



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Second Regular Session

House Bill No. 7804



Introduced by Rep. AURELIO "DONG" D. GONZALES, JR.

EXPLANATORY NOTE

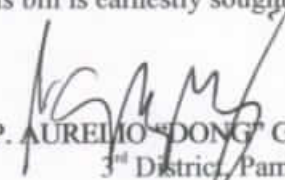
It is a policy of the State to safeguard life, health, property, and public welfare, consistent with principles of sustainable development. Likewise, it shall be the policy of the State to promote social, human, cultural, political, and industrial development, which includes the development of basic infrastructures such as roads, bridges, pipelines, and parks. Improving the resiliency of urban structures and settlements, formulating the reconstructing system, and promoting research and technology are measures of development.

The State shall institutionalize a system to provide for the effective regulation of planning, design, construction, occupancy, and maintenance of buildings and structures, the establishment of a permitting process based on their classifications, and the setting of reference standards in terms of health and safety of its citizens, and to promote the accountability of relevant stakeholders in the enforcements of and compliance with rules and regulations.

In ensuring health and security measures, a set of standards and requirements are prescribed to minimize risks of any unpredictable catastrophic event or disaster. One being, the "BIG ONE", a magnitude 7.2 earthquake to be generated by the West Valley Fault. Since 2017, the Philippines has experienced several earthquakes of less magnitude. There is uncertainty as to the time of occurrence of these anticipated natural disasters and one can neither foretell the outcome of such disasters. However, one can minimize the damage of these natural catastrophes.

A mode of risk reduction is the regulation and control of the foundations of infrastructures, referring to the planning, design, construction, occupancy and maintenance of buildings and structures. For such purpose, this bill impels the inspection and review of the location of buildings and structures, planning, and design of infrastructures to further ensure that the minimum standards and requirements are met.

For the foregoing reasons, the approval of this bill is earnestly sought.


REP. AURELIO "DONG" GONZALES, JR.
3rd District, Pampanga

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House Bill No. **7804**

Introduced by Rep. AURELIO "DONG" D. GONZALES, JR.

REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY, AND
MAINTENANCE OF BUILDINGS, ENACTING A NEW BUILDING ACT, THEREBY
REPEALING PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the "Philippine Building Act of 2018."

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

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

- (a) To provide for the effective regulation of planning, design, construction, occupancy, and maintenance of buildings and structures, the establishment of a permitting process based on their classifications, and the setting of reference standards to:
 - (1) Safeguard life and protect people from injury;
 - (2) Ensure the health and well-being of the people who use them, without impinging on the safety of the general public or endangering the environment;
 - (3) Protect property from physical damage; and
 - (4) Reduce and manage hazards, exposures, and vulnerabilities, thereby minimizing disaster risk;
- (b) To promote the accountability of relevant stakeholders in ensuring enforcement of and compliance with this Act, rules and regulations, and reference standards.

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

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

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

Once such local ordinance has been enacted, concurred to, and implemented, neither the Local Building Official nor National Building Official shall allow case-to-case exemptions therefrom.

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

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

- (a) “Accredited Certifier” refers to a person possessing experience and other qualifications of a Building Professional, and accredited by the Office of the National Building Official to issue certificates to confirm that a building or structure that is more than 15 years of age meets the requirements of Chapter VII of this Act, rules and regulations, and reference standards as to structural stability and fire safety construction;
- (b) “Accredited Inspector” refers to a person possessing experience and other qualifications of a Building Professional, and accredited by the Office of the National Building Official whose service is engaged by the Local Building Official to inspect buildings or structures in accordance with this Act, rules and regulations, and reference standards;
- (c) “Accredited Structural Peer Reviewer” refers to a person possessing experience and other qualifications of a Building Professional, and accredited by the Office of the National Building Official to provide independent verification that the structural design of a proposed or new building or structure complies with this Act, rules and regulations, and reference standards;
- (d) “Accredited Testing Laboratory” refers to an establishment or institution accredited by the Office of the National Building Official to perform tests to determine if the building materials and components used in the construction of a building or structure comply with Chapter VI of this Act, rules and regulations, and reference standards;
- (e) “Addition” refers to any construction which increases the height and/or floor area of an existing building or structure;
- (f) “Alteration” refers to any construction in an existing building or structure involving changes in the materials used, partitioning, location or size of openings, structural parts, existing utilities, and/or equipment but does not increase the building height nor floor area;
- (g) “Ancillary Structure” refers to a structure intended to provide support to main buildings or structures which may include: bank and records vaults; swimming pools; firewalls separate from the building or structure; towers; silos; smokestacks; chimneys; commercial or industrial fixed ovens; industrial kilns or furnaces; water or waste treatment tanks; septic vaults; concrete and steel tanks; booths, kiosks, and stages; tombs, mausoleums, and niches; and similar structures;

