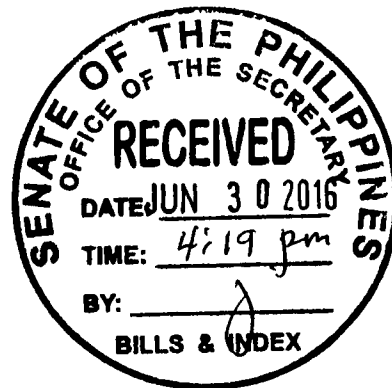


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. 119

Introduced by Senator Aquilino “Koko” Pimentel III

AN ACT
TO REGULATE THE PRACTICE OF PROFESSIONAL
BUILDING OFFICIALS IN THE PHILIPPINES,
APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

In the 16th Congress, this representation was designated as the Chairman of the Blue Ribbon Subcommittee that investigated, in aid of legislation, the alleged P1.601 Billion overpricing of the 11-Storey New Makati City Hall II Parking Building as embodied in Proposed Senate Resolution No. 826 filed by Senator Antonio “Sonny” F. Trillanes IV.¹

We found out, among others, that the Building Permit of the Makati City Hall II Parking Building did not contain a declaration of the estimated cost of the project, which is a violation of *Section 302 of the National Building Code of the Philippines, Republic Act No. 6541*, as amended by *Presidential Decree No. 1096*. This omission allowed the local government unit concerned to construct a building practically without a cap as to the construction cost. Thus, one of our recommendations was the amendment of the *National Building Code*, particularly, on the penalties to ensure compliance by all parties.

¹ Titled, “*Resolution Directing the Committee on Accountability of Public Officials and Investigations of the Senate of the Philippines to Investigate, in Aid of Legislation, the Alleged P1.601 Billion Overpricing of the 11-Storey New Makati City Hall II Parking Building, the Reported Overpricing of the 22-Storey Makati City Hall Building at the Average Cost of P240,000.00 per Square Meter and Related Anomalies Purportedly Committed by Former and Current Local Government Officials and for Other Related Purposes.*”

Central to the compliance with the minimum standards set by the *National Building Code* is the function of the Building Official, tasked with carrying out the provisions of the Code. Under *Sections 205 and 206* of the *National Building Code*, all of these LGUs must have Building Officials to head the respective Offices of the Building Official. With the enactment into law of *Republic Act No. 7160*, otherwise known as the *Local Government Code of 1991*, its *Section 477*, the City and Municipal Engineers were mandated to serve as the LGU local building officials. The dual role given to local engineers proved to be too much for them to bear, considering the manpower and resources available to them and the construction boom we are currently experiencing.

Recognizing that strict enforcement and faithful compliance with the *National Building Code* is key to ensuring that our buildings are safe, it is necessary to fully regulate the practice of Professional Building Officials in the Philippines, which this bill seeks to do.

The approval of this bill is thus urgently requested.


AQUILINO "KOKO" PIMENTEL III

- 1 (b) The supervision, control, and regulation of the practice of duly
2 registered and licensed Professional Building Officials (RLPBOs);
- 3 (c) The development of the professional competence of RLPBOs
4 through continuing professional development education
5 (CPD/E); and
- 6 (d) The integration of the organizations of RLPBOs.

7 **SECTION 4. *Definition of Terms.*** - For the purpose of this Act, the
8 following terms are hereby defined:

- 9 (a) Board - shall refer to the Professional Regulatory Board of
10 Professional Building Officials (PRB-PBO);
- 11 (b) Commission - shall refer to the Professional Regulation
12 Commission;
- 13 (c) CPD/E - continuing professional development education;
- 14 (d) Derivative Regulations (DR) - executive issuances by the
15 national and local governments which detail the implementing
16 rules and regulations (IRRs) of valid and subsisting laws, thus
17 completing the stream of State and local regulations, and which
18 may take the form of, but not be limited to, Executive Orders
19 (EOs), Administrative Orders (AOs), Department Orders (DOs),
20 Memorandum Circulars (MCs), Letters of Instruction (LOIs),
21 Presidential Proclamations (PPs), Guidelines, Standards, Manuals
22 of Procedure, and the like, whereby the pertinent special or general
23 law shall be the primary legal basis for such issuances;
- 24 (e) IAOPBO - shall refer to the integrated and accredited
25 organization of Professional Building Officials;
- 26 (f) Office of the Professional Building Official (OPBO) - an
27 office forming part of the local government unit (LGU) but which
28 is under the direct supervision and administrative control of the
29 National Building Official (NBO), and whose primary role shall be
30 the full implementation and enforcement of the National Building
31 Code of the Philippines (NBCP) and its various referral codes (RC)
32 at the LGU level, as well as the various laws that concern the
33 natural and built environments, site and property developments,

1 building and grounds construction, and the various professional
2 regulatory laws (PRLs);

3 (g) National Building Code of the Philippines (NBCP) - the law on
4 the planning and design of buildings and their grounds/ sites;

5 (h) Profession of Building Officials - is the science and act of
6 reviewing and approving the architectural, engineering and allied
7 plans, designs, specifications and related contract documents for a
8 building and/or structure and its site grounds development,
9 whether new or rehabilitated/renovated/expanded/retrofitted,
10 including the building/structure contents such as furniture,
11 furnishings, fixtures, equipment, signage, and décor items, to attain
12 full compliance with valid and subsisting laws on physical
13 planning, the natural and built environments, buildings, land and
14 property development, building and grounds construction, and
15 professional regulation;

16 (i) Professional Building Official (PBO) - refers to a natural person
17 who holds a valid certificate of registration and a valid professional
18 identification card as a Professional Building Official, duly issued
19 by the Board and the Commission pursuant to this Act. The
20 position of PBO replaces the position of Acting Building Official
21 as provided for under *Sec. 477 of R.A. No. 7160*, otherwise known
22 as the *Local Government Code of 1991*. The position of PBO is a
23 distinct office and must not be held in a simultaneous or acting
24 capacity by any serving or appointed City or Municipal Engineer
25 (CME) of any LGU;

26 (j) Referral Codes (RC) - are laws or regulations that are in direct
27 support of the NBCP, consisting of but not limited to the following
28 laws, codes, or their successor laws/ codes:

29 1) *R.A. No. 9514*, otherwise known as the *Fire Code of the*
30 *Philippines* (FCP) of 2008 and its latest implementing rules
31 and regulations (IRR) and derivative regulations (DRs);

32 2) *B.P. No. 344, An Act to Enhance the Mobility of Disabled*
33 *Persons by Requiring Certain Buildings, Institutions,*
34 *Establishments and Public Utilities to Install Facilities and Other*
35 *Devices*, and its latest IRR and DRs;

