



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4398



Introduced by Congressman Jorge “PATROL” Bustos

EXPLANATORY NOTE

In 2008, Congress passed Republic Act (RA) No. 9514, otherwise known as the “*Fire Code of the Philippines of 2008*,” the principal law governing the prevention and suppression of all destructive fires and the professionalization of the fire service as a profession. Under the Fire Code, the Bureau of Fire Protection (BFP) is mandated to enforce the provisions of RA 9514 to all buildings, facilities or structures erected or constructed before or after its effectivity. However, despite the clear language of the Fire Code, several government agencies and entities, such as the Philippine Economic Zone Authority (PEZA), had for a long time arrogated upon them the enforcement of the Fire Code to PEZA-registered economic zones.

On 02 June 2017, a lone gunman burned a portion of the Resorts World Manila which resulted to the death of thirty-eight (38) persons. Consequently, a Congressional inquiry was conducted which revealed the overlapping authority of BFP and PEZA in the enforcement of the Fire Code. Prior to the said incident, similar fire incidents had previously occurred, where the issue was already brought to the fore.

Moreover, within the 10-year implementation of the present Fire Code, there were provisions already found to be incompatible with the present program of President Rodrigo Roa Duterte, specifically on the streamlining of the processing of business and other local permits. For instance, only the BFP has the authority to assess and collect Fire Code fees specifically, those related to applications for local permits and construction related permits.

This specific provisions therefore have to be revised in order to allow other agencies to collect fees for and in behalf of the BFP. This is to fully align with the intents and purposes of the newly enacted RA 11032, otherwise known

as “*Ease of Doing Business and Efficient Government Service Delivery Act of 2008*,” with the end view of eradicating bureaucratic red tape and other forms of corruption in the government

Finally, the present Fire Code tends to constrict the utilization of fees collection as it only provides that only eighty percent (80%) thereof is intended for the BFP modernization, thus barring the BFP to acquire lands for the establishment and construction of national, regional, provincial offices, and city or municipal fire stations. The present Fire Code also does not expressly allow the utilization of the fees or collection for the acquisition of rescue vehicles, tools, devices and equipment, which are necessary for the BFP to successfully perform its mandate of saving lives and properties and to keep the people safe from the after effects of all forms of calamities and disasters.

Thus, this proposed bill seeks to:

1. Clarify the respective authorities and jurisdictions of the BFP, PEZA and other similar entities, with respect to the administration and enforcement of the Fire Code in economic zones;
2. Harmonize the assessment and collection of Fire Code fees to the assessment and collection made by the local government units for construction related permits and business permits;
3. Expand the utilization of the Fire Code collections; and
4. Provide stringent penalties for acts that compromise fire safety endanger the lives and limbs as well as properties of the citizens of the Philippines.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly sought.


CONG. JORGE “PATROL” BUS



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AN ACT

STRENGTHENING THE PROGRAMS FOR THE PREVENTION AND
SUPPRESSION OF ALL DESTRUCTIVE FIRES IN THE COUNTRY,
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9514,
OTHERWISE KNOWN AS THE “*FIRE CODE OF THE PHILIPPINES OF
2008*”

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

SECTION 1. **Short Title.** – This Act shall be known as the “*Revised Fire
Code of the Philippines.*”

SEC. 2. **Declaration of Policy.** – It is the policy of the State to ensure
public safety and promote economic development through the prevention and
suppression of all kinds of destructive fires, and promote the professionalization of
the men and women serving in the Bureau of Fire Protection. Toward this end, the
State shall enforce all laws, rules and regulations to ensure adherence to standard
fire prevention and safety measures, and promote accountability in the fire
protection and prevention service.

SEC. 3. **Definition of Terms.** – As used in this Fire Code:

1 (a) *Abatement* refers to any act that would remove or neutralize a fire hazard;

2 (b) *Administrator* refers to any person who acts as agent of the owner and
3 manages the use of a building for him;

4 (c) *Building* refers to any structure built for the support, shelter, or enclosure
5 of persons, animals, chattels, or properties of any kind;

6 (d) *Closure order* refers to a written notice issued by the city or municipal
7 fire marshal to the owner, administrator, or occupant to close the whole or portion
8 of the building or structure cease upon determination during inspection, that the
9 deficiency or violation noted in the notice to correct violation remains unabated or
10 uncorrected, after the lapse of the prescribed period thereof including a notice of
11 cancellation of the existing fire safety inspection certificate of the building or
12 structure;

13 (e) *Damper* refers to any normally open device installed inside an air duct
14 system which automatically closes to restrict the passage of smoke or fire;

15 (f) *Duct system* refers to any continuous passageway for the transmission of
16 air;

17 (g) *Fire* refers to the active principle of burning, characterized by the heat
18 and light of combustion;

