

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

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SENATE
Senate Bill No. 1239

Introduced by SENATOR LACSON

**AN ACT
ESTABLISHING THE PHILIPPINE BUILDING ACT OF 2019, THEREBY
REPEALING PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

Since Presidential Decree No. 1096, otherwise known as the National Building Code of the Philippines, was signed into law in 1977, it has been the guiding document for buildings and structures in the Philippines. Over the years, amendments and related laws and regulations have been created to improve and enhance the efficacy of its implementation. One example of such is the enactment of the Fire Code of the Philippines in 2008, which aimed to refresh standards that further ensure public safety and economic development through the prevention and suppression of all kinds of destructive fire.

Despite all existing regulatory measures related to this end, experience tells us that there is an urgent need to strengthen the overall policy on how buildings and structures are built in the country. Not to mention the country's geographical location along the boundary of major tectonic plates and at the center of the typhoon belt, coupled by its socially and economically vulnerable population, it becomes even more imperative to review our four-decade old National Building Code.

Just this weekend, 15 December 2019, we were shocked and at the same time saddened by the death of a 6-year-old girl caused by the collapse of two buildings to the ground in Padada, Davao del Sur after a 6.9 magnitude earthquake rocked Mindanao.

With the recent effects of climate change and the increasing magnitude of natural and human-induced disasters that confront us as a nation, a few things are clear: disaster preparedness is key to saving lives and properties and that multi-sectoral cooperation proves more effective than just government efforts alone.

In tune with those realizations, it is but right that a multi-sectoral effort, through the leadership of the Department of Public Works and Highways, has brought forward this version of the new Philippine Building Act. The general reforms introduced call for streamlining the building classification and permit application process, consideration of multiple hazards and new factors in building design, creation of an inter-agency and multi-sectoral regulatory body, regulations for old buildings assessment and maintenance, and outline incentives for retrofitting and use of environmentally sound and sustainable materials and technologies.

The key points and objectives of the bill all point towards improving the safety of lives, betterment of public welfare, preservation of the environment, risk mitigation from hazards, and evidently, sustainable development.

It is the hope of this representation that the Philippine Building Act of 2019 will not only ensure the safety and welfare of the people but also pave the way for responsible and sustainable nation building, establishing the Philippines as an exemplary model of world-class standards.

In light of the foregoing, the passage of this bill is earnestly requested.


PANFILO M. LACSON
Senator

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1 CHAPTER I
2 GENERAL PROVISIONS
3
4

5 **SECTION 1.** *Short Title.* This Act shall be known as the "Philippine
6 Building Act of 2019."

7
8 **SECTION 2.** *Declaration of Principles and Policies.* The State shall
9 safeguard life, health, property, and public welfare, consistent with the principles of
10 sustainable development. Towards this end, it shall be the policy of the State to
11 provide for all buildings and structures, a framework of minimum standards and
12 requirements, mainstreaming disaster risk reduction and management, to regulate
13 and control their location, siting, planning, design, construction, occupancy, and
14 maintenance. In pursuit of these policies, the State shall institutionalize a system
15 that will provide for periodic review and flexible mechanisms in the updating of
16 regulations and standards and will strengthen the participation of relevant
17 stakeholders, taking into account the importance of allowing for continuing
18 innovation in building design and construction.

19
20 **SECTION 3.** *Objectives of the Act.* The objectives of this Act are as follows:

- 21
22 A. To provide for the effective regulation of planning, design, construction,
23 occupancy, and maintenance of buildings and structures, the establishment
24 of a permitting process based on their classifications, and the setting of
25 reference standards to:
26
27 a. Safeguard life and protect people from injury;

- 1 b. Ensure the health and well-being of the people who use them,
2 without impinging on the safety of the general public or
3 endangering the environment;
4 c. Protect property from physical damage; and
5 d. Reduce and manage hazards, exposures, and vulnerabilities,
6 thereby minimizing disaster risk;
- 7
- 8 B. To promote the accountability of relevant stakeholders in ensuring
9 enforcement of and compliance with this Act, rules and regulations, and
10 reference standards; and
- 11
- 12 C. To establish sustainability standards for government-owned buildings,
13 mitigating any negative environmental, economic, and social impacts.

14

15 **SECTION 4. Scope and Application.** This Act shall cover all private and
16 public buildings and structures, and their location, siting, planning, design,
17 materials, construction, use, occupancy, maintenance, addition, alteration,
18 conversion, rehabilitation, relocation, repair, retrofit, and demolition.

19

20 **SECTION 5. Interpretation.** Nothing in this Act shall be interpreted to
21 prevent local government units, pursuant to local autonomy, from enacting local
22 ordinances relating to buildings or structures and their location, siting, and planning
23 that will better safeguard life, health, property, and public welfare, consistent with
24 the objectives of this Act.

25

26 Such local ordinances by local government units of contiguous jurisdictions
27 shall be harmonized for purposes of buildings that may straddle territories of local
28 government units.

29

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

33

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

37

38 **SECTION 6. Definition of Terms.** As used in this Act:

- 39
- 40 A. “Accredited Certifier” refers to a person possessing experience and other
41 qualifications of a Building Professional, and accredited by the Office of the
42 National Building Official to issue certificates to confirm that a building or
43 structure that is more than 15 years of age meets the requirements of Chapter
44 VII of this Act, rules and regulations, and reference standards as to structural
45 stability and fire safety construction;
- 46
- 47 B. “Accredited Inspector” refers to a person possessing experience and other
48 qualifications of a Building Professional, and accredited by the Office of the
49 National Building Official, whose service is engaged by the Local Building
50 Official to inspect buildings or structures in accordance with this Act, rules
51 and regulations, and reference standards;

- 1 C. “Accredited Structural Peer Reviewer” refers to a person possessing
2 experience and other qualifications of a Building Professional, and accredited
3 by the Office of the National Building Official to provide independent
4 verification that the structural design of a proposed or new building or
5 structure complies with this Act, rules and regulations, and reference
6 standards;
- 7 D. “Accredited Testing Laboratory” refers to an establishment or institution
8 accredited by the Office of the National Building Official to perform tests to
9 determine if the building materials and components used in the construction
10 of a building or structure comply with Chapter VI of this Act, rules and
11 regulations, and reference standards;
- 12 E. “Addition” refers to any construction which increases the height and/or floor
13 area of an existing building or structure;
- 14 F. “Alteration” refers to any construction in an existing building or structure
15 involving changes in the materials used, partitioning, location or size of
16 openings, structural parts, existing utilities, and/or equipment but does not
17 increase the building height nor floor area;
- 18 G. “Ancillary Structure” refers to a structure intended to provide support to
19 main buildings or structures, which may include: bank and records vaults;
20 swimming pools; firewalls separate from the building or structure; towers;
21 silos; smokestacks; chimneys; commercial or industrial fixed ovens;
22 industrial kilns or furnaces; water or waste treatment tanks; septic vaults;
23 concrete and steel tanks; booths, kiosks, and stages; tombs, mausoleums, and
24 niches; and similar structures;
- 25 H. “Build Back Better” refers to planning, based on the evolving or evolved
26 disaster risks and ahead of disasters, to finance, design, and build after a
27 disaster or crisis with consideration of the need to further strengthen disaster
28 preparedness for response, take action in anticipation of events, and ensure
29 capacities are in place for effective response, recovery, and reconstruction;
- 30 I. “Building” refers to any temporary or permanent structure, anchored to the
31 ground, for the shelter, enclosure, or support of persons, animals, machinery,
32 or chattels;
- 33 J. “Building Contractor” refers to a person duly registered and licensed by the
34 Philippine Contractors Accreditation Board, whose proposal has been
35 accepted and to whom was awarded the contract to execute the construction;
36 for this purpose, “contract” means an agreement, regardless of titles such as
37 prime contract, subcontract, or deed of assignment;
- 38 K. “Building Owner” refers to a person who orders construction work for a
39 building or structure by contract; or a person undertaking one’s own
40 construction without engaging a Building Contractor therefor, as owner-
41 builder; or a person holding the legal right of possession or title to a building
42 or structure;
- 43

- L. “Building Professional” refers to a person lawfully engaged in the design, construction, or inspection of a building or structure, who is duly registered and licensed by the Professional Regulation Commission (PRC), through a professional regulatory law for each profession, to provide such services;
 - M. “Building Site” refers to the lot, which is described by technical descriptions delineating boundaries of the property to be developed, over which the Building Owner has a title or legal right to build; for design purposes, the term shall also cover areas and spaces around the lot, the conditions of which bear on the operability and safety of the building or structure;
 - N. “Construction” refers to any and all on-site work including but not limited to preparation, excavation, foundation, and assembly or installation of components, utilities, machinery, and equipment of building or structure;
 - O. “Conversion” refers to a change in the use or occupancy of an existing building or structure or any portion/s thereof to another occupancy group or sub-group that has different requirements under this Act;
 - P. “Demolition” refers to the systematic dismantling, destruction, or removal of a building or structure, in whole or in part;
 - Q. “Department” means the Department of Public Works and Highways (DPWH);
 - R. “Exposure” refers to people, property, systems, or other elements present in hazard zones that are thereby subject to potential losses, or to the degree to which the elements at risk are likely to experience hazard events of different magnitudes;
 - S. “Fire Resistance Rating” refers to the time, in minutes or hours, that a building material, assembly, or type of construction can withstand fire exposure as determined by generally recognized and accepted testing methods;
 - T. “Hazard” refers to a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;
 - U. “Hazard Zone” refers to an area identified in generally recognized and accepted hazard maps as exposed to natural hazards, such as floods, wind storms, storm surges, landslides, volcanic eruptions, and earthquakes;
 - V. “Innovative Construction Technology” refers to a construction technology that is emerging or being reintroduced locally or nationally in the field of construction, with corresponding evidence of acceptable performance from laboratory tests, field tests, and/or analytical studies to comply with Chapter V and Chapter VI of this Act, rules and regulations, and reference standards;
 - W. “Locational Clearance” refers to the document issued by the planning and development officer of the local government unit certifying that the proposed

