

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1500**

EXPLANATORY NOTE

This bill was approved by the House of Representatives during the 19th Congress.

Article 14, Section 10 of the Constitution states that science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation and their utilization; and to science and technology education, training and services. It shall support indigenous, appropriate and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life.

Presidential Decree 1096, otherwise known as the National Building Code, was enacted to embody up-to-date and modern technical knowledge on building design, construction, use, occupancy and maintenance.

On April 17, 2004, Republic Act No. 9292, otherwise known as the Electronics Engineering Law of 2004 was enacted to provide a more responsive and comprehensive regulation for the registration, licensing, and practice of professional electronics engineers and electronics technicians. It defines electronics as the science dealing with the development and application of devices and systems involving the flow of electrons or other carriers of electric charge, in a vacuum, in gaseous media, in plasma, in semiconductors, in solid-state electronics and/or similar devices, including, but not limited to, applications involving optical, electromagnetic and other energy forms when transduced or converted into electric signals.

With the enactment of RA 9292, there is a need to amend some provisions of PD 1096 to provide uniform standards, regulations and control for electronics design, planning, manufacturing, production, fabrication, construction, installations, operations, and maintenance, the applications of which will insure adequate protection and safety to persons therein engaged, as well as in the provision, operations and use of electronics components, devise, equipment, facilities, systems, plants, stations and/or services.

In addition, the Board of Electronics Engineering (BECE) of the Professional Regulation Commission (PRC) issued Board Resolution No. 12, series of 2014, which adopted the Code of Technical Standards and Practice, also known as the Philippine Electronics Code, consisting of Books 1,2,3 and 4 as part of the rules and regulations governing the practice of Electronics Engineering and as a Referral Code to the National Building Code of the Philippines.

The importance of mobile and internet connectivity has never been more needed than today. Its relevance to businesses, the government's disaster prevention and mitigation, preparedness and response, and to the Filipinos' daily lives can no longer be taken for granted.

Moreover, with the onset of the COVID-19 pandemic, governments around the world have realized that Information and Communications Technology (ICT) indeed are categorized

as a vital resource for any country similar to the value that natural resources such as water and natural gases offers. Its critical value in driving economies anywhere in the world demonstrates the significant role for governments and institutions alike to ensure that supporting infrastructures are in place to continuously augment various basic services delivery. In fact, one of the identified sustainable goal (SG #9) of the United Nations is to "Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation".

The importance of fixed and wireless internet connectivity towards a smart and intelligent city has never been more pronounced in this time of "new normal". The government's commitment to support such ICT infrastructure buildup is more vital considering the onset of proliferation for 5G technologies across various sectors of the industry and commerce globally.

Further, this bill introduces a new building code for the Philippines which, among others, introduces a new building classification system, makes buildings more resilient against hazards, mandates the inclusion of practices and technologies that maximize efficient use of energy and water in the design, and requires all buildings over 15 years old to undergo mandatory assessment.

Thus, early passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

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Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1500**

AN ACT

REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY, MAINTENANCE, AND DEMOLITION OF BUILDINGS, PROMOTING BUILDING RESILIENCE AGAINST EARTHQUAKE, FIRE, FLOOD, LANDSLIDE, STORM, VOLCANIC ERUPTION, AND MULTIPLE HAZARDS WITHIN AN ALL-HAZARDS APPROACH TO RESILIENCE BUILDING, ENACTING A NEW PHILIPPINE BUILDING ACT, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 6541, "AN ACT TO ORDAIN AND INSTITUTE A NATIONAL BUILDING CODE OF THE PHILIPPINES", AND PRESIDENTIAL DECREE NO. 1096, OTHERWISE KNOWN AS THE "NATIONAL BUILDING CODE OF THE PHILIPPINES"

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 "New Philippine Building Act."

SEC. 2. *Declaration of Principles and Policies.* - The State shall safeguard life, health, property, and public welfare, consistent with principles of sustainable development. Towards this end, it shall be the policy of the State to provide for all buildings and structures a framework of minimum standards and requirements, mainstreaming disaster risk reduction and management, to regulate and control their location, planning, design, construction, use, occupancy, maintenance, assessment, evacuation, 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.* - The objectives of this Act are as follows:

(a) Provide for the minimum standards for the regulation of location, planning, design, construction, use, occupancy, maintenance, assessment, evacuation, 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 these buildings and structures without impinging on the safety of the general public or endangering the environment;
- (3) Protect property from physical damage; and
- (4) Reduce and manage hazards, exposures, and vulnerabilities, thereby minimizing disaster risk;

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

- (c) Establish sustainability standards for buildings, mitigating any negative environmental, economic, and social impacts; and
- (d) Craft administrative and legal remedies for the enforcement of related rights and obligations 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. – All doubts in the implementation or interpretation of the provisions of this Act shall be construed in a manner that is consistent with and promotes the policies and objectives of the Act.

Nothing in this Act shall be interpreted to prevent local government units (LGUs), 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 and the charter of the concerned LGU.

Local ordinances by LGUs of contiguous jurisdictions shall be harmonized for purposes of construction of buildings that may straddle territories of LGUs: *Provided*, That before the effectivity of such local ordinance, consultation with and concurrence by the National Building Official (NBO), pursuant to Section 41 of this Act, shall be required through the review process to be specified in the rules and regulations of this Act: *Provided, further*, That such local ordinances shall be published in a manner that is clear to all stakeholders, through measures that include those provided in Section 68 of this Act.

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

- (a) *Addition* refers to any construction that increases the height or the floor area of an existing building or structure;
- (b) *All-hazards approach* refers to a comprehensive and coordinated approach in taxonomy and characterization of hazards, both natural and human-induced including 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, or equipment but not increasing the building height nor the 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; gazebos, booths, kiosks, and stages; tombs, mausoleums, and niches; and similar structures;
- (e) *Build better* refers to planning, financing, designing, and building after a disaster or crisis, based on evolving or evolved disaster risk, in order to strengthen preparedness against a similar further disaster, mitigate its adverse effects, and ensure that capacities are in place for effective disaster response, recovery, and reconstruction;
- (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 a legally enforceable agreement, regardless of titles such as prime contract, subcontract, or deed of assignment, to carry out construction work, supply goods, or provide services;
- (h) *Building contractor* refers to a person duly registered and licensed by the

Philippine Contractors Accreditation Board or competent government agency, to whom is awarded a building contract;

(i) *Building owner* refers to a natural or juridical 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, 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 the building location, which is described by technical descriptions delineating boundaries of the property to be developed, over which the building owner has a title or legal right to build; for design purposes, the term shall also cover areas and spaces around the lot, the conditions of which bear on the operability and safety of the building or structure;

