



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



**NINETEENTH CONGRESS**  
*First Regular Session*

House Bill No. 7218

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**Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.**

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**AN ACT**  
**REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY,**  
**AND MAINTENANCE OF PUBLIC AND PRIVATE BUILDINGS, ENACTING A**  
**NEW BUILDING ACT, THEREBY REPEALING PRESIDENTIAL DECREE NO.**  
**1096, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Tropical storms, floods, landslides, fires and earthquakes, and the adverse effects of climate change are hazardous realities that our country and the Filipino people are now experiencing. Along this, our building regulations need to be updated to better safeguard fire, health, property, and public welfare. Resilient and functionally sound buildings from the simplest to the specialized buildings must be in place, including farm buildings to ensure food security and secure farm produce during such calamities or hazards.

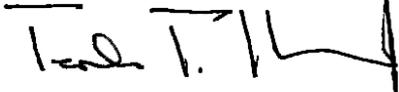
Presidential Decree No. 1096 or the National Building Code was enacted in 1977 that provides guidelines and regulations on building design, construction, use, occupancy and maintenance. After forty-six (46) years, this building code need to be updated, revised and conform with the present challenges.

The building permit processes have to be streamlined, distinguishing simple buildings from special buildings with commensurate requirements, thus enhancing ease of doing business while promoting safety, security and public welfare.

There are various agencies implementing different laws and as regards building regulations that need to be coordinated well, harmonized or strengthened.

This bill seeks to provide an up-to-date and effective regulation of planning, design, construction, occupancy, and maintenance of buildings and structures, and the establishment of a permitting process based on their classifications. Additionally, this bill proposes the inclusion of agricultural and biosystems occupancies in the groups of classification of buildings.

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



TEODORICO T. HARESCO, JR



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NEW BUILDING ACT, THEREBY REPEALING PRESIDENTIAL DECREE NO.  
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*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

CHAPTER I  
GENERAL PROVISIONS

1  
2  
3  
4 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Philippine Building Act.*"  
5

6 **SECTION 2. *Declaration of Principles and Policies.*** – The State shall safeguard life, health,  
7 property, and public welfare, consistent with principles of sustainable development. Towards  
8 this end, it shall be the policy of the State to provide for all buildings and structures, a  
9 framework of minimum standards and requirements, mainstreaming disaster risk reduction and  
10 management, to regulate and control their location, siting, planning, design, construction,  
11 occupancy, and maintenance. In pursuit of these policies, the State shall institutionalize a  
12 system that will provide for periodic review and flexible mechanisms in the updating of  
13 regulations and standards and will strengthen the participation of relevant stakeholders, taking  
14 into account the importance of allowing for continuing innovation in building design and  
15 construction.  
16

17 **SECTION 3. *Objectives.*** – The objectives of this Act are as follows:  
18

19 (a) To provide for the effective regulation of planning, design, construction, occupancy, and  
20 maintenance of buildings and structures, the establishment of a permitting process based  
21 on their classifications, and the setting of reference standards to:  
22

- 23 (1) Safeguard life and protect people from injury;  
24 (2) Ensure the health and well-being of the people who use them, without impinging  
25 on the safety of the general public or endangering the environment;  
26 (3) Protect property from physical damage; and

27 (4) Reduce and manage hazards, exposures, and vulnerabilities, thereby minimizing  
28 disaster risk;

29  
30 (b) To promote the accountability of relevant stakeholders in ensuring enforcement of and  
31 compliance with this Act, rules and regulations, and reference standards; and

32 (c) To establish sustainability standards for government-owned buildings, mitigating any  
33 negative environmental, economic, and social impacts.

34  
35 **SECTION 4. *Scope and Application.*** – This Act shall cover all public and private buildings  
36 and structures, and their location, siting, planning, design, materials, construction, use,  
37 occupancy, maintenance, addition, alteration, conversion, rehabilitation, relocation, repair,  
38 retrofit and demolition.

39  
40 **SECTION 5. *Interpretation.*** – Nothing in this Act shall be interpreted to prevent local  
41 government units, pursuant to local autonomy, from enacting local ordinances relating to  
42 building or structure and their location, siting, and planning that will better safeguard life,  
43 health, property, and public welfare, consistent with the objectives of this Act. Such local  
44 ordinances by local government units of contiguous jurisdictions shall be harmonized for  
45 purposes of buildings that may straddle territories of local government units.

46  
47 Before such local ordinance shall take effect, concurrence by the National Building Official  
48 shall be required through the review process specified in the promulgated rules and regulations.

49  
50 Every such local ordinance shall be published in manners that are clear to all stakeholders,  
51 through measures that include but are not limited to those provided in Section 70 of this Act.

52  
53 **SECTION 6. *Definition of Terms.*** – As used in this Act:

54  
55 (a) “Accredited Certifier” refers to a person possessing experience and other qualifications  
56 of a Building Professional, and accredited by the Office of the National Building Official  
57 to issue certificates to confirm that a building or structure that is more than 15 years of  
58 age meets the requirements of Chapter VII of this Act, rules and regulations, and  
59 reference standards as to structural stability and fire safety construction;

60 (b) “Accredited Inspector” refers to a person possessing experience and other qualifications of  
61 a Building Professional, and accredited by the Office of the National Building Official  
62 whose service is engaged by the Local Building Official to inspect buildings or structures  
63 in accordance with this Act, rules and regulations, and reference standards;

64 (c) “Accredited Structural Peer Reviewer” refers to a person possessing experience and other  
65 qualifications of a Building Professional, and accredited by the Office of the National  
66 Building Official to provide independent verification that the structural design of a  
67 proposed or new building or structure complies with this Act, rules and regulations, and  
68 reference standards;

69 (d) “Accredited Testing Laboratory” refers to an establishment or institution accredited by the  
70 Office of the National Building Official to perform tests to determine if the building  
71 materials and components used in the construction of a building or structure comply with  
72 Chapter VI of this Act, rules and regulations, and reference standards;

73 (e) “Addition” refers to any construction which increases the height and/or floor area of an  
74 existing building or structure;

75 (f) “Alteration” refers to any construction in an existing building or structure involving  
76 changes in the materials used, partitioning, location or size of openings, structural parts,

- 77 existing utilities, and/or equipment but does not increase the building height nor floor  
78 area;
- 79 (g) "Ancillary Structure" refers to a structure intended to provide support to main buildings  
80 or structures which may include: bank and records vaults; swimming pools; firewalls  
81 separate from the building or structure; towers; silos; smokestacks; chimneys;  
82 commercial or industrial fixed ovens; industrial kilns or furnaces; water or waste  
83 treatment tanks; septic vaults; concrete and steel tanks; booths, kiosks, and stages; tombs,  
84 mausoleums, and niches; and similar structures;
- 85 (h) "Build Back Better" refers to planning, based on the evolving or evolved disaster risks and  
86 ahead of disasters, to finance, design, and build after a disaster or crisis with  
87 consideration of the need to further strengthen disaster preparedness for response, take  
88 action in anticipation of events, and ensure capacities are in place for effective response,  
89 recovery, and reconstruction;
- 90 (i) "Building" refers to any temporary or permanent structure, anchored to the ground, for  
91 the support, shelter, or enclosure of persons, animals, plants, machinery, or chattels;
- 92 (J) "Building Contractor" refers to a person duly registered and licensed by the Philippine  
93 Contractors Accreditation Board whose proposal has been accepted and to whom was  
94 awarded the contract to execute the construction; for this purpose, "contract" means an  
95 agreement, regardless of titles such as prime contract, subcontract, or deed of  
96 assignment;
- 97 (k) "Building Owner" refers to a person who orders construction work for a building or  
98 structure by contract; or a person undertaking one's own construction without engaging  
99 a Building Contractor therefor, as owner-builder; or a person holding the legal right of  
100 possession or title to a building or structure;
- 101 (I) "Building Professional" refers to a person lawfully engaged in the design, construction,  
102 or inspection of a building or structure, who is duly registered and licensed by the  
103 Professional Regulation Commission (PRC), through a professional regulatory law for  
104 each profession, to provide such services;
- 105 (m) "Building Site" refers to the lot, which is described by technical descriptions delineating  
106 boundaries of the property to be developed, over which the Building Owner has a title or  
107 legal right to build; for design purposes, the term shall also cover areas and spaces around  
108 the lot, the conditions of which bear on the operability and safety of the building or  
109 structure;
- 110 (n) "Construction" refers to any and all on-site work including but not limited to preparation,  
111 excavation, foundation, and assembly or installation of components, utilities, machinery,  
112 and equipment of building or structure;
- 113 (o) "Conversion" refers to a change in the use or occupancy of an existing building or  
114 structure or any portion/s thereof to another occupancy group or subgroup that has  
115 different requirements;
- 116 (p) "Demolition" refers to the systematic dismantling, destruction, or removal of a building  
117 or structure, in whole or in part;
- 118 (q) "Department" means the Department of Public Works and Highways (DPWH);
- 119 (r) "Exposure" refers to people, property, systems, or other elements present in hazard zones  
120 that are thereby subject to potential losses, or to the degree to which the elements at risk  
121 are likely to experience hazard events of different magnitudes;
- 122 (s) "Fire Resistance Rating" refers to the time, in minutes or hours, that a building material,  
123 assembly, or type of construction can withstand fire exposure as determined by generally  
124 recognized and accepted testing methods;