- (h) “Build Back Better” refers to planning, based on the evolving or evolved disaster risks and ahead of disasters, to finance, design, and build after a disaster or crisis with consideration of the need to further strengthen disaster preparedness for response, take action in anticipation of events, and ensure capacities are in place for effective response, recovery, and reconstruction;
- (i) “Building” refers to any temporary or permanent structure, anchored to the ground, for the support, shelter, or enclosure of persons, animals, machinery, or chattels;
- (j) “Building Contractor” refers to a person duly registered and licensed by the Philippine Contractors Accreditation Board whose proposal has been accepted and to whom was awarded the contract to execute the construction; for this purpose, “contract” means an agreement, regardless of titles such as prime contract, subcontract, or deed of assignment;
- (k) “Building Owner” refers to a person who orders construction work for a building or structure by contract; or a person undertaking one’s own construction without engaging a Building Contractor therefor, as owner-builder; or a person holding the legal right of possession or title to a building or structure;
- (l) “Building Professional” refers to a person engaged in the design, construction, or inspection of a building or structure, who is duly registered and licensed by the Professional Regulation Commission (PRC) to provide such services;
- (m) “Building Site” refers to the lot, which is described by technical descriptions delineating boundaries of the property to be developed, over which the Building Owner has a title or legal right to build; for design purposes, the term shall also cover areas and spaces around the lot, the conditions of which bear on the operability and safety of the building or structure;
- (n) “Construction” refers to any and all on-site work including but not limited to preparation, excavation, foundation, and assembly or installation of components, utilities, machinery, and equipment of building or structure;
- (o) “Conversion” refers to a change in the use or occupancy of an existing building or structure or any portion/s thereof to another occupancy group or subgroup that has different requirements;
- (p) “Demolition” refers to the systematic dismantling, destruction, or removal of a building or structure, in whole or in part;
- (q) “Department” means the Department of Public Works and Highways (DPWH);

- (r) "Exposure" refers to people, property, systems, or other elements present in hazard zones that are thereby subject to potential losses, or to the degree to which the elements at risk are likely to experience hazard events of different magnitudes;
- (s) "Fire-Resistive Rating" refers to the degree to which a building material or type of construction can withstand or contain fire as determined by generally recognized and accepted testing methods;
- (t) "Hazard" refers to a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;
- (u) "Hazard Zone" refers to an area identified in generally recognized and accepted hazard maps as exposed to natural hazards, such as floods, wind storms, storm surges, landslides, volcanic eruptions, and earthquakes;
- (v) "Innovative Construction Technology" refers to a construction technology that is emerging or being reintroduced locally or nationally in the field of construction, with corresponding evidence of acceptable performance from laboratory tests, field tests, and/or analytical studies to comply with Chapter V and Chapter VI of this Act, rules and regulations, and reference standards;
- (w) "Locational Clearance" refers to the document issued by the planning and development officer of the local government unit certifying that the proposed construction is located in an appropriate zone, and does not violate the Comprehensive Land Use Plan (CLUP), any zoning ordinance or regulation of the concerned local government unit, nor other applicable laws, ordinances or regulations, which document is submitted to the Local Building Official in support of an application for a permit;
- (x) "Permit" refers to any of the permits that may be issued by the Local Building Official as set forth in this Act;
- (y) "Reference Standards" refers to technical standards that the National Building Official promulgates through rules and regulations in administering and enforcing this Act;
- (z) "Rehabilitation" refers to the act or process of making possible a compatible use for an existing building or structure through repair and/or alteration while preserving those portions or features which convey its acknowledged heritage significance;

