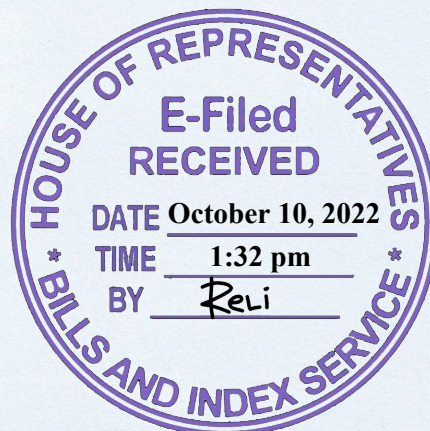


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5503



Introduced by Honorable Rex Gatchalian

AN ACT
AMENDING SECTIONS 443, 454, 463, AND 477 OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT CODE OF 1991"
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article 477 of Republic Act No. 7160 or the Local Government Code (LGC) provides that the local engineer in provincial, city, and municipal governments shall also act as the local building official. This places an immense burden on the local engineers because apart from their numerous duties enumerated in the LGC, they must also fulfill the functions mandated by Presidential Decree No. 1096 or the National Building Code (NBC), for the building officials.

As acknowledged in Senate Bill No. 2235 filed during the Sixteenth (16th) Congress by former Senator and now President Ferdinand Marcos, Jr., well-meaning local engineers and building officials have expressed their sentiments on the subject matter during various hearings of the Senate Committee on Public Works. In *Leo Bernardez v. The City Government of Baguio* (G.R. No. 197559, 21 March 2022), the Supreme Court also recognized the operational difficulties attendant to the demands of the dual positions of the local engineers and building officials, to wit:

In fact, the creation of an Office of the City Building Official that is separate and distinct from the Office of the City Engineer is not novel to City Governments. The Court is highly aware that highly urbanized cities (HUC), such as Manila, Paranaque, Caloocan, Quezon, Davao, and Iloilo, have created and established their respective offices of the City Building Official separate and distinct from the Office of the City

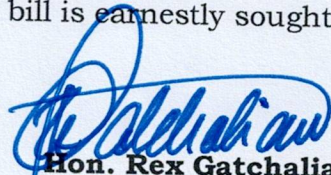
Engineer. **This is many in response to operational difficulties attendant to the demands of the dual positions of the City Engineer and Building Official concurrently held by one person, i.e., the City Engineer.** (emphasis supplied)

The Court in *Bernardez*, also explained the practicality of appointing a different local building official, to wit:

In other words, the local Building Official, on one hand, is responsible for the enforcement of the provisions of the NBC. As such, he is responsible for issuing building permits and ensuring compliance with the requirements of the NBC. Moreover, the Building Official is subject to the supervision and control of the national authority, in this case, the Secretary of DPWH. On the other hand, the City Engineer is responsible for the infrastructure, public works, and engineering matters within a local government unit. **Clearly, these two are separate positions, which can be independently exercised by different local officials or offices, more so under circumstances where there is a need to address the operational demands of the City Government in matters concerning construction and infrastructure,** such as in this case. (emphasis supplied).

This bill seeks to institutionalize the creation of the Office of the Building Official and thereby separate the functions between the local engineer and the local building official to establish an independent office from that of the local engineer and exercise the duties akin to the mandate of a local building official under the National Building Code. This bill shall at the same time harmonize and streamline the provisions of the NBC and LGC on the qualifications, duties and responsibilities of the local building official.

In view of the foregoing, approval of this bill is earnestly sought.


Hon. Rex Gatchalian
Representative
1st District of Valenzuela

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AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Paragraph (a) of Section 443 of Republic Act No. 7160, or the
2 "Local Government Code of 1991," is hereby amended to read as follows:
3

4 "Section 443. *Officials of the Municipal Government.* – (a) There
5 shall be in each municipality a municipal mayor, a municipal vice
6 mayor, sangguniang bayan members, a secretary to the
7 sangguniang bayan, a municipal treasurer, a municipal assessor,
8 a municipal accountant, a municipal budget officer, a municipal
9 planning and development coordinator, a municipal engineer [/],
10 **A MUNICIPAL** building official, a municipal health officer and a
11 municipal city registrar."
12

13 **SEC. 2.** Paragraph (a) of Section 454 of Republic Act No. 7160, or the "Local
14 Government Code of 1991," is hereby amended to read as follows:
15

16 "Section 454. *Officials of the City Government.* – (a) There shall be
17 in each city a mayor, vice-mayor, sangguniang panglungsod
18 members, a secretary to the sangguniang panglungsod, a city
19 treasurer, a city assessor, a city accountant, a city budget officer,

1 a city planning and development coordinator, a city engineer, A
2 **CITY BUILDING OFFICIAL**, a city health officer, a city civil
3 registrar, a city administrator, a city legal officer, a city civil
4 registrar, a city veterinarian, a city social welfare and development
5 officer, and a city general services officer.”
6

7 **SEC. 3.** Paragraph (a) of Section 463 of Republic Act No. 7160, or the “Local
8 Government Code of 1991,” is hereby amended to read as follows:
9

10 “Section 463. Officials of the Provincial Government. – (a) There
11 shall be in each province a governor, a vice governor, members of
12 the sangguniang panlalawigan, a secretary to the sangguniang
13 panlalawigan, a provincial treasurer, a provincial assessor, a
14 provincial accountant, a provincial engineer, **A PROVINCIAL**
15 **BUILDING OFFICIAL**, a provincial budget officer, a provincial
16 planning and development coordinator, a provincial legal officer,
17 a provincial administrator, a provincial health officer, a provincial
18 social welfare and development officer, a provincial general
19 services officer, a provincial agriculturist, and a provincial
20 veterinarian.”
21

