



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod

DISTRICT I

ABSENT
HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
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HON. LEVY M. TELA
City Councilor

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HON. REYNALDO D. PALABRICA
City Councilor / President Pro-Tempore

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City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPERITU
SK Federation President

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 326-2023 Series of 2023

AN ORDINANCE REQUIRING ALL COVERED ESTABLISHMENTS AND ON-GOING PROJECTS/ ACTIVITIES IN THE CITY OF BACOR, CAVITE TO DESIGNATE AND ENSURE THE PRESENCE OF SAFETY OFFICERS IN THE WORKPLACE.

Sponsored by:

Hon. Reynaldo D. Palabrica

Co-sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Michael E. Solis, and Hon. Levy M. Tela.

WHEREAS, Republic Act No. 11058, otherwise known as "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations thereof," provides that the "State shall ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in the working environment".

WHEREAS, the Implementing Rules and Regulations of Republic Act No. 11058 (Department Order No. 198-2018 of the Department of Labor and Employment) echoed Section 1 of the said law and provides that it shall apply to all establishments, projects and sites and all other places where work is being undertaken in all branches of economic activity, including establishments located within the special economic zones and other investment promotion agencies, utilities engaged in air, sea, and land transportation, and industries such as mining, fishing, construction, agriculture, and maritime;

WHEREAS, City Ordinance No. 298-2023 Series of 2023, entitled : "An Ordinance Creating the Department of Public Safety in the City of Bacoor, Identifying its Functions and Duties, Specifying the Qualifications of its Various Officers, and Providing Funding for the Same " was enacted and approved aiming to implement the provisions of Republic Act No. 11058;

WHEREAS, Executive Order No 20-2023, or "An Order Creating the Occupational Safety and Health Committee in the City of Bacoor," was enacted to oversee compliance with the Occupational Safety and Health Standards for each department, office, unit, or establishment, including those under the City



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City Mayor

Government of Bacoor and all National Agencies located within the City of Bacoor;

WHEREAS, Executive Order No. 53 Series of 2023, or "An Order Creating the Bacoor Task Force on Occupational Safety and Health Standards (TF-OSHS) to Protect the Welfare of all Workers in the City of Bacoor," aiming to strengthen compliance with Republic Act No. 11058 and Department of Labor and Employment Department Order No. 198 Series of 2018 within the jurisdiction of the City of Bacoor;

WHEREAS, the City Government of Bacoor aims to protect every worker within its jurisdiction against injury, sickness, or death through safe and healthful working conditions by assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties consistent with the national development goals, and with the State's commitment to the total development of every worker as a complete human being;

WHEREAS, in protecting the safety and health of the workers, the City Government of Bacoor aims to fully implement all policies and programs related to occupational safety and health;

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Panlungsod that:

SECTION 1. Short Title. - This Ordinance shall be known as the **"2023 WORKPLACE SAFETY OFFICER ORDINANCE OF BACOR"**.

SECTION 2. Objectives. — This Ordinance aims to ensure a safe and healthful workplace for the workforce by affording them full protection against all hazards in their work environment.

SECTION 3. Coverage — This shall apply to establishments, project sites, including Philippine Economic Zone Authority (PEZA) accredited establishments, and all other covered workplaces where work is undertaken in all economic activity branches.

SECTION 4. Definition of Terms. — For purposes of this Ordinance, the following shall be defined as follows:

1. Covered Workplace- refers to establishments, projects, sites, and all other places where work is undertaken wherein the number of employees, nature of operations, and risk or hazard involved in the business require compliance from Republic Act No. 11058 and this Ordinance.



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2. Employer — refers to any person, natural or , juridical, including the principal employer, contractor or subcontractor, if any, who directly or indirectly benefits from the employee's services.

3. General Safety and Health Inspection - refers to an examination of the work environment, including the location and operation of machinery other than those covered by technical safety audits, adequacy of workspace, ventilation, lighting, conditions of work environment, handling storage, or work procedures, protection facilities and other possible sources of safety and health hazards in the workplace.

4. Occupational Safety and Health Standards - refer to the Occupational Safety and Health Standards issued by the Secretary of Labor and Employment, pursuant to Articles 168 and 171, Chapter 2, Title I of Book Four of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, and such other standards as may be issued pursuant to RA 11058.

5. Safety Officer — refers to any employee or officers of the company trained by the Department of Labor and Employment (DOLE) and tasked by the employer to implement an occupational safety and health program and ensure that it is in accordance with the provisions of OSH standards.

SECTION 5. Safety Officer. — The following provisions shall be enforced in relation to the qualifications and appointment of safety officers:

1. To ensure that all safety and health programs are duly followed and enforced, proponents of or owners of ongoing projects, especially those involving construction, renovation, electrical, mechanical, or plumbing repair, shall designate a Safety Officer who shall always be present within the designated premises during the entire duration of the activity to guarantee the workforce's protection and safety.

2. The Safety Officer/s of all workplaces must possess the necessary training and experience requirements.

3. The number and qualification of safety officers shall be proportionate to the total number of workers and equipment, the size of the work area, the classification of the workplace, and such other criteria as required by the OSH standards.

4. The safety officer shall be required to undergo the prescribed DOLE-BOSH training orientation or course, advanced occupational safety training courses, and/or other OSH-related training or learning as necessary to effectively perform their duties and responsibilities.



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City Mayor

5. In the case of a contractor or subcontractor, at least one (1) safety officer must be deployed at each specific area of operations to oversee the management of the OSH program of its own workforce.

