

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7815



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

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

EXPLANATORY NOTE

The 2016 Global Climate Risk Index reports that, "Among the 10 most affected countries in the long-term index, most have a high ranking due to exceptional catastrophes. Over the last few years another category of countries has been gaining relevance: Countries that are recurrently affected by catastrophes, such as the Philippines and Pakistan, and that feature both in the long term index and in the last 4 years' lists of countries most affected."

According to a Berlin-based environmental organization Germanwatch Global Climate Risk Index, Honduras, Myanmar and Haiti were the countries most affected by extreme weather events between 1995 and 2014. These countries, however, are followed by the Philippines, Nicaragua, and Bangladesh.

Some years ago, the Global Climate Risk Index 2014: Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2012 and 1993 to 2012 placed the Philippines in the top 3 countries most affected by climate-related weather catastrophes in 2012. According to the ninth annual Global Climate Risk Index, the Philippines came in second only to Haiti in terms of "relative and absolute number of human victims, and relative and absolute economic damage" caused by natural disasters.

Evidently, the Philippines is prone to disasters and hazards due to its geography and geology. The National Disaster Risk Reduction and Management Plan (NDRRMP) provides the following facts, which are instructive regarding the occurrence of disasters and hazards in the country:

- Tropical cyclones and its sequential effects of rain and windstorms, as well as floods are the most prevalent types of hydro-meteorological hazards in the country. Between 1997 and 2007, eighty-four (84) tropical cyclones entered the Philippine Area of Responsibility (PAR). These typhoons resulted to a total of 13,155 in human casualty and more than 51 million families have been affected.

- Environmental factors such as denuded forests aggravate flood risks. Even now, the effects of loose soil and reduced forest cover from past forestry activities are felt in frequent landslides and floods. Recent events show that the annual monsoon season in the country has brought severe flooding in most areas.

- In 2011, most of the disasters that claimed the lives of people and affected properties and livelihoods of the most vulnerable were brought about by increased rainfall which caused massive flash flooding in areas which don't normally experience such.

- ... the Philippines is situated along a highly seismic area lying along the Pacific Ring of Fire and is highly-prone to earthquakes. According to the Philippine Institute on Volcanology and Seismology (PHIVOLCS), the country experiences an average of five (5) earthquakes a day. Earthquake disasters are not as frequent as the typhoons and flooding that take place in the Philippines. Nevertheless, the

impact generated on affected communities is usually massive and devastating.

- The Philippines is ... prone to volcanic eruptions being situated along the Pacific Ring of Fire where two major tectonic plates (Philippine Sea and Eurasian) meet. This explains the occurrence of earthquakes and tsunamis and the existence of around 300 volcanoes of which 22 are active.

- In an analysis of natural disaster hotspots by the Hazard Management Unit of the World Bank in 2005, the Philippines is among the countries where large percentages of population reside in disaster prone areas. In the 2011 World Risk Report published by United Nations University and the Institute of Environment and Human Security, looking into the four components of risk (exposure, susceptibility, coping and adapt capacities), the Philippines is the third most disaster risk country worldwide.

In this light and with almost half a century since it was passed in the early 1970s through a presidential declaration by President Ferdinand Marcos, many believe that the National Building Code of the Philippines (NBCP) should now be amended in order to meet the needs of the times.

The NBCP or Presidential Decree No. 1096 provides for government policies which cover technical requirements in constructing or renovating buildings and structures in the country to secure the life, health, property and welfare of the Filipinos.

Experts believe that it is high time to update the NBCP because of its conflicting provisions with the National Structural Code of the Philippines and contradicting standards with Batas Pambansa 220 on economic and socialized housing projects. The proposed revision also seeks to address the need of streamlining the process of acquiring building permits, standardizing the specifications of building materials and introducing new building categories. Evidently, it is time to update the anti`quated NBCP to keep pace with the trends in the construction sector and population growth as well as modern urban planning and risk reduction.

The Department of Public Works and Highways (DPWH), through the National Building Code Review Committee (NBCRC), has spearheaded efforts to revise the NBCP and its implementing rules and regulations to ensure that buildings throughout the country will withstand strong earthquakes and typhoons.

