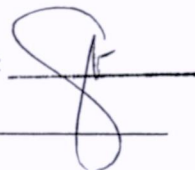


SENATE

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P. S. RES. NO. 235

RECEIVED BY: \_\_\_\_\_



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Introduced by SENATOR JOEL VILLANUEVA

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**RESOLUTION**

**DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND  
HUMAN RESOURCES DEVELOPMENT, TO CONDUCT AN INQUIRY,  
IN AID OF LEGISLATION, ON THE ENFORCEMENT OF  
OCCUPATION SAFETY AND HEALTH STANDARDS IN THE MINES  
AND THE COORDINATION AMONG CONCERNED AGENCIES IN  
THE ENFORCEMENT OF THESE STANDARDS**

**WHEREAS**, On October 2, 2019, an employee of Semirara Mining and Power Corporation (SMPC) died after a mudslide hit a heavy machinery PS27 equipment in its facility Antique Province during its regular mining operations;<sup>1</sup>

**WHEREAS**, The remains of the machine operator, Pepito Andapat, was only recovered three days after the mudslide, or on October 5, 2019;<sup>2</sup>

**WHEREAS**, This is not the first reported accident in SMPC's open pit mine in Semirara, Antique that led to the deaths of several workers. In 2013, five workers dies and another five were presumed dead following the collapse of the Panian open pit.<sup>3</sup> In 2015, nine workers died following the collapse of SMPC's northern Panian Pit.<sup>4</sup> Last year, another worker died after he fell and slipped onto one of the benches of SMPC's Molave pit;<sup>5</sup>

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<sup>1</sup> 2019, October 3. DOE probes mudslide in Antique, 1 employee missing. Available at [https://www.philstar.com/nation/2019/10/03/1957075/doe-probes-mudslide-antique-1-employee-missing\\_\(date last accessed: October 28, 2019\)](https://www.philstar.com/nation/2019/10/03/1957075/doe-probes-mudslide-antique-1-employee-missing_(date%20last%20accessed%3A%20October%2028%2C%202019)).

<sup>2</sup> 2019, October 5. Body of Semirara Mining Worker found after mudslide. Available at [https://cnnphilippines.com/regional/2019/10/5/semirara-mining-mudslide.html\\_\(date last accessed: October 28, 2019\)](https://cnnphilippines.com/regional/2019/10/5/semirara-mining-mudslide.html_(date%20last%20accessed%3A%20October%2028%2C%202019)).

<sup>3</sup> 2013, February 14. 5 killed, 5 missing in Semirara landslide. Rappler.com. Available at <https://www.rappler.com/nation/21780-4-killed-in-semirara-landslide>

<sup>4</sup> 2019, October 3. DOE deploys team to probe mudslide incident at Semirara Coal Mine. Available at <https://news.mb.com.ph/2019/10/03/doe-deploys-team-to-probe-mudslide-incident-at-semirara-coal-mine/>

<sup>5</sup> Ibid.

**WHEREAS**, Section 4 (a) (1) of Republic Act No. 11058, also known as “An Act Strengthening the Compliance with Occupational Safety and Health Law Standards and Providing Penalties for Violations Thereof,” states that it is the duty of every employer, contractor or subcontractor to furnish the workers of a place of employment free from hazardous conditions that are causing or are likely to cause death, illness, or physical harm to the workers;

**WHEREAS**, Section 5, Rule 21 (1) of Department of Environment and Natural Resources (DENR) Administrative Order No. 2000-98, also known as “Mine and Safety and Health Standards,” states that it is the duty of the employer to assess all safety and health risks in all its workplaces and deal with them in the following order of priority: (a) eliminate the risks; (b) control the risks at source; (c) minimize the risk by means to include the design of safe work systems, and (d) in so far as the risk remains, provide for the use of personal protective equipment at no cost to the employees, having regard to what is reasonable, practicable and feasible and to good practice and the exercise of due diligence;

**WHEREAS** Section 5, Rule 21 (20) of DENR Administrative Order No. 2000-98 further states that it is the duty of the employer to maintain a system of inspection to detect all hazards of operation and report or inform all concerned of any safety hazards that may affect or endanger the latter’s job and operation;

**WHEREAS**, Section 3, Rule 14 of DENR Administrative Order No. 2000-98 also mandates the Mines and Geoscience Bureau (MGB) of the DENR to regulate and monitor all safety and health practices of every employer in the mining industry;

**WHEREAS**, Section 2, Chapter 1 of Department of Energy (DOE) Circular No. DC2018-12-0028, series of 2018, also known as the “Coal Mine Safety and Health Rules and Regulations,” requires all coal mining operators to, among others, formulate, carry-out and periodically review a coherent policy statement on safety and health, and to ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;

**WHEREAS**, The same Circular also empowers the Energy Resource Development Bureau of the DOE to monitor and regulate the various aspects of safety and health in the Philippine coal mining industry, and to conduct periodic inspection of coal mines;

**WHEREAS**, Section 31 of the Republic Act No. 11058 directed the DOLE to institute a coordinative mechanism with different government agencies to prevent and eliminate incidence of injury, sickness or death in all workplaces;

**WHEREAS**, the workplace accidents that occurred in SMPC are just some of the reported accidents in mining establishments across the country. Other notable mining accidents that have happened across the country include the death of a miner due to a coal mine gas blast while installing electrical lights inside a mine tunnel in Zamboanga in December 2009, the death of 10 miners who were buried alive while working in a small-scale mining operations in Kasibu, Nueva Vizcaya in April 2010, and the death of 67 gold diggers who were also buried alive in a typhoon-

induced rockslide while in small-scale mining sites in Itogon, Benguet in November 2018;

**WHEREAS**, These laws, if implemented properly and upon proper coordination among Department of Labor and Employment (DOLE), DENR and Department of Energy (DOE), should ensure that workers health and safety are amply protected;

**WHEREAS**, Considering the continuing occurrence of workplace injuries and deaths in the mining industry, it is necessary to conduct an inquiry, in aid of legislation, on the implementation of OSH standards in mines and examine the coordination, if any, among the DOLE, DENR and DOE with regard the enforcement of OSH standards in mines and the investigation of workplace accidents, pursuant to Section 31 of Republic Act No. 11058;

**RESOLVE BY THE SENATE**, That the Committee on Labor, Employment and Human Resources Development, and other appropriate committees of the Senate, to inquire, in aid of legislation, the enforcement of occupational safety and health standards in the mines and the coordination among concerned government agencies in the enforcement of OSH standards in mines and the investigation of workplace accidents considering continuous occurrence of accidents and deaths in mining establishments across the country.

Adopted,

  
SENATOR JOEL VILLANUEVA