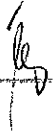


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

8 APR 24 P4:20

SENATE

RECEIVED BY: 

Senate Bill No. 2196

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The month of March every year is being observed as Fire Prevention Month. This aims to raise awareness among the citizenry to help prevent the destructive occurrence of fire in the country. It intends to equip the people with the knowledge and even skills in averting the incidence of conflagration, especially in the urban areas where the magnitude of destruction in lives and properties are usually very great and massive.

Although fire prevention awareness can greatly contribute to the high incidence of destructive fire in the country, there is a need to revise the existing Fire Code of the Philippines in order to make it attuned to present times. As investigations and reports would show that the primary reason for the number of fire tragedies that the country has witnessed, particularly the conflagration of the Ozone disco and the Manor Hotel, were caused by the laxity in the enforcement of the building safety and fire laws specifically the Fire Code of the Philippines and its Implementing Rules and Regulations, and other related ordinances.

Accordingly, it is claimed that this laxity and indifference of the public officers in the enforcement of the fire laws is due to the lesser degree of their accountability, as provided in the aforesaid laws.

Hence, this bill proposes to revise the Fire Code of the Philippines by providing not only administrative sanctions, but criminal penalties as well, to the acts or omissions of a public officer, when the same, either through negligence or malice resulted to, or failed to prevent the loss of life and/or damage to property. It likewise provides for a stringent measure against the owner, administrator, occupant or persons responsible for the condition of the building structure and their premises of facilities who violate the Code, its Implementing Rules and Regulations and other related laws, to ensure the safety and security of the public.


As such, the immediate enactment of this bill is hereby sought.


MANNY VILLAR

8 APR 24 P4:19

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SENATE

Senate Bill No. 2196

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**AN ACT
REVISING THE FIRE CODE OF THE PHILIPPINES,
THEREBY AMENDING PRESIDENTIAL DECREE NO. 1185
AND FOR OTHER PURPOSES**

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

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

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to ensure public
4 safety and promote economic development through the prevention and suppression
5 of all kinds of destructive fires. Toward this end, the State shall enforce all laws,
6 rules and regulations to ensure the adherence to standard fire prevention and safety
7 measures, and promote accountability in the fire protection and prevention service.

8 SEC. 3. Sections 6, 10 and 12 of Presidential Decree No. 1185 are hereby
9 amended to read as follows:

10 “SEC. 6. RESPONSIBILITY FOR THE ENFORCEMENT OF THIS CODE –
11 THIS CODE SHALL BE ADMINISTERED AND ENFORCED BY THE
12 BUREAU OF FIRE PROTECTION (BFP), UNDER THE DIRECT
13 SUPERVISION AND CONTROL OF THE BUREAU DIRECTOR,
14 HEREINAFTER REFERRED TO AS THE “DIRECTOR”, THROUGH THE
15 HIERARCHY OF ORGANIZATION DOWN TO THE LOCAL FIRE CHIEF AS
16 PROVIDED FOR IN CHAPTER VI OF REPUBLIC ACT NO. 6975. WITH THE
17 APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF THE
18 INTERIOR AND LOCAL GOVERNMENT (DILG), THE DIRECTOR IS
19 HEREBY AUTHORIZED TO:

20 [The Fire Service, under the direct supervision and control of the Director
21 General of the Integrated National Police, hereinafter referred to as the

1 "Director General" shall be responsible for the enforcement of this Code, as
2 well as pertinent provisions of other laws pertaining to fire protection or fire
3 safety with the approval of the Secretary of National Defense, the Director
4 General is Hereby authorized to:]