(l) *Comprehensive Land Use Plan (CLUP)* refers to the document, formulated by the concerned LGU consistent with the promulgated national land use plan and 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 preparation, excavation, foundation, and assembly or installation of components, utilities, machinery, and equipment of building or structure;

(n) *Conversion* refers to a change in the use or occupancy of an existing building or structure or any portion thereof to another occupancy group or sub-group that has different requirements under this Act;

(o) *Demolition* refers to the systematic dismantling, destruction, or removal of a building or structure, in whole or in part;

(p) *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;

(q) *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;

(r) *Exposure* refers to the situation where people, property, systems, or other elements in hazard zones are subject to potential losses;

(s) *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 generally recognized and accepted testing methods or as certified by a recognized testing laboratory;

(t) *Hazard* refers to a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage; the 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;

(u) *Hazard zone* refers to an area identified in generally recognized and accepted hazard maps as exposed to natural hazards, such as floods, wind storms, storm surges, landslides, volcanic eruptions, and earthquakes;

(v) *Innovative construction technology* refers to a construction technology that is emerging or being reintroduced locally or nationally in the field of construction, with corresponding evidence of acceptable performance from laboratory tests, field tests, and

analytical studies to comply with Chapter V and Chapter VI of this Act, its rules and regulations, and reference standards;

(w) *Locational clearance* refers to the document issued by the planning and development officer of the LGU certifying that the proposed construction has the appropriate traffic impact assessment (TIA), is located in an appropriate zone, and does not violate the CLUP, any zoning ordinance or regulation of the concerned LGU, nor other applicable laws, ordinances or regulations, which document is submitted to the Local Building Official (LBO) in support of an application for a permit;

(x) *Permit* refers to any of the permits that may be issued by the LBO as set forth in this Act;

(y) *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 (ONBO) 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, its rules and regulations, and reference standards as to structural stability and fire safety construction;

(z) *Recognized inspector* refers to a person possessing experience and other qualifications of a building professional, and recognized by the ONBO, whose service may be engaged by the LBO to inspect buildings or structures in accordance with this Act, its rules and regulations, and reference standards;

(aa) *Recognized Structural Peer Reviewer* refers to a person possessing experience and other qualifications of a building professional, and recognized by the ONBO to provide independent verification that the structural design of a proposed or new building or structure complies with this Act, its rules and regulations, and reference standards;

(bb) *Recognized testing laboratory* refers to an establishment or institution recognized by the ONBO 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, its rules and regulations, and reference standards;

(cc) *Reference standards* refer to technical standards that the NBO promulgates through rules and regulations in administering and enforcing this Act. For this purpose, consistent with Section 41, Section 42, and Section 69 of this Act, applicable Philippine National Standards and existing referral codes of Presidential Decree No. 1096, otherwise known as the “*National Building Code of the Philippines*” or portions thereof that are technical in nature shall hereinafter be renamed and referred to accordingly as “reference standards”. The implementing rules and regulations to be promulgated under Section 68 of this Act shall enumerate all reference standards to be used, together with the corresponding agencies that are authorized by law to formulate, revise, and propose such reference standards to the NBO;

(dd) *Rehabilitation* refers to the act or process of making possible a compatible use for an existing building or structure through repair or alteration while preserving those portions or features which convey its acknowledged heritage significance;

(ee) *Relocation* refers to the transfer of an existing building or structure or portion/s thereof from its original location or position to another, either within the same site or to a different one;

(ff) *Renovation* refers to any physical change made on an existing building or structure to increase the value or improve the quality or aesthetics, without addition to building height or floor area, nor alteration of structural parts;

(gg) *Repair* refers to remedial work done on any damaged or deteriorated portion/s of an existing building or structure to restore its original condition;

(hh) *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, in conformity with the provisions of this Act, its rules and regulations, and reference standards;

(ii) *Special site* refers to a site that requires special rules and regulations to mitigate potential adverse impacts of the site conditions;

(jj) *Structure* refers to a building or other object that is built or constructed, an

edifice, tower, or building of any kind, or any piece of work artificially built or constructed 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 lines, and structures regulated by other national laws or competent national agencies;

(kk) *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 NBO through rules and regulations;

(ll) *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

(mm) *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 CLUP; it is concerned primarily with the use of land 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: *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. *Buildings and Structures.* - For purposes of this Act, structures shall include buildings, ancillary structures, and other structures as defined in this Act.

SEC. 8. *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. 9. *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 (RA) No. 9514, or the "*Fire Code of the Philippines of 2008*", and its implementing rules and regulations.

SEC. 10. *Buildings Classified According to Use or Occupancy.* - The building or structure identified based on the use or occupancy shall be classified as follows:

- (a) Group A, *Assembly* occupancies shall include all buildings and structures, or portions thereof, used for gathering together of fifty (50) or more persons for any purpose, including deliberation, worship, entertainment, eating, drinking, amusement, and awaiting transportation;
- (b) Group B, *Business* occupancies are those used for the transaction of business other than those covered under Group M on *Mercantile* in this Section, including the keeping of accounts and records and similar purposes for such offices of less than fifty (50) occupants such as, offices of professionals, general offices, business process outsourcing, internet shops, massage parlors, beauty shops, or barbershops;
- (c) Group D, *Disaster Risk Reduction and Management* (DRRM) occupancies are those buildings and structures designated for DRRM training centers, early warning systems, emergency operation centers, triage structures, and permanent centers

for refuge (Sub-group DP); Under Group D, in addition to permanent centers for refuge, Sub-group DP, buildings, structures, or portions thereof may be designated as temporary evacuation centers, Sub-group DT, provided they comply with the specific rules and regulations promulgated by the NBO.