19 (h) *Fire alarm* refers to any visual or audible signal produced by a device or
20 system to warn the occupants of the building or firefighting elements of the
21 presence or danger of fire to enable them to undertake immediate action to save
22 life and property and to suppress the fire;

23 (i) *Fire door* refers to any fire resistive door prescribed for openings in fire
24 separation walls or partitions;

25 (j) *Fire hazard* refers to a condition or act which increases or may cause an
26 increase in the probability of the occurrence of fire, or which may obstruct, delay,

1 hinder or interfere with firefighting operations and the safeguarding of life and
2 property;

3 (k) *Fire lane* refers to a portion of a roadway or public-way that should be
4 kept opened and unobstructed at all times for the expedient operation of
5 firefighting units;

6 (l) *Fire protective and fire safety device* refers to a device intended for the
7 protection of buildings or persons to include but not limited to built-in protection
8 system such as sprinklers and other automatic extinguishing system, detectors for
9 heat, smoke and combustion products and other warning system components,
10 personal protective equipment such as fire blankets, helmets, fire suits, gloves and
11 other garments that may be put on or worn by persons to protect themselves during
12 fire;

13 (m) *Fire safety constructions* refer to any design and installation of walls,
14 barriers, doors, windows, vents, means of egress etc. integral to and incorporated
15 into a building or structure in order to minimize danger to life from fire, smoke,
16 fumes or panic before the building is evacuated. These features are also designed to
17 achieve, among others, safe and rapid evacuation of people through means of
18 egress sealed from smoke or fire, the confinement of fire or smoke in the room or
19 floor of origin and delay their spread to other parts of the building by means of
20 smoke sealed and fire resistant doors, walls and floors. The term includes the
21 treatment of buildings components or contents with flame retardant chemicals;

22 (n) *Fire Safety Evaluation Clearance* refers to a document issued by the city
23 or municipal fire marshal as prerequisite for the issuance of building permit upon
24 determination that the building or structure has complied with the requirements
25 prescribed under this Fire Code, its implementing rules and regulations and other
26 related laws;

1 (o) *Fire Safety Inspection Certificate* refers to a document issued by the city
2 or municipal fire marshal as prerequisite for the issuance of occupancy permit or
3 business permit upon determination that the building or structure has complied
4 with the requirements prescribed under this Fire Code, its implementing rules and
5 regulations and other related laws;

6 (p) *Fire trap* refers to a structure or building which lacks adequate or
7 inappropriate fire exits or means of egress;

8 (q) *Hazardous operation or process* refers to the act of manufacturing,
9 fabrication, conversion, etc., that uses or produces materials which are likely to
10 cause fires or explosions;

11 (r) *Horizontal exit* refers to a pathway from one building to another or
12 through or around a wall in approximately the same floor level;

13 (s) *Hose box* refers to any box or cabinet where fire hoses, valves and other
14 equipment are stored and arranged for firefighting;

15 (t) *Hose reel* refers to any cylindrical device turning on an axis around which
16 a fire hose is wound and connected;

17 (u) *Jumper* refers to any piece of metal or an electrical conductor used to
18 bypass a safety device in an electrical system;

19 (v) *Notice to Comply* refers to a written notice issued by the city or
20 municipal fire marshal to the owner, administrator or occupant upon determination
21 during inspection that the building or structure has deficiency or violation under
22 this Fire Code and its implementing rules and regulations, and specifying therein
23 the prescribed period to abate or correct the deficiency or violation;

24 (w) *Notice to Correct Violation and Order to Pay Fine* refers to a written
25 notice issued by the city or municipal fire marshal to the owner, administrator or
26 occupant upon determination during re-inspection that the deficiency or violation
27 noted in the notice to comply remains unabated or uncorrected after the lapse of

1 the prescribed period thereof and specifying the administrative fine imposed and
2 the prescribed period to abate or correct the deficiency or violation;

3 (x) *Notice of Disapproval* refers to a written notice issued by the city or
4 municipal fire marshal to the applicant or owner, disapproving the application for
5 fire safety evaluation clearance, for occupancy permit upon determination that the
6 plans and specifications or the building or structure during inspection, as the case
7 maybe, did not conform to the fire safety requirements of this Fire Code and its
8 implementing rules and regulations and other related laws;

9 (y) *Occupancy* refers to the purpose for which a building or portion thereof
10 is used or intended to be used;

11 (z) *Occupant* refers to a person actually occupying and using a building or
12 portions thereof by virtue of a lease contract with the owner or administrator or by
13 permission or sufferance of the latter;

14 (aa) *Overloading* refers to the use of one or more electrical appliances or
15 devices which draw or consume electrical current beyond the designed capacity of
16 the existing electrical system;

17 (bb) *Owner* refers to person who holds the legal right of possession or title to
18 a building or real property;

19 (cc) *Public assembly building* refers to a building or structure where fifty
20 (50) or more people congregate, gather, or assemble for any purpose;

