

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

23 JAN -5 P12 :03

SENATE

RECEIVED BY:



S. No. 1638

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

**AN ACT  
CREATING THE OFFICE OF THE BUILDING OFFICIAL IN ALL PROVINCES,  
CITIES AND MUNICIPALITIES AND AMENDING SECTIONS 443, 454, AND  
477 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS "THE LOCAL  
GOVERNMENT CODE OF 1991" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Local Government Code requires for the appointment of an engineer for the provincial, city, and municipal governments. The city and municipal engineer shall also act as the local building official, by virtue of Section 477 of the Local Government Code.<sup>1</sup>

This provision has placed engineers to perform dual functions that are affecting their performances both as local engineers as stipulated in the Local Government Code, and likewise perform the mandates of the National Building Code as building officials.

Some highly urbanized cities have created and established their respective offices of the City Building Official separate from the Office of the City Engineer. It is a welcome opportunity for other local government units to likewise move towards this direction.

It must be noted that the Local Government Code is already thirty-one (31) years old and many developments not only in the highly urbanized cities but also in

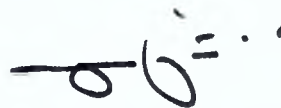
<sup>1</sup> Section 477 of the Local Government Code

other local government units. With the continuing desire of every local government to improve its land use plan and to safeguard life, health, property and welfare, consistent with the mandate of the National Building Code, Congress has to address the issue of the dual functions of local engineers.

Furthermore, in a recent case decided by the Supreme Court, it enunciated that “while city or municipal engineers shall also act as local building officials of their respective cities or municipalities, it is still within the legislative discretion of city or municipal government to create and organize the office of the local building official separate and distinct from the office of the city engineer”.<sup>2</sup>

Therefore, it is only but necessary that the Local Government Code be amended to include a provision for the creation of the Office of the Building Official in every local government. In this way, there will be proper streamlining of functions in the bureaucracy and harmonization of the provisions of National Building Code and the Local Government Code.

It is fervently hoped for the immediate consideration and passage of this bill.



**JOSEPH VICTOR G. EJERCITO**

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<sup>2</sup> *Bernardez v. The City Government of Baguio*, G.R. No. 197559, March 21, 2022.



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**AN ACT**

**CREATING THE OFFICE OF THE BUILDING OFFICIAL IN ALL PROVINCES, CITIES AND MUNICIPALITIES AND AMENDING SECTIONS 443, 454, AND 477 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT CODE OF 1991" AND FOR OTHER PURPOSES**

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

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

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

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

12                   "Section 454. *Officials of the City Government* - (a) There shall be in  
13 each city a mayor, a vice mayor, sangguniang panlungsod members, a  
14 secretary to the sangguniang panlungsod, a city treasurer, a city  
15 assessor, a city accountant, a city budget officer, a city planning and  
16 development coordinator, a city engineer, **A CITY BUILDING**

1           **OFFICIAL**, a city health officer, a city administrator, a city legal officer,  
2           a city civil registrar, a city veterinarian, a city social welfare and  
3           development officer, and a city general services officer.”

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

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

16          **SEC. 4.** Section 447 of RA No. 7160, is hereby amended to read as follows:

17          “ARTICLE VII. The Engineer **AND THE BUILDING OFFICIAL**

18          Section 477. Qualifications, Powers and Duties. –

19          (a)   **THE ENGINEER.** – No person shall be appointed engineer unless  
20          he **OR SHE** is a citizen of the Philippines, a resident of the local  
21          government unit concerned, of good moral character, and a  
22          licensed civil engineer. He **OR SHE** must have acquired  
23          experience in the practice of his **or her** profession for at least  
24          five (5) years in the case of the provincial or city engineer, and  
25          three (3) years in the case of the municipal engineer.

26          The appointment of an engineer shall be mandatory for the  
27          provincial, city, and municipal governments. [~~The city and~~  
28          ~~municipal engineer shall also act as the local building official.~~]

29          [(b)] The engineer shall take charge of the engineering office and shall:

- 1 (1) Initiate, review and recommend charges in policies and  
2 objectives, plans and programs, techniques, procedures  
3 and practices in infrastructure development and public  
4 works in general of the local government unit concern;
- 5 (2) Advise the governor or mayor, as the case may be, on  
6 infrastructure, public works, and other engineering  
7 matters;
- 8 (3) Administer, coordinate, supervise, and control the  
9 construction, maintenance, improvement, and repair of  
10 roads, bridges, and other engineering and public works  
11 and projects of the local government unit concerned;
- 12 (4) Provide engineering service to the local government unit  
13 concerned, including investigation and survey, engineering  
14 design, feasibility studies, and project management;
- 15 (5) In the case of the provincial engineer, exercise technical  
16 supervision over all engineering offices of component cities  
17 and municipalities; and
- 18 (6) Exercise such other powers and perform such other duties  
19 and functions as may be prescribed by law or ordinance.

