

REPUBLIC ACT No. 9263 March 10, 2004
AN ACT PROVIDING FOR THE PROFESSIONALIZATION OF THE BUREAU OF FIRE PROTECTION (BFP) AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), AMENDING CERTAIN, PROVISIONS OF REPUBLIC ACT NO. 6975, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004."

SEC 2. Declaration of Policy and Principles. – It is declared policy of the state to maintain peace and order, protect life, liberty and property, and promote the general welfare essential for the enjoyment by all the people of the blessings of democracy (Article II, Section 5 of the Philippine Constitution) Moreover it recognizes the responsibility of the state to strengthen government capability aimed towards the strengthening of the delivery of basic services to the citizenry through the institutionalization of highly efficient and competent fire and jail services.

It is provided for under Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act 1990", that the task of fire protection, and jail management and penology shall be the responsibility of the Bureau of Fire Protection (BFP) and the Bureau of Jail Management and Penology (BJMP), respectively.

Moreover, Section 3 of the Republic Act No. 8551, otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998", provides that in times of national emergency, BFP and the BJMP along with the Philippine National Police (PNP) shall, upon the direction of the President, assist the Armed Forces of the Philippines (AFP) in meeting the national emergency, in addition to the performance of their inherent functions as mandated by law.

It is therefore recognized that the uniformed personnel of the BFP and the BJMP, as member of the uniformed service of the government under the Department of the Interior and Local Government (DILG), are required the same amount of sacrifice, service and dedication like their counterparts in the PNP and the AFP to carry out their respective duties to the extent of risking their lives and limbs.

Towards this end, the State shall provide for the Professionalization and restructuring of the BFP and the BJMP by upgrading the level of qualifications of their uniformed personnel and standardizing their base pay, retirement and other benefits, making it at par with those of the PNP and the AFP.

SEC. 3. Organization and Key Positions of the BFP and the BJMP. – The BFP and the BJMP shall be respectively headed by a Chief who shall be assisted by two (2) deputy chiefs, one (1) for administration and one (1) for operations, all of whom shall be appointed by the President upon recommendation of the Secretary of the DILG from among the qualified officers with at least the rank of senior superintendent in the service: *Provided*, that in no case shall any officer who has retired or is retirable within six (6) months from his/her compulsory retirement age be appointed as Chief of the Fire Bureau or Chief of the Jail Bureau, as the case may be, *Provided, further*, that the Chief of the Fire Bureau and Chief of the Jail Bureau shall serve a tour of duty not to exceed four (4) years: *Provided, however*, that in times of war or other national emergency declared by Congress, the President may extend such tour of duty.

The Heads of the BFP and the BJMP with the rank of director shall have the position title of Chief of the Fire Bureau and the Chief of the Jail Bureau, respectively. The second officers in command of the BFP and the BJMP with the rank of chief superintendent shall have the position title of Deputy Chief for Administration of the Jail Bureau, respectively. The third officer in command of the BFP and the BJMP with the rank of chief superintendent shall have the position title of Deputy Chief for Operation of Fire Bureau and Deputy Chief for Operation of the Jail Bureau, respectively. The fourth officers in command of the BFP and the BJMP with the rank of chief superintendent shall have the respective position title of Chief of Directorial Staff of the Fire Bureau and Chief of Directorial Staff of the Jail Bureau, who shall be assisted by the directors of the directorates in the respective national headquarters office with at least the rank of senior superintendent.

The BFP and the shall establish, operate and maintain their respective regional offices in each of the administrative regions of the country which shall be respectively headed by a Regional Director for Fire Protection and a Regional Director of Jail Management and Penology with the rank of senior superintendent. He/She shall be respectively assisted by the following officers with the rank of superintendent: Assistant Regional Director for Administration, Assistant Regional Director for Operations, and Regional Chief of Directorial Staff.

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

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

Provided, That a new applicants must be less than twenty one (21) nor more than thirty (30) years of age: except for this particular provision, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be ground for separation or retirement from the service: *Provided, further*, That the uniformed personnel who are already in the service upon the effectivity of this Act shall be given five (5) years to obtain the minimum educational qualification and one (1) year to satisfy the weight requirement.

