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[ REPUBLIC ACT NO. 9514 ]

AN ACT ESTABLISHING A COMPREHENSIVE FIRE CODE OF THE PHILIPPINES, REPEALING PRESIDENTIAL DECREE NO. 1185 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 "Fire Code of the Philippines of 2008".

SEC. 2. It is the policy of the State to ensure public safety, promote economic development through the prevention and suppression of all kinds, of destructive fires, and promote the professionalization of the fire service as a profession. Towards this end, the State shall enforce all laws, rules and regulations to ensure adherence to standard fire prevention and

safety measures, and promote accountability in the fire protection and prevention service.

SEC. 3. *Definition of Terms.* — As used in this Fire Code, the following words and phrases shall mean and be construed as indicated:

Abatement — Any act that would remove or neutralize a fire hazard.

Administrator — Any person who acts as agent of the owner and manages the use of a building for him.

Blasting Agent — Any material or mixture consisting of a fuel and oxidizer used to set off explosives.

Cellulose Nitrate or Nitro Cellulose — A highly combustible and explosive compound produced by the reaction of nitric acid with a cellulose material.

Cellulose Nitrate Plastic (Pyroxylin) — Any plastic substance, materials or compound having cellulose nitrate (nitro cellulose) as base.

Combustible Flammable or Inflammable — Descriptive of materials that are easily set on fire.

Combustible Fiber — Any readily ignitable and free burning fiber such as cotton, oakum, rags, waste cloth, waste paper, kapok, hay, straw, spanish moss, excelsior and other similar materials commonly used in commerce.

Combustible Liquid — Any liquid having a flash point at or above 37.8°C (100°F).

Corrosive Liquid — Any liquid which causes fire when in contact with organic matter or with certain chemicals.

Curtain Board — A vertical panel of non-combustible or fire resistive materials attached to and extending below the bottom chord of the roof trusses, to divide the underside of

the roof into separate compartments so that heat and smoke will be directed upwards to a roof vent.

**Cryogenic** — Descriptive of any material which by its nature or as a result of its reaction with other elements produces a rapid drop in temperature of the immediate surroundings.

**Damper** — A normally open device installed inside air duct system which automatically closes to restrict the passage of smoke or fire.

**Distillation** — The process of first raising the temperature in separating the more volatile from the less volatile parts and then cooling and condensing the resulting vapor so as to produce a nearly purified substance.

**Duct System** — A continuous passageway for the transmission of air.

**Dust** — A finely powdered substance which, when mixed with air in the proper proportion and ignited will cause an explosion.

**Electrical Arc** — An extremely hot luminous bridge formed by passage of an electric current across a space between two conductors or terminals due to the incandescence of the conducting vapor.

**Ember** — A hot piece or lump that remains after a material has partially burned, and is still oxidizing without the manifestation of flames.

**Finishes** — Materials used as final coating of a surface for ornamental or protective purposes.

**Fire** — The active principle of burning, characterized by the heat and light of combustion.

**Fire Trap** — A building unsafe in case of fire because it will burn easily or because it lacks adequate exits or fire escapes.

**Fire Alarm** — Any visual or audible signal produced by a device or system to warn the occupants of the building or fire fighting 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.

**Fire Door** — A fire resistive door prescribed for openings in fire separation walls or partitions.

**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 fire fighting operations and the safeguarding of life and property.

**Fire Lane** — The portion of a roadway or public-way that should be kept opened and unobstructed at all times for the expedient operation of fire fighting units.

**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.

**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. These features are also designed to achieve, among others, safe and rapid evacuation of people through means of egress on construction which are sealed from smoke or 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 flame retardant chemicals.

**Flash Point** — The minimum temperature at which any material gives off vapor in sufficient concentration to form an ignitable mixture with air.

**Forcing** — A process where a piece of metal is heated prior to changing its shape or dimensions.

**Fulminate** — A kind of stable explosive compound which explodes by percussion.

**Hazardous Operation/Process** — Any act of manufacturing, fabrication, conversion, etc., that uses or produces materials which are likely to cause fires or explosions.

