

Republic of the Philippines }
FOURTEENTH CONGRESS }
First Regular Session }

OFFICE OF THE SECRETARY

7 MAY 21 2007

SENATE

RECEIVED



Bill No. 1477

Introduced by **Senator FRANCIS G. ESCUDERO**

EXPLANATORY NOTE

The fire that struck Great Eastern Hotel and claimed the life of the DILG Provincial Director of Ilocos Sur on 03 May 2007 shows once again the kind of negligence and imprudence attendant to the way concerned government officials and property owners treat and address the problem of fire as a serious threat to life and property. It also manifests that lessons from the past have yet to be learned.

The Ozone Disco fire incident in 1996 killed one hundred sixty-two (162) individuals. The settlement house caught on fire in Paco and the burning of the Lung Center in Quezon City in 1998 likewise killed twenty-eight (28) and twenty-five (25) people, respectively. The Manor Hotel fire on 18 August 2001 claimed the lives of at least seventy-four (74) people. The fire that gutted Li Seng Giap Building in Binondo, Manila on 24 December 2002 resulted in the death of two (2) persons. And the Popong's Suerte Mart fire on 02 October 2004 in San Fernando, Pampanga claimed eight (8) lives.

Investigations conducted and the ensuing reports had revealed that the primary reason for the above mentioned fire tragedies were due to laxity and leniency in the enforcement and implementation of building safety and fire laws, specifically the *Fire Code, its Implementing Rules and Regulations* and related ordinances. It is believed that this indifference being exercised by concerned government personnel in the enforcement of said laws is due to the degree of their statutory accountability which merely translates to minimal liability.

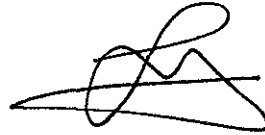
The current provisions of the Fire Code do not provide for penal sanctions against erring and negligent public officers albeit their actions have resulted in loss of life and/or property. At most what can be filed against them are cases for administrative liabilities only.

Thus it becomes imperative for Congress to institute measures that shall address the above concerns if only to increase in considerable terms the liability of government personnel tasked to implement the *Fire Code* and other related laws. It is quite unacceptable to experience another fatal incident/s similar to those enumerated above on account of negligence, imprudence, malfeasance and/or misfeasance committed by a public official or employee tasked to execute and enforce the *Fire Code* and other related laws and rules and regulations.

Hence this bill proposes to amend the Fire Code by providing not only administrative but criminal liabilities as well to acts and/or omissions committed by a concerned public officer and/or employee when through negligence and/or malice the same has resulted to, or failed to prevent the loss of life and/or damage to property.

Moreover, it provides for stringent measures against property owners, administrators, occupants or persons responsible for the property's condition, its premises and/or facilities, who violate the Fire Code and other related laws and rules and regulations.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

FRANCIS G. ESCUDERO

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

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

SECTION 1. This act shall be known as the *Revised Fire Code of the Philippines*.

SEC. 2. 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. Towards to 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. Sections 6, 10 and 12 of Presidential Decree No. 1185 are hereby amended to read as follows:

SEC. 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 REFERED TO AS THE "DIRECTOR", THROUGH THE HIERARCHY OF ORGANIZATION DOWN TO THE LOCAL FIRE CHIEF AS PROVIDED FOR IN CHAPTER VI OF REPUBLIC ACT NO. 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 therefore;

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 therefore, 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 to the 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 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 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 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. 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

I. 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 FIRE INSPECTION CERTIFICATE (FSIC) FROM THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE.

SEC. 10. VIOLATIONS, PENALTIES AND ABATEMENT OF FIRE HAZARDS - Fire hazards shall be abated immediately. The DIRECTOR [Director General] or his authorized representative UPON THE 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 PERSONS FAILED TO COMPLY, THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE SHALL PUT UP A SIGN IN FRONT OF THE 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 PERSONS 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 PERSONS RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES, TO COMPLY WITHIN THE PERIOD SPECIFIED ABOVE may issue order for such abatement. If the owner, administrator or occupant of buildings, structure and their premises or facilities does not abate the same within the period fixed in the said order, the occupancy to operate shall be cancelled.

Any building or structure ASSESSED AND declared BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE as a fire trap ON ACCOUNT OF THE GRAVITY 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 [of the building or structure is not more than ONE HUNDRED THOUSAND PESOS (P 100,000.00) [twenty thousand pesos (P20,000.00)], the owner, administrator or occupant thereof shall abate the hazard within FIFTEEN (15) [thirty (30)] days, or; if the assessed value is more than ONE HUNDRED THOUSAND PESOS (p 100,000.00), [twenty thousand pesos (20,000.00)] within THIRTY (30) [sixty (60)] days from the receipt of the order declaring said building or structure a public nuisance; otherwise, the DIRECTOR [Director General] or his authorized representative shall forthwith cause its summary abatement. FAILURE TO COMPLY WITHIN FIVE (5) DAYS FROM THE RECEIPT OF THE NOTICE SHALL CAUSE THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE TO PUT UP A SIGN IN FRONT 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", 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 which shall include but it 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.

