



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



DEPARTMENT ORDER NO. 131-B
Series of 2016

REVISED RULES ON LABOR LAWS COMPLIANCE SYSTEM

Pursuant to the authority of the Secretary of Labor and Employment to promulgate the necessary rules under Article 5 and the visitorial and enforcement power under Article 128 in relation to Article 303 (formerly Article 288) of the Labor Code, as renumbered, Department Order No. 131, Series of 2013, is hereby amended as follows:

RULE I
Title and Construction

Section 1. Title.— This shall be known as the *Revised Rules on Labor Laws Compliance System*, or the *Revised Rules*.

Section 2. Objectives. – The visitorial and enforcement power of the Secretary of Labor and Employment is the primary framework in ensuring compliance with labor laws.

Consistent therewith, this *Revised Rules on Labor Laws Compliance System* incorporates compliance-enabling approach in the regulatory framework to secure a higher level of compliance with general labor standards and occupational safety and health standards; and, ensure continuity and sustainability of compliance at the workplaces by inculcating a culture of voluntary compliance.

The compliance-enabling approach of the **Labor Laws Compliance System (LLCS)** combines the following developmental tracks:

- (a) Plant-level Joint Assessment of compliance by employer and workers' representative with the DOLE Labor Law Compliance Officer (LLCO);
- (b) Awareness-raising/capacity-building of both employers and the workers and/or unions through DOLE #Engage+Motivate+Achieve or #EMA Toolkit, which contains a structured needs-based approach to workforce and enterprise wellness with core, basic, intermediate and advanced level of assistance;
- (c) Free technical assistance on productivity or compliance with technical safety and occupational safety and health standards (OSHS);
- (d) Recognition of voluntary compliance by establishments through the Incentivizing Compliance Program (ICP); and
- (e) Enhancement of plant-level partnership mechanism such as the Labor Management Committee (LMC) or any workplace cooperation and partnership structure by ensuring subcommittees on OSHS, Compliance, Productivity, Family Welfare Program and Grievance through convergence of DOLE plant-level programs and services known as the LMC Convergence of Programs.

Under the **LLCS**, fair, expeditious, inexpensive and non-litigious settlement or

resolution of compliance disputes is accorded to the parties through the 30-day mandatory conciliation-mediation services under the Single Entry Approach Implementing Rules and Regulations (SEnA IRR).

Section 3. Coverage and Applicability. – This Revised Rules shall govern all matters arising from the visitorial and enforcement power of the Secretary of Labor and Employment under Article 128 in relation to Article 303 (formerly Article 288) of the Labor Code of the Philippines, as renumbered.

Section 4. Construction. – This Revised Rules shall be liberally construed to enable voluntary compliance with labor laws and social legislations, and to attain a just, inexpensive, and expeditious settlement and resolution of compliance-related labor cases/disputes.

Section 5. Suppletory Application of the Rules of Court.– In the absence of any applicable provisions in this Revised Rules, and in order to achieve the objectives of the Labor Code, as renumbered, the pertinent provisions of the Rules of Court, whenever practicable, shall apply suppletorily.

RULE II **Definition of Terms**

Section 1. Definition of Terms.– As used herein:

- a. **“Assessment Checklist”** refers to a form, hard copy or electronic, containing indicators in assessing compliance of establishment, workplace, or worksite with labor laws and social legislations.
- b. **“Authority to Assess”** refers to the written authority issued by the Secretary of Labor and Employment, or his/her duly authorized representative, to LLCOs to conduct Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation, or SAVE.
- c. **“Certificate of Compliance”** refers to the certificate issued by the Regional Director to a labor law compliant establishment, workplace or worksite which shall be valid for two (2) years.
- d. **“Child”** refers to any person under eighteen (18) years of age.¹
- e. **“Child Labor”** refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental, or psychosocial development.²
- f. **“Compliance Visit”** refers to the act of validating compliance with labor laws and social legislation by the Secretary of Labor and Employment or his/her duly authorized representative either on his/her own initiative or based on a complaint.
- g. **“Dangerous Occurrences”** refer to any of the following:³
 1. Explosion of boilers used for heating or power;
 2. 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);

¹Section 3(b), Department Order No. 65-04.

²Section 3 (b), IRR of RA 9231

³Rule 1053.02, Occupational Safety and Health Standards, as amended

3. Bursting of revolving wheel, grinder stone, or grinding wheel operated by mechanical power;
 4. 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;
 5. 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;
 6. 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
 7. Other analogous occurrences.
- h. **“Disabling Injury”** refers to a work injury which results in death, permanent total disability, permanent partial disability, or temporary total disability.⁴
- i. **“Double Indemnity”** refers to the penalty in an amount equivalent to twice the unpaid benefits owing to employee/s due to non-payment by an employer of the prescribed increases or adjustments in the wage rate.⁵
- j. **“Employee”** refers to any person in the employ of an employer. The term shall not be limited to the employees of a particular employer unless the Labor Code, as renumbered, so explicitly states. It shall include any individual whose work has ceased as a result of or in connection with any current labor dispute or because of any unfair labor practice if he has not obtained any other substantially equivalent and regular employment.⁶
- k. **“Employer”** refers to any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government performing proprietary functions and all its branches, subdivisions, and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations.⁷
- l. **“Establishment”** refers to any private entity, whether operating for profit or not, employing individuals where work or any of its incidents are being undertaken, including its branches.⁸
- m. **“Hazardous Establishment”** refers to an establishment in which the nature of work exposes the employees to:⁹
1. Dangerous environmental elements, contaminants or work conditions including ionizing radiation, chemicals, fire, flammable substances, noxious components, and the like;
 2. Construction work, logging, fire fighting, mining, quarrying, blasting, stevedoring, dock work, deep sea fishing, and mechanized farming;
 3. Manufacture or handling of explosives and other pyrotechnic products;
 4. Use or exposure to power driven or explosives powder actuated tools;
 5. Biologic agents such as bacteria, fungi, viruses, protozoas, nematodes,

⁴ Rule 1051 (2), Occupational Safety and Health Standards, as amended

⁵ Section 2 (n), Department Order No. 10, Series of 1998

⁶ Article 212 (6), renumbered as Article 219, Labor Code of the Philippines, as amended

⁷ Article 3 (g), IRR of RA 9168

⁸ Rule II, Section 1 (k), Department Order No. 131, Series of 2013

⁹ Rule 1013, Occupational Safety and Health Standards, as amended

- and other parasites; or
6. Other analogous circumstances as may be determined by the Secretary of Labor and Employment.
- n. **“Hazardous work processes”** refer to work operations or practices performed by a worker in the establishment or workplace in conjunction with or as an incident to such operations or practices and which expose the employee to hazards likely to cause any disabling injury, illness, death or physical or psychological harm.¹⁰
- o. **“Imminent Danger”** refers to a condition or practice in any workplace that can be reasonably expected to cause death or serious physical harm.¹¹
- p. **“Joint Assessment”** refers to the process of evaluating compliance with labor laws and social legislation jointly undertaken by the Labor Laws Compliance Officer and the representatives of the employer and the employees using the prescribed Assessment Checklist.
- q. **“Labor Laws Compliance Officer(LLCO)”** refers to the personnel of the DOLE authorized to conduct Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation, SAVE, compliance advocacies and advisory services; hold conciliation and mandatory conferences; and perform such other related functions which may be necessary in the enforcement of the Labor Code, as renumbered, and other related laws.
- r. **“Labor Laws Compliance System (LLCS)”** refers to the integrated framework of compliance-enabling approach and enforcement of labor laws and social legislation through Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation, and SAVE to secure a higher level of compliance with general labor standards and occupational safety and health standards and, ensure continuity and sustainability of compliance at workplaces by inculcating a culture of voluntary compliance.
- s. **“Labor Laws Compliance System-Management Information System (LLCS-MIS)”** refers to the online web-based software application system utilizing electronic gadgets for the transmission and processing of real-time data collected from the field using an electronic assessment checklist.
- t. **“Labor Standards”** refer to minimum requirements prescribed by existing laws, rules and regulations, and other issuances relating to labor and occupational safety and health standards.
- u. **“Locator”** refers to an establishment registered with Philippine Economic Zone Authority.
- v. **“Notice of Results”** refers to the accomplished form issued by the LLCO indicating the results of Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation, or SAVE.
- w. **“Occupational Safety and Health Standards Investigation (OSHI)”** refers to the process of determining the existence of imminent danger, dangerous occurrence, and accident resulting in disabling injury or other analogous circumstances within the workplace based on a report or information.