- 125 (t) "Hazard" refers to a dangerous phenomenon, substance, human activity, or condition that  
126 may cause loss of life, injury or other health impacts, property damage, loss of livelihood  
127 and services, social and economic disruption, or environmental damage;
- 128 (U) "Hazard Zone" refers to an area identified in generally recognized and accepted hazard  
129 maps as exposed to natural hazards, such as floods, wind storms, storm surges, landslides,  
130 volcanic eruptions, and earthquakes;
- 131 (v) "Innovative Construction Technology" refers to a construction technology that is emerging  
132 or being reintroduced locally or nationally in the field of construction, with  
133 corresponding evidence of acceptable performance from laboratory tests, field tests,  
134 and/or analytical studies to comply with Chapter V and Chapter VI of this Act, rules and  
135 regulations, and reference standards;
- 136 (w) "Locational Clearance" refers to the document issued by the planning and development  
137 officer of the local government unit certifying that the proposed construction has the  
138 appropriate traffic impact assessment (TIA), is located in an appropriate zone, and does  
139 not violate the Comprehensive Land Use Plan (CLUP), any zoning ordinance or  
140 regulation of the concerned local government unit, nor other applicable laws, ordinances  
141 or regulations, which document is submitted to the Local Building Official in support of  
142 an application for a permit;
- 143 (x) "Permit" refers to any of the permits that may be issued by the Local Building Official  
144 as set forth in this Act;
- 145 (y) "Reference Standards" refers to technical standards that the National Building Official  
146 promulgates through rules and regulations or existing technical standards prescribed by  
147 law in administering and enforcing this Act; for this purpose, existing referral codes shall  
148 hereinafter be renamed and referred to accordingly as "reference standards;"
- 149 (z) "Rehabilitation" refers to the act or process of making possible a compatible use for an  
150 existing building or structure through repair and/or alteration while preserving those  
151 portions or features which convey its acknowledged heritage significance;
- 152 (aa) "Relocation" refers to the transfer of an existing building or structure or portion/s thereof  
153 from original location or position to another, either within the same site or to a different  
154 one;
- 155 (bb) "Renovation" refers to any physical change made on an existing building or structure to  
156 increase the value or improve the quality and/or aesthetics, without addition to building  
157 height or floor area, nor alteration of structural parts;
- 158 (cc) "Repair" refers to remedial work done on any damaged or deteriorated portion/s of an  
159 existing building or structure to restore its original condition;
- 160 (dd) "Retrofit" refers to the construction of any new element or system, or the alteration of any  
161 element or system, required to bring an existing building or structure, or portion thereof,  
162 into conformance with this Act, rules and regulations, and reference standards;
- 163 (ee) "Secretary" refers to the Secretary of the Department of Public Works and Highways;
- 164 (ff) "Special Site" refers to a site that requires special rules and regulations to mitigate  
165 potential adverse impacts of the site conditions;
- 166 (gg) "structure" refers that which is built or constructed, an edifice, or building of any kind, or  
167 any piece of work artificially built up or composed of parts joined together in some  
168 definite manner, but shall not include streets, highways, bridges and viaducts, railroads,  
169 canals, river and shore improvements, dry docks, dams, irrigation, flood protection,  
170 tunnels, transmission towers and lines, and structures regulated by other national laws or  
171 competent national agencies;
- 172 (hh) "Traditional Indigenous Family Dwelling" refers to a residential building or structure  
173 intended for the use and occupancy by the family of the owner only and constructed with  
174 native or local materials such as nipa, cogon, bamboo, log, lumber, or stone, the estimated

175 total cost of which does not exceed the limit prescribed by the National Building Official  
176 through rules and regulations;  
177 (ii) "Vulnerability" refers to the characteristics and circumstances of a community, system  
178 or asset that make it susceptible to the damaging effects of a hazard; vulnerability may  
179 arise from various physical, social, economic, and environmental factors such as poor  
180 design and construction of buildings, inadequate protection of assets, lack of public  
181 information and awareness, limited recognition of risks and preparedness measures, and  
182 disregard for sound environmental management; and  
183 (jj) "Zoning" refers to the division of a city or municipality into zones or sub-zones and  
184 overlay zones according to present and potential uses of land to maximize, regulate, and  
185 direct their use and development in accordance with the Comprehensive Land Use Plan  
186 (CLUP).  
187 Additional definitions shall be included with the implementing rules and regulations and with  
188 the reference standards; provided, that these shall be non-redundant to, non-contradictory with,  
189 and only supplementary to, the definitions as used in this Act.  
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## 192 CHAPTER II

### 193 CLASSIFICATION OF BUILDINGS

194

195 **SECTION 7. *Classification System.*** – A system of classification of buildings and structures  
196 in the Philippines as to: (a) type of construction according to fire resistivity; (b) use or  
197 occupancy; and (c) required permitting process, is hereby adopted.  
198

199 **SECTION 8. *Buildings Classified by Type of Construction According to Fire Resistance***  
200 ***Rating.*** – The building or structure shall be classified according to fire resistivity and fire  
201 ratings consistent with Republic Act No. 9514, or the Fire Code of the Philippines, and its  
202 Implementing Rules and Regulations, in consideration of the combination of features of fire  
203 safety constructions including but not limited to interior finishes, walls, barriers, doors,  
204 windows, vents, means of egress, and treatment of building components with flame retardant  
205 chemicals.  
206

207 **SECTION 9. *Buildings Classified According to Use or Occupancy.*** – The building or  
208 structure shall be identified based on the use or occupancy and shall be classified as follows:

209 Group A, Assembly occupancies shall include all buildings and structures, or portions thereof,  
210 used for gathering together of 50 or more persons for any purpose, including but not limited to  
211 deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, and  
212 instruction;  
213

214 Group B, Business occupancies are those used for the transaction of business other than those  
215 covered under Group M, Mercantile, including the keeping of accounts and records and similar  
216 purposes for office, professional, or service-type transactions;  
217

218 Group D, Disaster response occupancies are those permanent centers for refuge and  
219 emergency evacuation and emergency operation;  
220

221 Group E, Educational occupancies shall include buildings, or portions thereof, used for the  
222 gathering of group of six (6) or more persons for purposes of instruction;  
223

224 Group F, Factory and Industrial occupancies are those used for operations including, but not  
225 limited to, product processing, fabricating, manufacturing, assembling and disassembling,  
226 mixing, packaging, finishing or decorating, repairing, and material recovery;

227  
228 Group G, Agricultural and biosystems occupancies are those used for the production,  
229 harvesting, processing, storage, manufacture, preserving, transporting, and distribution of  
230 agricultural and biological products or materials including, but not limited to, silos and its  
231 components, agricultural and biosystems machinery and equipment sheds, farm houses,  
232 green/screen houses, poultry houses, piggery houses, slaughterhouses, agricultural and  
233 biological products storage/warehouses, buildings and structures for poultry, livestock, fishery  
234 and forestry production and processing, kiln drying and lumber treatment structure, and  
235 structures for farm equipment, farm supplies, and agricultural waste utilization and  
236 management;

237  
238 Group I, Institutional occupancies are those used to house one or more persons under varied  
239 degrees of restraint or security where such occupants are mostly incapable of self-preservation  
240 because of security measures not under the occupants' control (ID), or government buildings  
241 and quarters rendering civic or public assistance and peace and order (IG), or those in which  
242 care or supervision is provided to persons who are mostly incapable of self-preservation  
243 without physical assistance because of age, or physical or mental disability (IH);

244  
245 Group M, Mercantile occupancies are those used for the display and sale of merchandise, and  
246 involves stocks of goods, wares, and merchandise incidental to such purposes and accessible  
247 to the public;

248  
249 Group R, Residential occupancies are those in which sleeping accommodations are provided  
250 for normal residential or dwelling purposes and include all buildings designed to provide  
251 sleeping accommodations, for example the sub-groups of socialized (RS) and economic (RE)  
252 housing covered by Batas Pambansa Big. 220;

253  
254 Group S, Storage occupancies include all buildings or structures utilized primarily for the  
255 storage or sheltering of goods, merchandise, products and vehicles;

256  
257 Group U, Utilities and Miscellaneous occupancies are those with an ancillary character such  
258 as, but not limited to, those enumerated in Section 6 (g) Ancillary Structure, or those which  
259 cannot be properly classified in any of the other occupancy groups in this Section, such as, but  
260 not limited to billboards and commercial signboards; and

261  
262 Group Z, High-Hazard occupancies mean those with storage and handling of flammable, highly  
263 combustible, or other materials that would constitute a physical or health hazard, in quantities  
264 in excess of those allowed by regulations.

265  
266 The National Building Official may determine, through rules and regulations, subgroups within  
267 Group A to Z. Any other use or occupancy not mentioned specifically under this Section, or  
268 about which there is any question, shall, upon approval by the National Building Official, be  
269 included in the group which it most nearly resembles based on the associated hazard or risk to  
270 life, health, property, and public welfare.

271

272 In addition to permanent centers for refuge and evacuation as in Group D, any building,  
273 structure, or portion thereof may be designated as a temporary evacuation center provided it  
274 complies with the specific rules and regulations promulgated by the National Building Official.  
275

276 When a building or structure is of mixed occupancy or used for more than one occupancy, the  
277 whole building or structure shall be subject to the most restrictive requirement pertaining to  
278 any of the occupancy groups found therein, except as otherwise provided in applicable rules  
279 and regulations.  
280

281 For each group or sub-group of use or occupancy, the National Building Official shall  
282 promulgate specific rules and regulations and reference standards in accordance with this Act.  
283

284 **SECTION 10. *Buildings Classified According to Required Permitting Process.*** – Buildings  
285 and structures shall be classified based on the required permitting process as follows:  
286

287 (a) "Deemed-to-Satisfy Structures" or "Class P1 Structures" are buildings or structures  
288 belonging to sub-group/s under Group R, Residential, either traditional indigenous  
289 family dwellings regardless of number of floors, or individually constructed dwellings  
290 for up to three (3) families, with maximum total gross floor area limit for each case as  
291 prescribed by the National Building Official through rules and regulations; but shall  
292 exclude such structures under any government-approved mass housing project developed  
293 by the government, non-government organization, or private developer. These Deemed-  
294 to-Satisfy or Class P1 Structures shall comply with Simplified Reference Standards as  
295 prescribed by the National Building Official under a simplified permitting process.  
296

297 (b) "Special Structures" or "Class P3 Structures" are buildings or structures that are  
298 distinguished by special physical attributes in terms of size, span, or form, and/or by  
299 nature of use or occupancy. These structures shall be any of the following:  
300

- 301 (1) buildings and other structures exceeding 75 meters in height or a higher height  
302 threshold as prescribed based on rules and regulations by the National Building  
303 Official;
- 304 (2) long span structures exceeding 30 meters in span or a longer span threshold as  
305 prescribed based on rules and regulations by the National Building Official;
- 306 (3) buildings and other structures with two (2) or more floor levels, and in any single  
307 floor level exceeding 25,000 square meters of gross floor area;
- 308 (4) buildings and other structures with gross floor area exceeding 40,000 square  
309 meters;
- 310 (5) facilities belonging to Group D, Disaster response;
- 311 (6) hospitals belonging to a sub-group under Group I, Institutional, that need to provide  
312 higher than the minimum level of services in terms of functional capacity as  
313 classified by competent national agency on healthcare facilities;
- 314 (7) facilities belonging to Group Z, High-Hazard;
- 315 (8) structures that have non-regular structural form as classified in structural reference  
316 standards;
- 317 (9) buildings and other structures using very advanced structural calculation method  
318 in design as classified in structural reference standards; and
- 319 10) Facilities belonging to Group G.  
320  
321

322 Accordingly, the permitting process for these Special or Class P3 Structures shall require  
323 a peer review of the structural stability.

324  
325 For buildings and structures that have non-regular structural form (sub-class (8) in this  
326 Section) or using very advanced structural calculation method in design (subclass (9) in  
327 this Section), the peer review shall be conducted by an Accredited Structural Peer  
328 Reviewer duly qualified for such specific sub-classes, respectively.

329  
330 *Provided*, that prior certification for innovative construction technology according to  
331 Section 30 of this Act shall be deemed to satisfy the requirement of structural peer review.  
332 *Provided further*, that the Office of the National Building Official shall establish and/or  
333 accredit competent government agencies in charge of certification of innovative  
334 construction technologies as provided for in Section 30.

335  
336 The act of reviewing does not pass on the responsibility and the liability of the Building  
337 Professional for design to the Accredited Structural Peer Reviewer on the structural  
338 integrity of the building, without prejudice to administrative charges under applicable  
339 professional regulations. *Provided*, that should the Building Owner opt, under applicable  
340 laws and professional regulations, to lawfully disengage the previously engaged Building  
341 Professional for design and to engage as new Building Professional for design an  
342 Accredited Structural Peer Reviewer who has been previously engaged as peer reviewer  
343 according to this Section, a new independent Accredited Peer Reviewer shall be required.