- (d) Group E, *Educational* occupancies shall include buildings, or portions thereof, used for the gathering of a group of six (6) or more persons for purposes of instruction, such as schools, colleges, universities, academies, kindergartens, or nurseries;
- (e) Group F, *Factory and Industrial* occupancies are those used for operations such as product processing, fabricating, manufacturing, assembling and disassembling, mixing, packaging, finishing or decorating, repairing, and material recovery, including factories of all kinds, laboratories, laundries, dry-cleaning plants, power plants, pumping stations, smokehouses, gas plants, refineries, creameries, or sawmills;
- (f) Group G, *Agricultural and Biosystems* occupancies are those used for the production, harvesting, processing, storage, manufacture, preserving, transporting, and distribution of agricultural and biosystems products or materials including silos and its components, agricultural and biosystems machinery and equipment sheds, farm houses, green/screen houses, poultry houses, piggery houses, slaughterhouses, agricultural and biosystems products storages or warehouses, buildings and structures for poultry, livestock, fishery and forestry production and processing, kiln drying and lumber treatment structures, and structures for farm equipment, farm supplies, and agricultural waste utilization and management;
- (g) Group I, *Institutional* occupancies are those used to house one or more persons under varied degrees of restraint or security where such occupants are mostly incapable of self-preservation because of security measures not under the occupants' control (Sub-group ID), such as jails and penitentiaries, 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 hospitals, health care and day care occupancies, and homes for the aged;
- (h) Group M, *Mercantile or Commercial* occupancies are those used for the display or sale of merchandise, and involve stocks of goods, wares, and merchandise incidental to such purposes and accessible to the public, of less than fifty (50) occupants, such as showrooms, stores, markets, malls, or restaurants;
- (i) Group R, *Residential* occupancies are those in which sleeping accommodations are provided for normal residential or dwelling purposes, for example the socialized (Sub-group RS) and economic (Sub-group RE) housing covered by Batas Pambansa Blg. 220, "*An Act Authorizing the Ministry of Human Settlements to Establish and Promulgate Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects in Urban and Rural Areas from those Provided under Presidential Decrees Numbered Nine Hundred Fifty-Seven, Twelve Hundred Sixteen, Ten Hundred Ninety-Six and Eleven Hundred Eighty-Five*", low-cost (Sub-group RL) housing covered by Presidential Decree No. 957, otherwise known as "*The Subdivision and Condominium Buyers' Protective Decree*", 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;
- (j) Group S, *Storage* occupancies include all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, or vehicles;
- (k) Group U, *Utilities and Miscellaneous* occupancies are those with an ancillary character, such as those enumerated in Section 6 (d) on Ancillary Structure of this Act, or those which cannot be properly classified in any of the other occupancy groups in this Section, such as billboards or commercial signboards; and

- (l) Group Z, *High-Hazard* occupancies are 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 NBO may determine, through implementing rules and regulations, sub-groups within Groups A to Z. Any other use or occupancy not mentioned specifically under this Section, or about which there is any question, shall, upon approval by the NBO, be included in the group which it most nearly resembles based on the associated hazard or risk to life, health, property, and public welfare.

For each group or sub-group of use or occupancy, the NBO 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. 11. *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 buildings or structures belonging to sub-group/s under Group R, Residential, 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 NBO 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. These Simple (Track T1) Structures shall comply with Simplified Reference Standards as prescribed by the NBO under a simplified track of permitting process: *Provided*, That mass housing development structures by subdivision and condominium developers under Batas Pambansa Blg. 220 or under Presidential Decree No. 957 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 very advanced structural calculation method, or by nature of 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 NBO;
 - (2) long span structures exceeding thirty (30) meters in span or a longer span threshold as prescribed based on rules and regulations by the NBO;
 - (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) agricultural and biosystems buildings belonging to Group G, *Agricultural and Biosystems* occupancies;
- (8) hospitals belonging to a sub-group under Group I, *Institutional*, 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;
- (9) facilities belonging to Group Z, *High-Hazard* occupancies;
- (10) structures that have non-regular structural form as classified in structural reference standards; or
- (11) buildings and other structures using very advanced structural calculation methods in design as classified in structural reference standards.

Accordingly, the special track of permitting process for *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, its rules and regulations, and reference standards.

For buildings and structures that have non-regular structural form (sub-class (10) in this Section or using very advanced structural calculation method in design (sub-class (11) in this Section, the peer review shall be conducted by a Recognized Structural Peer Reviewer duly qualified for such specific sub-classes, respectively.

The Recognized Structural Peer Reviewer shall be nominated by the building owner from the list of building professionals duly recognized by the ONBO.

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 however, 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 a 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.

Prior certification for innovative construction technology according to Section 30 of this Act shall be deemed to satisfy the requirement of structural peer review: *Provided*, That the ONBO shall establish or recognize competent government agencies in charge of certification of innovative construction technologies as provided for in Section 30 of this Act.

SEC. 12. Requirements for Each Type of Construction According to Fire Resistance Rating. - The NBO 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 Type of Construction According to Fire Resistance Rating. - No change shall be made in the use or occupancy or the 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 LBO upon determination that the new use or occupancy and the new type of construction pose less risk to life, health, property, and public welfare, according to rules and regulations promulgated by the NBO.

CHAPTER III LOCATION AND ZONING

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 conform to the CLUP of the concerned LGU. It 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 rules and regulations, and subject to statutes in force concerning no-build zones. It shall not encroach on adjacent properties nor obstruct existing easement or right-of-way of the national government and all LGUs, 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 not 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 not cause harm to the general public nor infringe on public spaces.

SEC. 17. *Requirements in Hazard Zones and Special Sites.* - The 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 CLUP—and hazard maps published by the national government, risk mitigation and adaptation requirements and measures shall be incorporated in the rules and regulations and reference standards as promulgated by the NBO. The rules and regulations shall be periodically updated to designate no-build zones, if any, that are deemed off-limits for new building construction or addition, on account of extreme hazard as determined by competent government agencies.

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 NBO shall cause to integrate disaster risk reduction and management measures in the rules and regulations and reference standards for planning, design, and reconstruction of buildings and structures.

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

CHAPTER IV DESIGN

SEC. 19. *General Requirements for Design.* - The design of all buildings and structures shall comply with the requirements prescribed by this Act, its rules and regulations, and reference standards, and shall be prepared by building professionals: *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, and low-cost housing (Residential Occupancy Sub-Group RL) covered by Presidential Decree No. 957, as formulated by the Department of Human Settlements and Urban Development (DHSUD) and recommended through the Building Regulations and Standards Council (BRSC): *Provided, further*, That Group G, *Agricultural and Biosystems* occupancies shall consider biosystems design requirements for the protection of persons, animals, crops, and the environment, and ensure optimum production, workers' safety, and biosecurity of plants and animals.

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 and other technical 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 its 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 R.A. No. 386, or the "*Civil Code of the Philippines*", on lateral and subjacent support, the design and quality of materials used structurally in excavation, footings, and 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 the *Fire Code of the Philippines of 2008* and its implementing rules and regulations.

All fire safety constructions as defined by the *Fire Code of the Philippines of 2008* 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, consistent with an all-hazards approach.

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 safeguarding against accidental falls from windows, balconies and the like, or safeguarding against transmission of disease pathogens indoors, in a manner compatible with fire safety construction, promoting occupational safety and health, and in accordance with Batas Pambansa Blg. 344 or "*An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices*".

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 persons with disabilities, complying with mandatory requirements of applicable laws such as Batas Pambansa Blg. 344.

SEC. 26. *Services and Facilities.* - All building services and facilities and 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 specifically required by the occupancy group or sub-group, buildings and structures

shall be designed to provide services and facilities, including light; air circulation and ventilation; water supply; rainwater harvesting and detention where applicable; 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 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, its rules and regulations, and reference standards: *Provided, further*, That queuing areas, driveways, ramps, entrances to, and exits from parking facilities for a building shall not 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, in-building physical infrastructure and fiber-optic cabling for high-capacity and high-speed requirements shall be mandatory in new buildings owned by the national government and all LGUs, as well as departments, regulatory agencies, instrumentalities, and implementing units of the same, and their existing buildings that are subject to major renovation works.

