



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



DEPARTMENT ORDER NO. 238
Series of 2023

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**RULES ON THE ADMINISTRATION AND ENFORCEMENT OF LABOR STANDARDS
PURSUANT TO ARTICLE 128 OF THE LABOR CODE OF THE PHILIPPINES, AS
RENUMBERED, AND REPUBLIC ACT NO. 11058**

Pursuant to the authority of the Secretary of Labor and Employment to promulgate necessary rules under Article 5 and the visitatorial and enforcement power under Article 128 in relation to Article 303 of the Labor Code of the Philippines, as renumbered, and under Section 25 of Republic Act No. 11058, otherwise known as 'An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof', these rules are hereby issued.

**RULE I
OBJECTIVE AND COVERAGE**

Section 1. Objective. – These rules aim to strengthen further the exercise of the visitatorial and enforcement power of the Secretary of Labor and Employment under the Labor Code of the Philippines, as renumbered, towards securing a higher level of compliance with general labor standards, occupational safety and health standards, and other social legislations; and ensuring continuity and sustainability of compliance in all workplaces.

Section 2. Coverage and Applicability. – These rules shall govern all matters relating to the visitatorial and enforcement power of the Secretary of Labor and Employment under Article 128 in relation to Article 303 of the Labor Code of the Philippines, as renumbered, and Republic Act No. 11058.

Section 3. Construction. – These rules shall be liberally construed to attain a just, inexpensive, and expeditious correction of noted violations of establishments and secure their compliance with labor standards.

Section 4. Application of the Rules of Court. – The pertinent provisions of the Rules of Court, whenever practicable, shall be suppletory, in the absence of any applicable provisions in these rules, to achieve the objectives of the Labor Code of the Philippines, as renumbered.

**RULE II
DEFINITION OF TERMS**

Section 1. Definition of Terms. – For purposes of these rules, the following terms are hereby defined:

- a. **“Assistant Labor Inspector”** refers to the Labor and Employment Officer of the Department of Labor and Employment designated by the Secretary of Labor and Employment or the Regional Director to conduct technical and advisory visits;
- b. **“Authority to Inspect”** refers to the written authority issued to labor inspectors to conduct inspection by the Secretary of Labor and Employment or the duly

- authorized representative;
- c. **"Authority to Investigate"** refers to the written authority issued to labor inspectors to conduct occupational safety and health (OSH) investigation by the Secretary of Labor and Employment or the duly authorized representative;
 - d. **"Authority to Visit"** refers to the written authority issued to labor inspectors to conduct technical and advisory visits by the Secretary of Labor and Employment or the duly authorized representative;
 - e. **"Child"** refers to any person under eighteen (18) years of age;
 - f. **"Dangerous Occurrence"** refers to any of the following:
 - i. explosion of boilers used for heating or power;
 - ii. explosion of receiver or storage container, with pressure greater than atmospheric, of any gas or gases (including air or any liquid resulting from the compression of such gases or liquid);
 - iii. bursting of the revolving wheel, grinder stone, or grinding wheel operated by mechanical power;
 - iv. collapse of crane, derrick, winch, hoist, or other appliances used in raising or lowering persons or goods or any part thereof, the over-turning of a crane except the breakage or chain or rope sling;
 - v. explosion or fire causing damage to the structure of any room or place in which persons are employed or to any machine contained therein resulting in the complete suspension of ordinary work in such room or place, or stoppage of machinery or plant for not less than twenty-four (24) hours;
 - vi. electrical short circuit or failure of electrical machinery, plant, or apparatus, attended by explosion or fire causing structural damage thereto and involving its stoppage and misuse for not less than twenty-four (24) hours; or
 - vii. other analogous occurrences.
 - g. **"Disabling Injury"** refers to a work injury that results in death, permanent total disability, permanent partial disability, or temporary total disability;
 - h. **"Double Indemnity"** refers to the penalty in an amount equivalent to twice the unpaid wages owing to employees due to non-payment by an employer of the prescribed increases or adjustments in the wage rate pursuant to Republic Act No. 8188;
 - i. **"Employee"** refers to any individual employed by an employer;
 - j. **"Employer"** refers to any person acting directly or indirectly in the interest of an employer in relation to an employee including the government or any of its political subdivisions, and instrumentalities, all government-owned or controlled corporations, and institutions without original charters or incorporated under the Corporation Code of the Philippines, as well as non-profit private institutions or organizations;
 - k. **"Establishment"** refers to any private entity, whether operating for profit or not, employing individuals where work or any of its incidents are being undertaken;
 - l. **"Hazardous Establishment"** refers to an establishment in which the nature of work exposes the employees to:

