


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

9 FEB -3 AM 11:16

SENATE

RECEIVED BY: Senate Bill No. **3033**

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The passage of Republic Act No. 9263, otherwise known as the Bureau of Fire Protection (BFP) and Bureau of Jail Management and Penology (BJMP) Professionalization Act of 2004 while indubitably benefited the said agencies, has however incidentally compounded the predicament of personnel from both bureaus who have deficiencies in either education and eligibility requirements or both.

Paragraph C (4) Section 9 (Attrition System for the Uniformed Personnel of the BFP and BJMP) of RA 9263 states among others that attrition by other means shall be effected against personnel who *"fails to complete the required career courses and/or appropriate civil service eligibility for his/her rank, except for justifiable reasons"*. Further, Section 12 (d), Rule VII and Section 38 (d), Rule XVI of the Implementing Rules and Regulation of RA 9263 both provide that there shall be established a system of attrition for the uniformed personnel of the BFP and BJMP which states that *"failure to comply with the required career course and/or appropriate civil service eligibility for his/her rank within a period of five (5) years, except for justifiable reasons"* shall be attrited from the service.

Consistent with the aforementioned provision, a five (5) year period has been prescribed therefor for those who fall short of the education and eligibility requirements within which to complete and or comply with. Nonetheless, after arranging for customized second-level eligibility examinations (Penology Officer Examination for BJMP Personnel) that were administered through the benevolence of the Commission, as well as special classes and equivalency programs with colleges and universities in coordination with the Commission on Higher Education (CHED), a total of 1, 960 (as of December 2008) jail uniformed personnel still lack the appropriate eligibility and/or minimum level of education required by law. Hence, the promotion of such concerned personnel is withheld by reason of disallowed eligibilities.

If the axe of implementation regarding this provision of RA 9263 will be fully carried out as scheduled, the BJMP will loss some of its best performing human resources, who, by reason of their experience in their line of work, and are considered the Bureau's pioneer work-legs during its early formative years. It will be a pity because some of these uniformed personnel have been in the service for more than ten years already and yet for several times have been bypassed by their juniors. The dilemma has indeed created a massive and continuing demoralization in the ranks of those who have deficiencies in education and eligibility requirements, and sadder to note, they will be attrited or separated from the service in a couple of months if no legislative remedy shall be made available for them.

The *raison d'etre* for saving these personnel from getting axed from the service this year goes beyond concern for their welfare. The upcoming "exodus" of jail personnel from the service, if not averted would mean aggravation of the ever unattainable ideal jail personnel-inmate ratio which is 1:1+1, that is one personnel per inmate, plus one personnel as back-up. At present, the ratio is 1:55, which is one jail officer is to fifty five inmates.

In the National Capital Region for instance with a jail population of 20,419, only 548 personnel are performing custodial duty with the ration of 1:112 or one jail personnel per one hundred twelve inmates per shift. On the other hand, there are only 352 escort personnel per day who are in charge for the conveyance of inmates from jail facilities to courts for hearing or 1:4 (one escort to four inmates).

While it is true that the 2,670 slots which will be vacated by the affected personnel may be filled in or replaced through mass hiring amidst the millions of qualified job-hunters and the scarcity of job placements in the country, however, the scenario would rather cause inconvenience rather than provide continued smooth-sailing operations for the BJMP. This would mean that the Bureau will be training another breed of jail officers in lieu of those who will be attrited, with whom the government has already spent and invested so much for their trainings and schooling which are aimed at transforming them into real assets of the BJMP.

On the other hand, about one-half of the BFP's manpower will be affected wherein 4,349 fire personnel shall be retired and about 3,279 fire personnel will be terminated with zero gratuities. This foreboding one-time mass layoff would mean 713 fire stations with no fire personnel for 16 hours everyday to respond to fire incidents and other emergencies like medical/rescue situations, civil disturbances, and natural calamities. There will also be a minimum of 381 existing fire stations with no fire personnel at all.

