



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
17th City Council

10th Regular Session

ORDINANCE NO. SP- **1800** S-2007
(PO2007-58)

AN ORDINANCE REGULATING THE CONSTRUCTION, REPAIR, MODIFICATION, AND DEMOLITION OF BUILDINGS AND STRUCTURES INCLUDING ILLEGALLY CONSTRUCTED, ABANDONED, DANGEROUS OR UNFINISHED BUILDING AND STRUCTURES IN QUEZON CITY, AND IMPOSING REGULATION FEES AND PENALTIES FOR VIOLATION HEREOF.

Introduced by Councilors ANTONIO ENRILE-INTON, JR., DOROTHY A. DELARMENTE, VICTOR V. FERRER, JR., JOSEPH P. JUICO, RICARDO T. BELMONTE, JR., WINSTON "Winnie" T. CASTELO, JORGE B. BANAL, JR., JAIME F. BORRES and JESUS MANUEL C. SUNTAY.

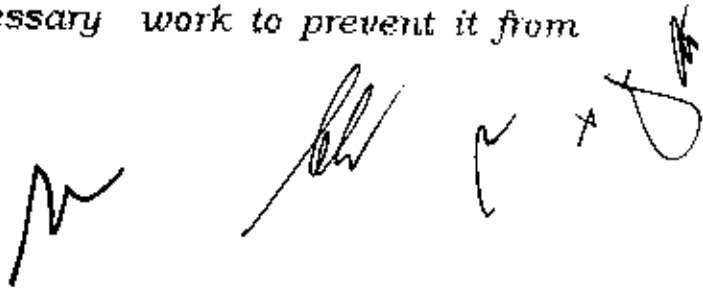
Co-Introduced by Councilors Bernadette Herrera-Dy, Ramon P. Medalla, Franz S. Pumaren and Janet M. Malaya.

WHEREAS, Section 16 of Republic Act No. 7160, the Local Government Code of 1991, provides that "every local government unit shall exercise powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective government, and those which are essential to the promotion of the general welfare;

WHEREAS, the Sangguniang Pantlungsod, under Section 458 (2)(ix) of R.A. 7160, is empowered to enact integrated zoning ordinance in accordance with the approved comprehensive land use plan, subject to existing laws, rules, and regulations, establish fire limits or zones, particularly in populous centers, regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;

WHEREAS, under Section 458 (4) of RA 7160, the Sangguniang Panlungsod has the authority to regulate activities relative to the use of land, building, and structure within the city in order to promote the general welfare and for the said purposes, (i) shall declare, prevent or abate any nuisance; (ii) require that buildings and the premises thereof and any land within the city be kept and maintained in a sanitary condition, imposed penalties for any violation thereof, or upon failure to comply with the requirement, had the work done at the expense of the owner, administrator, or tenant concerned or require the filling up of the land premises to a grade necessary for proper sanitation; x x (vi) x x regulate x x x the storage of inflammable and highly combustible materials within the city; (vii) regulate the establishment, operation, and maintenance of any entertainment or amusement facilities, including the theatrical performance, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places for entertainment or amusement; x x x (5)(viii) regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair, and maintenance of public drains, sewers, cesspools, tunnels, and similar structure, regulate the placing of poles and the use of crosswalk curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires, and other similar hazard to life and property, and regulate the construction and use of private water closets, privies, and other similar structure in building and homes; and (ix) regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph, and telephone wires, conduits, meters, and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;

WHEREAS, Article 482 of the Civil Code of the Philippines (RA 386) provides that the owner of a building or any other construction in danger of falling is obliged to demolish it or to execute necessary work to prevent it from falling;

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NOW, THEREFORE,

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

SECTION 1. TITLE – *This Ordinance shall be known and cited as the "Building and Structure Ordinance of Quezon City.*

SECTION 2. DEFINITION OF TERMS – *For the purpose of this Ordinance, the following terms mean as follows:*

