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SENATE

SENATE
S.B. No. 498

'19 JUL 15 A11 :01

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Introduced by **SENATOR VICENTE C. SOTTO III**

**AN ACT
STRENGTHENING THE BUREAU OF FIRE PROTECTION AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

In 2008, Congress passed Republic Act No. 9514 otherwise known as the "Fire Code of the Philippines of 2008", as the principal law governing the prevention and suppression of all destructive fires and the professionalization of the fire service as a profession. Accordingly, the Code mandated the Bureau of Fire Protection (BFP) to enforce R.A. 9514 to all persons, buildings, facilities or structures erected or constructed before or after its effectivity. However, despite the clear language of the law, several government agencies and entities had for a long time arrogated upon them the enforcement of the Fire Code of the Philippines.

With the 10-year implementation of the present Fire Code, there were provisions that were already found to be repugnant with the present program of President Rodrigo Roa Duterte specifically on the streamlining of the processing of business and other local permits. For instance, under R.A. 9514, only the BFP has the authority in the assessment and collection of Fire Code Fees specifically those related to applications for local permits and construction related permits. This specific provision therefore has to be revised if not amended thereby allowing other agencies to collect fire code fees for and in behalf of the BFP so as to fully align with the intents and purposes of the newly enacted R.A. 11032 otherwise known as "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", with the end view of eradicating bureaucratic red tape and other forms of corruption in the government.

Further, despite strict implementation of the present Fire Code, building owners and administrators conveniently ignored fire safety

requirements on buildings, facilities, and structures as the imposable fines and penalties are just minimal.

Finally, R.A. 9514 tends to constrict the utilization of Fire Code fees collection as it only mention that the Eighty (80%) thereof is only intended for the BFP modernization thusly barring the BFP to acquire real properties for the establishment of National, Regional, Provincial Offices and city or municipal fire stations. The present Fire Code also does not expressly allow the utilization of the Fire Code Fees Collection for the acquisition of rescue vehicles, tools, devices and equipment, which are necessary in order for the BFP to successfully perform its mandate of saving lives and properties and to keep the humanity safe from the after effects of all forms of calamities and disasters.

Thus, this proposed bill seeks to:

1. Specify the authority and jurisdiction of the BFP with respect to the administration and enforcement of the Fire Code of the Philippines;
2. Harmonize the assessment and collection for Fire Code Fees to the assessment and collection made by the local government units for construction related permits and business permits;
3. Expand the utilization of the Fire Code Collections; and
4. Provide stringent penalties for every acts that tend to compromise fire safety that endangers the lives and limbs as well as properties of the citizens of the Philippines

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly sought.


VICENTE C. SOTTO III

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AN ACT
STRENGTHENING THE BUREAU OF FIRE PROTECTION AND FOR
OTHER PURPOSES

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

1 **SECTION 1.** This Act shall be known as the **“THE FIRE CODE OF THE**
2 **PHILIPPINES OF 2019”**

3 **SECTION 2.** It is the policy of the State to ensure public safety and promote
4 economic development through the prevention and suppression of all kinds,
5 of destructive fires, and promote the professionalization of the fire service as
6 a profession. Towards this end, the State shall enforce all laws, rules and
7 regulations to ensure adherence to standard fire prevention and safety
8 measures and promote accountability in the fire protection and prevention
9 service.

10 **SECTION 3. DEFINITION OF TERMS**

- | | |
|--------------------------|--|
| a.) Abatement | Any act that would remove or neutralize a fire hazard. |
| b.) Administrator | Any person who acts as agent of the owner and manages the use of a building for him. |
| c.) Building | Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. |

- d.) Closure Order** A written notice issued by the City/Municipal Fire Marshal to the owner, administrator, or occupant to close the whole or portion of the building/structure and to stop its operation upon determination during inspection the deficiency or violation noted in the Notice to Correct Violation remains unabated or uncorrected after the lapse of the prescribed period thereof. The issuance of Closure Order shall include a notice of cancellation of the existing Fire Safety Inspection Certificate of the building or structure.
- e.) Damper** A normally open device installed inside air duct system which automatically closes to restrict the passage of smoke or fire.
- f.) Duct System** A continuous passageway for the transmission of air.
- g.) Fire** The active principle of burning, characterized by the heat and light of combustion.
- h.) Fire Alarm** Any visual or audible signal produced by a device or system to warn the occupants of the building or firefighting elements of the presence or danger of fire to enable them to undertake immediate action to save life and property and to suppress the fire.
- i.) Fire Door** A fire resistive door prescribed for openings in fire separation walls or partitions.
- j.) Fire Hazard** Any condition or act which increases or may cause an increase in the probability of the occurrence of fire, or which may obstruct, delay, hinder or interfere with firefighting operations and the safeguarding of life and property.
- k.) Fire Lane** The portion of a roadway or public-way that should kept opened and unobstructed at all times for the expedient operation of firefighting units.
- l.) Fire Protective and Fire Safety Device** Any device intended for the protection of buildings or persons to include, but not limited to, built-in protection system such as sprinklers