- i. Dangerous environmental elements, contaminants, or work conditions including ionizing radiation, chemicals, fire, flammable substances, noxious components, and the like;
 - ii. Construction work, logging, firefighting, mining, quarrying, blasting, stevedoring, dock work, deep sea fishing, and mechanized farming;
 - iii. Manufacture or handling of explosives and other pyrotechnic products;
 - iv. Use of exposure to power-driven or explosives powder-actuated tools;
 - v. Biologic agents such as bacteria, fungi, viruses, protozoa, nematodes, and other parasites; or
 - vi. Other analogous circumstances as may be determined by the Secretary of Labor and Employment.
- m. **"Hearing Officer"** refers to the Labor and Employment Officer of the Department of Labor and Employment authorized by the Secretary of Labor and Employment or the Regional Director to conduct a mandatory conference;
- n. **"Imminent Danger"** refers to a condition or practice in any workplace that can be reasonably expected to cause death or serious physical harm;
- o. **"Inspection Checklist"** refers to the document, hard copy or electronic, containing indicators to determine the compliance of the employer with labor standards and other social legislations during the inspection;
- p. **"Investigation Checklist"** refers to the document, hard copy or electronic, containing indicators to determine the compliance of the employer with labor standards and other social legislations, during the OSH investigation;
- q. **"Labor Inspector"** refers to the Labor and Employment Officer of the Department of Labor and Employment issued with the authority to visit, inspect, or investigate, and perform such other related functions which may be necessary for the enforcement of the Labor Code of the Philippines, as renumbered, and other related laws;
- r. **"Labor Standards"** refers to the minimum requirements prescribed by existing laws, rules and regulations, and other issuances relating to wages, hours of work, allowances, and other monetary and welfare benefits, including those set by the occupational safety and health standards;
- s. **"Notice of Inspection Results"** refers to the document issued by the labor inspector indicating the inspection findings on general labor standards, including contracting and subcontracting, and occupational safety and health standards based on gathered employment records, interviews of workers, and walkthrough of premises;
- t. **"Notice of Investigation Results"** refers to the document issued by the labor inspector indicating the OSH investigation findings based on gathered employment records, interview of workers, and walkthrough of premises;
- u. **"Notice of Visit Results"** refers to the document issued by the labor inspector indicating the visit findings based on gathered employment records, interview of workers, and walkthrough of premises;
- v. **"Refusal of Access"** refers to the unjustified denial by the employer, directly or indirectly, to: (1) provide employment records for examination; (2) provide access to work premises; or (3) interview employees, after having been served with a copy of the labor inspector's authority to conduct inspection or investigation;

- w. **"Sheriff"** refers to an employee of the Department of Labor and Employment tasked with the service and enforcement of writs and processes, including those designated as "special sheriff" by the Secretary of Labor and Employment;
- x. **"Visit Checklist"** refers to the document, hard copy or electronic, containing indicators to determine compliance of the employer with labor standards and other social legislations during the visit; and
- y. **"Workplace"** refers to any site or location where workers need to be present or to report to by reason of their work, and which is under the direct or indirect control of the employer.

RULE III GENERAL PROVISIONS

Section 1. Approaches. – The following shall be the approaches in the administration and enforcement of labor standards:

- a. Technical and Advisory Visit;
- b. Labor Inspection; and
- c. Occupational Safety and Health Investigation.

Section 2. Priority Establishments. – The following establishments shall be prioritized for inspection:

- a. engaged in hazardous work;
- b. employing children and/or women;
- c. construction projects;
- d. Philippine-registered ships or vessels engaged in domestic shipping;
- e. fishing vessels;
- f. engaged in contracting and subcontracting arrangements;
- g. subject of Single-Entry Approach (SEnA) referral, anonymous complaint, or request for inspection; and
- h. other establishments as may be determined by the Secretary of Labor and Employment.

Section 3. Employer and Employees' Representatives. – For purposes of representation in the conduct of visit, inspection, and investigation, the following shall be the authorized representatives:

- a. **Employer's representative.** The owner, president, vice president, manager, or any other officers holding managerial or supervisory positions shall be deemed as the employer's representative.
- b. **Employees' representative.** The representative of the employees shall be the following:
 - i. **Organized establishment.** The representative shall be designated by the sole and exclusive bargaining agent or agents named in the collective bargaining agreement or agreements.
 - ii. **Unorganized establishment.** The representative shall be from any of the following committees, in successive order:
 - ii.1. Labor-Management Committee;

- ii.2. Occupational Safety and Health Committee; or
- ii.3. Family Welfare Committee.

