



**DEPARTMENT ORDER NO. 183**  
Series of 2017

**REVISED RULES ON THE ADMINISTRATION AND ENFORCEMENT  
OF LABOR LAWS PURSUANT TO ARTICLE 128  
OF THE LABOR CODE, AS RENUMBERED**

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 of the Labor Code, as renumbered, Department Order No. 131-B, Series of 2016, is hereby amended, as follows:

**RULE I**  
**Objective and Applicability**

**Section 1. Objective.** – This Revised Rules is aimed to further strengthen the implementation of the visitorial and enforcement powers under the Labor Code, as renumbered, towards securing a higher level of compliance with labor laws and standards, and ensuring continuity and sustainability of compliance at workplaces.

**Section 2. 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 of the Labor Code, as renumbered.

**Section 3. Construction.** – This Revised Rules shall be liberally construed to attain a just, inexpensive, and expeditious settlement and resolution of labor cases or disputes.

**Section 4. 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. **“Authority to Inspect”** refers to the written authority issued by the Secretary of Labor and Employment or his/her duly authorized representative, to Labor Inspectors to conduct Routine Inspection, Complaint Inspection, or Occupational Safety and Health Standards Investigation.
- b. **“Child”** refers to any person under eighteen (18) years of age.<sup>1</sup>

<sup>1</sup> Section 3(b), Department Order No. 65-04.

- c. **“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.<sup>2</sup>
- d. **“Complaint Inspection”** 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 in any of the instances mentioned in Section 1, Rule VI of this Revised Rules.
- e. **“Dangerous Occurrences”** refer to any of the following:<sup>3</sup>
  - 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);
  - 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 overturning 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.
- f. **“Disabling Injury”** refers to a work injury which results in death, permanent total disability, permanent partial disability, or temporary total disability.<sup>4</sup>
- g. **“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.<sup>5</sup>
- h. **“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.<sup>6</sup>
- i. **“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 or any of its political subdivisions, and instrumentalities, all

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<sup>2</sup> Section 3 (b), IRR of RA 9231

<sup>3</sup> Rule 1053.02, Occupational Safety and Health Standards, as amended

<sup>4</sup> Rule 1051 (2), Occupational Safety and Health Standards, as amended

<sup>5</sup> Section 2 (n), Department Order No. 10, Series of 1998

<sup>6</sup> Article 212 (6), renumbered as Article 219, Labor Code of the Philippines, as amended



government-owned or controlled corporations and institutions without original charters or incorporated under the Corporation Code of the Philippines, as well as non-profit private institutions or organizations.

- j. **“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.<sup>7</sup>
- k. **“Hazardous Establishment”** refers to an establishment in which the nature of work exposes the employees to:<sup>8</sup>
  - 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, and other parasites; or
  - 6. Other analogous circumstances as may be determined by the Secretary of Labor and Employment.
- l. **“Imminent Danger”** refers to a condition or practice in any workplace that can be reasonably expected to cause death or serious physical harm.<sup>9</sup>
- m. **“Inspection Checklist”** refers to a form, hard copy or electronic, containing indicators in determining compliance of establishment, workplace, or worksite with labor laws and social legislation.
- n. **“Labor Inspector”** refers to the personnel of the DOLE authorized to conduct Routine Inspection, Complaint Inspection, Occupational Safety and Health Standards Investigation, 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.
- o. **“Labor Standards”** refers to the minimum requirements prescribed by existing laws, rules and regulations, and other issuances relating to wages, hours of work, allowances and other monetary and welfare benefits, including those set by occupational safety and health standards.
- p. **“Notice of Results”** refers to the accomplished form issued by the Labor Inspector indicating the results of Routine Inspection, Complaint Inspection, and Occupational Safety and Health Standards Investigation.
- q. **“Occupational Safety and Health Standards Investigation”** refers to the process of determining the existence of imminent danger, dangerous occurrence, and accident resulting in disabling injury or

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<sup>7</sup> Rule II, Section 1 (k), Department Order No. 131, Series of 2013