22 **SEC. 4.** Section 447 of Republic Act No. 7160, or the “Local Government Code
23 of 1991,” is hereby amended to read as follows:
24

25 “ARTICLE VII. The Engineer **AND THE BUILDING OFFICIAL**
26

27 Section 477. Qualifications, Powers and Duties. –
28

29 (a) **THE ENGINEER.** - No person shall be appointed engineer
30 unless he **OR SHE** is a citizen of the Philippines, a resident of the
31 local government unit concerned, of good moral character, and a
32 licensed civil engineer. He **OR SHE** must have acquired experience
33 in the practice of his profession for at least five (5) years in the
34 case of the provincial or city engineer, and three (3) years in the
35 case of the municipal engineer.
36

1 The appointment of an engineer shall be mandatory for the
2 provincial city, and municipal governments. ~~{The city and~~
3 ~~municipal engineer shall also act as the local building official.}~~
4

5 **[(b)]** The engineer shall take charge of the engineering office and
6 shall:
7

8 (1) Initiate, review and recommend changes in policies and
9 objectives, plans and programs, techniques, procedures and
10 practices in infrastructure development and public works in
11 general of the local government unit concerned;
12

13 (2) Advise the governor or mayor, as the case may be, on
14 infrastructure, public works, and other engineering matters;
15

16 (3) Administer, coordinate, supervise, and control the
17 construction, maintenance, improvement, and repair of roads,
18 bridges, and other engineering and public works projects of the
19 local government unit concerned;
20

21 (4) Provide engineering service to the local government unit
22 concerned, including investigation and survey, engineering
23 design, feasibility studies, and project management;
24

25 (5) In the case of the provincial engineer, exercise technical
26 supervision over all engineering offices of component cities and
27 municipalities; and
28

29 (6) Exercise such other powers and perform such other duties and
30 functions as may be prescribed by law or ordinance.
31

32 **(B) THE BUILDING OFFICIAL. - NO PERSON SHALL BE**
33 **APPOINTED AS BUILDING OFFICIAL UNLESS HE OR SHE IS A**
34 **FILIPINO CITIZEN, A RESIDENT OF THE LOCAL**
35 **GOVERNMENT UNIT CONCERNED, OF GOOD MORAL**
36 **CHARACTER, AND A LICENSED ARCHITECT OR CIVIL**

1 ENGINEER. HE OR SHE MUST BE A MEMBER IN GOOD
2 STANDING OF THE DULY ACCREDITED PROFESSIONAL
3 ORGANIZATION FOR NOT LESS THAN TWO (2) YEARS, AND
4 SHOULD HAVE AT LEAST FIVE (5) YEARS OF DIVERSIFIED
5 AND PROFESSIONAL EXPERIENCE IN BUILDING DESIGN AND
6 CONSTRUCTION.

7
8 THE APPOINTMENT OF A BUILDING OFFICIAL SHALL BE
9 MANDATORY FOR THE PROVINCIAL, CITY AND MUNICIPAL
10 GOVERNMENTS.

11
12 BUILDING OFFICIALS SHALL BE PRIMARILY RESPONSIBLE
13 FOR THE ENFORCEMENT OF THE PROVISIONS OF THE
14 NATIONAL BUILDING CODE OF THE PHILIPPINES, ITS
15 AMENDMENTS, REFERRAL CODES, THE IMPLEMENTING
16 RULES AND REGULATIONS ISSUED THEREFOR, AND THE
17 ENFORCEMENT OF ORDERS AND DECISIONS MADE
18 PURSUANT THERETO, WITHIN THEIR RESPECTIVE
19 TERRITORIAL JURISDICTION.

20
21 EVERY BUILDING OFFICIAL SHALL KEEP A PERMANENT
22 RECORD AND ACCURATE ACCOUNT OF ALL FEES AND
23 OTHER CHARGES FIXED AND AUTHORIZED TO BE
24 COLLECTED AND RECEIVED UNDER THE NATIONAL
25 BUILDING CODE.

26
27 SUBJECT TO EXISTING BUDGETARY, ACCOUNTING AND
28 AUDITING RULES AND REGULATIONS, THE BUILDING
29 OFFICIAL IS HEREBY AUTHORIZED TO RETAIN NOT MORE
30 THAN TWENTY PERCENT (20%) OF THE COLLECTIONS FOR
31 THE OPERATING EXPENSES OF THE OFFICE.

32
33 THE REMAINING EIGHTY PERCENT (80%) SHALL BE
34 DEPOSITED WITH THE PROVINCIAL CITY OR MUNICIPAL
35 TREASURER AND SHALL ACCRUE TO THE GENERAL FUND
36 OF THE PROVINCE, CITY, OR MUNICIPALITY CONCERNED.

1
2 **SEC. 5. Separability Clause.** – The provisions of this Act are hereby declared
3 to be separable and if any clause, sentence, provision, or section of this Act or its
4 application thereof to any person or circumstance should, for any reason, be held
5 invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the
6 other provisions or application of this Act which can be given force and effect.
7

8 **SEC. 4. Repealing Clause.** – All laws, decrees, executive orders,
9 proclamations, rules and regulations, and other issuances, or parts thereof which
10 are inconsistent with the provisions of this Act are hereby repealed, amended, or
11 modified accordingly.
12

13 **SEC. 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
14 its publication in the *Official Gazette* or a newspaper of general circulation.

Approved,