



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

\*22 AUG 16 P2 :20

**SENATE**  
**S. No. 1181**

RECEIVED BY \_\_\_\_\_

Introduced by Senator Christopher Lawrence "Bong" T. Go

**AN ACT**  
**REGULATING THE PLANNING, DESIGN, CONSTRUCTION, OCCUPANCY,**  
**AND MAINTENANCE OF BUILDINGS, PROMOTING BUILDING RESILIENCE**  
**VERSUS FIRE, FLOOD, STORM, EARTHQUAKE AND MULTIPLE HAZARDS,**  
**ENACTING A NEW PHILIPPINE BUILDING ACT, THEREBY REPEALING**  
**PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Weak infrastructure has been a major obstacle to the creation of safe and resilient communities in the Philippines. Considering the country is an archipelago located near the equator and along the Pacific Ring of Fire, it is vulnerable and exposed to earthquakes, typhoons and volcanic eruptions. Thus, improvements in building regulations and standards are imperative.

In order to safeguard the public welfare and to mitigate the impact of disasters, this bill proposes to provide for all buildings and structures, a framework of minimum standards and requirements, mainstreaming disaster risk reduction and management, to regulate and control their location, planning, design, construction, and maintenance.

In pursuit of these policies, the State should institutionalize a system that will provide for periodic review and flexible mechanisms in the updating of regulations and standards, and which will strengthen the participation of relevant stakeholders,

considering the importance of allowing for continuing innovation in building design and construction.

This bill seeks to provide the effective regulation of planning, design, construction, occupancy, and maintenance of all public and private buildings and structures. In addition, safeguarding life and protecting people from injury, ensuring the people's health and well-being, protecting property from physical damage and loss, and minimizing disaster risk are the reference standards in attaining building resiliency.

With this, it is high time to modernize and improve our building regulations and standards, thereby promoting building resilience from fires, flashfloods, earthquakes, and other multiple hazards for the safety and the general welfare of the Filipino communities when an unexpected catastrophe comes into existence.

This Act shall hold relevant stakeholders accountable in ensuring enforcement of and compliance with this act. Moreover, this bill proposes to establish sustainability standards for government-owned buildings, mitigating any negative environmental, economic, and social impacts.

The primordial objective of this bill is to set standards and benchmarks that will mark a clear expectation that buildings must be built in accordance with their recommended structural stability and integrity designed to withstand disasters. This will provide assurance and relief to all Filipinos that they are living in a safe and resilient structures that is made to protect them against certain hazards.

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



**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**

NINETEENTH CONGRESS OF THE )  
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**SENATE**  
**Senate Bill No. 1181**

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INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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

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**CHAPTER I**  
**GENERAL PROVISIONS**

Section 1. *Short Title.* – This Act shall be known as the "Philippine Building Act of 2022."

Sec. 2. *Declaration of Principles and Policies.* – the State shall safeguard, life, health, property, and public welfare, consistent with principles of sustainable development. Towards this end, it shall be the police of the State to provide for all buildings and structures, a framework of minimum standards and requirements, mainstreaming disaster risk reduction and management, to regulate and control their location, siting, planning, design, construction, occupancy, and maintenance. In pursuit of these policies, the State shall institutionalize a system that will provide for periodic review and flexible mechanisms in the updating of regulations and standards and will strengthen the participation of relevant stakeholders, taking into

1 account the importance of allowing for continuing innovation in building design and  
2 construction.

3

4 **Sec. 3. *Objectives of the Act.*** – The objectives of this Act are as follows:

5

6 a. To provide for the effective regulation of planning, design, construction,  
7 occupancy, and maintenance of buildings and structures, the  
8 establishment of a permitting process based on their classifications, and  
9 the setting of reference standards to:

10

11 1. Safeguard life and protect people from injury;

12

13 2. Ensure the health and well-being of the people who use them,  
14 without impinging on the safety of the general public or  
15 endangering the environment;

16

17 3. Protect property from physical damage; and

18

19 4. Reduce and manage hazards, exposures, and vulnerabilities,  
20 thereby minimizing disaster risk;

21

22 b. To promote the accountability of relevant stakeholders in ensuring  
23 enforcement of and compliance with this Act, rules and regulations, and  
24 reference standards; and

25

26 c. To establish sustainability standards for government-owned buildings,  
27 mitigating any negative environmental, economic, and social impacts.

28

29 **Sec. 4. *Scope and Application.*** – This Act shall cover all private and public  
30 buildings and structures, and their location, siting, planning, design, materials,  
31 construction, use, occupancy, maintenance, addition, alteration, conversion,  
32 rehabilitation, relocation, repair, retrofit, and demolition.

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Sec. 5. *Interpretation.* – Nothing in this Act shall be interpreted to prevent local government units, pursuant to local autonomy, from enacting local ordinances relating to buildings or structures and their location, siting, and planning that will better safeguard life, health, property, and public welfare, consistent with the objectives of this Act.

Such local ordinances by local government units of contiguous jurisdictions shall be harmonized for purposes of buildings that may straddle territories of local government units.

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

Every such local ordinance shall be published in manners that are clear to all stakeholders, through measures that include but are not limited to those provided in Section 69 of this Act.

Sec. 6. *Definition of Terms.* – As used in this Act:

- a. *Accredited Certifier* refers to a person possessing experience and other qualifications of a Building Professional, and accredited by the Office of the National Building Official to issue certificates to confirm that a building or structure that is more than 15 years of age meets the requirements of Chapter VII of this Act, rules and regulations, and reference standards as to structural stability and fire safety construction;
- b. *Accredited Inspector* refers to a person possessing experience and other qualifications of a Building Professional, and accredited by the Office of the National Building Official, whose service is engaged by the Local Building

1 Official to inspect buildings or structures in accordance with this Act, rules  
2 and regulations, and reference standards;

3  
4 c. *Accredited Structural Peer Reviewer* refers to a person possessing  
5 experience and other qualifications of a Building Professional, and  
6 accredited by the Office of the National Building Official to provide  
7 independent verification that the structural design of a proposed or new  
8 building or structure complies with this Act, rules and regulations, and  
9 reference standards;

10  
11 d. *Accredited Testing Laboratory* refers to an establishment or institution  
12 accredited by the Office of the National Building Official to perform tests to  
13 determine if the building materials and components used in the  
14 construction of a building or structure comply with Chapter VI of this Act,  
15 rules and regulations, and reference standards;

16  
17 e. *Addition* refers to any construction which increases the height and/or floor  
18 area of an existing building or structure;

19  
20 f. *Alteration* refers to any construction in an existing building or structure  
21 involving changes in the materials used, partitioning, location or size of  
22 openings, structural parts, existing utilities, and/or equipment but does not  
23 increase the building height nor floor area;

24  
25 g. *Ancillary Structure* refers to a structure intended to provide support to  
26 main buildings or structures, which may include: bank and records vaults;  
27 swimming pools; firewalls separate from the building or structure; towers;  
28 silos; smokestacks; chimneys; commercial or industrial fixed ovens;  
29 industrial kilns or furnaces; water or waste treatment tanks; septic vaults;  
30 concrete and steel tanks; booths, kiosks, and stages; tombs, mausoleums,  
31 and niches; and similar structures;

32

- 1 h. *Build Back Better* refers to planning, based on the evolving or evolved  
2 disaster risks and ahead of disasters, to finance, design, and build after a  
3 disaster or crisis with consideration of the need to further strengthen  
4 disaster preparedness for response, take action in anticipation of events,  
5 and ensure capacities are in place for effective response, recovery, and  
6 reconstruction;  
7
- 8 i. *Building* refers to any temporary or permanent structure, anchored to the  
9 ground, for the shelter, enclosure, or support of persons, animals,  
10 machinery, or chattels;  
11
- 12 j. *Building Contractor* refers to a person duly registered and licensed by the  
13 Philippine Contractors Accreditation Board, whose proposal has been  
14 accepted and to whom was awarded the contract to execute the  
15 construction; for this purpose, "contract" means an agreement, regardless  
16 of titles such as prime contract, subcontract, or deed of assignment;  
17
- 18 k. *Building Owner* refers to a person who orders construction work for a  
19 building or structure by contract; or a person undertaking one's own  
20 construction without engaging a Building Contractor therefor, as owner-  
21 builder; or a person holding the legal right of possession or title to a  
22 building or structure;  
23
- 24 l. *Building Professional* refers to a person lawfully engaged in the design,  
25 construction, or inspection of a building or structure, who is duly  
26 registered and licensed by the Professional Regulation Commission (PRC),  
27 through a professional regulatory law for each profession, to provide such  
28 services;  
29
- 30 m. *Building Site* refers to the lot, which is described by technical descriptions  
31 delineating boundaries of the property to be developed, over which the  
32 Building Owner has a title or legal right to build; for design purposes, the

1 term shall also cover areas and spaces around the lot, the conditions of  
2 which bear on the operability and safety of the building or structure;

3  
4 n. *Construction* refers to any and all on-site work including but not limited to  
5 preparation, excavation, foundation, and assembly or installation of  
6 components, utilities, machinery, and equipment of building or structure;

7  
8 o. *Conversion* refers to a change in the use or occupancy of an existing  
9 building or structure or any portion/s thereof to another occupancy group  
10 or sub-group that has different requirements under this Act;

11  
12 p. *Demolition* refers to the systematic dismantling, destruction, or removal of  
13 a building or structure, in whole or in part;

14  
15 q. *Department* means the Department of Public Works and Highways  
16 (DPWH);

17  
18 r. *Exposure* refers to people, property, systems, or other elements present in  
19 hazard zones that are thereby subject to potential losses, or to the degree  
20 to which the elements at risk are likely to experience hazard events of  
21 different magnitudes;

22  
23 s. *Fire Resistance Rating* refers to the time, in minutes or hours, that a  
24 building material, assembly, or type of construction can withstand fire  
25 exposure as determined by generally recognized and accepted testing  
26 methods;