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

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

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

**Hypergolic Fuel** — A rocket or liquid propellant which consists of combinations of fuels and oxidizers which ignite spontaneously on contact with each other.

**Industrial Baking and Drying** — The industrial process of subjecting materials to heat for the purpose of removing solvents or moisture from the same, and/or to fuse certain chemical salts to form a uniform glazing on the surface of materials being treated.

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

**Occupancy** — The purpose for which a building or portion thereof is used or intended to be used.

**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.

**Organic Peroxide** — A strong oxidizing organic compound which releases oxygen readily. It causes fire when in contact with combustible materials especially under conditions of high temperature.

**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.

**Owner** — The person who holds the legal right of possession or title to a building or real property.

**Oxidizing Material** — A material that readily yields oxygen in quantities sufficient to stimulate or support combustion.

**Pressurized or Forced Draft Burning Equipment** — Type of burner where the fuel is subjected to pressure prior to discharge into the combustion chamber and/or which includes fans or other provisions for the introduction of air at above normal atmospheric pressure into the same combustion chamber.

**Public Assembly Building** — Any building or structure where fifty (50) or more people congregate, gather, or assemble for any purpose.

**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.

**Pyrophoric** — Descriptive of any substance that ignites spontaneously when exposed to air.

**Refining** — A process where impurities and/or deleterious materials are removed from a mixture in order to produce a pure element or compound. It shall also refer to partial distillation and electrolysis.

**Self-closing Doors** — Automatic closing doors that are designed to confine smoke and heat and delay the spread of fire.

**Smelting** — Melting or fusing of metallic ores or compounds so as to separate impurities from pure metals.

**Sprinkler System** — An integrated network of 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.

**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.

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

**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.

**SEC. 4. *Applicability of the Code.*** — The provisions of the Fire Code shall apply to all persons and all private and public buildings, facilities or structures erected or constructed before and after its effectivity.

**SEC. 5. *Responsibility for the Enforcement of this Code.*** — This Code shall be administered and enforced by the Bureau of Fire Protection (BFP), under the direct supervision and control of the Chief of the Bureau of Fire Protection, through the hierarchy of organization as provided for in Chapter VI of Republic Act No. 6975. With the approval of the Secretary of the Department of the Interior and Local Government (DILG), the Chief, BFP, is hereby authorized to:

(a) Issue implementing rules and regulations, and prescribe standards, schedules of fees/fire service charges and

administrative penalties therefor as provided in the pertinent provisions of this Code;

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

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

The BFP may enter into external party agreements for the conduct of trainings, education and evaluation of fire volunteers, practitioners and fire volunteer organizations, which shall be under the full control and supervision of the BFP: *Provided, however,* That during fire fighting operations, fire volunteer organizations shall be under the direct operational control of the fire ground commanders of the BFP;

(d) Enter into long-term agreement, either through public biddings or negotiations, in accordance with the provisions of Republic Act No. 9184, otherwise known as the Government Procurement Reform Act of 2003, for the acquisition of fire prevention, fire protection and fire fighting investigation, rescue, paramedics, hazardous material handling equipment, supplies, materials and related technical services necessary for the fire service;

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

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

(g) Designate a fire safety inspector through his/her duly authorized representative, who shall conduct an inspection of every building or structure within his area of responsibility at least once a year and every time the owner, administrator or occupant shall renew his/her business permit or permit to operate.

No occupancy permit, business or permit to operate shall be issued without securing a Fire Safety Inspection Certificate (FSIC) from the Chief, BFP or his/her duly authorized representative;

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

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

(j) Require the building owner/occupant to submit plans and specifications, and other pertinent documents of said building to ensure compliance with applicable codes and standards; and

(k) Issue a written notice to the owner and/or contractor to stop work or portion of any work due to absence, or in violation of approved plans and specifications, permit and/or clearance or certification as approved by the Chief, BFP or

his/her duly authorized representative. The notice shall state the nature of the violation and no work shall be continued on that portion until the violation had been corrected.