SEC. 27. Energy and Water Efficiency. - The design of buildings and structures shall include, to the extent feasible for specified groups or sub-groups of use or occupancy, practices and technologies that maximize the efficiency of use of energy and water.

SEC. 28. Environmental Sustainability. - All buildings and structures shall be designed to minimize their negative environmental impact throughout their life cycle, through efficient energy, water, and waste management methods, use of sustainable materials and landscaping that considers a site's biodiversity and existing natural features, and climate change mitigating features, among other measures.

CHAPTER V CONSTRUCTION

SEC. 29. General Requirements for Construction. - The construction of all buildings and structures shall comply with the requirements prescribed by this Act, its rules and regulations, and reference standards.

The 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 the quality of material and 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. 30. Innovative Construction Technologies. - All innovative construction technologies used in building construction shall comply with any special tests or requirements as prescribed by the NBO 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 NBO. 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, or for low-cost housing under Presidential Decree No. 957, shall be subject for accreditation and certification by the DHSUD: *Provided, further*, That the ONBO shall establish or recognize a competent national agency to be in charge of accreditation and certification of other innovative technologies, including so-called smart, clean, and green technologies, that are for applications other than socialized, economic, or low-cost housing: *Provided, finally*, That nothing in this Act shall be interpreted to prevent the NBO, 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. 31. *Safety and Protection of Persons During Construction.* - All buildings and structures shall be constructed or demolished without causing any harm or injury to the construction workers and the public.

SEC. 32. *Protection of Property During Construction.* - All public or private properties 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. 33. *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. 34. *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 recycle of construction and demolition wastes as well as reference standards on the conduct of demolition.

CHAPTER VI MATERIALS

SEC. 35. *General Requirements for Materials.* - All building materials and components shall comply with the requirements prescribed by this Act, its rules and regulations, and reference standards.

The use of building materials and components must be safe for the health of users, occupants, and the general public, and must not cause any substantive negative impact to the environment including 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. 36. *Selection of Materials.* - Building materials and components shall be selected following a set of criteria, including strength, fire resistivity, moisture resistance, durability, and sustainability, according to rules and regulations and reference standards promulgated by the NBO.

To the extent feasible, building materials with recycled content such as products made from waste materials generated from manufacturing processes or by end-users of products in combination with raw materials shall be used in government-owned buildings without compromising their structural integrity and safety nor otherwise violating other provisions of this Act, its rules and regulations, and reference standards.

CHAPTER VII OCCUPANCY, MAINTENANCE, AND ABATEMENT

SEC. 37. *General Requirements for Occupancy, Maintenance, and Abatement.* - Building owners shall use and maintain the buildings in accordance with the requirements prescribed by this Act, its rules and regulations, and reference standards. The use and maintenance of the buildings must be safe for the health of users, occupants, and the general public, and shall not cause any substantive negative impact to the environment including air, water, and soil.

SEC. 38. *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. The NBO shall promulgate rules and regulations to guide the preparation, approval, and implementation of appropriate maintenance strategies for buildings and structures. Building owners shall perform periodic maintenance and inspection; LBOs and recognized inspectors shall conduct inspection as appropriate according to rules and regulations. The ONBO shall establish a system for monitoring, reporting, and evaluating maintenance and inspection activities. Requirements under this Act, its rules and regulations, and reference standards are without prejudice to the inspection and evaluation by the Bureau of Fire Protection (BFP) under the Fire Code of the Philippines.

The ONBO 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", "Group D, DRRM", "Group E, Educational", or "Group Z, High-Hazard", there shall be periodic inspections by LBOs and recognized inspectors subject to specific rules and regulations promulgated by the NBO.

The ONBO shall coordinate with relevant government agencies that regulate business operations in buildings and structures. Clearance on structural stability and fire safety construction from the Office of the Local Building Official (OLBO) shall be a prerequisite for the issuance or renewal of business permits or permits to operate, for new occupancy or occupancy after fifteen (15) years from the date of completion of the building or structure.

In the case of "Special (Track T3)" Structures, 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 fifteenth (15th) year from date of completion of the building and every fifteen (15) years thereafter. In cases of addition, alteration, conversion, rehabilitation, relocation, repair, and retrofit requiring more recent structural stability assessment and corresponding certification and clearance, the date of reckoning of fifteen (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 NBO 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 NBO 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, widely destructive earthquakes, volcanic eruptions, tsunamis, typhoons, storm surges, or other hazard events. 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 NBO in consultation and coordination with other government agencies. According to specific implementing rules and regulations, LBOs 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 of this Act.

Within three (3) years from the effectivity of this Act, LBOs shall conduct a comprehensive inspection of the buildings and structures covered by this Section and prioritized in accordance with the implementing rules and regulations of this Act.

The ONBO through the OLBOs shall maintain a computerized national database of permits and other periodic data about all buildings and structures, including reports on maintenance, inspection, and 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 RA 10173, otherwise known as the "*Data Privacy Act of 2012*".

SEC. 39. Provision for Buildings Completed More than Fifteen (15) Years Prior to the Effectivity of this Act. - To ensure the safety of the people and to reduce risks, for Special (Track T3) Structures, and for those buildings and structures with occupancies falling under “Group A, Assembly” and “Group E, Educational” under all tracks of permitting process, that were completed more than fifteen (15) years prior to the effectivity of this Act, the building owners are mandated to have an assessment of the design based on the requirements in Chapter IV of this Act as specified in the 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 LBOs regarding the state of such buildings and structures and their safety or need for retrofit.

Within three (3) months from the effectivity of this Act, the Department of Public Works and Highways (DPWH), through the ONBO shall, in consultation with relevant agencies and stakeholders, implement a phased approach to prioritize compliance with the provisions of this Section by building owners of both public and private buildings in hazard zones, such as those near earthquake fault lines or in coastal zones affected by sea level rise, in hazard zones or areas otherwise identified in hazard maps, or those used for assemblies in large numbers or by vulnerable users or occupants.

The NBO, 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 the general public.

There shall be specific implementing rules and regulations governing the authority, responsibility, and liability, including any transfer thereof, in case of retrofitting works.

SEC. 40. Abatement of Dangerous and Ruinous Buildings. - When any building or structure is found or declared to be dangerous or ruinous, the LBO 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 LBO to be structurally unstable; not provided with safe egress; constitute a fire hazard; are otherwise dangerous to human life; in relation to existing use, constitute a hazard to life safety, health, or public welfare because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or contribute to the pollution of the site or the community to an intolerable degree.