The NBCRC is composed of directors of Bureau of Design, Bureau of Construction, Bureau of Maintenance, Bureau of Research and Standards, Legal Service, Planning Service, Unified Project Management Office—Buildings Management Cluster and NBCP-Board of Consultants chairman.

Representatives of different government offices and non-governmental organizations, such as departments of Environment and Natural Resources, Interior and Local Government, Health and Justice; Bureau of Fire Protection and the Construction Industry Authority of the Philippines were tapped as consultants in the revision of the Building Code along with the Institute of Electronics Engineers of the Philippines, Institute of Integrated Electrical Engineers of the Philippines Inc., National Master Plumbers Association of the Philippines, Philippine Association of Building Officials, Philippine Society of Agricultural Engineers, Philippine Institute of Mechanical Engineers and Philippine Society of Sanitary Engineers.

The initiative was funded by the World Bank in partnership with the Philippine government through the DPWH with the University of the Philippines-National Engineering Center-Building Research Service (UP NEC-BRS) providing the technical expertise on the revision.

This bill mirrors the general principles for resilient buildings, houses, and structures based on a year-long series of multi-stage, multi-platform, and multi-sectoral stake holders' consultations.

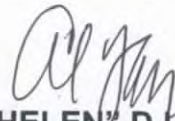
It seeks to safeguard life, health, property, and public welfare, consistent with principles of sustainable development and provides a framework of minimum standards and requirements for all buildings and structures, as well as mainstreaming disaster risk reduction and management, to regulate and control their location, siting, planning, design, construction, occupancy, and maintenance.

The measure proposes the institutionalization of a system that will provide for periodic review and flexible mechanisms in the updating of regulations and standards and strengthen the participation of relevant stakeholders, taking into account the importance of allowing for continuing innovation in building design and construction.

It seeks 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 with the end view of safeguarding life and protecting people from injury.

The enactment of the bill will ensure the health and well-being of the people who use buildings and structures without impinging on the safety of the general public or endangering the environment. It also seeks to reduce and manage hazards, exposures, and vulnerabilities, thereby minimizing disaster risk and promote the accountability of relevant stakeholders in ensuring enforcement of and compliance with existing laws, rules and regulations, and reference standards.

In view of the utmost importance of enacting policy interventions that will ensure the resilience of buildings, houses, and structures in the country, approval of this bill is earnestly sought.



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

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

CHAPTER I

GENERAL PROVISIONS

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

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

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

(a) 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) Promote the accountability of relevant stakeholders in ensuring enforcement of and compliance with this Act, rules and regulations, and reference standards.

SEC. 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, moving, rehabilitation, repair, retrofit, and demolition.

SEC. 5. *Interpretation.* - Nothing in this Act shall be interpreted to prevent local government units, pursuant to local autonomy, from enacting local ordinances relating 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.

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

- (a) "Accredited Certifier" refers to a person possessing experience and other qualifications of 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;
- (b) "Accredited Inspector" refers to a person possessing the qualifications of 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; (n)
- (c) "Accredited Structural Peer Reviewer" refers to a person possessing experience and other qualifications of building professional for determination of structural stability 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 refinance, redesign, and rebuild 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 who is contracted by any order-placing

person for construction of a building or structure, including sub-contractors; (Korean Framework Act on the Construction Industry-a); for this purpose, "contract" means a contract under which, regardless of titles such as prime contract, subcontract, consignment, etc., one party promises to complete a construction work and the other party promises to pay for the result of the work;

(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 work without making a contract 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 registered 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; (IRR 106a)

"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;

(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 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, rain-induced 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 relevant laws, ordinances or regulations, which document is submitted to support an application to the Local Building Official for a permit; (n)

(x) "Moving" 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;

(y) "Permit" refers to any of the permits that may be issued by the Local Building Official as set forth in this Act;

(z) "Reference Standards" refers to technical standards that the National Building Official promulgates through rules and regulations in administering and enforcing this Act;

(aa) "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;

(bb) "Renovation" refers to any physical change made on an existing building or structure to increase the value or the quality and/or to improve the aesthetic, without addition of building height nor 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 to 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, conforming to earlier building code requirements, 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; (n) "Special Site" refers to a site that requires special rules and regulations aimed at mitigating adverse impacts of the site conditions to the building or structure and its users or occupants;

(ff) "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 of 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;

(ii) "Vulnerability" refers to the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard; vulnerability may arise from various physical, social, economic, and environmental

factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise 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).

