



EUMB - EPMPD
Quality Management System
SCHEDULE OF FINES AND PENALTIES
(ANNEX H)

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SCHEDULE OF FINES AND PENALTIES

Pursuant to Section 81, 82, and 83 of the IRR (3-strike rules) of the ECC Act, the following shall be the violations of the prohibited acts enumerated of this Department Circular as follows:

Section 81. Explanation, Recommendation, Disclosure, and Order. Upon determination that a reasonable ground exists that an establishment has committed any of the prohibited acts under Section 30 of the Act, the DOE may consider the following measures prior to the imposition of the appropriate fines and penalties for such violations:

- a. Require an explanation supported by reports, returns and other documents to rebut the alleged commission of the prohibited act;
- b. In cases where an explanation has been issued but the DOE finds a violation because of materially insufficient reports, false returns, and non-submission of required documents, provide a recommendation to the said establishment;
- c. Disclose the name of the establishments after it has received a recommendation and failed to comply with such recommendation; and
- d. Issue an order in cases where the said establishment fails to follow or comply with the recommendation of the DOE. The failure on the part of the establishment to comply with the order shall be a valid ground for the imposition of the administrative fines and penalties in accordance with Section 32 of the Act.

Section 82. Administrative Procedures. The DOE may initiate, motu proprio or upon filing of any complaint, an administrative proceeding against any person or entity who commits any of the prohibited acts under Section 30 of the Act, and Section 76 of the EEC-IRR. or other related issuances.

The administrative proceedings will be conducted to determine culpability of offenders and the applicable penalties in accordance with existing "Rules and Procedures Before the DOE."

Section 83. Administrative Liabilities. The DOE is empowered to impose administrative fines and penalties for any violation of the provisions of the Act, the EEC-IRR and other related issuances. The fines and penalties shall range from a minimum of Ten thousand pesos (P10,000.00) to a maximum of One million pesos (P1,000,000.00).

The administrative fine and penalty imposed is without prejudice the penalties provided for under existing regulations prescribed by any other concerned agency and shall be without prejudice to the criminal liability as stated in the Act.

The DOE will issue the schedule of fines and penalties and review them periodically consistent with existing laws, rules and regulations.

** The imposition of the administrative fines and penalties stated above shall be on a "per violation" basis and without prejudice to the revocation of the certification and/or blacklisting of the said individual.*