- a) *Abandoned Building – a building or structure which, after having been completely constructed, is not used or is uninhabited and remains so far a period of one (1) year.*
- b) *Building – all kinds of structures permanently attached to a piece of land or which cannot be separated therefrom without breaking the structure. These exclude structures merely superimposed on the soil.*
- c) *Building Permit – a document issued by the Building Officials to the owner or contractor authorizing him/it to proceed with the construction, renovation, or demolition of, or work on, the building or structure conformably with P.D. No. 1096.*
- d) *Commencement of Construction – the date when the construction starts as when the contractor mobilizes at the site, lays out the building or structure, and brings in labor, materials, and supply. Unless otherwise shown by compelling evidence, the commencement of construction shall be deemed to have occurred on the date indicated in the agreed construction schedule.*

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WHEREAS, under Section 215 of the Presidential Degree No. 1096, the National Building Code of the Philippines, a building or structure found or declared to be dangerous or ruinous shall be ordered by the building official to be repaired, vacated or demolished depending upon the degree of danger to life, health, or safety;

WHEREAS, under Book III, Title III, Chapter III, Article I, Section 455 of RA 7160, the City Mayor shall require owners of illegally constructed houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance;

WHEREAS, illegally constructed, abandoned, dangerous or unfinished structures pose risks to lives, limbs, properties, and the health of the community because of poor or improper construction, unsuitable or substandard materials, absence of, or inadequate maintenance, dilapidation, or obsolescence; they are eyesores, become breeding ground of insect and pets, or are generally blights to the environment;

WHEREAS, under Section 305 of P.D. No. 1096, a building permit issued under the provision thereof shall expire and become null and void if the building or the work authorized under the permit is not commenced within a period of one (1) year from the date of such permit; or if the building is abandoned, or the work so authorized is suspended or abandoned at the time it has been commenced, for a period of 120 days;

WHEREAS, appropriate processes, procedures, and other implementation measures are necessary to regulate effectively the illegally constructed, abandoned, dangerous or unfinished buildings and structures in Quezon City.

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- e) *Construction Period* – the time from the commencement of the construction up to the time it is completed, as declared by the Owner or Contractor in his/its application for a Building Permit
- f) *Contractor* – a person, natural or juridical, tasked, contracted or commissioned by the Owner to build, construct, demolish or work on, the building or structure.
- g) *Demolition* – the dismantling or destruction of a building or structure in whole or in part which should be done in a systematic manner.
- h) *Illegally Constructed Building or Structure* – a building or structure constructed without the necessary and valid Building Permit obtained from the Building Official of Quezon City or is otherwise constructed, existing or is maintained in violation of any specific requirement or prohibition applicable to such building or structure as provided in the National Building Code or in any law or ordinance of Quezon City.
- i) *Improvements* – valuable additions, increments, appurtenances, or adjuncts made to real property, or ameliorations in its condition, amounting to more than mere replacement or repair of parts and involving capital expenditures and labor, which are intended to protect or enhance its value, beauty, or utility, or to adapt it for new or further purposes.
- j) *Owner* – person, natural or juridical, indicated in the Building Permit as the owner of a structure or building being constructed or already constructed, or one having controlling legal interest therein.

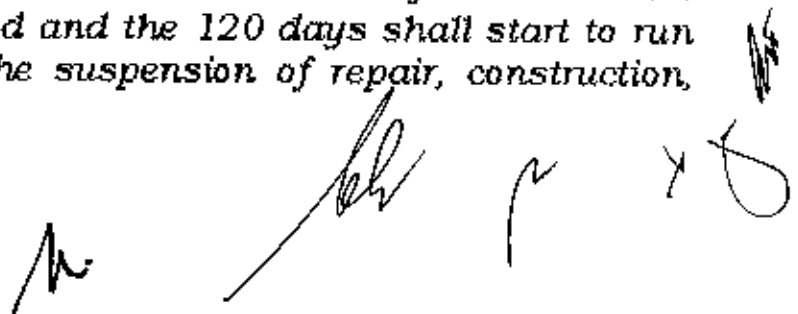
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- k) *Real Property* - land, building, machinery, and other improvements permanently attached to such land or building.
- l) *Unfinished Building* - a structure whose construction already commenced but which is subsequently suspended or abandoned and has remained suspended or abandoned for a period of one (1) year after construction had begun.

