PO19CC-474

90th Regular Session

ORDINANCE NO. SP-2518, S-2016

AN ORDINANCE CREATING THE LOCAL BUILDING CODE OF QUEZON CITY, WHICH SHALL AMPLIFY THE PROVISIONS AND STRENGTHEN THE ENFORCEMENT OF PRESIDENTIAL DECREE NO. 1096, OTHERWISE KNOWN AS THE NATIONAL BUILDING CODE OF THE PHILIPPINES.

Introduced by Councilor ANTHONY PETER D. CRISOLOGO.

Co-Introduced by Councilors Jose Mario Don S. De Leon, Ricardo T. Belmonte, Jr., Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Presidential Decree No. 1096, otherwise known as the National Building Code of the Philippines (NBCP) and its Implementing Rules and Regulations (IRR), provide for a framework of minimum standards and requirements to regulate and control their location, site, design, quality of materials, construction, occupancy and maintenance on buildings and structures uniformly enforceable nationwide;

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WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, pursuant to the mandate of devolution of powers, provides that the local government has the authority to manage territorial jurisdiction on behalf of the national government and to promulgate rules and regulations necessary for the interest and improvement of administration of its affairs, proper delivery of services and facilities to the general public;

WHEREAS, while there is a Presidential Decree No. 1096 Entitled "Adopting A National Building Code of the Philippines (NBCP)" the same needs an amplification of its provision in order to properly address the current needs of the general public, address and conform with the developmental goals and infrastructure program of the Local Government and adequately provide for all the technological requirements of buildings and structures, in terms of up-to-date design and construction standards and criteria;

WHEREAS, the occurrence of fortuitous events in the City necessitates to rationalize the functions and responsibilities of the various stakeholders of the construction industry, ie, design professionals, constructors, building and lot owners, to ensure and safeguard life, health, property, and public welfare;

WHEREAS, Ordinance No. SP-1944, Series of 2009 entitled "An Ordinance Amending Ordinance No. SP-1517, S-2005, Reorganizing and Strengthening the Office of the Building Official into a Separate and Distinct Department from the Department of Engineering" has provided for the powers of the building official and the said office has been given the primary task in implementing the provisions of the National Building Code;

WHEREAS, the formulation of a Local Building Code of Quezon City of 2015, not only amplifies the NBCP but also strengthens the desire and policy of the Local Government of Quezon City to avail of and harness the technical expertise and professional know-how to men not only in the public but in the private sector as well.

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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

GENERAL PROVISIONS:

SECTION 1. TITLE - This Ordinance shall be known as the "LOCAL BUILDING CODE OF QUEZON CITY OF 2015".

SECTION 2. DECLARATION OF POLICIES - It is hereby declared to be the policy of the Local Government of Quezon City to safeguard life, health, property, and public welfare, consistent with the principles of sound environmental management and control; and to this end, make it the purpose of this Code to provide for all buildings and structures, a framework of minimum standards and requirements to regulate and control their location, site, design, quality of materials, construction, use, occupancy, and maintenance, adapting various techniques and technological developments designed to modernize such operations ensuring the ease in doing business within Quezon City.

SECTION 3. SCOPE AND APPLICATION

a.) *The provisions of this Code shall apply to the design, location, site, construction, alteration, repair, conversion, use, occupancy, maintenance, moving, demolition of, and addition to public and private buildings and structures, except traditional indigenous family dwellings as defined herein.*

b.) *Buildings and/or structures constructed before the approval of this Code shall not be affected thereby except when alterations, additions, conversions or repairs are to be made therein in which case, this Code shall apply only to the portions to be altered, added, converted or repaired, provided that all buildings*

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which have been in existence and fully constructed for fifteen (15) years or more shall be subjected to a building audit.

SECTION 4. GENERAL BUILDING REQUIREMENTS - All buildings and/or structures to be constructed within the jurisdiction of the local government of Quezon City, the following minimum standards shall be strictly complied with by any builder or developer without prejudice to any requirements that would be mandated by this code relative to zoning, safety, good maintenance and environmental concerns:

(a) All buildings or structures as well as accessory facilities thereto shall conform in all respects to the principles of safe construction and must be suited to the purpose for which they are designed.