- 1 3) Latest versions of the *Architectural Code of the Philippines*
2 and its DRs;
- 3 4) Latest versions of the *Structural Code of the Philippines* and
4 its DRs;
- 5 5) Latest versions of the *Electrical Code of the Philippines* and
6 its DRs;
- 7 6) Latest versions of the *Mechanical Code of the Philippines*
8 and its DRs;
- 9 7) *P.D. No. 856, Code on Sanitation* and its latest IRR and DRs;
- 10 8) *P.D. No. 1067, s. 1976, A Presidential Decree Instituting a*
11 *Water Code, Thereby Revising and Consolidating the Laws*
12 *Governing the Ownership, Appropriation, Utilization,*
13 *Exploitation, Development, Conservation and Protection of*
14 *Water Resources, otherwise known as The Water Code of the*
15 *Philippines, and its latest IRR and DRs;*
- 16 9) *R.A. No. 9275, The Philippine Clean Water Act of 2004, and*
17 *its latest IRR and DRs;*
- 18 10) *R.A. No. 9003, The Ecological Solid Waste*
19 *Management Act of 2000, and its latest IRR and DRs;*
- 20 11) *R.A. No. 8749, The Philippine Clean Air Act of 1999*
21 *and its latest IRR and DRs;*
- 22 12) *P.D. No. 1586, Establishing an Environmental Impact*
23 *Statement System, Including Other Environmental*
24 *Management Related Measures and for Other Purposes, and*
25 *its latest IRR and DRs; and*
- 26 13) the various Professional Regulatory Laws (PRLs) such
27 as *R.A. No. 9266 (The Architecture Act of 2004), R.A. No.*
28 *544 (The Civil Engineering Law of 1950, as amended by R.A.*
29 *No. 1582 in 1956), etc., including R.A. No. 8981, otherwise*
30 *known as the Professional Regulation Commission (PRC)*
31 *Modernization Act of 2000, and their latest IRR and DRs.*

1 **SECTION 5. *Scope of the Practice of Professional Building Officials***

2 **(PBOs).** - The practice of registered and licensed Professional Building
3 Officials (RLPBOs) encompasses the review and approval of the
4 architectural, engineering and allied plans, designs, specifications and
5 related contract documents for a building and/or structure and its
6 site/grounds development, whether new or
7 rehabilitated/renovated/expanded/retrofitted, including the
8 building/structure contents such as furniture, furnishings, fixtures,
9 equipment, signage, and décor items, to attain full compliance with
10 existing laws on physical planning, the natural and built environments,
11 buildings, land and property development, building and grounds
12 construction, and professional regulation. The scope of practice of
13 registered and licensed PBOs shall include, but not limited to, the
14 following activities:

15 (a) review and approval of the architectural, engineering and
16 allied plans, designs, specifications, and related contract
17 documents for a building and/or structure and its site/
18 grounds development, duly submitted to the Office of the
19 Professional Building Official (OPBO), for full compliance
20 with the National Building Code of the Philippines (NBCP),
21 its IRR, DRs, and referral codes;

22 (b) review and approval of the architectural, engineering and
23 allied plans, designs, specifications, and related contract
24 documents for a building and/or site development project,
25 submitted to the OPBO, for full compliance with
26 environmental laws and as these pertain to the natural and
27 built environments; and

28 (c) review and approval of the architectural, engineering and
29 allied plans, designs, specifications, and related contract
30 documents for a building and/or structure and its site/
31 grounds development, duly submitted to the OPBO, for full
32 compliance with professional regulatory laws.

33 The Board, subject to approval by the Commission, may revise, exclude
34 from, or add to, the above enumerated acts or activities as the need arises
35 to conform to the latest trend in the practice of Professional Building
36 Officials.

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ARTICLE II
THE PROFESSIONAL REGULATORY BOARD OF
PROFESSIONAL BUILDING OFFICIALS

4 **SECTION 6. *Creation and Composition of the Board.*** - There is
5 hereby created a Professional Regulatory Board of Professional Building
6 Officials (PRB-PBO), hereinafter called the Board, under the
7 administrative control and supervision of the Professional Regulation
8 Commission, hereinafter referred to as the Commission, to be composed
9 of a Chairman and four (4) members, to be appointed by the President of
10 the Philippines, from a list of two (2) recommendees for each position
11 submitted by the Commission, from a list of three (3) nominees for each
12 position recommended by the duly integrated and accredited
13 organization of Professional Building Officials. The Board shall be
14 created within six (6) months from the effectivity of this Act.

15 For the first Board under this Act, nominees for the position must come
16 from the Commission-accredited professional organizations (APOs) for
17 Architects, Engineers (including Agricultural Engineers), Master
18 Plumbers, Landscape Architects, Interior Designers, and Environmental
19 Planners. The succeeding Boards shall only be filled by nominations
20 from the integrated and accredited organization of Professional Building
21 Officials.

22 **SECTION 7. *Qualifications of the Chairman and Members.*** - The
23 Chairman and members of the Board shall, at the time of their
24 appointment, possess the following qualifications:

25 (a) Must be a citizen and resident of the Philippines;

26 (b) in the case of the Chairman, he/she must be a holder of
27 Bachelor's degree in Architecture or Civil Engineering,
28 conferred by a school, academy, college or university in the
29 Philippines or abroad that is recognized and/or accredited by
30 the Philippine government;

31 i. in case the Chairman is primarily an Architect,
32 he/she must first be a registered and licensed
33 Architect (RLA) and must simultaneously be a
34 registered and licensed interior designer (RLID) or a
35 registered and licensed master plumber (RLMP) or a
36 registered and licensed Environmental Planner

1 (RLEnP), with valid certificates of registration and
2 professional identification cards as a RLA and as a
3 RLID or RLMP or RLEnP, and an active practitioner
4 of architecture and interior design or master
5 plumbing or environmental planning professions for
6 not less than ten (10) years prior to appointment; and

7 ii. in case the Chairman is primarily a Civil Engineer,
8 he/she must first be a registered and licensed Civil
9 Engineer (RLCE), preferably with a specialization in
10 structural engineering of medium to high-rise
11 buildings and must simultaneously be a registered
12 and licensed Sanitary Engineer (RLSnE) or a
13 registered and licensed master plumber (RLMP) or a
14 registered and licensed Geodetic Engineer (RLGE)
15 or an Agricultural Engineer (RLAG), with valid
16 certificates of registration and professional
17 identification cards as a RLCE and as a RLSnE or
18 RLMP or RLGE or RLAG, and an active practitioner
19 of civil/ structural engineering and sanitary
20 engineering or master plumbing or geodetic
21 engineering professions for not less than ten (10)
22 years prior to appointment.