27  
28 t. *Hazard* refers to a dangerous phenomenon, substance, human activity, or  
29 condition that may cause loss of life, injury or other health impacts,  
30 property damage, loss of livelihood and services, social and economic  
31 disruption, or environmental damage;



- 1 u. *Hazard Zone* refers to an area identified in generally recognized and  
2 accepted hazard maps as exposed to natural hazards, such as floods, wind  
3 storms, storm surges, landslides, volcanic eruptions, and earthquakes;  
4
- 5 v. *Innovative Construction Technology* refers to a construction technology  
6 that is emerging or being reintroduced locally or nationally in the field of  
7 construction, with corresponding evidence of acceptable performance from  
8 laboratory tests, field tests, and/or analytical studies to comply with  
9 Chapter V and Chapter VI of this Act, rules and regulations, and reference  
10 standards;  
11
- 12 w. *Locational Clearance* refers to the document issued by the planning and  
13 development officer of the local government unit certifying that the  
14 proposed construction has the appropriate traffic impact assessment  
15 (TIA), is located in an appropriate zone, and does not violate the  
16 Comprehensive Land Use Plan (CLUP), any zoning ordinance or regulation  
17 of the concerned local government unit, nor other applicable laws,  
18 ordinances or regulations, which document is submitted to the Local  
19 Building Official in support of an application for a permit;  
20
- 21 x. *Permit* refers to any of the permits that may be issued by the Local  
22 Building Official as set forth in this Act;  
23
- 24 y. *Reference Standards* refers to technical standards that the National  
25 Building Official promulgates through rules and regulations in  
26 administering and enforcing this Act; for this purpose, consistent with  
27 Section 40, existing referral codes shall hereinafter be renamed and  
28 referred to accordingly as "reference standards;"  
29
- 30 z. *Rehabilitation* refers to the act or process of making possible a compatible  
31 use for an existing building or structure through repair and/or alteration

1 while preserving those portions or features which convey its acknowledged  
2 heritage significance;

3  
4 aa. *Relocation* refers to the transfer of an existing building or structure or  
5 portion/s thereof from original location or position to another, either within  
6 the same site or to a different one;

7  
8 bb. *Renovation* refers to any physical change made on an existing building or  
9 structure to increase the value or improve the quality and/or aesthetics,  
10 without addition to building height or floor area, nor alteration of  
11 structural parts;

12  
13 cc. *Repair* refers to remedial work done on any damaged or deteriorated  
14 portion/s of an existing building or structure to restore its original  
15 condition;

16  
17 dd. *Retrofit* refers to the construction of any new element or system, or the  
18 alteration of any element or system, required to bring an existing building  
19 or structure, or portion thereof, into conformance with this Act, rules and  
20 regulations, and reference standards;

21  
22 ee. *Secretary* refers to the Secretary of the Department of Public Works and  
23 Highways;

24  
25 ff. *Special Site* refers to a site that requires special rules and regulations to  
26 mitigate potential adverse impacts of the site conditions;

27  
28 gg. *Structure* refers to that which is built or constructed, an edifice, or building  
29 of any kind, or any piece of work artificially built up or composed of parts  
30 joined together in some definite manner, but shall not include streets,  
31 highways, bridges and viaducts, railroads, canals, river and shore  
32 improvements, dry docks, dams, irrigation, flood protection, tunnels,

1 transmission towers and lines, and structures regulated by other national  
2 laws or competent national agencies;

3  
4 hh. *Traditional Indigenous Family Dwelling* refers to a residential building or  
5 structure intended for the use and occupancy by the family of the owner  
6 only and constructed with native or local materials such as nipa, cogon,  
7 bamboo, log, lumber, or stone, the estimated total cost of which does not  
8 exceed the limit prescribed by the National Building Official through rules  
9 and regulations;

10  
11 ii. *Vulnerability* refers to the characteristics and circumstances of a  
12 community, system or asset that make it susceptible to the damaging  
13 effects of a hazard; vulnerability may arise from various physical, social,  
14 economic, and environmental factors such as poor design and construction  
15 of buildings, inadequate protection of assets, lack of public information  
16 and awareness, limited recognition of risks and preparedness measures,  
17 and disregard for sound environmental management; and

18  
19 jj. *Zoning* refers to the division of a city or municipality into zones or sub-  
20 zones and overlay zones according to present and potential uses of land to  
21 maximize, regulate, and direct their use and development in accordance  
22 with the Comprehensive Land Use Plan (CLUP).

23  
24 Additional definitions shall be included in the implementing rules and  
25 regulations and with the reference standards; *Provided*, that these shall be non-  
26 redundant to, non-contradictory with, and only supplementary to, the definitions as  
27 used in this Act.

28  
29 **CHAPTER II**  
30 **CLASSIFICATION OF BUILDINGS**

1            *Sec. 7. Classification System.* – A system of classification of buildings and  
2 structures in the Philippines as to: (a) type of construction according to fire  
3 resistance rating; (b) use or occupancy; and (c) required permitting process, is  
4 hereby adopted.

5

6            *Sec. 8. Buildings Classified by Type of Construction According to Fire*  
7 *Resistance Rating.* – The building or structure shall be classified according to fire  
8 resistivity and fire resistance rating consistent with Republic Act No. 9514, or the  
9 Fire Code of the Philippines, and its Implementing Rules and Regulations, in  
10 consideration of the combination of features of fire safety constructions including but  
11 not limited to interior finishes, walls, barriers, doors, windows, vents, means of  
12 egress, and treatment of building components with flame retardant chemicals.

13

14            *Sec. 9. Buildings Classified According to Use or Occupancy.* – The building or  
15 structure shall be identified based on the use or occupancy and shall be classified as  
16 follows:

17

18            Group A. Assembly occupancies shall include all buildings and structures, or  
19 portions thereof, used for gathering together of 50 or more persons for any purpose,  
20 including but not limited to deliberation, worship, entertainment, eating, drinking,  
21 amusement, awaiting transportation, and instruction;

22

23            Group B. Business occupancies are those used for the transaction of business  
24 other than those covered under Group M, Mercantile, including the keeping of  
25 accounts and records and similar purposes for office, professional, or service-type  
26 transactions;

27

28            Group D. Disaster response occupancies are those permanent centers for  
29 refuge and emergency evacuation or for emergency operation;

30

1           Group E. Educational occupancies shall include buildings, or portions thereof,  
2 used for the gathering of group of six (6) or more persons for purposes of  
3 instruction;

4  
5           Group F. Factory and Industrial occupancies are those used for operations  
6 including, but not limited to, product processing, fabricating, manufacturing,  
7 assembling and disassembling, mixing, packaging, finishing or decorating, repairing,  
8 and material recovery;

9  
10          Group G. Agricultural and Biological occupancies are those used for the  
11 production, harvesting, processing, storage, manufacture, preserving, transporting,  
12 and distribution of agricultural and biological products or materials including, but not  
13 limited to, silos and its components, agricultural and biosystems machinery and  
14 equipment sheds, farm houses, green/screen houses, poultry houses, piggery  
15 houses, slaughterhouses, agricultural and biological products storage/warehouses,  
16 buildings and structures for poultry, livestock, fishery and forestry production and  
17 processing, kiln drying and lumber treatment structure, and structures for farm  
18 equipment, farm supplies, and agricultural waste utilization and management;

19  
20          Group I. Institutional occupancies are those used to house one or more  
21 persons under varied degrees of restraint or security where such occupants are  
22 mostly incapable of self-preservation because of security measures not under the  
23 occupants' control (Sub-group ID), or government buildings and quarters rendering  
24 civic or public assistance and peace and order (Sub-group IG), or those in which  
25 care or supervision is provided to persons who are mostly incapable of self-  
26 preservation without physical assistance because of age, or physical or mental  
27 disability (Sub-group IH);

28  
29          Group M. Mercantile occupancies are those used for the display and sale of  
30 merchandise, and involves stocks of goods, wares, and merchandise incidental to  
31 such purposes and accessible to the public;

1           Group R. Residential occupancies are those in which sleeping  
2 accommodations are provided for normal residential or dwelling purposes and  
3 include all buildings designed to provide sleeping accommodations, for example the  
4 socialized (Sub-group RS) and economic (Sub-group RE) housing covered by Batas  
5 Pambansa Blg. 220;

6

7           Group S. Storage occupancies include all buildings or structures utilized  
8 primarily for the storage or sheltering of goods, merchandise, products, vehicles, or  
9 animals;

10

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

16

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

20

21           The National Building Official may determine, through rules and regulations,  
22 sub-groups within Group A to Z. Any other use or occupancy not mentioned  
23 specifically under this Section, or about which there is any question, shall, upon  
24 approval by the National Building Official, be included in the group which it most  
25 nearly resembles based on the associated hazard or risk to life, health, property, and  
26 public welfare.

27

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

32

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

5  
6           For each group or sub-group of use or occupancy, the National Building  
7 Official shall promulgate specific rules and regulations and reference standards in  
8 accordance with this Act.

9  
10           *Sec. 10. Buildings Classified According to Required Permitting Process.* –  
11 Buildings and structures shall be classified based on the required permitting process  
12 as follows:

13  
14           a. *Deemed-to-Satisfy Structures or Class P1 Structures* are buildings or  
15 structures belonging to sub-group/s under Group R, Residential, either  
16 traditional indigenous family dwellings regardless of number of floors, or  
17 individually constructed dwellings for up to three (3) families, with  
18 maximum total gross floor area limit for each case as prescribed by the  
19 National Building Official through rules and regulations, but shall exclude  
20 such structures under any government-approved mass housing project  
21 developed by the government, non-government organization, or private  
22 developer. These Deemed-to-Satisfy or Class P1 Structures shall comply  
23 with Simplified Reference Standards as prescribed by the National Building  
24 Official under a simplified permitting process.

25  
26           b. *Regular Structures or Class P2 Structures* are buildings or structures that  
27 do not fall under either one of the classifications of Deemed-to-Satisfy  
28 Structures and Special Structures. Regular Structures shall require the  
29 regular permitting process.

