



Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3442

Introduced by Representative Romeo S. Momo, Sr.

AN ACT
REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY,
MAINTENANCE, AND DEMOLITION OF BUILDINGS, PROMOTING BUILDING
RESILIENCE AGAINST EARTHQUAKE, FIRE, FLOOD, LANDSLIDE, STORM,
VOLCANO, AND MULTIPLE HAZARDS WITHIN AN ALL-HAZARDS APPROACH
TO RESILIENCE BUILDING, ENACTING A NEW PHILIPPINE BUILDING ACT,
THEREBY REPEALING PRESIDENTIAL DECREE NO. 1096 AND REPUBLIC ACT
NO. 6541, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Presidential Decree No. 1096 and its immediate antecedent Republic Act No. 6541 providing for the National Building Code needed significant updating since 1977. In past Congresses for several years and culminating in the 18th Congress with the report by the Committee on Public Works and Highways in May 2021, dozens of members of this august body had worked together and with all stakeholders to come up with a new Philippine Building Act.

Alas the COVID-19 pandemic caught up with the whole world: yet another reminder has been given us to completely situate our building Act, rules and regulations, and reference standards in an All-Hazards Approach to resilience building.

This consolidated and updated Bill of proposed Philippine Building Act of 2022 will aid our country in adapting into our next normal, aiming for resilience, agility, and sustainability.

The Bill will provide for the minimum standards for the regulation of location, planning, design, construction, occupancy, maintenance, and demolition of buildings, the establishment of a permitting process based on their classifications, and the setting of reference standards to:

- a. safeguard life and protect people from injury;
- b. 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. protect property from physical damage; and
- d. reduce and manage hazards, exposures, and vulnerabilities, thus minimizing disaster risk.

This Bill aims to promote the accountability of relevant stakeholders in ensuring enforcement of, and compliance with, the proposed law, rules and regulations, and reference standards.

The Bill will also establish sustainability standards for buildings, mitigating any negative environmental, economic, and social impacts.

The Bill embodies the following key provisions:

- a. Classification System. A system of classification of buildings in the Philippines as to: (a) type of construction according to fire resistance rating; (b) use or occupancy; and (c) required track of permitting process (Simple Structures – viz., buildings under Group R, Residential Occupancies; Special Structures – viz., buildings with special physical attributes in terms of size, span, or form, advanced structural calculation method, and/or delicate use or occupancy; and Regular Structures – viz., buildings that do not fall under either Simple Structures or Special Structures).
- b. General Requirements for Location and Zoning. The site upon which will be located any building, including associated parks or open spaces, shall be sanitary, hygienic, and accessible, and shall not pose high hazard for the intended use or occupancy.
- c. General Requirements for Design. The design of all buildings and structures shall comply with the requirements prescribed by the Act, rules and regulations, and reference standards. These shall include: Strength and Stability; Protection from Fire; Protection from Moisture and Surface Water; Protection from other Hazards; Safety of Users or Occupants; Ingress, Circulation, and Egress; Energy and Water Efficiency; and Services and Facilities.
- d. General Requirements for Construction. The construction of all buildings shall comply with the requirements prescribed by the Act, rules and regulations, and reference standards. These shall include: Innovative Construction Technologies, Safety and Protection during Construction, Protection of Property during Construction, Phased or Incremental Construction, and Construction and Demolition Waste Management.
- e. General Requirements for Materials. All building materials and components shall comply with the requirements prescribed by this Act, rules and regulations, and reference standards. The use of building materials and components must be safe for the health of

users or occupants and must not cause any substantive negative impact to the environment, such as air, water, and soil.

- f. General Requirements for Occupancy, Maintenance, and Abatement. The use and maintenance of the building must be safe for the health of users, occupants, and the general public, and shall not cause any substantive negative impact to the environment. Special Structures and those under Group A, Assembly Occupancies, and Group E, Educational Occupancies, completed in 2007 or earlier are mandated to have an assessment of the design, as to structural stability and fire safety construction, and the Building Owners are to submit the certifications of Building Professionals to the Local Building Officials regarding the state of such buildings and their safety and/or need for retrofit. When any building is declared to be dangerous or ruinous, the Local Building Official shall order its repair, vacation, or demolition.
- g. Provisions for Administration of the Philippine Building Act. These include: (a) the powers, responsibilities, and functions of the National Building Official (NBO) who is the DPWH Secretary, Building Regulations and Standards Council (BRSC), Regional Building Appeals Boards (RBABs), Offices of the Local Building Official (OLBOs) and Local Building Officials (LBOs), Special Jurisdictions, Building Owners, Building Professionals, and Building Contractors; (b) Sharing and Use of Fees and Fines.
- h. Permits and Inspections. These include: Types of Permit (Building Permit, Ancillary Permit, Excavation Permit, Demolition Permit, Occupancy Permit); Detailed Classification of Buildings for Permitting Purposes; Processing of the Permit Application; Validity of Permit; Grounds for Non-issuance, Suspension, or Revocation of Permit; Appeal to the RBAB and Appeal to the NBO; and Inspection and Supervision of Work and Building or Structure.
- i. Incentives and Penalties. These include: Incentives; Prohibited Acts and Omissions; Fines and Penalties; Criminal Liabilities of Building Owners, Building Professionals, Building Contractors, Recognized Certifiers, Recognized Structural Peer Reviewers, Recognized Testing Laboratories; and Recognized Inspectors; and Administrative and Criminal Liability of LBOs and Staff and Other Public Officers.
- j. Implementing Rules and Regulations. The NBO, upon the recommendation of the BRSC and in consultation with relevant stakeholders, shall promulgate the Implementing Rules and Regulations of the Act.

Early approval of this measure is earnestly sought.


ROMEO S. MOMO, SR.



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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the "Philippine Building Act of 2022."

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, planning, design, construction, occupancy, maintenance, and demolition. 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) To provide for the minimum standards for the regulation of location, planning, design, construction, occupancy, maintenance, and demolition of buildings and structures, the establishment of a permitting process based on their classifications, and the setting of reference standards to:
 - (1) Safeguard life and protect people from injury;
 - (2) Ensure the health and well-being of the people who use them, without impinging on the safety of the general public or endangering the environment;
 - (3) Protect property from physical damage; and
 - (4) Reduce and manage hazards, exposures, and vulnerabilities, thereby minimizing disaster risk;
- (b) To promote the accountability of relevant stakeholders in ensuring enforcement of, and compliance with, this Act, rules and regulations, and reference standards;
- (c) To establish sustainability standards for buildings, mitigating any negative environmental, economic, and social impacts; and.
- (d) To craft administrative and legal remedies for the enforcement of related rights of persons, both natural and juridical.

SEC. 4. *Scope and Application.* This Act shall cover all private and public buildings and structures, and their location, planning, design, materials, construction, use, occupancy, maintenance, addition, alteration, conversion, rehabilitation, relocation, 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 to buildings or structures and their location and planning that will better safeguard life, health, property, and public welfare, consistent with the objectives of this Act.