Abatement and rehabilitation of buildings and structures covered under RA 10066, or the “*National Cultural Heritage Act of 2009*”, shall be coordinated with the National Commission for Culture and the Arts prior to any action of abatement or rehabilitation.

CHAPTER VIII OFFICIALS, OWNERS, PROFESSIONALS, AND CONTRACTORS

SEC. 41. National Building Official (NBO): Powers, Obligations, and Functions. - The Secretary of Public Works and Highways, hereinafter referred to as the Secretary, shall be the NBO who shall exercise the duty to ensure that all laws relating to building design and construction are faithfully executed and shall be primarily charged with the administration and enforcement of the provisions of this Act, its 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 under current issuances relative to codes, regulations, standards, and guidelines for the planning, design, construction, maintenance, and 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 NBO, 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 the recommendation of the Building Regulations and Standards Council (BRSC) created under Section 42 herein, and ensure compliance with policies, plans, standards, and guidelines that shall be formulated. The BRSC shall be formed in accordance with the provisions of this Act;
- (b) Approve and take final action on changes and amendments to reference standards based on recommendations of the BRSC. 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 LBOs, in the manner provided for by this Act, and exercise supervision and control over them as the NBO;
- (d) Designate LBOs, in the manner provided for by this Act, and exercise supervision and control over them as the NBO;
- (e) Create the cluster OLBO in case of clustered municipalities, as set forth in this Act, and exercise administrative as well as technical supervision and control over such offices;
- (f) Appoint the Regional Building Appeals Boards (RBABs), 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 NBO and LBOs shall collect in the exercise of their regulatory functions;
- (h) Inspect at reasonable times any building or structure, covered by this Act, its 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 orders and demolition orders, against any person or entity to prevent injury to the public and compel compliance with the provisions of this Act, its 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, its rules and regulations, and reference standards, or any order, instruction, or ruling;
- (k) Enlist the aid and support of, and deputize any enforcement agencies of the government in the implementation of the powers and functions of the NBO under this Act, its rules and regulations, and reference standards;
- (l) Delegate applicable powers, obligations, and functions to the LBOs 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, its rules and regulations, and reference standards.

SEC. 42. Building Regulations and Standards Council (BRSC). - A BRSC is hereby created to assist the NBO in reviewing and recommending rules and regulations and reference standards to accomplish the objectives of this Act.

- (a) **Members.** - The BRSC shall be composed of the following:
 - (1) Undersecretary for Technical Services of the Department of Public Works and Highways (DPWH) 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 contractor accreditations;
 - (6) Undersecretary of the Department of Science and Technology (DOST) for scientific and technological 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) Director of the Bureau of Agricultural and Fisheries Engineering (BAFE);
- (10) President of a national association of LBOs;
- (11) President of a national association of building developers or subdivision and housing developers, national association of building owners, national association of building managers, or national association of building administrators;
- (12) President of a national PRC-accredited professional organization or accredited integrated professional organization for a building profession: *Provided*, That there shall be a rotation of representation in the BRSC from among the various professions;
- (13) President of a national association of building contractors;
- (14) A high-ranking regular faculty member from a recognized higher education institution involved in the training of building professionals; and
- (15) Representative-at-large coming from any concerned sector whose participation is deemed by the NBO as timely and complementary to those of the other members enumerated.

From a list of nominees submitted by their respective sectors, all representatives from the private, academic, or non-government sectors shall be appointed by the NBO for a term of three (3) years: *Provided*, That an incumbent member of 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: *Provided, further*, That a different association, organization, or institution other than the one currently being represented shall be given preference by the NBO in the next full three-year term appointment, in order to rotate representation from among the various associations, organizations, or institutions in each sector. Such sectoral representatives shall take into consideration the views of various associations, organizations, or institutions in their respective sector.

The representative-at-large who is a government official or is representing a government agency, shall serve *ex-officio* or shall serve for a term of three (3) years without immediate reappointment within one (1) year if representing the private, academic, or non-government sectors.

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

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

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

(b) ***Duties and Responsibilities.*** - The BRSC 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 formulate new ones in line with the provisions of this Act and its rules and regulations, including the guidelines on the process of reviewing local ordinances that are subject for concurrence by the NBO;
- (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 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 the performance and results achieved of the standards in mainstreaming disaster risk reduction and management in building planning, design, construction, occupancy, and maintenance; in this regard, to the extent feasible, make use of relevant studies as well as applicable research and development undertakings of competent agencies;
- (5) Submit recommendations, including rules and regulations and reference standards, to the NBO for approval;
- (6) Submit an annual report to the NBO; and
- (7) Perform such other functions that the NBO 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 NBO shall constitute TWGs composed of relevant stakeholders as defined in the implementing rules and regulations. The stakeholders shall 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 ONBO, to assist in the operation of the Council and TWGs.

(e) **Procedures.** - The NBO, in consultation with relevant stakeholders, shall prescribe, based on rules and regulations, the procedures of the BRSC, ensuring the periodic review of reference standards every five (5) years and the participation of relevant stakeholders including 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 NBO 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 DPWH.

SEC. 43. Office of the National Building Official (ONBO). - The ONBO, within the DPWH, is hereby created to provide sufficient technical, legal, administrative, and support personnel to the NBO in the exercise of powers and the performance of duties.

The ONBO shall be headed by an Executive Director who shall be a registered and currently licensed Architect or Civil Engineer, a 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. It shall be placed under the supervision of the Undersecretary for Technical Services of the DPWH. It shall be comprised of 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.

The ONBO shall assist in the institutional strengthening of OLBOs, capacity building of LBOs, 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 LBOs and their staff, as well as the staff of the ONBO.

The ONBO shall coordinate with the Regional Building Appeals Boards.

The ONBO 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 vulnerability of the country to multiple hazards. It shall plan and implement a computerized national database of buildings and structures, for purposes of Section 38 and other provisions of this Act and its 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 Recognized Inspectors, and qualified establishments or institutions as Recognized Testing Laboratories: *Provided*, That existing offices, bureaus, divisions, or units of the DPWH 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 ONBO that are within the mandate of the latter, consistent with Section 68 herein.

