I. REFERENCES

a) Republic Act No. 6975, otherwise known as “The Department of the Interior and Local Government Act of 1990 and its Implementing Rules and Regulations (IRR)”;


c) BJMP Memorandum Circular No. 2011-07 dated 06 October 2011 re: Policy on Non-Duty Status of Retiring Jail Officer;

d) BJMP SOP No. 02-97 dated 09 October 1997 re: Addenda to Guidelines in the Processing of Application for Retirement, Terminal Leaves and other Leaves of Absences Requiring Clearance and other Services;


II. RATIONALE

Customarily, a retiring uniformed personnel of the Jail Bureau is automatically placed on a Non-Duty Status (NDS) three (3) months prior to his/her retirement. During the said period, the retiring personnel are required to secure all the necessary documents for the processing of his/her claims. However, it was found out that said practices were instituted to be without legal basis considering that even would-be retirees are still mandated by law to perform their duties until the last day of service. Besides, the same practice has already been discontinued by the Philippine National Police being incongruous as it disrupts continuity of public service. Further, it had spawn serious administrative and operational implications in the organization.

Thus, in March 2013 BJMP MC No. 2011-07 was repealed by BJMP MC No. 2013-03 abandoning the policy of placing retiring uniformed personnel of the Jail Bureau on NDS, consequently making it discretionary on the part of the retiring uniformed personnel who may want to be of service to the Bureau until his last day of service or opt to request for assignment to a position which is purely administrative in function.

However, a relative delay in the release of retirement benefits of retiring BJMP personnel has been recorded in the past, due to cases being filed against them attributed to incidents which happen proximate to the date of their retirement. These incidents have put some of our retired personnel in distress and hardship.

The passage of Republic Act No. 10154 required the timely and expeditious release of retirement pay, pension, gratuity and other benefits of retiring government employees, and that retirement benefits of retiring employees must be released not later than thirty (30) days from his/her actual retirement date; Provided, however, that subject employee must...
submit all the necessary documents ninety (90) days prior to said retirement date. In line with this, justice and equity dictates that every retiring BJMP uniformed personnel must be given ample time to prepare the requisites of his/her retirement for him/her to enjoy the benefit on the very date of his/her retirement.

The law authorized the head of bureau or office is authorized to prescribe forms and issue regulations to secure the harmonious and efficient administration of his/her bureau or office and to carry into full effect the laws relating to matters within his/her jurisdiction. Further, head of bureau or offices are authorized to issue orders regarding the administration of their internal affairs for the guidance of or compliance by their officers and employees.

Hence, a retiring BJMP Uniformed personnel must be placed in LIGHT DUTY STATUS (LDS) six (6) months prior to the actual date of his/her retirement.

III. DEFINITION OF TERMS

As used in this circular, the terms below shall have the following import as hereunder defined:

ADMINISTRATIVE ASSIGNMENT —refers to positions involved in office works such as: planning, organizing, staff functions or clerical works in the national, regional, provincial and jail level, as the case may be.

COMPULSORY RETIREMENT —severance of personnel’s employment from the Jail Bureau upon reaching the age of fifty-six (56); provided that he/she has rendered at least ten (10) years of accumulated active service as Jail Officer or Non-Officer.

OPTIONAL RETIREMENT —refers to the severance of personnel’s employment from the Jail Bureau upon approval by the Chief, BJMP; provided that he/she has accumulated at least twenty (20) years of satisfactory government service, of which at least ten (10) years must have been rendered as Officer or Non-Officer in the uniformed service.

SENSITIVE TASKS OR ASSIGNMENT —refers to the positions of responsibility where the acts or omissions committed by subordinates may constitute an offense and consequently, maybe ascribed to the would-be retiree in view of command responsibility, or to position which may involve money and/or property accountability such as but not limited to, Regional Directors of the Jail Bureau, Jail Wardens, Logistic Officers, Comptrollers, and Finance/Disbursing Officers.

LIGHT DUTY STATUS (LDS) — refers to the status of a retiree whereby he/she is being designated/placed into a position which is purely administrative in function or assignment at all levels.

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WOULD-BE RETIREE –refers either to personnel who is subject for compulsory retirement, or whose application for optional retirement was already approved.

IV. OBJECTIVE

This Circular aims to prescribe the procedure regarding the placement of retiring BJMP uniformed personnel on LDS six (6) months prior to actual date of retirement.

