

RULE II - ADMINISTRATION AND ENFORCEMENT

SECTION 201. Responsibility for Administration and Enforcement

The administration and enforcement of the provisions of the **Code** and this **IRR**, including the imposition of penalties for administrative violations thereof, is hereby vested in the Secretary.

SECTION 202. Technical Staff

The **National Building Code Development Office (NBCDO)** created through DPWH Department Order, shall serve as the **technical staff** of the Secretary. The functions thereof are as follows:

1. Assist the Secretary in the **administration and enforcement of the provisions of the Code and its IRR**.
2. Review, evaluate and **take final action** on various technical and legal problems forwarded to the Office of the Secretary.
3. **Conduct seminar/workshops** on the **Code**, its **IRR**, and **Batas Pambansa Blg. 344** (Accessibility Law).
4. Undertake such other duties and tasks as may be assigned by the Secretary from time to time.

SECTION 203. General Powers and Functions of the Secretary

1. Formulate **policies, plans, standards and guidelines** on **building design, construction, use, occupancy and maintenance**, in accordance with the **Code**.
2. Issue and promulgate **additional** rules and regulations in the form of **Memorandum Circulars** to implement the provisions of the **Code** and ensure compliance with policies, plans, standards and guidelines and issue office guidelines or Memorandum Circulars to **guide** the actions of the Building Official in the performance of his duties and responsibilities.
3. Exercise **appellate jurisdiction** over the decisions and orders of the Building Official. The order or decision of the Secretary shall be **final and executory** subject only to **review** by the **Office of the President** of the Republic.
4. Evaluate, review, approve and/or **take final action** on **changes and/or amendments to existing Referral Codes** as well as on the incorporation of other referral codes, which are not yet expressly made supplementary to the **Code** and its **IRR**.
5. Prescribe and impose the **amount of fees** and other charges as may be deemed necessary that the Building Official shall collect in connection with the performance of regulatory functions.
6. **Appoint a Building Official, separate and distinct** from the Office of the City/Municipal Engineers in all Cities and Municipalities.

*Annotation: Many Building Officials appointed by the DPWH Secretary simultaneously hold the office of City/Municipal Engineer, a position created under **R.A. No. 7160**, The Local Government Code. This situation has resulted in only one (1) individual overseeing both the horizontal and vertical developments for local government units (LGUs). **R.A. No. 9266**, The Architecture Act of 2004 provides that positions in government requiring the expertise of architects shall only be filled by **registered and licensed architects (RLAs)**. **R.A. No. 9266** also expressly provides that **all national and local government officials, such as Building Officials and Municipal/City Engineers shall implement the said law.***

SECTION 204. Professional and Technical Assistance

The Secretary **may secure** professional, technical, scientific and other services including testing laboratories and facilities from other agencies of the National Government when deemed necessary. He may also engage and compensate within available appropriations, such number of **consultants**, experts and advisers on full or part-time basis, as may be necessary, coming from the **government or private** business, entities or associations to carry out the provisions of the **Code** and this **IRR**.

SECTION 205. Building Officials

Except as otherwise provided herein, the **Building Official** shall be responsible for carrying out the provisions of the **Code** in the field as well as the enforcement of orders and decisions made pursuant thereto.

All Building Officials appointed or designated other than by the Secretary, shall **continue** to act as the Building Official until such time that the Secretary appoints the Building Official. Offices of the Building Officials already established, separate and distinct from the office of the City/Municipal Engineers in cities and municipalities **may continue to exist** until such time that a regular office is created. (*Fig. II.1.*)

SECTION 206. Qualifications of Building Officials

No person shall be appointed as **Building Official** unless he possesses the following qualifications:

1. A Filipino citizen and of good moral character.
2. A **duly registered** architect or civil engineer.
3. A member of good standing of a duly accredited organization of his profession for not less than five (5) years endorsed or recommended by the accredited professional organization.
4. Has at least five (5) years of **diversified and professional** experience in building design and construction.
5. Has attended and successfully completed a **seminar workshop on PD 1096 and its IRR** conducted by the **DPWH**.

