

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



Senate
Office of the Secretary

'22 NOV -3 P 6 :29

SENATE

S. No. 1467

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT

ESTABLISHING THE PHILIPPINE BUILDING ACT OF 2022, THEREBY REPEALING PRESIDENTIAL DECREE NO. 1096, OTHERWISE KNOWN AS THE "ADOPTING A NATIONAL BUILDING CODE OF THE PHILIPPINES (NBCP) THEREBY REVISING REPUBLIC ACT NUMBERED SIXTY-FIVE HUNDRED FORTY-ONE (R.A. NO. 6541)"

EXPLANATORY NOTE

Republic Act No. 6541, or "*An Act to Ordain And Institute A National Building Code of the Philippines*", sets the technical standards in constructing and renovating buildings and structures in the Philippines. Central to it is the protection of "life, health, property and public welfare, consistent with the principles of environmental management and control; and to this end, make it the purpose of this Code to provide for all buildings and structures, a framework of minimum standards and requirements by guiding, regulating, and controlling their location, siting, design, quality of materials, construction, use, occupancy, and maintenance, including their environment, utilities, fixtures, equipment, and mechanical, electrical, and other systems and installations."

Civil engineering, mechanical engineering, electrical engineering, sanitary engineering, electronics engineering, and architecture are professions that concern primarily the building of structures. This proposed measure seeks to include in their curriculum, as a major subject, the National Building Code and to also include the Code as a topic in their respective licensure examinations. Hopefully, this effort will ensure that before the enumerated professionals practice their licenses, they are really equipped with the needed knowledge and proficiency that the industry really requires.

In view of these, consideration of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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**AN ACT
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"ADOPTING A NATIONAL BUILDING CODE OF THE PHILIPPINES (NBCP)
THEREBY REVISING REPUBLIC ACT NUMBERED SIXTY-FIVE HUNDRED
FORTY-ONE (R.A. NO. 6541)"**

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

CHAPTER 1

GENERAL PROVISIONS

1
2
3 Section 1. *Short Title.* – This Act shall be known as the "*Philippine Building Act*
4 *of 2022*".

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

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

- 16 1. To provide for the effective regulation of planning, design, construction,
17 occupancy, and maintenance of buildings and structures, the establishment of

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

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

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

23 Such local ordinances by LGUs of contiguous jurisdictions shall be harmonized
24 for purposes of buildings that may straddle territories of LGUs.

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

28 Every such local ordinance shall be published in a manner that is clear to all
29 stakeholders, through measures that include, but are not limited to, those provided in
30 Section 69 of this Act.

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

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

1 steel tanks; booths, kiosks, and stages; tombs, mausoleums, and niches; and
2 similar structures;

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

8 I. *Building* refers to any temporary or permanent structure, anchored to the
9 ground, for the shelter, enclosure, or support of persons, animals, machinery,
10 or chattels;

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

16 K. *Building Owner* refers to a person who orders construction work for a building
17 or structure by contract; or a person undertaking one's own construction
18 without engaging a Building Contractor therefor, as owner-builder; or a
19 person holding the legal right of possession or title to a building or structure;

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

24 M. *Building Site* refers to the lot, which is described by technical descriptions
25 delineating boundaries of the property to be developed, over which the
26 Building Owner has title or legal right to build; for design purpose, the term
27 shall also cover areas and spaces around the lot, the conditions of which bear
28 on the operability and safety of the building or structure;

29 N. *Construction* refers to any and all on-site work including, but not limited to,
30 preparation, excavation, foundation, and assembly or installation of
31 components, utilities, machinery, and equipment of building or structure;

- 1 O. *Conversion* refers to a change in the use or occupancy of an existing building
2 or structure or any portion/s thereof to another occupancy group or subgroup
3 that has different requirements under this Act;
- 4 P. *Demolition* refers to the systematic dismantling, destruction, or removal of a
5 building or structure, in whole or in part;
- 6 Q. *Department* means the Department of Public Works and Highways (DPWH);
- 7 R. *Exposure* refers to people, property, systems, or other elements present in
8 hazard zones that are hereby subject to potential losses, or to the degree to
9 which the elements at risk are likely to experience hazard events of different
10 magnitudes;
- 11 S. *Fire Resistance Rating* refers to the time, in minutes or hours, that a building
12 material, assembly, or type of construction can withstand fire exposure as
13 determined by generally recognized and accepted testing methods;
- 14 T. *Hazard* refers to a dangerous phenomenon, substance, human activity, or
15 condition that may cause loss of life, injury or other health impacts, property
16 damage, loss of livelihood and services, social and economic disruption, or
17 environmental damage;
- 18 U. *Hazard Zone* refers to an area identified in generally recognized and accepted
19 hazard maps as exposed to natural hazards, such as floods, wind storms,
20 storm surges, landslides, volcanic eruptions, and earthquakes;
- 21 V. *Innovative Construction Technology* refers to a construction technology that
22 is emerging or being reintroduced locally or nationally in the field of
23 construction, with corresponding evidence of acceptable performance from
24 laboratory tests, and/or analytical studies to comply with Chapter V and
25 Chapter VI of this Act, rules and regulations, and reference standards;
- 26 W. *Locational Clearance* refers to the document issued by the Planning and
27 Development Officer of the LGU certifying that the proposed construction has
28 the appropriate traffic impact assessment (TIA), is located in an appropriate
29 zone, and does not violate the Comprehensive Land Use Plan (CLUP), any
30 zoning ordinance or regulation of the concerned LGU, nor other applicable
31 laws, ordinances or regulations, which document is submitted to the Local
32 Building Official in support of an application for a permit;

- 1 X. *Permit* refers to any of the permits that may be issued by the Local Building
2 Official as set forth in this Act;
- 3 Y. *Reference Standards* refers to technical standards that the National Building
4 Official promulgates through rules and regulations in administering and
5 enforcing this Act; for this purpose, consistent with Section 40, existing
6 referral codes shall hereinafter be remade and referred to accordingly as
7 “reference standards;”
- 8 Z. *Rehabilitation* refers to the act or process of making possible a compatible
9 use for an existing building or structure, through repair and/or alteration
10 while preserving those portions or features which convey its acknowledged
11 heritage significance;
- 12 AA. *Relocation* refers to the transfer of an existing building or structure, or
13 portion/s thereof, from original location or position to another, either within
14 the same site or to a different one;
- 15 BB. *Renovation* refers to any physical change made on an existing building or
16 structure to increase the value or improve the quality and/or aesthetics,
17 without addition to building height or floor area, nor alteration of structural
18 parts;
- 19 CC. *Repair* refers to remedial work done on any damaged or deteriorated
20 portion/s of an existing building or structure to restore its original condition;
- 21 DD. *Retrofit* refers to the construction of any new element or system, or the
22 alteration of any element or system, required to bring an existing building
23 or structure, or portion thereof, into conformance with this Act, rules and
24 regulations, and reference standards;
- 25 EE. *Secretary* refers to the Secretary of the Department of Public Works and
26 Highways;
- 27 FF. *Special Site* refers to a site that requires special rules and regulations to
28 mitigate potential adverse impacts of the site conditions;
- 29 GG. *Structure* refers to that which is built or constructed, an edifice, or
30 building of any kind, or any piece of work artificially built up or composed of
31 parts joined together in some definite manner, but shall not include streets,
32 highways, bridges and viaducts, railroads, canals, river and shore