SEC. 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 (P 12,000.00)] pesos or in the proper cause, 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 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 his subsection, maybe appealed to the SECRETARY of THE INTERIOR AND LOCAL GOVERNMENT [National Defense], within fifteen (15) days from the date of receipt of the order, B imposing the administrative fine, stopping the operations and/or closure]. THE APPEAL SHALL NOT TO STAY THE EXECUTION OF THE ORDER OF THE DIRECTOR. The decision of the Secretary of THE 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 (P20,000.00)] pesos or both 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 case the guilty party is an alien, in addition to the penalties herein prescribe, 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. [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/FIRE TRAP IN PLACE BY THE AUTHORIZED PERSON IN THIS CODE SHALL BE LIABLE FOR IMPRISONMENT FOR THIRTY (30) DAYS OR

FINE NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (P100, 000.00) OR BOTH IN THE DISCRETION OF THE COURT.

2. AGAINST THE PUBLIC OFFICER/EMPLOYEE

a) ADMINISTRATIVE – THE FOLLOWING ACTS OR OMISSIONS SHALL RENDER THE PUBLIC OFFICER/EMPLOYEE ENCHARGE 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 DESCRIPTION OF THE DISCIPLINING AUTHORITY, DEPENDING ON THE GRAVITY OF THE OFFENSE AND WITHOUT PREJUDICE TO THE PROVISIONS OF OTHER APPLICABLE LAWS;

(1) FAILURE OF THE PUBLIC OFFICER/EMPLOYEE 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 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, OR

(4) ISSUANCE OR RENEWAL OF OCCUPANCY OR BUSINESS PERMIT WITHOUT THE CERTIFICATE OF COMPLIANCE ISSUED BY THE DIRECTOR GENERAL OR HIS 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 AUTHORITY IN THE PERFORMANCE OF HIS DUTY THROUGH ACTS OF CORRUPTION AND OTHER UNETHICAL PRACTICES; OR

(8) OTHER WILLFULL OR GROSS NEGLIGENCE IN THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY

THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; OR IN ANY MANNER IMPROPERLY PERFORMS HIS DUTIED UNDER THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS.

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

SEC. 4. ASSESMENT OF FIRE CODE TAXES, FEES AND FINES. – THE ASSESMENT OF FIRE CODE TAXES, FEES, AND FINES IS VESTED UPON THE BFP. THE BFP SHALL, SUBJECT TO THE APPROVAL OF THE DILG, PRESCRIBE THE PROCEDURAL RULES FOR SUCH PURPOSE.

SEC. 5. MONITORING THE IMPLEMENTATION OF THE FIRE CODE AND THE AMOUNT OF THE FEES COLLECTED – THE CHIEF BFP SHALL, WITHIN SIX (6) MONTHS FROM THE EFFECTIVITY OF THIS CODE, SUBMIT TO THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT FOR HIS APPROVAL, A MANAGEMENT TOOL OR MECHANISM THAT WOULD ENSURE THROUGH MONITORING OF THE ENFORCEMENT OF THE FIRE CODE TO INCLUDE THE AMOUNT OF FIRE CODE FEES COLLECTED.

SEC. 6. Section 14 of the same Decree is hereby amended to read as follows:

SEC. 14. COLLECTION OF TAXES, FEES AND FINES – ALL taxes, fees and fines provided in Section 13 hereof, shall be collected by the [city or Municipal Treasurer] BFP for remittance to the National Treasury UNDER A TRUST FUND ASSIGNED FOR THE PURPOSE.

SEC 7. USE OF INCOME GENERATED FROM ENFORCEMENT OF THE FIRE CODE – THE CHIEF, BFP IS AUTHORIZED, SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE DILG, TO USE THE INCOME GENERATED UNDER SECTION 11 HEREOF FOR PROCUREMENT OF FIRE PROTECTION, RESCUE AND PARAMEDIC EQUIPMENT, IMPROVEMENT OF FACILITIES AND SALARY ADJUSTMENTS OF BFP UNIFORMED PERSONNEL PURSUANT TO RA 9263.

SEC. 8. Within sixty (60) days from the effectvely of this Act, the Secretary of the **DILG** shall issue the rules and regulations for its effective implementation.

SEC. 9. All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are consistent with this Act, are hereby repealed or amended as the case may be.

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

SEC. 11. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,