and other automatic extinguishing system, detectors for heat, smoke and combustion products and other warning system components, personal protective equipment such as fire blankets, helmets, fire suits, gloves and other garments that may be put on or worn by persons to protect themselves during fire.

***m.) Fire Safety
Constructions***

Refers to design and installation of walls, barriers, doors, windows, vents, means of egress etc. integral to and incorporated into a building or structure in order to minimize danger to life from fire, smoke, fumes or panic before the building is evacuated. This features are also designed to achieve, among others, safe and rapid evacuation of people through means of egress on construction which sealed from smoke of fire, the confinement of fire or smoke in the room or floor of origin and delay their spread to other parts of the building by means of smoke sealed and fire resistant doors, walls, and floors. It shall also mean to include the treatment of building components or contents with the flame retardant chemicals.

***n.) Fire Safety
Evaluation
Clearance***

Refers to a document issued by the City/Municipal Fire Marshal as prerequisite for the issuance of Building Permit upon determination that the building or structure has complied with the requirements prescribed under the Fire Code and its Implementing Rules and Regulations and other related laws.

***o.) Fire Safety
Inspection
Certificate***

Refers to a document issued by the City/Municipal Fire Marshal as prerequisite for the issuance of Occupancy Permit or Business Permit upon determination that the building or structure has complied with the requirements prescribed under the Fire Code and its Implementing Rules and Regulations and other related laws.

p.) Fire Trap

A structure or building is a fire trap when it lacks adequate or inappropriate fire exits or means of egress.

***q.) Hazardous
Operation/ Process***

Any act of manufacturing, fabrication, conversion, etc., that uses or produces

materials which are likely to cause fires or explosions.

r.) Horizontal Exit

Passageway from one building to another or through or around a wall in approximately the same floor level.

s.) Hose Box

A box or cabinet where fire hoses, valves and other equipment are stored and arranged for fire fighting.

t.) Hose Reel

A cylindrical device turning on an axis around which a fire hose is wound and connected.

u.) Jumper

A piece of metal or an electrical conductor used to bypass a safety device in an electrical system.

v.) Notice to Comply

Refers to a written notice issued by the City/Municipal Fire Marshal to the owner, administrator, or occupant upon determination during inspection that the building or structure has deficiency or violation with the Fire Code of the Philippines and its Implementing Rules and Regulations and specifying therein the prescribed period to abate or correct the deficiency or violation.

**w.) Notice to Correct
Violation and
Order To Pay Fine**

Refers to a written notice issued by the City/Municipal Fire Marshal to the owner, administrator, or occupant upon determination during re-inspection that the deficiency or violation noted in the Notice to Comply remains unabated or uncorrected after the lapse of the prescribed period thereof and specifying the administrative fine imposed and the prescribed period to abate or correct the deficiency or violation.

**x.) Notice of
Disapproval**

Refers to a written notice issued by the City/Municipal Fire Marshal to the applicant or owner, disapproving the application for Fire Safety Evaluation Clearance or FSIC for Occupancy Permit upon determination that the plans and specifications or the building or structure during inspection, as the case maybe, did not conform to the fire safety requirements

of the Fire Code of the Philippines and its IRR and other fire related laws.

- y.) Occupancy** The purpose for which a building or portion thereof is used or intended to be used.
- z.) Occupant** Any person actually occupying and using a building or portions thereof by virtue of a lease contract with the owner or administrator or by permission or sufferance of the latter.
- aa.) Overloading** The use of one or more electrical appliances or devices which draw or consume electrical current beyond the designed capacity of the existing electrical system.
- bb.) Owner** The person who holds the legal right of possession or title to a building or real property.
- cc.) Public Assembly Building** Any building or structure where fifty (50) or more people congregate, gather, or assemble for any purpose.
- dd.) Public Way** Any street, alley or other strip of land unobstructed from the ground to the sky, deeded, dedicated or otherwise permanently appropriated for public use.
- ee.) Self-closing Doors** Automatic closing doors that are designed to confine smoke and heat and delay the spread of fire.
- ff.) Sprinkler System** An integrated network or hydraulically designed piping installed in a building, structure or area with outlets arranged in a systematic pattern which automatically discharges water when activated by heat or combustion products from a fire.
- gg.) Standpipe System** A system of vertical pipes in a building to which fire hoses can be attached on each floor, including a system by which water is made available to the outlets as needed.
- hh.) Structure** That which is built or constructed, an edifice or building or any kind, or any piece of work

artificially built up or composed of parts joined together in some definite manner.

ii.) Vertical Shaft

An enclosed vertical space of passage that extends from floor to floor, as well as from the base to the top of the building.

ii.) Vestibule

A passage hall or antechamber between the outer doors and the interior parts of a house or building.

