

## Republic of the Philippines DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS CENTRAL OFFICE

Bonifacio Drive, Port Area, Manila



AUG 1 5 2024

NBCDO MEMORANDUM ) SUBJECT

CIRCULAR NO. O )
Series of 2024 | b | 9 | 9 | 9 |

: Non-issuance of Work Stoppage Order, Suspension Orders, and other Similar Orders Against DPWH Projects.

TO: ALL BUILDING OFFICIALS
CITY/MUNICIPAL ENGINEERS/
ACTING BUILDING OFFICIALS

Under the Procedure for Enforcement of Administrative Sanctions in the Revised Implementing Rules and Regulations of the National Building Code of the Philippines (P.D. 1096), Building Officials may initiate actions towards the non-issuance, suspension, revocation or invalidation of a building permit/certificate of occupancy, issuance of a work stoppage or an order for the discontinuance of the use/occupancy of a building/structure or portion thereof and/or the imposition of appropriate fines.

However, it has been observed that several projects of the Department of Public Works and Highways (DPWH Projects) have been delayed during implementation by reason of, among others, the liberal and ill-considered issuance of Work Stoppage Orders, Suspension Orders and such other similar Orders, as well as criminal cases initiated by Building Officials against the personnel involved in these projects.

In line with the state policy in Republic Act No. 8975, An Act to Ensure the Expeditious Implementation and Completion of Government Infrastructure Projects by Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions, Providing Penalties for Violations thereof, and for other purposes, which is to ensure the expeditious and efficient implementation of government infrastructure projects to avoid unnecessary increase in construction, maintenance and/or repair costs and to immediately enjoy the social and economic benefits therefrom; and pursuant to the authority of the Secretary to issue rules and regulations under Section 203 of the National Building Code as well as the Secretary's power of supervision and control over Building Officials<sup>1</sup>, it is hereby ordered that:

- 1. Work-stoppage Orders, Suspension Orders, and such other similar orders against DPWH Projects shall not be issued if the same are grounded solely on the mere absence of a Building Permit or lack of any documentary requirements without technical findings, provided that an application for Building Permit has been duly filed by the Implementing Office concerned pursuant to D.O. No. 222, Series of 2002, or by the contractor pursuant to its contract agreement with the said Office and remains pending.
- Similarly, no Order preventing or suspending the occupancy or use on DPWH Projects shall be issued on the sole basis of the absence of a Certificate of Occupancy or mere lack of documentary requirements without technical findings, provided that an application for a Certificate of Occupancy has been duly filed and remains pending.

<sup>&</sup>lt;sup>1</sup> Tapay v. Cruz, G.R. No. 84701, June 13, 1990; Bernardez, Jr. v. The City Government of Baguio City, G.R. No. 197559, March 21, 2022.

3. Further, it is clarified that the decision of the Building Official, City or Municipal Engineer in their capacity as Acting Building Officials to impose administrative sanctions or to file or initiate the filing of a criminal complaint may be reviewed by the Secretary upon appeal by the party concerned. It is further reminded that pursuant to Section 21<sup>2</sup> of Executive Order No. 292, an appeal shall automatically have the effect of suspending the directives of the Building Official appealed from.

Moreover, Building Officials, City or Municipal Engineer in their capacity as Acting Building Officials are enjoined from performing any other acts without due cause tending to delay the timely completion and implementation of DPWH Projects.

Nothing in this Circular shall be construed as affecting the merits of the relevant applications which shall remain under the initial evaluation of the Building Official, the decision, order, resolution or other final action on which are appealable to the Secretary in the manner provided for by law.

This Circular shall take effect after its publication in accordance with law,

For strict compliance.

Department of Public Works and Highways

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1.1.3 gcpl/TLL/JASB NBCDO MEMO

Secretary

<sup>&</sup>lt;sup>2</sup> Effect of Appeal. – The appeal shall stay the decision appealed from unless otherwise provided by law, or the appellate agency directs execution pending appeal, as it may deem just, considering the nature and circumstances of the case.