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

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

Every such local ordinance shall be published in manners that are clear to all stakeholders, through measures that include but are not limited to those provided in Section 68 of this Act.

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

- (a) "Addition" refers to any construction which increases the height and/or floor area of an existing building or structure;
- (b) "All-Hazards Approach" refers to comprehensive and coordinated approach in taxonomy and characterization of hazards, both natural and human-induced including but not limited to biological, environmental and technological, and approach in risk assessment and emergency planning such that the full range of potential threats are identified, associated exposures, vulnerabilities and risks are mitigated, assessed and ranked, and emergency plans are imbued with elements that are shared among multiple hazards and elements that are unique to some;
- (c) "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 without increasing the building height nor floor area;
- (d) "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;
- (e) "Build Better" refers to planning, based on evolving or evolved disaster risks and ahead of disasters, to finance, design, and build after a disaster or crisis, with consideration of the need to further strengthen disaster preparedness for response, take action in anticipation of events, and ensure that improved capacities are in place for more effective response, recovery, reconstruction, and greater resilience;
- (f) "Building" refers to any temporary or permanent structure, anchored to the ground, for the shelter, enclosure, or support of persons, animals, plants, agri-fishery produce or products, goods, machinery, or chattels;
- (g) "Building Contract" refers to legally enforceable agreement, regardless of titles such as prime contract, subcontract, or deed of assignment, to carry out construction work, supply goods, and/or provide services;
- (h) "Building Contractor" refers to a person duly registered and licensed by the Philippine Contractors Accreditation Board (PCAB), to whom is awarded the contract to execute the construction;
- (i) "Building Owner" refers to a person who orders construction work for a building or structure by contract; or a person undertaking one's own construction without engaging a Building Contractor therefor, as owner-builder; or a person holding the legal right of possession or title to a building or structure;

- (j) "Building Professional" refers to a person lawfully engaged in the design, peer review, certification, construction supervision, or inspection of a building or structure, who is duly registered and currently licensed by the Professional Regulation Commission (PRC), through a professional regulatory law for each profession, to provide such services;
- (k) "Building Site" refers to the lot of building location, which is defined 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;
- (l) "Comprehensive Land Use Plan" (CLUP) refers to the document, formulated by the local government in consultation with its stakeholders, that defines or provides guidelines on the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive economic, demographic, socio-cultural and environmental objectives;
- (m) "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 a building or structure;
- (n) "Conversion" refers to a change in the use or occupancy of an existing building or structure or any portion/s thereof to another occupancy group or sub-group that has different requirements under this Act;
- (o) "Demolition" refers to the dismantling, destruction, or removal of a building or structure, in whole or in part;
- (p) "Department" means the Department of Public Works and Highways (DPWH);
- (q) "Disaster Risk" means the potential disaster losses in lives, health status, livelihood, assets and services, which could occur to a particular community or a society over some specified future time period;
- (r) "Disaster Risk Reduction and Management" means the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster; prospective disaster risk reduction and management refers to risk reduction and management activities that address and seek to avoid the development of new or increased disaster risks, especially if risk reduction policies are not put in place;
- (s) "Exposure" refers to people, property, systems, or other elements present in hazard zones that are thereby subject to potential losses, or to the degree to which the elements at risk are likely to experience hazard events of different magnitudes;

- (t) "Fire Resistance Rating" refers to the time, in minutes or hours, that a building material or assembly can withstand a fire exposure as determined by recognized and accepted testing methods;
- (u) "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; for purposes of this Act, definition of "hazard" shall conform to the latest United Nations system of all-hazards approach to taxonomy and characterization of natural and human-induced threats;
- (v) "Hazard Zone" refers to an area identified in recognized and accepted hazard maps as exposed to natural hazards such as earthquakes, fires, floods, landslides, storms, and volcanoes;
- (w) "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;
- (x) "Locational Clearance" refers to the document issued by the planning and development officer of the local government unit certifying that the proposed construction has the appropriate traffic impact assessment (TIA), 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, or other applicable laws, ordinances or regulations, which document is submitted to the Local Building Official in support of an application for a permit;
- (y) "Permit" refers to any of the permits that may be issued by the Local Building Official as set forth in this Act and its rules and regulations;
- (z) "Recognized Certifier" refers to a person possessing experience in building assessment and other qualifications of a Building Professional, and recognized by the Office of the National Building Official to issue certificates to confirm that a building or structure that is more than fifteen (15) years of age meets the requirements of Chapter VII of this Act, rules and regulations, and reference standards as to structural stability and fire safety construction;
- (aa) "Recognized Inspector" refers to a person possessing experience and other qualifications of a Building Professional, and recognized 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;
- (bb) "Recognized Structural Peer Reviewer" refers to a person possessing experience and other qualifications of a Building Professional, and recognized 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;

- (cc) "Recognized Testing Laboratory" refers to an establishment or institution recognized 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;
- (dd) "Reference Standards" refers to technical standards that the National Building Official promulgates through rules and regulations in administering and enforcing this Act; for this purpose, consistent with Section 40, Section 41, and Section 67, applicable Philippine National Standards and existing referral codes of Presidential Decree No. 1096, or portions thereof that are technical in nature shall hereinafter be renamed and referred to accordingly as "reference standards;"
- (ee) "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;
- (ff) "Relocation" refers to the transfer of an existing building or structure or portion/s thereof from original location or position to another, either within the same site or to a different one;
- (gg) "Renovation" refers to any physical change made on an existing building or structure to increase the value or improve the quality and/or aesthetics, without addition to building height or floor area, nor alteration of structural parts;
- (hh) "Repair" refers to remedial work done on any damaged or deteriorated portion/s of an existing building or structure to restore its original condition;
- (ii) "Retrofit" refers to the construction of any new element or system, or the alteration of any element or system, required to bring an existing building or structure, or portion thereof, into conformance with this Act, rules and regulations, and reference standards;
- (jj) "Secretary" refers to the Secretary of the Department of Public Works and Highways (DPWH);
- (kk) "Special Site" refers to a site that requires special rules and regulations to mitigate potential adverse impacts of the site conditions;
- (ll) "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;

- (mm) "Traditional Indigenous Family Dwelling" refers to a residential building or structure intended for the use and occupancy by the family of the owner only and constructed with native or local materials such as nipa, cogon, bamboo, log, lumber, or stone, the estimated total cost of which does not exceed the limit prescribed by the National Building Official through rules and regulations;
- (nn) "Vulnerability" refers to the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard; vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited recognition of risks and preparedness measures, and disregard for sound environmental management; and
- (oo) "Zoning" refers to the division of a city or municipality into districts, zones or sub-zones and overlay zones according to present and potential uses of land in order to maximize, regulate, and direct their use and development according to the Comprehensive Land Use Plan (CLUP); it is also concerned primarily with the use of land and through imposition of building heights, bulks, open space and density in a given area;

Additional definitions shall be included in the implementing rules and regulations and with the reference standards, including but not limited to the various documents required for the permitting process; *provided*, that these shall be non-redundant to, non-contradictory with, and only supplementary to, the definitions as used in this Act.

