from each municipality, and to accrue to their respective general funds.

12

13 The share of income to be remitted to the National Building Official shall be
14 used to cover honoraria for the BRSC Secretariat, BRSC TWGs, RBABs, and other
15 operating expenses of the BRSC, ONBO, RBABs, and cluster OLBOs.

16

17 Any provision of law to the contrary notwithstanding, the National Building
18 Official is hereby authorized to prescribe the procedures for the use of the 15%
19 retained for the Office of the Local Building Official. Such income may be used to cover
20 necessary operating expenses including the purchase of equipment, supplies, and
21 materials; expenses for travel; continuing education and training programs; engaging
22 Accredited Inspectors and Accredited Structural Peer Reviewers; obligation expenses
23 including attorney's fees and other legal expenses, including sheriff's fees as well as
24 hazard pay for employees and/or authorized representatives of the Office of the Local
25 Building Official when the cause is in line with the performance of duties; and payment
26 of other prior years' obligations not adequately funded, subject to existing budgetary
27 and auditing rules and regulations.

28

29 *Sec. 47. Qualifications of Local Building Officials.* – No person shall be appointed
30 as a Local Building Official unless the person possesses the following qualifications:

31

- 1 a. A Filipino citizen and of good moral character;
- 2
- 3 b. A duly registered and licensed architect or civil engineer;
- 4
- 5 c. A member of good standing of the duly accredited professional organization
6 of architects or of civil engineers for not less than five (5) years; and
- 7
- 8 d. Has at least five (5) years of diversified and professional experience in
9 building design and construction.

10 Municipal engineers appointed by their mayors and who shall concurrently be
11 designated by the National Building Official as Local Building Officials, shall comply
12 with the qualifications prescribed for their positions as municipal engineers in the Local
13 Government Code.

14 The Local Building Official for a special jurisdiction shall comply with the
15 qualifications prescribed for the position by the specific law that is applicable to said
16 special jurisdiction.

17 Sec. 48. *Powers, Obligations, and Functions of Local Building Officials.* – In
18 addition to the other powers, obligations, and functions mentioned in this Act, the
19 Local Building Official shall have the following general powers, obligations, and
20 functions:

- 21 a. Approve applications for, and issue, reject, suspend, or revoke permits
22 within their territorial or special jurisdictions; for this purpose, the Local
23 Building Official shall base the decision upon the completeness and integrity
24 of the application documents supported by the appropriate certifications of
25 Building Professionals and clearances from relevant government agencies,
26 in accordance with this Act, rules and regulations, and reference standards;

- 1 b. Hear and decide cases filed by parties on complaints related to the
2 permitting process;
- 3
- 4 c. Enter any building, structure, or its premises at reasonable times to inspect
5 and determine compliance with the requirements of this Act, rules and
6 regulations, and reference standards, as well as the terms and conditions
7 of the permit/s issued; provided, that in case of single-family dwelling, an
8 inspection by the Local Building Official and/or Accredited Inspector must
9 be upon the consent of the occupant or upon lawful order from the proper
10 court;
- 11
- 12 d. Engage qualified and nationally-accredited Building Professionals as
13 inspectors and/or structural peer reviewers;
- 14
- 15 e. Order the work stopped and prescribe the terms and/or conditions for the
16 work to be allowed to resume, or issue any appropriate order, including
17 cease and desist order and demolition order, when any construction is found
18 to be contrary to the provisions of this Act, rules and regulations, reference
19 standards, and the terms and conditions of the permit/s issued;
- 20
- 21 f. Order the discontinuance of the use or occupancy of any building or
22 structure, or a portion thereof, found to be used or occupied contrary to the
23 provisions of this Act, rules and regulations, and reference standards,
24 and/or the terms and conditions of the permit/s issued;
- 25
- 26 g. Keep a permanent record and accurate account of all fees, fines, and other
27 charges fixed and authorized by the National Building Official to be collected
28 and received under this Act;
- 29

- 1 h. Validate and submit data on a computerized national database of buildings
2 and structures, for purposes of Section 37 and other provisions of this Act
3 and rules and regulations;
- 4
- 5 i. Submit an annual situational report to the National Building Official; and
- 6
- 7 j. Exercise such powers and perform such other functions needed to assist
8 the National Building Official in carrying out the objectives of this Act, rules
9 and regulations, and reference standards.