<sup>8</sup> Rule 1013, Occupational Safety and Health Standards, as amended

<sup>9</sup> Rule 1012.02, Occupational Safety and Health Standards, as amended



- other analogous circumstances within the workplace based on a report or information.
- r. **“Regional Office”** refers to the Office of the DOLE in the regions headed by a Regional Director.
  - s. **“Routine Inspection”** refers to the process of evaluating compliance with labor laws and social legislation jointly undertaken by the Labor Inspector and the representatives of the employer and the employees using the prescribed Inspection Checklist.
  - t. **“Single Entry Approach”** 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 pursuant to Department Order No.151-16.
  - u. **“Technical Safety Inspection”** refers to inspection or verification of boilers, pressure vessels, internal combustion engines, elevators, hoisting equipment, electrical wirings and other mechanical equipment installation for safety determination.
  - v. **“Validation”** refers to the review by the Regional Director or his/her duly authorized representative of pertinent documents submitted by an establishment showing compliance with labor laws and social legislation.
  - w. **“Verification”** refers to the review by the Labor Inspector of pertinent documents submitted by an establishment showing compliance with labor laws and social legislation.
  - x. **Working Child** refers to any child engaged in any of the following conditions:<sup>10</sup>
    - 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 visitorial power of the Secretary of Labor and Employment or his/her duly authorized representatives shall be implemented through any of the following:

- a. Routine Inspection;
- b. Complaint Inspection; or
- c. Occupational Safety and Health Standards Investigation.

Upon the discretion of the Secretary of Labor and Employment, a Special Inspection Team may be constituted by the Secretary of Labor and Employment composed of a group of labor inspectors, or representatives from the Regional

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<sup>10</sup> Section 3 (3), IRR of RA 9231



Office, the Bureau of Working Conditions, the Occupational Safety and Health Center, and other DOLE agencies for the conduct of inspection on establishments and workplaces based on the foregoing modes. The Special Inspection Team may coordinate or be directed to collaborate with other government agencies exercising regulatory or enforcement functions, as may be necessary.

**Section 2. Designation and Assignment.** – At the start of every year, the Secretary of Labor and Employment shall issue a list of Labor Inspectors with general authority to inspect establishments' compliance with labor laws and social legislation. The general authority shall include investigation of OSH standards violation committed in plain view or in the presence of the Labor Inspectors.

From the issued list, the Regional Director shall assign specific establishments to authorized Labor Inspectors.

**Section 3. Employer and Employees' Representative.** – For purposes of representation in the conduct of inspection, 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 officers holding managerial positions 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 present at the time of inspection or representative/s 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 the absence of the above-mentioned, any employee present during the inspection shall be deemed representative of the employees.

**Section 4. Participation of Labor, Employer and Other Organizations.** – Qualified representatives of Legitimate Labor Organizations, Legitimate Workers Associations, Chartered Locals, National Unions or Federations, Accredited Integrated Professional Organizations, Non-Government Organizations, and Employer Organizations may be authorized to participate in the inspection of establishments subject to the requirements of Administrative Order No. 164, Series of 2017.

**Section 5. Conduct of Technical Safety Inspection.** – The conduct of technical safety inspection by Labor Inspectors who are mechanical or electrical engineers shall be governed by the Revised Technical Safety Inspection



Manual.<sup>11</sup>

**Section 6. Voluntary Regularization of Employees.** – The employers may voluntarily regularize their employees by filing a Letter of Voluntary Commitment before the DOLE Regional Office having jurisdiction over the workplace pursuant to Labor Advisory No. 06, Series of 2017.

**Section 7. Inspection Audit Team.** – The implementation of inspection programs and activities, and the performance of Labor Inspectors shall be periodically reviewed by the Audit Team constituted as such by the Secretary of Labor and Employment. The Audit Team shall submit within seven (7) working days after each audit a report to the Office of the Secretary of Labor and Employment, copy furnished the Bureau of Working Conditions.

#### **RULE IV Establishment's Labor Standards Requirement**

**Section 1. Required Compliance with Labor Laws.** – All establishments, principals and contractors/subcontractors, unless expressly exempted, must comply with the prescribed labor standards, OSHS, and social welfare benefits for their employees including compliance with the regulations on contracting/subcontracting arrangements, termination of employment requirements, security of tenure, right to self-organization and other labor rights.