CHAPTER II CLASSIFICATION OF BUILDINGS

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

SEC. 8. *Buildings Classified by Type of Construction According to Fire Resistance Rating.* The building or structure shall be classified according to fire resistivity and fire resistance rating consistent with Republic Act No. 9514, or the Fire Code of the Philippines, and its Implementing Rules and Regulations.

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

Group B, Business Occupancies, includes those used for the transaction of business other than those covered under Group M, Mercantile Occupancies, including the keeping of accounts and records and similar purposes for offices with less than fifty (50) occupants, such as, but not

limited to, offices of professionals, general offices, business process outsourcing, internet shops, massage parlors, beauty shops, and barbershops;

Group D, Disaster Risk Reduction and Management (DRRM) Occupancies, includes those buildings and structures designated for DRRM training, early warning system, or emergency operation center, and permanent centers for refuge and emergency evacuation (Sub-group DR);

Group E, Educational Occupancies, includes buildings, or portions thereof, used for the gathering of group of six (6) or more persons for purposes of instruction, such as but not limited to schools, colleges, universities, academies, and kindergartens;

Group F, Factory and Industrial Occupancies, includes those used for operations including, but not limited to, product processing, fabricating, manufacturing, assembling and disassembling, mixing, packaging, finishing or decorating, repairing, and material recovery, including but not limited to factories of all kinds, laboratories, laundries, dry-cleaning plants, power plants, pumping stations, smokehouses, gas plants, refineries, creameries, and sawmills;

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

Group I, Institutional Occupancies, includes 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 (Sub-group ID), or government buildings and quarters rendering civic or public assistance and peace and order (Sub-group IG), or those in which care or supervision is provided to persons who are mostly incapable of self-preservation without physical assistance because of age, or physical or mental condition or ability (Sub-group IH), such as health care and day care occupancies;

Group M, Mercantile or Commercial Occupancies, includes those used for the display and/or sale of merchandise, and involves stocks of goods, wares, and merchandise incidental to such purposes and accessible to the public, with less than fifty (50) occupants, such as but not limited to showrooms, stores, markets, malls, and restaurants;

Group R, Residential Occupancies, includes those in which sleeping accommodations are provided for normal residential or dwelling purposes, such as but not limited to the socialized housing (Sub-group RS) and economic housing (Sub-group RE) that are covered by Batas Pambansa Blg. 220, or residential board and care buildings that are used for lodging and boarding of four (4) or more residents, not related by blood or marriage to the operators or owners, for less than fifty (50) total occupants;

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

Group U, Utilities and Miscellaneous Occupancies, includes those with an ancillary character such as but not limited to those enumerated in Section 6 (d) Ancillary Structure, 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, includes those with storage and handling of flammable, highly combustible, highly infectious, or other highly hazardous materials that would constitute a physical or health hazard, in quantities in excess of those allowed by regulations.

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

In addition to permanent centers for refuge and emergency evacuation as in Sub-group DR, any building, structure, or portion thereof may be designated as a temporary center for refuge (Sub-group DR-Temporary) provided it complies with the specific rules and regulations promulgated by the National Building Official.

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

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 when a minor use does not occupy more than ten percent (10%) of the area of any floor or as otherwise provided in applicable rules and regulations for mixed occupancy or use.

SEC. 10. Buildings Classified According to Required Track of Permitting Process. Buildings and structures shall be classified based on the required track of permitting process as follows:

- (a) "Simple (Track T1) Structures" are certain buildings or structures belonging to sub-group/s under Group R, Residential Occupancies, 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 through 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. Simple (Track T1) Structures shall comply with Simplified Reference Standards as prescribed by the National Building Official under a simplified track of permitting process. *Provided*, that mass housing development structures by subdivision and condominium developers under Batas Pambansa Blg. 220, to the extent

that these structures are comparable in simplicity with Simple (Track T1) Structures, shall have a similarly simplified track (Track T1M) of housing permitting process in coordination with Housing One-Stop Processing Centers (HOPCs) according to promulgated specific rules and regulations and reference standards under this Act.

- (b) "Regular (Track T2) Structures" are buildings or structures that do not fall under either one of the classifications of Simple (Track T1) Structures and Special (Track T3) Structures. Regular (Track T2) Structures shall require the regular track of permitting process.
- (c) "Special (Track T3) Structures" are buildings or structures that are distinguished by special physical attributes in terms of size, span, or form, by advanced structural calculation method, and/or by delicate use or occupancy. These structures shall be any of the following:
 - (1) buildings and other structures exceeding seventy five (75) meters in height or a higher height threshold as prescribed based on rules and regulations by the National Building Official;
 - (2) long span structures exceeding thirty (30) meters in span or a longer span threshold as prescribed based on rules and regulations by the national building official;
 - (3) buildings and other structures with two (2) or more floor levels, and in any single floor level exceeding twenty five thousand (25,000) square meters of gross floor area;
 - (4) buildings and other structures with gross floor area exceeding forty thousand (40,000) square meters;
 - (5) underground or underwater structures;
 - (6) facilities belonging to Group D, DRRM Occupancies;
 - (7) hospitals belonging to a sub-group under Group I, Institutional Occupancies, 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;
 - (8) facilities belonging to Group Z, High-Hazard Occupancies;
 - (9) structures that have non-regular structural form as classified in structural reference standards; and
 - (10) buildings and other structures using very advanced structural calculation method in design as classified in structural reference standards.

Accordingly, the special track of permitting process for these Special (Track T3) Structures shall require a peer review of the structural stability. The terms of reference of the peer review shall be clear and acceptable to both the original professional and the peer reviewer, and conforming to this Act, rules and regulations, and reference standards.

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

Provided, that prior certification for innovative construction technology according to Section 29 of this Act shall be deemed to satisfy the requirement of structural peer review.

Provided further, that the Office of the National Building Official shall establish and/or recognize competent government agencies in charge of certification of innovative construction technologies as provided for in Section 29.

The act of reviewing does not pass on the responsibility and the liability of the Building Professional for structural design to the Recognized Structural Peer Reviewer on the structural integrity of the building, without prejudice to administrative charges under applicable professional regulations.

Provided, that should the Building Owner opt, under applicable laws and professional regulations, to lawfully disengage the previously engaged Building Professional for structural design and to engage as new Building Professional for structural design a Recognized Structural Peer Reviewer who has been previously engaged as peer reviewer according to this Section, a new independent Recognized Structural Peer Reviewer shall be required.