21 (dd) *Public way* refers to a street, alley or other strip of land unobstructed
22 from the ground to the sky, deeded, dedicated or otherwise permanently
23 appropriated for public use;

24 (ee) *Self-closing fire resistive doors* refer to an automatic closing door that
25 are designed to confine smoke and heat and delay the spread of fire;

26 (ff) *Sprinkler system* refers to an integrated network of hydraulically
27 designed piping installed in a building, structure or area with outlets arranged in a

1 systematic pattern which automatically discharges water when activated by heat or
2 combustion products from a fire;

3 (gg) *Standpipe system* refers to any system of vertical pipes in a building to
4 which fire hoses can be attached on each floor, including a system by which water
5 is made available to the outlets as needed;

6 (hh) *Vestibule* refers to any passage hall or antechamber between the outer
7 doors and the interior parts of a house or building; and

8 (ii) *Vertical shaft* refers to an enclosed vertical space of passage that extends
9 from floor to floor, as well as from the base to the top of the building.”

10 SEC. 4. ***Applicability.*** – The provisions of the Fire Code shall apply to all
11 persons and all private and public buildings, facilities or structures erected or
12 constructed before and after its effectivity.

13 SEC. 5. ***Responsibility for the Enforcement.*** – This Fire Code shall be
14 administered and enforced by the Bureau of Fire Protection (BFP), under the direct
15 supervision and control of the Chief of the Bureau of Fire Protection, through the
16 hierarchy of organization as provided for in Chapter VI of Republic Act No. 6975.
17 With the approval of the Secretary of the Interior and Local Government (DILG),
18 the Chief, BFP, is hereby authorized to:

19 (a) Issue implementing rules and regulations, and prescribe standards,
20 schedules of fees or fire service charges and administrative penalties therefore as
21 provided in the pertinent provisions of this Fire Code;

22 (b) Reorganize the BFP as may be necessary and appropriate;

23 (c) Support and assist fire volunteers, practitioners and volunteer
24 organizations in the country who shall undergo mandatory fire suppression,
25 inspection, rescue, emergency medical services and related emergency response
26 trainings and competency evaluations to be conducted by the BFP. In the case of
27 the fire practitioners, they shall undergo mandatory continuous professional

1 education and competency evaluation of their expertise, knowledge and skills in
2 the area of fire science, engineering and technology to be conducted by the BFP;

3 The BFP may enter into external party agreements for the conduct of
4 training, education and evaluation of fire volunteers, practitioners and volunteer
5 organizations, which shall be under the full control and supervision of the BFP:
6 *Provided, however,* That during firefighting operations, volunteer organizations
7 shall be under the direct operational control of the ground commanders of the BFP;

8 (d) Enter into long term agreement, either through public biddings or
9 negotiations in accordance with the provisions of Republic Act No. 9184,
10 otherwise known as the *Government Procurement Reform Act of 2003*, for the
11 acquisition of fire prevention, fire protection and firefighting investigation,
12 rescue, paramedics, hazardous material handling equipment, supplies, materials
13 and related technical services necessary for the fire services;

14 (e) Enter into memoranda of agreement with other departments, bureaus,
15 agencies, offices and corporations of the government, as well as private
16 institutions, in order to define areas of cooperation and coordination and delineate
17 responsibility on fire prevention education, fire safety, fire prevention, fire
18 suppression and other matters of common concern;

19 (f) Call on the police, other law enforcement agencies, and local government
20 assistance to render necessary assistance in the enforcement of this Fire Code;

21 (g) Designate a fire safety inspector through duly authorized representative,
22 who shall conduct an inspection of every building or structure within the
23 designated area of responsibility at least once a year and every time the owner,
24 administrator or occupant shall renew the Business Permit or Permit to Operate
25 notwithstanding any Permit to Operate, clearance, or certificate earlier issued by
26 the local authorities and other government agencies.

1 No Occupancy Permit, Business Permit or Permit to Operate and Certificate
2 of Annual Inspection shall be issued without securing a Fire Safety Inspection
3 Certificate from the BFP; any violation thereof shall be punishable by
4 imprisonment of one (1) year to six (6) years and a fine of not less than Five
5 hundred thousand pesos (P500,000.00) but not more than Two million pesos
6 (P2,000,000.00), without prejudice to the filing of an administrative case against
7 the offender;

8 (h) Inspect at reasonable time, any building, structure, installation or
9 premises for dangerous or hazardous conditions or materials as set forth in this
10 Fire Code, provided that in case of single family dwelling, an inspection must be
11 upon the consent of the occupant or upon lawful order from the proper court. The
12 Chief, BFP or the duly authorized representative shall order the owner or
13 occupant to remove hazardous materials or stop hazardous operation or process
14 in accordance with the standards set by this Fire Code or its implementing rules
15 or regulations or other pertinent laws. Hazardous materials refer to substances,
16 solids, liquids, or gases that can harm people, other living organisms, property, or
17 the environment, more specifically;