23 (c) in the case of the Vice Chairman of the Board, he/she must be
24 a holder of a Bachelor's degree in Architecture or Civil
25 Engineering, duly conferred by a school, academy, college,
26 or university in the Philippines or abroad that is recognized
27 and/or accredited by the Philippine government; the positions
28 of Chairman and Vice Chairman must not be held by persons
29 of the same primary profession; in case the Chairman of the
30 Board is an Architect, Vice Chairman must be a Civil
31 Engineer, and vice versa; exactly the same qualifications for
32 the post of Chairman must apply to the post of Vice
33 Chairman of the Board;

34 (d) in the case of the First Member of the Board, who shall also
35 act as the Secretary of the Board, he/she must be a holder of
36 Bachelor's degrees in Electrical Engineering and Electronics
37 Engineering or Mechanical Engineering, conferred by a
38 school, academy, college or university in the Philippines or
39 abroad that is recognized and/or accredited by the Philippine
40 government and must primarily be a registered and licensed

1 Professional Electrical Engineer (RLPEE) and must
2 simultaneously be a registered and licensed Electronics
3 Engineer (RLEE) or Professional Mechanical Engineer
4 (RLPME), with valid certificates of registration and
5 professional identification cards as a RLPEE and as RLEE or
6 RLPME, and an active practitioner of both electrical and
7 electronics or mechanical engineering professions for not less
8 than ten (10) years prior to appointment;

9 (e) in the case of the Second Member of the Board, who shall act
10 as the Treasurer of the Board, he/she must be a holder of
11 Bachelor's degrees in Mechanical Engineering and Sanitary
12 Engineering, conferred by a school, academy, college, or
13 university in the Philippines or abroad that is recognized
14 and/or accredited by the Philippine government and must
15 primarily be a registered and licensed Professional
16 Mechanical Engineer (RLPME), preferably with
17 specialization in building automation, and must
18 simultaneously be a registered and licensed Sanitary
19 Engineer (RLSnE) or a Plumbing Engineer/Master Plumber,
20 with valid certificates of registration and professional
21 identification cards as a RLPME and as RLSnE or Plumbing
22 Engineer/Master Plumber, and an active practitioner of both
23 mechanical and sanitary engineering or plumbing
24 engineering/master plumbing professions for not less than ten
25 (10) years prior to appointment; and

26 (f) in the case of the Third Member of the Board primarily
27 tasked with the allied design components of the work of the
28 PBOs, and who shall act as the Public Liaison Officer (PLO)
29 of the Board, he/she must be a holder of Bachelor's degrees
30 in Landscape Architecture, Environmental Planning, Interior
31 Design, Agricultural Engineering or Architecture, conferred
32 by a school, academy, college or university in the Philippines
33 or abroad that is recognized and/or accredited by the
34 Philippine government and must primarily be a registered
35 and licensed Landscape Architect (RLLA) or Environmental
36 Planner (RLEnP) or Interior Designer (RLIDr) with
37 specialized practice in high-density buildings or Agricultural
38 Engineer (RLAG) or Architect (RLA) with specialized
39 practice in high-density buildings, with at least two (2) valid
40 certificates of registration and professional identification
41 cards as a RLLA, RLEnP, RLIDr, RLAG or RLA, and an

1 active practitioner of any 2 of the 4 allied professions named,
2 for not less than ten (10) years prior to appointment;

3 (g) Must not be a member of the faculty of any school, where a
4 regular course in Architecture, Engineering (including
5 Agricultural Engineering), Landscape Architecture,
6 Environmental Planning, or Interior Design is being taught,
7 nor have pecuniary interest in, or administrative supervision
8 over any such institution of learning;

9 (h) Must not be connected with a review center or with any
10 group giving review classes or lectures in preparation for
11 licensure examinations in Architecture, Engineering,
12 Landscape Architecture, Environmental Planning, or Interior
13 Design;

14 (i) Within fifteen (15) years from the effectivity of this Act, the
15 Chairman, Vice Chairman and all the Members of the Board
16 must be registered and licensed PBOs;

17 (j) Must be a member in good standing of the duly accredited
18 professional organization of registered and licensed
19 Professional Building Officials, Architects, Engineers,
20 Landscape Architects, Environmental Planners, or Interior
21 Designers, but must not be a trustee or officer thereof; and

22 (k) Has never been convicted of a crime involving moral
23 turpitude, *or* a civil and/or criminal offense.

24 **SECTION 8. *Term of Office.*** - The five (5) Members of the Board shall
25 hold office for a term of three (3) years from the date of appointment or
26 until their successors shall have been appointed and qualified. They may
27 be reappointed for another term of three (3) years immediately upon the
28 expiration of their term but not to exceed six years. Of the members to
29 be appointed for the first Board under this Act, the Chairman and Vice
30 Chairman must serve for three (3) years; the First Member for two (2)
31 years; and the Second and Third Members for one (1) year each. Each
32 Member of the Board shall take the proper oath prior to assumption of
33 duty.

1 **SECTION 9. *Compensation of the Board Members.*** - The Chairman,
2 Vice Chairman and Members of the Board shall receive compensation
3 and allowances comparable to the compensation and allowances
4 received by existing professional regulatory boards (PRBs) under the
5 Commission as provided for in the General Appropriations Act.

6 **SECTION 10. *Powers, Function, Duties and Responsibilities of the***
7 ***Board.*** - The Board shall exercise the following specific powers,
8 functions, duties and responsibilities:

9 (a) Adopt, promulgate, and administer the rules and
10 regulations necessary for carrying out the provisions of this Act;

11 (b) Supervise and regulate the registration, licensure, and
12 practice of the profession;

13 (c) Administer oaths in connection with the administration of
14 this Act;

15 (d) Issue, suspend, revoke or reinstate the certificate of
16 registration or Professional Building Officials in the Philippines
17 and the professional license for the practice of such registered
18 and licensed Professional Building Officials;

19 (e) Adopt an Official seal of the Board;

20 (f) Monitor the conditions affecting the practice of
21 Professional Building Officials and adopt such measures as may
22 be deemed proper for the enhancement of the profession and/or
23 the maintenance of high professional, ethical and technical
24 standards;

25 (g) Ensure through coordination with the concerned PRBs of
26 the Commission, and with the Commission on Higher
27 Education (CHED), that all other educational institutions
28 offering Architecture, Engineering (including Agricultural
29 Engineering), Landscape Architecture, Environmental Planning,
30 or Interior Design fully comply with the policies, standards, and
31 requirements of the course prescribed by the CHED in the areas
32 of curriculum, faculty, library, and facilities;

1
2 (h) Prescribe and/or adopt a code of Ethical and Professional
3 Standards for the practice of registered and licensed
4 Professional Building Officials (RLPBOs);

5 (i) Hear and try administrative cases involving violations of
6 this Act, its implementing rules and regulations, the Code of
7 Ethics for Professional Building Officials and for this purpose,
8 to issue subpoena and *subpoena duces tecum* to secure the
9 appearance of witnesses and the production of documents in
10 connection therewith;

11 (j) Prescribe guidelines in the Continuing Professional
12 Development/Education (CPD/E) program in coordination with
13 the integrated and accredited organization of Professional
14 Building Officials;

15 (k) Prepare, adopt and issue the Table of Specifications (ToS)
16 and syllabi of the subjects for examination by determining and
17 preparing the questions, which shall strictly be within the scope
18 of the syllabi of the subjects of the licensure examination;

19 (l) Discharge such other duties and functions as may be
20 deemed necessary for the enhancement of the practice of
21 Professional Building Officials and the upgrading, development
22 and growth of the post-baccalaureate education of registered
23 and licensed PBOs in the Philippines.