1 construction has the appropriate traffic impact assessment (TIA), is located
2 in an appropriate zone, and does not violate the Comprehensive Land Use
3 Plan (CLUP), any zoning ordinance or regulation of the concerned local
4 government unit, nor other applicable laws, ordinances or regulations, which
5 document is submitted to the Local Building Official in support of an
6 application for a permit;

7

8 X. “Permit” refers to any of the permits that may be issued by the Local
9 Building Official as set forth in this Act;

10

11 Y. “Reference Standards” refers to technical standards that the National
12 Building Official promulgates through rules and regulations in administering
13 and enforcing this Act; for this purpose, consistent with Section 40, existing
14 referral codes shall hereinafter be renamed and referred to accordingly as
15 “reference standards;”

16

17 Z. “Rehabilitation” refers to the act or process of making possible a compatible
18 use for an existing building or structure through repair and/or alteration while
19 preserving those portions or features which convey its acknowledged
20 heritage significance;

21

22 AA. “Relocation” refers to the transfer of an existing building or structure or
23 portion/s thereof from original location or position to another, either within
24 the same site or to a different one;

25

26 BB. “Renovation” refers to any physical change made on an existing
27 building or structure to increase the value or improve the quality and/or
28 aesthetics, without addition to building height or floor area, nor alteration of
29 structural parts;

30

31 CC. “Repair” refers to remedial work done on any damaged or deteriorated
32 portion/s of an existing building or structure to restore its original condition;

33

34 DD. “Retrofit” refers to the construction of any new element or system, or
35 the alteration of any element or system, required to bring an existing building
36 or structure, or portion thereof, into conformance with this Act, rules and
37 regulations, and reference standards;

38

39 EE. “Secretary” refers to the Secretary of the Department of Public Works
40 and Highways;

41

42 FF. “Special Site” refers to a site that requires special rules and regulations
43 to mitigate potential adverse impacts of the site conditions;

44

45 GG. “Structure” refers to that which is built or constructed, an edifice, or
46 building of any kind, or any piece of work artificially built up or composed
47 of parts joined together in some definite manner, but shall not include streets,
48 highways, bridges and viaducts, railroads, canals, river and shore
49 improvements, dry docks, dams, irrigation, flood protection, tunnels,
50 transmission towers and lines, and structures regulated by other national laws
51 or competent national agencies;

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

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

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

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

CHAPTER II

CLASSIFICATION OF BUILDINGS

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

SECTION 8. Buildings Classified by Type of Construction According to Fire Resistance Rating. The building or structure shall be classified according to fire resistivity and fire 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 finishes, walls, barriers, doors, windows, vents, means of egress, and treatment of building components with flame retardant chemicals.

SECTION 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 portions thereof, used for gathering together of fifty (50) or more persons for any purpose, including but not limited to deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, and instruction;

- 1 Group B, Business occupancies are those used for the transaction of business other
2 than those covered under Group M, Mercantile, including the keeping of accounts
3 and records and similar purposes for office, professional, or service-type
4 transactions;
- 5
- 6 Group D, Disaster response occupancies are those permanent centers for refuge and
7 emergency evacuation or for emergency operation;
- 8
- 9 Group E, Educational occupancies shall include buildings, or portions thereof, used
10 for the gathering of group of six (6) or more persons for purposes of instruction;
- 11
- 12 Group F, Factory and Industrial occupancies are those used for operations including,
13 but not limited to, product processing, fabricating, manufacturing, assembling and
14 disassembling, mixing, packaging, finishing or decorating, repairing, and material
15 recovery;
- 16
- 17 Group G, Agricultural and Biological occupancies are those used for the production,
18 harvesting, processing, storage, manufacture, preserving, transporting, and
19 distribution of agricultural and biological products or materials including, but not
20 limited to, silos and its components, agricultural and biosystems machinery and
21 equipment sheds, farm houses, green/screen houses, poultry houses, piggery houses,
22 slaughterhouses, agricultural and biological products storage/warehouses, buildings
23 and structures for poultry, livestock, fishery and forestry production and processing,
24 kiln drying and lumber treatment structure, and structures for farm equipment, farm
25 supplies, and agricultural waste utilization and management;
- 26
- 27 Group I, Institutional occupancies are those used to house one or more persons under
28 varied degrees of restraint or security where such occupants are mostly incapable of
29 self-preservation because of security measures not under the occupants' control
30 (Sub-group ID), or government buildings and quarters rendering civic or public
31 assistance and peace and order (Sub-group IG), or those in which care or supervision
32 is provided to persons who are mostly incapable of self-preservation without
33 physical assistance because of age, or physical or mental disability (Sub-group IH);
- 34
- 35 Group M, Mercantile occupancies are those used for the display and sale of
36 merchandise, and involves stocks of goods, wares, and merchandise incidental to
37 such purposes and accessible to the public;
- 38
- 39 Group R, Residential occupancies are those in which sleeping accommodations are
40 provided for normal residential or dwelling purposes and include all buildings
41 designed to provide sleeping accommodations, for example the socialized (Sub-
42 group RS) and economic (Sub-group RE) housing covered by Batas Pambansa Blg.
43 220;
- 44
- 45 Group S, Storage occupancies include all buildings or structures utilized primarily
46 for the storage or sheltering of goods, merchandise, products, vehicles, or animals;
- 47
- 48 Group U, Utilities and Miscellaneous occupancies are those with an ancillary
49 character such as, but not limited to, those enumerated in Section 6, Subsection G
50 Ancillary Structure, or those which cannot be properly classified in any of the other
51 occupancy groups in this Section, such as, but not limited to billboards and
52 commercial signboards; and

1
2 Group Z, High-Hazard occupancies mean those with storage and handling of
3 flammable, highly combustible, or other materials that would constitute a physical
4 or health hazard, in quantities in excess of those allowed by regulations.

5
6 The National Building Official may determine, through rules and regulations,
7 sub-groups within Group A to Z. Any other use or occupancy not mentioned
8 specifically under this Section, or about which there is any question, shall, upon
9 approval by the National Building Official, be included in the group which it most
10 nearly resembles based on the associated hazard or risk to life, health, property, and
11 public welfare.

12
13 In addition to permanent centers for refuge and evacuation as in Group D,
14 any building, structure, or portion thereof may be designated as a temporary
15 evacuation center provided it complies with the specific rules and regulations
16 promulgated by the National Building Official.

17
18 When a building or structure is of mixed occupancy or used for more than
19 one occupancy, the whole building or structure shall be subject to the most
20 restrictive requirement pertaining to any of the occupancy groups found therein,
21 except as otherwise provided in applicable rules and regulations.

22
23 For each group or sub-group of use or occupancy, the National Building
24 Official shall promulgate specific rules and regulations and reference standards in
25 accordance with this Act.

26
27 **SECTION 10. Buildings Classified According to Required Track of**
28 *Permitting Process.* Buildings and structures shall be classified based on the
29 required track of permitting process as follows:

- 30
31 A. “Simple Structures” or “Class P1 Structures” are buildings or structures
32 belonging to sub-group/s under Group R, Residential, either traditional
33 indigenous family dwellings regardless of number of floors, or individually
34 constructed dwellings for up to three (3) families, with maximum total gross
35 floor area limit for each case as prescribed by the National Building Official
36 through rules and regulations, but shall exclude such structures under any
37 government-approved mass housing project developed by the government,
38 non-government organization, or private developer. These Simple or Class
39 P1 Structures shall comply with Simplified Reference Standards as
40 prescribed by the National Building Official under a simplified track of
41 permitting process.
- 42
43 B. “Regular Structures” or “Class P2 Structures” are buildings or structures that
44 do not fall under either one of the classifications of Simple Structures and
45 Special Structures. Regular Structures shall require the regular track of
46 permitting process.
- 47
48 C. “Special Structures” or “Class P3 Structures” are buildings or structures that
49 are distinguished by special physical attributes in terms of size, span, or form,
50 very advanced structural calculation method and/or by nature of use or
51 occupancy. These structures shall be any of the following:

- Buildings and other structures exceeding 75 meters in height or a higher height threshold as prescribed based on rules and regulations by the National Building Official;
 - Long span structures exceeding 30 meters in span or a longer span threshold as prescribed based on rules and regulations by the National Building Official;
 - Buildings and other structures with two (2) or more floor levels, and in any single floor level exceeding 25,000 square meters of gross floor area;
 - Buildings and other structures with gross floor area exceeding 40,000 square meters;
 - Facilities belonging to Group D, Disaster response;
 - Hospitals belonging to a sub-group under Group I, Institutional, that need to provide higher than the minimum level of services in terms of functional capacity as classified by competent national agency on healthcare facilities;
 - Facilities belonging to Group Z, High-Hazard;
 - Structures that have non-regular structural form as classified in structural reference standards; and
 - Buildings and other structures using very advanced structural calculation method in design and/or design analysis as classified in structural reference standards.

