



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

EXECUTIVE ORDER NO. 01
Series of 2023

AN ORDER CREATING AND ORGANIZING AN AD HOC OFFICE OF THE BUILDING OFFICIAL AS A SEPARATE AND DISTINCT DEPARTMENT FROM THE OFFICE OF THE CITY ENGINEER, DEFINING ITS FUNCTIONS, AND FOR OTHER PURPOSES

WHEREAS, Section 16 of the Republic Act No. 7160 known as the Local Government Code of 1991 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 455 of the same Code expressly empowers the City Mayor to exercise general supervision and control over all programs, projects, services, and activities of the city government. Furthermore, the City Mayor is also mandated to appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in the said Code, as well as those he may be authorized by law to appoint;

WHEREAS, the same Section of the Code 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 the purpose 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 thereof;

WHEREAS, in a 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), it was ruled that it was optional for local government units to create its separate and distinct Office of the City Building Official (OCBO), including the appointment/designation of a head thereof;

WHEREAS, on August 7, 2022, the Ad Hoc Office of the Building Official created under Executive Order No. 26, Series of 2011 was terminated;

WHEREAS, there is a need to restore the said Ad Hoc Office of the Building Official.

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. ORGANIZATION OF THE AD HOC OFFICE OF THE BUILDING OFFICIAL AS A SEPARATE AND DISTINCT DEPARTMENT FROM THAT OF THE OFFICE OF THE CITY ENGINEER. There is hereby organized the temporary or Ad Hoc Office of the Building Official separate and distinct from that of the Office of the City Engineer which shall be known and referred to as the "Ad Hoc Office of the City Building Official".

SECTION 2. HEAD OF OFFICE. The Ad hoc office shall be headed by an Acting City Building Official to be designated by the City Mayor as provided under Section 4 hereof.

SECTION 3. DUTIES AND FUNCTIONS. The Ad Hoc Office of the Building Official shall have the following duties and functions:

- a. Generally, shall be responsible for enforcing the provisions of the National Building Code, its implementing Rules and Regulations, other related laws and issuances;
- b. Specifically, shall be responsible for the processing and issuance of building, occupancy, and other ancillary permits;
- c. Shall be responsible for inspecting and determining compliance of any building or structure with the requirements of the National Building Code and the terms and conditions provided for in the building permit as issued;
- d. Shall be responsible for stopping any building work found to be contrary to the provisions of the National Building Code and prescribing the terms and conditions when the works will be allowed to resume;
- e. Shall be responsible for discontinuing the occupancy or use of any building or structure or portion thereof found to be occupied or used contrary to the provisions of the National Building Code;
- f. Perform other tasks as may be directed by the City Mayor.

SECTION 4. ORGANIZATIONAL STAFF. Pending the passage of an ordinance providing for the official organizational set-up in the Ad Hoc Office of the City Building Official and in order that said office be immediately operational, the City Mayor shall designate an Acting City Building Official, including manpower and complement. The designated Building Official shall directly report to, and shall solely be under the direct supervision of the City Mayor.

SECTION 5. FUNDING. The personnel and operating expenses of the Ad Hoc Office of the City Building Official shall be sourced from the Office of the City Mayor and other appropriate offices.

SECTION 6. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 7. REPEALING CLAUSE. All other Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

EO NO. 01 s. 2023 - AN ORDER CREATING AND ORGANIZING AN AD HOC OFFICE OF THE BUILDING OFFICIAL AS A SEPARATE AND DISTINCT DEPARTMENT FROM THE OFFICE OF THE CITY ENGINEER, DEFINING ITS FUNCTIONS, AND FOR OTHER PURPOSES

SECTION 8. EFFECTIVITY. This Executive Order shall take effect upon approval and shall remain effective unless revoked or until a city ordinance creating the Office of the City Building Official separate and distinct from the Office of the City Engineer shall have been approved and taken into effect.

Done this JAN 13 2023 in the City of Davao, Philippines.

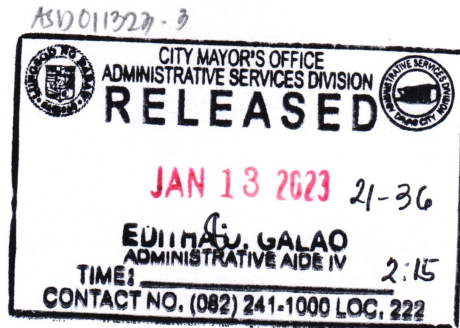


SEBASTIAN Z. DUTERTE
City Mayor

Attested by:



ATTY. FRANCIS MARK LAYOG
Acting City Administrator



Ref. No. ASD011323-3