It would certainly turn out that replacing these concerned personnel through mass hiring will not be an expedient option. To train the newly hired employees for both bureaus will cost the government about P700 million. The retirement and the commutation of their leave credits will cost more than P5 billion pesos.

As such, this bill seeks to amend the pertinent provision of RA 9263 concerning the completion of education and eligibility requirements for jail officers who will be affected with the full implementation of the BFP and BJMP Professionalization Law. It proposes a five-year extension of the period within which the education and/or eligibility requirement will be completed or complied would save the government more rather than attriting them from the service, save from the disbursement of their retirement benefit claims, separation pays and other matters relating thereto.


Hence, the immediate passage of this bill is earnestly sought.


MANNY VILLAR

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AN ACT
EXTENDING THE REQUIRED PERIOD FOR THE SATISFACTION
OF THE MINIMUM EDUCATIONAL QUALIFICATION FOR APPOINTMENT
TO THE BUREAU OF FIRE PROTECTION (BFP)
AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP),
AMENDING SECTION 4 OF REPUBLIC ACT NO. 9263, OTHERWISE KNOWN AS
"THE BFP AND BJMP PROFESSIONALIZATION ACT OF 2004",
AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 4 of Republic Act No. 9263 is hereby amended to read
2 as follows:

3 "Sec. 4. *Professionalization and Upgrading of Qualification*
4 *Standards in the Appointment of Uniformed Personnel to the BFP and*
5 *the BJMP.* – No person shall be appointed as uniformed personnel of
6 the BFP and the BJMP unless he/she possesses the following
7 minimum qualifications:

- 8 a) A citizen of the Republic of the Philippines;
- 9 b) A person of good moral character;
- 10 c) Must have passed the psychiatric/psychological, drug and
11 physical test for the purpose of determining his/her physical and
12 mental health;
- 13 d) Must possess a baccalaureate degree from recognized
14 institution of learning;
- 15 e) Must possess the appropriate civil service eligibility;
- 16 f) Must not have been dishonorably discharged for cause from
17 previous employment;

1 g) Must not have been convicted by final judgment of an offense
2 or crime involving moral turpitude;

3 h) Must be at least one meter and sixty-two centimeters (1.62
4 m.) in height for male, and one meter and fifty-seven centimeters (1.57
5 m.) for female: *Provided*, That a waiver for height and age
6 requirements shall be automatically granted to applicants belonging to
7 the cultural communities; and

8 i) Must weigh not more or less than five kilograms (5 kgs.) from
9 the standard weight corresponding to his/her height, age and sex;

10 *Provided*, That a new applicant must not be less than twenty
11 one (21) or more than thirty (30) years of age: except for this particular
12 provision, the above-enumerated qualifications shall be continuing in
13 character and an absence of any one of them at any given time shall
14 be ground for separation or retirement from the service: *Provided*,
15 *further*, That the uniformed personnel who are already in the service
16 [upon] PRIOR TO the effectivity of [this Act] **REPUBLIC ACT NO.**
17 **9263** shall be given **ANOTHER** five (5) years to obtain the minimum
18 educational qualification **TO BE RECKONED FROM THE DATE OF**
19 **THE EFFECTIVITY OF THIS AMENDATORY ACT**, and one (1) year
20 to satisfy the weight requirement.

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22 **SEC. 2. *Implementing Rules and Regulations.*** – The Department of the
23 Interior and Local Government (DILG), in coordination with the BFP, the BJMP, the
24 Commission on Higher Education (CHED) and the Civil Service Commission (CSC),
25 shall promulgate within sixty (60) days the necessary rules and regulations for the
26 effective implementation of this Act.

27 **SEC. 3. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations,
28 and other issuances or parts thereof which are inconsistent with this Act are hereby
29 repealed or modified accordingly.

30 **SEC. 4. *Effectivity Clause.*** – This Act shall take effect 15 days after its
31 complete publication in at least two (2) newspapers of general circulation.

32 Approved,