SECTION 3. BUILDING PERMIT - No person, whether natural or juridical, shall erect, construct, repair, renovate, demolish or undertake work, on a building or structure without first securing a Building Permit from Building Official and paying the corresponding fees therefor in accordance with the National Building Code and existing laws and ordinances.

SECTION 4. VALIDITY OF BUILDING PERMIT - Except for fortuitous events or force majeure as defined by law and jurisprudence, Building Permits are automatically deemed null and void if the construction of the building or the work permitted under the Building Permit is not commenced within one (1) year from the date of the issuance thereof, or if the construction or work is suspended or abandoned any time for at least one hundred twenty (120) days.

Within seven (7) days from the occurrence of a fortuitous events or force majeure that prevents the Owner or its/his Contract or from pursuing or continuing the repair, construction, demolition, or work, the Owner or the Contractor shall give a written notice of such fortuitous event or force majeure to the Building Official, informing him of the suspension of repair, construction, demolition, or work in view thereof. If no such written notice is given by the Owner or Contractor, it shall be presumed that no such fortuitous event or force majeure occurred and the 120 days shall start to run and be counted from the suspension of repair, construction, demolition, or work.

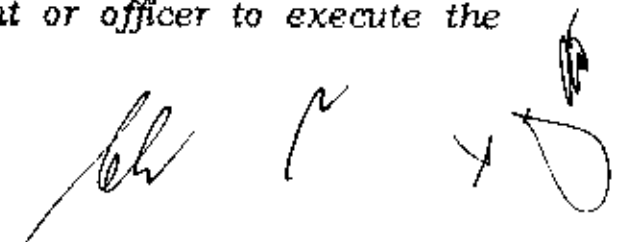


Unless shown otherwise through a written notice to the Building Official, it shall be assumed that the fortuitous event or force majeure ceased ten (10) days after its occurrence, and repair, construction, demolition, or work shall thenceforth be resumed. Should the fortuitous event or force majeure continue thereafter, or conditions in or around the work site prevent the resumption of work or activity thereafter, or the Owner or Contractor shall within five (5) days from the end of the 10-day period, give written notice thereof to the Building Official, detailing the circumstance obtaining in and around the work area. Failure to give such notice shall mean that the 120 days shall run and be counted from the end of the 10-day period referred to above.

The Building Official shall verify and validate the claims or allegations of the Owner or Contractor in the said written notices. If he finds that the claims or allegations therein are false, he shall so notify the Owner or Contractor and direct either or both to continue the construction or work immediately. Should the construction or work not resume as directed, the 120 days shall continue to run.

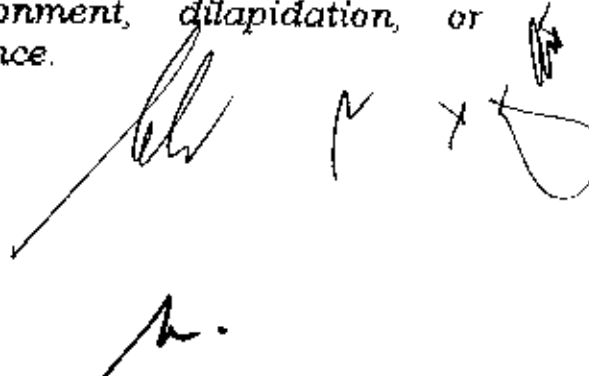
SECTION 5. Construction Undertaking.- In addition to the prescribed requirements for the issuance of a Building Permit, the Owner and the Contractor shall submit to the Building Official a duly notarized Undertaking, committing to complete the repair, construction, demolition, or work within a certain period of time pursuant to P.D. No. 1096.

Should the Owner or Contractor be a juridical person, the president thereof or the officer officially so authorized by its governing body shall execute and deliver the said sworn Undertaking. The sworn Undertaking shall be accompanied by proof of authority of the president or officer to execute the same.