In the absence of the above-mentioned, the present rank-and-file employees shall select their representative during the visit, inspection, or investigation.

Section 4. Employment Records. – All employers shall keep and maintain employment records in and about the premises of all workplaces for at least three (3) years. Should the employer maintain a centralized recording system, it shall provide access or produce a hard copy to the labor inspector.

During the inspection, the employer shall present employment records such as: employment contracts, daily time records, payrolls, proof of payment of 13th month pay, service incentive leave pay, and other labor standards and social legislations, registration of establishment, certificates of safety officer and first-aider, policies on anti-sexual harassment, HIV/AIDS, tuberculosis, and hepatitis, and such other compliance required under the occupational safety and health standards and Republic Act No. 11058.

All employers shall ensure compliance with women-related laws, rules, and regulations.

Section 5. Special Inspection Team. – The Secretary of Labor and Employment may organize a Special Inspection Team composed of a group of labor inspectors (LIs) and/or assistant labor inspectors (ALIs) from the regional offices to collaborate, as may be necessary, with other government agencies exercising regulatory or enforcement functions to conduct inspections.

Section 6. Participation of Labor, Employer, and Other Organizations. – Qualified representatives of legitimate labor organizations, legitimate workers' associations, chartered locals, national unions, or federations, accredited integrated professional organizations, non-government organizations, and employer organizations may be authorized to participate in the conduct of inspection of establishments subject to the guidelines issued by the Secretary of Labor and Employment.

RULE IV PROCEDURES FOR THE CONDUCT OF TECHNICAL AND ADVISORY VISIT

Section 1. Technical and Advisory Visit Procedures. – The following shall be observed in the conduct of technical and advisory visit (TAV):

- a. **Preparation of the List and Invitation.** The Bureau of Working Conditions shall provide the list of micro establishments, employing less than ten (10) workers, to the DOLE Regional Offices. The Regional Director shall further coordinate with the Local Government Units (LGUs), concerned government agencies, or business organizations for an updated additional list of micro establishments.

The Regional Director may coordinate with the LGUs in the preparation and sending of invitation letters to micro establishments indicating the date and venue of the technical and advisory visit, including access credentials to the learning management system. Micro establishments, on their own, may request the conduct of TAV.

- b. **Travel Authority.** The Regional Director shall issue a travel authority to the LI

or ALI who shall conduct TAV onsite.

- c. **Conduct of Technical and Advisory Visit.** The LI or ALI shall deliver the technical and advisory services covering the following:
- i. general labor standards;
 - ii. occupational safety and health standards;
 - iii. productivity toolbox;
 - iv. child and family welfare program; and
 - v. other DOLE policies and programs.

The technical and advisory services may be conducted through the following:

- i. **Online Session.** Micro establishments may enroll in self-paced technical and advisory modules through the learning management system. They shall complete the modules within one (1) month from registration.
 - ii. **Onsite Session.** Micro establishments may attend technical and advisory modules in an activity organized by the Regional Office in coordination with the LGU and/or other partners.
 - iii. **Hybrid Session.** Micro establishments may enroll in the onsite sessions and attend virtual meetings and webinars through various online collaboration platforms (e.g. Messenger, MS Teams, Viber, Skype, Zoom, and GoogleMeet).
- d. **Assessment of Compliance.** Micro establishments, with the assistance of the LI or ALI, shall accomplish and submit the Visit Checklist at the end of the session.
- Micro establishments may be required by the LI or ALI to submit their employment records which may be subjected to random validation.
- e. **Preparation of Action Plan.** The LI or ALI shall require micro establishments with compliance gaps to accomplish the action plan indicating the interventions and further technical assistance needed. They shall correct the noted non-compliances within three (3) months from the date of receipt of action plan. The action plan shall be the basis of the micro establishments in developing strategies to achieve compliance with labor standards and increase productivity.
 - f. **Monitoring of Compliance.** The LI or ALI shall monitor the micro establishments' compliance with the action plan through telephone, mobile phone, various online collaboration platforms (e.g., Messenger, MS Teams, Viber, Skype, Zoom, GoogleMeet), or other means of communication.
 - g. **Issuance of Authority to Visit.** The Regional Director shall issue an Authority to Visit at the end of the three-month period. The LI shall validate the action plan of micro establishments and indicate in the Visit Checklist the remaining compliance gaps. The LI may further review the employment records, interview employees, and inspect the work premises.
 - h. **Issuance of Notice of Visit Results.** The LI shall issue a Notice of Visit Results indicating the micro establishment's noted violations with the applicable labor standards.