10

11 *Sec. 49. Responsibilities of Building Owners.* – To promote accountability,
12 Building Owners and Building Owner-Builders shall be responsible for their compliance
13 with the provisions of this Act, rules and regulations, and reference standards. These
14 responsibilities shall include but not be limited to:

- 15
- 16 a. Providing and/or submitting true and correct information and documents in
17 support of their application for permits and their prerequisite certifications
18 and clearances;
- 19
- 20 b. Adhering to the plans and specifications;
- 21
- 22 c. Complying with the terms and conditions of the permit issued, and other
23 prerequisite certifications and clearances;
- 24
- 25 d. Maintaining the building consistent with its maintenance strategy and
26 conducting periodic inspection in accordance with this Act, rules and
27 regulations, and reference standards;
- 28
- 29 e. Engaging the services of Building Professionals and/or Building Contractors
30 for any proposed construction, as may be required by this Act, rules and
31 regulations, except for Deemed-to-Satisfy or Class P1 Structures; and

1
2 f. Engaging the services of Building Professionals or Accredited Certifiers for
3 the assessment of structural stability and fire safety construction of the
4 building, as may be required by this Act, rules and regulations, except for
5 Deemed-to-Satisfy or Class P1 Structures and Regular or Class P2
6 Structures.

7
8 Offer to transfer ownership, or actual transfer of ownership, involving owners
9 of subdivision projects shall be made pursuant to Presidential Decree No. 957, or the
10 Subdivision and Condominium Buyers' Protective Decree.

11
12 Offer to transfer ownership, or actual partial or full transfer of ownership,
13 involving owners of condominium projects shall be made pursuant to Presidential
14 Decree No. 957, or the Subdivision and Condominium Buyers' Protective Decree, and
15 to Republic Act No. 4726, or the Condominium Act, as amended.

16
17 *Sec. 50. Responsibilities of Building Professionals.* – To promote accountability,
18 the various Building Professionals, all of whom are registered and licensed by their
19 respective professional boards under the Professional Regulation Commission (PRC),
20 shall be responsible for the accuracy of their work and their corresponding
21 certifications.

22
23 a. Design professionals shall be responsible for the correctness and
24 consistency of their design and the preparation of duly signed and sealed
25 drawings, technical specifications, calculations, designs, and analyses. They
26 are not precluded from conducting inspection of the construction work or
27 building or structure to check and determine adherence to the plans and
28 specifications of the work as submitted with the permit application;
29 provided, that in case of single-family dwelling, an inspection must be upon
30 the consent of the occupant or upon lawful order from the proper court.

b. Professionals in charge of construction shall be responsible for the correctness of construction, including correctness of materials used, procedures followed, and temporary works carried out in compliance with construction methodologies and standards; for compliance with safety requirements; and for proper construction supervision at the site works. They shall undertake the full time inspection and supervision of the work, and keep at the work site at all times a logbook wherein the actual progress of work including tests conducted, weather conditions, and other pertinent data are recorded. They shall be responsible for the consistency and integrity of the documents such as logbook and as-built plans. They shall also be responsible for the submission of the said documents, all duly signed and sealed, upon completion or stoppage of construction, to the Local Building Official.

15 Sec. 51. *Responsibilities of Building Contractors.* – To promote accountability,
16 Building Contractors shall adhere to the duly signed and sealed drawings, technical
17 specifications, and construction procedure, as prepared and certified by the Building
18 Professionals and relied upon by the Local Building Officials in the issuance of the
19 permit. They shall also adhere to the additional details, issued during construction,
20 conforming to the submitted documents. Building Contractors shall ensure the safety
21 and health of construction workers, in addition to protection afforded to them by labor
22 laws. As principals, they shall be solidarily responsible for the acts and omissions of
23 their representatives, agents, subcontractors, and/or employees in relation to
24 construction. They shall engage Building Professionals in-charge of construction.