30  
31           c. *Special Structures or Class P3 Structures* are buildings or structures that  
32 are distinguished by special physical attributes in terms of size, span, or

1 form, and/or by nature of use or occupancy. These structures shall be any  
2 of the following:

- 3  
4 1. Buildings and other structures exceeding 75 meters in height or  
5 a higher height threshold as prescribed based on rules and  
6 regulations by the National Building Official;  
7
- 8 2. Long span structures exceeding 30 meters in span or a longer  
9 span threshold as prescribed based on rules and regulations by  
10 the National Building Official;  
11
- 12 3. Buildings and other structures with two (2) or more floor levels,  
13 and in any single floor level exceeding 25,000 square meters of  
14 gross floor area;  
15
- 16 4. Buildings and other structures with gross floor area exceeding  
17 40,000 square meters;  
18
- 19 5. Facilities belonging to Group D, Disaster response;  
20
- 21 6. Hospitals belonging to a sub-group under Group I, Institutional,  
22 that need to provide higher than the minimum level of services  
23 in terms of functional capacity as classified by competent  
24 national agency on healthcare facilities;  
25
- 26 7. Facilities belonging to Group Z, High-Hazard;  
27
- 28 8. Structures that have non-regular structural form as classified in  
29 structural reference standards; and  
30



1                   9. Buildings and other structures using very advanced structural  
2                   calculation method in design as classified in structural reference  
3                   standards.  
4

5                   Accordingly, the permitting process for these Special or Class P3 Structures  
6 shall require a peer review of the structural stability.  
7

8                   For buildings and structures that have non-regular structural form (sub-class  
9 (8) in this Section) or using very advanced structural calculation method in design  
10 (sub-class (9) in this Section), the peer review shall be conducted by an Accredited  
11 Structural Peer Reviewer duly qualified for such specific sub-classes, respectively.  
12

13                   *Provided*, that prior certification for innovative construction technology  
14 according to Section 29 of this Act shall be deemed to satisfy the requirement of  
15 structural peer review. *Provided* further, that the Office of the National Building  
16 Official shall establish and/or accredit competent government agencies in charge of  
17 certification of innovative construction technologies as provided for in Section 29.  
18

19                   The act of reviewing does not pass on the responsibility and the liability of the  
20 Building Professional for design to the Accredited Structural Peer Reviewer on the  
21 structural integrity of the building, without prejudice to administrative charges under  
22 applicable professional regulations. *Provided*, that should the Building Owner opt,  
23 under applicable laws and professional regulations, to lawfully disengage the  
24 previously engaged Building Professional for design and to engage as new Building  
25 Professional for design an Accredited Structural Peer Reviewer who has been  
26 previously engaged as peer reviewer according to this Section, a new independent  
27 Accredited Peer Reviewer shall be required.  
28

29                   Sec. 11. *Buildings and Structures.* – For purposes of this Act, structures shall  
30 include buildings, ancillary structures, and other structures as defined in this Act.  
31

1           Sec. 12. *Requirements for Each Type of Construction According to Fire*  
2 *Resistance Rating.* – The National Building Official shall prescribe standards for each  
3 type of construction according to fire resistivity and fire resistance rating as allowed  
4 under this Act correspondingly for each group or sub-group of use or occupancy,  
5 and promulgate rules and regulations and reference standards therefor, in general  
6 terms of structural system, exterior walls and openings, interior walls and  
7 enclosures, floors, exits and stairs construction, and roofs, among other elements.

8

9           Sec. 13. *Changes in Use or Occupancy and/or Type of Construction According*  
10 *to Fire Resistance Rating.* – No change shall be made in the use or occupancy  
11 and/or type of construction according to fire resistivity and fire resistance rating of  
12 any building or structure which would place the building or structure in a different  
13 occupancy group or different type of construction, unless such building or structure  
14 is made to comply with the requirements for the new occupancy group or type of  
15 construction; provided, that the change may be approved by the Local Building  
16 Official upon determination that the new use or occupancy and/or type of  
17 construction poses less risk to life, health, property, and public welfare, according to  
18 rules and regulations promulgated by the National Building Official.

19

20

### **CHAPTER III**

21

### **LOCATION, SITING, AND ZONING REQUIREMENTS**

22

23           Sec. 14. *General Requirements for Location, Siting, and Zoning.* – The site  
24 upon which will be constructed any building or structure shall be sanitary, hygienic,  
25 and accessible, and shall not pose high hazard for the intended use or occupancy, as  
26 determined by competent and appropriate authorities and certified through a  
27 locational clearance and other clearance/s or certificate/s as prescribed by applicable  
28 laws and regulations. It shall not obstruct existing easement or right-of-way of the  
29 national government and all local government units, as well as departments,  
30 regulatory agencies, instrumentalities, government owned and controlled  
31 corporations, and implementing units of the same, in accordance with existing laws  
32 and rules and regulations.

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

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

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

Sec. 18. *Resilience.* – Buildings and structures damaged structurally by a disaster or crisis shall adhere to principles of building back better in post-disaster or post-crisis recovery and reconstruction.

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

1 The National Building Official shall promulgate specific rules and regulations  
2 and reference standards for temporary post-disaster or post-crisis structures.

3  
4 **CHAPTER IV**  
5 **DESIGN REQUIREMENTS**  
6

7 *Sec. 19. General Requirements for Design.* – The design of all buildings and  
8 structures shall comply with the requirements prescribed by this Act, rules and  
9 regulations, and reference standards; provided, that there shall be specific levels of  
10 standards and technical requirements for socialized housing (residential occupancy  
11 Sub-group RS) and economic housing (residential occupancy Sub-group RE)  
12 structures as provided by Batas Pambansa Blg. 220.

13  
14 Provided further, that Group G, Agricultural and Biological occupancies shall  
15 consider biosystems design requirements for the protection of persons, animals,  
16 crops, and the environment.

17  
18 Buildings and structures on or in special sites shall consider special design  
19 requirements and risk mitigation measures called for by the specific site conditions.

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

24  
25 Subject to the provisions of Articles 684 to 686 of Republic Act No. 386, or  
26 Civil Code of the Philippines, on lateral and subjacent support, the design and quality  
27 of materials used structurally in excavation, footings, and in foundations shall  
28 conform to prescribed reference standards and accepted engineering practice.

29  
30 *Sec. 21. Protection from Fire.* – All buildings and structures shall be designed  
31 to safeguard persons and properties from any harm or damage caused by fire in

1 accordance with Republic Act No. 9514, or the Fire Code of the Philippines, and its  
2 Implementing Rules and Regulations.

3

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

7

8 *Sec. 22. Protection from Moisture and Surface Water.* – All buildings shall be  
9 designed to provide adequate resistance to penetration by, and the accumulation of,  
10 excessive moisture and surface water.

11

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

15

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

18

19 *Sec. 25. Ingress, Circulation, and Egress.* – Safe access into, circulation  
20 within, and egress from the buildings, including emergency exits, shall be provided  
21 for persons and vehicles.

22

23 *Sec. 26. Energy and Energy Efficiency.* – The design of buildings and  
24 structures shall include, wherein required, practices and technologies that maximize  
25 energy efficiency.

26

27 The National Building Official shall promulgate specific rules and regulations  
28 applicable to buildings and structures exceeding a threshold total gross floor area,  
29 depending on the classification of use or occupancy.

30

31 *Sec. 27. Services and Facilities.* – All building services and facilities, their  
32 equipment and installations, shall be designed to be adequate, safe, and efficient, to

1 promote the wellbeing of the users or occupants and the general public.  
2 Constructability and ease of maintenance of the services and facilities shall be highly  
3 considered in the design.

4

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

10

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

18

19 *Provided*, finally, that telecommunication facilities such as, but not limited to,  
20 in-building solutions and fiber-optic cabling for high-capacity and high-speed  
21 requirements shall be mandatory in buildings owned by the national government and  
22 all local government units, as well as departments, regulatory agencies,  
23 instrumentalities, and implementing units of the same.

24

25

26

## CHAPTER V

27

### CONSTRUCTION REQUIREMENTS

28

29 *Sec. 28. General Requirements for Construction.* – The construction of all  
30 buildings and structures shall comply with the requirements prescribed by this Act,  
31 rules and regulations, and reference standards.

32

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

6  
7 *Sec. 29. Innovative Construction Technologies.* – All innovative construction  
8 technologies used in building construction shall comply with any special tests or  
9 requirements as prescribed by the National Building Official pursuant to the policies  
10 and objectives of this Act. These technologies shall be installed by qualified  
11 personnel and supervised by technically competent professionals.

12  
13 The proponent of such innovative construction technology may apply for a  
14 certification by the competent national agency according to the rules and regulations  
15 prescribed by the National Building Official. Buildings and other structures using an  
16 innovative construction technology with prior certification shall be deemed to satisfy  
17 the requirement of structural peer review.

18  
19 Provided, that innovative technologies appropriate for socialized and  
20 economic housing, which are low-cost housing as covered by Batas Pambansa Blg.  
21 220, shall be subject for accreditation by the Accreditation of Indigenous  
22 Technologies for Housing (AITECH) Committee or its successor agency.

23  
24 Provided further, that the Office of the National Building Official shall establish  
25 and accredit another competent national agency to be in charge of accreditation of  
26 innovative technologies, including so-called smart and/or green technologies, that  
27 are for applications other than socialized or economic housing.

28  
29 Provided finally, that nothing in this Act shall be interpreted to prevent the  
30 National Building Official from causing the establishment and accreditation of a  
31 unified competent national agency to be in charge of accreditation of innovative  
32 technologies for various construction applications.

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

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25 and accredit another competent national agency to be in charge of accreditation of  
26 innovative technologies, including so-called smart and/or green technologies, that  
27 are for applications other than socialized or economic housing.

