

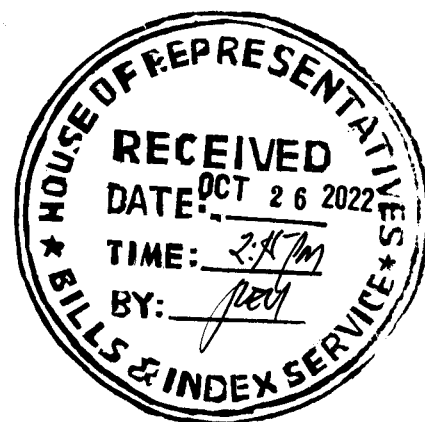


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress

First Regular Session

House Bill No. 5704



Introduced by:

HON. MARISSA “DEL MAR” P. MAGSINO
OFW PARTYLIST

EXPLANATORY NOTE

Building officials, as public officers, have the primary authority and responsibility to enforce the National Building Code (Presidential Decree No. 1096) within their respective jurisdictions. They are in charge of conducting building inspections to determine if the construction complies with the safety standards and regulations, and shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures.

Previously, the Secretary of the Department of Public Works and Highways (DPWH) has designated incumbent Public Works District Engineers, City Engineers and Municipal Engineers to act as building officials in their respective areas of jurisdiction pursuant to the National Building Code of 1977 (NBC). Then in 1991, Republic Act No. 7160, or the “Local Government Code” (LGC), was enacted providing for the mandatory appointment of an engineer for the provincial, city and municipal governments. However, it further provided that the city and municipal engineers shall also act as the local building officials.

Read together, pertinent provisions of the LGC and the NBC created a situation where engineers of local government units (LGUs) juggle with the dual role of engineers with their responsibilities under the LGC, and as building officials with another set of functions mandated by the NBC. This dual role of a singular official proved to be too overwhelming for many engineers of local government units. In fact, some LGUs have tried to remedy the situation by creating, through an ordinance, a separate office of the local building official.

The objective of the NBC is to safeguard life, health, property, and public welfare, consistent with the principles of sound environmental management and control, and to provide for all buildings and structures a framework of minimum standards and requirements to regulate and control their location, site, design quality of materials, construction, use, occupancy, and maintenance. Since, the strict implementation of the NBC falls on the shoulder of building officials, it is necessary to create a separate office of the local building official in LGUs to relieve local engineers of their excess burden, and allow the former (local building officials) to focus more on the implementation of the NBC. In the process, we are also able to synchronize the provisions of the NBC and the LGC.

For the above reason, the immediate consideration and approval of this bill is earnestly urged.

A handwritten signature in black ink, appearing to read 'Marissa "Del Mar" P. Mag sino', is positioned above the printed name.

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AN ACT
PROVIDING FOR MANDATORY APPOINTMENT OF BUILDING
OFFICIAL IN PROVINCES, CITIES AND MUNICIPALITIES, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS
THE LOCAL GOVERNMENT CODE OF 1991, AS AMENDED

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

SECTION 1. Section 443(a) of Republic Act No. 7160, otherwise known as the 'Local Government Code of 1991', as amended, is hereby amended to read as follows:

Section 443. *Officials of the Municipal Government.* -

- (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor, *sangguniang bayan* members, a secretary to the *sangguniang bayan*, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer-~~[-/]~~, **A MUNICIPAL** building official, a municipal health officer, and a municipal civil registrar.

(b) xxxxx

SECTION 2. Section 454(a) of the same Code, as amended, is hereby amended to read as

follows:

Section 454. Officials of the City Government.

- (a) There shall be in each city a mayor, a vice-mayor, *sangguniang panlungsod* members, a secretary to the *sangguniang panlungsod*, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, **A CITY BUILDING OFFICIAL**, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer.
- (b) xxxxx

SECTION 3. Section 463(a) of the same Code, as amended, is hereby amended to read as follows:

Section 463. Officials of the Provincial Government.

- (a) There shall be in each province a governor, a vice-governor, members of the *sangguniang panlalawigan*, a secretary to the *sangguniang panlalawigan*, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial engineer, **A PROVINCIAL BUILDING OFFICIAL**, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, a provincial social welfare and development officer, a provincial general services officer, a provincial agriculturist, and a provincial veterinarian.
- (b) xxxxx

SECTION 4. Section 477 of the same Code, as amended, is hereby amended to read as follows :

Section 477. Qualifications, Powers and Duties.

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

The appointment of an engineer shall be mandatory for the provincial, city and municipal governments. ~~【The city and municipal engineer shall also act as the local building official.】~~

- (b) xxxxx

SECTION 5. A new Article XXII and a new Section 490-A are hereby incorporated in Title V of the same Code, as amended, to read as follows:

ARTICLE XXII - THE BUILDING OFFICIAL

SECTION 490-A. – QUALIFICATIONS, POWERS AND DUTIES - NO PERSON SHALL BE APPOINTED AS BUILDING OFFICIAL UNLESS HE / SHE IS A FILIPINO CITIZEN, A RESIDENT OF THE LOCAL GOVERNMENT UNIT CONCERNED, OF GOOD MORAL CHARACTER, AND A LICENSED ARCHITECT OR CIVIL ENGINEER. HE / SHE MUST BE A MEMBER OF GOOD STANDING OF THE DULY ACCREDITED PROFESSIONAL ORGANIZATION FOR NOT LESS THAN TWO (2) YEARS, AND SHOULD HAVE AT LEAST FIVE (5) YEARS OF PROFESSIONAL EXPERIENCE IN BUILDING DESIGN AND CONSTRUCTION.

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

THE BUILDING OFFICIAL SHALL BE PRIMARILY RESPONSIBLE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE NATIONAL BUILDING CODE OF THE PHILIPPINES, AS AMENDED, REFERRAL CODES, THE IMPLEMENTING RULES AND REGULATIONS ISSUED THEREFOR, AND THE ENFORCEMENT OF ORDERS AND DECISIONS MADE PURSUANT THERETO, WITHIN THE TERRITORIAL

THE BUILDING OFFICIAL SHALL KEEP A PERMANENT RECORD AND ACCURATE ACCOUNT OF ALL FEES AND CHARGES FIXED AND AUTHORIZED TO BE COLLECTED AND RECEIVED UNDER THE NATIONAL BUILDING CODE. SUBJECT TO EXISTING BUDGETARY, ACCOUNTING AND AUDITING RULES AND REGULATIONS, THE BUILDING OFFICIAL IS AUTHORIZED TO RETAIN NOT MORE THAN TWENTY PERCENT (20%) OF THE COLLECTIONS FOR THE OPERATING EXPENSES OF THE OFFICE. THE REMAINING EIGHTY PERCENT (80%) SHALL BE DEPOSITED WITH THE PROVINCIAL, CITY OR MUNICIPAL TREASURER AND SHALL ACCRUE TO THE GENERAL FUND OF THE PROVINCE, CITY OR MUNICIPALITY CONCERNED.

SECTION 5. *Separability Clause* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SECTION 6. *Repealing Clause.* — All laws, decrees, orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 7. *Effectivity Clause* — This Act shall take effect fifteen (15) days after its complete publication in in a newspaper of general circulation.

Approved.