CHAPTER IX

PERMITS AND INSPECTIONS

29 Sec. 52. *Types of Permit.* – The Building Owner of any proposed construction
30 or existing building or structure must secure the appropriate permit from the Local
31 Building Official, prior to the start of such work or occupancy:

- a. Building Permit – a permit for the construction of building or structure or any addition, alteration, conversion, rehabilitation, relocation, repair, or retrofit of such;
- b. Ancillary Permit – a permit for the construction of ancillary structures as defined in this Act;
- c. Excavation Permit – a permit for construction involving the removal of soil or rock from a site to form an open face, hole, or cavity using tools, machinery, or explosives;
- d. Demolition Permit – a permit for demolition of a building, structure, or portion thereof including that which will be removed in the course of an on-going construction; and
- e. Occupancy Permit – previously termed Certificate of Occupancy; a permit for the full use or occupancy of a building or structure, or a partial permit for use or occupancy of portion or portions thereof prior to the completion of the entire building or structure, or a temporary permit for temporary use or occupancy thereof prior to the completion of the entire work covered by the permit; provided, that such portion or portions shall be used or occupied safely and that the Local Building Official shall set a time period during which the partial permit or temporary permit shall be valid in accordance with rules and regulations.

The National Building Official may prescribe in the rules and regulations such other permits as it may deem necessary in accordance with objectives of this Act.

1 No permit shall be required for minor constructions, repairs, or demolitions, as
2 prescribed in the rules and regulations, insofar as these shall not violate any objective
3 or provision of this Act.

4

5 *Sec. 53. Detailed Classification of Buildings for Permitting Purposes.* – The
6 National Building Official shall prescribe the requirements for and procedure in
7 securing the different types of permit, as may be appropriate, based on the
8 classification of buildings in Section 10 of this Act. The procedures to be laid out by
9 the National Building Official shall include: (a) a simplified permitting process for
10 Deemed-to-Satisfy or Class P1 Structures; (b) a mandatory structural peer review of
11 the stability for Special or Class P3 Structures; and (c) a regular permitting process
12 for Regular or Class P2 Structures.

13

14 The organizational structure of each Office of the Local Building Official laid out
15 by the National Building Official, based on rules and regulations, shall take these three
16 (3) permitting processes in consideration.

17

18 To aid the simplified permitting process, the National Building Official shall
19 cause, through Simplified Reference Standards, the detailed documentation and
20 region-wide or nation-wide information and education campaign on the proper siting,
21 design, and construction of Deemed-to-Satisfy or Class P1 Structures including
22 Traditional Indigenous Family Dwellings.

23

24 *Sec. 54. Application for Permit.* – Any person desiring to apply for the
25 appropriate permit shall file a duly accomplished permit application form with the Local
26 Building Official of the local government unit, cluster thereof, or special jurisdiction
27 where the building or structure, proposed or existing, is located.

28

29 In case of expired or revoked permit, the Building Owner may apply for a
30 renewal of permit in accordance with the prescribed rules and regulations.

31

1 The National Building Official may require the payment of corresponding fees
2 according to a schedule provided in the rules and regulations and shall prescribe such
3 other standard requirements to be submitted with the duly accomplished permit
4 application; provided, that no application fees shall be required for Deemed-to-Satisfy
5 or Class P1 Structures.

6

7 Together with duly accomplished permit application form/s, the applicant shall
8 submit: (a) documents relating to ownership of building site that support the authority
9 to order construction work for a building or structure and to hold legal right of
10 possession or title to a building or structure; (b) relevant clearances from other
11 agencies; (c) documents relating to building use or occupancy, location, plans,
12 specifications, and maintenance strategy; and (d) estimated construction cost.
13 According to the permit being applied for and the classification of building or structure
14 involved, whether Deemed-to-Satisfy, Regular, or Special Structure, the National
15 Building Official, through rules and regulations, shall require specific parts of building
16 plans, specifications and related documents to be submitted as evidence of compliance
17 with this Act, rules and regulations, and reference standards.

18

19 The National Building Official, through rules and regulations, shall require
20 specific parts of building plans and specifications to be prepared, signed and sealed
21 by appropriate Building Professionals; provided, that various building professionals
22 may be appropriately authorized according to their respective professional regulation
23 laws to prepare, sign, and seal certain parts, sheets, or pages of building plans,
24 specifications, and related documents.

