

**MAY 2014 REFERRED/ SHARED POSTS FROM THE SOCIAL NETWORKS (NO. 3):
ANSWERED QUERIES ON THE TEXT OF P.D. NO. 1096 (1977 NBCP)**

1. WHAT IS STATED IN SEC. 206.2 OF P.D. NO. 1096 (1977 NBCP)?

"SECTION 206. Qualifications of Building Officials.

No person shall be appointed as a 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 two years.
4. Has at least five years of diversified and professional experience in building design and construction." (emphasis supplied)

Annotation : By law, the REGISTERED ARCHITECT (RA) is the first choice mentioned (NOT the second or alternate choice mentioned) for the position of Local Building Official (LBO). This poses a question because R.A. No. 9266 and its Sec. 35 mandate that only REGISTERED AND LICENSED ARCHITECTS (RLAs) shall fill Government positions primarily requiring the services of Architects.

This is easily resolved through the following: 1) R.A. No. 9266 is a SPECIAL law while P.D. No. 9266 is only a GENERAL law i.e. the SPECIAL law prevails; and 2) R.A. No. 9266 is the LATER law, and in cases of conflict or ambiguity, therefore supersedes an older law such as P.D. No. 1096. As such, only RLAs, not just RAs can occupy the position of LBO. Much thanks.

More discussions on the various interpretations of P.D. No. 1096 (1977 NBCP) provisions, its 2004 Revised IRR, its Referral Codes (RCs) and Derivative Regulations (DRs) are ongoing over at National Building Code of the Philippines - NBCP or BuildingCode.Ph at www.facebook.com/BuildingCode.Ph

2. WHAT IS STATED IN THE TRUE, OFFICIALLY PUBLISHED AND ORIGINAL TEXT OF SECTION 304.5.b OF THE 2004 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF P.D. NO. 1096 (THE 1977 NBCP)?

"SECTION 304. Issuance of Building Permit
xxx

5. Terms and Conditions of Permits

The issued building permit shall be subject to the following terms and conditions:

a. xxx

b. This permit shall be accompanied by the various applicable ancillary and accessory permits, plans and specifications signed and sealed by the CORRESPONDING DESIGN PROFESSIONALS who shall be responsible for the comprehensiveness and correctness of the plans in compliance to the Code and its IRR and to all applicable referral codes and **PROFESSIONAL REGULATORY LAWS.**" (*emphases supplied*)

Annotation: As can be clearly gleaned from the foregoing, PROFESSIONAL REGULATORY LAWS (PRLs) such as R.A. No. 9266 (The Architecture Act of 2004), specifically its Sec. 20.5 mandating that only Registered and Licensed Architects (RLAs) shall sign and seal ARCHITECTURAL documents, MUST be followed by Local Building Officials (LBOs) and their respective LGU Offices of the Building Official (OBOs) in the implementation and enforcement of P.D. No. 1096 (the 1977 NBCP).

It is clear from the above provision of the 2004 Revised IRR of P.D. No. 1096 (1977 NBCP) that "the CORRESPONDING DESIGN PROFESSIONALS xxx shall be responsible for the xxx plans. The PRL (R.A. No. 9266 in its Sec. 20.5) governing ARCHITECTURAL documents for buildings state that only RLAs shall sign and seal ARCHITECTURAL documents.

The foregoing provision of the 2004 Revised IRR of P.D. No. 1096 (1977 NBCP) had apparently been DELETED from the contents of a popular commercial version of the NBCP (ironically endorsed by the DPWH).

To undo the 10-year confusion already created by that commercial version of the NBCP (which excluded the above provision), the DPWH or the National Printing Office (NPO) MUST immediately publish the OFFICIAL version of both the NBCP and its 2004 Revised IRR and distribute the same to ALL LBOs (and OBOs) nationwide. The very same OFFICIAL copy should also be made available to the public at cost. Thanks.