344  
345  
346 (c) "Regular Structures" or "Class P2 Structures" are buildings or structures that do not fall  
347 under either one of the classifications of Deemed-to-Satisfy Structures and Special  
348 Structures. Regular Structures shall require the regular permitting process.

349  
350 (c) "Regular Structures" or "Class P2 Structures" are buildings or structures that do not fall  
351 under either one of the classifications of Deemed-to-Satisfy Structures and Special Structures.  
352 Regular Structures shall require the regular permitting process.

353  
354 **SECTION 11. *Buildings and Structures.*** – For purposes of this Act, structures shall include  
355 buildings, ancillary structures, and other structures as defined in this Act.

356  
357 **SECTION 12. *Requirements for Each Type of Construction According to Fire Resistivity.*** –  
358 The National Building Official shall prescribe standards for each type of construction  
359 according to fire resistivity as allowed under this Act correspondingly for each group or sub-  
360 group of use or occupancy, and promulgate rules and regulations and reference standards  
361 therefor, in general terms of structural system, exterior walls and openings, interior walls and  
362 enclosures, floors, exits and stairs construction, and roofs, among other elements.

363  
364 **SECTION 13. *Changes in Use or Occupancy and/or Type of Construction According to Fire***  
365 ***Resistivity.*** – No change shall be made in the use or occupancy and/or type of construction  
366 according to fire resistivity of any building or structure which would place the building or  
367 structure in a different occupancy group or different type of construction, unless such building  
368 or structure is made to comply with the requirements for the new occupancy group or type of  
369 construction; provided, that the change may be approved by the Local Building Official upon  
370 determination that the new use or occupancy and/or type of construction poses less risk to life,

371 health, property, and public welfare, according to rules and regulations promulgated by the  
372 National Building Official.

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375 **CHAPTER III**  
376 **LOCATION, SITING, AND ZONING REQUIREMENTS**  
377

378 **SECTION 14. *General Requirements for Location, Siting, and Zoning.*** – The site upon  
379 which will be constructed any building or structure shall be sanitary, hygienic, and accessible,  
380 and shall not pose high hazard for the intended use or occupancy, as determined by competent  
381 and appropriate authorities and certified through a locational clearance and other clearance/s  
382 or certificate/s as prescribed by applicable laws and regulations. It shall not obstruct existing  
383 easement or right-of-way of the national government and all local government units, as well as  
384 departments, regulatory agencies, instrumentalities, government owned and controlled  
385 corporations, and implementing units of the same, in accordance with existing laws and rules  
386 and regulations.

387  
388 **SECTION 15. *Protection of the Site Environment.*** – Any proposed construction, including  
389 its location, siting, and use, shall take into account the environment and its conservation and  
390 protection. It shall not gravely affect the heritage and environmental significance of the site;  
391 and shall not harm nor aggravate the state of the neighborhood, environment, and natural  
392 resources surrounding it. No construction, its location, siting, and use shall be allowed without  
393 complying with the applicable heritage, environmental, and natural resources laws and  
394 regulations, as determined by competent and appropriate authorities and certified through a  
395 locational clearance and other clearance/s or certificate/s as prescribed by applicable laws and  
396 regulations.

397  
398 **SECTION 16. *Protection of the Public.*** – Any proposed construction shall not cause harm to  
399 the general public nor infringe on public spaces.

400  
401 **SECTION 17. *Requirements in Hazard Zones and Special Sites.*** – The Building Owner and  
402 Building Professional shall ensure that the proposed construction, its location, siting, and use,  
403 will not increase the vulnerabilities of the people who will occupy the building and their  
404 neighborhood on account of the hazard zone or special site. Within hazard zones as established  
405 in the Comprehensive Land Use Plan (CLUP) and/or hazard maps published by the national  
406 government, risk mitigation and adaptation requirements and/or measures shall be incorporated  
407 in the rules and regulations and reference standards as promulgated by the National Building  
408 Official.

409  
410 **SECTION 18. *Resilience.*** – Buildings and structures damaged structurally by a disaster or  
411 crisis shall adhere to principles of building back better in post-disaster or post-crisis recovery  
412 and reconstruction. The National Building Official shall cause to integrate disaster risk  
413 reduction and management measures in the rules and regulations and reference standards for  
414 planning, design, and reconstruction of buildings and structures.  
415 The National Building Official shall promulgate specific rules and regulations and reference  
416 standards for temporary post-disaster or post-crisis structures.

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419 **CHAPTER IV**  
420 **DESIGN REQUIREMENTS**

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**SECTION 19. *General Requirements for Design.*** – The design of all buildings and structures shall comply with the requirements prescribed by this Act, rules and regulations, and reference standards; provided, that there shall be different 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 Bath's Pambansa Blg. 220. Provided further, that Group G, Agricultural and Biological occupancies shall consider biosystems design requirements for the protection of humans, 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.

**SECTION 20. *Stability.*** – All buildings and structures shall be designed to be structurally stable against anticipated combinations of loads and effects so as to safeguard people and property from physical harm or damage.

Subject to the provisions of Articles 684 to 686 of Republic Act No. 386, or Civil Code of the Philippines, on lateral and subjacent support, the design and quality of materials used structurally in excavation, footings, and in foundations shall conform to prescribed reference standards and accepted engineering practice.

**SECTION 21. *Protection from Fire.*** – All buildings and structures shall be designed to safeguard persons and properties from any harm or damage caused by fire in accordance with Republic Act No. 9514, or the Fire Code of the Philippines, and its Implementing Rules and Regulations.

All fire safety constructions as defined by the Fire Code of the Philippines shall be designed in accordance with specific rules and regulations and reference standards under this Act.

**SECTION 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.

**SECTION 23. *Protection from Other Hazards.*** – All buildings and structures shall be designed to safeguard persons and properties from other site-specific hazards.

**SECTION 24. *Safety of Users or Occupants.*** – All buildings and structures shall be designed to safeguard its users or occupants from harm, injury, or loss.

**SECTION 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.

**SECTION 26. *Energy and Energy Efficiency.*** – The design of buildings and structures shall include, wherein required, practices and technologies that maximize energy efficiency. The National Building Official shall promulgate specific rules and regulations applicable to buildings and structures exceeding a threshold total gross floor area, depending on the classification of use or occupancy.

471  
472 **SECTION 27. *Services and Facilities.*** – All building services and facilities, their equipment  
473 and installations, shall be designed to be adequate, safe, and efficient, to promote the well being  
474 of the users or occupants and the general public. Constructability and ease of maintenance of  
475 the services and facilities shall be highly considered in the design.

476  
477 As required by the occupancy group, buildings and structures shall be designed to provide  
478 services and facilities including but not limited to the following: light and ventilation; water  
479 supply; drainage; wastewater disposal; solid waste management; pest and vermin control;  
480 power and fuel supply; communication facilities; conveyance and parking facilities; and fire  
481 lane and fire hydrants.

482  
483 *Provided*, that the carriageways, sidewalks, and all parts of road right-of-way for public roads  
484 adjoining a building site shall not be used to meet the requirements of parking facilities for the  
485 building as required by this Act, rules and regulations, and reference standards. *Provided*  
486 further, that queuing areas, driveways, ramps, entrances to, and exits from parking facilities for  
487 a building shall not encroach on the road right-of-way nor obstruct the movement of pedestrians  
488 and vehicles on the public roads adjoining the building.

489  
490 *Provided, Finally*, that telecommunication facilities such as, but not limited to, in-building  
491 solutions and fiber-optic cabling for high-capacity and high-speed requirements shall be  
492 mandatory in buildings owned by the national government and all local government units, as  
493 well as departments, regulatory agencies, instrumentalities, and implementing units of the  
494 same.

495  
496 **SECTION 28. *Environmental Sustainability and Responsibility.*** – All buildings services and  
497 facilities, material, methods of construction, and their equipment shall be designed and used to  
498 be environmentally responsive and compliant to applicable environmental regulations. Thus,  
499 all buildings should be required with of waste management and utilization facility, and other  
500 climate-change mitigating features.

501  
502

503 **CHAPTER V**  
504 **CONSTRUCTION REQUIREMENTS**

505  
506 **SECTION 29. *General Requirements for Construction.*** – The construction of all buildings  
507 and structures shall comply with the requirements prescribed by this Act, rules and regulations,  
508 and reference standards.

509  
510 Use of materials, pieces of equipment, plants, and tools, and selection of personnel shall  
511 conform to reference standards on materials, methods, and practices, in order to ensure quality  
512 of material and quality of workmanship. Builders shall promote quality of construction as one  
513 of the essential links to the reduction of the vulnerability of the building or structure to hazards.

514  
515 **SECTION 30. *Innovative Construction Technologies.*** – All innovative construction  
516 technologies used in building construction shall comply with any special tests or requirements  
517 as prescribed by the National Building Official pursuant to the policies and objectives of this  
518 Act. These technologies shall be installed by qualified personnel and supervised by technically  
519 competent professionals.

520

521 The proponent of such innovative construction technology may apply for a certification by the  
522 competent national agency according to the rules and regulations prescribed by the National  
523 Building Official. Buildings and other structures using an innovative construction technology  
524 with prior certification shall be deemed to satisfy the requirement of structural peer review.  
525

526 *Provided*, that innovative technologies appropriate for socialized and economic housing, which  
527 are low-cost housing as covered by Bath's Pambansa Blg. 220, shall be subject for accreditation  
528 by the Accreditation of indigenous Technologies for Housing (AITECH) Committee or its  
529 successor agency.  
530

531 *Provided, Further*, that the Office of the National Building Official shall establish and accredit  
532 another competent national agency to be in charge of accreditation of innovative technologies,  
533 including so-called smart and/or green technologies, that are for applications other than  
534 socialized or economic housing.  
535

536 *Provided, Finally*, that nothing in this Act shall be interpreted to prevent the National Building  
537 Official from causing the establishment and accreditation of a unified competent national  
538 agency to be in charge of accreditation of innovative technologies for various construction  
539 applications.  
540

541 **SECTION 31. *Safety and Protection During Construction.*** – All buildings shall be  
542 constructed or demolished without causing any harm or injury to the construction workers and  
543 the public.  
544

545 **SECTION 32. *Protection of Property During Construction.*** – All and any public or private  
546 property above or below the ground shall be protected from any damage by any work being  
547 done under the permit. The protection shall be maintained while such work is being done and  
548 shall not obstruct the normal functioning of any such property.  
549

550 **SECTION 33. *Phased or Incremental Construction.*** – All uncompleted portions of buildings  
551 subject to phased or incremental construction shall be protected and shall not pose harm to the  
552 public. Any additional or incremental work shall not compromise the safety and well being of  
553 the users or occupants.  
554

555 **SECTION 34. *Construction Waste Management.*** – All buildings shall be constructed with  
556 proper management of construction waste.  
557

558  
559 **CHAPTER VI**  
560 **BUILDING MATERIALS**  
561

562 **SECTION 35. *General Requirements for Materials.*** – All building materials and components  
563 shall comply with the requirements prescribed by this Act, rules and regulations, and reference  
564 standards.  
565

566 The use of building materials and components must be safe for the health of users or occupants  
567 and must not cause any substantive negative impact to the environment such as, but not limited  
568 to, air, water, and soil.  
569

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

572

573 **SECTION 36. *Selection of Materials.*** – Building materials and components shall be selected  
574 following a set of criteria including but not limited to strength, fire resistivity, moisture  
575 resistance, durability, and sustainability, according to rules and regulations and reference  
576 standards promulgated by the National Building Official.

