

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5221



Introduced by Honorable Representatives
SARAH JANE I. ELAGO (Gabriela Women's Party),
ANTONIO L. TINIO (ACT Teachers Partylist), and
RENEE LOUISE M. CO (Kabataan Partylist)

**AN ACT CRIMINALIZING VIOLATIONS OF OCCUPATIONAL SAFETY AND
HEALTH STANDARDS, AMENDING FOR THE PURPOSE REPUBLIC ACT
NO. 11058, OTHERWISE KNOWN AS THE OCCUPATIONAL SAFETY AND
HEALTH (OSH) STANDARDS LAW**

EXPLANATORY NOTE

In August 2018, the Occupational Safety and Health (OSH) Standards Law was enacted after years of lobbying and campaigning led by workers' groups, labor non-government organizations (NGOs), and families of workplace tragedy victims. However, the final version of the measure left out the criminalization of OSH violations, which is a crucial call of advocates pushing for safer workplaces. While the law mandates OSH inspections in all workplaces and the compliance of companies with OSH standards, violations – even if resulting in injuries and deaths – were only met with fines.

A year after the OSH Law's enactment, 11 percent of establishments employing 20 or more workers still experienced occupational accidents, with 37,513 occurrences of occupational accidents and 40,892 occurrences of occupational injuries. Around 2 out of 5 of these occurrences resulted in non-fatal cases but with workdays lost. The leading causes of injury noted in the survey were: 1) caught by or in between objects (28.5 percent), 2) stepping on, striking against, or struck by objects excluding falling objects (22.1 percent), 3) fall of persons (15.4 percent).¹

The COVID-19 pandemic also inhibited effective inspection of workplaces on top of the already meager number of workplace inspectors by the labor department. Without the

¹ 2019 Integrated Survey on Labor and Employment (ISLE)

proper enforcement of OSH standards and COVID-19 protocols at work, rapid viral transmission and outbreaks were recorded in several reported worksites. Not much is known or officially reported about the extent of the outbreaks inside special economic zones, which continued their operations even amidst the height of the lockdown.

With the resumption of economic activities due to loosening of pandemic restrictions, occurrences of workplace injuries and deaths increasingly became frequent. In just a span of 45 days, 13 workers died within their workplace from May 31 to July 15, 2022, in separate but consecutive incidents:

- Four workers died when the second floor of the building being rented by E-ONE Consumers Trading Corporation, a warehouse firm located in an industrial park in Meycauayan, Bulacan, collapsed on May 31, 2022.
- On June 2, 2022, Stephen Corilla, a contractual worker at Universal Robina Corporation (URC) in Mandaue, Cebu died while cleaning the pulverizer machine. Lack of orientation on occupational safety and health, haphazard reassignment of tasks, and the use of an unsafe machine contributed to the death of Corilla.
- On July 8, 2022, two elevator maintenance workers (Manuel Linayao and Rey Miguel Gilera) died while fixing the elevator of Burgundy Corporate Tower in Makati City. A report indicated that the elevator which was undergoing repair dropped from the 38th floor to the 6th floor where the maintenance crew were fixing the elevator at around 2:55 a.m. Two other elevator installers were reportedly hurt in the incident.
- Six workers died when a concrete wall next to their barracks collapsed in a construction site in Tagaytay City on July 11 amid heavy rainfall.

Almost seven years since the passage of OSH LAW, recent figures still suggest concerning occurrences of occupational deaths and injuries. In January to June 2025 alone, the Institute for Occupational Health and Safety Development has recorded 153 work-related deaths and 255 work-related injuries based on media reports alone.² The majority of workplace accidents occur in the construction industry, as followed by manufacturing, transport, and storage sectors.³

The proliferation of occupational deaths and accidents affirm the necessity for criminalizing employers' and contractors' violation of OSH standards, instituting stronger protection and accountability mechanisms in the existing OSH legislation toward

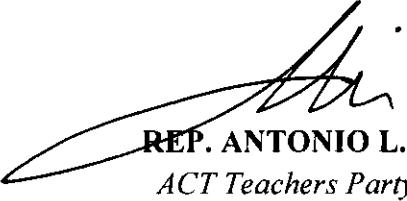
² Midyear Workplace Accident Report (January-June 2025) as of July 26, 2025. Institute for Occupational Health and Safety Development. <https://iohsad.com/midyear-workplace-accident-report-january-june-2025/>

³ <https://www.sunstar.com.ph/cebu/workplace-accidents-mostly-in-construction>

prompting serious observation of occupational safety and penalizing those who take such obligation for granted accordingly. It is about time that we treat gross violations of OSH standards which often render workers at risk of injuries and deaths as a criminal offense, unlike with the current setup wherein liability over damages and deliberate loss of lives of Filipino workers due to unsafe working conditions can easily be eluded through mere payment of fines.