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

*SEC. 7. Inspections, Safety Measures, Fire Safety, Constructions and Protective and/or Warning Systems.* — As may be defined and provided in the rules and regulations, owners, administrators or occupants of buildings, structures and their premises or facilities and other responsible persons shall be required to comply with the following, as may be appropriate:

(a) *Inspection Requirement* — A fire safety inspection shall be conducted by the Chief, BFP or his/her duly authorized representative as prerequisite to the grants of permits and/or licenses by local governments and other government agencies concerned, for the:

(1) Use or occupancy of buildings, structures, facilities or their premises including the installation of fire protection

and fire safety equipment, and electrical system in any building structure or facility; and

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

(b) Safety Measures for Hazardous Materials — Fire safety measures shall be required for the manufacture, storage, handling and/or use of hazardous materials involving:

(1) cellulose nitrate plastic of any kind;

(2) combustible fibers;

(3) cellular materials such as foam, rubber, sponge rubber and plastic foam;

(4) flammable and combustible liquids or gases of any classification;

(5) flammable paints, varnishes, stains and organic coatings;

(6) high-piled or widely spread combustible stock;

(7) metallic magnesium in any form;

(8) corrosive liquids, oxidizing materials, organic peroxide, nitromethane, ammonium nitrate, or any amount of highly toxic, pyrophoric, hypergolic, or cryogenic materials or poisonous gases as well as material compounds which when exposed to heat or flame become a fire conductor, or generate excessive smoke or toxic gases;

(9) blasting agents, explosives and special industrial explosive materials, blasting caps, black powder, liquid nitro-glycerine, dynamite, nitro cellulose, fulminates of any kind, and plastic explosives containing ammonium salt or chlorate;

(10) firework materials of any kind or form;

- (11) matches in commercial quantities;
  - (12) hot ashes, live coals and embers;
  - (13) mineral, vegetable or animal oils and other derivatives/by-products;
  - (14) combustible waste materials for recycling or resale;
  - (15) explosive dusts and vapors;
  - (16) agriculture, forest, marine or mineral products which may undergo spontaneous combustion; and
  - (17) any other substance with potential to cause harm to persons, property or the environment because of one or more of the following: i) The chemical properties of the substance; ii) The physical properties of the substance; iii) The biological properties of the substance. Without limiting the definition of hazardous material, all dangerous goods, combustible liquids and chemicals are hazardous materials.
- (c) Safety Measures for Hazardous Operations/Processes — Fire safety measures shall be required for the following hazardous operations/processes:
- (1) welding or soldering;
  - (2) industrial baking and drying;
  - (3) waste disposal;
  - (4) pressurized/forced-draft burning equipment;
  - (5) smelting and forging;
  - (6) motion picture projection using electrical arc lamps;
  - (7) refining, distillation and solvent extraction; and
  - (8) such other operations or processes as may hereafter be prescribed in the rules and regulations.

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

- (1) Fire protection features such as sprinkler systems, hose boxes, hose reels or standpipe systems and other fire fighting equipment;
- (2) Fire alarm systems;
- (3) Fire walls to separate adjoining buildings, or warehouses and storage areas from other occupancies in the same building;
- (4) Provisions for confining the fire at its source such as fire resistive floors and walls extending up to the next floor slab or roof, curtain boards and other fire containing or stopping components;
- (5) Termination of all exits in an area affording safe passage to a public way or safe dispersal area;
- (6) Stairway, vertical shafts, horizontal exits and other means of egress sealed from smoke and heat;
- (7) A fire exit plan for each floor of the building showing the routes from each room to appropriate exits, displayed prominently on the door of such room;
- (8) Self-closing fire resistive doors leading to corridors;
- (9) Fire dampers in centralized airconditioning ducts;
- (10) Roof vents for use by fire fighters; and

(11) Properly marked and lighted exits with provision for emergency lights to adequately illuminate exit ways in case of power failure.