24 **SECTION 11. *Grounds for Removal or Suspension of Board Chair***
25 ***and Members.*** - The President of the Philippines, upon the
26 recommendation of the Commission, after giving the Chairman, Vice
27 Chairman or the Member/s of the Board an opportunity to defend
28 himself/herself in an administrative investigation conducted by the
29 Commission, may remove or suspend him/her on any of the following
30 grounds:

31 (a) Gross neglect, incompetence or dishonesty in the
32 discharge of his/her duty;

33 (b) Violation of any of the causes/grounds/and the prohibited
34 acts provided in this Act and the offenses in *Act No. 3815*
35 (*the Revised Penal Code*), *R.A. No. 3019 (the Anti-Graft*

1 *and Corrupt Practices Act*), *R.A. No. 6713 (the Code of*
2 *Conduct and Ethical Standards for Public Officials and*
3 *Employees)*, and other applicable laws or their successor
4 laws, as well as in *E.O No. 292, series of 1987 (the*
5 *Administrative Code)*, or its successor EOs;

6 (c) Manipulation or rigging of the State licensure examination
7 for Professional Building Officials or its results, disclosure
8 of secret and confidential information on the examination
9 questions prior to the conduct thereof, or tampering of
10 grades.

11 The Commission, in the conduct of the investigation, shall be guided by
12 *Sec. 7 (s) of R.A. No. 8981*, the rules on administrative investigation, and
13 the applicable provisions of the *New Rules of Court*.

14 **SECTION 12. *Administrative Supervision of the Board, Custodian of***
15 ***its Records, Secretariat and Support Services.*** - The Board shall be
16 under the administrative supervision and control of the Commission, all
17 records of the Board, including applications for examination,
18 administrative and other investigative cases conducted by the Board
19 shall be under the custody of the Commission. The Commission shall
20 designate the Secretary of the Board and shall provide the secretariat and
21 other support services to implement and enforce the provisions of this
22 Act.

23 **SECTION 13. *Annual Report*** - The Board shall, at the close of each
24 calendar year, submit an annual report to the President of the
25 Philippines, through the Commission, giving a detailed account of its
26 proceedings and accomplishments during the year and making
27 recommendations for the adoption of measures that will upgrade and
28 improve the conditions affecting the practice of registered and licensed
29 Professional Building Officials.

30 **ARTICLE III**
31 **EXAMINATION, REGISTRATION, CERTIFICATION AND**
32 **LICENSURE**

33 **SECTION 14. *Passing of the State Licensure Examination as a***
34 ***Requirement.*** - Except as otherwise specifically allowed under this Act,
35 applicants for registration for the practice of Professional Building
36 Officials shall be required to pass a State licensure examination as
37 provided for in this Act in such places and dates as the Commission may

1 designate in accordance with the provisions of *Sec. 7 (d)* of *R.A. No.*
2 *8981*.

3 There shall be three (3) levels of practice, as follows:

4
5 (a) Professional Building Official, to fill the position of Building
6 Official for LGUs, an appointive position to be made only by the
7 National Building Official (NBO); for this position, only duly
8 registered and licensed PBOs shall be appointed to the position;

9 (b) Assistant Building Official, to fill the position of Assistant
10 Building Official in the Office of the Building Official (OBO), an
11 appointive position to be made by the LGU Chief Executive; for
12 this position, only duly registered and licensed professionals
13 (RLPs) holding valid certificates and licenses as a RLA or RLCE
14 shall be appointed to the position; prior to the appointment of
15 Assistant Building Officials by the LGU Chief executive, a prior
16 certification and clearance from the Commission as to their RLA
17 or RLCE status shall be required; being either a RLA or RLCE, no
18 further State licensure examination is required for Assistant
19 Building Officials; in case the PBO is a RLA, the Assistant
20 Building Officials must be a RLCE, and vice versa; and

21 (c) Section Chiefs, to fill the position of Section Chiefs in the
22 Office of the Building Official (OBO), an appointive position to be
23 made by the LGU Chief Executive; for this position, only duly
24 registered and licensed professionals (RLPs) holding valid
25 certificates and licenses to practice their respective professions,
26 shall be appointed to the position, such as: 1) RLA for the
27 architectural/accessibility section; 2) RLGR for the line and grade
28 section; 3) RLCE, with specialization in structural design for the
29 civil/structural section; 4) a RLPEE for the electrical section; 5)
30 RLEE for the electronics section; 6) a RLPME for the mechanical
31 section; 7) a RLSnE for the sanitary section; 8) RL Master
32 Plumber/Plumbing Engineer for the plumbing section; and 9) an
33 RLEnP or RLA or RLCE for the land use and zoning section; prior
34 to the appointment of Section Chiefs by the LGU Chief executive,
35 a prior certification and clearance from the Commission as to their
36 RLP status shall be required; being RLPs, no further State
37 licensure examination is required for Section Chiefs.

1 **SECTION 15. *Qualifications of Applicants for PBO.*** - An applicant for
2 the licensure examination for Professional Building Officials shall
3 satisfactorily prove that he/she possesses the following classifications:

4 (a) Citizen of the Philippines;

5 (b) Of good moral character;

6 (c) A holder of a bachelor's degree in Architecture,
7 Engineering, Landscape Architecture, Environmental Planning
8 or Interior Design duly recognized or accredited by the CHED
9 and conferred by a school/college/university duly authorized by
10 the government or its equivalent degree obtained by either a
11 Filipino or foreign citizen from an institution of learning in a
12 foreign country/state, provided it is duly recognized and/or
13 accredited by the CHED;

14 (d) A holder of a valid certificate and license to practice
15 Architecture, Engineering, Landscape Architecture,
16 Environmental Planning, or Interior Design in the Philippines,
17 duly issued by the Commission;

18 (e) In the case of past or serving Acting Building Officials/
19 Building as applicants, a certification from the Office of the
20 Ombudsman, the *Sandiganbayan* and the Supreme Court; and

21 (f) Not convicted of an offense involving moral turpitude by a
22 court of competent jurisdiction.

