RULES AND REGULATIONS GOVERNING THE INVESTIGATION AND ADJUDICATION OF DEATH AND DISABILITY BENEFITS OF THE BUREAU OF FIRE PROTECTION (BFP) UNIFORMED PERSONNEL IN THE ACTIVE SERVICE

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Pursuant to the provisions of Section 76 of RA 6975, as amended, the Bureau of Fire Protection hereby adopts and promulgates the following rules and regulations governing the investigation and adjudication of benefit claims of uniformed BFP members.

RULE I
TITLE AND CONSTRUCTION
SECTION 1, Title of the Rules - These rules shall be known and cited as the "Rules and Regulations Governing the Investigation and Adjudication of Death and Disability Benefits of Uniformed Personnel of the Bureau of Fire Protection (BFP)".

SECTION 2. Coverage -These Rules shall apply to claims for death and permanent total disability benefits of uniformed personnel of the BFP.

All claims for temporary disability or sickness benefits of uniformed BFP personnel shall be filed and acted upon in accordance with the existing BFP Rules and Regulations relative thereto.

SECTION 3. Construction - These Rules shall be liberally construed in order to promote and attain the objectives of obtaining a just, reasonable and speedy investigation and adjudication of benefit claims.

RULE II
DEFINITION OF TERMS
SECTION 1. Terms Defined - For purposes of these Rules these relevant terms are hereby defined to mean as follows:

a. Board - refers to the death and disability board created under BFP SOP 2001-04, as amended.

b. Claim Investigator - an officer or non-officer designated by the board to investigate applications for benefit claims.

c. BFP uniformed member-an officer or non-officer of the BFP appointed in accordance with RA6975, as amended.

d. Disability - any loss or impairment of the normal functions of the physical or mental facilities of a BFP member which reduces or eliminates his capacity to continue with his present employment.

e. Permanent Total Disability - same as defined under Section 1, Article 1 of BFP Board Resolution No. 2001-01.

In all cases, the disability shall be deemed permanent if it has persisted for a period exceeding six (6) months, without fixed healing period and renders the BFP personnel incapable of performing his duties and functions; Provided, Further, that in case the disability is found to be permanent beyond doubt upon medical examination of

the said personnel, the waiting period of six (6) months may be waived.

f. Injury - any harmful change in the human organism from any incident sustained at work, while at the work place, or elsewhere while executing an order from the employer, or sustained by reason of the performance of duty.

g. Salary - means basic pay plus longevity pay

h.Sickness - an illness accepted as an occupational disease, or any illness caused or aggravated by employment, subject to proof that the risk of contracting the same is increased by working conditions.

i. Death - the loss of the life from injury or sickness.

j. Supplies - medicines and other medical, or surgical items.

RULE III GROUNDS FOR COMPENSABIUTY AND DOCUMENTARY REQUIREMENTS
SECTION 1. Grounds for Compensability - (a) For the injury and resulting disability death to be compensable the injury must be the result of an employment accident satisfying any of the following conditions;

1. The BFP personnel must have been injured at the place where his work requires him to be and must have been performing his official functions.

2. If the death or injury is sustained elsewhere, the BFP personnel must have been executing or acting upon a lawful order from his Fire Marshal or from his supervisor as the case may be;

3. The death occurred or injury is sustained by reason of or while in the performance of official duty;

> b. For the sickness and the resulting disability or death to be compensable, the sickness must be the result of occupational disease or that the risk of contracting the disease is increased by the working conditions as determined by the board.

SEC. 2. Supporting Documents in a Claim for Permanent Total Disability - A claim for permanent total disability of a BFP personnel shall be in writing and under oath, filed in triplicate copies, and shall state the name and residence of the claimant, brief summary of the claim, the grounds thereof and the relief sought.