1 **SECTION 4. APPLICABILITY OF THE CODE.** – The provisions of the Fire
2 Code shall apply to all persons and all private and public buildings, facilities
3 or structures erected or constructed before and after its effectivity.

4 **SECTION 5. RESPONSIBILITY FOR THE ENFORCEMENT OF THIS CODE.**
5 – This Code shall be solely administered and enforced by the Bureau of Fire
6 Protection (BFP), under the direct supervision and control of the Chief of the
7 Bureau of Fire Protection, through the hierarchy of organization as provided
8 for in Chapter VI of Republic Act No. 6975. With the approval of the
9 Secretary of the Department of the Interior and Local Government (DILG),
10 the Chief, BFP, is hereby authorized to:

11 (a) Issue implementing rules and regulations, and prescribe standards,
12 schedules of fees/fire service charges and administrative penalties
13 therefore as provided in the pertinent provisions of this Code;

14 (b) Reorganize the BFP as may be necessary and appropriate;

15 (c) Support and assist fire volunteers, fire safety practitioners and fire
16 volunteer organizations in the country who shall undergo mandatory
17 fire suppression, inspection, rescue, emergency medical services and
18 related emergency response trainings and competency evaluations to
19 be conducted by the BFP. In the case of fire safety practitioners, they
20 shall undergo mandatory continuous professional education and
21 competency evaluation of their expertise, knowledge and skills in the
22 area of fire science, engineering and technology to be conducted by
23 the BFP.

24 The BFP may enter into external party agreements for the conduct of
25 trainings, education and evaluation of fire volunteers, practitioners,
26 fire brigade and fire volunteer organizations, which shall be under the
27 full control and supervision of the BFP: *Provided, however,* that during
28 firefighting operations, fire volunteer organizations shall be under the
29 direct operational control of the fire ground commanders of the BFP;

30 (d) Enter into long-term agreement, either through public biddings or
31 negotiations, in accordance with the provisions of Republic Act No.

1 9184, otherwise known as the Government Procurement Reform Act of
2 2003, for the acquisition of fire prevention, fire protection and
3 firefighting equipment, investigation, rescue, paramedics, hazardous
4 material handling equipment, supplies, materials and related
5 technical services necessary for the fire services;

6 (e) Enter into memoranda of agreement with other departments, bureaus,
7 agencies, offices and corporations of the government, as well as
8 private institutions, in order to define areas of cooperation and
9 coordination and delineate responsibility on fire prevention education,
10 fire safety, fire prevention, fire suppression, and other matters of
11 common concern;

12 (f) Call on the police, other law enforcement agencies, and local
13 government assistance to render assistance in the enforcement of this
14 Code;

15 (g) Designate a fire safety inspector through his/her duly authorized
16 representative, who shall conduct an inspection of every building or
17 structure within his area of responsibility at least once a year and
18 every time the owner, administrator or occupant shall renew his/her
19 business permit or permit to operate notwithstanding any permit to
20 operate, clearance, or certificate earlier issued by the local authorities
21 and other government agencies.

22 No occupancy permit, business or permit to operate and
23 Certificate of Annual Inspection shall be issued without securing a
24 Fire Safety Inspection Certificate (FSIC) from the Bureau of Fire
25 Protection. Any violation thereof shall be punishable by imprisonment
26 of One (1) year to Six (6) years and a Fine of not less than Five
27 Hundred Thousand but not more than Two Million Pesos, without
28 prejudice to filing of an administrative case against the offender;

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

38 (i) Where conditions exist and are deemed hazardous to life and
39 property, to order the owner/occupant of any building or structure to
40 summarily abate such hazardous conditions;

41 (j) Require the building owner/occupant to submit plans and
42 specifications, and other pertinent documents of said building and