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

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

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

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

1 **SECTION 11.** *Buildings and Structures.* For purposes of this Act, structures
2 shall include buildings, ancillary structures, and other structures as defined in this
3 Act.

4 **SECTION 12.** *Requirements for Each Type of Construction According to*
5 *Fire Resistance Rating.* The National Building Official shall prescribe standards for
6 each type of construction according to fire resistivity and fire resistance rating as
7 allowed under this Act correspondingly for each group or sub-group of use or
8 occupancy, and promulgate rules and regulations and reference standards therefor,
9 in general terms of structural system, exterior walls and openings, interior walls and
10 enclosures, floors, exits and stairs construction, and roofs, among other elements.
11

12
13 **SECTION 13.** *Changes in Use or Occupancy and/or Type of Construction*
14 *According to Fire Resistance Rating.* No change shall be made in the use or
15 occupancy and/or type of construction according to fire resistivity and fire resistance
16 rating of any building or structure which would place the building or structure in a
17 different occupancy group or different type of construction, unless such building or
18 structure is made to comply with the requirements for the new occupancy group or
19 type of construction; provided, that the change may be approved by the Local
20 Building Official upon determination that the new use or occupancy and/or type of
21 construction poses less risk to life, health, property, and public welfare, according
22 to rules and regulations promulgated by the National Building Official.
23

24
25 **CHAPTER III**
26 **LOCATION, SITING, AND ZONING REQUIREMENTS**
27
28

29 **SECTION 14.** *General Requirements for Location, Siting, and Zoning.* The
30 site upon which will be constructed any building or structure shall be sanitary,
31 hygienic, and accessible, and shall not pose high hazard for the intended use or
32 occupancy, as determined by competent and appropriate authorities and certified
33 through a locational clearance and other clearance/s or certificate/s as prescribed by
34 applicable laws and regulations. It shall not obstruct existing easement or right-of-
35 way of the national government and all local government units, as well as
36 departments, regulatory agencies, instrumentalities, government owned and
37 controlled corporations, and implementing units of the same, in accordance with
38 existing laws and rules and regulations.
39

40 **SECTION 15.** *Protection of the Site Environment.* Any proposed
41 construction, including its location, siting, and use, shall take into account the
42 environment and its conservation and protection. It shall not gravely affect the
43 heritage and environmental significance of the site; and shall not harm nor aggravate
44 the state of the neighborhood, environment, and natural resources surrounding it.
45 No construction, its location, siting, and use shall be allowed without complying
46 with the applicable heritage, environmental, and natural resources laws and
47 regulations, as determined by competent and appropriate authorities and certified
48 through a locational clearance and other clearance/s or certificate/s as prescribed by
49 applicable laws and regulations.
50

51

1 **SECTION 16. Protection of the Public.** Any proposed construction shall not
2 cause harm to the general public nor infringe on public spaces.
3

4 **SECTION 17. Requirements in Hazard Zones and Special Sites.** The
5 Building Owner and Building Professional shall ensure that the proposed
6 construction, its location, siting, and use, will not increase the vulnerabilities of the
7 people who will occupy the building and their neighborhood on account of the
8 hazard zone or special site. Within hazard zones as established in the
9 Comprehensive Land Use Plan (CLUP) and/or hazard maps published by the
10 national government, risk mitigation and adaptation requirements and/or measures
11 shall be incorporated in the rules and regulations and reference standards as
12 promulgated by the National Building Official.
13

14 **SECTION 18. Resilience.** Buildings and structures damaged structurally by
15 a disaster or crisis shall adhere to principles of building back better in post-disaster
16 or post-crisis recovery and reconstruction.
17

18 The National Building Official shall cause to integrate disaster risk reduction
19 and management measures in the rules and regulations and reference standards for
20 planning, design, and reconstruction of buildings and structures.
21

22 The National Building Official shall promulgate specific rules and
23 regulations and reference standards for temporary post-disaster or post-crisis
24 structures.
25
26

27 **CHAPTER IV**
28 **DESIGN REQUIREMENTS**
29
30

31 **SECTION 19. General Requirements for Design.** The design of all buildings
32 and structures shall comply with the requirements prescribed by this Act, rules and
33 regulations, and reference standards; provided, that there shall be specific levels of
34 standards and technical requirements for socialized housing (residential occupancy
35 Sub-group RS) and economic housing (residential occupancy Sub-group RE)
36 structures as provided by Batas Pambansa Blg. 220.
37

38 Provided further, that Group G, Agricultural and Biological occupancies
39 shall consider biosystems design requirements for the protection of persons,
40 animals, crops, and the environment.
41

42 Buildings and structures on or in special sites shall consider special design
43 requirements and risk mitigation measures called for by the specific site conditions.
44

45 **SECTION 20. Stability.** All buildings and structures shall be designed to be
46 structurally stable against anticipated combinations of loads and effects so as to
47 safeguard people and property from physical harm or damage.
48

49 Subject to the provisions of Articles 684 to 686 of Republic Act No. 386, or Civil
50 Code of the Philippines, on lateral and subjacent support, the design and quality of
51 materials used structurally in excavation, footings, and in foundations shall conform
52 to prescribed reference standards and accepted engineering practice.

1
2 **SECTION 21.** *Protection from Fire.* All buildings and structures shall be
3 designed to safeguard persons and properties from any harm or damage caused by
4 fire in accordance with Republic Act No. 9514, or the Fire Code of the Philippines,
5 and its Implementing Rules and Regulations.

6
7 All fire safety constructions as defined by the Fire Code of the Philippines shall be
8 designed in accordance with specific rules and regulations and reference standards
9 under this Act.

10
11 **SECTION 22.** *Protection from Moisture and Surface Water.* All buildings
12 shall be designed to provide adequate resistance to penetration by, and the
13 accumulation of, excessive moisture and surface water.

14
15 **SECTION 23.** *Protection from Other Hazards.* All buildings and structures
16 shall be designed to safeguard persons and properties from other site-specific
17 multiple hazards.

18
19 **SECTION 24.** *Safety of Users or Occupants.* All buildings and structures
20 shall be designed to safeguard its users or occupants from harm, injury, or loss.

21
22 **SECTION 25.** *Ingress, Circulation, and Egress.* Safe access into, circulation
23 within, and egress from the buildings, including emergency exits, shall be provided
24 for persons and vehicles.

25
26 **SECTION 26.** *Energy and Energy Efficiency.* The design of buildings and
27 structures shall include, wherein required, practices and technologies that optimize
28 energy efficiency.

29
30 The National Building Official shall promulgate specific rules and
31 regulations on energy efficiency that are applicable to buildings and structures
32 exceeding a threshold total gross floor area, depending on the classification of use
33 or occupancy.

34
35 **SECTION 27.** *Services and Facilities.* All building services and facilities,
36 their equipment and installations, shall be designed to be adequate, safe, and
37 efficient, to promote the well-being of the users or occupants and the general public.
38 Constructability and ease of maintenance of the services and facilities shall be
39 highly considered in the design.

40
41 As required by the occupancy group, buildings and structures shall be
42 designed to provide services and facilities including but not limited to the following:
43 light and ventilation; water supply; drainage; wastewater disposal; solid waste
44 management; pest and vermin control; power and fuel supply; communication
45 facilities; conveyance and parking facilities; and fire lane and fire hydrants.

46
47 Provided, that the carriageways, sidewalks, and all parts of road right-of-way for
48 public roads adjoining a building site shall not be used to meet the requirements of
49 parking facilities for the building as required by this Act, rules and regulations, and
50 reference standards. Provided further, that queuing areas, driveways, ramps,
51 entrances to, and exits from parking facilities for a building shall not encroach on

the road right-of-way nor obstruct the movement of pedestrians and vehicles on the public roads adjoining the building.