¹⁰ Memorandum Circular No. 02, Series of 1998

¹¹ Rule 1012.02, Occupational Safety and Health Standards, as amended

- x. **“Period of Correction”** refers to the number of days given to establishments to correct noted deficiencies, to wit:
 - 1. Twenty (20) days to correct general labor standards deficiencies found during Joint Assessment or SAVE; or
 - 2. Ten (10) days to correct all deficiencies found during the conduct of Compliance Visit or Occupational Safety and Health Standards Investigation.
- y. **“Regional Office (RO)”** refers to the Office of the DOLE in the regions headed by a Regional Director.
- z. **“Remediation Period”** refers to the time given to the establishment to correct occupational safety and health standards deficiencies and undertake the improvement of working conditions through the implementation of appropriate programs or services in the DOLE #EMA Toolkit. The remediation period shall not exceed three (3) months after the conduct of Joint Assessment or SAVE.
- aa. **“Special Assessment Visit of Establishment/s (SAVE)”** refers to the process of evaluating compliance with labor laws and social legislation for policy formulation.¹²
- bb. **“Single Entry Approach (SEnA)”** refers to the speedy, impartial, and inexpensive proceedings through a 30-day mandatory conciliation-mediation where parties are given the opportunity to settle labor and employment issues amicably.
- cc. **“Technical Safety Inspection (TSI)”** refers to inspection/verification of boilers, pressure vessels, internal combustion engines, elevators, hoisting equipment, electrical wirings, and other mechanical equipment installation for safety determination.
- dd. **“DOLE#EngageMotivateAchieve Toolkit (#EMA Toolkit)”** refers to a menu of programs and services designed to correct and remedy the identified deficiencies through education, trainings, and other technical assistance to establishments.
- ee. **“Tripartite Certificate of Compliance with Labor Standards (TCCLS)”** refers to the certificate issued by the DOLE Regional Director to an establishment that has been verified by the Tripartite Certification Committee as compliant with labor standards and child labor laws, with no pending case with the DOLE involving violations of labor laws, and with no case of fatal accidents, no lost time accidents, no reported cases resulting in permanent total or partial disability, or occupational illness within a period of one (1) year at the time of application.¹³
- ff. **“Validation”** refers to the review by the Regional Director or his/her dulyauthorized representative of pertinent documents submitted by an establishment showing compliance with labor laws and social legislation.
- gg. **“Verification”** refers to the review by the LLCO of pertinent documents submitted by an establishment showing compliance with labor laws and social legislation, or an ocular visit, interview at the workplace, or examination the establishment.

¹² Department Order No. 131-A, Series of 2014

¹³ Department Order No. 115-A, Series of 2012

hh. **"Working Child"** refers to any child engaged in any of the following conditions:¹⁴

1. When the child is below eighteen (18) years of age, in work or economic activity that is not child labor; or
2. When the child is below fifteen (15) years of age, (i) in work where he/she is directly under the responsibility of his/her parents or legal guardian and only members of the child's family are employed; or (ii) in public entertainment or information.

RULE III General Provisions

Section 1. Modes of Implementation.– The LLCS shall be implemented through any of the following:

- a. Joint Assessment (JA);
- b. Compliance Visit (CV);
- c. Occupational Safety and Health Standards Investigation (OSHI); or
- d. Special Assessment or Visit of Establishments (SAVE).

Section 2. Assessment.¹⁵– To ensure that all target establishments for the year have been visited and extended assistance, assessments can be done by the Regional Offices, either in combination, separately, or simultaneously, of any of the following:

- a. **Zonal Assessment.** – The Regional Offices shall prioritize zones or areas which have low levels of compliance based on their records. In the preparation of assessment programs, all establishments in these areas should be assessed to maximize the utilization of the LLCOs' time and effort.
- b. **In-House Occupational Safety and Health Assessment.** – The Regional Offices shall adopt In-House Occupational Safety and Health Assessment for establishments which are required to have accredited occupational safety practitioners or occupational safety and health consultants or consulting organizations or safety committees pursuant to Rule 1033 of the Occupational Safety and Health Standards. They shall be tapped to monitor compliance with occupational safety and health standards in their respective plants and worksites and be guided by the following:
 - b.1. A copy of the Occupational Safety Assessment Checklist shall be sent in advance by the Regional Office to their accredited occupational safety practitioners or occupational safety and health consultants or consulting organizations or safety committees which shall be tasked to assess occupational safety and health compliance of their employers.
 - b.2. Within two (2) weeks from receipt of the accomplished Occupational Safety and Health Checklist the receiving occupational safety and health practitioner or occupational safety and health consultant or consulting organization or safety committee shall transmit the same to the Regional Office for verification. Failure of the occupational safety

¹⁴ Section 3 (3), IRR of RA 9231

¹⁵ Administrative Order 404, Series of 2014

and health practitioner or occupational safety and health consultant or consulting organization or safety committee to transmit the accomplished Occupational Safety and Health Checklist within the prescribed period shall be subject to disciplinary action.

- b.3. A table review of the assessment results made by the occupational safety and health practitioner shall be done by the Regional Office's LLCO and the establishment with findings of non-compliance shall be prioritized for Joint Assessment.
 - b.4. Validation of the occupational safety and health assessment shall be done by the LLCO with the safety committee or officer at the plant-level during the tripartite Joint Assessment on general labor standards and other compliances.
 - b.5. In case of compliance, the LLCO shall recommend the issuance of COC with general labor standards and/or occupational safety and health standards; otherwise, possible technical assistance or corrective actions shall be proposed to the establishment to help them comply with labor laws and social legislation subject to the correction and remediation periods as defined in Section 1 (x) and (z), Rule II of this Revised Rules.
- c. **Assessment by Industry.** – The Regional Offices shall mobilize their respective Industry Tripartite Councils and associations for effective and expanded reach in the industry and association members.
- c.1. **Industry-wide Joint Assessment (IJA).**– In Industry-wide Joint Assessment, the Industry Tripartite Councils' Voluntary Codes of Good Practices on compliance with all labor laws and social legislation should be pursued.
 - c.2. **Composite Team and Conduct of Assessment.**– Subject to the peculiarity of the industry, the IJA shall be conducted through composite team/s as specified in Section 2, Rule IX on SAVE of this Revised Rules. It may include augmentation team/s from neighboring regions depending on the size of Industry Tripartite Council membership. The assessment should have the following components:
 - c.2.1. Orientation on the LLCS and the Checklist;
 - c.2.2. Industry Tripartite Council's compliance roadmap;
 - c.2.3. One-on-one discussion workshop with industry members' designated representatives and their union or workers' representatives; and
 - c.2.4. Provision of technical assistance.
 - c.3. **Pre-processing of Documents for Industry-wide Joint Assessment.**– Member-establishments shall provide the Regional Office key information at least two (2) weeks prior to the scheduled IJA for pre-processing of submitted documents and for the issuance of a Notice of Assessment.

If gaps are identified, the member-establishment shall prepare an

Action Plan which must be submitted to the Regional Office within three (3) months from the termination of the Industry-wide Joint Assessment. The LLCO and the member-establishment shall agree on a timetable for the conduct of technical assistance and for the institution of corrective actions, and submit the same to the Regional Office. In case of discrepancy between the in-house occupational safety and health and the industry-wide assessments with respect to occupational safety and health, the LLCO shall reconcile the findings with the concerned occupational safety and health practitioner or consultant.

d. **Ecozone-wide Assessment on Voluntary Compliance.** – The Regional Director shall coordinate with the Philippine Economic Zone Authority Director General and Zone Manager or Zone Administrator, as the case may be, the conduct of an Ecozone-wide Assessment of locators' voluntary compliance with labor standards and occupational safety and health standards.

d.1. **Ecozone-wide Assessment.**– An Ecozone-wide Assessment can be done through Industry-wide Joint Assessment process, or it can be organized differently depending on the peculiarity of the subject economic zone operations.

d.2. **Conduct of Assessment.**– A composite team composed of the Philippine Economic Zone Authority Zone Manager or Zone Administrator or his/her duly authorized representative, and LLCOs shall conduct the compliance audit using the Assessment Checklist.

In case of deficiency, the composite team shall provide zone locators with technical advisory services, and assist them in the immediate correction of gaps or deficiencies and in the formulation and submission of Action Plans to effect full compliance. If after validation it is found that the the zone locator has no deficiency, a COC shall be immediately issued to it.

Section 3. Designation.– At the start of every year, the Secretary of Labor and Employment shall issue a list of LLCOs with general authority to assess establishments' compliance with labor laws and social legislation. The general authority includes investigation of occupational safety and health standards violation committed in plain view or in the presence of the LLCO.

From the issued list, Regional Directors shall assign specific establishments to authorized LLCOs.

Section 4. Minimum Qualifications Standard. – The following are the minimum qualification standards for LLCOs:

- a. Must be holding at least permanent Labor and Employment Officer III plantilla;
- b. Must have attended and passed Level 1A Basic Course for Labor Law Compliance Officers conducted by the Human Resource Development Service;
- c. Must have "very satisfactory" performance rating for the last two (2)

preceding rating periods; and

- d. Must have been issued with Certificate of Good Standing from the Bureau of Working Conditions.

Section 5. Employer and Employees' Representative. – For purposes of representation in the conduct of assessment, the following shall be the authorized representative of the employer and employees:

- a. Employer's Representative – the owner, president, vice president, manager or any other authorized person shall be deemed as the employer's representative.
- b. Employees' Representative –
- b.1. For organized establishment, the representative shall be designated by the sole and exclusive bargaining agent in the Collective Bargaining Agreement.
- b.2. For unorganized establishment, the representative shall be any rank-and-file employee designated by the majority of the employees present at the time of assessment through the DOLE nomination form or from any of the following Committees, in successive order:
- b.2.1. Labor-Management Committee;
- b.2.2. Compliance Committee;
- b.2.3. Safety and Health Committee; or
- b.2.4. Family Welfare Committee.