- (aa) "Relocation" refers to the transfer of an existing building or structure or portion/s thereof from original location or position to another, either within the same site or to a different one;
- (bb) "Renovation" refers to any physical change made on an existing building or structure to increase the value or improve the quality and/or aesthetics, without addition to building height or floor area, nor alteration of structural parts;
- (cc) "Repair" refers to remedial work done on any damaged or deteriorated portion/s of an existing building or structure to restore its original condition;
- (dd) "Retrofit" refers to the construction of any new element or system, or the alteration of any element or system, required to bring an existing building or structure, or portion thereof, into conformance with this Act, rules and regulations, and reference standards;
- (ee) "Secretary" refers to the Secretary of the Department of Public Works and Highways;
- (ff) "Special Site" refers to a site that requires special rules and regulations to mitigate potential adverse impacts of the site conditions;
- (gg) "Structure" refers to that which is built or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but shall not include streets, highways, bridges and viaducts, railroads, canals, river and shore improvements, dry docks, dams, irrigation, flood protection, tunnels, transmission towers and lines, and structures regulated by other national laws or competent national agencies;
- (hh) "Traditional Indigenous Family Dwelling" refers to a residential building or structure intended for the use and occupancy by the family of the owner only and constructed with native or local materials such as nipa, cogon, bamboo, log, lumber, or stone, the estimated total cost of which does not exceed the limit prescribed by the National Building Official through rules and regulations;
- (ii) "Vulnerability" refers to the characteristics and circumstances of a community, system or asset that makes it susceptible to the damaging effects of a hazard; vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited recognition of risks and preparedness measures, and disregard for sound environmental management; and

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

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

CHAPTER II

CLASSIFICATION OF BUILDINGS

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

SECTION 8. *Buildings Classified by Type of Construction According to Fire Resistivity.* The building or structure shall be classified according to fire resistivity and fire ratings consistent with Republic Act No. 9514, or the Fire Code of the Philippines of 2008, and its Implementing Rules and Regulations, in consideration of the combination of features of fire safety constructions including but not limited to walls, barriers, doors, windows, vents, means of egress, and treatment of building components with flame retardant chemicals.

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

Group A, Assembly occupancies shall include all buildings and structures, or portions thereof, used for gathering together of 50 or more persons for any purpose, including but not limited to deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, instruction, and taking refuge or evacuating during a disaster or crisis;

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

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

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

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

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

Group R, Residential occupancies are those in which sleeping accommodations are provided for normal residential or dwelling purposes and include all buildings designed to provide sleeping accommodations, such as the subgroups of economic housing (RE) and socialized housing (RS) covered by Batas Pambansa Blg. 220;

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

Group U, Utilities and Miscellaneous occupancies are those with an ancillary character such as those, but are not limited to, Ancillary Permits, as enumerated in Section 52 (b) of this Act, or those which cannot be properly classified in any of the other occupancy groups in this Section, such as, but not limited to billboards and commercial signboards; and

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

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

In addition to permanent centers for refuge and evacuation as a subgroup AE of Group A, Assembly, any building, structure, or portion thereof may be designated as a temporary evacuation center provided it complies with the specific rules and regulations promulgated by the National Building Official.

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

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

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

- (a) “Deemed-to-Satisfy Structures” or “*Class P1 Structures*” are buildings or structures belonging to subgroup/s under *Group R*, Residential, either traditional indigenous family dwellings regardless of number of floors, or individually constructed dwellings for up to three (3) families, with maximum total gross floor area limit for each case as prescribed by the National Building Official based on rules and regulations; but shall exclude such structures under any government-approved mass housing project developed by the government, non-government organization, or private developer. These Deemed-to-Satisfy or *Class P1 Structures* shall comply with Simplified Reference Standards as prescribed by the National Building Official under a simplified permitting process;
- (b) “Special Structures” or “*Class P3 Structures*” are buildings or structures that are distinguished by physical attributes in terms of size, span, or form, and/or by nature of use or occupancy. These structures shall include buildings and other structures exceeding 60 meters in height or a higher height threshold as prescribed based on rules and regulations by the National Building Official; long span structures exceeding 30 meters in span or a longer span threshold as prescribed based on rules and regulations by the National Building Official; buildings and other structures with four (4) or more floor levels, and exceeding 5,000 square meters of gross floor area in any single floor level; non-conventional structures or structures that have non-regular structural form and/or innovative construction technology; buildings using very advanced structural calculation method in design; hospitals belonging to a subgroup under *Group I*, Institutional, that need to provide higher than the minimum level of services in terms of functional capacity as classified by competent national agency on healthcare facilities; and facilities belonging to *Group Z*, High-hazard. Accordingly, the permitting process for these Special or *Class P3 Structures* shall require a peer review of the structural stability. The act of reviewing does not pass on the liability of the Building Professional for design to the Accredited Structural Peer Reviewer on the structural integrity of the building, without prejudice to administrative charges under applicable professional regulations; and
- (c) “Regular Structures” or “*Class P2 Structures*” are buildings or structures that do not fall under either one of the classifications of Deemed-to-Satisfy Structures and Special Structures. Regular Structures shall require the regular permitting process.