18 (i) Where conditions exist and are deemed hazardous to life and property, to
19 order the owner or occupant of any building or structure to summarily abate such
20 hazardous conditions;

21 (j) Require the building owner or occupant to submit plans and
22 specifications, and other pertinent documents of said building and evaluate to
23 ensure compliance with applicable codes and standards. For this purpose, a Fire
24 Safety Evaluation Clearance shall be issued as a prerequisite for the issuance of a
25 Building Permit. Any Building Permit issued without the necessary Fire Safety
26 Evaluation Clearance is considered void *ab initio*, and the person who issued or
27 caused the issuance thereof, shall suffer the penalty of imprisonment of not less

1 than one (1) year but not more than six (6) years and a fine of not less than Five
2 hundred thousand pesos (P500,000.00) but not more than Two million pesos
3 (P2,000,000.00), without prejudice to the filing of an administrative case against
4 the offender; and

5 (k) Issue a written notice to the owner or contractor to stop work on portion
6 of any work due to absence, or in violation of approved plans and specifications,
7 permit or clearance or certification as approved or issued by the Chief, BFP or the
8 duly authorized representative. The notice shall state the nature of the violation
9 and no work shall be continued on that portion until the violation had been
10 corrected. Any violation thereof shall be punishable by imprisonment of one (1)
11 year to six (6) years and a fine of not less than five hundred thousand pesos
12 (P500,000.00) but not more than two million pesos (P2,000,000.00) without
13 prejudice to the filing of an administrative case against the offender.

14 SEC. 6. **Technical Staff.** - The Chief, BFP shall constitute a technical staff
15 of highly qualified persons who are knowledgeable on fire prevention, fire safety,
16 and fire suppression. They may be drawn not only from the organic members of
17 the BFP and other government offices and agencies, but also from other sources.
18 In the latter case, they may either be appointed into the service or hired as
19 consultants in accordance with law. The technical staff shall study, review and
20 evaluate latest developments and standards on fire technology; prepare plans or
21 programs on fire safety, prevention and suppression and evaluate implementation
22 thereof; develop programs on the professionalization of the fire service;
23 coordinate with appropriate government and private institutions for the offering
24 of college courses on fire technology and fire protection engineering; propose
25 amendments to the Fire Code; advise the Chief, BFP on any matter brought to the
26 attention of the Chief, BFP; and perform such other functions as directed on any

1 matter brought to the attention of the Chief, BFP and perform such other
2 functions as directed by higher authorities.

3 SEC. 7. ***Inspections, Safety Measures, Fire Safety Constructions and***
4 ***Protective or Warning Systems.*** – As may be defined and provided in the rules
5 and regulations, owners, administrators or occupants of buildings, structures and
6 their premises or facilities and other responsible persons shall be required to
7 comply with the following, as may be appropriate:

8 (a) Inspection Requirement – A Fire Safety Inspection shall be conducted by
9 the Chief, BFP or the duly authorized representative and that if found compliant
10 with the fire safety provisions of this Fire Code, shall issue Fire Safety Inspection
11 Certificate, if not, proceed to administrative courses of action as prescribed by this
12 Fire Code and its implementing rules and regulations, for the:

13 (1) Use or occupancy of buildings, structures, facilities or their premises
14 including the installation or fire protection and fire safety equipment, and
15 electrical system in any building structure or facility; and

16 (2) Storage, handling or use of explosives or of combustible, flammable,
17 toxic and other hazardous materials;

18 (b) Safety Measures for Hazardous Materials – Fire safety measures shall be
19 required for the manufacture, storage, transportation handling or use of hazardous
20 materials with potential to cause harm to persons, property or the environment
21 because of one or more of the following:

22 i) The chemical properties of the substance;

23 ii) The physical properties of the substance; or

24 iii) The biological properties of the substance. Without limiting the
25 definition of hazardous materials, all dangerous goods, combustible liquids
26 and chemicals are hazardous materials. Dangerous goods refer to items or

1 substances that when transported are a risk to health, safety, property or the
2 environment.

3 (c) Safety Measures for Hazardous Operation or Processes – Fire safety
4 measures shall be required for any hazardous operation or processes that may be
5 defined in the implementing rules and regulations.