1 improvements, dry docks, dams, irrigation, flood protection, tunnels,
2 transmission towers and lines, and structures regulated by other national
3 laws or competent national agencies;

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

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

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

21 Additional definitions shall be included in the Implementing Rules and
22 Regulations (IRR) and in the reference standards: *Provided*, That these shall be non-
23 redundant to, non-contradictory with, and only supplementary to, the definitions as
24 used in this Act.

25 **CHAPTER II**

26 **CLASSIFICATION OF BUILDINGS**

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

31 *Sec. 8. Buildings Classified by Type of Construction According to Fire*
32 *Resistance Rating.* – The building or structure shall be classified according to fire

1 resistivity and fire resistance rating consistent with Republic Act (RA) No. 9514, or
2 the “*Fire Code of the Philippines*”, and its IRR, in consideration of the combination of
3 features of fire safety constructions including, but not limited to, interior finishes,
4 walls, barriers, doors, windows, vents, means of egress, and treatment of building
5 components with flame retardant chemicals.

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

9 Group A. Assembly occupancies shall include all buildings and structures, or
10 portions thereof, used for gathering together of fifty (50) or more persons for any
11 purpose, including but not limited to deliberation, worship, entertainment, eating,
12 drinking, amusement, awaiting transportation, and instruction;

13 Group B. Business occupancies are those used for the transaction of business
14 other than those covered under Group M. Mercantile, including the keeping of
15 accounts and records and similar purposes for office, professional, or service-type
16 transactions;

17 Group D. Disaster response occupancies are those permanent centers for
18 refuge and emergency evacuation or for emergency operation;

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

21 Group F. Factory and Industrial occupancies are those used for operations
22 including, but not limited to, product processing, fabricating, manufacturing,
23 assembling and disassembling, mixing, packaging, finishing or decorating, repairing,
24 and material recovery;

25 Group G. Agricultural and Biological occupancies are those used for the
26 production, harvesting, processing, storage, manufacture, preserving, transporting,
27 and distribution of agricultural and biological products or materials including, but not
28 limited to, silos and its components, agricultural and biosystems machinery and
29 equipment sheds, farm houses, green/screen houses, poultry houses, piggery
30 houses, slaughterhouses, agricultural and biological products storage/warehouses,
31 buildings and structures for poultry, livestock, fishery and forestry production and

1 processing, kiln drying and lumber treatment structure, and structures for farm
2 equipment, farm supplies, and agricultural waste utilization and management;

3 Group I. Institutional occupancies are those used to house one or more
4 persons under varied degrees of restraint or security, where such occupants are
5 mostly incapable of self-preservation, because of security measures not under the
6 occupants' control (sub-group ID), or government buildings and quarters rendering
7 civic or public assistance and peace and order (Sub-group IG), or those in which care
8 or supervision is provided to persons who are mostly incapable of self-reservation
9 without physical assistance because of age, or physical or mental disability (Sub-
10 group IH);

11 Group M. Mercantile occupancies are those used for the display and sale of
12 merchandise, and involves stocks of goods, wares, and merchandise incidental to
13 such purposes and accessible to the public;

14 Group R. Residential occupancies are those in which sleeping accommodations
15 are provided for normal residential or dwelling purposes and include all buildings
16 designed to provide sleeping accommodations, for example the socialized (Sub-group
17 RS) and economic (Sub-group RE) housing covered by Batas Pambansa Blg. (BP)
18 220;

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

22 Group U. Utilities and Miscellaneous occupancies are those with an ancillary
23 character such as, but not limited to, those enumerated in Section 6. Subsection G
24 Ancillary Structure, or those which cannot be properly classified in any of the other
25 occupancy groups in this Section, such as, but not limited to, billboards and
26 commercial sign boards; and

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

30 The National Building Official may determine, through rules and regulations,
31 sub-groups within Groups A to Z. Any other use or occupancy not mentioned
32 specifically under this Section, or about which there is any question, shall, upon

1 approval by the National Building Official, be included in the group which it most
2 nearly resembles based on the associated hazard or risk to life, health, property and
3 public welfare.

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

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

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

15 *Sec. 10. Buildings Classified According to Required Track of Permitting Process.*
16 – Buildings and structures shall be classified based on the required track of permitting
17 process as follows:

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

29 B. *Regular Structures or Class P2 Structures* are buildings or structures that
30 do not fall under either one of the classifications of Simple Structures and
31 Special Structures. Regular Structures shall require the regular track of
32 permitting process.

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

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

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

29 For buildings and structures that have non-regular structural form (sub-class
30 8 in this Section) or using very advanced structural calculation method in
31 design and/or design analysis (sub-class in this Section), the peer review shall
32 be conducted by an Accredited Structural Peer Reviewer duly qualified for such

1 specific sub-classes, respectively: *Provided*, That prior certification for
2 innovative construction technology according to Section 29 of this Act shall be
3 deemed to satisfy the requirement of structural peer review; *Provided further*,
4 That the Office of the National Building Official shall establish and/or accredit
5 competent government agencies in charge of certification of innovative
6 construction technologies as provided for in Section 29.

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

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

18 Sec. 12. *Requirements for Each Type of Construction According to Fire*
19 *Resistance Rating.* – No change shall be made in the use or occupancy and/or type
20 of construction according to fire resistivity and fire resistance rating of any building
21 or structure, which would place the building or structure in a different occupancy
22 group or different type of construction, unless such building or structure is made to
23 comply with the requirements for the new occupancy group or type of construction:
24 *Provided*, That the change may be approved by the Local Building Official upon
25 determination that the new use or occupancy and/or type of construction poses less
26 risk to life, health, property, and public welfare, according to rules and regulations
27 promulgated by the National Building Official.