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SECTION 6. Performance Bond. - No owner or Contractor shall commence the repair, construction, demolition of or work on, a building or structure without posting with the Building Official a Performance Bond obtained by the Owner or Contractor from a reputable surety or bonding company operating within Quezon City and accredited by the Quezon City government and the office of the Insurance Commissioner. The Performance Bond shall be callable on demand and in an amount equivalent to thirty percent (30%) of the cost of construction, repair, renovation, or demolition. The Performance Bond shall answer for damages caused to, and expenses incurred by, third parties and the Quezon City government occasioned by the non-completion, suspension, or abandonment of the building, its construction, repair, or demolition including the fines that may be imposed for violation of this ordinance or the National Building Code. Should the damages, expenses, and fines exceed the amount or proceeds of the Performance Bond, the Owner and Contractor shall ensure that the Performance Bond remains valid and effective, or shall forthwith secure, or cause the posting of a valid and effective Performance Bond to cover the new Contractor.

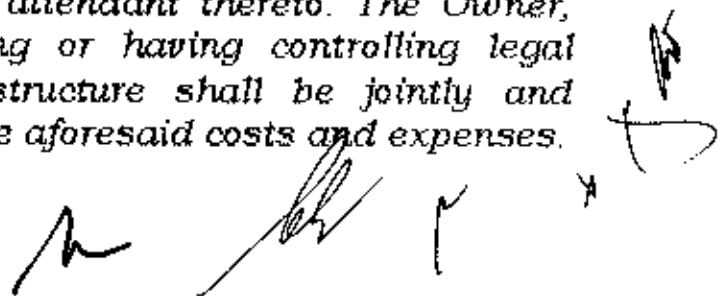
SECTION 7. Random Inspection of Buildings and Structures. - In addition to the mandatory inspection under pertinent laws, and regulation, the Building Official or his duly authorized representatives shall conduct random inspection of buildings or structures, or inspect constructions, repairs, renovations, demolitions, and other permitted work at any time of the day from seven o'clock in the morning to six o'clock in the evening from Monday to Friday except on officially declared non-working holidays, to ascertain compliance by the Owner or Contractor with the law, rules and regulations. Random inspection shall be particularly undertaken on buildings or structures suspected of being structurally unsafe, dangerous to persons, or hazardous to the public, or which cause or contribute to the pollution or degradation of the environment because of abandonment, dilapidation, or absence of, or inadequate maintenance.



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SECTION 8. Declaration of Building or Structure as Dangerous or Ruinous or Illegal. – If, after inspection, the Building Official finds that the building or structure, whether completed or still being constructed, is being or was constructed without a valid Building Permit, or is so structurally unsafe or dangerous that it endangers lives and limbs, or the health or safety of the public or may destroy or damage properties, or may pollute or degrade the environment, and the Owner or Contractor thereof, after notice from the City Mayor or the Building Official, fails or refuses to secure a Building Permit, or to rectify such defects that cause the building, or the structure to be unsafe or dangerous, or pollute or degrade the environment, and to put safety and/or other appropriate measures to remove said risk or danger, or stop the pollution or degradation of the environment, the Building Official shall declare the building or structure as illegally constructed, dangerous or ruinous.

SECTION 9. Order to Vacate, Repair or Demolish. – The 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 the premises, if occupied, or cause the premises to be vacated, and to repair, demolish and remove, as the case may be, the dangerous or ruinous building within a reasonable time indicated in the Order by the Building Official. If the Owner, Contractor or the person claiming or having controlling legal interest therein does not appeal the Order of the Building Official and fails or refuse to comply therewith within the time given, the Building Official shall administratively eject the occupants of the building or structure, if any, or cause any occupants thereof to vacate the same and a) undertake the repair thereof, if technically and financially feasible; or b) demolish the subject building or structure and remove the same. In either case, the Building Official shall charge to, and collect from, the Owner, Contractor, or person claiming or having controlling legal interest therein, all the expenses for causing the occupants thereof to vacate the building or structure, its repair, or its demolition and all the works attendant thereto. 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 structure, the City Mayor, upon the finding by the Building Official or the Quezon City Engineering Department 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 the said Order. If the Owner, Contractor, or the person claiming of having controlling legal interest in the building or structure fails or refuses to secure the appropriate Building Permit within the said period, the City Mayor shall order the eviction of the occupants thereof, if any, and the demolition or removal of the said house, building, or structure.

