Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 744

Introduced by Hon. Joseph Emilio A. Abaya

EXPLANATORY NOTE

The fire that struck the Quezon City Manor Hotel last August 18, 2001, which claimed the lives of at least seventy-four (74) people, showed once again the government officials' and owners' negligence and imprudence. It is evident that we have never learned from the lessons of the very recent years—from the Ozone Disco fire in 1996 that killed one hundred sixty-two (162), the Settlement House fire in Paco and the Lung Center fire in Quezon City, both in 1998, which killed twenty-eight (28) and twenty-five (25) people respectively.

Investigations and reports revealed that the primary reason for the above-mentioned fire tragedies were caused by the laxity in the enforcement of the building safety and fire laws, particularly the Fire Code of the Philippines and its Implementing Rules and Regulations, and related ordinances. It is claimed that this laxity and indifference of the public officers in the enforcement of the fire laws is due to the lesser degree of their accountability, as provided in the aforesaid laws.

Considering that the Fire Code does not provide for penalties against erring and negligent public officers, the sanctions that could be meted to them would be at most administrative, even though their negligence has resulted to death or destruction of properties. To prosecute them under the Revised Penal Code would be like rolling a boulder using a bamboo stick.

It is imperative then, that Congress institute measures which shall strengthen the accountability of the public officers entrusted with the duty of implementing the Fire Code. Public interest demands that stricter penalties shall be imposed, not only upon the owner, administrator, occupant or persons responsible for the condition of the building, structure and their premises or facilities, but also to the public officers concerned. The country can never afford to experience the same fatal tragedy on account of a public officers' negligence, malfeasance or misfeasance to his duties.

This bill proposes to amend the Fire Code of the Philippines by providing not only administrative sanctions, but criminal penalties as well, to the acts or omissions of a public officer, when the same, either through negligence or malice resulted to, or failed to prevent the loss of life and/or damage to property.

In addition, it provides for a stringent measure against the owner, administrator, occupant or persons responsible for the condition of the building, structure and their premises or facilities who violate the Code, its Implementing Rules and Regulations and other related laws, to ensure the safety and security of the public.

In view thereof, immediate passage of this bill is earnestly sought.

JOSEPH EMILIO A. ABAYA

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AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1185, OTHERWISE KNOWN AS THE "FIRE CODE OF THE PHILIPPINES", PROVIDING FOR EFFECTIVE IMPLEMENTATION THEREOF, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Sections 6, 10 and 12 of the Fire Code are hereby amended to read as follows:

"*Section 6.* **RESPONSIBILITY FOR THE ENFORCEMENT OF THIS CODE**— THIS CODE SHALL BE ADMINISTERED AND ENFORCED BY THE BUREAU OF FIRE PROTECTION (BFP), UNDER THE DIRECT SUPERVISION AND CONTROL OF THE BUREAU DIRECTOR, HEREINAFTER REFERRED TO AS THE "DIRECTOR", THROUGH THE HIERARCHY OF ORGANIZATION DOWN TO THE LOCAL FIRE CHIEF AS PROVIDED FOR IN CHAPTER VI OF REPUBLIC ACT 6975. WITH THE APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), THE DIRECTOR IS HEREBY AUTHORIZED TO: [the Fire Service, under the direct supervision and control of the Director General of the Integrated National Police, hereinafter referred to as the "Director General" shall be responsible for the enforcement of this code, as well as pertinent provisions of other laws pertaining to fire protection or fire safety. with the approval of the Secretary of National Defense, the Director General is hereby authorized to:]

a. Issue implementing rules and regulations, and prescribe administrative penalties therefor;

b. Reorganize the BFP [fire service of the Integrated National Police] as may be necessary and appropriate;

c. Enter into long term agreement, either through public biddings or negotiations to include advance payments therefor, for the acquisition of fire prevention, fire protection and fire fighting equipment, supplies and materials and related technical services necessary for the fire service; [and]

d. Enter into memoranda of agreement with other departments, bureaus, agencies, offices and corporations of the government, as well as private institutions, in order to define areas of cooperation and coordination and delineate responsibility on fire prevention education, fire safety, fire prevention, fire suppression and other matters of common concern.