28 29 **CHAPTER III**

30 **LOCATION, SITING, AND ZONING REQUIREMENTS**

31 Sec. 14. *General Requirements for Location, Siting, and Zoning.* – The site,
32 upon which will be constructed any building or structure, shall be sanitary, hygienic,

1 and accessible, and shall not pose high hazard for the intended use or occupancy, as
2 determined by competent and appropriate authorities and certified applicable laws
3 and regulations. It shall not obstruct existing easement or right-of-way of the National
4 Government and all LGUs, as well as departments, regulatory agencies,
5 instrumentalities, government owned and controlled corporations, and implementing
6 units of the same, in accordance with existing laws and rules and regulations.

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

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

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

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

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

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

3
4 **CHAPTER IV**
5 **DESIGN REQUIREMENTS**

6 *Sec. 19. General Requirements for Design.* – The design of all buildings and
7 structures shall comply with the requirements prescribed by this Act, rules and
8 regulations, and reference standards: *Provided*, That there shall be specific levels of
9 standards and technical requirements for socialised housing (residential occupancy
10 Sub-group RS) and economic housing (residential occupancy Sub-group RE)
11 structures, as provided by BP 220; *Provided further*, That Group G, Agricultural and
12 Biological occupancies, shall consider biosystems design requirements for the
13 protection of persons, animals, crops and the environment.

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

16 *Sec. 20. Stability.* – All buildings and structures shall be designed to be
17 structurally stable against anticipated combinations of loads and effects so as to
18 safeguard people and property from physical harm or damage. Subject to the
19 provisions under Article 684 to 686 of RA 386, or the "*Civil Code of the Philippines*",
20 on lateral and subjacent support, the design and quality of materials used structurally
21 in excavation, footings, and in foundations shall conform to prescribed reference
22 standards and accepted engineering practice.

23 *Sec. 21. Protection from Fire.* – All buildings and structures shall be designed
24 to safeguard persons and properties from any harm or damage caused by fire in
25 accordance with RA 9514, or the "*Fire Code of the Philippines*", and its IRR. All fire
26 safety constructions as defined under RA 9514, shall be designed in accordance with
27 specific rules and regulations and reference standards under this Act.

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

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

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

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

9 Sec. 26. *Energy and Energy Efficiency.* – The design of buildings and structures
10 shall include, wherein required, practices and technologies that optimize energy
11 efficiency.

12 The National Building Official shall promulgate specific rules and regulations
13 on energy efficiency that are applicable to buildings and structures exceeding a
14 threshold total gross floor area, depending on the classification of use of occupancy.

15 Sec. 27. *Services and Facilities.* – All building services and facilities, their
16 equipment and installations, shall be designed to be adequate, safe, and efficient to
17 promote the well-being of the users or occupants and the general public.
18 Constructability and ease of maintenance of the services and facilities shall be highly
19 considered in the design.

20 As required by the occupancy group, buildings and structures shall be designed
21 to provide services and facilities including, but not limited to, the following: light and
22 ventilation; water supply; drainage; waste water disposal; solid waste management;
23 pest and vermin control; power and fuel supply; communication facilities; conveyance
24 and parking facilities; and fire lane and fire hydrants: *Provided,* That the
25 carriageways, sidewalks, and all parts of road right-of-way for public roads adjoining
26 a building site, shall not be used to meet the requirements of parking facilities for the
27 building as required by this Act, rules and regulations, and reference standards;
28 *Provided further,* That queuing areas, driveways, ramps, entrances to, and exits from
29 parking facilities for a building shall not encroach on the road right-of-way nor
30 obstruct the movement of pedestrians and vehicles on the public roads adjoining the
31 building; *Provided finally,* That telecommunication facilities such as, but not limited
32 to, in-building solutions and fiber-optic cabling for high-capacity and high-speed

1 requirements shall be mandatory in buildings owned by the National Government and
2 all LGUs, as well as departments, regulatory agencies, instrumentalities, and
3 implementing units of the same.

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CHAPTER V

6

CONSTRUCTION REQUIREMENTS

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

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

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

20 The proponent of such innovative construction technology may apply for a
21 certification with the competent national agency according to the rules and
22 regulations prescribed by the National Building Official. Buildings and other structures
23 using an innovative construction technology with prior certification shall be deemed
24 to satisfy the requirement of structural peer review: *Provided,* That innovative
25 technologies appropriate for socialized and economic housing, which are low-cost
26 housing as covered by BP 220, shall be subject for accreditation by the Accreditation
27 of Innovative Technologies for Housing (AITECH) Committee or its successor agency;
28 *Provided further,* That the Office of the National Building Official shall establish and
29 accredit another competent national agency to be in charge of accreditation of
30 innovative technologies, including so-called smart and/or green technologies, that
31 are for applications other than socialized or economic housing; *Provided finally,* That
32 nothing in this Act shall be interpreted to prevent the National Building Official from

1 causing the establishment and accreditation of a unified competent national agency
2 to be in charge of accreditation of innovative technologies for various construction
3 applications.

4 Sec. 30. *Safety and Protection During Construction.* All buildings shall be
5 constructed or demolished without causing any harm or injury to the construction
6 workers and the public.

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

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

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

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CHAPTER VI

22

BUILDING MATERIALS

23 Sec. 34. *General Requirements for Materials.* – All building materials and
24 components shall comply with the requirements prescribed by this Act, rules and
25 regulations, and reference standards. The use of building materials and components
26 must be safe for the health of users or occupants and must not cause any substantive
27 negative impact to the environment such as, but not limited to, air, water, and soil:
28 *Provided,* That product standards promulgated by competent national agency shall
29 be harmonized with or incorporated together with the reference standards under this
30 Act.

31 Sec. 35. *Selection of Materials.* Building materials and components shall be
32 selected following a set of criteria including, but not limited to, strength, fire

1 resistivity, moisture resistance, durability, and sustainability, according to rules and
2 regulations and reference standards promulgated by the National Building Official.

3 4 **CHAPTER VII**

5 **OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS**

6 *Sec. 36. General Requirements for Occupancy, Maintenance, and Abatement.*

7 – All Building Owners shall use and maintain the building in accordance with the
8 requirements prescribed by this Act, rules and regulations, and reference standards.
9 The use and maintenance of the building must be safe for the health of users,
10 occupants, and the general public, and shall not cause any substantive negative
11 impact to the environment such as, but not limited to, air, water, and soil.

