



REPUBLIC OF THE PHILIPPINES

MINISTRY OF PUBLIC WORKS AND HIGHWAYS

OFFICE OF THE MINISTER
Manila

13 July 1984

MINISTRY ORDER)
)
NO. **30**)
)
Series of 1984)

SUBJECT: PROCEDURE IN THE ISSUANCE
OF DEMOLITION/CONDEMNATION
ORDERS.

TO: All District, City and Municipal Engineers
as Acting Building Officials
Building Officials and
Others concerned

In the evaluation of appeals to this office from Demolition Orders issued by the Office of the Building Official, we have found that the common complaint of most protestants/appellants to said condemnation/demolition orders is that structural inspections were conducted without prior notices to the parties, indicating that the Demolition/Condemnation Orders were issued ex-parte.

In order to quell the pervading suspicion that the Office of the Building Official is being used as a tool of unscrupulous landlords in the ejection of their tenants, it is directed that strict adherence to the requirements of due process should be observed before any demolition/condemnation orders is issued. In order to protect the right of the complainants and those affected by the complaint, the procedure provided in Sections 13 to 22 of Rule VIII of the Implementing Rules and Regulations (IRR) of PD 1096 must be strictly followed.

A request for structural or a general inspection partakes of a complaint within the purview of PD 1096. The occupants/tenants who are adversely affected thereby become the necessary parties to the complaint. To be a valid complaint, the request for structural or general inspection should be duly notarized with an attached evaluation report duly certified by a licensed Civil Engineer or Architect in case of structural or architectural defects, a duly licensed Electrical Engineer in case of electrical defects, a duly licensed Mechanical Engineer in case of mechanical defects and a duly licensed Sanitary Engineer or Master Plumber in case of plumbing or sanitary installation defects.

Upon receipt of the complaint, the Building Official shall:

1. Furnish the occupants/tenants with copies of the complaint and give them not less than five (5)

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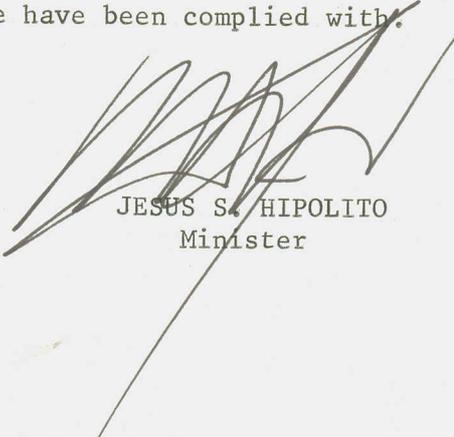
days but not more than fifteen (15) days from receipt within which to comment on same.

2. Preliminary hearing shall be conducted in any contested case wherein all parties should be duly notified. The Notice shall be served at least 5 days before date of hearing and shall state the date, time and place of hearing. The parties shall be given opportunity to present evidence and argument on all issues as provided in Section 16 of Rule VIII.
3. Subpoena. In any investigation, the Building Official shall have the power to require the attendance of witnesses as well as the production of documentary evidence and other pertinent data.
4. Rules of Evidence: In any investigation,
 - a. The Building Official may admit and give probative value to evidence as commonly accepted by reasonably prudent men in the conduct of their affairs.
 - b. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copies with the original. If the original is in the official custody of a public officer, a certified true copy thereof may be accepted.
 - c. Every party shall have the right to cross-examine witnesses and to submit rebuttal evidence.
 - d. The investigator may take notice of judicially cognizable facts and of generally cognizable technical or scientific facts within his or the witnesses' specialized or professional knowledge.

The Building Official may decide the case on the basis of the evidence presented or, when in doubt, he may order an inspection by his staff to determine the veracity of evidence presented and which shall be the basis of his Order/Decision.

Henceforth, appeals/protests elevated to or directly filed with this Ministry shall be remanded to the corresponding office of the Building Official without action unless proofs are attached thereto showing that the requirements discussed above have been complied with.

For compliance.



JESUS S. HIPOLITO
Minister