6 (d) Provision on Fire Safety Construction, Protective and Warning System –
7 Owners, occupants or administrators of buildings, structures and their premises or
8 facilities, except such other buildings or structures as may be exempted in the rules
9 and regulations to be promulgated under Section 5 hereof, shall incorporate and
10 provide therein fire safety construction, protective and warning system, and shall
11 develop and implement fire safety programs, to wit:

12 (1) Fire protection features such as sprinkler systems, hose boxes, hose
13 reels or standpipe systems and other firefighting equipment;

14 (2) Fire alarm systems;

15 (3) Fire walls to separate adjoining buildings, or warehouses and storage
16 areas from other occupants in the same building;

17 (4) Provisions for confining the fire at its source such as fire resistive
18 floors and walls extending up to the next floor slab or roof, curtain boards
19 and other fire containing or stopping components;

20 (5) Termination of all exits in an area affording safe passage to a public
21 way or safe dispersal area;

22 (6) Stairway, vertical shafts, horizontal exits and other means of egress
23 sealed from smoke and heat;

24 (7) A fire exit plan for each floor of the building showing the routes from
25 each room to appropriate exits, displayed prominently on the door of such
26 room;

27 (8) Self-closing fire resistive doors leading to corridors;

1 (9) Fire dampers in centralized air conditioning ducts;

2 (10) Roof vents for use by fire fighters;

3 (11) Properly marked and lighted exits with provision for emergency
4 lights to adequately illuminate exit ways in case of power failure; and

5 (12) Smoke management system. This refers to a system which controls
6 the movement of the smoke during a fire intended to protect the occupants
7 while being evacuated or sheltered in place.

8 SEC. 8. **Fire Safety Inspection Certificate.** – A Fire Safety Inspection
9 Certificate shall be a prerequisite for the issuance of Occupancy Permit, Business
10 Permit or Permit to Operate, license or other permit issued by the following:

11 (1) Local government units;

12 (2) Office of the Building Official;

13 (3) Philhealth accreditation for hospitals;

14 (4) Department of Health;

15 (5) Philippine Economic Zone Authority and other similar entities; and

16 (6) Other government agencies subject to the rules and conditions set forth in
17 the implementing rules and regulations of this Fire Code.”

18 SEC. 9. **Punishable Acts.** – Any person who commits the following acts
19 and omissions shall be punished in accordance with this Fire Code and other
20 applicable laws:

21 (a) Obstructing or blocking the exit ways or across to buildings clearly
22 marked for fire safety purposes, such as but not limited to aisles in interior rooms,
23 any part of stairways, hallways, corridors, vestibules, balconies or bridges leading
24 to a stairway or exit of any kind, or tolerating or allowing said violations;

25 (b) Constructing gates, entrances and walkways to buildings components and
26 yards which obstruct the orderly and easy passage of fire fighting vehicles and
27 equipment;

1 (c) Prevention, interference or obstruction of any operation of the fire
2 service, or of duly organized and authorized fire brigades;

3 (d) Obstructing designated fire lanes or access to fire hydrants;

4 (e) Overcrowding or admission of persons beyond the authorized capacity in
5 movie houses, theaters, coliseums, auditoriums or other public assembly buildings,
6 except in other assembly areas located on the ground floor with open sides or open
7 doors sufficient to provide safe exits;

8 (f) Locking fire exits during period when people are inside the building;

9 (g) Prevention or obstruction of the automatic closure of fire doors or smoke
10 partitions or dampers;

11 (h) Use of fire protective or firefighting equipment of the fire service other
12 than for firefighting except in other emergencies where their use are justified;

13 (i) Giving false or malicious fire alarms;

14 (j) Smoking in prohibited areas as may be determined by fire service, or
15 throwing of cigars, cigarettes, burning objects in places which may start or cause
16 fire;

17 (k) Abandoning or leaving a building, structure or facility by the occupant or
18 owner without appropriate safety measures as enumerated in the implementing
19 rules and regulations of this Fire Code. In the event that a fire occurs due to the
20 negligence of the owner or occupant which resulted to injury, loss of life and or
21 damage to property, such owner or occupant shall be proceeded under the
22 applicable provisions of the Revised Penal Code and other special laws;

23 (l) Removing, destroying, tampering or obliterating any authorized mark,
24 seal, sign or tag posted or required by the fire service for fire safety in any
25 building, structure or processing equipment;

26 (m) Use of jumpers or tampering with the standard design of the electrical
27 system or overloading the electrical system beyond its designated capacity or such

1 other practices that would tend to undermine the fire safety features of the
2 electrical system;

3 (n) Obstruction, prohibition or prevention by any person in the conduct of
4 fire safety inspection by duly authorized BFP representative;

5 (o) Usurpation by any person of the functions of the BFP, such as the
6 implementation of this Fire Code and other related laws;

7 (p) Bribery or attempting to bribe any BFP personnel in exchange for the
8 commission of violations of this Fire Code and other related laws; and

9 (q) Interfering, influencing, or exerting undue influence on any BFP
10 personnel to issue the Fire Safety Evaluation Clearance, Fire Safety Inspection
11 Certificate or any other clearances.

