

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Third Regular Session

HOUSE BILL NO. **10588**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support **fire fighters** through appropriate technology and research, adequate financial services and other support services.

The **Fire Code** shall be administered and enforced by the Bureau of Fire Protection (BFP), under the direct supervision and control of the Chief of the Bureau of Fire Protection, through the hierarchy of organization as provided for in **Chapter VI of Republic Act No. 6975**, with the approval of the Secretary of the Department of the Interior and Local Government (**DILG**), the **BFP**, is hereby authorized to:

- a.** Issue implementing rules and regulations, and prescribe standards, schedules of fees/fire service charges and administrative penalties therefore as provided in the pertinent provisions of this Code;
- b.** Reorganize the BFP as may be necessary and appropriate;
- c.** Support and assist fire volunteers, practitioners and fire volunteer organizations in the country who shall undergo mandatory fire suppression, inspection, rescue, emergency medical services and related emergency response trainings and competency evaluations to be conducted by the BFP. In the case of the Fire practitioners, they shall undergo mandatory continuous professional education and

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

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

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

e. 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;

f. Call on the police, other law enforcement agencies, and local government assistance to render necessary assistance in the enforcement of this Code;

g. Designate a fire safety inspector through his/her duly authorized representative, who shall conduct an inspection of every building or structure within his area of responsibility at least once a year and every time the owner, administrator or occupant shall renew his/her business permit or permit to operate;

No occupancy permit, business or permit to operate shall be issued without securing a Fire Safety Inspection Certification (FSIC) from the Chief, BFP, or his/her duly authorized representative;

h. Inspect at reasonable time, any building, structure, installation or premises for dangerous or hazardous conditions or materials as set forth in this Code, provided that in case of single family dwelling, an inspection must be upon the consent of the occupant or upon lawful order from the proper court. The Chief, BFP or his/her duly authorized representative shall order the owner/occupant to remove hazardous materials and/or stop hazardous operation/process in accordance with the standards set by this Code or its implementing rules or regulations or other pertinent laws;

i. 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;

j. Require the building owner/occupant to submit plans and specifications, and other pertinent documents of said building to ensure compliance with applicable codes and standards; and

k. Issue a written notice to the owner and/or contractor to stop work on portion of any work due to absence, or in violation of approved plans and specifications, permit and/or clearance or certification as approved by the Chief, BFP or his/her duly authorized representative. The notice shall state the nature of the violation and no work shall be continued on that portion until the violation has been corrected.

In addition to the foregoing criteria, within such reasonable time as respectively to promote and improve the social and economic well-being of fire fighters.

This House Bill seeks to achieve and attain a higher degree of efficiency in the organization, administration, and compensation of **fire fighters** with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, featuring a large, stylized 'M' followed by a horizontal line extending to the right.

MICHAEL L. ROMERO Ph.D.

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AN ACT

AMENDING **REPUBLIC ACT NO. 9514, “REVISED FIRE CODE OF THE PHILIPPINES OF 2008”**, TO ENSURE ADHERENCE TO STANDARD FIRE PREVENTION AND SAFETY MEASURES, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY — It is hereby a declared 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 fire service as a profession.

Towards this end, the state shall enforce all laws, rules and regulations to ensure adherence to standard fire prevention and safety measures and promote accountability for fire safety in the fire protection service and prevention service.

The state recognizes the important role of **fire fighters** for nation-building and promotes the sustained development of reservoir of fire safety whose competence have been determined by honest and credible standards of professional practice

and service are world-class and internationally recognized, globally competitive through preventive regulatory measures, programs and activities that foster their continuing professional development.

It shall be imperative for the state to promote and make quality fire safety services and support accessible to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve fire safety by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government's responsibility to provide a wholistic approach as having priority over its other functions.

It is a declared policy of the state in conformity with the mandate of the Constitution, to promote and make quality **fire safety services** accessible to all Filipino citizens. The state hereby recognizes the complementary roles of **fire fighters** and the invaluable contribution that they have made and will make to the republic.

For these purposes, the state shall provide the mechanisms to improve fire safety status by maximizing the use of existing resources, recognizing in the process the government's responsibility to provide administration/organization as having priority over its other functions.

SECTION 2. APPLICABILITY OF THE CODE - The provisions of the **Fire Code** shall apply to all persons and all private and public buildings, facilities or structures erected or constructed before and after its effectivity.

SECTION 3. section 11 of RA9514 is hereby amended to read as follows:

Section 11. *Penalties.* -

1. Against the private individual:

a) Administrative fine - Any person who violates any provision of the Fire Code or any of the rules and regulations promulgated under this Act shall be penalized by an administrative fine of **not less than** two hundred fifty thousand pesos (**P250,000.00**) 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 Chief, BFP. *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 from correcting the deficiency or abating the fire hazard. The decision of the Chief, BFP, under this subsection, may be appealed to the Secretary of the Interior and Local Government. Unless ordered by the Secretary of the Interior and Local Government the appeal shall not stay the execution of the order of the Chief, BFP. The decision of the Secretary of the Interior and Local Government 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** three (**3**) **years** nor more than six (6) years, or by a fine of **not less than** three hundred thousand (**P300,000.00**) pesos or both such fine and imprisonment; *Provided, however*, that in 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 were the violation is attended by injury, loss of life and/or damage to property, the violator shall be proceeded against under the applicable provisions of the Revised Penal Code.