The following must be attached to the application:

a. Recommendation for the permanent disability of a disabled BFP personnel by the Fire Marshal or his duly authorized representative;

b. Service Record duly authenticated;

c. Certification from the appropriate BFP medical officer or Compensation Rating Medical Officer or in the absence thereof, from an appropriate doctor of any government hospital or medical facility/institution certifying that the BFP personnel is unfit to further perform the duties of his office.

d. Detailed investigation report from Fire Marshal or immediate superior or supervisor, as to the cause and extent of the disability;

e. Certified true copy of appointment;

f. Certification of clearance from money and property accountability;

g. Certificate from the Fire Marshal or Personnel Officer, as the case may be indicating the restorable deducted leave credits for absences incurred by reason of the injury sustained Or sickness contracted which is the subject of

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the present claim.

h. Official receipt duly numbered and dated for reasonable medical and hospitalization expenses, necessary expenses for transportation and subsistence incurred on account of service-connected disability; Purchase of medicine in excess of P50.00 shall be evidence by Doctor's prescription.

SECTION 3. Supporting Documents in a Claim for Death Benefits - A claim for death benefits shall be in writing and under oath, filed in triplicate copies and indicating briefly and clearly the identity of the deceased BFP personnel, the date and cause of his death.

The following must be attached to the claim:

a) Updated Service Record duly authenticated;

b) Death Certificate duly certified by the Local Civil Registrar;

c) Detailed Official Investigation Report from the Fire Marshal or immediate superior or supervisor as to the circumstances or cause of death;

d) Certified true copy of decedent's appointment;

e) Certificate from the Fire Marshal or Personnel Officer, indicating the restorable deducted leave credits for absences incurred by reason of sickness or injury which caused his death and the subject of the claim;

f) Official receipts duly dated and numbered of reasonable expenses incurred for medicines, medical attendance, hospital fees, including necessary transportation and subsistence; Purchase of medicine in excess of P50.00 shall be evidenced by doctor's prescrip tion;

g. Certificate of Clearance from money and property accountability;

h. Marriage Contract of surviving spouse and birth certificates of surviving children, if any, properly certified by the Local Civil Registrar;

i. Proofs pertaining to other surviving legal heirs if claimant is other than the surviving spouse or child;

If the claim is filed by a surviving parent or by a brother or sister, proof must be submitted indicating that the deceased died single without any surviving child/children.

RULE IV
PROCEDURE
SECTION 1. Who may File Claim for Death and Disability Benefits -

Section 1.1a ACIaim for Permanent Total Disability may be filed by the BFP personnel himself or in case of physical incapacity, his duly authorized representative.

Section 1.1.b On the other hand, a claim for death benefits may be filed by the survivors of the deceased BFP personnel under Section 3 of Resolution No. 2001-01.

SEC. 2 Where to File Claim - A claim for Permanent Total Disability or death benefitss of a BFP personnel shall be filed with the Office of the Benefit Assistance Section The province or city where the BFP personnel is stationed or in any of the regional offices of the bureau.

SEC 3. Notice- Written notice of sickness, injury, or death shall be given to the Fire shal as the case may be, by the BFP personnel or his representative, within thirty (30) Have from the occurrence of the contingency.

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SEC 4. Investigation of Claim - Within five (5) days from receipt of the application, , gpp provincial/City IAS or designated claim investigator shall cause the issuance of Notice of Hearing to the claimant/s, heirs, and other persons whose presence in the investiqation is necessary. In no case shall the hearing of the claim be delayed for more than fifteen (15) days from the date of filing.

Should a serious question on the compensability of a claim arise, the BFP Regional Director concerned may direct the BFP Regional investigation and Intelligence Division (RIID) to conduct the necessary inquiry, and forthwith, submit the corresponding Official Detailed Investigation Report. Said detailed IR shall be forwarded to the Death and Disability Board or designated Claim Investigator as part of the records of the claim.

After its investigation, the BFP Provincial IAS or designated Investigation officer shall forward its Report of Investigation on the claim, as well as the supporting papers and documents, within fifteen (15) days from termination of its proceedings to the Death and Disability Board for adjudication.