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

SECTION 12. *Requirements for Each Type of Construction According to Fire Resistivity.* The National Building Official shall prescribe standards for each type of construction according to fire resistivity as allowed under this Act correspondingly for each group or subgroup of use or occupancy, and promulgate rules and regulations and reference standards therefor, in general terms of structural system, exterior walls and openings, interior walls and enclosures, floors, exits and stairs construction, and roofs, among other elements.

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

CHAPTER III

LOCATION, SITING, AND ZONING REQUIREMENTS

SECTION 14. *General Requirements for Location, Siting, and Zoning.* The site upon which will be constructed any building or structure shall be sanitary, hygienic, and accessible, and shall not pose high hazard for the intended use or occupancy, as determined by competent and appropriate authorities and certified through a locational clearance and other clearance/s or certificate/s as prescribed by applicable laws and regulations.

SECTION 15. *Protection of the Site Environment.* Any proposed construction, including its location, siting, and use, shall take into account the environment and its conservation and

protection. It shall not gravely affect the heritage and environmental significance of the site; and shall not harm nor aggravate the state of the neighborhood, environment, and natural resources surrounding it. No construction, its location, siting, and use shall be allowed without complying with the applicable heritage, environmental, and natural resources laws and regulations, as determined by competent and appropriate authorities and certified through a locational clearance and other clearance/s or certificate/s as prescribed by applicable laws and regulations.

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

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

SECTION 18. *Resilience.* Buildings and structures damaged structurally by a disaster or crisis shall adhere to principles of building back better in post-disaster or post-crisis recovery and reconstruction. The National Building Official shall cause to integrate disaster risk reduction and management measures in the rules and regulations and reference standards for planning, design, and reconstruction of buildings and structures.

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

CHAPTER IV

DESIGN REQUIREMENTS

SECTION 19. *General Requirements for Design.* The design of all buildings and structures shall comply with the requirements prescribed by this Act, rules and regulations, and reference standards.

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

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

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

SECTION 21. *Protection from Fire.* All buildings and structures shall be designed to safeguard persons and properties from any harm or damage caused by fire in accordance with Republic Act No. 9514, or the Fire Code of the Philippines of 2008, and its Implementing Rules and Regulations.

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

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

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

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

SECTION 25. *Access.* Safe access into, within, and out of the buildings, including emergency exits, shall be provided for persons and vehicles.

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

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

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

As required by the occupancy group, buildings and structures shall be designed to provide services and facilities including but not limited to the following: light and ventilation; water supply; drainage, and rainwater detention where applicable; wastewater disposal; solid waste management; pest and vermin control; power and fuel supply; communication facilities; and conveyance and parking facilities.

CHAPTER V

CONSTRUCTION REQUIREMENTS

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

Use of materials, pieces of equipment, plants, and tools, and selection of personnel shall conform to reference standards on materials, methods, and practices, in order to ensure quality of material

and quality of workmanship. Builders shall promote quality of construction as one of the essential links to the reduction of the vulnerability of the building or structure to hazards.

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

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

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

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

SECTION 33. *Construction Waste Management.* All buildings shall be constructed with proper management of construction waste.

CHAPTER VI BUILDING MATERIALS

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

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

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

CHAPTER VII

OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS

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

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

The Office of the National Building Official shall assist Building Owners of structures falling within the classification Deemed-to-Satisfy or *Class P1* Structures in conducting a simplified inspection of their buildings.

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

The Office of the National Building Official shall coordinate with relevant government agencies that regulate business operations in buildings and structures. Structural stability clearance from the Office of the Local Building Official shall be a prerequisite for the issuance or renewal of business permits or permits to operate.

Mandatory inspection and assessment by an Accredited Certifier as to structural stability and fire safety construction shall be commissioned by the Building Owner at the 15th year from date of completion of the building and every 15 years thereafter. In cases of addition, alteration, conversion, rehabilitation, relocation, repair, and/or retrofit requiring more recent structural stability assessment and corresponding certification and clearance, the date of reckoning of 15 years for purposes of this Section shall be counted from the completion date of the latest building permit that involved the most recent structural stability clearance under this Act. The National Building Official shall promulgate rules and regulations and reference standards for mandatory inspection and assessment of buildings as to structural stability and fire safety construction, specific to the various building classifications, provided that Accredited Certifiers need not be engaged for Deemed-to-Satisfy or *Class PI* Structures.