CHAPTER II

CLASSIFICATION OF BUILDINGS

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

SEC. 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.

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

Group A, Assembly occupancies shall include, but not be limited to, all buildings used for gathering together of fifty (50) or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, taking refuge or evacuating during a disaster or crisis, or similar uses;

Group B, Business occupancies are those used for the transaction of business other than that covered under 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 used for school or day-care purposes, involving assemblage for instruction, and education for a group of six (6) or more persons;

Group F, Factory and Industrial occupancies are those that make products of all kinds and properties which shall include but not be limited to product processing, assembling and disassembling, mixing, packaging, finishing or decorating, repairing and material recovery, fabricating, and manufacturing;

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 (IBC, FCP), or government buildings and quarters rendering civic or public assistance and peace and order, or those in which care or supervision is provided to persons who are mostly incapable of self-preservation without physical assistance because of age, physical, or mental disability;

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;

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, enumerated in Section 52 on Ancillary Permits, 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 subgroups within Group A to Z. Any other use or occupancy not mentioned specifically in this Section, or about which there is any question, shall 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 of Group A, 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 pertinent 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.

SEC. 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" are residential buildings or structures belonging to subgroups under Group R, 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 via 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 Structures shall comply with Simplified Reference Standards as prescribed by the National Building Official under a simplified permitting process;

(b) "Special 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 as prescribed via rules and regulations by the National Building Official; long span structures exceeding 30 meters in span or a longer span as prescribed via

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 materials or methods; buildings using advanced structural calculation methods in design; hospitals belonging to a subgroup under Group I 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 with high-hazard occupancies belonging to Group Z. Accordingly, the permitting process for these special 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" 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.

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

SEC. 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 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.

SEC. 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, except, when the change is 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.

CHAPTER III

LOCATION, SITING, AND ZONING REQUIREMENTS

SEC. 14. *General Requirements for Location, Siting, and Zoning.* - The site upon which will be constructed any building or structure shall be sanitary, hygienic, accessible, and not highly hazardous as determined by competent and appropriate authorities and certified through a locational clearance and other clearance/s or certificate/s as prescribed by relevant laws and regulations.

SEC. 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 relevant 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 relevant laws and regulations.

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

SEC. 17. *Requirements in Hazard Zones and Special Sites.* - The building owner and building professionals 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.

SEC. 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 replanning, redesigning, and reconstructing of buildings and structures.

There shall be specific rules and regulations and reference standards for temporary post-disaster or post-crisis structures.

CHAPTER IV

DESIGN REQUIREMENTS

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

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

SEC. 20. *Stability.* - All buildings and structures shall be designed to be structurally safe 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.

SEC. 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.

SEC. 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.

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

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

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

SEC. 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 that shall be made applicable to buildings and structures exceeding a certain total gross floor area, depending on the classification of occupancy group of the building or structure.

The National Building Official shall cause to review the specific rules and regulations every five (5) years and to revise the same if necessary.

SEC. 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; Conveyance and Parking Facilities.

CHAPTER V

CONSTRUCTION REQUIREMENTS

SEC. 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, equipment, plant, 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.

SEC. 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.

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

SEC. 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.

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

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

CHAPTER VI

BUILDING MATERIALS

SEC. 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 users' or occupants' health and must not cause any substantive impact to the environment negatively.

SEC. 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, impact on human health and environment, and sustainability, according to rules and regulations and reference standards promulgated by the National Building Official.

CHAPTER VII

OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS

SEC. 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 substantively impact the environment, such as but not limited to air, water, and soil, negatively.

SEC. 37. *Maintenance, Inspection, and Assessment of Buildings and Reporting to the ONBO.* - All buildings shall undergo regular maintenance and inspection in accordance with each building's maintenance strategy. There shall be rules and regulations to guide the preparation, approval, and implementation of appropriate maintenance strategies for buildings and structures, promulgated by the National Building Official. For this purpose, the Office of the National Building Official shall establish a monitoring, reporting, and evaluation system for the periodic maintenance and inspection by building owners and for inspection by Local Building Officials and/or accredited inspectors. The Office of the National Building Official through the Offices of Local Building Official shall maintain a computerized national database of permits and other periodic data about all buildings and structures, including but not limited to reports on maintenance, inspection, and/or assessment.