SEC. 8. *Prohibited Acts.* – The following are declared as prohibited act and omission:

(a) Obstructing or blocking the exit ways or across to buildings clearly marked for fire safety purposes, such as, but not limited to, aisles in interior rooms, any part of stairways, hallways, corridors, vestibules, balconies or bridges leading to a stairway or exit of any kind, or tolerating or allowing said violations;

(b) Constructing gates, entrances and walkways to building components and yards, and temporary or permanent structures on public ways, which obstruct the orderly and easy passage of fire fighting vehicles and equipment;

(c) Prevention, interference or obstruction of any operation of the fire service, or of duly organized and authorized fire brigades;

(d) Obstructing designated fire lanes or access to fire hydrants;

(e) Overcrowding or admission of persons beyond the authorized capacity in movie houses, theaters, coliseums, auditoriums or other public assembly buildings, except in other assembly areas on the ground floor with open sides or open doors sufficient to provide safe exits;

(f) Locking fire exits during period when people are inside the building;

(g) Prevention or obstruction of the automatic closure of fire doors or smoke partitions or dampers;

(h) Use of fire protective or fire fighting equipment of the fire service other than for fire fighting except in other emergencies where their use are justified;

- (i) Giving false or malicious fire alarms;
- (j) Smoking in prohibited areas as may be determined by fire service, or throwing of cigars, cigarettes, burning objects in places which may start or cause fire;
- (k) Abandoning or leaving a building or structure by the occupant or owner without appropriate safety measures;
- (l) Removing, destroying, tampering or obliterating any authorized mark, seal, sign or tag posted or required by the fire service for fire safety in any building, structure or processing equipment; and
- (m) Use of jumpers or tampering with electrical wiring or overloading the electrical system beyond its designated capacity or such other practices that would tend to undermine the fire safety features of the electrical system.

*SEC. 9. Violations, Penalties and Abatement of Fire Hazards.* – Fire hazards shall be abated immediately. The Chief, BFP or his/her duly authorized representative, upon the report that a violation of this Code or other pertinent laws, rules and regulations is being committed, shall issue notice/order to comply to the owner, administrator, occupant or other person responsible for the condition of the building or structure, indicating among other things, the period within which compliance shall be effected, which shall be within ten (10) to fifteen (15) days after the receipt of the notice/order, depending on the reasonableness to adequately comply with the same.

If after the lapse of the aforesaid period, the owner, administrator, occupant or other responsible person failed to comply, the Chief, BFP or his/her duly authorized representative shall put up a sign in front of the building or structure that it is a fire hazard. Specifically, the notice shall bear the words "WARNING: THIS BUILDING/STRUCTURE IS A FIRE HAZARD", which shall remain posted until such time that the owner, administrator, occupant or other person

responsible for the condition of the building, structure and their premises or facilities abate the same, but such period shall not exceed fifteen (15) days from the lapse of the initial period given in the notice/order to comply.

Finally, with the failure of the owner, administrator, occupant or other persons responsible for the condition of the building, structure and their premises or facilities to comply within the period specified above, the Chief, BFP may issue order for such abatement. If the owner, administrator or occupant of building, structure and their premises or facilities does not abate the same within the period fixed in said order, the building, structure, premises or facilities shall be ordered closed by the Chief, BFP or his/her duly authorized representative notwithstanding any permit, clearance or certificate earlier issued by the local authorities.

Any building or structure assessed and declared by the Chief, BFP or his/her duly authorized representative as a fire trap on account of the gravity or palpability of the violation or is causing clear and present imminent fire danger to adjoining establishments and habitations shall be declared a public nuisance, as defined in the Civil Code of the Philippines in a notice to be issued to the owner, administrator, occupant or other person responsible for the condition of the building, structure and their premises or facilities. If the assessed value of the nuisance or the amount to be spent in abating the same is not more than One hundred thousand pesos (P100,000.00), the owner, administrator or occupant thereof shall abate the hazard within fifteen (15) days, or if the assessed value is more than One hundred thousand pesos (P100,000.00), within thirty (30) days from receipt of the order declaring said building or structure a public nuisance; otherwise, the Chief, BFP or his/her duly authorized representative shall forthwith cause its summary abatement. Failure to comply within five (5) days from the receipt of the notice shall cause the Chief, BFP or his/her duly authorized representative to put up a sign in front of the building or structure, at or near the entrance of such premises, notifying the public that such building or structure is a "FIRE TRAP", which shall remain until the owner, administrator, occupant or other person responsible for the condition of the building,

structure and their premises or facilities abate the same within the specified period.

