


9 JUL 28 AM 1:30

SENATE
SB No. **3344**

RECEIVED BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

Explanatory Note

Fire disasters and emergencies take place in specific localities in provinces, cities, municipalities and barangays. Given this scenario, it is just appropriate for the Bureau of Fire Protection to be devolved to the local government units. There is no reason for fire men and other fire fighting personnel to be provided with national status, since these people are known to cater to the fire prevention and rescue requirements of their respective local government units, and not the country as a whole.

Hence, this bill proposes to amend Sections 17, 443, 454, 463 and 478 of Book III, Title V of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" by including fire protection services as devolved function and the personnel be included in the organizational structure of every province, city and municipality and whose powers and functions are herein defined properly.

It is therefore mandatory for every province, city and municipality to be given their respective offices in fire protection, so as to provide prompt and efficient service to their constituents, especially during instances of fire-related emergencies and disasters.

In view of the foregoing, the immediate approval of this measure is earnestly requested.



AQUILINO Q. PIMENTEL, JR.

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SB No. **3344**

Introduced by Senator Aquilino Q. Pimentel, Jr. RECEIVED BY 

AN ACT DEVOLVING FIRE PROTECTION SERVICES, AMENDING FOR THIS PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990", REPUBLIC ACT NO. 9263, OTHERWISE KNOWN AS THE "BUREAU OF FIRE PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004", REPUBLIC ACT NO. 9592, OTHERWISE KNOWN AS "AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION AND APPROPRIATE ELIGIBILITY FOR APPOINTMENT IN THE BUREAU OF FIRE PROTECTION (BFP) AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), AMENDING FOR THE PURPOSE SECTION 4 OF REPUBLIC ACT NO. 9263", AND FOR OTHER PURPOSES.

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

SECTION 1. This Act shall be known as the BUREAU OF FIRE PROTECTION (BFP) DEVOLUTION ACT OF 2009.

SECTION 2. Section 17, paragraph b, subparagraph 2 of Republic Act No. 7160 is hereby amended by inserting a new paragraph (iv) to read as follows:

SEC. 17. *Basic Services and Facilities.* (a) xxxxx

(b) xxxxx

(1) For a Barangay:
xxxxx

(2) For a Municipality:

(i) xxxxx

(ii) xxxxx

(iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non-communicable disease control services; access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated;

(iv) FIRE PROTECTION SERVICES WHICH INCLUDE PROGRAMS AND POLICIES ON FIRE PREVENTION AND SUPPRESION, AND EMERGENCY SERVICES SUCH AS RESCUE AND EVACUATION.

(v) (iv) Social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's

welfare, welfare of the elderly and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and other pro-poor projects; nutrition services; and family planning services;

- (vi) (v) xxxxx
- (vii) (vi) xxxxx
- (viii) (vii) xxxxx
- (ix) (viii) xxxxx
- (x) (ix) xxxxx
- (xi) (x) xxxxx
- (xii) (xi) xxxxx
- (xiii) (xii) xxxxx

SECTION 3. Section 17, paragraph b, subparagraph 3 of Republic Act No. 7160 is hereby amended by inserting a new paragraph (v) to read as follows:

(3) For a Province:

- (i) xxxxx
- (ii) xxxxx
- (iii) xxxxx
- (iv) Subject to the provisions of Title Five, Book I of this Code, health services which include hospitals and other tertiary health services;
- (v) **FIRE PROTECTION SERVICES WHICH INCLUDE BUT ARE NOT LIMITED TO FIRE FIGHTING TRAININGS ON FIRE FIGHTING TECHNIQUES; FIRE PREVENTION AND EMERGENCY MEDICAL PROCEDURES; INVESTIGATION OF CAUSES OF FIRES AND FILING OF APPROPRIATE COMPLAINTS RELATIVE THERETO.**
- (vi) (v) Social welfare services which include programs and projects on rebel returnees and evacuees; relief operations; and, population development services;
- (vii) (vi) xxxxx
- (viii) (vii) xxxxx
- (ix) (viii) xxxxx
- (x) (ix) xxxxx
- (xi) (x) xxxxx
- (xii) (xi) xxxxx
- (xiii) (xii) xxxxx

SECTION 4. Section 17, paragraph 4, subparagraph ii of Republic Act No. 7160 is hereby amended to read as follows:

(4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following:

- (i) xxxxx
- (ii) Support for education, police, and fire **PROTECTION** services **AS PROVIDED BY PARAGRAPH B, SUBPARAGRAPH 2 (IV) AND PARAGRAPH 2, SUBPARAGRAPH 3 (V) HEREOF**, and facilities.

SECTION 5. Section 443 of Republic Act No. 7160 is hereby amended to read as follows:

SEC. 443. *Officials of the Municipal Government.* - (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor,

sangguniang bayan members, a secretary to the sangguniang bayan, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/building official, a municipal health officer, **A MUNICIPAL FIRE PROTECTION OFFICER** and a municipal civil registrar.

(b) xxxxx

SECTION 6. Section 454 of Republic Act No. 7160 is hereby amended to read as follows:

SEC. 454. *Officials of the City Government.* - (a) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, **A CITY FIRE PROTECTION OFFICER**, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer.

(b) xxxxx

SECTION 7. Section 463 of Republic Act No. 7160 is hereby amended to read as follows:

SEC. 463. *Officials of the Provincial Government.* - (a) There shall be in each province a governor, a vice-governor, members of the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial engineer, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, **A PROVINCIAL FIRE PROTECTION OFFICER**, a provincial social welfare and development officer, a provincial general services officer, a provincial agriculturist, and a provincial veterinarian.