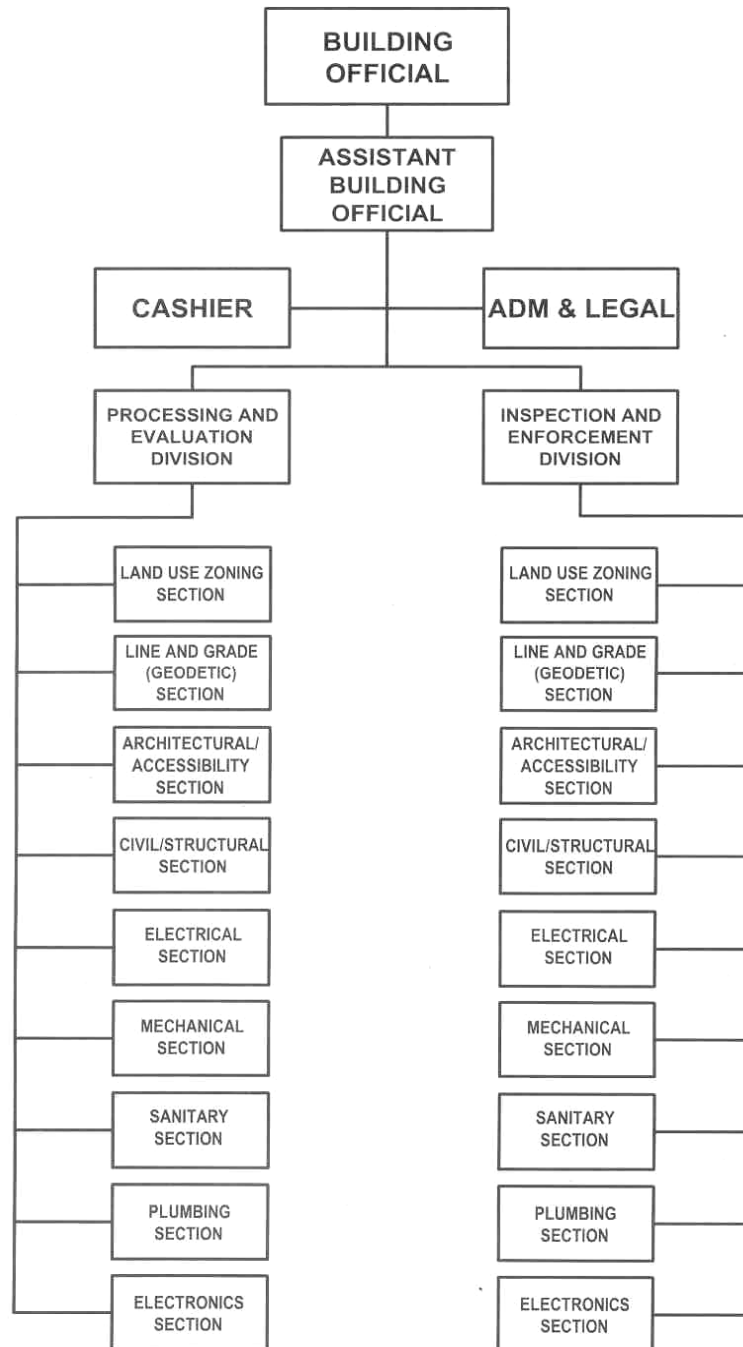
SECTION 207. Duties of the Building Official

The **Building Official** shall have the following duties:

1. Be **primarily responsible** for the **enforcement** of the provisions of the **Code** and its **IRR**, as well as **circulars, memoranda, opinions and decisions/orders** issued pursuant thereto. His actions shall **always be guided by appropriate orders/directives** from the Secretary.
2. Have overall administrative control and/or supervision over **all** works pertinent to **buildings/structures** in his area of responsibility and shall be charged with the processing of **all** permit applications and certificates as well as the issuance of the same.
3. Ensure that **all** changes, modifications, and alterations in the **design plans** during the construction phase shall **not** start until the modified design plan has been evaluated and the necessary **amendatory permit** issued.

- Undertake **annual** inspections of **all buildings**/structures and keep an up-to-date record of their status.

OFFICE OF THE BUILDING OFFICIAL ORGANIZATION



(SERVICE LEVEL)

Figure II.1.

*Anotation: The Architectural/Accessibility Section for both workflows i.e. processing and evaluation and inspection and enforcement, is a requirement under these Revised **IRR**. The **review** of **architectural** plans, designs, drawings, specifications, estimates and contract documents submitted as part of a building permit application should only be undertaken by a **registered and licensed architect (RLA)** in full accordance with **R.A. No. 9266**.*

5. Upon complaint or *motu proprio* and after due notice/s and hearing, **initiate action** towards:
 - a. **Non-issuance**, suspension, revocation and/or invalidation of a building permit or certificate of occupancy;
 - b. Issuance of **work stoppage order**, or an **order for discontinuance** of the use or occupancy of the building/structure or portion thereof;
 - c. **Declaration** of a building/structure as ruinous or dangerous; and/or
 - d. The **imposition** of appropriate fines/penalties.
6. Submit a **quarterly situational report** to the Secretary through the **NBCDO**, on the **status** of all existing, on-going, and proposed public as well as private **building/structure** activities. (See Communication Flow Chart, **Fig. II.2.**)
7. Undertake such other duties and tasks as may be assigned by the Secretary from time to time.