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

CHAPTER V CONSTRUCTION REQUIREMENTS

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

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

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

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

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

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

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

1 **SECTION 30.** *Safety and Protection During Construction.* All buildings
2 shall be constructed or demolished without causing any harm or injury to the
3 construction workers and the public.
4

5 **SECTION 31.** *Protection of Property During Construction.* All and any
6 public or private property above or below the ground shall be protected from any
7 damage by any work being done under the permit. The protection shall be
8 maintained while such work is being done and shall not obstruct the normal
9 functioning of any such property.
10

11 **SECTION 32.** *Phased or Incremental Construction.* All uncompleted
12 portions of buildings subject to phased or incremental construction shall be
13 protected and shall not pose harm to the public. Any additional or incremental work
14 shall not compromise the safety and well-being of the users or occupants.
15

16 **SECTION 33.** *Construction and Demolition Waste Management.* All buildings
17 shall be constructed with proper management of construction and
18 demolition waste.
19
20

21 **CHAPTER VI** 22 **BUILDING MATERIALS** 23 24

25 **SECTION 34.** *General Requirements for Materials.* All building materials
26 and components shall comply with the requirements prescribed by this Act, rules
27 and regulations, and reference standards.
28

29 The use of building materials and components must be safe for the health of users
30 or occupants and must not cause any substantive negative impact to the environment
31 such as, but not limited to, air, water, and soil.
32

33 Provided, that product standards promulgated by competent national agency shall
34 be harmonized with or incorporated together with the reference standards under this
35 Act.
36

37 **SECTION 35.** *Selection of Materials.* Building materials and components
38 shall be selected following a set of criteria including but not limited to strength, fire
39 resistivity, moisture resistance, durability, and sustainability, according to rules and
40 regulations and reference standards promulgated by the National Building Official.
41
42

43 **CHAPTER VII** 44 **OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS** 45 46

47 **SECTION 36.** *General Requirements for Occupancy, Maintenance, and
48 Abatement.* All Building Owners shall use and maintain the building in accordance
49 with the requirements prescribed by this Act, rules and regulations, and reference
50 standards. The use and maintenance of the building must be safe for the health of
51 users, occupants, and the general public, and shall not cause any substantive
52 negative impact to the environment such as, but not limited to, air, water, and soil.
53

1
2 **SECTION 37. Maintenance, Inspection, and Assessment of Buildings and**
3 **Reporting to the ONBO.** All buildings shall undergo regular maintenance and
4 inspection in accordance with each building's maintenance strategy. There shall be
5 rules and regulations to guide the preparation, approval, and implementation of
6 appropriate maintenance strategies for buildings and structures, promulgated by the
7 National Building Official. The Building Owner shall perform periodic maintenance
8 and inspection; the Local Building Officials and/or Accredited Inspectors shall
9 conduct inspection as appropriate according to rules and regulations. The Office of
10 the National Building Official shall establish a system for monitoring, reporting, and
11 evaluating maintenance and inspection activities.

12
13 The Office of the National Building Official shall assist Building Owners of
14 structures falling within the classification Simple or Class P1 Structures and Regular
15 or Class P2 Structures in conducting a simplified or regular inspection of their
16 buildings.

17
18 For buildings and structures with occupancies falling under Group A, Group
19 D, Group E, or Group Z, there shall be periodic inspections by Local Building
20 Officials and/or Accredited Inspectors subject to specific rules and regulations
21 promulgated by the National Building Official.

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

29
30 Mandatory inspection and assessment by an Accredited Certifier as to
31 structural stability and fire safety construction shall be commissioned by the
32 Building Owner at the 15th year from the date of completion of the building and
33 every 15 years thereafter in the case of Special or Class P3 Structures.

34
35 In cases of addition, alteration, conversion, rehabilitation, relocation, repair,
36 and/or retrofit requiring more recent structural stability assessment and
37 corresponding certification and clearance, the date of reckoning of 15 years for
38 purposes of this Section shall be counted from the completion date of the latest
39 building permit that involved the most recent structural stability clearance under this
40 Act.

41
42 The National Building Official shall promulgate rules and regulations and
43 reference standards for mandatory inspection and assessment of buildings as to
44 structural stability and fire safety construction, specific to the various building
45 classifications; provided, that Accredited Certifiers need not be engaged for Simple
46 or Class P1 Structures and Regular or Class P2 Structures.

47
48 The National Building Official shall promulgate specific rules and
49 regulations for mandatory inspection and assessment of all buildings as to structural
50 stability and fire safety construction after regional catastrophic events such as, but
51 not limited to, widely destructive earthquakes and typhoons. The determination of
52 an event that is catastrophic as to warrant mandatory assessment of all buildings in

1 a geographic area shall be made by the National Building Official in consultation
2 and coordination with other government agencies.

3
4 The Office of the National Building Official through the Offices of Local
5 Building Official shall maintain a computerized national database of permits and
6 other periodic data about all buildings and structures, including but not limited to
7 reports on maintenance, inspection, and/or assessment.

8
9 **SECTION 38. Special Provision for Buildings Completed More than 15**
10 *Years Prior to the Effectivity of this Act.* To ensure the safety of the people and to
11 reduce risks, Special or Class P3 Structures and buildings and structures with
12 occupancies falling under Group A and Group E, that were completed in 2005 or
13 earlier, are mandated to have an assessment of the design based on the requirements
14 in Chapter IV of this Act as specified in rules and regulations, as to structural
15 stability and fire safety construction, and the Building Owners are to submit the
16 certifications or findings of appropriate Building Professionals, serving as
17 Accredited Certifiers, to the concerned Local Building Officials regarding the state
18 of such buildings and structures and their safety and/or need for retrofit.

19
20 Within three (3) months from the effectivity of this Act, the Department
21 through the Office of the National Building Official, in consultation with relevant
22 agencies and stakeholders, shall implement a phased approach to prioritize
23 compliance of Building Owners of both public and private buildings in hazard
24 zones, such as but not limited to those near earthquake fault lines or in coastal zones
25 affected by sea level rise, or in hazard zones or areas otherwise identified in hazard
26 maps, or those used for assemblies in large numbers and/or by vulnerable users or
27 occupants.

28
29 The National Building Official, in coordination with other concerned
30 agencies, shall develop and administer incentive schemes, such as those allowed by
31 the disaster risk reduction and management funds, to support immediate voluntary
32 retrofit by the Building Owners requiring modifications for the safety of the users
33 or occupants and/or the general public.

34
35 **SECTION 39. Abatement of Dangerous and Ruinous Buildings.** When any
36 building or structure is found or declared to be dangerous or ruinous, the Local
37 Building Official shall order its repair, vacation, or demolition depending upon the
38 degree of danger to life, health, property, and public welfare. This is without
39 prejudice to further action that may be taken under the provisions of Articles 482
40 and 694 to 707 of the Civil Code of the Philippines and other existing laws.

41
42 For purposes of this Section, dangerous or ruinous buildings are buildings or
43 structures determined by the Local Building Official to be structurally unstable; or
44 not provided with safe egress; or which constitute a fire hazard; or are otherwise
45 dangerous to human life; or which in relation to existing use, constitute a hazard to
46 life safety, health, or public welfare because of inadequate maintenance,
47 dilapidation, obsolescence, or abandonment; or which otherwise contribute to the
48 pollution of the site or the community to an intolerable degree.

49
50 Abatement and/or rehabilitation of buildings and structures covered under
51 Republic Act No. 10066, or the National Cultural Heritage Act of 2009, shall be

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

CHAPTER VIII

ADMINISTRATION

SECTION 40. *National Building Official (NBO): Powers, Obligations, and Functions.* The Secretary of the Department shall have the duty to ensure that all laws relating to building design and construction are faithfully executed and is primarily charged with the administration and enforcement of the provisions of this Act, rules and regulations, and reference standards.

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

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

- A. Issue and promulgate rules and regulations to implement the provisions of this Act, upon recommendation of the Building Regulations and Standards Council, and ensure compliance with policies, plans, standards, and guidelines formulated. The Building Regulations and Standards Council shall be formed in accordance with the provisions of this Act;
 - B. Approve and/or take final action on changes and/or amendments to reference standards based on recommendations of the Building Regulations and Standards Council. For this purpose, existing referral codes shall hereinafter be renamed and referred to accordingly as "reference standards";
 - 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

- 1 public and compel compliance with the provisions of this Act, rules and
2 regulations, and reference standards;
- 3 J. Impose fines, penalties, and other administrative sanctions for failure
4 or refusal to comply with, or violation of any provision of this Act, rules
5 and regulations, and reference standards, or any order, instruction, or
6 ruling;
- 7 K. Enlist the aid and support of, and/or deputize any and all enforcement
8 agencies of the government in the implementation of his powers and
9 functions under this Act, rules and regulations, and reference standards;
10 and
- 11 L. Exercise such other powers and perform such functions as may be
12 needed to carry out the objectives of this Act, rules and regulations, and
13 reference standards.

14

15 **SECTION 41. Building Regulations and Standards Council (BRSC).** A
16 Building Regulations and Standards Council is hereby created to assist the National
17 Building Official in reviewing and recommending rules and regulations and
18 reference standards to accomplish the objectives of this Act.

19

20 A. *Members.* The Building Regulations and Standards Council shall be
21 composed of the following:

- 22
- 23 1. Undersecretary for Technical Services of the Department as Chair;
- 24 2. Undersecretary of the Department of Human Settlements and Urban
25 Development (DHSUD) for technical services or planning;
- 26 3. Commissioner of the Professional Regulation Commission (PRC) in
27 charge of supervision of regulatory boards of building professionals;
- 28 4. Chief of the Bureau of Fire Protection (BFP);
- 29 5. Undersecretary of the Department of Trade and Industry (DTI) in
30 charge of supervision of product standards and/or contractor
31 accreditations;
- 32 6. Undersecretary of the Department of Science and Technology
33 (DOST) for scientific and technological services;
- 34 7. Undersecretary of the Department of Environment and Natural
35 Resources (DENR) for planning and policy making regarding
36 environmental concerns;
- 37 8. President of a national association of local building officials;
- 38 9. President of a national association of building developers, national
39 association of building owners, national association of building
40 managers, or national association of building administrators;
- 41 10. President of a PRC-accredited national professional organization of
42 building professionals;
- 43 11. President of a national association of building contractors;
- 44 12. High-ranking regular faculty member from a recognized higher
45 education institution involved in the training of building
46 professionals; and
- 47 13. Representative-at-large coming from any concerned sectors whose
48 participation is deemed by the National Building Official as timely
49 and complementary to those of other members enumerated.