28

29 Provided finally, that nothing in this Act shall be interpreted to prevent the  
30 National Building Official from causing the establishment and accreditation of a  
31 unified competent national agency to be in charge of accreditation of innovative  
32 technologies for various construction applications.



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Sec. 30. *Safety and Protection During Construction.* – All buildings shall be constructed or demolished without causing any harm or injury to the construction workers and the public.

Sec. 31. *Protection of Property During Construction.* – All and any public or private property above or below the ground shall be protected from any damage by any work being done under the permit. The protection shall be maintained while such work is being done and shall not obstruct the normal functioning of any such property.

Sec. 32. *Phased or Incremental Construction.* – All uncompleted portions of buildings subject to phased or incremental construction shall be protected and shall not pose harm to the public. Any additional or incremental work shall not compromise the safety and wellbeing of the users or occupants.

Sec. 33. *Construction and Demolition Waste Management.* – All buildings shall be constructed with proper management of construction and demolition waste.

**CHAPTER VI**  
**BUILDING MATERIALS**

Sec. 34. *General Requirements for Materials.* – All building materials and components shall comply with the requirements prescribed by this Act, rules and regulations, and reference standards.

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

1 Provided, that product standards promulgated by competent national agency  
 2 shall be harmonized with or incorporated together with the reference standards  
 3 under this Act.

4  
 5 *Sec. 35. Selection of Materials.* – Building materials and components shall be  
 6 selected following a set of criteria including but not limited to strength, fire  
 7 resistivity, moisture resistance, durability, and sustainability, according to rules and  
 8 regulations and reference standards promulgated by the National Building Official.

9  
 10 **CHAPTER VII**

11 **OCCUPANCY, MAINTENANCE, AND ABATEMENT OF BUILDINGS**

12  
 13 *Sec. 36. General Requirements for Occupancy, Maintenance, and*  
 14 *Abatement.*– All Building Owners shall use and maintain the building in accordance  
 15 with the requirements prescribed by this Act, rules and regulations, and reference  
 16 standards. The use and maintenance of the building must be safe for the health of  
 17 users, occupants, and the general public, and shall not cause any substantive  
 18 negative impact to the environment such as, but not limited to, air, water, and soil.

19  
 20 *Sec. 37. Maintenance, Inspection, and Assessment of Buildings and Reporting*  
 21 *to the ONBO.* – All buildings shall undergo regular maintenance and inspection in  
 22 accordance with each building's maintenance strategy. There shall be rules and  
 23 regulations to guide the preparation, approval, and implementation of appropriate  
 24 maintenance strategies for buildings and structures, promulgated by the National  
 25 Building Official. The Building Owner shall perform periodic maintenance and  
 26 inspection; the Local Building Officials and/or Accredited Inspectors shall conduct  
 27 inspection as appropriate according to rules and regulations. The Office of the  
 28 National Building Official shall establish a system for monitoring, reporting, and  
 29 evaluating maintenance and inspection activities.

30  
 31 The Office of the National Building Official shall assist Building Owners of  
 32 structures falling within the classification Deemed-to-Satisfy or Class P1 Structures

1 and Regular or Class P2 Structures in conducting a simplified or regular inspection of  
2 their buildings.

3

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

8

9 The Office of the National Building Official shall coordinate with relevant  
10 government agencies that regulate business operations in buildings and structures:  
11 structural stability clearance from the Office of the Local Building Official shall be a  
12 prerequisite for the issuance or renewal of business permits or permits to operate,  
13 for new occupancy or occupancy after 15 years from the date of completion of the  
14 building or structure.

15

16 Mandatory inspection and assessment by an Accredited Certifier as to  
17 structural stability and fire safety construction shall be commissioned by the Building  
18 Owner at the 15th year from date of completion of the building and every 15 years  
19 thereafter in the case of Special or Class P3 Structures. In cases of addition,  
20 alteration, conversion, rehabilitation, relocation, repair, and/or retrofit requiring more  
21 recent structural stability assessment and corresponding certification and clearance,  
22 the date of reckoning of 15 years for purposes of this Section shall be counted from  
23 the completion date of the latest building permit that involved the most recent  
24 structural stability clearance under this Act. The National Building Official shall  
25 promulgate rules and regulations and reference standards for mandatory inspection  
26 and assessment of buildings as to structural stability and fire safety construction,  
27 specific to the various building classifications; provided, that Accredited Certifiers  
28 need not be engaged for Deemed-to-Satisfy or Class P1 Structures and Regular or  
29 Class P2 Structures.

30

31 The National Building Official shall promulgate specific rules and regulations  
32 for mandatory inspection and assessment of all buildings as to structural stability

1 and fire safety construction after regional catastrophic events such as, but not  
2 limited to, widely destructive earthquakes and typhoons. The determination of an  
3 event that is catastrophic as to warrant mandatory assessment of all buildings in a  
4 geographic area shall be made by the National Building Official in consultation and  
5 coordination with other government agencies.

6

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

11

12 *Sec. 38. Special Provision for Buildings Completed More than 15 Years Prior to*  
13 *the Effectivity of this Act.* –To ensure the safety of the people and to reduce risks,  
14 Special or Class P3 Structures and buildings and structures with occupancies falling  
15 under Group A and Group E, that were completed in 2004 or earlier, are mandated  
16 to have an assessment of the design based on the requirements in Chapter IV of this  
17 Act as specified in rules and regulations, as to structural stability and fire safety  
18 construction, and the Building Owners are to submit the certifications or findings of  
19 appropriate Building Professionals, serving as Accredited Certifiers, to the concerned  
20 Local Building Officials regarding the state of such buildings and structures and their  
21 safety and/or need for retrofit.

22

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

30

31 The National Building Official, in coordination with other concerned agencies,  
32 shall develop and administer incentive schemes, such as those allowed by the

1 disaster risk reduction and management funds, to support immediate voluntary  
2 retrofit by the Building Owners requiring modifications for the safety of the users or  
3 occupants and/or the general public.

4

5       *Sec. 39. Abatement of Dangerous and Ruinous Buildings.* – When any building  
6 or structure is found or declared to be dangerous or ruinous, the Local Building  
7 Official shall order its repair, vacation, or demolition depending upon the degree of  
8 danger to life, health, property, and public welfare. This is without prejudice to  
9 further action that may be taken under the provisions of Articles 482 and 694 to 707  
10 of the Civil Code of the Philippines and other existing laws.

11

12       For purposes of this Section, dangerous or ruinous buildings are buildings or  
13 structures determined by the Local Building Official to be structurally unstable; or  
14 not provided with safe egress; or which constitute a fire hazard; or are otherwise  
15 dangerous to human life; or which in relation to existing use, constitute a hazard to  
16 life safety, health, or public welfare because of inadequate maintenance,  
17 dilapidation, obsolescence, or abandonment; or which otherwise contribute to the  
18 pollution of the site or the community to an intolerable degree.

19

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

24

25

## **CHAPTER VIII**

### **ADMINISTRATION**

26

27

28       *Sec. 40. National Building Official (NBO): Powers, Obligations, and Functions.*  
29 – The Secretary of the Department shall have the duty to ensure that all laws  
30 relating to building design and construction are faithfully executed and is primarily  
31 charged with the administration and enforcement of the provisions of this Act, rules  
32 and regulations, and reference standards.

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The Secretary shall ensure harmonization of rules and regulations and reference standards between government-funded and non-government funded buildings and structures, consistent with the objectives of this Act.

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

- a. Issue and promulgate rules and regulations to implement the provisions of this Act, upon recommendation of the Building Regulations and Standards Council, and ensure compliance with policies, plans, standards, and guidelines formulated. The Building Regulations and Standards Council shall be formed in accordance with the provisions of this Act;
- b. Approve and/or take final action on changes and/or amendments to reference standards based on recommendations of the Building Regulations and Standards Council. For this purpose, existing referral codes shall hereinafter be renamed and referred to accordingly as "reference standards;"
- c. Appoint Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- d. Designate Local Building Officials, in manner as provided for by this Act, and exercise supervision and control over them as the National Building Official;
- e. Create the Office of the Local Building Official in case of clustered municipalities, as set forth in this Act, and exercise administrative as well as technical supervision and control;

- 1 f. Appoint the Regional Building Appeals Boards, as provided for by this Act,  
2 and exercise administrative supervision over them;  
3
- 4 g. Prescribe and fix the schedule of fees, appeal bonds, and other charges  
5 that the National Building Official and Local Building Officials shall collect  
6 in the exercise of their regulatory functions;  
7
- 8 h. Inspect at reasonable times any building or structure, covered by this Act,  
9 rules and regulations, and reference standards; provided, that in case of a  
10 single-family dwelling, an inspection must be upon the consent of the  
11 occupant or upon lawful order from the proper court;  
12
- 13 i. Issue appropriate orders, including cease and desist order and demolition  
14 order, against any person or entity to prevent injury to the public and  
15 compel compliance with the provisions of this Act, rules and regulations,  
16 and reference standards;  
17
- 18 j. Impose fines, penalties, and other administrative sanctions for failure or  
19 refusal to comply with, or violation of any provision of this Act, rules and  
20 regulations, and reference standards, or any order, instruction, or ruling;  
21
- 22 k. Enlist the aid and support of, and/or deputize any and all enforcement  
23 agencies of the government in the implementation of his powers and  
24 functions under this Act, rules and regulations, and reference standards;  
25 and  
26
- 27 l. Exercise such other powers and perform such functions as may be needed  
28 to carry out the objectives of this Act, rules and regulations, and reference  
29 standards.  
30

31 Sec. 41. *Building Regulations and Standards Council (BRSC)*. – A Building  
32 Regulations and Standards Council is hereby created to assist the National Building

1 Official in reviewing and recommending rules and regulations and reference  
2 standards to accomplish the objectives of this Act.