E. CALL ON THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES TO RENDER NECESSARY ASSISTANCE IN THE ENFORCEMENT OF THIS CODE;

F. INSPECT AT ALL REASONABLE TIMES, ANY BUILDING, STRUCTURE, INSTALLATION OR PREMISES FOR DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS AS SET FORTH IN THIS CODE: PROVIDED, THAT IN CASE OF RESIDENTIAL HOUSES, AN INSPECTION MUST BE UPON THE CONSENT OF THE OCCUPANT OR UPON LAWFUL ORDER FROM THE PROPER COURT. THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE SHALL ORDER THE OWNER/OCCUPANT TO REMOVE HAZARDOUS MATERIAL IN ACCORDANCE WITH THE STANDARDS SET BY THIS CODE OR ITS IMPLEMENTING RULES OR REGULATIONS OR OTHER PERTINENT LAWS;

G. WHERE CONDITIONS EXIST AND ARE DEEMED HAZARDOUS TO LIFE AND PROPERTY, TO ORDER THE OWNER/OCCUPANT OF ANY BUILDING OR STRUCTURE TO SUMMARILY ABATE SUCH HAZARDOUS CONDITIONS;

H. REQUIRE THE BUILDING OWNER/OCCUPANT TO SUBMIT PLANS AND SPECIFICATIONS OF SAID BUILDING AS REQUIRED TO ENSURE COMPLIANCE WITH APPLICABLE CODES AND STANDARDS;

I. ISSUE A WRITTEN NOTICE TO THE OWNER AND OR CONTRACTOR TO STOP WORK ON PORTION OF ANY WORK WHICH IS IN VIOLATION OF THE PLANS AND SPECIFICATIONS AS APPROVED BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE. THE NOTICE SHALL STATE THE NATURE OF THE VIOLATION AND NO WORK SHALL BE CONTINUED ON THAT PORTION UNTIL THE VIOLATION HAD BEEN CORRECTED; AND

J. DESIGNATE THE FIRE INSPECTOR WHO SHALL CONDUCT AN INSPECTION OF EVERY BUILDING OR STRUCTURE AT LEAST ONCE EVERY SIX (6) MONTHS AND EVERY TIME THE OWNER, ADMINISTRATOR OR OCCUPANT SHALL RENEW HIS OR HER OCCUPANCY PERMIT OR PERMIT TO OPERATE.

NO OCCUPANCY PERMIT OR PERMIT TO OPERATE SHALL BE ISSUED WITHOUT SECURING A CERTIFICATE OF COMPLIANCE FROM THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE.

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Section 10. **VIOLATIONS, PENALTIES AND ABATEMENT OF FIRE HAZARD**--Fire hazards shall be abated immediately. The DIRECTOR [Director General] OR HIS AUTHORIZED REPRESENTATIVE, UPON A REPORT FROM THE FIRE INSPECTOR/S THAT A VIOLATION OF THIS CODE OR OTHER PERTINENT LAWS, RULES AND REGULATIONS IS BEING COMMITTED, SHALL ISSUE NOTICE/ORDER TO COMPLY TO THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING OR STRUCTURE, INDICATING AMONG OTHER THINGS, THE PERIOD WITHIN WHICH COMPLIANCE SHALL BE EFFECTED, WHICH SHALL BE WITHIN TEN (10) TO FIFTEEN (15) DAYS AFTER THE RECEIPT OF THE NOTICE/ORDER, DEPENDING ON THE REASONABLENESS TO ADEQUATELY COMPLY WITH THE SAME.

IF AFTER THE LAPSE OF THE AFORESAID PERIOD, THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER RESPONSIBLE PERSON FAILED TO COMPLY, THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE SHALL PUT UP A SIGN INFRONT OF THE BUILDING OR STRUCTURE, AT OR NEAR THE ENTRANCE OF SUCH PREMISES, NOTIFYING THE PUBLIC THAT SUCH BUILDING OR STRUCTURE IS A FIRE HAZARD. SPECIFICALLY, THE NOTICE SHALL BEAR THE WORDS "WARNING: THIS BUILDING/STRUCTURE IS A FIRE HAZARD", WHICH SHALL REMAIN POSTED UNTIL SUCH TIME THAT THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES ABATE THE SAME, BUT SUCH PERIOD SHALL NOT EXCEED FIFTEEN (15) DAYS FROM THE LAPSE OF THE INITIAL PERIOD GIVEN IN THE NOTICE/ORDER TO COMPLY.