SEC. 44. Regional Building Appeals Boards (RBABs). – Within the Regional Offices of the DPWH, there shall be created RBABs, with appropriate personnel, under the direct administrative supervision of the ONBO: *Provided*, That an RBAB may be created by the NBO to serve a group of adjacent regions. Each RBAB shall be chaired by a member of the Philippine Bar and assisted by two technical personnel of the DPWH sitting as the other members of the Board, and by support staff, all of whom shall be appointed by the NBO. It shall have regional exclusive appellate jurisdiction to review decisions of the LBOs, and resolve appeals and complaints after the same shall have been acted upon, or not given due course, by the respective LBOs within their region. In case of appeal for reconsideration by an aggrieved party on the same matter, the decision of the RBAB shall be subject to review by the NBO pursuant to Section 61 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. 45. Local Building Officials (LBOs) and Offices of the Local Building Official (OLBOs). - Cities and first-class municipalities shall create and operate a separate OLBO headed by the LBO who shall be appointed by and accountable to the NBO. The LBO shall be appointed by the NBO from a list of at least three (3) qualified recommendees of the Mayor, subject to civil service law, professional regulatory laws, and its rules and regulations. The LBO shall be responsible for carrying out the provisions of this Act, its rules and regulations, and reference standards within the territorial jurisdictions. The LBO shall be considered an official of the LGU concerned. Notwithstanding the foregoing, the NBO shall have complete supervision and control over the LBO.

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 OLBO upon request to and approval by the NBO.

Second- to sixth-class municipalities, if adjacent and accessible to each other, may also opt to request the NBO to create and operate a cluster OLBO to serve their clustered municipalities, which office shall be under the NBO. The cluster OLBO shall be located at a municipality within the cluster as determined by the NBO. Each cluster of municipalities may recommend to the NBO the appointment of one LBO 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 approval by the NBO for either a separate or a cluster OLBO, the municipal engineers of the second- to sixth-class municipalities shall be designated by the NBO to act, in concurrent capacity, as the LBOs 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 referred to also as concurrent OLBO.

The staff of the OLBOs shall include highly qualified personnel eligible to act as building professionals in the various professions: *Provided*, That LBOs and their staff shall not engage in private-sector practice of their respective professions that is in conflict with their government service.

The concerned LGU shall provide the funding for and operate the separate OLBO. The ONBO shall fund and operate cluster OLBOs. The sharing and use of fees and fines among

the offices shall be in conformity with Section 47 of this Act.

SEC. 46. *Special Jurisdictions.* - There shall be LBOs for special jurisdictions such as the Armed Forces of the Philippines, the Philippine Economic Zone Authority, the Department of Agriculture, or other government agencies, by virtue of the respective laws that are directly applicable to the creation of each special jurisdiction, who shall regulate the design and construction of buildings or structures under their special jurisdiction and their registered locators and enterprises. The LBOs in special jurisdictions shall likewise be designated by and accountable to the NBO.

Said LBOs shall be designated by the NBO from a list of at least three (3) qualified recommendees of the head of their agency, subject to civil service law, professional regulatory laws, and rules and regulations. Additional or equivalent qualifications may be required in the respective laws that are directly applicable to the creation of each special jurisdiction.

Special jurisdictions shall consistently implement Chapter IX of this Act on the application of permit, and the rest of this Act, its rules and regulations, and reference standards as promulgated by the NBO.

SEC. 47. *Sharing and Use of Income from Fees and Fines.* - Consistent with the provisions of this Act that the NBO, through the DPWH, shall exercise supervision over all LBOs, 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 OLBO shall retain fifteen percent (15%) thereof and deposit in a special account created by the Local Treasurer, to fund its maintenance and other operating expenses. The OLBO shall cause to remit five percent (5%) of the said total collections to the NBO. The remaining eighty percent (80%) shall accrue to the general fund of the LGU or the agency with special jurisdiction, which created and operated the Office.

A cluster OLBO shall retain fifteen percent (15%) of its income and deposit it in a special account created by the Local Treasurer, to fund its maintenance and other operating expenses, and shall remit sixty-five percent (65%) of the said total collections to the NBO. The remaining twenty percent (20%) shall be divided between or among the clustered municipalities in proportion to the total fees and fines originating from each municipality, to accrue to their respective general funds.

The share from the income to be remitted to the NBO 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 NBO is hereby authorized to prescribe the procedures for the use of the fifteen percent (15%) retained for the OLBO. Such income may be used to cover necessary operating expenses including the purchase of equipment, supplies, and materials; expenses for official travels; continuing education and training programs; fees for 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 authorized representatives of the OLBO 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. 48. *Qualifications of LBOs.* - No person shall be appointed as LBO 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 NBO as LBOs shall comply with the qualifications prescribed for their positions as municipal engineers pursuant to RA 7160, otherwise known as the "*Local Government Code of 1991*", as amended.

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

LBOs shall preferably be Career Executive Service Officers.

SEC. 49. Powers, Obligations, and Functions of LBOs. - In addition to the other powers, obligations, and functions mentioned in this Act, the LBO shall have the following general powers, obligations, and functions:

(a) Approve applications for, and issue, reject, suspend, or revoke permits within his territorial or special jurisdiction and for this purpose, 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, its rules and regulations, and reference standards;

(b) Hear and decide cases filed by parties on complaints related to the permitting process concerning specific buildings and structures;

(c) Enter any building, structure, or its premises at reasonable times to inspect and determine compliance with the requirements of this Act, its rules and regulations, and reference standards, as well as the terms and conditions of the permit/s issued: *Provided*, That in case of a single-family dwelling, an inspection by the LBO or Recognized Inspector must be upon the consent of the occupant or upon lawful order from the proper court;

(d) Engage qualified and recognized building professionals as inspectors and structural peer reviewers, at the LBO's discretion;

(e) With due process, order the work stopped and prescribe the terms and 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, its rules and regulations, reference standards, and the terms and conditions of the permit/s issued, or the building or structure is found or declared, with due process, to be dangerous or ruinous;

(f) With due process, order the discontinuance of the use or occupancy of any building or structure, or a portion thereof, when it is found to be used or occupied contrary to the provisions of this Act, its rules and regulations, and reference standards, and the terms and conditions of the permit/s issued, or the building or structure is found or declared, with due process, to be dangerous or ruinous;

(g) Keep a permanent record and accurate account of all fees, fines, and other charges fixed and authorized by the NBO 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 38 and other provisions of this Act and its rules and regulations;

(i) Submit an annual situational report to the NBO; and

(j) Exercise such powers and perform such other obligations and functions needed to assist the NBO in carrying out the objectives of this Act, its rules and regulations, and reference standards.

In the exercise of the abovementioned powers, obligations, and functions, the LBO shall comply with the prescribed timelines and other provisions of RA 9485 or the "*Anti-Red Tape Act of 2007*", as amended by RA 11032 or the "*Ease of Doing Business and Efficient Government Service Delivery Act of 2018*", and their implementing rules and regulations, as well as the provisions of other relevant laws, rules and regulations.

SEC. 50. 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, its rules and regulations, and reference standards. These responsibilities shall include:

- (a) Providing and 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, its rules and regulations, and reference standards;
- (e) Engaging the services of building professionals and building contractors for any proposed construction, as may be required by this Act, its 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, and its 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 and RA 4726, otherwise known as "*The Condominium Act*", as amended.

