

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Second Regular Session

House Bill No. 5010



Introduced by Representative **Imee R. Marcos**

EXPLANATORY NOTE

The Philippines is a fire prone country. The sight of fire engines on its way to a potentially disastrous event has become familiar to millions of citizens. While most people keep their distance from a disaster, several unidentified men and women, dash towards the blaze, defying fear and danger, to help strangers retrieve some piece of property, some semblance of order, or a precious life. These nameless men and women are volunteer firefighters who commit themselves to the promotion of goodwill in the Philippines, to aid the people not only in times of fire but also in times of other calamities and emergencies.

What do the firefighters get in return for their hard work?

These volunteer firefighters have sacrificed their time and resources in performing their work. Some have even made the supreme sacrifice of giving their lives for the safety of others. These acts merit gratitude and appreciation from the people and from the government.

This bill seeks to acknowledge the heroic acts of volunteer firemen and volunteer fire brigades and to encourage and sustain volunteerism in the Philippines. Associations of Fire Brigades are granted the power to exercise charitable functions, as non-stock and non-profit organizations. Compensation is likewise allotted in cases of personal injuries suffered by volunteer fire workers connected to and/or arising from firefighting activities. Moreover, tax incentives are granted to fire brigades or associations of thereof.

The approval of this bill is earnestly recommended to engender volunteerism and to further attract people to the fire and emergency service.

Imee R. Marcos
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Representative
2nd District, Ilocos Norte

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AN ACT
INSTITUTIONALIZING PRIVATE ORGANIZATIONS OF VOLUNTEER FIREMEN AND
VOLUNTEER FIRE BRIGADES, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "Volunteer Fire Brigades Act of 2006."

SECTION 2. Declaration of Policy.- Recognize the role of firefighters as guardian of the life, health and property of the people

SECTION 3. Definition of Terms. -

(a) "Volunteer Brigade" means any association of persons formed for the purpose of the prevention and suppression of fires and solely or principally composed of volunteer officers and members.

(b) "Association of Volunteer Fire Brigades" means a non-profit, non-stock organization of volunteer fire brigades established for the purpose of rendering fire fighting services registered with the Securities and Exchange Commission.

(c) "Casual Fire-Fighter" means any person who without remuneration or reward voluntarily engages in fire-fighting at any fire in the Philippines with a brigade or group of brigades duly registered under this Act.

(d) "Fire-Fighting" at any fire means –

(i) Performing under the control or direction of the officer in charge of operations at the fire any act or operation at or about the scene of the fire which is necessary or expedient for or directed towards the suppression of the fire, or the prevention of the spread of the fire, or the saving of life or property, or the treatment of persons injured at the fire, or the provision of sustenance for persons performing those acts or operations; and

(ii) Proceeding at the direction or request (whether directly or indirectly) of that officer to the scene of the fire exclusively for the purposes of performing any such act or operation or returning from the scene of the fire.

(e) "Personal Injury" means loss or damage as a result of fire, includes death

SECTION 4. Registration of Volunteer Fire Brigades. - No association of persons shall operate as a fire brigade in the Philippines unless it is first registered in Accordance with this Act, and no persons operating without such registration shall have any powers or privileges or the benefit of any immunity conferred by this Act.

SECTION 5. *Registration of Association of Volunteer Fire Brigades.* No association of volunteer fire brigades shall have any powers or privileges or the benefit of any immunity conferred under this Act unless registered and enrolled with the Bureau of Fire Protection.

SECTION 6. *Powers and Functions of Association of Volunteer Fire Brigades.* - Every association registered under this Act shall have the power and capacity:

- (1) To sue and be sued;
- (2) To admit members to Association;
- (3) To purchase, receive, take or grant, hold, convey, sell, lease, pledge, mortgage and otherwise deal with such real and personal property, including securities and bonds of other corporations, as the transaction of the lawful business of the corporation may reasonably and necessarily require, subject to the limitations, prescribed by law and the Constitution;
- (4) To make reasonable donations, including those for the public welfare or for hospital, charitable, cultural, scientific, civic or similar purposes: Provided, That no association registered under this Act shall give donations in aid of any political party or candidate or for purposes of partisan, political activity;
- (5) To exercise charitable functions in accordance with law;
- (6) To establish, pension, retirement and other plans for the benefit of its trustees, offices and employees; and
- (7) To exercise such other powers as may be essential or necessary to carry out its purpose or purposes.