12 *Sec. 37. Maintenance, Inspection and Assessment of Buildings and Reporting*
13 *to the ONBO.* – All buildings shall undergo regular maintenance and inspection in
14 accordance with each building’s maintenance strategy. There shall be rules and
15 regulations to guide the preparation, approval, and implementation of appropriate
16 maintenance strategies for buildings and structures, promulgated by the National
17 Building Official. The Building Owner shall perform periodic maintenance and
18 inspection; the Local Building Officials and/or Accredited Inspectors shall conduct
19 inspection as appropriate according to rules and regulations. The Office of the
20 National Building Official shall establish a system of monitoring, reporting, and
21 evaluating maintenance and inspection activities.

22 The Office of the National Building Official shall assist Building Owners of
23 structures falling within the classification Simple or Class P1 Structures and Regular
24 or Class P2 Structures in conducting a simplified or regular inspection of their
25 buildings.

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

30 The Office of the National Building Official shall coordinate with relevant
31 government agencies that regulate business operations in buildings and structures;
32 the structural stability clearance from the Office of the Local Building Official shall be

1 a prerequisite for the issuance or renewal of business permit or permits to operate,
2 for new occupancy or occupancy after 15 years from the date of completion of the
3 building or structure.

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

8 In cases of addition, alteration, conversion, rehabilitation, relocation, repair,
9 and/or retrofit requiring more recent structural stability assessment and
10 corresponding certification and clearance, the date of reckoning of 15 years for
11 purposes of this Section shall be counted from the completion date of the latest
12 building permit that involved the most recent structural stability clearance under this
13 Act.

14 The National Building Official shall promulgate rules and regulations and
15 reference standards for mandatory inspection and assessment of buildings as to
16 structural stability and fire safety construction, specific to the various building
17 classifications: *Provided*, That Accredited Certifiers need not be engaged for Simple
18 or Class P1 Structures and Regular or Class P2 Structures.

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

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

30 *Sec. 38. Special Provision for Buildings Completed More than 15 years Prior to*
31 *the Effectivity of this Act.* – To ensure the safety of the people and to reduce risks,
32 Special or Class P3 Structures and buildings, and structures with occupancies falling

1 under Group A and Group E, that were completed in 2005 or earlier, are mandated
2 to have an assessment of the design based on the requirements in Chapter IV of this
3 Act as specified in the rules and regulations, as to structural stability and fire safety
4 construction, and the Building Owners are to submit the certifications or findings of
5 appropriate Building Professionals, serving as Accredited Certifiers, to the concerned
6 Local Building Officials regarding the state of such buildings and structures and their
7 safety and/or need for retrofit.

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

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

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

27 For purposes of this Section, dangerous or ruinous buildings or structures are
28 determined by the Local Building Official to be structurally unstable; or not provided
29 with safe egress; or which constitute a fire hazard; or are otherwise dangerous to
30 human life; or which in relation to existing use, constitute a hazard to life, safety,
31 health, or public welfare because of inadequate maintenance, dilapidation,

1 obsolescence, or abandonment; or which otherwise contribute to the pollution of the
2 site or the community to an intolerable degree.

3 Abatement and/or rehabilitation of buildings and structures covered under RA
4 10066, or the “*National Cultural Heritage Act of 2009*”, shall be coordinated with the
5 National Commission for Culture and the Arts (NCCA) prior to any action of
6 abatement.

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CHAPTER VIII

9

ADMINISTRATION

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

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

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

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

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

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

29 C. Appoint Local Building Officials, in manner as provided for by this Act, and
30 exercise supervision and control over them as the National Building Official;

31 D. Designate Local Building Officials, in manner as provided for by this Act, and
32 exercise supervision and control over them as the National Building Official;

- 1 E. Create the Office of the Local Building Official in case of clustered
2 municipalities, as set forth in this Act, and exercise administrative, as well as
3 technical supervision and control;
- 4 F. Appoint the Regional Building Appeals Boards, as provided for by this Act, and
5 exercise administrative supervision over them;
- 6 G. Prescribe and fix the schedule of fees, appeal bonds, and other charges that
7 the National Building Official and Local Building Officials shall collect in the
8 exercise of their regulatory functions;
- 9 H. Inspect at reasonable times any building or structure, covered by this Act,
10 rules and regulations, and reference standards: *Provided*, That in case of a
11 single-family dwelling, an inspection must be upon the consent of the occupant
12 or upon lawful order from the proper court;
- 13 I. Issue appropriate orders, including cease and desist order and demolition
14 order, against any person or entity to prevent injury to the public and compel
15 compliance with the provisions of this Act, rules and regulations, and reference
16 standards;
- 17 J. Impose fines, penalties, and other administrative sanctions for failure or
18 refusal to comply with, or violation of any provision of this Act, rules and
19 regulations, and reference standards, or any order, instruction, or ruling;
- 20 K. Enlist the aid and support of, and/or deputize any and all enforcement
21 agencies of the government, in the implementation of his powers and functions
22 under this Act, rules and regulations, and reference standards; and
- 23 L. Exercise such other powers and perform such functions as may be needed to
24 carry out the objectives of this Act, rules and regulations, and reference
25 standards.

26 Sec. 41. *Building Regulations and Standards Council (BRSC)*. – A Building
27 Regulations and Standards Council is hereby created to assist the National Building
28 Official in reviewing and recommending rules and regulations and reference
29 standards to accomplish the objectives of this Act.

30 a. *Members*. The Building Regulations and Standards Council shall be composed
31 of the following:

- 32 1. Undersecretary for Technical Services of the Department as Chair;

2. Undersecretary of the Department of Human Settlements and Urban Development (DHSUD) for technical service or planning;
3. Commissioner of the Professional Regulation Commission (PRC) in charge of supervision of regulatory boards of building professionals;
4. Chief of the Bureau of Fire Protection (BFP);
5. Undersecretary of the Department of Trade and Industry (DTI) in charge of supervision of product standards and/or contractor accreditations;
6. Undersecretary of the Department of Science and Technology (DOST) for scientific and technological services;
7. Undersecretary of the Department of Environment and Natural Resources (DENR) for planning and policy making regarding environmental concerns;
8. President of a national association of local building officials;
9. President of a national association of building developers, national association of building owners, national association of building managers, or national association of building administrators;
10. President of a PRC-accredited national professional organization of building professionals;
11. President of a national association of building contractors;
12. High-ranking regular faculty member from a recognized higher education institution involved in the training of building professionals; and
13. Representative-at-large coming from any concerned sectors whose participation is deemed by the National Building Official as timely and complementary to those of other members enumerated.

Each from a list of nominees submitted by their respective sectors, all 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 the 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.