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 Resistance Rating.* The National Building Official shall prescribe standards for each type of construction according to fire resistivity and fire resistance rating as allowed under this Act correspondingly for each group or sub-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 Resistance Rating.* No change shall be made in the use or occupancy and/or type of construction according to fire resistivity and fire resistance rating of any building or structure which would place the building or structure in a different occupancy group or different type of construction, unless such building or structure is made to comply with the requirements for the new occupancy group or type of construction; *provided*, that the change may be approved by the Local Building Official upon determination that the new use or occupancy and/or type of construction poses less risk to life, health, property, and public welfare, according to rules and regulations promulgated by the National Building Official.

CHAPTER III LOCATION AND ZONING REQUIREMENTS

SEC. 14. *General Requirements for Location and Zoning.* The site upon which will be located any building or structure, including associated parks or open spaces, shall be sanitary, hygienic, and accessible, and shall not pose high hazard for the intended use or occupancy, as determined by competent and appropriate authorities and cleared through a locational clearance and other clearance/s or certificate/s as prescribed by applicable laws and regulations. It shall not obstruct existing easement or right-of-way of the national government and all local government units, as well as departments, regulatory agencies, instrumentalities, government owned and controlled corporations, and implementing units of the same, in accordance with existing laws and rules and regulations.

SEC. 15. *Protection of the Site Environment.* Any proposed construction, including its location 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 neither harm nor aggravate the state of the neighborhood, environment, and natural resources surrounding it. No construction, its location, and use shall be allowed without complying with the applicable heritage, environmental, and natural resources laws and regulations, as determined by competent and appropriate authorities and cleared through a locational clearance and other clearance/s or certificate/s as prescribed by applicable laws and regulations.

SEC. 16. *Protection of the Public.* Any proposed construction shall neither cause harm to the general public nor infringe on public spaces.

SEC. 17. *Requirements in Hazard Zones and Special Sites.* Building Owners and Building Professionals shall ensure that every proposed construction, its location, 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 in a disaster or crisis shall adhere to principles of building 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 location, planning, design, and reconstruction of buildings and structures.

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

CHAPTER IV DESIGN REQUIREMENTS

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

Provided, that there shall be specific levels of standards and technical requirements for socialized housing (residential occupancy Sub-group RS) and economic housing (residential occupancy Sub-group RE) structures as provided by Batas Pambansa Blg. 220, as formulated by the Department of Human Settlements and Urban Development and recommended through the Building Regulations and Standards Council.

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

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

Reference standards shall comprehensively and consistently address the technical details, including but not limited to comprehensive architectural, structural, and other engineering analyses as appropriate according to the system of classification of buildings and structures, that are required to carry out the objectives of this Act and as such shall be recognized by and enumerated through the implementing rules and regulations.

SEC. 20. *Strength and Stability.* All buildings and structures shall be designed to be structurally adequate in strength and stability 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 project specifications.

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, 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, excessive 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 multiple hazards.

SEC. 24. *Safety of Users or Occupants.* All buildings and structures shall be designed to safeguard their users or occupants from harm, injury, or loss, including, but not limited to, safeguarding against accidental falls from windows, balconies, and the like, or safeguarding against transmission of disease pathogens indoors, in manners compatible with fire safety construction, and promoting occupational safety and health.

SEC. 25. *Ingress, Circulation, and Egress.* Safe access into, circulation within, and egress from the buildings, including emergency exits, shall be provided for persons and vehicles, including, but not limited to, persons with disabilities, complying with mandatory requirements of applicable laws such as Batas Pambansa Blg. 344 or An Act to Enhance the Mobility of Disabled Persons.

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

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

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; air circulation, ventilation, and isolation where appropriate; water supply; rainwater harvesting and management; drainage; wastewater disposal; sewage disposal; solid waste management; pest and vermin control; power and fuel supply; information and communication technology facilities; conveyance and parking facilities; fire lane and fire hydrants; and other services and facilities for persons with disabilities, complying with mandatory requirements of applicable laws.

Provided, that the carriageways, sidewalks, and all parts of the road right-of-way for public roads adjoining a building site shall not be used to meet the requirements of parking facilities for the building as required by this Act, rules and regulations, and reference standards. *Provided further*, that queuing areas, driveways, ramps, entrances to, and exits from parking facilities for a building shall neither encroach on the road right-of-way nor obstruct the movement of pedestrians and vehicles on the public roads adjoining the building.

Provided finally, that information and communication technology facilities such as, but not limited to, in-building physical infrastructure or fiber-optic cabling for high-capacity and high-speed requirements shall be mandatory in new buildings owned by the national government and all local government units, as well as departments, regulatory agencies, instrumentalities, and implementing units of the same, and their existing buildings that are subject to major renovation works.

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

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.

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

Provided, that innovative technologies appropriate for socialized and economic housing, as covered by Batas Pambansa Blg. 220, shall be subject for accreditation and certification by the Department of Human Settlements and Urban Development.

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

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

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

SEC. 31. *Protection of Property During Construction.* All and any public or private property adjacent, 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 and shall not pose harm to the public. Any additional or incremental work shall not compromise the safety and well-being of the users or occupants.

SEC. 33. *Construction and Demolition Waste Management.* All buildings shall be constructed with proper management of construction and demolition waste. There shall be promulgated specific rules and regulations on the extent of reuse or recycling of construction and demolition wastes, as well as reference standards on the conduct of demolition.

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 the health of users or occupants and must not cause any substantive negative impact to the environment such as, but not limited to, air, water, and soil.

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

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

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. Building Owners shall perform periodic maintenance and inspection; Local Building Officials and/or Recognized Inspectors shall conduct inspection as appropriate according to rules and regulations. The Office of the National Building

Official shall establish a system for monitoring, reporting, and evaluating maintenance and inspection activities.

The Office of the National Building Official shall assist Building Owners of structures falling within the classification Simple (Track T1) Structures and Regular (Track T2) Structures in conducting a simplified or regular inspection of their buildings.

For buildings and structures with occupancies falling under Group A, Assembly Occupancies, Group D, DRRM Occupancies, Group E, Educational Occupancies, or Group Z, High-Hazard Occupancies, there shall be periodic inspections by Local Building Officials and/or Recognized Inspectors subject to specific rules and regulations promulgated by the National Building Official.

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

Mandatory inspection and assessment by a Recognized Certifier as to structural stability and fire safety construction shall be commissioned by the Building Owner at the 15th year from date of completion of the building and every 15 years thereafter, in case of Special (Track T3) Structures.

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

The National Building Official shall promulgate rules and regulations and reference standards for mandatory inspection and assessment of buildings as to structural stability and fire safety construction, specific to the various building classifications; *provided*, that Recognized Certifiers need not be engaged for Simple (Track T1) Structures and Regular (Track T2) Structures. *Provided further*, that Recognized Certifiers need not be engaged for simple mass-housing-development structures.

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

and fire safety. The conduct of such emergency inspections and assessments shall also be closely coordinated with the rules and regulations and reference standards under Section 18.

The Office of the National Building Official through the Offices of the 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 information contained in the database shall be used by the national and local agencies in relation to disaster risk reduction and management; *provided*, that such information shall be made available to the public for awareness and preparedness subject to the Data Privacy Act, or Republic Act No. 10173.