SEC. 5 Transfer of Venue- Asa matter of policy, a request for change or transfer of venue of investigation of a claim for benefits is not allowed. However, the BFP Regional IAS/DDB who has jurisdiction over the said claim may allow the same under any of the following conditions:

a. The claimant transferred his residence to another place which is outside the jurisdiction of the designated Investigating Officer.

b. The BFP personnel who filed for a claim for permanent total disability is reassigned to another fire station and it is physically impossible for him or will cause serious harm to himself if he will be required to attend the investigation; and

c. Other cogent reasons the Regional IAS/DDB may consider just and appropriate Request for transfer of venue outside the jurisdiction of the Regional IAS/DDB shall be indorsed to the BFP Regional Director for consideration and approval.

SEC. 6. Adjudication and Payment - All claims and benefits are adjudicated at the Fp National Headquarters and the corresponding payments shall be endorsed to their respective BFP Regional Offices.

SEC. 7. Motion for Reconsideration - Within ten (10) days from the receipt of the decision denying a claim for death or disability benefits, the aggrieved party/ies may move for reconsideration of the said adverse decision, stating the ground/s relied upon by him for filing the said motion.

SEC. 8. Assignment of Cases - Motion for Reconsideration cases duly received by the Board shall be assigned to the legal (Vice-chairman) or Medical (Chairman) Officers, as the case may be for evaluation and review prior to board deliberation.

SEC. 9. Prescriptive Period- Death and Total Permanent Physical Disability benefit claims shall not prescribe so long as the same has been filed strictly in accordance with these rules and regulations.

RULE V
DEATH AND DISABILITY BENEFITS AND SURVIVORS OF THE DECEASED BFP UNIFORMED PERSONNEL
The death and disability benefits of the BFP uniformed personnel and the survivors of the deceased BFP uniformed personnel shall be in accordance with Section 18, Article VI and Section 2, Article 1, respectively, of BFP Board Resolution No. 2001-01.

RULE VI
EFFECTIVITY DATE OF RETIREMENT OF BFP PERSONNEL ON THE GROUND OF

PERMANENT TOTAL DISABILITY

The act of the Death and Disability Board of recommending the retirement of BFP personnel on account of permanent total disability is a step or a requisite in the whole process of filing a claim for permanent total disability benefits with the designated Investigating Officer. His retirement by reason of total permanent disability takes effect on the date of approval of retirement order by the bureau.

If a BFP personnel has been compulsorily retired pursuant to Sec. 39 of RA 6975 prior to the approval of his claim by the board for permanent total disability benefit, it having been established that he incurred such disability before his compulsory retirement the effectivity date of pension by the bureau shall likewise commence on the effective date of the BFP compulsory retirement.

Prior to the approval of the claim by the bureau the BFP personnel concerned shall continue to render fire service and receive his salary as such, unless he has already reached his compulsory retirement age which case he shall automatically cease to report for duty and to receive salary.

If the claim is disapproved, the leave applied shall automatically deducted to the accrued leave of the BFP personnel.

RULE VII

SCOPE OF SERVICES FOR REIMBURSEMENT OF REASONABLE EXPENSES FOR MEDICAL ATTENDANCE AND HOSPITALIZATION AS PROVIDED UNDER SECTION 18, ARTICLE VI OF BFP BOARD RESOLUTION NO. 2001-01

SECTION 1. Scope of Service - Medical and hospitalization benefits shall embrace the following:

a. Medical

a. professional attendance and treatment
b. Consultative Professional Fees (Medical)

b. Surgical

a. Surgical operation or intervention, after care and follow-up
b. Consultative Professional Fees (Surgical)

c. Hospital

a. Accommodation and Subsistence
b. Ambulance and operating room services
c. Clinical laboratory service
d. Diagnostic services/procedures as may be necessary to diagnose or effect a cure

d. Supplies

a. Drugs, medication or medical supplies
b. Any other goods or supplies prescribed for medical diagnosis, care or treatment

RULE VIII

RULES FOR PAYMENT AND/OR REIMBURSEMENT OF MEDICAL ATTENDANCE AND HOSPITALIZATION AS MENTIONED UNDER RULE VII HEREOF

SEC. 1. Prior Examination and Evaluation by the BFP Clinic Physician - Except in emergency cases, BFP personnel who want to be hospitalized must consult the BFP Clinic Physician or BFP Medical Officer for examination and evaluation of the sickness or injury, who shall then issue necessary referrals.