12 SEC. 10. ***Abatement of Fire Hazards and Fire Traps.*** – Upon finding that
13 the status of a building or the operation of an establishment constitutes fire hazard
14 or lacks fire safety measures as provided in this Fire Code, the fire marshal shall:

15 1) Issue and serve a Notice to Comply setting forth therein the violations
16 noted and the period within which abatement of fire hazards, correction and
17 compliance shall be made, within thirty (30) days from receipt of the order,
18 depending on the gravity of the violation and the extent of the work to be done to
19 effect compliance;

20 2) Issue and serve a Notice to Correct Violation if no correction has been
21 made, or when there is a purported compliance but is not within the standards
22 required by this Fire Code, with an order to pay fine within ten (10) days from
23 receipt of the notice. The payment of the fine shall in no case be construed as
24 compliance to the noted violation. Upon service of the Notice to Correct Violation,
25 the fire marshal shall likewise cause the posting of a warning sign specifically
26 bearing the words: “*Warning: This building or establishment is a fire hazard*”.
27 The signage shall remain posted until such time that the building owner or

1 occupant has implemented a complete correction of the noted violation. The
2 period to comply with the notice to correct violation shall not exceed thirty (30)
3 days from service of the notice; and

4 3) Issue a Closure Order, in the event of non-compliance within the
5 required period in the Notice to Correct Violation or Non-Payment of
6 Administrative Fine, within ten (10) days from receipt of the notice. A copy of the
7 Closure Order shall be given to the building official and the local chief executive
8 to effect the cancellation of the Business Permit or Permit to Operate. The Closure
9 Order shall contain a directive to the occupant to immediately vacate the building
10 to avert the possibility of loss of lives should a destructive fire occur. Any existing
11 Fire Safety Inspection Certificate issued is considered revoked upon the issuance
12 of a Closure Order;

13 During re-inspection under paragraphs (2) and (3) of this section, when
14 initial compliance is being effected by the owner, the Notice to Correct Violation
15 or Closure Order may not be issued. In lieu thereof, the owner may be allowed,
16 but only once, to execute an affidavit of undertaking specifically containing among
17 others the period of completion of work. For this purpose, the owner shall attach
18 in the affidavit the following, if applicable:

19 (i) Duly executed and notarized contract of works, entered into by the
20 building establishment and the contractor. The work covered by the contract
21 shall be completed for a period of not more than one hundred eighty (180)
22 days;

23 (ii) Duly signed and sealed plans, specifications and bill of materials
24 approved by the BFP; and

25 (iii) Authority to execute affidavit of undertaking in case of corporation,
26 partnership or association.

1 Failure to comply within the period specified in the affidavit of undertaking
2 shall be a ground for the issuance of closure order and imposition of administrative
3 fine in the amount of Five hundred thousand pesos (P500,000.00);

4 5) Service of notices or orders mentioned in this section shall be made
5 during office or business hours of the concerned building or establishment.
6 Service thereof shall be made personally to the owner, or in the absence of the
7 owner, to the administrator, manager, safety officer, representative, employee or
8 any person of suitable age and discretion who is residing or working therein.
9 Registered mail may be resorted to when personal service maybe futile due to the
10 long absence or refusal of the owner or the aforementioned persons to receive such
11 notices or orders.

12 SEC. 11. **Fire Trap.** – Upon findings by the fire marshal concerned that the
13 status of a building or the operation of an establishment constitutes a fire trap, the
14 fire marshal shall:

15 (a) Issue and serve a notice to the owner, administrator, occupant or other
16 person responsible for the condition of the building, structure and their premises or
17 facilities, declaring a particular building as a fire trap. The notice shall contain the
18 following:

19 (i) An order to vacate the building and stop any operation thereof;

20 (ii) The grounds relied upon in declaring the same as fire trap; and

21 (iii) The period within which abatement of the hazards, correction and
22 compliance which shall be within thirty (30) days from receipt of the order.

23 Within twenty four (24) hours from the service of the notice, the fire marshal
24 shall submit a report on the circumstances surrounding the aforementioned
25 declaration to the regional director, who in turn shall forward a copy of the
26 same to the Chief, BFP.

1 (b) Upon service of the notice, the fire marshal shall cause the posting of a
2 warning sign specifically bearing the words: “*Warning: This building or*
3 *establishment is a fire trap.*” The herein signage shall remain posted until such
4 time that the building owner or occupant has implemented the necessary correction
5 of the noted violations which in no case shall exceed thirty (30) days.

6 In all instances, the provincial fire marshal, regional director and the Chief,
7 BFP has the authority to review, revise, modify or reverse the action of the fire
8 marshal as provided for in this Fire Code. However, review by the foregoing
9 authorities shall not stay the declaration of a building or structure as a fire trap and
10 the period to correct the same.

11 SEC. 12. ***Liability of Building Owners.*** – The owner, administrator,
12 manager or person having authority in the management of the building or
13 establishment shall be held responsible for the loss of lives and damage to
14 properties on account of the refusal or failure to comply or implement the issued
15 order for closure mentioned in this Fire Code.