The remaining deficiencies of the micro establishment shall be resolved under

Rule VIII of these rules.

The representatives of the employer and employees shall affix their signatures to the Notice of Visit Results. Any representative who disagrees with the findings may note the comment therein.

The LI may inspect micro establishments in any of the following circumstances:

- i. unjustifiable failure to attend the TAV session despite receipt of two (2) invitations;
- ii. failure to accomplish the TAV checklist after receipt of two (2) notifications; or
- iii. failure to prepare an action plan.

Section 2. Recommended Strategies. – The Regional Directors shall promote compliance of micro establishments and gain the support of LGUs in the implementation of technical and advisory visit and labor inspection at the Regional Development Council. They shall work closely with the LGUs, Department of Trade and Industry, and other government agencies in the implementation of community-based compliance programs and provision of further business services to micro establishments. They may also conduct zonal delivery of TAV.

Section 3. Indorsement of Findings on Violation of Mandatory Social Benefits. – The Regional Director shall immediately endorse the findings of the LIs on non-coverage of employees and/or non-remittance of premiums to SSS, Pag-IBIG, and PhilHealth for their appropriate action, after the lapse of the twenty (20)-day correction period. The same procedure shall be observed in the conduct of inspection and investigation.

RULE V PROCEDURES FOR THE CONDUCT OF LABOR INSPECTION

Section 1. Labor Inspection Procedures. – The following shall be observed in the conduct of the inspection:

- a. **Authority to Inspect.** The Regional Director shall issue an Authority to Inspect to the LI, indicating the name and address of the establishment to be inspected, who shall present it to the representatives of the employer and employees for the purpose of conducting the inspection.
- b. **Inspection.** The LI shall conduct an opening conference to discuss the scope of the inspection and determine the appropriate representatives of the employer and employees.

In the presence of the employer and employees' representative, the LI shall: (i) examine employment records for the last three (3) years; (ii) interview employees; and (iii) inspect work premises to validate employment relationships based on the four-fold test, or the economic dependence test and to determine compliance with general labor standards, occupational safety and health standards, and other social legislations. The representatives of the employer and employees may provide additional information to the LI.

Should there be deployed workers in the inspected workplace, the LI shall furnish the Regional Office where the contractor is registered with their affidavits and Notice of Inspection Results.

- c. **Notice of Inspection Results.** The LI shall conduct a closing conference and issue the Notice of Inspection Results to the representatives of the employer and employees, including legitimate labor organizations complaining on behalf of the employees. It shall contain the findings on general labor standards, occupational safety and health standards, and other social legislations.

The LI shall explain the contents of the Notice of Inspection Results and the employer and employees' representatives shall affix their respective signatures and indicate their designations. Any representative who disagrees with the findings shall indicate the objections and specify the reasons thereof on the Notice of Inspection Results.

The LI shall submit a Narrative Report to the Regional Director within five (5) days from the issuance of the Notice of Inspection Results.

- d. **Correction Period.** The employer is required to correct violations of labor standards within twenty (20) days from receipt of the Notice of Inspection Results.

The employer's failure or refusal to comply with occupational safety and health standards shall be deemed willful if done voluntarily, deliberately, and intentionally. It shall be deemed willful if the employer unjustifiably or unreasonably failed to correct the noted violations despite attendance to or notification of the inspection activities, receipt of the Notice of Inspection Results, receipt of the notice of mandatory conference, attendance to the mandatory conference, and continuously failed to submit compliance documents within ten (10) days after the submission of the case for the decision of the Regional Director.

Should imminent danger or dangerous occurrence exist during the inspection, the LI shall direct the employer to implement corrective actions to immediately abate the imminent danger or temporary measures to prevent further dangerous occurrences. The LI shall submit a narrative report to the Regional Director which has jurisdiction over the workplace, together with the recommendation for the immediate issuance of a Work Stoppage Order. The Regional Director shall conduct a hearing within twenty-four (24) hours from issuance of the Work Stoppage Order, which order shall not be lifted until the imminent danger has been abated.

Any uncorrected violations shall be resolved under Rule VIII of these rules.