In case, the employer has no authorized representative during the first visit, the LLCO shall issue a Notice of Assessment with a notation requiring an authorized representative to be present on the second visit. The second visit shall be made within ten (10) days from the first visit. Should there be no authorized representative on the second visit or should the representative so authorized be absent or be otherwise unavailable, the right of the employer to be represented during the conduct of assessment shall be deemed waived.

Section 6. Toolbox of Programs and Services.– The programs and services under DOLE #EngageMotivateAchieveToolkit or #EMA shall be the main component of the toolbox to be offered by the LLCO to the establishment. The package of assistance under #EMA is categorized into five (5) major themes, namely – occupational safety and health; workplace relations; productivity enhancement; occupational skills enhancement; and livelihood assistance. Other programs and services as maybe formulated later to ensure compliance with labor laws and social legislation shall also be extended.¹⁶

Section 7. Feedback Mechanisms.– After every assessment, the LLCO shall explain the DOLE feedback form and ensure that the employer's and employees' representatives fill it out and submit the same to the DOLE Regional Office either through electronic mail or registered mail.

Based on the feedback forms, the Regional Director shall submit to the Bureau of Working Conditions an analysis of the impact of the LLCS on the productivity and sustainability of enterprises, compliance with labor laws, and the possible enhancement of the system not later than 15th day of January of every year.

¹⁶ Manual on Labor Laws Compliance System and Procedures for Uniform Implementation, Department Order 131, Series of 2013

Section 8. Utilization of the LLCS-MIS.— All LLCOs shall use their electronic gadget in conducting assessments. The findings of the assessment shall be synced to the DOLE server within seventy-two (72) hours after assessment. The data gathered shall be used in the generation of reports. The information in the LLCS-MIS shall be made available to the Regional Directors, Directors of Services, Bureaus, and Attached Agencies of the DOLE.

Section 9. Conduct of Technical Safety Inspection.— The conduct of technical safety inspection shall be done by LLCOs who are mechanical or electrical engineers and shall be governed by the Revised Technical Safety Inspection Manual.¹⁷

Section 10. Capability-building Trainings.— The DOLE shall conduct capability-building trainings for representatives of employers and employees through the Workers Organization Development Program (WODP) and other similar programs and services.

The Bureau of Working Conditions shall make available online e-learning modules to further enhance the capabilities of employers and employees.

Section 11. Annual Area-wide Summit with Stakeholders. — The DOLE, through the Bureau of Working Conditions, shall conduct an annual Area-Wide Summit of LLCOs with the Stakeholders (to include employers in general, industry or chamber of commerce representatives, workers, unions and federations representatives) in Luzon, Visayas and Mindanao as participative capability-building trainings, and program and policy adjustment consultation process.

RULE IV Establishment's Compliance Requirement

Section 1. Required Compliance with Labor Laws. — All establishments, principal/user enterprise and contractor/subcontractor, unless expressly exempted, must comply with prescribed labor standards, occupational safety and health standards, and social welfare benefits for its employees including observance of the regulations on contracting/subcontracting arrangements, termination of employment requirements, and labor rights.

Section 2. Employment Records. — All employment records shall be kept and maintained in and about the premises of all workplaces for at least three (3) years. If the establishment has been in existence for less than three (3) years, it shall be required to maintain employment records only during such shorter duration.

The first paragraph hereof to the contrary nevertheless, establishments with a centralized recording system shall inform the LLCO of the Regional Office where its central or head office is located of such fact.

Section 3. Principal and Contractor or Subcontractor Compliance Requirement. - The contractor or subcontractor and its principals shall comply with the requirements of Department Order 18-A, as follows:

- a. The contractor or subcontractor must be registered, carries a distinct and independent business, and exercises control over the workers in the

¹⁷Pursuant to Department Order No. 57, Series of 2004.

- performance of work, job, or service;
- b. The contractor or subcontractor must have substantial capital and/or investments;
 - c. The contractor or subcontractor and its principals must have a Service Agreement which ensures compliance with all the rights and benefits under Labor Laws and includes the following:
 - c.1. The specific description of the job, work, or service being subcontracted;
 - c.2. The place of work and terms and conditions governing the contracting arrangement, to include the agreed amount of the services to be rendered, the standard administrative fee of not less than ten percent (10%) of the total contract cost;
 - c.3. A provision on the Net Financial Contracting Capacity of the contractor, which must be equal to the contract cost;
 - c.4. A provision on the issuance of the bond/s as defined in Section 3 (a) renewable every year;
 - c.5. The contractor or subcontractor shall directly remit monthly the employers' share and employees' contribution to the SSS, ECC, PhilHealth and Pag-IBIG; and
 - c.6. The term or duration of engagement.
 - d. The contractor and its employee must have employment contracts which include the following terms and conditions:
 - d.1. The specific description of the job, work, or service to be performed by the employee;
 - d.2. The place of work and terms and conditions of employment including a statement of the wage rate applicable to the individual employee; and
 - d.3. The term or duration of employment that must be co-extensive with the Service Agreement or with the specific phase of work for which the employee is engaged.
 - e. Compliance of the contractor or subcontractor with the semi-annual reportorial requirements under Section 22 of D.O. 18-A, as indicated in the Checklist;
 - f. Compliance of the contractor or subcontractor with the "no cash bond, no deposit for loss or damage on occupation or industry not allowed to do so by law or by the Secretary of Labor and Employment" under Labor Advisory No. 11-2014;
 - g. The contractor or subcontractor shall not engaged in labor-only contracting which is expressly prohibited in Section 6 of D.O. 18-A:
 - g.1. The contractor does not have substantial capital or investments in the form of tools, equipment, machineries, work premises, among others, and the employees recruited and placed are performing activities which are usually necessary or desirable to the operation of the company, or directly related to the main business of the

- principal within a definite or predetermined period, regardless of whether such job, work, or service is to be performed or completed within or outside the premises of the principal; or
- g.2. The contractor does not exercise the right to control over the performance of the work of the employee.
- h. The contractor or subcontractor shall not undertake any of the prohibited activities under Section 7 of D.O. 18-A, as indicated in the Checklist:
- h.1. Contracting out of jobs, works, or services when the same results in the termination or reduction of regular employees and reduction of work hours or reduction or splitting of the bargaining unit;
 - h.2. Contracting out of work with a "Cabo";
 - h.3. Taking undue advantage of the economic situation or lack of lack of bargaining strength of the contractor's employees, or undermining their security of tenure or basic rights, or circumventing the provisions of regular employment, such as requiring them to perform functions performed by regular employees of the principal or requiring them to sign blank payrolls, waivers and quitclaims, and undated resignation letters;
 - h.4. Contracting out through an in-house agency;
 - h.5. Contracting out necessary or desirable jobs by reason of a strike or lock-out;
 - h.6. Contracting out jobs, works, or services performed by union members when such will interfere with, restrain, or coerce employees in the exercise of their rights to self-organization;
 - h.7. Repeated hiring of employees under an employment contract of short duration or under a Service Agreement of short duration with the same or different contractors (e.g., 555 hiring practice), which circumvents the Labor Code provisions on Security of Tenure;
 - h.8. Requiring employees under a subcontracting arrangement to sign a contract fixing the period of employment to a term shorter than the term of the Service Agreement (e.g., endo/end-of-contract), unless the contract is divisible into phases for which substantially different skills are required and this is made known to the employee at the time of engagement;
 - h.9. Refusal to provide a copy of the Service Agreement and the employment contracts between the contractor and the employees deployed to work in the bargaining unit of the principal's certified bargaining agent to the SEBA;
 - h.10. Engaging or maintaining by the principal of subcontracted employees in excess of those provided for in the applicable CBA or as set by the ITC; or
 - h.11. Engaging the services of apprentices, learners, trainees, or probationary workers.

RULE V

Joint Assessment

Section 1. Coverage.— Joint Assessment shall cover all private establishments, including their branches, workplaces and their contractors or subcontractors, except those with valid TCCLS or COC on both general labor standards and occupational safety and health standards.

Section 2. Priority Establishments and Workplaces.— In the conduct of Joint Assessment, the priority establishments and workplaces are as follows:

- a. Those engaged in hazardous work;
- b. Those employing children;
- c. Those engaged in contracting or subcontracting arrangements;
- d. Philippine-registered ships or vessels engaged in domestic shipping;
- e. Public utility bus transport;
- f. Those employing ten (10) or more employees; and
- g. Such other establishments as may be determined by the Secretary of Labor and Employment as priority for Joint Assessment.

Section 3. When Joint Assessment is Conducted.— LLCOs shall conduct Joint Assessment of all establishments at least once every two (2) years. At any time, however, Joint Assessment can be conducted upon request by either the employer or employees/union.