577

578

579

## CHAPTER VII OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS

581

582 **SECTION 37. *General Requirements for Occupancy, Maintenance, and Abatement.*** All  
583 Building Owners shall use and maintain the building in accordance with the requirements  
584 prescribed by this Act, rules and regulations, and reference standards. The use and maintenance  
585 of the building must be safe for the health of users, occupants, and the general public, and shall  
586 not cause any substantive negative impact to the environment such as, but not limited to, air,  
587 water, and soil.

588

589 **SECTION 38. *Maintenance, Inspection, and Assessment of Buildings and Reporting to the***  
590 ***ONBO.*** – All buildings shall undergo regular maintenance and inspection in accordance with  
591 each building's maintenance strategy. There shall be rules and regulations to guide the  
592 preparation, approval, and implementation of appropriate maintenance strategies for buildings  
593 and structures, promulgated by the National Building Official. The Building Owner shall  
594 perform periodic maintenance and inspection; the Local Building Officials and/or Accredited  
595 Inspectors shall conduct inspection as appropriate according to rules and regulations. The  
596 Office of the National Building Official shall establish a system for monitoring, reporting, and  
597 evaluating maintenance and inspection activities.

598

599 The Office of the National Building Official shall assist Building Owners of structures falling  
600 within the classification Deemed-to-Satisfy or Class P1 Structures and Regular or Class P2  
601 Structures in conducting a simplified inspection of their buildings.

602

603 For buildings and structures with occupancies falling under Group A, Group D, Group E,  
604 Group G or Group Z, there shall be periodic inspections by Local Building Officials and/or  
605 Accredited Inspectors subject to specific rules and regulations promulgated by the National  
606 Building Official.

607

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

613

614 Mandatory inspection and assessment by an Accredited Certifier as to structural stability and  
615 fire safety construction shall be commissioned by the Building Owner at the 15th year from  
616 date of completion of the building and every 15 years thereafter in the case of Special or Class  
617 P3 Structures. In cases of addition, alteration, conversion, rehabilitation, relocation, repair,  
618 and/or retrofit requiring more recent structural stability assessment and corresponding  
619 certification and clearance, the date of reckoning of 15 years for purposes of this Section shall

620 be counted from the completion date of the latest building permit that involved the most recent  
621 structural stability clearance under this Act. The National Building Official shall promulgate  
622 rules and regulations and reference standards for mandatory inspection and assessment of  
623 buildings as to structural stability and fire safety construction, specific to the various building  
624 classifications; provided, that Accredited Certifiers need not be engaged for Deemed-to-Satisfy  
625 or Class P1 Structures and Regular or Class P2 Structures.

626  
627 The National Building Official shall promulgate specific rules and regulations for mandatory  
628 inspection and assessment of all buildings as to structural stability and fire safety construction  
629 after regional catastrophic events such as, but not limited to, widely destructive earthquakes  
630 and typhoons. The determination of an event that is catastrophic as to warrant mandatory  
631 assessment of all buildings in a geographic area shall be made by the National Building Official  
632 in consultation and coordination with other government agencies.

633  
634 The Office of the National Building Official through the Offices of Local Building Official  
635 shall maintain a computerized national database of permits and other periodic data about all  
636 buildings and structures, including but not limited to reports on maintenance, inspection, and/or  
637 assessment.

638  
639 **SECTION 39. *Special Provision for Buildings Completed.*** – More than 15 Years Prior to the  
640 effectivity of this Act. To ensure the safety of the people and to reduce risks, Special or Class  
641 P3 Structures and buildings and structures with occupancies falling under Group A and Group  
642 E, that were completed in 2004 or earlier, are mandated to have an assessment of the design  
643 based on the requirements in Chapter IV of this Act as specified in rules and regulations, as to  
644 structural stability and fire safety construction, and the Building Owners to submit the  
645 certifications or findings of appropriate Building Professionals, serving as Accredited  
646 Certifiers, to the concerned Local Building Officials regarding the state of such buildings and  
647 structures and their safety and/or need for retrofit.

648  
649 Within three (3) months from the effectivity of this Act, the Department through the Office of  
650 the National Building Official, in consultation with relevant agencies and stakeholders, shall  
651 implement a phased approach to prioritize compliance of Building Owners in hazard zones,  
652 such as but not limited to those near earthquake fault lines or in coastal zones affected by sea  
653 level rise, or in hazard zones or areas otherwise identified in hazard maps, or those used for  
654 assemblies in large numbers and/or by vulnerable users or occupants.

655  
656 The National Building Official, in coordination with other concerned agencies, shall develop  
657 and administer incentive schemes, such as those allowed by the disaster risk reduction and  
658 management funds, to support immediate voluntary retrofit by the Building Owners requiring  
659 modifications for the safety of the users or occupants and/or the general public.

660  
661 **SECTION 40. *Abatement of Dangerous and Ruinous Buildings.*** – When any building or  
662 structure is found or declared to be dangerous or ruinous, the Local Building Official shall  
663 order its repair, vacation, or demolition depending upon the degree of danger to life, health,  
664 property, and public welfare. This is without prejudice to further action that may be taken under  
665 the provisions of Articles 482 and 694 to 707 of the Civil Code of the Philippines and other  
666 existing laws.

667  
668 For purposes of this Section, dangerous or ruinous buildings are buildings or structures  
669 determined by the Local Building Official to be structurally unstable; or not provided with safe

670 egress; or which constitute a fire hazard; or are otherwise dangerous to human life; or which in  
671 relation to existing use, constitute a hazard to health, safety, or public welfare because of  
672 inadequate maintenance, dilapidation, obsolescence, or abandonment; or which otherwise  
673 contribute to the pollution of the site or the community to an intolerable degree.

674  
675 Abatement and/or rehabilitation of buildings and structures covered under Republic Act No.  
676 10066, or the National Cultural Heritage Act of 2009, shall be coordinated with the National  
677 Commission for Culture and the Arts (NCCA) prior to any action of abatement.

678

679

680

681

682

## CHAPTER VIII ADMINISTRATION

683 **SECTION 41.** *National Building Official (NBO); Powers, Obligations, and Functions.* – The  
684 Secretary of the Department shall have the duty to ensure that all laws relating to building  
685 design and construction are faithfully executed and is primarily charged with the administration  
686 and enforcement of the provisions of this Act, rules and regulations, and reference standards.  
687 The Secretary shall ensure harmonization of rules and regulations and reference standards  
688 between government-funded and non-government funded buildings and structures, consistent  
689 with the objectives of this Act.

690

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

693 (a) Issue and promulgate rules and regulations to implement the provisions of this Act, upon  
694 recommendation of the Building Regulations and Standards Council, and ensure  
695 compliance with policies, plans, standards, and guidelines formulated. The Building  
696 Regulations and Standards Council shall be formed in accordance with the provisions of  
697 this Act;

698 (b) Approve and/or take final action on changes and/or amendments to reference standards  
699 based on recommendations of the Building Regulations and Standards Council. For this  
700 purpose, existing referral codes shall hereinafter be renamed and referred to accordingly  
701 as "reference standards";

702 (c) Appoint Local Building Officials, in manner as provided for by this Act, and exercise  
703 supervision and control over them as the National Building Official;

704 (d) Designate Local Building Officials, in manner as provided for by this Act, and exercise  
705 supervision and control over them as the National Building Official;

706 (e) Create the Office of the Local Building Official in case of clustered municipalities, as set  
707 forth in this Act, and exercise administrative as well as technical supervision and control;

708 (f) Appoint the Regional Building Appeals Boards, as provided for by this Act, and exercise  
709 administrative supervision over them;

710 (g) Prescribe and fix the schedule of fees, appeal bonds, and other charges that the National  
711 Building Official and Local Building Officials shall collect in the exercise of their  
712 regulatory functions;

713 (h) Inspect at reasonable times any building or structure, covered by this Act, rules and  
714 regulations, and reference standards; provided, that in case of a single family dwelling,  
715 an inspection must be upon the consent of the occupant or upon lawful order from the  
716 proper court;

717 (1) Issue appropriate orders, including cease and desist order and demolition order, against  
718 any person or entity to prevent injury to the public and compel compliance with the  
719 provisions of this Act, rules and regulations, and reference standards;

- 720 (j) Impose fines, penalties, and other administrative sanctions for failure or refusal to comply  
721 with, or violation of any provision of this Act, rules and regulations, and reference  
722 standards, or any order, instruction, or ruling;
- 723 (k) Enlist the aid and support of, and/or deputize any and all enforcement agencies of the  
724 government in the implementation of his powers and functions under this Act, rules and  
725 regulations, and reference standards; and
- 726 (l) Exercise such other powers and perform such functions as may be needed to carry out  
727 the objectives of this Act, rules and regulations, and reference standards.

728

729 **SECTION 42. *Building Regulations and Standards Council (BRSC)*.** – A Building  
730 Regulations and Standards Council is hereby created to assist the National Building Official in  
731 reviewing and recommending rules and regulations and reference standards to accomplish the  
732 objectives of this Act.

733 (a) Members. The Building Regulations and Standards Council shall be composed of the  
734 following:

- 735 (1) Undersecretary for Technical Services of the Department as Chair;
- 736 (2) Full-time Commissioner of the Housing and Land Use Regulatory Board (HLURB)  
737 as Vice-chair;
- 738 (3) Commissioner of the Professional Regulation Commission (PRC) in charge of  
739 supervision of regulatory boards of building professionals;
- 740 (4) Chief of the Bureau of Fire Protection (BFP);
- 741 (5) Director of the Bureau of Agricultural and Fisheries Engineering of the Department  
742 of Agriculture;
- 743 (6) Undersecretary of the Department of Trade and Industry (DTI) in charge of  
744 supervision of product standards and/or contractor accreditations;
- 745 (7) Undersecretary of the Department of Science and Technology (DOST) for disaster  
746 risk reduction and climate change;
- 747 (8) President of a national association of local building officials;
- 748 (9) President of a national association of building developers, national association of  
749 building owners, national association of building managers, or national association  
750 of building administrators
- 751 (10) Representative of the PRC accredited professional organizations of professionals  
752 involved in building design and construction;
- 753 (11) President of a national association of building contractors;
- 754 (12) High-ranking regular faculty member from a recognized higher education institution  
755 involved in the training of building professionals; and
- 756 (13) Two (2) representatives-at-large coming from any concerned sectors whose  
757 participation is deemed by the National Building Official as timely and  
758 complementary to those of other members enumerated.

