

SENATE

S.B. No. 2279

Introduced by Honorable Gregorio B. Honasan II

EXPLANATORY NOTE

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, upgraded among others, the qualification standards in the designation of the uniformed personnel in these agencies. The minimum educational and civil service eligibility qualifications for every uniformed BFP and BJMP personnel were set from two (2) year college level to baccalaureate degree and from first level to second or third level eligibility, respectively. However, for BFP and BJMP personnel already in the service prior to the enactment of the law were given five (5) years grace period to satisfy the required qualifications, otherwise they shall be separated from the service.

The five-year reglementary period is set to expire in the first quarter of 2009 and it was observed that most of the affected personnel had difficulty satisfying the requirements contending that they were already old, very busy with their fire and jail service duties, and too engrossed with their own children's education for them to go back to college.

This chamber has to immediately act to avert the forced retirement of veteran and *seasoned firefighters and jail guards who were unable to satisfy the baccalaureate requirements.*

Similar to the legislative intervention made by the Committee on Public Order and Illegal Drugs on the *uniformed PNP personnel who will likewise be attrited due to similar situation*, this representation finds it more feasible to waive such requirements from personnel already in the service prior to the enactment of RA 9263 instead of enforcing the provision for attrition.

While it is true that upgrading the educational qualification will promote the professionalization of the fire and jail organization, adverse repercussions would ensue should thousands of these uniformed personnel be attrited. The removal of these firefighters and jail guards who have acquired the skills necessary for the job and learned the rigors of the profession through their experience will result to considerable depletion in the personnel complements of both the BFP and BJMP. In addition, it would mean a huge budgetary drain for the government due to the large amount involved to pay for the retirement benefits of the displaced firefighters and jail personnel, when it could not even afford paying the regular retirees, not to mention the huge cost of training thousands of incoming personnel.

Given the deadline set in the law, the immediate passage of this bill is earnestly sought.



GREGORIO B. HONASAN II

SENATE

S.B. No. 2979

Introduced By Honorable Gregorio B. Honasan II

AN ACT
ADJUSTING THE REQUIREMENT ON EDUCATION AND FOR PROMOTION IN THE BUREAU OF FIRE PROTECTION (BFP) AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT 9263 ALSO KNOWN AS THE BUREAU OF FIRE PROTECTION AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 4 of Republic Act 9263 is hereby amended as read as follows:

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

- 6 a) A citizen of the Republic of the Philippines;
- 7 b) A person of good moral character;
- 8 c) Must have passed the psychiatric/psychological, drug and physical test for the
9 purpose of determining his/her physical and mental health;
- 10 d) Must possess a baccalaureate degree from recognized institution of learning;
- 11 e) Must possess the appropriate civil service eligibility;
- 12 f) Must not have been dishonorably discharged or dismissal for cause from
13 previous employment;
- 14 g) Must not have been convicted by final judgement of an offense or crime
15 involving moral turpitude;
- 16 h) Must be at least one meter and sixty-two centimeters (1.62 m.) in height for
17 male, and one meter and fifty-seven centimeters (1.57 m.) for female: *Provided,*
18 That a waiver for height and age requirement shall be automatically granted to
19 applicants belonging to the cultural communities; and
- 20 i) Must weight not more or less than five kilograms (5 kgs.) from the standard
21 weight corresponding to his/her height, age and sex;

1 *Provided*, That a new applicants must be less than twenty one (21) nor more than thirty
2 (30 years of age: except for this particular provision, the above-enumerated
3 qualifications shall be continuing in character and an absence of any one of them at
4 any given time shall be ground for separation or retirement from the service: *Provided*,
5 *further*, That the uniformed personnel who are already in the service [upon] **PRIOR TO**
6 the effectivity of [this Act] **RA 9263** shall [be given five (5) years to obtain the minimum
7 educational qualification] **NO LONGER BE REQUIRED TO OBTAIN A**
8 **BACCALAUREATE DEGREE UNTIL THEIR RETIREMENT** and **SHALL BE GIVEN**
9 one (1) year to satisfy the weight requirement.

