

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

House Bill No. **8534**



Introduced by **Representative JOEY SARTE SALCEDA**

AN ACT
PROVIDING FOR THE TELECOMMUNICATIONS TECHNOLOGY
READINESS OF BUILDINGS AND STRUCTURES, AMENDING CERTAIN
SECTIONS OF PRESIDENTIAL DECREE 1091, OTHERWISE KNOWN AS
THE NATIONAL BUILDING CODE

EXPLANATORY NOTE

The critical role of telecommunications in keeping society together was demonstrated during the COVID-19 pandemic, when, despite unprecedented lockdowns, the global economy continued to operate and certain industries flourished.

Such a development would have been unimaginable years ago, and certainly in 1977, when the National Building Code was enacted. This, along with the proliferation of condominium complexes, was not anticipated in the law at the time.

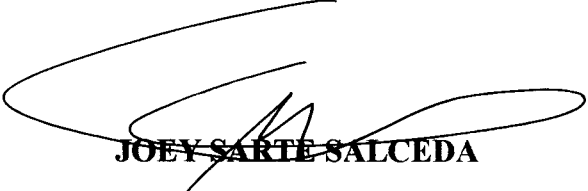
Such high concentrations of people within limited spaces can be taxing on telecommunications services, especially on bandwidth, unless adequate provision is given for telecommunications facilities. Without specific mandates to ensure digital connectivity in such complexes, the ability of internet service providers and other telecommunications service providers to deliver to their clients will be significantly hampered.

The need to address this policy gap is underscored by work-from-home arrangements which have made our business process outsourcing (BPO) and creatives sectors globally cost-competitive. If the internet from home is unreliable, we lose this crucial edge which has allowed our BPO sector to grow faster than expected despite challenging economic conditions.

In Metro Manila alone, there are at least 160,000 condominium units, housing close to 1 million people – mainly working-class families, students, or young professionals in greatest need of fast and reliable internet.

This proposed measure seeks to amend certain provisions of the National Building Code to provide for a clear and specific definition and guidelines for property developers to allocate necessary space in order to deliver basic telecommunication services.

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



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

SECTION 1. Definition and Interpretation of Terms. - As provided for in Republic Act No. 9292, otherwise known as the Electronics Engineering Law of 2004, the applicable terms used shall be the same in this Act.

SECTION 2. Section 102, of Presidential Decree 1096 is hereby amended to read as follows:

“Section 102. Declaration of Policy”

It is hereby declared to be the policy of the State to safeguard life, health, property, and public safety & welfare, consistent with the principles of sound environmental management and control. **FURTHER IT IS HEREBY DECLARED A POLICY OF THE STATE THAT IT RECOGNIZES THAT COMMUNICATIONS AND DIGITAL CONNECTIVITY ARE CONSIDERED A BASIC HUMAN RIGHT AND PLAYS A CRITICAL ROLE IN OUR NATION'S TRANSFORMATION TO A DIGITALLY ENABLED AND COMPETITIVE COUNTRY IN THE DIGITAL GLOBAL ECONOMY.** To this end, make it the purpose of the Code to provide for all buildings and structures and property developments, a framework of minimum standards and requirements to regulate and control their location, site, design, quality of materials, construction, use, occupancy, maintenance **AND ENSURE CONNECTIVITY PRIOR TO OCCUPANCY.**

SECTION 3. SECTION 104. of Presidential Decree 1096 is hereby amended to read as follows:

“SECTION 104. General Building Requirements”

1. All buildings or structures as well as accessory facilities thereto shall conform in all respects to the principles of safe construction and must be suited to the purpose for which they are designed.
2. Buildings or structures intended to be used for the manufacture and/or production of any kind of article or product shall observe adequate environmental safeguards.
3. Buildings or structures and all parts thereof as well as all facilities found therein shall be maintained in safe, sanitary and good working condition.
4. **BUILDINGS OR STRUCTURES AND PROPERTY DEVELOPMENTS SHALL BE PROVIDED, AS PART OF MANDATORY BASIC REQUIREMENTS, TELECOMMUNICATIONS / ICT INFRASTRUCTURE IN ACCORDANCE TO THE RELEVANT TECHNICAL SPECIFICATIONS AND REQUIREMENTS DEFINED BY THE INDUSTRY AND/OR LATEST PHILIPPINE ELECTRONICS CODES.**

SECTION 4. Section 302, Chapter III of Presidential Decree 1096 is hereby amended to read as follows:

“Section 302. Applications for Permit”

In order to obtain a building permit, the applicant shall file an application therefor in writing. XXXXXXXXX

To be submitted with such application are at least five sets of corresponding plans and specifications prepared, signed and sealed by a duly licensed Architect or Civil Engineer in case of Architectural and Structural plans; by a registered Mechanical Engineer in case of mechanical plans; by a registered Electrical Engineer in case of electrical plans; **BY A REGISTERED PROFESSIONAL ELECTRONICS ENGINEER IN CASE OF ELECTRONIC, TELECOMMUNICATIONS/ICT PLANS**; by a licensed Sanitary Engineer or Master Plumber in case of sanitary or plumbing installation plans except in those cases exempted or not required by the building official under this Code.”

