



FEB 07 2025

NBCDO MEMORANDUM )

CIRCULAR NO. 01 )  
Series of 2025 *fmf 2/10/2025*

**SUBJECT : Implementation of Sections 302(3) and (4) of the National Building Code of the Philippines and its Revised Implementing Rules and Regulations in view of the Supreme Court Decision in G.R. No. 200015 and 205846**

**TO : ALL BUILDING OFFICIALS/ACTING BUILDING OFFICIALS**

This has reference to the Supreme Court Resolution dated October 30, 2024 in the Motion for Reconsideration filed by Philippine Institute of Civil Engineers (PICE), Inc. and Leo Cleto Gamolo in G.R. No. 200015 and 205846, respectively titled, "*Department of Public Works and Highways -versus- Philippine Institute of Civil Engineers, Inc. and Leo Cleto Gamold*" and "*United Architects of the Philippines -versus- Philippine Institute of Civil Engineers, Inc. and Leo Cleto Gamold*". Therein, the Court resolved to:

- "**1. DENY** the motion for reconsideration with **FINALITY**, the basic issues raised therein having been duly considered and passed upon by the Court in the aforesaid decision; and
- 2. DENY** the motion for referral of the case to the Court En Banc pursuant to the SC Circular 2-89 dated February 7, 1989 which provides that the Court En Banc is not an appellate court to which decisions/resolutions of a Division may be appealed."

The Resolution essentially upheld the Supreme Court Decision in the above case dated March 15, 2023 which found Sections 302(3) and (4) of the Revised Implementing Rules and Regulations (RIRR) of the National Building Code of the Philippines (PD 1096) valid and constitutional, the decretal portion of which states:

**ACCORDINGLY**, the Petitions are **GRANTED**. The January 5, 2012 Decision and February 13, 2013 Resolution of the Court of Appeals in CA-G.R. CV No. 93917 are **REVERSED** and **SET ASIDE**. The January 29, 2008 Decision of the Regional Trial Court upholding the validity and constitutionality of Section 302, paragraphs 3 and 4 of the Revised Implementing Rules and Regulations of Presidential Decree No. 1096 is **REINSTATED**.

The Court hereby **RESOLVES** that:

1. Only registered and licensed architects may prepare, sign, and seal the following architectural documents:
  - a. Architectural Plans/Drawings
    - i. Vicinity Map/Location Plan within a 2.00 kilometer radius for commercial, Industrial, and Institutional complex and within a half-kilometer radius for residential buildings, at any convenient scale

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- showing prominent landmarks or major thoroughfares for easy reference.*
- ii. *Site Development Plan showing technical description, boundaries, orientation and position of proposed building/structure in relation to the lot, existing or proposed access road and driveways and existing public utilities/services. Existing buildings within and adjoining the lot shall be hatched and spaces between the proposed and existing buildings shall be indicated.*
  - iii. *Perspective drawn at a convenient scale and taken from a vantage point (bird's eye view or eye level).*
  - iv. *Floor Plans drawn to scale of not less than 1:100 showing: gridlines, complete identification of rooms or functional spaces.*
  - v. *Elevations, at least four (4), same scale as floor plans showing: gridlines, natural ground to finish grade elevations floor to floor heights; door and window marks, type of material and exterior finishes; adjoining existing structure/s, if any, shown in single hatched lines.*
  - vi. *Sections, at least two (2), showing: gridlines; natural ground and finish levels; outline of cut and visible structural parts; doors and windows properly labeled reflecting the direction of opening; partitions; built-in cabinets, etc.; identification of rooms and functional spaces cut by section lines.*
  - vii. *Reflected ceiling plan showing: design, location, finishes and specifications of materials, lighting fixtures, diffusers, decorations, air conditioning exhaust and return grills, sprinkler nozzles, if any, at scale of at least 1:100.*
  - viii. *Details, in the form of plans, elevations/sections:*
    - a) Accessible ramps
    - b) Accessible stairs
    - c) Accessible lifts/elevators
    - d) Accessible entrances, corridors and walkways
    - e) Accessible functional areas/comfort rooms
    - f) Accessible switches, controls
    - g) Accessible drinking fountains
    - h) Accessible public telephone booths
    - i) Accessible audio visual and automatic alarm system
    - j) Accessible access symbols and directional signs
    - k) Reserved parking for disabled persons
    - l) Typical wall/bay sections from ground to roof
    - m) Stairs, interior and exterior
    - n) Fire escapes/exits
    - o) Built-in cabinets, counters and fixed furniture
    - p) All types of partitions
  - ix. *Schedule of Doors and Windows showing their types, designations/marks, dimensions, materials, and number of sets.*
  - x. *Schedule of Finishes, showing in graphic form: surface finishes specified for floors, ceilings, walls and baseboard trims for all building spaces per floor level.*

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*xi. Details of other major Architectural Elements.*

- a. Plans and specific locations of all accessibility facilities of scale of at least 1:100.*
- b. Detailed design of all such accessibility facilities outside and around buildings/structures including parking areas, and their safety requirements all at scale of 1:50 or any convenient scale.*
- c. Fire Safety Documents*
  - i. Layout plan of each floor indicating the fire evacuation route to safe dispersal areas, standpipes with fire hose, fire extinguishers, first aid kits/cabinets, fire alarm, fire operations room, emergency lights, signs, etc.*
  - ii. Details of windows, fire exits with grilled windows and ladders.*
  - iii. Details of fire-resistive construction of enclosures for vertical openings.*
  - iv. Details of fire-resistive construction materials and interior decorative materials with fire-resistive/fire-retardant/fire-spread ratings*
  - v. Other Related Documents; and*