(b) Buildings or structures intended to be used for the manufacture and/or production of any kind of article or product shall observe adequate environmental safeguards.

(c) Buildings and structures and all parts thereof as well as all facilities found therein shall be maintained in safe, sanitary and good working condition.

SECTION 5. SITE REQUIREMENTS

(a) The land or site upon which will be constructed any building or structure, or any ancillary or auxillary facility thereto, shall be sanitary, hygienic and safe. In case of sites or buildings intended for use as human habitation or abode, the same shall be at a safe distance, as determined by competent authorities, from streams or bodies of water and/or sources of air considered to be polluted;

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(b) *Prior to any construction to be undertaken by any developer or builder the corresponding locational clearance must first be secured from the City Planning and Development and Zoning Administration of Quezon City which shall indicate therein that the site intended for construction or building has complied with the above mentioned minimum standards;*

(c) *The owner of the building together with the design professional in charge of the construction project to be undertaken shall ensure that the proper locational clearance shall have been secured prior to any construction or operation would have been conducted.*

SECTION 6. RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT - The administration and enforcement of the provisions of this Code including the imposition of penalties for administrative violations thereof is hereby vested in the City Building Official.

SECTION 7. TECHNICAL STAFF - The City Building Official is hereby authorized to constitute and provide in his Department a professional staff composed of highly qualified architects, engineers and technicians who possess diversified and professional experience in the field of building design and construction.

The Technical Staff shall have the minimum qualifications as prescribed by Ordinance No. SP-1944, S-2009 entitled, "An Ordinance Amending Ordinance No. SP-1517, S-2005, Reorganizing and Strengthening the Office of the Building Official into a Separate and Distinct Department from the Department of Engineering." and shall be chosen by the City Building Official in accordance with existing ordinances and regulations.

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SECTION 8. GENERAL POWERS AND FUNCTIONS OF THE CITY BUILDING OFFICIAL - For purposes of carrying out the provisions of this Code, consistent with the provisions of existing Laws, the City Building Official shall exercise the following general powers and functions:

(1) Formulate policies, plans, standards and guidelines on building design, construction, use, occupancy and maintenance in accordance with this Code.

(2) Formulate a system of peer review and professional registry within the jurisdiction of Quezon City and thereafter exercise the authority to suspend, regulate and penalize erring professionals covered by the professional registry.

(3) Issue and promulgate rules and regulations to implement the provisions of this Code and ensure compliance with policies, plans, standards and guidelines formulated under paragraph 1 of this section.

(4) Provide Evaluation, consultation, review and recommendation in case of amendment and modification of the provisions of this Code.

(5) Recommend the amount of fees and other charges that the Office of the Building Official shall collect in connection with the performance of regulatory functions;

SECTION 9. PROFESSIONAL AND TECHNICAL ASSISTANCE - The City Building Official may engage and compensate within appropriations available funds thereof, the services of such number of consultants, experts and advisers on full or part-time basis, as may be necessary, coming from the government or private businesses, entities or associations to carry out the provisions of this Code.

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SECTION 10. CITY BUILDING OFFICIAL - The City Building Official shall be responsible for carrying out the provisions of this Code in the field as well as the enforcement of orders and decisions made pursuant thereto in all matters relating structures and buildings, infrastructure projects and such similar construction works which are undertaken or have been constructed by any private individuals or entities within the jurisdiction of Quezon City.

SECTION 11. QUALIFICATIONS OF THE CITY BUILDING OFFICIAL - No person shall be appointed as City Building Official unless he possesses the following qualifications:

1. *A Filipino citizen and of good moral character and a resident of Quezon City*

2. *A duly registered architect or civil engineer*

3. *A member in good standing of a duly accredited organization of his profession for not less than five (5) years or recommended by the accredited professional organization.*

4. *Has at least five years of diversified and professional experience in building design and construction.*

5. *Attended and successfully completed a seminar workshop on Presidential Decree No. 1096 and its Implementing Rules and Regulations conducted by the Department of Public Works and Highways.*

SECTION 12 - DUTIES OF THE CITY BUILDING OFFICIAL - In his respective territorial jurisdiction, shall have the following primary duties:

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1. *He shall be primarily responsible for the enforcement of the provisions of this Code as well as of the implementing rules and regulations issued therefore.*

2. *He is the official in charge with the duties of issuing building permits.*

In the absence of the City Building Official the above mentioned duties and responsibilities shall be assumed by the Assistant Building Official or such person that may be recommended by the City Building Official, subject to the concurrence of the City Mayor, until the former is able to resume the same.