SECTION 208. Fees

1. The Secretary, thru Memorandum Circulars, shall prescribe the **rates of fees** and formulate guidelines in the imposition and collection of fees.
2. Subject to existing budgetary, accounting and auditing rules and regulations, the **Building Official shall retain not more than 20% of the income**/collection derived from permit fees and other charges for the operating expenses of his office. The remainder of 100% shall accrue to the **general fund** of the respective city/municipality.
3. Every Building Official shall keep a **permanent record** and accurate account of all fees and other charges fixed and authorized to be collected and received.

SECTION 209. Exemption

Public buildings and traditional **indigenous** family dwellings shall be **exempt** from payment of building permit fees.

As used in the **Code**, the term “traditional **indigenous** family dwelling” means a dwelling intended for the use and occupancy by the family of the 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 (P 15,000.00).

SECTION 210. Use of Income from Fees

The procedure for the proper reporting and recording of collections and disbursements of the funds of the **General Fund Special Account 151** of the Office of the Secretary of the Department of Public Works and Highways (**DPWH**) is hereby prescribed.

1. Recording of Collections
 - a. Every **Building Official** shall keep a **permanent record** and accurate account of **all** fees and other charges fixed and authorized to be collected by him.
 - b. The **Order of Payment** issued by the **Building Official** shall show the breakdown of the total collections indicating the share of the **local** government concerned - **80%** and the share of the **national** government - **20%**.

COMMUNICATION FLOW OF QUARTERLY REPORT

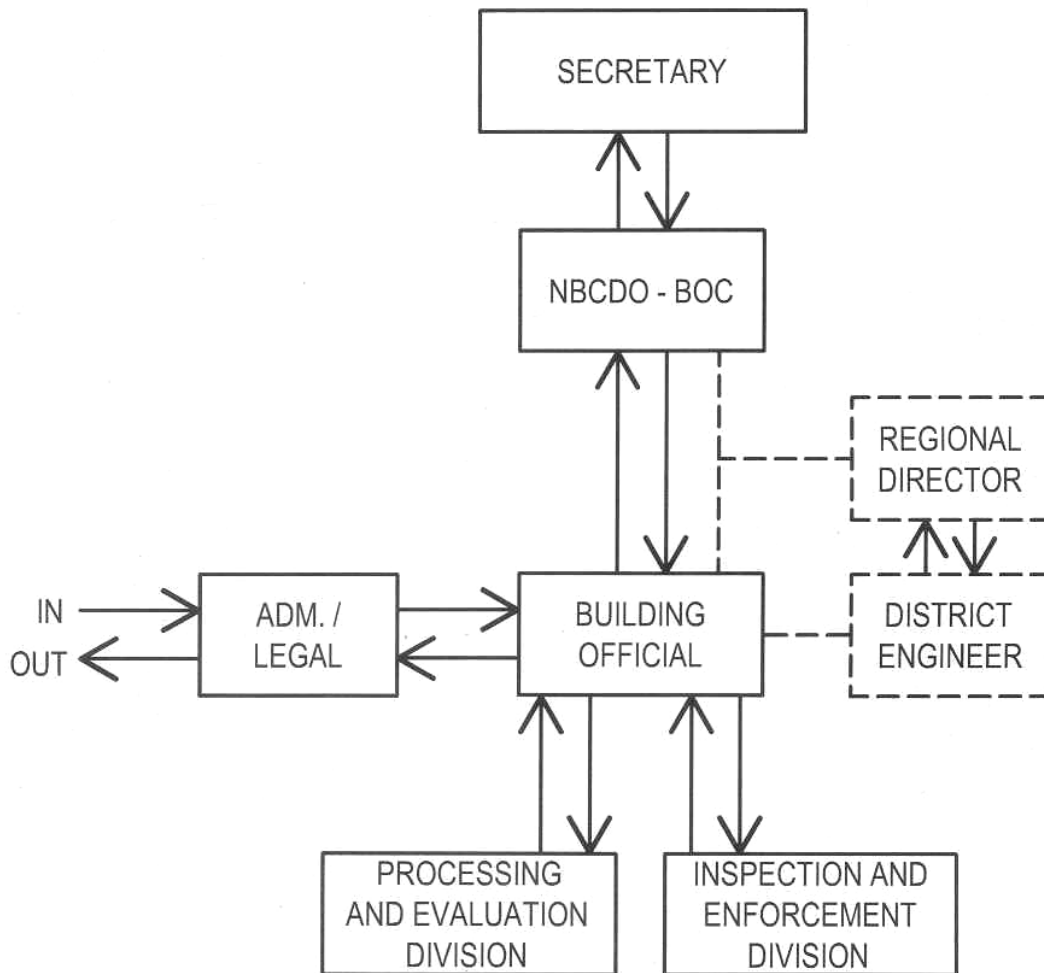


Figure II.2.