**Section 2. Employment Records.** – All establishments shall keep and maintain employment records in and about the premises of all workplaces for at least three (3) years; except if a centralized recording system is implemented.

**Section 3. Principal and Contractor or Subcontractor Labor Standards Requirement.** – The contractor and/or subcontractor and its principals shall comply with the requirements of Department Order No. 174, Series of 2017.

#### **RULE V Routine Inspection**

**Section 1. Coverage.** – This mode of inspection shall cover all private establishments, including their branches, workplaces and their contractors or subcontractors.

**Section 2. Priority Establishments and Workplaces.** – In the conduct of Routine Inspection, 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. Those employing ten (10) or more employees; and
- e. Such other establishments or industries as may be determined by the Secretary of Labor and Employment as priority for Routine Inspection.

**Section 3. Routine Inspection Procedure.** – Routine Inspection shall be conducted in the following manner:

- a. **Assignment of Establishments.** – The Regional Director shall issue

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<sup>11</sup> Pursuant to Department Order No. 57, Series of 2004.



to the Labor Inspector an Authority to Inspect specifying the name and address of the establishment, including its contractors/subcontractors, to be inspected, and the validity of said authority.

- b. **Presentation of Authority to Inspect.** – The Labor Inspector shall proceed to the establishment and present the Authority to Inspect.
- c. **Verification of Compliance.** – In the presence of the representatives of the employer and employees, the Labor Inspector shall: (1) examine 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 Labor Inspector's consideration.
- d. **Issuance of Notice of Results.** – After the conduct of Routine Inspection, the following shall be undertaken:
  - d.1 **For compliant establishment.** – If the establishment is found compliant, the Labor Inspector shall issue a Notice of Results 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. Pertinent documents showing compliance shall be attached as part of the records.

Establishments found compliant by Labor Inspectors shall be subject to random validation by the concerned Regional Office.

- d.2 **For non-compliant establishment.** – If the establishment is found non-compliant, the Labor Inspector shall issue a Notice of Results to the representatives of the employer and the employees, and the Sole and Exclusive Bargaining Agent, if organized, indicating therein the noted violations.

In both cases, the contents of the Notice of Results shall be explained by the Labor Inspector to the representatives of the employer and the employees, who shall thereafter affix their respective signatures therein to signify their acknowledgment of the Routine Inspection findings. Any representative who disagrees with the findings may note his/her comment on the Notice of Results before affixing his/her signature.

If any representative refuses to sign the Notice of Results, the Labor Inspector shall write such fact and specify the name and designation of the said representative. Copies of the Notice of Results 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 Violations.** – All inspected establishments with noted violations are required to institute their respective corrective actions within the following prescribed periods:
  - e.1 **Correction Period on General Labor Standards and Contracting and Subcontracting Rules.** – All establishments with violations on general labor standards



and/or contracting and subcontracting rules are required to present original copies of compliance to the Regional Office or to its Field Office which conducted the Routine Inspection, if any, within a non-extendible period of ten (10) days from receipt of the Notice of Results or from posting thereof in a conspicuous place within their premises.

For general labor standards, in case the parties enter into a compromise or amicable settlement, procedures provided in Rule XII of this Revised Rules shall apply.

**e.2 Remediation Period on Occupational Safety and Health Standards.** – If the violations involve occupational safety and health standards, the following remediation period shall apply:

e.2.1 If the violation poses imminent danger to the life and limb of the employees, remediation shall be made within one (1) day from receipt of the Notice of Results in accordance with Section 2 (b.2 and b.3), Rule VII of this Revised Rules. The employer shall suspend the work or the affected employees shall stop working until the required violation is corrected. During the period of work suspension, the employer shall pay the wages of the said employees as if they have reported for work;

e.2.2 If the violation pertains to Personal Protective Equipment (PPE), remediation thereof shall be effected within three (3) days from receipt of the Notice of Results. 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 violations other than the above, the employer may be allowed a longer period to remediate the same, provided the employer submits a corresponding Action Plan specifying the timelines within which to remediate the violations, which period shall in no case exceed ninety (90) days from the issuance of the Notice of Results.

