

26 JUL -1 A9 :20

SENATE

S.B. 2302

RECEIVED BY: 

Introduced by Senator Panfilo M. Lacson

AN ACT

AMENDING SECTIONS 5(g) AND 11(2)(a)(4), AND INSERTING A NEW SECTION 5-A IN REPUBLIC ACT NO. 9514, OTHERWISE KNOWN AS THE "FIRE CODE OF THE PHILIPPINES OF 2008," ESTABLISHING A RISK-BASED APPROACH AND POST-RENEWAL FIRE SAFETY COMPLIANCE MECHANISM FOR BUSINESS PERMITS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9514, otherwise known as the Fire Code of the Philippines of 2008, mandates the issuance of Fire Safety Inspection Certificate (FSIC) prior to the issuance of occupancy permits, business permits, and permits to operate. Over the years, this requirement has remained uniform in application regardless of the kind of business establishment and their respective degree of fire risk.

In keeping with the principles of efficient government service delivery and risk-based regulation as embodied in Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, this bill seeks to establish a system where the issuance of FSIC shall be based on the classification of fire hazard of an establishment.

As proposed in this measure, establishments shall be classified as Low Degree of Fire Hazard, Medium Degree of Fire Hazard, or High Degree of Fire Hazard based on criteria and standards prescribed by the Bureau of Fire Protection (BFP), in consultation with concerned government agencies, local government units, and other relevant stakeholders.

Establishments classified as Low Degree of Fire Hazard may be issued a business permit subject to the required FSIC within forty-five (45) calendar days from permit issuance. Establishments classified as Medium Degree of Fire Hazard and High Degree of Fire Hazard shall continue to be required to secure an FSIC prior to the issuance of a new business permit. For renewals of business permits, regardless of hazard classification, the FSIC shall no longer be a prerequisite to renewal. Establishment shall be required to secure the corresponding FSIC within forty-five (45) calendar days from the issuance of the renewed permit. Occupancy permits shall remain subject to the existing requirement of prior issuance of an FSIC.

This bill likewise mandates the BFP to periodically review and update the classification of business activities to ensure that such classifications remain responsive to prevailing fire safety risks, technological developments, industry practices, and other relevant considerations.

The said measures are meant to streamline the business permit processing while ensuring compliance with safety standards for the safety of the public. In view of the foregoing, the immediate passage of this bill is earnestly sought.


PANFILO M. LACSON
Senator

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "Post-Permit
2 Fire Safety Compliance for Businesses Act."

3
4 **SECTION 2. Declaration of Policy.** – It is hereby declared the policy
5 of the State to promote public safety through effective fire prevention and
6 suppression measures while ensuring efficient government service delivery,
7 regulatory efficiency, and ease of doing business. Towards this end, the State
8 shall adopt a risk-based approach in implementing fire safety requirements for
9 business establishments while preserving the inspection, monitoring, and
10 enforcement powers of the Bureau of Fire Protection.

11
12 **SECTION 3. Amendment of Section 5(g) of Republic Act No. 9514**
13 – Section 5(g) of Republic Act No. 9514 is hereby amended to read as follows:
14
15 "Section 5(g). Designate a fire safety inspector through his/her duly authorized
16 representative, who shall conduct an inspection of every building or structure

1 within his area of responsibility at least once a year and as may be necessary
2 for the enforcement of this Code.

3
4 No occupancy permit shall be issued without securing a Fire Safety Inspection
5 Certificate (FSIC) from the Chief, BFP, or his/her duly authorized representative.

6
7 The Fire Safety Inspection Certificate requirements for new business permit
8 applications and renewals shall be governed by Section 5-A of this Code."

9
10 **SECTION 4. Insertion of a New Section 5-A.** – A new Section 5-A is
11 hereby inserted after Section 5 of Republic Act No. 9514, to read as follows:

12
13 "Section 5-A. Fire Hazard Classification and Fire Safety Inspection
14 Certificate Requirements for Business Permits. —

15
16 Business establishments shall be classified as Low Degree of Fire
17 Hazard, Medium Degree of Fire Hazard, or High Degree of Fire
18 Hazard in accordance with the criteria and standards to be
19 prescribed by the Bureau of Fire Protection, in consultation with
20 concerned government agencies, local government units and
21 relevant stakeholders.