*Anotation: As with **Figure II.1.**, the Architectural/Accessibility Section for both workflows i.e. processing and evaluation and inspection and enforcement, is a requirement under these Revised **IRR**. Again, the **review** of **architectural** plans, designs, drawings, specifications, estimates and contract documents submitted as part of a building permit application should only be undertaken by a **registered and licensed architect (RLA)** in full accordance with **R.A. No. 9266**.*

- c. Every **Building Official** shall keep a **separate record** from the **DPWH** Central Office of all allotments [Special Allotment Release Order (**SARO**) and Notice of Cash Allocation (**NCA**), or Funding Checks], received by him out of budgeted amounts released by the Department of Budget and Management (**DBM**). The funds shall cover all the necessary **operating** expenses of the OBO, including the purchase of equipment, supplies and materials, traveling expenses, obligation expenses and sheriffs' fees and payment of other prior years' obligations not adequately funded, subject to existing budgetary and auditing rules and regulations.
- d. He shall render the reports required under the **Centralized Accounting System**.

2. Disposition of Collections

- a. The collection shall be made by the Local Treasurer, and the Official Receipt shall show the breakdown of the total collections indicating the share of the local government concerned - 80% and the share of the national government - 20%.
- b. Subject to existing budgetary, accounting and auditing rules and regulations, the Local Treasurer shall remit to the Bureau of the Treasury, the 20% of his collection. The remaining 80% shall be deposited with the Authorized Government Depository Bank (**AGDB**) for the account of the Local Government and shall accrue to the general funds of the City or Municipality concerned.
- c. Pursuant to Sec. 21, Volume I of the New Government Accounting System (**NGAS**) Manual as provided under COA Circular No. 2001-004 dated October 30, 2001, the Local Treasurer thru his collecting officer or cashier shall deposit the 80% share of collections to the **AGDB** for the account of the Local Government concerned. He shall remit the 20% of the collections to the Bureau of the Treasury thru any **AGDB** branch nearest the locality to the credit of the Department of Public Works and Highways (**DPWH**), Office of the Secretary with **Code No. B5702 and Special Account No. 151**.
- d. Distribution of validated remittance advices and deposit slips of the 20% collections thru any Authorized Government Depository Bank shall be in accordance with **COA Circular 2001-004**, to wit:
 - Original - to be retained by the bank branch.
 - Duplicate - to be submitted by the Local Treasurer to the OBO.
 - Triplicate - to be retained by the bank branch for submission to the Provincial Treasury Fiscal Examiner assigned to the province where the bank is located.
 - Quadruplicate - to be returned to the Local Treasurer for submission to the DPWH-Central Office (**CO**) Chief Accountant with his monthly report of collections.
 - Quintuplicate - to be returned to the Local Treasurer for submission to the Field/Local Auditor.
- e. The Local Treasurers and the Treasury Vault/Bank Auditor shall have the following responsibilities:
 - i. Local Treasurer. Since the distribution of copies of the validated remittance advices and deposit slips for the Agency/Field Auditor of the Local Treasurers shall be undertaken by the National/Treasury/Bank Branch thru its Treasury Vault Auditor/Bank Auditor, all Local Treasurers shall indicate on the face of the remittance advice, the name and office address of their respective Agency/Field Auditors to facilitate matters.
 - ii. Treasury Vault/Bank Auditor. Upon receipt of the validated remittance advices, the Treasury Vault Auditor/Bank Auditor shall confirm and transmit said remittance advices every end of the week to the corresponding agency/field auditor of the Local Treasurer concerned. In cases where there is no bank auditor assigned in a particular locality, confirmation shall be undertaken by the officer designated by the Head of the Bank branch.
- f. Reporting of Collections and Deposits

At the close of each business day, the collecting officers (Local Treasurers) shall accomplish the Report of Collections and Deposits (RCD) in accordance with the NGAS Manual. The reports shall be prepared by the Local Treasurer in five copies, distributed as follows after verification by the field auditor:

- | | |
|---|--|
| Original | - to the DPWH-CO Auditor (thru the DPWH-CO Accountant for recording). |
| Duplicate (with duplicate official receipts and validated quintuplicate remittance advices) | - to the Field/Local Auditor for final custody. |
| Triplicate (with validated quadruplicate remittance advices) | - to the DPWH-CO Accountant (for posting to the corresponding subsidiary ledgers). |
| Quadruplicate | - to be retained by the Local Treasurer. |
| Quintuplicate | - local office accounting file. |

The Local Treasurer shall certify all the copies of the report and submit the first three (3) copies to his Field Auditor within three (3) days after the end of the month for audit. The **Field Auditor** shall verify the report, cross-check the remittances indicated therein against the quintuplicate copies of remittance advices he receives/received from the Bank Auditor and indicate his certification thereon and finally submits the original and triplicate copies thereof to the **DPWH-CO Auditor** thru the **DPWH-CO Chief Accountant** within five (5) days from date of receipt from the Local Treasurer.

g. Crediting of Accounts of Local Treasurer

In the monthly report of collections, specifically at the back thereof, is a statement of account current showing the accountability of the Local Treasurer. The **DPWH-CO Chief Accountant** shall cross-check the validated quadruplicate remittance advices attached to the duplicate copy of the monthly report of collections against the remittances made by the Local Treasurer with the National Treasury or any of its authorized depository banks as appearing in the statement of account current. After the crosschecking, and in the absence of any discrepancy, the **DPWH-CO Chief Accountant** shall credit the account of the Local Treasurer even without the monthly abstract of remittances from the National Treasury.

h. Safeguards

- i. Upon receipt of the monthly abstract of remittances from the National Treasury, the remittances appearing therein shall be counter checked by the **DPWH-CO Chief Accountant** against the credits already given the collecting officers concerned and any discrepancies discovered in the process shall be verified and adjusted immediately.
- ii. In case of retirement or resignation by the Local Treasurers, their clearances shall be held in abeyance until their remittances have been fully cleared by the National Treasury.

i. Centralized Accounting System

- i. A centralized accounting system shall be maintained in the Office of the DPWH Secretary. Said office shall set up and maintain a separate set of books of accounts to be used solely for transactions pertaining to the implementation of the provisions of the National Building Code and its Implementing Rules and Regulations.

- ii. Upon receipt of the **SARO** and the corresponding **NCA**, the Office of the DPWH Secretary shall in turn allocate the same together with the **NCA** or Funding Check to the Building Officials, and at the same time obligate the allotment for the amount of expenditures.
- iii. All deputized disbursing officers shall render the following reports:
 - Report of Checks Issued together with duplicate copies of checks issued for submission to the Treasury Provincial Fiscal Examiner in the region.
 - Report of Checks Issued as required by the **NGAS** for entry in the Checks Disbursement Journal by **DPWH-CO Chief Accountant**.
- iv. The Department Chief Accountant shall adjust obligations quarterly to actual liquidations as required.
- v. Deputized disbursing officers shall keep a record to control NCA/Funding Check separate from other funds in his custody.
- vi. Deputized disbursing officers shall prepare other statements or reports as may be required from time to time by the proper authorities.
- vii. The Deputized Disbursing Officer (**DDO**) shall render a monthly report of accountability for checks issued during the month and the balance at the end of the month. Copies of said report shall be distributed as follows :
 - Original - to the Treasury Provincial Fiscal Examiner (Cash Operation Service)
 - Duplicate - to the **DPWH-CO Chief Accountant**
 - Triplicate - to the **Auditor, DPWH-CO**
 - Quadruplicate - **Field Auditor**
 - Quintuplicate - File of Disbursing Officer
- viii. The deputized disbursing officer authorized to requisition blank Modified Disbursement System (**MDS**) or Commercial checks shall prepare and submit requisition and issue voucher, and the Invoice and Receipt of **Accountable Forms** which shall be distributed as follows:
 - Original - Treasury Provincial Fiscal Examiner
 - Duplicate - Cash Operations Service, Bureau of the Treasury
 - Triplicate - COA Auditor of the **DDO's** Agency
 - Quadruplicate - Accounting Unit of **DDO**
 - Quintuplicate - **DDO** file
 - Sextuplicate - Office of the Provincial/City Auditor Concerned
- j. Turnover of Accountability
 - i. In case of change, transfer, resignation or retirement from the service of the Building

Official, an inventory of all money and property accountabilities shall be taken jointly by the outgoing and incoming **Building Official** and a receipt passed on the basis of such inventory. Such inventory shall be certified as accurate by the said officers, witnessed by the local auditor thereat.