*2. Only registered and licensed architects, or interior designer may prepare, sign and seal the following architectural interior/interior design documents:*

- a. Space Plan/s or layout/s of architectural interior/s.*
- b. Architectural interior perspective/s.*
- c. Furniture/furnishing/equipment/process layout/s.*
- d. Access plan/s, parking plan/s and the like.*
- e. Detail design of major architectural interior elements.*
- f. Plan and layout of interior, wall partitions, furnishing, furniture, equipment/appliances at a scale of at least 1:100.*
- g. Interior wall elevations showing: finishes, switches, doors and convenience outlets, cross window sections with interior perspective as viewed from the main entrance at scale of at least 1:100.*
- h. Floor/ceiling/wall patterns and finishing details.*
- i. List of materials used.*
- j. Cost estimates.*

***SO ORDERED.***

The tenor of the Resolution is immediately executory. In compliance therewith, the undersigned, in his capacity as primary implementer of the Building Code under Section 201 thereof, issues the present Circular as follows:

1. The cited Decision does not directly involve the Building Officials or the Local Government Units (LGUs) as they have not been made parties on the case which dealt with policy-level concerns. Therefore, individual Building Officials are reminded that they are not authorized to implement the ruling upon their own terms and discretion, or to carry out the judgment independently and in a fragmented or piecemeal manner, or to

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prescribe the cut-off date for all affected applications, or to unilaterally modify existing requirements, or to encourage the LGUs or other interested parties to enshrine the ruling in local ordinances. All implementation of the Supreme Court's ruling shall be carried out in a consistent and orderly fashion, starting from this Department before trickling down to lower-level regulators, and shall uniformly commence at a common date, as stated in this Circular, subject to Item No. 5 herein;

2. Among other effects, and without prejudice to inter-agency initiatives including those governing the use of standard forms such as the Unified Application Form which were not mentioned in the text of the court rulings, the said initiatives having been entered into subsequent to the major developments in the case and providing therein the proper legal modes for their updating, discontinuance or termination, the Decision of the Supreme Court immediately supersedes:
  - a. NBCDO Memorandum Circular No. 2, s. 2009<sup>1</sup> directing Building Officials (1) to process and issue permits and certificates to all applicants/owners notwithstanding whether the design plans and/or pertinent documents that are submitted, particularly those enumerated in Section 302(4) of the Revised IRR, are prepared, signed and/or sealed by either a registered architect and/or civil engineer; and (2) to desist from using the new forms including NBC Form A-01 and NBC Form A-02 under the Revised IRR;
  - b. The Memorandum dated January 8, 2024 of the undersigned directing the Building Officials to maintain *status quo* relative to building permit applications prior to the Supreme Court's Resolution of the Motion for Reconsideration and the finality of the same; and
  - c. All previous issuances to the contrary not mentioned herein;
3. Section 302, pars. 3 and 4 of the RIRR of the Building Code are recognized to have become effective as stated in No. 1, above. Similarly, NBC Forms A-01 and A-02 of the RIRR of the Building Code may be employed for the corresponding public transactions, without prejudice to the effects of inter-agency initiatives governing the use of standard forms;
4. However, plans and other technical documents which have already been approved by the Building Official and are the basis for issuance of permits or certificates, where the complete requirements have been submitted as of the finality of the judgment, shall be honored;
5. Individual cases and applications, whether contested or otherwise, involving questions of facts and/or law on this subject shall be resolved by the Building Officials before whom the same are pending, subject to the test of fairness, justice, and efficiency as provided by Section 1, Article XI of the Constitution and Sections 2 and 4 of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) and Article 19 of the Civil Code of the Philippines, as well as the aggrieved parties' right to appeal to the Secretary in the manner provided by law;

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<sup>1</sup> Processing and Issuance of Permits and Certificates Pursuant to Sec. 302 (4) of the Revised IRR of PD 1096 and Enjoining the Use of NBC Form No. A-01 and NBC Form No. 02, citing Memorandum dated September 26, 2005 and April 16, 2007.

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6. The scope of this Circular shall be limited to the subject matter of the Decision. It shall in no way modify the existing levels of authority of DPWH officials and employees for public works purposes under present laws, rules, and issuances, or constrain any future lawful action of the Department or to affect any aspect of the operations of the Offices of the Building Officials nationwide; and
7. Supplemental memorandum circulars, regulations, decisions/rulings and opinions will be issued by Secretary pursuant to his rule-making, admissorial, and adjudicatory powers concerning the Building Code for the guidance of Building Officials and others concerned, if required, without prejudice to pronouncements made by the proper administrative or judicial bodies in the appropriate cases.

This Circular is effective immediately and shall affect all pending transactions before the Building Officials commencing from the date of the issuance by the Supreme Court of the Resolution on **October 30, 2024**, subject to Item No. 4 above. This shall also serve as part of the Department's compliance to the Supreme Court Decision in the subject cases.

For the guidance, information and strict observance of all concerned.

  
**MANUEL M. BONOAN**  
Secretary

Department of Public Works and Highways  
Office of the Secretary



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