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

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

SECTION 38. *Special Provision for Buildings Completed More than 15 Years Prior to the Effectivity of this Act.* To ensure the safety of the people and to reduce risks, buildings completed in 2003 or earlier and of specified use or occupancy groups or subgroups, are mandated to have an assessment of the design requirements in Chapter IV of this Act as specified in rules and regulations, as to structural stability and fire safety construction, and the Building Owners to submit the certifications or findings of appropriate Building Professionals, serving as Accredited Certifiers, to the concerned Local Building Officials regarding the state of such buildings and structures and their safety and/or need for retrofit.

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

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

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

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

Abatement and/or rehabilitation of buildings and structures covered under Republic Act No. 10066, or the National Cultural Heritage Act of 2009, shall be coordinated with the National Commission for Culture and the Arts (NCCA) prior to any action of abatement.

CHAPTER VIII ADMINISTRATION

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

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

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

- (a) Issue and promulgate rules and regulations to implement the provisions of this Act, upon recommendation of the Building Regulations and Standards Council, and ensure compliance with policies, plans, standards, and guidelines formulated. The Building Regulations and Standards Council shall be formed in accordance with the provisions of this Act;
- (b) Approve and/or take final action on changes and/or amendments to reference standards based on recommendations of the Building Regulations and Standards Council. For this purpose,

existing referral codes shall hereinafter be renamed and referred to accordingly as “reference standards”;

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

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

- (a) *Members.* The Building Regulations and Standards Council shall be composed of the following:
- (1) Undersecretary for Technical Services of the Department as Chair;
 - (2) Commissioner of the Housing and Land Use Regulatory Board (HLURB) as Vice-Chair;
 - (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) President of a national association of local building officials;
 - (6) President of a national association of building developers, national association of building owners, national association of building managers, or national association of building administrators;
 - (7) President of a PRC-accredited national professional organization of building professionals;
 - (8) President of a national association of building contractors;
 - (9) High-ranking regular faculty member from a recognized higher education institution involved in the training of building professionals; and
 - (10) Two (2) representatives-at-large coming from any concerned sectors whose participation is deemed by the National Building Official as timely and complementary to those of other members enumerated.

All representatives from the private, academic, or non-government sectors, enumerated above from (5) to (9), shall be appointed by the National Building Official for a term of three (3) years, each from a list of nominees submitted by their respective sectors, provided that each said member, during his/her term, shall remain a certified member-in-good-standing of the association, organization, or institution that has been originally represented. In case of substitution or replacement of a member representing a specific sector, the new member shall serve for the remainder of the three-year term. For these sectors, a different association, organization, or institution other than the one currently represented shall be given preference by the National Building Official in the next full three-year term appointment.

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

In the absence or temporary incapacity of the Undersecretary for Technical Services of the Department, the Commissioner of the HLURB shall act as the Chairman of the Council.

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

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

- (b) *Organization and Procedures.* The National Building Official, in consultation with relevant stakeholders, shall prescribe based on the rules and regulations of the organization and procedures of the Building Regulations and Standards Council, ensuring the periodic review of reference standards every five (5) years and participation of the relevant stakeholders, including but not limited to building officials, building developers, building owners, building managers or administrators, building professionals and professional organizations, building contractors, and higher education institutions, in setting performance standards for design and construction. To achieve this purpose, the National Building Official shall constitute Technical Working Groups (TWGs) composed of the relevant stakeholders. The BRSC shall also have its Secretariat personnel separate from the Office of the National Building Official to assist in the performance of its duties.

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

- (c) *Duties and Responsibilities.* The Building Regulations and Standards Council shall have the following duties and responsibilities:
- (1) Review existing rules and regulations and existing referral codes, renamed as reference standards under this Act, and/or formulate new ones in line with the provisions of this Act and rules and regulations;
 - (2) Formulate and recommend policies and strategies for design and construction, with reference to global standards, and taking into account local conditions;
 - (3) Formulate a system of accreditation of qualified Building Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or Accredited Inspectors, and qualified establishments or institutions as Accredited Testing Laboratories;
 - (4) Collect relevant information, conduct research, and support studies on all matters relating to design and construction such as, but not limited to, the performance and results achieved of the standards in mainstreaming disaster risk reduction and management in building planning, design, construction, occupancy, and maintenance;
 - (5) Submit recommendations, including rules and regulations and reference standards, to the National Building Official for approval;
 - (6) Submit an annual report to the National Building Official; and
 - (7) Perform such other functions that the National Building Official may authorize or assign as may be necessary in carrying out the objectives of this Act.