SECTION 10. Appeal. – The Owner, Contractor, or person claiming or having a controlling legal interest in the building or structure may appeal the Order to Vacate and Repair/Demolish and Remove of the Building Official to the Secretary of the Department of Public Works and Highways (DPWH) within fifteen (15) days from receipt of the Order in accordance with P.D. No. 1096. The pendency of the appeal shall restrain the Building Official from acting on the Order to Vacate and Repair/Demolish and Remove. The decision of the DPWH Secretary shall be final and executory.

With regard to illegally constructed buildings or structures, the City Mayor shall issue the Order to Vacate and Repair/Demolish and Remove. The said Order shall be final and immediately executory.

SECTION 11. Final and Executory Order to Vacate and Repair/Demolish and Remove. – An Order to Vacate and Repair/Demolish and Remove issued by the Building Official shall be final and executory if not appealed to the Secretary of DPWH within fifteen (15) days from receipt thereof. Said final and executory Order legally compels the owner or contractor to vacate and repair or demolish and remove forthwith the building or structure declared as dangerous and ruinous. The repair or demolition shall be completed within such time as may be determined by the Building Official, always taking into consideration the safety and welfare of the public.

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SECTION 12. Reimbursement of Expenses of Building Official. - If the Performance Bond posted by the Owner or Contractor is insufficient to cover the expenses incurred in vacating and repair of the building or structure, or the demolition and the works attendant thereto, the Owner, Contractor, or the person claiming or having a controlling interest in the building or structure shall reimburse the expenses incurred by the Building Official therefore within thirty (30) days from his/its receipt of demand for reimbursement. In case of demolition, the Building Official shall gather and hold the building materials until full reimbursement of the said expenses. If no reimbursement is made within the 30-day period, the said building materials shall be sold at public auction and the proceeds of the sale thereof applied to the demolition expenses. The Building Official shall have the right to recover, without need of further demand, from the Owner, Contractor, or person claiming or having controlling interest in the building or structure any unpaid balance of the said reimbursement expenses.

SECTION 13. Cleanliness, Sanitation and Safety in the Site. The Owner, Contractor, or person claiming or having controlling interest in the building or structure shall keep the building or structure and site free of any garbage, waste materials, construction debris and other things that may cause danger or pose risk to persons and property, and keep the same in a clean and sanitary condition during and after the construction.

Temporary structures erected within the construction site or the vicinity thereof, such as warehouses, sleeping quarters, bunkers, and similar structures, and debris shall be removed by the Owner, Contractor, or the person claiming or having controlling legal interest therein, upon the completion of the repair, construction, demolition, or work. Otherwise, the same shall be removed by the Office of the Building Official at the expense of the Owner, Contractor, or person claiming or having controlling legal interest therein.

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SECTION 14. Applicability to Abandoned, Dangerous, Unfinished or Illegally Constructed Buildings or Structure. – For avoidance of doubt, Sections 7 to 13, inclusive, apply to abandoned, dangerous, unfinished, or illegally constructed buildings as defined under Section 2 hereof.