Section 4. Joint Assessment Procedure.— Joint Assessment shall be conducted in the following manner:

- a. **Assignment of Establishments.**— The Regional Director shall issue to the LLCO an Authority to Assess specifying the name and address of the establishment to be assessed.
- b. **Presentation of Authority to Assess.** — The LLCO shall proceed to the establishment and present the Letter of the Secretary of Labor and Employment and his/her Authority to Assess.
- c. **Verification of Compliance.**— In the presence of the representatives of the employer and employees, the LLCO shall: (1) review employment records, (2) interview employees, and (3) inspect work premises to determine compliance with labor laws and social legislation. The representatives of the employer and employees may provide additional information for the LLCO's consideration.
- d. **Issuance of NR.** — After the conduct of Joint Assessment, the following shall be undertaken:
 - d.1. **For Compliant Establishment.** — If the establishment is found compliant, the LLCO shall issue an NR to the representatives of the employer and the employees, and the sole and exclusive bargaining agent, if organized, indicating therein compliance with labor laws and social legislation. The LLCO shall then recommend to the Regional Director the issuance of COC pursuant to Rule X on Certificate of Compliance of this Revised Rules.
 - d.2. **For Non-compliant Establishment.** — If the establishment is found non-compliant, the LLCO shall issue an NR to the representatives of the employer and the employees, and the sole and exclusive bargaining agent, if organized, indicating therein the noted deficiencies.

In both cases, the contents of the NR shall be explained by the

LLCO to the representatives of the employer and the employees, who shall thereafter affix their respective signatures therein to signify their acknowledgement of the Joint Assessment findings. Any representative who disagrees with the findings may note his/her comment on the NR before affixing his/her signature.

If any representative refuses to sign the NR, the LLCO shall write such fact and specify the name and designation of the said representative. Copies of the NR shall be posted in a conspicuous place within the company premises and shall be sent to the establishment by registered mail or private courier service.

e. Period to Correct Deficiencies.— All assessed establishments with noted deficiencies are required to institute their respective corrective actions within the following prescribed periods:

e.1. Prescribed Period to Correct Deficiencies on General Labor Standards.— All establishments with deficiencies on general labor standards are required to present original copies of compliance to the Regional Office or to its Field Office which conducted the Joint Assessment, if any, within a non-extendible period of twenty (20) days from receipt of the NR or from posting thereof in a conspicuous place within their premises. In case the parties enter into a compromise or amicable settlement, the procedure found in Rule XIV on Compromise Agreement, of this Revised Rules shall apply.

e.2. Prescribed Period to Correct Deficiencies on Occupational Safety and Health Standards. – If the deficiencies involve occupational safety and health standards, the following periods of compliance shall apply:

e.2.1. If the deficiency poses imminent danger to the life and limb of the employees, compliance shall be made within one (1) day from receipt of the NR in accordance with Section 2 (b.2 and b.3), Rule VII on Occupational Safety and Health Investigation, of this Rules;

e.2.2. If the deficiency pertains to PPE, correction thereof shall be effected within three (3) days from receipt of the NR. However, if the lack of the required PPE is of such nature that it can be reasonably expected to cause death or serious physical harm, the employer may suspend work or the affected employees may stop working until the required PPE is provided. During the period of work suspension, the employer shall pay the wages of the said employees as if they have reported for work.

e.2.3. If it pertains to deficiencies other than the above, the employer may be allowed a longer period to correct the same, provided the employer submits a corresponding Action Plan specifying the timelines within which to correct the deficiencies, which period shall in no case exceed ninety (90) days from the issuance of the NR.

f. Formulation and Submission of Action Plan. – During the conduct of

Joint Assessment, the establishment with occupational safety and health standards deficiency shall prepare an Action Plan to correct the deficiency with a copy thereof furnished to the sole and exclusive bargaining agent in the establishment. The establishment may request assistance from the LLCO in formulating the Action Plan. The LLCO shall state in the NR the summary of deficiencies, the corresponding corrections to be made, and the deadline when the said correction should be made or completed.

- g. Submission of Status Report.**— The establishment shall submit to the Regional Office a status report on the Action Plan within five (5) days after the expiration of the period for the correction of all deficiencies. Failure to do so shall cause the issuance of a Compliance Order.
- h. Verification or Validation of Compliance and Follow-up Assessment.**— The following shall be undertaken to assist employers to institute corrective actions:

 - h.1. Correction of General Labor Standards Deficiency.** – When the employer manifests its willingness to pay unpaid benefits and/or correct other deficiencies during the period of correction, the Regional Director or his/her duly authorized representative shall invite the employer and the employees with money claims to a conference.

If payment and/or correction of other deficiencies was not made in the presence of the Regional Director or his/her duly authorized representative, verification or validation shall be done by requiring the parties to present original copies of employment documents showing actual payment of wage differentials and other monetary benefits. The verification or validation shall be done within two (2) days from receipt of information on compliance with general labor standards.

- h.2. Correction of Occupational Safety and Health Standards Deficiency.** –Within two (2) working days after receipt of the status report, the LLCO shall conduct a follow-up assessment with representatives from the employer and employees to verify whether the Action Plan has been fully implemented.

However, no follow-up assessment shall be conducted if the information on correction of the occupational safety and health standards deficiency can be readily gathered from DOLE records, or if it merely necessitates document review or submission of reportorial requirements to the Regional Office.

- i. Procedure after Failure to Correct Deficiencies.**— The following shall be undertaken.

 - i.1. General Labor Standards.** – Deficiencies that are not corrected within the prescribed period of twenty (20) days shall be docketed as a Labor Standards Case by the Regional Director or his/her duly authorized representative. As such, the parties shall be called to a mandatory conference within ten (10) days from the lapse of the period of correction in accordance with Rule XII on Mandatory Conference of this Revised Rules.

i.2. Occupational Safety and Health Standards. – The Regional Director shall immediately issue a Compliance Order in any of the following instances:

- i.2.1. Failure or refusal of the employer to formulate an Action Plan;
- i.2.2. Failure or refusal of the employer to submit a status report within the five (5)-day prescribed period;
- i.2.3. Failure or refusal of the employer to fully implement the Action Plan within the scheduled date of correction; or
- i.2.4. Failure of the employer to provide the appropriate PPE and to submit proof of compliance with the Action Plan within three (3) days from receipt of the NR.

RULE VI Compliance Visit

Section 1. Coverage.– Compliance Visit shall be undertaken in any of the following instances:

- a. When there is a SEnA referral or anonymous complaint;
- b. When a complaint is filed against an establishment with issued TCCLS or COCs on General Labor Standards and Occupational Safety and Health Standards;
- c. When the employer fails to submit Compliance Report;
- d. When there is a request in a conciliation-mediation proceedings at National Conciliation and Mediation Board to validate or verify violation of labor standards or Department Order No. 18-A, Series of 2011, or both, regardless of whether the establishment was issued with COC; and
- e. When there is a finding by the National Labor Relations Commission of violation of labor standards or Department Order No. 18-A, Series of 2011, or both, regardless of whether the establishment was issued with COC.

However, if a complaint involves a violation of the Expanded Anti-Trafficking in Persons Act of 2012, the Migrant Workers and Overseas Filipinos Act of 1995, or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, the following rules shall apply:

- a. Manual of Procedures in Handling Complaint on Trafficking in Persons, Illegal Recruitment and Child Labor pursuant to Department Circular No. 02, Series of 2012; and
- b. Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases pursuant to Department Circular No.02, Series of 2010.

Section 2. Procedure.– The conduct of the Compliance Visit shall be governed by the following:

- a. **Receipt of Referral or Complaint.**–Upon receipt of SEnA referral or complaint, or when there is failure to submit Compliance Report, the Regional Director shall assign an LLCO by raffle and direct him/her to immediately conduct a Compliance Visit.
- b. **Presentation of Authority to Assess.** – The LLCO shall proceed to the establishment and present the Letter of the Secretary of Labor and

Employment and the LLCO's Authority to Assess.

- c. **Verification of Compliance.**— The LLCO shall review the employment records, interview the employees, and inspect the work premises to determine compliance with labor laws and social legislation.
- d. **Issuance of NR.** — After the conduct of Compliance Visit, the following shall be undertaken:
 - d.1. **For Compliant Establishment.** — If the establishment is found compliant, the LLCO shall issue an NR to the representatives of the employer and the employees, and the sole and exclusive bargaining agent, if organized, indicating therein compliance with labor laws and social legislation. The LLCO shall then recommend to the Regional Director the issuance of COC pursuant to Rule X on Certification of Compliance, of this Revised Rules.
 - d.2. **For Non-compliant Establishment.** — If the establishment is found non-compliant, the LLCO shall issue an NR to the representatives of the employer and the employees, and the sole and exclusive bargaining agent, if organized, indicating therein the noted deficiencies.

In both cases, the contents of the NR shall be explained by the LLCO to the representatives of the employer and the employees, who shall thereafter affix their respective signatures therein to signify their acknowledgement of the Compliance Visit findings. Any representative who disagrees with the findings may note his/her comment on the NR before affixing his/her signature.

If any representative refuses to sign the NR, the LLCO shall write such fact and specify the name and designation of the said representative. Copies of the NR shall be posted in at least two (2) conspicuous places within the company premises and shall be sent to the establishment by registered mail or private courier service.

- e. **Prescribed Period to Correct Deficiencies.**— All visited establishments with deficiencies on labor standards are required to institute their respective corrective actions within the ten (10)-day prescribed period.
- f. **Verification Visit.**— The following shall be undertaken to ensure that corrective actions have been made by the employer:
 - f.1. **Correction of General Labor Standards Deficiency.** — When the employer manifests its willingness to pay unpaid benefits and/or correct other deficiencies during the period of correction, the Regional Director or his/her duly authorized representative shall invite the employer and the employees with money claims to a conference.