Any person who, without authority, maliciously removes the sign that a building or structure is a fire hazard/firetrap placed by the authorized person in this Code shall be liable for imprisonment for three (**3**) **months** or a fine not less than three hundred thousand pesos (**P300,000.00**) or both in the discretion of the court.

Any person who disobeys the lawful order of the fire ground commander during a firefighting operation shall be penalized with imprisonment of thirty (**30**) days to three (**3**) **months** and a fine of fifty thousand pesos (**P50,000.00**).

2. Against the public officer/employee

a) Administrative - The following acts or omissions shall render the public officer/employee in charge of the enforcement of this Code, its implementing rules and regulation and other pertinent laws, administratively liable, and shall be punished by reprimand, suspension or removal in the discretion of the disciplining authority, depending on the gravity of the offense and without prejudice to the provisions of other applicable laws:

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

(2) Deliberate failure to put up a sign in front of the building or structure within his/her area of responsibility found to be violating this Code, its implementing rules and regulations and other pertinent laws, that the same is a "FIRE HAZARD" or a "FIRETRAP";

(3) Endorsing to the Chief, BFP or his/her duly authorized representative for the 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;

(4) Issuance or renewal of occupancy or business permit without the fire safety inspection certificate issued by the Chief, BFP or his/her duly 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 other 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;

(7) Abusing his/her authority in the performance of his/her duty through acts of corruption and other unethical practices;
or

(8) Other willful impropriety or gross negligence in the performance of his/her duty as provided in this act or its implementing rules and regulations.

b) Punitive - In the case of willful violation involving the abovementioned acts or omissions enumerated under Section 11 subparagraph 2(A) the public officer/employees shall, upon conviction, be punished by imprisonment of not less than three **(3) years** nor more than six (6) years or by a fine of **not less than** three hundred thousand pesos **(P300,000.00)** or both such fine and imprisonment: *Provided*, That where the violation is attended by injury, loss of life and/or property, the violator shall be proceeded against under the applicable provisions of the Revised Penal Code.

SECTION 4. PRESCRIPTION OF CRIMES. – The crime punishable under this act shall be prescribed in twenty **(20)** years.

SECTION 5. INCREASE OF PERSONNEL. – The **BFP** shall maintain a sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 6. TECHNICAL STAFF - The **Chief, BFP** shall constitute a technical staff of highly qualified people who are knowledgeable about fire prevention, fire safety, and fire suppression. They may be drawn not only from the organic members of the BFP and other government offices and agencies, but also from other sources. In the latter case, they will either be appointed into the service or hired as consultants in accordance with law.

The technical staff shall study, review and evaluate latest developments and standards on fire technology; prepare plans/programs on fire safety, prevention and suppression and evaluate implementation thereof; develop programs on the professionalization of the fire service; coordinate with appropriate government and private institutions for the offering of college courses on fire technology and fire protection engineering; propose amendments

to the Fire Code; advise the Chief, BFP on any matter brought to his attention; and perform such other functions as directed on any matter brought to his attention and perform such other functions as directed by higher authorities.

SECTION 7. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 9. SAVING CLAUSE. All pending cases shall be absorbed by **BFP** after the publication of the fire code containing rules and regulations relative to such matters.

Upon approval of this Act, assistance shall be given to all fire fighters Provided, That the present allocation of **BFP** shall be used at the same proportion and allocation as provided by law.

in accordance with **Republic Act No. 9514**, subject to compliance with the requirements prescribed by **DILG**.

SECTION 10. 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 Chief of the Bureau of Fire Protection, through the hierarchy of organization as provided for in **Chapter VI of Republic Act No. 6975**. With the approval of the Secretary of the Department of the Interior and Local Government (**DILG**), the **BFP** is hereby authorized to carry out full enforcement.

SECTION 11. PROHIBITION - No corporation, partnership, association or entity shall operate without securing a permit/license from **DILG**, which shall be issued only after it has satisfied itself that such establishment is properly staffed/accredited.

Any unethical practice as may be defined in a **Fire Code** to be prepared by the **BFP**, is prohibited

SECTION 12. VIOLATION, PENALTIES AND ABATEMENT OF FIRE HAZARD - Fire hazards shall be abated immediately. The Chief, BFP or his/her duly authorized representative, upon the report 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

SECTION 13. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Presidential Decree No 1185, RA9514 is hereby repealed. All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SECTION 14. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 14. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,