

AN ACT TO CREATE THE BUREAU OF INDUSTRIAL SAFETY.

REPUBLIC ACT NO. 367, June 10, 1949

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The Bureau of Industrial Safety is hereby created under the Administrative supervision and control of the Department of Labor which shall have the following powers and functions:

- (a) To require every employer to furnish employment reasonably safe for the employees engaged therein, furnish and use safety devices and safeguards; adopt methods and processes reasonably adequate to render such employment and the places where employment is performed, including mines, reasonably safe; provide adequate first-aid facilities; provide adequate training and instructions to employees including vehicular drivers on safe methods; do everything reasonably necessary to protect life, health and safety of his employees. To require every employer, owner, or lessee of an industrial building or place employment now or hereafter constructed, to construct, pair and maintain the same so as to render it reasonably safe;
- (b) To make and enforce upon the advice of the advisory Safety Council of the Department of Labor approval of the Secretary of Labor, safety orders, and regulations, to require the report of all industrial accidents, and to perform such other functions as may be required by the exigencies of industrial safety;
- (c) To control, regulate, and approve the construction demolition, alteration and use of all industrial including shops, factories, bodegas, warehouses, and other working places and to issue rules and regulations pertaining thereto;
- (d) To inspect all industrial establishments, mines or any place of employment, including shops, factories, warehouses and bodegas, and machineries, engines, motors, generators and other prime movers, mechanical, electrical, hydraulic engines or devices, gas tanks, oil tanks, and pressure vessels, or motor vehicles to insure their safety, and enforce the provisions of this Act;
- (e) For the inspection of machineries, engines, motors, generators, and other prime movers, mechanical, electrical, and hydraulic engines or devices, gas tanks, oil tanks, boilers and pressure vessels, or motor vehicles mentioned in the next preceding paragraph; for the registration of industrial establishments; and for other services, to fix and collect with the advice of the Advisory Safety Council of the Department of Labor and the approval of the Secretary of Labor reasonable fees: Provided, That no extra charge shall be made for the inspection on the machinery and other apparatus connected with the boiler or driven by internal combustion engine: Provided, further, That the amounts so collected shall be deposited in the Philippine Treasury to the credit of the Safety Inspection Fund to be expended for the purpose of the enforcement of this Act, subject to the usual accounting and auditing requirements;
- (f) To study and prescribe ways and means of preventing industrial accidents and damage to industrial properties;
- (g) To recommend to the Congress the passage of laws for the promotion of the safety and health of all workingmen;
- (h) To set up a Safety Laboratory for testing and determining the disadvantageous effect upon workers of gases, dust, fumes, and other injurious substances, etc.

SEC. 2. Definition of terms.—When used in this Act, "employer" includes every person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control of any employment, place of employment or of any employee, including vehicular driver, but the provisions of this Act

shall not embrace the employment of domestic servants "Safe" and "safety", as applied to any employment or place of employment, shall mean "reasonably safe" or "reasonable safety" consistent with the lawful purpose of the use or occupancy of the place of employment, the inherent danger of the employment, the process, operation or situation involved and hygiene reasonably necessary for the protection of the life, health, and safety of employees.

SEC. 3. The Bureau of Industrial Safety shall be headed by a Commissioner who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines, and shall receive an annual compensation at the rate of seven thousand two hundred pesos.

SEC. 4. The Commissioner, or his authorized representatives, are hereby given the following powers:

- (a) To administer oaths, issue subpoenas, and take testimony in connection with any case coming within the scope of his official functions;
- (b) To issue, subject to the approval of the Secretary of Labor, permits that may be necessary in connection with the proper enforcement of this Act;
- (c) If after proper inspection and investigation in his opinion any industrial building, or place of employment, or any portion thereof, including shops, factories, warehouses, bodegas, or any boiler, pressure vessel, machinery, engine, motor, generator and other prime mover, mechanical, electrical and hydraulic engine or device, gas tank, oil tank, boiler or pressure vessel, is unsafe or in dilapidated conditions, thereby endangering human life or property, he shall immediately notify the owner, employer, manager, agent, lessee or any person in charge or in control thereof, of such conditions specifying the or defects, and order such repairs and improver be made within a reasonable time as he may deem necessary, and the owner, employer, manager, agent, lessee or any person in charge or in control of such building, machinery or equipment shall, immediately repair and correct such defect or defects: Provided, That, if after such notification, the owner, employer, manager, agent, lessee or any person in charge or in control of such building, machinery or equipment fails to repair or correct such defect or defects within the time specified, he shall immediately order the shutdown of such building, machinery, or equipment, if in his opinion, the conditions thereof constitute a serious menace to the lives and safety of any person, in, near, around or about the above-mentioned building, machinery, or equipment: Provided, further, That, if his opinion, order or decision is appealed to the Secretary of Labor, the latter's decision is final.

SEC. 5. Penalties.—Any person who shall violate any of the provisions of this Act or any of the orders, rules, and regulations promulgated hereunder, or shall hinder, refuse or in any way prevent the Commissioner of Industrial Safety or his duly authorized representatives from carrying out the provisions of this Act, shall upon conviction, be punished for each offense by a fine of not more than one thousand pesos or by imprisonment of not more than one year, or by both fine and imprisonment in the discretion of the Court

SEC. 6. There shall be in the said Bureau such safety experts and safety engineers and other officials and employees to be appointed by the Commissioner of Industrial Safety with the approval of the Secretary of Labor: Provided, That the present personnel of the Safety Engineering Division of the Department of Labor, its records, appropriations, equipment, and properties shall be transferred to, and form the nucleus of, the Bureau: Provided, further, That the Safety Inspection Fund of the Department of Labor, its assets and liabilities are transferred to the new Bureau.

SEC. 7. The Secretary of Labor, with the approval of the President is hereby authorized to transfer from his Department and from the Bureau of Labor such divisions sections or portions thereof and their personnel, equipment, records, and appropriations which in his opinion are essential to the proper functioning of the Bureau of Industrial Safety.

SEC. 8. For the purposes of this Act, there is hereby appropriated from the National Treasury not otherwise set

aside, in addition to the sum already appropriated for the Safety Engineering Division, the sum of ninety-five thousand pesos or so much thereof as may be necessary for the salaries and wages, traveling and other expenses of personnel, for the purchase of necessary supplies and materials: Provided, That said amount that may be expended out of this appropriation shall be replaced and refunded to the National Treasury by the Commissioner from fees collected under the terms of this Act and Commonwealth Act Numbered One hundred four, as amended.

SEC. 9. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect upon its approval.

Approved, June 10, 1949.

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