RULE VI PROCEDURES FOR THE CONDUCT OF OSH INVESTIGATION

Section 1. OSH Investigation Procedures. – The following shall be observed in the conduct of the OSH investigation:

- a. **Authority to Investigate.** The Regional Director shall issue an Authority to Investigate to the LI within twenty-four (24) hours from receipt of the information on the existence of disabling injury, imminent danger, or dangerous occurrence. The LI shall present the written authority to the representatives of the employer and employees for the purpose of conducting the investigation.
- b. **Investigation.** The LI, in coordination with the designated safety officer of the employer, shall investigate the existence of disabling injury, imminent danger, or dangerous occurrence. The LI shall direct the employer to implement

corrective actions to immediately abate imminent danger or temporary measures to prevent further disabling injury or dangerous occurrence should it exist during the inspection. The LI shall also check the compliance of the employer with other occupational safety and health standards.

c. **Notice of Investigation Results.** The LI shall issue a Notice of Investigation Results to the representatives of the employer and employees containing the following:

- i. facts surrounding the incident covered by the OSH investigation, including a report of the safety and/or health personnel and other related documents such as police reports, pictures, and the like;
- ii. initial findings on the proximate cause of the imminent danger or dangerous occurrence;
- iii. the violative act or fault of the employer;
- iv. affected workplace or part thereof;
- v. names, numbers, and positions of the employees who shall be affected;
- vi. recommendation for the abatement of the cause of the imminent danger; and
- vii. reason for the failure of the employer to abate the imminent danger or dangerous occurrence.

If there are remaining findings on labor standards, the same shall be resolved under Rule VIII of these Rules.

d. **Work Stoppage Order.** The Secretary of Labor and Employment or the duly authorized representative may immediately order stoppage of work or suspension of operation of any unit or department of an establishment when the imminent danger cannot be abated during the investigation, or non-compliance with occupational safety and health standards poses grave and imminent danger to the health and safety of the workers in the workplace or has resulted in a dangerous occurrence.

e. **Hearing and Lifting of Work Stoppage Order.** The Regional Director shall conduct a hearing within twenty-four (24) hours from the issuance of the Work Stoppage Order to determine the cause and abatement measures of the imminent danger.

Upon submission of proof of abatement of the imminent danger, the Regional Director shall, within twenty-four (24) hours, issue an Order lifting the Work Stoppage Order effective immediately. If imminent danger is due to the violation or fault of the employer, the Regional Director shall direct the employer to pay the wages of the affected employees during the period of such stoppage of work or suspension of operations.

The Regional Director shall submit a copy of the Order and a report of the assistance extended to the affected employees to the Secretary of Labor and Employment copy furnished the Bureau of Working Conditions, Social Security System, and Employees Compensation Commission pursuant to Article 212 of the Labor Code of the Philippines, as renumbered.

f. **Compliance with Action Plan.** The LI shall assist the employer in the preparation of the Action Plan for the remaining violations found during the investigation and shall monitor the same. The employer shall submit proof of compliance to the Action Plan within twenty (20) days from the OSH

investigation.

- g. **Procedures for Occupational Safety and Health Standards Violations Committed in Plain View or in the Presence of the Labor Inspector.** The LI shall conduct an investigation and require the correction of violations in instances where occupational safety and health standards violation is committed by the employer in plain view or in his/her presence. The LI shall direct the employer to implement corrective actions to immediately abate imminent danger or temporary measures to prevent further disabling injury or dangerous occurrence should it exist during the inspection. The LI shall submit a narrative report to the Regional Director, which has jurisdiction over the workplace, together with the recommendation for the immediate issuance of a Work Stoppage Order.

The Regional Director shall issue an Authority to Investigate to the LI who shall validate if the employer has corrected the noted occupational safety and health standards violations. The LI shall also check the employer's compliance with general labor standards and other occupational safety and health standards.

RULE VII REFUSAL OF ACCESS

Section 1. Effect of Refusal. – Refusal of access to records, work premises, or employees during the conduct of inspection or investigation shall result in the filing of a criminal action against the employer or responsible officers of the establishment.

Section 2. Procedure in case of Refusal of Access. – The LI shall issue to the employer a notice for the conduct of subsequent inspection or investigation if denied access to records, workers, or work premises on the first attempt.

If denied access on the second attempt, the LI shall issue a Notice of Inspection Results or Notice of Investigation Results requiring the employer to attend a conference and explain the refusal of access. The LI shall report such facts in writing to the Regional Director within three (3) days from the issuance thereof.

The Regional Director shall issue a Notice of Conference to the employer and employees, if known, within five (5) days from the issuance of the Notice of Results. The matter shall proceed in accordance with Rule VIII of these rules.

Section 3. Execution of Affidavit of Refusal of Access. – The LI shall execute an affidavit narrating the following, and submit the same to the Regional Director within five (5) days from the conduct of the inspection or investigation:

- a. receipt of authority to inspect or investigate;
- b. conduct of inspection or investigation;
- c. fact of refusal of access by the employer or authorized representative, indicating their name and position; and
- d. narration on the circumstances surrounding the refusal.