FINALLY, THE FAILURE OF THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES TO COMPLY WITH THE PERIOD SPECIFIED ABOVE shall cause the cancellation of the occupancy permit or permit to operate previously issued.

Any building or structure ASSESSED AND declared BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE as a fire trap ON ACCOUNT OF THE GROSSNESS OR PALPABILITY OF THE VIOLATION or is causing clear and present imminent danger to adjoining establishments and habitations shall be declared a public nuisance as defined by the Civil Code of the Philippines IN A NOTICE TO BE ISSUED TO THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES. If the assessed value OF THE NUISANCE OR THE AMOUNT TO BE SPENT IN ABATING THE SAME [or structure] is not more than ONE HUNDRED THOUSAND PESOS (P100,000.00) [twenty thousand pesos (P20,000.00)], the owner, administrator or occupant thereof shall abate the hazard within FIFTEEN (15) [thirty (30)] days; if the assessed value is more than ONE HUNDRED THOUSAND PESOS (P100,000.00) [twenty thousand pesos (P20,000.00)] within THIRTY (30) [sixty (60)] days from the receipt of the order declaring said building or structure a public nuisance; otherwise, the Director or his authorized representative shall forthwith cause its summary abatement. FAILURE TO COMPLY WITHIN FIVE (5) DAYS FROM RECEIPT OF THE NOTICE SHALL CAUSE THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE TO PUT UP A SIGN INFRONT OF THE BUILDING OR STRUCTURE, AT OR NEAR THE ENTRANCE OF SUCH

PREMISES, NOTIFYING THE PUBLIC THAT SUCH BUILDING OR STRUCTURE IS A FIRE TRAP. SPECIFICALLY, THE NOTICE SHALL BEAR THE WORDS "WARNING: THIS BUILDING/STRUCTURE IS A FIRE TRAP", WHICH SHALL REMAIN UNTIL THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES ABATE THE SAME WITHIN THE SPECIFIED PERIOD.

Summary abatement as used herein shall mean all corrective measures undertaken to abate hazards and shall include but not limited to remodeling, repairing, strengthening, reconstructing, removal and demolition, either partial or total, of the building or structure. The expenses incurred by the government for such summary abatement shall be borne by the owner, administrator or occupant. These expenses shall constitute a prior lien upon such property.

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Section 12. **PENALTIES.—**

1. AGAINST THE PRIVATE INDIVIDUAL

a. **Administrative Fine**—Any person who violates any provision of this Fire Code or any of the rules and regulations promulgated under Section 6 hereof shall be penalized by an administrative fine of not exceeding FIFTY THOUSAND (P50,000.00) [twelve thousand (P12,000)] pesos or in the proper case, by stoppage of operations or by closure of such buildings, structures and their premises or facilities which do not comply with the requirements or by both such administrative fine and closure/stoppage of operation to be imposed by the DIRECTOR [Director General], Provided, That the payment of the fine, stoppage of operations and/or closure of such buildings, structures and their premises or facilities shall not absolve the violator for correcting the deficiency or abating the fire hazard. The decision of the DIRECTOR [Director General], under this subsection, may be appealed to the Secretary of INTERIOR AND LOCAL GOVERNMENT [National Defense], within fifteen (15) days from the date of receipt of the order. [imposing the administrative fine, stopping the operations and/or closure]. THE APPEAL SHALL NOT STAY THE EXECUTION OF THE ORDER OF THE DIRECTOR. The decision of the Secretary of INTERIOR AND LOCAL GOVERNMENT [National Defense] shall be final and executory.

b. **Punitive**—In case of willful failure to correct the deficiency or abate the fire hazard as provided in the preceding subsection, the violator shall, upon conviction, be punished by imprisonment of not less than six (6) months nor more than six (6) years, or by a fine of not more than ONE HUNDRED THOUSAND (P100,000,00) [twenty thousand (P20,000)] pesos or both such fine and imprisonment; Provided, however, That in the case of a corporation, firm, partnership or association, the fine and/or imprisonment shall be imposed upon its officials responsible for such violation, and in case the guilty party is an alien, in addition to the penalties herein prescribed, he shall immediately be deported; Provided, finally, That where the violation is attended by loss of life and/or damage to property, the violator shall be PUNISHED BY IMPRISONMENT OF ONE (1) YEAR TO SIX (6) YEARS IN THE DISCRETION OF THE COURT, IN ADDITION TO THE GRANT OF DAMAGES TO VICTIMS WHEN APPLICABLE.