The Office of the National Building Official shall assist building owners of structures falling within the classification Deemed-to-Satisfy 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 regulating the business operations occurring in such buildings and cities or municipalities to consider such periodic maintenance and inspection by building owners. The corresponding finding of safety shall be a prerequisite for the grant of business permits or permits to operate, and for this purpose, business, factory and industrial, private institutional, and mercantile occupancy groups shall be periodically issued with a safety clearance.

Mandatory inspection and assessment by an accredited certifier as to structural stability and fire safety shall be commissioned by the building owner at the end of the 15th year from date of completion of the building and every 15 years thereafter. In cases of addition, alteration, conversion, moving, rehabilitation, repair, and/or retrofit requiring more recent structural assessment and corresponding certification and clearance, the date of reckoning of 15 years for the purposes of this Section shall be counted from the completion date of the latest building permit that involved the most recent structural clearance under this Act. The National Building Official shall promulgate rules and regulations for mandatory inspection and assessment of all buildings as to structural stability and fire safety, specific to the various building classifications.

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 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.

There shall be specific reference standards as well as rules and regulations applicable to assessment of existing buildings.

SEC. 38. Special Provision for Buildings Completed More than 15 Years Prior to the Effectivity of this Act. - To ensure the safety of the people and to reduce risks, buildings completed in 2002 or earlier and of specified use or occupancy group or subgroup, 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, 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 a 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 to support immediate voluntary retrofit by the building owners requiring modifications for the safety of the users or occupants and/or the general public, such as those allowed by the disaster risk reduction and management funds.

SEC. 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 unsafe; 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

SEC. 40. *National Building Official (NBO); Powers, Obligations, and Functions.* - The Secretary of the Department shall have the duty to see 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. For this purpose, the Building Regulations and Standards Council shall be formed in accordance with the provisions of this Act;
- (b) Approve and/or take final action on changes and/or amendments to reference standards based on recommendations of the Building Regulations and Standards Council. For this purpose, existing referral codes shall hereinafter be renamed and referred to accordingly as "reference standards";
- (c) Appoint Local Building Officials and exercise technical supervision and control

over them as the National Building Official;

(d) Create Office of Local Building Official in cases of clustered municipalities, as set forth in this Act, and exercise administrative as well as technical supervision and control;

(e) Create the Regional Building Appeals Boards, as provided for by this Act;

(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 time any building or structure, covered by this Act, rules and regulations, and reference standards, provided that in case of 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 its 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.

SEC. 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 for design and construction 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 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) National President of a PRC-accredited 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 the National Building Official deems timely and complementary to those of other members enumerated.

All representatives from the private and academic sectors, enumerated above from (5) to (9), shall be appointed by the National Building Official for a term of three (3) years, with reappointment, from a list of nominees submitted by their respective sectors, provided that during the term each said member shall remain a certified member-in-good-standing of the association, organization, or institution that has been originally represented. For these sectors, a different association, organization, or institution other than the one currently represented shall be given preference in the next appointment by the National Building Official.

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 reappointment if coming from the private, academic, or the non-government sectors.

In the absence or temporary incapacity of the Undersecretary of the Department, the Commissioner of the HLURB shall act as the Chair of the Council.

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

Members of the BRSC shall receive an honorarium in accordance with existing policies for every BRSC meeting; provided, however, that the honorarium collected per month does not exceed the equivalent of four (4) meetings; provided further, that the amount of honorarium for every BRSC meeting may be increased by the National Building Official; and provided finally, that the amount of honorarium shall not be increased within three (3) years after its last increase.

(b) *Organization and Procedures.* The National Building Official, in consultation with relevant stakeholders, shall prescribe the organization and procedures of the Building Regulations and Standards Council, in accordance with the rules and regulations of this Act, 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 separate from the Office of the National Building Official to assist in the performance of its duties. (n)

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 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 technical recommendations, including rules and regulations and reference standards, to the National Building Official for approval;

(6) Submit an annual report of accomplishments 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.