In view of the foregoing, the passage of this bill is earnestly sought.


REP. SARAH JANE I. ELAGO
Gabriela Women's Party


REP. ANTONIO L. TINIO
ACT Teachers Partylist


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

Section 1. Section 28 of Republic Act No. 11058 is hereby amended to read as follows:

SEC. 28. Prohibited Acts. The following are considered as prohibited acts:

- (a) Willful failure or refusal of an employer, contractor or subcontractor to comply with the required OSH standards or with a compliance order issued by the Secretary of Labor and Employment or by the Secretary's authorized representative shall make such employer, contractor or subcontractor liable for an administrative fine not exceeding One hundred thousand pesos (P100,000.00) per day until the violation is corrected, counted from the date the employer or contractor is notified of the violation or the date the compliance order is duly served on the employer. The amount of fine imposed shall depend on the frequency or gravity of the violation committed or the damage caused. Provided, however, That the maximum amount shall be imposed [only] when the violation exposes the workers to a risk of death, serious injury or serious illness.
- (b) An employer, contractor or subcontractor who willfully fails or refuses to comply with the required OSH standards or with a duly issued compliance order, and engages in any of the following acts to aid, conceal or facilitate such noncompliance

AND THAT WHICH EXPOSES THE WORKERS TO A RISK OF DEATH, SERIOUS INJURY OR SERIOUS ILLNESS shall be liable for **GROSS VIOLATIONS** for a maximum of **THREE HUNDRED THOUSAND PESOS (P300,000.00)** [~~one hundred thousand pesos (P100,000.00)~~] administrative fine separate from the daily fine imposed above[:] **OR IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR AND ONE (1) DAY BUT NOT MORE THAN THREE (3) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT.**

- (1) Repeated obstruction, delay or refusal to provide the Secretary of Labor and Employment or any of its authorized representative access to the covered workplace or refusal to provide or allow access to relevant records and documents or obstruct the conduct of investigation of any fact necessary in determining compliance with OSH standards.
- (2) Misrepresentation in relation to adherence to OSH standards, knowing such statement, report or record submitted to the DOLE to be false in any material aspect;
- (3) Making retaliatory measures such as termination of employment, refusal to pay, reducing wages and benefits or in any manner discriminates against any worker who has given information relative to the inspection being conducted.
- (4) **FAILURE TO COMPLY WITH THE COMPLIANCE ORDER ISSUED BY THE SECRETARY OF LABOR AND EMPLOYMENT OR THE AUTHORIZED REPRESENTATIVES BASED ON THE FINDINGS OF VIOLATIONS BY LABOR LAW COMPLIANCE OFFICERS;**
- (5) **WILLFUL FAILURE OR NEGLIGENCE IN CONDUCTING MANDATORY WORKERS' TRAINING, WHICH INCLUDE JOB SAFETY ORIENTATION PRIOR TO WORK, FIRST AID TRAINING, AND MANDATORY OSH TRAINING FOR SAFETY OFFICERS AND HEALTH PERSONNEL;**
- (6) **DELIBERATE DEPLOYMENT AND USE OF DEVICES AND EQUIPMENT WHICH ARE NOT CERTIFIED OR APPROVED AS SAFE FOR THE TASK;**
- (7) **REFUSAL TO ENSURE THE SUFFICIENT PROVISION OF PERSONAL PROTECTIVE EQUIPMENT (PPE) TO WORKERS;**
- (8) **FAILURE TO REPORT ACCIDENTS, INJURIES OR DEATHS IN THE WORKPLACE WITHIN TWENTY-FOUR (24) HOURS FROM THE TIME OF ACCIDENT;**
- (9) **FAILURE TO ENSURE THE PROVISION OF INFORMATION ON THE HAZARDS AND RISKS IN THE WORKPLACE AS PROVIDED FOR UNDER SECTION 11 OF THIS ACT;**
- (10) **WILLFUL FAILURE OR REFUSAL TO ESTABLISH THE MANDATORY OCCUPATIONAL SAFETY AND HEALTH COMMITTEE IN THE WORKPLACE;**

- (11) WILLFUL FAILURE OR REFUSAL TO DESIGNATE FIRST
AIDERS AND SAFETY OFFICERS; AND
- (12) FAILURE TO SECURE A FIRE SAFETY CERTIFICATE

IF ANY OF THE GROSS VIOLATION RESULTS IN INJURY OF THE EMPLOYEE, THE EMPLOYER, CONTRACTOR, OR SUBCONTRACTOR SHALL BE PUNISHED, FOR EVERY RESULTING INJURY, WITH A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR AND (1) DAY BUT NOT MORE THAN SIX (6) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT: PROVIDED, THAT IN CONSEQUENCE OF THE PHYSICAL INJURIES, THE PERSON INJURED SHALL HAVE BECOME DEFORMED, OR SHALL HAVE LOST ANY OTHER PART OF HIS OR HER BODY, OR SHALL HAVE LOST THE USE THEREOF, OR SHALL HAVE BEEN ILL OR INCAPACITATED TO PERFORM THE WORK HABITUALLY ENGAGED FOR A PERIOD OF MORE THAN SIXTY (60) DAYS.