16 SEC. 13. ***Penalties.*** –

17 1. **Against the private individual:**

18 a) Administrative fine – Any person who violates any provision of the Fire
19 Code or any of the rules and regulations promulgated under this Act shall be
20 imposed an administrative fine not exceeding Five hundred thousand pesos
21 (P500,000.00) per violation or in the proper case, closure of such buildings,
22 structures and their premises or facilities which do not comply with the
23 requirements or by both such administrative fine and closure of buildings,
24 structures and other premises or facilities to be imposed by the Chief, BFP:
25 *Provided*, That the payment of the fine, closure of such buildings, structures, and
26 their premises or facilities shall not absolve the violator from correcting the

1 deficiency or abating the fire hazard. The decision of the authorized BFP officer
2 may be appealed to the next higher authority; and

3 (b) Punitive – Any person who willfully fails to correct the deficiency or
4 abate the fire hazard or fire trap as provided in the preceding paragraphs, or who
5 commits any act mentioned in paragraphs (o), (p) and (q) of Section 9 hereof shall,
6 upon conviction, be punished by imprisonment of not less than one (1) year nor
7 more than six (6) years, or by a fine of not less than Five hundred thousand pesos
8 (P500,000.00) but not more than Two million pesos (P2,000,000.00), or both such
9 fine and imprisonment: *Provided*, however, That in the case of a corporation, firm,
10 partnership or association, the fine or imprisonment shall be imposed upon its
11 officials responsible for such violation, and in case the guilty party is an alien, in
12 addition to the penalties herein prescribed, he shall immediately be deported:
13 *Provided*, finally, That where the violation is attended by injury, loss of life or
14 damage to property, the violator shall be proceeded against under the applicable
15 provisions of the Revised Penal Code.

16 Any person who disobeys the lawful order of the ground commander during
17 the firefighting operation shall be punished by imprisonment of not less than one
18 (1) year to not more than six (6) years or a fine not less than Five hundred thousand
19 pesos (P500,000.00) but not more than Two million pesos (P2,000,000.00), or both
20 such fine and imprisonment at the discretion of the court.

21 **2. Against the public officer or employee:**

22 (a) Administrative – The following acts or omissions shall render the public
23 officer or employee in charge of the enforcement of this Fire Code, its
24 implementing rules and regulations and other pertinent laws, administratively
25 liable, and shall be punished by suspension of not more than one (1) year for the
26 first offense and dismissal for the second offense, without prejudice to the
27 provisions of other applicable laws:

1 (1) Unjustified failure of the public officer or employee to conduct
2 inspection of buildings or structures at least once a year;

3 (2) Deliberate failure to put up a sign in front of the building or structure
4 within the area of responsibility found to be violating this Fire Code, its
5 implementing rules and regulations and other pertinent laws, that the same is
6 a “*Fire Hazard*” or a “*Fire Trap*”;

7 (3) Endorsing for the certification, or submitting a report that the building
8 or structure complies with the standards set by this Fire Code, its
9 implementing rules or regulations or other pertinent laws when the same is
10 contrary to fact;

11 (4) Issuance or renewal of Occupancy Permit or Business Permit without
12 the Fire Safety Inspection Certificate issued by the Chief, BFP or the duly
13 authorized representative;

14 (5) Failure to cancel the Occupancy Permit or Business Permit after the
15 owner, administrator, occupant or other person responsible for the condition
16 of the building, structure and other premises failed to comply with the
17 Notice or Order for Compliance with the standards set by this Fire Code, its
18 implementing rules and regulations and other pertinent laws, within the
19 specified period;

20 (6) Usurpation of the functions of the BFP, such as the implementation of
21 this Fire Code and other related laws;

22 (7) Interfering, influencing, or exerting undue influence on any BFP
23 personnel to issue the Fire Safety Evaluation Clearance, Fire Safety
24 Inspection Certificate or any other clearances;

25 (8) Abusing the authority in the performance of duty through acts of
26 corruption and other unethical practices; or

1 (9) Other willful impropriety or gross negligence in the performance of
2 duty as provided in this Act or its implementing rules and regulations.

3 (b) Punitive — In case of willful violation involving the abovementioned
4 acts or omissions enumerated under Section 11 subparagraph 2(a), the public
5 officer or employee shall, upon conviction, be punished by imprisonment of not
6 less than one (1) year nor more than six (6) years, or by a fine of not less than Five
7 hundred thousand pesos (P500,000.00) not more than Two million pesos
8 (P2,000,000.00), or both such fine and imprisonment: *Provided*, That where the
9 violation is attended by injury, loss of life or property, the violator shall be
10 prosecuted under the applicable provisions of the Revised Penal Code and other
11 special laws.

12 SEC. 14. ***Appropriation and Sources of Income.*** —

13 (a) To support the manpower, infrastructure and equipment needs of the
14 BFP, such amount as may be necessary to attain the objectives of the Fire Code
15 shall be appropriated and included in the annual appropriation of the BFP.