3

4 a. Members. The Building Regulations and Standards Council shall be  
5 composed of the following:

6

7 1. Undersecretary for Technical Services of the Department as Chair;

8

9 2. Executive Commissioner of the Human Settlements Adjudication  
10 Commission (HSAC) as Vice-Chair;

11

12 3. Commissioner of the Professional Regulation Commission (PRC) in  
13 charge of supervision of regulatory boards of building professionals;

14

15 4. Chief of the Bureau of Fire Protection (BFP);

16

17 5. Undersecretary of the Department of Trade and Industry (DTI) in  
18 charge of supervision of product standards and/or contractor  
19 accreditations;

20

21 6. Undersecretary of the Department of Science and Technology  
22 (DOST) for disaster risk reduction and climate change;

23

24 7. President of a national association of local building officials;

25

26 8. President of a national association of building developers, national  
27 association of building owners, national association of building  
28 managers, or national association of building administrators;

29

30 9. President of a PRC-accredited national professional organization of  
31 building professionals;

32



1           10. President of a national association of building contractors;

2  
3           11. High-ranking regular faculty member from a recognized higher  
4           education institution involved in the training of building  
5           professionals; and

6  
7           12. Two (2) representatives-at-large coming from any concerned  
8           sectors whose participation is deemed by the National Building  
9           Official as timely and complementary to those of other members  
10          enumerated.

11  
12          Each from a list of nominees submitted by their respective sectors, all  
13          representatives from the private, academic, or non-government sectors, enumerated  
14          above from (7) to (11), shall be appointed by the National Building Official for a term  
15          of three (3) years; *provided*, that each said member, during his/her term in the  
16          Council, shall remain a certified member-in-good-standing of the association,  
17          organization, or institution that has been originally represented. In case of  
18          substitution or replacement of a member representing a specific sector, the new  
19          member shall serve for the remainder of the three-year term.

20  
21          For these sectors enumerated above from (7) to (11), a different association,  
22          organization, or institution other than the one currently represented shall be given  
23          preference by the National Building Official in the next full three-year term  
24          appointment, in order to practice a rotation of representation from among the  
25          various associations, organizations, or institutions in each sector.

26  
27          Representatives-at-large, enumerated above as (12), shall serve *ex-officio* if  
28          officials and representatives of government agencies, or shall serve for a term of  
29          three (3) years without immediate reappointment within one (1) year if coming from  
30          the private, academic, or non-government sectors.

1 In the absence or temporary incapacity of the Undersecretary for Technical  
2 Services of the Department, the Executive Commissioner of the HSAC shall act as  
3 the Chair of the Council.

4  
5 In the absence or temporary incapacity of the Undersecretary for Technical  
6 Services of the Department and the Executive Commissioner of the HSAC, the  
7 Officer-in-Charge (OIC) Undersecretary for Technical Services of the Department  
8 shall act as the Chair of the Council.

9  
10 A simple majority of the members of the Council shall constitute a quorum.  
11 The presence of either the Chair or Vice-Chair of the BRSC is indispensable in  
12 counting the quorum.

13  
14 a. Duties and Responsibilities. The Building Regulations and Standards  
15 Council shall have the following duties and responsibilities:

- 16  
17 1. Review existing rules and regulations and existing referral  
18 codes, renamed as reference standards under this Act, and/or  
19 formulate new ones in line with the provisions of this Act and  
20 rules and regulations;
- 21  
22 2. Formulate and recommend policies and strategies, for design  
23 and construction, with reference to global standards, and taking  
24 into account local conditions;
- 25  
26 3. Formulate a system of accreditation of qualified Building  
27 Professionals as Accredited Certifiers, Accredited Structural Peer  
28 Reviewers, and/or Accredited Inspectors, and qualified  
29 establishments or institutions as Accredited Testing  
30 Laboratories;

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- 4. Collect relevant information, conduct research, and support studies on all matters relating to design and construction, such as, but not limited to, the performance and results achieved of the standards in mainstreaming disaster risk reduction and management in building planning, design, construction, occupancy, and maintenance;
- 5. Submit recommendations, including rules and regulations and reference standards, to the National Building Official for approval;
- 6. Submit an annual report to the National Building Official; and
- 7. Perform such other functions that the National Building Official may authorize or assign as may be necessary in carrying out the objectives of this Act.

- b. Technical Working Groups (TWGs). To support the BRSC in the performance of its duties and responsibilities, the National Building Official shall constitute Technical Working Groups (TWGs) composed of relevant stakeholders.
- c. Secretariat. The BRSC shall have its Secretariat personnel separate from the Office of the National Building Official, to assist in the operation of the Council and TWGs.
- d. Procedures. The National Building Official, in consultation with relevant stakeholders, shall prescribe, based on rules and regulations, the procedures of the Building Regulations and Standards Council, ensuring the periodic review of reference standards every five (5) years and the participation of the relevant stakeholders including, but not limited to, building officials, building developers, building owners, building managers

1 or administrators, building professionals and professional organizations,  
2 building contractors, and higher education institutions, in setting  
3 performance standards for design and construction.

4  
5 e. The BRSC budget shall be included in the annual budget of the  
6 Department.

7  
8 *Sec. 42. Office of the National Building Official (ONBO).* – The Office of the  
9 National Building Official, within the Department, is hereby created to provide  
10 sufficient technical, legal, administrative, and support personnel to the National  
11 Building Official in the exercise of his powers and the performance of his duties.

12  
13 This Office, headed by a Director, who shall be a registered and licensed  
14 professional, be member of good standing of the duly accredited national  
15 organization of the profession, and have at least five (5) years of diversified and  
16 professional experience in building design, construction, and regulation, shall be  
17 placed under the supervision of the Undersecretary for Technical Services. It shall  
18 comprise highly qualified personnel eligible to act as building professionals,  
19 scientists, or technicians who possess diversified and professional experience in the  
20 field of building design and construction, and lawyers.

21  
22 The Office of the National Building Official shall provide assistance to the  
23 National Building Official in the institutional strengthening of Offices of Local Building  
24 Official, capacity building of Local Building Officials, data management, monitoring  
25 and evaluation, and establishing and maintaining linkages with concerned  
26 institutions. A mandatory continuing education and training program shall be  
27 pursued for the Local Building Officials and their staff, as well as the staff of the  
28 Office of the National Building Official.

29  
30 The Office of the National Building Official shall coordinate the Regional  
31 Building Appeals Boards.

1           The Office of the National Building Official shall formulate plans, programs,  
2 and projects on building planning, design, construction, occupancy, and  
3 maintenance pursuant to this Act in consideration of global best practices and the  
4 exposure of the country to multiple hazards. It shall plan and implement a  
5 computerized national database of buildings and structures, for purposes of Section  
6 37 and other provisions of this Act and rules and regulations. It shall also be in-  
7 charge of the implementation of a system of accreditation of qualified Building  
8 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or  
9 Accredited Inspectors, and qualified establishments or institutions as Accredited  
10 Testing Laboratories.

11

12           **Sec. 43. *Regional Building Appeals Boards (RBABs).*** – A Regional Building  
13 Appeals Board with appropriate personnel is hereby created in Regional Offices of  
14 the Department and placed under the administrative supervision of the National  
15 Building Official; provided, that an RBAB may be created by the National Building  
16 Official to serve a group of adjacent regions. The RBAB shall be chaired by a  
17 member of the Philippine Bar, and assisted by two technical personnel of the  
18 Department sitting as the other members of the Board and by support staff, all of  
19 whom are appointed by the National Building Official. It shall have exclusive  
20 appellate jurisdiction to review decisions of the Local Building Officials, or resolve  
21 appeals and/or complaints after the same shall have been acted upon, or not given  
22 due course, by the respective Local Building Officials within their region. In case of  
23 appeal for reconsideration by an aggrieved party on the same matter, the decision of  
24 the RBAB shall be subject to review by the National Building Official pursuant to  
25 Section 60 of this Act.

26

27           **Sec. 44. *Offices of the Local Building Official (OLBOs) and Local Building***  
28 ***Officials (LBOs).*** – Cities and first-class municipalities shall create and operate a  
29 separate Office of the Local Building Official headed by a Local Building Official who  
30 shall be appointed by and accountable to the National Building Official. The Local  
31 Building Official shall be appointed by the National Building Official from a list of at  
32 least three (3) qualified recommendees of the mayor, subject to civil service law and

1 rules and regulations. The Local Building Official shall be responsible for carrying out  
2 the provisions of this Act, rules and regulations, and reference standards within the  
3 territorial jurisdictions. Notwithstanding the foregoing, the National Building Official  
4 shall have complete supervision and control over the Local Building Official.

5

6         Depending upon their needs and in order to improve their frontline services,  
7 second to sixth-class municipalities may create and operate a separate Office of the  
8 Local Building Official upon request to and approval by the National Building Official.  
9 These municipalities, if adjacent and accessible to each other, may also opt to  
10 request the National Building Official to create and operate an Office of the Local  
11 Building Official to serve the clustered municipalities, which office shall be under the  
12 National Building Official. This cluster Office shall be located at a municipality within  
13 the cluster as determined by the National Building Official. Each cluster of  
14 municipalities may recommend to the National Building Official the appointment of  
15 one Local Building Official for such cluster from a list of at least three (3) qualified  
16 recommendees of the mayors of the cluster, subject to civil service law and rules  
17 and regulations.

18

19         Absent a request to and/or approval by the National Building Official for either  
20 a separate or a cluster Office of the Local Building Official, the municipal engineers  
21 of the second to sixth-class municipalities shall be designated by the National  
22 Building Official to act, in concurrent capacity, as the Local Building Officials in their  
23 respective territorial jurisdictions. For purposes of this Chapter and this Section, the  
24 Office of the Municipal Engineer in such second to sixth-class municipalities shall be  
25 referred to also as Office of the Local Building Official.

26

27         The concerned local government unit shall provide the funding for and  
28 operate the separate Office of the Local Building Official; the Office of the National  
29 Building Official shall fund and operate cluster Offices of the Local Building Official.  
30 The sharing and use of fees and fines among the offices shall be in conformity with  
31 Section 46 of this Act.