23 **SECTION 16. *Subject for Licensure Examination.*** - The examination
24 for Professional Building Officials shall cover the following subjects:

25 1) *P.D. No. 1096*, otherwise known as the *1977 National Building*
26 *Code of the Philippines* (NBCP) or its successor law/s, its latest
27 implementing rules and regulations (IRR) and derivative
28 regulations (DRs), which shall comprise fifty percent (50%) of
29 the licensure examination questions, and which shall cover the
30 following areas:

31 a) the architectural planning and design of buildings/
32 structures and their sites/grounds;

- 1 b) the engineering planning and design of buildings/
2 structures and their sites/grounds;
- 3 c) the allied planning and design of buildings/structures and
4 their sites/grounds, including the contents of buildings/
5 structures and site/grounds development planning
6 elements/works; and
- 7 d) the integrative application of the architectural, engineering
8 and allied planning and design provisions under the
9 NBCP;
- 10 2) Referral Codes of the NBCP such as but not limited to the
11 following laws/codes or their successor laws/codes, which shall
12 comprise twenty percent (20%) of the licensure examination
13 questions, to wit:
- 14 a) *R.A. No. 9514, otherwise known as the Fire Code of the*
15 *Philippines (FCP) of 2008, and its latest IRR and DRs;*
- 16 b) *B.P. No. 344, An Act to Enhance the Mobility of Disabled*
17 *Persons by Requiring Certain Buildings, Institutions,*
18 *Establishments and Public Utilities to Install Facilities and*
19 *Other Devices, and its latest IRR and DRs;*
- 20 c) Latest versions of the *Architectural Code of the*
21 *Philippines* and its DRs;
- 22 d) Latest versions of the *Structural Code of the Philippines*
23 and its DRs;
- 24 e) Latest versions of the *Electrical Code of the Philippines*
25 and its DRs;
- 26
- 27 f) Latest versions of the *Mechanical Code of the Philippines*
28 and its DRs;
- 29 g) *P.D. No. 856, Code on Sanitation, and its latest IRR and*
30 *DRs;*
- 31 h) *P.D. No. 1067, s. 1976, A Presidential Decree Instituting a*
32 *Water Code, Thereby Revising and Consolidating the*
33 *Laws Governing the Ownership, Appropriation,*

1 *Utilization, Exploitation, Development, Conservation and*
2 *Protection of Water Resources, otherwise known as The*
3 *Water Code of the Philippines, and its latest IRR and DRs;*

4 i) *R.A. No. 9275, The Philippine Clean Water Act of 2004,*
5 *and its latest IRR and DRs;*

6 j) *R.A. No. 9003, The Ecological Solid Waste Management*
7 *Act of 2000, and its latest IRR and DRs;*

8 k) *R.A. No. 8749, The Philippine Clean Air Act of 1999, and*
9 *its latest IRR and DRs;*

10 l) *P.D. No. 1586, Establishing an Environmental Impact*
11 *Statement System, Including Other Environmental*
12 *Management Related Measures and for Other Purposes,*
13 *and its latest IRR and DRs; and*

14 m) *the various Professional Regulatory Laws (PRLs) such as*
15 *R.A. No. 9266 (The Architecture Act of 2004), R.A. No.*
16 *544 (The Civil Engineering Law of 1950, as amended by*
17 *R.A. No. 1582 in 1956), etc., including R.A. No. 8981,*
18 *otherwise known as the Professional Regulation*
19 *Commission (PRC) Modernization Act of 2000, and their*
20 *latest IRR and DRs.*

21 3) *The implementation and enforcement of existing laws, and their*
22 *successor laws, governing land and property development, and*
23 *the pertinent executive issuances in effect, such as, but not*
24 *limited to the following, and which shall comprise ten percent*
25 *(10%) of the licensure examination questions:*

26 a) *Presidential Decree (P.D.) No. 957, otherwise known as*
27 *the Subdivision and Condominium Buyer's Protective*
28 *Decree, that regulates the relationship between Sellers,*
29 *Developers and Buyers of Subdivision Lots and*
30 *Condominium Units, and provide Quasi-Judicial and*
31 *Criminal Remedies for Breach of Statutory and*
32 *Contractual Obligations, and its latest IRR and DRs;*

33 b) *P.D. No. 1216, Defining "Open Space" in Residential*
34 *Subdivision and Amending Sec. 31 of PD No. 957,*
35 *Requiring Subdivision Owners to Provide Roads, Alleys,*

1 *Sidewalks and Reserve Open Space for Parks or*
2 *Recreational Use, and its latest IRR and DRs;*

3 c) *P.D. No. 1344, Empowering the National Housing*
4 *Authority (NHA) to Issue Writ of Execution in the*
5 *Enforcement of its Decisions Under P.D. 957, and its*
6 *latest IRR and DRs;*

7 d) *Batas Pambansa (B.P.) No. 220, An Act Authorizing the*
8 *Ministry of Human Settlements (succeeded by the NHA) to*
9 *Establish and Promulgate Different Levels of Standards*
10 *and Technical Requirements for Economic and Socialized*
11 *Housing Projects in Urban and Rural Areas from Those*
12 *Provided Under P.D. No. 957, P.D. No. 1216, P.D. No.*
13 *1096/ NBCP and P.D. No. 1185 (repealed by R.A. No.*
14 *9514), and its latest IRR and DRs;*

15 e) *R.A. No. 7279, otherwise known as the Urban*
16 *Development and Housing Act, or An Act to Provide For a*
17 *Comprehensive and Continuing Urban Development and*
18 *Housing Program, Establish the Mechanism for its*
19 *Implementation, and for Other Purposes, and its latest*
20 *IRR and DRs;*

21 f) *R.A. No. 4726, otherwise known as the Condominium Act,*
22 *or An Act to Define Condominium, Establish*
23 *Requirements for its Creation, and Govern its Incidents,*
24 *as amended by R.A. No. 7899, Amending Sections 4 and 6*
25 *of R.A. No. 4726, and their latest applicable IRR and DRs;*

26 g) *P.D. No. 1517, Proclaiming Urban Land Reform In The*
27 *Philippines And Providing For The Implementing*
28 *Machinery Thereof, and its latest IRR and DRs;*

29 h) *R.A. No. 4566, otherwise known as the Contractors'*
30 *License Law, and its latest IRR and DRs;*

31 i) *Executive Order (EO) No. 71 - Devolution of HLURB*
32 *Function to Approve Subdivision Plan to LGUs; and*

33 j) *E.O. No. 184 - Creating Socialized Housing One-Stop*
34 *Processing Centers.*

1 4) The implementation and enforcement of the latest professional
2 regulatory laws (PRLs) and their respective latest IRRs and
3 DRs, such as but not limited to the following, and which shall
4 comprise ten percent (10%) of the licensure examination
5 questions:

6 a) *R.A. No. 9266 (The Architecture Act of 2004)*;

7 b) *R.A. No. 544 (The Civil Engineering Law of 1950, as*
8 *amended by R.A. No. 1582 in 1956)*;

9 c) the PRLs governing electrical, mechanical, electronics,
10 sanitary, plumbing, agricultural engineering, landscape
11 architecture, interior design and environmental planning.

12 5) Laws concerning the Government and the conduct of
13 government officials as well as Professional Practice and Ethics,
14 such as but not limited to the following laws and their latest
15 IRRs and DRs, and which shall comprise ten percent (10%) of
16 the licensure examination questions:

17 a) *Act No. 3815 (the Revised Penal Code)*;

18 b) *R.A. No. 3019 (the Anti-Graft and Corrupt Practices Act)*;

19 c) *R.A. No. 6713 (the Code of Conduct and Ethical Standards*
20 *for Public Officials and Employees)*;

21 d) *R.A. No. 7160 (the Local Government Code)*;
22 other applicable laws; and

23 e) *E.O No. 292, series of 1987 (the Administrative Code)*.

24 The said subjects and their syllabi may be amended by the Board so as
25 to conform to technological changes brought about by continuing trends
26 in the profession, in coordination with the integrated and accredited
27 organization of registered and licensed Professional Building Officials
28 and educators.