50

51 Each from a list of nominees submitted by their respective sectors, all
52 representatives from the private, academic, or non-government sectors,

enumerated above from 8 to 12, shall be appointed by the National Building Official for a term of three (3) years; provided, that each said member, during his/her term in the Council, shall remain a certified member-in-good-standing of the association, organization, or institution that has been originally represented. In case of substitution or replacement of a member representing a specific sector, the new member shall serve for the remainder of the three-year term.

For these sectors enumerated above from 8 to 12, 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.

Representative-at-large, enumerated above as 13, shall serve ex-officio if an official and representative of government agencies, or shall serve for a term of three (3) years without immediate reappointment within one (1) year if coming from the private, academic, or non-government sectors.

In the absence or temporary incapacity of the Undersecretary for Technical Services of the Department, the Undersecretary of DHSUD shall act as the Chair of the Council.

In the absence or temporary incapacity of the Undersecretary for Technical Services of the Department and the Undersecretary of DHSUD the Officer-in-Charge (OIC) Undersecretary for Technical Services of the Department shall act as the Chair of the Council.

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

B. *Duties and Responsibilities.* The Building Regulations and Standards Council shall have the following duties and responsibilities:

1. Review existing rules and regulations and existing referral codes, renamed as reference standards under this Act, and/or formulate new ones in line with the provisions of this Act and rules and regulations;
2. Formulate and recommend policies and strategies, for design and construction, with reference to global standards, and taking into account local conditions;
3. Formulate a system of accreditation of qualified Building Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or Accredited Inspectors, and qualified establishments or institutions as Accredited Testing Laboratories;
4. Collect relevant information, conduct research, and support studies on all matters relating to design and construction, such as, but not limited to, the performance and results achieved of the standards in mainstreaming disaster risk reduction and management in building planning, design, construction, occupancy, and maintenance;
5. Submit recommendations, including rules and regulations and reference standards, to the National Building Official for approval;
6. Submit an annual report to the National Building Official; and

- 1 7. Perform such other functions that the National Building Official may
2 authorize or assign as may be necessary in carrying out the objectives
3 of this Act.
- 4
- 5 C. *Technical Working Groups (TWGs)*. To support the BRSC in the
6 performance of its duties and responsibilities, the National Building Official
7 shall constitute Technical Working Groups (TWGs) composed of relevant
8 stakeholders.
- 9
- 10 D. *Secretariat*. The BRSC shall have its Secretariat personnel separate from the
11 Office of the National Building Official, to assist in the operation of the
12 Council and TWGs.
- 13
- 14 E. *Procedures*. The National Building Official, in consultation with relevant
15 stakeholders, shall prescribe, based on rules and regulations, the procedures
16 of the Building Regulations and Standards Council, ensuring the periodic
17 review of reference standards every five (5) years and the participation of the
18 relevant stakeholders including, but not limited to, building officials,
19 building developers, building owners, building managers or administrators,
20 building professionals and professional organizations, building contractors,
21 and higher education institutions, in setting performance standards for design
22 and construction.
- 23
- 24 The National Building Official shall issue every five (5) years, or more
25 frequently as needed, updated reference standards.
- 26
- 27 F. The BRSC budget shall be included in the annual budget of the Department.

28

29 **SECTION 42. Office of the National Building Official (ONBO)**. The Office
30 of the National Building Official, within the Department, is hereby created to
31 provide sufficient technical, legal, administrative, and support personnel to the
32 National Building Official in the exercise of his powers and the performance of his
33 duties.

34

35 This Office, headed by a Director, who shall be a registered and licensed
36 professional, be a member of good standing of the duly accredited national
37 organization of the profession, and have at least five (5) years of diversified and
38 professional experience in building design, construction, and regulation, shall be
39 placed under the supervision of the Undersecretary for Technical Services. It shall
40 comprise highly qualified personnel eligible to act as building professionals,
41 scientists, or technicians who possess diversified and professional experience in the
42 field of building design and construction, and lawyers.

43

44 The Office of the National Building Official shall provide assistance to the
45 National Building Official in the institutional strengthening of Offices of Local
46 Building Official, capacity building of Local Building Officials, data management,
47 monitoring and evaluation, and establishing and maintaining linkages with
48 concerned institutions. A mandatory continuing education and training program
49 shall be pursued for the Local Building Officials and their staff, as well as the staff
50 of the Office of the National Building Official.

51

1 The Office of the National Building Official shall coordinate the Regional
2 Building Appeals Boards.

3 The Office of the National Building Official shall formulate plans, programs,
4 and projects on building planning, design, construction, occupancy, and
5 maintenance pursuant to this Act in consideration of global best practices and the
6 exposure of the country to multiple hazards. It shall plan and implement a
7 computerized national database of buildings and structures, for purposes of Section
8 37 and other provisions of this Act and rules and regulations. It shall also be in-
9 charge of the implementation of a system of accreditation of qualified Building
10 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or
11 Accredited Inspectors, and qualified establishments or institutions as Accredited
12 Testing Laboratories.

13 **SECTION 43.** *Regional Building Appeals Boards (RBABs).* A Regional
14 Building Appeals Board with appropriate personnel is hereby created in Regional
15 Offices of the Department and placed under the administrative supervision of the
16 National Building Official; provided, that an RBAB may be created by the National
17 Building Official to serve a group of adjacent regions. The RBAB shall be chaired
18 by a member of the Philippine Bar, and assisted by two technical personnel of the
19 Department sitting as the other members of the Board and by support staff, all of
20 whom are appointed by the National Building Official. It shall have exclusive
21 appellate jurisdiction to review decisions of the Local Building Officials, or resolve
22 appeals and/or complaints after the same shall have been acted upon, or not given
23 due course, by the respective Local Building Officials within their region. In case
24 of appeal for reconsideration by an aggrieved party on the same matter, the decision
25 of the RBAB shall be subject to review by the National Building Official pursuant
26 to Section 60 of this Act.

27 **SECTION 44.** *Offices of the Local Building Official (OLBOs) and Local
28 Building Officials (LBOs).* Cities and first class municipalities shall create and
29 operate a separate Office of the Local Building Official headed by a Local Building
30 Official who shall be appointed by and accountable to the National Building
31 Official. The Local Building Official shall be appointed by the National Building
32 Official from a list of at least three (3) qualified recommendees of the mayor, subject
33 to civil service law and rules and regulations. The Local Building Official shall be
34 responsible for carrying out the provisions of this Act, rules and regulations, and
35 reference standards within the territorial jurisdictions. Notwithstanding the
36 foregoing, the National Building Official shall have complete supervision and
37 control over the Local Building Official.

38 Depending upon their needs and in order to improve their frontline services, second
39 to sixth-class municipalities may create and operate a separate Office of the Local
40 Building Official upon request to and approval by the National Building Official.
41 These municipalities, if adjacent and accessible to each other, may also opt to
42 request the National Building Official to create and operate an Office of the Local
43 Building Official to serve the clustered municipalities, which office shall be under
44 the National Building Official. This cluster Office shall be located at a municipality
45 within the cluster as determined by the National Building Official. Each cluster of
46 municipalities may recommend to the National Building Official the appointment
47 of one Local Building Official for such cluster from a list of at least three (3)

1 qualified recommendees of the mayors of the cluster, subject to civil service law
2 and rules and regulations.

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

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

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

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

30
31 **SECTION 46. Sharing and Use of Fees and Fines.** Out of the total collection
32 derived from fees, permit fees, fines, and other charges, the Office of the Local
33 Building Official shall retain 15% thereof and deposit in a special account created
34 by the Local Treasurer, to answer for its maintenance and other operating expenses.
35 The Office of the Local Building Official shall cause to remit five percent (5%) to
36 the National Building Official. The remaining 80% shall accrue to the general fund
37 of the local government unit or the agency with special jurisdiction, which created
38 and operated the Office.

39
40 However, in the case of the cluster Office of the Local Building Official, it shall
41 retain 15% thereof and deposit in a special account created by the Local Treasurer,
42 to answer for its maintenance and other operating expenses, cause to remit 65% to
43 the National Building Official, and cause to divide the remaining 20% between or
44 among the clustered municipalities in proportion to the total fees and fines
45 originating from each municipality, and to accrue to their respective general funds.

46
47 The share of income to be remitted to the National Building Official shall be
48 used to cover honoraria for the BRSC Secretariat, BRSC TWGs, RBABs, and other
49 operating expenses of the BRSC, ONBO, RBABs, and cluster OLBOs.