25

26 Sec. 55. *Processing of the Permit Application.* – Pursuant to Republic Act No.
27 9485, or the Anti-Red Tape Act as amended by Republic Act No. 11032, or Ease of
28 Doing Business and Efficient Government Service Delivery Act, within a reasonable
29 time from the filing of the duly-accomplished permit application, payment of fees as
30 applicable, and compliance with other standard requirements to be determined by the
31 National Building Official, the Local Building Official shall give due course to the

1 application and issue the permit applied for upon satisfaction of the completeness and
2 integrity of the application documents supported by the appropriate certifications of
3 Building Professionals and clearances from relevant government agencies, in
4 accordance with this Act, rules and regulations, and reference standards.

5

6 Sec. 56. *Validity of Permit.* – A Building Owner with issued permits has the
7 continuing obligation to comply with the provisions of this Act, rules or regulations,
8 and reference standards throughout the lifespan of the building or structure.

9

10 When submitted plans and specifications of an issued permit are subsequently
11 found to be erroneous, the Local Building Official is authorized to oblige the applicant
12 to effect the necessary corrections in said plans and specifications and the
13 corresponding construction or to prevent or stop any or all building operations that
14 are in violation of this Act, rules and regulations, and reference standards.

15

16 A permit issued under the provisions of this Act shall expire and become null
17 and void if the building or work authorized therein is not commenced within a period
18 of one (1) year after the issuance of the permit. A partial or temporary Occupancy
19 Permit shall be valid for the time period set by the Local Building Official in accordance
20 with the prescribed rules and regulations. For phased or incremental construction
21 referred to in Section 32 of this Act, the Building Owner may apply for an extension
22 of the validity of the permit, or renewal of the permit as appropriate, in accordance
23 with the prescribed rules and regulations.

24

25 Sec. 57. *Grounds for Non-issuance, Suspension, or Revocation of Permit.*–The
26 Local Building Official may order or cause the non-issuance, suspension, or revocation
27 of permits on any or all of the following reasons or grounds:

28

29 a. Non-compliance with the provisions of this Act, rules and regulations, and
30 reference standards;

31

- 1 b. Substantial errors found in the plans and specifications;
- 2
- 3 c. Use of sub-standard building material or sub-standard workmanship and
- 4 refusal to rectify upon notice;
- 5
- 6 d. Without any work being done in the site for more than one hundred twenty
- 7 (120) days for excavations left open or building construction abandoned;
- 8 and
- 9
- 10 e. Fraudulent misrepresentation of data or information supplied in the
- 11 application permit.

12

13 Notice of non-issuance, suspension, or revocation of permit shall always be made

14 in writing, stating the reasons or grounds therefor. Said action by the Local Building

15 Official shall be proportionate to the reasons or grounds committed by the applicant,

16 in accordance with this Act and rules and regulations.

17

18 Sec. 58. *Complaint.* – Based on the grounds enumerated in Section 57 of this

19 Act, any person aggrieved by the proposed, ongoing, or existing construction, use, or

20 occupancy may file before the Local Building Official of the local government unit,

21 cluster thereof, or special jurisdiction where the concerned construction is located for

22 the non-issuance, suspension, or revocation of the corresponding permit applied for

23 by, or granted to, the Building Owner. The aggrieved party shall be notified of the

24 action taken by the Local Building Official in case the permit is granted or furnished

25 with a copy of the decision, order, or notice of non-issuance, suspension, or revocation

26 of a permit of the Local Building Official.

27

28 Sec. 59. *Appeal to the Regional Building Appeals Board.* – Within fifteen (15)

29 days from the date of receipt of notice of the non-issuance, suspension, or revocation

30 of the permit or of the action taken by the Local Building Official, the aggrieved party

1 may file an appeal with the Regional Building Appeals Board based on the following
2 grounds:

3

- 4 a. Arbitrariness of the Local Building Official in the performance of regulatory
5 functions; or
6
7 b. Lack of factual or legal basis.