1 For these sectors enumerated above from 8 to 12, a different
2 association, organization, or institution other than the one currently represented
3 shall be given preference by the National Building Official in the next full three-
4 year term appointment, in order to practice a rotation of representation from
5 among the various associations, organizations, or institutions in each sector.

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

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

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

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

20 *b. Duties and Responsibilities.* The Building Regulations and Standards Council
21 (BRSC) shall have the following duties and responsibilities:

- 22 1. Review existing rules and regulations and existing referral codes,
23 renamed as reference standards under this Act, and/or formulate new
24 ones in line with the provisions of this Act and rules and regulations;
- 25 2. Formulate and recommend policies and strategies, for design and
26 construction, with reference to global standards, and taking into account
27 local conditions;
- 28 3. Formulate a system of accreditation of qualified Building Professionals as
29 Accredited Certifiers, Accredited Structural Peer Reviewers, and/or
30 Accredited Inspectors, and qualified establishments or institutions as
31 Accredited Testing Laboratories;

- 1 4. Collect relevant information, conduct research, and support studies on
- 2 all matters relating to design and construction, such as, but not limited
- 3 to, the performance and results achieved of the standards in
- 4 mainstreaming disaster risk reduction and management in building,
- 5 planning, design, construction, occupancy, and maintenance;
- 6 5. Submit recommendations, including rules and regulations and reference
- 7 standards, to the National Building Official for approval;
- 8 6. Submit an annual report to the National Building Official; and
- 9 7. Perform such other functions that the National Building Official may
- 10 authorize or assign as may be necessary in carrying out the objectives of
- 11 this Act.

12 *c. Technical Working Groups (TWGs).* To support the BRSC in the performance

13 of its duties and responsibilities, the National Building Official shall constitute

14 Technical Working Groups (TWGs) composed of relevant stakeholders.

15 *d. Secretariat.* The BRSC shall have its Secretariat personnel separate from the

16 Office of the National Building Official, to assist in the operation of the Council

17 and TWGs.

18 *e. Procedures.* The National Building Official, in consultation with relevant

19 stakeholders, shall prescribe, based on rules and regulations, the procedures

20 of the BRSC, ensuring the periodic review of reference standards every five

21 (5) years and the participation of the relevant stakeholders including, but not

22 limited to, building officials, building developers, building owners, building

23 managers or administrators, building professionals and professional

24 organizations, building contractors, and higher education institutions, in

25 setting performance standards for design and construction.

26 The National Building Official shall issue every five (5) years, or more

27 frequently as needed, updated reference standards.

28 f. The BRSC budget shall be included in the annual budget of the Department.

29 *Sec. 42. Office of the National Building Official (ONBO).* – The Office of the

30 National Building Official, within the Department, is hereby created to provide

31 sufficient technical, legal, administrative, and support personnel to the National

32 Building Official in the exercise of his powers and the performance of his duties.

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

7 The Office of the National Building Official shall coordinate the Regional Building
8 Appeals Boards.

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

18 Sec. 43. *Regional Building Appeals Boards (RBAB)*. – A Regional Building
19 Appeals Board, with appropriate personnel, is thereby created in Regional Offices of
20 the Department and placed under the administrative supervision of the National
21 Building Official: *Provided*, That an RBAB may be created by the National Building
22 Official to serve a group of adjacent regions. The RBAB shall be chaired by a member
23 of the Philippine Bar, and assisted by two technical personnel of the Department
24 sitting as the other members of the Board and by support staff, all of whom are
25 appointed by the National Building Official. It shall have exclusive appellate
26 jurisdiction to review decisions of the Local Building Officials, or resolve appeals
27 and/or complaints after the same shall have been acted upon, or not given due
28 course, by the respective Local Building Officials within their region. In case of appeal
29 for reconsideration by an aggrieved party on the same matter, the decision of the
30 RBAB shall be subject to review by the National Building Official, pursuant to Section
31 60 of this Act.

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

11 Depending upon their needs and in order to improve their frontline services,
12 second to sixth-class municipalities may create and operate a separate Office of the
13 Local Building Official to serve the clustered municipalities, which office shall be under
14 the National Building Official. This cluster Office shall be located at a municipality
15 within the cluster as determined by the National Building Official. Each cluster of
16 municipalities may recommend to the National Building Official the appointment of
17 one Local Building Official for such cluster from a list of at least three (3) qualified
18 recommendees of the mayors of the cluster, subject to civil service law and rules and
19 regulations.

20 Absent a request to and/or approval by the National Building Official for either
21 a separate or a cluster Office of the Local Building Official, the municipal engineers
22 of the second to sixth-class municipalities shall be designated by the National Building
23 Official to act, in concurrent capacity, as the Local Building Officials in their respective
24 territorial jurisdictions. For purposes of this Chapter and this Section, the Office of
25 the Municipal Engineer in such second to sixth-class municipalities shall be referred
26 to also as Office of the Local Building Official.

27 The concerned LGU shall provide the funding for and operate the separate Office
28 of the Local Building Official; the Office of the National Building Official shall fund and
29 operate cluster Offices of the Local Building Official. The sharing and use of fees and
30 fines among the offices shall be in conformity with Section 46 of this Act.

31 *Sec. 45. Special Jurisdictions.* – There shall be Local Building Officials for special
32 jurisdictions such as the Armed Forces of the Philippines (AFP), the Philippine

1 Economic Zone Authority (PEZA), the Department of Agriculture (DA), and other
2 government agencies, as explicitly provided for by applicable laws, who shall regulate
3 the design and construction of buildings or structures under their jurisdiction and/or
4 their registered locators and enterprises. These Local Building Officials in special
5 jurisdictions shall likewise be designated by and accountable to the National Building
6 Official.

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

10 *Sec. 46. Sharing and Use of Fees and Fines.* – Out of the total collection derived
11 from fees, permit fees, fines, and other charges, the Office of the Local Building
12 Official shall retain 15% thereof and deposit in a special discount created by the
13 National Building Official. The remaining 80% shall accrue to the general fund of the
14 LGU or the agency with special jurisdiction, which created and operated the Office.

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

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

24 Any provision of law to the contrary notwithstanding, the National Building
25 Official is hereby authorized to prescribe the procedures for the use of the 15%
26 retained for the Office of the Local Building Official. Such income may be used to
27 cover necessary operating expenses including the purchase of equipment, supplies,
28 and materials; expenses for travel; continuing education and training programs;
29 engaging Accredited Inspectors and Accredited Structural Peer Reviewers; obligation
30 expenses including attorney's fees and other legal expenses, including sheriff's fees
31 as well as hazard pay for employees and/or authorized representatives of the Office
32 of the Local Building Official when the cause is in line with the performance of duties;

1 and payment of other prior years' obligations not adequately funded, subject to
2 existing budgetary and auditing rules and regulations.