22
23 The Bureau of Fire Protection shall periodically review and,
24 whenever necessary, update the classification of business activities
25 to ensure that such classifications remain responsive to prevailing
26 fire safety risks, technological developments, industry practices,
27 and other relevant considerations.

28
29 For new business permit applications involving establishments
30 classified as Medium Degree of Fire Hazard or High Degree of Fire
31 Hazard, the issuance of a Fire Safety Inspection Certificate shall be
32 a prerequisite to the issuance of a business permit.

33
34 Provided however, That where the applicant business
35 establishment occupies a building, structure, or premises covered
36 by a Fire Safety Inspection Certificate (FSIC) issued in connection
37 with the issuance of an Occupancy Permit and issued not more
38 than one (1) year prior to the business permit application, such

1 Fire Safety Inspection Certificate may be temporarily accepted for
2 purposes of the business permit application. The business owner
3 shall thereafter apply for and secure the corresponding Fire Safety
4 Inspection Certificate for the business establishment within forty-
5 five (45) calendar days from the issuance of the business permit.
6

7 Provided further, That where the applicant is a lessee of a building,
8 structure, or premises covered by a valid Fire Safety Inspection
9 Certificate (FSIC) issued to the lessor, such FSIC may likewise be
10 temporarily accepted for purposes of the business permit
11 application. The lessee shall apply for and secure its own Fire
12 Safety Inspection Certificate within forty-five (45) calendar days
13 from the issuance of the business permit.
14

15 For new business permit applications involving establishments
16 classified as Low Degree of Fire Hazard, and for renewals of
17 business permits regardless of hazard classification, the FSIC shall
18 not be a prerequisite to the issuance or renewal of a business
19 permit: Provided, That where the applicant does not possess a
20 valid and subsisting FSIC at the time of application or renewal, the
21 permittee shall secure the corresponding FSIC within forty-five
22 (45) calendar days from the issuance or renewal of the business
23 permit.
24

25 A valid and unexpired FSIC presented during the application or
26 renewal process shall be deemed sufficient compliance with this
27 requirement until its expiration, without prejudice to the obligation
28 of the permittee to secure the appropriate renewal of the FSIC.
29

30 Failure to secure the required Fire Safety Inspection Certificate
31 within the prescribed period shall constitute sufficient ground for
32 the denial of the subsequent renewal of the business permit and
33 inclusion in the Negative List maintained pursuant to Republic Act
34 No. 11032 and its implementing rules and regulations, without
35 prejudice to the imposition of penalties and other enforcement
36 measures authorized under this Code."
37

1 **SECTION 5. Amendment of Section 11(2)(a)(4) of Republic Act**
2 **No. 9514.** — Section 11(2)(a)(4) of Republic Act No. 9514 is hereby amended
3 to read as follows:
4

5 "(4) Issuance of an occupancy permit without the Fire Safety Inspection
6 Certificate issued by the Chief, BFP, or his/her duly authorized representative."
7

8 **SECTION 6. Implementing Rules and Regulations.** — Within ninety
9 (90) days from the effectivity of this Act, the Department of the Interior and
10 Local Government, through the Bureau of Fire Protection, in coordination with
11 the Anti-Red Tape Authority, the Department of Trade and Industry, the local
12 government units, and other relevant stakeholders, shall promulgate the rules
13 and regulations necessary for the effective implementation of this Act.
14

15 **SECTION 7. Separability Clause.** — If any provision of this Act is
16 declared unconstitutional or invalid, the remaining provisions not affected
17 thereby shall remain in full force and effect.
18

19 **SECTION 8. Repealing Clause.** — All laws, decrees, executive orders,
20 rules and regulations, or parts thereof inconsistent with the provisions of this
21 Act are hereby repealed, amended, or modified accordingly.
22

23 **SECTION 9. Effectivity.** — This Act shall take effect fifteen (15) days
24 after its publication in the Official Gazette or in a newspaper of general
25 circulation.
26

27 **APPROVED.**