- 5 a) Issue implementing rules and regulations, and prescribe administrative
6 penalties therefor;
- 7 b) Reorganize the BFP (fire service of the Integrated National Police) as
8 may be necessary and appropriate;
- 9 c) Enter into long term agreement, either through public biddings or
10 negotiations to include advance payments therefore, for the acquisition of
11 fire prevention, fire protection and fire fighting equipment, supplies and
12 materials and related technical services necessary for the Fire Service;
13 [and]
- 14 d) Enter to the 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 delineate
17 responsibility on fire prevention education, fire safety, fire prevention, fire
18 suppression and other matters of common concern;
- 19 e) CALL ON THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES
20 TO RENDER NECESSARY ASSISTANCE IN THE ENFORCEMENT OF
21 THIS CODE;
- 22 f) INSPECT AT REASONABLE TIME, ANY BUILDING, STRUCTURE,
23 INSTALLATION OR PREMISES FOR DANGEROUS OR HAZARDOUS
24 CONDITIONS OR MATERIALS AS SET FORTH IN THIS CODE,
25 PROVIDED THAT IN CASE OF RESIDENTIAL HOUSES, AN
26 INSPECTION MUST BE UPON THE CONSENT OF THE OCCUPANT
27 OR UPON LAWFUL ORDER FROM THE PROPER COURT. THE
28 DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE SHALL ORDER
29 THE OWNER/ OCCUPANT TO REMOVE HAZARDOUS MATERIAL IN
30 ACCORDANCE WITH THE STANDARDS SET BY THIS CODE OR ITS
31 IMPLEMENTING RULES OR REGULATIONS OR OTHER PERTINENT
32 LAWS;
- 33 g) WHERE CONDITIONS EXIST AND ARE DEEMED HAZARDOUS TO
34 LIFE AND PROPERTY, TO ORDER THE OWNER/OCCUPANT OF ANY
35 BUILDING OR STRUCTURE TO SUMMARILY ABATE SUCH
36 HAZARDOUS CONDITIONS;
- 37 h) ISSUE A WRITTEN NOTICE TO THE OWNER AND OR CONTRACTOR
38 TO STOP WORK ON PORTION OF ANY WORK WHICH IS IN

1 VIOLATION OF THE PLANS AND SPECIFICATIONS AS APPROVED BY
2 THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE. THE
3 NOTICE SHALL STATE THE NATURE OF THE VIOLATION AND NO
4 WORK SHALL BE CONTINUED ON THAT PORTION UNTIL THE
5 VIOLATION HAD BEEN CORRECTED; AND

- 6 i) DESIGNATE THE FIRE INSPECTOR WHO SHALL CONDUCT AN
7 INSPECTION OF EVERY BUILDING OR STRUCTURE AT LEAST ONCE
8 EVERY SIX (6) MONTHS AND EVERY TIME THE OWNER,
9 ADMINISTRATOR OR OCCUPANT SHALL RENEW HIS OR HER
10 OCCUPANCY PERMIT OR PERMIT TO OPERATE.

11 NO OCCUPANCY PERMIT OR PERMIT TO OPERATE SHALL BE
12 ISSUED WITHOUT SECURING A FIRE INSPECTION CERTIFICATE (FSIC)
13 FROM THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE.”

14 “SEC. 10. VIOLATIONS, PENALTIES AND ABATEMENT OF FIRE
15 HAZARDS - Fire hazards shall be abated immediately. The DIRECTOR
16 [Director General] or his authorized representative UPON THE REPORT
17 FROM THE FIRE INSPECTORS THAT A VIOLATION OF THIS CODE OR
18 OTHER PERTINENT LAWS, RULES AND REGULATIONS IS BEING
19 COMMITTED, SHALL ISSUE NOTICE/ORDER TO COMPLY TO THE
20 OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON
21 RESPONSIBLE FOR THE CONDITION OF THE BUILDING OR
22 STRUCTURE, INDICATING AMONG OTHER THINGS, THE PERIOD
23 WITHIN WHICH COMPLIANCE SHALL BE EFFECTED, WHICH SHALL BE
24 WITHIN TEN (10) TO FIFTEEN (15) DAYS AFTER THE RECEIPT OF THE
25 NOTICE/ORDER, DEPENDING ON THE REASONABLENESS TO
26 ADEQUATELY COMPLY WITH THE SAME.