1 evaluate to ensure compliance with the Fire Code and its IRR and
2 other applicable codes and standards. For this purpose, a Fire Safety
3 Evaluation Clearance (FSEC) shall be issued as a prerequisite for the
4 issuance of Building Permit. Any building permit issued without the
5 necessary FSEC is considered as void ab initio, and the person who
6 issued or caused the issuance thereof, shall suffer the penalty of
7 imprisonment of One (1) year to Six (6) years and a Fine of not less
8 than Five Hundred Thousand but not more than Two Million Pesos,
9 without prejudice to filing of an administrative case against the
10 offender; and

11 (k) Issue a written notice to the owner and/or contractor to stop work or
12 portion of any work due to absence, or in violation of approved plans
13 and specifications, permit and/or clearance or certification as
14 approved and/or issued by the BFP. The notice shall state the nature
15 of the violation and no work shall be continued on that portion until
16 the violation had been corrected. Any violation thereof shall be
17 punishable by imprisonment of One (1) year to Six (6) years and a
18 Fine of not less than Five Hundred Thousand but not more than Two
19 Million Pesos without prejudice to the filing of an administrative case
20 against the offender.

21 **SECTION 6. TECHNICAL STAFF.** – The Chief, BFP shall constitute a
22 technical staff of highly qualified persons who are knowledgeable on fire
23 prevention, fire safety, and fire suppression. They may be drawn not only
24 from the organic members of the BFP and other government offices and
25 agencies, but also from other sources. In the latter case, they will either be
26 appointed into the service or hired as consultants in accordance with law.
27 The technical staff shall study, review and evaluate latest developments and
28 standards on fire technology; prepare plans/programs on fire safety,
29 prevention and suppression and evaluate implementation thereof; develop
30 programs on the professionalization of the fire service; coordinate with
31 appropriate government and private institutions for the offering of college
32 courses on fire technology and fire protection engineering; propose
33 amendments to the Fire Code; advise the Chief, BFP on any matter brought
34 to his/her attention; and perform such other functions as directed by higher
35 authorities.

36 **SECTION 7. INSPECTIONS, SAFETY MEASURES, FIRE SAFETY,**
37 **CONSTRUCTIONS, AND PROTECTIVE AND/OR WARNING SYSTEMS.** – As
38 may be defined and provided in the rules and regulations, owners,
39 administrators or occupants of buildings, structures and their premises or
40 facilities and other responsible persons shall be required to comply with the
41 following, as may be appropriate:

42 (a) Inspection Requirement – A fire safety inspection shall be conducted
43 by the Chief, BFP or his/her duly authorized representative and that
44 if found compliant with the fire safety provisions of this code shall

1 issue fire safety inspection certificate, if not proceed to administrative
2 courses of action as prescribed by this code and its IRR, for the:

3 1. Use or occupancy of buildings, structures, facilities or their
4 premises including the installation or fire protection and fire safety
5 equipment, and electrical system in any building structure or
6 facility; and

7 2. Storage, handling and/or use of explosives or of combustible,
8 flammable, toxic and other hazardous materials.

9 (b) Safety Measures for Hazardous Materials – Fire safety measures shall
10 be required for the manufacture, storage, transportation, handling,
11 and/or use of any hazardous materials with potential to cause harm
12 to persons, property or the environment because of one or more of the
13 following: i) The chemical properties of the substance; ii) The physical
14 properties of the substance; iii) The biological properties of the
15 substance. Without limiting the definition of hazardous material, all
16 dangerous goods, combustible liquids and chemicals are hazardous
17 materials.

18 (c) Safety Measures for Hazardous Operations/Processes – Fire Safety
19 measures shall be required for any hazardous operations or processes
20 that may be defined in the IRR.

21 (d) Provision on Fire Safety Construction, Protective and Warning System
22 – Owners, occupants or administrators of buildings, structures and
23 their premises or facilities, except such other buildings or structures
24 as may be exempted in the rules and regulations to be promulgated
25 under Section 5 hereof, shall incorporate and provide therein fire
26 safety construction, protective and warning system, and shall develop
27 and implement fire safety programs, to wit:

28 (1) Fire protection features such as sprinkler systems, hose boxes,
29 hose reels or standpipe systems and other firefighting equipment;

30 (2) Fire Alarm systems;

31 (3) Fire walls to separate adjoining buildings, or warehouses and
32 storage areas from other occupancies in the same building;

33 (4) Provisions for confining the fire at its source such as fire resistive
34 floors and walls extending up to the next floor slab or roof, curtain
35 boards and other fire containing or stopping components;

36 (5) Termination of all exits in an area affording safe passage to a
37 public way or safe dispersal area;

