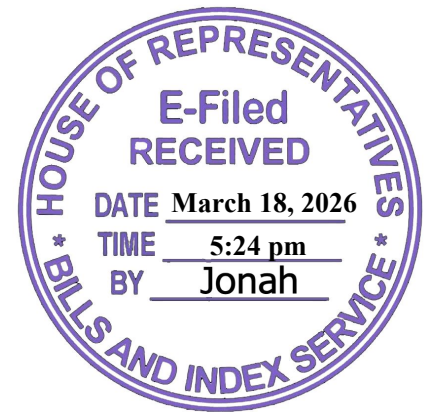


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8687



Introduced by Hon. Kenneth T. Gatchalian

EXPLANATORY NOTE

The recurring loss of life and massive property destruction caused by fire remains a critical threat to national safety. In the first four months of 2024 alone, the Bureau of Fire Protection (BFP) documented 5,764 fire incidents, resulting in 120 civilian fatalities and approximately Php 2.74 billion in property damage.

While the BFP is the primary agency mandated to protect the public from such disasters, the sheer scale of these losses has forced Local Government Units (LGUs) to step in. For years, LGUs have been filling the gaps in BFP resources—funding equipment, facilities, and personnel training—to ensure their communities are adequately protected.

Given that LGUs are already deeply invested in fire protection operations, it is only logical to grant Local Chief Executives (LCEs) a formal role in the management of these services. This bill proposes to grant LCEs joint authority in the appointment of fire marshals and limited administrative disciplinary power over BFP personnel within their jurisdictions.

By empowering local leaders with these oversight functions, we foster:

- **Greater Accountability:** Ensuring fire marshals are responsive to the specific needs of their host localities.

- Operational Efficiency: Streamlining the implementation of local fire safety plans and emergency response.
- Enhanced Coordination: Strengthening the partnership between the national BFP and local governments for more effective disaster management.

To achieve this, the proposed measure seeks to amend relevant provisions of Republic Act No. 6975 (the DILG Act of 1990). By devolving these specific powers, we ensure that public safety is managed with the urgency and local expertise it requires.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


KENNETH T. GATCHALIAN

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

TWENTIETH CONGRESS
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HOUSE BILL NO. 8687

Introduced by Hon. Kenneth T. Gatchalian

**AN ACT PROVIDING LOCAL CHIEF EXECUTIVES JOINT AUTHORITY
WITH THE BUREAU OF FIRE PROTECTION IN THE APPOINTMENT OF
FIRE MARSHALS AND DISCIPLINE OF PERSONNEL IN THEIR
RESPECTIVE JURISDICTIONS, AMENDING FOR THE PURPOSE
PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6975, AS AMENDED,
OTHERWISE KNOWN AS THE “DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT ACT OF 1990”**

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

1 **SECTION 1. Declaration of Policy.** — It is hereby declared the policy of
2 the State to enable local government units (LGUs) to enjoy meaningful local
3 autonomy and become self-reliant communities. It is also recognized that the State
4 has a responsibility to enhance the capability of LGUs towards strengthening the
5 delivery of basic services to the citizenry, including highly efficient and competent
6 fire protection services. Towards this end, the State shall provide local chief
7 executives of LGUs joint authority with the Department of the Interior and Local
8 Government (DILG) and the Bureau of Fire Protection (BFP) in the appointment of
9 fire marshals in their respective territorial jurisdictions to foster cooperation and
10 coordination in the performance of their respective functions, particularly in

1 adopting proactive measures to enhance public safety.

2 **SEC. 2. Declaration of Policy.** — Governors and mayors shall be
3 deputized as representatives of the DILG Secretary in their respective territorial
4 jurisdiction relative to the exercise of general and operational control and
5 supervision over BFP personnel and offices. As such, the local executives shall
6 discharge the following functions:

7 a. *Provincial Governor* – The provincial governor shall have the power to
8 choose the Provincial Fire Marshal from a list of three (3) eligibles
9 recommended by the Regional Director for Fire Protection. In provinces
10 where district offices of the BFP exists or will be established, the
11 provincial governor shall also have the power to choose the District Fire
12 Marshal for each district office from a list of three (3) eligibles
13 recommended by the Regional Director for Fire Protection.

14 b. *City and Municipal Mayors* —

15 (1) The city and municipal mayors shall exercise operational
16 supervision and control over BFP personnel in their respective
17 jurisdiction.

18 For purposes of this Section, the term “operational supervision and
19 control” shall mean the power to direct, superintend, oversee, and
20 inspect the BFP personnel and offices in accordance with the rules
21 and regulations promulgated to achieve the purposes of this Act.

22 (2) The municipal or city mayor shall, in coordination with the local
23 peace and order council, include in the integrated area or
24 community public safety plan the fire safety plans and programs
25 which shall be implemented by the local BFP personnel and office.