After the lapse of the time of period for the satisfaction of a specific requirement, current uniformed personnel of the BFP and the BJMP who will fail to satisfy any of the requirements enumerated under this Section shall be separated from the service if they are below fifty (50) years of age and have served in the government for less than twenty (20) years, or retired if they are age fifty (50) and above and have served in the government for at least twenty (20) years without prejudice in either case to the payment of benefits they may be entitled to under existing laws.

SEC. 5. Appointment of Uniformed Personnel to the BFP and the BJMP. – The appointment of the BFP and the BJMP shall be effected in the following manners:

- a) *Fire/Jail Officer I to Senior Fire/Jail Officer IV.* – Appointed by the respective Regional Director for Fire Protection and Regional Director for Jail Management and Penology for the regional office uniformed personnel or by the respective Chief of the Fire Bureau and Chief of the Jail Bureau for the national headquarters office uniformed personnel, and attested by the Civil Service Commission (CSC);
- b) *Fire/Jail Inspector to Fire/Jail Superintendent.* – Appointed by the respective Chief of the Fire Bureau and Chief of the Jail Bureau, as recommended by their immediate superiors, and attested by the CSC;
- c) *Fire/Jail Senior Superintendent.* – Appointed by the Secretary of the DILG upon recommendation of the respective Chief of the Fire Bureau and Chief of the Jail Bureau, with the proper attestation of the CSC; and
- d) *Fire/ Jail Chief Superintendent. To Fire/Jail Director.* - Appointed by the President upon recommendation of the Secretary of the DILG, with the proper endorsement by the Chairman of the CSC.

SEC. 6. Lateral Entry of Officer into the BFP and the BJMP. – In general, all original appointments of officers in the Fire Bureau and Jail Bureau shall commence the rank of fire/jail inspector wherein applicants for lateral entry into the BFP shall include all those with highly specialized and technical qualifications such as, but not limited to, civil engineers, mechanical engineers, electrical engineers, chemical engineers, chemist, architects, criminologists, certified public accountants, nurses, physical therapists, and dentists, while applicants for lateral entry into the BJMP shall include all those with highly specialized and technical qualifications such as, but not limited to, social workers, psychologists, teachers, nurses, dentists and

engineers. Doctor of Medicine, members of the Philippine Bar and chaplains shall be appointed to the rank of fire/jail senior inspector in their particular technical service. Graduate of the Philippine National Police Academy (PNPA) shall be automatically appointed to the initial rank of fire/jail inspector.

SEC. 7. Professionalization and Upgrading of Qualification Standards in the Designation of Uniformed Personnel of the BFP and the BJMP to Key Positions. -

a) No person shall be designated to the following key positions of the BFP and the BJMP unless he/she has met the qualifications provided therein:

1) *Municipal Fire Marshal.* – Should have the rank of senior inspector, who must have finished at least second year Bachelor of Laws or earned at least twelve (12) units in a master's degree program in public administration, management, engineering, public safety, criminology or other related discipline from recognized institution of learning, and must have satisfactory passed the necessary training of career courses for such position as may be established by the Fire Bureau;

2) *City Fire Marshal.* - Should the rank of chief of senior inspector, who must have finished at least second year Bachelor of Laws or earned at least twenty four (24) units in a master's degree program in public administration, management, engineering, public safety, criminology or other related disciplines from recognized institution of learning, and must have satisfactory passed the necessary training or career courses for such position as may be established by the Fire Bureau;

3) *District Fire Marshal, Provincial Fire Marshal, Assistant Regional Director for Administration, Assistant Regional Director for Operations and Regional Chief of Directorial Staff.* – Should have the rank of superintendent, who must be a graduate of Bachelor of Laws or a holder of a mater's degree in public administration, management, engineering, public safety, criminology or other related disciplines from recognized institution of learning, and must have satisfactory passed the necessary training or career courses for such position as may be established by the Fire Bureau;

4) *District Fire Marshal for the National Capital Region, Regional Director for Fire Protection and Director of the Directorate of the National Headquarters Office.* – Should have at least the rank of senior superintendent, who must be a graduate of Bachelor of Laws or a holder of master's degree in public administration, management, engineering, public safety, criminology or other related disciplines from a recognized institution of learning, and must have satisfactory passed the necessary training or career course for such position as may be established by the Fire Bureau;