SEC. 51. 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 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 government-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 the case of a single-family dwelling, an inspection must be done only 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 LBO.

(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 professionalism, reasonableness, and moral standards, and shall act within the bounds of the authority delegated to them.

SEC. 52. 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 LBOs 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 category-appropriate and valid license from the PCAB or competent government agency, and comply with all other relevant laws, rules and regulations, including those pertaining to the safety and health of construction workers in addition to protection afforded to them by labor laws. As principals, they shall be solidarily responsible for the acts and omissions of their representatives, agents, subcontractors, and employees in relation to construction. They shall engage building professionals in-charge of construction.

Every building contractor shall ensure that the license from the PCAB or competent government agency is category-appropriate for the project and valid from start to completion of construction of the project. The building contractor shall provide the building owner a PCAB-certified true copy thereof or with proof of its authenticity and validity.

CHAPTER IX PERMITS AND INSPECTIONS

SEC. 53. Types of Permits. - The building owner of any proposed construction or existing building or structure must secure the appropriate permit from the LBO, prior to the start of such work or occupancy, such as:

- (a) Building Permit. A permit for the construction of a 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 structure 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;
- (e) Conversion Permit. A permit for the conversion or change in the use or occupancy of an existing building or structure or any portion/s thereof to another occupancy group or sub-group; and
- (f) 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 a 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 LBO shall set a time period during which the partial permit or temporary permit shall be valid in accordance with rules and regulations.

The NBO may prescribe in the rules and regulations such other permits as may be deemed 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 or low-cost housing under Presidential Decree No. 957, to the extent that these structures are comparable in simplicity with Simple (Track T1) Structures, there shall be the option (Track T1M) for Mass permits to be processed in coordination with the 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 implementing rules and regulations shall stipulate reportorial requirements by the building owners, excluding any fees, in order to keep the

building records updated and accurate.

SEC. 54. Detailed Classification of Buildings for Permitting Purposes. - The NBO shall prescribe the requirements for and procedure in securing the different types of permits, as may be appropriate, based on the classification of buildings in Section 11 of this Act. The procedures to be laid out by the NBO 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 special track of permitting process with mandatory structural peer review of the stability for Special (Track T3) Structures.

The organizational structure of each OLBO laid out by the NBO, based on rules and regulations, shall take these three (3) tracks of permitting processes in consideration: *Provided*, That there shall be full coordination with the HOPCs according to promulgated specific rules and regulations and reference standards under this Act.

To aid the simplified track of permitting process, the NBO 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. 55. Application for Permit. - Any person desiring to apply for the appropriate permit shall file a duly accomplished permit application form with the LBO of the LGU, 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 NBO 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 fire safety evaluation clearance or fire safety inspection clearance from the concerned city or municipal fire marshal; (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 Simple (Track T1), Regular (Track T2), or Special (Track T3) structure, the NBO, 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, its rules and regulations, and reference standards.

The NBO shall, through rules and regulations, 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 38 of this Act and the mandate of the ONBO through the OLBOs to maintain a computerized national database, the government shall highly prioritize the enabling of electronic filing and transaction of application for permit.

SEC. 56. Processing of Permit Application. - Pursuant to RA 9485, as amended by RA 11032, 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 NBO, the LBO 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, its rules and regulations, and reference standards.

The implementing rules and regulations of this Act shall prescribe the specific guidelines and checklists of requirements, processes, timelines, and fees for the processing of permits. Permit applications that are duly accomplished, submitted, and acknowledged in accordance with the said implementing rules and regulations but are not subsequently acted upon by the concerned LBOs within the specified timelines shall be deemed approved.

SEC. 57. *Validity of Permit.* - A building owner with issued permits has the continuing obligation to comply with the provisions of this Act, its rules and 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 LBO 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, its 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 LBO in accordance with the prescribed rules and regulations. For phased or incremental construction referred to in Section 33 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. 58. *Grounds for Non-issuance, Suspension, or Revocation of Permit.* - The LBO 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, its 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 valid license from the PCAB or competent government agency;
- (d) Use of sub-standard building material or sub-standard workmanship and refusal to rectify upon notice;
- (e) Without any justifiable reason, discontinuance of excavation works or abandonment of building construction in the site for more than one hundred twenty (120) days;
- (f) Fraudulent misrepresentation of data or information supplied in the application for permit;
- (g) Violation of no-build zone; or
- (h) Violation of RA 10752, otherwise known as "*The Right-of-Way Act*".

Notice of non-issuance, suspension, or revocation of permit shall always be made by the LBO in writing, stating the reasons or grounds therefor. Said action shall be proportionate to the reasons or grounds committed or omitted by the applicant, in accordance with this Act and its rules and regulations.

SEC. 59. *Complaint.* - Based on the grounds enumerated in Section 58 of this Act, any person aggrieved by the proposed, ongoing, or existing construction, use, or occupancy may file before the LBO of the LGU, cluster thereof, or special jurisdiction where the concerned construction is located, a complaint 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 LBO 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 LBO.

SEC. 60. *Appeal to the RBAB.* - 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 LBO, the aggrieved party may file an appeal with the RBAB based on lack of factual or legal basis in the non-issuance, suspension, or revocation of the permit or the action of the LBO.

The RBAB shall render a decision within fifteen (15) days from date of receipt of appeal. The RBAB'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 RBAB shall direct the LBO to issue the appropriate permit or order.

The decision of the RBAB 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 NBO has been perfected.

SEC. 61. *Appeal to the NBO.* - 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 NBO, which shall be deemed perfected upon filing of the notice of appeal and posting of the corresponding appeal bond.

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

SEC. 62. *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 supervise construction and as set forth in this Act, the LBOs 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, its rules and regulations, and reference standards.

The NBO shall promulgate specific rules and regulations for inspection of single-family dwellings, to be carried out by the LBOs and recognized inspectors.

The LBOs shall conduct periodic inspections of existing buildings and structures in accordance with Chapter VII of this Act, its rules and regulations, and reference standards.

CHAPTER X INCENTIVES AND PENALTIES

SEC. 63. *Incentives.* - The NBO, 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, its 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 NBO, 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 NBO may recommend funding support for LGUs 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) Structure, in their jurisdictions.