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, Special (Track T3) Structures and those buildings and structures with occupancies falling under Group A, Assembly Occupancies, and Group E, Educational Occupancies, that were completed in 2007 or earlier, are mandated to have an assessment of the design based on the requirements in Chapter IV of this Act as specified in rules and regulations, as to structural stability and fire safety construction, and the Building Owners are to submit the certifications or findings of appropriate Building Professionals, serving as Recognized Certifiers, to the concerned Local Building Officials regarding the state of such buildings and structures and their safety and/or need for retrofit.

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

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

There shall be specific implementing rules and regulations governing the authorities, responsibilities, and liabilities, including any transfer thereof, in case of retrofitting works.

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 unstable; or not provided with safe egress; or which constitute a fire hazard; or are otherwise dangerous to human life; or which in relation to existing use, constitute a hazard to life safety, health, 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.

CHAPTER VIII ADMINISTRATION

SEC. 40. *National Building Official (NBO): Powers, Obligations, and Functions.* The Secretary of the Department shall have the duty to ensure that all laws relating to building design and construction are faithfully executed and is primarily charged with the administration and enforcement of the provisions of this Act, rules and regulations, and reference standards. Nothing in this Act shall be interpreted to diminish the duties, responsibilities, functions, obligations, and powers of the Secretary of the Department under current issuances relative to codes, regulations, standards, and guidelines for the planning, design, construction, maintenance, and/or operation of all public and private structures.

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

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

- (a) Issue and promulgate rules and regulations to implement the provisions of this Act, upon recommendation of the Building Regulations and Standards Council, and ensure compliance with policies, plans, standards, and guidelines formulated. The Building Regulations and Standards Council shall be formed in accordance with the provisions of this Act;
- (b) Approve and/or take final action on changes and/or amendments to reference standards based on recommendations of the Building Regulations and Standards Council; for this purpose, existing referral codes or portions thereof that are technical in nature shall hereinafter be renamed and referred to accordingly as "reference standards";
- (c) Appoint Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- (d) Designate Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- (e) Create the Office of the Local Building Official in case of clustered municipalities, as set forth in this Act, and exercise administrative as well as technical supervision and control;

- (f) Appoint the Regional Building Appeals Boards, as provided for by this Act, and exercise administrative supervision over them;
- (g) Prescribe and fix the schedule of fees, appeal bonds, and other charges that the National Building Official and Local Building Officials shall collect in the exercise of their regulatory functions;
- (h) Inspect at reasonable times any building or structure, covered by this Act, rules and regulations, and reference standards; *provided*, that in case of a single-family dwelling, an inspection must be upon the consent of the occupant or upon lawful order from the proper court;
- (i) With due process, issue appropriate orders, including cease and desist order and demolition order, against any person or entity to prevent injury to the public and compel compliance with the provisions of this Act, rules and regulations, and reference standards;
- (j) With due process, 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;
- (k) Enlist the aid and support of, and/or deputize, any and all enforcement agencies of the government in the implementation of his powers and functions under this Act, rules and regulations, and reference standards;
- (l) Delegate applicable powers, obligations, and functions to the Local Building Officials as deemed necessary; and
- (m) 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 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) Undersecretary of the Department of Human Settlements and Urban Development (DHSUD) for technical services or planning 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) Undersecretary of the Department of Trade and Industry (DTI) in charge of supervision of product standards and/or contractor accreditations;
- (6) Undersecretary of the Department of Science and Technology (DOST) for scientific and technical services;
- (7) Undersecretary of the Department of Environment and Natural Resources (DENR) for planning and policy making regarding environmental concerns;
- (8) Undersecretary of the Department of Health (DOH) for public health services;
- (9) President of a national association of local building officials;
- (10) President of a national association of building developers and/or subdivision and housing developers, national association of building owners, national association of building managers, or national association of building administrators;
- (11) President of a PRC-accredited national professional organization of building professionals;
- (12) President of a national association of building contractors;
- (13) High-ranking regular faculty member from a recognized higher education institution involved in the training of building professionals; and
- (14) Two (2) representatives-at-large coming from any concerned sectors whose participation is deemed by the National Building Official as timely and complementary to those of other members enumerated.

Each from a list of nominees submitted by their respective sectors, all representatives from the private, academic, or non-government sectors, enumerated above from (9) to (13), shall be appointed by the National Building Official for a term of three (3) years; *provided*, that each said member, during his/her term in the Council, shall remain a certified member-in-good-standing of the association, organization, or institution that has been originally represented. In case of substitution or replacement of a member representing a specific sector, the new member shall serve for the remainder of the three-year term.

For these sectors enumerated above from (9) to (13), a different association, organization, or institution other than the one currently represented shall be given preference by the National Building Official in the next full three-year term appointment, in order to practice a rotation of representation from among the various associations, organizations, or institutions in each sector.

The two (2) representatives-at-large, enumerated above as (14), shall serve *ex-officio* if officials and representatives of a government agency, or shall serve for a term of three (3) years

without immediate reappointment within one (1) year if coming from the private, academic, or non-government sectors.

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

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

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

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

- (1) Review existing rules and regulations and existing referral codes, the technical parts of which are renamed as reference standards under this Act, and/or formulate new rules and regulations and reference standards in line with the provisions of this Act, including but not limited to the guidelines on the process of reviewing local ordinances that are subject for concurrence by the National Building Official;
- (2) Formulate and recommend policies and strategies, for design and construction, with reference to global standards, and taking into account local conditions;
- (3) Formulate a system of recognition of qualified Building Professionals as Recognized Certifiers, Recognized Structural Peer Reviewers, and/or Recognized Inspectors, and qualified establishments or institutions as Recognized Testing Laboratories;
- (4) Collect relevant information, conduct research, and support studies on all matters relating to design and construction, such as, but not limited to, the performance and results achieved of the standards in mainstreaming disaster risk reduction and management in building planning, design, construction, occupancy, and maintenance;
- (5) Submit recommendations, including rules and regulations and reference standards, to the National Building Official for approval;
- (6) Submit an annual report to the National Building Official; and
- (7) Perform such other functions that the National Building Official may authorize or assign as may be necessary in carrying out the objectives of this Act.

(c) *Technical Working Groups (TWGs).* To support the BRSC in the performance of its duties and responsibilities, the National Building Official shall constitute Technical Working Groups (TWGs) composed of relevant stakeholders. The sectors are to be encouraged by the

National Building Official to nominate members of the TWGs that are most closely associated with their respective mandates and concerns.

- (d) *Secretariat.* The BRSC shall have its Secretariat personnel separate from the Office of the National Building Official, to assist in the operation of the Council and TWGs.
- (e) *Procedures.* The National Building Official, in consultation with relevant stakeholders, shall prescribe, based on rules and regulations, the procedures of the Building Regulations and Standards Council, ensuring the periodic review of reference standards every five (5) years and the 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.