SECTION 42. *Office of the National Building Official (ONBO).* The Office of the National Building Official, within the Department, is hereby created to provide sufficient technical, legal, administrative, and support personnel to the National Building Official in the exercise of his powers and the performance of his duties. This Office, headed by a Director, who shall be a registered and licensed professional, be member of good standing of the duly accredited national organization of the profession, and have at least five (5) years of diversified and professional experience in building design, construction, and regulation, shall be placed under the supervision of the Undersecretary for Technical Services. It shall comprise highly qualified personnel eligible to act as building professionals, scientists, or technicians who possess diversified and professional experience in the field of building design and construction, and lawyers.

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

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

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

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

SECTION 44. *Offices of Local Building Official (OLBOs) and Local Building Officials (LBOs).*

Cities and first class municipalities shall create and operate a separate Office of the Local Building Official headed by a Local Building Official who shall be appointed by and accountable to the National Building Official. The Local Building Official shall be appointed by the National Building Official from a list of at least three (3) qualified recommendees of the mayor, subject to civil service law and rules and regulations. The Local Building Official shall be responsible for carrying out the provisions of this Act, rules and regulations, and reference standards within the territorial jurisdictions.

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

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

The concerned local government unit shall provide the funding for and operate the separate Office of the Local Building Official; the Office of the National Building Official shall fund and operate

cluster Offices of the Local Building Official. The sharing and use of fees and fines among the offices shall be in conformity with Section 46 of this Act.

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

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

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

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

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

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

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

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

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

The Local Building Official for a special jurisdiction shall comply with the qualifications prescribed for the position by the applicable law.

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

- (a) Approve applications for, and issue, reject, suspend, or revoke permits within their territorial or special jurisdictions; for this purpose, the Local Building Official shall base the decision upon the completeness and integrity of the application documents supported by the appropriate certifications of Building Professionals and clearances from relevant government agencies, in accordance with this Act, rules and regulations, and reference standards;
- (b) Hear and decide cases filed by parties on complaints related to the permitting process;
- (c) Enter any building, structure, or its premises at reasonable times to inspect and determine compliance with the requirements of this Act, rules and regulations, and reference standards, as well as the terms and conditions of the permit/s issued, provided that in case of a single-family dwelling, an inspection by the Local Building Official and/or Accredited Inspector must be upon the consent of the occupant or upon lawful order from the proper court;
- (d) Engage qualified and nationally-accredited Building Professionals as structural peer reviewers and/or inspectors;
- (e) Order the work stopped and prescribe the terms and/or conditions for the work to be allowed to resume, or issue any appropriate order, including cease and desist order and demolition order, when any construction is found to be contrary to the provisions of this Act, rules and regulations, reference standards, and the terms and conditions of the permit/s issued;
- (f) Order the discontinuance of the use or occupancy of any building or structure, or a portion thereof, found to be used or occupied contrary to the provisions of this Act, rules and regulations, and reference standards, and/or the terms and conditions of the permit/s issued;
- (g) Keep a permanent record and accurate account of all fees, fines, and other charges fixed and authorized by the National Building Official to be collected and received under this Act;
- (h) Validate and submit data on a computerized national database of buildings and structures, for purposes of Section 37 and other provisions of this Act and rules and regulations;
- (i) Submit an annual situational report to the National Building Official; and
- (j) Exercise such powers and perform such other functions needed to assist the National Building Official in carrying out the objectives of this Act, rules and regulations, and reference standards.

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

- (a) Providing and/or submitting true and correct information and documents in support of their application for permits and their prerequisite certifications and clearances;
- (b) Adhering to the plans and specifications;
- (c) Complying with the terms and conditions of the permit issued, and other prerequisite certifications and clearances;
- (d) Maintaining the building consistent with its maintenance strategy and conducting periodic inspection in accordance with this Act, rules and regulations, and reference standards;
- (e) Engaging the services of Building Professionals and/or Building Contractors for any proposed construction, as may be required by this Act, rules and regulations, except for Deemed-to-Satisfy or *Class P1* Structures; and
- (f) Engaging the services of Building Professionals or Accredited Certifiers for the assessment of structural stability and fire safety construction of the building, as may be required by this Act, rules and regulations, except for Deemed-to-Satisfy or *Class P1* Structures.

Offer to transfer ownership, or actual transfer of ownership, involving owners of subdivision projects shall be pursuant to Presidential Decree No. 957, or the Subdivision and Condominium Buyers' Protective Decree, provided that the responsibility concerning the structural stability and fire safety construction of the original structure shall remain with the owner of the project for 15 years from date of completion.