ANY PERSON WHO, WITHOUT AUTHORITY, MALICIOUSLY REMOVES THE SIGN THAT A BUILDING OR STRUCTURE IS A FIRE HAZARD/FIRE TRAP PUT IN PLACE BY THE AUTHORIZED PERSON IN THIS CODE SHALL BE LIABLE FOR IMPRISONMENT FOR THIRTY (30) DAYS OR FINE OF NOT EXCEEDING ONE HUNDRED THOUSAND OR BOTH IN THE DISCRETION OF THE COURT.

2. AGAINST THE PUBLIC OFFICER

A. **ADMINISTRATIVE**—THE FOLLOWING ACTS OR OMISSIONS SHALL RENDER THE PUBLIC OFFICER IN CHARGE OF THE ENFORCEMENT OF THIS CODE, ITS IMPLEMENTING RULES AND REGULATIONS AND OTHER PERTINENT LAWS, ADMINISTRATIVELY LIABLE, AND SHALL BE PUNISHED BY REPRIMAND, SUSPENSION OR REMOVAL, DEPENDING ON THE GRAVITY OF THE OFFENSE, IN THE DISCRETION OF THE DISCIPLINING AUTHORITY:

(1) FAILURE OF THE PUBLIC OFFICER TO CONDUCT INSPECTION OF BUILDINGS OR STRUCTURES ONCE EVERY SIX (6) MONTHS;

(2) FAILURE TO PUT UP A SIGN INFRONT OF THE BUILDING OR STRUCTURE FOUND TO BE VIOLATING THIS CODE, ITS IMPLEMENTING RULES AND REGULATIONS AND OTHER PERTINENT LAWS, THAT THE SAME IS A "FIRE HAZARD" OR A "FIRE TRAP";

(3) ENDORSING TO THE DIRECTOR FOR CERTIFICATION, OR SUBMITTING A REPORT, THAT THE BUILDING OR STRUCTURE COMPLIES WITH THE STANDARDS SET BY THIS CODE, ITS IMPLEMENTING RULES OR REGULATIONS OR OTHER PERTINENT LAWS WHEN THE SAME IS CONTRARY TO FACT; OR

(4) ISSUANCE OR RENEWAL OF OCCUPANCY OR BUSINESS PERMIT WITHOUT THE CERTIFICATE OF COMPLIANCE ISSUED BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE;

(5) FAILURE TO CANCEL THE OCCUPANCY OR BUSINESS PERMIT AFTER THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES FAILED TO COMPLY WITH THE NOTICE/ORDER FOR COMPLIANCE WITH THE STANDARDS SET BY THIS CODE, ITS IMPLEMENTING RULES AND REGULATIONS AND OTHER PERTINENT LAWS, WITHIN THE SPECIFIED PERIOD;

(6) FAILURE TO ABATE A PUBLIC NUISANCE WITHIN FIFTEEN (15) DAYS AFTER THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER RESPONSIBLE PERSON FAILED TO ABATE THE SAME WITHIN THE PERIOD CONTAINED IN THE NOTICE TO ABATE; OR

(7) OTHER WILLFUL OR GROSS NEGLIGENCE IN THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; OR ABUSES HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY; OR IN ANY MANNER IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS.

B. **PUNITIVE**—THE ABOVEMENTIONED ACTS OR OMISSIONS OF THE PUBLIC OFFICIAL, EITHER THROUGH WILLFUL OR GROSS NEGLIGENCE OR THROUGH MALICE, SHALL CONSTITUTE A CRIMINAL OFFENSE WHEN THE SAME, RESULTED TO OR FAILED TO PREVENT, LOSS OF LIFE AND/OR DAMAGE TO PROPERTY, AND THE PUBLIC OFFICER SHALL BE PUNISHED BY ONE (1) YEAR TO FIVE (5) YEARS OF IMPRISONMENT AND/OR FINE NOT EXCEEDING FIVE HUNDRED THOUSAND (P500,000.00) IN THE DISCRETION OF THE COURT, IN ADDITION TO HIS ADMINISTRATIVE LIABILITY."

Section 2. The Secretary of the Department of Interior and Local Government shall issue the Implementing Rules and Regulations of the Fire Code of the Philippines incorporating the amendments herein within three (3) months from the approval of this Act.

Section 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,