759

760 Each from a list of nominees submitted by their respective sectors, all representatives from the  
761 private, academic, or non-government sectors, enumerated above from (8) to (12), shall be  
762 appointed by the National Building Official for a term of three (3) years; provided, that each  
763 said member, during his/her term in the Council, shall remain a certified member-in-good-  
764 standing of the association, organization, or institution that has been originally represented. In  
765 case of substitution or replacement of a member representing a specific sector, the new member  
766 shall serve for the remainder of the three-year term.

767

768 For these sectors, enumerated above from (7) to (11), a different association, organization, or  
769 institution other than the one currently represented shall be given preference by the National

770 Building Official in the next full three-year term appointment, in order to practice a rotation of  
771 representation from among the various associations, organizations, or institutions in each  
772 sector.

773  
774 Representatives-at-large, enumerated above as (12), shall serve ex-officio if officials and  
775 representatives of government agencies, or shall serve for a term of three (3) years, without  
776 immediate reappointment within one (1) year, if coming from the private, academic, or non-  
777 government sectors.

778  
779 In the absence or temporary incapacity of the Undersecretary for Technical Services of the  
780 Department, the Commissioner of the HLURB shall act as the Chair of the Council.

781  
782 In the absence or temporary incapacity of the Undersecretary for Technical Services of the  
783 Department and the Commissioner of the HLURB, the Officer-in-Charge (OIC)  
784 Undersecretary for Technical Services of the Department shall act as the Chair of the Council.  
785 A simple majority of the members of the Council shall constitute a quorum. The presence of  
786 either the Chair or Vice-Chair of the BRSC is indispensable in counting the quorum.

787  
788 (b) Duties and Responsibilities. The Building Regulations and Standards Council shall have  
789 the following duties and responsibilities:

- 790 (1) Review existing rules and regulations and existing referral codes, renamed as  
791 reference standards under this Act, and/or formulate new ones in line with the  
792 provisions of this Act and rules and regulations;  
793 (2) Formulate and recommend policies and strategies, for design and construction,  
794 with reference to global standards, and taking into account local conditions;  
795 (3) Formulate a system of accreditation of qualified Building Professionals as  
796 Accredited Certifiers, Accredited Structural Peer Reviewers, and/or Accredited  
797 Inspectors, and qualified establishments or institutions as Accredited Testing  
798 Laboratories;  
799 (4) Collect relevant information, conduct research, and support studies on all matters  
800 relating to design and construction, such as, but not limited to, the performance and  
801 results achieved of the standards in mainstreaming disaster risk reduction and  
802 management in building planning, design, construction, occupancy, and  
803 maintenance;  
804 (5) Submit recommendations, including rules and regulations and reference standards,  
805 to the National Building Official for approval;  
806 (6) Submit an annual report to the National Building Official; and  
807 (7) Perform such other functions that the National Building Official may authorize or  
808 assign as may be necessary in carrying out the objectives of this Act.

809  
810 (c) Technical Working Groups (TWGs). To support the BRSC in the performance of its  
811 duties and responsibilities, the National Building Official shall constitute Technical  
812 Working Groups (TWGs) composed of relevant stakeholders.

813  
814 (d) Secretariat. The BRSC shall have its Secretariat personnel separate from the Office of  
815 the National Building Official to assist in the operation of the Council and TWGs.

816  
817 (e) Procedures. The National Building Official, in consultation with relevant stakeholders,  
818 shall prescribe, based on rules and regulations, the procedures of the Building  
819 Regulations and Standards Council, ensuring the periodic review of reference standards

820 every five (5) years and the participation of the relevant stakeholders including, but not  
821 limited to, building officials, building developers, building owners, building managers or  
822 administrators, building professionals and professional organizations, building  
823 contractors, and higher education institutions, in setting performance standards for design  
824 and construction.

825  
826 (f) The BRSC budget shall be included in the annual budget of the Department.  
827

828 **SECTION 43. *Office of the National Building Official (ONBO).*** – The Office of the National  
829 Building Official, within the Department, is hereby created to provide sufficient technical,  
830 legal, administrative, and support personnel to the National Building Official in the exercise of  
831 his powers and the performance of his duties. This Office, headed by a Director, who shall be  
832 a registered and licensed professional, be member of good standing of the duly accredited  
833 national organization of the profession, and have at least five (5) years of diversified and  
834 professional experience in building design, construction, and regulation, shall be placed under  
835 the supervision of the Undersecretary for Technical Services. It shall comprise highly qualified  
836 personnel eligible to act as building professionals, scientists, or technicians who possess  
837 diversified and professional experience in the field of building design and construction, and  
838 lawyers.

839  
840 The Office of the National Building Official shall provide assistance to the National Building  
841 Official in the institutional strengthening of Offices of Local Building Official, capacity  
842 building of Local Building Officials, data management, monitoring and evaluation, and  
843 establishing and maintaining linkages with concerned institutions. A mandatory continuing  
844 education and training program shall be pursued for the Local Building Officials and their staff,  
845 as well as the staff of the Office of the National Building Official.

846  
847 The Office of the National Building Official shall coordinate the Regional Building Appeals  
848 Boards.

849  
850 The Office of the National Building Official shall formulate plans, programs, and projects on  
851 building planning, design, construction, occupancy, and maintenance pursuant to this Act in  
852 consideration of global best practices and the exposure of the country to multiple hazards. It  
853 shall plan and implement a computerized national database of buildings and structures, for  
854 purposes of Section 38 and other provisions of this Act and rules and regulations. It shall also  
855 be in-charge of the implementation of a system of accreditation of qualified Building  
856 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or  
857 Accredited Inspectors, and qualified establishments or institutions as Accredited Testing  
858 Laboratories.

859  
860 **SECTION 44. *Regional Building Appeals Boards (RBABs).*** – A Regional Building Appeals  
861 Board with appropriate personnel is hereby created in Regional Offices of the Department and  
862 placed under the administrative supervision of the National Building Official; provided, that  
863 an RBAB may be created by the National Building Official to serve a group of adjacent regions.  
864 The RBAB shall be chaired by a member of the Philippine Bar, and assisted by two technical  
865 personnel of the Department sitting as the other members of the Board and by support staff, all  
866 of whom are appointed by the National Building Official. It shall have exclusive appellate  
867 jurisdiction to review decisions of the Local Building Officials, or resolve appeals and/or  
868 complaints after the same shall have been acted upon, or not given due course, by the respective  
869 Local Building Officials within their region. In case of appeal for reconsideration by an

870 aggrieved party on the same matter, the decision of the RBAB shall be subject to review by the  
871 National Building Official pursuant to Section 60 of this Act.

872

873 **SECTION 45. *Offices of the Local Building Official (OLBOs) and Local Building Officials***  
874 ***(LBOs).*** – Cities and first class municipalities shall create and operate a separate Office of the  
875 Local Building Official headed by a Local Building Official who shall be appointed by and  
876 accountable to the National Building Official. The Local Building Official shall be appointed  
877 by the National Building Official from a list of at least three (3) qualified recommendees of the  
878 mayor, subject to civil service law and rules and regulations. The Local Building Official shall  
879 be responsible for carrying out the provisions of this Act, rules and regulations, and reference  
880 standards within the territorial jurisdictions. Notwithstanding the foregoing, the National  
881 Building Official shall have complete supervision and control over the Local Building Official.  
882 Depending upon their needs and in order to improve their frontline services, second to sixth-  
883 class municipalities may create and operate a separate Office of the Local Building Official  
884 upon request to and approval by the National Building Official. These municipalities, if  
885 adjacent and accessible to each other, may also opt to request the National Building Official to  
886 create and operate an Office of the Local Building Official to serve the clustered municipalities,  
887 which office shall be under the National Building Official. This cluster Office shall be located  
888 at a municipality within the cluster as determined by the National Building Official. Each duster  
889 of municipalities may recommend to the National Building Official the appointment of one  
890 Local Building Official for such cluster from a list of at least three (3) qualified recommendees  
891 of the mayors of the cluster, subject to civil service law and rules and regulations.

892

893 Absent a request to and/or approval by the National Building Official for either a separate or a  
894 cluster Office of the Local Building Official, the municipal engineers of the second to sixth-  
895 class municipalities shall be designated by the National Building Official to act, in concurrent  
896 capacity, as the Local Building Officials in their respective territorial jurisdictions. For  
897 purposes of this Chapter and this Section, the Office of the Municipal Engineer in such second  
898 to sixth-class municipalities shall be referred to also as Office of the Local Building Official.  
899 The concerned local government unit shall provide the funding for and operate the separate  
900 Office of the Local Building Official; the Office of the National Building Official shall fund  
901 and operate cluster Offices of the Local Building Official. The sharing and use of fees and fines  
902 among the offices shall be in conformity with Section 47 of this Act.

903

904 **SECTION 46. *Special Jurisdictions.*** – There shall be Local Building Officials for special  
905 jurisdictions such as the Armed Forces of the Philippines (AFP), the Philippine Economic Zone  
906 Authority (PEZA), the Department of Agriculture (DA), and other government agencies, as  
907 explicitly provided for by the applicable laws, who shall regulate design and construction of  
908 buildings or structures under their jurisdiction and/or their registered locators and enterprises.  
909 These Local Building Officials in special jurisdictions shall likewise be designated by and  
910 accountable to the National Building Official.

911

912 Said Local Building Officials shall be designated by the National Building Official from a list  
913 of at least three (3) qualified recommendees of the head of their agency, subject to civil service  
914 law and rules and regulations.

915

916 In the case of the Department of Agriculture, the Bureau of Agricultural and Fisheries  
917 Engineering (BAFE) shall regulate the design and construction of agricultural and biosystems  
918 buildings. The Director of BAFE shall be the National Local Building Official for agricultural

919 and biosystems buildings. The Secretary of Agriculture shall promulgate the necessary  
920 guidelines to implement this provision.

921

922 **SECTION 47. *Sharing and Use of Fees and Fines.*** – Out of the total collection derived from  
923 fees, permit fees, fines, and other charges, the Office of the Local Building Official shall retain  
924 15% thereof and deposit in a special account created by the Local Treasurer, to answer for its  
925 maintenance and other operating expenses. The Office of the Local Building Official shall  
926 cause to remit five percent (5%) to the National Building Official. The remaining 80% shall  
927 accrue to the general fund of the local government unit or agency with special jurisdiction,  
928 which created and operated the Office.

929

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

936

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

940

941 Any provision of law to the contrary notwithstanding, the National Building Official is hereby  
942 authorized to prescribe the procedures for the use of the 15% retained for the Office of the  
943 Local Building Official. Such income may be used to cover necessary operating expenses  
944 including the purchase of equipment, supplies, and materials; expenses for travel; continuing  
945 education and training programs; engaging Accredited Inspectors and Accredited Structural  
946 Peer Reviewers; obligation expenses including attorney's fees and other legal expenses,  
947 including sheriff's fees as well as hazard pay for employees and/or authorized representatives  
948 of the Office of the Local Building Official when the cause is in line with the performance of  
949 duties; and payment of other prior years' obligations not adequately funded, subject to existing  
950 budgetary and auditing rules and regulations.

