



Republic of the Philippines  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
**OFFICE OF THE SECRETARY**  
Manila

057.13 DPWH  
09-17-2009

SEP 16 2009

NBCDO MEMORANDUM 02  
CIRCULAR NO. 02  
NBCDO 09-17-09

SUBJECT : 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. A-02

SERIES OF 2009

In the case filed by the Philippine Institute of Civil Engineers, Inc. (hereinafter referred to as "PICE") and Leo Cleto Gamolo against the undersigned to enjoin the implementation of Sections 302(3) and (4) of the Revised Rules and Regulations of Presidential Decree No. 1096 otherwise known as the National Building Code of the Philippines entitled "PICE et al. v. Hon. Secretary Hermogenes Ebdane, Jr." and docketed as Civil Case No. 05-112502, the Regional Trial Court (hereinafter referred to as the "RTC") dismissed the same and likewise denied the plaintiff's motion for reconsideration and affirmed its previous ruling.

However, considering the pendency of the appeal therefrom coupled with the injunction issued in Civil Case No. 05-112479 entitled "PSSE v. the DPWH Secretary" enjoining the use of the application forms, design plans and/or pertinent documents for the issuance of building permits under the Revised Implementing Rules and Regulations of PD 1096 (hereinafter referred to as the "Revised IRR") and so as not to prejudice the final disposition by the Court of Appeals or the Supreme Court of the above-cited cases, all Building Officials are hereby directed, consistent with the Memorandum of this Office dated 26 September 2005, as well as, its Memorandum dated 16 April 2007, as follows:

1. All Building Officials are directed to process and issue the necessary permits and certificates to all applicants/owners notwithstanding whether the design plans and/or other 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" until there is a final and executory decision rendered in the abovementioned cases.
2. All building officials are directed to desist from using the new forms including NBC Form No. A-01 and NBC Form No. A-02 under the Revised IRR and in lieu thereof process the application for building permits using the application forms, design plans and other forms under the old IRR until a final and executory decision to the contrary is issued by the Courts.

For your strict and immediate compliance.

HERMOGENES E. EBDANE, JR.  
Secretary  
(National Building Official)



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