- 1 (6) Stairway, vertical shafts, horizontal exits and other means of
2 egress sealed from smoke and heat;
- 3 (7) A fire exit plan for each floor of the building showing the routes
4 from each room to appropriate exits, displayed prominently on the
5 door of such room;
- 6 (8) Self-closing fire resistive doors leading to corridors;
- 7 (9) Fire dampers in centralized air-conditioning ducts;
- 8 (10) Roof vents for use by fire fighters;
- 9 (11) Properly marked and lighted exits with provision for emergency
10 lights to adequately illuminate exit ways in case of power failure;
11 and
- 12 (12) Smoke Management System

13 **SECTION 8. FIRE SAFETY INSPECTION CERTIFICATE** – A fire safety
14 inspection certificate shall be a prerequisite for the issuance of occupancy
15 permits, business permits or permit to operate, licenses and other permits
16 issued by the following:

- 17 1. Local Government Units (LGU);
- 18 2. Office of The Building Official (OBO);
- 19 3. Philhealth Accreditation for Hospitals;
- 20 4. Department of Health (DOH);
- 21 5. Philippine Economic Zone Authority (PEZA) and other similar entities;
- 22 and
- 23 6. Other government agencies subject to the rules and conditions set
24 forth in the IRR of this code.

25 **SECTION 9. PUNISHABLE ACTS.** – Any person who commits the following
26 acts and omissions shall be punished in accordance with this law and other
27 applicable laws:

- 28 (a) Obstruction, prohibition or prevention by any person in the conduct
29 of fire safety inspection by duly authorized BFP representative.
- 30 (b) Obstructing or blocking the exit ways or across to buildings clearly
31 marked for fire safety purposes, such as but not limited to aisles in
32 interior rooms, any part of stairways, hallways, corridors, vestibules,
33 balconies or bridges leading to a stairway or exit of any kind, or
34 tolerating or allowing said violations;
- 35 (c) Constructing gates, entrances and walkways to building components
36 and yards, and temporary or permanent structures on public ways,

- 1 which obstruct the orderly and easy passage of fire fighting vehicles
2 and equipment;
- 3 (d) Prevention, interference or obstruction of any operation of the fire
4 service, or of duly organized and authorized fire brigades;
- 5 (e) Obstructing designated fire lanes or access to fire hydrants;
- 6 (f) Overcrowding or admission of persons beyond the authorized
7 capacity in movie houses, theaters, coliseums, auditoriums or other
8 public assembly buildings, except in other assembly areas on the
9 ground floor with open sides or open doors sufficient to provide safe
10 exits;
- 11 (g) Locking fire exits during period when people are inside the building;
- 12 (h) Prevention or obstruction of the automatic closure of fire doors or
13 smoke partitions or dampers;
- 14 (i) Use of fire protective or firefighting equipment of the fire service
15 other than for firefighting except in other emergencies where their
16 use is justified;
- 17 (j) Giving false or malicious fire alarms;
- 18 (k) Smoking in prohibited areas as may be determined by fire service, or
19 throwing of cigars, cigarettes, burning objects in places which may
20 start or cause fire;
- 21 (l) Abandoning or leaving a building, structure or facility by the
22 occupant or owner without appropriate safety measures as
23 enumerated in the IRR of this code. In the event that an accidental
24 fire will occur due to the negligence of the owner/occupant which
25 resulted to injury, loss of life and or damage to property, such
26 owner/occupant shall be proceeded under the applicable provisions
27 of the revised penal code and other special laws.
- 28 (m) Removing, destroying, tampering or obliterating any authorized
29 mark, seal, sign or tag posted or required by the fire service for fire
30 safety in any building, structure or processing equipment; and
- 31 (n) Use of jumpers or tampering with the standard design of the
32 electrical system or overloading or such other practices that would
33 tend to undermine the fire safety features of the electrical system.
- 34 (o) Usurpation by any person of the functions of the BFP, such as but
35 not limited to, the implementation of the Fire Code of the Philippines
36 and other related laws;

- 1 (p) Bribery or attempting to bribe any BFP personnel in exchange to
2 commit violations of this Act or other laws; and
- 3 (q) Interfering, influencing, or exerting undue influence to any BFP
4 personnel to issue FSEC, FSIC or any other clearances.