10 x x x

11 SECTION 2. Section 9 of Republic Act 9263 is hereby further amended to read as follows:

12 **SEC. 9.** *Attrition System for the Uniformed Personnel of the BFP and the BJMP.* -

13 There shall be established a system of attrition for the uniformed personnel of the BFP
14 and the BJMP within one (1) year from the effectivity of this Act to be submitted by said
15 bureaus to the DILG for approval. Such attrition system shall include, but is not limited
16 to, the provision of the following principles:

17 a) *Attrition by Demotion in Position or Rank.* Any uniformed personnel of the BFP and the
18 BJMP who is relieved and assigned to a position lower than that is established for his/her
19 grade in the respective staffing pattern of the Fire Bureau and the Jail Bureau, and who shall
20 not be assigned to a position commensurate to his/her grade within two (2) years after such
21 demotion in position shall be separated or retired from the service;

22 b) *Attrition by Non-Promotion.* Any uniformed personnel of the BFP and the BJMP who has
23 not been promoted for a continuous period of ten (10) years shall be separated or retired
24 from the service, except for those who are occupying a third-level position;

25 c) *Attrition by Other Means.* Any uniformed personnel of the BFP and the BJMP with at
26 least five (5) years of accumulated active service shall be separated from the service
27 based on any of the following factors:

28 1) *Inefficiency based on poor performance during the last two (2) successive semestral*
29 *ratings period;*

30 2) *Inefficiency based on poor performance for three (3) cumulative semestral rating*
31 *period; or*

- 1 3) Physical and/or mental incapacity to perform his/her duties and functions;
- 2 4) Failure to complete the [required career courses and/or] appropriate civil service
- 3 eligibility for his/her position except for justifiable; and
- 4 d) *Separation or Retirement from the Fire Bureau and the Jail Bureau under*
- 5 *this Section. Any personnel who is dismissed from the BFP and the BJMP*
- 6 *pursuant to the above-enumerated principles in this Section shall be separated*
- 7 *if he/she has rendered less than twenty (20) years of service, and be retired if*
- 8 *he/she has rendered at least twenty (20) years of service unless the concerned*
- 9 *personnel is disqualified by law to receive such benefits.*

10 SECTION 3. Section 10 of Republic Act No. 9263 is hereby amended to read as follows:

11 SECTION 10. *Promotion System for the Uniformed Personnel of the BFP and BJMP.*

12 Within six (6) months after the effectivity of this Act, the DILG shall establish a system

13 of promotion for the uniformed personnel of the BFP and the BJMP though the

14 following principles:

15 a) *Rationalized Promotion System.* The system of promotion shall be based on merits

16 and on the availability of vacant ranks in the BFP and the BJMP staffing pattern.

17 Such system shall be gender-fair so as to ensure that women personnel of the Fire

18 Bureau and the Jail Bureau shall enjoy equal opportunity for promotion as to men;

19 b) *Requirement for Promotion.* -

20 1) Any personnel of the BFP and the BJMP shall not be eligible for promotion to a

21 higher rank unless he/she has met the minimum qualification standards or the

22 appropriate civil service eligibility set by the CSC, and has the satisfactorily passed the

23 required psychiatric/psychological, drug and physical test;

24 2) Any personnel of the BFP and the BJMP who has exhibited act of conspicuous

25 courage and gallantry at the risk of his/her life above and beyond the call of duty, or

26 selected as such in a nationwide search conducted by any accredited civic

27 organization, shall be promoted to the next higher rank, *Provided*, That these shall be

28 validated by the DILG and the CSC based on established criteria. **PROVIDED**

29 **FURTHER, SPECIAL PROMOTION SHALL ALSO BE EXTENDED TO UNIFORMED**

30 **BFP OR BJMP PERSONNEL WHO HAVE EXCELLED IN THE FIELD OF**

31 **ADMINISTRATIVE WORK, OUTSTANDING COMMUNITY SERVICE AND OTHER**

1 **RELATED STUDIES, WHICH GIVE PRESTIGE AND HONOR TO THE BFP OR**
2 **BJMP, PROVIDED THAT SUCH ACTS SHALL BE VALIDATED BY THE DILG AND**
3 **THE CSC UPON THE RECOMMENDATION OF THE BFP OR THE BJMP.**

4 SECTION 4. Implementing Rules and Regulations. – The Department of the Interior and Local
5 Government (DILG), in coordination with Bureau of Fire Protection (BFP), the Bureau of Jail
6 Management and Penology (BJMP) and Civil Service Commission (CSC) shall promulgate
7 *within sixty (60) days the necessary rules and regulations for the effective implementation of this*
8 Act. Such rules and regulations shall take effect upon its publication in two (2) newspapers of
9 general circulation.

10 SECTION 5. Separability Clause. – If for any reason, provision of this Act is declared to be
11 unconstitutional or invalid , the other sections or provisions thereof which are not affected
12 *thereby shall continue to be in full force and effect.*

13 SECTION 6. Repealing Clause. – All laws, decrees, executive orders, rules and regulations,
14 and other issuances or parts thereof which are inconsistent with this Act are hereby repealed ,
15 amended or modified accordingly.

16 SECTION 7. Effectivity Clause. – This Act shall take effect upon its publication in at least two (2)
17 national newspapers of general circulation.

18 Approved,