SEC. 64. *Prohibited Acts and Omissions.* - The following are prohibited acts and omissions:

- (a) By the building owner or representative:
 - (1) misrepresentation or submission of false statements or documents;

- (2) use of unauthorized documents and certifications of building professional/s;
 - (3) undertaking any construction without the required permit/s;
 - (4) non-compliance 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 or those not authorized/approved by the LBO; or
 - (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 the building professional did not prepare, or certifying acts that the building professional 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; or
 - (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 LBO, 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; or
 - (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 the application to be recognized by the ONBO;
 - (2) certifying buildings and structures that do not meet the requirements of this Act, its 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, its rules and regulations, and reference standards; or
 - (4) analogous acts, omissions, and violations of this Act, its rules and regulations, and reference standards.
- (e) By the recognized structural peer reviewer:
- (1) misrepresentation or false statements in the application to be recognized by the ONBO;
 - (2) providing false information to the building owner and building professional regarding the review;
 - (3) false certification on the compliance of structural design with this Act, its

- rules and regulations, and reference standards; or
 - (4) analogous acts, omissions, and violations of this Act, its rules and regulations, and reference standards.
- (f) By the recognized testing laboratory:
 - (1) misrepresentation or false statements in the application to be recognized by the ONBO;
 - (2) misrepresentation or false statements in the tests and test results of building materials;
 - (3) tampering with the equipment and instruments;
 - (4) conducting test methods non-conforming to reference standards; or
 - (5) analogous acts, omissions, and violations of this Act, its rules and regulations, and reference standards.
- (g) By the recognized inspector:
 - (1) misrepresentation or false statements in the application to be recognized by the ONBO;
 - (2) providing false information to the LBO regarding the inspection;
 - (3) false certification on the inspection, in consideration of any offer, promise, gift, or present received; or
 - (4) analogous acts, omissions, and violations of this Act, its 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 or non-recognized structural peer reviewer;
 - (3) willful non-compliance with the orders of the NBO, ONBO, and RBAB; or
 - (4) analogous acts, omissions, and violations of this Act, its rules and regulations, and reference standards.

SEC. 65. Fines and Penalties. - Any prohibited act or omission falling under paragraphs (a) to (g) in Section 64 of this Act shall be subject to the administrative fines and penalties to be imposed by the NBO, acting through the LBO. Such fines shall not be lower than one-tenth of one percent (0.1%) nor 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 64 of this Act: *Provided*, That the LBO may not issue, may suspend, or may revoke any permit issued to the violator, as may be appropriate, and may order the suspension or cessation of any construction until such time that compliance with this Act, its 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 ONBO may suspend or revoke any recognition: *Provided, moreover*, That in case of building professionals and building contractors found to commit any of the prohibited acts and omissions, the LBO shall also endorse such violation to the PRC and the Construction Industry Authority of the Philippines, 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 NBO, through the LBO, 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 64 of this Act, the NBO, upon recommendation of the RBAB and after notice and hearing, may suspend or revoke the appointment or designation of the LBO as such, without prejudice to the administrative, civil, or criminal liability of said official in accordance with existing laws.

SEC. 66. 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 its rules and regulations, the NBO and LBO 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 demolition, without first securing the required corresponding permit or permits;
- (b) Occupying or using a completed or partially completed building, structure, 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 LBO 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; or
- (h) Two or more offenses falling under Section 64 of this Act regardless of which paragraphs from (a) to (g).

In each case, the offender shall be punished, per violation, by a fine not lower than one-tenth of one percent (0.1%) 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 fine and imprisonment, 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, 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 voted for, assented to, or were primarily responsible for the commission of the foregoing violation/s shall be held liable.

When the offenses involve lack of permits or permit requirements or failure to comply with legitimate orders or resolutions of the LBO, upon conviction of the offenders, the court or tribunal of proper jurisdiction may include additional penalties: (a) to require the offenders to comply with the permit requirements or the orders; and (b) to require the offenders to demolish, retrofit, or repair the subject building or structure: *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. 67. Administrative and Criminal Liabilities of Local Building Officials and Staff and Other Public Officials. - Any LBO and staff who shall conspire to commit any of the enumerated gross violations with any offender as provided in Section 66 of this Act shall be punished, per violation, by a fine of not lower than one-tenth of one percent (0.1%) 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 fine and imprisonment, 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 their functions as herein required shall be subject to administrative and criminal liability under RA 3019, otherwise known as the "*Anti-Graft and Corrupt Practices Act*", RA 6713, otherwise known as the "*Code of Conduct and Ethical Standards for Public Officials and Employees*", and other relevant laws, rules and regulations.

CHAPTER XI FINAL PROVISIONS

SEC. 68. *Implementing Rules and Regulations.* - Within one (1) year from the effectivity of this Act, the NBO shall, upon the recommendation of the BRSC and in consultation with relevant stakeholders, 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 recognized inspectors, and qualified establishments or institutions as recognized testing laboratories, and an enumeration of the reference standards to be used together with the corresponding agencies that are authorized by law to formulate, revise, and propose such reference standards to the NBO. For this purpose, the Secretary, as the NBO, is mandated to immediately constitute the BRSC within three (3) months from 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 NBO shall ensure that all buildings owned by the national government and all LGUs, as well as departments, regulatory agencies, instrumentalities, government-owned or -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 that they are sustainable, energy efficient, secure and safe, cost-effective, accessible, functional, productive, and aesthetic.

The NBO shall ensure that this Act is implemented effectively and clearly to all stakeholders, through measures that include the following:

(a) 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 sub-section of this Act to which it corresponds;

(b) 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; and

(c) 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. *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 NBO, is mandated to immediately establish the ONBO within three (3) months of the effectivity of this Act. The existing personnel and officers of the National Building Code Development Office and other offices that have been performing building-regulation functions and possessing the necessary technical knowledge, training, and skills in the enforcement and administration of the building laws, shall be absorbed into the ONBO.

City and Municipal Engineers already acting as LBOs in their respective jurisdictions, and LBOs 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 LBOs.

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 41 and Section 42 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 NBO promulgates new, revised, or amended reference standards after the review and recommendation of the BRSC: *Provided*, That absent the 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 may be used as default standards.

SEC. 70. *Non-Retroactivity Clause.* - This Act shall have no retroactive effect insofar as all buildings and structures that were constructed under Presidential Decree No. 1096, as amended, or existing city or municipal building ordinances, if legally done in accordance therewith, and shall be respected subject to such limitations in this Act and except as otherwise provided in Chapter VII of this Act: *Provided, however*, That occupancy, maintenance, abatement, addition, alteration, conversion, rehabilitation, relocation, repair, retrofit, and demolition to be made in or of such buildings and structures shall be subject to the provisions of this Act.

SEC. 71. *Repealing and Modifying Clause.* - RA 6541 and Presidential Decree No. 1096 are hereby repealed. Other existing laws, decrees, executive orders, and rules and regulations or parts thereof that are inconsistent with this Act, are likewise 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, engineering, and other building professions, and its inclusion as a topic in the licensure examinations for these professions, are hereby modified to mandate the integration of this Act in place of the National Building Code of the Philippines.

SEC. 72. *Congressional 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 the Senate to be designated by the Speaker of the House and President of the Senate, respectively: *Provided*, That at least one member shall come from the minority party of both the House of Representatives and the Senate.

SEC. 73. *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. 74. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.

Approved,