5 **SECTION 10. ABATEMENT OF FIRE HAZARDS, GENERAL PROCEDURES**

6 Upon findings that the status of a building or the operation of an
7 establishment constitutes fire hazards or the lack of fire safety measures as
8 defined in this code and its IRR, the Fire Marshal concerned shall:

- 9 a) Issue and serve a Notice To Comply (NTC) setting forth therein the
10 violations noted and the period within which abatement of fire
11 hazards, correction and compliance shall be made, which shall be
12 within a period as prescribed by the IRR, which shall in no case
13 exceed thirty (30) days from receipt of the order, depending on the
14 gravity of the violation(s) and the extent of the work to be done to
15 effect compliance;
- 16 b) If no correction has been made or when there is a purported
17 compliance but is not within the standards required by this code
18 and its IRR, the Fire Marshal concerned shall issue and serve a
19 Notice To Correct Violation (NTCV) with an Order To Pay Fine which
20 shall be paid within a period of ten (10) days from receipt of the said
21 notice. The payment of fine shall in no case be construed as
22 compliance to the noted violations. Upon service of the NTCV, the
23 Fire Marshal concerned shall likewise cause the posting of a warning
24 sign specifically bearing the words: **“Warning: this**
25 **building/establishment is a fire hazard”**. The herein signage
26 shall remain posted until such time that the building owner or
27 occupant have implemented a complete corrections of the noted
28 violations. The period to comply the NTCV shall not exceed a period
29 of thirty (30) days from service of the said notice.
- 30 c) In the event of non-compliance within the required period in the
31 NTCV or non-payment of administrative fine within a period of ten
32 (10) days from receipt of the notice, the Fire Marshal concerned shall
33 issue a closure order, furnishing a copy thereof to the building
34 official and the local chief executive to effect the cancellation of
35 business or permit to operate. The closure order shall contain a
36 directive to the occupants to immediately vacate the building to avert
37 the possibility of loss of lives should destructive fires occur. Further,
38 any existing FSIC issued is considered revoked upon the issuance of
39 closure order. Any violation thereof shall be punishable by
40 imprisonment of One (1) year to Six (6) years and a Fine of not less
41 than Five Hundred Thousand but not more than Two Million Pesos.
42

- 1 d) During re-inspection under para b and c of this section, initial
2 compliance was effected by the owner, the said NTCV or Closure
3 Order may not be issued. In lieu thereof the owner may be allowed,
4 but only once, to execute an Affidavit of Undertaking specifically
5 containing among others the period of completion of work. For this
6 purpose, the owner shall attach in his affidavit the following if
7 applicable:
8 i. Duly executed and notarized contract of works, entered into by
9 the building establishment and the contractor which in no case
10 shall exceed a period of 180 days;
11 ii. Duly signed and sealed plans, specifications and bill of materials
12 approved by the BFP;
13 iii. Authority to execute Affidavit of Undertaking in case of
14 corporation, partnership or association

15 Failure to comply within the period specified in the Affidavit of
16 Undertaking shall be a ground for the issuance of closure order and
17 imposition of administrative fine in the amount of Five Hundred
18 Thousand Pesos.

- 19 e) Service of notices or orders mentioned in this section shall be made
20 during office or business hours of the concerned building or
21 establishment. Service thereof shall be made personally to the owner
22 or in his absence, to the administrator, manager, building-in-charge,
23 safety officer, representative, employee or any person of suitable age
24 and discretion who is residing or working therein. Registered mail
25 may be resorted to when personal service maybe futile due to the
26 long absence or refusal of the owner or the personalities
27 aforementioned to receive such notices or orders.

28 **SECTION 11. FIRE TRAP-** Upon findings by the Fire Marshal concerned
29 that the status of a building or the operation of an establishment constitutes
30 a fire trap, he or she shall:

- 31 a) Issue and serve a notice declaring a particular building as a fire trap
32 to the owner, administrator, occupant or other person responsible
33 for the condition of the building, structure and their premises or
34 facilities. The notice shall contain an order to vacate the building
35 and/or stop any operation thereof, the grounds relied upon in
36 declaring the same as fire trap and the period within which
37 abatement of the hazards, correction and compliance shall be made,
38 which shall be within a period of either fifteen (15) days or thirty (30)
39 days from receipt of the order, depending on the gravity of the
40 violation(s) and the extent of the work to be done to effect
41 compliance. Within 24 hours from the service of the notice the
42 concerned fire marshal, shall submit a report on the circumstances
43 surrounding the aforementioned declaration to the Regional
44 Director, who in turn shall forward a copy of the same to the Chief
45 BFP.

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b) Upon service of the notice, the fire marshal concerned shall cause the posting of a warning sign specifically bearing the words: **“WARNING: THIS BUILDING/ESTABLISHMENT IS A FIRE TRAP”**. The herein signage shall remain posted until such time that the building owner or occupant have implemented the necessary correction of the noted violations which in no case shall exceed a period of thirty (30) days.

