

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



'14 MAY 20 P 4 :04

SENATE

RECEIVED BY: *ji*

S.B. NO. 2235

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Introduced by SENATOR FERDINAND R. MARCOS, JR.

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**AN ACT AMENDING SECTIONS 443, 454, 463, AND 477 OF REPUBLIC ACT NO. 7160,  
OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT CODE OF 1991",  
AND FOR OTHER PURPOSES"**

**Explanatory Note**

The National Building Code of the Philippines (Presidential Decree No. 1096) was enacted to "provide for all buildings and structures, a framework of minimum standards and requirements to regulate and control their location, site, design quality of materials, construction, use, occupancy, and maintenance." The enforcement and implementation of the Building Code were vested upon the Department of Public Works and Highways (DPWH), through the "building officials" (**Sections 201 and 205, P.D. No. 1096**).

Historically, it was the local engineers—appointees of the local chief executives—who were made to "act" as the default building officials within their respective territorial jurisdictions. For such special designation or acting capacity, however, they were mandated by the Building Code to fall under the administrative supervision of the DPWH. P.D. No. 1096 provided that the designation "shall continue until **regular positions of Building Official are provided** or unless sooner terminated for causes provided by law or decree."

**(Section 205, *ibid.* [Emphases ours])**

Then, in 1991, came Republic Act No. 7160, or the Local Government Code, which statutorily confirmed with finality what used to be a mere temporary designation of the local engineer as concurrent building official, in this vein:

The appointment of an engineer shall be mandatory for the provincial, city and municipal governments. The city and municipal engineer shall also act as the local building official. (**Section 477, R.A. No. 7160**)

More than twenty years after the enactment of the Local Government Code, local engineers have juggled dual roles, acting as concurrent building officials in their respective areas as mandated by the National Building Code.

But juggling such manifold roles by a singular official proved to be no mean feat. The duties of the local engineer outlined in the Local Government Code are already immense as they are; the additional duties imposed by the National Building Code can be too overbearing for local engineers constrained by manpower and resources.

Well-meaning local engineers/building officials have come forward in various public hearings of the Senate Committee on Public Works, both admitting and lamenting the fact that they could not possibly comply with all the duties and responsibilities of their dual positions without much difficulty. In fact, several local government units have addressed such an overbearing situation by creating, through ordinance, a separate office of the local building official.

Since strict enforcement of and full compliance with the Building Code is very crucial if we are to ensure that all our buildings "safeguard life, health, property, and public welfare, consistent with the principles of sound environmental management and control" (**Section 102, *ibid.***), then Congress should address the organizational inefficiencies in the local government units caused by the dual roles being played by the local engineer. Therefore, Congress should create a separate office of the local building official, in order to justly distribute and transfer to an equally qualified professional the equally important responsibilities expected and mandated of the local engineer under the National Building Code. In the process, we shall also streamline and harmonize the provisions of the National Building Code and the Local Government Code of the Philippines.

In view of thereof, the passage of this bill is earnestly requested.

  
FERDINAND R. MARCOS, JR.

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

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

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

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

**"Section 454.** *Officials of the City Government.* -

"(a) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the

sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, **A CITY BUILDING OFFICIAL**, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer."

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

**"Section 463.** *Officials of the Provincial Government.* -

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

**SEC. 4.** Section 477 of Republic Act No. 7160, or the "Local Government Code of 1991", is hereby amended to read as follows:

"ARTICLE VII. The Engineer **AND THE BUILDING OFFICIAL**

**"Section 477.** *Qualifications, Powers and Duties.* -

"(a) **THE ENGINEER.** - No person shall be appointed engineer unless he **OR SHE** is a citizen of the Philippines, a resident of

the local government unit concerned, of good moral character, and a licensed civil engineer. He **OR SHE** must have acquired experience in the practice of his profession for at least five (5) years in the case of the provincial or city engineer, and three (3) years in the case of the municipal engineer.

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

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

"(1) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general of the local government unit concerned;

"(2) Advise the governor or mayor, as the case may be, on infrastructure, public works, and other engineering matters;

"(3) Administer, coordinate, supervise, and control the construction, maintenance, improvement, and repair of roads, bridges, and other engineering and public works projects of the local government unit concerned;

"(4) Provide engineering services to the local government unit concerned, including investigation and survey, engineering designs, feasibility studies, and project management;

"(5) In the case of the provincial engineer, exercise technical supervision over all engineering offices of component cities and municipalities; and

“(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

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

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

“BUILDING OFFICIALS SHALL BE PRIMARILY RESPONSIBLE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE NATIONAL BUILDING CODE OF THE PHILIPPINES, ITS AMENDMENTS, REFERRAL CODES, THE IMPLEMENTING RULES AND REGULATIONS ISSUED THEREFOR, AND THE ENFORCEMENT OF ORDERS AND DECISIONS MADE PURSUANT THERETO, WITHIN THEIR RESPECTIVE TERRITORIAL JURISDICTION.

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

“SUBJECT TO EXISTING BUDGETARY, ACCOUNTING AND AUDITING RULES AND REGULATIONS, THE BUILDING OFFICIAL IS HEREBY AUTHORIZED TO RETAIN NOT MORE THAN TWENTY

**PERCENT (20%) OF THE COLLECTIONS FOR THE OPERATING EXPENSES OF THE OFFICE.**

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

**SEC. 5.** Separability Clause. - The provisions of this Act are hereby declared to be separable and if any clause, sentence, provision or section of this Act or its application thereof to any person or circumstance should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Act which can be given force and effect.

**SEC. 6.** Repealing Clause. - All laws, decrees, charters, executive orders, administrative orders, proclamations, rules and regulations, or parts thereof insofar as they are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,