SECTION 6. Duties and Functions of the Safety Officer. — In conformity with Republic Act No. 11058, the Safety Officer shall have the following duties and functions:

1. Ensure compliance with Occupational Safety and Health Standards laws, rules and regulations, ordinances, and policies;

2. Oversee the overall management of the safety and health program;

3. Frequently monitor and inspect any health or safety aspect of the operation being undertaken with the participation of supervisors and workers;

4. Assist government inspectors in the conduct of health and safety inspection at any time whenever work is being performed or during the conduct of an accident investigation by providing necessary information and OSH reports as required by the OSH standards; and

5. Issue Work Stoppage Order, when necessary, based on the requirements and procedures provided by the OSH standards.

SECTION 7. Duties and Responsibilities of the Employer. - In conformity with RA 11058 every employee, contractor or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken shall":

1. Furnish the workers a place of employment free from hazardous conditions that are causing or more likely to cause death, illness, or physical harm to the workers;

2. Give complete job safety instructions or orientation to the workers, especially to those entering the job for the first time, including those relating to familiarization with their work environment;

3. Inform the workers of the hazards associated with their work, health risks involved or to which they are exposed, preventive measures to eliminate or minimize the risks, and steps to be taken in cases of emergency;

4. Use only approved devices and equipment in the workplace;



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5. Comply with OSH standards, including training and medical examination and, where necessary, provision of protective and safety devices such as personal protective equipment (PPE) and machine guards;

6. Allow workers and their safety and health representatives to participate actively in the process of organizing, planning, implementing, and evaluating the safety and health program to improve safety and health in the workplace;

7. Provide, where necessary, measures to deal with emergencies and accidents, including first-aid arrangements;

8. Comply with all reportorial requirements of the OSH standards; and

9. Register the establishment of DOLE as provided under the OSH standards.

SECTION 8. Duties and Responsibilities of the Worker and Other Persons. - Every worker, to ensure compliance with OSH standard shall:

1. Participate in capacity-building activities on safety and health and other OSH-related topics and programs;

2. Proper use of all safeguards and safety devices furnished for worker's protection and that of others;

3. Comply with instructions to prevent accidents, or imminent danger situations in the workplace;

4. Observe prescribed steps to be taken in cases of emergency, including participation in the conduct of national or local disaster drills; and

5. Report any work hazard that may be discovered in the workplace to the immediate supervisor or any other responsible safety and health personnel.

It shall be the duty and responsibility of any person, including the builders or contractor who visits, builds, renovates, or installs devices or conducts business in any establishments or workplace, to comply with the provisions of RA 11058 and all other laws and regulations by the Department of Labor and Employment and the City Government of Bacoor.

Whenever two or more undertakings are engaged in activities simultaneously in one workplace, all concerned shall collaborate and cooperate to ensure compliance with OSH standards and regulations.



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SECTION 9. Visitorial and Inspection of the Covered Workplace. — The City Government of Bacoor, through its Department of Public Safety and the Bacoor Disaster Risk Reduction Management Office, shall have the authority to enforce the mandatory OSH standards and conduct a random or spot inspection to check the presence of the safety officer in the covered workplace to ensure compliance with this Ordinance.

SECTION 10. Presumption of Guilt. — In cases of injury, accidents, or death caused by an unsafe and unhealthy working condition in the absence of any safety officer within the covered workplace, the employer, project owner, contractor or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken, shall be presumed negligent and shall be jointly and solidarily liable to the employee.

SECTION 11. Implementing Rules and Regulations. — The Department of Public Safety, Bacoor Disaster Risk Reduction Management Office, and the Office of the City Legal Services, under the supervision of the City Administrator's Office, shall formulate the necessary rules and regulations for the effective implementation of this Ordinance and present it to the City Mayor for approval not later than sixty (60) days upon the effectivity of this Ordinance.

SECTION 12. Penalties. — Any violation of this Ordinance shall be punishable as follows:

1. For first-time offenders: an administrative fine of Five Thousand Pesos (Php5,000.00) per covered workplace who failed to deploy any safety officer at any time shall be imposed against those who violated any provision/s of this Ordinance.

2. For second-time offenders: the penalty of imprisonment of ten (10) to thirty (3) days and an administrative fine of Five Thousand Pesos (Php 5,000.00) per covered workplace who failed to deploy any safety officer at any time shall be imposed against those who violated any provision/s of this Ordinance.

3. For third-time offenders: the penalty of imprisonment of six (6) months to one (1) year, ten (10) to thirty (30) days, and an administrative fine of Five Thousand Pesos (Php 5,000.00) per covered workplace who failed to deploy any safety officer at any time shall be imposed against those who violated any provision/s of this Ordinance.

4. For succeeding offenders: permanent closure of the establishments, projects, sites, and all other places where work is being undertaken which failed to deploy any safety officer at any time shall be imposed against those who violated any provision/s of this Ordinance.



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Sangguniang Panlungsod Secretary

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City Vice Mayor

Approved by:

HON. STRIKE B. REVILLA
City Mayor

5. In case any violation of this Ordinance is committed by a partnership, corporation, association, or any other juridical person, the partner, president, director, or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the safety officer and shall be criminally liable as co-principal.

6. In case the offender is a government official or employee, in addition to the above penalties, a formal complaint shall be initiated before the Human Resource Development and Management Department is deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

SECTION 13. Separability Clause. — If, for any reason, any provision or part of this Ordinance is declared invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 14. Repealing Clause. — All Ordinances, Resolutions, Local Executive Orders, or Administrative Issuances or parts inconsistent with the Ordinance's provisions are hereby repealed, amended, or modified accordingly.

SECTION 15. Effectivity. — This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City of Bacoor;

ENACTED on 13th day of November 2023, by a unanimous vote of all the Members of the Sanggunian, there being a quorum.

I hereby certify that the preceding City Ordinance is true and correct and that the same was duly approved in accordance with law.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary



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Date of Approval: 21 NOV 2023