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RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 7658

DOLE DEPARTMENT ORDER NO. 18, May 12, 1994

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By virtue of the provisions of Section 2 of Republic Act No. 7658, An Act Prohibiting the employment of Children Below Fifteen (15) Years of Age in Public and Private Undertakings, amending Section 12, Article VIII of Republic Act No. 7610, the following Rules and Regulations governing the employment of children are hereby issued:

SECTION 1. General Prohibition. — Except as otherwise provided in this Rules, children below 15 years of age shall not be employed, permitted or suffered to work, in any public or private establishments in the Philippines.

SECTION 2. Definition of terms. —

a. "Employer" — any parent, legal guardian or producer acting as employer who hires or engages the services of any child below 15 years of age.

b. "Legal Guardian" — any person duly appointed by a court of competent authority to exercise care and custody of or parental authority over the person of such child/employee.

c. "Producer" — any individual or group of individuals engaged in the production of movies, films, motion pictures, shows or advertisements, whether on cinema, theater, radio or television, wherein the services of such child/employee are hired.

d. "Members of the family" — those persons having family relations referred to under Article 150 of the Family Code of the Philippines. It shall include the employer parent's or legal guardian's husband or wife, parents, children, other ascendants or descendants, brothers and sisters whether of full or half blood.

e. "Department" — the Department of Labor and Employment.

SECTION 3. Exceptions and Conditions. — The following shall be the only exceptions to the prohibition on the employment of children below 15 years of age and the conditions for availment of said exceptions:

a. When the child works directly under the sole responsibility of his/her parents or legal guardian who employs members of his/her family only, under the following conditions:

- the employment does not endanger the child's life safety, health and morals;

- the employment does not impair the child's normal development;

- the employer parent or legal guardian provides the child with the primary and or secondary education prescribed by the Department of Education, Culture and Sports.

b. Where the child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential, provided that;

- the employment does not involve advertisements or commercials promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products or exhibiting violence;

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- there is written contract approved by the Department of Labor and Employment; and

- the conditions prescribed in Section 3a above are met.

SECTION 4. Pre-employment requirements. — Before an employer engages a child for employment under the exceptions enumerated above, he/she must first secure a work permit from the Regional Office of the Department having jurisdiction over the workplace.

The Regional Office shall require the employer to submit the following documents in support of the application for a work permit:

a. Two (2) pictures of the child, one full body and the other showing the child's face, both of which must be recently taken and recognizable;

b. the child's Birth Certificate or in its absence, his/her Baptismal Certificate and a joint affidavit of his/her two nearest kin showing the year he/she was born and a duly authenticated proof of legal guardianship where the employer is a legal guardian;

c. a certificate of enrollment issued by the school where he/she is currently or last enrolled or a statement from the parent or legal guardian that the child is attending school;

d. a written undertaking that:

- measures shall be instituted by the employer to prevent the child's exploitation and discrimination such as payment of minimum wage, hours or work and other terms and conditions required by law; and

- the employer shall ensure the protection, health, safety, morals and normal development of the child;

e. a medical certificate showing that the child is fit for employment;

f. a certification of a continuing program for training and skills acquisition approved and supervised by any competent authority, nearest the place of work, which may be recognized vocational or training school, the regional or local office of the Department of Social Welfare and Development and the National Manpower and Young Council; and

g. a written contract of employment concluded by the child's parent/parents or legal guardian with the employer in cases of employment or participation in public entertainment or information through cinema, theater, radio or television. Said contract shall bear the express agreement of the child concerned, if possible and shall state the nature or full description of the job and the justification that the child's employment or participation is essential.

SECTION 5. Hours of Works. — Subject to consultations with the sectors concerned, the Department shall by appropriate regulations, issue standards governing the hours of work and time of day that children may be allowed to work.

SECTION 6. Effect on other issuances. — The provisions of existing rules and administrative issuances not otherwise repealed, modified or inconsistent with this Order shall continue to have full force and effect.

SECTION 7. Penalties. — Any person who shall violate any provision of Article 12 of RA 7610 as amended by RA 7658, shall suffer the penalty of a fine of not less than One Thousand Pesos (1,000) but not more than Ten Thousand Pesos (P10,000) or imprisonment of not less than three (3) months but not more than (3) years, or both at the discretion of the court: Provided, that in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.

SECTION 8. Effectivity. — This Rules and Regulations shall take effect fifteen (15) days after its publication in a

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newspaper of general circulation.

Adopted:12 May 1994

(SGD.) MA. NIEVES R. CONFESOR
Secretary

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