26 (3) In addition to the aforementioned powers and functions, city and
27 municipal mayors shall have the following authority over the BFP
28 personnel in their respective jurisdictions:

- 1 i. Authority to choose the city or municipal fire marshal from
2 a list of three (3) eligibles recommended by the Regional
3 Director for Fire Protection, preferably from the same
4 province, city, or municipality. In the case of large cities
5 and municipalities where a district office with subordinate
6 fire stations had been established or will be organized, the
7 city or municipal mayor shall likewise have the authority to
8 choose the district fire marshal from a list of three (3)
9 eligibles recommended by the Regional Director for Fire
10 Protection, preferably from the same province, city, or
11 municipality: *Provided*, That in no case shall an officer-in-
12 charge be designated for more than thirty (30) days:
13 *Provided, further*, That the local peace and order council
14 may, through the city or municipal mayor, recommend the
15 reassignment of the city or municipal fire marshal or the
16 district fire marshal when, in its perception, the latter has
17 been ineffective in the performance of their functions:
18 *Provided, finally*, That such reassignment shall be based on
19 guidelines established by the BFP;
- 20 ii. Authority to recommend to the Chief of the Fire Bureau,
21 through the Regional Director for Fire Protection, the
22 transfer, reassignment, or detail of BFP personnel outside
23 of their respective city or town residences; and
- 24 iii. Authority to recommend from a list of eligibles previously
25 screened by the peace and order council the appointment of
26 new members of the BFP to be assigned to their respective
27 cities or municipalities without which no such appointments
28 shall be attested: *Provided*, That whenever practicable and

1 consistent with the requirements of the service, BFP
2 personnel shall be assigned to the city or municipality of
3 their residence.

4 **SEC. 3. *Administrative Disciplinary Powers over BFP Personnel.*** — (a)
5 City and municipal mayors shall have the power to impose, after due notice and
6 summary hearings, disciplinary penalties for minor offenses committed by
7 personnel of the BFP assigned to their respective jurisdictions.

8 For purposes of this Act, a “minor offense” shall refer to any act or omission
9 not involving moral turpitude, but affecting the internal discipline of the BFP, and
10 shall include:

- 11 1. Simple misconduct or negligence;
- 12 2. Insubordination;
- 13 3. Frequent absences and tardiness;
- 14 4. Habitual drunkenness; and
- 15 5. Gambling, as prohibited by existing laws.

16 The power granted to the city and municipal mayor under this Section to
17 impose disciplinary penalties for minor offenses committed by BFP personnel under
18 their jurisdiction shall be concurrent with the authority of the BFP to discipline their
19 personnel.

20 Penalties imposed as a result of an administrative case shall be without
21 prejudice to other penalties that may be imposed after prosecution under other
22 existing laws, rules and regulations.

23 (b) In cases when an administrative complaint has been filed against a BFP
24 personnel under the jurisdiction of the LGU, the city or municipal mayor, upon the
25 petition of the complainant or *motu proprio*, may, pending investigation, issue an
26 order of preventive suspension upon the service of a formal charge or notice of
27 charge, or immediately thereafter, to the BFP personnel who is subject of the
28 administrative complaint if:

1 1. The charge involves:

- 2 i. Dishonesty;
- 3 ii. Oppression;
- 4 iii. Grave misconduct;
- 5 iv. Neglect in the performance of duty;
- 6 v. Administrative offenses which are punishable by dismissal
- 7 from the service on the second or third offense; or
- 8 vi. If there are reasons to believe that the respondent is guilty
- 9 of charges that would warrant the removal of the respondent
- 10 from the service.

11 2. An order of preventive suspension may be temporarily issued to

12 remove the respondent from the scene of the misfeasance,

13 malfeasance, or nonfeasance to remove the possibility of:

- 14 i. Exerting undue influence or pressure on the witnesses
- 15 against the respondent; or
- 16 ii. Tampering with evidence that may be used against the
- 17 respondent.

18 In lieu of preventive suspension, the Regional Director for Fire Protection,

19 upon the recommendation of the city or municipal mayor, shall reassign the

20 respondent to another office in the BFP, outside the city or municipality where the

21 respondent is currently assigned, during the formal hearings.

22

23 ***SEC. 4. Suspension of Operational Supervision and Control.*** — The DILG

24 Secretary may, upon consultation with the provincial governor and congressman

25 concerned, suspend the power of operational supervision and control of any city or

26 municipal mayor over BFP personnel assigned or stationed in their jurisdiction for

27 any of the following grounds:

- 28 a. Frequent unauthorized absences; and

1 b. Abuse if authority.

2 Upon good cause shown, the DILG Secretary may restore such power
3 withdrawn from any local executive

4 **SEC. 5. *Implementing Rules and Regulations.*** — Within sixty (60) days
5 from the approval of this Act, the DILG Secretary shall, in coordination with the
6 Chief of the BFP, issue the necessary rules and regulations for the effective
7 implementation of this Act.

8 **SEC. 6. *Separability Clause.*** – If any provision or part of this Act is
9 declared invalid or unconstitutional, the remaining parts or provisions not affected
10 shall remain in full force and effect.

11 **SEC. 7. *Repealing Clause.*** – Pertinent provisions of Republic Act No.
12 6975, as amended, otherwise known as the “Department of the Interior and Local
13 Government Act of 1990”, and all other laws, decrees, executive orders,
14 proclamations, rules and regulations, or parts thereof inconsistent with the
15 provisions of this Act are hereby amended, repealed, or modified accordingly.

16 **SEC. 8. *Effectivity.*** — This Act shall take effect fifteen days (15) from its
17 publication in the Official Gazette or in two (2) national newspapers of general
18 circulation.

Approved,