

[Act No. 3321, December 04, 1926]

**AN ACT TO AUTHORIZE THE ORGANIZATION OF AN ADEQUATE
FIRE DEPARTMENT IN THE MUNICIPALITIES, PRESCRIBE THE
QUALIFICATIONS OF THE PERSONNEL THEREOF, AND
ESTABLISH THE PROCEDURE FOR THE SUSPENSION AND
REMOVAL OF SAID PERSONNEL, AMENDING FOR THESE
PURPOSES ARTICLE TWELVE OF CHAPTER FIFTY-SEVEN, TITLE
NINE, OF THE ADMINISTRATIVE CODE.**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Legislature assembled and by the authority of the same:*

SECTION 1. Article Twelve of Chapter Fifty-seven, Title Nine, of the Administrative Code is hereby amended to read as follows:

"ARTICLE XII.— *Protection against fire*

"SEC. 2277. *Organization of fire department.*— In municipalities having an organized paid fire department or planning to organize one, there shall be a chief and the necessary force of firemen whose number shall be fixed by the municipal council, with the approval of the provincial board. The fire department so organized shall be regularly instructed, exercised, and trained in the duties and work of firemen not less than three times a week or as much oftener as may be necessary to reach and maintain proficiency in its duties and the use of the apparatus furnished for its use. Such department shall be regularly inspected as to drill, equipment, and efficiency by the provincial governor upon his semiannual visits to the municipalities.

"SEC. 2277-A. *Regulations for government of municipal fire department.*— The Director of Public Works and the Chief of Constabulary shall, with the approval of the Department Heads concerned, jointly prepare and issue general regulations for the government, proper discipline, and inspection of the municipal fire departments, the observance of which shall be obligatory for all members of the organization. These regulations shall be translated into Spanish. Each municipal council may, with the approval of the provincial board, issue such secondary regulations for the government of the local fire department as shall not be inconsistent with law or with the general regulations. .

"SEC. 2277-B. *Salaries of members of municipal fire department.*— Chiefs of municipal fire departments shall receive pay at a rate to be fixed by the municipal council, but not to exceed one hundred and fifty pesos a month; the other members of the department shall be paid at a rate not to exceed fifty pesos a month, to be fixed in the same manner.

"SEC. 2277-C. *Reimbursement of expenses to firemen I going outside*

limits of municipality.— Members of the municipal fire department who are required to leave the municipality on official business shall have their necessary expenses reimbursed to them upon proper vouchers.

"SEC. 2277-D. *Appointment of members of municipal fire department.*—The chief of the municipal fire department and other members of the organization shall be appointed by the president, with the consent of the municipal council. In case of disagreement between the president and the municipal council concerning the appointment of the chief of the fire department, and if such disagreement shall still exist three months after the president submitted said appointment, the provincial board shall decide the matter and its decision shall be final.

"SEC. 2277-E. *Firemen's examining board.*— In each province there shall be a firemen's examining board which shall be composed of a member of the provincial board designated by the latter, the district engineer, and the provincial commander of the Philippine Constabulary. The member of the provincial board so designated and the secretary of said board shall act as chairman and secretary, respectively, of the firemen's examining board. The chairman of the firemen's examining board shall be entitled to necessary traveling expenses from his residence to the place where the examination is held, and vice versa, and to a per diem equal to that which he receives as member of the provincial board, for each day of session of the firemen's examining board. These expenses shall be paid out of provincial funds.

"SEC. 2277-F. *Date of examinations.*— An examination for admission to the fire service shall be held in each of province in the month of January or June of each year, in the discretion of the firemen's examining board; and it shall be the duty of each secretary, upon authorization by his board and on such date as the same may determine, to give public notice of the place, day, and hour of such examination.

"SEC. 2277-G. *Examination manual.*— The Director of Public Works and the Chief of Constabulary shall, with the approval of the Department Heads concerned, jointly prepare and issue an examination manual prescribing how said examinations shall be conducted, what subjects they shall cover, and what averages or ratings must be obtained in said subjects.

"SEC. 2277-H. *Qualifications for examination for service.*— In order to be eligible for examination, an applicant must have the following qualifications:

- (1) Be a native of the Philippine Islands;
- (2) Be from twenty-one to forty years old;
- (3) Be of good repute;
- (4) Have a good physical constitution;

- (5) Have no contagious disease;
- (6) Have no criminal record;
- (7) Not have been expelled or dishonorably discharged from any civil or military office or position;
- (8) Be able to read and write English or Spanish; and
- (9) Be able to read and write with perfection the local dialect.

"SEC. 2277-1. *Certificate of physical fitness.*— No person shall be admitted to the examination herein provided for without the proper certificate of physical fitness, unless for good reasons the examining board shall, in its discretion, waive this requisite, in which case the physical examination can be made later. But no person shall have his name placed on the eligible list until such certificate has been produced.

"The physical examination shall be made by the physician of the municipal district to whom the chairman of the board shall give the necessary orders therefor, designating the place and day when it is to be made.

"SEC. 2277-J. *Eligible list.*— The examining board shall keep a record with the names, residences, and examination ratings of the residents of each municipality who have passed the fireman's examination and are not incapacitated for the fire service. This record shall be the eligible list of that particular municipality. A general list of a similar character shall also be kept which shall contain the names of all the eligibles in the province. Copies of both lists shall be furnished to each municipality of the province.

"SEC. 2277-K. *Appointments to be made from eligible lists.*— The appointments for the fire department shall in all cases be made from the municipal eligible list if there are persons in said list willing to serve; otherwise they shall be made from the general list.

"Persons who have voluntarily left the service and desire to reenter the same may be reappointed within one year's time, without reexamination.

"SEC. 2277-L. *Suspension and removal of members of municipal fire department.*— Members of the municipal fire department cannot be dismissed and, except in case of resignation, can only be removed for misconduct or incompetency, dishonesty, disloyalty to the Governments of the United States or the Philippine Islands, serious irregularities in the service or violations of the law or of their duty, in which cases charges shall be preferred under oath by the municipal president or any other person and shall be heard by the municipal council or by a committee of three councilors appointed for this purpose by the majority of the council, which committee shall hold public hearings and give the accused an