27 IF AFTER THE LAPSE OF THE AFORESAID PERIOD, THE OWNER,
28 ADMINISTRATOR, OCCUPANT OR OTHER RESPONSIBLE PERSONS
29 FAILED TO COMPLY, THE DIRECTOR OR HIS AUTHORIZED
30 REPRESENTATIVE SHALL PUT UP A SIGN IN FRONT OF THE BUILDING
31 OR STRUCTURE IS A FIRE HAZARD, SPECIFICALLY, THE NOTICE
32 SHALL BEAR THE WORDS "WARNING: THIS BUILDING/STRUCTURE IS
33 A FIRE HAZARD", WHICH SHALL REMAIN POSTED UNTIL SUCH TIME
34 THAT THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER
35 PERSONS RESPONSIBLE FOR THE CONDITION OF THE BUILDING,
36 STRUCTURE AND THEIR PREMISES OR FACILITIES ABATE THE SAME,
37 BUT SUCH PERIOD SHALL NOT EXCEED FIFTEEN (15) DAYS FROM

1 THE LAPSE OF THE INITIAL PERIOD GIVEN IN THE NOTICE/ORDER TO
2 COMPLY.

3 FINALLY, THE FAILURE OF THE OWNER, ADMINISTRATOR,
4 OCCUPANT OR OTHER PERSONS RESPONSIBLE FOR THE CONDITION
5 OF THE BUILDING, STRUCTURE AND THEIR PREMISES OR FACILITIES,
6 TO COMPLY WITH THE PERIOD SPECIFIED ABOVE may issue order for
7 such abatement. If the owner, administrator or occupant of buildings,
8 structure and their premises or facilities does not abate the same within the
9 period fixed in the said order, the occupancy to operate shall be cancelled.

10 Any building or structure ASSESSED AND declared BY THE
11 DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE as a fire trap ON
12 ACCOUNT OF THE GRAVITY OR PALPABILITY OF THE VIOLATION or is
13 causing clear and present IMMINENT danger to adjoining establishments and
14 habitations shall be declared a public nuisance as defined by the Civil Code
15 of the Philippines IN A NOTICE TO BE ISSUED TO THE OWNER,
16 ADMINISTRATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR
17 THE CONDITION OF THE BUILDING, STRUCTURE AND THEIR
18 PREMISES OR FACILITIES, If the assessed value OF THE NUISANCE OR
19 THE AMOUNT TO BE SPENT IN ABATING THE SAME [of the building or
20 structure is not more than ONE HUNDRED THOUSAND PESOS
21 (P100,000.00) [twenty thousand pesos (P20,000.00)], the owner,
22 administrator or occupant thereof shall abate the hazard within FIFTEEN (15)
23 [thirty (30)] days, or; if the assessed value is more than ONE HUNDRED
24 THOUSAND PESOS (P100,000.00), [twenty thousand pesos (20,000.00)]
25 within THIRTY (30) [sixty (60)] days from the receipt of the order declaring
26 said building or structure a public nuisance; otherwise, the DIRECTOR
27 [Director General] or his authorized representative shall forthwith cause its
28 summary abatement. FAILURE TO COMPLY WITHIN FIVE (5) DAYS FROM
29 THE RECEIPT OF THE NOTICE SHALL CAUSE THE DIRECTOR OR HIS
30 AUTHORIZED REPRESENTATIVE TO PUT UP A SIGN IN FRONT OF THE
31 BUILDING OR STRUCTURE, AT OR NEAR THE ENTRANCE OF SUCH
32 PREMISES, NOTIFYING THE PUBLIC THAT SUCH BUILDING OR
33 STRUCTURE IS A " FIRE TRAP", WHICH SHALL REMAIN UNTIL THE
34 OWNER, ADMINISTRATOR, OCCUPANT OR OTHER PERSON
35 RESPONSIBLE FOR THE CONDITION OF THE BUILDING, STRUCTURE
36 AND THEIR PREMISES OR FACILITIES ABATE THE SAME WITH " THE
37 SPECIFIED PERIOD.