If payment and/or correction of other deficiencies has already been made, the Regional Director or his/her duly authorized representative shall conduct verification or validation by requiring the presentation of employment documents showing payment of wage differentials and other monetary benefits. The verification or validation shall be done with representatives from the employer and employees

within two (2) days from receipt of information of compliance with general labor standards.

f.2. Correction of Occupational Safety and Health Standards Deficiency. – The LLCO shall conduct a verification visit within the period prescribed in the Action Plan to check whether correction on occupational safety and health standards were instituted. If corrections can be readily identified from DOLE records, or if it merely necessitates document review or submission of reportorial forms to the Regional Office, a verification visit may no longer be conducted.

g. Procedure after Failure to Correct Deficiencies.– If there is failure to correct the deficiencies on general labor standards, the procedure under Rule XII on Mandatory Conference, of this Revised Rules shall be undertaken.

RULE VII

Occupational Safety and Health Standards Investigation

Section 1. Coverage. – Occupational Safety and Health Standards Investigation shall cover the following instances:

- a. Existence of imminent danger;
- b. Dangerous occurrences;
- c. Accident resulting in disabling injury; and
- d. Occupational safety and health standards violations committed in plain view or in the presence of the LLCO.

Section 2. Procedure in Imminent Danger Situations or Dangerous Occurrences.– The following procedures shall be observed:

- a. Within twenty-four (24) hours from receipt of information on the existence of imminent danger or dangerous occurrence, the Regional Director shall direct the LLCO to conduct an Occupational Safety and Health Standards Investigation.

However, if the nature of the imminent danger or dangerous occurrence is so grave as to require technical assistance, the Regional Director shall recommend to the Secretary of Labor and Employment the creation of a composite team composed of representatives from the concerned Regional Office, Bureau of Working Conditions, Occupational Safety and Health Center, and the Employees Compensation Commission who will be dispatched immediately to the establishment or workplace under investigation.

In this connection, the team shall coordinate with the appropriate government agencies.

- b. If the LLCO is allowed access to the establishment:
 - b.1. He/she shall conduct an Occupational Safety and Health Standards Investigation and determine compliance with labor laws and social legislation.

- b.2. Upon determination of the existence of imminent danger or dangerous occurrence, he/she shall recommend to the establishment the necessary corrective action to immediately abate the imminent danger or dangerous occurrence. If abated, he/she shall submit a narrative report to the Regional Director which shall contain the following:**
 - b.2.1. The facts surrounding the incident covered by the Occupational Safety and Health Standards Investigation, including a report of the safety and/or health personnel and other related documents such as police report, pictures, and the like;**
 - b.2.2. Initial findings on the proximate cause of the imminent danger or dangerous occurrence;**
 - b.2.3. The recommendation for the abatement of the cause of the imminent danger; and**
 - b.2.4. The corrective action taken.**

- b.3. If not abated, the LLCO shall issue an NR to the establishment and submit a recommendation, together with a narrative report, to the Regional Director for the issuance of a WSO within twenty-four (24) hours from the failure of the employer to abate the imminent danger. The narrative report shall contain the following:**
 - b.3.1. The facts surrounding the incident covered by the Occupational Safety and Health Standards Investigation, including a report of the safety and/or health personnel and other related documents such as police report, pictures, and the like;**
 - b.3.2. Initial findings on the proximate cause of imminent danger or dangerous occurrence;**
 - b.3.3. The affected workplace or part thereof;**
 - b.3.4. The names, number, and positions of employees who shall be affected;**
 - b.3.5. The recommendation for the abatement of the cause of the imminent danger; and**
 - b.3.6. The reason for the failure of the employer to abate the imminent danger or dangerous occurrence.**

Thereafter, the Regional Director shall immediately conduct a validation. If he/she is satisfied that there exists an imminent danger, he/she shall issue a WSO with a copy thereof furnished to the Secretary of Labor and Employment and the Bureau of Working Conditions. Within twenty-four (24) hours from receipt of the WSO, the LLCO shall serve the same to the establishment.

Within twenty-four (24) hours but not exceeding seventy-two (72) hours from service of the WSO, the Regional Director shall conduct a mandatory conference to determine whether imminent danger still exists.

During the mandatory conference, the establishment shall be allowed to submit evidence to prove that imminent danger no longer exists. If evidence is submitted, the Regional Director shall direct the LLCO to verify the claim of the establishment.

If upon verification the imminent danger no longer exists, the LLCO shall recommend the lifting of the WSO. The Regional Director shall issue an Order lifting the WSO based on the documents of compliance and validation, verification, or narrative report submitted by the LLCO.

A full report on the Occupational Safety and Health Standards Investigation shall be submitted by the Regional Director to the Secretary of Labor and Employment, through the Bureau of Working Conditions, within twenty-four (24) hours from issuance of the Order lifting the WSO.

- b.4. If there are deficiencies involving labor standards, the applicable provisions of Section 2, Rule VI on Compliance Visit, of this Revised Rules shall apply.

Section 3. Procedure for Investigating Disabling Injury.— The following procedure shall be observed when there is disabling injury:

- a. There shall be a *prima facie* presumption of imminent danger or dangerous occurrence from the receipt of verified information on the existence of disabling injury. Within twenty-four (24) hours from such receipt, the Regional Director shall issue a WSO and shall direct the LLCO to conduct an Occupational Safety and Health Standards Investigation.

However, if the nature of the imminent danger or dangerous occurrence is of such gravity that it would require technical assistance to abate the same, the Regional Director shall recommend to the Secretary of Labor and Employment the creation of a composite team comprised of representatives from the Regional Office, Bureau of Working Conditions, Occupational Safety and Health Center, and the Employees Compensation Commission who will be dispatched immediately to the establishment or workplace under investigation.

- b. If the LLCO is allowed access to the establishment, the applicable provisions of Section 2(b) hereof shall be observed.
- c. If the LLCO is refused access to the establishment, Rule XI, on Refusal Access to Records and/or Premises, of this Revised Rules shall apply.
- d. If there are deficiencies on labor standards, the applicable provisions of Rule VI, on Compliance Visit, of this Revised Rules shall apply.

Section 4. Procedures for Occupational Safety and Health Standards Violations Committed in Plain View or in the Presence of the LLCO.— In instances where occupational safety and health standards violation is committed in plain view or in the presence of the LLCO, the latter shall require the employer to correct the violation based on Section 4 (e.2.1 and e.2.2), Rule V, on Joint Assessment, of this Revised Rules.

The LLCO shall submit a narrative report to the Regional Director having jurisdiction over the workplace. Accordingly, the Regional Director shall direct: (a) the conduct of Joint Assessment under Rule V of this Revised Rules to complete the

assessment of the establishment if correction has been made; or (b) the conduct of Occupational Safety and Health Standards Investigation under this Rule if no correction has been effected.

Section 5. Discovered Imminent Danger. – In case an imminent danger is discovered during the conduct of Joint Assessment or Compliance Visit, the provisions of Section 2 (b.2. and b.3.) hereof shall be observed.

Section 6. Reporting of Accident.– All work accidents and occupational illnesses in workplaces shall be reported on or before the twentieth (20th) day of every month using the Occupational Safety and Health Standards prescribed form by the employer, safety officer or any member of the Safety and Health Committee to the Regional Office. Except in cases of work accidents resulting in disabling injury or death, a report shall be made within twenty-four (24) hours from occurrence thereof by the employer, safety officer, or any member of the Safety and Health Committee.

Section 7. Suspension, Cancellation or Revocation of DOLE Accreditation.– Any false statement or misrepresentation of the DOLE-accredited safety and/or health personnel of the establishment shall be a ground for the suspension, cancellation, or revocation of his/her DOLE Accreditation.

RULE VIII Work Stoppage Order

Section 1. Work Stoppage Order (WSO). The Secretary of Labor and Employment or his/her duly authorized representative may direct to stop, wholly or partly, the work or operation of any unit or department of an establishment when non-compliance with occupational safety and health standards poses imminent danger to the health and safety of the employees in the workplace.¹⁸

Section 2. Form and Effect of Work Stoppage Order. –The WSO shall state the following:

- a. The facts surrounding the incident covered by the Occupational Safety and Health Standards Investigation, including a report of the safety and/or health personnel;
- b. Initial findings on the proximate cause of the imminent danger, dangerous occurrence or disabling injury;
- c. The workplace or part thereof covered by the WSO;
- d. The names, number, and positions of employees that shall be affected by the issuance of WSO; or
- e. The recommendations for the abatement of the cause of the imminent danger.

Section 3. Order Lifting the Work Stoppage Order. – The Regional Director shall issue an Order lifting the WSO upon receipt of proof and certification from the safety officer of the employer or DOLE-accredited safety practitioner or consultant that the cause of the imminent danger has been abated.

The Regional Director shall make a finding in the WSO whether the accident was due to the fault of the employer. If in the affirmative, the latter shall pay its employees all the monetary benefits to which they are entitled for the duration of the

¹⁸ Rule II, Section 1 (aa), Department Order No. 131, Series of 2013

WSO notwithstanding contributory negligence on the part of said employees. A copy of such finding shall be immediately indorsed to the Social Security System and the Employees Compensation Commission for proper disposition pursuant to Article 206 (formerly Article 200) of the Labor Code, as renumbered.