Offer to transfer ownership, or actual partial or full transfer of ownership, involving owners of condominium projects shall be pursuant to Presidential Decree No. 957, or the Subdivision and Condominium Buyers' Protective Decree, and to Republic Act No. 4726, or the Condominium Act, as amended by Republic Act No. 7899, provided that the responsibility concerning the structural stability and fire safety construction shall remain with the owner of the project for 15 years from date of completion.

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

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

SECTION 51. *Responsibilities of Building Contractors.* To promote accountability, Building Contractors shall adhere to the duly signed and sealed drawings, technical specifications, and construction procedure, as prepared and certified by the Building Professionals and relied upon by the Local Building Officials in the issuance of the permit. They shall also adhere to the additional details, issued during construction, conforming to the submitted documents. Building Contractors shall ensure the safety and health of construction workers, in addition to protection afforded to them by labor laws. As principals, they shall be solidarily responsible for the acts and omissions

of their representatives, agents, subcontractors, and/or employees in relation to construction. They shall engage Building Professionals in-charge of construction.

CHAPTER IX PERMITS AND INSPECTIONS

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

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

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

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

SECTION 53. *Detailed Classification of Buildings for Permitting Purposes.* The National Building Official shall prescribe the requirements for and procedure in securing the different types of permit, as may be appropriate, based on the classification of buildings found in Section 10 of this Act. The procedures to be laid out by the National Building Official shall include: (a) a simplified permitting process for Deemed-to-Satisfy or *Class P1* Structures; (b) a mandatory structural peer review of the stability for Special or *Class P3* Structures; and (c) a regular permitting process for Regular or *Class P2* Structures. The organizational structure of each Office of the Local Building Official laid out by the National Building Official, based on rules and regulations, shall take these three (3) permitting processes in consideration.

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

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

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

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

Together with duly accomplished permit application form/s, the applicant shall submit: (a) documents relating to ownership of building site that support the authority to order construction work for a building or structure and to hold legal right of possession or title to a building or

structure; (b) relevant clearances from other agencies; (c) documents relating to building use or occupancy, location, plans, specifications, and maintenance strategy; and (d) estimated construction cost. According to the permit being applied for and the classification of building or structure involved, whether Deemed-to-Satisfy, Regular, or Special Structure, the National Building Official, through rules and regulations, shall require specific parts of building plans, specifications and related documents to be submitted as evidence of compliance with this Act, rules and regulations, and reference standards.

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

SECTION 55. *Processing of the Permit Application.* Pursuant to Republic Act No. 9485, or the Anti-Red Tape Act of 2007, within a reasonable time from the filing of the duly-accomplished permit application, payment of fees as applicable, and compliance with other standard requirements to be determined by the National Building Official, the Local Building Official shall give due course to the application and issue the permit applied for upon satisfaction of the completeness and integrity of the application documents supported by the appropriate certifications of Building Professionals and clearances from relevant government agencies, in accordance with this Act, rules and regulations, and reference standards.

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

When submitted plans and specifications of an issued permit are subsequently found to be erroneous, the Local Building Official is authorized to oblige the applicant to effect the necessary corrections in said plans and specifications and the corresponding construction or to prevent or

stop any or all building operations that are in violation of this Act, rules and regulations, and reference standards.

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

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

- (a) Non-compliance with the provisions of this Act, rules and regulations, and reference standards;
- (b) Substantial errors found in the plans and specifications;
- (c) Use of sub-standard building material or sub-standard workmanship and refusal to rectify upon notice;
- (d) Without any work being done in the site for more than 120 days for excavations left open or building construction abandoned; and
- (e) Fraudulent misrepresentation of data or information supplied in the application permit.

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

SECTION 58. *Complaint.* Based on the grounds enumerated in Section 57, any person aggrieved by the proposed, ongoing, or existing construction, use, or occupancy may file before the Local Building Official of the local government unit, cluster thereof, or special jurisdiction where the

concerned construction is located for the non-issuance, suspension, or revocation of the corresponding permit applied for by, or granted to, the Building Owner. The aggrieved party shall be notified of the action taken by the Local Building Official in case the permit is granted or furnished with a copy of the decision, order, or notice of non-issuance, suspension, or revocation of a permit of the Local Building Official.

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

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

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

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

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

The National Building Official shall render a decision within thirty (30) days from perfection of the appeal. The National Building Official's decision shall be in writing, stating specifically the

reason/s or ground/s therefor. In case the NBO finds the appeal to be meritorious, the National Building Official shall direct the Local Building Official to issue the appropriate permit or order.