Section 4. Initiation of Filing of Criminal Action. – If there is continuing refusal to provide access after the conduct of the conference, the Regional Director shall indorse to the DOLE Legal Service within ten (10) days from the termination of the conference, the authority to inspect or investigate, notice of inspection results or notice of investigation results, narrative report of the LI, affidavit of refusal, minutes of the conference, and other pertinent documents for filing of the appropriate criminal complaint.

RULE VIII PROCEDURE FOR THE DISPOSITION OF CASES

Section 1. Notice of Mandatory Conference. – The Regional Director shall issue a notice of mandatory conference to the employer, employees, including legitimate labor organizations complaining on behalf of the employees, and/or principal/contractor within five (5) days from the issuance of notice of visit results or lapse of the correction period. It shall indicate the first and second schedules of the mandatory conference.

Section 2. Mandatory Conference. – The Hearing Officer shall conduct the first mandatory conference within ten (10) days from the issuance of notice of mandatory conference. The conference proceeding shall be terminated within thirty (30) days from the first date of the scheduled conference.

No postponement of the mandatory conference may be allowed except on meritorious grounds. Any party who fails or refuses to appear during the mandatory conference despite due notice and without justifiable reason shall be considered to have waived the right to controvert the findings of the LI.

Section 3. Compliance Order. – The Regional Director shall issue a Compliance Order within thirty (30) days after the termination of the mandatory conference. It shall be written in clear and concise language, and shall contain the following:

- a. brief statement of facts, issues, and applicable laws;
- b. statement of evidence supporting the findings of the employment relationship, unpaid monetary awards, and OSH violations;
- c. computation of the unpaid wages and other benefits, including the names of the employees to whom payment is due, the period covered, and the formula used in the computation;
- d. statement on the imposition of the penalty of double indemnity for unpaid wages;
- e. statement of the willful OSH violations and the corresponding computation of penalties;
- f. statement of the repeated obstruction, delay, refusal to provide access to records, workplace, or employees, and the corresponding penalty;
- g. directive to the employer to submit proof of compliance within ten (10) days from receipt of the Compliance Order; and
- h. any unlawful act committed by any person or entity in the course of visit, inspection, and investigation, and the corresponding recommendation for the institution of necessary criminal action against the responsible persons.

The Regional Director shall close and terminate the case due to compliance, compromise agreement, lack of employment relationship, or lack of jurisdiction.

Section 4. Motion for Reconsideration. – The aggrieved party may file a Motion for Reconsideration from the Compliance Order of the Regional Director within ten (10) days from receipt thereof, copy furnished the other party.

The Reply of the other party shall be submitted within ten (10) days from receipt of the Motion for Reconsideration.

The Regional Director shall issue a Resolution on the Motion for Reconsideration within ten (10) days from receipt of the Reply or lapse thereof.

No second Motion for Reconsideration shall be allowed.

Section 5. Service of Notice. – In the issuance of the notice of visit results, notice of inspection results, notice of investigation results, notice of mandatory conference, and Compliance Order, and Resolution of the Regional Director and Secretary of Labor and Employment, service shall be made to the inspected establishment and to the owner, president, or authorized representative of the establishment at its principal place of business/main office and upon such number of employees as may be practicable through registered mail or personal service. Should the parties be represented by counsel, service shall be made to the counsel.

Section 6. Notice of Finality. – The Regional Director shall issue a Notice of Finality of the Compliance Order if no Motion for Reconsideration is filed within the reglementary period or if no Appeal is perfected.

RULE IX APPEAL

Section 1. Appeal. – The aggrieved party may file an Appeal to the Office of the Secretary of Labor and Employment, through the concerned Regional Office, within ten (10) days from receipt of the assailed Compliance Order or Resolution, copy furnished to the other party.

The Secretary of Labor and Employment shall resolve the Appeal within thirty (30) days from receipt of the entire case records.

Section 2. Grounds of Appeal. – The Appeal shall be based on any of the following:

- a. *prima facie* evidence of grave abuse of discretion on the part of the Regional Director;
- b. pure questions of law; or
- c. serious errors in the findings of facts were committed which, if not corrected, would cause grave or irreparable damage or injury to the appellant.

Section 3. Venue of Appeal. – The Appeal shall be filed with the Regional Office that issued the Compliance Order or Resolution on the Motion for Reconsideration.

Section 4. Perfection of Appeal. – The Appeal is deemed perfected upon the filing of the Appeal together with the appeal bond, which may either be a cash or surety bond, or a combination thereof, in an amount equivalent to the monetary award on general labor standards.