In all instances, the Provincial Fire Marshal, Regional Director and the Chief, BFP has the authority to review, revise, modify or reverse the action(s) of the Fire Marshall as provided for in this code. However, review by the foregoing authorities shall not stay the declaration of a building or structure as a fire trap and the period to correct the same.

SECTION 12. LIABILITY OF BUILDING OWNERS- The owner, administrator, manager or person having authority in the management of the building or establishment shall be held responsible for the loss of lives and/or damage to properties on account of its refusal or failure to comply or implement the issued order for closure mentioned in this code.

SECTION 13. 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 more than Five Hundred Thousand Pesos per imposition or in the proper case, 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 to be imposed by the BFP: *Provided*, That the payment of the fine, 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 concerned BFP Officer may be appealed to the next higher authority.

(b) Punitive – Any person who willfully failed to correct the deficiency or abate the fire hazard or fire trap as provided in the preceding sections, or who committed any act mentioned in paragraphs (o), (p) and (q) of Section 9 hereof shall upon conviction, be punished by imprisonment of 1 year to 6 years or a Fine of not less than Five Hundred Thousand but not more than Two Million 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

1 shall immediately be deported: *Provided, finally,* That where the
2 violation is attended by injury, loss of life and/or damage to
3 property, the violator shall be proceeded against under the
4 applicable provisions of the Revised Penal Code.

5 Any person who disobeys the lawful order of the fire ground
6 commander during a fire fighting operation shall be penalized with
7 imprisonment of 1 year to 6 years or a Fine of not less than Five
8 Hundred Thousand but not more than Two Million Pesos or both
9 in the discretion of the court.

10 **(2) Against the public officer/employee:**

11 (a) Administrative – The following acts or omissions shall render
12 any public officer/employee in charge of the enforcement of this
13 Code, its implementing rules and regulations and other pertinent
14 laws, administratively liable, and shall be punished by suspension
15 of not more than one year for the first offense and dismissal for the
16 second offense, without prejudice to the prosecution of other
17 applicable laws, for:

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

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

25 (3) Endorsing for certifications or submitting a report that the
26 building or structure complies with the standards set by this Code,
27 its implementing rules and regulations or other pertinent laws
28 when the same is contrary to fact;

29 (4) Issuance or renewal of occupancy or business permit without
30 the fire safety inspection certificate issued by the Chief. BFP or
31 his/her duly authorized representative;

32 (5) Failure to cancel the occupancy or business permit after the
33 owner, administrator, occupant or other person responsible for the
34 condition of the building, structure and other premises failed to
35 comply with the notice/order for compliance with the standards
36 set by this Code, its implementing rules and regulations and other
37 pertinent laws, within the specified period;

38 (6) Abusing his/her authority in the performance of his/her duty
39 through acts of corruption and other unethical practices; or
40

1 (7) Other willful impropriety or gross negligence in the performance
2 of his/her duty as provided in this Act or its implementing rules
3 and regulations.

4 (8) Usurpation on the functions of the BFP, such as but not limited
5 to, the implementation of the Fire Code of the Philippines and
6 other related laws; and

7 (9) Interfering, influencing, or exerting undue influence to any BFP
8 personnel to issue FSEC, FSIC or any other clearances.

9 (b) Punitive – In case of willful violation to the abovementioned acts
10 or omissions enumerated under Section 13 subparagraph 2(a), the
11 public officer/employees shall, upon conviction, be punished by
12 imprisonment of 1 year to 6 years or a Fine of not less than Five
13 Hundred Thousand but not more than Two Million Pesos or both
14 such fine and imprisonment: *Provided*, that where the violation is
15 attended by injury, loss of life and/or property, the violator shall
16 also be prosecuted under the applicable provisions of the Revised
17 Penal Code.

18 **SECTION 14. APPROPRIATION AND SOURCES OF INCOME. –**

19 (a) To support the manpower, infrastructure and equipment needs of
20 the fire service of the BFP, such amount as may be necessary to
21 attain the objectives of the Fire Code shall be appropriated and
22 included in the annual appropriation of the BFP.