29 The licensure examination shall be open book, with the permitted set of
30 reference materials inside the testing venue to be promulgated by the
31 Board through the IRR or DRs.

1 **SECTION 17. *Licensure Without Examination for Building Officials***
2 ***When This Act is Approved and Who Have Officially Served An***
3 ***Aggregate of Five (5) Years as Acting Building Official/ Building***
4 ***Official.*** – Acting Building Officials/Building Officials when this Act is
5 passed and who have officially served as Acting Building Officials/
6 Building Officials for at least five (5) years aggregate (in either or both
7 positions, whether continuous or intermittent), duly certified by the LGU
8 and the Civil Service Commission (CSC), may be eligible for licensure
9 without examination upon passing a panel interview by the Board *en*
10 *banc*.

11 To qualify for licensure without examination as a Professional Building
12 Officials, a candidate must obtain a weighted general average of eighty
13 five percent (85%) in the panel interview by the Board *en banc*. The
14 higher passing rate is mandated inasmuch as the applicants are already
15 past or serving Building officials/Acting Building Officials aside from
16 being prior registrants/licensees of other State-regulated professions.

17 The Board *en banc* panel interview shall have eight (8) questions, each
18 with a weight of 12.5%, distributed as follows:

19 a) three (3) questions from the Chairman with a total weight of
20 37.5%;

21 b) two (2) questions from the Vice Chairman with a total weight of
22 25%; and

23 c) three (3) questions, with one each from the First, Second and
24 Third Members, with a total weight of 37.5%.

25 The PBOs who shall be registered and licensed after the panel interview
26 by the Board *en banc* shall be covered by the appropriate resolution,
27 which shall be furnished the concerned LGU/s. The decision of the
28 Board shall be final and shall not be subject to appeal at the Commission
29 or other Government body, nor shall the same be the subject of court
30 action, particularly Petitions for TRO or injunction. Those who fail the
31 panel interview by the Board *en banc* must take the State licensure
32 examination.

33 **SECTION 18. *Rating in the Licensure Examination and Report of***
34 ***Ratings.*** - To be qualified as having passed the State licensure
35 examination for Professional Building Officials, a candidate must obtain
36 a weighted general average of seventy five percent (75%), with no grade

1 lower than 55% for any subject. The higher passing rate is mandated
2 inasmuch as the applicants are already prior registrants/licensees of other
3 State-regulated professions.

4 Examinees with a subject or subjects with a grade lower than 55% shall
5 be allowed to take a removal examination in the subsequent licensure
6 examination.

7 Examinees with a grade between 70.0% and 79.9999% shall be qualified
8 for the position of LGU Assistant Building Official.

9 The Board shall submit to the Commission the ratings obtained by each
10 candidate within twenty (20) days after the examination unless extended
11 by the Commission for just cause. Upon the release of the results of the
12 examination, the Board shall send by mail the rating received by each
13 examinee at his given address using the mailing envelope submitted
14 during the examination.

15 In the case of past or serving Acting Building Officials/ Building with
16 pending cases at the Office of the Ombudsman, the *Sandiganbayan*, the
17 lower court, the Court of Appeals or the Supreme Court at the time of
18 taking of the State licensure examination, the pertinent results shall be
19 released but the certificate and licensed withheld until the appropriate
20 judgment which would allow the issuance of such documents, is made.

21 **SECTION 19. *Oath.*** - All successful candidates in the examination
22 shall be required to take an oath of profession before the Board or any
23 government Officials duly authorized by the Commission to administer
24 oaths prior to entering the practice of Professional Building Officials for
25 LGUs, for subsequent official appointment by the National Building
26 official (NBO).

27 The NBO may also be designated by the Commission as the alternate
28 administering officer, in lieu of the Board Chairman.

29 **SECTION 20. *Issuance of Certificate of Registration and Professional***
30 ***Identification Card.*** - A certificate of registration shall be issued to
31 applicants who pass the State licensure examination for Professional
32 Building Officials subject to payment of registration fees.

33
34 The certificate of registration as Professional Building Official shall bear
35 the signatures of the Chairman of the Commission and Board Members,
36 stamped with the official seal, indicating that the natural person named

1 therein is entitled to practice the profession with all the privileges
2 appurtenant thereto. This certificate shall remain in full force and effect
3 until withdrawn, suspended or revoked, in accordance with this Act.

4 A professional identification (ID) card bearing the registration number,
5 date of issuance, expiry date and duly signed by the Chairperson of the
6 Commission, shall likewise be issued to every registrant, who has paid
7 the required fees. This license will serve as evidence that the licensee
8 can lawfully practice his profession.

9 A professional ID card, whether new or for renewal, shall be released by
10 the Commission upon compliance with the requirements for the
11 application or renewal of identification card and upon presentation of the
12 updated receipt of payment of annual membership dues of the integrated
13 and accredited organization of PBOs.

14 In the case of examinees with a grade between 70.0% and 79.9999% and
15 who shall be qualified for the position of LGU Assistant Building
16 Official, the appropriate certification shall be issued by the Board and
17 the Commission. An Assistant Building Official may attain the status of
18 Professional Building Official only after five (5) years of service as
19 such, duly certified by the LGU and the Civil Service Commission, with
20 additional certifications from the Office of the Ombudsman, the
21 *Sandiganbayan* and the Supreme Court, and after passing the panel
22 interview of the Board *en banc*.

23 As with Section 17 of this Act, the Board panel interview for Assistant
24 Building officials desirous of becoming PBOs shall have eight (8)
25 questions, each with a weight of 12.5%, distributed as follows:

26 a) three (3) questions from the Board Chairman with a total weight
27 of 37.5%;

28 b) two (2) questions from the Board Vice Chairman with a total
29 weight of 25%; and

30 c) three (3) questions, with one each from the First, Second and
31 Third Members of the Board, with a total weight of 37.5%.

32 The Assistant Building Officials who shall be registered and licensed as
33 a PBO after passing the panel interview by the Board *en banc* shall be
34 covered by the appropriate resolution, which shall be furnished the
35 concerned LGU/s. The decision of the Board shall be final and shall not

1 be subject to appeal at the Commission or other Government body, nor
2 shall the same be the subject of court action, particularly Petitions for
3 TRO or injunction. The Assistant Building Official who fails the panel
4 interview by the Board *en banc* must then take the State licensure
5 examination to qualify as a PBO. If not, his/her status shall only remain
6 as an Assistant Building Official in perpetuity.

7 **SECTION 21. *Refusal to Register.*** - The Board shall not register any
8 successful applicant for registration who has been:

- 9 (a) Convicted of an offense involving moral turpitude by a court
10 of competent jurisdiction;
- 11 (b) Found guilty of immoral or dishonorable conduct by the
12 Board;
- 13 (c) Summarily adjudged guilty for violation of the General
14 Instructions to Examinees by the Board; and
- 15 (d) Declared of unsound mind by the court of competent
16 jurisdiction.