The National Building Official shall issue every five (5) years, or more frequently as needed, updated reference standards.

- (f) *Budget.* The BRSC budget shall be included in the annual budget of the Department.

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 personnel to the National Building Official in the exercise of his powers and the performance of his duties.

This Office, headed by a Director, who shall be a registered and currently licensed professional, be member of good standing of the duly accredited national organization of the profession, and have at least ten (10) years of diversified and professional experience in building design, construction, and regulation, shall be placed under the supervision of the Undersecretary for Technical Services. It shall comprise highly qualified personnel eligible to act as building professionals, scientists, or technicians, who possess diversified and professional experience in the field of building design and construction, and lawyers.

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

The Office of the National Building Official shall coordinate 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 local exposure of the country to multiple hazards. It shall plan and implement a computerized national database of buildings and structures, for

purposes of Section 37 and other provisions of this Act and rules and regulations. It shall also be in-charge of the implementation of a system of recognition of qualified Building Professionals as Recognized Certifiers, Recognized Structural Peer Reviewers, and/or Recognized Inspectors, and qualified establishments or institutions as Recognized Testing Laboratories.

Provided, that existing offices, bureaus, divisions, or units of the Department with functions, duties, and responsibilities relative to regulations and standards for building design and construction shall transition and transfer such functions, duties, and responsibilities to the Office of the National Building Official that are within the mandate of the latter, consistent with Section 67.

SEC. 43. Regional Building Appeals Boards (RBABs). Regional Building Appeals Boards with appropriate personnel are 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. An RBAB shall be chaired by a member of the Philippine Bar and assisted by two technical personnel of the Department sitting as the other members of the Board and by support staff, all of whom are appointed by the National Building Official. It shall have regional 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 the 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. Absent such an appeal, said decision of the RBAB shall become final and executory fifteen (15) days after receipt of the copy of the decision by the parties.

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

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

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

Staff of the Offices of the Local Building Official shall include highly qualified personnel eligible to act as building professionals in the various professions. *Provided*, that Local Building Officials and their staff shall not exercise private-sector practice of their respective professions concurrently with the government service.

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

SEC. 45. *Special Jurisdictions.* There shall be Local Building Officials for special jurisdictions such as the Armed Forces of the Philippines (AFP), the Philippine Economic Zone Authority (PEZA), the Department of Agriculture (DA), and other government agencies, in each case as explicitly provided for by the applicable laws, who shall regulate the 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 designated by and accountable to the National Building Official.

Said Local Building Officials shall be designated 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.

Special jurisdictions shall consistently implement Section 54 and the rest of this Act, rules and regulations, and reference standards as promulgated by the National Building Official.

SEC. 46. *Sharing and Use of Fees and Fines.* Consistent with the provisions of this Act that the National Building Official through the Department shall exercise supervision over all Local Building Officials, an appropriate share of revenues relative to this Act shall be remitted to the national office for use as maintenance and other operating expenses of national and regional bodies in the performance of their functions, duties, and responsibilities under this Act.

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

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

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

Any provision of law to the contrary notwithstanding, the National Building Official is hereby authorized to prescribe the procedures for the use of the fifteen percent (15%) retained for the Office of the Local Building Official. Such income may be used to cover necessary operating expenses including the purchase of equipment, supplies, and materials; expenses for travel; continuing education and training programs; engaging Recognized Inspectors and Recognized 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 the 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 (LBOs).* No person shall be appointed as a Local Building Official unless the person possesses the following qualifications:

- (a) A Filipino citizen and of good moral character;
- (b) A duly registered and licensed architect or civil engineer;
- (c) A member of good standing of the duly accredited professional organization of architects or of civil engineers for not less than ten (10) years; and
- (d) Has at least ten (10) years of diversified and professional experience in building design and construction.

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

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

Provided, that Local Building Officials are preferably Career Executive Service Officers.

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

In the exercise of the abovementioned powers, obligations, and functions, the Local Building

Official shall comply with the prescribed timelines and other provisions of Republic Act No. 9485 or the Anti-Red Tape Act, as amended by Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act, and their implementing rules and regulations.

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) Providing and/or submitting true and correct information and documents in support of their application for permits and their prerequisite certifications and clearances;
- (b) Adhering to the plans and specifications;
- (c) Complying with the terms and conditions of the permit issued, and other prerequisite certifications and clearances;
- (d) Maintaining the building consistent with its maintenance strategy and conducting periodic inspection in accordance with this Act, rules and regulations, and reference standards;
- (e) Engaging the services of duly registered and licensed Building Professionals and/or Building Contractors for any proposed construction, as may be required by this Act, rules and regulations, except for Simple (Track T1) Structures; and
- (f) Engaging the services of Building Professionals or Recognized Certifiers for the assessment of structural stability and fire safety construction of the building, as may be required by this Act, rules and regulations, except for Simple (Track T1) Structures and Regular (Track T2) Structures. *Provided*, that Building Professionals or Recognized Certifiers need not be engaged by individual unit owners for simple mass-housing-development structures.

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

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

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

Provided, that every registered and licensed professional shall only offer and provide work that is contemplated in the applicable professional regulatory law.

Provided further, that the implementing rules and regulations shall recognize and enumerate the various State-regulated professions from among which may come the building professionals

- (a) Design professionals shall be responsible for the correctness and consistency of their design and the preparation of duly signed and sealed drawings, technical specifications, calculations, designs, and analyses. They are not precluded from conducting inspection of the construction work or building or structure to check and determine adherence to the plans and specifications of the work as submitted with the permit application; *provided*, that in case of 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, pieces of equipment, plants, and tools used, procedures followed, personnel engaged, and temporary works carried out in compliance with construction methodologies and standards; for compliance with safety and health requirements; and for proper construction supervision at the site works. They shall undertake the full-time inspection and supervision of the work, and keep at the work site at all times a logbook wherein the actual progress of work including tests conducted, weather conditions, and other pertinent data are recorded. They shall be responsible for the consistency and integrity of the documents such as logbook and as-built plans. They shall also be responsible for the submission of the said documents, all duly signed and sealed, upon completion or stoppage of construction, to the Local Building Official.
- (c) Other professionals engaged to perform specific tasks, such as Recognized Certifiers, Recognized Structural Peer Reviewers, Recognized Inspectors, and technical personnel of Recognized Testing Laboratories, shall accomplish their assigned tasks with the highest degree of professional and moral standards, and shall act within the bounds of the authority delegated to them.

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, as prepared and certified by the Building Professionals and relied upon by the Local Building Officials in the issuance of the permit. They shall also adhere to the additional details, issued during construction, conforming to the submitted documents. Building Contractors shall possess a valid license from the Philippine Contractors Accreditation Board (PCAB), and comply with all relevant laws and rules and regulations, including those providing for the safety and health of construction workers, in addition to protection afforded to workers 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.