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

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

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

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

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

- 23 A. Approve applications for, and issue, reject, suspend, or revoke permits within
24 their territorial or special jurisdictions: for this purpose, the Local Building
25 Official shall have the decision upon the completeness and integrity of the
26 application documents supported by the appropriate certifications of Building
27 Professionals and clearances from relevant government agencies, in
28 accordance with this Act, rules and regulations, and reference standards;
- 29 B. Hear and decide cases filed by parties on complaints related to the permitting
30 process;
- 31 C. Enter any building, structure, or its premises at reasonable times to inspect
32 and determine compliance with the requirements of this Act, rules and

1 regulations, and reference standards, as well as the terms and conditions of
2 the permit/s issued: *Provided*, That in case of single-family dwelling, an
3 inspection by the Local Building Official and/or Accredited Inspector must be
4 upon the consent of the occupant or upon lawful order from the proper court;

5 D. Engage qualified and rationally-accredited Building Professionals as inspectors
6 and/or structural peer reviewers;

7 E. Order the work stopped and prescribe the terms and/or conditions for the work
8 to be allowed to resume, or issue any appropriate order, including cease and
9 desist order and demolition order, when any construction is found to be
10 contrary to the provisions of this Act, rules and regulations, reference
11 standards, and the terms and conditions of the permit/s issued;

12 F. Order the discontinuance of the use or occupancy of any building or structure,
13 or a portion thereof, found to be used or occupied contrary to the provisions
14 of this Act, rules and regulations, and reference standards, and/or the terms
15 and conditions of the permit/s issued;

16 G. Keep a permanent record and accurate account of all fees, fines, and other
17 charges fixed and authorized by the National Building Official to be collected
18 and received under this Act;

19 H. Validate and submit data on a computerized national database of buildings
20 and structures, for purposes of Section 37 and other provisions of this Act, and
21 rules and regulations;

22 I. Submit an annual situational report to the National Building Official; and

23 J. Exercise such powers and perform such other functions needed to assist the
24 National Building Official in carrying out the objectives of this Act, rules and
25 regulations, and reference standards.

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

30 A. Providing and/or submitting true and correct information and documents in
31 support of their application for permits and their prerequisite certifications and
32 clearances;

- 1 B. Adhering to the plans and clearances;
- 2 C. Complying with the terms and conditions of the permit issued, and other
3 prerequisite certifications and clearances;
- 4 D. Maintaining the building consistent with its maintenance strategy and
5 conducting periodic inspection in accordance with this Act, rules and
6 regulations, and reference standards;
- 7 E. Engaging the services of Building Professionals and/or Building Contractors for
8 any proposed construction, as may be required by this Act, rules and
9 regulations, except for Simple or Class P1 Structures; and
- 10 F. Engaging the services of Building Professionals or Accredited Certifiers for the
11 assessment of structural stability and fire safety construction of the building,
12 as may be required by this Act, rules and regulations, except for Simple or
13 Class P1 Structures and Regular or Class P2 Structures.

14 Offer to transfer ownership, or actual transfer of ownership, involving owners
15 of subdivision projects shall be made pursuant to Presidential Decree (PD) No. 957,
16 or the "*Subdivision and Condominium Buyers' Protective Decree*".

17 Offer to transfer ownership, or actual partial or full transfer of ownership,
18 involving owners of condominium projects shall be made pursuant to PD 957, or the
19 "*Subdivision and Condominium Buyers' Protective Decree*", and to RA 4726, or the
20 "*Condominium Act*", as amended.

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

- 26 A. Design professionals shall be responsible for the correctness and
27 consistency of their design and the preparation of duly signed and sealed
28 drawings, technical specifications, calculations, designs, and analyses. They
29 are not precluded from conducting inspection of the construction work or
30 building or structure to check and determine adherence to the plans and
31 specifications of the work as submitted with the permit application:

1 *Provided,* That in case of single-family dwelling, an inspection must be upon
2 the consent of the occupant or upon lawful order from the proper court.

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

16 *Sec. 51. Responsibilities of Building Contractors.* – To promote accountability,
17 Building Contractors shall adhere to the duly signed and sealed drawings, technical
18 specifications, and construction procedure, as prepared and certified by the Building
19 Professionals and relied upon by the Local Building Officials in the issuance of the
20 permit. They shall also adhere to the additional details, issued during construction,
21 conforming to the submitted documents. Building Contractors shall ensure the safety
22 and health of construction workers, in addition to protection afforded to them by
23 labor laws. As principals, they shall be solidarily responsible for the acts and omissions
24 of their representatives, agents, subcontractors, and/or employees in relation to
25 construction. They shall engage Building Professionals in-charge of construction.
26

27 **CHAPTER IX**

28 **PERMITS AND INSPECTION**

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

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

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

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

26 *Sec. 53. Detailed Classification of Buildings for Permitting Purposes.* – The
27 National Building Official shall prescribe the requirements for and procedure in
28 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 by
30 the National Building Official shall include: (a) a simplified track of permitting process
31 for Simple or Class P1 Structures; (b) a regular track of permitting process for Regular

1 or Class P2 Structures; and (c) a mandatory structural peer review of the stability for
2 Special or Class P3 Structures.

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

6 To aid the simplified track of permitting process, the National Building Official
7 shall cause, through Simplified Reference Standards, the detailed documentation and
8 region-wide information and education campaign on the proper siting, design, and
9 construction of Simple or Class P1 Structures including Traditional Indigenous Family
10 Dwellings.

11 *Sec. 54. Application for Permit.* – Any person desiring to apply for the
12 appropriate permit shall file a duly accomplished permit application form with the
13 Local Building Official of the LGU, cluster thereof, or special jurisdiction where the
14 building or structure, proposed or existing, is located.

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

17 The National Building Official may require the payment of corresponding fees
18 according to a schedule provided in the rules and regulations, and shall prescribe
19 such other standard requirements to be submitted with the duly accomplished permit
20 application: *Provided,* That no application fees shall be required for Simple or Class
21 P1 Structures.