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SEC. 2. Hospital Room Rate - Hospital room rate shall not exceed P1.800.00/day except in the following cases:

a. When the condition of the patient needs to be confined in the ICU or in a specialized unit.
b. When special equipment is installed or used for the patient's survival;
c. In cases of emergency when the patient needs to be brought to a nearest hospital, the cheapest room available must be chosen. As soon as the patient's condition improves or when the emergency ceases, the patient must be transferred to a room with a rate of not more than P1,800.00/day. Otherwise, the excess shall be borned by the patient;
d. Any other cases analogous to the foregoing, upon evaluation and recommendation by the Clinic Physician or BFP Compensation Rater.

SEC. 3. Medicines - payment of necessary medicines, drugs, and other medical preparation duly prescribed by a physician whether purchased from a reputable drug store or supplied by the attending physician shall be allowed provided that the same shall not be more than the "retail price" prevailing in the local drug stores. Provided, further, the request for payment must be properly supported by official receipts, duly dated, numbered, and with corresponding doctor's prescription duly authenticated by the BFP Clinic Physician or BFP Compensation Rater. In case of purchase of medicines, the same shall be subject to the evaluation by the BFP Compensation Rater.

SEC. 4. Professional and hospital bills shall be examined and evaluated by the cfaim Investigator/Medical Officer prior to the approval by the Death and Disability Board.

SEC. 5 Limitation on Reimbursement of Expenses - The board shall Reimburse to a BFP personnel who suffers injury or contracts sickness in line of duty the necessary medical, surgical and hospital services, as the nature, seriousness, difficulty, and complication of the injury or sickness may require.

The Board shall pay only reasonable, necessary, and relevant services. Therefore, except in emergency cases. BFP personnel may undergo laboratory work-ups and such other prescription procedures only after he/she has been examined by the BFP Clinic Physician who will then issue the necessary referrals.

SEC. 6 Effect of Disapproval of Claim - If the claim is disapproved, payment of medical and/or hospitalization services rendered shall be borne by the BFP personnel concerned or his/her heirs.

SEC. 7. Medical Re-examination - The BFP Clinic Physician or BFP Compensation Rater may require BFP personnel to undergo medical re-examination to determine whether or not he/she has fully recovered from a particular ailment.

RULE IX
GROUNDS FOR DENIAL OF CLAIM
No compensation shall be allowed to a BFP member or dependents when the injury, sickness, disability or death is occasioned by any of the following:

a. By intoxication or drunkenness or vicious immoral habits, or intemperate use of regulated or prohibited drugs.

b. By willful intention to injure or kill oneself.

c. By notorious and/or culpable negligence.

d. By unlawful aggression or provocation on the part of the BFP personnel.

RULE X
LIABILITY
Any BFP personnel or his representative who, for the purpose of securing entitlement to any benefit or payment under these Rules, commits fraud, collusion, falsification, Misinterpretation of facts or any other kind of

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anomalous conduct, shall be subject to criminal and administrative action this Board may deem appropriate.

RULE XI
REPEALING CLAUSE
All rules and regulations, orders, or circulars issued by the bureau," which are inconsistentt with the provisions of this Memorandum Circular, are hereby repealed, amended or Modified accordingly.

RULE XII
DISSEMINATION
For the widest dissemination of this Memorandum Circular, let the same be printed in leaflet and pamphlet form, brochures or booklets to be distributed to all units, offices and offices of the bureau nationwide.

RULE XIII
EFFECTIVITY
This rule shall take effect immediately upon the filing of a copy thereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter il, Book VII of the Executive Order No. 292, otherwise known as the "The Revised Administrative Codeof1987."

RULE XIV
SEPARABILITY CLAUSE
If any provision of this IRR, or application of such provision to any circumstance, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

(SGD.) ENRIQUE C. LINSANGAN, MPA, DPS
Director (DSC) BFP
Chief, BFP

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