- ii. The preceding procedure shall also apply to a deputized disbursing officer other than the **Building Official** with respect to money and property accountabilities in his custody.
 - iii. Application for clearance of the **Building Official** and other deputized disbursing officers shall be coursed to the Office of the **DPWH Secretary**, to check their unpaid obligations with the **OBO**.
- k. Other Provisions
- i. Compensation of consultants, experts and advisers whose services were secured shall be funded from the 20% income derived from the building permit fees and other charges.
 - ii. Any circular/s that may subsequently be issued by the proper authorities revoking or amending provisions or certain portions of circular/s incorporated in the above rules and regulations shall automatically revoke or amend such corresponding portions that are inconsistent therewith.

SECTION 211. Implementing Rules and Regulations

In the implementation of the provisions of the **Code** and its **IRR**, the Secretary shall formulate necessary rules and regulations and adopt design and construction standards and criteria for **buildings** and other structures. Such standards, rules and regulations shall take effect after their publication **once a week for three consecutive weeks** in a newspaper of general circulation.

SECTION 212. Administrative Fines

1. Imposition of Administrative Fines

- a. The Secretary or his duly authorized representative may prescribe and impose **fines** not exceeding **ten thousand** pesos (P10, 000.00) in the following cases, subject to the terms and procedures as hereunder provided:
 - i. Erecting, constructing, altering, repairing, moving, converting, installing or demolishing a private or public **building**/structure if **without** building/demolition permit.
 - ii. Making any alteration, addition, conversion or repair in **any building**/structure/apurtenances thereto constructed or installed before the adoption of the **Code**, whether public or private, **without** a permit.
 - iii. **Unauthorized** change, modification or alteration during the construction in the duly submitted plans and specifications on which the building permit is based.
 - iv. **Non-compliance** with the work stoppage order or notice and/or orders to effect necessary correction in plans and specifications found defective.
 - v. **Non-compliance** with order to demolish **building**/structure declared to be nuisance, ruinous or dangerous.
 - vi. **Use or occupancy** of a **building**/structure **without** Certificate of Occupancy/Use even if constructed under a valid building permit.

- vii. **Change** in the existing use or occupancy classification of a building/structure or portion thereof **without** the corresponding Certificate of Change of Use.
 - viii. Failure to post or display the certificate of occupancy/use/operation in a conspicuous place on the premises of the building/structure/appurtenances.
 - ix. Change in the type of construction of any building/structure without an amendatory permit.
- b. In addition to the imposed penalty, the owner shall **correct/remove** his violations of the provisions of the Code.

2. Determination of Amount of Fines

- a. In the determination of the amount of fines to be imposed, violations shall be classified as follows:
- i. Light Violations
 - (a) Failure to post Certificate of Occupancy/Use/Operation.
 - (b) Failure to post Building Permit construction information sign.
 - (c) Failure to provide or install appropriate safety measures for the protection of workers, inspectors, visitors, immediate neighbors and pedestrians.
 - ii. Less Grave Violations
 - (a) **Non-compliance** with the work stoppage order for the alteration/addition/conversion/repair without permit.
 - (b) **Use or occupancy** of building/structure **without** appropriate Certificate of Occupancy/Use/Operation.
 - iii. Grave Violations
 - (a) **Unauthorized** change, modification or alteration during construction in the duly submitted plans and specifications on which the building permit is based.
 - (b) **Unauthorized** change in type of construction from more fire-resistive to less fire-resistive.
 - (c) **Non-compliance** with order to abate or demolish.
 - (d) **Non-compliance** with work stoppage order for construction/demolition without permit.
 - (e) **Change** in the existing use or occupancy without Certificate of Change of Occupancy/Use/Operation.
 - (f) **Excavations left open** without any work being done in the site for more than one hundred twenty (120) days.

b. Amount of Fines

The following amount of fines for violations of the Code and this IRR is hereby prescribed:

Light Violations	-	P 5,000.00
Less Grave Violations	-	P 8,000.00
Grave Violations	-	P 10,000.00

c. Penalty

- i. Without prejudice to the provisions of the preceding Sections, the **Building Official** is hereby also **authorized** to impose a **penalty or surcharge** in the following cases in such amount and in the manner as hereunder fixed and determined:

For constructing, installing, repairing, altering or causing any change in the occupancy/use of **any building**/structure or part thereof or appurtenances thereto **without** any permit, there shall be imposed a surcharge of 100% of the building fees; Provided, that when the work in the building/structure is started pending issuance of the Building Permit by the Building Official, the amount of the surcharge shall be according to the following:

Excavation for foundation.....	-	10% of the building permit fees
Construction of foundation (including pile driving and laying of reinforcing bars).....	-	25% of the building permit fees
Construction of superstructure up to 2.00 meters above established grade.....	-	50% of the building permit fees
Construction of superstructure above 2.00 meters.....	-	100% of the building permit fees

- 3. For **failure** to pay the annual inspection fee within thirty (30) days from the prescribed date, a **surcharge** of 25% of the inspection fee shall be imposed.