22 Together with duly accomplished permit application form/s, the applicant shall
23 submit: (a) documents relating to ownership of building site that support the
24 authority to order construction work for a building or structure and to hold legal right
25 or possession or title to a building use or occupancy, location, plans, specifications,
26 and maintenance strategy; and (b) estimated construction cost. According to the
27 permit being applied for and the classification of building or structure involved,
28 whether Simple, Regular, or Special Structure, the National Building Official, through
29 rules and regulations, shall require specific parts of building plans, specifications and
30 related documents to be submitted as evidence of compliance with this Act, rules and
31 regulations, and reference standards.

1 The National Building Official, through rules and regulations, shall require
2 specific parts of building plans and specifications to be prepared, signed and sealed
3 by appropriate Building Professionals: *Provided*, That various building professionals
4 may be appropriately authorized according to their respective professional regulation
5 laws to prepare, sign, and seal certain parts, sheets, or pages of building plans,
6 specifications, and related documents.

7 *Sec. 55. Processing of the Permit Application.* – Pursuant to RA 9498, or the
8 “*Anti-Red Tape Act*”, as amended by RA 11032, or “*Ease of Doing Business and*
9 *Efficient Government Service Delivery Act*”, within a reasonable time from the filing
10 of the duly-accomplished permit application, payment of fees as applicable, and
11 compliance with other standard requirements to be determined by the National
12 Building Official, the Local Building Official shall give due course to the application
13 and issue the permit applied for upon satisfaction of the completeness and integrity
14 of the application documents supported by the appropriate certifications of Building
15 Professionals and clearances from relevant government agencies, in accordance with
16 this Act, rules and regulations, and reference standards.

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

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

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

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

- 4 A. Non-compliance with the provisions of this Act, rules and regulations, and
5 reference standards;
- 6 B. Substantial errors found in the plans and specifications;
- 7 C. Use of substandard building material or substandard workmanship and refusal
8 to rectify upon notice;
- 9 D. Without any work being done in the site for more than one hundred twenty
10 (120) days for excavation left open or building construction abandoned; and
- 11 E. Fraudulent misrepresentation of data or information supplied in the application
12 permit.

13 Notice of non-issuance, suspension, or revocation of permit shall always be
14 made in writing, stating the reasons or grounds therefore. Said action by the Local
15 Building Official shall be proportionate to the reasons or grounds committed by the
16 applicant, in accordance with this Act, and rules and regulations.

17 *Sec. 58. Complaint.* – Based on the grounds enumerated in Section 57 of this
18 Act, any person aggrieved by the proposed, ongoing, or existing construction, use,
19 or occupancy, may file before the Local Building Official of the LGU, cluster thereof,
20 or special jurisdiction where the concerned construction is located for the non-
21 issuance, suspension, or revocation of the corresponding permit applied for by, or
22 granted to, the Building Owner. The aggrieved party shall be notified of the action
23 taken by the Local Building Official in case the permit is granted or furnished with a
24 copy of the decision, order, or notice of non-issuance, suspension, or revocation of a
25 permit of the Local Building Official.

26 *Sec. 59. Appeal to the Regional Building Appeals Board (RBAB).* – Within fifteen
27 (15) days from the date of receipt of notice of the non-issuance, suspension, or
28 revocation of the permit or of the action taken by the Local Building Official, the
29 aggrieved party may file an appeal with the RBAB based on the following grounds:

- 30 a. Arbitrariness of the Local Building Official in the performance of
31 regulatory functions; or
- 32 b. Lack of factual or legal basis.

1 The RBAB shall render a decision within fifteen (15) days from the date of
2 receipt of appeal. The RBAB's decision shall be in writing, stating specifically the
3 reason/s or ground/s therefore. In case it finds the appeal to be meritorious, the
4 RBAB shall direct the Local Building Official to issue the appropriate permit or order.

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

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

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

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

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

1 **CHAPTER X**

2 **INCENTIVES AND PENALTIES**

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

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

14 The National Building Official may recommend funding support for LGUs and
15 communities that have endorsed disaster risk reduction and management activities
16 for buildings and structures, especially those falling within the classification of Simple
17 or Class P1 Structures, in their jurisdictions.

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

20 A. By the Building Owner and/or representative:

- 21 1. Misrepresentation or submission of false statements or documents;
- 22 2. Use of unauthorized documents and/or certifications of Building
23 Professional/s;
- 24 3. Undertaking any construction without the required permit/s;
- 25 4. Noncompliance with or violation of the terms and conditions of the permit,
26 including prerequisite clearances by other government agencies;
- 27 5. Not maintaining the building in accordance with the submitted
28 maintenance strategy;
- 29 6. Engaging non-licensed building professionals in the design, review,
30 construction, or certification of building;
- 31 7. Engaging non-licensed building contractors in the construction of building;
32 and

- 1 8. Analogous acts, omissions, and violations of this Act, rules and regulations,
2 and reference standards.
- 3 B. By the Building Professionals:
- 4 1. Misrepresentation or false statements;
- 5 2. Certifying documents that they did not prepare, or certifying acts that they
6 did not perform;
- 7 3. Submission of incorrect or inconsistent drawings, technical specifications,
8 calculations, designs, and analyses;
- 9 4. Non-compliance with construction methodologies and standards in case of
10 a professional in charge of construction;
- 11 5. Violation of safety standards prescribed by law or regulations in case of a
12 professional in charge of construction;
- 13 6. Non-submission of duly signed and sealed documents, or submission of
14 inconsistent or deceitful documents, such as logbook and as-built plans in
15 case of a professional in charge of construction; and
- 16 7. Analogous acts, omissions, and violations of this Act, rules and regulations,
17 and reference standards.
- 18 C. By the Building Contractor:
- 19 1. Deviation from the plans and specifications certified by the Building
20 Professionals and submitted to the Local Building Official, in a way that
21 increases the risk to life, health, property, or public welfare;
- 22 2. Violation of safety standards prescribed by law or rules and regulations;
- 23 3. Not engaging a Building Professional in charge of construction; and
- 24 4. Analogous acts, omissions, and violations of this Act, rules and regulations,
25 and reference standards.
- 26 D. By the Accredited Certifier:
- 27 1. Misrepresentation or false statements in order to be accredited by the
28 Office of the National Building Official;
- 29 2. Certifying buildings and structures that do not meet the requirements of
30 this Act, rules and regulations, and reference standards, and other
31 applicable laws;

- 1 3. Refusing or failing to certify buildings and structures that meet the
- 2 requirements of this Act, rules and regulations, and reference standards;
- 3 and
- 4 4. Analogous acts, omissions, and violations of this Act, rules and regulations,
- 5 and reference standards.