8

9 The Regional Building Appeals Board shall render a decision within fifteen (15)
10 days from date of receipt of appeal. The Regional Building Appeals Board's decision
11 shall be in writing, stating specifically the reason/s or ground/s therefor. In case it
12 finds the appeal to be meritorious, the Regional Building Appeals Board shall direct
13 the Local Building Official to issue the appropriate permit or order.

14

15 The decision of the Regional Building Appeals Board shall become final and
16 executory fifteen (15) days after receipt of a copy thereof by the party adversely
17 affected unless, within that period, an appeal to the National Building Official has been
18 perfected.

19

20 Sec. 60. *Appeal to the National Building Official.* – Within fifteen (15) days from
21 the date of receipt of notice of the decision of the RBAB, the aggrieved party may file
22 an appeal to the National Building Official; an appeal shall be deemed perfected upon
23 filing of the notice of appeal and posting of the corresponding appeal bond.

24

25 The Office of the National Building Official shall render a decision within thirty
26 (30) days from perfection of the appeal. The Office of the National Building Official's
27 decision shall be in writing, stating specifically the reason/s or ground/s therefor. In
28 case the ONBO finds the appeal to be meritorious, the Office of the National Building
29 Official shall direct the Local Building Official to issue the appropriate permit or order.

30

Sec. 61. *Inspection and Supervision of Work and Building or Structure.* –
Subject to the primary responsibility of Building Owners, Building Professionals, and
Building Contractors to inspect and/or supervise construction and as set forth in this
Act, the Local Building Official may, upon motion of any aggrieved party or motu
proprio, visit and inspect at reasonable times the ongoing constructions or existing
buildings and structures to ensure compliance with the terms and conditions of the
permits and the provisions of this Act, rules and regulations, and reference standards.
The National Building Official shall promulgate specific rules and regulations for
inspection of Group R, Residential buildings and structures, to be carried out by the
Local Building Official and/or Accredited Inspector.

11

12 The Local Building Official shall conduct periodic inspections of existing
13 buildings and structures in accordance with Chapter VII of this Act, rules and
14 regulations, and reference standards.

15

CHAPTER X

INCENTIVES AND PENALTIES

19 Sec. 62. *Incentives.* – The National Building Official, in coordination with
20 relevant agencies, shall develop and administer incentive schemes, which can be
21 administrative, financial, or otherwise, to promote voluntary compliance of existing
22 buildings and structures with the provisions of this Act, rules and regulations, and
23 reference standards, as well as to encourage all owners of buildings and structures,
24 either existing or proposed, to promote the use of environmentally sound or
25 sustainable materials, methods, practices, and technologies.

26

27 The National Building Official, in coordination with other relevant agencies, may
28 also develop and promulgate incentive schemes for owners of both public and private
29 buildings to secure insurance coverage for the residual risk after complying with
30 mandatory requirements of applicable laws.

31

1 The National Building Official may recommend funding support for local
2 government units and communities that have endorsed disaster risk reduction and
3 management activities for buildings and structures, especially those falling within the
4 classification of Deemed-to-Satisfy or Class P1 Structures, in their jurisdictions.

5

6 *Sec. 63. Prohibited Acts and Omissions.* – The following are prohibited acts and
7 omissions:

8

9 a. By the Building Owner and/or representative:

10

11 1. Misrepresentation or submission of false statements or
12 documents;

13

14 2. Use of unauthorized documents and/or certifications of Building
15 Professional/s;

16

17 3. Undertaking any construction without the required permit/s;

18

19 4. Noncompliance with or violation of the terms and conditions of
20 the permit, including prerequisite clearances by other
21 government agencies;

22

23 5. Not maintaining the building in accordance with the submitted
24 maintenance strategy;

25

26 6. Engaging non-licensed building professionals in the design,
27 review, construction, or certification of building;

28

29 7. Engaging non-licensed building contractors in the construction of
30 building; and

31

1 8. Analogous acts, omissions, and violations of this Act, rules and
2 regulations, and reference standards.