SECTION 5. Section 303, Chapter III of Presidential Decree of 1096 is hereby amended to read as follows:

“Section 303. Processing of Building Permits”

The processing of building permits shall be under the overall administrative control and supervision of the building official and his technical staff of qualified **AND LICENSED PROFESSIONALS.**

In processing an application for a building permit, the building official shall see to it that the applicant satisfies and conforms with approved standards or requirements on zoning and land use, lines and grades, structural design, sanitary and sewerage, environmental, health, electrical, **ELECTRONICS, TELECOMMUNICATIONS / ICT** and mechanical safety as well as with other rules and regulations promulgated in accordance with the provisions of this Code”

SECTION 6. Section 308 , Chapter III of Presidential Decree of 1096 is hereby amended to read as follows:

“Section 308. Inspection and Supervision of Work”

The owner of the Building who is issued or granted a building permit under the Code shall engage the services of duly licensed architect or civil engineer to undertake the full time inspection and supervision of the construction work.

Such architect or civil engineer may or may not be the same architect or civil engineer who is responsible for the design of the building.

It is understood however that in either case, the designing architect or civil engineer is not precluded from conducting inspection of the construction work to check and determine compliance with the plans and specifications of the building submitted.

WITH REGARDS TO THE RELATED ANCILLARIES REQUIRED BY THE BUILDING INCLUDING BUT NOT LIMITED TO PLUMBING, SANITATION, ELECTRICAL UTILITIES AND ELECTRONICS AND TELECOMMUNICATIONS/ICT FACILITIES, BUILDING OWNER SHALL ENGAGE THE SERVICES OF DULY QUALIFIED PROFESSIONALS TO UNDERTAKE THE SUPERVISION AND INSPECTION OF THE WORK AND ENSURE ITS COMPLIANCE TO THE SUBMITTED AND APPROVED DESIGN PLANS.

There shall be kept at the jobsite at all times a logbook wherein the actual progress of construction and implementation **OF THE VARIOUS ANCILLARY REQUIREMENTS SUCH AS PLUMBING, SANITATION, ELECTRICAL UTILITIES AND ELECTRONICS AND TELECOMMUNICATIONS/ICT FACILITIES** including tests conducted, weather conditions and other pertinent data are to be recorded.

Upon completion of the construction and the related ancillaries, the said licensed architect or civil engineer shall submit the logbook, duly signed and sealed **BY THE LICENSED ARCHITECT OR CIVIL ENGINEER AND BY ALL THE RELEVANT LICENSED PROFESSIONALS WHO SUPERVISED AND INSPECTED THE IMPLEMENTATION OF THE RELATED ANCILLARIES,** to the Building Official. He shall also prepare and submit a Certificate of Completion of the project stating that the

construction of building **AND ITS ANCILLARIES** conforms to the provisions of the Code as well as with the approved plans and specifications.

SECTION 7. Section 309, Chapter III of Presidential Decree 1096 is hereby amended as follows:

“Section 309. Certificate of Occupancy”

No building or structure shall be used or occupied and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided in this Code.

A certificate of Occupancy shall be issued by the Building Official within thirty (30) days if after final inspection and submittal of a Certificate of Completion referred to in the preceding section, it is found that the building or structure complies with the provisions of this Code.

The Certificate of Occupancy shall be posted or displayed in a conspicuous place on the premises and shall not be removed except upon order of the Building Official.

The non-issuance, suspension and revocation of Certificates of Occupancy and the procedure for appeal therefrom shall be governed in so far as applicable, by the provisions of Section 306 and 307 of this Code.

THE OWNER/PERMITTEE SHALL SUBMIT TO THE OBO AN APPLICATION OF CERTIFICATE OF OCCUPANCY TOGETHER WITH A DULY NOTARIZED CERTIFICATE OF COMPLETION TOGETHER WITH THE CONSTRUCTION LOGBOOK, AS-BUILT PLANS AND SPECIFICATIONS AND THE BUILDING INSPECTION SHEET ALL SIGNED BY WHOEVER IS THE CONTRACTOR (IF THE CONSTRUCTION IS UNDERTAKEN BY CONTRACT) AND SIGNED AND SEALED BY THE OWNER’S DULY LICENSED ARCHITECT OR CIVIL ENGINEER AND ALL DULY LICENSED PROFESSIONALS WHO UNDERTOOK THE FULL TIME INSPECTION AND SUPERVISION OF THE CONSTRUCTION WORKS AND ITS ANCILLARIES. SAID PLANS AND SPECIFICATIONS SHALL REFLECT FAITHFULLY ALL CHANGES, MODIFICATIONS AND ALTERATIONS MADE ON THE ORIGINALLY SUBMITTED PLANS AND SPECIFICATIONS ON FILE WITH THE OBO WHICH ARE THE BASIS OF THE ISSUANCE OF THE ORIGINAL BUILDING PERMIT.