IF ANY OF THE GROSS VIOLATION RESULTS IN DEATH OF THE EMPLOYEE, THE EMPLOYER, CONTRACTOR, OR SUBCONTRACTOR SHALL BE PUNISHED, FOR EVERY RESULTING DEATH, WITH A FINE OF MORE THAN ONE MILLION PESOS (P1,000,000.00) BUT NOT MORE THAN THREE MILLION PESOS (P3,000,000.00), OR IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT.

PROVIDED, THAT A CONTRACTING EMPLOYER AND THE CONTRACTOR OR SUBCONTACTOR SHALL BE SOLIDARILY LIABLE TO INDEMNIFY EACH EMPLOYEE WITH NO LESS THAN SEVENTY-FIVE THOUSAND PESOS (P75,000.00) IN CASE OF INJURY OR DEATH WITHOUT PREJUDICE TO OTHER MONETARY AWARDS TO WHICH SUCH EMPLOYEE MAY BE ENTITLED SUCH AS BACKWAGES, MONETARY CLAIMS AND BENEFITS UNDER AN APPLICABLE COLLECTIVE BARGAINIGN AGREEMENT OR COMPANY POLICY, WHETHER WRITTEN OR OTHERWISE. IN CASE OF DEATH OF AN EMPLOYEE, HIS OR HER HERIS SHALL BE AWARDED THE INDEMNITY. IN CASE OF DEATH OF THE EMPLOYEE, HIS OR HER HEIRS SHALL BE AWARDED THE INDEMNITY.

PROVIDED FURTHER, THAT IN CASES OF GROSS VIOLATIONS OF THIS ACT, THE BUSINESS PERMIT OF THE VIOLATING ENTITY SHALL BE SUSPENDED FOR ONE (1) WEEK FOR THE FIRST OFFENSE, AND TWO (2)

MONTHS FOR SECOND OFFENSE. WORKERS AFFECTED BY THE SUSPENSION OF THE BUSINESS PERMIT SHALL BE PROPERLY COMPENSATED BY THE EMPLOYER, CONTRACTOR AND/OR SUBCONTRACTOR. FOR THIRD OFFENSE, THE BUSINESS PERMIT OF THE OFFENDER SHALL BE CANCELLED.

IF ANY OF THE VIOLATIONS OF OSH STANDARDS ENUMERATED ABOVE, THE EMPLOYER, CONTRACTOR AND SUBCONTRACTOR SHALL BE SOLIDARILY LIABLE TO THE EPLOYEE OR EMPLOYEES. NO WAIVER OR AFFIDAVIT OF DESISTANCE SHALL PREVENT THE FILING OF COMPLAINANTS NOR DERAIL THE PROCEEDINGS AGAINST THE EMPLOYER, CONTRACTOR AND SUBCONTRACTOR.

[For the purpose,] T[t]he Secretary of Labor and Employment, in consultation with relevant stakeholders, shall issue a list of offenses with corresponding reasonable administrative fines depending on the severity, frequency and damage causes without prejudice to the filing of a criminal or a civil case in the regular courts, as the case may be.

The fine collected shall be used for the operation of occupational safety and health initiatives, including occupational safety and health training and education and other occupational safety and health programs.

IF THE VIOLATION IS COMMITTED BY A CORPORATION, TRUST OR FIRM, PARTNERSHIP, ASSOCIATION OR ANY OTHER JURIDICAL ENTITY, THE PENALTY OF IMPRISONMENT SHALL BE IMPOSED UPON THE ENTITY'S RESPONSIBLE OFFICERS, INCLUDING THE PRESIDENT, VICE PRESIDENT, CHIEF EXECUTIVE OFFICER, GENERAL MANAGER, MANAGING DIRECTOR OR PARTNER.

ANY PERSON CONVICTED UNDER THIS ACT SHALL NOT BE ENTITLED TO THE BENEFITS PROVIDED FOR UNDER THE PROBATION LAW.

Section 2. Implementing Rules and Regulations. – The Department of Labor and Employment (DOLE) shall, within ninety (90) days after the effectiveness of this Act, formulate the necessary rules and regulations for its effective implementation.

Section 3. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed and modified accordingly.

Section 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after publication in the Official Gazette or in any newspaper of general circulation.

Approved,