951

952 **SECTION 48. *Qualifications of Local Building Officials.*** – No person shall be appointed  
953 as a Local Building Official unless the person possesses the following qualifications:

954

- 955 (a) A Filipino citizen and of good moral character;
- 956 (b) A duly registered and licensed architect, civil engineer and other engineering  
957 professionals whose scope of practice involve building design and construction;
- 958 (c) A member of good standing of the duly accredited professional organization for not  
959 less than five (5) years; and
- 960 (d) Has at least five (5) years of diversified and professional experience in building  
961 design and construction.

962

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

967

968 The Local Building Official for a special jurisdiction shall comply with the qualifications  
969 prescribed for the position by the law applicable to said special jurisdiction.  
970

971 **SECTION 49. Powers, Obligations, and Functions of Local Building Officials.** – In  
972 addition to the other powers, obligations, and functions mentioned in this Act, the Local  
973 Building Official shall have the following general powers, obligations, and functions:  
974

- 975 (a) Approve applications for, and issue, reject, suspend, or revoke permits within their  
976 territorial or special jurisdictions; for this purpose, the Local Building Official shall  
977 base the decision upon the completeness and integrity of the application documents  
978 supported by the appropriate certifications of Building Professionals and  
979 clearances from relevant government agencies, in accordance with this Act, rules  
980 and regulations, and reference standards;
- 981 (b) Hear and decide cases filed by parties on complaints related to the permitting  
982 process;
- 983 (c) Enter any building, structure, or its premises at reasonable times to inspect and  
984 determine compliance with the requirements of this Act, rules and regulations, and  
985 reference standards, as well as the terms and conditions of the permit/s issued;  
986 provided, that in case of a single family dwelling, an inspection by the Local Building  
987 Official and/or Accredited Inspector must be upon the consent of the occupant or  
988 upon lawful order from the proper court;
- 989 (d) Engage qualified and nationally-accredited Building Professionals as inspectors  
990 and/or structural peer reviewers;
- 991 (e) Order the work stopped and prescribe the terms and/or conditions for the work to  
992 be allowed to resume, or issue any appropriate order, including cease and desist  
993 order and demolition order, when any construction is found to be contrary to the  
994 provisions of this Act, rules and regulations, reference standards, and the terms and  
995 conditions of the permit/s issued;
- 996 (f) Order the discontinuance of the use or occupancy of any building or structure, or a  
997 portion thereof, found to be used or occupied contrary to the provisions of this Act,  
998 rules and regulations, and reference standards, and/or the terms and conditions of  
999 the permit/s issued;
- 1000 (g) Keep a permanent record and accurate account of all fees, fines, and other charges  
1001 fixed and authorized by the National Building Official to be collected and received  
1002 under this Act;
- 1003 (h) Validate and submit data on a computerized national database of buildings and  
1004 structures, for purposes of Section 38 and other provisions of this Act and rules and  
1005 regulations;
- 1006 (i) Submit an annual situational report to the National Building Official; and
- 1007 Q) Exercise such powers and perform such other functions needed to assist the  
1008 National Building Official in carrying out the objectives of this Act, rules and  
1009 regulations, and reference standards.

1010  
1011 **SECTION 50. Responsibilities of Building Owners.** – To promote accountability,  
1012 Building Owners and Building Owner-Builders shall be responsible for their compliance  
1013 with the provisions of this Act, rules and regulations, and reference standards. These  
1014 responsibilities shall include but not be limited to:

- 1015 (a) Providing and/or submitting true and correct information and documents in  
1016 support of their application for permits and their prerequisite certifications and  
1017 clearances;
- 1018 (b) Adhering to the plans and specifications;
- 1019 (c) Complying with the terms and conditions of the permit issued, and other  
1020 prerequisite certifications and clearances;
- 1021 (d) Maintaining the building consistent with its maintenance strategy and conducting  
1022 periodic inspection in accordance with this Act, rules and regulations, and reference  
1023 standards;
- 1024 (e) Engaging the services of Building Professionals and/or Building Contractors for any  
1025 proposed construction, as may be required by this Act, rules and regulations, except  
1026 for Deemed-to-Satisfy or Class P1 Structures; and
- 1027 (f) Engaging the services of Building Professionals or Accredited Certifiers for the  
1028 assessment of structural stability and fire safety construction of the building, as may  
1029 be required by this Act, rules and regulations, except for Deemed-to-Satisfy or Class  
1030 P1 Structures and Regular or Class P2 Structures.

1031

1032 Offer to transfer ownership, or actual transfer of ownership, involving owners of  
1033 subdivision projects shall be made pursuant to Presidential Decree No. 957, or the  
1034 Subdivision and Condominium Buyers' Protective Decree.

1035

1036 Offer to transfer ownership, or actual partial or full transfer of ownership, involving  
1037 owners of condominium projects shall be made pursuant to Presidential Decree No. 957,  
1038 or the Subdivision and Condominium Buyers' Protective Decree, and to Republic Act No.  
1039 4726, or the Condominium Act, as amended.

1040

1041 **SECTION 51. Responsibilities of Building Professionals.** – To promote accountability,  
1042 the various Building Professionals, all of whom are registered and licensed by their  
1043 respective professional boards under the Professional Regulation Commission (PRC),  
1044 shall be responsible for the accuracy of their work and their corresponding certifications.

1045

- 1046 (a) Design professionals shall be responsible for the correctness and consistency of  
1047 their design and the preparation of duly signed and sealed drawings, technical  
1048 specifications, calculations, designs, and analyses. They are not precluded from  
1049 conducting inspection of the construction work or building or structure to check  
1050 and determine adherence to the plans and specifications of the work as submitted  
1051 with the permit application; provided, that in case of a single family dwelling, an  
1052 inspection must be upon the consent of the occupant or upon lawful order from the  
1053 proper court.
- 1054 (b) Professionals in charge of construction shall be responsible for the correctness of  
1055 construction, including correctness of materials used, procedures followed, and  
1056 temporary works carried out in compliance with construction methodologies and  
1057 standards; for compliance with safety requirements; and for proper construction  
1058 supervision at the site works. They shall undertake the full time inspection and  
1059 supervision of the work, and keep at the work site at all times a logbook wherein  
1060 the actual progress of work including tests conducted, weather conditions, and  
1061 other pertinent data are recorded. They shall be responsible for the consistency and  
1062 integrity of the documents such as logbook and as-built plans. They shall also be

1063 responsible for the submission of the said documents, all duly signed and sealed,  
1064 upon completion or stoppage of construction, to the Local Building Official.  
1065

1066 **SECTION 52. Responsibilities,, of Building Contractors.** – To promote accountability,  
1067 Building Contractors shall adhere to the duly signed and sealed drawings, technical  
1068 specifications, and construction procedure, as prepared and certified by the Building  
1069 Professionals and relied upon by the Local Building Officials in the issuance of the permit.  
1070 They shall also adhere to the additional details, issued during construction, conforming  
1071 to the submitted documents. Building Contractors shall ensure the safety and health of  
1072 construction workers, in addition to protection afforded to them by labor laws. As  
1073 principals, they shall be responsible for the acts and omissions of their representatives,  
1074 agents, subcontractors, and/or employees in relation to construction. They shall engage  
1075 Building Professionals in-charge of construction.  
1076

1077  
1078 **CHAPTER IX**  
1079 **PERMITS AND INSPECTIONS**  
1080

1081 **SECTION 53. Types of Permit.** – The Building Owner of any proposed construction or  
1082 existing building or structure must secure the appropriate permit from the Local  
1083 Building Official, prior to the start of such work or occupancy:  
1084

- 1085 (a) Building Permit - a permit for the construction of building or structure or any  
1086 addition, alteration, conversion, rehabilitation, relocation, repair, or retrofit of such;  
1087 (b) Ancillary Permit - a permit for the construction of ancillary structures as defined in  
1088 this Act;  
1089 (c) Excavation Permit - a permit for construction involving the removal of soil or rock  
1090 from a site to form an open face, hole, or cavity using tools, machinery, or explosives;  
1091 (d) Demolition Permit a permit for demolition of a building, structure, or portion  
1092 thereof including that which will be removed in the course of an on-going  
1093 construction; and  
1094 (e) Occupancy Permit - previously termed Certificate of Occupancy; a permit for the full  
1095 use or occupancy of a building or structure, or a partial permit for use or occupancy  
1096 of portion or portions thereof prior to the completion of the entire building or  
1097 structure, or a temporary permit for temporary use or occupancy thereof prior to  
1098 the completion of the entire work covered by the permit; provided, that such  
1099 portion or portions shall be used or occupied safely and that the Local Building  
1100 Official shall set a time period during which the partial permit or temporary permit  
1101 shall be valid in accordance with rules and regulations.  
1102

1103 The National Building Official may prescribe in the rules and regulations such other  
1104 permits as it may deem necessary in accordance with objectives of this Act.  
1105

1106 No permit shall be required for minor constructions, repairs, or demolitions, as  
1107 prescribed in the rules and regulations, insofar as these shall not violate any objective or  
1108 provision of this Act.  
1109

1110 **SECTION 54. Detailed Classification of Buildings for Permitting Purposes.** – The  
1111 National Building Official shall prescribe the requirements for and procedure in securing

1112 the different types of permit, as may be appropriate, based on the classification of  
1113 buildings found in Section 10 of this Act. The procedures to be laid out by the National  
1114 Building Official shall include: (a) a simplified permitting process for Deemed-to-Satisfy  
1115 or Class P1 Structures; (b) a mandatory structural peer review of the stability for Special  
1116 or Class P3 Structures; and (c) a regular permitting process for Regular or Class P2  
1117 Structures.

1118  
1119 The organizational structure of each Office of the Local Building Official laid out by the  
1120 National Building Official, based on rules and regulations, shall take these three (3)  
1121 permitting processes in consideration.

1122  
1123 To aid the simplified permitting process, the National Building Official shall cause,  
1124 through Simplified Reference Standards, the detailed documentation and region-wide or  
1125 nation-wide information and education campaign on the proper siting, design, and  
1126 construction of Deemed-to-Satisfy or Class P1 Structures including Traditional  
1127 Indigenous Family Dwellings.

1128  
1129 **SECTION 55. *Application for Permit.*** – Any person desiring to apply for the appropriate  
1130 permit shall file a duly accomplished permit application form with the Local Building  
1131 Official of the local government unit, cluster thereof, or special jurisdiction where the  
1132 building or structure, proposed or existing, is located.

1133  
1134 In case of expired or revoked permit, the Building Owner may apply for a renewal of  
1135 permit in accordance with the prescribed rules and regulations.