32

1           Sec. 45. *Special Jurisdictions.* – There shall be Local Building Officials for  
2 special jurisdictions such as the Armed Forces of the Philippines (AFP), the Philippine  
3 Economic Zone Authority (PEZA), the Department of Agriculture (DA), and other  
4 government agencies, as explicitly provided for by the applicable laws, who shall  
5 regulate the design and construction of buildings or structures under their  
6 jurisdiction and/or their registered locators and enterprises. These Local Building  
7 Officials in special jurisdictions shall likewise be designated by and accountable to  
8 the National Building Official.

9  
10           Said Local Building Officials shall be designated by the National Building  
11 Official from a list of at least three (3) qualified recommendees of the head of their  
12 agency, subject to civil service law and rules and regulations.

13  
14           46. *Sharing and Use of Fees and Fines.* – Out of the total collection derived  
15 from fees, permit fees, fines, and other charges, the Office of the Local Building  
16 Official shall retain 15% thereof and deposit in a special account created by the  
17 Local Treasurer, to answer for its maintenance and other operating expenses. The  
18 Office of the Local Building Official shall cause to remit five percent (5%) to the  
19 National Building Official. The remaining 80% shall accrue to the general fund of the  
20 local government unit or the agency with special jurisdiction, which created and  
21 operated the Office.

22  
23           However, in the case of the cluster Office of the Local Building Official, it shall  
24 retain 15% thereof and deposit in a special account created by the Local Treasurer,  
25 to answer for its maintenance and other operating expenses, cause to remit 65% to  
26 the National Building Official, and cause to divide the remaining 20% between or  
27 among the clustered municipalities in proportion to the total fees and fines  
28 originating from each municipality, and to accrue to their respective general funds.

29  
30           The share of income to be remitted to the National Building Official shall be  
31 used to cover honoraria for the BRSC Secretariat, BRSC TWGs, RBABs, and other  
32 operating expenses of the BRSC, ONBO, RBABs, and cluster OLBOs.

1

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

13

14 *Sec. 47. Qualifications of Local Building Officials.* – No person shall be  
15 appointed as a Local Building Official unless the person possesses the following  
16 qualifications:

17

- 18 a. A Filipino citizen and of good moral character;
- 19
- 20 b. A duly registered and licensed architect or civil engineer;
- 21
- 22 c. A member of good standing of the duly accredited professional  
23 organization of architects or of civil engineers for not less than five (5)  
24 years; and
- 25
- 26 d. Has at least five (5) years of diversified and professional experience in  
27 building design and construction.
- 28

28

29 Municipal engineers appointed by their mayors and who shall concurrently be  
30 designated by the National Building Official as Local Building Officials, shall comply  
31 with the qualifications prescribed for their positions as municipal engineers in the  
32 Local Government Code.



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

*Sec. 48. Powers, Obligations, and Functions of Local Building Officials.* – In addition to the other powers, obligations, and functions mentioned in this Act, the Local Building Official shall have the following general powers, obligations, and functions:

- a. Approve applications for, and issue, reject, suspend, or revoke permits within their territorial or special jurisdictions; for this purpose, the Local Building Official shall base the decision upon the completeness and integrity of the application documents supported by the appropriate certifications of Building Professionals and clearances from relevant government agencies, in accordance with this Act, rules and regulations, and reference standards;
- b. Hear and decide cases filed by parties on complaints related to the permitting process;
- c. Enter any building, structure, or its premises at reasonable times to inspect and determine compliance with the requirements of this Act, rules and regulations, and reference standards, as well as the terms and conditions of the permit/s issued; provided, that in case of single-family dwelling, an inspection by the Local Building Official and/or Accredited Inspector must be upon the consent of the occupant or upon lawful order from the proper court;
- d. Engage qualified and nationally-accredited Building Professionals as inspectors and/or structural peer reviewers;

- 1 e. Order the work stopped and prescribe the terms and/or conditions for the  
2 work to be allowed to resume, or issue any appropriate order, including  
3 cease and desist order and demolition order, when any construction is  
4 found to be contrary to the provisions of this Act, rules and regulations,  
5 reference standards, and the terms and conditions of the permit/s issued;  
6
- 7 f. Order the discontinuance of the use or occupancy of any building or  
8 structure, or a portion thereof, found to be used or occupied contrary to  
9 the provisions of this Act, rules and regulations, and reference standards,  
10 and/or the terms and conditions of the permit/s issued;  
11
- 12 g. Keep a permanent record and accurate account of all fees, fines, and  
13 other charges fixed and authorized by the National Building Official to be  
14 collected and received under this Act;  
15
- 16 h. Validate and submit data on a computerized national database of buildings  
17 and structures, for purposes of Section 37 and other provisions of this Act  
18 and rules and regulations;  
19
- 20 i. Submit an annual situational report to the National Building Official; and  
21
- 22 j. Exercise such powers and perform such other functions needed to assist  
23 the National Building Official in carrying out the objectives of this Act,  
24 rules and regulations, and reference standards.  
25

26 *Sec. 49. Responsibilities of Building Owners.* – To promote accountability,  
27 Building Owners and Building Owner-Builders shall be responsible for their  
28 compliance with the provisions of this Act, rules and regulations, and reference  
29 standards. These responsibilities shall include but not be limited to:  
30

- 1 a. Providing and/or submitting true and correct information and documents  
2 in support of their application for permits and their prerequisite  
3 certifications and clearances;  
4  
5 b. Adhering to the plans and specifications;  
6  
7 c. Complying with the terms and conditions of the permit issued, and other  
8 prerequisite certifications and clearances;  
9  
10 d. Maintaining the building consistent with its maintenance strategy and  
11 conducting periodic inspection in accordance with this Act, rules and  
12 regulations, and reference standards;  
13  
14 e. Engaging the services of Building Professionals and/or Building Contractors  
15 for any proposed construction, as may be required by this Act, rules and  
16 regulations, except for Deemed-to-Satisfy or Class P1 Structures; and  
17  
18 f. Engaging the services of Building Professionals or Accredited Certifiers for  
19 the assessment of structural stability and fire safety construction of the  
20 building, as may be required by this Act, rules and regulations, except for  
21 Deemed-to-Satisfy or Class P1 Structures and Regular or Class P2  
22 Structures.

23  
24 Offer to transfer ownership, or actual transfer of ownership, involving owners  
25 of subdivision projects shall be made pursuant to Presidential Decree No. 957, or the  
26 Subdivision and Condominium Buyers' Protective Decree.

27  
28 Offer to transfer ownership, or actual partial or full transfer of ownership,  
29 involving owners of condominium projects shall be made pursuant to Presidential  
30 Decree No. 957, or the Subdivision and Condominium Buyers' Protective Decree, and  
31 to Republic Act No. 4726, or the Condominium Act, as amended.  
32

1           Sec. 50. *Responsibilities of Building Professionals.* – To promote  
2 accountability, the various Building Professionals, all of whom are registered and  
3 licensed by their respective professional boards under the Professional Regulation  
4 Commission (PRC), shall be responsible for the accuracy of their work and their  
5 corresponding certifications.

6  
7           a. Design professionals shall be responsible for the correctness and  
8 consistency of their design and the preparation of duly signed and sealed  
9 drawings, technical specifications, calculations, designs, and analyses.  
10 They are not precluded from conducting inspection of the construction  
11 work or building or structure to check and determine adherence to the  
12 plans and specifications of the work as submitted with the permit  
13 application; provided, that in case of single-family dwelling, an inspection  
14 must be upon the consent of the occupant or upon lawful order from the  
15 proper court.

16  
17           b. Professionals in charge of construction shall be responsible for the  
18 correctness of construction, including correctness of materials used,  
19 procedures followed, and temporary works carried out in compliance with  
20 construction methodologies and standards; for compliance with safety  
21 requirements; and for proper construction supervision at the site works.  
22 They shall undertake the full time inspection and supervision of the work,  
23 and keep at the work site at all times a logbook wherein the actual  
24 progress of work including tests conducted, weather conditions, and other  
25 pertinent data are recorded. They shall be responsible for the consistency  
26 and integrity of the documents such as logbook and as-built plans. They  
27 shall also be responsible for the submission of the said documents, all duly  
28 signed and sealed, upon completion or stoppage of construction, to the  
29 Local Building Official.

30  
31           Sec. 51. *Responsibilities of Building Contractors.* – To promote accountability,  
32 Building Contractors shall adhere to the duly signed and sealed drawings, technical

1 specifications, and construction procedure, as prepared and certified by the Building  
2 Professionals and relied upon by the Local Building Officials in the issuance of the  
3 permit. They shall also adhere to the additional details, issued during construction,  
4 conforming to the submitted documents. Building Contractors shall ensure the safety  
5 and health of construction workers, in addition to protection afforded to them by  
6 labor laws. As principals, they shall be solidarily responsible for the acts and  
7 omissions of their representatives, agents, subcontractors, and/or employees in  
8 relation to construction. They shall engage Building Professionals in-charge of  
9 construction.

10

11

## CHAPTER IX

12

### PERMITS AND INSPECTIONS

13

14 Sec. 52. *Types of Permit.* – The Building Owner of any proposed construction  
15 or existing building or structure must secure the appropriate permit from the Local  
16 Building Official, prior to the start of such work or occupancy:

17

18 a. Building Permit – a permit for the construction of building or structure or  
19 any addition, alteration, conversion, rehabilitation, relocation, repair, or  
20 retrofit of such;

21

22 b. Ancillary Permit – a permit for the construction of ancillary structures as  
23 defined in this Act;

24

25 c. Excavation Permit – a permit for construction involving the removal of soil  
26 or rock from a site to form an open face, hole, or cavity using tools,  
27 machinery, or explosives;

28

29 d. Demolition Permit – a permit for demolition of a building, structure, or  
30 portion thereof including that which will be removed in the course of an  
31 on-going construction; and

32

1 e. Occupancy Permit – previously termed Certificate of Occupancy; a permit  
2 for the full use or occupancy of a building or structure, or a partial permit  
3 for use or occupancy of portion or portions thereof prior to the completion  
4 of the entire building or structure, or a temporary permit for temporary  
5 use or occupancy thereof prior to the completion of the entire work  
6 covered by the permit; provided, that such portion or portions shall be  
7 used or occupied safely and that the Local Building Official shall set a time  
8 period during which the partial permit or temporary permit shall be valid in  
9 accordance with rules and regulations.

