

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

Quezon City  
**17<sup>th</sup> CONGRESS**  
First Regular Session

House Bill No. 3958



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Introduced by Representative Wes Gatchalian

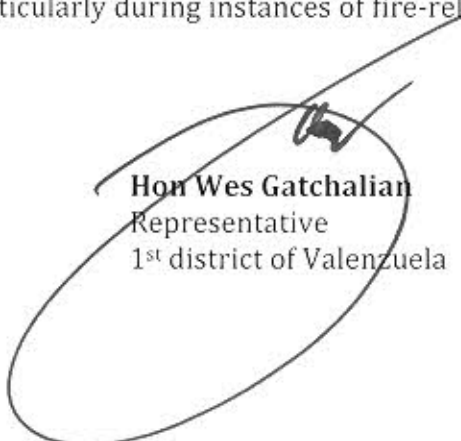
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**EXPLANATORY NOTE**

This bill seeks to provide local chief executives of local government units (LGUs) joint authority with the Bureau of Fire Protection (BFP) in the appointment of fire marshals and the discipline of BFP personnel in their respective territorial jurisdictions, amending for the purpose pertinent provisions of Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Act of 1990."

The protection of life and property against destructive fire is a mandate lodged with the BFP. The catastrophic losses that may result from destructive fires require LGUs to give utmost importance and make it one of their priorities to have a well equipped and well-trained fire protection personnel and facilities.

Over the years, many LGUs have supplemented the deficiencies in the BFP's facilities and personnel to ensure that their respective localities will have sufficient fire protection services. Since many LGUs are already involved, to a certain extent, in activities of the BFP, it is high time to grant local chief executives joint authority in the appointment of fire marshals in their respective jurisdictions and limited administrative disciplinary powers as well. This way, the governor, city and municipal mayors will have joint authority, responsibility, and accountability in improving or enhancing public safety through the implementation of fire safety plans and programs and the delivery of prompt and efficient service to their constituents, particularly during instances of fire-related emergencies and other disasters.



**Hon Wes Gatchalian**  
Representative  
1<sup>st</sup> district of Valenzuela

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**AN ACT**  
**PROVIDING LOCAL CHIEF EXECUTIVES JOINT AUTHORITY WITH**  
**THE BUREAU OF FIRE PROTECTION IN THE APPOINTMENT OF**  
**FIRE MARSHALS AND DISCIPLINE OF PERSONNEL IN THEIR**  
**RESPECTIVE JURISDICTIONS, AMENDING FOR THE PURPOSE**  
**PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6975, AS**  
**AMENDED, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE**  
**INTERIOR AND LOCAL GOVERNMENT ACT OF 1990"**

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

**SECTION 1. Declaration of Policy.** - It is hereby declared the policy of the State to enable local government units to enjoy meaningful local autonomy and become self-reliant communities. Moreover it recognizes the responsibility of the State to enhance the capability of local government units aimed towards strengthening of the delivery of basic services to the citizenry including a highly efficient and competent fire protection services. Towards this end, the State shall provide local chief executives of local government units joint authority with the Department of the Interior and Local Government and the Bureau of Fire Protection in the appointment of fire marshals in their respective territorial jurisdictions to foster cooperation and coordination in the performance of their respective functions particularly in adopting proactive measures to enhance public safety.

**SEC. 2. Powers of Local Government Officials Over the Bureau of Fire Protection Units.** - Governors and mayors shall be deputized as representatives of the Secretary of the Department of the Interior and Local Government (DILG) in their respective territorial

jurisdiction relative to the exercise of general and operational control and supervision over Bureau of Fire Protection (BFP) personnel and offices. As such, the local executives shall discharge the following functions:

(a) Provincial Governor - The provincial governor shall have the power to choose the Provincial Fire Marshal from a list of three (3) eligible recommended by the Regional Director for Fire Protection. In provinces where district offices of the BFP exists or will be established, the provincial governor shall also have the power to choose the District Fire Marshal for each district office from a list of three (3) eligibles recommended by the Regional Director for Fire Protection.

(b) City and Municipal Mayors -

(1) The city and municipal mayors shall exercise operational supervision and control over BFP personnel in their respective jurisdiction.

For purposes of this Section, the term "operational supervision and control" shall mean the power to direct, superintend, oversee and inspect the BFP personnel and offices in accordance with the rules and regulations promulgated to achieve the purposes of this Act.