RULE IX
Special Assessment Visit of Establishment (SAVE)¹⁹

Section 1. Coverage.— SAVE shall cover the establishment's head office and/or branches in specific regions or nationwide as may be determined by the Secretary of Labor and Employment. It may also cover all establishments in one industry or area where establishments from different industries are clustered or can be found.

Section 2. Composition.— SAVE shall be undertaken by a composite team. As may be determined by the Secretary of Labor and Employment, the team shall consist of a group of LLCOs or representatives from the Regional Office, the Bureau of Working Conditions, the Occupational Safety and Health Center, and other DOLE agencies. It may coordinate or be directed to collaborate with other government agencies exercising regulatory or enforcement functions, as may be necessary.

Section 3. Participation of Legitimate Labor Organization/s in SAVE. - Representatives of legitimate labor organizations and/or federations maybe authorized by the Secretary of Labor and Employment to join in the compliance assessment of establishment/s under SAVE.

Section 4. Procedure. – Except when the Secretary of Labor and Employment would prescribed a different procedure, the conduct of SAVE shall be as follows:

- a. Within twenty-four (24) hours from receipt of an Order from the Secretary of Labor and Employment, the Regional Director shall issue an Authority to Assess the establishment covered by SAVE;
- b. In addition to the indicators in the Assessment Checklist, the composite team shall look into the following:
 - b.1. Establishment's profile, with information on the number and location of branches;
 - b.2. Organizational structure and total number of employees, broken down into the following specific employment classification and structure:
 - b.2.1. Managerial;
 - b.2.2. Supervisory;
 - b.2.3. Rank-and-file employees (whether regular, seasonal, temporary, project-based, fixed-term, casual, probationary, apprentice under dual training system, learners, trainees, on-the-job trainees, and other similar types of employees);
 - b.2.4. Number of workers and the frequency of repeated hiring, if any.
 - b.3. The recruitment or hiring, and termination processes and practices;
 - b.4. Compliance with labor laws and social legislation;
 - b.5. Contractors/subcontractors, total number of employees mobilized or

¹⁹Department Order No. 131-A, Series of 2014

- assigned with the principal/s, term of employment vis-à-vis the term of the service agreement, and compliance with Department Order No. 18-A, Series of 2011; and
- b.6. Other information as may be required by the Secretary of Labor and Employment.
 - c. After the initial assessment, the Regional Director or the designated team leader, with the concurrence of the majority of all the members of the composite team, shall submit a brief report within seventy-two (72) hours to the Secretary of Labor and Employment containing a summary of the above information and preliminary determination of compliance or non-compliance with labor laws and social legislation;
 - d. In case of compliance, a COC shall be issued by the Regional Director, with the concurrence of the majority of all the members of the composite team. A copy of the certificate shall be provided to all other Regional Offices for monitoring of compliance of branches of the establishment;
 - e. If there are deficiencies in compliance, a monthly progress report shall be submitted by the Regional Director to the Bureau of Working Conditions on the corrective actions and proceedings that transpired thereafter such as hearings and technical assistance rendered, if any, and updates on the plan of action recommended by the composite team;
 - f. The composite team shall submit a final report within the period prescribed in the order directing the conduct of SAVE detailing the facts, information, statistics, other relevant data, and policy recommendations for the Secretary of Labor and Employment's consideration.
 - g. Subject to the discretion of the Secretary of Labor and Employment, further proceedings may be conducted to enforce compliance with labor laws.

RULE X

Certificate of Compliance

Section 1. Certificates. – The following certificates shall be issued by the Regional Director based on the recommendations of LLCOs and other proof of compliance:

- a. COC on General Labor Standards;
- b. COC on Occupational Safety and Health Standards;
- c. COC on Labor Relations;
- d. Labor Standards Certificate of Compliance for Public Transport Utilities; or
- e. COC for ships/vessels engaged in domestic shipping.

Section 2. Publication and Issuance of COC to Establishments.– Within ten (10) days from receipt of the recommendation of the LLCO, the Regional Director or any of his/her duly authorized representative shall validate submitted documents showing compliance with labor laws and social legislation. The list of establishments recommended for the issuance of COC shall be published in the website of the concerned DOLE Regional Office for at least ten (10) days. During this period, any interested party may file a comment or opposition to the issuance of COC to an establishment.

Establishments with opposition shall undergo validation by the DOLE Regional Director and site visit, as may be deemed necessary.

Establishments recommended for the issuance of COC must undergo an orientation on Labor and Management Committee/Council (LMC) and Single Entry Approach (SEnA) which shall be conducted by the Regional Conciliation and Mediation Board (RCMB).

If the establishment, including branches thereof, if any, within the jurisdiction of the Regional Director is found compliant, he/she shall issue the applicable COC following the format prescribed by the Bureau of Working Conditions. Upon the issuance of the COC, the establishment shall execute an undertaking that it shall maintain compliance with labor laws and social legislation during the effectivity thereof.

Section 3. Issuance of COC to Establishments Engaged in Contracting or Subcontracting Arrangement.– Subject to the provision of the preceding Section, the issuance of COCs to establishments engaged in contracting or subcontracting arrangement shall be governed by the following:

- a. **Issuance of COC to Contractors or Subcontractors.** – The Regional Director shall issue a COC to a particular contractor or subcontractor when all its contracting or subcontracting activities or operations within his/her area of jurisdiction are found compliant with Department Order No. 18-A, Series of 2011 and other related labor laws and social legislation. The issued COC shall be valid only within the area of jurisdiction of the issuing Regional Director.
- b. **Issuance of COC to Principal or User Enterprise.** – The Regional Director shall issue a COC to a principal or user enterprise only if it, as well as its contractor or subcontractor operating within his/her area of jurisdiction, is found compliant with Department Order No. 18-A, Series of 2011, and other related labor laws and social legislation, and its contractors or subcontractors operating within his/her area of jurisdiction have been issued with COCs. The issued COC is valid only within the area of jurisdiction of the issuing Regional Director.

Section 4. Issuance of COC on Labor Relations. – Subject to the requirements prescribed in Administrative Order No. 618, Series of 2014, the Regional Director shall issue a COC on Labor Relations to the following:

- a. Establishments with existing Collective Bargaining Agreement;
- b. Establishments with existing Labor Management Committee/Council; and
- c. Unorganized establishments with existing and functioning Grievance Machinery.

Section 5. Effects of COC. – The COC is a *prima facie* proof that the establishment, principal, user enterprise, contractor, or subcontractor, subject of any of the modes of LLCS implementation, has been found compliant with labor laws and social legislation from the date of assessment and three (3) years back based on the employment records presented, interviews conducted, and inspection of workplace or other circumstances prevailing at the time of the assessment.

The establishment, principal, user enterprise, contractor or subcontractor issued with a COC shall be presumed compliant with labor laws and social legislation. No joint

assessment will be conducted within a period of two (2) years except in any of the following circumstances:

- a. SENa referral has been made by any DOLE agency;
- b. Existence of any of the circumstances enumerated in Section 1, Rule VII, on Occupational Safety and Health Standards Investigation, of this Revised Rules;
- c. Receipt of verified report or information of violation of the Expanded Anti-Trafficking in Persons Act of 2012, the Migrant Workers and Overseas Filipinos Act of 1995, or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;
- d. When an establishment is placed under the SAVE program;
- e. Failure to submit Compliance Report as required in Section 7 of this Rule; or
- f. Other circumstances analogous to the above.

Section 6. Grounds for Revocation of COC.— The COC shall be revoked in any of the following instances:

- a. If the COC was obtained through manifest deceit, misrepresentation, intimidation of workers, false reporting, and other similar or analogous acts of the employer;
- b. If the establishment, principal, user enterprise, contractor, or subcontractor is unable to effect correction of the deficiency after the conduct of Compliance Visit or Occupational Safety and Health Standards Investigation, as the case maybe, within the prescribed period;
- c. If a dangerous occurrence results in disabling injury which is attributable to the negligence or fault of the employer; or
- d. Other circumstances analogous to the above.

The Regional Director shall issue an Order revoking the COC within ten (10) days from the termination of conference which shall be called for that purpose. In such case, all privileges appurtenant to the grant of the COC shall likewise be revoked or cancelled.

If the COC of the contractor or subcontractor of the principal is revoked, the Regional Director shall subsequently issue a corresponding Order revoking the COC of the latter.

Section 7. Submission of Compliance Report. – Establishments issued with COC must submit a Compliance Report within ten (10) days from the lapse of one (1) year following the issuance of the COC. The template and the corresponding instruction on how the undertaking shall be accomplished shall be provided by the Regional Office upon the issuance of the said COC. Failure of the establishment to comply with its undertaking shall cause the conduct of a spot verification by the Regional Office which shall be in the nature of a Compliance Visit.

Section 8. Expiring and Expired COC.—Establishments issued with COC must submit a Compliance Report to the Regional Office not later than three (3) months before the expiration thereof. Establishments which fail to comply with this requirement, as well as those against which complaints for violation of any labor law or social legislation have been filed and are pending, shall be subject to Joint Assessment.

For this purpose, the Regional Offices and the Bureau of Working Conditions

shall post in their respective websites a list of establishments whose COC will expire in six (6) months.