**f. Formulation and Submission of Action Plan.** – During the conduct of Routine Inspection, the Labor Inspector shall state in the Notice of Results the summary of violations, the corresponding remediations to be made, and the deadline when the said remediation should be made or completed. The establishment with OSHS violations shall prepare an Action Plan, with the assistance of the Labor Inspector, to remediate the violations with a copy thereof furnished to both management and employees' representative for unorganized establishment or the Sole and Exclusive Bargaining Agent in organized establishment.

**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 schedule of remediation of all violations. Failure to do so shall cause the issuance of a Compliance Order.

**h. Verification or Validation of Compliance and Follow-up Inspection.** – The following shall be undertaken to assist employers to institute corrective actions:

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

If payment and/or correction of other violations was not made in the presence of the Regional Director or his/her authorized representative, verification or validation may 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 may be done within five (5) days from receipt of information of compliance with general labor standards.

**h.2. Correction of Contracting or Subcontracting Rules Violation.** – When the employer manifests to correct its violations, the Regional Director or his/her duly authorized representative shall direct the employer to submit documents showing compliance on contracting or subcontracting and/or list of workers absorbed by the principal .

Upon receipt of proofs of compliance, the Regional Director or his/her authorized representative, shall conduct verification or validation with the affected workers. The verification or validation shall be done within five (5) days from receipt of the documents showing compliance.

**h.3. Remediation of Occupational Safety and Health Standards Violation.** – Within five (5) days after receipt of the status report, the Labor Inspector shall conduct a verification inspection with representatives from the employer and employees to verify whether the Action Plan has been fully implemented.

However, no follow-up inspection shall be conducted if the information on correction of the OSHS violation 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 Violations.** – In the event that the establishment fail to correct the violations, the following shall be undertaken.

**i.1 General Labor Standards.** – Failure to correct the noted violations within the prescribed period of ten (10) days would result to docketing of the same 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 X of this Revised Rules.

- i.2 **Contracting or Subcontracting Rules.** – If the employer fails to submit proof of compliance within the prescribed period of ten (10) days, a mandatory conference in accordance with Rule X of this Revised Rules shall be undertaken.
- i.3 **Occupational Safety and Health Standards.** – The Regional Director shall immediately issue a Compliance Order in the following instances:
  - i.3.1 Failure or refusal of the employer to formulate an Action Plan;
  - i.3.2 Failure or refusal of the employer to submit a status report within the five-day prescribed period;
  - i.3.3 Failure or refusal of the employer to fully implement the Action Plan within the scheduled date of remediation; and
  - i.3.4 Failure of the employer to provide the appropriate PPE and to submit proof of compliance thereof within three (3) days from receipt of the Notice of Results.

## **RULE VI Complaint Inspection**


**Section 1. Coverage.** – Complaint Inspection shall be undertaken in any of the following instances:

- a. When there is SENa referral;
- b. When there is an anonymous complaint; or
- c. Where there is a request in a conciliation-mediation proceedings at the National Conciliation and Mediation Board to validate or verify violation of labor standards.

In case of item b., the assigned Labor Inspector shall conduct a surprise visit in the establishment complained of to validate the violations of labor laws.

**Section 2. Procedure.** – The conduct of the Complaint Inspection 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 a Labor Inspector by raffle and direct him/her to immediately conduct an inspection.
- b. **Presentation of Authority to Inspect.** – The Labor Inspector shall proceed to the establishment and present his/her Authority to Inspect.
- c. **Verification of Compliance.** – The Labor Inspector shall examine the employment records, interview the employees, and inspect the work premises to determine compliance with labor laws and social legislation.
- d. **Issuance of Notice of Results.** – After the conduct of Complaint Inspection, the following shall be undertaken:



- d.1 **For compliant establishment.** – If the establishment is found compliant, the Labor Inspector shall issue a Notice of Results 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.

Establishments found compliant by Labor Inspectors shall be subject to random validation by the concerned Regional Office.

- d.2 **For non-compliant establishment.** – If the establishment is found non-compliant, the Labor Inspector shall issue a Notice of Results to the representatives of the employer and the employees, and the Sole and Exclusive Bargaining Agent, if organized, indicating therein the noted violations.

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

If any representative refuses to sign the Notice of Results, the Labor Inspector shall write such fact and specify the name and designation of the said representative. Copies of the Notice of Results 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. Refusal to sign shall not affect the regularity of the Notice of Results.