3

4 b. By the Building Professional:

5

6 1. Misrepresentation or false statements;

7

8 2. Certifying documents that s/he did not prepare, or certifying acts
9 that s/he did not perform;

10

11 3. Submission of incorrect or inconsistent drawings, technical
12 specifications, calculations, designs, and analyses;

13

14 4. Non-compliance with construction methodologies and standards
15 in case of a professional in charge of construction;

16

17 5. Violation of safety standards prescribed by law or regulations in
18 case of a professional in charge of construction;

19

20 6. Non-submission of duly signed and sealed documents, or
21 submission of inconsistent or deceitful documents, such as
22 logbook and as-built plans in case of a professional in charge of
23 construction; and

24

25 7. Analogous acts, omissions, and violations of this Act, rules and
26 regulations, and reference standards.

27

28 c. By the Building Contractor:

- 1 1. Deviation from the plans and specifications certified by Building
- 2 Professionals and submitted to the Local Building Official, in a way
- 3 that increases the risk to life, health, property, or public welfare;
- 4
- 5 2. Violation of safety standards prescribed by law or regulations;
- 6
- 7 3. Not engaging a Building Professional in charge of construction;
- 8 and
- 9
- 10 4. Analogous acts, omissions, and violations of this Act, rules and
- 11 regulations, and reference standards.

12 d. by the Accredited Certifier:

- 14 1. Misrepresentation or false statements in order to be accredited
15 by the Office of the National Building Official;
- 16
- 17 2. Certifying buildings and structures that do not meet the
18 requirements of this Act, rules and regulations, and reference
19 standards, and other applicable laws;
- 20
- 21 3. Refusing or failing to certify buildings and structures that meet
22 the requirements of this Act, rules and regulations, and reference
23 standards; and
- 24
- 25 4. Analogous acts, omissions, and violations of this Act, rules and
26 regulations, and reference standards.
- 27

28 e. By the Accredited Structural Peer Reviewer:

1. Misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
 2. Providing false information to the Building Owner and/or Building Professional regarding the review;
 3. False certification on the compliance of structural design with this Act, rules and regulations, and reference standards; and
 4. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

f. By the Accredited Testing Laboratory:

1. Misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
 2. Misrepresentation or false statements in the tests and/or test results of building materials;
 3. Tampering with the equipment and instruments;
 4. Conducting test methods non-conforming to reference standards; and
 5. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

g. by the Accredited Inspector:

1. Misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
 2. Providing false information to the Local Building Official regarding the inspection;
 3. False certification on the inspection, in consideration of any offer, promise, gift, or present received; and
 4. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

h. by the Local Building Official:

1. Arbitrariness in the performance of powers, obligations, and functions;
 2. Unjustifiable delay or gross negligence in the performance of powers, obligations, and functions;
 3. Willful engagement of non-accredited inspector;
 4. Willful non-compliance with the orders of the National Building Official, Office of the National Building Official, and/or Regional Building Appeals Board; and
 5. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

30 Sec. 64. *Fines and Penalties.* Any prohibited act or omission falling under
31 paragraphs (a) – (h) in Section 63 of this Act shall be subject to the administrative

1 fines and penalties to be imposed by the National Building Official, acting through the
2 Local Building Official. Such fines shall not be lower than 0.01% nor higher than 1.0%
3 of the construction cost, per violation, in accordance with the gravity of the offense
4 and the category of violator as provided in Section 63; provided, that the Local Building
5 Official may not issue, may suspend, or may revoke any permit issued to the violator,
6 as may be appropriate, and/or may order the suspension or cessation of any
7 construction until such time that compliance with this Act, rules and regulations, and
8 reference standards are undertaken; provided further, that in case the Building Owner
9 is also the builder or Building Owner-Builder, the liability is only considered as one and
10 that of the Building Owner; provided furthermore, that in case of Building
11 Professionals and/or Building Contractors found to commit any of the prohibited acts
12 and omissions, the Local Building Official shall also endorse such violation to the
13 Professional Regulation Commission (PRC) and the Construction Industry Authority of
14 the Philippines (CIAP), respectively, for corresponding administrative sanctions; and
15 provided finally, that should there be more than one violator for a single prohibited
16 act or omission, their liability shall be solidary.

17

18 These administrative sanctions imposed by the National Building Official,
19 through the Local Building Official, are without prejudice to the right of any affected
20 person to file the appropriate administrative, civil, or criminal action in the proper
21 forum.