(b) xxxxx

SECTION 8. Section 478A shall be added after section 478 of Article Eight to read as follows:

ARTICLE EIGHT

SEC. 478-A. THE FIRE PROTECTION OFFICER. *Qualifications, Powers and Duties.* - (A) NO PERSON SHALL BE APPOINTED FIRE PROTECTION OFFICER UNLESS HE IS A CITIZEN OF THE PHILIPPINES, A RESIDENT OF THE LOCAL GOVERNMENT UNIT CONCERNED, OF GOOD MORAL CHARACTER, AND A DULY LICENSED ELECTRICAL ENGINEER. HE MUST HAVE PASSED THE PSYCHIATRIC/PSYCHOLOGICAL, DRUG AND PHYSICAL TESTS FOR THE PURPOSE OF DETERMINING HIS/HER PHYSICAL AND MENTAL HEALTH, AND MUST HAVE ACQUIRED EXPERIENCE IN THE PRACTICE OF HIS PROFESSION FOR AT LEAST FIVE (5) YEARS IN THE CASE OF THE PROVINCIAL OR CITY FIRE PROTECTION OFFICER, AND THREE (3) YEARS IN THE CASE OF THE MUNICIPAL FIRE PROTECTION OFFICER.

THE APPOINTMENT OF THE FIRE PROTECTION OFFICER SHALL BE MANDATORY FOR THE PROVINCIAL, CITY, AND MUNICIPAL GOVERNMENTS.

(B) THE FIRE PROTECTION OFFICER SHALL SUPERVISE THE FIRE PROTECTION OFFICE WHICH SHALL HAVE THE FOLLOWING FUNCTIONS:

- (1) PREVENT AND SUPPRESS ALL DESTRUCTIVE FIRES ON BUILDINGS, HOUSES, AND OTHER STRUCTURES, FORESTS, LAND TRANSPORTATION VEHICLES AND EQUIPMENT, SHIPS OR VESSELS DOCKED AT PIERS OR WHARVES OR ANCHORED IN MAJOR SEAPORTS, PETROLEUM INDUSTRY INSTALLATIONS, RAIL AND AIR CRASHES AND OTHER SIMILAR INCIDENTS;**
- (2) IMPLEMENT PROGRAMS AND POLICIES DESIGNED TO IMPROVE AND STRENGTHEN THE FIRE PROTECTION CAPABILITY OF THE LOCAL GOVERNMENT UNIT;**
- (3) ENSURE THE ENFORCEMENT OF THE FIRE CODE AND OTHER RELATED LAWS;**
- (4) INITIATE FIRE PROTECTION AND EMERGENCY SERVICES SUCH AS RESCUE AND EVACUATION OF INJURED INDIVIDUALS AT FIRE-RELATED INCIDENTS;**
- (5) MAINTAIN THE FIRE ENGINE EQUIPMENT IN ITS PROPER CONDITION, ASSIST IN THE TESTING OF FIRE HYDRANTS AND VERIFY EMERGENCY WATER SUPPLIES;**
- (6) CONDUCT PUBLIC SAFETY DRILLS SUCH AS FOR RESCUE AND EVACUATION IN FIRE-RELATED DISASTROUS INCIDENTS;**
- (7) INSPECT HOUSES, BUILDINGS AND OTHER STRUCTURES TO PREVENT FIRES BY ENSURING COMPLIANCE WITH THE FIRE CODE AND OTHER RELATED LAWS;**
- (8) DISSEMINATE FIRE SAFETY INFORMATION AND EDUCATION TO THE PUBLIC SO AS TO HELP PROMOTE FIRE SAFETY AWARENESS SUCH AS GIVING TALKS IN SCHOOLS AND TO LOCAL ORGANIZATIONS, AND HOME VISITS TO PROVIDE ADVICE;**
- (9) ASSIST IN THE SUPPRESSION OF DESTRUCTIVE FIRES OCCURRING IN NEIGHBORING LOCALITIES;**
- (10) IN ADDITION TO THE FOREGOING FUNCTIONS, THE FIRE PROTECTION OFFICE AT THE PROVINCIAL AND CITY LEVELS INCLUDING MUNICIPALITIES WITHIN THE NATIONAL CAPITAL REGION (NCR) SHALL:**
 - (I) INVESTIGATE CAUSES OF DESTRUCTIVE FIRES, PREPARE REPORTS ON FIRES IN CASES WHEREIN THE CAUSE OF THE FIRE MAY BE ARSON OR CRIMINAL NEGLIGENCE AND IF WARRANTED, FILE THE APPROPRIATE COMPLAINTS RELATIVE THERETO;**
 - (II) MONITOR, EVALUATE AND COORDINATE THE OPERATIONS AND ACTIVITIES OF THE FIRE SERVICE OPERATING UNITS AT THE MUNICIPAL LEVEL;**

(III) CONDUCT FIRE SERVICE TRAININGS INCLUDING BUT NOT LIMITED TO FIRE FIGHTING TECHNIQUES, FIRE PREVENTION, AND EMERGENCY MEDICAL PROCEDURES;

(11) EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER FUNCTIONS AS MAY BE PRESCRIBED BY LAW OR ORDINANCE.

SECTION 9. *Separability Clause.* If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* All existing pertinent provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990", Republic Act No. 9263, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004", Republic Act No. 9592, otherwise known as "An Act Extending for Five (5) Years the Reglementary Period for Complying with the Minimum Educational Qualification and Appropriate Eligibility for Appointment in the Bureau of Fire Protection (BFP) and the Bureau of Jail Management and Penology (BJMP), Amending for the Purpose Section 4 of Republic Act No. 9263", and all laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent herewith are hereby amended, repealed or modified accordingly.

SECTION 11. *Effectivity.* This Act shall take effect fifteen (15) days after publication in the Official Gazette or in any two (2) national newspapers of general circulation.

Approved,