



HOUSE OF REPRESENTATIVES

H. No. 4115

BY REPRESENTATIVES ANTONINO-CUSTODIO, ESCUDERO, ANTONINO,
RODRIGUEZ, GULLAS, LACSON, LIM, GARAY, SOON-RUIZ AND LAGMAN,
PER COMMITTEE REPORT NO. 512

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 House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. It is the policy of the State to ensure public safety and
2 promote economic development through the prevention and suppression of all
3 kinds of destructive fires. Towards this end, the State shall enforce all laws,
4 rules and regulations to ensure adherence to standard fire prevention and safety
5 measures, and promote accountability for fire safety in the fire protection
6 service and in the community.

7 SEC. 2. Section 6 of Presidential Decree No. 1185 or the Fire Code of
8 the Philippines is hereby amended to read as follows:

9 "SEC. 6. *Responsibility for the Enforcement of this*
10 *Code.* - [The Fire Service, under the direct supervision and
11 control of the Director General of the Integrated National Police,

1 hereinafter referred to as the "Director General" shall be
2 responsible for the enforcement of this Code, as well as pertinent
3 provisions of other laws pertaining to fire protection or fire
4 safety. With the approval of the Secretary of National Defense,
5 the Director General is hereby authorized to:] **THIS CODE**
6 **SHALL BE ADMINISTERED AND ENFORCED BY THE BUREAU OF**
7 **FIRE PROTECTION (BFP), UNDER THE DIRECT SUPERVISION**
8 **AND CONTROL OF THE BUREAU DIRECTOR, HEREINAFTER**
9 **REFERRED TO AS THE "DIRECTOR", THROUGH THE**
10 **HIERARCHY IN THE ORGANIZATION, DOWN TO THE LOCAL**
11 **FIRE CHIEF AS PROVIDED FOR IN CHAPTER IV OF REPUBLIC**
12 **ACT NO. 6975. WITH THE APPROVAL OF THE SECRETARY OF**
13 **THE DEPARTMENT OF THE INTERIOR AND LOCAL**
14 **GOVERNMENT (DILG), THE DIRECTOR IS HEREBY**
15 **AUTHORIZED TO:**

16 a. Issue implementing rules and regulations, and
17 prescribe **STANDARDS, SCHEDULES OF FEES OR FIRE SERVICE**
18 **CHARGES AND** administrative penalties therefore;

19 b. Reorganize the [Fire Service of the Integrated National
20 Police] **BFP** as may be necessary and appropriate;

21 **C. REQUIRE THE BUILDING OWNER, ADMINISTRATOR**
22 **OR OCCUPANT TO SUBMIT PLANS AND SPECIFICATIONS AND**
23 **OTHER PERTINENT DOCUMENTS OF BUILDING OR STRUCTURE**
24 **TO ENSURE COMPLIANCE WITH APPLICABLE CODES AND**
25 **STANDARDS;**

26 **D. DESIGNATE THE FIRE INSPECTOR, WHO SHALL**
27 **CONDUCT AN INSPECTION AT A REASONABLE TIME, OF EVERY**
28 **BUILDING OR STRUCTURE FOR DANGEROUS OR HAZARDOUS**
29 **CONDITIONS OR MATERIALS AS SET FORTH IN THIS CODE, AT**

1 LEAST ONCE A YEAR AND EVERY TIME THE OWNER,
2 ADMINISTRATOR OR OCCUPANT SHALL RENEW HIS OR HER
3 OCCUPANCY PERMIT OR PERMIT TO OPERATE: *PROVIDED*,
4 THAT NO OCCUPANCY PERMIT OR PERMIT TO OPERATE SHALL
5 BE ISSUED WITHOUT SECURING A FIRE SAFETY INSPECTION
6 CERTIFICATE (FSIC) FROM THE DIRECTOR OR HIS
7 AUTHORIZED REPRESENTATIVE: *PROVIDED, FURTHER*, THAT IN
8 CASE OF RESIDENTIAL HOUSES, AN INSPECTION MUST BE UPON
9 THE CONSENT OF THE OCCUPANT OR UPON LAWFUL ORDER
10 FROM THE PROPER COURT;