Provided, that implementation of this Code in all matters relating to structures and buildings, infrastructure projects and such similar construction works which are classified as Quezon City Infrastructures owned and controlled by the Local government of Quezon City, shall be under the control and jurisdiction of the City Engineer.

Provided, finally, that in all matters relating to structures and buildings, infrastructure projects and such similar construction works which classified as National Infrastructures owned and controlled by the National government, shall be under the control and jurisdiction of the Department of Public Works and Highways.

A. *RIGHT TO ENTER - In the performance of his duties, the City Building Official or his authorized representative may enter any building or its premises at all reasonable times to inspect and determine compliance with the requirements of this Code, and the terms and conditions provided for in the building permit as issued.*

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B. *STOP ORDER - When any building work is found to be contrary to the provisions of this Code, the City Building Official may order the work stopped and prescribe the terms and/or conditions when the work will be allowed to resume. Likewise, the City Building Official is authorized to order discontinuance of the occupancy or use of any building or structure or portion thereof found to be occupied or used contrary to the provision of this Code.*

All Stoppage Orders from the City Building Official, the implementation of which shall be vested in the Office of the City Mayor or such department or office as may be designated, appointed or deputized by the latter.

SECTION 13. EXERCISE OF QUASI-JUDICIAL FUNCTIONS- The Local Government of Quezon City, through the Department of the Building Official, shall exercise quasi-judicial functions corollary to the power and duties of the Local Building Official to ensure that the provisions of P.D. No. 1096, otherwise known as the National Building Code of the Philippines, are complied with.

The Department of the Building Official shall, either motu propio or upon complaint, conduct an ocular inspection on the structure or activity to determine whether or not the provisions of the National Building Code had been violated. Whenever necessary, an order shall be issued based on the Inspection Report prepared by the Building Official Inspector. A corresponding Administrative/Clarificatory Hearing shall be conducted by the Department of the Building Official, through its investigation and Adjudication Division.

The Investigation and Adjudication Division shall conduct its investigation based on the Inspection Report prepared by the Building Official Inspector, and shall render a Resolution or issue an Order, as the case may be, on the matter in accordance with the provisions of the National Building Code, its Implementing Rules and Regulations, and its Referral Codes, subject to the approval of the Local Building Official. Further, the resolution or

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order, as the case may be, shall be without prejudice to the right of the aggrieved party to appeal the same to the Secretary to the Department of Public Works and Highways.

SECTION 14. APPLICATION PROCESS - The application process or issuance of any permits, licenses and certifications required under this Code shall be governed by the procedures and requirements laid down in the Citizens' Charter of Quezon City.

SECTION 15. FEES - The City Building Official shall keep a permanent record and accurate account of all fees and other charges fixed and authorized by the Secretary of the Department of Public Works and Highways in his capacity as the National Building Official, to be collected and received under this Code.

In accordance with Joint Memorandum Circular No. 001 issued by the Department of Public Works and Highways and Department of the Interior and Local Government dated July 4, 2015 the Local Treasurer in coordination with the Office of the Building Official is authorized to open and maintain a Trust Fund Account and twenty percent (20%) of the income derived from building permit fees and other charges shall be allocated to the Department of Public Works and Highways provided that, subject to existing budgetary, accounting and auditing rules and regulations, the City Building Official is hereby authorized to retain fifteen percent (15%) thereof to cover all necessary and operating expenses of his office including the purchase of equipment, supplies and materials, traveling expenses, obligation expenses and sheriff's fees and payment of the other prior year's obligations not adequately funded. The remaining five percent (5%) shall be remitted to the Trust fund Account and the City Treasurer shall notify the Secretary of the Department of Public Works through the National Building Code Development Office that its 5% share has already been remitted.