22

23 For offenses falling under paragraph (h) in Section 63 of this Act, the National
24 Building Official, upon recommendation of the Regional Building Appeals Board and
25 after notice and hearing, may suspend or revoke the appointment or designation of
26 the Local Building Official as such, without prejudice to the administrative, civil, or
27 criminal liability of said official in accordance with existing laws.

28

29 *Sec. 65. Criminal Liabilities of Building Owners, Building Professionals, Building*
30 *Contractors, Accredited Certifiers, Accredited Structural Peer Reviewers, Accredited*
31 *Testing Laboratories, and Accredited Inspectors.* In case of gross violation of this Act

1 and/or rules and regulations, the National Building Official and/or Local Building
2 Official may recommend to the appropriate government agencies the filing of criminal
3 charges against the violators. Gross violations shall mean any of the following:

4

5 a. Unauthorized change in type of construction from more fire-resistive to less
6 fire-resistive;

7

8 b. Non-compliance with order to abate or demolish;

9

10 c. Non-compliance with cease and desist order for construction;

11

12 d. Not having any work being done in the site for more than one hundred
13 twenty (120) days and without justifiable cause, for excavations left open
14 or building construction abandoned; and

15

16 e. Blatant disregard of the orders of the Local Building Official in relation to
17 the protection of life, health, property, and public welfare, such as the non-
18 payment of fines and breaking of seals or operating despite the existence
19 of an order for suspension or revocation.

20

21 In this case, the offender shall be punished, per violation, by a fine not lower
22 than 0.01% nor higher than 1.0% of the construction cost, or by imprisonment of not
23 less than six (6) months nor more than six (6) years, or both, at the discretion of the
24 court, without prejudice to the civil liability of the offender in accordance with existing
25 laws. Where the violation is attended by injury, loss of life and/or loss of property, the
26 offender shall be proceeded against under the applicable provisions of the Revised
27 Penal Code and other special laws. If the offender is a juridical entity, the officers,
28 directors, agents, or employees who willfully and knowingly vote for, assent to, or be
29 primarily responsible for the commission of the foregoing violation/s shall be held
30 liable.

31

1 Sec. 66. *Criminal Liability of Local Building Officials and Staff.* – Any Local
2 Building Official and/or staff who shall conspire to commit any of the enumerated
3 gross violations with any offender as provided in Section 65 of this Act shall be
4 punished, per violation, by a fine not lower than 0.01% nor higher than 1.0% of the
5 construction cost involved, or by imprisonment of not less than six (6) months nor
6 more than six (6) years, or both, at the discretion of the court, without prejudice to
7 the civil liability of the offender in accordance with existing laws.

CHAPTER XI

FINAL PROVISIONS

Sec. 67. *Appropriations.* – The amount needed for the initial implementation of this Act shall be taken from the current fiscal budget of the Department; provided, however, that such amount as may be necessary to carry out Section 38 of this Act is hereby appropriated out of the unappropriated funds of the National Treasury in the amount of Three Hundred Sixty Five Million Pesos (PHP 365,000,000). Thereafter, Congress shall provide for the appropriations of the Department the annual amount needed for the implementation of this Act to be included in the General Appropriations Act.

21 Sec. 68. *Transitory Provision.* – There shall be a systematic transition of
22 implementation of building regulations and standards from Presidential Decree No.
23 1096 to this Act.

25 To initiate and facilitate the transition, the Secretary, as the National Building
26 Official, is mandated to immediately establish the Office of the National Building
27 Official within three (3) months of the effectivity of this Act.

29 City and Municipal Engineers already acting as Local Building Officials in their
30 respective jurisdictions, and Local Building Officials already appointed or designated

1 by the Secretary and performing as such, shall continue to act in such capacity, until
2 new appointments and designations shall be made for Local Building Officials.

3

4 Engagement of Accredited Certifiers, Accredited Inspectors, Accredited
5 Structural Peer Reviewers, and Accredited Testing Laboratories as provided for in this
6 Act, shall take effect following the implementation by the ONBO of the system of
7 accreditation, as formulated by the BRSC and promulgated by the NBO. The initial list
8 of accredited persons shall be published by the ONBO within one (1) year from the
9 promulgation of the system of accreditation.