- e. **Prescribed Period to Correct Violations.** – All inspected establishments with violations on labor standards and/or contracting and subcontracting rules are required to institute their respective corrective actions within the ten-day period from receipt of the Notice of Results or from posting thereof in a conspicuous place within the premises if there is refusal on the part of the employer to receive the Notice of Results.
- f. **Verification Inspection.** – The following shall be undertaken to ensure that corrective actions have been made by the employer:
- f.1. **Correction of General Labor Standards Violation.** – When the employer manifests its willingness to pay unpaid benefits and/or correct other violations during the period of correction, the Regional Director or his/her authorized representative shall direct the employer and the employees with money claims to a conference.

If payment and/or correction of other violations has already been made, the Regional Director or his/her 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 may be done with representatives from



the employer and employees within five (5) days from receipt of information of compliance with general labor standards.

- f.2. **Correction of Contracting or Subcontracting Rules Violation.** – When the employer manifests to correct its violations, the Regional Director or his/her duly authorized representative shall direct the employer to submit documents showing compliance on contracting or subcontracting and/or list of workers absorbed by the principal.

Upon receipt of proofs of compliance, the Regional Director or his/her authorized representative, shall conduct verification or validation with the affected workers. The verification or validation shall be done within five (5) days from receipt of documents showing compliance.

- f.3. **Correction of Occupational Safety and Health Standards Violation.** – The Labor Inspector shall conduct a verification inspection within prescribed period to check whether correction on OSHS 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 not be conducted.

- g. **Procedure after Failure to Correct Violations.** – If there is failure to correct the violations on general labor standards, contracting or subcontracting rules or OSH standards, the procedure under Rule X of this Revised Rules shall be undertaken.

## **RULE VII**

### **Occupational Safety and Health Standards Investigation**

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

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

**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 Labor Inspector to conduct an OSHS 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 appropriate government agencies, including local government units.

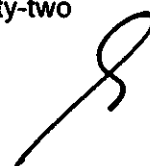
- b. If the Labor Inspector is allowed access to the establishment:
  - b.1 He/she shall conduct OSHS investigation and determine compliance with labor laws and social legislation.
  - b.2 Upon determination of existence of imminent danger or dangerous occurrence, he/she shall recommend to the establishment 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 OSHS 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 Labor Inspector shall issue a Notice of Results to the establishment and submit a recommendation, together with a narrative report, to the Regional Director for the issuance of Work Stoppage Order (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 OSHS 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 the 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 Labor Inspector 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 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 Labor Inspector to verify the claim of the establishment.

If upon verification the imminent danger no longer exists, the Labor Inspector 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 Labor Inspector.

A full report on the OSHS 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 violations involving labor standards, the applicable provisions of Section 2, Rule VI on Complaint Inspection, of this Revised Rules shall apply.

**Section 3. Procedure for Investigating Disabling Injury.** – The following procedures 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 Labor Inspector to conduct an OSHS 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 Labor Inspector is allowed access to the establishment, the applicable provisions of Section 2(b) hereof shall be observed.
- c. If the Labor Inspector is refused access to the establishment, Rule IX, on Refusal of Access to Records and/or Premises, of this Revised Rules shall apply.
- d. If there are violations on labor standards, the applicable provisions of Rule VI, on Complaint Inspection, 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 Labor Inspector.** – In instances where occupational safety and health standards violation is committed in plain view or in the presence of the Labor Inspector, the latter shall require the employer to correct the violation based on Section 3(e.2.1



and e.2.2), Rule V, on Routine Inspection, of this Revised Rules.

The Labor Inspector shall submit a narrative report to the Regional Director having jurisdiction over the workplace. The Regional Director shall direct: (a) the conduct of Routine Inspection under Rule V of this Revised Rules to complete the assessment of the establishment if correction has been made; or (b) the conduct of OSHS Investigation under this Rule if no correction has been instituted.

**Section 5. Discovered Imminent Danger.** – In case an imminent danger is discovered during the conduct of Routine or Complaint Inspection, 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 (20<sup>th</sup>) day of every month using the prescribed OSH Standards 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.

