



**EXCERPTS FROM THE MINUTES OF THE SEVENTH (7<sup>TH</sup>) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON FEBRUARY 20, 2023 AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.**

Present : Vice Mayor Josephine Sumangil – Evangelista, Presiding Officer  
S.B. Member Leren Mae M. Bautista  
S.B. Member Marlo PJ A. Alipon,  
S.B. Member Jonathan Bryan S. Siytiap  
S.B. Member Miko C. Pelegrina  
S.B. Member Mark Lester B. Dizon  
S.B. Member Julius A. Moliñawe  
S.B. Member Benedicto S. Alborida  
S.B. Member Mike Dexter A. Concio  
S.B. Member Gaudencio P. Macatangay, Liga President  
S.B. Member Jozylyn N. Manansala, SK Federation President  
Ms. Dona T. Alborida, Secretary to the Sangguniang Bayan  
Ms. Felomina I. Lincallo, LLSO I

Absent : None

Visitors : Sis. Laura P. Chavez, Tahanan ng Ama Lay-Contemplative Missionary  
Ms. Shirley Jolejole, Tahanan ng Ama Lay-Contemplative Missionary  
Mr. Daniel Bilon, ESKIROL-TMPC  
Mr. Joel A. Delos Reyes, ESKIROL-TMPC  
Dr. Jaime Robillon, ESKIROL-TMPC

**ORDINANCE NO. 2023-2359**

**AN ORDINANCE ADOPTING SECTION 804 OF THE IMPLEMENTING RULES AND REGULATIONS OF THE NATIONAL BUILDING CODE IMPOSING THE MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL AND RECREATIONAL BUILDINGS OR STRUCTURES IN THE MUNICIPALITY OF LOS BAÑOS, LAGUNA AND THE APPLICABLE PENAL PROVISIONS THEREOF.**

Author : Councilor Jonathan Bryan S. Siytiap

**WHEREAS**, it is the policy of the State to protect the life, health, property, and general welfare of the citizens, consistent with the principles of safe construction and sound environmental management and control;

**WHEREAS**, the Presidential Decree No. 1096, also known as the National Building Code of the Philippines, set forth the “minimum standards and requirements to regulate and control the location, site, design, quality of materials, construction, use, occupancy, and maintenance” of the building and structures in the country;

**WHEREAS**, the Implementing Rules and Regulations of the National Building Code was consequently promulgated by the Secretary of the Department of Public Works and Highways (DPWH) which provided the means for “[a]ll buildings or structures as well as accessory facilities [to] conform in all respects to the principles of safe construction and [to] the purpose for which they are designed”;

*[Handwritten signatures]*

**WHEREAS**, the Municipality of Los Baños, Laguna (Municipality) aims to comply with the prevailing laws and rules in the construction of buildings and structures, ensure the safety of the people, and provide a standard for all the infrastructures within the territorial jurisdiction of the Municipality for uniformity, security, and betterment of the community;

**WHEREAS**, Section 804 of the Implementing Rules and Regulations of the National Building Code provides the minimum setback requirements for residential, commercial, industrial, institutional and recreational buildings or structures, to wit:

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Table VIII.2. Minimum Setbacks for Residential Buildings/Structures

YARD	Type of Residential Use/ Occupancy						
	R - 1 (meters)	R - 2		R-3		R - 4 (individual lot/unit) (meters)	R - 5**** (meters)
		Basic (meters)	Maximum (meters)	Basic (meters)	Maximum (meters)		
Front	4.50	3.00	8.00 *	3.00	8.00 *	4.50	6.00
Side	2.00	2.00 **	2.00 **	***	2.00 (optional)	2.00 (optional)	3.00
Rear	2.00	2.00	2.00	***	2.00	2.00	3.00

Notes:

- a) The setback requirements in Table VIII.2. above are for newly-developed subdivisions.
- b) \* Total setback only at grade (or natural ground) level, i.e., 3.00 meters + 5.00 meters = 8.00 meters (to accommodate part of the minimum parking requirement outside the designated area for the front yard). The second and upper floors and mezzanine level shall thereafter comply with the minimum 3.00 meters setback unless otherwise provided under the Code.
- c) \*\* Setback required for only one (1) side. Setbacks on two sides shall be optional.
- d) \*\*\* Abutments on two sides and rear property lines may be allowed with conditions as enumerated under Section 804, Subsection 10 of this Rule.
- e) \*\*\*\* Mixed-Use Buildings/Structures in R-5 lots shall be considered a commercial use or occupancy if a substantial percentage, i.e., 55% of the Gross Floor Area (GFA) is commercial.
- f) In cases where yards/setbacks are impossible to attain or where frontage and depth of lots are similar to that of Open Market or Medium Cost Housing Projects, abutments on the sides and rear property lines may be allowed and 1.50 meters front yard is left open as transition area.

Table VIII.3. Setbacks for Commercial\*, Industrial, Institutional and Recreational Buildings

Road Right-of-Way (RROW) Width (meters)	Front (meters)	Side (meters)	Rear (meters)
30.00 & above	8.00	5.00	5.00
25.00 to 29.00	6.00	3.00	3.00
20.00 to 24.00	5.00	3.00	3.00
10.00 to 19.00	5.00	2.00	2.00
Below 10.00	5.00	2.00	2.00

Note:

\*Mixed-Use Buildings/Structures in R-5 lots may be considered a commercial development if a substantial percentage of the GFA is commercial.

**WHEREAS**, after careful review and deliberation, the Sangguniang Bayan Members agreed to adopt Section 804 of the Implementing Rules and Regulations of the National Building Code Imposing the Minimum Setback Requirements for Residential, Commercial, Industrial, Institutional and Recreational Buildings or Structures and the applicable penal provisions thereof;

**WHEREAS**, for the proper implementation of the minimum setback requirements under Section 804 of the Implementing Rules and Regulations of the National Building Code and the building permit requirement under Section 301 of the National Building Code, the applicable penal provisions are likewise hereby adopted, including the below:

Section 213. It shall be unlawful for any person, firm or corporation, to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure or cause the same to be done contrary to or in violation of any provision of this Code.


Any person, firm or corporation who shall violate any of the provisions of this Code and/or commit any act hereby declared to be unlawful shall upon conviction, be punished by a fine of not more than twenty thousand pesos or by imprisonment of not more than two years or by both such fine and imprisonment: Provided, that in the case of a corporation firm, partnership or association, the penalty shall be imposed upon its officials responsible for such violation and in case the guilty party is an alien, he shall immediately be deported after payment of the fine and/or service of his sentence.

**NOW THEREFORE**, on motion of Councilor Jonathan Bryan S. Siytiap which was duly seconded by Councilor Mark Lester B. Dizon and approved by all councilors present;


**BE IT RESOLVED AS IT IS HEREBY RESOLVED**, an Ordinance Adopting Section 804 of the Implementing Rules and Regulations of the National Building Code Imposing the Minimum Setback Requirements for Residential, Commercial, Industrial, Institutional and Recreational Buildings or Structures in the Municipality of Los Baños, Laguna and the applicable penal provisions thereof.

**ENACTED** : February 20, 2023

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**I HEREBY CERTIFY** to the correctness of the above –quoted Ordinance.

  
**DONA T. ALBORIDA**  
Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:

  
**HON. JOSEPHINE H. SUMANGIL - EVANGELISTA**  
Vice Mayor / Presiding Officer

APPROVED:

  
**HON. ANTHONY F. GENUINO**  
Municipal Mayor