SECTION 213. 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 provision of the **Code**.

Any person, firm or corporation who shall violate **any** of the provisions of the **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 or by imprisonment of not more than **two years** or by **both** such fine and imprisonment; Provided, that in the 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 214. Dangerous and Ruinous Buildings or Structures

Dangerous **buildings** are those which are herein declared as such or are structurally unsafe or not provided with safe egress, or which constitute a fire hazard, 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.

SECTION 215. Abatement of Dangerous Buildings

When **any building** or structure is found or declared to be dangerous or ruinous, the **Building Official** shall **order** its repair, vacation or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken under the provisions of **Articles 482 and 694 to 707 of the Civil Code of the Philippines**. The condition or defects that render **any building/structure** dangerous or ruinous are as follows: *(See Procedure for Abatement/Demolition of Dangerous/Ruinous **Buildings/Structures** at the end of this Rule)*

1. Structural Hazards

- a. Whenever **any building/structure** or portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was **before** the catastrophe and is less than the minimum requirements of the National Structural Code of the Philippines (**NSCP**) for **new buildings** of similar structure, purpose or location.
- b. Whenever **any** portion or member or appurtenances thereof is likely to fall, or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- c. Whenever **any** portion of a **building/structure** or any member, appurtenance or ornamentation on the exterior thereof is **not** of sufficient strength or stability, or is not anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the **NSCP** for such type of buildings.
- d. Whenever **any** portion thereof has been wrecked, warped, buckled or settled to such an extent that the walls or other structural portions have materially less resistance to wind or earthquake than is required in the case of similar new construction.
- e. Whenever the **building/structure** or any portion thereof, because of: (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such **building**; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or totally collapse.
- f. Whenever the exterior walls or other vertical structural member lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- g. Whenever the **building/structure**, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- h. Whenever the **building/structure** has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (1) an attractive nuisance to public; (2) a harbor for vagrants, criminals or immoral persons; or (3) a resort for purposes of committing unlawful or immoral acts.
- i. Whenever the **building/structure** which, whether or not erected in accordance with all applicable laws or ordinances, has in any non-supporting part, member or portion, less than 50% or in any supporting part, member or portion less than 66% of the: (1) strength; (2) fire-resisting qualities or characteristics; (3) weather-resisting qualities or characteristics required

by law in the case of a newly constructed building of like area, height and occupancy in the same location.

- j. Whenever **any** portion of a **building**/structure remains on the site after its demolition or whenever any **building**/structure or portion thereof is abandoned for a period in excess of twelve (12) months so as to make it a nuisance or hazard to the public.

2. Fire Hazards

- a. Any **building**/structure or portion thereof, device, apparatus, equipment material, or vegetation which may cause fire or explosion, or provide a ready fuel or augment the speed and intensity of fire or explosion arising from any cause.
- b. All **buildings**/structures or portions thereof not provided with the required fire-resistive or fire-protective construction or fire-extinguishing system or equipment.
- c. Whenever **any** door, aisle, passageway, stairway, or other means of exit is **not** of sufficient width or size, or is **not** so arranged as to provide safe and adequate means of exit in case of fire and panic.
- d. Whenever **any building**/structure, because of obsolescence, dilapidated condition, deterioration, damaged, inadequate exits, **lack** of sufficient fire-resistive construction, hazardous electric wiring, gas connections or heating apparatus, or other cause, in violation of the **Fire Code of the Philippines (PD 1185)**.

3. Unsafe Electrical Wiring

- a. All wiring systems or installations which do **not** conform to the rules and regulations embodied in the latest **Philippine Electrical Code**.
- b. Inadequately maintained or improperly used electrical wirings, outlets, devices and/or equipment.

4. Unsafe Mechanical Installation

- a. Mechanical systems or installations which do **not** conform to the rules and regulations embodied in the **Philippine Mechanical Code**.
- b. Inadequately maintained or improperly used mechanical outlets, devices and/or equipment.
- c. Lack of or improper operation of required ventilating equipment or air-conditioning systems.
- d. Improperly installed or lack of protection and safety provisions on steam, gas and fuel supply lines.