Every building contractor shall ensure that its PCAB license is valid from start to completion of construction of the project and shall provide the Building Owner a certified true copy thereof or with proof of its authenticity and validity.

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, rehabilitation, relocation, repair, or retrofit of such;
- (b) Ancillary Permit – a permit for the construction of ancillary structures as defined in this Act;
- (c) Excavation Permit – a permit for construction involving the removal of soil or rock from a site to form an open face, hole, or cavity using tools, machinery, or explosives;
- (d) Demolition Permit – a permit for demolition of a building, structure, or portion thereof including that which will be removed in the course of an on-going construction; and
- (e) Occupancy Permit – previously termed Certificate of Occupancy; a permit for the full use or occupancy of a building or structure, or a partial permit for use or occupancy of portion or portions thereof prior to the completion of the entire building or structure, or a temporary permit for temporary use or occupancy thereof prior to the completion of the entire work covered by the permit; *provided*, that such portion or portions shall be used or occupied safely and that the Local Building Official shall set a time period during which the partial permit or temporary permit shall be valid in accordance with rules and regulations. For purposes of this Act, where the building or structure is not intended for human occupancy the permit shall be termed as Use Permit.

The National Building Official may prescribe in the rules and regulations such other permits as he may deem necessary in accordance with objectives of this Act. *Provided*, that for mass housing development structures by subdivision and condominium developers under Batas Pambansa Blg. 220, to the extent only that these structures are comparable in simplicity with Simple (Track T1) Structures, there shall be the Mass option (Track T1M) for permits to be processed in coordination with Housing One-Stop Processing Centers (HOPCs) according to promulgated specific rules and regulations and reference standards under this Act.

No permit shall be required for minor constructions, repairs, or demolitions, as prescribed in the rules and regulations, insofar as these shall not violate any objective or provision of this Act; *provided*, that the rules and regulations shall stipulate reportorial requirements, excluding any fees, in order to keep the building records updated and accurate.

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 in Section 10 of this Act. The procedures to be laid out by the National Building Official shall include:

- (a) a simplified track of permitting process for Simple (Track T1) Structures;
- (b) a regular track of permitting process for Regular (Track T2) Structures; and
- (c) a mandatory structural peer review of the stability for Special (Track T3) Structures.

The organizational structure of each Office of the Local Building Official laid out by the National Building Official, based on rules and regulations, shall take these three (3) tracks of permitting processes in consideration. *Provided*, that there shall be full coordination with Housing One-Stop Processing Centers (HOPCs) according to promulgated specific rules and regulations and reference standards under this Act.

To aid the simplified track of permitting process, the National Building Official shall cause, through Simplified Reference Standards, the detailed documentation and regionwide or nationwide information and education campaign on the proper location, design, and construction of Simple (Track T1) Structures including Traditional Indigenous Family Dwellings.

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 Simple (Track T1) 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, such as but not limited to fire safety evaluation clearance or fire safety inspection clearance from the Bureau of Fire Protection;
- (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 (Track T1), Regular (Track T2), or Special (Track T3) Structure, the National

Building Official, through rules and regulations, shall require specific parts of building plans, specifications, and related documents to be submitted as evidence of compliance with this Act, rules and regulations, and reference standards.

The National Building Official, through rules and regulations, shall require specific parts of building plans and specifications to be prepared, signed and sealed by appropriate Building Professionals; *provided*, that various building professionals may be appropriately authorized according to their respective professional regulatory laws to prepare, sign, and seal certain parts, sheets, or pages of building plans, specifications, and related documents. *Provided further*, that every registered and licensed professional shall only offer and provide work that is contemplated in the applicable professional regulatory law.

Consistent with Section 37 and the mandate of the Office of the National Building Official through the Offices of the Local Building Official to maintain a computerized national database, the State shall prioritize the enabling of electronic filing and transaction of application for permit.

SEC. 55. *Processing of the Permit Application.* Pursuant to Republic Act No. 9485, or the Anti-Red Tape Act as amended by Republic Act No. 11032, or Ease of Doing Business and Efficient Government Service Delivery Act, 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, with due process, to prevent or stop any or all building operations that are in violation of this Act, rules and regulations, and reference standards.

A permit issued under the provisions of this Act shall expire and become null and void if the building or work authorized therein is not commenced within a period of one (1) year after the issuance of the permit. A partial or temporary Occupancy Permit shall be valid for the time period set by the Local Building Official in accordance with the prescribed rules and regulations. For phased or incremental construction referred to in Section 32 of this Act, 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, with due process, 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 or violation of the provisions of this Act, rules and regulations, and reference standards;
- (b) Substantial errors found in the plans and specifications;
- (c) Non-compliance by the building contractor with the requirement for a valid license from the Philippine Contractors Accreditation Board (PCAB);
- (d) Use of substandard building material or substandard workmanship and refusal to rectify upon notice;
- (e) Without any work being done in the site for more than one hundred twenty (120) days for excavations left open or building construction abandoned; and
- (f) Fraudulent misrepresentation of data or information supplied in the application for 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 or omitted by the applicant, in accordance with this Act and rules and regulations.

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

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

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

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

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

The National Building Official shall render a decision within thirty (30) days from perfection of the appeal. The National Building Official's decision shall be in writing, stating specifically the reason/s or ground/s therefor. In case he finds the appeal to be meritorious, the National Building Official shall direct the Local Building Official to issue the appropriate permit or order. The decision of the National Building Official shall become final and executory fifteen (15) days after receipt of the copy of the decision by the parties. The decision of the National Building Official is appealable to the Office of the President.

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, Local Building Officials may, upon motion of any aggrieved party or *motu proprio*, visit and inspect at reasonable times the ongoing constructions or existing buildings and structures to ensure compliance with the terms and conditions of the permits and the provisions of this Act, rules and regulations, and reference standards.

The National Building Official shall promulgate specific rules and regulations for inspection of single-family dwellings, to be carried out by the Local Building Officials and/or Recognized Inspectors.

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

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 applicable laws.

The National Building Official may recommend funding support for local government units and communities that have endorsed disaster risk reduction and management activities for buildings and structures, especially those falling within the classification of Simple (Track T1) Structures, in their jurisdictions.