20 **(B) THE BUILDING OFFICIAL. – NO PERSON SHALL BE**  
21 **APPOINTED AS BUILDING OFFICIAL UNLESS HE OR SHE IS A**  
22 **FILIPINO CITIZEN, A RESIDENT OF THE LOCAL GOVERNMENT**  
23 **UNIT CONCERNED, OF GOOD MORAL CHARACTER, AND A**  
24 **LICENSED ARCHITECT OR CIVIL ENGINEER. HE OR SHE MUST**  
25 **BE A MEMBER IN GOOD STANDING OF THE DULY ACCREDITED**  
26 **PROFESSIONAL ORGANIZATION FOR NOT LESS THAN TWO (2)**  
27 **YEARS, AND SHOULD HAVE AT LEAST FIVE (5) YEARS OF**  
28 **DIVERSIFIED AND PROFESSIONAL EXPERIENCE IN BUILDING**  
29 **DESIGN AND CONSTRUCTION.**

30 **THE APPOINTMENT OF A BUILDING OFFICIAL SHALL BE**  
31 **MANDATORY FOR THE PROVINCIAL, CITY AND MUNICIPAL**

1           **GOVERNMENTS.**

2           **BUILDING OFFICIALS SHALL BE PRIMARILY RESPONSIBLE**  
3           **FOR THE ENFORCEMENT OF THE PROVISIONS OF THE**  
4           **NATIONAL BUILDING CODE OF THE PHILIPPINES, ITS**  
5           **AMENDMENTS, REFERRAL CODES, THE IMPLEMENTING RULES**  
6           **AND REGULATIONS ISSUED THEREFOR, AND THE**  
7           **ENFORCEMENT OF ORDERS AND DECISIONS MADE PURSUANT**  
8           **THERE TO, WITHIN THEIR RESPECTIVE TERRITORIAL**  
9           **JURISDICTION.**

10          **EVERY BUILDING OFFICIAL SHALL KEEP A PERMANENT**  
11          **RECORD AND ACCURATE ACCOUNT OF ALL FEES AND OTHER**  
12          **CHARGES FIXED AND AUTHORIZED TO BE COLLECTED AND**  
13          **RECEIVED UNDER THE NATIONAL BUILDING CODE.**

14          **SUBJECT TO EXISTING BUDGETARY, ACCOUNTING AND**  
15          **AUDITING RULES AND REGULATIONS, THE BUILDING**  
16          **OFFICIAL IS HEREBY AUTHORIZED TO RETAIN NOT MORE**  
17          **THAN TWENTY PERCENT (20%) OF THE COLLECTIONS FOR THE**  
18          **OPERATING EXPENSES OF THE OFFICE.**

19          **THE REMAINING EIGHTY PERCENT (80%) SHALL BE**  
20          **DEPOSITED WITH THE PROVINCIAL, CITY OR MUNICIPAL**  
21          **TREASURER AND SHALL ACCRUE TO THE GENERAL FUND OF**  
22          **THE PROVINCE, CITY OR MUNICIPALITY CONCERNED.**

23            **SEC. 5 *Separability Clause.*** The provisions of this Act are hereby declared to  
24            be separable and if any clause, sentence, provision, or section of this Act or its  
25            application thereof to any person or circumstance should, for any reason, be held  
26            invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the  
27            other provisions or application of this Act and shall continue to be in full force and  
28            effect.

1           **SEC. 6. *Repealing Clause.*** All laws, decrees, executive orders, proclamation,  
2 rules or regulations, and other issuances, or parts thereof which are inconsistent with  
3 the provisions of this Act are hereby repealed, amended, or modified accordingly.

4           **SEC. 7. *Effectivity.*** This Act shall take effect fifteen (15) days after its  
5 publication in the Official Gazette or in a newspaper of general circulation.

6

7 *Approved,*