6 E. By the Accredited Structural Peer Reviewer:

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

15 F. By the Accredited Testing Laboratory:

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

24 G. By the Accredited Inspector:

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

1 H. By the Local Building Official

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

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

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

31 For purposes falling under paragraph H in Section 63 of this act, the National
32 Building Official, upon recommendation of the RBAB and after notice and hearing,

1 may suspend or revoke the appointment or designation of the Local Building Official
2 as such, without prejudice to the administrative, civil, or criminal liability of said
3 official, in accordance with existing laws.

4 *Sec. 65. Criminal Liabilities of Building Owners, Building Professionals, Building*
5 *Contractors, Accredited Certifiers, Accredited Structural Peer Reviewers, Accredited*
6 *Testing Laboratories, and Accredited Inspectors.* In case of gross violation of this Act
7 and/or rules and regulations, the National Building Official and/or Local Building
8 Official may recommend to the appropriate government agencies the filing of criminal
9 charges against the violators. Gross violations shall mean any of the following:

- 10 a. Unauthorized change in type of construction from more fire resistive to
11 less fire-resistive;
- 12 b. Non-compliance with order to abate or demolish;
- 13 c. Non-compliance with cease and desist order for construction;
- 14 d. Not having any work being done in the site for more than one hundred
15 twenty (120) days and without justifiable cause, for excavations left
16 open or building construction abandoned; and
- 17 e. Blatant disregard of the order of the Local Building Official in relation to
18 the protection of life, health, property, and public welfare, such as the
19 non-payment of fines and breaking of seals or operating despite the
20 existence of an order for suspension or revocation.

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

31 *Sec. 66. Criminal Liability of Local Building Officials and Staff.* – Any Local
32 Building Official and/or staff who shall conspire to commit any of the enumerated

1 gross violations with any offender as provided in Section 65 of this Act shall be
2 punished, per violation, by a fine not lower than 0.01% nor higher than 1.0% of the
3 construction cost involved, or by imprisonment of not less than six (6) months nor
4 more than six (6) years, or both, at the discretion of the court, without prejudice to
5 the civil liability of the offender in accordance with existing laws.

6 7 **CHAPTER XI**

8 **FINAL PROVISIONS**

9 *Sec. 67. Appropriations.* – The amount needed for the initial implementation of
10 this Act shall be taken from the current fiscal budget of the Department: *Provided,*
11 *however,* That such amount as may be necessary to carry out Section 38 of this Act
12 is hereby appropriated out of the unappropriated funds of the National Treasury in
13 the amount of Three Hundred Sixty Five Million pesos (Php 365,000,000). Thereafter,
14 Congress shall provide for the appropriations of the Department the annual amount
15 needed for the implementation of this Act to be included in the General Appropriations
16 Act.

17 *Sec. 68. Transitory Provisions.* – There shall be a systematic transition of
18 implementation of building regulations and standards from PD 1096 to this Act.

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

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

26 Engagement of Accredited Certifiers, Accredited Inspectors, Accredited
27 Structural Peer Reviewers, and Accredited Testing Laboratories, as provided for in
28 this Act, shall take effect following the implementation by the ONBO of the system of
29 accreditation, as formulated by the BRSC and promulgated by the National Building
30 Official. The initial list of accredited persons shall be published by the ONBO within
31 one (1) year from the promulgation of the system of accreditation.

1 Consistent with Section 40 and Section 41 of this Act, existing referral codes,
2 renamed as reference standards by this Act, shall remain valid until after the National
3 Building Official promulgates new, revised, or amended reference standards after the
4 review and recommendation of the BRSC: *Provided*, That absent reference standards
5 that are locally or nationally adopted by the competent government agency for a
6 particular subject, the latest standards by the International Organization for
7 Standardization (ISO), may be used as default standards.

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

18 The non-promulgation of the rules and regulations provided under this section
19 shall not prevent the immediate implementation of this Act upon effectivity.

20 The IRR of this Act shall be reviewed every five (5) years, or more frequently
21 as needed.

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

30 The National Building Official shall ensure that this Act is implemented in
31 manners that are clear to all stakeholders, through measures that include, but are
32 not limited to, the following:

- 1 1. Every rule or regulation for the administration and enforcement of the
2 provisions of this Act, including any standard that may be referenced by
3 such, shall clearly indicate the section or sub-section of this Act to which it
4 corresponds;
- 5 2. Subject to Section 5 of this Act, every approved local ordinance with the
6 effect of modifying a national rule, regulation, or standard, towards better
7 safeguarding of life, health, property, and public welfare, shall clearly
8 indicate the national rule, regulation, or standard which it improves;
- 9 3. All forms, tables, charts, illustrations, drawings and other annexes included
10 with rules, regulations, standards and ordinances shall be systematically,
11 uniquely, and clearly labelled, and duly referenced within the text of the
12 associated rules, regulation, standard, or ordinance.

13 *Sec. 70. Non-Retroactivity Clause.* – This Act shall have no retroactive effect
14 insofar as all buildings and structures constructed under PD No. 1096, or the “*National*
15 *Building Code of the Philippines*”, as amended, or existing city or municipal building
16 ordinances, if legally done in accordance therewith, shall be respected subject to such
17 limitations in this Act and except as otherwise stated in Section 38 of this Act.

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

21 *Sec. 71. Oversight Committee.* – This Act shall undergo a review of its provisions
22 every five (5) years, or as necessary, to make the law more responsive to the needs
23 of the times. For this purpose, an oversight committee shall be created, which shall
24 be composed of four (4) members each from the Senate and House of
25 Representatives to be designated by the Senate President and Speaker of the House,
26 respectively.

27 The Chairpersons of the Committee on Public Works and Highways of the Senate
28 and the Committee on Public Works in the House of Representatives shall be Co-
29 chairpersons of the Oversight Committee.

30 *Sec. 72. Separability Clause.* – If any provision, or part hereof, is held invalid
31 or unconstitutional, the remainder of the law or the provision not otherwise affected
32 shall remain in full force and effect.

1 Sec. 73. *Repealing Clause.* – Presidential Decree No. 1096, or the “*National*
2 *Building Code of the Philippines*”, as amended, is hereby repealed and replaced with
3 this Act, Section 477 of RA 7160, or the “*Local Government Code of 1991*”, as
4 amended, is modified accordingly. Other existing laws, presidential decrees or
5 issuances, executive orders, letter of instructions, administrative order, rule or
6 regulation contrary to, or inconsistent with, the provisions of this Act, are hereby
7 repealed, modified or amended accordingly.

8 Sec. 74. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
9 its complete publication in the *Official Gazette* or at least two (2) newspapers of
10 general circulation in the Philippines.

Approved,