5) *Deputy Chief for Administration of the Fire Bureau, Deputy Chief for Operations of the Fire Bureau and Chief Directorial Staff of the Fire Bureau.*- Should have the rank of superintendent, who must be a member of the Philippine Bar or a holder of a master's degree in public administration, management, engineering, public safety, criminology or other related disciplines from recognized institution of learning, and must have satisfactory passed the necessary training or career courses for such as may be established by the Fire Bureau; and

6) *Chief of the Fire Bureau.* – Should have the rank of director, who must be a member of the Philippine Bar or a holder of a master's degree in public administration, management, engineering, public safety, criminology or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the Fire Bureau.

b) No person shall be designated to the following key positions of the BJMP unless he/she has met the qualification provided therein:

1) *Municipal Jail Warden.* – Should have the rank of chief inspector, who have finished at least second year Bachelor of Laws or earned at least twelve (12) units in a master' degree program in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies, or other related disciplines from a recognized institution of learning, and must have satisfactory passed the necessary training or career courses for such position as may be established by the Jail Bureau;

2) *City Jail Warden.* – Should have the rank of chief inspector, who must have finished at least second year Bachelor of Laws or earned at least twenty four (24) units in master's degree program in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or related disciplines from a recognized institution of learning and must satisfactory passed the necessary training or career courses for such position as may be established by the Jail Bureau: *Provided,* That in city jails with a population of one thousand (1,000) or more inmates, the city jail warden shall the rank and qualification of a district jail warden;

3) *District Jail Warden, Provincial Jail Administrator, Assistant Regional Director for Administration, Assistant Regional Director for Operations and Regional Chief of Directorial Staff.* – Should have the rank of senior superintendent, who must be a graduate of Bachelor of Laws or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security

administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the Jail bureau;

4) *Regional Director for Jail Management and Penology and Director of the Directorate of the National Headquarters Office.* – Should have the rank of senior superintendent, who must be a graduate of Bachelor of Laws or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the Jail bureau;

5) Deputy Chief for Administration of the Jail Bureau, Deputy Chief for Operations of the Jail Bureau and Chief of Directorial Staff of the Jail Bureau. – Should have the rank of senior superintendent, who must be a member of the Philippine Bar or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the Jail bureau; and

6) *Chief of the Jail Bureau.* – Should have the rank of director, who must be a member of the Philippine Bar or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the Jail bureau.

Any uniformed personnel of the BFP and the BJMP who is currently occupying such position but lacks any of the qualifications mentioned therein shall be given three(3) years upon the effectivity of this Act to comply with the requirements, otherwise he/she shall be relieved from the position.

SEC. 8. Professionalization and Qualifications Upgrading Program. – The DILG shall design and establish a professionalization and qualifications upgrading program for uniformed personnel of the BFP and the BJMP in coordination with the CSC and the Commission on Higher Education (CHED) through an off-campus education program or other similar programs within ninety (90) days from the effectivity of this Act.

SEC. 9. Attrition System for the Uniformed Personnel of the BFP and the BJMP. - There shall be established a system of attrition for the uniformed personnel of the BFP and the BJMP within one (1) year from the effectivity of this Act to be submitted by said bureaus to the DILG for approval. Such attrition system shall include, but is not limited to, the provision of the following principles:

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

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

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

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

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

3) Physical and/or mental incapacity to perform his/her duties and functions; or

4) Failure to complete the required career courses and/or appropriate civil service eligibility for his/her position except for justifiable; and

d) *Separation or Retirement from the Fire Bureau and the Jail Bureau under this Section.* – Any personnel who is dismissed from the BFP and the BJMP pursuant to the above-enumerated principles in this Section shall be separated if he/she has rendered less than twenty (20) years of service, and be retired if he/she has rendered at least twenty (20) years of service unless the concerned personnel is disqualified by law to receive such benefits.