23 (b) To partially provide for the funding of the fire service, the following
24 taxes and fees which shall accrue to the general fund of the National
25 Government, are hereby imposed:

26 (1) Fees to be charged for the application and issuance of
27 certificates or clearances as provided for in Section 7 and 8
28 hereof to be prescribe in the IRR;

29 (2) One-tenth of one *per centum* (0.1%) of the estimated value of
30 every building or structure to be erected based from the bill of
31 materials and labor submitted by the applicant or from the
32 prevailing construction cost to be prescribed by the IRR,
33 whichever is higher;

34 (3) Two *per centum* (2%) of the assessed value of every building,
35 structure, or machinery annually payable upon payment of the
36 real estate tax, except on structures used as single family
37 dwellings;

38 (4) Two *per centum* (2%) of all premiums, excluding reinsurance
39 premiums, for the sale of fire, earthquake, and explosion hazard

1 insurance collected by companies, persons or agents licensed to
2 sell such insurances in the Philippines;

3 (5) Two *per centum* (2%) of gross sales of companies, persons or
4 agents selling firefighting equipment, appliances or devices,
5 including hazard detection and warning systems: and

6 (6) Two per centum (2%) of the service fees received from fire,
7 earthquake, and explosion hazard reinsurance surveys and post
8 loss service of insurance adjustment companies doing business
9 in the Philippines directly through agents.

10 **SECTION 15. COLLECTION OF TAXES, FEES AND FINES.** – All taxes, fees
11 and fines provided in this Code shall be collected by the BFP or through
12 collecting agent that may be deputized by the BFP in accordance with a
13 MOA duly approved by the Chief, BFP. *Provided*, that twenty percent (20%)
14 of all such collections shall be intended for the use by the city or municipal
15 government concerned, which shall appropriate the same exclusively for the
16 use of the operation and maintenance of its local fire station, including the
17 construction and repair of fire station: *Provided, further*, That the remaining
18 eighty percent (80%) shall be remitted to the National Treasury under a
19 trust fund assigned to the BFP for their modernization program, scholarship
20 program, and the acquisition of lot for their Offices, Fire Stations and
21 Training Schools.

22 **SECTION 16. ASSESSMENT OF FIRE CODE TAXES, FEES AND FINES.** –
23 The assessment of fire code taxes, fees and fines is vested upon the BFP.
24 The BFP shall, subject to the approval of the DILG, prescribe the procedural
25 rules for such purpose.

26 **SECTION 17. USE OF INCOME GENERATED FROM THE ENFORCEMENT**
27 **OF THE FIRE CODE.** – The Chief, BFP is authorized, subject to the approval
28 of the Secretary of the Interior and Local Government, to use the income
29 generated under the Fire Code for procurement of fire protection and
30 firefighting investigation, rescue, paramedics, supplies and materials, and
31 related technical services necessary for the fire service and the improvement
32 of facilities of the BFP. The income shall also be used in the acquisition of
33 lot and construction of BFP Offices, Fire Stations and Training Schools.

34 The BFP shall determine the optimal number of equipment, including, but
35 not limited to, fire trucks and fire hydrants, required by every local
36 government unit for the proper delivery of fire protection services in its
37 jurisdiction.

38 In the procurement of firefighting and investigation supplies and materials,
39 the Bureau of Product Standards of the Department of Trade and Industry
40 shall evaluate, determine and certify if the supply so procured conforms to
41 the product standards fixed by the BFP. For this purpose, the BFP shall
42 submit to the Bureau of Product Standards a detailed set of product

1 standards that must be complied with in the procurement of firefighting and
2 investigation supplies and materials within six (6) months from the
3 effectivity of this Act.

4 **SECTION 18. MONITORING THE IMPLEMENTATION OF THE FIRE CODE**
5 **AND THE AMOUNT OF THE FEES COLLECTED.** – The Chief, BFP shall,
6 within six (6) months from the effectivity of this Code, submit to the
7 Secretary of the Interior and Local Government for his/her approval, a
8 management tool or mechanism that would ensure effective monitoring of
9 the enforcement of the Fire Code to include the amount of Fire Code fees
10 collected.

11 **SECTION 19. IMPLEMENTING RULES AND REGULATIONS.** Within sixty
12 (60) days from the effectivity of this Act, the Secretary of the Interior and
13 Local Government shall issue the rules and regulations for its effective
14 implementation.

15 **SECTION 20. REPEALING CLAUSE.** RA 9514 is hereby expressly repealed.
16 All laws, presidential decrees, letters of instructions, executive orders, rules
17 and regulations in so far as they are inconsistent with this Act, are hereby
18 repealed or amended as the case may be.

19 **SECTION 21. SEPARABILITY CLAUSE.** In case any provision of this Act or
20 any portion thereof is declared unconstitutional by a competent court, other
21 provisions shall not be affected thereby.

22 **SECTION 22. EFFECTIVITY.** This act shall take effect fifteen (15) days after
23 its publication in the Official Gazette or in two (2) national newspaper of
24 general circulation.

Approved,