



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 39
Series of 2022

**AN ORDER DIRECTING THE TERMINATION OF THE AD HOC
OFFICE OF THE CITY BUILDING OFFICIAL, AND FOR OTHER
PURPOSES.**

WHEREAS, Section 16 of the Republic Act No. 7160 known as the Local Government Code provides that local government units shall exercise the powers expressly granted, those necessary implied therefrom, as well as the powers necessary, appropriate, or incidental, for efficient and effective governance, and those which are essential for the promotion of the general welfare;

WHEREAS, Section 45 of the same law vests upon the City Mayor the power to enforce all laws and ordinances relative to the governance of the city and issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

WHEREAS, for purposes stated therein, Executive Order No. 26, Series of 2011, was issued on May 23 2011, creating and organizing the Ad Hoc Office of the Building Official as a separate and distinct department from the Office of the City Engineer, with a designated head of office;

WHEREAS, as the legal propriety of creating a separate office and/or designating a distinct head for the Office of the Building Official remained unsettled until the recent May 19, 2022 decision of the Supreme Court of the Philippines in the case of Leo Bernardez, Jr. vs the City Government of Baguio (G.R. No. 197559), no ordinance was passed in the intervening period officially creating and institutionalizing the Office of the City Building Official, its organizational structure and staffing pattern, and the corresponding appointment of a head thereof;

WHEREAS, the above-said decision rendered it optional for local government units to create its separate and distinct OCBO, including the appointment of a head thereof, the course of action to take in relation thereto is yet to be decided by the legislative and executive departments of this city;

WHEREAS, considering that the personnel currently assigned at the Ad Hoc Office of the Building Official are mainly sourced and transferred from the Office of the City Engineer, the present organizational set-up has resulted to shortage of personnel, confusion, and other concerns bringing about operational difficulties adversely affecting the efficient, speedy, and effective delivery of services to the public by both offices;

WHEREAS, there is an urgent need to address the problem to restore efficient, speedy, and effective delivery of public service to maintain public trust and confidence in city government;

HO NO. 39 s. 2022 - AN ORDER DIRECTING THE TERMINATION OF THE AD HOC OFFICE OF THE CITY BUILDING OFFICIAL, AND FOR OTHER PURPOSES.

Page 1 of 2

NOW, THEREFORE, I, SEBASTIAN Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested upon me by law, do hereby order the following:

SECTION 1. Termination of the Ad Hoc Office of the City Building Official. The Ad Hoc Office of the City Building Official is hereby terminated and dissolved. Its official functions shall remain, but it shall operate under and as an attached office of the Office of the City Engineer.

SECTION 2. The Acting Building Official. The City Mayor shall designate the acting City Building Official to administer and enforce the provisions of Presidential Decree No. 1096 otherwise known the National Building Code of the Philippines and all related laws and issuances.

SECTION 3. Winding Up of Operations and Personnel Movement/Designation. — The winding up of the operations of the Ad Hoc Office of the City Building Official, including any necessary personnel movement, if any, shall be administered by the City Engineer in coordination with the Acting City Building Official. Provided, that any personnel movement or designation shall be authorized by the City Mayor through the City Administrator.

SECTION 4. Repealing Clause. Executive Order No.26, Series of 2011 and all other orders, and issuances or parts thereof which are in conflict with the provisions of this Executive Order are hereby repealed or revoked;

SECTION 5. – Separability Clause – If any part or provision of this Executive Order shall be declared invalid, the other portions or provisions hereof which are not affected thereby, shall continue in full force and effect.


SECTION 6. – Effectivity – this Executive Order shall take effect upon approval and shall remain effective until otherwise revoked or repealed.

DONE in the City of Davao, Philippines, this 7th day of AUGUST, 2022.


SEBASTIAN Z. DUTERTE
City Mayor ⁸

Attested by:

ATTY. FRANCIS MARK H. LAYOG
Acting City Administrator


ATTY. TRISTAN DWIGHT P. DOMINGO
Acting City Administrator



Ref. no. ASD090722-10