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

SEC. 10. *Enforcement of the Lien.* – If the owner, administrator or occupant fails to reimburse the government of the expenses incurred in the summary abatement within ninety (90) days from the completion of such abatement, the building or structure shall be sold at public auction in accordance with existing laws and rules. No property subject of lien under Section 9 hereof, may be sold at a price lower than the abatement expenses incurred by the government. The property shall be forfeited in favor of the government if the highest bid is not at least equal to the abatement expenses.

SEC. 11. *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 exceeding Fifty thousand pesos (P50,000.00) or in the proper case, by stoppage of operations or by closure of such buildings, structures and their premises or facilities which do not comply with the requirements or by both such administrative fine and closure/stoppage of operation to be imposed by the Chief, BFP: *Provided*, That the payment of the fine, stoppage of operations and/or closure of such buildings, structures, and their premises or facilities shall not absolve the violator from correcting the deficiency or abating the fire hazard. The decision of the Chief, BFP, under this subsection, may be appealed to the Secretary of the Interior

and Local Government. Unless ordered by the Secretary of the Interior and Local Government, the appeal shall not stay the execution of the order of the Chief, BFP. The decision of the Secretary of the Interior and Local Government shall be final and executory.

(b) Punitive – In case of willful failure to correct the deficiency or abate the fire hazard as provided in the preceding subsection, the violator shall, upon conviction, be punished by imprisonment of not less than six (6) months nor more than six (6) years, or by a fine of not more than One hundred thousand pesos (P100,000.00) or both such fine and imprisonment: *Provided, however,* That in the case of a corporation, firm, partnership or association, the fine and/or imprisonment shall be imposed upon its officials responsible for such violation, and in case the guilty party is an alien, in addition to the penalties herein prescribed, he shall immediately be deported: *Provided, finally,* That where the violation is attended by injury, loss of life and/or damage to property, the violator shall be proceeded against under the applicable provisions of the Revised Penal Code.

Any person who, without authority, maliciously removes the sign that a building or structure is a fire hazard/fire trap placed by the authorized person in this Code shall be liable for imprisonment for thirty (30) days or a fine not exceeding One hundred thousand pesos (P100,000.00) or both in the discretion of the court.

Any person who disobeys the lawful order of the fire ground commander during a fire fighting operation shall be penalized with imprisonment of one (1) day to thirty (30) days and a fine of Five thousand pesos (P5,000.00).

(2) Against the public officer/employee:

(a) Administrative – The following acts or omissions shall render the public officer/employee in charge of the enforcement of this Code, its implementing rules and regulations and other pertinent laws, administratively liable, and shall be punished by reprimand, suspension or removal in the discretion of the

disciplining authority, depending on the gravity of the offense and without prejudice to the provisions of other applicable laws:

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

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

(3) Endorsing to the Chief, BFP or his/her duly authorized representative for the certification, or submitting a report that the building or structure complies with the standards set by this Code, its implementing rules and regulations or other pertinent laws when the same is contrary to fact;

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

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

(6) Failure to abate a public nuisance within fifteen (15) days after the owner, administrator, occupant or other responsible person failed to abate the same within the period contained in the notice to abate;

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

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

(b) Punitive – In case of willful violation involving the abovementioned acts or omissions enumerated under Section 11 subparagraph 2(A), the public officer/employee shall, upon conviction, be punished by imprisonment of not less than six (6) months nor more than six (6) years, or by a fine of not more than One hundred thousand pesos (P100,000.00) or both such fine and imprisonment: *Provided*, That where the violation is attended by injury, loss of life and/or property, the violator shall be proceeded against under the applicable provisions of the Revised Penal Code.