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

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

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

(b) By the Building Professional:

- (1) misrepresentation or false statements;
- (2) certifying documents that s/he did not prepare, or certifying acts that s/he did not perform;
- (3) submission of incorrect or inconsistent drawings, technical specifications, calculations, designs, and analyses;
- (4) non-compliance with construction methodologies and standards in case of a professional in charge of construction;
- (5) violation of safety and health standards prescribed by law or regulations in case of a professional in charge of construction;
- (6) non-submission of duly signed and sealed documents, or submission of inconsistent or deceitful documents, such as logbook and as-built plans in case of a professional in charge of construction; and
- (7) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

(c) By the Building Contractor:

- (1) deviation from the plans and specifications certified by Building Professionals and submitted to the Local Building Official, in a way that increases the risk to life, health, property, or public welfare;
 - (2) violation of safety and health standards prescribed by law or regulations;
 - (3) not engaging a Building Professional in charge of construction; and
 - (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (d) By the Recognized Certifier:
- (1) misrepresentation or false statements in order to be recognized by the Office of the National Building Official;
 - (2) certifying buildings and structures that do not meet the requirements of this Act, rules and regulations, and reference standards, and other applicable laws;
 - (3) refusing or failing to certify buildings and structures that meet the requirements of this Act, rules and regulations, and reference standards; and
 - (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (e) By the Recognized Structural Peer Reviewer:
- (1) misrepresentation or false statements in order to be recognized by the Office of the National Building Official;
 - (2) providing false information to the Building Owner and/or Building Professional regarding the review;
 - (3) false certification on the compliance of structural design with this Act, rules and regulations, and reference standards, and project specifications; and
 - (4) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (f) By the Recognized Testing Laboratory:
- (1) misrepresentation or false statements in order to be recognized by the Office of the National Building Official;
 - (2) misrepresentation or false statements in the tests and/or test results of building materials;
 - (3) tampering with the equipment and instruments;
 - (4) conducting test methods non-conforming to reference standards; and
 - (5) analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.
- (g) By the Recognized Inspector:
- (1) misrepresentation or false statements in order to be recognized by the Office of the National Building Official;

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

(h) By the Local Building Official:

- (1) unjustifiable delay or gross negligence in the performance of powers, obligations, and functions;
- (2) willful engagement of non-recognized inspector;
- (3) willful non-compliance with the orders of the National Building Official, Office of the National Building Official, and/or Regional Building Appeals Board; 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) to (g) in Section 63 of this Act shall be subject to the administrative fines and penalties to be imposed by the National Building Official, acting through the Local Building Official. Such fines shall neither be lower than one-hundredth of one percent (0.01%) nor be higher than one percent (1.0%) of the estimated construction cost, per violation, in accordance with the gravity of the offense and the category of violator as provided in Section 63; *provided*, that the Local Building Official may not issue, may suspend, or may revoke any permit issued to the violator, as may be appropriate, and/or may order the suspension or cessation of any construction until such time that compliance with this Act, rules and regulations, and reference standards is undertaken; *provided further*, that in case the Building Owner is also the builder or Building Owner-Builder, the liability is only considered as one and that of the Building Owner or the Building Contractor whichever is more stringent; *provided furthermore*, that the Office of the National Building Official may suspend or revoke any recognition; *provided furthermore*, that in case of Building Professionals and/or Building Contractors found guilty of 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 corresponding administrative sanctions; *and provided finally*, that should there be more than one violator for a single prohibited act or omission, their liability shall be solidary.

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

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

SEC. 65. Criminal Liabilities of Building Owners, Building Professionals, Building Contractors, Recognized Certifiers, Recognized Structural Peer Reviewers, Recognized Testing Laboratories, and Recognized 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) starting work in the site of any kind, including but not limited to demolition, without first securing the required corresponding permit or permits;
- (b) occupying or using a completed or partially completed building, structure and/or mechanical apparatus without first securing the required corresponding permits;
- (c) unauthorized change in type of construction from more fire-resistive to less fire-resistive;
- (d) non-compliance with order to abate or demolish;
- (e) non-compliance with cease and desist order for construction;
- (f) not having any work being done in the site for more than one hundred twenty (120) days and without justifiable cause, for excavations left open or building construction abandoned;
- (g) blatant disregard of the orders of the Local Building Official in relation to the protection of life, health, property, and public welfare, such as the non-payment of fines and breaking of seals or operating despite the existence of an order for suspension or revocation; and
- (h) two or more offenses falling under Section 63 of this Act regardless of which paragraphs from (a) to (g).

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

When the offenses are lack of permits or permit requirements or failure to comply with legitimate orders or resolutions of the Local Building Official, the court or tribunal of proper jurisdiction may include additional administrative penalties: (a) to require the offenders to comply with the permit requirements or the orders; and (b) to require the offenders to demolish, retrofit, and/or repair the subject building or structure for failure to comply with the permit requirements or the orders.

Provided that, for failure to comply with the penalties as adjudicated penalties of the court, said court may cite said offenders for contempt until the penalties are complied with

SEC. 66. *Administrative and Criminal Liability of Local Building Officials and Staff and Other Public Officers.* Any Local Building Official and/or staff who shall conspire to commit any of the enumerated gross violations with any offender as provided in Section 65 of this Act shall be punished, per violation, by a fine not lower than one-hundredth of one percent (0.01%) nor higher than one percent (1.0%) of the estimated 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.

Any public officer who fails to enforce and implement the provisions of this Act, or fails to perform his functions as herein required, shall be subject to administrative and criminal liability under Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, and other relevant laws, rules and regulations.

CHAPTER XI FINAL PROVISIONS

SEC. 67. *Transitory Provision.* There shall be a systematic transition of implementation of building regulations and standards from Presidential Decree No. 1096 to this Act.

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

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

Engagement of Recognized Certifiers, Recognized Inspectors, Recognized Structural Peer Reviewers, and Recognized Testing Laboratories as provided for in this Act, shall take effect following the implementation by the ONBO of the system of recognition, as formulated by the BRSC and promulgated by the NBO. The initial list of recognized persons shall be published by the ONBO within one (1) year from the promulgation of the system of recognition.

Consistent with Section 40 and Section 41 of this Act, existing referral codes or parts thereof that are technical in nature, 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.

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

SEC. 68. *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, including a system of recognition of qualified Building Professionals as Recognized Certifiers, Recognized Structural Peer Reviewers, and/or Recognized Inspectors, and qualified establishments or institutions as Recognized Testing Laboratories, within one (1) year from the effectivity of this Act. For this purpose, the Secretary, as the National Building Official, is mandated to immediately constitute the Building Regulations and Standards Council within three (3) months of the effectivity of this Act.

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

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

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

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

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

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

SEC. 69. *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 of this Act.

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

SEC. 70. **Oversight Committee.** This Act and its implementing rules and regulations shall undergo a review of provisions every five (5) years, or more frequently as necessary, to make the law more responsive to the needs of the times. For this purpose, an oversight committee shall be created which shall be composed of four (4) members each from the House of Representatives and Senate to be designated by the Speaker of the House and President of the Senate, respectively.

SEC. 71. **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. 72. **Repealing Clause.** Presidential Decree No. 1096, or the National Building Code of the Philippines, as amended, is hereby repealed and replaced with this Act. Republic Act No. 6541, or An Act to Ordain and Institute a National Building Code of the Philippines, is also hereby repealed. Existing laws mandating the integration of the National Building Code of the Philippines as a major subject in the curriculum of the bachelor of science degree programs in architecture and engineering, and its inclusion as a topic in the licensure examinations for those professions, shall henceforth mandate the integration of the Philippine Building Act in place of the National Building Code of the Philippines.

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

Approved.