THE AS-BUILT PLANS AND SPECIFICATIONS MAY BE JUST AN ORDERLY AND COMPREHENSIVE COMPILATION OF ALL THE DOCUMENTS, WHICH INCLUDE THE ORIGINALLY SUBMITTED PLANS AND SPECIFICATIONS AND ALL AMENDMENTS THERETO AS ACTUALLY BUILT OR THEY MAY BE AN ENTIRELY NEW SET OF PLANS AND SPECIFICATIONS ACCURATELY DESCRIBING

AND/OR REFLECTING THEREIN THE BUILDING/STRUCTURE AS ACTUALLY BUILT.

IN LINE WITH THE DECLARATION OF POLICY OF THIS ACT, NO CERTIFICATE OF OCCUPANCY OR PARTIAL CERTIFICATE OF AUTHORITY SHALL BE ISSUED UNTIL ALL CRITICAL ANCILLARIES SUCH AS PLUMBING, SANITATION, ELECTRICAL UTILITIES AND ELECTRONICS AND TELECOMMUNICATIONS/ICT FACILITIES ARE COMPLETED, INSPECTED AND VERIFIED BY THE RELEVANT LICENSED PROFESSIONAL.

SECTION 8. A new Section 710 is hereby inserted in Chapter 7, to read as follows:

Chapter 7 Classification and General Requirement of All Buildings by Use or Occupancy

SECTION 710. MINIMUM ELECTRONICS AND TELECOMMUNICATIONS REQUIREMENTS

BUILDINGS PROPOSED FOR CONSTRUCTION SHALL COMPLY WITH ALL THE REGULATIONS AND SPECIFICATIONS FOR THE PROVISION OF TELECOMMUNICATIONS FACILITIES WITH THE INTENT THAT PEOPLE MOVING INTO NEW DEVELOPMENTS SHOULD HAVE READY ACCESS TO MODERN TELECOMMUNICATIONS, SPECIFICALLY BROADBAND AND VOICE SERVICES, WHICH ARE OF A HIGH QUALITY.

TELECOMMUNICATIONS FACILITIES SUCH AS IN-BUILDING SOLUTIONS AND FIBER OPTIC CABLING FOR HIGH CAPACITY AND HIGH-SPEED REQUIREMENTS SHALL BE MANDATORY IN MULTI-DWELLING BUILDINGS, COMMERCIAL BUILDINGS, GOVERNMENT AND OFFICE BUILDINGS, PUBLIC AND PRIVATE SCHOOLS, AND GOVERNMENT AND PRIVATE HOSPITALS.

SUCH TELECOMMUNICATIONS FACILITIES SHALL BE PROVIDED FOR BY THE DEVELOPER IN SIMILAR MANNER AS ELECTRICAL, PLUMBING AND SANITATION ARE PROVIDED. BUILDING OWNERS/DEVELOPERS WILL NEED TO PRE-INSTALL THESE FACILITIES DEPENDING ON THE TYPE & SIZE OF THE BUILDING. SIMILAR TO ELECTRICAL, PLUMBING AND SANITATION FACILITIES, BUILDING OWNERS/DEVELOPERS ARE NOT ALLOWED TO IMPOSE ANY COST, EXPENSES, CHARGES OR RENT FOR THE USE OF THESE FACILITIES NOR TO IMPOSE ADDITIONAL REQUIREMENTS THAT RESULT IN ADDED COST OR EXPENSES (SUCH AS ADDITIONAL INSURANCE COVERAGE) FOR THE PROVISIONING OF TELECOMMUNICATIONS SERVICES.

SECTION 9. A new *Sections* 1303 is hereby inserted in Chapter 13, to read as follows:

“Chapter 13. Electrical, Mechanical and ELECTRONICS REGULATIONS”

SECTION 1303: ELECTRONICS REGULATIONS

ALL ELECTRONICS SYSTEMS, INCLUDING TELECOMMUNICATIONS/ICT FACILITIES, EQUIPMENT AND INSTALLATIONS MENTIONED IN THIS CODE SHALL CONFORM TO THE LATEST CODE OF TECHNICAL STANDARDS AND PRACTICE, ALSO KNOWN AS THE PHILIPPINE ELECTRONICS CODE AND OTHER UNIVERSALLY-ACCEPTED ELECTRONICS STANDARDS AND CODES AS ADOPTED BY THE BOARD OF ELECTRONICS ENGINEERING PURSUANT TO REPUBLIC ACT NO. 9292, OTHERWISE KNOWN AS THE ELECTRONICS ENGINEERING CODE OF 2004.

SEC. 10. Implementing Rules and Regulations. – The Secretary of the Department of Public Works and Highways, in coordination with the National Telecommunications Commission, shall promulgate and issue such rules and regulations and other issuances within ninety (90) days from approval of this Act as may be necessary to ensure its effective implementation.

SEC. 11. Separability Clause. - If any section or provision of this Act is held unconstitutional or invalid, all other sections or provisions shall remain in full force and effect.

SEC. 12. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations or part thereof, contrary to or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 13. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general publication.

Approved,