10

11 Consistent with Section 40 and Section 41 of this Act, existing referral codes,
12 renamed as reference standards by this Act, shall remain valid until after the National
13 Building Official promulgates new, revised, or amended reference standards after the
14 review and recommendation of the BRSC.

15

16 Provided, that absent reference standards that are locally or nationally adopted
17 by the competent government agency for a particular subject, the latest standards by
18 the International Organization for Standardization (ISO) may be used as default
19 standards.

20

21 Sec. 69. *Implementing Rules and Regulations.* – The National Building Official,
22 upon the recommendation of the Building Regulations and Standards Council and in
23 consultation with relevant stakeholders, shall promulgate the Implementing Rules and
24 Regulations of this Act, including a system of accreditation of qualified Building
25 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or
26 Accredited Inspectors, and qualified establishments or institutions as Accredited
27 Testing Laboratories, within one (1) year from the effectivity of this Act. For this
28 purpose, the Secretary, as the National Building Official, is mandated to immediately
29 constitute the Building Regulations and Standards Council within three (3) months of
30 the effectivity of this Act.

31

1 The National Building Official shall ensure that all buildings owned by the
2 national government and all local government units, as well as departments,
3 regulatory agencies, instrumentalities, government owned and controlled
4 corporations, and implementing units of the same, shall implement an integrated, or
5 whole-building, approach to the siting, planning, design, materials, construction, use,
6 occupancy, maintenance, addition, alteration, conversion, rehabilitation, relocation,
7 repair, retrofit, and demolition, so they are sustainable, energy efficient, secure and
8 safe, cost-effective, accessible, functional, productive, and aesthetic.

9

10 The National Building Official shall ensure that this Act is implemented in
11 manners that are clear to all stakeholders, through measures that include but are not
12 limited to the following.

13

14 Every rule or regulation for the administration and enforcement of the
15 provisions of this Act, including any standard that may be referenced by such, shall
16 clearly indicate the section or sub-section of this Act to which it corresponds.

17

18 Subject to Section 5 of this Act, every approved local ordinance with the effect
19 of modifying a national rule, regulation, or standard, towards better safeguarding of
20 life, health, property, and public welfare, shall clearly indicate the national rule,
21 regulation, or standard which it improves.

22

23 All forms, tables, charts, illustrations, drawings, and other annexes included
24 with rules, regulations, standards, and ordinances shall be systematically, uniquely,
25 and clearly labeled, and duly referenced within the text of the associated rule,
26 regulation, standard, or ordinance.

27

28 Sec. 70. *Non-Retroactivity Clause.* – This Act shall have no retroactive effect
29 insofar as all buildings and structures constructed under Presidential Decree No. 1096,
30 or the National Building Code of the Philippines, as amended, or existing city or
31 municipal building ordinances, if legally done in accordance therewith, shall be

1 respected subject to such limitations in this Act and except as otherwise stated in
2 Section 38 of this Act.

3

4 However, additions, alterations, conversions, rehabilitations, relocations,
5 repairs, retrofits, and demolitions to be made in such buildings and structures shall be
6 subject to the provisions of this Act.

7

8 Sec. 71. *Mandatory Review.* – This Act shall undergo a mandatory review of its
9 provisions every five (5) years to make the law more responsive to the needs of the
10 times. The review shall be made by Congress, which shall conduct public hearings and
11 evaluate the accomplishments and impact of this Act as well as the performance and
12 organizational structure of its implementing offices, which shall be the basis of any
13 amendment or modification of this Act.

14

15 Sec. 72. *Separability Clause.* – If any portion of this Act is declared
16 unconstitutional or invalid, the other portions which are not affected thereby shall
17 continue in full force and effect.

18

19 Sec. 73. *Repealing Clause.* – Presidential Decree No. 1096, or the National
20 Building Code of the Philippines, as amended, is hereby repealed. Sec. 477 of Republic
21 Act No. 7160, also known as the Local Government Code, is modified accordingly.
22 Other existing laws, decrees, executive orders, and rules and regulations or parts
23 thereof that are inconsistent with this Act, are hereby repealed.

24

25 Sec. 74. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
26 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,