17 In refusing such registration, the Board shall give applicant a written
18 statement setting forth the reasons therefore and shall file a copy
19 thereof in its records.

20 **SECTION 22. *Revocation and Suspension of the Certificate of***
21 ***Registration and Cancellation of Temporary/Special Permit.*** - The
22 Board shall have the power, upon notice and hearing, to revoke or
23 suspend the certificate of registration of a Registered and Licensed
24 Professional Building Officials, for violation of any of the grounds or
25 causes in Section 22 of this Act, except (c) thereof and any of the
26 following grounds:

- 27 (a) Violation of a provision of this Act, its IRR, Code of
28 Ethics, Code of Good Governance, Code of Technical
29 Standards for the practice of the profession, policy, and
30 measure of the Board and/or the Commission;
- 31 (b) Perpetration or use of fraud in obtaining his/her
32 certificate of registration, professional identification card,
33 temporary/special permit;

- 1 (c) Gross incompetence, negligence or ignorance resulting
2 to death, injury or damage;
- 3 (d) Refusal to join or to remain member in good standing
4 of the integrated and accredited organization of PBOs;
- 5 (e) Neglect or failure to pay the annual registration fees for
6 five (5) consecutive years;
- 7 (f) Aiding or abetting the illegal practice of a non-
8 registered and licensed person as identified under PRLs;
- 9 (g) Illegally practicing the profession during his/her
10 suspension from the practice;
- 11 (h) Addicted to a drug or alcohol abuse impairing his/her
12 ability to practice his/her profession or declared with
13 unsound mind by a court of a competent jurisdiction; and
- 14 (i) Non-compliance with the CPD/E requirement, unless
15 he/she is exempted therefrom, for the renewal of his/her
16 professional identification card.

17 The Board shall periodically evaluate the afore-mentioned grounds and
18 revise or exclude or add new ones as the need arises subject to approval
19 by the Commission.

20 Any person, firm or association may file charge/s in accordance with the
21 provision of this Section against any registrant, or the Board may
22 investigate the violation of any of the above mentioned causes. An
23 affidavit-complaint shall be filed together with the affidavits of
24 witnesses and other documentary evidence with the Board through the
25 Commission's Legal and Investigation Division. The *motu proprio* move
26 to conduct an investigation shall be embodied in a formal charge to be
27 signed by at least majority of the members of the Board. The rules on
28 administrative investigation issued by the Commission shall govern the
29 hearing or investigation subject to applicable provisions of this Act, *R.A.*
30 *No. 8981* and the *Rules of Court*.

31 **SECTION 23. Reissuance of Revoked Certificate of Registration,**
32 **Replacement of Lost or Damaged Certificate of Registration,**
33 **Professional Identification Card.** - The Board may upon petition reissue
34 a revoked certificate of registration after two (2) years from the

1 effectivity of the period for revocation, which is the date of surrender of
2 the said certificate and/or the professional identification card if still valid
3 to the Board and/or the Commission. The Board shall not require the
4 holder thereof to take another licensure examination. The petitioner shall
5 prove to the Board that he/she has valid reasons to practice his/her
6 profession. For the grant of his/her petition, the Board shall issue a
7 Board Resolution subject to approval by the Commission.

8 A duplicate copy of lost certificate of registration or professional
9 identification card may be reissued in accordance with rules thereon and
10 upon payment of the prescribed fee therefore.

11 **SECTION 24. *Non-payment of the Annual Registration Fees.*** - The
12 Board shall suspend a registered and licensed Professional Building
13 Official (RLPBO) from the practice of his/her profession for non-
14 payment of the annual registration fees for five (5) consecutive years
15 from its last or previous year of payment. The resumption of his/her
16 practice shall take place only upon payment of the delinquent fees plus
17 surcharges and interests, and in accordance with the rules of the
18 Commission.

19 The running of the five-year period may be interrupted upon written
20 notice about the discontinuance of his practice and surrender of his/her
21 certificate of registration to the Board and/or the Commission.

22 **SECTION 25. All Present Building Officials/Acting Building**
23 **Officials Must Take and Pass the State Licensure Examination for**
24 **PBOs.** - All acting Building Officials/ Building Officials by virtue of the
25 applicable provisions under R.A. No. 7160 and P.D. No. 1096, and who
26 are in position when this Act is signed into law, must take and pass the
27 State licensure examination for Professional Building Officials or if duly
28 qualified, the same must take the Board panel interview *en banc*, within
29 twelve (12) months from the effectivity of the IRR to be promulgated by
30 the Board.

31 ARTICLE IV

32 PRACTICE OF PROFESSIONAL BUILDING OFFICIALS

33 **SECTION 26. *Lawful Practitioners as Professional Building***
34 ***Officials.*** - Only natural persons who are duly registered and licensed by
35 the Commission as Professional Building Officials and holders of valid
36 certificates of registration and valid professional identification cards

1 issued by the Board and the Commission pursuant to this Act shall be
2 authorized to practice as registered and licensed Professional Building
3 Officials.

4 **SECTION 27. *Seal, Issuance and Use of Seal.*** - A duly registered and
5 licensed PBO shall affix the seal approved by the Professional
6 Regulatory Board of Professional Building Officials (PRB-PBO, or the
7 Board) on all architectural, engineering and allied plans and
8 specifications reviewed and approved by him/her or staff under his
9 direct supervision. Each registrant shall, upon registration, obtain the
10 seal of such design as the Board may adopt. All approved architectural,
11 engineering and allied plans, designs and specifications, reviewed and
12 approved under the direct supervision of a registered and licensed PBO,
13 shall be stamped with said seal during the validity of the professional
14 license.

15 No officer or employee of the government, chartered cities, provinces,
16 municipalities now or hereafter charged with the enforcement of laws,
17 ordinances or regulations relating to the construction or alteration of
18 buildings/structures and their respective sites/grounds, shall implement
19 any architectural, engineering or allied plans, designs or specifications
20 which have not been reviewed and approved by RLPBOs in full accord
21 with the provisions of this Act, nor shall any payment be approved by
22 any such officer for any construction or development work, the
23 architectural, engineering or allied plans, designs and specifications of
24 which have not been so reviewed, approved, signed and sealed by a duly
25 registered and licensed PBO.

26 Violation of the foregoing shall be ground for administrative or criminal
27 and/or special action.

28 **SECTION 28. *Indication of Numbers, Certificate of Registration,***
29 ***Professional Tax Receipt and APO Membership.*** - All registered and
30 licensed Professional Building Officials shall be required to indicate
31 his/her Certificate of Registration Number and Date of Issuance, the
32 expiry of his/her current Professional Identification Card, the
33 Professional Tax Receipt Number and Date, and his/her APO
34 Membership Number and Date with Officials Receipt Number and Date
35 of Membership payment (Annual/Lifetime) on the documents he/she
36 reviews/ approves, signs, seals or issues in connection with the practices
37 of his/her profession.