10

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

13

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

17

18 *Sec. 53. Detailed Classification of Buildings for Permitting Purposes.* – The  
19 National Building Official shall prescribe the requirements for and procedure in  
20 securing the different types of permit, as may be appropriate, based on the  
21 classification of buildings in Section 10 of this Act. The procedures to be laid out by  
22 the National Building Official shall include: (a) a simplified permitting process for  
23 Deemed-to-Satisfy or Class P1 Structures; (b) a mandatory structural peer review of  
24 the stability for Special or Class P3 Structures; and (c) a regular permitting process  
25 for Regular or Class P2 Structures.

26

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

30

31 To aid the simplified permitting process, the National Building Official shall  
32 cause, through Simplified Reference Standards, the detailed documentation and

1 region-wide or nation-wide information and education campaign on the proper  
2 siting, design, and construction of Deemed-to-Satisfy or Class P1 Structures  
3 including Traditional Indigenous Family Dwellings.

4

5       Sec. 54. *Application for Permit.* – Any person desiring to apply for the  
6 appropriate permit shall file a duly accomplished permit application form with the  
7 Local Building Official of the local government unit, cluster thereof, or special  
8 jurisdiction where the building or structure, proposed or existing, is located.

9

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

12

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

18

19       Together with duly accomplished permit application form/s, the applicant shall  
20 submit: (a) documents relating to ownership of building site that support the  
21 authority to order construction work for a building or structure and to hold legal right  
22 of possession or title to a building or structure; (b) relevant clearances from other  
23 agencies; (c) documents relating to building use or occupancy, location, plans,  
24 specifications, and maintenance strategy; and (d) estimated construction cost.  
25 According to the permit being applied for and the classification of building or  
26 structure involved, whether Deemed-to-Satisfy, Regular, or Special Structure, the  
27 National Building Official, through rules and regulations, shall require specific parts  
28 of building plans, specifications and related documents to be submitted as evidence  
29 of compliance with this Act, rules and regulations, and reference standards.

30

31       The National Building Official, through rules and regulations, shall require  
32 specific parts of building plans and specifications to be prepared, signed and sealed

1 by appropriate Building Professionals; provided, that various building professionals  
2 may be appropriately authorized according to their respective professional regulation  
3 laws to prepare, sign, and seal certain parts, sheets, or pages of building plans,  
4 specifications, and related documents.

5

6       Sec. 55. *Processing of the Permit Application.* – Pursuant to Republic Act No.  
7 9485, or the Anti-Red Tape Act as amended by Republic Act No. 11032, or Ease of  
8 Doing Business and Efficient Government Service Delivery Act, within a reasonable  
9 time from the filing of the duly-accomplished permit application, payment of fees as  
10 applicable, and compliance with other standard requirements to be determined by  
11 the National Building Official, the Local Building Official shall give due course to the  
12 application and issue the permit applied for upon satisfaction of the completeness  
13 and integrity of the application documents supported by the appropriate  
14 certifications of Building Professionals and clearances from relevant government  
15 agencies, in accordance with this Act, rules and regulations, and reference  
16 standards.

17

18       Sec. 56. *Validity of Permit.* – A Building Owner with issued permits has the  
19 continuing obligation to comply with the provisions of this Act, rules or regulations,  
20 and reference standards throughout the lifespan of the building or structure.

21

22       When submitted plans and specifications of an issued permit are subsequently  
23 found to be erroneous, the Local Building Official is authorized to oblige the  
24 applicant to effect the necessary corrections in said plans and specifications and the  
25 corresponding construction or to prevent or stop any or all building operations that  
26 are in violation of this Act, rules and regulations, and reference standards.

27

28       A permit issued under the provisions of this Act shall expire and become null  
29 and void if the building or work authorized therein is not commenced within a period  
30 of one (1) year after the issuance of the permit. A partial or temporary Occupancy  
31 Permit shall be valid for the time period set by the Local Building Official in  
32 accordance with the prescribed rules and regulations. For phased or incremental



1 construction referred to in Section 32 of this Act, the Building Owner may apply for  
2 an extension of the validity of the permit, or renewal of the permit as appropriate, in  
3 accordance with the prescribed rules and regulations.

4

5 *Sec. 57. Grounds for Non-issuance, Suspension, or Revocation of Permit.*—The  
6 Local Building Official may order or cause the non-issuance, suspension, or  
7 revocation of permits on any or all of the following reasons or grounds:

8

- 9 a. Non-compliance with the provisions of this Act, rules and regulations, and  
10 reference standards;
- 11
- 12 b. Substantial errors found in the plans and specifications;
- 13
- 14 c. Use of sub-standard building material or sub-standard workmanship and  
15 refusal to rectify upon notice;
- 16
- 17 d. Without any work being done in the site for more than one hundred  
18 twenty (120) days for excavations left open or building construction  
19 abandoned; and
- 20
- 21 e. Fraudulent misrepresentation of data or information supplied in the  
22 application permit.

23

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

28

29 *Sec. 58. Complaint.* – Based on the grounds enumerated in Section 57 of this  
30 Act, any person aggrieved by the proposed, ongoing, or existing construction, use,  
31 or occupancy may file before the Local Building Official of the local government unit,  
32 cluster thereof, or special jurisdiction where the concerned construction is located for

1 the non-issuance, suspension, or revocation of the corresponding permit applied for  
2 by, or granted to, the Building Owner. The aggrieved party shall be notified of the  
3 action taken by the Local Building Official in case the permit is granted or furnished  
4 with a copy of the decision, order, or notice of non-issuance, suspension, or  
5 revocation of a permit of the Local Building Official.

6

7       *Sec. 59. Appeal to the Regional Building Appeals Board.* – Within fifteen (15)  
8 days from the date of receipt of notice of the non-issuance, suspension, or  
9 revocation of the permit or of the action taken by the Local Building Official, the  
10 aggrieved party may file an appeal with the Regional Building Appeals Board based  
11 on the following grounds:

12

13       a. Arbitrariness of the Local Building Official in the performance of regulatory  
14 functions; or

15

16       b. Lack of factual or legal basis.

17

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

23

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

28

29       *Sec. 60. Appeal to the National Building Official.* – Within fifteen (15) days  
30 from the date of receipt of notice of the decision of the RBAB, the aggrieved party  
31 may file an appeal to the National Building Official; an appeal shall be deemed

1 perfected upon filing of the notice of appeal and posting of the corresponding appeal  
2 bond.

3

4 The Office of the National Building Official shall render a decision within thirty  
5 (30) days from perfection of the appeal. The Office of the National Building Official's  
6 decision shall be in writing, stating specifically the reason/s or ground/s therefor. In  
7 case the ONBO finds the appeal to be meritorious, the Office of the National Building  
8 Official shall direct the Local Building Official to issue the appropriate permit or  
9 order.

10

11 *Sec. 61. Inspection and Supervision of Work and Building or Structure. –*  
12 Subject to the primary responsibility of Building Owners, Building Professionals, and  
13 Building Contractors to inspect and/or supervise construction and as set forth in this  
14 Act, the Local Building Official may, upon motion of any aggrieved party or motu  
15 proprio, visit and inspect at reasonable times the ongoing constructions or existing  
16 buildings and structures to ensure compliance with the terms and conditions of the  
17 permits and the provisions of this Act, rules and regulations, and reference  
18 standards. The National Building Official shall promulgate specific rules and  
19 regulations for inspection of Group R, Residential buildings and structures, to be  
20 carried out by the Local Building Official and/or Accredited Inspector.

21

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

25

26

## **CHAPTER X**

27

### **INCENTIVES AND PENALTIES**

28

29 *Sec. 62. Incentives. –* The National Building Official, in coordination with  
30 relevant agencies, shall develop and administer incentive schemes, which can be  
31 administrative, financial, or otherwise, to promote voluntary compliance of existing  
32 buildings and structures with the provisions of this Act, rules and regulations, and

1 reference standards, as well as to encourage all owners of buildings and structures,  
2 either existing or proposed, to promote the use of environmentally sound or  
3 sustainable materials, methods, practices, and technologies.

4

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

9

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

14

15 *Sec. 63. Prohibited Acts and Omissions.* – The following are prohibited acts  
16 and omissions:

17

18 a. By the Building Owner and/or representative:

19

20 1. Misrepresentation or submission of false statements or  
21 documents;

22

23 2. Use of unauthorized documents and/or certifications of Building  
24 Professional/s;

25

26 3. Undertaking any construction without the required permit/s;

27

28 4. Noncompliance with or violation of the terms and conditions of  
29 the permit, including prerequisite clearances by other  
30 government agencies;

31

- 1                   5. Not maintaining the building in accordance with the submitted  
2                   maintenance strategy;
- 3
- 4                   6. Engaging non-licensed building professionals in the design,  
5                   review, construction, or certification of building;
- 6
- 7                   7. Engaging non-licensed building contractors in the construction  
8                   of building; and
- 9
- 10                  8. Analogous acts, omissions, and violations of this Act, rules and  
11                  regulations, and reference standards.
- 12

13           b. By the Building Professional:

- 14
- 15                  1. Misrepresentation or false statements;
- 16
- 17                  2. Certifying documents that s/he did not prepare, or certifying  
18                  acts that s/he did not perform;
- 19
- 20                  3. Submission of incorrect or inconsistent drawings, technical  
21                  specifications, calculations, designs, and analyses;
- 22
- 23                  4. Non-compliance with construction methodologies and standards  
24                  in case of a professional in charge of construction;
- 25
- 26                  5. Violation of safety standards prescribed by law or regulations in  
27                  case of a professional in charge of construction;
- 28
- 29                  6. Non-submission of duly signed and sealed documents, or  
30                  submission of inconsistent or deceitful documents, such as  
31                  logbook and as-built plans in case of a professional in charge of  
32                  construction; and

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7. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

c. By the Building Contractor:

1. Deviation from the plans and specifications certified by Building Professionals and submitted to the Local Building Official, in a way that increases the risk to life, health, property, or public welfare;
2. Violation of safety standards prescribed by law or regulations;
3. Not engaging a Building Professional in charge of construction; and
4. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

d. by the Accredited Certifier:

1. Misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
2. Certifying buildings and structures that do not meet the requirements of this Act, rules and regulations, and reference standards, and other applicable laws;
3. Refusing or failing to certify buildings and structures that meet the requirements of this Act, rules and regulations, and reference standards; and

1                   4. Analogous acts, omissions, and violations of this Act, rules and  
2                   regulations, and reference standards.