11 E. DIRECTLY OR THROUGH HIS AUTHORIZED
12 REPRESENTATIVE, ORDER THE OWNER, ADMINISTRATOR OR
13 OCCUPANT TO REMOVE HAZARDOUS MATERIALS AND/OR STOP
14 HAZARDOUS OPERATIONS OR PROCESSES IN ACCORDANCE
15 WITH THE STANDARDS SET BY THIS CODE OR ITS
16 IMPLEMENTING RULES OR REGULATIONS OR OTHER
17 PERTINENT LAWS;

18 F. WHERE CONDITIONS EXIST AND ARE DEEMED
19 HAZARDOUS TO LIFE AND PROPERTY, TO ORDER THE OWNER,
20 ADMINISTRATOR OR OCCUPANT OF ANY BUILDING OR
21 STRUCTURE TO SUMMARILY ABATE SUCH HAZARDOUS
22 CONDITIONS;

23 G. ISSUE A WRITTEN NOTICE TO THE OWNER AND/OR
24 CONTRACTOR TO STOP WORK ON PORTION(S) OF ANY
25 CONSTRUCTION DUE TO THE ABSENCE OR VIOLATION OF
26 PLANS AND SPECIFICATIONS, PERMIT OR CLEARANCE OR
27 CERTIFICATION DULY APPROVED BY THE DIRECTOR OR HIS
28 AUTHORIZED REPRESENTATIVE. THE NOTICE SHALL STATE
29 THE NATURE OF THE VIOLATION. NO WORK SHALL BE
30 CONTINUED ON THE SPECIFIED PORTION UNTIL THE REQUIRED

1 **DOCUMENT HAD BEEN PRODUCED/ISSUED OR THE VIOLATION**
2 **HAD BEEN CORRECTED;**

3 [c.] H. Enter into long term agreement, either through
4 public biddings or negotiations to include advance payments
5 therefore, for the acquisition of fire prevention, fire protection
6 and fire fighting equipment, supplies and materials and related
7 technical services necessary for the Fire Service; [and]

8 [d.] I. Enter into Memoranda of Agreement with other
9 departments, bureaus, agencies, offices and corporations of the
10 government, as well as private institutions, in order to define
11 areas of cooperation and coordination and delineate
12 responsibility on fire prevention education, fire safety, fire
13 prevention, fire suppression and other matters of common
14 concern[.]; AND

15 **J. CALL ON THE POLICE AND OTHER LAW**
16 **ENFORCEMENT AGENCIES TO RENDER NECESSARY ASSISTANCE**
17 **IN THE ENFORCEMENT OF THIS CODE."**

18 SEC. 3. Section 10 of the same Decree is hereby amended to read as
19 follows:

20 "SEC. 10. *VIOLATIONS, PENALTIES AND Abatement of*
21 *Fire Hazard.* – Fire hazards shall be abated immediately. For
22 this purpose, the [Director General] **DIRECTOR** or his authorized
23 representative **SHALL**, [may issue order for such abatement.]
24 **UPON A REPORT FROM THE FIRE INSPECTOR/S THAT A**
25 **VIOLATION OF THIS CODE OR OTHER PERTINENT LAWS, RULES**
26 **AND REGULATIONS IS BEING COMMITTED, ISSUE A**
27 **NOTICE/ORDER TO COMPLY TO THE OWNER, ADMINISTRATOR,**
28 **OCCUPANT OR ANY OTHER PERSON RESPONSIBLE FOR THE**

1 **CONDITION OF THE BUILDING OR STRUCTURE, INDICATING**
2 **AMONG OTHER THINGS, THE PERIOD WITHIN WHICH**
3 **COMPLIANCE SHALL BE EFFECTED, WHICH SHALL BE WITHIN**
4 **TEN (10) TO FIFTEEN (15) DAYS AFTER THE RECEIPT OF THE**
5 **NOTICE/ORDER, DEPENDING ON THE NATURE OF THE**
6 **VIOLATION.**