In case a surety bond is posted, it must be issued by a reputable bonding company duly accredited by the Supreme Court of the Philippines, and shall be accompanied by original or certified true copies of all the following:

- a. a joint declaration under oath by the employer, contractor, and/or subcontractor, its counsel, and the bonding company, attesting that the bond posted is genuine, and shall be effective until final disposition of the case;
- b. an indemnity agreement between the employer, contractor, and/or subcontractor and bonding company;
- c. a certificate of authority from the Insurance Commission;
- d. a certificate of registration from Securities and Exchange Commission;
- e. a certificate of accreditation and authority from the Supreme Court; and
- f. notarized board resolution or secretary's certificate from the bonding company showing its authorized signatories and their specimen signatures.

A cash or surety bond shall be valid and effective from the date of deposit or posting until the case is finally decided, resolved, terminated, or the monetary award is satisfied. This provision shall be deemed incorporated in the terms and conditions of the surety bond agreement, and shall be binding on the employer, contractor and/or subcontractor and the bonding company.

Upon verification that the bond is irregular or not genuine, the appeal shall be deemed not perfected and shall be dismissed *motu proprio* and the assailed Compliance Order or Resolution shall become final and executory.

Section 5. Reduction of Bond. – A Motion to Reduce Bond shall not be entertained and shall not toll the running of the reglementary period to file the Appeal.

Section 6. Withdrawal of Appeal. – The Appeal may be withdrawn as a matter of right at any time before the filing of the Appellee's Reply or Opposition. Thereafter, the withdrawal may be allowed at the discretion of the Secretary of Labor and Employment.

Section 7. Transmittal of Records. – The entire case records shall be transmitted by the Regional Director to the Office of the Secretary of Labor and Employment within three (3) days after the lapse of the period to file a Reply to the Appeal.

Section 8. Clarificatory Conference. – A Clarificatory Conference may be called for the purpose of determining or verifying factual issues essential to the resolution of the appeal.

Section 9. Finality of Resolution of the Secretary of Labor and Employment. – If no Motion for Reconsideration is filed by the aggrieved party within ten (10) days from receipt by the parties of the Resolution of the Secretary of Labor and Employment, the same shall become final and executory.

The Secretary of Labor and Employment shall resolve the Motion for Reconsideration/Reply/Opposition to the Motion within thirty (30) days from receipt thereof.

The Resolution of the Secretary of Labor and Employment on the Motion for Reconsideration shall become final and executory after ten (10) days from issuance thereof.

Section 10. Entry of Judgment and Transmittal of Records to the Regional Office of Origin. – The Entry of Judgment shall be issued after the Resolution of the Secretary of Labor and Employment has attained finality. The entire case records shall be forwarded to the Regional Office of origin for the *motu proprio* issuance and implementation of the Writ of Execution.

Section 11. Effect of Filing of Petition for Certiorari. – The filing of Petition for Certiorari under Rule 65 of the Rules of Court before the Court of Appeals shall not stay the execution of the Compliance Order or Resolution unless the appellate court issues a restraining order or injunction enjoining the execution thereof.

RULE X COMPROMISE AGREEMENT

Section 1. Compromise Agreement. – Should the parties arrive at an agreement as to the schedule of payment or compliance, said agreement shall be reduced in writing and signed by the parties in the presence of the Regional Director or the duly authorized representative.

The Compromise Agreement shall bind the parties provided that the persons making the compromise did so voluntarily, with a full understanding of the facts and the consequences thereof, and for a consideration that is adequate and reasonable.

In case a Compromise Agreement is entered into by the parties in the absence of the Regional Director or the duly authorized representative, the parties shall be called to attend a verification conference for the purpose of verifying the authenticity and due execution of the agreement.

In case the aforesaid conference cannot be held for a justifiable reason, the Regional Director may assign an LI to conduct an onsite verification. A report thereof shall be submitted by the LI concerned within three (3) days after the conduct of such onsite verification.

RULE XI EXECUTION

Section 1. Writ of Execution. – The Writ of Execution shall be issued in the name of the Republic of the Philippines, signed by the Regional Director, requiring the Sheriff to execute the Compliance Order or Resolution of the Secretary of Labor and Employment, and must contain the dispositive portion of the Compliance Order or Resolution sought to be enforced and all lawful fees to be collected from the losing party or any other person required by law to obey the same.

The Regional Director shall issue a Writ of Execution, *motu proprio* or upon motion by any interested party, within ten (10) days from the issuance of Notice of Finality or receipt of the Entry of Judgment and entire case records.

Section 2. Execution Conference. – The Regional Director or the duly authorized representative shall conduct a pre-execution conference or hearing to thresh out matters relevant to the execution within ten (10) days from the issuance of a Writ of Execution.