V. POLICIES AND GUIDELINES

1. Six (6) months prior to the effectivity of actual date of retirement, the Directorate for Personnel and Records Management (DPRM) in the National Headquarters (NHQ), the Personnel and Records Management Division (PRMD) in regional offices, or Administrative Section for the jail officers assigned in the Provincial Offices and field units, shall issue an order to retiring BJMP personnel reassigning him to the NHQ, Regional Offices (ROs), Provincial Offices or Administrative Officer in Jail Units for purposes of accounting, monitoring and reporting of would-be retirees.

2. In the issuance of retirement order, the DPRM shall place would-be retiree on LDS and direct him/her to secure the necessary documentary requirements which shall be submitted to DPRM 90 days prior to actual date of retirement.

3. Regional Directors of the Jail Bureau and Jail Officer Ranks holding the rank of Jail Senior Superintendent and above shall be assigned at the NHQ during the duration of the LDS. While assigned in the NHQ, the would-be retiree shall only be designated to a position which is purely administrative in functions.

4. Jail Wardens and other Jail Officer Ranks (JOR) occupying sensitive tasks or assignments who may not wish to be assigned in purely administrative functions or assignments must submit an undertaking under oath and must be properly endorsed by the Regional Directors of the Jail Bureau upon recommendation and evaluation of the Regional Merit Promotion and Selection Board (RMPSB) which shall in turn be forwarded to the NHQ for approval by the Chief, BJMP.

5. For purposes of career progression and in the exigency of service, the Chief, BJMP upon his prerogative shall enforce movement of BJMP officers and personnel regardless of the personnel’s impending retirement upon the recommendation of the National Merit Promotion and Selection Board (NMPSB).

6. Likewise, the Chief, BJMP or the Regional Directors of the Jail Bureau may order to retain the would-be retiree to his/her position in order not to disrupt continuity of public service especially when the would-be retiree shown proven competence in his present occupied position or, has unfinished projects or programs requiring his/her personal supervision and control to the best interest of the jail service and in extraordinary situations.

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7. The last unit or office of assignment of the retiring personnel shall be responsible in providing full honors to the retiree on his/her last day of service. The NHQ may take initiative in providing the same honors to senior officers who served as Directors of Directorates, Chief of Offices, NHQ, Regional Directors of the Jail Bureau and the like. For this purpose, the Chief, BJMP or Regional Directors of the Jail Bureau, as the case may be, shall direct the proper office to provide full honors to the retiree.

VI. ADMINISTRATIVE INSTRUCTION:

1. It shall be the responsibility of the RMPSB to act on the request of would-be retirees for personnel assigned in the regions and the NMPSB for would-be retirees assigned at the NHQ for final approval of the Chief, BJMP or the Regional Director of the Jail Bureau.

2. Within the six-month period prior to retirement, the retiring personnel shall be allowed whenever required to complete his/her retirement papers.

3. It shall be the primary responsibility of the DPRM to strictly implement this policy.

VII. SEPARABILITY CLAUSE

In any event that any provision or part of this policy be declared unauthorized, unconstitutional or invalid by a competent authority, provisions not affected by such declaration shall remain valid and effective.

VIII. REPEALING CLAUSE

All BJMP issuances/directives that are inconsistent with the provision of this policy are hereby expressly amended and/or modified accordingly.

IX. EFFECTIVITY

This Circular shall take effect fifteen (15) days following the filing a copy hereof at the University of the Philippines Law Center in consonance with Section 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as “The Revise Administrative Code of 1987”
AFFIDAVIT OF UNDERTAKING

I, ________________________________, of legal age, Filipino, and with postal address at ________________________________, after having been duly sworn to in accordance with law hereby depose and state:

1. That I am a member of the Bureau of Jail Management assigned at __________ (Unit and Region) ________

2. That I am designated as _____ (designation) ______

3. That I am due for retirement on ___ (date of retirement) ______

4. That by reason of my designation, I am not willing to be on Light Duty Status performing purely administrative functions.

5. That this undertaking is voluntarily executed and I will be personally responsible and accountable for the consequences of my decision; and

6. I am executing this Undertaking to attest to the truth of the foregoing statements

IN WITNESS WHEREOF, I have hereunto set any hand this _____ day of __________, ________, in the city of __________________________, Philippines.

__________________________
Affiant

SUBSCRIBED AND SWORN to before me this _____ day of __________, 2018 in __________, Philippines. Affiant exhibited to me his ________
issued on ________________________ at ________________________, Philippines.

Notary Public