1136  
1137 The National Building Official may require the payment of corresponding fees according  
1138 to a schedule provided in the rules and regulations and shall prescribe such other  
1139 standard requirements to be submitted with the duly accomplished permit application;  
1140 provided, that no application fees shall be required for Deemed to-Satisfy or Class P1  
1141 Structures.

1142  
1143 Together with duly accomplished permit application form/s, the applicant shall submit:  
1144 (a) documents relating to ownership of building site that support the authority to order  
1145 construction work for a building or structure and to hold legal right of possession or title  
1146 to a building or structure; (b) relevant clearances from other agencies; (C) documents  
1147 relating to building use or occupancy, location, plans, specifications, and maintenance  
1148 strategy; and (d) estimated construction cost. According to the permit being applied for  
1149 and the classification of building or structure involved, whether Deemed-to-Satisfy,  
1150 Regular, or Special Structure, the National Building Official, through rules and  
1151 regulations, shall require specific parts of building plans, specifications and related  
1152 documents to be submitted as evidence of compliance with this Act, rules and regulations,  
1153 and reference standards.

1154  
1155 The National Building Official, through rules and regulations, shall require specific parts  
1156 of building plans and specifications to be prepared, signed and sealed by appropriate  
1157 Building Professionals; provided, that various building professionals may be  
1158 appropriately authorized according to their respective professional regulation laws to  
1159 prepare, sign, and seal certain parts, sheets, or pages of building plans, specifications, and  
1160 related documents.

1161 **SECTION 56. *Processing of the Permit Application.*** – Pursuant to Republic Act No. 9485,  
1162 or the Anti-Red Tape Act as amended by Republic Act No. 11032, or Ease of Doing  
1163 Business and Efficient Government Service Delivery Act, within a reasonable time from  
1164 the filing of the duly-accomplished permit application, payment of fees as applicable, and  
1165 compliance with other standard requirements to be determined by the National Building  
1166 Official, the Local Building Official shall give due course to the application and issue the  
1167 permit applied for upon satisfaction of the completeness and integrity of the application  
1168 documents supported by the appropriate certifications of Building Professionals and  
1169 clearances from relevant government agencies, in accordance with this Act, rules and  
1170 regulations, and reference standards.

1171  
1172 **SECTION 57. *Validity of Permit.*** – A Building Owner with issued permits has the  
1173 continuing obligation to comply with the provisions of this Act, rules or regulations, and  
1174 reference standards throughout the lifespan of the building or structure. When submitted  
1175 plans and specifications of an issued permit are subsequently found to be erroneous, the  
1176 Local Building Official is authorized to oblige the applicant to effect the necessary  
1177 corrections in said plans and specifications and the corresponding construction or to  
1178 prevent or stop any or all building operations that are in violation of this Act, rules and  
1179 regulations, and reference standards.

1180  
1181 A permit issued under the provisions of this Act shall expire and become null and void if  
1182 the building or work authorized therein is not commenced within a period of one (1) year  
1183 after the issuance of the permit. A partial or temporary Occupancy Permit shall be valid  
1184 for the time period set by the Local Building Official in accordance with the prescribed  
1185 rules and regulations. For phased or incremental construction referred to in Section 32  
1186 of this Act, the Building Owner may apply for an extension of the validity of the permit, or  
1187 renewal of the permit as appropriate, in accordance with the prescribed rules and  
1188 regulations.

1189  
1190 **SECTION 58. *Grounds for Non-issuance, Suspension, or Revocation of Permit.*** – The  
1191 Local Building Official may order or cause the non-issuance, suspension, or revocation of  
1192 permits on any or all of the following reasons or grounds:

- 1193 (a) Non-compliance with the provisions of this Act, rules and regulations, and reference  
1194 standards;  
1195 (b) Substantial errors found in the plans and specifications;  
1196 (c) Use of sub-standard building material or sub-standard workmanship and refusal to  
1197 rectify upon notice;  
1198 (d) Without any work being done in the site for more than one hundred twenty (120)  
1199 days for excavations left open or building construction abandoned; and  
1200 (e) Fraudulent misrepresentation of data or information supplied in the application  
1201 permit.

1202  
1203 Notice of non-issuance, suspension, or revocation of permit shall always be made in  
1204 writing, stating the reasons or grounds therefor. Said action by the Local Building Official  
1205 shall be proportionate to the reasons or grounds committed by the applicant, in  
1206 accordance with this Act and rules and regulations.

1207  
1208 **SECTION 59. *Complaint.*** – Based on the grounds enumerated in Section 58 of this Act,  
1209 any person aggrieved by the proposed, ongoing, or existing construction, use, or

1210 occupancy may file before the Local Building Official of the local government unit, cluster  
1211 thereof, or special jurisdiction where the concerned construction is located for the non-  
1212 issuance, suspension, or revocation of the corresponding permit applied for by, or  
1213 granted to, the Building Owner. The aggrieved party shall be notified of the action taken  
1214 by the Local Building Official in case the permit is granted or furnished With a copy of the  
1215 decision, order, or notice of non-issuance, suspension, or revocation of a permit of the  
1216 Local Building Official.

1217  
1218 **SECTION 60. *Appeal to the Regional Building Appeals Board.*** – Within fifteen (15) days  
1219 from the date of receipt of notice of the non-issuance, suspension, or revocation of the  
1220 permit or of the action taken by the Local Building Official, the aggrieved party may file  
1221 an appeal with the Regional Building Appeals Board based on the following grounds:

- 1222 (a) Arbitrariness of the Local Building Official in the performance of regulatory  
1223 functions; or  
1224 (b) Lack of factual or legal basis.

1225  
1226 The Regional Building Appeals Board shall render a decision within fifteen (15) days from  
1227 date of receipt of appeal. The Regional Building Appeals Board's decision shall be in  
1228 writing, stating specifically the reason/s or ground/s therefor. In case it finds the appeal  
1229 to be meritorious, the Regional Building Appeals Board shall direct the Local Building  
1230 Official to issue the appropriate permit or order.

1231  
1232 The decision of the Regional Building Appeals Board shall become final and executory  
1233 fifteen (15) days after receipt of a copy thereof by the party adversely affected unless,  
1234 within that period, an appeal to the National Building Official has been perfected.

1235  
1236 **SECTION 61. *Appeal to the National Building Official.*** – Within fifteen (15) days from  
1237 the date of receipt of notice of the decision of the RBAB, the aggrieved party may file an  
1238 appeal to the National Building Official; an appeal shall be deemed perfected upon filing  
1239 of the notice of appeal and posting of the corresponding appeal bond.

1240  
1241 The Office of the National Building Official shall render a decision within thirty (30) days  
1242 from perfection of the appeal. The Office of the National Building Officials decision shall  
1243 be in writing, stating specifically the reason/s or ground/s therefor. In case the ONBO  
1244 finds the appeal to be meritorious, the Office of the National Building Official shall direct  
1245 the Local Building Official to issue the appropriate permit or order.

1246  
1247 **SECTION 62. *Inspection and Supervision of Work and Building or Structure.*** – Subject  
1248 to the primary responsibility of Building Owners, Building Professionals, and Building  
1249 Contractors to inspect and/or supervise construction and as set forth in this Act, the Local  
1250 Building Official may, upon motion of any aggrieved party or *motu proprio*, visit and  
1251 inspect at reasonable times the ongoing constructions or existing buildings and  
1252 structures to ensure compliance with the terms and conditions of the permits and the  
1253 provisions of this Act, rules and regulations, and reference standards. The National  
1254 Building Official shall promulgate specific rules and regulations for inspection of Group  
1255 R, Residential buildings and structures, to be carried out by the Local Building Official  
1256 and/or Accredited Inspector.

1257 The Local Building Official shall conduct periodic inspections of existing buildings and  
1258 structures in accordance with Chapter VII of this Act, rules and regulations, and reference  
1259 standards.

1260

1261

1262

## CHAPTER X INCENTIVES AND PENALTIES

1263

1264

1265 **SECTION 63. *Incentives.*** – The National Building Official, in coordination with relevant  
1266 agencies, shall develop and administer incentive schemes, which can be administrative,  
1267 financial, or otherwise, to promote voluntary compliance of existing buildings and  
1268 structures with the provisions of this Act, rules and regulations, and reference standards,  
1269 as well as to encourage all owners of buildings and structures, either existing or  
1270 proposed, to promote the use of environmentally sound or sustainable materials,  
1271 methods, practices, and technologies.

1272

1273 The National Building Official, in coordination with other relevant agencies, may also  
1274 develop and promulgate incentive schemes for owners of both public and private  
1275 buildings to secure insurance coverage for the residual risk after complying with  
1276 mandatory requirements of applicable laws.

1277

1278 The National Building Official may recommend funding support for local government  
1279 units and communities that have endorsed disaster risk reduction and management  
1280 activities for buildings and structures, especially those falling within the classification of  
1281 Deemed-to-Satisfy or Class P1 Structures, in their jurisdictions.

1282

1283 **SECTION 64. *Prohibited Acts and Omissions.*** – The following are prohibited acts and  
1284 omissions:

1285 (a) by the Building Owner and/or representative:

1286 (1) misrepresentation or submission of false statements or documents;

1287 (2) use of unauthorized documents and/or certifications of Building  
1288 Professional/s;

1289 (3) undertaking any construction without the required permit/s;

1290 (4) noncompliance with or violation of the terms and conditions of the permit,  
1291 including prerequisite clearances by other government agencies;

1292 (5) not maintaining the building in accordance with the submitted maintenance  
1293 strategy;

1294 (6) engaging non-licensed building professionals in the design, review,  
1295 construction, or certification of building;

1296 (7) engaging non-licensed building contractors in the construction of building;  
1297 and

1298 (8) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1299 reference standards.

1300

1301 (b) by the Building Professional:

1302 (1) misrepresentation or false statements;

1303 (2) certifying documents that s/he did not prepare, or certifying acts that s/he did  
1304 not perform;

- 1305 (3) submission of incorrect or inconsistent drawings, technical specifications,  
1306 calculations, designs, and analyses;
- 1307 (4) non-compliance with construction methodologies and standards in case of a  
1308 professional in charge of construction;
- 1309 (5) violation of safety standards prescribed by law or regulations in case of a  
1310 professional in charge of construction;
- 1311 (6) non-submission of duly signed and sealed documents, or submission of  
1312 inconsistent or deceitful documents, such as logbook and as-built plans in case  
1313 of a professional in charge of construction; and
- 1314 (7) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1315 reference standards.  
1316
- 1317 (c) by the Building Contractor:
- 1318 (1) deviation from the plans and specifications certified by Building Professionals  
1319 and submitted to the Local Building Official, in a way that increases the risk to  
1320 life, health, property, or public welfare;
- 1321 (2) violation of safety standards prescribed by law or regulations;
- 1322 (3) not engaging a Building Professional in charge of construction; and
- 1323 (4) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1324 reference standards.  
1325
- 1326 (d) by the Accredited Certifier:
- 1327 (1) misrepresentation or false statements in order to be accredited by the Office  
1328 of the National Building Official;
- 1329 (2) certifying buildings and structures that do not meet the requirements of this  
1330 Act, rules and regulations, and reference standards, and other applicable laws;
- 1331 (3) refusing or failing to certify buildings and structures that meet the  
1332 requirements of this Act, rules and regulations, and reference standards; and
- 1333 (4) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1334 reference standards.  
1335
- 1336 (e) by the Accredited Structural Peer Reviewer:
- 1337 (1) misrepresentation or false statements in order to be accredited by the Office  
1338 of the National Building Official;
- 1339 (2) providing false information to the Building Owner and/or Building  
1340 Professional regarding the review;
- 1341 (3) false certification on the compliance of structural design with this Act, rules  
1342 and regulations, and reference standards; and
- 1343 (4) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1344 reference standards.  
1345
- 1346 (f) by the Accredited Testing Laboratory:
- 1347 (1) misrepresentation or false statements in order to be accredited by the Office  
1348 of the National Building Official;
- 1349 (2) misrepresentation or false statements in the tests and/or test results of  
1350 building materials;
- 1351 (3) tampering with the equipment and instruments;
- 1352 (4) conducting test methods non-conforming to reference standards; and

1353 (5) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1354 reference standards.