RULE XI
Refusal of Access to Records and/or Premises

Section 1. Coverage. – Refused access to records and/or premises shall result in the filing of a criminal action against the responsible person in the establishment in any of the following cases:

- a. When the refusal was committed twice, during the first and second attempt to conduct a Joint Assessment, or Compliance Visit, or SAVE; or
- b. When the refusal was committed even on the first attempt to conduct an Occupational Safety and Health Standards Investigation.

Section 2. Action to be Taken if Refused Access. – If the LLCO is denied access to records and/or premises on his/her first attempt in Joint Assessment, Compliance Visit, or SAVE, he/she shall issue a Notice of Assessment informing the establishment of the schedule of the next visit, and shall require its representative to receive the said notice by writing his/her name and affixing his/her signature thereon. If the representative refuses to sign the same, the LLCO shall write such fact and specify the name and designation of the said representative.

If the LLCO is denied access on his/her second attempt despite the issuance of a Notice of Assessment, he/she shall inform the Regional Director of such fact.

Thereafter, the Regional Director shall write the owner or president or any duly authorized representative and explain the following: (a) the Assessment to be conducted; (b) the issuance of Certificate of Compliance if the establishment is found compliant with labor laws; and (c) the filing of a criminal case against the responsible person.

If the establishment refuses to give access to the LLCO despite the communication made by the Regional Director, the latter shall direct the LLCO to issue a Notice of Results by registered mail or private courier service and indorse the supporting documents such as, but not limited to, Authority to Assess, Notice of Assessment, Notice of Results, Affidavit of Refusal of Entry and Return Cards to the DOLE Legal Service within five (5) days for the institution of a criminal action.

Section 3. Execution of Affidavit of Refusal of Entry. – The LLCO shall execute an affidavit narrating the following, and submit the same to the Regional Director within three (3) days from assessment:

- a. Receipt of Authority to Assess;
- b. Conduct of Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation or SAVE;
- c. The fact of refusal of access by the employer on the first attempt;
- d. The issuance to the employer of the Notice of Assessment; and
- e. The fact of refusal of access by the employer on the second attempt.

Section 4. Notice of Mandatory Conference or Intention to File Criminal Action. – Within five (5) days from submission by the LLCO of the Affidavit of Refusal

of Entry, the Regional Director shall invite the establishment to a mandatory conference or notify that a criminal action will be filed against it.

Section 5. Initiation of Filing of Criminal Case. – The DOLE Legal Service shall initiate the filing of the criminal case within ten (10) days from receipt of indorsement by the Regional Director. The Legal Service shall closely coordinate with the Mediator-Arbitrator of the concerned Regional Office relative to the cases to be filed or which have been filed.

The DOLE Legal Service shall monitor the criminal case arising from refusal of access, and submit a quarterly report to the Office of the Secretary with a copy thereof furnished to the Bureau of Working Conditions. It shall enter into a Memorandum of Agreement with the Department of Justice for the prosecution of the case.

RULE XII **Mandatory Conference**

Section 1. Conduct of Mandatory Conference. – If noted deficiencies are not corrected, a mandatory conference shall be conducted within ten (10) days:

- a. After the lapse of the twenty (20) days period of correction for general labor standards deficiencies arising from Joint Assessment; or
- b. After the lapse of the ten (10) days period of correction of general labor standards deficiencies and/or occupational safety and health standards deficiencies arising either from Compliance Visit or Occupational Safety and Health Standards Investigation.

The Hearing Officer shall conduct marathon conferences. The parties shall be allowed only two (2) postponements based on meritorious grounds.

Where the parties fail or refuse to appear during the mandatory conference/s despite due notice and without justifiable reason, the same shall be considered a waiver on their part to controvert the findings of the LLCO. Consequently, a Compliance Order shall be issued based on the evidence on record.

In no case shall the mandatory conferences exceed thirty (30) days reckoned from the date of the first conference.

Section 2. Nature of Proceedings. – The proceedings shall be summary in nature. Hence, the technicalities of law and procedure and the rules governing admissibility and sufficiency of evidence obtaining in the courts of law shall not strictly apply. The Hearing Officer shall avail of all reasonable means to speedily and objectively ascertain the facts of the controversy, including ocular inspection and interview of well-informed persons.

Section 3. Records of Proceedings. – The Hearing Officer shall make a record of the proceedings, including the position of the parties and the evidence presented. The minutes of the conferences shall be signed by the parties and attested to by the Hearing Officer, and shall form part of the records of the case.

RULE XIII **Compliance Order**

Section 1. Compliance Order. – Within ten (10) days after the termination of the mandatory conference, the Hearing Officer shall submit his/her recommendation for the disposition of the labor standards case. Accordingly, the Regional Director shall issue the corresponding Compliance Order within ten (10) days from receipt of the aforesaid recommendation.

The Compliance Order shall be written in clear and concise language, which shall contain the following:

- a. Brief statement of facts, issues, and applicable laws;
- b. Computation of the unpaid wages and other benefits, including the names of the workers to whom payment is due, the period covered, and the formula used in the computation;
- c. A statement on the imposition of the penalty of double indemnity, if applicable;
- d. Accessory penalties such as cancellation of registrations and accreditations which are premised on compliance with general labor standards and occupational safety and health standards;
- e. A directive to the employer to submit proof of compliance within ten (10) days from receipt of the Compliance Order, and;
- f. Any unlawful act committed by any person or entity in the course of any of the modes of implementation as mentioned under of this Revised Rules, and the corresponding recommendation for the institution of necessary criminal action against the responsible persons.

Section 2. Dismissal of the Case.– Within ten (10) days from receipt of the recommendation of the LLCO, the Regional Director shall issue an Order dismissing the case based on any of the following grounds:

- a. The findings of deficiencies by the LLCO has no basis in fact or in law;
- b. The employer presented substantial evidence controverting the findings of the LLCO;
- c. The correction or restitution of deficiencies was made by the employer prior to the issuance of Compliance Order;
- d. The parties entered into an amicable settlement or compromise agreement, in whole or in part, during the mandatory conference; or
- e. Any other analogous circumstances warranting the dismissal of the case.

Section 3. Modes of Service.– Notices shall be served to the parties or their duly authorized representatives at their last known address or if they are represented by counsels, to the latter.

Service of notices and orders shall be made either by personal service or by registered mail. In cases where a party to a case or his/her counsel of record personally seeks service of the Order upon inquiry, service on the said party shall be deemed effected upon actual receipt. In special circumstances, service of notices may be effected in accordance with the pertinent provisions of the Rules of Court.

For purposes of appeal, the reckoning of the reglementary period shall be from receipt of the Compliance Order by the party if he/she has no representative or counsel of record.

Section 4. Proof and Completeness of Service.— The registry return card is *prima facie* proof of the facts indicated therein.

Personal service is complete upon actual delivery. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) days from the date he/she received the first notice of the postmaster, whichever date is earlier.

In case of personal service, the process server shall submit his/her return within seventy-two (72) hours from date of service indicating in the return his/her name, the mode of service, the names of the authorized persons served, and the date of actual receipt of the document. If no service was effected, the process server shall state in the return card the reason thereof.

Section 5. Notice of Finality. – The Regional Director shall issue a Notice of Finality in case no appeal is perfected.

RULE XIV Compromise Agreement

Section 1. Compromise Agreement. – Should the parties arrive at an agreement as to the whole or part of the dispute, said agreement shall be reduced in writing and signed by the parties in the presence of the Regional Director, or his/her duly authorized representative.

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

In case a Compromise Agreement is entered into by the parties in the absence of the Regional Director, or his/her 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 justifiable reason, the Regional Director may assign an LLCO to conduct an on-site verification. A report thereof shall be submitted by the LLCO concerned within three (3) days after the conduct of such on-site verification.

RULE XV Appeal

Section 1. Appeal.— The Compliance Order may be appealed to the Office of the Secretary of Labor and Employment by filing a Memorandum of Appeal, furnishing the other party with a copy of the same, within ten (10) days from receipt thereof. No further motion for extension of time shall be entertained.

A mere Notice of Appeal shall not stop the running of the period within which to file an appeal.

Section 2. Grounds of Appeal.— An 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. Where to File the Appeal.— The appeal shall be filed with the Regional Office which issued the Compliance Order. The filing of Memorandum of Appeal with any other office or agency shall not toll the running of the reglementary period for filing the same.

Section 4. Form and Contents.— The Memorandum of Appeal shall be filed in one (1) printed copy and an electronic copy in a compact disc containing: (a) the full name of the parties to the case; (b) the date of receipt of the Compliance Order appealed from; (c) concise statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Office, and the reasons or arguments relied upon for the allowance of the appeal; (d) proof of service upon the other party; and (e) clear legible duplicate originals or true copies of the Compliance Order, certified correct by the records officer of the Regional Office.

Section 5. Perfection of Appeal; Effect Thereof.— An appeal is deemed perfected upon filing of the Memorandum of Appeal together with the appeal bond within the period specified in Section 1 of this Rule.

Failure to perfect an appeal in the manner and within the period prescribed in this Rule shall render the Compliance Order final and executory, in which case the Regional Director shall, on his/her own initiative, issue a Notice of Finality and Writ of Execution.

Section 6. Appeal Bond.— The appeal bond may either be cash or surety in an amount equivalent to the monetary award. 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 the following:

- a. A joint declaration under oath by the employer, his/her counsel and the bonding company, attesting that the bond posted is genuine and effective until the final disposition of the case;
- b. An indemnity agreement between the appellant and the bonding company;
- c. A certificate of authority from the Insurance Commission;
- d. A certificate of registration from the 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 signature.