50
51 Any provision of law to the contrary notwithstanding, the National Building
52 Official is hereby authorized to prescribe the procedures for the use of the 15%

1 retained for the Office of the Local Building Official. Such income may be used to
2 cover necessary operating expenses including the purchase of equipment, supplies,
3 and materials; expenses for travel; continuing education and training programs;
4 engaging Accredited Inspectors and Accredited Structural Peer Reviewers;
5 obligation expenses including attorney's fees and other legal expenses, including
6 sheriff's fees as well as hazard pay for employees and/or authorized representatives
7 of the Office of the Local Building Official when the cause is in line with the
8 performance of duties; and payment of other prior years' obligations not adequately
9 funded, subject to existing budgetary and auditing rules and regulations.

10

11 **SECTION 47. Qualifications of Local Building Officials.** No person shall be
12 appointed as a Local Building Official unless the person possesses the following
13 qualifications:

- 14 a. A Filipino citizen and of good moral character;
- 15 b. A duly registered and licensed architect or civil engineer;
- 16 c. A member of good standing of the duly accredited professional
17 organization of architects or of civil engineers for not less than five
18 (5) years; and
- 19 d. Has at least five (5) years of diversified and professional experience
20 in building design and construction.

21

22 Municipal engineers appointed by their mayors and who shall concurrently be
23 designated by the National Building Official as Local Building Officials, shall
24 comply with the qualifications prescribed for their positions as municipal engineers
25 in the Local Government Code.

26

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

30

31 **SECTION 48. Powers, Obligations, and Functions of Local Building**
32 *Officials.* In addition to the other powers, obligations, and functions mentioned in
33 this Act, the Local Building Official shall have the following general powers,
34 obligations, and functions:

- 35 A. Approve applications for, and issue, reject, suspend, or revoke permits
36 within their territorial or special jurisdictions; for this purpose, the Local
37 Building Official shall base the decision upon the completeness and
38 integrity of the application documents supported by the appropriate
39 certifications of Building Professionals and clearances from relevant
40 government agencies, in accordance with this Act, rules and regulations,
41 and reference standards;
- 42 B. Hear and decide cases filed by parties on complaints related to the
43 permitting process;
- 44 C. Enter any building, structure, or its premises at reasonable times to
45 inspect and determine compliance with the requirements of this Act, rules
46 and regulations, and reference standards, as well as the terms and
47 conditions of the permit/s issued; provided, that in case of single-family
48 dwelling, an inspection by the Local Building Official and/or Accredited
49 Inspector must be upon the consent of the occupant or upon lawful order
50 from the proper court;
- 51 D. Engage qualified and nationally-accredited Building Professionals as
52 inspectors and/or structural peer reviewers;

- 1 E. Order the work stopped and prescribe the terms and/or conditions for the
2 work to be allowed to resume, or issue any appropriate order, including
3 cease and desist order and demolition order, when any construction is
4 found to be contrary to the provisions of this Act, rules and regulations,
5 reference standards, and the terms and conditions of the permit/s issued;
- 6 F. Order the discontinuance of the use or occupancy of any building or
7 structure, or a portion thereof, found to be used or occupied contrary to
8 the provisions of this Act, rules and regulations, and reference standards,
9 and/or the terms and conditions of the permit/s issued;
- 10 G. Keep a permanent record and accurate account of all fees, fines, and
11 other charges fixed and authorized by the National Building Official to
12 be collected and received under this Act;
- 13 H. Validate and submit data on a computerized national database of
14 buildings and structures, for purposes of Section 37 and other provisions
15 of this Act and rules and regulations;
- 16 I. Submit an annual situational report to the National Building Official; and
- 17 J. Exercise such powers and perform such other functions needed to assist
18 the National Building Official in carrying out the objectives of this Act,
19 rules and regulations, and reference standards.

22 **SECTION 49. Responsibilities of Building Owners.** To promote
23 accountability, Building Owners and Building Owner-Builders shall be responsible
24 for their compliance with the provisions of this Act, rules and regulations, and
25 reference standards. These responsibilities shall include but not be limited to:

- 26 A. Providing and/or submitting true and correct information and documents
27 in support of their application for permits and their prerequisite
28 certifications and clearances;
- 29 B. Adhering to the plans and specifications;
- 30 C. Complying with the terms and conditions of the permit issued, and other
31 prerequisite certifications and clearances;
- 32 D. Maintaining the building consistent with its maintenance strategy and
33 conducting periodic inspection in accordance with this Act, rules and
34 regulations, and reference standards;
- 35 E. Engaging the services of Building Professionals and/or Building
36 Contractors for any proposed construction, as may be required by this
37 Act, rules and regulations, except for Simple or Class P1 Structures; and
- 38 F. Engaging the services of Building Professionals or Accredited Certifiers
39 for the assessment of structural stability and fire safety construction of
40 the building, as may be required by this Act, rules and regulations, except
41 for Simple or Class P1 Structures and Regular or Class P2 Structures.

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

47 Offer to transfer ownership, or actual partial or full transfer of ownership,
48 involving owners of condominium projects shall be made pursuant to Presidential
49 Decree No. 957, or the Subdivision and Condominium Buyers' Protective Decree,
50 and to Republic Act No. 4726, or the Condominium Act, as amended.

1 **SECTION 50.** *Responsibilities of Building Professionals.* To promote
2 accountability, the various Building Professionals, all of whom are registered and
3 licensed by their respective professional boards under the Professional Regulation
4 Commission (PRC), shall be responsible for the accuracy of their work and their
5 corresponding certifications.

- 6 A. Design professionals shall be responsible for the correctness and
7 consistency of their design and the preparation of duly signed and sealed
8 drawings, technical specifications, calculations, designs, and analyses.
9 They are not precluded from conducting inspection of the construction
10 work or building or structure to check and determine adherence to the
11 plans and specifications of the work as submitted with the permit
12 application; provided, that in case of single-family dwelling, an
13 inspection must be upon the consent of the occupant or upon lawful order
14 from the proper court.
- 15 B. Professionals in charge of construction shall be responsible for the
16 correctness of construction, including correctness of materials used,
17 procedures followed, and temporary works carried out in compliance with
18 construction methodologies and standards; for compliance with safety
19 requirements; and for proper construction supervision at the site works.
20 They shall undertake the full time inspection and supervision of the work,
21 and keep at the work site at all times a logbook wherein the actual
22 progress of work including tests conducted, weather conditions, and other
23 pertinent data are recorded. They shall be responsible for the consistency
24 and integrity of the documents such as logbook and as-built plans. They
25 shall also be responsible for the submission of the said documents, all
26 duly signed and sealed, upon completion or stoppage of construction, to
27 the Local Building Official.

28 **SECTION 51.** *Responsibilities of Building Contractors.* To promote
29 accountability, Building Contractors shall adhere to the duly signed and sealed
30 drawings, technical specifications, and construction procedure, as prepared and
31 certified by the Building Professionals and relied upon by the Local Building
32 Officials in the issuance of the permit. They shall also adhere to the additional
33 details, issued during construction, conforming to the submitted documents.
34 Building Contractors shall ensure the safety and health of construction workers, in
35 addition to protection afforded to them by labor laws. As principals, they shall be
36 solidarily responsible for the acts and omissions of their representatives, agents,
37 subcontractors, and/or employees in relation to construction. They shall engage
38 Building Professionals in-charge of construction.

40

41

42 **CHAPTER IX**

43 **PERMITS AND INSPECTIONS**

44

45

46 **SECTION 52.** *Types of Permit.* The Building Owner of any proposed
47 construction or existing building or structure must secure the appropriate permit
48 from the Local Building Official, prior to the start of such work or occupancy:

- 49 A. Building Permit – a permit for the construction of building or structure
50 or any addition, alteration, conversion, rehabilitation, relocation, repair,
51 or retrofit of such;

- 1 B. Ancillary Permit – a permit for the construction of ancillary structures as
2 defined in this Act;
- 3 C. Excavation Permit – a permit for construction involving the removal of
4 soil or rock from a site to form an open face, hole, or cavity using tools,
5 machinery, or explosives;
- 6 D. Demolition Permit – a permit for demolition of a building, structure, or
7 portion thereof including that which will be removed in the course of an
8 on-going construction; and
- 9 E. Occupancy Permit – previously termed Certificate of Occupancy; a
10 permit for the full use or occupancy of a building or structure, or a partial
11 permit for use or occupancy of portion or portions thereof prior to the
12 completion of the entire building or structure, or a temporary permit for
13 temporary use or occupancy thereof prior to the completion of the entire
14 work covered by the permit; provided, that such portion or portions shall
15 be used or occupied safely and that the Local Building Official shall set
16 a time period during which the partial permit or temporary permit shall
17 be valid in accordance with rules and regulations.

18
19 The National Building Official may prescribe in the rules and regulations such other
20 permits as it may deem necessary in accordance with objectives of this Act.

21
22 No permit shall be required for minor constructions, repairs, or demolitions, as
23 prescribed in the rules and regulations, insofar as these shall not violate any
24 objective or provision of this Act.

25
26 **SECTION 53. Detailed Classification of Buildings for Permitting Purposes.**
27 The National Building Official shall prescribe the requirements for and procedure
28 in securing the different types of permit, as may be appropriate, based on the
29 classification of buildings in Section 10 of this Act. The procedures to be laid out
30 by the National Building Official shall include: (a) a simplified track of permitting
31 process for Simple or Class P1 Structures; (b) a regular track of permitting process
32 for Regular or Class P2 Structures; and (c) a mandatory structural peer review of the
33 stability for Special or Class P3 Structures.