## **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.<sup>12</sup>

Under exceptional circumstances, the Secretary of Labor and Employment may issue an industry-wide WSO.

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

- a. The facts surrounding the incident covered by the OSHS 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

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<sup>12</sup> Rule II, Section 1 (aa), Department Order No. 131, Series of 2013.



duration of the WSO notwithstanding contributory negligence on the part of the 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 of the Labor Code, as renumbered.

**Rule IX**  
**Refusal of Access to Records and/or Premises**

**Section 1. Coverage.** – Refusal of access to records and/or premises shall result in the filing of a criminal action against the responsible person and/or employer/owner of the establishment during the conduct of Routine Inspection, Complaint Inspection, or OSHS Investigation.

**Section 2. Action To Be Taken on Refusal of Access.** – If the Labor Inspector is denied access to premises on his/her attempt to conduct Routine Inspection, Complaint Inspection, or OSHS Investigation, he/she shall issue a Notice of Results and report such fact in writing to the Regional Director.

If the Labor Inspector is denied access to records in the conduct of Routine or Complaint Inspection, he/she shall proceed with the inspection based on interview and inspection of premises only. Thereafter, he/she shall issue a Notice of Results and report such fact in writing to the Regional Director.

If the Labor Inspector is not allowed to interview workers, he/she shall issue a Notice of Results and report such fact in writing to the Regional Director.

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

- a. Receipt of Authority to Inspect;
- b. Conduct of Routine Inspection, Complaint Inspection, or OSHS Investigation;
- c. The fact of refusal of access by the employer.

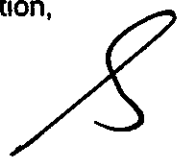
**Section 4. Indorsement of Records to Legal Service.** – The Regional Director shall indorse the supporting documents such as, but not limited to, Authority to Inspect, Notice of Results and Affidavit of Refusal of Access to the DOLE Legal Service within ten (10) days for the institution of a criminal action.

**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 Regional Director of the concerned Regional Office relative to the cases to be filed or which have been already 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 the Bureau of Working Conditions. It shall enter into a Memorandum of Agreement with the Department of Justice for the prosecution of the cases.

**RULE X**  
**Mandatory Conference**

**Section 1. Conduct of Mandatory Conference.** – In Routine Inspection,





a mandatory conference shall be conducted within ten (10) days after the lapse of the ten-day correction period for violations of general labor standards and contracting or subcontracting rules. Failure to correct OSH violations within the remediation period shall cause the immediate issuance of Compliance Order.

In Complaint Inspection and OSH Investigation, a mandatory conference shall be conducted within ten (10) days after the lapse of the ten-day correction period for violations of general labor standards, occupational safety and health standards, and contracting or subcontracting rules.

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 Labor Inspector. 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 procedures 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 XI 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 twenty (20) 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. Statement of evidence supporting the findings of employment relationship and monetary award;
- c. 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;
- d. For workers to be regularized, a computation of unpaid wages and other benefits voluntarily given by the employer under existing company rules and regulations and/or collective bargaining agreement, including the names of said workers to whom payment is due, the



- period covered, and the formula used in the computation;
- e. Statement on the imposition of the penalty of double indemnity, if applicable;
- f. Accessory penalties, such as cancellation of registrations and accreditations which are premised on compliance with general labor standards and occupational safety and health standards;
- g. Directive to the employer to submit proof of compliance within ten (10) days from receipt of the Compliance Order; and
- h. Any unlawful act committed by any person or entity in the course of any of the modes of implementation as mentioned under this Revised Rules, and the corresponding recommendation for the institution of necessary criminal action against the responsible persons.

**Section 2. Effect of Compliance Order to Regularize Workers.** – In case the Compliance Order issued by the Regional Director includes a directive to regularize workers, the employment of workers ordered to be regularized shall not be terminated pending appeal.

Concerned principals and contractors shall submit a notarized commitment to the Regional Director that workers ordered to be regularized shall not be terminated pending appeal. Said workers shall receive all their entitlements under existing laws, rules, and regulations.