1 Summary abatement as used herein shall mean all corrective
2 measures undertaken to abate hazards which shall include but it not limited
3 to remodeling, repairing, strengthening, reconstructing, removal and
4 demolition, either partial or total, of the building or structure. The expenses
5 incurred by the government for such summary abatement shall be borne by
6 the owner, administrator or occupant. These expenses shall constitute a prior
7 lien upon such property."

8 "SEC. 12. PENALTIES –

9 1. AGAINST THE PRIVATE INDIVIDUAL

10 a) Administrative fine - Any person who violates any provision of this Fire
11 Code or any of the rules and regulations promulgated under Section 6 hereof
12 shall be penalized by an administrative fine of not exceeding FIFTY
13 THOUSAND (P50,000.00) [TWELVE THOUSAND (P 12,000.00)] pesos or
14 in the proper cause, by stoppage of operations or by closure of such
15 buildings, structures and their premises or facilities which do not comply with
16 the requirements or by both such administrative and closure/stoppage of
17 operation to be imposed by the DIRECTOR [Director General], Provided that
18 the payment of the fine, stoppage of operations and/or closure of such
19 buildings, structures, and their premises or facilities shall not absolve the
20 violator for correcting the deficiency or abating the fire hazard. The decision
21 of the DIRECTOR [Director General], under his subsection, maybe appealed
22 to the SECRETARY of THE INTERIOR AND LOCAL GOVERNMENT
23 [National Defense], within fifteen (15) days from the date of receipt of the
24 order, B imposing the administrative fine, stopping the operations and/or
25 closure]. THE APPEAL SHALL NOT TO STAY THE EXECUTION OF THE
26 ORDER OF THE DIRECTOR. The decision of the Secretary of THE
27 INTERIOR AND LOCAL GOVERNMENT [National Defense] shall be final
28 and executory.

29 b) Punitive - In case of willfit1 failure to correct the deficiency or abate the fire
30 hazard as provided in the preceding subsection, the violator shall, upon
31 conviction, be punished by imprisonment of not less than six (6 months nor
32 more than six (6) years, or by a fine of not more than ONE " D R E D
33 THOUSAND (PIO0,000.00) [twenty thousand (P20,000.00)] pesos or
34 both fine and imprisonment; Provided, however, that in the case of a
35 corporation, firm, partnership or association, the fine and/or imprisonment
36 shall be imposed upon its officials responsible for such violation, and case
37 the guilty party is an alien, in addition to the penalties herein prescribe, he
38 shall immediately be deported; Provided, finally, that where the violation is

1 attended by loss of life and/or damage to property, the violator shall be
2 PUNISHED BY IMPRISONMENT OF ONE (1) YEAR TO SIX (6) YEARS IN
3 THE DISCRETION OF THE COURT, IN ADDITION TO THE GRANT OF
4 DAMAGES TO VICTIMS WHEN APPLICABLE. [Proceeded against under
5 the applicable provisions of the Revised Penal Code].

6 ANY PERSON WHO, WITHOUT AUTHORITY, MALICIOUSLY
7 REMOVES THE SIGN THAT A BUILDING OR STRUCTURE IS A FIRE
8 HAZARDIFIRE TRAP IN PLACE BY THE AUTHORIZED PERSON IN THIS
9 CODE SHALL BE LIABLE FOR IMPRISONMENT FOR THIRTY (30) DAYS
10 OR FINE NOT EXCEEDING ONE HUNDRED THOUNSAND PESOS
11 (P100,000.00) OR BOTH IN THE DISCRETION OF THE COURT.

