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SENATE
P.S. Resolution No. 1364

Introduced by Senator Cynthia A. Villar

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RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MECHANISMS, RULES, AND GUIDELINES IN PLACE, INCLUDING THE PRACTICES BEING DONE, IN THE ACTUAL IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9514 OTHERWISE KNOWN AS THE FIRE CODE OF THE PHILIPPINES 2008 AND OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS, WITH THE END IN VIEW OF PREVENTING THE OCCURRENCE OF MORE FIRE EPISODES SIMILAR TO THE DEPLORABLE FIRE INCIDENT THAT TRANSPIRED ON 13 MAY 2015 AT THE VALENZUELA CITY FACTORY OF KENTEX MANUFACTURING CORPORATION THAT TOOK THE PRECIOUS LIVES OF SEVENTY TWO (72) HELPLESS WORKERS.

WHEREAS, the State affirms labor as a primary social economic force and commits to protect the rights of workers and promote their welfare¹;

WHEREAS, Article 162 of the Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, echoes this State policy by requiring mandatory compliance to occupational safety and health standards set forth by the Department of Labor of Employment in order to eliminate or reduce occupational safety and health hazards all workplaces²;

WHEREAS, the Occupational Safety and Health (OSH) Standards is the result of the above provision approved in 1978 in order to mitigate work-related injuries, illnesses, and deaths as well as safeguard the rights and welfare of workers;

WHEREAS, fire is among the common dangers and threats to the lives of workers, especially those in the manufacturing industry;

WHEREAS, in January to February 2015 alone, prior to the Fire Prevention Month of March, over six hundred (600) fire incidents in Metro Manila have already been reported³;

WHEREAS, recently, news broke out reporting the terrible fire that blazed Kentex Manufacturing Corporation last 13 May 2015 in Valenzuela City resulting to the death of seventy-two (72) workers;

WHEREAS, this deplorable fire incident has aptly caught the attention of the International Labour Organization (ILO) prompting its Director-General Guy Ryder to issue the following statement: *"Once again, we find ourselves mourning workers whose lives have been cut short as a result of workplace accidents. Often such accidents are preventable. Everyone has the right to work in a safe and healthy environment, regardless of the industry they are in or the type of work that they do. We can make workplaces safe by improving working conditions in factories, including carrying out regular inspections to ensure that factories comply with structural, fire and electrical safety; and by ensuring workers' rights, especially freedom of association and collective bargaining"*⁴;

¹ Article II, Section 18 of the 1987 Philippine Constitution.

² Article 162. *Safety and Health Standards*. – The Secretary of Labor and Employment shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces and institute new, and update existing, programs to ensure safe and healthful working conditions in all places of employment

³ <http://www.gmanetwork.com/news/story/445357/news/metromanila/over-600-fire-incidents-in-metro-manila-from-jan-to-feb-2015-bfp>

⁴ http://www.ilo.org/global/about-the-ilo/who-we-are/ilo-director-general/statements-and-speeches/WCMS_368654/lang--en/index.htm

WHEREAS, it was alleged that the fire broke out due to lack of fire safety precautions done by the Kentex Manufacturing Corporation, allowing for welding operations to be carried out near combustible and flammable chemicals in the factory⁵;

WHEREAS, it was further alleged that the workers were trapped in the second floor and failed to escape due to the windows being barred⁶;

WHEREAS, the foregoing allegations, if true, violates OSH Standards pertaining to the prohibition on the conduct of welding operations in areas containing combustible materials or in proximity to flammable materials⁷ and to the requirement that at least two (2) fire exits be provided on each floor of the workplace⁸;

WHEREAS, the foregoing likewise violates the provisions of Republic Act No. 9514, otherwise known as the Fire Code of the Philippines 2008, which, under Section 7 and Section 5 (g) thereof, require that a fire inspection of the premises be conducted prior to the issuance or renewal of occupancy permit, business permit, or permit to operate;

WHEREAS, considering that the Kentex Manufacturing Corporation has been in operation for several years, it becomes suspect whether the provisions of the OSH Standards and the Fire Code of the Philippines are indeed being implemented properly;

WHEREAS, the thought of the seventy-two (72) workers trapped in the second floor with no means of escape from the fire reminds us of the terrible Ozone disco fire incident on 18 March 1996, which trapped and killed one hundred sixty-two (162) people, forty (40) of which were staff of the disco;

WHEREAS, it is worth emphasizing that the responsibility for the lives of workers does not lie solely on the employer but also with the State, which was why on 20 November 2014, seven (7) of the twelve (12) city officials of Quezon City charged at the time of the Ozone disco fire incident, were held liable and convicted of graft in connection with their involvement in granting safety clearance and permits to the establishment without conducting actual inspections and despite several structural defects⁹;

WHEREAS, guided by memory of the Ozone disco fire incident more than fourteen (14) years ago and in the advent of the Kentex Manufacturing Corporation factory fire, it is incumbent upon the State to revisit and look into the practices being done in the actual implementation of the Fire Code of the Philippines and the OSH Standards in order to find the fault in the system, if any, and resolve it;

WHEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to direct the appropriate Senate committee to conduct an inquiry, in aid of legislation, on the mechanisms, rules, and guidelines in place, including the practices being done, in the actual implementation of the provisions of Republic Act No. 9514 otherwise known as the Fire Code of the Philippines 2008 and of the Occupational Safety and Health Standards, with the end in view of preventing the occurrence of more fire episodes similar to the deplorable fire incident that transpired on 13 May 2015 at the Valenzuela City Factory of Kentex manufacturing corporation that took the precious lives of seventy two (72) helpless workers.

Adopted,


CYNTHIA A. VILLAR

⁵ <http://www.gmanetwork.com/news/story/488146/news/metromanila/valenzuela-fire-exposes-abusive-conditions-in-phl-factories>

⁶ <http://www.gmanetwork.com/news/story/488378/news/metromanila/kentex-to-pay-p8k-salary-to-survivors-families-of-valenzuela-factory-fire-victims>

⁷ Rule 1100 of the Occupational Safety and Health Standards (As Amended, 1989).

⁸ Rule 1940 of the Occupational Safety and Health Standards (As Amended, 1989).

⁹ <http://www.philstar.com/headlines/2014/11/21/1394152/timeline-18-years-after-ozone-disco-tragedy>