7 **IF, AFTER THE LAPSE OF THE AFORESAID PERIOD, THE**
8 **OWNER, ADMINISTRATOR, OCCUPANT OR ANY OTHER**
9 **RESPONSIBLE PERSON FAILS TO COMPLY, THE DIRECTOR OR**
10 **HIS AUTHORIZED REPRESENTATIVE SHALL PUT UP A SIGN IN**
11 **FRONT OF THE BUILDING OR STRUCTURE, AT OR NEAR THE**
12 **ENTRANCE TO SUCH PREMISES, NOTIFYING THE PUBLIC THAT**
13 **SUCH BUILDING OR STRUCTURE IS A FIRE HAZARD.**
14 **SPECIFICALLY, THE NOTICE SHALL BEAR THE WORDS**
15 **"WARNING: THIS BUILDING/STRUCTURE IS A FIRE HAZARD",**
16 **WHICH SHALL REMAIN POSTED UNTIL SUCH TIME THAT THE**
17 **OWNER, ADMINISTRATOR, OCCUPANT OR ANY OTHER PERSON**
18 **RESPONSIBLE FOR THE CONDITION OF THE BUILDING,**
19 **STRUCTURE AND ITS PREMISES OR FACILITIES ABATE THE**
20 **SAME, WHICH SHALL NOT EXCEED FIFTEEN (15) DAYS FROM**
21 **THE LAPSE OF THE INITIAL GRACE PERIOD GIVEN IN THE**
22 **NOTICE/ORDER TO COMPLY. [If the owner, administrator or**
23 **occupant of buildings, structure and their premises or facilities**
24 **does not abate the same within the period fixed in said order.]**
25 **FINALLY, IF THE OWNER, ADMINISTRATOR, OCCUPANT OR ANY**
26 **OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE**
27 **BUILDING, STRUCTURE AND ITS PREMISES OR FACILITIES FAILS**
28 **TO COMPLY WITHIN THE PERIOD SPECIFIED ABOVE, the**
29 **occupancy permit or permit to operate ISSUED TO SUCH OWNER**

1 **OR OCCUPANT** shall be cancelled. Any building or structure
2 **ASSESSED AND** declared **BY THE DIRECTOR OR HIS**
3 **AUTHORIZED REPRESENTATIVE** as a firetrap **ON ACCOUNT OF**
4 **THE GROSSNESS OR PALPABILITY OF THE VIOLATION** or is
5 causing clear and present **IMMINENT** fire danger to adjoining
6 establishments and habitations shall be declared a public
7 nuisance, as defined in the Civil Code of the Philippines[.] **IN A**
8 **NOTICE TO BE ISSUED TO THE OWNER, ADMINISTRATOR,**
9 **OCCUPANT OR ANY OTHER PERSON RESPONSIBLE FOR THE**
10 **CONDITION OF THE BUILDING, STRUCTURE AND ITS PREMISES**
11 **OR FACILITIES.** If the assessed value [of the building or
12 structure] **OF THE NUISANCE OR THE AMOUNT TO BE SPENT IN**
13 **ABATING THE SAME** is not more than [twenty thousand
14 pesos (P20,000.00)] **ONE HUNDRED THOUSAND PESOS**
15 **(P100,000.00),** the owner, administrator or occupant thereof
16 shall abate the hazard within [thirty (30)] **FIFTEEN (15)** days, or
17 if the assessed value is **OR** more than [twenty thousand
18 pesos (P20,000.00)] **ONE HUNDRED THOUSAND PESOS**
19 **(P100,000.00),** within [sixty (60)] **THIRTY (30)** days from
20 receipt of the order declaring said building or structure a public
21 nuisance; otherwise, the [Director General] **DIRECTOR** or his
22 duly authorized representative shall forthwith cause its summary
23 abatement. **FAILURE TO COMPLY WITHIN FIVE (5) DAYS FROM**
24 **RECEIPT OF THE NOTICE SHALL CAUSE THE DIRECTOR OR HIS**
25 **AUTHORIZED REPRESENTATIVE TO PUT UP A SIGN IN FRONT OF**
26 **THE BUILDING OR STRUCTURE, AT OR NEAR THE ENTRANCE TO**
27 **SUCH PREMISES, NOTIFYING THE PUBLIC THAT SUCH BUILDING**

