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ADMINISTRATION OF ENFORCEMENT OF LABOR STANDARD LAWS

POEA DEPARTMENT ORDER NO. 7-A, March 12, 1995

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Pursuant to the provisions of Article 128 (b) of the Labor Code of the Philippines, as amended by Republic Act No. 7730, and in relation to Article 5 of the Code, Rule X, Book Three of the Rules Implementing the Labor Code is hereby amended, to read as follows:

Rule X
Administration and Enforcement

SECTION 1. Visitorial Power - The Secretary of Labor and Employment or his duly authorized representative shall have access to employment records and premises of the employer at any time of the day or night, whenever work is being undertaken therein, and the right to copy therefrom, to question any employee, and to investigate any fact, condition or matter relevant to the determination of compliance with any provision of the Labor Code of the Philippines, as amended, and any other labor law, wage order or rules and regulations issued pursuant thereto.

SECTION 2. Compliance Order - Notwithstanding the provisions of Articles 129 and 217 of the Labor Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary or the Regional Director as his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of the Code and other labor legislations based on the findings of labor and employment officers made in the course of a routine or complaint inspection, regardless of the amount of money claims involved, and to issue writs of execution for the enforcement of the compliance orders, except in cases where the employer contests the findings of the Labor and Employment Officer and raises issues supported by documentary proofs which were not considered in the course of inspection. In such cases the Regional Director shall endorse the dispute to the appropriate regional branch of the National Labor Relations Commission (NLRC) for proper action.

SECTION 3. Enforcement of occupational safety and health standards - (a) The Secretary or the Regional Director may, upon recommendation of the labor and employment officer, order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance with occupational safety and health standards or regulations poses grave and imminent danger to the workers.

(b.) Within twenty-four (24) hours from the issuance of the order of stoppage or suspension of operations, the Secretary or the Regional Director shall cause the conduct of a hearing to determine whether the order for the stoppage of work or suspension of operations shall be lifted or not. The proceedings shall be terminated within seventy-two (72) hours from receipt of a copy of the order by the employer. In case the violation is attributable to the fault of the employer, he shall pay the employees affected their salaries and wage-related benefits during the period of such stoppage of work or suspension of operations.

SECTION 10. Writ of execution - (a) If no appeal is perfected within the reglementary period, the Regional Director shall, motu propio or upon motion by any interested party, issue a writ of execution to enforce the order. In the enforcement of the writ, the assistance of the law enforcement authorities may be sought.

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b. A writ of execution may be recalled subsequent to its issuance, if it is shown that an appeal has been perfected in accordance with this Rule.

SECTION 11. 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. This Order supersedes Department Order No. 7, series of 1995.

SECTION 12. Effectivity - This Rule shall take effect fifteen days after its publication in a newspaper of general circulation.

Adopted: 12 Mar. 1995

(SGD.) JOSE S. BRILLANTES
Acting Secretary

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