SECTION 15. Annual Building Regulation Fees for Abandoned, Dangerous, Unfinished Buildings or Structures. – In addition to the annual inspection fee collected for the inspection of buildings, there is hereby imposed regulation fees for abandoned, dangerous, or unfinished buildings or structures, as follows:

1. Residential, Commercial, Industrial, Social or Institutional Buildings or Structures with Assessed Values of:

a.	Less than P1 million	P3,000.00
b.	P1 million or above but below P5 million	P5,000.00
c.	P5 million or above but below P10 million	P10,000.00
d.	P10 million or above but below P50 million	P20,000.00
e.	P50 million or above but below P100 million	P40,000.00
f.	P100 million or above	P50,000 plus P1,000 for every million in excess of P100 million

2. Amusement Houses, Gymnasia and Similar Structures

a.	1 st Class Theaters/ Movie Houses	P15,000.00
b.	2 nd Class Theaters/ Movie Houses	P12,000.00
c.	3 rd Class Theaters/ Movie Houses	P10,000.00
d.	Gymnasia/ Grandstands	P10,000.00
e.	Bleachers	P5,000.00

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The City government shall have the right to avail itself of the remedies under this Ordinance including calling on the Performance Bond, in order to enforce the collection of the foregoing regulation fees.

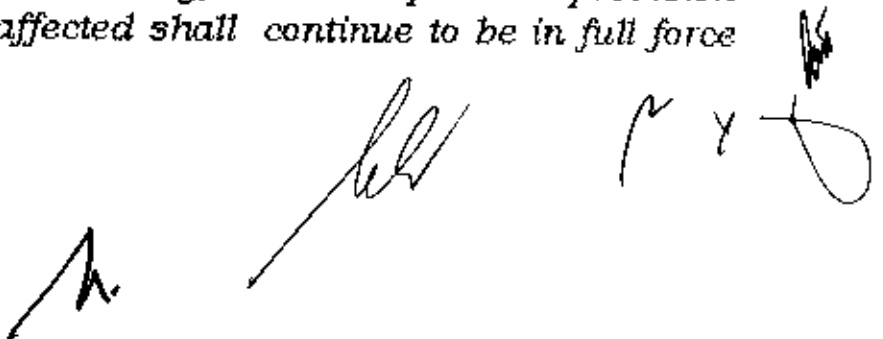
SECTION 16. ADMINISTRATIVE FINES FOR NON-COMPLIANCE WITH ORDER TO VACATE AND REPAIR/DEMOLISH AND REMOVE. - A fine of P5,000.00 shall be imposed on the owner, contractor, or person claiming or having controlling legal interest in the building or structure, for non-compliance with the Order to vacate and Repair/Demolish and Remove Abandoned, Dangerous, Dilapidated or Unfinished buildings.

SECTION 17. ADMINISTRATIVE FINES ON OWNERS, CONTRACTORS OR PERSON WITH CONTROLLING LEGAL INTEREST IN ABANDONED, DANGEROUS, DILAPIDATED, UNFINISHED, OR ILLEGALLY CONSTRUCTED BUILDING. - There is hereby imposed on the owner, contractor, or person claiming or having controlling legal interest on abandoned, dangerous, unfinished, or illegally constructed building or structure an administrative fine of P5,000.00.

SECTION 18. In all cases, the administrative fines imposed hereunder shall be imposed upon notice and hearing and the observance of the respondent's right to due process of law.

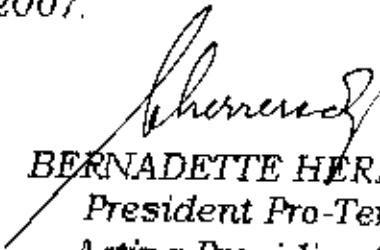
SECTION 19. REPEALING CLAUSE. - The provision of any Ordinance, local executive order, issuance or rules and regulation which is inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 20. SEPARABILITY CLAUSE. - If for any reason, any provision or part of this Ordinance is declared null and void by competent authority, the other parts or provision hereof which are not affected shall continue to be in full force and in effect.


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SECTION 21. EFFECTIVITY. - This Ordinance shall take effect 15 days following its publication in a newspaper of general circulation.


ENACTED: September 24, 2007.


BERNADETTE HERRERA-DY
President Pro-Tempore
Acting Presiding Officer

ATTESTED:



DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept Head III

APPROVED: Nov. 21, 2007


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on September 24, 2007, was finally PASSED on Third/Final Reading by the City Council on October 1, 2007.


DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept Head III