

REPUBLIKA NG PILIPINAS  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 452  
November 28, 2007

**AN ORDINANCE LAYING DOWN BASIC GUIDELINES AND PROCEDURES IN THE IMPLEMENTATION OF SECTION 208 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF THE NATIONAL BUILDING CODE OF THE PHILIPPINES, OTHERWISE KNOWN AS P. D. NO. 1096.**

**WHEREAS**, City Ordinance No. 197, series of 1997 dated January 19, 1997 created the Office of the Building Official, prescribing the duties, functions and responsibilities subject to the provisions of the Local Government Code under Book III, Article 3, Section 456 (I), (VI) and (VIII) of the said code;

**WHEREAS**, the National Building Code of the Philippines in the Revised Implementing Rules and Regulations mandates the retention by the Office of the Building Official of an amount equivalent to 20% of its total collection derived from the payment of permit fees and other charges,

**WHEREAS**, the Department of Public Works and Highways has not yet issued pertinent guidelines on how the retained amount can be transferred to the account of the Office of the Building Official and how the same can be disbursed;

**WHEREAS**, the amount representing 20% of the total collection from March 2006 to October 2006 in the amount of P1,808,682.00 has been remitted to the National Treasury, as per provision of the National Building Code, which up to now has not been released from DBM;

**WHEREAS**, in the absence of the necessary guidelines and procedures, the 20% collected regulatory fees in the amount of P2,871,069.44 for the months of November 2006 to August 2007 is withheld and deposited with the Authorized Government Depository Bank (AGDB);

**WHEREAS**, the Office of the Building Official was deprived of its share in the collection of building Permit Fees and other charges which could likewise be channeled to the improvement of its existing office, and to further enhance the delivery of basic services to its clientele and the enforcement and administration of the provisions of the National Building Code;

**WHEREAS**, it is through the passage of City Ordinance which lays down the groundwork, procedures and guidelines for the retention of the 20% collection of the Office of the Building Official that shall put into full effect the true spirit and intent of Section 208 of the Implementing Rules and Regulations of the National Building Code of the Philippines;

**NOW THEREFORE**, premises considered, it is to be ordained by the City Council in session assembled, as it is hereby ordained:

**ARTICLE I – GENERAL GUIDELINES FOR THE RETENTION AND DISBURSEMENT OF 20% OF THE TOTAL BUILDING PERMIT FEES AND OTHER CHARGES COLLECTED BY THE OFFICE OF THE BUILDING OFFICIAL.**

**Section 1.** The City of Bacolod shall see to it that Section 208 of the Revised Implementing Rules and Regulations of the National Building Code of the Philippines is properly implemented and enforced in accordance with its true intent and spirit.

**Section 2.** The Building Official shall keep and maintain a permanent record and accurate account of all fees and other charges fixed and authorized to be collected and received by its office. Said record shall reconcile with the separate record as maintained by Office of the City Treasurer.

**Section 3.** After reconciling with the record of the Office of the Building Official as above-mentioned, the City Treasurer, after every end of the month, shall remit the amount equivalent to 20% of the total fees and other charges to the separate account to be maintained by the Office of the Building Official and the remaining 80% shall accrue to the general fund of the City.

**Section 4.** The City Treasurer shall send notice of compliance in remitting the amount equivalent to 20% to the Secretary of the Department of Public Works and Highways, duly acknowledged by the Local Building Official concerned within ten (10) days from its actual remittance.

**Section 5.** The funds shall cover all the necessary operating expenses of the Office of the Building Official, including 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. Honoraria of detailed and non OBO personnel, for consultancy, professional and technical services shall not exceed 25% of their monthly basic salary.

**ARTICLE II – PROCEDURE FOR THE REMITTANCE OF THE 20% OBO SHARE AND FOR ITS DISBURSEMENTS.**

**Section 1.** The Office of the City Accountant shall maintain a separate account for the 20% OBO share.

**Section 2.** No disbursement of funds can be made out of the funds derived from the 20% OBO share without the required program of works duly prepared by the local Building Official and approved by the City Mayor.



**Section 3.** The Office of the Building Official shall render the reports required for the submission to the Department of Public Works and Highways.

**ARTICLE III – REQUEST FOR REMITTANCES ALREADY MADE TO THE BUREAU OF TREASURY.**

**Section 1.** Immediately upon the effectivity of this ordinance, the Building Official shall furnish the copy hereof to the National Building Code Development Office and the Department of Public Works and Highways, or to any government agency concerned with the urgent request for the immediate release of the funds which were withheld prior to the passage of this Ordinance.

**Section 2.** The request shall be attached with the detailed collections made during the period covered and the share which shall be remitted to the Office of the Building Official equivalent to 20% of the total amount collected in the form of permit fees and other charges.

**ARTICLE IV – SEPARABILITY CLAUSE.**

**Section 1.** Should any part of this Ordinance be declared with finality by competent authority as null and void or ineffective, the parts not so affected shall be continued in full force and effect.

**ARTICLE V – EFFECTIVITY.**

**Section 1.** This ordinance shall take effect immediately upon approval hereof according to law.

**CARRIED BY THE VOTE OF:**

**Affirmative:**

**Councilors :** Greg G. Gasataya, Homer Q. Bais, Dindo C. Ramos, Al Victor A. Espino, Celia Matea R. Flor, Catalino T. Alisbo, Roberto M. Rojas, Alex. A. Paglumotan, Reynold I. Iledan,

**Negative :** N o n e .

**Official Leave:** Councilors Napoleon A. Cordova and Arturo V. Parreño.

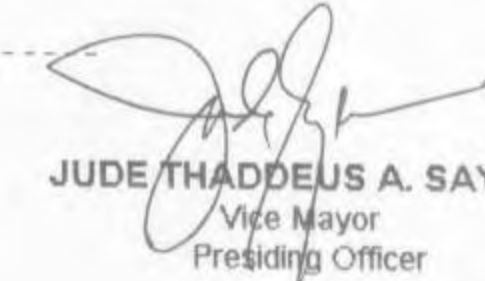
**Absent :** N o n e .

**Author :** Councilor Dindo C. Ramos.

**Passed :** November 28, 2007 (22<sup>nd</sup> Regular Session).


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Comments: **P a s s e d .**  
Councilors Jocelle Batapa-Sigue, Wilson C. Gamboa, Jr. and Marx Louie S. de la Rosa were out of the session hall when this ordinance was passed.



**JUDE THADDEUS A. SAYSON**  
Vice Mayor  
Presiding Officer

ATTESTED:



**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED: December, 2007.

**EVELIO R. LEONARDIA**  
City Mayor

**10 DAYS LAPSED**  
**AS OF DEC. 22, 2007**

NTA/HPL/jbz