3  
4           e. By the Accredited Structural Peer Reviewer:

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6                   1. Misrepresentation or false statements in order to be accredited  
7                   by the Office of the National Building Official;

8  
9                   2. Providing false information to the Building Owner and/or  
10                  Building Professional regarding the review;

11  
12                  3. False certification on the compliance of structural design with  
13                  this Act, rules and regulations, and reference standards; and

14  
15                  4. Analogous acts, omissions, and violations of this Act, rules and  
16                  regulations, and reference standards.

17  
18           f. By the Accredited Testing Laboratory:

19  
20                  1. Misrepresentation or false statements in order to be accredited  
21                  by the Office of the National Building Official;

22  
23                  2. Misrepresentation or false statements in the tests and/or test  
24                  results of building materials;

25  
26                  3. Tampering with the equipment and instruments;

27  
28                  4. Conducting test methods non-conforming to reference  
29                  standards; and

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31                  5. Analogous acts, omissions, and violations of this Act, rules and  
32                  regulations, and reference standards.

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g. by the Accredited Inspector:

1. Misrepresentation or false statements in order to be accredited by the Office of the National Building Official;
2. Providing false information to the Local Building Official regarding the inspection;
3. False certification on the inspection, in consideration of any offer, promise, gift, or present received; and
4. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.

h. by the Local Building Official:

1. Arbitrariness in the performance of powers, obligations, and functions;
2. Unjustifiable delay or gross negligence in the performance of powers, obligations, and functions;
3. Willful engagement of non-accredited inspector;
4. Willful non-compliance with the orders of the National Building Official, Office of the National Building Official, and/or Regional Building Appeals Board; and
5. Analogous acts, omissions, and violations of this Act, rules and regulations, and reference standards.



1           Sec. 64. *Fines and Penalties.* Any prohibited act or omission falling under  
2 paragraphs (a) – (h) in Section 63 of this Act shall be subject to the administrative  
3 fines and penalties to be imposed by the National Building Official, acting through  
4 the Local Building Official. Such fines shall not be lower than 0.01% nor higher than  
5 1.0% of the construction cost, per violation, in accordance with the gravity of the  
6 offense and the category of violator as provided in Section 63; provided, that the  
7 Local Building Official may not issue, may suspend, or may revoke any permit issued  
8 to the violator, as may be appropriate, and/or may order the suspension or cessation  
9 of any construction until such time that compliance with this Act, rules and  
10 regulations, and reference standards are undertaken; provided further, that in case  
11 the Building Owner is also the builder or Building Owner-Builder, the liability is only  
12 considered as one and that of the Building Owner; provided furthermore, that in  
13 case of Building Professionals and/or Building Contractors found to commit any of  
14 the prohibited acts and omissions, the Local Building Official shall also endorse such  
15 violation to the Professional Regulation Commission (PRC) and the Construction  
16 Industry Authority of the Philippines (CIAP), respectively, for corresponding  
17 administrative sanctions; and provided finally, that should there be more than one  
18 violator for a single prohibited act or omission, their liability shall be solidary.

19

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

24

25           For offenses falling under paragraph (h) in Section 63 of this Act, the National  
26 Building Official, upon recommendation of the Regional Building Appeals Board and  
27 after notice and hearing, may suspend or revoke the appointment or designation of  
28 the Local Building Official as such, without prejudice to the administrative, civil, or  
29 criminal liability of said official in accordance with existing laws.

30

31           Sec. 65. *Criminal Liabilities of Building Owners, Building Professionals,*  
32 *Building Contractors, Accredited Certifiers, Accredited Structural Peer Reviewers,*

1 *Accredited Testing Laboratories, and Accredited Inspectors.* In case of gross  
2 violation of this Act and/or rules and regulations, the National Building Official and/or  
3 Local Building Official may recommend to the appropriate government agencies the  
4 filing of criminal charges against the violators. Gross violations shall mean any of the  
5 following:

6

7 a. Unauthorized change in type of construction from more fire-resistive to  
8 less fire-resistive;

9

10 b. Non-compliance with order to abate or demolish;

11

12 c. Non-compliance with cease and desist order for construction;

13

14 d. Not having any work being done in the site for more than one hundred  
15 twenty (120) days and without justifiable cause, for excavations left open  
16 or building construction abandoned; and

17

18 e. Blatant disregard of the orders of the Local Building Official in relation to  
19 the protection of life, health, property, and public welfare, such as the  
20 non-payment of fines and breaking of seals or operating despite the  
21 existence of an order for suspension or revocation.

22

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

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Sec. 66. *Criminal Liability of Local Building Officials and Staff.* – Any Local Building Official and/or staff who shall conspire to commit any of the enumerated gross violations with any offender as provided in Section 65 of this Act shall be punished, per violation, by a fine not lower than 0.01% nor higher than 1.0% of the construction cost involved, or by imprisonment of not less than six (6) months nor more than six (6) years, or both, at the discretion of the court, without prejudice to the civil liability of the offender in accordance with existing laws.

**CHAPTER XI**  
**FINAL PROVISIONS**

Sec. 67. *Appropriations.* – The amount necessary for the effective implementation of this Act shall be charged against the current appropriations of the Department of Public Works and Highways (DPWH). Thereafter, such amounts as necessary for its continued implementation shall be included in the General Appropriations Act.

Sec. 68. *Transitory Provision.* – There shall be a systematic transition of implementation of building regulations and standards from Presidential Decree No. 1096 to this Act.

To initiate and facilitate the transition, the Secretary, as the National Building Official, is mandated to immediately establish the Office of the National Building Official within three (3) months of the effectivity of this Act.

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

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

7  
8 Consistent with Section 40 and Section 41 of this Act, existing referral codes,  
9 renamed as reference standards by this Act, shall remain valid until after the  
10 National Building Official promulgates new, revised, or amended reference standards  
11 after the review and recommendation of the BRSC.

12  
13 Provided, that absent reference standards that are locally or nationally  
14 adopted by the competent government agency for a particular subject, the latest  
15 standards by the International Organization for Standardization (ISO) may be used  
16 as default standards.

17  
18 *Sec. 69. Implementing Rules and Regulations.* – The National Building Official,  
19 upon the recommendation of the Building Regulations and Standards Council and in  
20 consultation with relevant stakeholders, shall promulgate the Implementing Rules  
21 and Regulations of this Act, including a system of accreditation of qualified Building  
22 Professionals as Accredited Certifiers, Accredited Structural Peer Reviewers, and/or  
23 Accredited Inspectors, and qualified establishments or institutions as Accredited  
24 Testing Laboratories, within one (1) year from the effectivity of this Act. For this  
25 purpose, the Secretary, as the National Building Official, is mandated to immediately  
26 constitute the Building Regulations and Standards Council within three (3) months of  
27 the effectivity of this Act.

28  
29 The National Building Official shall ensure that all buildings owned by the  
30 national government and all local government units, as well as departments,  
31 regulatory agencies, instrumentalities, government owned and controlled  
32 corporations, and implementing units of the same, shall implement an integrated, or

1 whole-building, approach to the siting, planning, design, materials, construction,  
2 use, occupancy, maintenance, addition, alteration, conversion, rehabilitation,  
3 relocation, repair, retrofit, and demolition, so they are sustainable, energy efficient,  
4 secure and safe, cost-effective, accessible, functional, productive, and aesthetic.

5

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

9

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

13

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

18

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

23

24 *Sec. 70. Non-Retroactivity Clause.* – This Act shall have no retroactive effect  
25 insofar as all buildings and structures constructed under Presidential Decree No.  
26 1096, or the National Building Code of the Philippines, as amended, or existing city  
27 or municipal building ordinances, if legally done in accordance therewith, shall be  
28 respected subject to such limitations in this Act and except as otherwise stated in  
29 Section 38 of this Act.

30

1           However, additions, alterations, conversions, rehabilitations, relocations,  
2 repairs, retrofits, and demolitions to be made in such buildings and structures shall  
3 be subject to the provisions of this Act.

4  
5           *Sec. 71. Mandatory Review.* – This Act shall undergo a mandatory review of  
6 its provisions every five (5) years to make the law more responsive to the needs of  
7 the times. The review shall be made by Congress, which shall conduct public  
8 hearings and evaluate the accomplishments and impact of this Act as well as the  
9 performance and organizational structure of its implementing offices, which shall be  
10 the basis of any amendment or modification of this Act.

11  
12           *Sec. 72. Separability Clause.* – If any portion of this Act is declared  
13 unconstitutional or invalid, the other portions which are not affected thereby shall  
14 continue in full force and effect.

15  
16           *Sec. 73. Repealing Clause.* – Presidential Decree No. 1096, or the National  
17 Building Code of the Philippines, as amended, is hereby repealed. Sec. 477 of  
18 Republic Act No. 7160, also known as the Local Government Code, is modified  
19 accordingly. Other existing laws, decrees, executive orders, and rules and  
20 regulations or parts thereof that are inconsistent with this Act, are hereby repealed.

21  
22           *Sec. 74. Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
23 its publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*