5. Inadequate Sanitation/Plumbing and Health Facilities

- a. All sanitation and plumbing systems or installations which do not conform to the rules and regulations embodied in the **Code on Sanitation of the Philippines** and the **Revised National Plumbing Code**.
- b. Inadequately maintained or improperly used sanitation and plumbing facilities.
- c. Infestation of insects, vermin or rodents and lack of adequate control for the same.
- d. Lack of adequate garbage and rubbish storage and removal or disposal facilities.

- e. Source of pollution.
6. Architectural Deficiency
- a. All buildings/structures or portion thereof used or occupied for purposes other than their intended uses.
 - b. Improper/Unauthorized Occupancy/Location.
 - c. Insufficient amount of natural light and ventilation due to inadequate open spaces such as courts and yards as required.
 - d. Inadequate sizes of rooms and space dimensions and window openings.
 - e. Dilapidated, blighted and other unpresentable **buildings**/structures against generally accepted aesthetic standards.

SECTION 216. Other Remedies

The rights, actions and remedies provided in the **Code** and in the **IRR** shall be in addition to any and all other rights of action and remedies that may be available under existing laws.

PROCEDURE FOR ABATEMENT/ DEMOLITION OF DANGEROUS/ RUINOUS BUILDINGS/ STRUCTURES

1. There must be a finding or declaration by the **Building Official** that the **building**/structure is a nuisance, ruinous or dangerous.
2. Written notice or advice shall be served upon the owner and occupant/s of such finding or declaration giving him at least **fifteen** (15) days within which to vacate or cause to be vacated, repaired, renovated, demolished and removed as the case may be, the nuisance, ruinous or dangerous **building**/structure or any part or portion thereof.
3. Within the **fifteen** (15) day period, the owner may, if he so desires, appeal to the Secretary the finding or declaration of the **Building Official** and ask that a re-inspection or re-investigation of the **building**/structure be made.
4. In case the owner should ask the **Building Official** for a reconsideration on his order, same shall be given not more than not more than **fifteen** (15) days within which to render his final decision appealable to the Office of the Secretary.
5. If the appeal is meritorious, the Secretary may designate a competent representative/s other than the **Building Official** to undertake the re-inspection or re-investigation of the **building**/structure. The representative/s so designated shall make or complete his/their report/s within the period of **thirty** (30) days from the date of termination of re-inspection or re-investigation.
6. If after re-inspection, the finding is the same as the original one, the Secretary through the **Building Official** shall notify the owner, giving him not more than **fifteen** (15) days from receipt of notice with affirmed finding to vacate or cause to be vacated and make necessary repair, renovation, demolition and removal of the subject **building**/structure or parts thereof, as the case may be.

7. If the **Building Official** has determined that the building/structure must be repaired or renovated, the **Order** to be issued shall require that all necessary permits therefor be secured and the work be commenced physically within such reasonable time as may be determined by the **Building Official**.
8. If the **Building Official** has determined that the building/structure must be demolished, the **Order** shall require that the building/structure be vacated within **fifteen** (15) days from the date of receipt of the **Order**; that all required permits be secured therefor within the same fifteen (15) days from the date of the **Order**, and that the demolition be completed within such reasonable time as may be determined by the **Building Official**.
9. The decision of the Secretary on the appeal shall be final.
10. Upon failure of the owner to comply with the **Order** of the **Building Official** or of the Secretary, in case of appeal, to repair, renovate, demolish and remove the **building/structure** or **any** part thereof after **fifteen** (15) days from the date of receipt of the **Order**, the **Building Official** shall cause the **building** or structure to be repaired, renovated, demolished and removed, partly or wholly, as the case may be, with all expenses therefor chargeable to the owner.
10. The **building/structure** as repaired or in case of demolition, the building materials gathered after the demolition thereof shall be held by the **OBO** until full reimbursement of the cost of repair, renovation, demolition and removal is made by the owner which, in no case, shall extend beyond **thirty** (30) days from the date of completion of the repair, renovation, demolition and removal. After such period, said building materials of the building thus repaired, renovated or removed shall be sold at public auction to satisfy the claim of the **OBO**. Any amount in excess of the claim of the government realized from the sale of the building and/or building materials shall be delivered to the owner.
11. The procedures, actions and remedies herein are without prejudice to further action that may be taken by the **Building Official** against the owner/occupants of the **building/structure** found or declared to be nuisance/s, dangerous, and/or ruinous under the provisions of **Articles 482 and 694 to 707 of the Civil Code of the Philippines**.

(emphases, underscoring and annotations supplied)

Rule III follows