**Section 3. Dismissal of the Case.** – Within twenty (20) days from receipt of the recommendation of the Labor Inspector, the Regional Director shall issue an Order dismissing the case based on any of the following grounds:

- a. The findings of violations by the Labor Inspector have no basis in fact or in law;
- b. The employer presented substantial evidence controverting the findings of the Labor Inspector;
- c. The correction or restitution of violations was made by the employer prior to the issuance of Compliance Order;
- d. The parties entered into a compromise agreement, in the mode of payment or compliance only, during the mandatory conference; or
- e. Any other analogous circumstances warranting the dismissal of the case.

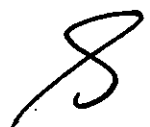
**Section 4. Modes of Service.** – Notices shall be served to the parties or their duly authorized representatives at their last known address or if they are represented by counsels, to the latter.

Service of notices and orders shall be made either by personal service, registered mail or private courier service. 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 parties.

**Section 5. Proof and Completeness of Service.** – The registry return card is *prima facie* proof of the facts indicated therein.

Personal service and service by private courier is complete upon actual delivery. Service by registered mail is complete upon actual receipt by the



addressee, or after five (5) days 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 6. Notice of Finality.** – The Regional Director shall issue a Notice of Finality in case no appeal is duly perfected.

## **RULE XII Compromise Agreement**

**Section 1. Compromise Agreement.** – Should the parties arrive at an agreement as to the mode of payment or compliance, 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 a Labor Inspector to conduct an on-site verification. A report thereof shall be submitted by the Labor Inspector concerned within three (3) days after the conduct of such on-site verification.

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

The Secretary of Labor and Employment shall have thirty (30) days from receipt of the entire records of the case or from termination of Clarificatory Conference referred to in Section 11 of this Rule, to decide the 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.** – 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.

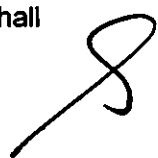
**Section 6. Appeal Bond.** – The appeal bond may either be cash or surety bond in an amount equivalent to the monetary award. In case a surety bond is posted, it must be issued by a reputable bonding company duly accredited by the Supreme Court of the Philippines and shall be accompanied by original 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 bond 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 Notice of Results, 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 hereof.

**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.** – If no Motion for Reconsideration is filed by the aggrieved party within ten (10) 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 resolve the same 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 XIV 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 issuance of a Writ of Execution, the Regional Director or his/her duly authorized representative shall conduct a pre-execution conference or hearing to thresh out matters relevant to the 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 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. 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 workers.

**Section 7. Effect of Third-Party Claim.** – If the property levied on is claimed by any person rather than the losing party and/or employer or its agent, such person shall make an Affidavit of his/her title thereto or right to 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.<sup>13</sup>

Filing of a third-party claim shall not stay the execution provided that the

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<sup>13</sup> Adopted from Section 16, Rule 39 of the Rules of Court.



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 the same period.<sup>14</sup>

## **RULE XV 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. Assistance to Workers.** – Workers who are separated from employment during the pendency of the case may visit the nearest DOLE Regional Office for availment of any livelihood, employment, income opportunities and other support programs of DOLE and other government agencies.

**Section 3. 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 4. Revised Manual for Implementation.** – The Manual of Implementation of this Revised Rules shall be issued by the Bureau of Working Conditions.

## **RULE XVI Transitory and Final Provisions**

**Section 1. Penalty clause.** – Any person who commits any of the unlawful acts described in the Labor Code, as renumbered or any provision of this Revised 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) or

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<sup>14</sup> Adopted from NLRC Manual on the Execution of Judgment.



imprisonment of not more than three (3) months nor more than three (3) years or both such fine and imprisonment at the discretion of the court.<sup>15</sup>

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.<sup>16</sup>

**Section 2. Oversight Function of the TIPC.** – The National Tripartite Industrial Peace Council (NTIPC) as created under Executive Order No. 49, Series of 1998, as amended, shall serve as the oversight committee to monitor compliance with this Rules.

**Section 3. Separability Clause.** – If any provision of this 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 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 OCTOBER 2017.

  
SILVESTRE H. BELLO III  
Secretary

Dept. of Labor & Employment  
Office of the Secretary



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<sup>15</sup> Article 303 of the Labor Code, as renumbered.

<sup>16</sup> Article 206 of the Labor Code, as renumbered.