34
35 The organizational structure of each Office of the Local Building Official
36 laid out by the National Building Official, based on rules and regulations, shall take
37 these three (3) tracks of permitting processes in consideration.

38
39 To aid the simplified track of permitting process, the National Building
40 Official shall cause, through Simplified Reference Standards, the detailed
41 documentation and region-wide or nation-wide information and education
42 campaign on the proper siting, design, and construction of Simple or Class P1
43 Structures including Traditional Indigenous Family Dwellings.

44
45 **SECTION 54. Application for Permit.** Any person desiring to apply for the
46 appropriate permit shall file a duly accomplished permit application form with the
47 Local Building Official of the local government unit, cluster thereof, or special
48 jurisdiction where the building or structure, proposed or existing, is located.

50
51 In case of expired or revoked permit, the Building Owner may apply for a
52 renewal of permit in accordance with the prescribed rules and regulations.

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

6
7 Together with duly accomplished permit application form/s, the applicant
8 shall submit: (a) documents relating to ownership of building site that support the
9 authority to order construction work for a building or structure and to hold legal
10 right of possession or title to a building or structure; (b) relevant clearances from
11 other 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
14 structure involved, whether Simple, Regular, or Special Structure, the National
15 Building Official, through rules and regulations, shall require specific parts of
16 building plans, specifications and related documents to be submitted as evidence of
17 compliance 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
23 regulation laws to prepare, sign, and seal certain parts, sheets, or pages of building
24 plans, specifications, and related documents.

25
26 **SECTION 55. Processing of the Permit Application.** Pursuant to Republic
27 Act No. 9485, or the Anti-Red Tape Act as amended by Republic Act No. 11032,
28 or Ease of Doing Business and Efficient Government Service Delivery Act, within
29 a reasonable time from the filing of the duly-accomplished permit application,
30 payment of fees as applicable, and compliance with other standard requirements to
31 be determined by the National Building Official, the Local Building Official shall
32 give due course to the application and issue the permit applied for upon satisfaction
33 of the completeness and integrity of the application documents supported by the
34 appropriate certifications of Building Professionals and clearances from relevant
35 government agencies, in accordance with this Act, rules and regulations, and
36 reference standards.

37
38 **SECTION 56. Validity of Permit.** A Building Owner with issued permits has
39 the continuing obligation to comply with the provisions of this Act, rules or
40 regulations, and reference standards throughout the lifespan of the building or
41 structure.

42
43 When submitted plans and specifications of an issued permit are
44 subsequently found to be erroneous, the Local Building Official is authorized to
45 oblige the applicant to effect the necessary corrections in said plans and
46 specifications and the corresponding construction or to prevent or stop any or all
47 building operations that are in violation of this Act, rules and regulations, and
48 reference standards.

49
50 A permit issued under the provisions of this Act shall expire and become null
51 and void if the building or work authorized therein is not commenced within a period
52 of one (1) year after the issuance of the permit. A partial or temporary Occupancy

1 Permit shall be valid for the time period set by the Local Building Official in
2 accordance with the prescribed rules and regulations. For phased or incremental
3 construction referred to in Section 32 of this Act, the Building Owner may apply for
4 an extension of the validity of the permit, or renewal of the permit as appropriate,
5 in accordance with the prescribed rules and regulations.

6
7 **SECTION 57.** *Grounds for Non-issuance, Suspension, or Revocation of*
8 *Permit.* The Local Building Official may order or cause the non-issuance,
9 suspension, or revocation of permits on any or all of the following reasons or
10 grounds:

- 11 A. Non-compliance with the provisions of this Act, rules and regulations,
12 and reference standards;
- 13 B. Substantial errors found in the plans and specifications;
- 14 C. Use of sub-standard building material or sub-standard workmanship and
15 refusal to rectify upon notice;
- 16 D. Without any work being done in the site for more than one hundred
17 twenty (120) days for excavations left open or building construction
18 abandoned; and
- 19 E. Fraudulent misrepresentation of data or information supplied in the
20 application permit.

21
22 Notice of non-issuance, suspension, or revocation of permit shall always be made
23 in writing, stating the reasons or grounds therefor. Said action by the Local Building
24 Official shall be proportionate to the reasons or grounds committed by the applicant,
25 in accordance with this Act and rules and regulations.

26
27 **SECTION 58.** *Complaint.* Based on the grounds enumerated in Section 57
28 of this Act, any person aggrieved by the proposed, ongoing, or existing construction,
29 use, or occupancy may file before the Local Building Official of the local
30 government unit, cluster thereof, or special jurisdiction where the concerned
31 construction is located for the non-issuance, suspension, or revocation of the
32 corresponding permit applied for by, or granted to, the Building Owner. The
33 aggrieved party shall be notified of the action taken by the Local Building Official
34 in case the permit is granted or furnished with a copy of the decision, order, or notice
35 of non-issuance, suspension, or revocation of a permit of the Local Building
36 Official.

37
38 **SECTION 59.** *Appeal to the Regional Building Appeals Board.* Within
39 fifteen (15) days from the date of receipt of notice of the non-issuance, suspension,
40 or revocation of the permit or of the action taken by the Local Building Official, the
41 aggrieved party may file an appeal with the Regional Building Appeals Board based
42 on the following grounds:

- 43 A. Arbitrariness of the Local Building Official in the performance of
44 regulatory functions; or
- 45 B. Lack of factual or legal basis.

46
47 The Regional Building Appeals Board shall render a decision within fifteen (15)
48 days from date of receipt of appeal. The Regional Building Appeals Board's
49 decision shall be in writing, stating specifically the reason/s or ground/s therefor. In
50 case it finds the appeal to be meritorious, the Regional Building Appeals Board shall
51 direct the Local Building Official to issue the appropriate permit or order.

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

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

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

SECTION 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.

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

CHAPTER X

INCENTIVES AND PENALTIES

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

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

1
2 The National Building Official may recommend funding support for local
3 government units and communities that have endorsed disaster risk reduction and
4 management activities for buildings and structures, especially those falling within
5 the classification of Simple or Class P1 Structures, in their jurisdictions.
6
7

8 **SECTION 63. Prohibited Acts and Omissions.** The following are prohibited
9 acts and omissions:

- 10 A. by the Building Owner and/or representative:
11 1. misrepresentation or submission of false statements or documents;
12 2. use of unauthorized documents and/or certifications of Building
13 Professional/s;
14 3. undertaking any construction without the required permit/s;
15 4. noncompliance with or violation of the terms and conditions of the
16 permit, including prerequisite clearances by other government
17 agencies;
18 5. not maintaining the building in accordance with the submitted
19 maintenance strategy;
20 6. engaging non-licensed building professionals in the design, review,
21 construction, or certification of building;
22 7. engaging non-licensed building contractors in the construction of
23 building; and
24 8. analogous acts, omissions, and violations of this Act, rules and
25 regulations, and reference standards.
26
27 B. by the Building Professional:
28 1. misrepresentation or false statements;
29 2. certifying documents that s/he did not prepare, or certifying acts that
30 s/he did not perform;
31 3. submission of incorrect or inconsistent drawings, technical
32 specifications, calculations, designs, and analyses;
33 4. non-compliance with construction methodologies and standards in
34 case of a professional in charge of construction;
35 5. violation of safety standards prescribed by law or regulations in case
36 of a professional in charge of construction;
37 6. non-submission of duly signed and sealed documents, or submission
38 of inconsistent or deceitful documents, such as logbook and as-built
39 plans in case of a professional in charge of construction; and
40 7. analogous acts, omissions, and violations of this Act, rules and
41 regulations, and reference standards.
42
43 C. by the Building Contractor:
44 1. deviation from the plans and specifications certified by Building
45 Professionals and submitted to the Local Building Official, in a way
46 that increases the risk to life, health, property, or public welfare;
47 2. violation of safety standards prescribed by law or regulations;
48 3. not engaging a Building Professional in charge of construction; and
49 4. analogous acts, omissions, and violations of this Act, rules and
50 regulations, and reference standards.
51
52

- 1 D. by the Accredited Certifier:
- 2 1. misrepresentation or false statements in order to be accredited by the
3 Office of the National Building Official;
- 4 2. certifying buildings and structures that do not meet the requirements
5 of this Act, rules and regulations, and reference standards, and other
6 applicable laws;
- 7 3. refusing or failing to certify buildings and structures that meet the
8 requirements of this Act, rules and regulations, and reference
9 standards; and
- 10 4. analogous acts, omissions, and violations of this Act, rules and
11 regulations, and reference standards.
- 12
- 13 E. by the Accredited Structural Peer Reviewer:
- 14 1. misrepresentation or false statements in order to be accredited by the
15 Office of the National Building Official;
- 16 2. providing false information to the Building Owner and/or Building
17 Professional regarding the review;
- 18 3. false certification on the compliance of structural design with this
19 Act, rules and regulations, and reference standards; and
- 20 4. analogous acts, omissions, and violations of this Act, rules and
21 regulations, and reference standards.
- 22
- 23 F. by the Accredited Testing Laboratory:
- 24 1. misrepresentation or false statements in order to be accredited by the
25 Office of the National Building Official;
- 26 2. misrepresentation or false statements in the tests and/or test results of
27 building materials;
- 28 3. tampering with the equipment and instruments;
- 29 4. conducting test methods non-conforming to reference standards; and
- 30 5. analogous acts, omissions, and violations of this Act, rules and
31 regulations, and reference standards.
- 32
- 33 G. by the Accredited Inspector:
- 34 1. misrepresentation or false statements in order to be accredited by the
35 Office of the National Building Official;
- 36 2. providing false information to the Local Building Official regarding
37 the inspection;
- 38 3. false certification on the inspection, in consideration of any offer,
39 promise, gift, or present received; and
- 40 4. analogous acts, omissions, and violations of this Act, rules and
41 regulations, and reference standards.
- 42
- 43 H. by the Local Building Official:
- 44 1. arbitrariness in the performance of powers, obligations, and
45 functions;
- 46 2. unjustifiable delay or gross negligence in the performance of powers,
47 obligations, and functions;
- 48 3. willful engagement of non-accredited inspector;
- 49 4. willful non-compliance with the orders of the National Building
50 Official, Office of the National Building Official, and/or Regional
51 Building Appeals Board; and

1 5. analogous acts, omissions, and violations of this Act, rules and
2 regulations, and reference standards.