12 2. AGAINST THE PUBLIC OFFICEREMPLOYEE

13 a) ADMINISTRATIVE - THE FOLLOWING ACTS OR OMISSIONS SHALL
14 RENDER THE PUBLIC OFFICENEMPLOYEE ENCHARGE OF THE
15 ENFORCEMENT OF THIS CODE, ITS IMPLEMENTING RULES AND
16 REGULATION AND OTHER PERTINENT LAWS, ADMINISTRATIVELY
17 LIABLE, AND SHALL BE PUNISHED BY REPRIMAND, SUSPENSION OR
18 REMOVAL IN THE DESCRIPTION OF THE DISCIPLINING AUTHORITY,
19 DEPENDING ON THE GRAVITY OF THE OFFENSE AND WITHOUT
20 PREJUDICE TO THE PROVISIONS OF OTHER APPLICABLE LAWS;

21 (1) FAILURE OF THE PUBLIC OFFICEREMPLOYEE TO CONDUCT
22 INSPECTION OF BUILDINGS OR STRUCTURES ONCE EVERY SIX (6)
23 MONTHS

24 (2) FAILURE TO PUT UP A SIGN INFRONT OF THE BUILDING OR
25 STRUCTURE FOUND TO BE VIOLATING THIS CODE, ITS
26 IMPLEMENTING RULES AND REGULATIONS AND OTHER PERTINENT
27 LAWS, THAT THE SAME IS A "FIRE HAZARD" OR A "FIRE TRAP"

28 (3) ENDORSING TO THE DIRECTOR FOR THE CERTIFICATION, OR
29 SUBMITTING A REPORT THAT THE BUILDING OR STRUCTURE
30 COMPLIES WITH THE STANDARDS SET BY THIS CODE, ITS
31 IMPLEMENTING RULES OR REGULATIONS OR OTHER PERTINENT
32 LAWS WHEN TNE SAME IS CONTRARY TO FACT, OR

33 (4) ISSUANCE OR RENEWAL. OF OCCUPANCY OR BUSINESS PERMIT
34 WITHOUT THE CERTIFICATE OF COMPLIANCE ISSUED BY THE
35 DIRECTOR GENERAL OR HIS DULY AUTHORIZED REPRESENTATIVE;

36 (5) FAILURE TO CANCEL THE OCCUPANCY OR BUSINESS PERMIT
37 AFTER THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER
38 PERSON RESPONSIBLE FOR THE CONDITION OF THE BUILDING,

1 STRUCTURE AND OTHER PREMISES FAILED TO COMPLY WITH THE
2 NOTICE/ORDER FOR COMPLIANCE WITH THE STANDARDS SET BY
3 THIS CODE, ITS IMPLEMENTING RULES AND REGULATIONS AND
4 OTHER PERTINENT LAWS, WITHIN THE SPECIFIED PERIOD;

5 (6) FAILURE TO ABATE A PUBLIC NUISANCE WITHIN FIFTEEN (15)
6 DAYS AFTER THE OWNER, ADMINISTRATOR, OCCUPANT OR OTHER
7 RESPONSIBLE PERSON FAILED TO ABATE THE SAME WITH THE
8 PERIOD CONTAINED IN THE NOTICE TO ABATE.

9 (7) ABUSING MS AUTHORITY IN THE PERFORMANCE OF HIS DUTY
10 THROUGH ACTS OF CORRUPTION AND OTHER UNETHICAL
11 PRACTICES; OR

12 (8) OTHER WILLFULL OR GROSS NEGLIGENCE IN THE PERFORMANCE
13 OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY THIS ACT OR ITS
14 IMPLEMENTING RULES AND REGULATIONS; OR IN ANY MANNER
15 IMPROPERLY PERFORMS HIS DUTIED UNDER THIS ACT OR ITS
16 IMPLEMENTING RULES AND REGULATIONS.

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

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

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

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

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

7 SEC 7. USE OF INCOME GENERATED FROM ENFORCEMENT OF THE
8 FIRE CODE - THE CHIEF, BFP IS AUTHORIZED, SUBJECT TO THE APPROVAL
9 OF THE SECRETARY OF THE DILG, TO USE THE INCOME GENERATED
10 UNDER SECTION 11 HEREOF FOR PROCUREMENT OF FIRE PROTECTION,
11 RESCUE AND PARAMEDIC EQUIPMENT, IMPROVEMENT OF FACILITIES AND
12 SALARY ADJUSTMENTS OF BFP UNIFORMED PERSONNEL PURSUANT TO RA
13 9263.

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

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

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

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

23 Approved,