SEC. 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 staff to the National Building Official in the exercise of his powers and the performance of his duties. This Office, headed by a Director, shall be placed under the supervision of the Undersecretary for Technical Services who shall also be the chair of the Building Regulations and Standards Council. It shall comprise highly qualified persons eligible to act as building professionals, scientists, and 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 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.

The Office of the National Building Official shall coordinate 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 the purposes of Section 37 and other provisions of this Act and rules and regulations. It shall also be in charge in 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.

SEC. 43. Regional Building Appeals Boards (RBABs). - A Regional Building Appeals Board 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, 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.

SEC. 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 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, second to sixth-class municipalities may create and operate a separate Office of 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 Local Building Official to serve the clustered municipalities, which office shall be under the National Building Official. This cluster Office shall be located in the municipality which needs it the most 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.

In the absence of a request to and/or approval by the National Building Official for either a separate or a cluster Office of 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 the purposes of this Chapter and this Section, the Office of Municipal Engineer in such second to sixth-class municipalities shall be referred to also as Office of Local Building Official.

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

SEC. 45. *Special Jurisdictions.* There shall be separate Local Building Officials for the Armed Forces of the Philippines (AFP), the Philippine Economic Zone Authority (PEZA), and other 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 be 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. In addition to the qualifications prescribed by Section 47, the Local Building Official for the AFP must additionally be a uniformed personnel of the AFP and a member of the AFP Corps of Engineers. Analogous additional qualifications similar to the AFP may be prescribed by the National Building Official to apply to Local Building Officials of other special jurisdictions.

SEC. 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 Local Building Official shall retain 15% thereof to answer for its maintenance and other operating expenses. The Office of 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 Local Building Official, it shall retain 15% thereof to answer for its maintenance and other operating expenses, cause to remit 65% to the National Building Official, and 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 members, BRSC Secretariat, BRSC TWGs, RBABs, and other operating expenses of the BRSC, ONBO, RBABs, and cluster OLBOs. (n)

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 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 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.

SEC. 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 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 Official, shall comply with the qualifications prescribed for their positions as Municipal Engineers in the Local Government Code.

SEC. 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 application 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) May enter any building, structure, or its premises at all 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 single family dwelling, an inspection by 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 when the work will 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, as well as 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 the 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.

SEC. 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) Engaging the services of the building professionals and/or building contractors for any proposed construction, as may be required by this Act, rules and regulations, and other relevant laws, except for Deemed-to-Satisfy Structures;
- (b) Adhering to the plans and specifications prepared by such building professionals to 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;

(c) Providing and/or submitting true and correct information and documents in support of their application for permits and their prerequisite certifications and clearances;

(d) Complying with the terms and conditions of the permit issued, as well as the other prerequisite certifications and clearances; and

(e) Maintaining the building consistent with its maintenance strategy, including regular inspection, and conducting periodic inspection and other assessment of the structural integrity of the building, in accordance with this Act, rules and regulations, and reference standards. (n)

SEC. 50. Responsibilities of Building Professionals. - To promote accountability, the various building professionals, all of whom are registered 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 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 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; for the 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 submit the logbook upon completion or stoppage of construction, and as-built plans after construction, all duly signed and sealed by the professional in charge of construction, to the Local Building Official.

SEC. 51. Responsibilities of Building Contractors. - To promote accountability, building contractors shall adhere to the duly signed and sealed drawings, technical specifications, and construction procedure of the construction, as prepared and certified by the building professionals and relied upon by the Local Building Officials in the issuance of the permit, and additional details that conform to said documents and do not increase risk to life, health, property, and public welfare. 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

SEC. 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, moving, rehabilitation, 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) 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 described in the rules and regulations, insofar as these shall not violate any objective or provision of this Act.

SEC. 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 Structures; (b) a mandatory structural peer review of the stability for Special Structures; and (c) a regular permitting process for Regular Structures.

The National Building Official shall cause via Simplified Reference Standards the detailed documentation and popular dissemination of information throughout the various regions on the proper siting, design, and construction of types of Traditional Indigenous Family Dwellings and other Deemed-to-Satisfy Structures.

SEC. 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 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 via 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 shall require specific parts of building plans and specifications to be prepared, signed and sealed by appropriate building professionals, provided that two or more types of building professionals may be 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.

SEC. 55. *Processing of the Permit Application.* - 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.

SEC. 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 Certificate of Occupancy 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.