3

4 **SECTION 64. Fines and Penalties.** Any prohibited act or omission falling
5 under paragraphs A – H in Section 63 of this Act shall be subject to the
6 administrative fines and penalties to be imposed by the National Building Official,
7 acting through the Local Building Official. Such fines shall not be lower than 0.01%
8 nor higher than 1.0% of the construction cost, per violation, in accordance with the
9 gravity of the offense and the category of violator as provided in Section 63;
10 provided, that the Local Building Official may not issue, may suspend, or may
11 revoke any permit issued to the violator, as may be appropriate, and/or may order
12 the suspension or cessation of any construction until such time that compliance with
13 this Act, rules and regulations, and reference standards are undertaken; provided
14 further, that in case the Building Owner is also the builder or Building Owner-
15 Builder, the liability is only considered as one and that of the Building Owner;
16 provided furthermore, that in case of Building Professionals and/or Building
17 Contractors found to commit any of the prohibited acts and omissions, the Local
18 Building Official shall also endorse such violation to the Professional Regulation
19 Commission (PRC) and the Construction Industry Authority of the Philippines
20 (CIAP), respectively, for corresponding administrative sanctions; and provided
21 finally, that should there be more than one violator for a single prohibited act or
22 omission, their liability shall be solidary.

23

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

27

28 For offenses falling under paragraph H in Section 63 of this Act, the National
29 Building Official, upon recommendation of the Regional Building Appeals Board
30 and after notice and hearing, may suspend or revoke the appointment or designation
31 of the Local Building Official as such, without prejudice to the administrative, civil,
32 or criminal liability of said official in accordance with existing laws.

33

34 **SECTION 65. Criminal Liabilities of Building Owners, Building**
35 *Professionals, Building Contractors, Accredited Certifiers, Accredited Structural*
36 *Peer Reviewers, Accredited Testing Laboratories, and Accredited Inspectors.* In
37 case of gross violation of this Act and/or rules and regulations, the National Building
38 Official and/or Local Building Official may recommend to the appropriate
39 government agencies the filing of criminal charges against the violators. Gross
40 violations shall mean any of the following:

- 41 A. unauthorized change in type of construction from more fire-resistive to
42 less fire-resistive;
- 43 B. non-compliance with order to abate or demolish;
- 44 C. non-compliance with cease and desist order for construction;
- 45 D. not having any work being done in the site for more than one hundred
46 twenty (120) days and without justifiable cause, for excavations left open
47 or building construction abandoned; and
- 48 E. blatant disregard of the orders of the Local Building Official in relation
49 to the protection of life, health, property, and public welfare, such as the
50 non-payment of fines and breaking of seals or operating despite the
51 existence of an order for suspension or revocation.

52

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

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

CHAPTER XI FINAL PROVISIONS

SECTION 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.

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

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

City and Municipal Engineers already acting as Local Building Officials in their respective jurisdictions, and Local Building Officials already appointed or designated by the Secretary and performing as such, shall continue to act in such capacity, until new appointments and designations shall be made for Local Building Officials.

Engagement of Accredited Certifiers, Accredited Inspectors, Accredited Structural Peer Reviewers, and Accredited Testing Laboratories as provided for in this Act, shall take effect following the implementation by the ONBO of the system of accreditation, as formulated by the BRSC and promulgated by the NBO. The initial

1 list of accredited persons shall be published by the ONBO within one (1) year from
2 the promulgation of the system of accreditation.

3
4 Consistent with Section 40 and Section 41 of this Act, existing referral codes,
5 renamed as reference standards by this Act, shall remain valid until after the
6 National Building Official promulgates new, revised, or amended reference
7 standards after the review and recommendation of the BRSC.

8
9 Provided, that absent reference standards that are locally or nationally adopted by
10 the competent government agency for a particular subject, the latest standards by
11 the International Organization for Standardization (ISO) may be used as default
12 standards.

13
14 **SECTION 69. *Implementing Rules and Regulations.*** The National Building
15 Official, upon the recommendation of the Building Regulations and Standards
16 Council and in consultation with relevant stakeholders, shall promulgate the
17 Implementing Rules and Regulations of this Act, including a system of accreditation
18 of qualified Building Professionals as Accredited Certifiers, Accredited Structural
19 Peer Reviewers, and/or Accredited Inspectors, and qualified establishments or
20 institutions as Accredited Testing Laboratories, within one (1) year from the
21 effectivity of this Act. For this purpose, the Secretary, as the National Building
22 Official, is mandated to immediately constitute the Building Regulations and
23 Standards Council within three (3) months of the effectivity of this Act.

24
25 The Implementing Rules and Regulations of this Act shall be reviewed every
26 five (5) years, or more frequently as needed.

27
28 The National Building Official shall ensure that all buildings owned by the national
29 government and all local government units, as well as departments, regulatory
30 agencies, instrumentalities, government owned and controlled corporations, and
31 implementing units of the same, shall implement an integrated, or whole-building,
32 approach to the siting, planning, design, materials, construction, use, occupancy,
33 maintenance, addition, alteration, conversion, rehabilitation, relocation, repair,
34 retrofit, and demolition, so they are sustainable, energy efficient, secure and safe,
35 cost-effective, accessible, functional, productive, and aesthetic.

36
37 The National Building Official shall ensure that this Act is implemented in manners
38 that are clear to all stakeholders, through measures that include but are not limited
39 to the following.

40
41 Every rule or regulation for the administration and enforcement of the provisions of
42 this Act, including any standard that may be referenced by such, shall clearly
43 indicate the section or sub-section of this Act to which it corresponds.

44
45 Subject to Section 5 of this Act, every approved local ordinance with the effect of
46 modifying a national rule, regulation, or standard, towards better safeguarding of
47 life, health, property, and public welfare, shall clearly indicate the national rule,
48 regulation, or standard which it improves.

49
50 All forms, tables, charts, illustrations, drawings, and other annexes included with
51 rules, regulations, standards, and ordinances shall be systematically, uniquely, and

1 clearly labeled, and duly referenced within the text of the associated rule, regulation,
2 standard, or ordinance.

3
4 **SECTION 70. Non-Retroactivity Clause.** This Act shall have no retroactive
5 effect insofar as all buildings and structures constructed under Presidential Decree
6 No. 1096, or the National Building Code of the Philippines, as amended, or existing
7 city or municipal building ordinances, if legally done in accordance therewith, shall
8 be respected subject to such limitations in this Act and except as otherwise stated in
9 Section 38 of this Act.

10
11 However, additions, alterations, conversions, rehabilitations, relocations, repairs,
12 retrofits, and demolitions to be made in such buildings and structures shall be subject
13 to the provisions of this Act.

14
15 **SECTION 71. Oversight Committee.** This Act shall undergo a review of its
16 provisions every five (5) years, or as necessary, to make the law more responsive
17 to the needs of the times. For this purpose, an oversight committee shall be created
18 which shall be composed of four (4) members each from the Senate and House of
19 Representatives to be designated by the Speaker of the House and the Senate
20 President.

21
22 The Chairpersons of the Committee on Public Works and Highways in the
23 House of Representatives, and the Committee on Public Works of the Senate shall
24 be Co-chairpersons of the Oversight Committee.

25
26 **SECTION 72. Separability Clause.** If any portion of this Act is declared
27 unconstitutional or invalid, the other portions which are not affected thereby shall
28 continue in full force and effect.

29
30 **SECTION 73. Repealing Clause.** Presidential Decree No. 1096, or the
31 National Building Code of the Philippines, as amended, is hereby repealed and
32 replaced with this Act. Section 477 of Republic Act No. 7160, also known as the
33 Local Government Code, is modified accordingly. Other existing laws, decrees,
34 executive orders, and rules and regulations or parts thereof that are inconsistent with
35 this Act, are hereby repealed.

36
37 **SECTION 74. Effectivity Clause.** This Act shall take effect fifteen (15) days
38 after its publication in the Official Gazette or in two (2) newspapers of general
39 circulation.

40
41 Approved,