1 OR STRUCTURE IS A FIRETRAP. SPECIFICALLY, THE NOTICE
2 SHALL BEAR THE WORDS "WARNING: THIS
3 BUILDING/STRUCTURE IS A FIRETRAP", WHICH SHALL REMAIN
4 POSTED UNTIL THE OWNER, ADMINISTRATOR, OCCUPANT OR
5 ANY OTHER PERSON RESPONSIBLE FOR THE CONDITION OF
6 THE BUILDING, STRUCTURE AND ITS PREMISES OR FACILITIES
7 ABATE THE SAME WITHIN THE SPECIFIED PERIOD. Summary
8 abatement as used herein shall mean all corrective measures
9 undertaken to abate hazards which shall include but is not
10 limited to remodelling, repairing, strengthening, reconstructing,
11 removal and demolition, either partial or total, of the building or
12 structure. The expenses incurred by the government for such
13 summary abatement shall be borne by the owner, administrator
14 or occupant. These expenses shall constitute a prior lien upon
15 such property."

16 SEC. 4. Section 12 of the same Decree is hereby amended to read as
17 follows:

18 "SEC. 12. *Penalties.* --

19 **1. AGAINST THE PRIVATE INDIVIDUAL**

20 a. *Administrative Fine* -- Any person who violates any
21 provision of this Fire Code or any of the rules and regulations
22 promulgated under Section 6 hereof shall be penalized by an
23 administrative fine of not exceeding [twelve thousand
24 (P12,000.00)] **FIFTY THOUSAND pesos (P50,000.00)** or in the
25 proper case, by stoppage of operations or by closure of such
26 buildings, structures and their premises or facilities which do not
27 comply with the requirements or by both such administrative fine
28 and closure/stoppage of operation to be imposed by the [Director

1 General,] **DIRECTOR: *Provided,*** That the payment of the fine,
2 stoppage of operations and/or closure of such buildings,
3 structures, and their premises or facilities shall not absolve the
4 violator for correcting the deficiency of abating the fire hazard.
5 The decision of the [Director General] **DIRECTOR**, under this
6 subsection, may be appealed to the Secretary of [National
7 Defense] **THE INTERIOR AND LOCAL GOVERNMENT**, within
8 fifteen (15) days from the date of receipt of the order imposing
9 the administrative fine, stopping the operations and/or closure.
10 **THE APPEAL SHALL NOT STAY THE EXECUTION OF THE ORDER**
11 **OF THE DIRECTOR.** The decision of the Secretary of [National
12 Defense] **THE INTERIOR AND LOCAL GOVERNMENT** shall be
13 final and executory.

14 b. *Punitive* – In case of willful failure to correct the
15 deficiency or abate the fire hazard as provided in the preceding
16 subsection, the violator shall, upon conviction, be punished by
17 imprisonment of not less than six (6) months nor more than six
18 (6) years, or by a fine of not more than [twenty thousand
19 (P20,000.00)] **ONE HUNDRED THOUSAND pesos (P100,000.00)**
20 or both such fine and imprisonment; *Provided, however,* That in
21 the case of a corporation, firm, partnership or association, the
22 fine and/or imprisonment shall be imposed upon its officials
23 responsible for such violation, and in case the guilty party is an
24 alien, in addition to the penalties herein prescribed, he shall
25 immediately be deported; *Provided, finally,* That where the
26 violation is attended by loss of life and/or damage to property,
27 the violator shall be [proceeded against under the applicable

1 provisions of the Revised Penal Code.] PUNISHED BY
2 IMPRISONMENT OF ONE (1) YEAR TO SIX (6) YEARS, AT THE
3 DISCRETION OF THE COURT, IN ADDITION TO THE GRANT OF
4 DAMAGES TO VICTIMS WHEN APPLICABLE.