1355

1356 (g) by the Accredited Inspector:

1357 (1) misrepresentation or false statements in order to be accredited by the Office  
1358 of the National Building Official;

1359 (2) providing false information to the Local Building Official regarding the  
1360 inspection;

1361 (3) false certification on the inspection, in consideration of any offer, promise, gift,  
1362 or present received; and

1363 (4) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1364 reference standards.

1365

1366 (h) by the Local Building Official:

1367 (1) arbitrariness in the performance of powers, obligations, and functions;

1368 (2) unjustifiable delay or gross negligence in the performance of powers,  
1369 obligations, and functions;

1370 (3) willful engagement of non-accredited inspector;

1371 (4) willful non-compliance with the orders of the National Building Official, Office  
1372 of the National Building Official, and/or Regional Building Appeals Board; and

1373 (5) analogous acts, omissions, and violations of this Act, rules and regulations, and  
1374 reference standards.

1375

1376 **SECTION 65. Fines and Penalties.** – Any prohibited act or omission falling under  
1377 paragraphs (a) - (h) in Section 64 of this Act shall be subject to the administrative fines  
1378 and penalties to be imposed by the National Building Official, acting through the Local  
1379 Building Official. Such fines shall not be lower than 0.01% nor higher than 1.0% of the  
1380 construction cost, per violation, in accordance with the gravity of the offense and the  
1381 category of violator as provided in Section 64; provided, that the Local Building Official  
1382 may not issue, may suspend, or may revoke any permit issued to the violator, as may be  
1383 appropriate, and/or may order the suspension or cessation of any construction until such  
1384 time that compliance with this Act, rules and regulations, and reference standards are  
1385 undertaken; provided further, that in case the Building Owner is also the builder or  
1386 Building Owner-Builder, the liability is only considered as one and that of the Building  
1387 Owner; provided furthermore, that in case of Building Professionals and/or Building  
1388 Contractors found to commit any of the prohibited acts and omissions, the Local Building  
1389 Official shall also endorse such violation to the Professional Regulation Commission  
1390 (PRC) and the Construction Industry Authority of the Philippines (CIAP), respectively, for  
1391 the corresponding administrative sanctions; and provided finally, that should there be  
1392 more than one violator for a single prohibited act or omission, their liability shall be  
1393 solidary.

1394

1395 These administrative sanctions imposed by the National Building Official, through the  
1396 Local Building Official, are without prejudice to the right of any affected person to file the  
1397 appropriate administrative, civil, or criminal action in the proper forum.

1398

1399 For offenses falling under paragraph (h) in Section 64 of this Act, the National Building  
1400 Official, upon recommendation of the Regional Building Appeals Board and after notice  
1401 and hearing, may suspend or revoke the appointment or designation of the Local Building

1402 Official as such, without prejudice to the administrative, civil, or criminal liability of said  
1403 official in accordance with existing laws.

1404

1405 **SECTION 66. Criminal Liabilities of Building Owners, Building Professionals, Building**  
1406 **Contractors, Accredited Certifiers, Accredited Structural Peer Reviewers, Accredited**  
1407 **Testing Laboratories, and Accredited Inspectors.** – In case of gross violation of this Act  
1408 and/or rules and regulations, the National Building Official and/or Local Building Official  
1409 may recommend to the appropriate government agencies the filing of criminal charges  
1410 against the violators. Gross violations shall mean any of the following:

- 1411 (a) unauthorized change in type of construction from more fire-resistive to less fire-  
1412 resistive;
- 1413 (b) non-compliance with order to abate or demolish;
- 1414 (c) non-compliance with cease and desist order for construction;
- 1415 (d) not having any work being done in the site for more than one hundred twenty (120)  
1416 days and without justifiable cause, for excavations left open or building  
1417 construction abandoned; and
- 1418 (e) blatant disregard of the orders of the Local Building Official in relation to the  
1419 protection of life, health, property, and public welfare, such as the non-payment of  
1420 fines and breaking of seals or operating despite the existence of an order for  
1421 suspension or revocation.

1422

1423 In which case, the offender shall be punished, per violation, by a fine not lower than  
1424 0.01% nor higher than 1.0% of the construction cost, or by imprisonment of not less than  
1425 six (6) months nor more than six (6) years, or both, at the discretion of the court, without  
1426 prejudice to the civil liability of the offender in accordance with existing laws. Where the  
1427 violation is attended by injury, loss of life and/or loss of property, the offender shall be  
1428 proceeded against under the applicable provisions of the Revised Penal Code and other  
1429 special laws. If the offender is a juridical entity, the officers, directors, agents, or  
1430 employees who willfully and knowingly vote for, assent to, or be primarily responsible  
1431 for the commission of the foregoing violation/s shall be held liable.

1432

1433 **SECTION 67. Criminal Liability of Local Building Officials and Staff.** – Any Local  
1434 Building Official and/or staff who shall conspire to commit any of the enumerated gross  
1435 violations with any offender as provided in Section 66 of this Act shall be punished, per  
1436 violation, by a fine not lower than 0.01% nor higher than 1.0% of the construction cost  
1437 involved, or by imprisonment of not less than six (6) months nor more than six (6) years,  
1438 or both, at the discretion of the court, without prejudice to the civil liability of the offender  
1439 in accordance with existing laws.

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## CHAPTER XI FINAL PROVISIONS

1445 **SECTION 68. Appropriations.** – The amount needed for the initial implementation of this  
1446 Act shall be taken from the current fiscal budget of the Department; provided, however,  
1447 that such amount as may be necessary to carry out Section 39 of this Act is hereby  
1448 appropriated out of the unappropriated funds of the National Treasury in the amount of  
1449 Three Hundred Sixty Five Million Pesos (Php 365,000,000). Thereafter, Congress shall

1450 provide for the appropriations of the Department the annual amount needed for the  
1451 implementation of this Act to be included in the General Appropriations Act.

1452  
1453 **SECTION 69. *Transitory Provision.*** – There shall be a systematic transition of  
1454 implementation of building regulations and standards from Presidential Decree No. 1096  
1455 to this Act. To initiate and facilitate the transition, the Secretary, as the National Building  
1456 Official, is mandated to immediately establish the Office of the National Building Official  
1457 within three (3) months of the effectivity of this Act.

1458  
1459 City and Municipal Engineers already acting as Local Building Officials in their respective  
1460 jurisdictions, and Local Building Officials already appointed or designated by the  
1461 Secretary and performing as such, shall continue to act in such capacity, until new  
1462 appointments and designations shall be made for Local Building Officials.

1463  
1464 Engagement of Accredited Certifiers, Accredited Inspectors, Accredited Structural Peer  
1465 Reviewers, and Accredited Testing Laboratories as provided for in this Act, shall take  
1466 effect following the implementation by the ONBO of the system of accreditation, as  
1467 formulated by the BRSC and promulgated by the NBO. The initial list of accredited  
1468 persons shall be published by the ONBO within one (1) year from the promulgation of the  
1469 system of accreditation.

1470  
1471 Consistent with Section 41 and Section 42 of this Act, existing referral codes, renamed as  
1472 reference standards by this Act, shall remain valid until after the National Building Official  
1473 promulgates new, revised, or amended reference standards after the review and  
1474 recommendation of the BRSC.

1475  
1476 *Provided,* that absent reference standards that are locally or nationally adopted by the  
1477 competent government agency for a particular subject, the latest standards by the  
1478 International Organization for Standardization (ISO) may be used as default standards.

1479  
1480 **SECTION 70. *Implementing Rules and Regulations.*** – The National Building Official,  
1481 upon the recommendation of the Building Regulations and Standards Council and in  
1482 consultation with relevant stakeholders, shall promulgate the Implementing Rules and  
1483 Regulations of this Act, including a system of accreditation of qualified Building  
1484 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or  
1485 Accredited Inspectors, and qualified establishments or institutions as Accredited Testing  
1486 Laboratories, within one (1) year from the effectivity of this Act. For this purpose, the  
1487 Secretary, as the National Building Official, is mandated to immediately constitute the  
1488 Building Regulations and Standards Council within three (3) months of the effectivity of  
1489 this Act.

1490  
1491 The National Building Official shall ensure that all buildings owned by the national  
1492 government and all local government units, as well as departments, regulatory agencies,  
1493 instrumentalities, government owned and controlled corporations, and implementing  
1494 units of the same, shall implement an integrated, or whole-building, approach to the  
1495 siting, planning, design, materials, construction, use, occupancy, maintenance, addition,  
1496 alteration, conversion, rehabilitation, relocation, repair, retrofit, and demolition, so they  
1497 are sustainable, energy efficient, secure and safe, cost-effective, accessible, functional,  
1498 productive, and aesthetic.

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

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

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

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

**SECTION 71. *Non-Retroactivity Clause.*** – This Act shall have no retroactive effect insofar as all buildings and structures constructed under Presidential Decree No. 1096, or the National Building Code of the Philippines, as amended, or existing city or municipal building ordinances, if legally done in accordance therewith, shall be respected subject to such limitations in this Act and except as otherwise stated in Section 39 of this Act. However, additions, alterations, conversions, rehabilitations, relocations, repairs, retrofits, and demolitions to be made in such buildings and structures shall be subject to the provisions of this Act.

**SECTION 72. *Mandatory Review.*** – This Act shall undergo a mandatory review of its provisions every five (5) years to make the law more responsive to the needs of the times. The review shall be made by Congress, which shall conduct public hearings and evaluate the accomplishments and impact of this Act as well as the performance and organizational structure of its implementing offices, which shall be the basis of any amendment or modification of this Act.

**SECTION 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.

**SECTION 74. *Repealing Clause.*** – Presidential Decree No. 1096, or the National Building Code of the Philippines, as amended, is hereby repealed. Sec. 477 of Republic Act No. 7160, also known as the Local Government Code, is modified accordingly. Other existing laws, decrees, executive orders, and rules and regulations or parts thereof that are inconsistent with this Act, are hereby repealed.

**SECTION 75. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*