16 (b) To partially provide for the funding of the fire service, the following
17 taxes and fees which shall accrue to the general fund of the National Government
18 are hereby imposed:

19 (1) Fees to be charged for the issuance of certificates, permits and licenses
20 as provided for in Section 7 and Section 8 hereof to be prescribed in the
21 implementing rules and regulations;

22 (2) One-tenth of one *per centum* (0.1%) of the estimated value of every
23 building or structure to be erected based from bill of materials and labor
24 submitted by the applicant or from the prevailing construction cost to be
25 prescribed by the implementing rules and regulations, whichever is higher;

1 (3) Two per centum (2%) of the assessed value of every building,
2 structure or machinery annually payable upon payment of the real estate tax,
3 except on structures used as single family dwellings;

4 (4) Two *per centum* (2%) of all premiums, excluding re-insurance
5 premiums for the sale of fire, earthquake and explosion hazard insurance
6 collected by companies, persons or agents licensed to sell such insurances in
7 the Philippines;

8 (5) Two *per centum* (2%) of gross sales of companies, persons or agents
9 selling firefighting equipment, appliances or devices, including hazard
10 detection and warning systems; and

11 (6) Two per centum (2%) of the service fees received from fire,
12 earthquake, and explosion hazard reinsurance surveys and post loss service
13 of insurance adjustment companies doing business in the Philippines directly
14 through agents.

15 SEC. 15. ***Collection of Taxes, Fees and Fines.*** – All taxes, fees and fines
16 provided in this Fire Code shall be collected by the BFP or through a collecting
17 agent that may be deputized by the BFP in accordance with a memorandum of
18 agreement duly approved by the Chief, BFP.: *Provided*, that twenty percent (20%)
19 of all such collections shall be intended for the use of the city or municipal
20 government concerned, which shall appropriate the same exclusively for the use of
21 the operation and maintenance of its local fire station, including the construction
22 and repair of the fire station: *Provided, further*, That the remaining eighty per cent
23 (80%) shall be remitted to the National Treasury under a trust fund assigned to the
24 BFP for its modernization program, scholarship program, and the acquisition of
25 land for its offices, fire stations and training schools.

26 SEC. 16. ***Assessment of Fire Code Taxes, Fees and Fines.*** – The
27 assessment of fire code taxes, fees and fines is vested upon the BFP. The BFP

1 shall, subject to the approval of the DILG, prescribe the procedural rules for such
2 purpose.

3 SEC. 17. *Use of Income Generated from the Enforcement of the Fire*
4 ***Code.*** – The Chief, BFP is authorized, subject to the approval of the Secretary of
5 the Interior and Local Government, to use the income generated under this Fire
6 Code for procurement of fire protection and firefighting investigation, rescue,
7 paramedics, supplies and materials, and related technical services necessary for the
8 fire service and the improvement of facilities of the Bureau of Fire and Protection.
9 The income shall also be used in the acquisition of land and the construction of
10 BFP offices, fire stations and training schools.

11 The BFP shall determine the optimal number of equipment, including, but
12 not limited to, fire trucks and fire hydrants, required by every local government
13 unit for the proper delivery of fire protection services in its jurisdiction.

14 In the procurement of firefighting and investigation supplies and materials,
15 the Bureau of Product Standards of the Department of Trade and Industry shall
16 evaluate, determine and certify if the supply to procured conforms to the product
17 standards fixed by the BFP. For this purpose, the BFP shall submit to the Bureau
18 of Product Standards a detailed set of product standards that must be complied with
19 in the procurement of firefighting and investigation supplies and materials within
20 six (6) months from the effectivity of this Act.

21 SEC. 18. *Monitoring the Implementation of the Fire Code and the*
22 ***Amount of the Fees Collected.*** – The Chief, BFP shall, within six (6) month from
23 the effectivity of this Fire Code, submit to the Secretary of the Interior and Local
24 Government for approval, a management tool or mechanism that would ensure
25 effective monitoring of the enforcement of the Fire Code to include the amount of
26 fees collected.

1 SEC. 19. ***Implementing Rules and Regulations.*** – Within sixty (60) days
2 from the effectivity of this Act, the Secretary of the Interior and Local Government
3 shall issue the necessary rules and regulations for the effective implementation of
4 this Act.

5 SEC. 20. ***Repealing Clause.*** – Republic Act No. 9514, also known as the
6 “*Fire Code of the Philippines of 2008*” is hereby repealed. All other laws,
7 presidential decrees, letters of instructions, executive orders, rules and regulations
8 in so far as they are inconsistent with this Act, are hereby repealed or amended
9 accordingly.

10 SEC. 21. ***Separability Clause.*** – In case any provision of this Act or any
11 portion thereof is declared unconstitutional by a competent court, other provisions
12 shall not be affected thereby.

13 SEC. 22. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
14 publication in the *Official Gazette* or in a newspaper of general circulation.

15
16 Approved,