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

12 **2. AGAINST THE PUBLIC OFFICER**

13 **A. ADMINISTRATIVE - THE FOLLOWING ACTS OR**
14 **OMISSIONS SHALL RENDER THE PUBLIC OFFICER IN CHARGE**
15 **OF THE ENFORCEMENT OF THIS CODE, ITS IMPLEMENTING**
16 **RULES AND REGULATIONS AND OTHER PERTINENT LAWS,**
17 **ADMINISTRATIVELY LIABLE, AND SHALL BE PUNISHED BY**
18 **REPRIMAND, SUSPENSION OR REMOVAL FROM OFFICE AT THE**
19 **DISCRETION OF THE DISCIPLINING AUTHORITY, DEPENDING ON**
20 **THE GRAVITY OF THE OFFENSE AND WITHOUT PREJUDICE TO**
21 **THE PROVISIONS OF OTHER APPLICABLE LAWS:**

22 (1) FAILURE OF THE PUBLIC OFFICER TO CONDUCT THE
23 INSPECTION OF BUILDINGS OR STRUCTURES ONCE A YEAR;

24 (2) SUBMITTING A REPORT AND/OR ENDORSING TO THE
25 DIRECTOR FOR CERTIFICATION THAT THE BUILDING OR
26 STRUCTURE COMPLIES WITH THE STANDARDS SET BY THIS
27 CODE, ITS IMPLEMENTING RULES OR REGULATIONS OR OTHER
28 PERTINENT LAWS WHEN THE SAME IS CONTRARY TO FACT;

29 (3) DELIBERATE FAILURE TO PUT UP A SIGN IN FRONT
30 OF THE BUILDING OR STRUCTURE FOUND TO BE VIOLATING

1 THIS CODE, ITS IMPLEMENTING RULES AND REGULATIONS AND
2 OTHER PERTINENT LAWS, THAT THE SAME IS A FIRE
3 HAZARD/FIRETRAP;

4 (4) ISSUANCE OR RENEWAL OF OCCUPANCY OR
5 BUSINESS PERMIT WITHOUT THE CERTIFICATE OF
6 COMPLIANCE ISSUED BY THE DIRECTOR OR HIS AUTHORIZED
7 REPRESENTATIVE;

8 (5) FAILURE TO CANCEL THE OCCUPANCY OR BUSINESS
9 PERMIT AFTER THE OWNER, ADMINISTRATOR, OCCUPANT OR
10 OTHER PERSON RESPONSIBLE FOR THE CONDITION OF THE
11 BUILDING, STRUCTURE AND ITS PREMISES OR FACILITIES
12 FAILED TO COMPLY WITH THE NOTICE/ORDER FOR
13 COMPLIANCE WITH THE STANDARDS SET BY THIS CODE, ITS
14 IMPLEMENTING RULES AND REGULATIONS AND OTHER
15 PERTINENT LAWS, WITHIN THE SPECIFIED PERIOD;

16 (6) FAILURE TO ABATE A PUBLIC NUISANCE WITHIN
17 FIFTEEN (15) DAYS AFTER THE OWNER, ADMINISTRATOR,
18 OCCUPANT OR OTHER RESPONSIBLE PERSON FAILED TO ABATE
19 THE SAME WITHIN THE PERIOD CONTAINED IN THE NOTICE TO
20 ABATE;

21 (7) ABUSING HIS AUTHORITY IN THE PERFORMANCE
22 OF HIS/HER DUTIES THROUGH ACTS OF CORRUPTION OR
23 OTHER UNETHICAL PRACTICES; OR

24 (8) OTHER WILLFUL OR GROSS NEGLIGENCE OR
25 IMPROPER PERFORMANCE OF HIS/HER DUTIES AS SPECIFIED BY
26 THIS CODE OR ITS IMPLEMENTING RULES AND REGULATIONS.