The remaining eighty percent (80%) shall be deposited with the Quezon City Treasurer and shall accrue to the General Fund of Quezon City.

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SECTION 16. EXEMPTIONS. - Public buildings and traditional indigenous family dwelling shall be exempt from payment of building permit fees.

As used in this Code, the term "traditional indigenous family dwelling" means a dwelling intended for the use and occupancy by the family of the lot owner only and constructed, of native materials such as bamboo, nipa, logs, or lumber, the total cost of which does not exceed fifteen thousand pesos.

In case of dwellings affected by calamities brought about by acts of God and fortuitous events, the repair and reconstruction shall also be exempted from the payment of fees relative to the same.

SECTION 17. ADMINISTRATIVE FINES - For the violation of any of the provision of this Code or any of the rules and regulations issued thereunder, the City building Official is hereby empowered to prescribe and impose fines which shall be determined in accordance with the provisions of the National Building Code and its Implementing Rules and Regulations particularly Section 212.

SECTION 18. PENAL PROVISIONS - It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure or cause the same to be done contrary to or in violation of any provisions of this Code.

Any person, firm or corporation who shall violate any of the provisions of this Code and/or commit any act hereby declared to be unlawful shall upon conviction, be punished by a fine of not more than twenty thousand pesos (P20,000.00) or by imprisonment of not more than two (2) years or by both such fines and imprisonment in accordance with Section 213 of the National Building Code of the Philippines: Provided, that in the

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case of a corporation firm, partnership or association, the penalty shall be imposed upon its officials responsible for such violation and in case the guilty party is an alien, he shall immediately be deported after payment of the fine and/or service of his sentence.

SECTION 19. DANGEROUS, RUINOUS AND ILLEGALLY CONSTRUCTED BUILDINGS - Dangerous buildings are those which are herein declared as such or are structurally unsafe, or not provided with safe egress and constitute a fire hazard as declared by the fire marshal or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health or public welfare because of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which otherwise contribute to the pollution of the site or the community to an intolerable degree.

Illegally constructed buildings are those buildings/structures which have been constructed without securing or having the necessary clearances and permits as mandated by this Code and the National Building Code of the Philippines.

19.1. PROCEDURE FOR THE DECLARATION OF CONSTRUCTED BUILDINGS DANGEROUS, RUINOUS AND ILLEGALLY - The City Building Official shall serve a written Order to the Owner, Contractor, or person having controlling legal interest in the building or structure, informing him of his findings and directing him/it to vacate, and to repair, demolish and remove, as the case may be, the dangerous or ruinous building within a reasonable time indicated in the Order of the City Building Official.

If the above mentioned parties does not appeal the Order of the City Building Official and fail or refuse to comply therewith within the time given, the Office of the City Mayor or his authorized representative shall:

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a) *administratively eject the occupants of the building or structure, if any, or cause any occupants thereof to vacate the same and or undertake the repair thereof, if technically and financially feasible or*

b) *demolish the subject building or structure or remove the same.*

In either case, all expenses incurred in the enforcement of this Section shall be the liability of the Owner, Contractor or person claiming or having interest therein. The Owner, contractor or person claiming or having controlling legal interest in the building or structure shall be jointly and severally (solidary) liable for the aforesaid costs and expenses.

In case of illegally constructed building or structures, the City Mayor, upon the findings by the City Building Official that the Building or structure is illegally constructed shall order the Owner Contractor or the person claiming or having controlling legal interest therein to secure the appropriate Building permit within thirty (30) days from receipt of said Order.

If the Owner, Contractor, or the person claiming having controlling interest in the building or structure fails or refuses to secure the appropriate Building permit within the said period, the City Mayor or his authorized representative shall order the eviction of the occupants thereof if any, and the demolition or removal of the said house, building or structure, without prejudice to any civil or criminal liability of the owner, contractor or person claiming or having controlling legal interest in the building or structure.

19.2. *APPEAL - The Owner, Contractor or person claiming or having controlling interest in the building or structure may appeal the Order to Vacate and Repair/Demolish and Remove issued by the City Building Official to the Secretary of the Department of Public Works*

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