1 **SECTION 29. *Roster of Professional Building Officials.*** - The Board
2 shall prepare and maintain a roster of the names, residence and/or office
3 address of all registered and licensed Professional Building Officials
4 (RLPBOs) which shall be updated annually in cooperation with the
5 integrated and accredited organization of PBOs, indicating therein the
6 status of the certificate of registration, professional identification card,
7 and integrated and accredited organization membership, whether valid,
8 inactive due to death or other reasons, delinquent, suspended or revoked.
9 The said roster shall be electronically posted in the Board website and
10 the information therefrom shall be made available to the public upon
11 inquiry or request.

12 **SECTION 30. *Integration of the Organization of Professional***
13 ***Building Officials.*** – All registered and licensed PBOs shall be
14 integrated into one (1) national integrated and accredited organization of
15 PBOs (IAO-PBO), that must be duly registered with the SEC. The
16 Board, subject to approval by the Commission shall accredit the said
17 organization as the one and only integrated and accredited organization
18 of PBOs. All registered and licensed PBOs whose names appear in the
19 Registry Book of Professional Building Officials shall *ipso facto* or
20 automatically become members thereof and shall receive therefrom all
21 the benefits and privileges upon payments of IAO-PBO membership
22 fees and dues.

23 Membership in any other organization of Building Officials shall be
24 barred.

25 **ARTICLE V**
26 **FINAL PROVISIONS**

27 **SECTION 31. *Civil Liability of Professional Building Officials.***
28 The PBO involved in the review and approval of architectural,
29 engineering and allied plans, designs, computations, drawings and
30 documents, together with the Assistant Building Official and the Section
31 Chief/s concerned, may be held civilly liable in cases of serious or
32 wholesale damage, failure or destruction of any project or caused by
33 such a project, that results in significant adverse impact on affected
34 stakeholders or the concerned ecosystem, within a period of ten (10)
35 years from the time of the official approval of such architectural,
36 engineering and allied plans, designs, computations, drawings and
37 documents, in cases where it is determined by a court of competent
38 jurisdiction that such damage, failure or destruction was foreseeable
39 and may be directly attributed to gross negligence on the part of such

1 LGU officials, or to highly deficient or inappropriate review and
2 approval methods, strategies, tools or techniques at variance with
3 generally accepted physical planning and building design principles,
4 methods and standards.

5 The government or any affected stakeholder may institute legal
6 action to enforce such liability within five (5) years from the time the
7 damage or destruction occurs.

8 **SECTION 32. Penal Clause.** - Any person who shall commit any of the
9 following acts shall be deemed as having:

10 A. Local Practitioner

- 11 a) practicing as a Professional Building Official without a valid
12 certificate of registration and/or a valid professional
13 identification card issued by the Commission and/or the Board;
- 14 b) Attempting to use the seal, certificate of registration and/or
15 professional identification card of a registered and licensed
16 Professional Building Official (RLPBO);
- 17 c) Abetting the illegal practice of the profession of Building
18 Officials by an unregistered or unauthorized person;
- 19 d) Impersonating a registered and licensed Professional Building
20 Official (RLPBO);
- 21 e) Violation by any entity of any provision of this Act or of the
22 implementing rules and regulations (IRR) or of the derivative
23 regulations (DR) thereof by any natural person shall, upon
24 conviction, be penalized by a fine of not less than Five Hundred
25 Thousand Pesos (Php 500,000.00) nor more than Two Million
26 Pesos (Php2,000,000.00), or imprisonment of not less than six
27 (6) months nor more than three (3) years, or both fine and
28 imprisonment at the discretion of the court, without prejudice to
29 reliefs from separate administrative, civil or special
30 proceedings; in case of juridical entities, the responsible
31 executive officers shall be held criminally liable for such
32 violations; and
- 33 f) in case of an RLBPO proven to have violated any provision of
34 this Act or of the IRR or of the DR, the maximum penalty shall

1 be the revocation or suspension of the certificate of registration
2 and professional license.

3 **SECTION 33. *Enforcement.*** - The Commission shall be the
4 enforcement agency of the Board. As such, the Commission shall
5 implement the concerned provisions of this Act, enforce its
6 implementing rules and regulations (IRRs) and derivative regulations
7 (DRs) as promulgated and/or adopted by the Board, with due
8 concurrence or approval by the Commission, conduct investigations on
9 complaints including violations of the Code of Conduct of the profession
10 and prosecute when so warranted.

11 In the case of complaints of a criminal nature, the Commission must
12 only assign lawyers from a special prosecution unit, all of whom must be
13 sufficiently experienced in criminal litigation.

14 **SECTION 34. *Funds.*** - The funds or budget for the implementation of
15 this Act shall be included in the annual budget of the Commission under
16 the General Appropriations Act, provided that the amount incurred for
17 its initial implementation shall be charged against the Commission's
18 current year's appropriation.

19 **SECTION 35. *Implementing Rules and Regulations.*** - The Board, with
20 the approval of the Commission, shall adopt and promulgate such rules
21 and regulations to implement the provisions of this Act, which shall be
22 effective after fifteen (15) days following its publication in the Official
23 Gazette or in a newspaper of general circulation.

24 **SECTION 36. *Transitory Provisions.*** Within eighteen (18) months
25 from the effectivity of the IRR of this Act, all positions of Building
26 Official in the LGUs shall be filled only by registered and licensed
27 Professional Building Officials (RLPBOs).

28 If no RLPBO is appointed in a non-complying LGU, the position must
29 be left vacant and the concerned LGU must secure building permits from
30 the nearest LGU with a RLPBO. A fifty percent (50%) increase in
31 building permit and related fees shall therefore apply, with one hundred
32 percent (100%) going to the permit-issuing LGU and fifty percent (50%)
33 going to the original receiving LGU without an RLPBO.

34 Failure to comply with the foregoing, specifically with Sec. 25 of this
35 Act, shall subject such acting Building Officials/ Building Officials to
36 administrative charges or special complaints at the Office of the

1 Ombudsman that may be filed by the Commission, the Board or by other
2 public or private entities. Should the DPWH and DILG fail to require
3 and monitor the respective compliances thereto, the responsible officials
4 of said agencies shall be impleaded in the administrative or special
5 complaint/s.

6 **SECTION 37. *Separability Clause.*** - If any clause, provision, paragraph
7 or part hereof shall be declared unconstitutional or invalid, such
8 judgment shall not affect, invalidate or impair any other part hereof, but
9 such judgment shall be merely confined to the clause, provision,
10 paragraph or part directly involved in the controversy in which such
11 judgment has been rendered.

12 **SECTION 38. *Repealing Clause.*** - The portions of Sec. 477 of R.A.
13 No. 7160 and of Secs. 205 and 206 of P.D. No. 1096, which are
14 inconsistent with this Act, are hereby repealed. All other laws, decrees,
15 executive orders and administrative issuances and parts thereof which
16 are inconsistent with the provisions of this Act are hereby modified,
17 superseded, or repealed accordingly.

18 **SECTION 39. *Effectivity.*** - This Act shall take effect fifteen (15) days
19 following its complete publication in the Official Gazette or in at least
20 two (2) newspapers of general circulation.

21 *Approved,*