A cash or a surety bond shall be valid and effective from the date of deposit or posting until the case is finally resolved 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 appellant and the bonding company.

If the bond is cancelled or is not renewed during the pendency of the case, the appeal shall be dismissed and the order appealed from shall be deemed final and executory.

If after verification, the bond is found irregular or not genuine, the appeal shall

be deemed not perfected and shall be dismissed by the Regional Director on his/her own initiative, in which case the assailed Compliance Order shall become final and executory.

Section 7. Motion to Reduce Bond.— A motion to reduce bond shall not be entertained and shall not toll the reglementary period to file an appeal.

Section 8. Filing of Reply or Opposition.— The appellee may file with the Regional Office his/her reply or opposition to the appeal within ten (10) days from receipt thereof. Failure on the part of the appellee to file his/her reply or opposition within the said period shall be construed as a waiver on his/her part to file the same.

Section 9. Withdrawal of Appeal. — An 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 in the discretion of the Secretary of Labor and Employment. If an appeal is withdrawn in either case, the Resolution or Decision of the Regional Director shall become final and executory, and an entry of judgment shall be made immediately in accordance with Section 13 hereof.

Section 10. Transmittal of Records.— Within three (3) days after the lapse of the period to file a reply or opposition to the appeal, the entire records of the case shall be transmitted by the Regional Office to the Office of the Secretary of Labor and Employment.

The records of the case shall have a corresponding index of its contents, chronologically arranged and numbered. The records shall include the following: (a) complaint, affidavits, copy of the NR, computation of the award; (b) notices, orders, as well as the proof of service such as return cards, minutes of the proceedings; (c) Memorandum of Appeal and Reply or Opposition thereto with proof of service thereof; and (d) official receipt of cash bond or in case of surety bond, the corresponding requirements therefor as specified in Section 6 of this Rule.

Section 11. 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 12. Finality of Resolution or Decision of the Secretary of Labor and Employment.— The Secretary of Labor and Employment shall have thirty (30) days from receipt of the entire records of the case or from termination of the Clarificatory Conference to decide the appeal.

If no motion for reconsideration is filed by the aggrieved party within fifteen (15) days from receipt by the parties of the Resolution or Decision of the Secretary of Labor and Employment, the same shall become final and executory. If a motion for reconsideration is filed, the Secretary of Labor and Employment shall issue a Resolution or Decision thereon within thirty (30) days from receipt thereof.

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

Section 13. Entry of Judgment and Transmittal of Records to the Regional Office of Origin.— After the Resolution or Decision of the Secretary of Labor

and Employment has attained finality, an Entry of Judgment shall be issued. Thereafter, the entire records of the case shall be forwarded to the Regional Office of origin for the issuance and implementation of the Writ of Execution.

Section 14. 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, Resolution, or Decision unless the appellate court issues a restraining order or injunctive relief.

RULE XVI **Execution**

Section 1. Issuance of Writ of Execution. – Within ten (10) days from issuance of Notice of Finality or receipt of Entry of Judgment and the entire records of the case, the Regional Director shall issue a writ of execution on his/her own initiative or on motion by any interested party.

Section 2. Pre-execution Conference.— Within ten (10) days from receipt of a motion for the issuance of a writ of execution and subject to Section 1 hereof, the Regional Director or his/her duly authorized representative shall schedule a pre-execution conference or hearing to thresh out matters relevant to execution.

Section 3. Form and Contents of a Writ of Execution.— The writ of execution must be issued in the name of the Republic of the Philippines, signed by the Regional Director, requiring the Sheriff to execute his/her Compliance Order or the Resolution or Decision of the Secretary of Labor and Employment, and must contain the dispositive portion of the Order 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.

Section 4. Enforcement of Writ of Execution. – In enforcing the writ of execution, the Sheriff or the officer acting as such shall be guided by this Revised Rules and by the DOLE Sheriffs' Manual on Execution of Judgment. In the absence of applicable rules, Rule 39 of the Rules of Court shall be applied in a suppletory character.

The Sheriff may avail of such other means as may be necessary in the execution of the judgment, including seeking the assistance of law enforcement authorities.

Section 5. Motion to Quash Writ of Execution. – The filing of a motion to quash the writ of execution shall not suspend the execution proceedings. The motion shall be deemed not filed but shall form part of the records of the case.

Section 6. 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. Pursuant to Article 129 of the Labor Code, such amount shall be held as a special fund by the Department of Labor and Employment to be used exclusively for the amelioration and benefit of employees.

Section 7. Effect of Third-Party Claim. – If the property levied on is claimed by any person other than the losing party and/or employer or its agent, such person shall make an Affidavit of his/her title thereto or right to the possession thereof, stating the grounds of such right or title and shall file the same with the Sheriff and

copies thereof served upon the Regional Director and upon the prevailing parties/workers.²⁰

Filing of a Third-Party shall not stay the execution provided that the prevailing parties/workers, on demand of the Regional Director, files a bond to indemnify the third-party claimant in a sum not less than the value of the property levied on.

In case of failure on the part of the prevailing parties/workers to post bond, the Regional Director shall conduct a hearing with due notice to all parties concerned and resolve the validity of the Third-Party Claim within ten (10) working days from receipt thereof and his/her decision is appealable to the Secretary of Labor and Employment within ten (10) working days from notice, and the same shall be resolve within same period.²¹

RULE XVII **Miscellaneous Provisions**

Section 1. Prohibited Motions. – At all levels of the proceedings, the following motions or pleadings are prohibited and, if filed, shall not be acted upon but shall form part of the records of the case:

- a. Motion to dismiss;
- b. Motion for bill of particulars;
- c. Motion for reduction of bond;
- d. Motion for extension of time;
- e. Dilatory motions for postponement;
- f. Motion for intervention;
- g. Motion to declare respondent in default;
- h. Motion for inhibition;
- i. Motion for reconsideration of interlocutory orders or interim relief orders of the Regional Director;
- j. Motion to quash writ of execution; and
- k. Such other motions and pleadings intended to obstruct or impede the proceedings.

Section 2. Coordination with Relevant Government Agencies. – The conduct of any of the modes of implementation may be covered by Memorandum of Agreements to ensure proper coordination with other relevant government agencies.

Section 3. Revised Manual for Implementation. – The Revised Manual of Implementation of this Rules shall be issued within ninety (90) days after the effectivity of this Revised Rules.

RULE XVIII **Transitory and Final Provisions**

Section 1. Penalty clause. – Any person who commits any of the unlawful acts described in the Labor Code, or any provision of this Rules, shall be punished with a fine of not less than One Thousand Pesos (Php1,000.00) nor more than Ten Thousand Pesos (Php10,000.00.00) or imprisonment of not less than three (3) months nor more than three (3) years, or both such fine and imprisonment at the discretion of

²⁰ Adopted from Section 16, Rule 39 of the Rules of Court

²¹ Adopted from NLRC Manual on the Execution of Judgment

the court.²²

Any person who refuses or fails to pay any of the prescribed increases or adjustments in the wage rates shall be punished by a fine of not less than Twenty-Five Thousand Pesos (Php25,000.00) nor more than One Hundred Thousand Pesos (Php100,000.00) in accordance with Republic Act No. 8188.

If the violation is committed by a corporation, trust or firm, partnership, association, or any other entity, the fine shall be imposed upon the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director, or partner.

In case the employee's injury, illness or death was due to the failure of the employer to comply with any labor law, or to install, maintain or provide safety and health control measures, or take other precautions for the prevention of injury, illness, or death, said employer shall pay the State Insurance Fund a penalty of twenty-five percent (25%) of the lump sum equivalent of the income benefit payable by the Social Security System to the employee after due process.²³

Section 2. Oversight Function of TIPC. – The National Tripartite Industrial Peace Council (NTIPC) as institutionalized under Republic Act No. 10395, shall serve as the oversight committee to monitor compliance with this Rules.

Section 3. Separability Clause. – If any provision of this Revised Rules is held invalid or unconstitutional, other provisions not affected shall continue to be effective.

Section 4. Repealing Clause.– All rules and regulations, department orders, and other issuances inconsistent herewith are deemed repealed or modified accordingly.

Section 5. Effectivity. – This Revised Rules shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Manila, Philippines, 18 May 2016.


ROSALINDA DIMAPILIS BALDOZ
Secretary

Dept. of Labor & Employment
Office of the Secretary



²²Article 303 of the Labor Code, as renumbered.

²³Article 206 of the Labor Code, as renumbered.

LIST OF ABBREVIATIONS

COC	- Certificate of Compliance
DOLE	- Department of Labor and Employment
LLCO	- Labor Laws Compliance Officer
LLCS	- Labor Laws Compliance System
LLCS-MIS	- Labor Laws Compliance System-Management Information System
NR	- Notice of Results
PPE	- Personal Protective Equipment
RD	- Regional Director
RO	- Regional Office
SAVE	- Special Assessment or Visit of Establishments
SEnA	- Single Entry Approach
TCC	- Tripartite Certification Committee
TCCLS	- Tripartite Certificate of Compliance with Labor Standards
WSO	- Work Stoppage Order