SEC. 10. Promotion System for the Uniformed Personnel of the BFP and BJMP. – Within six (6) months after the effectivity of this Act, the DILG shall establish a system of promotion for the uniformed personnel of the BFP and the BJMP through the following principles:

a) *Rationalized Promotion System.* – The system of promotion shall be based on merits and on the availability of vacant ranks in the BFP and the BJMP staffing pattern. Such system shall be gender-fair so as to ensure that women personnel of the Fire Bureau and the Jail Bureau shall enjoy equal opportunity for promotion as to men;

b) *Requirement for Promotion.* -

1) Any personnel of the BFP and the BJMP shall not eligible for promotion to a higher rank unless he/she has met the minimum qualification standards or the appropriate civil service eligibility set by the CSC, and has the satisfactorily passed the required psychiatric/psychological, drug and physical test;

2) Any personnel of the BFP and the BJMP who has exhibited act of conspicuous courage and gallantry at the risk his/her life above and beyond the call of duty, or selected as such in a nationwide search conducted by any accredited civic organization, shall be promoted to the next higher rank, *Provided*, That these shall be validated by the DILG and the CSC based on established criteria.

SEC. 11. Performance Evaluation System. - There shall be established a performance evaluation system which shall be administered with accordance with the rules, regulations and standards, and a code of conduct for the uniformed personnel of the BFP and the BJMP to be promulgated by the Fire Bureau and the Jail Bureau through the DILG. Such performance evaluation system shall be administered in such a way as to foster the improvement of the individual efficiency and behavioral discipline as well as the promotion of organizational effectiveness and commitment to service.

The rating system as contemplated herein shall be based on standard prescribed by the Fire Bureau and the Jail Bureau through the DILG and shall be consider the result of the annual psychiatric/psychological and physical test conducted on the uniformed personnel of the BFP and the BJMP.

SEC. 12. Standardization of the Base Pay, Retirement and other Benefits of the Uniformed Personnel of the BFP and the BJMP. – In order to enhance the general welfare, commitment to service and professionalism of the uniformed personnel of the BFP and the BJMP, they shall receive the minimum starting salary equivalent to the salary grade level of the corresponding rank classification of their counterparts in the PNP, as provided under Section 36 of Republic Act No. 8551, and in the AFP, as provided under Section 2 of Republic Act No. 9166.

The rate of the base pay of the uniformed personnel of the BFP and the BJMP shall be adjusted in accordance with the following salary grade schedule:

RANK SALARY	GRADE
Fire/Jail Director	28
Fire/Jail Chief Superintendent	27
Fire/Jail Senior Superintendent	26
Fire/Jail Superintendent	25
Fire/Jail Chief Inspector	24
Fire/Jail Senior Inspector	23
Fire/ Jail Inspector	22
Senior Fire/Jail Officer IV	19
Senior Fire/Jail Officer III	18
Senior Fire/Jail Officer II	17
Senior Fire/Jail Officer I	16
Fire/ Jail Officer III	14
Fire/Jail Officer II	12
Fire/Jail Officer I	10

Provided, That all benefits currently receive by the uniformed personnel of the BFP and the BJMP under existing laws shall continue to be received by them: *Provided, Further*, That their retirement pay shall be subject to adjustment/s based on the prevailing scale of base pay of the uniformed personnel in the active service.

SEC. 13. Implementation. – The implementation of this Act shall be undertaken in staggered phases, but not to exceed three (3) years, taking into consideration the financial position of the national government: *Provided*, That any partial implementation shall be uniform and proportionate for all ranks.

SEC. 14. Implementation Rules and Regulations. – The DILG in coordination with the BFP and the BJMP, the CSC, the Department of Budget and Management (DBM), and the Department of Finance (DOF) shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary to implement the provision of this Act.

SEC. 15. Annual Report. – The BFP and the BJMP through the DILG and the DBM shall jointly submit to the President of the Senate and the Speaker of the House of Representatives an annual report on the implementation of this Act. This report shall include information on the application of the budget for the

salary and other benefits provided under this Act. The DBM, in consultation with the BFP and the BJMP through the DILG, shall periodically review and adjust every five (5) years the rates of base pay, taking into consideration labor productivity, consumer price index, oil price and other similar economic indicators as may be determined by the National Economic and Development authority (NEDA).

SEC. 16. *Separability Clause.*- If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 17. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,

FRANKLIN DRILON
President of the Senate

JOSE DE VENECIA JR.
Speaker of the House of Representatives

This Act which is a consolidation of Senate Bill No. 2373 and House Bill No. 6557 was finally passed by the Senate and the House of Representatives on January 29, 2004 and February 2, 2004, respectively.

OSCAR G. YABES
Secretary of Senate

ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: March 10, 2004

GLORIA MACAPAGAL-ARROYO
President of the Philippines