(2) The municipal or city mayor shall, in coordination with the local peace and order council, include in the integrated area or community public safety plan the fire safety plans and programs which shall be implemented by the local BFP personnel and office.

(3) In addition to the aforementioned powers and functions, city and municipal mayors shall have the following authority over the BFP personnel in their respective jurisdictions:

(i) Authority to choose the city or municipal fire marshal from a list of three (3) eligibles recommended by the Regional Director for Fire Protection, preferably from the same province, city or municipality. In the case of large cities and municipalities where a district office with subordinate fire stations had been established or will be organized, the city or municipal mayor shall likewise have the authority to choose the district fire marshal from a list of three (3) eligibles recommended by the Regional Director for Fire Protection, preferably from the same province, city or municipality: Provided,

That in no case shall an officer-in-charge be designated for more than thirty (30) days: Provided, further, That the local peace and order council may, through the city or municipal mayor, recommend the reassignment of the city or municipal fire marshal or the district fire marshal when, in its perception, the latter has been ineffective in the performance of his functions: Provided, finally, That such reassignment shall be based on guidelines established by the BFP;

(ii) Authority to recommend to the Chief of the Fire Bureau, through the Regional Director for Fire Protection, the transfer, reassignment or detail of BFP personnel outside of their respective city or town residences; and

(iii) Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the BFP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: Provided, That whenever practicable and consistent with the requirements of the service, BFP personnel shall be assigned to the city or municipality of their residence.

**SEC. 3. *Administrative Disciplinary Powers over BFP Personnel.*** - a) City and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by personnel of the BFP assigned to their respective jurisdictions.

For purposes of this Act, a "minor offense" shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the BFP, and shall include:

- 1) Simple misconduct or negligence;
- 2) Insubordination;
- 3) Frequent absences and tardiness;
- 4) Habitual drunkenness; and
- 5) Gambling, as prohibited by existing laws.

The power granted to the city and municipal mayor under this Section to impose disciplinary penalties for minor offenses committed by BFP personnel under their jurisdiction shall be concurrent with the authority of the BFP to discipline their personnel.

Penalties imposed as a result of an administrative case shall be

without prejudice to other penalties that may be imposed after prosecution under other existing laws, rules and regulations.

b) In cases when an administrative complaint has been filed against a BFP personnel under the jurisdiction of the local government unit, the city or municipal mayor, upon the petition of the complainant or *mote propio*, may issue an order of preventive suspension upon the service of a formal charge or notice of charge, or immediately thereafter to the BFP personnel who is subject of the administrative complaint, pending an investigation, if:

1) The charge involves:

- i) Dishonesty;
- ii) Oppression;
- iii) Grave misconduct;
- iv) Neglect in the performance of duty;
- v) Administrative offenses which are punishable by dismissal from the service on the second or third offense; or
- vi) If there are reasons to believe that the respondent is guilty of charges that would warrant the removal of the respondent from the service.

2) An order of preventive suspension may be temporarily issued to remove the respondent from the scene of the misfeasance, malfeasance, or nonfeasance to remove the possibility of:

- i) Exerting undue influence or pressure on the witnesses against the respondent; or
- ii) Tampering with evidence that may be used against the respondent.

3) In lieu of preventive suspension, for the same purpose, upon the recommendation of the city or municipal mayor, the Regional Director for Fire Protection shall reassign the respondent to another office in the BFP, outside of the city or municipality where the respondent is currently assigned, during the formal hearings.

**SEC. 4.** *Suspension of Operational Supervision and Control.* - The Secretary of the Interior and Local Government may, upon consultation with the provincial governor and congressman concerned, suspend the power of operational supervision and control of any city or municipal mayor over BFP personnel assigned or

stationed in his jurisdiction for any of the following grounds:

- a) Frequent unauthorized absences; and
- b) Abuse of authority;

Upon good cause shown, the Secretary of the Interior and Local Government may restore such power withdrawn from any local executive.

**SEC. 5. *Implementing Rules and Regulations.*** - Within sixty (60) days from the approval of this Act, the Secretary of the Interior and Local Government shall, in coordination with the Chief of the BFP, issue the necessary rules and regulations for the effective implementation of this Act.

**SEC. 6. *Separability Clause.*** - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 7. *Repealing Clause.*** - Pertinent provisions of Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Act of 1990," and all other laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

**SEC. 8. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,