SEC. 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 reasons or grounds:

- (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) Repeated 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.

SEC. 58. **Complaint.** - Based on the grounds enumerated in the preceding section, any person aggrieved by the proposed, ongoing, or existing construction, use, or occupancy thereof 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.

SEC. 59. **Appeal to the Regional Building Appeals Board.** - Within 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 the regulatory functions; or
- (b) Lack of factual or legal basis.

The Regional Building Appeals Board shall render a decision within 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 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.

An appeal shall not stay the decision appealed from unless the RBAB, upon motion or *motu proprio*, orders its stay.

SEC. 60. **Appeal to the National Building Official.** - Within 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 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.

SEC. 61. **Inspection and Supervision of Work and Building or Structure.** - Subject to the primary responsibility of building owners, building professionals, and building contractors to inspect and/or supervise construction and as set forth in this Act, the Local Building Official may, upon motion of any aggrieved party or *motu proprio*, visit and inspect at reasonable times the ongoing constructions or existing buildings and

structures to ensure compliance with the terms and conditions of the permits and the provisions of this Act, rules and regulations, and reference standards. The National Building Official shall promulgate rules and regulations for inspection of residential occupancies 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

SEC. 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 relevant 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 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) undertaking any construction without the required permit/s;
 - (3) engaging non-registered building professionals in the construction of building;
 - (4) engaging non-licensed building contractors in the construction of building;
 - (5) noncompliance with or violation of the terms and conditions of the permit, including prerequisite clearances by other government agencies;
 - 6) use of unauthorized documents and/or certifications of building professional/s;
- and
- (7) 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) unprofessional acts of certifying documents that s/he did not prepare, or certifying acts that s/he did not perform;

(3) violation of safety standards prescribed by law or regulations in case of professional in charge of construction; and

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

(c) by (1) the Building Contractor:

(1) substantial 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; and

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

(d) by the Local Building Official:

(1) arbitrariness in the performance of duties;

(2) unjustifiable delay or gross negligence in the discharge of duties;

(3) willful non-compliance with the orders of the National Building Official and Regional Building Appeals Board; and

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

(e) by the Accredited Certifier:

(1) misrepresentation or false statements in order to be accredited by the Office of the National Building Official;

(2) knowingly and willfully certifying buildings and structures that do not meet the requirements of this Act, rules and regulations, and reference standards, and other applicable laws;

(3) unreasonably refusing to certify buildings and structures that meet the requirements of this Act, rules and regulations, and reference standards;

(4) negligently failing or delaying to certify buildings and structures that meet the requirements of this Act, rules and regulations, and reference standards, to the prejudice of the building owner/representative; and

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

(f) 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) unprofessional acts in the performance of duties as an Accredited Structural Peer Reviewer; and

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

(g) by the Accredited Testing Laboratory:

(1) misrepresentation or false statements in order to be accredited by the Office of the National Building Official;

(2) willful misrepresentation or false statements in the test results of building materials;

(3) unprofessional acts in the performance of duties as an Accredited Testing Laboratory; and

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

(h) by the Accredited Inspector:

(1) misrepresentation or false statements in order to be accredited by the Office of the National Building Official;

(2) unprofessional acts of inspecting buildings and structures;

(3) certifying buildings and structures 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.

SEC. 64. *Fines and Penalties.* - Any prohibited act or omission falling under paragraphs (a) – (h) in the preceding section 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 the preceding section; Provided, that the Local Building Official may not issue, suspend or revoke any permit issued to the violator, as may be appropriate, and/or 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, 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 (d) in the preceding section, the National Building Official, upon recommendation of the Regional Building Appeals Board and after notice and hearing, may suspend or revoke the appointment of the Local Building Official, without prejudice to the administrative, civil, or criminal liability of such official in

accordance with existing laws.

SEC. 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 or desist order for construction without a valid permit;
- (d) without any work being done in the site for more than 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 Officials 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.

SEC. 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 the preceding section 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

SEC. 67. Appropriations. - The amount needed for the initial implementation of this Act shall be taken from the current fiscal budget of the Department provided, however, that such amount as may be necessary to carry out Section 38 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.

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

SEC. 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.

SEC. 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.

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

SEC. 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.

SEC. 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.

SEC. 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.

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

Approved,