27 **B. PUNITIVE** - THE ABOVEMENTIONED ACTS OR
28 OMISSIONS OF THE PUBLIC OFFICER, EITHER THROUGH
29 WILLFUL OR GROSS NEGLIGENCE OR THROUGH MALICE,
30 SHALL CONSTITUTE A CRIMINAL OFFENSE WHEN THE SAME
31 RESULTED TO OR FAILED TO PREVENT LOSS OF LIFE AND/OR

1 DAMAGE TO PROPERTY, AND THE PUBLIC OFFICER SHALL BE
 2 PUNISHED BY ONE (1) YEAR TO FIVE (5) YEARS OF
 3 IMPRISONMENT AND/OR A FINE NOT EXCEEDING FIVE
 4 HUNDRED THOUSAND PESOS (P500,000.00), AT THE
 5 DISCRETION OF THE COURT, IN ADDITION TO HIS
 6 ADMINISTRATIVE LIABILITY.”

7 SEC. 5. New sections to be denominated as Section 13-A and Section
 8 13-B are hereby inserted between Sections 13 and 14 of the same Decree to
 9 read as follows:

10 “*SEC. 13-A. ASSESSMENT OF FIRE CODE FEES AND*
 11 *FINES. – THE ASSESSMENT OF FIRE CODE FEES AND FINES IS*
 12 *VESTED UPON THE BFP. THE BFP SHALL, SUBJECT TO THE*
 13 *APPROVAL OF THE DILG, PRESCRIBE THE PROCEDURAL*
 14 *RULES FOR SUCH PURPOSE.*”

15 *SEC. 13-B. MONITORING OF THE IMPLEMENTATION OF*
 16 *THE FIRE CODE AND THE AMOUNT OF FEES COLLECTED. – THE*
 17 *CHIEF, BFP SHALL, WITHIN SIX (6) MONTHS FROM THE*
 18 *EFFECTIVITY OF THIS CODE, SUBMIT TO THE SECRETARY OF*
 19 *THE DILG FOR HIS APPROVAL, A MANAGEMENT TOOL OR*
 20 *MECHANISM THAT WOULD ENSURE THOROUGH MONITORING*
 21 *OF THE ENFORCEMENT OF THE FIRE CODE TO INCLUDE THE*
 22 *AMOUNT OF FIRE CODE FEES COLLECTED.”*

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

25 “*SEC. 14. Collection of [Taxes,] Fees and Fines. – All*
 26 *[taxes,] fees and fines provided in Section 13 hereof, shall be*
 27 *collected by the [City or Municipal Treasurer concerned] BFP*
 28 *for remittance to the National Treasury UNDER A TRUST FUND*
 29 *ASSIGNED FOR THE PURPOSE: PROVIDED, HOWEVER, THAT, A*

1 **MAXIMUM OF TWENTY PERCENT (20%) OF THE FEES OR FINES**
2 **COLLECTED, SHALL BE ALLOCATED TO THE CITY OR**
3 **MUNICIPALITY WHERE SUCH FEES OR FINES WERE**
4 **COLLECTED.”**

5 SEC. 7. A new section to be denominated as Section 14-A is hereby
6 inserted between Sections 14 and 15 of the same Decree to read as follows:

7 **“SEC. 14-A. USE OF INCOME GENERATED FROM**
8 **ENFORCEMENT OF THE FIRE CODE. – THE CHIEF, BFP IS**
9 **HEREBY AUTHORIZED, SUBJECT TO THE APPROVAL OF THE**
10 **SECRETARY OF THE DILG, TO USE THE INCOME GENERATED**
11 **UNDER SECTION 11 HEREOF FOR THE PROCUREMENT OF FIRE**
12 **PROTECTION, RESCUE AND PARAMEDIC EQUIPMENT AND**
13 **IMPROVEMENT OF FACILITIES.”**

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

17 SEC. 9. *Repealing Clause.* – All laws, presidential decrees, letters of
18 instruction, executive orders, rules and regulations insofar as they are
19 inconsistent with this Act, are hereby repealed or amended as the case may be.

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

23 SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15)
24 days after its publication in the *Official Gazette* or in two (2) newspapers of
25 general circulation.

 Approved,