Section 3. Enforcement of Writ of Execution. – The Writ of Execution shall be enforced by the Sheriff through the following means:

- a. On Monetary award – by demanding immediate payment, levy on debts due to the employer and other credits, including bank deposits, financial interests, royalties, commissions, and other personal properties not capable of manual delivery in possession or control of third parties;
- b. On Non-Monetary award – by serving the writ with a certified copy of the judgment upon the employer or any other person required by law to obey the same.
- c. On Regularization Order – by serving the writ with a certified copy of the judgment upon the employer or any other person required by law to obey the same. The writ shall only be deemed satisfied upon the performance of any of the acts by the employer:
 - i. Inclusion in the payroll of declared regularized workers;
 - ii. Execution of appointment documents or certificate of employment in favor of the regularized workers;
or
 - iii. Presentation of proof of enrollment or payment of social benefits of the regularized workers.

The Sheriff may avail of such other means as may be necessary for the execution of the judgment, including seeking the assistance of law enforcement authorities, pursuant to the DOLE Sheriffs' Manual on Execution of Judgment in enforcing the Writ of Execution.

Section 4. Motion to Quash Writ of Execution. – The filing of a Motion to Quash the Writ of Execution shall not suspend the execution proceedings. The same shall be deemed not filed but shall form part of the case records.

Section 5. Sheriffs Return. – The Sheriff shall submit a report updating the Regional Director on the status of the enforcement not later than thirty (30) days from receipt of the writ, and every 5th day of the month thereafter until full satisfaction of the judgment or expiration of the writ of execution, whichever comes first.

In case of partial satisfaction of judgment, the report shall reflect the amount collected and the remaining balance of the judgment award.

The prevailing party must be furnished with a copy of the Sheriff's Report.

Section 6. Return of the Writ of Execution. – The writ of execution shall be made returnable to the Regional Director within ten (10) days after the full satisfaction of the judgment award or after the expiration of five (5) years from the date of entry of judgment or issuance of notice of finality. The Sheriff shall set forth in writing the whole proceeding and file it with the Regional Director to form part of the records of the case.

Section 7. Revival of Judgment. – In the event that judgment is returned unsatisfied, either wholly or partially, after the expiration of the five (5)-year period, the Sheriff shall no longer execute the judgment unless a motion for the revival of judgment is filed.

Section 8. Unclaimed Amount. – The Regional Director shall hold in trust under a special fund, any amount unclaimed by the employees within a period of three (3) years from notice that the monetary award has been recovered from the employer. Such amount shall be held as a special fund of the Department of Labor and Employment to be used exclusively for the amelioration and benefit of employees as provided in Article 129 of the Labor Code of the Philippines, as renumbered.

RULE XII MONITORING AND EVALUATION

Section 1. Monitoring. – The Regional Directors shall ensure that all labor inspection reports are uploaded to the Labor Inspection-Management Information System. All reports shall be consolidated and evaluated by the Bureau of Working Conditions and shall be submitted to the Secretary of Labor and Employment.

Section 2. Evaluation. – The Program Monitoring Team constituted by the Bureau of Working Conditions shall periodically review and evaluate the implementation of the inspection program and activities, and the performance of labor and employment officers. The Program Monitoring Team shall submit a report thereof to the Bureau of Working Conditions.

Section 3. Submission of Report. – The Bureau of Working Conditions shall submit an annual labor inspection report to the Secretary of Labor and Employment copy furnished the National Tripartite Industrial Peace Council through the Bureau of Labor Relations.

RULE XIII PENALTIES

Section 1. Penalties. – Any unlawful act committed in violation of the provisions of the Labor Code of the Philippines, as renumbered, and the failure to pay the prescribed wage increase shall be penalized by the regular court in accordance with Article 303 of the same Code and Republic Act No. 8188, respectively.

Any willful refusal or failure to comply with the occupational safety and health standards or with a duly issued compliance order shall be penalized by the Secretary of Labor and Employment or the duly authorized representative in accordance with Section 28 of Republic Act No. 11058.

RULE XIV FINAL PROVISIONS

Section 1. Separability Clause. – If any provision of these rules is held invalid or unconstitutional, other provisions not affected shall continue to be effective.

Section 2. Repealing Clause. – All rules and regulations, department orders, and other issuances inconsistent herewith are repealed or modified accordingly.

Section 3. Effectivity. – These rules shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Manila, Philippines, 12 APR, 2023.


BIENVENIDO E. LAGUESMA
Secretary

Dept. of Labor & Employment
Office of the Secretary