SECTION 7. *Compensation in Respect of Injury to Casual Firefighter.* -

- (1) Compensation shall be payable under this Act if personal injury is suffered –
 - (a) By a casual fire-fighter, by accident arising out of or in the course of firefighting at any fire or aiding in disasters in cooperation with the National Disaster Coordinating Council and/or concerned Local Government Units, within the Philippines, with a duly registered brigade or group of brigades; or
 - (b) By a volunteer auxiliary worker, by accident arising out of or in the course of the performance of a firefighting or disaster service activity in cooperation with the National Disaster Coordinating Council and/or concerned Local Government Units.
- (2) All claims for compensation under this section must be made to the Bureau of Fire Protection in accordance with the Implementing Rules and Regulations of this Act.
- (3) The nature, amount and limits of the compensation, the time at which and the period during which compensation is payable, the manner of payment or application of compensation would be payable, the manner of payment or application of compensation and all other matters relating to compensation are to be determined by the Bureau of Fire Protection or in such manner as it may direct.
- (4) If a person has received compensation in respect of personal injury and that person is otherwise entitled to compensation in respect of that injury, that person must claim that compensation and forward the amount obtained to the Bureau of Fire Protection.
- (5) Compensation is not payable under this Section in respect of personal injury to –
 - (a) The owner or occupier of or any resident on the land or premises on which the injury occurs; or
 - (b) Any employee of any such owner, occupier or resident.

SECTION 8. *Exemption from certain rates and taxes.*

All emergency services organizations are exempt from –

- (a) water and sewerage rates;
- (b) Income taxes received by organization of volunteer brigades as such in accordance with Section 30 (G) of the Tax Code;
- (c) Import duties under the Custom and Tariff Code on fire trucks, water tankers, pumpers, aerial ladders, protective gear such as boots, firecoats, pants, breathing apparatus, helmets, and such other equipment necessary in performance of their firefighting functions:

Provided, such equipment and protective gears are used actually used in volunteer firefighting and disaster service activities;

(d) Value Added Tax on the importation of fire trucks, water tankers, pumpers, aerial ladders, protective gear such as boots, firecoats, pants, breathing apparatus, helmets, and such other equipment necessary in performance of their firefighting functions: Provided, such equipment and protective gears are used actually used in volunteer firefighting and disaster service activities;

(e) Real property tax on land, building, improvements directly, actually and exclusively used for firefighting purposes.

SECTION 9. *Gifts and Donations to Registered Volunteer Brigades.* - Gifts and donations made by a Philippine resident, as defined under the National Internal Revenue Code, to private organizations of volunteer fire brigades duly registered by the Bureau of Fire Protection shall be exempt from donor's tax in accordance with section 101 paragraphs (A) (3) and (B) (2) of the National Internal Revenue Code.

SECTION 10. *Immunity Provision for Persons Acting in Accordance with their Firefighting Functions.* -

(1) A person complying with any direction given under this Act is not personally liable for anything done or omitted to be done in accordance with the direction and in good faith.

(2) A person requesting or consenting to the doing of any act, matter or thing by the members of a brigade is not personally liable for any thing done or omitted to be done -

(a) In the exercise of a power or the discharge of a duty under this Act or the regulations;
or

(b) In the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.

SECTION 11. *Implementing Rules and Regulations.* - The Bureau of Fire Protection, in coordination with the Bureau of Customs, Bureau of Internal Revenue, and the Philippine National Volunteer Service Coordination Agency, shall promulgate within sixty (60) working days from the effectivity of this Act, Rules and Regulations as may be necessary to ensure the efficient and the effective implementation of the provisions of this Act.

SECTION 12. *Separability Clause.* - If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in force or full effect.

SECTION 13. *Repealing Clauses.* - All laws, decrees, executive order, or rules and regulations inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,