

[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.

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 the 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 of 1990," that the tasks 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 Republic Act No. 8551, otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998," provides that in times of national emergency, the 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 members 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 Fire Bureau and 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 Fire Bureau and Deputy Chief for Administration of the Jail Bureau, respectively. The third officers in command of the BFP and the BJMP with the rank of chief superintendent shall have the position title of Deputy Chief for Operations of the Fire Bureau and Deputy Chief for Operations 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 Directional 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 BJMP 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 for 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 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 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 tests for the purpose of determining his/her physical and mental health;
- d. Must possess a baccalaureate degree from a recognize institution of learning;
- e. Must possess the appropriate civil service eligibility;
- f. Must have not been dishonorably discharged or dismissed for cause from previous employment;
- g. Must not have been convicted by final judgment 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 requirements shall be automatically granted to applicants belonging to the cultural communities; and

- i. Must weigh 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 applicant must not 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 a 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 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 from 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 uniformed personnel to the BFP and the BJMP shall be effected in the following manner:

- a. *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;
- b. *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
- c. *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 Officers into the BFP and the BJMP.* — In general, all original appointments of officers in the Fire Bureau and the Jail Bureau shall commence with 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, chemists, architects, criminologists, certified public accounts, nurses, physical therapists, and dentists, while applicant 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, criminologists, teachers, nurses, dentist and engineers. Doctors of medicines, members of the Philippine Bar and chaplains shall be appointed to the rank of fire/jail senior inspector in their particular technical service. Graduates 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 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 disciplines from a recognized institution of learning, and must have satisfactorily passed the necessary training or career courses for such position as may be established by the Fire Bureau;
2. *City Fire Marshal*. - 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 a master's degree program in public administration, management, engineering, public safety, criminology or other related disciplines from a recognized institution of learning, and must have satisfactorily 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 master's degree in public administration, management, engineering, public safety, criminology or other related disciplines from a recognized institution of learning, and must have satisfactorily 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 the 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 a master's degree in public administration, management, engineering, public safety, criminology or other related disciplines from a recognized institution of learning, and must have satisfactorily passed the necessary training or career courses 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 of Directorial Staff of the Fire Bureau*. - Should have the rank of chief 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 a recognized institution of learning, and must have satisfactorily passed the necessary training or career courses for such position as may be established by the Fire Bureau; and
6. *Chief of the Fire Bureau*. - Should have the rank of senior 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 disciplines from a recognized institution of learning, and must have satisfactorily passed the necessary training or career courses for such position as may be established by the Fire Bureau;