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

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

CHAPTER X INCENTIVES AND PENALTIES

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

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

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

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

(a) by the Building Owner and/or representative:

- (1) misrepresentation or submission of false statements or documents;
- (2) use of unauthorized documents and/or certifications of Building Professional/s;
- (3) undertaking any construction without the required permit/s;
- (4) noncompliance with or violation of the terms and conditions of the permit, including prerequisite clearances by other government agencies;
- (5) not maintaining the building in accordance with the submitted maintenance strategy;
- (6) engaging non-licensed building professionals in the design, review, construction, or certification of building;
- (7) engaging non-licensed building contractors in the construction of building; and
- (8) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

(b) by the Building Professional:

- (1) misrepresentation or false statements;
- (2) certifying documents that s/he did not prepare, or certifying acts that s/he did not perform;
- (3) submission of incorrect or inconsistent drawings, technical specifications, calculations, designs, and analyses;
- (4) non-compliance with construction methodologies and standards in case of a professional in charge of construction;
- (5) violation of safety standards prescribed by law or regulations in case of a professional in charge of construction;

- (6) non-submission of duly signed and sealed documents, or submission of inconsistent or deceitful documents, such as logbook and as-built plans in case of a professional in charge of construction; and
 - (7) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (c) by the Building Contractor:
 - (1) deviation from the plans and specifications certified by Building Professionals and submitted to the Local Building Official, in a way that increases the risk to life, health, property, or public welfare;
 - (2) violation of safety standards prescribed by law or regulations;
 - (3) not engaging a Building Professional in charge of construction; and
 - (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (d) by the Accredited Certifier:
 - (1) misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
 - (2) certifying buildings and structures that do not meet the requirements of this Act, rules and regulations, and reference standards, and other applicable laws;
 - (3) refusing or failing to certify buildings and structures that meet the requirements of this Act, rules and regulations, and reference standards; and
 - (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (e) by the Accredited Structural Peer Reviewer:
 - (1) misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
 - (2) providing false information to the Building Owner and/or Building Professional regarding the review;

- (3) false certification on the compliance of structural design with this Act, rules and regulations, and reference standards; and
- (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

(f) by the Accredited Testing Laboratory:

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

(g) by the Accredited Inspector:

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

(h) by the Local Building Official:

- (1) arbitrariness in the performance of powers, obligations, and functions;
- (2) unjustifiable delay or gross negligence in the performance of powers, obligations, and functions;
- (3) willful engagement of non-accredited inspector;
- (4) willful non-compliance with the orders of the National Building Official and/or Regional Building Appeals Board; and

- (5) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

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

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

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

SECTION 65. *Criminal Liabilities of Building Owners, Building Professionals, Building Contractors, Accredited Certifiers, Accredited Structural Peer Reviewers, Accredited Testing Laboratories, and Accredited Inspectors.* In case of gross violation of this Act and/or rules and

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

- (a) unauthorized change in type of construction from more fire-resistive to less fire-resistive;
- (b) non-compliance with order to abate or demolish;
- (c) non-compliance with cease and desist order for construction;
- (d) without any work being done in the site for more than one hundred twenty (120) days and without justifiable cause, for excavations left open or building construction abandoned; and
- (e) blatant disregard of the orders of the Local Building Official in relation to the protection of life, health, property, and public welfare, such as the non-payment of fines and breaking of seals or operating despite the existence of an order for suspension or revocation.

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

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

CHAPTER XI

FINAL PROVISIONS

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

SECTION 68. *Transitory Provision.* Consistent with Section 40 and Section 41 of this Act, existing referral codes, renamed as reference standards by this Act, shall remain valid until after the National Building Official promulgates new, revised, or amended reference standards after the review and recommendation of the BRSC.

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

SECTION 69. *Implementing Rules and Regulations.* The National Building Official, upon the recommendation of the Building Regulations and Standards Council and in consultation with relevant stakeholders, shall promulgate the Implementing Rules and Regulations of this Act within one (1) year from the effectivity of this Act. For this purpose, the Secretary, as the National Building Official, is mandated to immediately constitute the Building Regulations and Standards Council within three (3) months of the effectivity of this Act.

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

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

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

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

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

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

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

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

SECTION 73. *Repealing Clause.* Presidential Decree No. 1096, or the National Building Code of the Philippines, as amended, is hereby repealed. Sec. 477 of Republic Act No. 7160, also known as the Local Government Code, is modified accordingly. Other existing laws, decrees, executive

orders, and rules and regulations or parts thereof that are inconsistent with this Act, are hereby repealed.

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

Approved.