

DOLE Issues Guidelines on Processes and Proceedings Before the Labor Offices in Areas Under Community Quarantine

On 5 May 2020, the Department of Labor and Employment (“DOLE”) issued DOLE Department Order No. 213 series of 2020 which suspended the reglementary periods to file pleadings, motions, and other actions, and interrupted the prescriptive periods for the commencement of actions for areas placed under Enhanced Community Quarantine (“ECQ”) and General Community Quarantine (“GCQ”). However, given the extension of community quarantine measures due to the COVID-19 pandemic in the Philippines, and in the interest of labor, DOLE issued Department Order No. 214 series of 2020 which provides for the lifting of the suspension of the reglementary periods and interruption of prescriptive period for areas placed under community quarantine excluding places under ECQ, MECQ, and total lockdown.

DOLE Department Order No. 214: Guidelines on Processes and Proceedings Before the Office of the Secretary of Labor and Employment, Bureaus and Regional Offices in Areas Under Community Quarantine

On 14 August 2020, the DOLE issued Department Order No. 214 series of 2020 providing the Guidelines on Processes and Proceedings Before the Office of the Secretary of Labor and Employment, Bureaus and Regional Offices (the “Labor Offices”) in areas under community quarantine. The Department Order provides the following:

- In areas that are not under ECQ, MECQ, or total lockdown:
 - The interruption of the prescriptive period for the commencement of actions, claims, petitions, complaints, processes, and other proceedings before the Labor Offices are **lifted**.
 - In the event that an area reverts to the status of ECQ or MECQ, the prescriptive periods shall be automatically interrupted, reckoned from the date of declaration, and shall begin to run again when the ECQ, MECQ, or hard lockdown is lifted.

- Applications for registration of legitimate contracting agencies, permit to operate mechanical equipment and Certificate of Electrical Wiring Installation, Alien Employment Permit, and License to Operate for a Private Employment Agency shall be acted upon and processed in accordance with the prescribed rules and regulations. Applications for renewal of registration, permit, certificate or license which expired within the period of the community quarantine shall be filed within thirty (30) working days from the expiration of the permit, certificate, or license, whichever may be applicable.
- Actions on petitions for certification election, requests for SEBA certification, inter or intra union Cases, labor standards cases, alien employment permit cases, child labor cases, and cases under the Single Entry Approach shall be governed by the following:
 - Conferences and other proceedings shall be conducted through the use of digital platforms, if available to all parties. If the digital platforms are not available, conferences and other proceedings may be conducted through conventional means while observing the prescribed minimum health standards and protocol. In the event that a case involves “a large number of individuals or group”, the individuals shall elect a representative, if practicable, to minimize over-crowding in the conference or other proceedings
 - Decisions, Resolutions and Orders shall be rendered by the concerned offices subject to prescribed minimum health standards and protocols, as the case may be
- The inspection of establishments for enforcement of labor standards, legitimate contracting agency registration, and other similar instances that require inspection of establishments shall proceed in accordance with a separate guideline to be issued by the Secretary of Labor and Employment.
- In areas under community quarantine, regardless of classification:
 - Petitions, complaints, claims, applications for registration and permits or renewal shall be filed through the use of courier services, postal services, regional website, electronic mail and other digital platforms. Should those documents be filed personally with the concerned officers, the office shall accept the documents for appropriate action subject to observance of the minimum health standards and protocols.
 - Applications for registration of labor organizations and worker’s association shall be filed through the Online Union Registration System (OURS), whenever applicable.
 - Regional Offices may release the certificates of registration, permits and licenses mentioned through courier or postal services. Permits to Operate Mechanical Equipment and Certificate of Electrical Wiring Installation may be released through electronic mail and other digital platforms.

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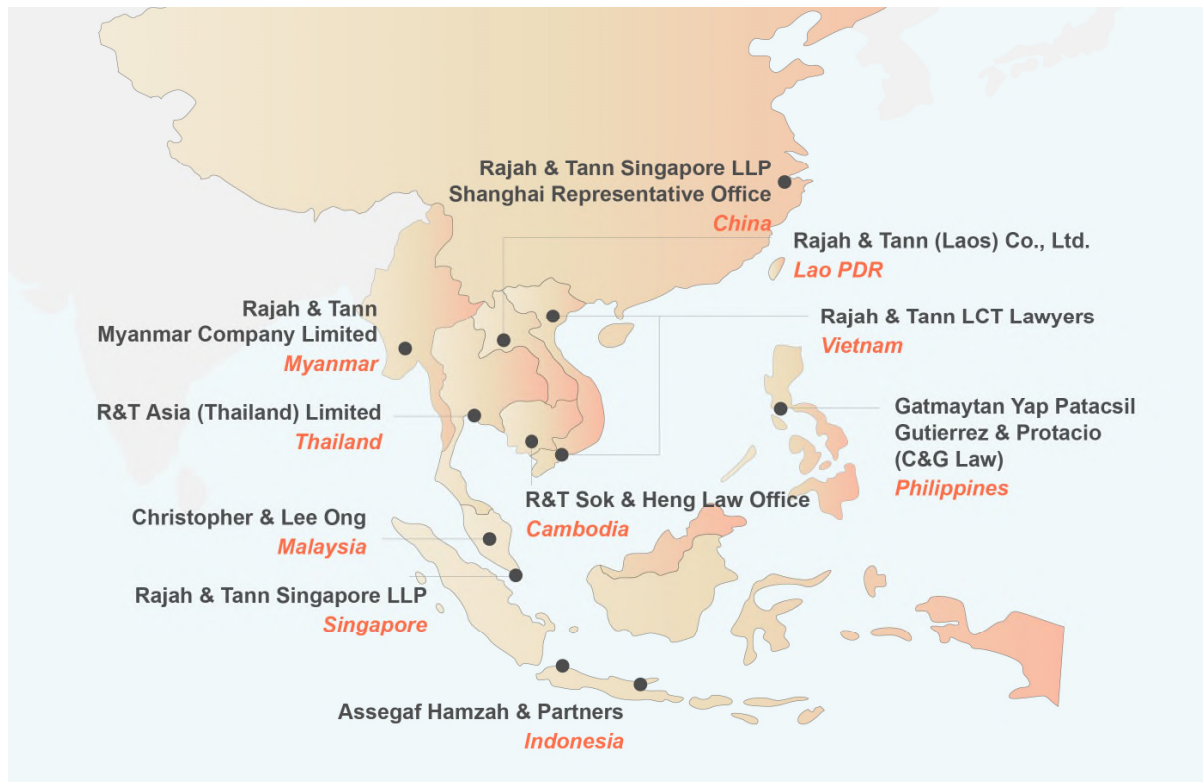
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