**SEC. 12. *Appropriation and Sources of Income.* –**

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

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

(1) Fees to be charged for the issuance of certificates, permits and licenses as provided for in Section 7(a) hereof;

(2) One-tenth of one *per centum* (0.1%) of the verified estimated value of buildings or structures to be erected, from the owner thereof, but not to exceed Fifty thousand pesos (P50,000.00), one half to be paid prior to the issuance of the building permit, and the balance, after final inspection and prior to the issuance of the use and occupancy permit;

(3) One-hundredth of one *per centum* (0.10%) of the assessed value of buildings or structures annually payable upon payment of the real estate tax, except on structures used as single family dwellings;

(4) Two *per centum* (2%) of all premiums, excluding reinsurance premiums for the sale of fire, earthquake and explosion hazard insurance collected by companies, persons or agents licensed to sell such insurances in the Philippines;

(5) Two *per centum* (2%) of gross sales of companies, persons or agents selling fire fighting equipment, appliances or devices, including hazard detection and warning systems; and

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

**SEC. 13. Collection of Taxes, Fees and Fines.** – All taxes, fees and fines provided in this Code shall be collected by the BFP: *Provided*, That twenty percent (20%) of all such collections shall be set aside and retained for use by the city or municipal government concerned, which shall appropriate the same exclusively for the use of the operation and maintenance of its local fire station, including the construction and repair of fire station: *Provided, further*, That the remaining eighty percent (80%) shall be remitted to the National Treasury under a trust fund assigned for the modernization of the BFP.

**SEC. 13-A. Assessment of Fire Code Taxes, Fees and Fines.** – The assessment of fire code taxes, fees and fines is vested upon the BFP. The BFP shall, subject to the approval of the DILG, prescribe the procedural rules for such purpose.

**SEC. 13-B. Collection and Assessment of Local Taxes, Fees and Fines.** – The collection and assessment of taxes, fees and fines as prescribed in the Local Government Code, except those contained in this Code, shall be the function of the concerned local government units.

**SEC. 13-C. Use of Income Generated from the Enforcement of the Fire Code.** – The Chief, BFP is authorized, subject to the approval of the Secretary of the Interior and

Local Government, to use the income generated under the Fire Code for procurement of fire protection and fire fighting investigation, rescue, paramedics, supplies and materials, and related technical services necessary for the fire service and the improvement of facilities of the BFP and abatement of fire hazards.

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

In the procurement of fire fighting and investigation supplies and materials, the Bureau of Product Standards of the Department of Trade and Industry shall evaluate, determine and certify if the supply so procured conforms to the product standards fixed by the BFP. For this purpose, the BFP shall submit to the Bureau of Product Standards a detailed set of product standards that must be complied with in the procurement of fire fighting and investigation supplies and materials within six (6) months from the effectivity of this Act.

*SEC. 13-D. Monitoring the Implementation of the Fire Code and the Amount of the Fees Collected.* — The Chief, BFP shall, within six (6) months from the effectivity of this Code, submit to the Secretary of the Interior and Local Government for his/her approval, a management tool or mechanism that would ensure effective monitoring of the enforcement of the Fire Code to include the amount of Fire Code fees collected.

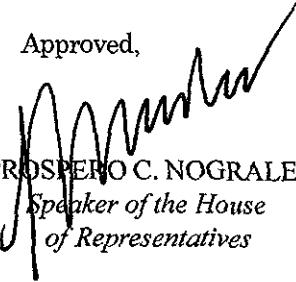
**SEC. 14.** Within sixty (60) days from the effectivity of this Act, the Secretary of the Interior and Local Government shall issue the rules and regulations for its effective implementation.

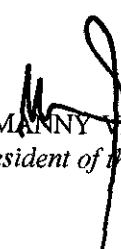
**SEC. 15.** Presidential Decree No. 1185 is hereby repealed. All laws, presidential decrees, letters of instruction, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SEC. 16. In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

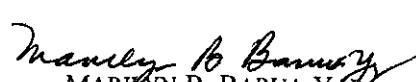
SEC. 17. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,

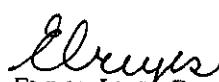
  
PROSPERO C. NOGRALES  
*Speaker of the House  
of Representatives*

  
MANNY VILLAR  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 2553 and House Bill No. 4115 was finally passed by the Senate and the House of Representatives on October 6, 2008 and October 8, 2008, respectively.

  
MARIYN B. BARUA-YAP

*Secretary General  
House of Representatives*

  
EMMA LIRIO-REYES

*Secretary of the Senate*

Approved: DEC 19 2008

  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

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